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House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. BOOZMAN).

DESIGNATION OF SPEAKER PRO TEMPORE

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

Washington, DC, July 9, 2002.

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

J. DENNIS HASTERT,
Speaker, House of Representatives.

MORNING HOUR DEBATES

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

The Chair recognizes the gentleman from Illinois (Mr. WELLER) for 5 minutes.

MARRIAGE TAX PENALTY

Mr. WELLER. Mr. Speaker, I appreciate this opportunity to briefly address the House on an issue, I believe, of importance to 36 million married working couples. This past year the House of Representatives and President Bush had a great accomplishment, that was, that we cut taxes across the board, benefiting every taxpaying American. In fact, over 100 million households have seen their Federal taxes lowered as a result of what we call the Bush tax cut; 3.9 million American families with children no longer pay Federal income taxes as a result of the Bush tax cut. We eliminate the marriage tax penalty; we wipe out the death tax; we make it easier to save for retirement as well as for education. Unfortunately, because of a quirk or an arcane rule over in the other body, the Bush tax cut ended up being a temporary measure. That means if we fail to make permanent the Bush tax cut, taxes will go back up for over 100 million American taxpaying households.

I want to draw attention to one of the provisions, a provision which many of us have worked on over the last several years that is a fundamental issue of fairness and something we call the marriage tax penalty. Unfortunately, prior to the Bush tax cut being signed into law, 36 million married working couples paid higher taxes just because they are married. They paid higher taxes because when both husband and wife are in the workforce and you combine your income and you file jointly, it pushes you into a higher tax bracket and that creates the marriage tax penalty. If we allow the Bush tax cut to expire, 36 million married couples will pay about $1,700 more in higher taxes as a result of the marriage penalty being restored. That is a $42 billion tax increase.

Let me introduce a couple from the district that I represent in the south suburbs of Chicago, from Joliet, Illinois, Jose and Magdalena Castillo, their son Eduardo, their daughter Carolina. They live in Joliet, Illinois, they are hard-working Americans, and they suffered the marriage tax penalty prior to the Bush tax cut being signed into law. The marriage tax penalty for Jose and Magdalena Castillo was about $1,150. There are some people here in Washington who think that we should allow the marriage tax penalty provision to expire because they want to spend that money here in Washington. For the, $1,150 is chump change here in Washington; but for a couple such as Jose and Magdalena Castillo of Joliet, Illinois, a hard-working couple that benefits from the marriage tax relief in the Bush tax cut, $1,150, that is several months' worth of child care for Eduardo and Carolina while they are at work. That is several months' worth of car payments. It is a significant amount of money they could set aside in their IRA or their education savings account for retirement or for their children's education.

We need to make permanent the marriage tax penalty relief that this House passed this past year and was signed into law by President Bush. I am proud to say that just a few weeks ago the House of Representatives passed overwhelmingly, every House Republican voted ''yes'' and I also want to note that 60 Democrats broke with their leadership and joined with the Republicans in voting to make permanent the marriage tax relief provisions that we passed and were signed into law this past year. As a result of making it permanent, we will see protection for Jose and Magdalena Castillo. We will also see that Jose and Magdalena Castillo and 36 million couples like them will no longer pay the marriage tax penalty ever. That is why we need to make it permanent.

Again, during this year as we debate whether or not to make permanent the elimination of the marriage tax penalty, there will be those on the other side who argue they need to spend the money here in Washington, that $1,150 for Jose and Magdalena Castillo does not really matter because it is really not a lot of money. The bottom line is it is a fairness issue. Is it right or is it wrong that under our Tax Code that a couple who choose to get married should suffer higher taxes? I think it is wrong that we would want to punish society's most basic institution.

The bottom line is, this House of Representatives has voted overwhelmingly to make permanent the elimination of the marriage tax penalty. My

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hope is that the Senate and the House will join together, that we will have bipartisan support in both the House and Senate, and that we will send to the President this year legislation to permanently eliminate the marriage tax penalty. Because if we do not, couples such as Jose and Magdalena Castillo of Joliet, Illinois, will see a $1,150 tax increase just because they are married if we fail to make permanent the elimination of the marriage tax penalty. And if you add up all the couples across America who benefit from the elimination of the marriage tax penalty, 36 million married working couples, it would be a $42 billion tax increase overall.

Let us protect Jose and Magdalena Castillo. Let us permanently eliminate the marriage tax penalty. Let us work together and let us get it done this year.

CORPORATE FRAUD

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

Mr. BROWN of Ohio. Mr. Speaker, later today President Bush is scheduled to give a major speech, it is billed, on corporate responsibility. His advisers have told us he is going to get tough on corporate wrongdoers. He is even calling for jail time for those who defraud shareholders and who violate Federal law. In addition, the President's advisers let slip recently he is reading a biography of Theodore Roosevelt who had a well-deserved reputation for battling corporate greed. All of this must mean that the President is very serious about ending this season of executive greed and corporate misgovernance in America.

But to use the bully pulpit like Teddy Roosevelt did, you have got to have credibility on the issues at hand. For many of us, the President's credibility on corporate issues has been a problem since his vast, but inexplicable, success as a businessman was revealed a number of years ago. As recently as yesterday, the President and the White House have sought to offer new explanations for why he did not report in a timely manner his 1990 sale of $850,000 worth of stock in a Texas-based energy company just weeks before its value plummeted.

It sounds a lot like Enron. It sounds a lot like WorldCom. It sounds a lot like Adelphia. It sounds a lot like these corporate scams that we have all been so critical of. Previously, the President said he thought regulators lost the documents. He pointed at the regulators. Then last week the White House said it was a mix-up by the lawyers, the son of the President's lawyers; and then yesterday he gave the most plausible explanation. He said, ''I still haven't figured it out completely how I made the $850,000.'' He has not figured it out.

While there are many decent and honest corporate executives and accountants in this country, those who lack integrity have only been emboldened by the permissive environment created by this administration and by those on the other side of the aisle in congressional leadership who never met a regulation that they liked. Companies like Enron and WorldCom and Arthur Andersen obviously believed they could mislead investors with impunity as long as this President, this friend of corporate America, was in office.

And why would they not? In the middle of the Enron scandal, President Bush, on behalf of his corporate friends, proposed a zero-growth budget for the Securities and Exchange Commission even though the SEC itself complained it was too short-staffed to go after these corporate abuses. President Bush supported a weak pension reform bill in the House even though thousands of employees in Texas and around the country lost their retirements because of fraud and mismanagement by the President's friends and his single major contributor and fundraiser at Enron. And the President endorsed an accounting reform bill in the House that had no teeth since it was strongly supported by his friends in the accounting industry.

Does it sound familiar? President Bush has refused to ask for reauthorization of the Superfund tax which would require corporate polluters, again friends of the President, which would require corporate polluters to pay for cleanup of the messes that they make. Instead, he wants to saddle taxpayers with those cleanup costs. The President joined the prescription drug industry, for whom they had a fundraiser raising literally $3 million from the drug industry itself 2 weeks ago, in supporting and pushing through the House a Medicare prescription drug plan that, first of all, privatizes Medicare, and second undercuts seniors' purchasing power and enables the drug industry, the most profitable industry in America, to continue to sustain its outrageous drug prices.

The President has openly supported the idea of turning the Medicare program over to the health insurance industry, again friends and major contributors of the President, and the Social Security program over to Wall Street, again major friends and political supporters and contributors of the President.

Sadly, Mr. Speaker, the list goes on and on and on and on and on. So later today as the country listens with rapt attention to the President's plan for reversing the trend of corporate greed and misdeeds, you will understand if I view this speech with a healthy degree of skepticism.

Civil rights leaders said years ago, ''Don't tell me what you believe, tell me what you do and I'll tell you what you believe.''

JUVENILE DIABETES

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized during morning hour debates for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to call the Chamber's attention to the serious issue of juvenile diabetes which is usually but not always diagnosed in children and remains with them for life. It has stricken over 16 million Americans, and it kills one American every 3 minutes. By the time that my brief remarks are over, two children will be diagnosed with the disease, kids like my constituent Victor Suarez. Diagnosed at age 14, Victor has to administer daily shots of insulin to keep him from falling into a diabetic coma from which there may be no recovery. Victor's friends must keep constant watch of his condition. This is no way for Victor or any child to live, but unfortunately this scene is repeated millions of times every day across our country.

Mr. Speaker, let us work toward finding more funding for research to ensure that Victor and other children will not be forced to suffer with juvenile diabetes. I congratulate the South Florida chapter of the Juvenile Diabetes Foundation International as well as its president, Sheldon Anderson, for their sincere commitment to finding a cure for diabetes and its serious complications. Founded in 1991 by a group of dedicated individuals, this south Florida chapter has already contributed over $8 million to diabetes research. Mr. Speaker, I join 274 Members of Congress and 67 Senators who recently signed a letter requesting support for increased juvenile diabetes research funding.

I believe, as do my colleagues, that a cure for juvenile diabetes is just around the bend and that by working together, we can make it a reality.

HONORING THE LIFE OF PETE C. JARAMILLO

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

Mr. HINOJOSA. Mr. Speaker, it is a great honor and personal privilege to stand before you to pay tribute to one of our bravest and finest Americans, Pete C. Jaramillo, a loving father and grandfather, devoted son and brother, courageous soldier, loyal civil servant and great human being.

Pete C. Jaramillo of Belen, New Mexico, passed away on April 26, 2002, after a long illness. He will be remembered for his quiet strength, gentle manner, humility, deep compassion, kindness, and his dignity. He will be deeply missed by his family and friends. Mr. Jaramillo was born in Arroyo Colorado (Red Canyon), New Mexico, a small

community in the Manzano Mountains. He was the first son and one of nine children born to Aurelia Chavez and Andres Jaramillo. Like many children reared in the 1920s and early 1930s, the Great Depression forced Mr. Jaramillo to grow up quickly. Economic hardships were abundant, and there was always someone's situation that was worse than his. The Depression taught Jaramillo the importance of helping others, and throughout his life he was known to lend a helping hand to those in need.

In 1941, at the age of 17, Mr. Jaramillo joined President Franklin Roosevelt's Civilian Conservation Corps Camp, a New Deal program designed to create jobs and rebuild America's roads and infrastructure. He and his troop of Company 2867, Camp SCS–27–N, maintained New Mexico's treasured forests and streams. As a devoted son and brother, he shared his meager wages with his family.

During World War II, Mr. Jaramillo was called to serve his country. After completing his basic and advanced infantry training at Fort Bliss, Texas, he was deployed to Europe where the Germans had invaded the Allies. On D-Day, June 6, 1944, U.S. servicemen landed on Omaha Beach in France. Jaramillo was among the first wave of servicemen who landed on Omaha Beach. Unlike countless troops, Jaramillo survived the Normandy invasion only to be severely wounded by a hand grenade 6 weeks later. He was hospitalized for 4 months before returning to the U.S.

His near fatal wounds affected him all the days of his life. By the age of 20, Mr. Jaramillo's decorations and citations included the Combat Infantry Badge, the European-African-Middle Eastern Service Badge, the Good Conduct Badge, the Victory Medal, and the Purple Heart, which he received when he was wounded on July 12, 1944. On August 19, 2000, Mr. Jaramillo received the Jubilee Medal of Liberty issued by the Governor of Normandy, publicly recognizing the sacrifice and service of veterans who served in the Normandy invasion between June 6 and August 31, 1944.

''I am very proud to receive this recognition and I am thinking about the men who went to France and never returned,'' said Jaramillo in his acceptance remarks. Upon his honorable discharge in 1946, Jaramillo returned to his home in New Mexico. In 1947 he married Jennie Vallejos, a friend of his two sisters, Sally and Aurora, and together they raised four daughters and two sons: Ida May, Pete Jr., Maria Rita, Maria Leonella (Nellie), David, and Lynda. He also had four grandchildren: Eddie Jaramillo, Jason Griego, and Billy and Selena Manzanares.

He was a good provider, devoted father, grandfather and son-in-law. Jaramillo served as a surrogate father to numerous nieces and nephews, providing guidance and support. In 1980, Mr. Jaramillo retired after completing 30 years of Federal service. He received many commendations for his outstanding performance and rarely missed a day of work. His last assignment was with Kirtland Air Force Base in Albuquerque, New Mexico.

Mr. Jaramillo enjoyed the simple things in life, his family, the sun upon his face, grape juice, chocolate, a country breakfast and, yes, Sunday drives. An avid reader, he liked to keep up with current events. Above everything, Pete exemplified a life of doing unto others as you would have them do unto you.

May he rest in peace.

SLAVE MEMORIAL IN OCALA, FLORIDA, AND OUR NATION

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

Mr. STEARNS. Mr. Speaker, as many Members did this weekend, I am sure, I spent the Fourth of July back home with the people of the Sixth Congressional District. I had the privilege of joining others in my hometown community at the unveiling of a slave memorial in Ocala, Florida. The local community leaders believed that ''Florida could not have existed and grown as it did without the hard work, courage, sacrifice and sometimes genius of black men and women.''

For this reason, a monument was erected to honor the lives of the slaves who bear great responsibility for the prosperity we enjoy in the State of Florida. However, this is not only true in Florida; but, Mr. Speaker, I think it is true across this country. Lest this connection continue to go unrecognized, I along with the gentleman from Ohio (Mr. HALL) introduced the Slave Memorial Act. Both of us and many of our colleagues have long been involved in efforts to heal the legacy of slavery. This is the latest incarnation of our desire to contribute to the healing of our Nation. This bill would authorize the process for establishing a national slave memorial to honor the nameless and forgotten men, women and children who were slaves. It will hopefully enjoy a position of prominence in the shadow of the Lincoln Memorial.

Papa Stewart, a former slave, once said, ''I want you to promise me that you're going to tell all the children my story.'' This is a conjecture, but I believe that what Papa Stewart is asking for is not that the children be told just so that the horrors of slavery could be avoided in the future, but I also believe he was earnestly asking for the recognition of the humanity of these individuals. We need to believe that there is something more meaningful than just our physical being. He is asking that this story, their humanity, be valued and told. In the telling of his story, we communicate our respect, our compassion and sensitivity to it. Papa Stewart's is a story that we are indeed in need of telling and hearing in this Nation.

Mr. Speaker, in this new world that we have entered since September 11, it is becoming easier to remember that evil is an ever present reality. It is now easier to remember that hatred and bigotry are always and everywhere wrong. We gather to remember that the commission of monstrous sin requires not our consent but only our indifference. Of these things many of our ancestors are guilty. We can certainly say of slavery that it was ''one more wrong to man and one more insult to God.'' And as a means of ensuring that we never see the same, we propose a memorial in the shadow of the Lincoln Memorial. We do this as a testament to slavery's ''many thousand gone.''

Each slave was an individual and a child of God. Not only do they deserve our remembrance, we owe them our respect. The legacy of our Nation includes many people, including those who were victims but chose not to be victimized. As Americans, we naturally understand this universal story of resilience and strength; and with this memorial we have the opportunity to thank the people who so greatly contributed to an American cultural understanding of perseverance and, of course, independence.

Mr. Speaker, it is my earnest desire that a slave memorial will play a part in healing the legacy of slavery. It is said that symbols are the natural speech of the soul, a language older and more universal than the words that we use every day. Hopefully, this memorial will speak in a language more easily understood than simple words. We stand here today to honor the slaves themselves and the men who fought to end their slavery. This discussion cannot stop with the troubles of those who were enslaved, but must continue on to celebrate their deliverance.

CORPORATE RESPONSIBILITY

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

Mr. UDALL of New Mexico. Mr. Speaker, it seems like every day we hear a new story of executives who misled their investors and their workers and stole millions of dollars. These executives are called irresponsible. They are accused of mismanagement or unorthodox business practices. But these corporate leaders are not unorthodox. They are criminals, plain and simple. They have stolen more money than any thieves I have ever heard of, and their crimes have real victims. The victims of these corporate crimes are workers like the workers at Enron who just wanted an honest job with a fair expectation of job security. For all their hard work, these workers got 10 minutes to clear out their desks. In

some cases they were even denied their severance packages if they refused to sign documents giving up the right to sue Enron for defrauding them.

Defrauding workers and forcing them to give up their legal rights is not irresponsibility; it is a crime. Even workers who never had anything to do with Enron were hurt by the collapse of that company. As Enron declared bankruptcy, public employees in 30 States lost anywhere from $1.5 billion to $10 billion from their pension plans. Stealing money from public employee pension plans is not irresponsibility; it is a crime.

Even those of us who had absolutely nothing to do with the Enrons or WorldComs of the world are hurt by corporate crime. The unethical behavior of executives at WorldCom, which was recently forced to admit it had invented $3.8 billion in earnings, has had a devastating effect on the company's stock price. But the stock market as a whole has also suffered from the lack of confidence created by widespread corporate abuse. Less than 3 percent of all publicly traded companies misstate their earnings, but this small group casts doubt on the statements of other more ethical businesses.

A free market system cannot function if investors do not trust executives; and, therefore, the crimes of WorldCom and Enron are crimes not only against stockholders but against the very system that allowed these companies to flourish. Ask not for whom the bell tolls, corporate America, it tolls for thee. But this talk of corporate crime obscures the real crime that has taken place in this country.

The crime of Enron, like so many other corrupt corporations, is not that they broke the rules; it is that they wrote the rules. On everything from energy regulation to tax policy, Enron and its fellow energy companies got the best laws money can buy. Enron received a $254 million check, courtesy of the American taxpayer, when the Bush administration changed the rules governing the corporate alternative minimum tax. Because with this deficit-laden budget, corporate tax cuts come directly from the Social Security trust fund, this was the legal equivalent to picking the pockets of senior citizens in order to pad the pockets of corporate executives. Enron also was allowed to vet candidates for the chairmanship of the Federal Energy Regulatory Commission, the Nation's number one energy watchdog.

Furthermore, companies like Enron and Haliburton are the intended beneficiaries of policies from the opening of the Arctic National Wildlife Refuge to the annihilation of the Superfund trust fund, which was supposed to ensure that corporate polluters paid some share of the cost of cleaning up their mess. The Superfund example gives us an especially revealing look at how corporate campaign contributors are treated by their friends in government. If I poisoned hundreds of thousands of my fellow citizens in order to enrich myself and my friends, I would probably go to jail for the rest of my life. If, however, Haliburton spills oil all over a pristine area, ruining the land and making local residents sick, they do not even have to pay to clean it up. The taxpayer gets the bill.

Even after the collapse of Enron and the exposure of billions in fake earnings at WorldCom, this administration and many in Congress are working to protect their corporate patrons from any real accountability. The Oxley accounting bill, which the House passed on April 24, does nothing to protect against corporate abuse and bring back public confidence in corporate governance. In some cases, the bill even makes it more difficult to enforce auditing regulations. In its most glaring failure, this bill leaves the wolf in charge of the henhouse by ensuring that no independent agency has any power to effectively police.

I have full confidence this Congress and this administration can work together to prevent future Enrons and future WorldComs, and I look forward to working with Members on both sides of the aisle to make sure that we have corporate ethical governance in this country.

MEDICARE

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

Mr. FOLEY. Mr. Speaker, several weeks ago a constituent of mine approached me to complain about her Medicare bill. I assumed this would be a typical complaint about either how much she was paying for premiums or how much she paid for services. Boy, was I wrong. Her complaint was worse. She was concerned not about her cost but about how much Medicare was paying for a particular product she uses. As a diabetic, she is required to wear special shoes that need shoe inserts. At one time, the only type of insert available was custom made. However, with the wide use of these products, coupled with advancements in technology, many of these inserts are now available off the shelf which are the ones that she gets for herself.

Looking at her bill, I found that Medicare was paying, on average, $50 a pair for these inserts. This is the insert, a simple Styrofoam insert. The shoes she is required to wear are $134. The inserts for the shoe, over $50 apiece. She is required to pay a portion of that and Medicare reimburses, for three sets of diabetic shoe density inserts, $190. $190 for these inserts. In total, the provider was getting over $50 per pair for simple inserts. If you go to the local pharmacy or grocery store, you will discover that these off-the-shelf orthodontics cost only about $10. Even these inserts, which I purchased at CVS, a local pharmacy, not to do a plug for the pharmacy, but you can get them anywhere you want, they are Dr. Scholl's, these were $16. They look state of the art. They have all kinds of descriptions on them, a strong heel pad.

I am not an orthopedic surgeon; I am not a podiatrist. I am a simple average person who had my own business in Florida, and I know how to comparative shop. I think we all do. But this is outrageous. If Medicare paid that amount for the $16, we would have saved substantially. She would have been thrilled and delighted. That is why she brought it to my attention, because she felt as a senior citizen, talking about Medicare and the need for prescription drugs, that we will never be able to solve the problems inherent in Medicare if we do not get our acts together and start finding ways to prevent these kinds of horrific overexpenditures of the Federal Government.

But why do they do it? Let us ask the basic question. Why did people charge such an outrageous sum of money for these, what I will call, rather inadequate inserts? Because Congress told them to. We wrote into the statute what price should be paid for these products, assuming at the time that the only available insert was custom made. Now that off-the-shelves are available, Medicare is stuck.

In today's Washington Post, there is an article talking about the rising cost of health care and the choices many employers, including the government, will have to make if these skyrocketing costs are not placed under some control. Two weeks ago, Congress began to address this problem when we passed H.R. 4954, the Medicare Modernization and Prescription Drug Act of 2002. However, we need to do more. We need to look at the entire Medicare program from top to bottom and allow the marketplace, not Congress, to determine prices. The only way we can save both the Medicare program and our health care system in general is to stay out of the business of setting prices and establishing controls.

I look forward to working with Chairman THOMAS and others as we continue to debate this very important issue. The Republicans, when we proposed prescription drug coverage, we recognized that within Medicare, for its solvency, we needed to do more and should be able to do more to provide for these benefits for our constituents, our seniors, and do so without robbing and causing taxes to have to be increased on existing working Americans. If we continue down this path and allow this kind of ripoff to take place, if we allow an insert to be over $60 a pair paid for by the Federal Government, then we will be walking away from our responsibilities to our seniors, we will bankrupt Medicare, and we will cause significant disparity for seniors.

We believe we have an answer, but we believe we have to act now. There is no

way anyone can explain to me and give me comfort about these charges and make me believe this is a legitimate expense of the Federal Government. Yes, she needs insoles; but at $16 versus about $50-plus, I think we can find a way to not only make her walk comfortably but save the Federal Government a ton of money. Therein lies the opportunity to provide a prescription drug coverage for our seniors who need it.

CORPORATE GOVERNANCE

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

Mr. INSLEE. Mr. Speaker, I sat in with the Financial Services Committee at our WorldCom hearing yesterday; and if you heard a sense of outrage from the Members on both sides of the aisle, it mirrored the outrage of the American public who have seen their savings go down the drain while there has been so much malfeasance in the accounting and auditing practices in our corporate boardrooms. It is very disturbing because this has created a substantial lack of confidence in our capital markets system. It is clear that we have a very systemic problem we have got to fix. It seems to me that this is a time for action that Teddy Roosevelt would have taken. Teddy Roosevelt did not say, Speak loudly and carry a small twig. He put it a different way. So today when the President addresses the Nation and Wall Street about how we are going to work ourselves out of this terrible situation, I hope that he will be guided much more by Teddy Roosevelt and much less by Calvin Coolidge. What I mean by that is we need him not just to speak loudly, which I am very confident he will do, we need him to act with great fervor. We need action, not just language.

Today I would suggest that a Teddy Roosevelt approach to this problem would involve six separate actions, not just speeches. We hope that the President will join us in the Democratic Party who propose these actions.

First, I think Teddy Roosevelt would be getting America a new director of the Securities and Exchange Commission. The present director of that organization, Mr. Harvey Pitt, is a man of great intelligence; but America needs more than that. America needs an agent of change at the helm of the Securities and Exchange Commission. We cannot have a leader of the Securities and Exchange Commission that we have to drag kicking and screaming every time that we need to do some modest, commonsense regulation of the industries that Mr. Pitt used to represent and work for. Unfortunately, Mr. Speaker, Mr. Pitt has drug his feet time and time again to take even the most modest efforts to deal with these systemic problems. We hope that we have new leadership at that helm.

Second, I am convinced Teddy Roosevelt would impose the sternest criminal sanctions on the corporate people and accountants who failed to abide by their responsibilities, who consciously, intentionally defraud investors. I am confident the President will call for jail time for these scofflaws. But we need more than simply maximum times in jail. We need minimum times in jail. Here is the reason I say that. We need mandatory jail times for these flimflam artists. The reason is that all too often in white collar crime, these white collar criminals go up to the judge and says, he was a good man, he belonged to a great country club, he gave money to charity and they do not see the inside of a penitentiary. If you sell 50 grams of crack cocaine, you get 10 years mandatory, no ifs, ands, or buts. It ought to be the same rule for these people who have destroyed the retirement incomes of thousands of Americans. The President should do no less than mandatory minimum jail times.

Third, it is not just that we have people breaking the rules; we do not have the right rules in our accountancy and auditing system. We need new rules. So the third thing we should do is we need to divorce the consulting aspects of accounting from the auditing aspects of accounting.

Mr. Speaker, I have sat through, I think now, 12 hearings about these disasters. The one thing they almost all have in common is the people who are supposed to be auditing these corporations were also making millions of dollars providing the same corporations they are supposed to be riding herd on, providing them consulting advice. We found that this creates just too many disincentives for rigorous auditing. At a minimum, at an absolute minimum, we should require the auditing committee to agree to those multiple contracts before they allow people to provide those two services. This is a systemic problem, and it is something we have got to fix.

Fourth, we need an independent public accountancy board. It is important that it be independent. It needs to be independent of the organizations that it regulates. We need that quickly.

Five, we need CEOs to have to certify their financial records so that they are personally responsible.

And, sixth, and this is very important, Mr. Speaker, we need stock analyst independence, independent from the investment banking side.

Mr. Speaker, I am confident Teddy Roosevelt would take all six of these steps today. I hope the President will do so. America deserves no less.

PRESIDENT TO ADDRESS NATION ON CORPORATE GOVERNANCE

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

Mr. DEFAZIO. Mr. Speaker, we are waiting now and in about 15 minutes the President will give a speech where he is expected to address the corporate meltdown, where millions of Americans have been defrauded of their stock holdings and their 401(k)s, thousands have lost their jobs and a few have profited mightily. The President says he wants to get tough. We are going to hear a lot of talk about watchdogs and teeth and enforcement and maybe putting some people in jail. Maybe. Probably not.

But the real question is, is he serious? Until recently, of course, the President and Vice President CHENEY had been touting their corporate experience and ties. Mr. Lay of Enron fame was called Ken Boy and was given unlimited access to the White House and the Oval Office. He is persona non grata now, perhaps. But are they serious? Unfortunately, the early indications are the President is not serious, but he is covering his political butt. That is because he is saying the SEC, which of course until recently he had stiffed in his budget, the Securities and Exchange Commission, the official watchdog of the United States of America over corporate malfeasance, which has been dramatically underfunded, yet the President proposed in his budget to not increase their funding, in fact give them a zero budget increase. Now he is going to propose a budget increase. That is good; so maybe he is serious.

But then he goes on to say the head of the SEC is doing a great job. This guy's name is Harvey Pitt. Harvey Pitt represented most of the firms and the individuals who are now taking the fifth amendment before Congress. In fact, in a recent action before the Securities and Exchange Commission, the toothless watchdog that we have on guard, headed by Mr. Pitt, appointed by Mr. Bush, who Mr. Bush says he has utmost confidence in, found, this is amazing, actually found that a firm, Ernst & Young, had violated its duty to remain independent from companies it audits. That is good.

But guess what? The finding which would ultimately in fact have involved a substantial fine was thrown out by an administrative law judge. Why? Because the facts were not right? No. Because they had not committed the malfeasance? No. Because Mr. Pitt is so conflicted that he could not vote and also Cynthia Glassman, the other SEC commissioner, was not allowed to vote, either, because they both had intimate ties with this firm. They had represented them, worked with them; and when they leave their so-called public service, they will represent them again as $500- or $1,000-an-hour lawyers.

So this company got off the hook because only one commissioner, the one appointed by President Clinton, could vote. The judge said, There were three

of you there and only one of you voted. I'm throwing out the judgment against Ernst & Young. This is the watchdog that the President has ultimate confidence in, a man who is so conflicted from his previous work, who represented many of these same securities firms, many of these same accounting firms, many of these same corporations and CEOs, he is so conflicted that when he was asked recently was it not a conflict of interest for him to meet with some officials from Xerox while there was an ongoing investigation, this is Harvey Pitt, our watchdog, our public servant. He said, If I recuse myself from meeting with everybody who I had represented or had personal relationships with, I wouldn't be able to meet with anybody. That is the man in whom President Bush is supposedly going to invest more authority to investigate and prosecute, a man who just came from representing these people and as soon as he is done with his public service will return to representing these same miscreants.

This certainly does not give me a great deal of confidence in the independent role and the aggressive role of the Securities and Exchange Commission; and it does not give me a great deal of confidence that the President is really serious about what he is doing here. Certainly there is a lot of political butt to be covered. Yes, he is doing a good job of that. But will he get serious? If he does not announce that he is removing Mr. Pitt, that he is going to have people who do not have conflicts of interest in charge of investigating and prosecuting these companies, people who could actually vote to prosecute, who would not have to recuse themselves because of those conflicts, then we will know he is serious. In 10 minutes we will hear.

RECESS

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

Accordingly (at 11 o'clock and 18 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ISAKSON) at noon.

PRAYER

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

Lord our God, protect us and guide us as a free people who turn to You in faith and prayer and who strive to grow in virtue and integrity. At this time of cultural, economic and social change, be with the Members of the House of Representatives in all their undertakings today. May the recent celebration of the birth of this Nation 226 years ago renew all hearts in the same spirit that guided the signers of the Declaration of Independence and the Framers of this country's Constitution. May their goals and purposes still serve and guide every informed decision here today and across this Nation.

''Let us, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty for ourselves and our posterity.'' Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. GIBBONS 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.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, June 27, 2002.

Hon. J. DENNIS HASTERT,
Speaker of the House, Capitol, Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted on June 26, 2002 by the Committee on Transportation and Infrastructure. Copies of the resolutions are being transmitted to the Department of the Army.

Sincerely,

DON YOUNG,
Chairman.

Enclosures.

RESOLUTION (DOCKET 2684)

BIG SUAMICO RIVER, WISCONSIN

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Big Suamico River, Wisconsin, published as House Document 498, 74th Congress, 2nd Session, and other pertinent reports, to determine whether modifications to the recommendations contained therein are advisable in the interest of navigation improvements to Big Suamico River, Wisconsin, to include extension of navigation channel up the Big Suamico River for use by shallow draft craft.

Adopted: June 26, 2002.
Attest: Don Young, Chairman.

RESOLUTION (DOCKET 2685)

OCONTO HARBOR, WISCONSIN

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Oconto Harbor, Wisconsin, published as House Document 538, 61st Congress, 2nd Session, and other pertinent reports, to determine whether modifications to the recommendations contained therein are advisable in the interest of navigation improvements to Oconto Harbor, Wisconsin, to include extension of navigation channel up the Oconto River for use by shallow draft craft.

Adopted: June 26, 2002.
Attest: Don Young, Chairman.

RESOLUTION (DOCKET 2686)

MILLIKEN-SACRO-TULOCAY BASIN, CALIFORNIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Napa River Basin, California, published as House Document 222, Eighty-ninth Congress, First Session, to determine whether modifications of the recommendations contained therein are advisable in the interest of ecological recovery of the Milliken-Sacro-Tulocay groundwater basin, environmental restoration and protection of the Milliken-Sacro-Tulocay basin streams and Napa River, as well as flood damage reduction and other purposes.

Adopted: June 26, 2002.
Attest: Don Young, Chairman.

RESOLUTION (DOCKET 2687)

LOWER WILLAMETTE RIVER WATERSHED, OREGON

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Columbia and Lower Willamette Rivers below Vancouver, Washington, and Portland, Oregon published as House Document Number 452, 87th Congress, 2nd Session, and other pertinent reports, to determine the feasibility of providing ecosystem restoration measures in the Lower Willamette River watershed from the Willamette Locks to confluence of the Willamette River with the Columbia River through the development of a comprehensive restoration strategy development in close coordination with the City of Portland, Port of Portland, the State of Oregon, local governments and organizations, Tribal Nations and other Federal agencies.

Adopted: June 26, 2002.
Attest: Don Young, Chairman.

RESOLUTION (DOCKET 2688)

MISSISSIPPI RIVER PROJECTS, ILLINOIS AND MISSOURI

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Mississippi River between Coon Rapids Dam, Minnesota, and the Mouth of the Ohio River, published as House Document 669, 76th Congress, 3rd Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable in the interest of environmental restoration and protection, aquatic habitat restoration, regional trails and greenways, public access, water quality, recreation and related purposes along the Mississippi River

and its tributaries and particular reference to that area in Madison and St. Clair Counties, Illinois, and St. Louis City, St. Louis County, and St. Charles County, Missouri.

Adopted: June 26, 2002.

Attest: Don Young, Chairman.

There was no objection.

RECOGNIZING AMERICAN GOLD STAR MOTHERS

(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, today I recognize the American Gold Star Mothers and congratulate them for their 65th national convention. I want to send special thanks to my constituent, Georgianna Carter-Krell, the former national president, and Barbara Calfee, the national treasurer, whose tireless efforts made this convention a great success.

The American Gold Star Mothers is an organization of women who have lost a son or daughter while in the service of our country. They are compassionate, loyal women who channel their grief and sorrow into healing others through their many hours of volunteer service for veterans and their families.

I commend them for their hard work and dedication in helping those who were injured in the service of our country and also for their sincere efforts to instill and inspire the ideals of patriotism and love throughout our Nation.

PATRIOTIC PRAYERS IN SANTA ANA

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

Ms. SANCHEZ. Mr. Speaker, today I rise to commend Pastor Bob Orr and the congregation of the First Baptist Church in Santa Ana for their proud display of patriotism on July 7, this past Sunday. During their second annual picnic and barbecue to honor those who served in the military, those in attendance could be seen clutching their Bibles as they sang patriotic songs like the Battle Hymn of the Republic under eight United States flags that once had lain on the coffins of veterans of war.

What a wonderful display of national pride, Americans from different races and different cultures coming together at a church to celebrate the lives of those who fought to defend our country's freedom. The congregation of First Baptist has demonstrated to all Americans that regardless of religious beliefs, we are all united under one flag, representing one Nation under God, indivisible.

U.S. FORCES BOMB IRAQ AGAIN

(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, since the Gulf War, our pilots have been patrolling the skies over Iraq, trying to keep Saddam Hussein contained and in check. On June 26 of this year, Iraqi forces fired an antiaircraft missile at our aircraft. We responded, of course, by shooting back and defending ourselves against this aggression.

Yet Saddam Hussein is much more than an enemy that regularly tries to kill or capture American pilots. The country Iraq is currently a significant part of the American economy by providing us with oil.

In the first quarter of this year, we bought $1.2 billion of Iraqi oil, according to the Energy Information Administration. Where do my colleagues think this money goes? Mr. Speaker, it goes straight to Saddam Hussein's government, straight to the $25,000 reward checks he gives to families of each Palestinian suicide bomber.

We import nearly a million barrels a day from this madman. More than 10 percent of our oil imports come from Iraq, and yet Saddam Hussein still would like nothing more than a downed American pilot to show the world.

It is time our energy policy got in line with our foreign policy. It is time to reduce our dependency on foreign oil. Mr. Speaker, if it is worth fighting for over there, it is worth exploring for here at home.

HONESTY AND INTEGRITY IN AMERICAN CORPORATIONS

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

Mr. MENENDEZ. Mr. Speaker, people who rob and steal other people's money while sitting behind a desk in a corner office, wearing an expensive business suit, are no better than the common thief, burglar or pickpocket on the street, and they may be worse because those who committed fraud at Enron, WorldCom and Arthur Andersen have had every advantage and every opportunity our great Nation has to offer.

Instead of giving something back to the Nation that has given them so much, they stole, they robbed, they cheated, they defrauded. They hurt workers and families who depend on every paycheck and every investment they made. They hurt seniors whose retirement savings were devalued.

Mr. Speaker, free enterprise is part of our genius but so is honesty and integrity. So is honesty and integrity. It is time we start demanding those qualities from those who run and manage our businesses and from those who are supposed to enforce our laws, and for those who break that trust, the penalty should be equal to the enormous damage they cause.

GIVE PILOTS A FIGHTING CHANCE

(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, on September 11 terrorists took over commercial flights by using only box cutters. No one would have known their evil intent, but now we have an opportunity to stop and deter future hijackings and acts of terror by arming our pilots.

The gentleman from Alaska (Mr. YOUNG), the Committee on Transportation and Infrastructure chairman, and the gentleman from Florida (Mr. MICA), the Subcommittee on Aviation chairman, offered a common sense solution for preventing the passengers and crews of commercial flights from becoming sitting ducks. Their bill, H.R. 4635, Arming Pilots Against Terrorism, would begin a 2-year test program allowing a percentage of the current pilot workforce to be armed and trained for proper use.

At least half of the Nation's commercial airline pilots have military or law enforcement backgrounds and are highly skilled and trained in self-defense. We trust pilots daily with our lives operating high-tech aircraft. I know we can depend on their competence as armed protection.

I urge my colleagues to vote yes on H.R. 4635 and give our pilots a fighting chance to protect innocent civilians from murderous terrorists.

NOT MUCH SOLACE IN PRESIDENT'S WORDS

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

Mr. DEFAZIO. Mr. Speaker, the President has spoken and I do not take, unfortunately, much solace in what he had to say. He talked about a lot of voluntary reforms on Wall Street. He talked about the fact he has been waiting for months for a little bit of money from Congress for the SEC. Yet he denied his own toothless watchdog, Harvey Pitt, the head of the Securities and Exchange Commission, $91 million just 3 months ago.

The President is born again into wanting to do something politically about the problem we have, but not really deal with the problems on Wall Street because that will offend some very powerful and very wealthy people, no matter how ill-gotten their gains.

The fox is still guarding the henhouse and the President did not offer us anything today except political rhetoric.

HONORING CORPORAL KENNETH JOHNSON

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

Mr. BROWN of South Carolina. Mr. Speaker, I rise today with a heavy heart to honor Corporal Kenneth Johnson of the South Carolina Highway Patrol. Last Sunday morning, around 2:15

a.m., Corporal Johnson was murdered in cold blood at a traffic checkpoint at College Park Road near Goose Creek.

Mr. Johnson, a 12-year veteran of the highway patrol, leaves behind a wife, a 13-year-old son and a 7-year-old daughter.

Kenneth Johnson was one of our Nation's best, risking his life day in and day out to preserve the peace and freedom that we often take for granted. He was a true American hero who gave his life for his country.

Our prayers go out to his wife and children. They have lost a strong husband and father. In the last few days, the citizens of Moncks Corner have come together to take care of them in their time of greatest need, but they will need our help for longer than a few weeks.

We all need to reach out to Kenneth Johnson's fellow law enforcement officers. It has been a tough week for them as well. I hope we come away from this tragedy with a renewed sense of the debt we owe to our law enforcement officers and with a renewed intolerance for the cruelty of someone who would end a life for one of South Carolina's best citizens.

APPOINT WATCHDOG INSTEAD OF LAPDOG

(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, Members of the House, every day the people we represent receive devastating news from the results of the action of the Enrons, the Tycos, the Arthur Andersens, the WorldComs and the Merck Pharmaceuticals.

They receive devastating news as employees when they are laid off, as pensioners when they see that their retirement is no longer secure, and as shareholders as they see that their net worth has gone down. It has gone down because of slipshod accounting, illegal activities, bias portfolio management, hundreds of millions of dollars in insider unsecured loans and tens of millions of dollars in golden parachutes for the economic elite in the corner offices. Nothing for the employees, nothing for the pensioners, and nothing for the shareholders.

□ 1215

Mr. President, this is not going to be solved by having the markets voluntarily clean themselves up. You appointed Harvey Pitt. You appointed Harvey Pitt as the lapdog of the industry, as a defender of the industry. What America needs is a watchdog. You are not going to be able to take a lapdog and turn him into a watchdog.

Mr. Pitt should leave this office. You should appoint somebody who can get to the bottom of these scandals and protect America's shareholders, America's pensioners, and America's employees in the future from these kinds of scandals.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). The Chair would remind the Members that remarks in debate should be directed to the Chair and not to other individuals in the second person.

DO NOT TURN DEPARTMENT OF DEFENSE INTO THE WAR DEPARTMENT

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

Mr. DUNCAN. Mr. Speaker, national defense is one of the most important and one of the most legitimate functions of our national government. Serving in our Nation's Armed Forces is certainly one of the most honorable ways a person can serve this country. And because of our pride in being considered a peace-loving Nation, we changed the name of the War Department many years ago to the Department of Defense.

Now, however, most of our leaders in both parties, people for whom I have great respect, seem to be eager to go to war against Iraq. We should not be eager to go to war against any country, and especially against one that has not attacked us or even threatened to attack us. We cannot use the terrible tragedies of September 11 to justify it, because Saudi Arabia had much more to do with those events than Iraq did, and we still consider Saudi Arabia to be one of our allies.

We are already spending mega billions to increase our security. We do not need to go against our military traditions and spend billions more on an unnecessary war unless Iraq threatens to, or does, take some type of action against us. We do not need to turn the Department of Defense into the War Department once again.

SEC NEEDS FULL-TIME, NOT PART-TIME CHAIRMAN

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

Mr. INSLEE. Mr. Speaker, we appreciate the President's talking about this devastating loss to Americans' retirement incomes, but if he really wants to be a reformer with results, he has to get a new sheriff in town. He has to get a new chair of the Securities and Exchange Commission.

We know Mr. Pitt is a man of intelligence, but we cannot put up with an SEC Chair we have to drag kicking and screaming every time we want to have some modest, common-sense regulation of his former clients.

We need action and we need it now. The only way we are going to have it is if the President asks for Harvey Pitt's resignation so we can get someone unfettered by previous work for this industry that he attempts to regulate. Mr. Pitt has had to recuse himself, I think about 25 times, because people before him have been his former clients.

We need a full-time, not a part-time SEC director. We urge the President to take action rather than just give speeches and to get us a new sheriff in town at the SEC.

PRESIDENT SOUNDS CLARION, MORAL CALL FOR CORPORATE RESPONSIBILITY

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

Mr. PENCE. Mr. Speaker, President Calvin Coolidge said the business of America is business. But Coolidge was a moralist, and he meant not that America is dependent on the almighty dollar but that the business of America is dependent on the integrity and the character of the people who lead our enterprise.

Today, our President sounded a clarion, moral call for corporate responsibility. Corporate and accounting malfeasance at companies like Enron, WorldCom, Merck, and Arthur Andersen all argue that this need for reform is urgent. As the President said, business leaders who defraud shareholders should go to jail. As the President said, business leaders must accept personal responsibility for financial statements and be barred from serving on corporate boards when they, even unintentionally, fail in that regard.

Mr. Speaker, the reality is, the 1990s was not a decade where people in power were held accountable for their self-serving decisions. Let us follow President George W. Bush's clarion call and make this decade a time again when we recognize in the law and in reform and in regulation that righteousness exalts a nation.

CORPORATE FRAUD

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

Mr. BROWN of Ohio. Mr. Speaker, today, President Bush gave a major speech on corporate responsibility. He tells us he is going to get tough on those who have misled and defrauded shareholders in violation of Federal law.

This could be a tough sell, considering the President's own record as a businessman. Yesterday, the President was still trying to explain why, in violation of Federal law, he failed to report his 1990 sale of $850,000 worth of stock in a Texas-based energy company just weeks before its value plummeted. Earlier he said he thought the regulators lost the documents. Last week, the White House owned up and blamed it on Mr. Bush's lawyers. Yesterday,

President Bush gave maybe the most plausible explanation. He said, I still haven't figured it out completely. He hasn't figured out how he made $850,000 in a probably illegal stock sale.

As the President spoke in New York today, I thought of the words of a civil rights leader who said, ''Don't tell me what you believe. Show me what you do; I will tell you what you believe.''

CORPORATE RESPONSIBILITY

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

Mr. UDALL of Colorado. Mr. Speaker, it seems that every week we hear another story of a corporation cooking the books, too often with the help of accountants who are supposed to be protecting investors and the public. And while they cook the books, they burn the American people and the economy suffers.

Some of those involved say, these are just technical details, or they act like the piano player in the bordello, saying they did not know what was going on upstairs. But it is becoming clear that many knew all about it and it is nothing but plain, old-fashioned fraud.

Congress needs to clean up this mess by passing stronger corporate accounting and pension protection legislation than the version the House passed this spring. Talk is cheap, but the cost to the public has been high, and will be higher yet if we do not act.

Corporate CEOs need to be accountable with criminal and financial penalties when they falsify financial reports or mislead the public about company stock. CEOs should not be allowed to sell company stock in an executive plan during a lockdown period when the employees are prohibited from doing so.

We need to set up a strong, independent watchdog over the accounting industry. For markets to work fairly, the American public needs the truth. Strong legislation is crucial to restoring the truth and trust in corporate America and faith in our markets.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record votes on postponed questions will be taken at the end of legislative business today.

AIRPORT STREAMLINING APPROVAL PROCESS ACT OF 2002

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4481) to amend title 49, United States Code, relating to airport project streamlining, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4481

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 ''Airport Streamlining Approval Process Act of 2002''.

SEC. 2. FINDINGS.

Congress finds that—

(1) airports play a major role in interstate and foreign commerce;

(2) congestion and delays at our Nation's major airports have a significant negative impact on our Nation's economy;

(3) airport capacity enhancement projects at congested airports are a national priority and should be constructed on an expedited basis;

(4) airport capacity enhancement projects must include an environmental review process that provides local citizenry an opportunity for consideration of and appropriate action to address environmental concerns; and

(5) the Federal Aviation Administration, airport authorities, communities, and other Federal, State, and local government agencies must work together to develop a plan, set and honor milestones and deadlines, and work to protect the environment while sustaining the economic vitality that will result from the continued growth of aviation.

SEC. 3. PROMOTION OF NEW RUNWAYS.

Section 40104 of title 49, United States Code, is amended by adding at the end the following:

''(c) AIRPORT CAPACITY ENHANCEMENT PROJECTS AT CONGESTED AIRPORTS.—In carrying out subsection (a), the Administrator shall take action to encourage the construction of airport capacity enhancement projects at congested airports as those terms are defined in section 47179.''.

SEC. 4. AIRPORT PROJECT STREAMLINING.

(a) IN GENERAL.—Chapter 471 of title 49, United States Code, is amended by inserting after section 47153 the following:

''SUBCHAPTER III—AIRPORT PROJECT STREAMLINING

''§ 47171. DOT as lead agency

''(a) AIRPORT PROJECT REVIEW PROCESS.—The Secretary of Transportation shall develop and implement a coordinated review process for airport capacity enhancement projects at congested airports.

''(b) COORDINATED REVIEWS.—The coordinated review process under this section shall provide that all environmental reviews, analyses, opinions, permits, licenses, and approvals that must be issued or made by a Federal agency or airport sponsor for an airport capacity enhancement project at a congested airport will be conducted concurrently, to the maximum extent practicable, and completed within a time period established by the Secretary, in cooperation with the agencies identified under subsection (c) with respect to the project.

''(c) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—With respect to each airport capacity enhancement project at a congested airport, the Secretary shall identify, as soon as practicable, all Federal and State agencies that may have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project.

''(d) STATE AUTHORITY.—If a coordinated review process is being implemented under this section by the Secretary with respect to a project at an airport within the boundaries of a State, the State, consistent with State law, may choose to participate in such process and provide that all State agencies that have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project, be subject to the process.

''(e) MEMORANDUM OF UNDERSTANDING.—The coordinated review process developed under this section may be incorporated into a memorandum of understanding for a project between the Secretary and the heads of other Federal and State agencies identified under subsection (c) with respect to the project and the airport sponsor.

''(f) EFFECT OF FAILURE TO MEET DEADLINE.—

''(1) NOTIFICATION OF CONGRESS AND CEQ.—If the Secretary determines that a Federal agency, State agency, or airport sponsor that is participating in a coordinated review process under this section with respect to a project has not met a deadline established under subsection (b) for the project, the Secretary shall notify, within 30 days of the date of such determination, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Council on Environmental Quality, and the agency or sponsor involved about the failure to meet the deadline.

''(2) AGENCY REPORT.—Not later than 30 days after date of receipt of a notice under paragraph (1), the agency or sponsor involved shall submit a report to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Council on Environmental Quality explaining why the agency or sponsor did not meet the deadline and what actions it intends to take to complete or issue the required review, analysis, opinion, license, or approval.

''(g) PURPOSE AND NEED.—For any environmental review, analysis, opinion, permit, license, or approval that must be issued or made by a Federal or State agency that is participating in a coordinated review process under this section with respect to an airport capacity enhancement project at a congested airport and that requires an analysis of purpose and need for the project, the agency, notwithstanding any other provision of law, shall be bound by the project purpose and need as defined by the Secretary.

''(h) ALTERNATIVES ANALYSIS.—The Secretary shall determine the reasonable alternatives to an airport capacity enhancement project at a congested airport. Any other Federal or State agency that is participating in a coordinated review process under this section with respect to the project shall consider only those alternatives to the project that the Secretary has determined are reasonable.

''(i) SOLICITATION AND CONSIDERATION OF COMMENTS.—In applying subsections (g) and (h), the Secretary shall solicit and consider comments from interested persons and governmental entities.

''§ 47172. Categorical exclusions

''Not later than 120 days after the date of enactment of this section, the Secretary of Transportation shall develop and publish a list of categorical exclusions from the requirement that an environmental assessment or an environmental impact statement

be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for projects at airports.

"§ 47173. Access restrictions to ease construction

''At the request of an airport sponsor for a congested airport, the Secretary of Transportation may approve a restriction on use of a runway to be constructed at the airport to minimize potentially significant adverse noise impacts from the runway only if the Secretary determines that imposition of the restriction—

''(1) is necessary to mitigate those impacts and expedite construction of the runway;

''(2) is the most appropriate and a cost-effective measure to mitigate those impacts, taking into consideration any environmental tradeoffs associated with the restriction; and

''(3) would not adversely affect service to small communities, adversely affect safety or efficiency of the national airspace system, unjustly discriminate against any class of user of the airport, or impose an undue burden on interstate or foreign commerce.

"§ 47174. Airport revenue to pay for mitigation

''(a) IN GENERAL.—Notwithstanding section 47107(b), section 47133, or any other provision of this title, the Secretary of Transportation may allow an airport sponsor carrying out an airport capacity enhancement project at a congested airport to make payments, out of revenues generated at the airport (including local taxes on aviation fuel), for measures to mitigate the environmental impacts of the project if the Secretary finds that—

''(1) the mitigation measures are included as part of, or are consistent with, the preferred alternative for the project in the documentation prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(2) the use of such revenues will provide a significant incentive for, or remove an impediment to, approval of the project by a State or local government; and

''(3) the cost of the mitigation measures is reasonable in relation to the mitigation that will be achieved.

''(b) MITIGATION OF AIRCRAFT NOISE.—Mitigation measures described in subsection (a) may include the insulation of residential buildings and buildings used primarily for educational or medical purposes to mitigate the effects of aircraft noise and the improvement of such buildings as required for the insulation of the buildings under local building codes.

"§ 47175. Airport funding of FAA staff

''(a) ACCEPTANCE OF SPONSOR-PROVIDED FUNDS.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may accept funds from an airport sponsor, including funds provided to the sponsor under section 47114(c), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review, and completion of environmental activities associated with an airport development project.

''(b) ADMINISTRATIVE PROVISION.—Instead of payment from an airport sponsor from funds apportioned to the sponsor under section 47114, the Administrator, with agreement of the sponsor, may transfer funds that would otherwise be apportioned to the sponsor under section 47114 to the account used by the Administrator for activities described in subsection (a).

''(c) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any funds accepted under this section, except funds transferred pursuant to subsection (b)—

''(1) shall be credited as offsetting collections to the account that finances the activities and services for which the funds are accepted;

''(2) shall be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and

''(3) shall remain available until expended.

''(d) MAINTENANCE OF EFFORT.—No funds may be accepted pursuant to subsection (a), or transferred pursuant to subsection (b), in any fiscal year in which the Federal Aviation Administration does not allocate at least the amount it expended in fiscal year 2002, excluding amounts accepted pursuant to section 337 of the Department of Transportation and Related Agencies Appropriations Act, 2002 (115 Stat. 862), for the activities described in subsection (a).

"§ 47176. Authorization of appropriations

''In addition to the amounts authorized to be appropriated under section 106(k), there is authorized to be appropriated to the Secretary of Transportation, out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502), $2,100,000 for fiscal year 2003 and $4,200,000 for each fiscal year thereafter to facilitate the timely processing, review, and completion of environmental activities associated with airport capacity enhancement projects at congested airports.

"§ 47177. Judicial review

''(a) FILING AND VENUE.—A person disclosing a substantial interest in an order issued by the Secretary of Transportation or the head of any other Federal agency under this part or a person or agency relying on any determination made under this part may apply for review of the order by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not later than 60 days after the order is issued. The court may allow the petition to be filed after the 60th day only if there are reasonable grounds for not filing by the 60th day.

''(b) JUDICIAL PROCEDURES.—When a petition is filed under subsection (a) of this section, the clerk of the court immediately shall send a copy of the petition to the Secretary or the head of any other Federal agency involved. The Secretary or the head of such other agency shall file with the court a record of any proceeding in which the order was issued.

''(c) AUTHORITY OF COURT.—When the petition is sent to the Secretary or the head of any other Federal agency involved, the court has exclusive jurisdiction to affirm, amend, modify, or set aside any part of the order and may order the Secretary or the head of such other agency to conduct further proceedings. After reasonable notice to the Secretary or the head of such other agency, the court may grant interim relief by staying the order or taking other appropriate action when good cause for its action exists. Findings of fact by the Secretary or the head of such other agency are conclusive if supported by substantial evidence.

''(d) REQUIREMENT FOR PRIOR OBJECTION.—In reviewing an order of the Secretary or the head of any other Federal agency under this section, the court may consider an objection to the action of the Secretary or the head of such other agency only if the objection was made in the proceeding conducted by the Secretary or the head of such other agency or if there was a reasonable ground for not making the objection in the proceeding.

''(e) SUPREME COURT REVIEW.—A decision by a court under this section may be reviewed only by the Supreme Court under section 1254 of title 28.

''(f) ORDER DEFINED.—In this section, the term 'order' includes a record of decision or a finding of no significant impact.

"§ 47178. Definitions

''In this subchapter, the following definitions apply:

''(1) AIRPORT SPONSOR.—The term 'airport sponsor' has the meaning given the term 'sponsor' under section 47102.

''(2) CONGESTED AIRPORT.—The term 'congested airport' means an airport that accounted for at least 1 percent of all delayed aircraft operations in the United States in the most recent year for which such data is available and an airport listed in table 1 of the Federal Aviation Administration's Airport Capacity Benchmark Report 2001.

''(3) AIRPORT CAPACITY ENHANCEMENT PROJECT.—The term 'airport capacity enhancement project' means—

''(A) a project for construction or extension of a runway, including any land acquisition, taxiway, or safety area associated with the runway or runway extension; and

''(B) such other airport development projects as the Secretary may designate as facilitating a reduction in air traffic congestion and delays.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 471 of such title is amended by adding at the end the following:

''SUBCHAPTER III—AIRPORT PROJECT STREAMLINING

''47171. DOT as lead agency.
''47172. Categorical exclusions.
''47173. Access restrictions to ease construction.
''47174. Airport revenue to pay for mitigation.
''47175. Airport funding of FAA staff.
''47176. Authorization of appropriations.
''47177. Judicial review.
''47178. Definitions.''.

SEC. 5. GOVERNOR'S CERTIFICATE.

Section 47106(c) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ''and'' after the semicolon at the end of subparagraph (A)(ii);

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B);

(2) in paragraph (2)(A) by striking ''stage 2'' and inserting ''stage 3'';

(3) by striking paragraph (4); and

(4) by redesignating paragraph (5) as paragraph (4).

SEC. 6. CONSTRUCTION OF CERTAIN AIRPORT CAPACITY PROJECTS.

Section 47504(c)(2) of title 49, United States Code, is amended—

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

(2) by striking the period at the end of subparagraph (D) and inserting ''; and''; and

(3) by adding at the end the following:

''(E) to an airport operator of a congested airport (as defined in section 47178) and a unit of local government referred to in paragraph (1)(A) or (1)(B) of this subsection to carry out a project to mitigate noise in the area surrounding the airport if the project is included as a commitment in a record of decision of the Federal Aviation Administration for an airport capacity enhancement project (as defined in section 47178) even if that airport has not met the requirements of part 150 of title 14, Code of Federal Regulations.''.

SEC. 7. LIMITATIONS.

Nothing in this Act, including any amendment made by this Act, shall preempt or interfere with—

(1) any practice of seeking public comment; and

(2) any power, jurisdiction, or authority of a State agency or an airport sponsor has with respect to carrying out an airport capacity enhancement project.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MICA) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

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

Mr. Speaker, over the past 20 years, air travel in the United States has grown faster than any other mode of transportation. More and more, our citizens rely on the speed and the convenience of flights in aviation to improve our daily lives. Unfortunately, we, as a nation, have failed to provide the airport capacity necessary to keep pace with the great demand that we have seen grow over the past decades.

Last year, the Federal Aviation Administration released a report which revealed for the first time how very far we have fallen behind in meeting our aviation infrastructure needs. According to the report, our Nation's 31 busiest airports are now at or above capacity for some portion of the day.

Insufficient airport runway capacity has led to chronic and worsening congestion. Last summer, and before the events of September 11, one out of every four commercial flights experienced a significant delay or cancellation. As air travelers begin to regain confidence in our system, we have already seen the return of traffic in aviation commercial passenger service to pre-September 11 levels.

It is not a question of when, Mr. Speaker, or even if; it is a question of how soon gridlock will return to our busiest airports, and we are already seeing that occur. Airports around the Nation must now begin to address the capacity needs that we have seen in the past immediately. We have a little bit of a break here again in regaining our passenger service that we had pre-September 11, so it gives us an opportunity to plan, to prepare, and to meet the aviation infrastructure needs of the future.

Unfortunately, standing in the way of moving forward with building our Nation's aviation infrastructure is a very cumbersome Federal review process. That process is full of duplication, it is full of conflicting mandates, and one that, in fact, lacks coordination, lacks accountability, and sometimes wastes years and years of precious time when communities and States are trying to work with the Federal Government to build the aviation infrastructure that our economy and our areas need so desperately.

The legislation before us today, H.R. 4481, I believe, will significantly improve the Federal review process for critical airport capacity projects that are under consideration at 31 of our Nation's busiest airports. While this legislation will cut through red tape, it will not in any way diminish existing environmental laws or in any way limit local input or control over these critical projects.

I know some Members have expressed concern that when we streamline, we do not want to streamline over local authority and we do not want to streamline over environmental laws that protect the beautiful landscape that we live in and enjoy. So those two features in this legislation that people are concerned about do not exist. We do not harm the environment, nor do we run over local authority.

The way this legislation is drafted, it will ensure that once a community has reached a consensus on a critical capacity project, the review process will not unnecessarily delay construction. This bill, in fact, creates a coordinated review process for our major airport capacity projects across the country. It also gives the Secretary of Transportation the responsibility to ensure that all environmental reviews by all government agencies will be conducted at the same time whenever possible, and completed within the deadlines established by the Department of Transportation.

H.R. 4481 also binds all Federal and State agencies taking part in a review to the project's ''purpose and need'' as determined by the Department of Transportation under this legislation. It also limits Federal or State agency reviews to the project alternatives that the Secretary of the Department determines are reasonable.

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Finally, this bill also expedites judicial reviews of Department of Transportation determinations. It moves all claims to the U.S. Court of Appeals and requires all petitions to be filed not later than 60 days after an order is issued with allowances, of course, for special circumstances.

I would like to reiterate that nothing in this bill is intended to cut off debate or limit input on the local level in any way. It does not usurp the rights or responsibilities of a State or airport sponsor to carry out an airport project.

Mr. Speaker, this is an excellent piece of legislation. We have worked together closely with the minority. Both sides of the aisle have been consulted, and we have worked with local and State governments and other stakeholders in this important process; and I think we have a good consensus on an excellent piece of legislation. I urge Members to support this bill.

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

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

Mr. Speaker, the legislation pending before us, as the gentleman from Florida (Mr. MICA) has just described has as its purpose to speed up construction of runways, taxiways, airside improvements at airports that have dragged on far too long in the past.

Perhaps the most egregious example or comparison would be that of the Chek Lap Kok Airport in Hong Kong, an airport built in the ocean in 300 meters of ocean depth, 12,500 feet runways, a 23-mile rail-truck highway link to downtown Kowloon, a terminal to handle 90,000 passengers, started at the same time as the third runway at Seattle.

Chek Lap Kok has been completed at a cost of over $25 billion, is now handling 15 to 20 million passengers a year; and I was out in Seattle a year ago for the bulldozing of the first load of dirt to start work on the third Seattle runway. Now, that is an egregious example, as I said; but it is one that underscores the frustration that airport authorities, airlines, and air traveling passengers have with our airport expansion program.

If we are going to accommodate the more than 1 billion passengers to use the U.S. airways in the next 5 to 10 years, then we have to do a better job of moving airport projects along to enhance and expand capacity.

But it is misleading to say that environmental issues alone are the factors causing 10- to 15-year delays in building runways. The FAA reviewed the runway construction process, studied a number of major construction projects which have been described as taking 10 to 15 years to complete, and found generally that the Federal environmental impact process took 3 to 4 years. Now, that certainly is in the view of many people too long, but it is not 15 years. The major cause when we look at the facts more closely as reported by FAA, the major cause of delay is the time needed to complete the local political process mandated by State law and local ordinance.

Under our system, as distinguished from many other places and most other countries in the world, it is not the Federal Government that decides to build an airport, except in the case of Dulles or Reagan National Airport, which are the only two owned by the Federal Government. It is the local government that makes that decision. Once they have, the Federal process comes into play.

I think that we should speed up the environmental process by doing a great deal of the work concurrently, and coordinate State and Federal approvals; but each proposal has to be evaluated on its own and on itself. We have to be careful that we are only streamlining environmental processes, not superseding them.

There are many positive provisions in this bill that will move the process along without undermining the National Environmental Policy Act. There is a procedure for DOT to take the lead in a cooperative initiative where all the State and Federal agencies that have environmental responsibilities agree to deadlines, agree to coordinate their review, and to do those reviews concurrently rather than sequentially. That would be a very big improvement on the existing process. I think that is a strong and constructive initiative that we have brought forward.

There is also more flexibility in this legislation to address local community

concerns by allowing restrictions on use of new runways, use of Federal airport funds for environmental mitigation, and allow FAA to accept money from airports to hire additional staff to process the environmental reviews more expeditiously. I think that is constructive.

If these reasonable, responsible, thoughtfully constructed steps are followed, the environmental process will not be preempted. It will be speeded up, and the environmental will not take a bad rap in the name of efficiency or expeditious movement of airport construction process.

On the whole we have a good bill, a reasonable one that properly managed will move our airport expansion needs ahead in a responsible manner. I think it will go a long way toward accelerating the environmental process without sacrificing environmental processes. I commend the gentleman from Alaska (Mr. YOUNG) for the extensive cooperation that we have had on this legislation, and the chairman of the subcommittee, the gentleman from Florida (Mr. MICA), for his thoughtful consideration of the views that we have offered on our side; and I also commend the gentleman from Illinois (Mr. LIPINSKI) for his dedicated work over many hours on this legislation.

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

Mr. MICA. Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Transportation and Infrastructure.

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

Mr. YOUNG of Alaska. Mr. Speaker, I can only echo the words that have been said by the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Florida (Mr. MICA).

This legislation will not change everything overnight, but it will expedite the process of building airports, we think, in a more expeditious time period. As the gentleman mentioned, the airports built in the Asian market were built in a short period of time, and Seattle has had 19 years and has not even flown an airplane off the new runway that is going to be built.

Mr. Speaker, this bill is needed at this time. Prior to 9–11, the biggest complaint was congestion and delays in our airports. I believe although air traffic is down now, it will return in the near future; and we need these new airports as our population grows. We need these new airports as commerce grows, and this is a way to get these airports built on time.

Mr. Speaker, I rise in support of H.R. 4481, the Airport Streamlining Approval Process Act of 2002.

I am pleased to be moving forward with this legislation. Last year, airport gridlock dominated the aviation debate. Passengers were bitterly complaining about the intolerable delays they were forced to endure. We examined those issues and found that one of the main reasons for the congestion was the lack of airport capacity.

There was a crying need for new runways and improved airport infrastructure. Air-21 provided the funding for these improvements, but bureaucratic red tape often held up needed construction. Now attention has shifted to airport security, and rightly so. Air traffic is down and the need for airport capacity improvements is less compelling. But, I am confident that air traffic will pick up again. And when it does, congestion and delays will return with a vengeance unless we do something about it now. That is why I introduced this bill. This legislation directs the Department of Transportation to take a lead role in the environmental review process.

DOT will coordinate the actions of other agencies and will be responsible for determining the "purpose and need" and reasonable alternative to the project. I do not claim that this bill will build new runways overnight, but it will streamline the process and help airports meet the demands of air travelers more quickly. And, it should be noted, it will do this without undermining the environmental laws or the ability of citizens to have their voices heard in the process.

I would like to thank chairman MICA, as well as Mr. OBERSTAR and Mr. LIPINSKI, for their help and cooperation on this legislation. There were some difficult issues in this bill and I very much appreciate the bipartisan approach to resolving them.

I urge a yes vote on H.R. 4481.

Mr. OBERSTAR. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. LIPINSKI), the ranking member of the Subcommittee on Aviation.

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman from Minnesota (Mr. OBERSTAR) for yielding me this time and express my sincere appreciation to the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) for the outstanding cooperation that we have on the Committee on Transportation and Infrastructure. It is a pleasure to work with these gentlemen because they always strive to do what is best for the American flying public.

Mr. Speaker, I lend my support to H.R. 4481, the Airport Streamlining Approval Process Act. In the true fashion of the Committee on Transportation and Infrastructure, this is a bipartisan measure that will expedite the environmental review and approval process for key airport capacity projects.

In the last decade, only six of our Nation's largest airports have managed to complete new runway projects, as it currently takes about 10 years or more to simply plan and approve such a project. And as we are about to reach pre-September 11 traffic, and will eventually pass these levels, we need to streamline and speed up the environmental review process in order to lessen the aviation congestion that plagues our Nation and the world. H.R. 4481 will eliminate duplication without cutting corners that might harm the environment. Simply put, once a community reaches consensus on an airport capacity project and the environmental review has been finished, construction can begin in a timely fashion.

In closing, I urge Members to support this measure that will help lessen the worsening aviation capacity crunch that we are facing in this Nation.

Mr. MICA. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN), the previous chairman of the Subcommittee on Aviation, one of the current Committee on Transportation and Infrastructure chairmen.

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

Mr. Speaker, I first want to salute and commend the gentleman from Florida (Mr. MICA) and the gentleman from Alaska (Mr. YOUNG) and the ranking members, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. LIPINSKI), for bringing this bill to the floor today.

The lack of publicity about this legislation should not be any reflection on its importance because I consider this to be very, very important legislation. In previous Congresses, we held a couple of hearings about this problem, and we heard testimony that the average time of completion of a runway project in this country was approximately 10 years. In fact, we heard one witness tell us that the main runway at the Atlanta airport took 14 years from conception to completion, but only 33 days, those were 24-hour workdays, so we could say 99 working days of actual construction. That is ridiculous, Mr. Speaker.

We also heard testimony that these delays are primarily due to environmental rules and regulations and red tape, and it was driving the cost of these projects up so they were costing three or four times what they should. Those costs had to be passed on to the flying public. What this has done over the years, it has driven up the cost of air travel. It has forced many lower-income people back onto the highways, or made sure that they stayed on the highways instead of having the much safer and quicker and more comfortable alternative of flying.

This is very important legislation. We passed in the last Congress the AIR–21 bill, which was the largest aviation bill in the history of the Congress; but we certainly will not be able to gain the full benefits of the AIR–21 legislation unless we pass this legislation to complement and improve that earlier bill. This will help taxpayers receive the greatest bang for their buck on these aviation projects and will greatly improve and hold down the cost of air travel in the future. I think it is a very good bill, and I commend the authors and urge my colleagues to support this legislation.

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

Mr. Speaker, I have reviewed a number of documents in the form of letters

or memos issued just on the eve of the consideration of this legislation, and I want to make four points to reassure those who have expressed concerns about the effects of this bill on environmental procedures.

One, the bill specifically provides there is no preemption or interference with any practice of seeking public comment or the authority of States or the authority of airport operators to decide on which projects they wish to undertake.

Two, the bill does not give any new authority to the FAA to create exemptions from the environmental requirements.

Three, States have a choice of whether they want to participate in a coordinated process.

Four, if another agency does not comply with the coordinated schedule developed by DOT, the other agency does not lose its authority. It does have a remedy, a report to Congress.

I think on balance we have taken into consideration the concerns expressed in the course of the hearing and subsequently about the effects of this legislation on environmental processes, and I urge the adoption of the bill.

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

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

Mr. Speaker, first, again, I want to thank the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) for his cooperation and the gentleman from Illinois (Mr. LIPINSKI), the ranking member of the Subcommittee on Aviation, for his kind assistance.

This legislation is authored by the chair of our full committee, the distinguished gentleman from Alaska (Mr. YOUNG), and it is cooperation of this nature that allows us to move important legislation forward. Although again not very newsworthy or legislation which brings on a great deal of debate and controversy in the House, today we are passing a significant measure which will allow airport streamlining for the approval process that is so important.

Mr. Speaker, in conclusion, this bill saves time and this legislation saves money. This legislation maintains our protections, important protections over the environment, and this legislation maintains important local and State control and authority.

I believe it is important to move this legislation forward because it does move our aviation infrastructure projects which are so necessary across the country and particularly in our congested regions of the Nation, and also this is important because it will move our economy forward, which we know is so dependent on aviation and aviation infrastructure.

So, with those comments, Mr. Speaker, I urge the adoption of this legislation and support for H.R. 4481.

Mr. CONDIT. Mr. Speaker, I rise today to put on record my concerns regarding the Airport Streamling Approval Process Act of 2002 currently under discussion in the House.

No one can quarrel with the concept of coordinating the extensive environmental review process required for major infrastructure projects such as the airport construction. Major transportation, education, energy, and other essential infrastructure projects warrant expedited environmental review, as long as the review is thorough and complete. However, it is critical that the same standards of review be used for all such projects. In Northern California there is a very controversial and disputed proposal to expand the runways at San Francisco International Airport by filling in approximately one square mile of San Francisco Bay. For the last several years, I have impressed upon federal and state officials the importance of analyzing this proposal from the perspective of meeting the long-term challenges facing commercial aviation throughout Northern California.

The runway expansion and Bay fill proposal is seen as a solution to the problem of too much air traffic and air traffic delays at SFO. But, this solution will only compound the problem of traffic gridlock on our existing freeway and highway system to and from the airport. The permanent damage to San Francisco Bay caused by the Bay fill would only relieve aviation congestion problems on a temporary basis, it does nothing to address the larger issue of moving people and goods throughout California in the most reasonable, efficient, and environmentally prudent manner. In fact, it makes this challenge more difficult.

As we discuss expedited review by the Federal Government of major projects such as the San Francisco Bay fill/airport expansion proposal, we must be mindful of thoroughly reviewing all alternatives. In the case of San Francisco, have we considered the use of existing, under-utilized or abandoned aviation facilities in the San Francisco/Northern California region as an alternative to filling the Bay? Do the increased security concerns resulting from September 11 support such an expansion or would it be more prudent to improve other regional facilities? Has consideration been given to segregating SFO in terms of limiting or eliminating air cargo operations at that facility in order to maximize passenger aviation opportunities?

I have long suggested the Federal Government coordinate its review of all major projects in order to have a timely resolution and avoid endless litigation and delay. Our policies in this area, however, must be consistent and exercised with fairness, and the review must be thorough.

Mr. ROTHMAN. Mr. Speaker, I rise today in strong opposition of the Airport Streamlining Approval Process Act of 2002, which continues this Congress' focus toward the expansion of airports and ignores the quality of life issue forced on many of our constituents who live near airports—aircraft noise.

I fully recognize the vital role the aviation industry plays in our nation's economy, but it is time for this congress to stop focusing solely on what's good for the airport industry and to start focusing on what's also good for the countless individuals who live near airports and are constantly subjected to the thunderous roar of giants jets overhead.

While this measure does include provisions that address aircraft noise, I firmly believe that those steps are inadequate and do not properly address the issue of aircraft noise. Instead of addressing legislation seeking solely to expand this nation's airports, this Congress should also focus its attention on legislation that eliminates aircraft noise. One measure I have introduced would ban the two loudest types of airplane engines from all general aviation airports in the 20 largest metropolitan areas in the country. It is time that we shift our attention away from solely the expansion of airports and toward the problem of aircraft noise which hampers the quality of life for countless American citizens.

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

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and pass the bill, H.R. 4481, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4481, as amended.

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

There was no objection.

ARMED FORCES TAX FAIRNESS ACT OF 2002

Mr. HOUGHTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5063) to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services.

The Clerk read as follows:

H.R. 5063

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 ''Armed Forces Tax Fairness Act of 2002''.

SEC. 2. SPECIAL RULE FOR MEMBERS OF UNIFORMED SERVICES IN DETERMINING EXCLUSION OF GAIN FROM SALE OF PRINCIPAL RESIDENCE.

(a) IN GENERAL.—Subsection (d) of section 121 of the Internal Revenue Code of 1986 (relating to exclusion of gain from sale of principal residence) is amended by adding at the end the following new paragraph:

''(9) MEMBERS OF UNIFORMED SERVICES.—

''(A) IN GENERAL.—At the election of an individual with respect to a property, the running of the 5-year period described in subsection (a) with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving on qualified official extended duty as a member of the uniformed services.

''(B) MAXIMUM PERIOD OF SUSPENSION.—The 5-year period described in subsection (a) shall not be extended more than 5 years by reason of subparagraph (A).

''(C) QUALIFIED OFFICIAL EXTENDED DUTY.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified official extended duty' means any extended duty while serving at a duty station which is at least 250 miles from such property or while residing under Government orders in Government quarters.

''(ii) UNIFORMED SERVICES.—The term 'uniformed services' has the meaning given such term by section 101(a)(5) of title 10, United States Code, as in effect on the date of the enactment of this paragraph.

''(iii) EXTENDED DUTY.—The term 'extended duty' means any period of active duty pursuant to a call or order to such duty for a period in excess of 180 days or for an indefinite period.

''(D) SPECIAL RULES RELATING TO ELECTION.—

''(i) ELECTION LIMITED TO 1 PROPERTY AT A TIME.—An election under subparagraph (A) with respect to any property may not be made if such an election is in effect with respect to any other property.

''(ii) REVOCATION OF ELECTION.—An election under subparagraph (A) may be revoked at any time.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to elections made after the date of the enactment of this Act for suspended periods under section 121(d)(9) of the Internal Revenue Code of 1986 (as added by this section) beginning after such date.

SEC. 3. RESTORATION OF FULL EXCLUSION FROM GROSS INCOME OF DEATH GRATUITY PAYMENT.

(a) IN GENERAL.—Subsection (b)(3) of section 134 of the Internal Revenue Code of 1986 (relating to certain military benefits) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR DEATH GRATUITY ADJUSTMENTS MADE BY LAW.—Subparagraph (A) shall not apply to any adjustment to the amount of death gratuity payable under chapter 75 of title 10, United States Code, which is pursuant to a provision of law enacted before December 31, 1991.''.

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 134(b)(3) of such Code is amended by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to deaths occurring after September 10, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. HOUGHTON) and the gentleman from New York (Mr. MCNULTY) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. HOUGHTON).

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

Mr. Speaker, this is an important bill. It has two features to it. First, it increases the tax-free death benefit payment provided to members of the Armed Services who are on active duty. The present exempt amount is $3,000. The bill increases that to $6,000. In 1991, during Desert Storm, this death benefit paid to the survivors was increased from $3,000 to $6,000, but the tax amount was not changed, so that the extra $3,000 has been subject to tax since that time. What this does, the bill will correct that oversight.

The second feature, Mr. Speaker, is the bill will allow members of the uniformed services who are transferred to take advantage of the present-law capital gains tax relief on the sale of their home, the way all the rest of us can do. An individual is not subject to the first $250,000, or, for a couple, $500,000 on a joint return on the sale of a home if it has been lived in as a principal residence for 2 out of the last 5 years.

Uniformed members are transferred around this country and overseas at someone else's choosing. This happens so many times that it is impossible for them to meet the 5-year rule. What this bill would do is suspend the running of the 5-year rule for a total of 5 years during the time they are assigned away from home.

Furthermore, Mr. Speaker, although the provisions in this bill apply only to the military and uniformed service members, there are other citizens who work abroad for the government or foreign service officers, as well as employees of businesses, who have the same problem with the 5-year rule. At some point, not now, but at some point we need to consider their needs so that the rule is uniform.

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

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

Mr. Speaker, during this time of heightened military engagement, the benefits provided under this bill should go to our men and women in uniform without delay. The high price they are willing to pay is often overlooked during peacetime, but war quickly reminds us of their willingness to place their lives on the line for all that we hold dear. The families of these men and women deserve any help we can provide in making their lives a bit easier.

This bill responds, as my colleague from New York pointed out, to two areas of need. It provides much-needed relief to members of our military through favorable tax treatment of death benefits paid on behalf of military personnel who die in the line of duty. In addition, the bill eases the burden currently experienced by certain military personnel with respect to the exclusion of gain on the sale of their principal residence.

We all agree that the current death benefit of $3,000 is inadequate. This position was adopted earlier when the benefit was increased from $3,000 to $6,000 through the appropriations process. We must now ensure that our military men and women receive the full benefits as intended. Thus, under the bill the full amount of the death penalty payable, which is $6,000, would be excluded from income.

The second provision of the bill would ensure that certain military personnel are not denied the benefits of excluding an amount of the gain realized upon the sale of a principal residence simply because of extended military assignments away from home. Current law provides an individual taxpayer an exclusion from tax of up to $250,000, or $500,000 if married and filing a joint return, of gains realized on the sale or exchange of a principal residence. To qualify, the taxpayer must have owned and used the residence as a principal residence for at least 2 of the 5 years prior to the sale or exchange.

Many of our military personnel do not receive this benefit because they are stationed away from home for an extended tour of duty. Thus, they fail to meet the so-called 2 of the 5 preceding years rule. This bill would ensure that this benefit is not lost because of an extended tour of duty. Under the bill, military personnel would be permitted to exclude any time spent on an extended tour of duty for purposes of meeting the 2 of 5 preceding years rule.

This provides the benefits which were intended when the law was enacted. I do not believe anyone in this body would argue that the Congress intended to deny this benefit to the men and women who faithfully serve in our Armed Forces. This provision brings about the fair and intended results.

I join the gentleman from New York (Mr. HOUGHTON) in strongly supporting this bill, H.R. 5063, and I urge all of my colleagues to support it as well.

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

Mr. HOUGHTON. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SAM JOHNSON).

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, it is a great honor to be here today in support of improving the quality of life for the men and women of our military and their loved ones with this Armed Forces Tax Fairness Act.

Let me begin by saying how extremely proud I am of the men and women who serve in our military, as well as their families. No matter where I go, I have the absolute rapt attention from everyone when I talk about members of our Armed Services and the great job they are doing today. I hope that our troops know that all across the Nation, citizens are proud of our troops and that Americans are grateful for the sacrifices that they and their families make for the defense of our Nation.

The bill we debate here today will put some muscle behind our statements of appreciation. While one could never, ever, put a price on life, as a very small token of respect and condolences, the military provides a death benefit for survivors called a death gratuity after the loss of a loved one. This money can be used to fly family members to a funeral or pay for memorial service expenses.

Unfortunately, in the last decade a large portion of that money has gone back to the Federal Government. The death gratuity was increased from

$3,000 to $6,000 during the Persian Gulf War, but our Tax Code failed to keep up with the military changes. As a result, only half of that $6,000 is tax-free today.

During times of war and times of peace, every military family prays for the safety of their loved ones. A visit by a military chaplain bearing bad news one day is only compounded by the horror of the tax man soon after.

Taxing the loved ones' loss is one of the most inappropriate, irresponsible and immoral forms of taxation. Today's action will change that. This exclusion would be effective for those who died in the Pentagon, have fought for freedom in Afghanistan, and any service member killed while defending this country on September 11 or since that tragic day.

Mr. Speaker, I remember when my wife talked about the chaplain coming up to her front door just when I was missing in action. Those families who have suffered, suffered through the death of a loved one killed in action by terrorism, should not have to give one nickel more to Uncle Sam.

The other important change being made concerns housing of military families. The act would provide a reasonable accommodation to members of the military so they, too, can benefit from the current $500,000 exclusion from capital gains on the sale of a home.

To get this exclusion, a family must live in a home for at least 2 of the previous 5 years. This is generally reasonable, but for those serving in the military, such a requirement is out of their control when their orders ship them to any of the four corners of the earth.

I know firsthand about being transferred. As a 29-year veteran of the Air Force, my wife Shirley and our three kids and I moved 17 times. It is a reality of military life. It is fair for the Tax Code to hold them harmless for the time when they are not living in their own homes because of military orders.

□ 1300

Do not worry. Service members will not be able to become real estate moguls by buying property all over the country and getting this benefit. It is only relevant for one property per family.

Today's action is one more way Congress can say ''thank you'' to our brave military men and women, as well as their families. I hope the Senate follows suit for the families and for freedom, and sends this bill to the President soon.

Mr. HOUGHTON. Mr. Speaker, I thank the gentleman from Texas very much for those wonderful and eloquent words.

Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I want to first thank the gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) and the gentleman from New York (Mr. HOUGHTON) and the gentleman from New York (Mr. MCNULTY) for bringing this legislation forward.

I think, after the celebration of our freedom last Thursday, that it is just and appropriate that we should bring this legislation forward. I actually got involved with H.R. 3973 2 or 3 months ago when I learned that the tax was on the death gratuity of our military; and I worked both sides of the political aisle. We had over 110 sponsors for that legislation, because all of us were surprised that there was still that tax on the death gratuity. So I want to compliment the chairman and the ranking member for bringing this legislation forward.

I am pleased to say, as the gentleman from Texas (Mr. JOHNSON), who was a former POW, said, that we have so many wonderful men and women in uniform who serve this Nation and are willing to be called to give their life for America at any time; and to eliminate this death tax, death gratuity tax, on the family after they have lost a loved one is absolutely the right thing to do. It should be, as it is to my colleagues, unacceptable that this death gratuity tax is in the law now, but we are going to eliminate that with the passage of this legislation.

In addition, I would like to thank the gentleman from New York (Mr. HOUGHTON), the chairman of the subcommittee, and others, because I have also shared their concern about the fact that our military was left out of the Taxpayers Relief Act of 1997, when we allowed for the first sale of a home that the capital gains tax would not apply. So I am pleased, after 5 years, I say to my colleagues, that they are bringing this forward and bringing this relief to the men and women in uniform.

The last point on that is that I did talk to Chairman Archer at the time, back in 1998, and he said that it was a mistake, that the military should have been included; so I am delighted with the efforts of my colleagues that we are moving this forward.

Mr. Speaker, in closing, I would just like to say that I give my strong support and appreciation to the leadership for bringing this act to the floor of the House.

Mr. HOUGHTON. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. PICKERING).

Mr. PICKERING. Mr. Speaker, to the gentleman from New York (Mr. MCNULTY), I rise in proud support and sponsorship of the Armed Forces Tax Relief Act of 2002.

As we return from the 4th of July recess, I can think of nothing more appropriate or better to do than to correct the injustice and the wrong code in our tax system that we would take a tax at the very worst time in an armed service member's family's life when they have lost someone in the line of duty, in combat. We, as a government, have said that we will give that family a death benefit. We should not be taxing them on that; we should be helping them.

Mr. Speaker, I agree with the gentleman from Texas. This is simply wrong and immoral. We must do something. This act will correct that injustice, and we will say to the family, we are proud of your family member's service to our country. We want to help you in this most difficult time, and we will not increase your burden, but we will stand with you and try to comfort, not tax you.

The other thing that is most important in an armed service member's family's life is when they move or sell their home and the quality of life that is so critical to be able to sell a home and buy a home and improve that home, and to create the comfort and the quality for their children. We should not be taxing them in a way that makes that very important and essential component of their quality of life more difficult. So I am very proud to see that we are adjusting the Tax Code.

In my home State of Mississippi, we have two military bases in Meridian and Columbus, Mississippi. Our Air Guard and our other Guard and Reserve forces are being deployed on an even more frequent basis, and we should not count that time of their serving our country, being deployed in foreign countries, fighting a war on terrorism or conducting humanitarian missions or whatever their mission may be, and then penalizing them as they try to sell their home and create a better place and a better home for their family.

So this is an act that is long overdue. It is something that is done in tribute on this, the week after the 4th of July, as our men and women are fighting a war on terrorism. I can think of nothing more appropriate or right to do as we today pass, later this afternoon, the Armed Services Tax Fairness Act of 2002.

Mr. HOUGHTON. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

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

When I served in the United States Army, I remember very well, I can trace my steps during that time very vividly, I was transferred four times. That is not unusual for any member of the Armed Forces, no matter which branch it might be.

During that time, I did not have any property problems. I owned no property, so some of these provisions which we attack here today would not have applied to me. But some of the people with whom I served would have faced tax consequences if we were in a position not to do something, as we are doing here today.

The point is that transfers being a way of life, it is possible that the capital gains tax relief that is granted to people otherwise would not be granted

to a member of the armed services because of the rapid transferability of every single member of the United States Army, Navy, Marines, the entire gamut of the Armed Forces.

What we do here today is to grant members of the Armed Forces the stability in their tax structure that they otherwise would not be able to garner. So when we do this, we honor the members of the Armed Forces and we pay heed to their special tax consequences if we did not have the vision to foresee some of the problems that they might face. This bill foresees it and remedies it.

Mr. HOUGHTON. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

I am very proud to rise in support of this important legislation. On September 11, our Nation suffered a great tragedy. The enemies of freedom made a deliberate attack upon our people and our soil and our way of life. But those enemies were mistaken if they believed that such an attack could turn us away from the principles of liberty and freedom that we hold so dear.

Despite the strains of the war on terror, America's military is still the strongest in the world. However, the true power behind America's military might is not the high-tech tanks and planes and guns that we have; it is the fighting American soldier, sailor, airman and Marine that operates those weapons.

People are the true power behind America's military might. People fly planes and drive tanks and ride on horseback through the mountains of Afghanistan. People sail into harm's way and launch from the decks of aircraft carriers. People guard over the very freedom that makes this country the best in the world. There is no warfighting without warfighters, and if we do not protect our people, we will lose them.

Only two things in life they say are certain: death and taxes. But how in the world can we possibly continue to justify penalizing our service members who risk their lives to protect this government by then turning around and taxing them on the benefits their families receive because they gave their lives for us? It makes absolutely no sense for our government to bestow a gratuity upon the American service member only so that we can take it away after he has given the ultimate sacrifice.

Please join me in supporting this important legislation to remove death gratuity payments from members of the armed services.

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

Mr. Speaker, I work very hard these days on trying to keep my priorities straight, and part of that is remembering that had it not been for all of the men and women who wear the uniform of the United States military through the years, I would not have the privilege as an American citizen of going around bragging, as I often do, about how we live in the freest and most open democracy on the face of the Earth.

Freedom is not free. We have paid a tremendous price for it. I try not to let a day go by without remembering with deep gratitude all of those who, like my own brother, Bill, made the supreme sacrifice, and all of those who, like many members of this Chamber, served in our Armed Forces, came back home, continued to render outstanding service and raise beautiful families to carry on their fine traditions.

Like many Members, I attended a number of events over the July 4th weekend. One of them was on Sunday, July 7th, with survivors of the Battle of Saipan. They recalled with great sorrow how 80 percent of the people that they served with at the time did not come home alive.

But they survived. This was a very special group, Mr. Speaker, because they had never received the medals that they had earned 58 years before. Thankfully, one of the things that we could do, as Members of Congress, is to try to rectify that.

On that day, I had the honor of pinning on their lapels literally dozens of those medals, including Bronze Stars and Purple Hearts, which they earned 58 years prior to the day, but had never received. People like Nick Grinaldo and Joe Mariano, Adam Weasack, Ralph Colangione, Frank Pusatere, and Sammy DiNova; and people like the gentleman from Texas (Mr. JOHNSON), who just left this Chamber, who served our country, was a prisoner of war, who endured torture on our behalf.

These are the reasons why, when I get up in the morning, my priorities, Mr. Speaker, are to thank God for my life and veterans for my way of life.

Beyond winning the two great World Wars of this century, think of what their service and their vigilance has meant just in the past decade or so: the democratization of all of Eastern Europe. And I can remember, as those Communist countries were falling in 1989, Erich Honecker, then the leader of Germany, standing up before the world and making the pronouncement, ''This is where it stops. It shall not happen here,'' meaning the democracy movement. Three weeks later he was no longer the leader of East Germany, replaced by Egon Krenz, who decided to adopt what he called the interpretation as, ''the moderate hard line,'' meaning he was going to try to preserve the Communist system and just appease the democratic movement. And he was quickly dispatched, and we know the rest of the story.

What a great thrill it was for me in the following spring, in the spring of 1990, to travel and visit our troops in Germany. They flew me into Berlin and they took me to the Berlin Wall, as the people were out there with their hammers and chisels, tearing down the wall piece by piece. Our soldiers made that happen. I got a hammer and chisel, and I went out there and I banged away at the wall myself, and I brought back some of those pieces of wall and gave them to veterans and thanked them for what they had done for the people of that region and for every citizen of the Free World.

And the year after that, the breakup of the Soviet Union into 15 individual democratic republics, who would have predicted that even a short time prior?

□ 1315

I thank this body for sending me over to one of those republics when they were having their independence referendum in Armenia. I went over with three of my other colleagues and watched in awe as 99.5 percent of the people over the age of 18 in that country went out and voted, a privilege none of them had experienced before in their lives. I watched them stand in line for hours for the privilege of the right to vote.

Then it was a beautiful scene, because when they finished voting, they did not go home. They had little banquets in every little polling place to celebrate their independence. What a great thrill it was for me as a Representative of the United States Congress to be there with them the next day in the streets of Yeravan, their capital, as they danced and sang and shouted (Armenian phrase), long live free and independent Armenia, and then pointed to the United States of America as their example of what they wanted to be as a democracy.

At that moment, I was never more proud to be an American. But I remembered why I had that feeling: the men and women who put on the uniform of the United States military through the years and put their lives on the line for me, for my family, and every citizen of this country.

This bill today, Mr. Speaker, is peanuts; it is small-time stuff; it is a couple of minor tax breaks. But we should enact it and build on it and remember why we have the great privileges we have in this country: the men and women of our Armed Forces.

Mr. Speaker, I urge my colleagues to support this legislation, and I yield back the balance of my time.

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

Mr. Speaker, I would like to thank the gentleman from New York (Mr. MCNULTY) for those wonderful words. Many strong words have been uttered by many strong people here, and I will not try to add to those.

Suffice it to say, Mr. Speaker, that this is a fair bill, it is the right bill, it is the right bill at the right time; and I would like to, as with the gentleman from New York (Mr. MCNULTY), urge Members to support H.R. 5063.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 5063, the Armed Services Tax Fairness Act.

Everyday the men and women of the Armed Services risk their lives to defend our country. After September 11th the burden upon the men and women in uniform has grown exponentially. As it is, many in the Armed Forces claim that their pay is low. The least that we could do would be to give those who serve our country some type of financial relief.

Back in 1991, the gratuity death payment was increased from $3,000 to $6,000, however the Tax Code was not adjusted to reflect the change. As a result only the first $3,000 is truly tax-free. House Resolution 5063 would change this so that all of the gratuity death payment money would be exempt from taxes.

Furthermore, this bill would protect armed services personnel who are transferred to take advantage of capital gains tax relief on any home sales. Currently, the law states that a person is not subject to capital gains tax on the first $250,000 when selling a home and $500,000 for a married couple. However, only people who live in their home for at least 2 out of the past 5 years can take advantage of exemption. Armed service men and women often are not able to satisfy the 5-year rule and therefore are not able to take advantage of this tax relief. House Resolution 5063 would address this by providing that even when men and women of the Armed Forces are transferred, it will put them in the same position as if they had been living at home while serving elsewhere.

Accordingly, I urge all of our colleagues to support H.R. 5063, the Armed Services Tax Fairness Act. This is simply the right and fair thing to do for all those in uniform who risk their lives everyday for our Nation.

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from New York (Mr. HOUGHTON) that the House suspend the rules and pass the bill, H.R. 5063.

The question was taken.

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

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. HOUGHTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5063.

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

There was no objection.

UNDERGRADUATE SCIENCE, MATHEMATICS, ENGINEERING, AND TECHNOLOGY EDUCATION IMPROVEMENT ACT

Mr. BOEHLERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3130) to provide for increasing the technically trained workforce in the United States, as amended.

The Clerk read as follows:

H.R. 3130

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 ''Undergraduate Science, Mathematics, Engineering, and Technology Education Improvement Act''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Studies show that about half of all United States post-World War II economic growth is a direct result of technological innovation, and science, engineering, and technology play a central role in the creation of new goods and services, new jobs, and new capital.

(2) The growth in the number of jobs requiring technical skills is projected to be more than 50 percent over the next decade.

(3) A workforce that is highly trained in science, mathematics, engineering, and technology is crucial to generating the innovation that drives economic growth, yet females, who represent 50 percent of the United States population, make up only 19 percent of the science, engineering, and technology workforce.

(4) Outside of the biomedical sciences, the number of undergraduate degrees awarded in the science, mathematics, engineering, and technology disciplines has been flat or declining since 1987, despite rapid population growth and a significant increase in undergraduate enrollment over the same period.

(5) The demand for H–1B visas has increased over the past several years, suggesting that the United States is not training a sufficient number of scientists and engineers.

(6) International comparisons of 24-year olds have shown that the proportion of natural science and engineering degrees to the total of undergraduate degrees is lower in the United States than in Japan, South Korea, Taiwan, the United Kingdom, and Canada.

(7) Technological and scientific advancements hold significant potential for elevating the quality of life and the standard of living in the United States. The quality and quantity of such advancements are dependent on a technically trained workforce.

(8) Reversing the downward enrollment and graduation trends in a number of science and engineering disciplines is not only imperative to maintaining our Nation's prosperity, it is also important for our national security.

(9) The decline of student majors in science, mathematics, engineering, and technology is reportedly linked to poor teaching quality in these disciplines and lack of institutional commitment to undergraduate education as compared to research.

(10) Undergraduate science, mathematics, engineering, and technology faculty generally lack any formal preparation for their role as undergraduate educators. In addition, faculty members are generally not rewarded, and in some cases are penalized, for the time they devote to undergraduate education.

(11) Faculty experienced in working with undergraduate students report that undergraduate research experiences contribute significantly to a student's decision to stay in an undergraduate science, mathematics, engineering, or technology major and to continue their education through graduate studies.

SEC. 3. DEFINITIONS.

In this Act—

(1) the term ''academic unit'' means a department, division, institute, school, college, or other subcomponent of an institution of higher education;

(2) the term ''community college'' has the meaning given such term in section 7501(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7601(4));

(3) the term ''Director'' means the Director of the National Science Foundation;

(4) the term ''eligible nonprofit organization'' means a nonprofit organization with demonstrated experience delivering science, mathematics, engineering, or technology education, as determined by the Director;

(5) the term ''institution of higher education'' has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)); and

(6) the term ''research-grade instrumentation'' means a single instrument or a networked system of instruments that enable publication-quality research to be performed by students or faculty.

SEC. 4. TECHNOLOGY TALENT.

(a) SHORT TITLE.—This section may be cited as the ''Technology Talent Act of 2002''.

(b) GRANT PROGRAM.—

(1) IN GENERAL.—The Director shall award grants, on a competitive, merit-reviewed basis, to institutions of higher education with physical or information science, mathematics, engineering, or technology programs, to consortia thereof, or to nonprofit entities that have established consortia among such institutions of higher education for the purpose of increasing the number and quality of students studying and receiving associate or baccalaureate degrees in the physical and information sciences, mathematics, engineering, and technology. Consortia established by such nonprofit entities may include participation by eligible nonprofit organizations, State or local governments, or private sector companies. An institution of higher education, including those participating in consortia, that is awarded a grant under this section shall be known as a ''National Science Foundation Science and Engineering Talent Expansion Center''.

(2) REQUIREMENTS.—

(A) NUMBER.—The Director shall award not fewer than 10 grants under this section each year, contingent upon available funds.

(B) DURATION.—Grants under this section shall be awarded for a period of 5 years, with the final 2 years of funding contingent on the Director's determination that satisfactory progress has been made by the grantee during the first 3 years of the grant period toward achieving the increases in the number of students proposed pursuant to subparagraph (E).

(C) PRINCIPAL INVESTIGATOR.—For each grant awarded under this section to an institution of higher education, at least 1 principal investigator must be in a position of administrative leadership at the institution of higher education, and at least 1 principal investigator must be a faculty member from an academic department included in the work of the project. For each grant awarded to a consortium or nonprofit entity, at each institution of higher education participating in the consortium, at least 1 of the individuals responsible for carrying out activities authorized under subsection (c) at that institution must be in a position of administrative leadership at the institution, and at least 1 must be a faculty member from an academic department included in the work of the project at that institution.

(D) SUBSEQUENT GRANTS.—An institution of higher education, a consortium thereof, or a nonprofit entity that has completed a grant awarded under this section may apply for a subsequent grant under this section.

(E) INCREASES.—

(i) INSTITUTIONS OF HIGHER EDUCATION WITH BACCALAUREATE DEGREE PROGRAMS.—An applicant for a grant under this section that is or includes an institution of higher education that awards baccalaureate degrees shall propose in its application specific increases in the number of students who are United States citizens or permanent resident aliens obtaining baccalaureate degrees at each such institution within the physical or information sciences, mathematics, engineering, or technology, and shall state the mechanisms by which the success of the grant project at each such institution shall be assessed.

(ii) COMMUNITY COLLEGES.—An applicant for a grant under this section that is or includes a community college shall propose in its application specific increases in the number of students at the community college who are United States citizens or permanent resident aliens pursuing degrees, concentrations, or certifications in the physical or information sciences, mathematics, engineering, or technology programs or pursuing credits toward transfer to a baccalaureate degree program in the physical or information sciences, mathematics, engineering, or technology, and shall state the mechanisms by which the success of the grant project at each community college shall be assessed.

(F) RECORDKEEPING.—Each recipient of a grant under this section shall maintain, and transmit annually to the National Science Foundation, in a format indicated by the Director, baseline and subsequent data on undergraduate students in physical and information science, mathematics, engineering, and technology programs. For grants to consortia or nonprofit entities, the data transmitted shall be provided separately for each institution of higher education participating in the consortia. Such data shall include information on—

(i) the number of students enrolled;

(ii) student academic achievement, including quantifiable measurements of students' mastery of content and skills;

(iii) persistence to degree completion, including students who transfer from science, mathematics, engineering, and technology programs to programs in other academic disciplines; and

(iv) placement during the first year after degree completion in post-graduate education or career pathways.

(G) PRIORITY.—The Director may give priority in awarding grants under this section to applicants whose application—

(i) indicates a plan to build on previous and existing efforts with demonstrated success, including efforts involving industry, in improving undergraduate learning and teaching, including efforts funded by Federal grants from the National Science Foundation or other agencies; and

(ii) provides evidence of a commitment by the administration at each institution of higher education to support and reward faculty involvement in carrying out the proposed implementation plan for the project.

(c) USES OF FUNDS.—Activities supported by grants under this section may include—

(1) projects that specifically aim to increase the number of traditionally underrepresented students in the physical or information sciences, mathematics, engineering, or technology, such as mentoring programs;

(2) projects that expand the capacity of institutions of higher education to incorporate current advances in science and technology into the undergraduate learning environment;

(3) bridge projects that enable students at community colleges to matriculate directly into baccalaureate physical or information science, mathematics, engineering, or technology programs, including those targeted at traditionally underrepresented groups in such disciplines;

(4) projects including interdisciplinary approaches to undergraduate physical and information science, mathematics, engineering, and technology education;

(5) projects that focus directly on the quality of student learning, including those that encourage—

(A) high-caliber teaching, including enabling faculty to spend additional time teaching participating students in smaller class settings, particularly in the laboratory environment, by, for example, providing summer salary or other additional salary for faculty members or stipends for students;

(B) opportunities to develop new pedagogical approaches including the development of web-based course strategies, distributed and collaborative digital teaching tools, or interactive course modules; and

(C) screening and training of teaching assistants;

(6) projects that—

(A) facilitate student exposure to potential careers, including cooperative projects with industry or government that place students in internships as early as the summer following their first year of study;

(B) provide part-time employment in industry during the school year; or

(C) provide opportunities for undergraduates to participate in industry or government sponsored research;

(7) projects that assist institutions of higher education in States that participate in the Experimental Program to Stimulate Competitive Research (EPSCoR) to broaden the science, engineering, mathematics, and technology student base or increase retention in these fields;

(8) projects to encourage undergraduate research on-campus or off-campus;

(9) projects that provide scholarships or stipends to students entering and persisting in the study of science, mathematics, engineering, or technology;

(10) projects that leverage the Federal investment by providing matching funds from industry, from State or local government sources, or from private sources; and

(11) other innovative approaches to achieving the purpose described in subsection (b)(1).

(d) ASSESSMENT, EVALUATION, AND DISSEMINATION OF INFORMATION.—

(1) PROJECT ASSESSMENT.—The Director shall require each institution of higher education receiving assistance under this section to implement project-based assessment that facilitates program evaluation under paragraph (2) and that assesses the impact of the project on achieving the purpose stated in subsection (b)(1), as well as on institutional policies and practices.

(2) PROGRAM EVALUATION.—Not later than 180 days after the date of the enactment of this Act, the Director shall award at least 1 grant or contract to an independent evaluative organization to—

(A) develop metrics for measuring the impact of the program authorized under this section on—

(i) the number of students enrolled;

(ii) student academic achievement, including quantifiable measurements of students' mastery of content and skills;

(iii) persistence to degree completion, including students who transfer from science, mathematics, engineering, and technology programs to programs in other academic disciplines; and

(iv) placement during the first year after degree completion in post-graduate education or career pathways; and

(B) conduct an evaluation of the impacts of the program described in subparagraph (A), including a comparison of the funded projects to identify best practices with respect to achieving the purpose stated in subsection (b)(1).

(3) DISSEMINATION OF INFORMATION.—The Director, at least once each year, shall disseminate information on the activities and the results of the projects assisted under this section, including best practices identified pursuant to paragraph (2)(B), to participating institutions of higher education and other interested institutions of higher education.

(e) UNDERREPRESENTED GROUPS.—In carrying out the program authorized by this section the Director shall strive to increase the number of students receiving baccalaureate degrees, concentrations, or certifications in the physical or information sciences, mathematics, engineering, or technology who come from groups underrepresented in these fields.

(f) REPORTS.—

(1) LIST.—Not later than 90 days after the date of the enactment of this Act, the Director shall develop, and disseminate to institutions of higher education, a list of examples of existing institutional and government efforts relevant to the purpose stated in subsection (b)(1).

(2) INTERIM PROGRESS REPORT.—At the end of the third year of the program authorized under this section, the Director shall transmit to the Congress an interim progress report of the evaluation conducted under subsection (d)(2).

(3) FINAL REPORT.—Not later than 6 years after the date of the enactment of this Act, the Director shall transmit to the Congress a final report of the evaluation conducted under subsection (d)(2).

(g) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The Director shall establish an advisory committee, that includes significant representation from industry and academic leaders, for the grant program authorized under this section. The advisory committee shall—

(A) assist the Director in securing active industry, and State and local government, participation in the program;

(B) recommend to the Director innovative approaches to achieving the purpose stated in subsection (b)(1); and

(C) advise the Director regarding program metrics, implementation and performance of the program, and program progress reports.

(2) DURATION.—Section 14 of the Federal Advisory Committee Act shall not apply to the advisory committee established under this subsection.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this section—

(1) $25,000,000 for fiscal year 2003; and

(2) such sums as may be necessary thereafter.

(i) RELATED PROGRAMS.—The Director shall give consideration to achieving the purpose stated in subsection (b)(1) by awarding grants to institutions participating in the Louis Stokes Alliances for Minority Participation.

SEC. 5. INSTITUTIONAL REFORM.

(a) IN GENERAL.—The Director shall award grants, on a merit-reviewed, competitive basis, to institutions of higher education to expand previously implemented reforms of undergraduate science, mathematics, engineering, or technology education that have been demonstrated to have been successful in increasing the number and quality of students studying and receiving associate or baccalaureate degrees in science, mathematics, engineering, or technology.

(b) USES OF FUNDS.—Activities supported by grants under this section may include—

(1) expansion of successful reform efforts beyond a single course or group of courses to achieve reform within an entire academic unit;

(2) expansion of successful reform efforts beyond a single academic unit to other science, mathematics, engineering, or technology academic units within an institution;

(3) creation of multidisciplinary courses or programs that formalize collaborations for the purpose of improved student instruction and research in science, mathematics, engineering, and technology;

(4) expansion of undergraduate research opportunities beyond a particular laboratory, course, or academic unit to engage multiple academic units in providing multidisciplinary research opportunities for undergraduate students;

(5) expansion of innovative tutoring or mentoring programs proven to enhance student recruitment or persistence to degree completion in science, mathematics, engineering, or technology;

(6) improvement of undergraduate science, mathematics, engineering, and technology education for nonmajors, including teacher education majors; and

(7) implementation of technology-driven reform efforts, including the installation of technology to facilitate such reform, that directly impact undergraduate science, mathematics, engineering, or technology instruction or research experiences.

(c) SELECTION PROCESS.—

(1) APPLICATIONS.—An institution of higher education seeking a grant under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum—

(A) a description of the proposed reform effort;

(B) a description of the previously implemented reform effort that will serve as the basis for the proposed reform effort and evidence of success of that previous effort, including data on student recruitment, persistence to degree completion, and academic achievement;

(C) evidence of active participation in the proposed project by individuals who were central to the success of the previously implemented reform effort; and

(D) evidence of institutional support for, and commitment to, the proposed reform effort, including a description of existing or planned institutional policies and practices regarding faculty hiring, promotion, tenure, and teaching assignment that reward faculty contributions to undergraduate education equal to, or greater than, scholarly scientific research.

(2) REVIEW OF APPLICATIONS.—In evaluating applications submitted under paragraph (1), the Director shall consider at a minimum—

(A) the evidence of past success in implementing undergraduate education reform and the likelihood of success in undertaking the proposed expanded effort;

(B) the extent to which the faculty, staff, and administrators are committed to making the proposed institutional reform a priority of the participating academic unit;

(C) the degree to which the proposed reform will contribute to change in institutional culture and policy such that a greater value is placed on faculty engagement in undergraduate education and that a commensurate reward structure is implemented to recognize faculty for their scholarly work in this area; and

(D) the likelihood that the institution will sustain or expand the reform beyond the period of the grant.

(3) GRANT DISTRIBUTION.—The Director shall ensure, to the extent practicable, that grants awarded under this section are made to a variety of types of institutions of higher education.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this section $15,000,000 for each of fiscal years 2003 through 2007.

SEC. 6. FACULTY DEVELOPMENT.

(a) IN GENERAL.—The Director shall award grants, on a merit-reviewed, competitive basis, to—

(1) institutions of higher education;

(2) eligible nonprofit organizations; or

(3) consortia of institutions and organizations described in paragraphs (1) and (2),

for professional development of undergraduate faculty in support of improved undergraduate science, mathematics, engineering, and technology education.

(b) USES OF FUNDS.—Activities supported by grants under this section may include—

(1) support for individuals to participate in scholarly activities aimed at improving undergraduate science, mathematics, engineering, and technology education including—

(A) sabbatical funding, including partial or full support for salary, benefits, and supplies, for faculty participating in scholarly research in—

(i) science, mathematics, engineering, or technology;

(ii) the science of learning; or

(iii) assessment and evaluation related to undergraduate instruction and student academic achievement;

(B) stipend support for graduate students and post-doctoral fellows to participate in instructional or evaluative activities at primarily undergraduate institutions; and

(C) release time from teaching for faculty engaged in the development, implementation, and assessment of undergraduate science, mathematics, engineering, and technology education reform activities following participation in a sabbatical opportunity or faculty development program described in this subsection; and

(2) support for institutions to develop, implement, and assess faculty development programs focused on improved instruction, mentoring, evaluation, and support of undergraduate science, mathematics, engineering, and technology students, including costs associated with—

(A) stipend support or release time for faculty and staff engaged in the development, delivery, and assessment of the faculty development program;

(B) stipend support or release time for faculty, graduate students, or post-doctoral fellows from the host institution or external institutions who are engaged as participants in such faculty development programs; and

(C) support for materials, supplies, travel expenses, and consulting fees associated with the development, delivery, and assessment of such faculty development programs.

(c) APPLICATIONS.—An entity seeking a grant under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum—

(1) a description of the activities to be carried out under the proposed project and the projected impact of the project on undergraduate majors and nonmajors enrolled in science, mathematics, engineering, or technology courses or programs;

(2) a plan for assessment of the outcomes of the proposed project;

(3) a plan for dissemination of information regarding the activities and outcomes of the proposed project; and

(4) evidence of institutional support for implementation of the proposed project, including commitment to appropriate faculty sabbaticals and release time from teaching.

(d) ANNUAL MEETING.—The Director shall convene an annual meeting of awardees under this section to foster greater national information dissemination and collaboration in the area of undergraduate science, mathematics, engineering, and technology education.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are to be authorized to be appropriated to the National Science Foundation to carry out this section $8,000,000 for each of fiscal years 2003 through 2007.

SEC. 7. ACCESS TO RESEARCH-GRADE INSTRUMENTATION.

(a) IN GENERAL.—The Director shall award grants, on a merit-reviewed, competitive basis, to institutions of higher education to support the acquisition of research-grade instrumentation and to support training related to the use of that instrumentation. Instruments provided through awards under this section shall be used primarily for undergraduate research, undergraduate instruction, or both, in science, mathematics, engineering, or technology.

(b) ELIGIBLE INSTITUTIONS.—Grants may be awarded under this section only to institutions of higher education that award fewer than 10 doctoral degrees per year in disciplines for which the National Science Foundation provides research support.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are to be authorized to be appropriated to the National Science Foundation to carry out this section $10,000,000 for each of fiscal years 2003 through 2007.

SEC. 8. UNDERGRADUATE RESEARCH EXPERIENCES.

(a) IN GENERAL.—The Director shall award grants, on a merit-reviewed, competitive basis, to institutions of higher education, eligible nonprofit organizations, or consortia thereof to establish sites that provide research experiences for 10 or more undergraduate science, mathematics, engineering, or technology students. The Director shall ensure that—

(1) at least half of the students participating at each site funded under this section shall be recruited from institutions of higher education where research activities in science, mathematics, engineering, or technology are limited or nonexistent;

(2) the awards provide undergraduate research experiences in a wide range of science, mathematics, engineering, or technology disciplines;

(3) awards support a variety of projects including independent investigator-led projects, multidisciplinary projects, and multiinstitutional projects (including virtual projects);

(4) students participating in the projects have mentors, including during the academic year, to help connect the students' research experiences to the overall academic course of study and to help students achieve success in courses of study leading to a baccalaureate degree in science, mathematics, engineering, or technology;

(5) mentors and students are supported with appropriate summer salary or stipends; and

(6) all student participants are tracked through receipt of the undergraduate degree and for at least 1 year thereafter.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this section $10,000,000 for each of fiscal years 2003 through 2007.

SEC. 9. DISSEMINATION OF PROJECT INFORMATION.

The Director shall ensure that all National Science Foundation-sponsored undergraduate science, mathematics, engineering,

or technology education projects, including those sponsored by National Science Foundation research directorates, shall disseminate via the Internet, at a minimum, the following information:

(1) Scope, goals, and objectives of each project.

(2) Activities, methodologies, and practices developed and implemented.

(3) Outcomes, both positive and negative, of project assessment activities.

SEC. 10. EVALUATION.

(a) IN GENERAL.—The Director, through the Research, Evaluation and Communication Division of the Education and Human Resources Directorate of the National Science Foundation, shall evaluate the effectiveness of all undergraduate science, mathematics, engineering, or technology education activities supported by the National Science Foundation in increasing the number and quality of students, including students from groups underrepresented in science, mathematics, engineering, and technology fields, studying and receiving associate or baccalaureate degrees in science, mathematics, engineering, and technology. In conducting the evaluation, the Director shall consider information on—

(1) the number of students enrolled;

(2) student academic achievement, including quantifiable measurements of students' mastery of content and skills;

(3) persistence to degree completion, including students who transfer from science, mathematics, engineering, and technology programs to programs in other academic disciplines; and

(4) placement during the first year after degree completion in post-graduate education or career pathways.

(b) ASSESSMENT BENCHMARKS AND TOOLS.—The Director, through the Research, Evaluation and Communication Division of the Education and Human Resources Directorate of the National Science Foundation, shall establish a common set of assessment benchmarks and tools, and shall enable every National Science Foundation-sponsored project to incorporate the use of these benchmarks and tools in their project-based assessment activities.

(c) DISSEMINATION OF EVALUATION RESULTS.—The results of the evaluations required under subsection (a) shall be made available to the public.

(d) REPORTS TO CONGRESS.—Not later than 3 years after the date of the enactment of this Act, and once every 3 years thereafter, the Director shall transmit to the Congress a report containing the results of evaluations under subsection (a).

SEC. 11. NATIONAL ACADEMY OF SCIENCES STUDY ON UNDERGRADUATE RECRUITMENT AND RETENTION.

(a) STUDY.—Not later than 3 months after the date of the enactment of this Act, the Director shall enter into an arrangement with the National Research Council of the National Academy of Sciences to perform a study on the factors that influence undergraduate students to enter and persist to degree completion in science, mathematics, engineering, and technology programs or to leave such programs and matriculate to other academic programs, as reported by students.

(b) TRANSMITTAL TO CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Director shall transmit to the Congress a report containing the results of the study under subsection (a).

(c) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to the National Science Foundation for carrying out this section $700,000 for fiscal year 2003, to remain available until expended.

SEC. 12. MINORITY-SERVING INSTITUTIONS UNDERGRADUATE PROGRAM.

(a) IN GENERAL.—

(1) The Director shall establish a program to award grants to Hispanic-Serving Institutions, Historically Black Colleges and Universities, Alaska Native-Serving Institutions, Native Hawaiian-Serving Institutions, and tribally controlled colleges and universities to enhance the quality of undergraduate science, mathematics, and engineering education at such institutions and to increase the retention and graduation rates of students pursuing baccalaureate degrees in science, mathematics, or engineering.

(2) Grants shall be awarded under this section on a merit-reviewed, competitive basis.

(b) PROGRAM COMPONENTS.—Grants awarded under this section shall support—

(1) activities to improve courses and curriculum in science, mathematics, or engineering disciplines;

(2) faculty development, including support for—

(A) sabbaticals and exchange programs to improve the faculty's research competency and knowledge of technological advances;

(B) professional development workshops on innovative teaching practices and assessment;

(C) visiting faculty, including researchers from industry; and

(D) faculty reassigned time or release time to mentor students or to participate in curriculum reform and academic enhancement activities;

(3) stipends for undergraduate students participating in research activities in science, mathematics, or engineering disciplines on-campus or off-campus at industrial, governmental, or academic research laboratories; and

(4) other activities that are consistent with subsection (a)(1), as determined by the Director.

(c) APPLICATION.—An institution seeking funding under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

SEC. 13. ADVANCED TECHNOLOGICAL EDUCATION PROGRAM.

(a) CORE SCIENCE AND MATHEMATICS COURSES.—Section 3(a) of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862i(a)) is amended—

(1) by inserting '', and to improve the quality of their core education courses in science and mathematics'' after ''education in advanced-technology fields'';

(2) in paragraph (1) by inserting ''and in core science and mathematics courses'' after ''advanced-technology fields''; and

(3) in paragraph (2) by striking ''in advanced-technology fields'' and inserting ''who provide instruction in science, mathematics, and advanced-technology fields''.

(b) ARTICULATION PARTNERSHIPS.—Section 3(c)(1)(B) of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862i(c)(1)(B)) is amended—

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

(2) by striking the period at the end of clause (ii) and inserting a semicolon; and

(3) by adding after clause (ii) the following new clauses:

''(iii) provide students with research experiences at bachelor-degree-granting institutions participating in the partnership, including stipend support for students participating in summer programs; and

''(iv) provide faculty mentors for students participating in activities under clause (iii), including summer salary support for faculty mentors.''.

(c) ADVANCED TECHNOLOGICAL EDUCATION ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The Director shall establish an advisory committee on science, mathematics, and technology education at community colleges consisting of non-Federal members, including representatives from academia and industry. The advisory committee shall review, and provide the Director with an assessment of, activities carried out under the Advanced Technological Education Program (in this section referred to as the ''Program''), including—

(A) conformity of the Program to the requirements of the Scientific and Advanced-Technology Act of 1992;

(B) the effectiveness of activities supported under the Program in strengthening the scientific and technical education and training capabilities of community colleges;

(C) the effectiveness of the National Science Foundation and institutions receiving awards under the Program in disseminating information to other community colleges about activities carried out under the Program and about model curricula and teaching methods developed under the Program;

(D) the balance of resources allocated under the Program for support of national centers of excellence, individual institution grants, and articulation partnerships; and

(E) other issues identified by the Director.

The advisory committee shall make recommendations to the Director for improvements to the Program based on its reviews and assessments.

(2) ADVISORY COMMITTEE REPORTS.—The advisory committee established under paragraph (1) shall report annually to the Director and to Congress on the findings and recommendations resulting from the reviews and assessments conducted in accordance with paragraph (1).

(3) DURATION.—Section 14 of the Federal Advisory Committee Act shall not apply to the advisory committee established under this subsection.

(d) NATIONAL SCIENCE FOUNDATION REPORT.—Within 6 months after the date of the enactment of this Act, the Director shall transmit a report to Congress on—

(1) efforts by the National Science Foundation and awardees under the Program to disseminate information about the results of projects;

(2) the effectiveness of national centers of scientific and technical education established under section 3(b) of the Scientific and Advanced-Technology Act of 1992 in serving as national and regional clearinghouses of information and models for best practices in undergraduate science, mathematics, and technology education; and

(3) efforts to satisfy the requirement of section 3(f)(4) of the Scientific and Advanced-Technology Act of 1992.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation—

(1) for activities to improve core science and mathematics education in accordance with section 3(a) of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862i(a)), as amended by subsection (a) of this section, $5,000,000 for each of fiscal years 2003 through 2007;

(2) for acquisition of instrumentation in accordance with section 3(a)(4) of the Scientific and Advanced-Technology Act of 1992—

(A) $3,000,000 for fiscal year 2003;

(B) $3,500,000 for fiscal year 2004;

(C) $4,000,000 for fiscal year 2005;

(D) $4,500,000 for fiscal year 2006; and

(E) $5,000,000 for fiscal year 2007; and

(3) for support for research experiences for undergraduate students in accordance with section 3(c)(1)(B) of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C.

1862i(c)(1)(B)), as amended by subsection (b) of this section, $750,000 for each of fiscal years 2003 through 2007.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

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

Mr. Speaker, H.R. 3130 proposes a simple and direct solution to a clear and urgent problem. The problem is that fewer and fewer American college students are majoring in mathematics, engineering, technology, or science, particularly in the physical sciences. This is a source of growing concern for many reasons.

First and most obviously, the Nation needs to constantly replenish its supply of scientists, mathematicians, and engineers to have a workforce that can compete in this increasingly technological world. The U.S. cannot assume that it can rely forever on immigrants, foreign students, and temporary emergency visa programs to meet its long-term workforce needs. Yet that is exactly what we are doing right now.

But the problem goes beyond filling jobs that explicitly call for someone with a science degree. In today's world, just about every job has a component that is informed by science and technology, from the assembly line to the boardroom. Yet we have fewer and fewer Americans who have the background to understand and analyze technical information.

Indeed, just to be an active citizen today requires more scientific background than was the case just a few years ago. Just think of how often this body turns to institutions like the National Academy of Sciences because so many policy questions today require a firm grounding in science. So we need to have more, not fewer, Americans trained in science and technology fields if we are to be a competitive economy and if we are to have a skilled workforce and an active polity.

Now, reversing the current trends which have long been in the making is not easy. Many of the problems begin as early as elementary school; and this House has passed several major bills to address those problems, including H.R. 1 from the Committee on Education and the Workforce and H.R. 1858 from the Committee on Science.

But not all of our problems reside at the K through 12 level. The statistics show that many students enter college intending to major in science, math, and engineering, but change course before declaring a major. Some of these students, of course, may just not be right for the field, but the attrition rate is far too high for that to be the whole story. The problem is, rather, that our colleges and universities by and large do not do enough to encourage students to remain in science, math, and engineering. Indeed, sometimes students are actually discouraged.

We cannot afford to have that continue. H.R. 3130 takes aim at this problem directly by providing incentives for colleges and universities, including community colleges, to increase the number and quality of science, math, engineering, and technology majors. Under the bill, the National Science Foundation would provide grants to improve undergraduate science, math, and engineering education that are contingent on the grantee increasing the number of graduating majors in those fields by a specific amount without reducing quality. This is a direct and targeted approach that should make a real difference in the culture of our Nation's colleges and universities.

I should note that NSF is already beginning to try this approach. Congress appropriated money for fiscal year 2002 to begin implementing H.R. 3130 on an experimental basis in advance of the bill's enactment, and the President has proposed continuing the program next year; but the program cannot be fully ramped up without this bill.

H.R. 3130 also creates a number of other important programs to improve undergraduate education, including grants to enable colleges and universities to expand successful, innovative undergraduate programs; grants to enable faculty to improve their teaching skills; and grants to help colleges purchase new research equipment for undergraduates. It also expands the National Science Foundation's summer research program for undergraduates.

Finally, the bill establishes a rigorous evaluation program so we can really learn what approaches to improving undergraduate education work and which ones do not. We have been flying by the seat of our pants for too long in this regard, and this bill will finally provide some reliable data and analysis on undergraduate reform.

So H.R. 3130 is a good bill that promotes targeted steps to improve undergraduate education that will make a real difference.

As with all good bills, this one reflects the work of many hands. I want to start by thanking the gentleman from Ohio (Chairman BOEHNER) and his staff for working so cooperatively with us on this bill, as they have on all education legislation.

I want to particularly thank the gentleman from Texas (Mr. HALL), the ranking minority member of the Committee, and the gentleman from Connecticut (Mr. LARSON), the primary Democrat sponsor of this bill, and all our minority Members for their contributions to this bill which passed in our committee by voice vote because it reflected ideas that originated on both sides of the aisle.

I want to mention two Members of the minority specifically, the gentleman from Utah (Mr. MATHESON) and the gentleman from California (Mr. SCHIFF), as they should have been mentioned as cosponsors of the bill, and I want to thank the gentleman from Texas (Mr. SMITH) and other Texans on the committee for making sure that others in their State could compete fairly for grants under this bill, even though some Texas programs are organized differently from those in other States.

I also want to thank many companies and high-tech industry groups such as Tech Net and higher education groups such as the American Council on Education that have actively supported this bill and helped us get it to the floor. This bill is supported, and it deserves everyone's support because it has widespread impact. I urge its adoption.

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

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

Mr. Speaker, I rise in support of the Undergraduate Science, Mathematics, Engineering, and Technology Education Improvement Act, H.R. 3130, as reported from the Committee on Science and as described very adequately by our chairman.

The bill was developed in a very bipartisan way, in keeping with the past practices of the Committee on Science in the area of science education legislation. I want to thank the gentleman from New York (Chairman BOEHLERT) and those with whom he works, his staff, for working with us on this side of the aisle to produce this very excellent legislative product.

Basically, the bill will help increase the number of students who are graduating in science, math, and engineering, and will help improve the quality of undergraduate science education.

Mr. Speaker, this bill builds on existing NSF programs that have proven their effectiveness, such as Research Experiences for Undergraduates. Similarly, the bill will provide support for the expansion of successful small-scale undergraduate education reform activities that some colleges and universities have been engaged in.

H.R. 3130 will also implement programmatic recommendations of the Committee on Science, those that they have received through a long series of science education hearings going back to the last Congress.

I would like also to point out that the bill incorporates provisions advanced by my colleague, the gentleman from Washington (Mr. BAIRD), as in his bill, H.R. 4680. These provisions are focused on helping community colleges improve their science and technology offerings, which is important because community colleges enroll such a significant proportion of all undergraduate students.

Finally, the bill includes the establishment of an educational program at NSF that will target minority-serving institutions. This program, which was advanced by my colleague, the gentleman from California (Mr. BACA), will help address the serious problems of

underrepresentation by minorities in the science and technology fields. The Nation just cannot afford to lose the talents of any segment of society if we are to produce a workforce with the range of skills and capabilities that are going to be needed in the postindustrial world.

Mr. Speaker, I strongly support H.R. 3130 and commend it for favorable consideration by the House.

□ 1330

Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) who is the ranking member of the Subcommittee on Research of the Committee on Science.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in strong support of H.R. 3130, the Undergraduate Science, Mathematics, Engineering and Technology Education Improvement Act. I want to thank the gentleman from New York (Mr. BOEHLERT), the gentleman from Texas (Mr. HALL), and the gentleman from Michigan (Mr. SMITH) for working with me and my colleagues in a very bipartisan manner to develop the legislation now before the House.

This bill focuses on two important issues. The first is to attract and retain more students in associate and baccalaureate degree programs in critical science and technology fields. The second issue is to ensure that all undergraduate students receive a quality education experience in their science and technology courses, regardless of the career path they ultimately choose.

One important component for dealing with the problem of declining numbers of students pursuing careers in science and math and engineering for the long term is to increase participation in these areas by individuals from underrepresented groups. Under the Technology Talent Act, the National Science Foundation is required to ensure that projects are supported that would lead to increases in the numbers of science degrees by individuals from underrepresented groups.

The NSF is also encouraged to make use of existing Louis Stokes Alliance for Minority Participation program, which has a 10-year track record in attracting and maintaining minority students in science-related degree programs. H.R. 3130 also authorizes a new Minority-Serving Institutions undergraduate program to build up the capacity for these institutions.

In other provisions, the bill will help expand undergraduate education reform efforts at institutions of higher education throughout the Nation that have demonstrated successful records of accomplishment. It provides professional development opportunities for undergraduate faculty and expands the availability of research experiences for the undergraduate students, including students at nonresearch institutions. The bill also encourages the inclusion of innovative public-private partnerships by enabling consortia to participate in the grants program which has worked very, very well in the State of Texas and in my area.

Mr. Speaker, I believe that H.R. 3130 will put in place a range of programs and activities that will strengthen undergraduate education in science and technology and will help provide the human resources that this Nation will need for economic strength and security in the postindustrial world.

I strongly support this legislation. I commend it to my colleagues and ask for their support in the passage by this House.

Mr. HALL of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. LARSON), a member of the committee.

(Mr. LARSON of Connecticut asked and was given permission to revise and extend his remarks.)

Mr. LARSON of Connecticut. Mr. Speaker, I want to thank our distinguished leader for the opportunity to speak here on the floor this afternoon.

Let me begin by applauding the efforts of the gentleman from New York (Mr. BOEHLERT), who has done an outstanding job. It has been my high honor and pleasure to work with him over the past 3 years, and in the last year specifically, as this legislation has been developed.

It has been a longstanding concern of mine and clearly my constituents and people all around this country who understand intuitively, as the chairman does, the need that exists out there to address this glaring inequity that has existed in terms of making sure that we have a pipeline that is full of students who have expertise in math, science, and engineering. Because of the obvious shortcomings in this area, we risk this Nation's becoming a second-rate economic power if we do not address these concerns forthrightly.

This bill does exactly that. And typical of his manner, the chairman once again has reached out and done this in a bipartisan manner, garnering the best ideas from both sides of the aisle, which in my humble estimation always leads to the best legislation.

I am proud, as well, to join my colleagues on this side of the aisle, especially the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the gentleman from Colorado (Mr. UDALL) and the gentleman from California (Mr. HONDA), as well, who have fought hard to make sure that issues like granting minorities greater access and greater funding in these specific areas that are much needed in order for us to compete, were attended to.

Again, I would like to thank the gentleman from Texas (Mr. HALL) for his efforts as well.

The defense of this Nation and its continued economic prosperity are inextricably tied and linked to our education system. And by providing an opportunity and incentives that will provide us with the kind of dedicated members of our society entering into the field of math and science and engineering, this bill takes a bold step in terms of accomplishing that specific goal. I am proud to stand here on the floor of the House today and endorse this concept and ask all of my colleagues for their unanimous support of a great bill put forward by a great leader.

Mr. HALL of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BACA), a member of our subcommittee.

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

Mr. BACA. Mr. Speaker, I rise in support of H.R. 3130.

Mr. Speaker, first of all, I would like to commend the minority chairman and the chairman for a bipartisan bill that really addresses the needs of our Nation. And I say the needs of our Nation because when we look at technology, we look at our future and we look at a vision of where we need to be, and that is preparing students in the area of science, technology, engineering and mathematics. We all realize it has declined, but yet the priorities were set there because a vision is there for our Nation, and that is to make sure that we prepare our students to make sure that they can guide us, because they are our future.

This bill addresses the problem by funding a program at the NSF to provide grants to institutions of higher education. These grants will be used to increase the number and quality of graduates from physical science, mathematics, engineering and technology degree and transfer programs.

Just as importantly, this bill recognizes that the institutions that serve unique purposes also have unique needs. Hispanic-serving institutes, historically black colleges and universities, Alaska-native-serving institutions, native-Hawaiian-serving institutions, and tribally controlled colleges and universities serve that special purpose.

These institutions educate and train underserved and often overlooked segments of our population. But this segment of the population will not be overlooked by this bill because this bill addresses those needs. And I want to commend the chairman for doing that, because it is about inclusion of everyone; and this bill includes everybody in this process. Inclusion and making sure that no child, whether it is an adult, is left behind, and this includes that.

Today, we are establishing a program that would accomplish two things. First, the program would award grants to minority-serving institutions to enhance the quality of undergraduate science, mathematics, and engineering education at these institutions. These grants also increase the retention and graduation rates of students pursuing bachelors degrees in science, mathematics or engineering.

Mr. Speaker, I ask that we consider this unique role and this unique need of

minority-serving institutions when we consider this important piece of legislation. I ask my colleagues on both sides of the aisle to support this bipartisan bill that is good for our Nation and good for our country.

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

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

Mr. Speaker, let me conclude by saying if a forensic expert were brought into the Committee on Science and asked to examine this piece of legislation, he would find on it the fingerprints of just about every single member of the committee, Democrat and Republican alike. The hallmark of this committee, as has been mentioned during this debate, is the inclusion. We want the ideas from everyone on the committee. I am proud to report to my colleagues in the House that this is an engaged committee. People are involved in helping to shape responsible public policy. I am very proud to serve in the capacity of chairman of a committee that is serving with such distinction addressing the needs of the American people.

We have just been through 10 years, from March of 1991 to the end of the first quarter of last year, the longest period of sustained growth in modern history for the economy. That growth was largely driven by science, math, engineering, the technical people who are part of this Information Revolution. We had a slight downturn last year, and then we had 9–11, but we are on the rebound now.

If we are to experience, to realize, the next era of sustained growth in our economy, we are going to have to be dependent on our own people, our people who are well trained, our universities that teach these very important subjects. We cannot rely on just people from abroad to come rescue us, and that is too often the case now. We have got to grow our own, right here.

And so I am proud to present this bill to the House, to my colleagues, and to urge its adoption.

Mr. SMITH of Michigan. Mr. Speaker, I rise in support of H.R. 3130, the Technology Talent Act of 2002.

For some time now, we have recognized the need to improve math and science education in America. The Science Committee, and the Research Subcommittee which I chair, has taken one of the lead roles in advancing these reforms. Last year, the House passed legislation generated by our Committee, the Math and Science Partnerships Act, that authorizes a number of programs at the National Science Foundation aimed at improving K–12 education.

More recently, we have turned our attention to an equally important problem: improving math, science and engineering education at the undergraduate level. Our Subcommittee held hearings to identify the problems of our current educational system, and more importantly, to understand how to encourage and support changes that will provide solutions to these problems that benefit all students.

What we learned was that there is no single problem that has resulted in the talent gap and workforce challenges we face today, but rather, an assortment of problems that demand a variety of solutions. Much of the problem is simply a supply and demand issue, the marketplace is increasingly demanding a workforce skilled in the sciences and engineering, while the supply of people capable of filling those positions has remained flat.

This has forced us to look to foreign students to help fill the gap, and we now are in a situation where only half of all engineering doctoral degrees in the U.S. are awarded to American students, and a similar disproportionate number of all high-tech jobs are filled by foreign workers.

One task that doesn't require scientific or engineering expertise and that can even be understood by politicians is that if we don't fill the current talent gap in these fields, we risk damaging America's position the global economic, technological, and scientific leader.

In response to these challenges, the Science Committee has put forth the bipartisan effort that is before us today—the Technology Talent Act. It establishes a performance-based competitive grant program at the National Science Foundation that would provide funding for institutions of higher learning to implement innovative proposals designed to increase the number of undergraduates graduating in math, science, engineering, and technology.

It also addresses other areas such as institutional reform and faculty development, and authorizes NSF to provide awards to universities for improving their research instrumentation and provide undergraduate students valuable research experience.

The bill takes advantage of NSF's competitive, peer-reviewed system, allowing institutions to develop their own proposals to maximize results and promote creativity.

The legislation also emphasizes accountability and regular program evaluation, institutions that fail to meet the goals set forth in their proposals may have their funding terminated or reduced.

It is clear that if we want to maintain our competitive edge in the world—if we want to remain the top economic power, the top military force, and ensure the safety of our citizens from terrorist aggression—it is critical that we do a better job of preparing our students for careers in science, mathematics, engineering, and technology. The Technology Talent Act provides the reforms necessary to meet these challenges.

I would like to thank the Chairman for his leadership on this legislation, and I urge all members to support this bill.

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

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from New York (Mr. BOEHLERT) that the House suspend the rules and pass the bill, H.R. 3130, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and submit extraneous material in the RECORD on the bill just passed, H.R. 3130.

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

There was no objection.

RECIPROCAL AGREEMENTS FOR SHARING PERSONNEL TO FIGHT WILDFIRES

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5017) to amend the Temporary Emergency Wildfire Suppression Act to facilitate the ability of the Secretary of the Interior and the Secretary of Agriculture to enter into reciprocal agreements with foreign countries for the sharing of personnel to fight wildfires.

The Clerk read as follows:

H.R. 5017

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

SECTION 1. RECIPROCAL AGREEMENTS FOR SHARING PERSONNEL TO FIGHT WILDFIRES.

The Temporary Emergency Wildfire Suppression Act (42 U.S.C. 1856m et seq.), as amended by the Wildfire Suppression Assistance Act, is amended by adding at the end the following new section:

"SEC. 5. SPECIAL TERMS FOR RECIPROCAL AGREEMENTS FOR SHARING PERSONNEL TO FIGHT WILDFIRES.

''(a) TORT LIABILITY.—In entering into a reciprocal agreement with a foreign country under section 3, the Secretary of Agriculture and the Secretary of the Interior may include as part of the agreement a provision that personnel furnished under the agreement to provide wildfire presuppression or suppression services will be considered, for purposes of tort liability, employees of the country receiving such services when the personnel provide services under the agreement.

''(b) ASSUMPTION OF LIABILITY; REMEDIES.—The Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under section 3 containing the provision described in subsection (a) unless the foreign country (either directly or through the fire organization that is a party to the agreement) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in providing wildfire presuppression or suppression services under the agreement in the foreign country. The only remedies for acts or omissions committed while providing services under the agreement shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of providing such services in a foreign country.

''(c) PROTECTIONS.—Neither the firefighter, the sending country, nor any organization associated with the firefighter shall be subject to any action whatsoever pertaining to or arising out of providing wildfire presuppression or suppression services under a reciprocal agreement under section 3.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Virginia (Mr. GOODLATTE) and the gentleman from Texas (Mr. STENHOLM) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

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

Mr. Speaker, I rise today in support of H.R. 5017, introduced by my good friend and colleague from Colorado (Mr. MCINNIS) to facilitate the ability of the Secretary of the Interior and the Secretary of Agriculture to enter into reciprocal agreements with foreign countries for the sharing of personnel to fight wildfires.

Today, as we debate this issue, large wildfires are burning across the country. Over 3.1 million acres have already been consumed and the worst may be yet to come. This bill provides a safety net for ongoing fire-fighting efforts. During these high levels of fire activity, the wildfire agencies often run out of trained and qualified personnel available to fight these horrific blazes. This legislation would allow the U.S. to bring in skilled firefighters from around the world to aid in the suppression of these overwhelming wildfires.

It is important to point out that foreign nationals can only be used when all domestic sources are fully utilized. As I speak, there are over 12,000 personnel committed to fire-fighting duties. Depending on the number and nature of the fires, that number may reach 20,000 personnel in the next couple of weeks. If this occurs, we will most likely deplete our domestic firefighting sources. The next step would be to inquire for help from our international neighbors in battling the wildfires or risk losing more property and life.

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Unfortunately, current law exposes foreign fire agencies to unreasonable liability when responding to requests by the U.S. Government during a national emergency. Consequently, exchanges or requests for assistance during the critical part of fire season will not be honored by foreign firefighters. This bill provides foreign agencies and their firefighters coverage from liability during performance of official duties and will not expose the U.S. Government to liability or death or disability for foreign nationals that are covered under the foreign agencies' normal insurance policies.

This bill supplies the protection needed in order for foreign fire management agencies to provide firefighters to the United States. It does not grant special protection to foreign firefighters. It simply provides the same level of protection that we give our own firefighters and the firefighters we use from State, county, volunteer and municipal fire agencies for Federal firefighting efforts.

This legislation strives to ensure that we will have the ability to commit more personnel as fire situations escalate. It ensures our Nation's commitment to combating wildfires and provides assistance and relief to our domestic firefighters.

I urge the Members of this body to join me in taking this important step today. By passing H.R. 5017, we can renew our efforts for wildfire suppression and build strong working relationships with our foreign counterparts. Join me in declaring a strong commitment to firefighting.

I congratulate my colleague from Colorado for this fine legislation and urge my colleagues to support H.R. 5017.

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

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

Mr. Speaker, I rise in support of H.R. 5017, legislation to amend the Temporary Emergency Wildfire Suppression Act. As we have heard, this legislation is designed to promote and facilitate the implementation of reciprocal firefighting agreements with foreign countries for the purpose of sharing personnel to fight wildfires.

Specifically, H.R. 5017 will require that personnel furnished under reciprocal firefighting agreements be considered employees of the country receiving the assistance for purposes of tort liability. Mr. Speaker, these agreements with foreign fire organizations are essential to suppress wildfire activities within our national forest system.

At the height of the forest fire season in the United States, we may have up to 12,200 firefighting personnel on the ground executing various fire suppression duties. The conditions that these men and women face often demand speedy alterations to existing firefighting plans if the forest fire takes an unexpected path. In order to minimize the risk of loss of life and property, our firefighting crews need experienced supervision and guidance at all times.

Unfortunately, with 244 significant forest fires burning simultaneously, the supervisory capacity of the U.S. Forest Service and the U.S. Department of the Interior are stretched to the limits. As a remedy to this problem, the United States has sought the assistance of mid-level managers from Australia and New Zealand by entering into reciprocal firefighting agreements.

H.R. 5017 would eliminate the risk of tort liability to foreign firefighters and their governments while foreign personnel are providing assistance to the United States. The foreign firefighters would be considered to be Federal employees for the limited purpose of securing them coverage under the Federal Tort Claims Act.

This legislation would also require that foreign countries or States extend a reciprocal benefit to United States firefighters in the event the United States provides personnel to them, and it would make the laws of the host country the only source of remedies available for acts and omissions in firefighting activities in the host country. Under this legislation, foreign firefighters can readily assist us without the fear of being subjected to lawsuits.

This legislation further provides that the tort liability protection would extend to not only the firefighter but also the individual's home country and any organization associated with the firefighter.

Mr. Speaker, this legislation removes barriers to the effective implementation of reciprocal firefighting agreements with foreign fire organizations. It will increase the effectiveness of our forest fire suppression activities. I urge my colleagues to support this legislation.

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

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

My district in the State of Virginia has been struck by many severe forest fires this season, but thankfully nothing like what has been experienced in the State of Colorado, and I am sure that that accounts for the leadership that the gentleman from Colorado (Mr. MCINNIS) has shown in introducing this legislation. He also serves as chairman of the Subcommittee on Forests and Forest Health of the Committee on Resources.

Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. MCINNIS).

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

Mr. MCINNIS. Mr. Speaker, I thank the gentleman for yielding me the time, and I would like to first of all begin my remarks by saying that I appreciate the gentleman from Virginia's time, his subcommittee, and obviously his attention to this matter and the urgency of getting this bill passed. It is a critical bill.

I appreciate the comments the gentleman from Texas (Mr. STENHOLM) made. They were all exactly on point. I think he has explained very well the crisis we face.

My district is the Third District of the State of Colorado. That district geographically is larger than the State of Florida. It is unique in that it is the highest place on the continent, and we do not usually see the kind of fires because of the elevations that we are at in that district, we do not usually see the intensity of the fire that we are seeing this year.

That intensity, of course, has been brought on through a couple of different factors. One, we are experiencing the worst drought we have seen probably in 100 years in Colorado, and two, unfortunately, we have had a number of national environmental organizations who have, in my opinion, prevented us from thinning the forest in such a way that we can properly manage these forests, but those are issues for another day.

The issue before us here today, as explained by the gentleman from Texas (Mr. STENHOLM) and as explained by the gentleman from Virginia (Mr. GOODLATTE), is the fact that emergency personnel, our firefighters, this is a very difficult task to undertake.

Last year, as my colleagues will recall, we appropriated a dramatic increase in the firefighting budgets back here. We authorized a hiring of thousands of new firefighters. We have actually purchased 10,000 new pieces of fire equipment which range in everything from tankers to bulldozers and so on, but this year, even that is not enough, and we need some assistance.

There is no effort whatsoever nor any actual occurrence of any displacement of any American worker by using foreign assistance. In fact, for many years we have used this foreign assistance primarily with Australia and New Zealand, and that is pretty self-explanatory in that Australia and New Zealand have opposite seasons of the United States. So while we are in our summer, right now they are in their winter, and we actually have an exchange program that is in place.

Unfortunately, the Australians became very concerned, and I think legitimately concerned, about the fact of their firefighters being in the United States, with the kind of litigious society that we have. We have lots of lawsuits filed in this country, many, many, many, many times more than any other country in the world, and Australia and New Zealand are reluctant to send their firefighters up here, then to see their firefighters trying to help our country fight our fires ending up being named in litigation.

So this bill is very, very important for us to pass on an immediate basis. This bill was introduced by me about a week ago. It is very uncommon in the House of Representatives for a bill to go through the House this quickly. The only way we were able to do that, frankly, is through the assistance of not only the chairman and the gentleman from Texas (Mr. STENHOLM), the ranking member, but I also want to thank five other members of the body; the gentleman from Utah (Mr. HANSEN), who is chairman of Committee on Resources; the gentleman from Illinois (Mr. HYDE), chairman of the Committee on International Relations; the gentleman from Texas (Mr. COMBEST), the chairman of the Committee on Agriculture; and the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary; as well as the gentleman from Arizona (Mr. FLAKE), who gave a great deal of effort and who himself has suffered a 450,000-acre fire in Arizona.

Before I finish my comments here, and I do have to read some comments for the RECORD, I do want to point out that the State of Colorado and the State of Arizona are open for business. I wish I would have brought my satellite picture. Despite all the stories my colleagues have heard about Colorado, if we took a look at what actually has burned in Colorado, we would see it is significantly less than 1 percent. Unfortunately, across the country, because of the media coverage of these horrible fires, these fires have people thinking the whole State is on fire, and we have seen a tremendous drop in our tourism, not only in Colorado but Arizona as well, for no reason at all. The majority, like I said, 99 point some percent of Colorado, is open for tourism, and it is a great place to visit, as is Arizona.

That said, I want to point out that in the season that we are facing, here are a couple of unique things. One, we go to what we call a level 5. Across this country, the national fire emergency system, our alert system goes clear to level 5. Level 5 is the highest and we are now currently in a level 5 situation. It is not unique that we go to a level 5 situation. In fact, we have done it several times in the past, but what is unique is we have never gone to a level 5 system prior to July 28. We actually went to level 5 two weeks ago. So we are almost 6 weeks, almost 6 weeks ahead of what we have ever gone to in this emergency status before.

So my colleagues can understand the importance of getting this exchange program back on track. As I said, it was already in place. We are not creating a new wheel here. It is a wheel that got taken off the track, and we are trying to put it back on the track.

I should point out also that the National Interagency Fire Center, in declaring this readiness number 5, also acknowledges the importance of these management personnel that our countries exchange.

I would ask support from my colleagues, and once again, I want to particularly thank my colleagues that helped us get this through on an expedited basis. Any one of those chairmen of any one of those committees could have slowed this bill down, could have insisted that this bill run the regular course that a bill usually runs, but every one of those chairmen, to the person and to the credit of the chairman and ranking member, understood the urgency and the importance of getting assistance out there on the ground fighting these fires.

We expect a very full fire season ahead of us. We expect, as my colleagues know, and I would point out, unfortunately, we have had fatalities so far. We had a fireman killed in Durango, and to his family we wish Godspeed. We lost five firemen not very far from my house on the highway in a vehicle accident as they were going to the scene of a fire, and Godspeed to their families as well, but we are going to get them assistance.

I would ask all of my colleagues to support this. I expect unanimous support of the bill, and I will be back with discussions on this floor to talk about the necessity of thinning forests, to talk about the litigation and the appeal process that has stopped us from thinning and managing these forests as we should. Fire must be managed. We just cannot let it go. We have seen the results of what has happened when it gets out of control, and fortunately, we have a couple of countries willing to help us out.

Again, I want to especially thank the ranking member and the chairman.

Mr. Speaker, I rise today in strong support of H.R. 5017, a bill that would amend the Temporary Emergency Wildfire Suppression Act to enhance the ability of the Secretary of the Interior and the Secretary of Agriculture to enter into reciprocal agreements with foreign countries for the sharing of personnel to fight wildfires. At the outset, I want to thank five Members of this body who have been nothing short of essential in getting this bill to the House floor in very short order—Congressman JIM HANSEN, chairman of the Resources Committee, Congressman HENRY HYDE, chairman of the International Relations Committee, Congressman LARRY COMBEST, chairman of the Agriculture Committee, and Congressman JIM SENSENBRENNER, chairman of the Judiciary Committee and JEFF FLAKE. Each of these Members, and their respective staffs, were instrumental in fast tracking this legislation to the full House today, less than 2 weeks after I first introduced it.

In practical terms, H.R. 5017 would clear the way for scores of firefighters from Australia and other countries to immediately join forces with the thousands of brave Americans on the frontlines of our battle against catastrophic wildfire out West and in other parts of the country. And make no mistake about it, Mr. Speaker, we need all the reinforcements we can get.

The 2002 fire season is well on its way to becoming among the largest and most destructive in recorded history. It is on pace to eclipse the catastrophic 2000 fire season when 122,000 fires burned 8.5 million acres, destroying over 800 homes and structures. Already this year, we've burned well over 3 million acres, which by itself is nearly three times the average for an entire year. What's most alarming about this statistic is that, historically, wildfire burns the hottest, largest, and most frequent in the latter parts of July and into August and September. The wildfire forecast for the coming months, Mr. Speaker, is ominous indeed.

In response to this growing crisis on the national forests and public lands, the National Interagency Fire Center recently declared a national preparedness level of 5, the highest readiness threshold for our wildland firefighting agencies. This heightened readiness stage allows the Forest Service and Department of Interior agencies to more readily tap the assets of the military and other agencies not typically oriented to fighting wildfires. The Readiness 5 declaration was Uncle Sam's way of saying it's time to deploy all available resources, and pull out all available stops.

But even as we do, we would be remiss not to tap into the formidable human resources of our friends and allies overseas, many of whom have considerable experience fighting wildfire. Countries like Australia and New Zealand have particular appeal in this regard because their fire season occurs during our winter months, making their firefighters open and available during our fiery summer months.

Congress recognized this years ago with the enactment of the Temporary Emergency Wildfire Suppression Act, where it authorized the Secretaries of Interior and Agriculture to enter into reciprocal arrangements that, in essence, amount to a foreign firefighter exchange program. These reciprocal agreements allow us to borrow on the expertise of foreign firefighters when a need arises, and vice-versa.

In 2000, this authority was particularly useful. Firefighters from Australia and New Zealand fought shoulder-to-shoulder with American firefighters at a time when we quite frankly needed the help. By all accounts the exchange program was a huge success.

Which brings us to today. While the Wildfire Suppression Act has been a huge help and major success, new exchange agreements have been stalled because of legitimate liability concerns on the part of Australia and other countries with whom we have historically partnered. Our bill would address those concerns in straightforward fashion by eliminating the risk of tort liability to foreign firefighters and their governments while foreign personnel are providing assistance to the United States. It requires that foreign nations extend a reciprocal tort claims benefit to United States firefighters in the event the United States provides similar assistance to them. The proposed legislation would also deem foreign firefighters to be federal employees for the limited purpose of securing them coverage under the Federal Tort Claims Act. Finally, it would make the laws of the host country the only source of remedies available for acts and omissions in firefighting activities in the host country.

Mr. Speaker, I've been told that there are 100 or so Australian firefighters all but on the tarmac ready to fly out to the United States to join our firefighting forces pending the enactment of this legislation. This highly skilled group will provide support in the place that it's needed the most right now—management caliber firefighters directing and overseeing rank-and-file firefighters on the front lines. This bill will ensure that this area of need is met in a meaningful way for the duration of this and future fire seasons.

Mr. Speaker, this is a commonsense bill that is a real priority for Secretary Norton and Secretary Veneman, just as it is for me. I hope and trust that my colleagues will join with me in supporting it.

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

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

The other State that was referenced by the gentleman from Colorado that has been absolutely devastated by wildfires this summer is the State of Arizona, and I thank very much the gentleman from Arizona (Mr. FLAKE) for his contribution to this legislation and his efforts to make sure that firefighting capabilities in the State of Arizona, as well as the rest of the country, are supplemented with foreign firefighters as we need them, and I thank him for that effort.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. FLAKE).

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

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

Mr. Speaker, I do come from the State of Arizona where we have had 450,000 acres burn already this year. The entire West, as mentioned by the gentleman from Colorado, is a tinderbox at this point. We are at level 5, the first time we have reached level 5 this early in the year.

Arizona, as mentioned, lost about 600 square miles to fire. We still have a lot of Ponderosa pine forest left. We have the largest stand of Ponderosa pine forest in the country. Many of my colleagues, particularly from the East Coast, were surprised to hear that we had forests in Arizona, let alone that they were burning.

We had a horrible fire that was finally contained after 2 weeks, contained fully on Sunday. That fire is contained, but I can tell my colleagues that this season is not done, and this legislation recognizes the need to have firefighters, particularly in a management capacity, come here and to ensure that we have the forces necessary to put out these fires.

When the lightning seasons hit, we had some lightning just a couple of days ago, five new fires started quickly, had to be suppressed, and we are going to see a lot more of that this year. So it is very important that we pass this legislation.

I thank the gentleman from Colorado for introducing it and for the chairmen, as he mentioned, who moved it so quickly to this point.

We have a situation in Arizona and throughout the West where we have far too much fuel that allows these fires to burn far hotter and spread far faster than they would otherwise. These are things that we need to address as we look to the future, but for now, we need to ensure the firefighters are on the ready. That is what this legislation does.

I urge my colleagues to support it when it comes to the floor.

Mr. Speaker, In August of 2000, 68 firefighters from Australia arrived in Montana to help their American counterparts bring wildfires under control. At that time more than 70 fires were burning in 12 U.S. states that prompted the call for assistance.

After devastating wildfires in 2000, long-term agreements were negotiated with Australia and New Zealand. These agreements have not been implemented, however, due to concerns that the foreign firefighting personnel would face liability for alleged torts committed while their personnel were furnishing assistance to the U.S. Over 450,000 acres of land burned in the widely publicized fire of Arizona.

The National Interagency Fire Center has declared a state of ''Preparedness Level 5''—indicating the highest level of risk and the need for the greatest degree of preparedness due to the severity of fire season conditions. For safety purposes, for every twenty firefighters on the front line of a fire there must be one management level firefighter to supervise and ensure the safety of the men in the field. Fourteen days ago when this legislation was introduced, the Hayman fire was still burning in Colorado and the Rodeo-Chedeski fires were raging in Arizona. Various other fires were also burning; together they were almost expending the resources we have available to fight these blazes.

At that point there was a strong concern that there wouldn't be enough management level personnel to keep all the necessary frontline firefighters fighting the blazes. This legislation prevents that from occurring. The legislation before us makes it possible to ensure sufficient management level firefighters in the event of catastrophic fires by providing protections to firefighters, sending countries and any organization associated with the firefighter from any liability resulting from actions taking place while fighting fires here in the United States.

Also provided within the legislation is a reciprocal agreement providing the same protection to American firefighters who go to other countries to assist in fire suppression or firefighting. With the West experiencing a severe drought and one of the worst fire seasons it has ever seen on record, fire managers are expecting a busy summer.

Remove the constraints that prevent management level firefights from ensuring we can meet the demands of this season. Support this legislation.

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Mr. STENHOLM. Mr. Speaker, I urge support of the bill, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 5017.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5017, the bill just considered.

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

There was no objection.

IMPROPER PAYMENTS INFORMATION ACT OF 2002

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4878) to provide for reduction of improper payments by Federal agencies, as amended.

The Clerk read as follows:

H.R. 4878

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Improper Payments Information Act of 2002''.

SEC. 2. ESTIMATES OF IMPROPER PAYMENTS AND REPORTS ON ACTIONS TO REDUCE THEM.

(a) IDENTIFICATION OF SUSCEPTIBLE PROGRAMS AND ACTIVITIES.—The head of each agency shall, in accordance with guidance prescribed by the Director of the Office of Management and Budget, annually review all programs and activities that it administers and identify all such programs and activities that may be susceptible to significant improper payments.

(b) ESTIMATION OF IMPROPER PAYMENT.—With respect to each program and activity identified under subsection (a), the head of the agency concerned shall—

(1) estimate the annual amount of improper payments; and

(2) include that estimate in its annual budget submission.

(c) REPORTS ON ACTIONS TO REDUCE IMPROPER PAYMENTS.—With respect to any program or activity of an agency with estimated improper payments under subsection (b) that exceed one percent of the total program or activity budget or $1,000,000 annually (whichever is less), the head of the agency shall provide with the estimate under subsection (b) a report on what actions the agency is taking to reduce the improper payments, including—

(1) a statement of whether the agency has the information systems and other infrastructure it needs in order to reduce improper payments to minimal cost-effective levels;

(2) if the agency does not have such systems and infrastructure, a description of the resources the agency has requested in its budget submission to obtain the necessary information systems and infrastructure; and

(3) a description of the steps the agency has taken to ensure that agency managers (including the agency head) are held accountable for reducing improper payments.

(d) DEFINITIONS.—For the purposes of this section:

(1) AGENCY.—The term ''agency'' means an executive agency, as that term is defined in section 102 of title 31, United States Code.

(2) IMPROPER PAYMENT.—The term ''improper payment''—

(A) means any payment that should not have been made or that was made in an incorrect amount (including overpayments and underpayments) under statutory, contractual, administrative, or other legally applicable requirements; and

(B) includes any payment to an ineligible recipient, any payment for an ineligible service, any duplicate payment, payments for services not received, and any payment that does not account for credit for applicable discounts.

(3) PAYMENT.—The term ''payment'' means any payment (including a commitment for future payment, such as a loan guarantee) that is—

(A) made by a Federal agency, a Federal contractor, or a governmental or other organization administering a Federal program or activity; and

(B) derived from Federal funds or other Federal resources or that will be reimbursed from Federal funds or other Federal resources.

(e) APPLICATION.—This section—

(1) applies with respect to the administration of programs, and improper payments under programs, in fiscal years after fiscal year 2002; and

(2) requires the inclusion of estimates under subsection (b)(2) only in annual budget submissions for fiscal years after fiscal year 2003.

(f) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall prescribe guidance to implement the requirements of this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HORN) and the gentlewoman from Illinois (Ms. SCHAKOWSKY) will each control 20 minutes.

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

GENERAL LEAVE

Mr. HORN. 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 H.R. 4878.

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

There was no objection.

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

Mr. Speaker, H.R. 4878, the proposed Improper Payments Information Act of 2002, is intended to get a handle on the vexing problem of improper payments made by Federal agencies. The few agencies that do make estimates for some of their programs report improper payments of about $20 billion.

Each year, the Federal Government wastes countless billions of taxpayer funds on improper payments. Some of these payments result from fraud or abuse. Many others represent simple mistakes. What all of these improper payments have in common is that they should never have been made.

I refer to countless billions of dollars in improper payments because no one really knows the magnitude of the problem. Incredible as it may seem, Federal agencies are not required on any kind of government-wide or systematic basis to estimate how much money they spend improperly. Therefore, most do not even try. The few agencies that do make estimates for some of their programs report improper payments of about $20 billion annually, and I will say that again, $20 billion, not million dollars, billion dollars, every single year in just a handful of Federal programs.

Staggering as that figure is, it represents the tip of a very large iceberg. For example, during fiscal year 2000, the Department of Health and Human Services estimated it made more than $12 billion in improper payments in its Medicare fee-for-service program, but the figure did not include any improper payments that might have been made in the Medicaid. No one, including the General Accounting Office, has estimated that figure.

The obvious starting point toward reducing improper payments made by the Federal Government is to understand the nature and extent of the problem. The agencies and Congress must find out which programs are at risk and what causes those risks. Only then can we find effective remedies.

The President's Management Agenda for fiscal year 2002 has made the reduction of improper payments a real priority. H.R. 4878 builds upon that very first step by the Bush administration by requiring Federal agencies to identify the programs that are vulnerable to significant improper payments.

Currently, only eight agencies report on improper payments made in 13 programs out of hundreds of Federal agencies and programs. This bill would require all agencies to include in their budget submissions an estimate of improper payments for each program that might be susceptible to significant improper payments. If an agency estimates that improper payments in a program exceed $1 million a year, or 1 percent of the total program budget, whichever is lower, the agency would also have to explain what it is doing to reduce them.

Since the 104th Congress, the subcommittees I have chaired have held approximately 100 hearings on wasteful spending within the Federal Government. Time and again witnesses from the General Accounting Office and agency inspectors general have told the subcommittee that poor accounting systems and procedures have contributed to the government's serious and long-term problems involving improper payments. These hearings have clearly demonstrated the need for H.R. 4878.

In fact, at a recent subcommittee hearing, General Accounting Office witnesses stated that this legislation is critically important. Based on these hearings, the subcommittee marked up H.R. 4878 on June 18, 2002.

H.R. 4878 is a bipartisan and common-sense bill. I am pleased that the ranking member of the subcommittee, the gentlewoman from Illinois (Mr. SCHAKOWSKY), and our full committee chairman, the gentleman from Indiana (Mr. BURTON), and the gentlewoman from New York (Mrs. MALONEY) are among those cosponsoring the bill, and I urge all my colleagues to support this important bill.

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

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

I am pleased to be on the floor today with the gentleman from California to support passage of this bill. I thank the chairman for his willingness to work with the Democrats on the committee to produce a bill that we can all support.

As the chairman pointed out, this is a bill to make agencies more keenly aware of the problem of improper payments and to get the agencies to address the problem at the front end. We have learned from our work on debt collection that collecting improper payments is more difficult than avoiding the mistakes in the first place. The problem is that there is no incentive for agencies either to collect debt or to avoid improper payments.

Improper payments occur in a number of ways: Agencies pay invoices more than once, some unscrupulous merchants bill agency credit cards when no purchase has been made, and

the agency does not adequately monitor the bills.

Medicare is a large source of improper payments because of the conflict between the deadline for making payments and the length of time it takes to determine if the patient has private insurance. Medicaid is also a source of improper payments, in part from unscrupulous providers. However, Medicaid has yet to estimate the extent of the problem.

It is also the case that improper payments are made to individuals. These cases often arise because of difficulties in determining eligibility for a program like food stamps or Social Security disability. Often those problems are not the fault of the recipient, but come from errors in administering the program.

These programs serve the weak and downtrodden. The program rules are such that most tax accountants would have a difficult time figuring them out. It is especially important in these cases that we make sure the agency gets it right the first time. If it does not, then months or years later the agency discovers the error and tries to recapture the mispayments from the individual. This is an extreme hardship on those individuals. We must not let agency mistakes become another burden on the poor.

I hope this bill will help those agencies develop a better understanding of how these mistakes come about and correct the mistakes before they happen.

Again, Mr. Speaker, I thank the chairman for working with us to bring this bill to the floor.

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

Mr. HORN. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma (Mr. SULLIVAN), who is a hard-working member of the subcommittee and who we are delighted to have; and before he begins, I wish to thank the gentlewoman for her kind comments and her work on this particular bill.

Mr. SULLIVAN. Mr. Speaker, I thank the gentleman from California (Mr. HORN) for all his hard work in making this bill possible and making the government accountable to the people in America.

This bill is extremely important. When we talk about accountability from the Federal Government, this is exactly the kind of bill that America thinks of. An improper payment, as defined by the bill, includes overpayments, underpayments, duplicate payments, payments to ineligible recipients, payments for ineligible services, and payments for services not received.

Countless billions of dollars of taxpayer funds are wasted each year through improper payments. However, the extent of improper payments in the Federal Government is unknown since Federal agencies are not required by law to estimate or report them.

In 1990 and 1994, Congress passed important pieces of legislation to make government more transparent to its stockholders, the American people. Twenty-four agencies are required to prepare audited financial statements, and several agencies voluntarily prepare such statements. H.R. 4878 will require executive agencies to identify all spending programs that may be vulnerable to significant improper payments and to annually estimate the amount of improper payments involving those programs.

This is an extremely important topic, given the tightening of the Federal belt of late and the need to keep our country strong during this time of war and economic concern.

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

Mr. Speaker, I just really want to end with this. H.R. 4878 tightens up the Federal Government's accounting practices. This is a good thing. We need to be sure that the way we do business is on the up-and-up, and we clearly need to do more to require corporate America to do the same.

We are asking government agencies to improve the management and accountability of the agencies. We must ask the same of corporate leaders. They must be accountable for the company's financial health, be honest with the public, and there must be consequences for breaching those trusts. For years, we have asked government to act more like a business. We need to turn that around and ask businesses to be as accountable as the government.

H.R. 4878 is based on the principle that making information publicly available will change the way people and agencies behave. This is underscored by the activities of Enron and WorldCom. They knew that if the public was aware of what they were doing, the company would falter, and so they tried to spin their way out of trouble.

I think the steps that we are taking today in terms of government accountability are important, and that we should seek unanimous support from our colleagues, but also we need to think about ways that we can extend these practices and make sure that corporate America abides by these same government rules.

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

□ 1415

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

Mr. Speaker, I would like to thank the staff that worked very hard, night and day, on this particular bill. That is staff director Russell George; deputy staff director Bonnie Heald; senior counsel Henry Wray; and we are proud to have a very fine young lady from the General Accounting Office, Rosa Harris, who is a detailee to our subcommittee, and she has done a great job on all things related to financial management.

I also thank David McMillian, the professional staff member for the gentlewoman from Illinois (Ms. SCHAKOWSKY). We also are delighted with his ideas. This is a bipartisan bill.

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

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

Mr. Speaker, once again I would like to thank the chairman for his willingness and openness and cooperation with the Democrats, and I would also like to take a moment of personal privilege to commend the chairman for always thanking the hard-working staff of both parties for the hard work that they do, both in committee and on the floor. I think it is a wonderful thing to acknowledge that work. I would like to join him and associate myself with his appreciation and congratulations for the hard work of our staff.

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

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and pass the bill, H.R. 4878, as amended.

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

The title of the bill was amended so as to read: ''A bill to provide for estimates and reports of improper payments by Federal agencies.''.

A motion to reconsider was laid on the table.

CONCERNING RISE IN ANTI-SEMITISM IN EUROPE

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 393) concerning the rise in anti-Semitism in Europe, as amended.

The Clerk read as follows:

Whereas there can be no justification for violence or intolerance against minorities;

Whereas the 1993 Helsinki Declaration expressed the commitment of its signatories, including all European member states, to the promotion of tolerance toward minorities;

Whereas there has been a significant rise in anti-Semitic verbal incitement and physical attacks on Jewish people and Jewish institutions throughout Europe during the last 18 months with as many as 400 incidents reported in France;

Whereas anti-Semitism is defined as hostility towards Jews;

Whereas certain groups in Europe have exploited the situation in the Middle East as an excuse to carry out violent acts against Jews;

Whereas, although the continued violence in the Middle East is disturbing and must be resolved, exploiting that violence to fuel hostility or violence against Jews and Jewish institutions is reprehensible;

Whereas, according to news reports, the following anti-Semitic attacks are among those which have taken place in Europe in recent weeks—

(1) on March 3, Molotov cocktails were thrown at a synagogue in Antwerp, Belgium,

(2) on March 16, an explosive device was thrown into a Jewish cemetery in Berlin, Germany,

(3) on March 30, two vehicles were smashed at La Duchere synagogue in Lyon, France, and a kosher butcher shop was strafed by gunfire in Toulouse, France,

(4) on April 1, a Jewish school was attacked in Sarcelles, France, a firebomb was thrown at the Anderlecht synagogue in Brussels, Belgium, the Or Aviv synagogue (including its Torah scrolls) in Marseille, France, was destroyed by fire, and two Yeshiva students from New Jersey were brutally beaten in Berlin, Germany,

(5) on April 4, vehicles belonging to a Jewish school were burned in Aubervilliers, France, and a synagogue in Montpellier, France, was firebombed,

(6) on April 6, a Jewish sports association storefront was firebombed in Toulouse, France,

(7) on April 11, in Bondy, France, a Jewish soccer team was attacked with sticks and metal bars after the attackers shouted anti-Semitic remarks,

(8) on April 12, a Jewish cemetery was desecrated in Strasbourg, France,

(9) on April 13, synagogue worshipers were attacked in Kiev, Ukraine, and

(10) on May 1, in the Finsbury Park synagogue in London, England, vandals defaced prayer books and painted swastikas throughout the sanctuary;

Whereas anti-Semitic attacks are not confined to a single European nation;

Whereas President Bush, speaking for the American people, has rejected ''the ancient evil of anti-Semitism'' making specific reference to anti-Semitism in Europe; and

Whereas Europe, in view of its history, should be particularly sensitive to the scourge of anti-Semitism and anti-Semitic violence: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the governments of Europe should continue to take necessary steps to provide security and to protect the safety and well-being of their Jewish communities;

(2) the governments of Europe should deplore anti-Semitic expressions and should prosecute and punish perpetrators of anti-Semitic violence; and

(3) the governments of Europe should continue to make a concerted effort to cultivate an atmosphere in which all forms of anti-Semitism are rejected.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 393, the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H. Res. 393, expressing the sense of the House concerning the rise of anti-Semitism in Europe. I thank the gentleman from New York (Mr. CROWLEY) for introducing this important resolution and for the support of the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on International Relations, and the ranking member, the gentleman from California (Mr. LANTOS).

H. Res. 393 discusses many reported anti-Semitic crimes over the past 18 months, including 400 incidents reported in France alone. The resolution recites a number of these anti-Semitic crimes that have occurred over the past few years. It calls upon European governments to take necessary steps to ensure the well-being of their Jewish communities and to speak out against anti-Semitic expressions, to prosecute perpetrators of anti-Semitic violence, and to cultivate an atmosphere in which all forms of anti-Semitism will be rejected.

Since the outbreak of Palestinian violence in Israel almost 2 years ago, the European continent has witnessed an upsurge in violent anti-Semitic attacks directed at both Jewish institutions and individuals. It has been unprecedented in magnitude and brutality since World War II.

Anti-Semitic crimes, including the intentional destruction and desecration of synagogues and other Jewish institutions, as well as violent assaults against individual Jews, are not isolated to any particular neighborhood or to any particular city or to any particular country of Europe. Rather, outbursts of anti-Semitic violence have come to plague the entire continent. Our allies of Europe have not done enough until now either to recognize the seriousness of this problem for its urgency or to take any decisive action against those who fuel hatred and perpetrate criminal acts against Jewish populations.

The results of a recent Anti-Defamation League opinion survey concerning European attitudes toward Jews, towards Israel and the Palestinian-Israeli conflict conducted in Belgium, Denmark, France, Germany, and the United Kingdom reveal that 30 percent of Europeans surveyed harbored traditional anti-Semitic stereotypes and approximately one-third of French and Belgian respondents said they were unconcerned or fairly concerned about ongoing anti-Jewish violence in Europe. Those results are certainly distressing.

Many European governments have been unwilling to recognize the seriousness of this problem until now many months after the outbreak of a violent campaign targeting Jews without impunity.

The decision of some European leaders to treat this phenomenon as if it were nothing more than an occasion of inter-communal strife between Jews and Muslims, rationalized by some as the product of legitimate, pent-up anger and frustration is certainly troubling.

Such thinking is dangerous. It represents an unwillingness to recognize the uniqueness of anti-Semitism as a form of hatred, especially in light of Europe's troubled history in that regard. What the Jews of Europe are witnessing now is not some broader phenomenon so readily characterized as a problem in community relations or racism. Rather, by attempting to characterize the recent anti-Semitic violence in such terms, European leaders are doing nothing more than obfuscating, or even denying the unique problem at hand, and are thereby, in effect, permitting it to continue.

Decisive action against perpetrators of anti-Semitic crimes in Europe must be taken, including the pursuit and prosecution of suspects, as well as the upgrading of security at Jewish institutions. But even more important, the nature of the problem must be recognized for what it truly is. The problem I am talking about is the intentional, deliberate targeting of Jews simply because they are Jews, as well as the desire to use the crisis in Israeli-Palestinian relations as a pretext for terrorizing Jews simply due to their religious affiliation and not due to any actual harm they may have caused to anyone else. A central tenet of H. Res. 393 is that exploiting the violence in the Middle East to fuel hostility or violence against Jews and Jewish institutions is reprehensible.

I applaud today's U.S.-German public meeting in the city of Berlin on the issue of anti-Semitism, and I urge member and observer states of the Organization for Security and Cooperation in Europe to seize this opportunity of the current annual session of their Parliamentary Assembly to hold a special meeting on anti-Semitism.

Accordingly, I urge Members to vote for H. Res. 393, which sends a strong message that the well-being of the Jews of Europe half a century after the Holocaust remains a serious concern of the United States to this very day, and will remain a priority of ours. President Bush has rejected this problem calling it ''this ancient evil.''

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

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

Mr. Speaker, as the only survivor of the Holocaust ever elected to the Congress of the United States, I want to commend the gentleman from New York (Mr. CROWLEY), a valued member of our committee, for his outstanding resolution and for his untiring efforts in calling attention to the scourge of anti-Semitism in Europe. I also want to thank the distinguished gentleman from Illinois (Mr. HYDE) for expediting the consideration of this resolution and the gentleman from California (Mr. GALLEGLY), who has been most cooperative in bringing this resolution before us today. But I particularly want to express my personal gratitude to the distinguished chairman emeritus of the Committee on International Relations who during his entire distinguished career in this body has been a powerful champion for human rights and against all forms of discrimination, the gentleman from New York (Mr. GILMAN).

Mr. Speaker, anti-Semitism in Europe has resulted in vicious attacks

against Jews on an almost daily basis. Our resolution highlights some of these incredibly brutal, medieval incidents.

In France, Jewish organizations recorded more than 300 anti-Semitic attacks in the month of April alone: Desecration of Jewish cemeteries, physical and verbal assaults against Jewish children in playgrounds and on soccer fields, fire bombing and vandalizing of Jewish institutions.

In Belgium, the headquarters of the European Union, rabbis and other Jewish community leaders have been repeatedly assaulted, and worshipers have been attacked on their way to and from synagogues.

In England, dozens of threats and physical assaults against Jews have been reported in recent months. Just a short while ago, a suburban London synagogue was vandalized, religious artifacts were defaced, and crude swastikas were painted throughout the building.

In Germany, some 127 anti-Semitic incidents were reported during the first quarter of this year. In Berlin, a Jewish hospital was ransacked and Jews have been beaten.

Mr. Speaker, we cannot instantaneously change the attitudes of many Europeans who for a long period of time have been holding anti-Semitic views. A survey conducted by the Anti-Defamation League last month in Belgium, Denmark, France, Germany and the United Kingdom found that almost one-third of the residents of those countries harbor traditional anti-Semitic stereotypes.

The problem is clear, and the response must be equally clear. Our strong resolution today calls upon the governments of Europe to take all necessary steps to protect the safety and well-being of their Jewish communities and to cultivate an atmosphere of cooperation and reconciliation among their Jewish and non-Jewish residents.

There are positive and concrete steps that the European governments must take. Government officials cannot stop what people think; but they can set an example of tolerance, and they can act quickly and decisively to punish those who perpetrate racially- and religiously-based violence.

□ 1430

Government leaders can and must publicly and quickly condemn anti-Semitic incidents, and they should condemn them for what they are, unadulterated anti-Semitism, not merely spillover from the Middle East, as some would have it labeled. This merely obfuscates the issue.

Government leaders must insist that these incidents of racism and bigotry are quickly and carefully investigated and that their perpetrators are prosecuted to the fullest extent of the law. It is not sufficient or acceptable for government officials to tell Jews to refrain from wearing distinctive religious clothing, as happened in at least one European country. That puts the onus on the victim and not on the perpetrator.

Mr. Speaker, the distinguished head of the Anti-Defamation League made reference to a recent disturbing survey of anti-Semitism in Europe that was conducted by the Anti-Defamation League.

My good friend, Abe Foxman, National Director of the ADL, wrote an excellent article discussing the survey results and the very disturbing phenomenon of anti-Semitism in Europe entitled ''Europe's Anti-Israel Excuse.'' Abe Foxman provides excellent insight into how the current Israeli-Palestinian conflict has led to the resurrection of widespread open anti-Semitism in Europe. As a Holocaust survivor, Mr. Foxman brings a unique perspective about the dangers of bigotry and prejudice, since he personally experienced the effects of widespread, unchallenged anti-Semitism in the 1940s.

With European governments turning a blind eye to anti-Semitism and dismissing attacks on Jews as merely a reaction to the Israeli-Palestinian conflict, Mr. Foxman correctly observes that the future of Jewish life in Europe is in question.

Mr. Speaker, I will include for the RECORD Mr. Foxman's article in its entirety, and I urge all of my colleagues to give it the serious and thoughtful attention it deserves.

Mr. Speaker, I again commend my good friend and distinguished colleague, the gentleman from New York (Mr. CROWLEY), for bringing this resolution to our attention. I urge all of my colleagues to support it.

Mr. Speaker, I include the Abe Foxman article entitled ''Europe's Anti-Israel Excuse'' for the RECORD.

EUROPE'S ANTI-ISRAEL EXCUSE

(By Abraham H. Foxman)

Throughout history a constant barometer for judging the level of hate and exclusion vs. the level of freedom and democracy in any society has been anti-Semitism—how a country treats its Jewish citizens. Jews have been persecuted and delegitimized throughout history because of their perceived differences. Any society that can understand and accept Jews is typically more democratic, more open and accepting of ''the other.'' This predictor has held true throughout the ages.

During the Holocaust, Jews and other minorities of Europe were dispatched to the camps and, ultimately, their deaths in an environment rife with anti-Semitism. Nearly 60 years later in a modern, democratic Europe, that presumably had shed itself of the legacy of that era, Jews have again come under attack. During the past year and a half a troubling epidemic of anti-Jewish hatred, not isolated to any one country or community, has produced a climate of intimidation and fear in the Jewish communities of Europe. Never, as a Holocaust survivor, did I believe we would witness another eruption of anti-Semitism of such magnitude, in Europe of all places. But the resiliency of anti-Semitism is unparalleled. It rears its ugly head in far-flung places, like Malaysia and Japan, where there are no Jews.

The Anti-Defamation League has been taking the pulse of anti-Semitism in America for more than 40 years. Never did I expect that we would have to do the same in Europe, given the history and our expectation that European anti-Semitism, while not eradicated, would be so marginal and so rejected that it would not be a major concern.

What we found in the countries we surveyed—Britain, France, Germany, Belgium and Denmark—was shocking and disturbing. Classical anti-Semitism, coupled with a new form fueled by anti-Israel sentiment, has become a potent and dangerous mix in countries with enormous Muslim and Arab populations.

More than 1 million Jews live in these five nations, and their communities are under siege. Who would have believed that we would see the burning of synagogues and attacks of Jewish students, rabbis, Jewish institutions and Jewish owned-property?

While European leaders have attempted to explain away these attacks as a fleeting response to events in the Middle East and not the barginger of a more insidious and deeply ingrained hatred, the attitudes of average Europeans paint a far different picture. Among the 2,500 people polled in late May and early June as part of our survey, 45 percent admitted to their perception that Jews are more loyal to Israel than their own country, while 30 percent agreed with the statement that Jews have too much power in the business world. Perhaps most telling, 62 percent said they believe the outbreak of anti-Semitic violence in Europe is the result of anti-Israel sentiment, not anti-Jewish feeling. The contrariness of their own attitudes suggests that Europeans are loath to admit that hatred of Jews is making a comeback.

This view may make Europeans more comfortable in the face of what is happening in their countries, by suggesting that this time around, Jews are not the innocent victims but are themselves the victimizers in the Middle East. But the incredibly biased reaction against Israel seen in the poll—despite the fact that Israel under former prime minister Ehud Barak offered the Palestinians an independent state, and despite the fact that Palestinians have carried out a sustained campaign of terrorism against Israeli civilians—speaks to a repressed hostility to Jews that may not be socially acceptable in post-Holocaust Europe. Still, even with such constraints, some 30 percent of Europeans are not averse to expressing their anti-Semitic beliefs openly and directly.

Meanwhile, the Europeans have been tepid in their support for the U.S. war on terrorism and especially the Bush administration's efforts to broker an end to Israeli-Palestinian bloodshed. The Europeans seek to appease Saddam Hussein and other threats to the Western world while blaming Israel, not the Palestinian Authority, for the crisis. All while they minimize the extent of anti-Semitism in Europe and fail to immediately condemn horrific acts of harassment and vandalism. The message to Europe's burgeoning immigrant population is that there is a certain level of acceptance for intolerance.

It is time for Europe to assume responsibility for a situation of its own making. The combination of significant, openly expressed anti-Jewish bias together with irrational anti-Israel opinions creates a climate of great concern for the Jews of Europe. It is not surprising that in such an atmosphere Muslim residents feel free to attack Jewish students and religious institutions not because they are Israelis but because they are Jews. And it is not surprising that some European officials have begun telling Jewish leaders to advise their numbers to avoid public displays of Jewishness, instead of promising to protect their Jewish communities.

European leaders and officials must see what is going on for what it is—outright anti-

Semitism—and condemn the revival of this ancient hatred that had its greatest manifestations on the same continent.

They must acknowledge that the anti-Israel vilification across Western Europe is unacceptable. The recent comparisons of Israelis to Nazis, to Jews as the executors of ''massacres'' and even as the killers of Christ—these do not fall into the category of legitimate criticism of a sovereign state. They create the very climate that questions the future of Jewish life in Europe.

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

Mr. GILMAN. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from New Jersey (Mr. SMITH), who is Chairman of the Helsinki Commission and has recently led a delegation to Europe to discuss this very issue.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding me time, and I rise in very strong support of H. Res. 393. I want to commend its sponsor and all of the Members who are taking part in this very important debate.

Mr. Speaker, yesterday, along with the gentleman from Maryland (Mr. CARDIN), who is on the floor and will be speaking momentarily, we returned back from the OSCE, the Organization for Security and Cooperation in Europe, Parliamentary Assembly.

Every year, parliamentarians from the 55 nations that comprise the OSCE meet to discuss issues of importance. This year the focus was on terrorism, but we made sure that a number of other issues, because certainly anti-Semitism is inextricably linked to terrorism, were raised in a very profound way.

Yesterday, two very historic and I think very vital things happened in this debate. I had the privilege of cochairing a historic meeting on anti-Semitism with a counterpart, a member of the German Bundestag, Professor Gert Weisskirchen, who is a member of the Parliament there, also a professor of applied sciences at the University of Heidelberg, and we heard from four very serious, very credible and very profound voices in this battle to wage against anti-Semitism.

We heard from Abraham Foxman, the National Director of the Anti-Defamation League, who gave a very impassioned but also very empirical speech, that is to say he backed it up with statistics, with information about this rising tide of anti-Semitism, not just in Europe, but in the United States and Canada as well.

He pointed out, for example, according to their data, 17 percent of Americans are showing real anti-Semitic beliefs, and the ugliness of it. Sadly, among Latinos and African Americans, it is about 35 percent. He pointed out in Europe, in the aggregate, the anti-Semitism was about 30 percent of the population.

Dr. Shimon Samuels also spoke, who is the Director of the Wiesenthal Center in Paris. He too gave a very impassioned and very documented talk. He made the point that the slippery slope from hate speech to hate crime is clear. Seventy-two hours after the close of the Durban hate-fest, its virulence struck at the strategic and financial centers of the United States. He pointed out, ''If Durban was Mein Kampf, than 9/11 was Kristalnacht, a warning.

''What starts with the Jews is a measure, an alarm signalling impending danger for global stability. The new anti-Semitic alliance is bound up with anti-Americanism under the cover of so-called anti-globalization.''

He also testified and said, ''The Holocaust for 30 years acted as a protective Teflon against blatant anti-Semitic expression. That Teflon has eroded, and what was considered distasteful and politically incorrect is becoming simply an opinion. But cocktail chatter at fine English dinners,'' he said, ''can end as Molotov cocktails against synagogues.

''Political correctness is also eroding for others, as tolerance for multiculturism gives way to populous voices in France, Italy, Austria, Denmark, Portugal and in the Netherlands. These countries' Jewish communities can be caught between the rock of radical Islamic violence and the hard place of a revitalized Holocaust-denying extreme right.

''Common cause,'' he concluded, ''must be sought between the victimized minorities against extremism and fascism.''

I would point out to my colleagues one of those who spoke pointed out, it was Professor Julius Schoeps, that he has found that people do not say ''I am anti-Semitic;'' they just say ''I do not like Jews,'' a distinction without a difference, and, unfortunately, it is rearing itself in one ugly attack after another.

I would point out in that Berlin very recently, two New Jersey yeshiva students, after they left synagogue, they left prayer, there was an anti-American, anti-Israeli demonstration going on, and they were asked repeatedly, are you Jews? Are you Jews? And then the fists started coming their way and they were beaten right there in Berlin.

Let me finally say, Mr. Speaker, that yesterday we also passed a supplementary item at our OSCE Parliamentary Assembly. I was proud to be the principal sponsor. The gentleman from Maryland (Mr. CARDIN) offered a couple of strengthening amendments during the course of that debate, and we presented a united force, a U.S. force against anti-Semitism.

I would just point out this resolution now hopefully will act in concert with other expressions to wake up Europe. We cannot sit idly by. If we do not say anything, if we do not speak out, we allow the forces of hate to gain a further foothold. Again, that passed yesterday as well.

Mr. Speaker, I urge Members to become much more aware that this ugliness is rearing its ugly face, not just in the United States, but Canada, in Europe, and we have to put to an end to it. Hate speech and hate crimes go hand in hand.

Mr. Speaker, I urge support of the resolution.

UNITED STATES HELSINKI COMMISSION—ANTI-SEMITISM IN THE OSCE REGION

The Delegations of Germany and the United States will hold a side event to highlight the alarming escalation of anti-Semitic violence occurring throughout the OSCE region.

All Heads of Delegations have been invited to attend, as well as media and NGOs.

The United States delegation has introduced a supplementary item condemning anti-Semitic violence. The Resolution urges Parliamentary Assembly participants to speak out against anti-Semitism.

12:30 PM–2:00 PM, MONDAY, 8 JULY

The Representation of Lower Saxony In der Ministergaerten 10 10117 Berlin—approximately a 15-minute walk from the Bundestag and across from the Holocaust Memorial construction site.

Co-Hosts

Prof. Gert Weisskirchen, Member of the German Bundestag and Professor of Applied Cultural Sciences, Universität Heidelberg.

Representative Christopher H. Smith, Head of United States Delegation to the OSCE–PA and Co-Chairman of the United States Commission on Security and Cooperation in Europe.

Presenters

Mr. Abraham H. Foxman, National Director, Anti-Defamation League.

Dr. Shimon Samuels, Director for International Liaison Simon Wiesenthal Center—Paris.

Dr. Wolfgang Benz, Director of the Center for anti-Semitic Research at the Technical University of Berlin.

Dr. Julius Schoeps, Professor Modern History, University of Potsdam & Director of the Moses Mendelssohn Center for European-Jewish Studies.

SUPPLEMENTARY ITEM ON ANTI-SEMITIC VIOLENCE IN THE OSCE REGION FOR THE 11TH ANNUAL SESSION OF THE OSCE PARLIAMENTARY ASSEMBLY, BERLIN, 6–10 JULY 2002

[Principal sponsor: Mr. Christopher H. Smith, USA]

1. Recalling that the OSCE was the first organization to publicly achieve international condemnation of anti-Semitism through the crafting of the 1990 Copenhagen Concluding Document;

2. Noting that all participating States, as stated in the Copenhagen Concluding Document, commit to ''unequivocally condemn'' anti-Semitism and take effective measures to protect individuals from anti-Semitic violence;

3. Remembering the 1996 Lisbon Concluding Document, which highlights the OSCE's ''comprehensive approach'' to security, calls for ''improvement in the implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms,'' and urges participating States to address ''acute problems,'' such as anti-Semitism;

4. Reaffirming the 1999 Charter for European Security, committing participating States to ''counter such threats to security as violations of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism;''

5. Recognizing that the scourge of anti-Semitism is not unique to any one country, and calls for steadfast perseverance by all participating States;

The OSCE Parliamentary Assembly:

6. Unequivocally condemns the alarming escalation of anti-Semitic violence throughout the OSCE region;

7. Voices deep concern over the recent escalation in anti-Semitic violence, as individuals of the Judaic faith and Jewish cultural properties have suffered attacks in many OSCE participating States;

8. Recognizes the danger of anti-Semitic violence to European security, especially in light of the trend of increasing violence and attacks region wide;

9. Declares that violence against Jews and other manifestations of intolerance will never be justified by international developments or political issues, and that it obstructs democracy, pluralism, and peace;

10. Urges all States to make public statements recognizing violence against Jews and Jewish cultural properties as anti-Semitic, as well as to issue strong, public declarations condemning the depredations;

11. Calls upon participating States to ensure aggressive law enforcement by local and national authorities, including thorough investigation of anti-Semitic criminal acts, apprehension of perpetrators, initiation of appropriate criminal prosecutions and judicial proceedings;

12. Urges participating States to bolster the importance of combating anti-Semitism by holding a follow-up seminar or human dimension meeting that explores effective measures to prevent anti-Semitism, and to ensure that their laws, regulations, practices and policies confirm with relevant OSCE commitments on anti-Semitism; and

13. Encourages all delegates to the Parliamentary Assembly to vocally and unconditionally condemn manifestations of anti-Semitic violence in their respective countries and at all regional and international fora.

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

Mr. Speaker, I want to thank the gentleman for his leadership on this issue and for taking the issue to the OSCE. I thank the gentleman very much.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 6 minutes to the gentleman from New York (Mr. CROWLEY), my good friend, our distinguished colleague, and the author of this important resolution.

Mr. CROWLEY. Mr. Speaker, I rise today in support of my resolution, H. Res. 393, which calls on European governments to address the rise of anti-Semitism throughout the continent of Europe. I introduced this bill because I am concerned that Europe is on the verge of another Kristalnacht. Anti-Semitism, accompanied by, in many cases by violence, is at the highest levels since the horrors of World War II. According to the British Daily Telegraph, more than 2,000 anti-Semitic incidents were reported throughout the European Union in the last 10 months, more than 18 every single day.

As I have listened very intently to my good friend from New Jersey who just came back from Europe and talking about the rise of anti-Semitism, not only in Europe, but in the United States and Canada, it is ugly wherever it raises its head.

We must keep in mind, we do not share a similar history when it comes to dealing with the issue of anti-Semitism. We all know what the history of Europe has been.

Among the most recent incidents on March 30, two yeshiva students from New Jersey were brutally beaten on the streets of Berlin in an anti-Semitic attack.

On April 11, 15 hooded attackers assaulted a Jewish teenage soccer team in Bondy, France, with sticks and metal bars while yelling anti-Semitic remarks.

On April 27, a synagogue in a London suburb was desecrated by vandals, who painted swastikas on the walls and destroyed religious articles.

Two synagogues in Belgium were firebombed earlier this year.

Also in Belgium, two Hasidic Jews in Antwerp were attacked ferociously as a chorus of teenage attackers spat on them, chanting ''dirty Jew'' and praising Hitler. One of the two men had just emerged from the hospital a few days later when his 10-year-old daughter was also attacked by assailants chanting a chorus of anti-Semitic remarks. The girl now walks to and from school with an escort.

Anti-Semitism is clearly on the rise. The French government reported 320 anti-Semitic incidents in 2001, almost one per day. But this year French Jewish organizations reported over 300 incidents in the month of April alone.

Jewish cemeteries have been vandalized, a kosher butcher shop near Toulouse was the target of a drive-by shooting, and the Or Aviv Synagogue in Marseille was burned to the ground by arsonists during the Passover holiday.

Not every European government faces a rash of anti-Semitism. Norway, for example, has experienced few hate crimes directed at Jews, and Prime Minister Bondevik made it clear his government will forcefully prosecute any anti-Semitic attacks.

Other governments have taken only minor steps to address anti-Semitism. France, for example, has increased the police presence at major Jewish sites in the aftermath of several attacks. They just this week established a 24-hour hotline for the Jewish community, and they have also appointed a liaison between the French government and the French Jewish community.

But such steps are few and far between, and, in my opinion, do not go far enough. European governments have done little to punish the perpetrators of such attacks, or, more importantly, they have done little to foster an atmosphere in which Jews and other minority groups can live free from harassment as normal members of their societies.

Indeed, several senior European officials have made their anti-Semitism clear and demonstrated that their bigotry affects government policies. Extremist xenophobes like Haider in Austria and Le Pen in France have made hatred and intolerance the basis of their party's political platforms. Le Pen made it into a runoff race for the presidency of France. While he did not win, his base of support in France remains strong.

France no longer appears to be guided by the 1789 Declaration of the Rights of Man, the foundation for French democracy, which called for equal rights for all. Daniel Bernard, the French ambassador in London, recently referred to Israel with an obscenity when he attributed all the troubles in the Middle East to Israel. When his remarks were reported in the press, Ambassador Bernard refused to apologize and the foreign ministry refused to censure him.

Bernard's remarks, made at a fashionable dinner party in London, demonstrate that the World Jewish Congress was correct when it asserted that anti-Semitism is no longer considered unacceptable in European polite society. European governments must demonstrate that such attitudes are simply not acceptable.

In the years before World War II, the fabric of European society was torn apart by the official anti-Semitism of Nazi Germany and its puppet governments in France, Austria, Poland and elsewhere.

□ 1445

Now, more than 60 years later, European governments are once again doing little to discourage intolerance and hatred directed at Jews and other minority groups. When their rights are trampled upon, European governments must step up and act in order to protect all citizens. The failure to properly condemn and control these attacks makes the governments of Europe complicit in them.

Before I close, I would like to thank a number of groups for their work in support of this resolution, particularly the Orthodox Union, the National Council of Soviet Jewry, NORPAC, and Harriet Mandel and her colleagues in the Jewish Community Relations Council of New York.

I would also like to thank the ranking member and the chairman of the committee, as well as the chair of the subcommittee, who waived the rules to allow this to come to the floor.

I want to thank the Speaker of the House for bringing this important resolution to us today. But most especially, Mr. Speaker, I would like to thank my fellow colleague from New York (Mr. GILMAN), chairman emeritus of the Committee on International Relations, for all of his hard work throughout the years, especially on issues pertaining to the Middle East and whose Jewish constituents as well as all of the constituents that he represents in New York, and all of New York.

I would say to the gentleman that we are greatly going to miss the gentleman when he retires from the House of Representatives. I know that many people will speak the gentleman's praises in days to come, but I want to tell the gentleman what a great honor

it has been to serve with the gentleman on this floor.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from New York (Mr. CROWLEY), not only for his kind words, but for his leadership in bringing this measure to the floor, working out all of the compromises that were needed in order to make this important measure possible. I thank the gentleman for his hard work on this measure.

Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA), who has been a staunch supporter of human rights throughout the world and especially in fighting anti-Semitism.

Mrs. MORELLA. Mr. Speaker, I rise in support of H. Res. 393, expressing concern about the rise of anti-Semitism in Europe. I want to thank the gentleman from New York (Mr. GILMAN) for yielding me this time.

I echo and associate myself with the comments of the gentleman from New York (Mr. CROWLEY) with regard to the wonderful service the gentleman from New York (Mr. GILMAN) has provided and the deep commitment he has demonstrated and the deep friendship he has had for us on both sides of the aisle. I want to thank the gentleman from New York (Mr. CROWLEY) for introducing this legislation. I also want to thank the gentleman from California (Mr. LANTOS), as well as the gentleman from New York (Mr. GILMAN) and the others who have helped to bring this very important resolution to the floor today.

As Americans, we value our diversity, and we celebrate our unity. I hope that this resolution will remind European leaders that ignoring the practice of hatred is as if condoning it.

Anti-Semitism is one of the oldest forms of hatred and it is, unfortunately, experiencing a resurgence, crossing boundaries of every type, geographical, national, political, religious and cultural. We see it in the proliferation of anti-Jewish media expressing vicious stereotyping, conspiracy theories, and even denial of the Holocaust. Its messages of hate have influenced Muslim immigrants in France to commit daily anti-Jewish acts and have overpowered the Conference on Racism in Durban with anti-Israel, anti-Zionist, anti-Jewish resolutions and statements.

Not even 60 years have passed since the murder of 6 million Jews in the Holocaust, and once again, we see anti-Semitism coming back strongly in Europe. This time it is fueled by anti-Semitic campaigns being spread throughout the Arab world and spilling over through some immigrants and the new media into France, England, Belgium and other countries.

Daily attacks on Jews and their institutions are taking place in France while the government looks the other way. Leading French media are filled with stories slanted against Israel, further heating up a climate in which leadership of the Jewish community is virtually alone, fighting anti-Semitic attacks.

European leaders have continually avoided condemning the tactic of suicide bombing in Israel, which lends support to the acts of hatred against Jews in their own nations. Our message to them is clear: Join the United States in working toward an agreement in the Middle East that will lead to peace with security and independence for Israelis and Palestinians.

Mr. GILMAN. Mr. Speaker, I want to thank the gentlewoman from Maryland (Mrs. MORELLA) for her poignant remarks in support of this resolution, and I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), my distinguished colleague.

Ms. WOOLSEY. Mr. Speaker, I rise today in support of H. Res. 393, which denounces the rise in anti-Semitism in Europe. This Congress must condemn these and any violent acts that are hurting families and communities, both here and abroad.

According to an annual study by a Tel Aviv university, anti-Semitic acts rose sharply around the world after the September 11 attacks. The study reveals some of the worst anti-Semitic days since the end of World War II. Another recent survey revealed that 30 percent of Europeans harbored traditional anti-Semitic stereotypes. Congress must condemn these acts by passing H. Res. 393.

But, Mr. Speaker, we must also make it a top priority to stop hate in our own country. Anti-Semitism is not limited to Europe. The Anti-Defamation League reported that this year, here in the United States, anti-Jewish incidents have increased 11 percent.

Congress must make it clear that there is no room for personal attacks and bigotry in America. That is why we need to pass H. Res. 393 and the bill of the gentleman from Michigan (Mr. CONYERS), H.R. 1343, The Local Law Enforcement Hate Crimes Prevention Act, to help prosecute and prevent crimes motivated by hate across our own Nation.

The people of the United States must set an example for the world by expressing our differences without resorting to violence against our neighbors. In the United States, freedom of speech is a fundamental right, a right to be used for causes that citizens are passionate over, but not for causes that damage another's right to a different opinion, a different religion, a different lifestyle.

This Congress has the responsibility to combat unnecessary hatred and to lead the charge. Together we can make a statement by passing H. Res. 393, condemning anti-Semitism.

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

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from Maryland (Mr. CARDIN), my good friend and distinguished colleague.

Mr. CARDIN. Mr. Speaker, first, let me thank the gentleman from California (Mr. LANTOS) for his entire career of fighting prejudice and bias wherever it can be found in our communities.

I also want to thank the gentleman from New York (Mr. GILMAN). The gentleman will be deeply missed in this body. We thank him for his leadership on behalf of all of the people of this Nation.

I want to thank the gentleman from New Jersey (Mr. SMITH), my good friend, for his leadership in the Helsinki process. He took this resolution to Europe and we were able to get unanimous support among our fellow parliamentarians to speak out and develop an action plan against anti-Semitism.

I thank the gentleman from New York (Mr. CROWLEY) for bringing this resolution forward; I thank him on behalf of all of us for stating what I would hope would be unanimously supported by this body.

There is no question that anti-Semitic activities are on the increase in every state in Europe. We need to do more than just speak out; we need to develop an action plan, and that is what we were successful in getting in our visit on the OSCE Parliamentary Assembly during this past weekend. We have developed an action plan and will continue to monitor it to make it clear that international events cannot be used to justify anti-Semitic activities; that we need to work with the leadership, not just among parliamentarians, but the leadership in our communities from church groups and from educators. We have to work with children in our schools, and we have to deal with property restitution issues to make sure that people are fairly compensated for property that was wrongfully taken.

In short, Mr. Speaker, we need a total plan to make sure the world understands that we will not tolerate anti-Semitic activities, period, the end.

So I very much applaud the efforts on this resolution. It is important that this body speaks out, but it is also important that we follow it with action in all of the areas that we have mentioned.

Mr. GILMAN. Mr. Speaker, I just want to thank the gentleman from Maryland for his kind words, but most important, for his willingness to go to Berlin, along with the gentleman from New Jersey (Mr. SMITH) and to bring this resolution to their attention. We thank him for his efforts.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL), my good friend, an indefatigable fighter for human rights in all of its manifestations.

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman for yielding me this time and for his kind remarks, and also

for his many years of leadership on this issue.

Also, I want to salute the gentleman from New York (Mr. GILMAN) for a career that we should all emulate and follow in terms of human rights and for justice around the world.

I want to compliment the gentleman from New York (Mr. CROWLEY) for bringing this resolution to the floor, denouncing anti-Semitism wherever it is found in Europe or this country.

I certainly want to acknowledge, as others have, the great leadership of the gentleman from New Jersey (Mr. SMITH), who led our delegation this past weekend to the Parliamentary Assembly of the Organization for Security and Cooperation in Europe.

I want to share a little with my colleagues the work led by the gentleman from New Jersey (Mr. SMITH) and joined by all of the American delegates. We were proud to do so, in bringing this challenge of anti-Semitism and the need to denounce anti-Semitism to the OSCE and, hopefully, to all of the governments of Europe. We made an historic effort, through the leadership of the gentleman from New Jersey (Mr. SMITH) leading the American delegation and the leadership of Dr. Gert Weisskirchen, a German parliamentarian and the leader of his delegation, in a joint delegation assembly to talk about the evils of anti-Semitism, to bring forward four experts to talk to all of us about the need to speak out and denounce anti-Semitism. This was the first time that the American delegation and the German delegation had ever met in a separate event, invited the press in, invited experts in to talk to us.

I wish, I say to the gentleman from New Jersey (Mr. SMITH) and the gentleman from Maryland (Mr. CARDIN), I wish all of our colleagues could have heard what we heard from Abraham Foxman, the executive director of the Anti-Defamation League, in which he talked about the need to speak out to denounce anti-Semitism. He talked about the events in Germany recently, where after a number of events aimed against Jews, just for being Jews, the official advice to the Jewish community in Germany is to stop wearing visible signs of their faith.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The time of the gentleman from California (Mr. LANTOS) has expired.

Mr. GILMAN. Mr. Speaker, I am pleased to yield an additional 1 minute to the gentleman from Pennsylvania (Mr. HOEFFEL.)

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) very kindly.

I simply want to say, what kind of advice is that? How can anybody say, ''avoid wearing visible signs of your faith,'' as if that is the way to deal with the hatred that is being directed against Jews in Germany and across Europe? The way to deal with it, as Mr. Foxman pointed out, is to speak out, to speak out loudly, to denounce it, to make sure that everybody knows how unacceptable that hatred and intolerance is.

We will win this victory if we step forward, and if people around the world step forward and say that anti-Semitism is un-American, that it is un-German, that it is un-French, that it is un-Ukrainian, that it is against the basic principles of a civilized people wherever it happens around the world.

Mr. Speaker, that is the fight we are joining. That is what the gentleman from New York (Mr. GILMAN) has done for 20-some years, and that is what the whole career of the gentleman from California (Mr. LANTOS) has been about. That is what my friend, the gentleman from New York (Mr. CROWLEY) is fighting for today, and I am honored to join my colleagues in that fight.

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that each side be granted an additional 3 minutes.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 3 additional minutes to the gentleman from California (Mr. LANTOS).

The SPEAKER pro tempore. Without objection, the gentleman from California will control 3 additional minutes.

There was no objection.

Mr. LANTOS. Mr. Speaker, I thank the gentleman from New York.

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

It is literally unthinkable that just 50 years after the Holocaust this body should be compelled to take up this issue. It speaks very poorly of the educational process that has unfolded in Europe in the last two generations, that this most ancient hatred, based on prejudice and ignorance, should again be sweeping the continent.

□ 1500

Several strains provide a confluence as to why they are up against this problem today. The first and perhaps most important one is the old church-based anti-Semitism. Churches have been guilty for centuries of fomenting anti-Semitism; and while some voices have spoken for acceptance and tolerance, important segments of the churches have contributed to the continuation of this sickening spectacle of religious hate.

We also see the upsurge of skinhead and neo-Nazi movements of direct followers of what was the dominant theme in Germany in the 1930's and early 40's. The skinhead and neo-Nazi component of this new wave of anti-Semitism must be fought by all European governments.

We have a new element. The extremist Islamic and Arab populations of Europe are contributing powerfully to anti-Semitism, and it is incumbent upon the governments of Europe to fight these forces.

Finally, the perpetually misguided European left must recognize that its values and priorities are all upside down. They view the small State of Israel, a victim of a wave of suicide bombers and terrorist activities, as the aggressive Goliath. The time is long overdue for the misguided European left to wake up and recognize the realities of the Middle East situation.

These are the four strains: church-based anti-Semitism; neo-Nazi skinhead anti-Semitism; the anti-Semitism emanating from the Muslim and Arab population in Europe; and, finally, the misguided European left which mistakes the victim for the aggressor. This is a gigantic task that all men and women in Europe of goodwill and decency must unite to defeat.

I urge all of my colleagues to vote for this resolution as an expression of the conscience of this body and the American people.

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

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

I want to thank my colleagues, especially the gentleman from New York (Mr. CROWLEY), the sponsor of this important measure, and for his participation in the debate, as well as the gentleman from California (Mr. LANTOS), ranking member of our committee, for his eloquent remarks. And I hope that the European governments to whom this resolution is addressed will review the content of our debate today and draw the appropriate conclusions and, more importantly, take the required actions to stop the flow of anti-Semitism throughout Europe.

Mr. WAXMAN. Mr. Speaker, I rise in strong support of H. Res. 393.

For months, vicious attacks against Jews across Europe have continued almost on a daily basis. It has been an issue of such great concern to me that last month I sent a letter signed by 140 of my colleagues urging EU Secretary-General Javier Solana to take action against this dangerous trend.

In France, Jewish organizations recorded more than 300 anti-Semitic attacks in the month of April alone. Jewish cemeteries have been desecrated, Jewish children have been verbally and physically assaulted on playgrounds and soccer fields, and Jewish institutions have been firebombed and vandalized. In February, yellow stars of David were painted on Jewish shop windows in Paris. In March, there was a drive-by shooting of a kosher butcher shop near Tolouse. And, in the middle of Passover, the Or Aviv Synagogue in Marseilles was burned to the ground.

In Belgium, the seat of the European Union, Rabbis and community leaders have been assaulted, as have synagogue worshipers, on their way to and from services.

In England, dozens of threats and physical assaults on Jews have been reported in recent months, and in April, a vicious attack on a suburban London synagogue left windows smashed, religious artifacts defaced, and crude swastikas painted everywhere.

The situation has only been made worse by the failure of these countries to forcefully condemn these hate crimes and vigorously prosecute their perpetrators.

European leaders, including EU representatives, have dismissed the severity of the problem, blaming the Middle East conflict and Muslim demographics instead of the Arab and European media outlets that have fed their fervor by demonizing Jews and justifying suicide murders by Palestinian terrorists.

The European Convention for the Protection of Human Rights and Fundamental Freedoms espouses the basic rights of all Europeans to liberty, security, freedom of religion, and freedom from discrimination. Yet, no EU institution has made any effort to uphold these rights for Jewish minorities.

It is time for the European nations to take a bold unified stance condemning the re-emergence of anti-Semitism in Europe.

It is time for the United Nations to take action and reverse the virulent wave of anti-Semitic attacks unleashed last year at the U.N. Conference on Racism, where delegates sought to equate Zionism and racism and insisted that the Holocaust be written with a lower case ''h'' to lessen the magnitude of the tragedy.

Hasn't the horror of World War II taught us the danger of anti-Semitism, which seeks to dehumanize Jews and make them legitimate targets for violence? Hasn't the abomination of suicide murder shown us what happens when hatred devalues human life to create targets for terrorism?

The United States and all civilized nations just not be silent in the face of these threats. We must lead the fight to condemn anti-Semitism in Europe, the former Soviet Union, and everyplace it emerges.

I urge all of my colleagues to support H. Res. 393.

Mr. FERGUSON. Mr. Speaker, I am proud to join over 70 of my House colleagues in cosponsoring H. Res. 393, a resolution condemning the rise of anti-Semitism in Europe. The disturbing trend of hatred, intolerance and cruelty on the continent of Europe demands our immediate attention and action.

We are all aware of the horrors faced by Jewish people in Europe a little more than a half century ago. For this reason, we must keep Europe's troubled history in mind and scrutinize the numerous anti-Semitic attacks on Jews in Europe over the last 18 months before these sentiments are allowed to escalate to more disturbing levels. It is wise not to ignore history for fear of being doomed to repeat it.

Of the many despicable attacks that have occurred over the past 18 months, I would like to single out the brutal beating in Berlin, Germany of two Yeshiva students from my home state of New Jersey. These students traveled to Germany in the youthful pursuit of an education and the desire to exchange ideas with another culture. They did not envision being singled out for their religion and brutally beaten by bigoted thugs. We must not ignore this event and the many that have signaled a rise in anti-Semitism across the European continent.

We are at the birth of a new and uncertain century. Unfortunately, we have already seen a rise in narrow-mined hatred, evidenced by the horrific terror attacks on our Nation on September 11th. As a freethinking and compassionate people, we must insist that our allies follow the American ideals of tolerance and understanding. At the very least, we must speak out to protect the basic human rights of people who face persecution based on their religion. Therefore, I urge our European allies to draw their attention to the rise in anti-Semitism on their continent and take whatever steps necessary to curb this disturbing trend.

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of H. Res. 393, and would like first of all to thank my colleague from New York, Mr. CROWLEY for his initiative in bringing this important resolution to the attention of the House. I also want to thank Chairman HYDE and Ranking Member LANTOS for their support of Mr. CROWLEY's resolution.

Mr. Speaker, every year the House considers a great number of resolutions on a vast array of topics. I'd like to suggest that the resolution under consideration right now is the perfect example of what a House resolution ought to be.

H. Res. 393 is concise, timely, and most of all, important. The topic under debate today is the resurgence of a form of hatefulness that we all hoped would never again emerge in Europe. Anti-Semitism has a long and unfortunate history in Europe and its re-emergence in the past few months should serve not only as a warning that hatred and bigotry are always lurking in the margins of society, but also as a call to arms.

Mr. Speaker, on September 11, 2001, our Nation and my city of New York especially, were attacked by the forces of ignorance and intolerance, the forces of hatred and exclusion, the forces of irrationality and brutality. The spirit which animated the men who attacked our Nation is the same as that which motivates the anti-Semitism of the past, the present and, we may expect, of the future as well.

Pathological intolerance is nothing new, but it has, unfortunately, through technology, acquired new tools capable of wreaking massive violence and havoc. In the 1940s, the resources of an entire nation were put to the task of annihilating Europe's Jews. Today, unfortunately we see their spiritual descendants using different tools: car bombs, gas cylinders, light boats and even airplanes. But the mission of hate is the same and the results just as ghastly.

Today, Europe is again facing a tide of hatred against Jews. Again we see Europe's synagogues being defiled, burned and vandalized, again we see Europe's Jews being attacked in the streets, and most disconcerting of all, again we see Europe's governments telling us not to worry, that everything will be all right, that this is a passing phase, that this is the work of a disaffected few.

Mr. Speaker, I don't buy that. And more importantly, today, in passing this vital resolution, the entire Congress is refusing to accept Europe's invitation to acquiesence and passivity.

Historically in Europe, Mr. Speaker, Jews have been the proverbial ''canary in the coal mine,'' the group whose welfare, acceptance and safety can be seen as a gauge for the security of all religious and ethnic minorities. And today, Europe's Jews are again in jeopardy. How we confront this awful reality is the test of the pledge our Nation made upon discovery of Hitler's extermination camps in 1945: Never again.

Today, with the adoption of this critical resolution demanding that European nations live up to their responsibilities for the protection of all their citizens, I am proud to say we are living up to that great historical commitment. Again, I want to commend Mr. CROWLEY for authoring this resolution, and strongly urge its passage by the House.

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of this resolution.

The statue of Alfred Dreyfus that stands in Paris had the words ''dirty Jew'' painted on it earlier this year.

Dreyfus was a Jewish Captain in the French army before he was sent to jail on trumped-up charges and fabricated evidence. He served eleven years and survived several attempted cover-ups by the French military before his innocence was universally recognized. He was finally released in 1906.

To many people, including the father of Modern Zionism Theodore Herzl, Dreyfus is the symbol of the persecuted Jew and anti-Semitism.

For all those who remember history, the fact that this statue was the target of anti-Semitism in today's France is horribly disturbing. Unfortunately, France is not alone. Belgium, Britain, Italy, Germany, Slovakia, Ukraine, and Greece have all experienced anti-Semitic incidents since the upswing in anti-Semitism began.

In Germany, police have warned Jews that wearing yarmulkas, the traditional Jewish head coverings, could cause them to be targets of attacks.

Last April, the Simon Wiesenthal Center released its first ever travel advisory, urging Jews to exercise caution when traveling to France or Belgium.

It has been only sixty years since the defeat of Hitler and now swastikas have reappeared in Europe. They can be found sprayed on Jewish schools, drawn on gravestones in a desecrated Jewish cemetery, painted on the wall of a synagogue, stitched on the flags of anti-Israel demonstrators, and in the hearts and minds of the people who attack rabbinical students and Jewish athletes.

The governments of Europe must protect their citizens. They must work actively to stop the increase in anti-Semitic incidents, and denounce anti-Semitic remarks thinly veiled as anti-Israel. Only then can progress be made toward the true goal: an atmosphere of cooperation and reconciliation among the Jewish and non-Jewish citizens of Europe.

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

The SPEAKER pro tempore (Mr. PENCE). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H. Res. 393, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

MOTION TO INSTRUCT CONFEREES ON H.R. 3295, HELP AMERICA VOTE ACT OF 2001

Mr. LANGEVIN. Mr. Speaker, I offer a motion to instruct conferees on H.R. 3295.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. LANGEVIN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 3295 be instructed to recede from disagreement with the provisions contained in subparagraphs (A) and (B) of section 101(a)(3) of the Senate amendment to the House bill (relating to the accessibility of voting systems for individuals with disabilities).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Rhode Island (Mr. LANGEVIN) and the gentleman from Ohio (Mr. NEY) will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. Speaker, today I offer this motion to instruct on H.R. 3295, the Help America Vote Act of 2001, in order to raise awareness of a significant shortcoming in our Nation's elections: the disenfranchisement of disabled voters due to inaccessible voting equipment.

I wish to first dedicate this motion to the memory of my good friend, Justin Dart, Jr., one of the strongest voices for the disabled community, who died June 22 at the age of 71. Justin, often called the Father of the Americans with Disabilities Act, leaves a great legacy of activism and inspires us all with his vision of an America in which every person can reach his or her full potential and actively contribute to society. Millions of people's lives have been improved by his good deeds, and it is in his honor that I offer this motion today.

I first want to thank my good friend, the gentleman from Ohio (Mr. NEY), for his inclusive and bipartisan efforts to improve our Nation's elections, and for being so receptive to the needs of disabled voters. We owe him a debt of gratitude.

I also owe a great deal of gratitude to the gentleman from Maryland (Mr. HOYER) and the gentleman from Michigan (Mr. CONYERS) for their support of this motion and for their lifelong commitment to civil rights. We would not be where we are today without them.

Finally, I thank my friend and colleague, the gentleman from Minnesota (Mr. RAMSTAD), for his advocacy of the rights of the disabled and for joining us today in this effort to ensure that people with disabilities have full access to voting.

Mr. Speaker, the low voting participation rate among the disabled is a pervasive and well-documented problem. Yet the Nation has made little progress in addressing its causes. The inaccessibility of polling places and election equipment is one of the major factors in this unfortunate phenomenon. Shockingly, the General Accounting Office found that 84 percent of our Nation's polling places were inaccessible to the physically disabled in 2000. Blind voters often cannot cast a vote without assistance, the visually impaired may not be able to decipher small print or confusing ballots, and people in wheelchairs may have difficulty maneuvering in older voting booths.

Just as a personal story to lend passion to this argument, it was only just a few short years ago that I myself never knew the privilege of voting independently, in privacy, in a voting booth. Rhode Island had the oldest voting machines in the country, lever machines, in which I would have to go in and could not possibly reach the levers myself; I would always have to take someone in. Though I was grateful for the assistance, it certainly deprived me of the right to a secret and independent vote. Many others know the same story.

As a result of these problems, only 41 percent of people with disabilities voted in November of 2000, in the November of 2000 elections, far below the national average. With nearly one in five Americans having some level of disability, and approximately 35 million Americans over the age of 65, we must act now to ensure that our voting system is accessible to all Americans.

Improving access to voting has been an overarching goal of my work in public service. As Secretary of State of Rhode Island, I was the chief architect of a plan to upgrade the State's voting system and equipment. The replacement of outdated lever machines with electronic equipment and Braille and tactile ballots helped increase voter turnout and significantly reduced chances of error.

The entire upgrade was statewide and cost effective, and Rhode Island is now widely recognized as having one of the most modern and accessible voting systems in the United States.

In Congress, I have continued to emphasize the importance of voting access. In March 2001, I joined former Secretaries of State in Congress in hosting a voting technology demonstration in which we highlighted accessible election equipment. Not only did this event illustrate the many types of affordable and accessible equipment, it also offered several people with disabilities the opportunity to use a voting machine for the very first time in their lives. The technology exists to address the disenfranchisement of disabled voters, and Congress must encourage its use.

For this reason, I am pleased to offer this motion to instruct in support of the Senate's accessible voting equipment provisions. The Senate's version of H.R. 3295 requires voting systems used in Federal elections to be accessible for individuals with disabilities, including the blind and visually impaired, in a manner that provides privacy and independence.

The Senate's language also requires that each polling place have at least one voting system equipped for individuals with disabilities. Guaranteeing voting equipment in all polling places is one of the disability community's top priorities in election reform, and I am pleased to announce that this motion to instruct has been endorsed by 26 disability advocacy groups.

One major component of election reform must be to provide the greatest possible access to voting for all eligible citizens, and the Senate's accessibility language is a major step toward this noble goal.

I urge my colleagues to support this motion to instruct so that all Americans can exercise their fundamental right to participate in our democracy by guaranteeing them the right to vote.

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

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

Mr. Speaker, I just wanted to say today that I agree with the gentleman from Rhode Island (Mr. LANGEVIN) that we need to take steps to improve access for the disabled to our Nation's election systems. The gentleman from Maryland (Mr. HOYER), our ranking member and a partner on this bill, and I worked closely with our colleague, the gentleman from Rhode Island, during the drafting of this bill, the Help America Vote Act.

I am grateful for his input and support during that process, so I want to thank the gentleman from Rhode Island (Mr. LANGEVIN) for all his hard work and efforts on this piece of legislation before us.

The bill we passed in the House by an overwhelming margin last December included a number of provisions to improve access for persons who have a form of disability and authorize funds to help make those improvements happen. I was pleased to receive the endorsement of the National Federation of the Blind for our bill, the bill that the gentleman from Rhode Island (Mr. LANGEVIN) and the gentleman from Maryland (Mr. HOYER) and many other Members on both sides of the aisle, the gentleman from Missouri (Mr. BLUNT) and others, supported; and we had that endorsement for the bill, and we were very, very appreciative of that.

Just yesterday I was honored to address the National Federation of the Blind's convention in Louisville on precisely this topic. There is no question that no matter what the form of disability, in this case it was a convention of the National Federation of the Blind, people have a right to vote in secrecy and in privacy. In this case, secrecy is not a bad word; secrecy is something people have a right to do with their ballots, and should have the right to do.

As the work on this bill continues in the conference committee, Mr. Speaker, I am confident we are going to produce a final product. It will be a

final product that makes great strides in improving access to the voting process for the citizens in this country.

While I will support the gentleman's motion, and I do fully support it, and I appreciate the gentleman's work on this, I want to make just a couple of points.

First, I do say that it is my belief that this Congress should provide funding that will enable States to meet the requirements it imposes. That is not only for this issue. It is for other issues, provisional voting, central database, all the other good provisions that are contained within this bill and many good provisions, frankly, that are also in the Senate bill.

But I always like to mention the monetary side to this, too, because far too often we here in Congress like to enact requirements and pat ourselves on the back for all the good we have done while sending the bill to someone else. Now, I say that because I am a creature of the Ohio legislature and the Ohio House and Senate, so it used to be my course of business to complain about Washington, D.C. sending down mandates or something of that nature and then not providing the money.

Now, the bill we crafted together has minimum requirements; but they are requirements enforced by Justice, and good requirements are going to ensure that an illegal vote does not cancel out a true vote. People have the right to vote, and we back all of those provisions.

I want to make sure that we always stress that if we are going to impose any requirements on the States, we should provide funds to make it possible for those requirements to be met. My support for this motion and all the language, frankly, contained in the House bill and in the Senate bill dealing with any provision, as I mentioned before, provisional voting, central database, is always going to be conditioned on the fact that we have to have the money.

I know that my colleague, the gentleman from Maryland (Mr. HOYER), agrees with that. We have to continue through this whole process. As we get the language that makes this bill a great bill to send to the President, we have to continue to push also for the money so locals have some help in implementing. Otherwise, it is not going to be implemented in the way that we need it done.

□ 1515

Second, in keeping with the requirements of the Americans with Disabilities Act, I think we should be requiring States to make also reasonable accommodations. One thing we need to talk about down the road here too in the next couple of weeks are certain rural areas where we want to make sure that if provisions are adopted that we in fact do not shut people out of voting. Because sometimes the rural areas, and we have used this in the Committee on Energy and Commerce many times as we have talked, in rural areas there are places where people vote, for example, and if you try to move them to another area you would have to involve buses to take people to other places to vote. In my district, for example, we have very few taxis or public bus systems. So looking at the rural area, still protecting people's rights is going to be something I know that we can talk definitely about.

Again, let me make it clear that I expect when this conference is completed, and I expect this conference to be completed hopefully very soon, the changes that will ensue will improve access for the disabled community and ensure, I will use the word ''ensure,'' that blind voters are able to vote privately and independently.

One other point I want to add about the technology, too. I know there are certain companies that have actually publicly stated that they can equip every machine, and I hope that as this bill progresses and people are buying machines across this country to update and put integrity into the voting process, that the machines are equipped; the hope is the technology comes through and that en masse machines are equipped.

I look forward to working with the gentleman from Rhode Island (Mr. LANGEVIN) and my friend from Maryland (Mr. HOYER), who I mentioned earlier, to secure the adequate funding but also to enact a conference report that absolutely improves access for the disabled community across the United States.

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

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

Mr. Speaker, again, I thank the chairman for his help and support on this issue. We would not be here on the election reform without his diligent leadership, and I thank the gentleman.

Earlier in my statement, Mr. Speaker, I acknowledged and expressed my gratitude to the gentleman from Maryland (Mr. HOYER), my distinguished colleague, who is, as many know, the author of the Americans with Disabilities Act and who has been a great champion of people with disabilities and their rights.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman from Rhode Island (Mr. LANGEVIN), and I thank him for his leadership on this issue and so many others. He has been extraordinarily helpful in getting the election reform legislation to the place it is now. I think this motion he now makes, and it is supported by both the gentleman from Ohio (Mr. NEY) and myself, is an important one; and I want to thank him for that.

Mr. Speaker, in the 20 months since our last national election, the American people have seen the very best and very worst that democracy has to offer. The disenfranchisement of millions of Americans who fell prey to unreliable, outdated voting machines as well as the wide bipartisan support in the Congress for the Federal election reform will hopefully change that.

Members on both sides of the aisle have spoken eloquently and sincerely about safeguarding our most cherished democratic right: the right to vote and to have one's vote counted.

Yet our work is not done, for who among us would accept election reform that fails to ensure the privacy and independence of millions of eligible voters at the ballot box? None of us, I would argue, because the right to exercise the franchise under conditions that afford privacy and independence is intimately American and bound up in what it means to be a free and equal citizen in a democratic society. Yet in thousands of polling places across the country, voters who are physically, visually, or mentally challenged enjoy less privacy and independence when they exercise their sacred right to vote than do other voters.

That is why I urge all Members to support this important motion to instruct offered by our colleague, the gentleman from Rhode Island (Mr. LANGEVIN). It is fair and it makes sense. It recognizes, as most of us do, that the election reform conference report should combine the best of the House-passed Help America Vote Act with the Senate-passed bill. To that end, the gentleman from Rhode Island's motion instructs the House conferees to agree to section 101(A)(3) of the Senate amendment to the House bill.

This section states that by January 2007 voting systems shall be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters.

Make no mistake about it, I am proud of the Help America Vote Act. I am proud of the work that the gentleman from Ohio (Mr. NEY) and I and so many others, including the gentleman from Rhode Island (Mr. LANGEVIN) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and others, helped us achieve. But we have not finished the job yet, Mr. Speaker; and we need to do that.

We need to pass this motion and then hopefully the conference will become even more energized than it has been. We are late, not too late, but we are late in passing a conference report that incorporates, as I said, the best of the House bill and the best of the Senate bill. We need to pass election reform. We need to pass it in the next 3 weeks if at all possible. We need to tell the States the resources they will have available to make their machines not only accessible but accurate as they count every American's vote.

Mr. Speaker, I urge all of my colleagues to support this very, very important motion to instruct.

Mr. NEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Maryland (Mrs. MORELLA).

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

Mr. Speaker, I just rise in very strong support of the motion offered by our colleague from Rhode Island, who is one of four co-chairs with me on the Disabilities Caucus. And it is so important that we do instruct the conferees to accept the Senate version, which would require that we have one voting machine in every polling place, at least, that is accessible to people with disabilities.

As a matter of fact, on July 26 of this year, we will celebrate the 12th anniversary of the Americans with Disabilities Act. I was one of the co-sponsors of that act, as were many of Members who are here serving in this 107th Congress. Certainly, the concept of Americans with Disabilities is one where we would allow them indeed the most precious privilege that we have as Americans, the right to vote and to make it accessible. So I thank the gentleman from Rhode Island (Mr. LANGEVIN).

I know this body will assuredly unanimously support this motion to instruct the conferees on this election reform bill.

Mr. Speaker, I want to thank the gentleman from Ohio (Mr. NEY) for the leadership he has shown in bringing us together in terms of true election reforms and the ranking member of his committee, too.

Mr. LANGEVIN. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me thank the leadership of this committee, the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER). I know how diligent they have been in working on this, and most especially to the gentleman from Rhode Island (Mr. LANGEVIN) for offering the motion to instruct the conferees.

Mr. Speaker, whether the policy issue is prescription drug coverage, education, or any other matters within the jurisdiction of the Congress, the most fundamental issue facing all of us is restoring the public's faith in democracy. Congress must make electoral reform a top priority, and we hope to see the conclusion of this bill in conference soon.

Constitutionally mandated equal protection of the laws and the Voting Rights Act require an electoral system in which all Americans are able to register as voters, remain on the rolls once registered, and vote free from harassment. Ballots must not be misleading, and every vote must count and be counted.

In the 2000 election, Florida was not the only State where American citizens were denied the full exercise of their fundamental rights and their constitutional franchise. It happened across this Nation. Moreover, most of those excluded from democracy were Americans of color. As such, election reform is the number one legislative priority for the Congressional Black Caucus, and I sincerely hope that it is a top priority for every Member of the 107th Congress. We cannot be silenced until Congress answers the call for electoral reform. This is not a black, white or brown issue. It is an American issue. It is a red, white and blue issue.

It should be of great concern to each of us that if any one of us is improperly denied access to the ballot box or if every ballot cast is not counted, the survival of our democracy depends on the accuracy and integrity of our election system. It is important that conferees make an effective date for election reform in time for the next Presidential election in 2004. Actually, it should have been in time for our congressional elections; but we will go forward, unfortunately with the same system that caused us as much headache as it did in November 2000.

For the second instruction, it is important that the government has the ability as soon as it is feasible to legally check to see if States are, in fact, making the necessary changes that the final election reform bill stimulates. I hope each of my colleagues will do his and her part by voting in favor of this sensible motion to instruct.

Mr. LANGEVIN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. DAVIS).

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

Mr. Speaker, I rise in support of the motion to instruct conferees on the election reform bill, H.R. 3295, which has been submitted by my colleague from Rhode Island (Mr. LANGEVIN). The motion asks the conferees to agree to the Senate provisions relating to the accessibility of voting systems for individuals with disabilities.

It is essential that at least one voting machine in each polling place be accessible to people with disabilities. This can be done in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters.

The language referred to in the gentleman from Rhode Island's motion has been endorsed by a coalition of 17 national organizations representing people with disabilities; and I believe this is the best approach for increasing the participation of all citizens in the electoral process, especially at a time when voter participation has been decreasing.

With the electronic voting technology that exists today, it is possible to enable many individuals with disabilities to record their votes directly and in privacy. This is a fundamental right that all Americans should have. The cost to do this is minimal, and I urge conferees to adopt the language as outlined in the gentleman from Rhode Island's motion.

I also commend the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) for their leadership on this issue and commend the gentleman from Rhode Island (Mr. LANGEVIN) for this amendment.

Mr. LANGEVIN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

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

Mr. Speaker, I rise in support of this motion to instruct conferees on election reform offered by the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. Speaker, this motion to instruct does a very simple, but important, thing. It asks conferees to adopt the language in the Senate bill with respect to voting equipment with persons with disabilities. The Senate language says that there must be at least one accessible voting machine in each polling place, a voting machine that would allow voters with disabilities to vote privately and independently just like everybody else.

Let me share with you the manner in which most blind voters currently cast their ballots at an election. First, they have to bring someone along with them to help them cast their ballot, or they can have a poll worker assist them. Then they have to let the other person read the ballot to them out loud. This is usually done in a voting booth that is adjacent to other voting booths; and in order to vote, the voter with the disability has to announce his or her choice to the person helping him. All of this is likely to be within listening range of other voters at the polling place. Persons with other disabilities also suffer a compromise of their right to cast a secret ballot.

I cannot imagine that this is a manner in which most Americans would be comfortable in voting. Most of us value our privacy and independence in a voting place.

□ 1530

Many of us choose not to reveal our voting choices to others. We view it as our right to keep our choices private, but many voters with disabilities do not currently have this option. Their ballot choices are shared with at least one other person and often more.

This harsh reality was revealed in a recent GAO report. During the 2000 presidential election, the GAO surveyed hundreds of polling places throughout the country to measure access for voters with disabilities. The GAO found that none, not one, of the hundreds of polling places surveyed allowed voters with disabilities to vote privately and independently. Every polling place required voters with disabilities to vote in the somewhat public manner I referred to.

This motion to instruct seeks to remedy this problem by requiring that one voting machine per polling place incorporate assistive technology that allows

any voter, including voters with disabilities, to vote privately and independently. Potentially, it could impact millions of voters with disabilities, by allowing them full and equal access to the voting process, and that is the least that they deserve, for that is what most of us expect for ourselves and our constituents when we go to the polling place. It is also likely that for these accessible voting machines to be there, the cost will be borne at least in part by the Federal Government.

I commend the gentleman from Rhode Island for his leadership on this issue. I urge my colleagues to support the motion to instruct.

Mr. NEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, let me first thank the gentleman from Rhode Island (Mr. LANGEVIN) for this excellent legislative initiative, and I want to also thank the gentleman from Ohio (Mr. NEY), the chairman of the committee, because this is vitally important to our Nation, to our democracy, to the comfort our voters feel when they leave the polls, that the vote is counted, but in this particular instance, we need to ensure that every American is allowed and able to vote. It is not as easy said as done.

We have barriers and we do have roadblocks for people to achieve a normal living in this country. This will go a long way to ensure that those who are disabled are able to make it to the voting polls and cast their ballot for the candidates that they feel are most appropriate for this Nation.

We in Florida, of course, had an interesting election. The gentleman from Ohio's bill speaks to all of the concerns that many Floridians had during that contentious debate. I do want to commend him and the gentleman from Maryland (Mr. HOYER) for working so cooperatively on an issue that for a while divided the Nation, but hopefully when this final product makes it to the President's desk, it will unite us as Americans, knowing that when we do, in fact, cast those ballots, those critical ballots, whether it is for city commissioner, county commissioner or President of the United States, they are done accurately, they are done effectively, and they are done without any degree of uncertainty.

The gentleman from Rhode Island (Mr. LANGEVIN) has been the leader on this and a number of other issues, and I commend him and encourage and urge my colleagues to be fully supportive of this motion to instruct. It will not only improve the bill substantially but will improve the lives of millions of Americans who up until now may have found themselves disenfranchised by polling places that were not familiar, not comfortable, not accessible.

So I think this is something overdue, quite frankly, long overdue in the annals of our electoral system, and I commend the gentleman for his great efforts in bringing this to our attention and urge everybody to universally support this motion to instruct.

Mr. LANGEVIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my colleague for yielding me the time.

Mr. Speaker, I rise to express strong support for the Langevin-Hoyer-Conyers motion to instruct conferees on the election reform bill. Election reform is one of the most important issues that we will face in the 107th Congress.

Last year, we cast historic bipartisan election reform language and legislation that will significantly improve our election system. More importantly, this legislation will protect one of our most cherished democratic rights, the right to vote.

In passing the Help America Vote Act, we understood that this legislation was not perfect. One area that needs to be improved on is the language concerning the right of voters with disabilities and their access to polling places, and I thank my colleague, the gentleman from Rhode Island (Mr. LANGEVIN), for his leadership on this issue.

One of the greatest challenges voters face are inaccessible buildings and voting machines. According to the GAO, 84 percent of polling places examined in the last election were found to have one or more physical impediments which would limit people's access, people with disabilities. This is appalling. In my view, we need to make polling places and voting machines fully accessible to elderly, to frail, to those with disabilities.

Affording all people the opportunity to cast a secret ballot is of critical importance to our election system. Therefore, I urge my colleagues to support the Senate language to require States to maintain voting systems that are accessible to disabled and elderly voters.

Finally, I am hopeful that as we move forward on this issue Congress will enact a Federal election reform bill that ensures every single vote is counted and that no American is ever disenfranchised again. We must regain the trust and full participation of voters across this country.

This is a great first step and I commend my colleagues who are leaders in this area, and I urge all of us in this House to support the motion that is before us this afternoon.

Mr. NEY. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. RAMSTAD).

Mr. RAMSTAD. Mr. Speaker, I thank the distinguished chairman for yielding me the time.

Today, Mr. Speaker, I rise in strong support of this important motion which I offered with my good friend, the gentleman from Rhode Island (Mr. LANGEVIN), the cochair of the House Disabilities Caucus, and I want to thank him for his leadership on these issues, as well as the gentleman from Ohio (Mr. NEY).

The right to vote, Mr. Speaker, is the most basic and fundamental right we have as Americans, and despite the importance of this constitutionally important and constitutionally protected right, every election there are millions of citizens with disabilities who find it difficult, if not impossible, to cast their ballot.

Across the country, thousands of visually impaired people, voters, are unable to cast a secret vote, a right afforded to every other American, because of their inability to read the ballot visually.

This motion to instruct asks the conferees to include language passed by the Senate that requires every polling place to offer at least one voting machine equipped for individuals with disabilities. That is the least we can do, Mr. Speaker, to provide access to voting for every American, every citizen.

This motion is about fairness, and people with disabilities deserve equal access to voting. Over the years, Congress has worked hard to ensure that every person's voice is heard regardless of race, religion or ethnic background. It is long past time that we provide the same opportunity to individuals with disabilities.

This motion is very timely. We have just returned from celebrating the 4th of July, the birth of our great Nation. We have the opportunity today, Mr. Speaker, to ensure that the vision of our Founding Fathers is realized, that every American has an equal opportunity to vote.

I urge Members to vote yes for this important motion, and again, I thank the gentleman from Rhode Island (Mr. LANGEVIN) for his leadership on this important issue.

Mr. LANGEVIN. Mr. Speaker, I again want to thank the gentleman from Minnesota (Mr. RAMSTAD) for his support of this issue. Mr. Speaker, I reserve the balance of my time.

Mr. NEY. Mr. Speaker, again, I support this motion, and I yield back the balance of my time.

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

In closing, I just want to reiterate my appreciation to the gentleman from Ohio (Mr. NEY) for his leadership both on election reform and on disabilities issues and agreeing to support this motion to instruct. We would not be where we are on election reform without his support and I thank him.

Mr. Speaker, as I previously mentioned, I offered this motion in honor of Justin Dart, the father of the Americans with Disabilities Act and an ardent supporter of greater access to voting. Last year during the ADA anniversary celebration Justin said, Let us rise above politics as usual. Let us join together, Republican, Democrats, Independents, Americans. Let us embrace each other in love for individual human life. Let us unite in action to keep the

sacred pledge, life, liberty and justice for all.

I ask my colleagues to help empower all Americans by voting for this motion to instruct.

GENERAL LEAVE

Mr. LANGEVIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the motion to instruct.

The SPEAKER pro tempore (Mr. PENCE). Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. 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 Chair announces that this vote will be followed by two 5-minute votes on motions to suspend the rules considered earlier today.

The vote was taken by electronic device, and there were—yeas 410, nays 2, not voting 22, as follows:

[Roll No. 285]

YEAS—410

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

NAYS—2

Flake
Paul

NOT VOTING—22

Ackerman
Barrett
Blagojevich
Bonior
Boucher
Cummings
Delahunt
Dreier
Goode
Hastings (FL)
Holt
Hulshof
Meeks (NY)
Olver
Pelosi
Riley
Roukema
Schaffer
Souder
Spratt
Traficant
Walsh

□ 1604

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

H.R. 5063, by the yeas and nays; and

H. Res. 393, by the yeas and nays.

ARMED FORCES TAX FAIRNESS ACT OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5063.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. HOUGHTON) that the House suspend the rules and pass the bill, H.R. 5063, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 21, as follows:

[Roll No. 286]

YEAS—413

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann

Davis, Tom
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—21

Ackerman
Barrett
Blagojevich
Bonior
Boucher
Cummings
Delahunt
Dreier
Hastings (FL)
Holt
Hulshof
Meeks (NY)
Olver
Pelosi
Riley
Roukema
Schaffer
Souder
Spratt
Traficant
Walsh

□ 1614

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONCERNING RISE IN ANTI-SEMITISM IN EUROPE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 393, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H. Res. 393, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 22, as follows:

[Roll No. 287]

YEAS—412

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

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

NOT VOTING—22

Ackerman	Hastings (FL)	Roukema
Barrett	Holt	Schaffer
Blagojevich	Hulshof	Souder
Bonior	Lantos	Spratt
Boucher	Meeks (NY)	Traficant
Cummings	Olver	Walsh
Delahunt	Pelosi	
Dreier	Riley	

□ 1623

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4635, ARMING PILOTS AGAINST TERRORISM ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–557) on the resolution (H. Res. 472) providing for consideration of the bill (H.R. 4635) to amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2486, INLAND FLOOD FORECASTING AND WARNING SYSTEM ACT OF 2002

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–558) on the resolution (H. Res. 473) providing for consideration of the bill (H.R. 2486) to authorize the National Weather Service to conduct research and development, training, and outreach activities relating to tropical cyclone inland forecasting improvement, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2733, ENTERPRISE INTEGRATION ACT OF 2002

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–559) on the resolution (H. Res. 474) providing for consideration of the bill (H.R. 2733) to authorize the National Institute of Standards and Technology to work with major manufacturing industries on an initiative of standards development and implementation for electronic enterprise integration, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4687, NATIONAL CONSTRUCTION SAFETY TEAM ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–560) on the resolution (H. Res. 475) providing for consideration of the bill (H.R. 4687) to provide for the establishment of investigative teams to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that pose significant potential of substantial loss of life, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

Mr. HOYER. Mr. Speaker, yesterday I was traveling on official House business and missed rollcall votes 283 and 284. Had I been present, I would have voted aye on rollcall 283 and aye on rollcall 284.

ANNOUNCEMENT OF DECISION NOT TO RUN FOR REELECTION

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

Mrs. MEEK of Florida. Mr. Speaker, Members of my beloved House, it is no secret that I love this institution and I love my job in Congress. Working with all of you over the years has been one of the great joys of my life.

I told this to my constituents in Miami on Sunday, because they mean a lot to me. And I love all of you, too, both the Republicans and the Democrats, even the independents, so I wanted you to hear it from me directly that I have decided not to run for reelection this fall. So you will have me until December. I have enjoyed this stay. It has been a good run, Mr. Speaker. It has been a good run.

I was elected to Congress in 1992. CORRINE BROWN, ALCEE HASTINGS and I were the first African Americans elected from the State of Florida since right after Reconstruction. I said then that we waited 100 years to get to this body, so we were very anxious to get to work, and so we did. I came here after 13 years as a State representative and a State senator in the Florida legislature.

I have been impressed with the House from the very first. Every time I look at the Capitol dome and look at Lady Liberty I am more and more in awe. It will never get old to me. I am a good American. I love America.

I was elected to Congress during a crisis time in my community. Hurricane Andrew, the costliest hurricane of all time, had just devastated the entire south end of my district. We worked very hard together, both Republicans and Democrats.

I came here with two Republicans, we were together in the Florida legislature, ILEANA ROS-LEHTINEN and LINCOLN DIAZ-BALART, and CORRINE BROWN, ''Queen CORRINE,'' from the Florida legislature. We came here together and we have stood hand in hand ever since. And ALCEE HASTINGS came with us. He reached the highest pinnacle of the judiciary in our State as a Federal judge. So we came here in honor, and we love this Congress and we love this country.

So while our constituents were cleaning up all of the devastation by the hurricane, I came to the Congress, and the Congress responded and helped us build back that community. It has been a lot of work, Mr. Speaker, and a lot of it, the people you see here, helped make it happen through the years. They helped us restore our community, helped us restore the dignity and the quality of life of many of the people we represented.

A lot of problems arise in my district many times. I bring them here to your lap and to your feet and to your hands, and many of you, particularly my comrades and colleagues on the Committee on Appropriations, they always do whatever they can to help. Always. That is why I love this body so very much. I was just gifted and blessed to be placed on the Committee on Appropriations so I could bring the direct wishes and concerns of my constituency to this body, and I appreciate it.

□ 1630

I was confirmed just last fall on the evening of September 11 when I joined so many of you on the steps of the Capitol the evening after the terrorist attacks on New York and the Pentagon and we sang God Bless America together, Democrats and Republicans, Northerners and Southerners and Westerners, one Nation under God, indivisible, united and strong.

Do I sound maudlin? Do I sound soft? Do I sound sad? I never asked for forgiveness for standing up for this country. I never asked for forgiveness for standing up for military preparedness. I was around during World War II. I will always want this country to be strong and to be prepared.

Throughout my career I have always tried to think of the little people and to use the power of government to help improve their lives. I know what it is like not to have much and not to have many prospects. I rose from the lowest part of the neighborhood I grew up in Tallahassee. They called it The Bottom. It was ''the black bottom.'' I was thinking of this the other day because just a few weeks ago the adventurer CURT took me to Moscow and Beijing on a CODEL. I met with the Presidents of Russia and China. I have discussed national issues with Presidents Carter, Clinton, and Bush. I have been there, Mr. Speaker. I have talked to all of them, walked with kings as the poet would say, but not lost the common touch.

This one black woman from The Bottom, it was one day in the State capitol in Florida that I was not even able

during those days to go into the capitol and I lived two blocks from the capitol in Tallahassee, and I always looked up at the capitol and wondered if some day I would become a part of it. Who would imagine that I would become a part of the Florida senate, of the Florida house? Who would imagine that I would come here to Washington to be in the Halls of Congress? This is a revered body. It is a body that is well respected.

I grew up during the period of intolerance and strict segregation. It was so unfair, and it left a lasting impression on me, and I knew I had to continue to work. I saw good people held down and prevented from rising to their potential simply because of their color. I knew of good men who were killed for the same reason. I saw that power could be used to build or destroy, and I saw how powerlessness could lead to frustration and anger.

I can only state to this Congress, to every last one of you, how much I respect my blackness and my racial identity. I feel very strongly that there is still a debt we owe to the people who came before us.

When I was a child, I heard Roland Hayes sing. I got a chance to hear George Washington Carver speak. I heard W.E.B. DuBois speak. I heard Marian Anderson sing. I read the poems of Countee Cullen. So that great diversity and love that God has given came from my experience as a black person.

I stand before you today as the granddaughter of a slave. How wonderful. When you look at me, you can see that our Nation's legacy of slavery and racism is not so far removed from our lives today. But we have to keep fighting. One of the reasons that I was elected to this office was to remind you of that, and I have tried to do so to the best of my ability.

In my 10 years in the Congress and over three decades of service to my community, I have tried to live by a commitment every day of my life, and that is service is a price you pay for the space that God has let you occupy.

Because of the love of a strong Christian family, loving parents, protective older brothers and sisters, outsiders who took an interest in me, both white and black, and a strong desire to succeed, I was able to move forward.

Education is the springboard, Mr. Speaker. I have stood for it since I have been here. Improving the quality of life in housing and good health care, these are springboards. So I know it is a vehicle, and that is why I think we should continue in the Halls of Congress to do so.

I wanted to say a few things here today because of what I have lived through. We do not have time for me to go through all of it. One of these days I will write a book so each of you can read it. And other than that I will be coming back from time to time. I have six grandchildren and I have three children, and they all know of my legacy. And when I go back home, I am not going to sit still.

My colleagues need to know some of the reasons why I am not retiring. I am not retiring because I am so feeble I cannot come up here every day. I am not retiring because I do not feel I can do the job, and I am not retiring because I feel that if I were to run I would be defeated. Mr. Speaker, I am almost undefeatable. I am almost that way in my mind, so that is no reason why I am leaving. But I want to go now, because I have other things to do and other careers to pursue.

I love this country very much, and serving it has been the greatest honor of my life. We need more respect. We need respect of diversity, we need to embrace it, and we have to listen. I fully appreciate now how progress rarely comes in giant steps, but in small, incremental lurches forward. So I will retire from Congress, fully confident that our great Nation will continue to prosper.

Dr. Benjamin Mays, the former President of Morehouse College said, ''It isn't a calamity to die with dreams unfulfilled, but it is a calamity not to dream.''

Mr. Speaker, I hope all of my colleagues will remember me as someone who tried as hard as she could to do both.

NEVER CAN SAY GOOD-BYE

(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 and colleagues, I just want to echo the sentiments on this side of the aisle about our sadness regarding the departure from this wonderful institution of our dear colleague, the gentlewoman from Florida (Mrs. MEEK).

In my 20 years of elective office, I have served every one of those days with my colleague, CARRIE MEEK. The Congresswoman from Florida has been a distinguished member of every institution I have had the pleasure to serve. In the Florida house we served together. We moved together to the Florida senate, and then we served here in the U.S. Congress.

In those many years, the gentlewoman from Florida (Mrs. MEEK) has distinguished herself as a dedicated public servant, carrying the water on so many items of interest to south Florida and, indeed, our Nation; because I think her legacy extends far beyond her Liberty City district, far beyond our Sunshine State, far beyond our borders. She leaves a legacy of leadership, of dignity, of dedication, and a real sense of community service.

CARRIE, we are going to have you to kick around for a lot of years. You are not retiring; you are going to be in our hearts and you are going to be in our community for many decades to come. I cannot imagine serving here without you. So every day when we are voting, you will be a part of this institution, you will be a part of our body, you will be a part of our legacy. Asi que te va vamos a estranoi, mi amiga. You are my friend. We have traveled many a hard road together, and we will continue that struggle together for many more years. You are not leaving, so we are not going to say good-bye. Adios, mi amiga.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, on Monday, July 8, 2002, I was unavoidably detained in my district on official business, and I missed rollcall votes, numbers 283 and 284. If I was present, I would have voted ''aye'' on rollcall vote 283 and ''aye'' on rollcall vote 284.

MANY THANKS TO CARRIE MEEK, A GREAT AMERICAN

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

Mr. HOYER. Mr. Speaker, I have had the honor of serving with the gentlewoman from Florida (Mrs. MEEK) on the Committee on Appropriations for many years now. We saw the parade of Members from both sides of the aisle, all sorts of ideologies, come and give the gentlewoman a hug. They gave her a hug not for her, although she appreciated it; they gave her a hug for themselves. She is an historic leader of this House, an historic leader of her State, and a great American. She loves this country, and the great news is her country loves her.

The gentlewoman from Florida (Mrs. MEEK) is a person of great depth, of great intellect, of great ability, who is as humble an individual as I know, as effective an individual as I know.

And, CARRIE, all of us will miss you in the day-to-day operations of this body. But as the gentlewoman from Florida (Ms. ROS-LEHTINEN) indicated, we know that you are not going. We think you are probably going to be coming here regularly to visit family. Who knows?

But we certainly want to say to the gentlewoman that we thank her. We thank her for being her, for being our friend, for being such a great Member of this House. She has brought honor to this House, she has brought humanity to this House, and she has brought great service to her district.

EXTENDING DEEP LOVE AND APPRECIATION

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

Ms. KAPTUR. Mr. Speaker, I wish to add my words to that of the gentleman from Maryland (Mr. HOYER) and the Florida delegation in extending our deepest love and appreciation to our treasured colleague from the State of

Florida (Mrs. MEEK). Without question, her spirit carries this institution, and she has given hope, not only to her district, but to the people of our entire country. Each of us here in the House knows we are serving with an historic figure, and we thank her family, we thank the people of Florida, of Miami, for sending her here in order that our country be a better place in which to live.

I think every single Member here whose life she has touched is a better person for knowing her. She has strengthened us when we were at our weakest, she has made us laugh when we were taking ourselves too seriously, and even as recently as this afternoon she was fighting for the weakest and the poorest among us in the Committee on Appropriations in a several-year effort that she has fought to get rid of usurious lending and check-cashing facilities across this country that prey on the poorest among us.

I will never meet another person like the gentlewoman from Florida (Mrs. MEEK), and I say to the gentlewoman, I hope that you will come back to us as often as you wish, because you have a seat in the office of every single person on both sides of the aisle of this Chamber. You are held in the highest regard, and you truly have fulfilled the oath that you took to represent the interests of our country.

It has been my great privilege to serve with you, and I thank you for your work on behalf of the citizens not just of your district or mine, but our entire country and the world. You are one of a kind. God bless you.

□ 1645

TRIBUTE TO THE HONORABLE CARRIE MEEK, MEMBER OF CONGRESS

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

Mr. TAUZIN. Mr. Speaker, I wanted to rise, too, to let the gentlewoman from Florida (Mrs. MEEK) know that, from this side of the aisle, the feelings that have been already expressed about her personally are shared broadly across this body.

I say to the gentlewoman from Florida, we have shared a lot of time together, I have shared time on both sides of the aisle, and we have come through a lot together. We came through Hurricane Andrew. When it got through messing with the gentlewoman's folks, it came down to Louisiana and messed with mine, and we share the horrors of those tragic days with our constituents together, and helped rebuild together.

More importantly, I say to the gentlewoman from Florida (Mrs. MEEK), she has been a dear friend, a dear friend to so many of us. We have come to love and admire her in so many ways.

I have often said that this House is filled with real people who represent real people. In a real sense, the gentlewoman from Florida (Mrs. MEEK) has literally represented the best of what the House of Representatives is all about. It is about people coming from the bottoms, the small places of America, and representing them with dignity and honor and respect; and she has done that in a magnificent fashion.

She has honored this body by her presence. She will be remembered a long time by more than those grandchildren who love her so much. She will be remembered with honor and love by all of us in this House for the time we have been privileged to share with her here.

I wish you bon voyage, CARRIE. I hope you have a great time in whatever you do.

TRIBUTE TO THE HONORABLE CARRIE MEEK, MEMBER OF CONGRESS

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

Mr. MCDERMOTT. Mr. Speaker, I am here to speak on behalf of guys with white hair, the gentleman from Virginia (Mr. MORAN), the gentleman from California (Mr. GEORGE MILLER), and me. The gentlewoman from Florida (Mrs. MEEK) used to play the game with us all the time; and we knew she knew who we were, but she would play like she did not. But her sense of humor and her ability to reach down into people's souls really makes the difference.

Many Members come here and we all think or we all try not to lose touch with where we came from; but there is no question, when the gentlewoman from Florida (Mrs. MEEK) speaks on this floor, there is no question that she has not forgotten where she came from or the people around her, who they were, and what they struggle with.

Her voice has been a consistent and solid voice for the people in this society we try to give a hand up to, but the gentlewoman from Florida would never let us get away with just trying. She insisted that we do it. We are going to miss her, and they are going to miss her. All of us are going to miss her coming up the aisle saying, ''the gentleman from Virginia, Mr. MORAN.'' We are going to miss her a lot.

TRIBUTE TO THE HONORABLE CARRIE MEEK, MEMBER OF CONGRESS

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

Mr. DIAZ-BALART. Mr. Speaker, as one reads history, many times it seems as though the figures that one encounters are larger than life. It is uncommon to be absolutely certain that, during one's life, one has met someone who is like the greatest of the characters that one has met in history.

That one person that I know, and am absolutely certain that she has already come to be known not only as one of the greatest orators in the history of Florida, one of the greatest public servants in the history of Florida, but one of the greatest Floridians, is the gentlewoman from Florida (Mrs. MEEK).

I have had the honor, the profound honor and privilege, to know her and to be her friend since we served together in the Florida legislature; and her wisdom and her fairness and her compassion and her goodness and her strength and toughness on behalf of those in need are legendary, and will be more legendary each day.

I join all Floridians, all who have known her, in thanking her, in wishing her well, in wishing her and her family and her son, who will be here with us soon, Godspeed. Thank you, CARRIE.

TRIBUTE TO THE HONORABLE CARRIE MEEK, MEMBER OF CONGRESS

(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, I know that I will have an opportunity to pay tribute to the distinguished gentlewoman from Florida (Mrs. MEEK) at a later time, but I simply wanted to not have this RECORD close, after she has made such an eloquent statement to her colleagues, without commenting on what she means to those of us who have had the privilege of serving with her and on what she means to Florida and to the Nation.

The gentlewoman from Florida (Mrs. MEEK) is a renaissance woman. She is one who will come to the floor with passion, but also with knowledge. She is one that is unbeatable in debate because she is not one who memorizes or tries to recapture facts she does not know. She speaks both from the heart, but as well, from an internal, deeply embedded sense of knowledge of humanity and the needs of our people, no matter who they are.

I have heard her quote from those who many of us only read about, and we will miss the eloquence of a stateswoman who can turn heads and minds on issues that they thought they would come to the floor and vote in the opposite way.

It is well known that we expect to be fortunate enough to be able to serve, those of us who may get reelected, with her distinguished son. But what I would say, Mr. Speaker, that I want the RECORD to be able to account for as she gives her remarks this evening, is that she is a great woman, a woman of affection and love, and that we love her; and, as well, she has been someone who has, in the deepest of need, she has gone there and responded to the need, but also she has solved the need. That is for her constituents in Florida, that is for the people of the United States of

America, and those who may call upon her, who do not know her but see her as a soldier or sojourner for truth.

TRIBUTE TO THE HONORABLE CARRIE MEEK, MEMBER OF CONGRESS

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

Mr. DEUTSCH. Mr. Speaker, this is with both great pride and sadness that I rise today to join what I really think are unprecedented spontaneous words of Members to talk about our friend and our colleague, the gentlewoman from Florida (Mrs. MEEK).

I joined this Chamber with her 10 years ago with several other Members from Florida, and particularly from south Florida. Three of us were elected: myself, the gentlewoman from Florida (Mrs. MEEK), and the gentleman from Florida (Mr. DIAZ-BALART).

For those of us in south Florida, we literally stepped on the shoulders of giants: Claude Pepper, Dante Fascell, Bill Lehman. I think for all of us those truly were icons in American history. We felt we could fill their shoes, but we knew of their legacy. I think after 10 years it is absolutely clear that at least one of us has attained that legacy, and that is the gentlewoman from Florida (Mrs. MEEK), who really in the history of America stands out as a unique leader.

Clearly not just in the history of Florida, in the history of south Florida, but truly in the history of America she is an icon, an icon in terms of integrity, accomplishment, work, and compassion. I think that is something that she will remain for the rest of her life and for all history. Her legacy is not just her good works but her family, as well, who join her in public service and will continue.

TRIBUTE TO THE HONORABLE CARRIE MEEK, MEMBER OF CONGRESS

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

Mr. PRICE of North Carolina. Mr. Speaker, I want to add my words of tribute to the spontaneous demonstration this afternoon on behalf of our colleague, the gentlewoman from Florida (Mrs. MEEK), who has recently announced her retirement. This is an announcement that caught us by surprise and that we regret; but we welcome this chance to pay tribute to the gentlewoman from Florida for whom we have great admiration and affection.

I have sat next to the gentlewoman from Florida on both of my Appropriations subcommittees for some years now, both the Subcommittee on VA, HUD and Independent Agencies and the Subcommittee on Treasury, Postal Service and General Government. We have sat through many hearings and many markups together. We have had some good times, and we have had some real challenges. I have developed great affection and respect for the gentlewoman from Florida during this period of service.

The gentlewoman from Florida (Mrs. MEEK) is a fighter. I will never forget the kind of fight she made for the hurricane victims when her district was stricken some years ago. This very day, I have seen her fighting for people without adequate banking services in our Committee on Appropriations.

The gentlewoman from Florida (Mrs. MEEK) does not always win these fights, but she always fights with conviction, with a compelling case, and with the kind of style that makes her a very hard person to oppose. She has a warm and winning way; she wins admiration and friendship on both sides of the aisle. She is a unique Member of this body. I have counted it a real privilege to serve with her and am looking forward to several months more of service as we go through the appropriations cycle.

I wanted to rush over here when I saw this spontaneous tribute arising on the House floor, because I am so fond of Mrs. MEEK and so admiring of her. I am pleased this afternoon to add my words of tribute, to wish her well, and to say that in her months remaining here I anticipate many more good fights and good times as we serve together.

TRIBUTE TO THE HONORABLE CARRIE MEEK, MEMBER OF CONGRESS

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

Ms. WATSON of California. Mr. Speaker, I had not intended to give my tribute this afternoon, but we cannot be in these Chambers or in hearing distance and not be compelled to come up and add to this tribute. We are going to say more later.

I have known the gentlewoman from Florida (Mrs. MEEK) for almost 30 years now. I remember her as a legislator who rushed up to me one day and said, What is the name of that bill, that bill? What is the number of that bill that you had? We want to do it in Florida. She was always probing, always seeking to make good public law.

We served together in Noble Women many years ago. I just went up to her and I said, I want to take credit for getting you here in 1992. After that very devastating earthquake she called my office. We had had a big uprising in Los Angeles. She said, What can I do? I have two young men running against me. I said, Turn your headquarters into an emergency relief center. She did that. She gave out beds and blankets and food, and she ended up in the place where she needed to be; that was in the House of Representatives.

She has served with distinction, but most of all, she has served with heart, directly under God, and shared that with all of us. For that, we will be eternally grateful to you, Carrie. We love you.

TRIBUTE TO THE HONORABLE CARRIE MEEK, MEMBER OF CONGRESS

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

Mrs. JONES of Ohio. Mr. Speaker, it just happens that today I had on the great colors red and white. I am pleased, as a member of the Delta Sigma Theta Sorority, Inc., an international woman's sorority, to stand here to salute my soror, the Honorable gentlewoman from Florida (Mrs. MEEK).

It has been wonderful to have an opportunity to serve in the House of Representatives with her. We had a wonderful chance to talk about the great Delta days, about Bethune College, about basketball. In fact, recently she and I coached the Congressional Basketball Team called the Hills Angels as we played the Georgetown law faculty.

But more importantly, she is full of history, full of wonder, full of grace; and I am so pleased and blessed to have had the opportunity to serve in the House of Representatives with her, if only for 4 years.

□ 1700

In your lifetime God gives you the opportunity to be touched by a number of people. I am so pleased that I had a chance to be touched by this wonderful, wonderful woman called CARRIE MEEK. And I look forward to your further years of service. We will not let you retire. We may let you leave here, but we have other jobs for you, Mrs. CARRIE MEEK.

On behalf of all the Deltas from across the world, 190,000 strong, we salute our soror, CARRIE MEEK.

SPECIAL ORDERS

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

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

(Mr. JONES of North Carolina 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 Florida (Mrs. THURMAN) is recognized for 5 minutes.

Mrs. THURMAN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

Mr. DEFAZIO. Mr. Speaker, today the President gave a long, rather long speech full of words that really administered a pretty heavy feather duster to the miscreants on Wall Street, the CEOs, the analysts and the others who have been robbing our corporations, our economy, blind. He said he was not going to put up with it anymore. He was going to get tough.

But it is more what he did not say than what he did say that is important. He did not say he would support tough legislation to overhaul the securities firms, the Sarbanes bill. He did go on to say he would support the weaker House version, the one that really would not do anything for pension reform or auditing, the show bills that passed the House here before this thing really imploded, that the Republican majority pushed through. They would still allow corporations to direct their employees to be stuck with stock and would not really fix the problems of auditing and those things.

He did not talk about corporate tax dodges. The phony incorporations of U.S. firms in Bermuda to avoid tens of millions of dollars in taxes. He did not talk about rescinding his order which would allow corporate lawbreakers to get government contracts. He did not say a word about Harvey Pitt, the toothless watchdog of the Securities and Exchange Commission. Now the principal watchdog over America's securities firms and the stock markets and all those financial investments, all of those very complicated, high falooting things which have allowed people to steal hundreds of millions, billions, of dollars, bankrupt companies, put people out of work, steal their pensions and crater the 401(k)s of tens of thousands of American. We have an organization already in place that is supposed to take care of that. The Securities and Exchange Commission.

Earlier this year, just a couple of months ago, the President proposed a zero funding increase for them. Today, he pretended that he had been asking for a long time for more money for the SEC. He has not been, but I am glad that he has been born again in asking for some increase. But the increase he is asking for is a tiny fraction of the money that has been stolen. It will be inadequate to make the SEC the kind of watchdog we want as long as Harvey Pitt is the chairman.

Now, Harvey Pitt is a former securities lawyer. He is so compromised that when he recently met with a firm that was being investigated and he was questioned about it, he said, well, look, you cannot ask me not to meet with firms that are being investigated by the SEC just because I represented them, because then I would not be able to meet with anybody.

This is our watchdog. This is the President's appointee. This is the guy who is going to bring honesty. Come on. If that gentleman is not removed the President is not serious.

Recently the SEC tried to do an enforcement action against Ernst & Young. There were three commissioners present. They heard the evidence and at the end, the evidence was compelling, Ernst & Young should pay a fine. They had committed some improprieties. But guess what? Only one of the three SEC, Securities and Exchange Commission, members could vote because the other two were so compromised that they would have been penalized under law for voting because of their associations with this firm. So the one voted to penalize them, the Clinton appointee. But then an administrative law judge said, you cannot convict these people with one Securities and Exchange commissioner. You have to have more than one.

So here we have a Securities and Exchange Commission which is so compromised with their contacts, with their clients, who have represented all these people robbing America blind that they cannot even vote on enforcement actions. And the President is trying to tell us with his speech today, by God, he is taking care of this problem.

He has not taken care of the problem. He has tried to take care of one problem today and that is the political problem he has, the gathering storm of anger in this country that is beginning to look for someone to blame for the fact that billions of dollars of wealth have evaporated.

Americans are opening their 401(k) statements this month and many of them are shocked, disappointed and, yes, angered. They want to know who is responsible. How could these high-flying companies, how could these CEOs who are paying themselves tens of millions, hundreds of millions of dollars, boards of directors loaning themselves hundreds of millions of dollars, how could they suddenly be worthless? How could their 401(k)s have dropped so much? Because the money was stolen. And because there is no one home to enforce the law.

The Securities and Exchange Commission is the place to enforce the law, and until the President replaces the compromised people on the SEC; he has even got one nominated now, he comes from a securities firm. But as soon as that person gets there, he will not be able to vote on any of these things because they worked on all of these things. These are their buddies, the people they go to the luncheons with, the country club, they go yachting with, they go to their multimillion-dollar homes in Florida with.

We need to clean up this mess. The President had a chance today; he did not take it. Perhaps we can give him another chance again soon. Perhaps the Republican leaders of the House will relent and allow real reforms for pensions, real reforms for securities. Maybe they will undo some of the things they did back in 1995, which essentially exempted these securities firms from prosecution.

We can take some real measures here if there is the will. But there is so much money flooding from these people into politics that I fear we will not get there.

Some of us will continue to speak out. Others will begin to speak out. But will they put their vote where their mouth is? And will the President really put firm steps where his rhetoric is? Not today.

Tomorrow is another day. Americans will be a little madder tomorrow. This will still be going on tomorrow. Let us see what happens then.

DISASTER IN SOUTH DAKOTA

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

Mr. THUNE. Mr. Speaker, I appreciate the opportunity to speak this afternoon to some issues that are important to my State.

In the last week I have had the opportunity to travel the State of South Dakota and witness some enormous devastation that our State has experienced as a result of drought. It was announced yesterday that the month of June was the driest in the 114-year history of our State. In western South Dakota we have farmers and ranchers who are experiencing tremendous economic impacts, losing, having to sell and liquidate their herds. We need a solution.

I will continue to prevail upon this body, upon my colleagues here, as I have already, to provide assistance to our farmers and ranchers who are so desperately in need of help this year.

In my judgment, the drought we are experiencing in South Dakota is not unlike many of the other natural disasters that affect other parts of this country, and it demands that this Congress and the people of this country step up and support those in my State who are suffering so desperately this year.

I also had the opportunity, Mr. Speaker, to witness firsthand some of the devastation that resulted as a result of the Grizzly Gulch fire, fire that ravaged about 11,000 acres of South Dakota this last week. Fortunately, it is under control; it is being contained. For that, we owe an incredible debt of gratitude to the extraordinary effort that was made by fire fighters all across South Dakota, volunteers who came and joined the Federal fire fighters who were doing such a great job of controlling, containing that blaze.

It came very, very close, right down to the city's edge, the city of Deadwood and other communities that would be impacted. It burned a number of structures and homes, but it did not come into the community as a result of the extraordinary efforts; and for that, I give the fire fighters of my State, many of them volunteers from across our State, great credit for the tremendous work that they did in controlling that blaze.

The people of my State have pulled together as they do in times of adversity to address this tragedy. We saved

the community of Deadwood. And in South Dakota, I will tell my colleagues, we are open and ready for business. Those who like to vacation, we invite them to South Dakota. We have a number of wonderful family vacation attractions. It is very family-friendly. It is affordable. We have lakes and hills and bike trails, Mount Rushmore, Crazy Horse, many of the other great attractions that are unique to South Dakota. We want people of this country to come to our State and experience the wonderful beauty of it and take in many of the attractions that are available to them.

One thing that came out of this also, Mr. Speaker, and was reinforced, is that we need a change in forest policy in this country. Fires are a natural part of a forest system. We know that. But the intensity of those fires is not natural. We need to reduce the fuel loads that exist in places, in the Black Hills National Forest. We have seen fires in other parts of the country this year, but we have experienced first-hand fires in my State, and we have enormous loads of fuel on the ground in places that need to be reduced or we will be dealing with catastrophic fires throughout the course of the summer.

The Forest Service needs the authority to clear the dead trees that are creating the fuel loads that are presenting the risk of catastrophic fire. I have been trying now for several months to get a legislative solution in place that would give the Forest Service the tools they need to prevent catastrophic fires. Those efforts have been resisted to this point in the other body. Last week's fire should be a reminder and force us all to take another look at the policies in this country.

We have in this country, in my opinion, a big fire policy; as a result, we have big fires. We are seeing them burn in Arizona and Colorado and now South Dakota. We need reforms, Mr. Speaker, that will enable the Forest Service to address these incredible risks that exist in our forests today.

The Forest Service, 40 percent litigation and appeals; 40 percent of the dollars that we appropriate for the Forest Service are spent fighting lawsuits and appeals that are brought on by groups who are trying to prevent the Forest Service from doing what they know they need to do and what the public knows needs to be done to keep our forests healthy.

I urge my colleagues to work with those of us that live in areas that are at risk of catastrophic fire to make change in our policies that will protect the lives and the property of people of my State and others like it.

The Blacks Hills National Forest is South Dakota's treasure, but it is also America's treasure, and we need to treat it that way. Our State is experiencing historic droughts; that is a disaster. With that comes the risk of fire, fires that we know are going to be frequent in years like this. But the intensity of those fires, Mr. Speaker, is something we can address. We have within our control the ability and the power to give the Forest Service the tools that they need, the authority they need to go in there and manage and treat these forests, to clear those dead trees and that dead timber in a way that will prevent these forest fires from happening in the future.

In one part of Beaver Park, which is in the Sturgis area of South Dakota, we have there 70 tons of fuel on the ground in an area where the average is 7 tons of fuel, primarily as a result of the pine beetle infestation which has been killing trees at a rampant pace. In the last couple of years, in 1999, there were 15,000 trees that were affected by the pine beetle. In 2001, that was 100,000 trees. Yet, because of lawsuits, because of litigation, because of appeals and dilatory tactics, the Forest Service is unable to go in and take the steps necessary to keep the lives and property of people safe and to make sure that our forests are healthy.

Mr. Speaker, today I ask my colleagues in this body to work with me to make the necessary changes to give the Forest Service the tools they need and the authority they need to do the job of keeping our forests safe, protecting our lives and property, and our forests healthy.

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

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

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

(Mr. FILNER 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 Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

(Ms. ROS-LEHTINEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

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

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

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

RAIDING THE SOCIAL SECURITY TRUST FUND

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

Ms. KAPTUR. Mr. Speaker, I rise this evening to continue what has become my weekly clocking of the continuing Republican raid on our Nation's Social Security trust fund.

□ 1715

Four weeks have passed since I first came to this floor, unveiled our debt clock and our debt graphs and started documenting the truth to the American people about the Social Security trust fund.

The truth is that House Republican leaders have turned their back on America's senior citizens and are raiding billions every day from our Social Security trust fund. When President Clinton left office, our Nation had finally moved into an annual balance of accounts, and we were yielding even a small surplus. Though we had a huge accumulated debt that we were beginning to pay off, our Nation's financial house was put in order.

What has happened in just a few years under Republican leadership is that we have begun now to amass huge additional debts nationally, and there is only one place where they are going to get the funds to pay for the war, to pay for the tax breaks that have been given to the wealthiest in this country and the corporate cowboys that we see now being brought before congressional committees, and that is, our Nation's Social Security trust fund.

Do the Republicans have a plan to stop this raid? No, they do not, and in fact, today, the total raid has run now to over $235 billion. That averages out to about $837 for every single American who will qualify for Social Security. When I first came to this floor 4 weeks ago, they dipped into the Social Security trust fund to a raid of $208 billion, and in just 4 weeks, that has gone up an additional $27 billion.

The Republicans in this institution, at least their leadership, are in avoidance, hoping to dodge this issue in the fall's election. They will not even allow a debate on Social Security reform because they know that their risky idea of privatization to try to cover up what is really going on with the accumulated trust funds will be exposed for what it is, and that is, a gamble, not a guarantee.

Just look at what has been happening in the stock market, if my colleagues want to know something about gambles. The American people deserve better. Our working families deserve better and our seniors deserve better.

Working families have earned the right, not the privilege, the right to a secure retirement, and Republican leaders must put Social Security first, not dip further and further into the trust fund, violating the very lock box promise they made seven times not to dip into Social Security reserves in order to pay for other things.

The urgency is real and especially pronounced in the wake of the Enron collapse, WorldCom and other corporate scandals. Thousands have already lost their retirement checks in the private sector across this country, and many have been forced to return to work or to extend their career.

In his own case, President Bush yesterday in a White House press conference commented about confusing accounting procedures that were used to mask nearly three-quarters of a million dollars that he yielded from the early sale of stock in a firm on which he had sat, actually an oil company on which he had sat on the board. When the national press asked him how it was possible that he had sold this stock early and yielded those dollars, he said he still had not figured it out completely. That was reported in three different newspapers today.

Let us reflect on that statement for a moment. President Bush, a former corporate director and member of the auditing committee of that corporation, when pressed about possible corporate bookkeeping practices, replies, I still have not figured it out completely.

Should the American people expect that? We should expect more. We deserve more. America needs tough accounting standards for private sector plans, and it needs tough accounting standards for Social Security because these dollars have to be replaced somehow.

So the time has come for financial and political accountability. Republican leaders should be held responsible and they will be in this coming November's election.

WE NEED SMALLER GOVERNMENT

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

Mr. DUNCAN. Mr. Speaker, because of the corporate scandals at WorldCom, Enron and Global Crossing, C–SPAN a few days ago asked people call in on the question of whether they had lost their faith in American corporations.

The problem is that bigger and bigger government has led to and resulted in bigger and bigger businesses controlling or dominating almost every industry or business sector. Almost every major problem we have today has been made worse because liberals over the last many years have made our government at the Federal and now even at the State levels far too big.

Big government, in the end, really helps only extremely big businesses and the bureaucrats who work for the government. The big giants in every industry have come to the government and have gotten the government contracts, the favorable regulatory rulings, the tax break, the insider sweetheart deals in trade deals and so forth. So the big keep getting bigger and small businesses and small farms go under or struggle to survive, and now even medium-sized businesses even barely hang on.

Despite the most economic leverage of any Nation in the world and the fact that every nation drools to get into our markets, we have not used this economic leverage to help American small- and medium-sized businesses and workers, and instead have helped only big multinational companies.

Liberals always claim they are for the little guy. Yet their policies have hurt the little man in almost every way. For example, big government has driven medical costs almost out of sight.

Another example, liberals expanded the FDA and made it so big and bureaucratic that it now takes an average of over 10 years and over $850 million to get a drug to market. This is why prescription drugs cost so much. People wonder why and do not realize it is their own government that has done it to them.

Big government liberals and their allies in the environmental movement protest every time anyone wants to cut any trees, dig for any coal, drill for any oil, or produce any natural gas. This has caused many small companies to go out of business and forced them to merge and has driven up prices and destroyed jobs. This has hurt the poor and lower-income and working people most of all.

I am sick and tired of seeing so many American jobs go to other countries. However, when big government taxes and regulates small businesses or small farms out of business, it simply means that the big keep getting bigger. Then the big giants have to go where labor and regulatory costs are the lowest, and they are much more likely to move out of the country, and then our people wonder why we keep losing so many good jobs. Well, it is primarily because of a Federal Government that has grown so big and so bureaucratic that it is simply out of control.

In the Subcommittee on Water Resources and Environment, we recently learned that some 400 pages of proposed EPA regulations would run 40,000 small farmers out of business. We had farmers in our hearing crying because their own government was about to do them in.

I am told that in 1978 we had 157 small coal companies in east Tennessee. Now there are none. All the small- and medium-sized ones were regulated out of existence by Federal mining regulators under intense pressure from environmental special interest groups which get their contributions mainly from extremely big business.

We have just had some 500 square miles of forests burning in several States out West. Two years ago, the previous administration followed policies that caused 7 million acres to burn and over $10 million in damage.

The head of the Forest Service told the Washington Times that ''there might have been 40 to 50 Ponderosa pine trees per acre at one time. Now you've got several hundred per acre.''

Yet environmental extremists oppose even any thinning of the trees, no cutting at all, and even oppose removal of dead and dying trees. The Washington Post said the combination of drought and refusal to thin the forests has been deadly and has caused all these fires because there is such a tremendous build-up of fuel on the floors of the forest.

The opposition to cutting the trees has driven many small logging companies out of business and once again has destroyed jobs and caused another industry to be limited primarily to big grants.

When big government liberals make it impossible for small drug companies and small businesses in every industry to survive, it decreases competition and drives up prices. This hurts lower-income people the most.

When big government liberals and wealthy environmental extremists force mom-and-pop mining or logging companies or small farms out of business, it destroys jobs and opportunities not only for loggers and miners and farmers but also their lawyers, accountants, secretaries and salespeople. This is a big part of the reason why so many college graduates cannot find good jobs and have to go to graduate schools and work as waiters and waitresses.

When I was growing up, a poor man could start a gas station. Now, because of all the environmental rules and regulations and red tape, it takes a multimillionaire or a giant corporation to start one.

Mr. Speaker, to sum up, big government liberalism is killing the little guy. Liberals and environmental extremists are the best friends extremely big business has ever had, and it is no wonder we are seeing the major corporate scandals we are reading and hearing about today. Unless and until we downsize our Federal Government, we will continue to see even more.

OMNIBUS RESTORATION AND REFORM ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, we find ourselves in a dilemma, and I would hope that the dilemma would cause us to recognize that all of us who are responsible for governance and are responsible for the leadership that is important in corporate responsibility cannot take on

any labels. I will say that the importance of what we are doing should not have a label of Republicans or Democrats, but clearly, the label should be that Congress has not acted.

We simply have not done the job. I am not sure if this has anything to do with big government or little government. I would say that it has a lot to do with congressional abdication of their responsibilities and agencies not doing their jobs and regulations not being strong enough, and that is, of course, the problem of corporate nonresponsibility.

It is urgent that this Congress acts now. I happen to represent Enron Corporation who is now at this point trying to rebuild itself and remake itself, and I have always said that I wish them well, because I want a strong business doing the business that it was designed to do and providing jobs for the 18th Congressional District. At the same time, we cannot ignore the fact that we have a circumstance where there is a crumbling of investor integrity and investor confidence in our system.

Whether it is Enron that fired 4,000 employees 24 hours after they filed for bankruptcy, while 2 days before they gave $105 million in retention bonuses to past leadership of that particular corporation, and I recognize that trials and investigations are still going on and that is appropriate, but we do know the facts. That almost 5,000 employees were laid off with no savings, minimal severance pay, left to their own devices and much of that was without any device. Pensioners losing their life savings. A constituent of mine, a small investor, a grandmother, said I lost $150,000, a lot of money for someone who may be new to the marketplace.

WorldCom, and I hold up a certificate of stock ownership, maybe, Mr. Speaker, this is not exactly a certificate of stock ownership, but it reflects that WorldCom sold just a few weeks ago for $64 per share and just recently it sold for 7 cents a share, and it was disenrolled or D-enrolled on the NASDAQ stock exchange.

It is time now, Mr. Speaker, for much action to occur, and this week I will be looking forward to introducing the Omnibus Restoration and Reform Act of 2002, dealing with trying to get the focus of not only the Congress but of the American people on one legislative initiative that includes any number of fixes.

Mr. Speaker, I hope that we will pass 25 bills dealing with corporate reform. I would hope that this omnibus bill will just signal that the Congress needs to move. It needs to move because insider trading is still going on.

Pharmaceuticals, oil companies, communications companies, we already know that the communications industry has lost more than 165,000 jobs, second only, I understand, to the auto industry.

What has to be done? I agree with the leader of the other body and the leader of this body that we must have an investor bill of rights, and I join them in their announcement today and applaud them for their leadership.

I agree with the announcements being made in Wall Street today that we need a stronger SEC.

□ 1730

But after we do all of this, we must have follow-through. The Investor Bill of Rights must have the opportunity to pass, and the bill, or any bills that the President is talking of, must be able to pass.

Mr. Speaker, let me simply say in closing that we need an omnibus corporate reform restoration act to restore the faith of those who invest in our capitalistic system, oversight of the board of directors, and to make criminal the actions of those CEOs who would do criminal acts at the head of their companies.

I hope we will act soon. Congress needs to act soon and the President needs to sign a bill to strengthen our corporate structure.

PRESIDENT'S PLAN ON CURBING CORPORATE GREED

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

Mr. BROWN of Ohio. Mr. Speaker, earlier today President Bush gave a major speech on the administration's plan to curb executive greed and corporate misgovernance in our country. This plan could be a tough sell, considering the President's own record as a businessman and his record of regulating industry.

Shortly after taking office, President Bush made clear how he felt about any kind of government regulation. His first budget proposal contained the elimination of 57 staff positions at the Securities and Exchange Commission, the agency charged with reviewing his corporate financial problems of the 1980s and reviewing all corporate financial reports today. His Treasury Secretary moved immediately to shut down intergovernmental efforts undertaken by the previous administration to monitor offshore tax havens at the heart of the financial maneuvering that led to Enron's collapse.

This President let chemical companies write legislation that dealt with arsenic in the drinking water, let insurance companies write legislation about the privatization of Medicare, let the drug companies write legislation that had to do with prescription drug coverage, let Wall Street write legislation to privatize Social Security, and let the banks write legislation relating to bankruptcy. This laissez-faire antigovernment attitude of the Bush administration also created a permissive environment clearly making companies like Enron, WorldCom, Adelphia, and others believe they could mislead investors with impunity as long as President Bush was in office.

Even after the Enron scandal was revealed last year, the President proposed a zero-growth budget for the SEC. He supported publicly and aggressively weak pension and accounting reform bills in the House, even though thousands of employees in this country, turning into tens of thousands, hundreds of thousands of employees, are losing their retirements to fraud and mismanagement by the President's friends at Enron and other corporations.

He refused to support legislation that would close the loopholes that allow American companies to go offshore to avoid U.S. taxes. He has declined to support reauthorization for the Superfund tax, requiring corporate polluters to pay for cleanup of the messes they make. Instead, he has chosen to have taxpayers pay to clean that up. To make matters worse, the President's advocated turning Medicare and Social Security over to the private sector.

As evidence of this bias in his political contributions from the insurance industry, the President recently endorsed a Medicare prescription drug plan that would be administered by the health insurance industry. This plan undercuts seniors' purchasing power and enables the drug industry to sustain its outrageous drug prices by permitting the continued abuse and manipulation of drug patent laws.

Why? It just might have had something to do with our committee 2 weeks ago considering the prescription drug bill. The committee chair decided to quit at 5 p.m. so all the Republican members in the committee could troop off to a fund-raiser, a Republican fundraiser headlined by George Bush, where the chairman of the fund-raiser was the CEO of a prescription drug company in England. That chairman and that company contributed $250,000 to House and Senate Republicans and to President Bush. Other prescription drug companies contributed $50,000, $100,000, and $250,000, while Congress was considering a prescription drug bill.

No surprise that the next day, when our friends returned to our hearing, that on issue after issue after issue the Republicans voted down the line for drug company interests against seniors' interests.

The President and his administration have a long way to go to convince the American people they are serious about cleaning up corporate abuses in large American business or even enforcing current law.

So as the country considers the President's plan for reversing the current trend of corporate greed and misdeeds, I hope my colleagues will understand that I view his conversion from a proponent of laissez-faire economics in letting corporations run roughshod over government regulations and roughshod over the public, his conversion from that to chief regulator and enforcer of these laws with a healthy degree of skepticism.

A famous civil rights leader years ago said, ''Don't tell me what you believe. Tell me what you do, and I will tell you what you believe.''

CRISIS ON WALL STREET

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. Mr. Speaker, today President Bush went to Wall Street, and he went to Wall Street because he believes that Wall Street is now in trouble. It is in trouble with investors, it is in trouble with the American people, it is in trouble with the international capital communities; and therefore, the President went to Wall Street.

The President today recognized that we have a crisis and a scandal in the financial markets in the United States; that, rightfully, professional investors, amateur investors, and people who really do not even know how to invest but have a stake in Wall Street through their pension plans have lost their confidence and are starting to think that somebody ought to go to jail.

This did not happen today, it did not happen yesterday, it did not happen last week when the President made up his mind he was going to Wall Street. This has been a crisis for the average American for more than a year. This has been a crisis since Enron and Tyco and many other companies started to falter as their fraudulent bookkeeping schemes started to come to light.

Hundreds of thousands of Americans have had their pensions evaporate as companies disguised their financial health and then immediately declared bankruptcy. Hundreds of thousands of Americans who thought they might be able to retire in the next couple of years now recognize that they are going to have to work the rest of their lives if they are going to get by. This was a crisis for tens of thousands of employees whose jobs evaporated overnight because of the greed of the corporate executives who, while they told employees they could not provide additional health care dollars, they could not provide extra compensation, they could not give to their pensions, were taking hundreds of millions of dollars off the top of the corporation.

This has been a disaster for millions of shareholders across this country and in the rest of the world as they lost value in their portfolios, some of it for their retirement, some of it for their children, some of it for their families, because of the deception, the greed, the dishonesty that was rampant on Wall Street these last couple of years. Yet it took almost 18 months for George Bush to ask what was going on. It took almost 18 months for George Bush to deliver a major speech on this crisis.

The President did not deliver the speech when it was just the American family that was in trouble. He did not deliver the speech when it was just the workers at Enron or ImClone or Dynergy that were in trouble. When we in California tried to tell him that they were manipulating the energy market, that they were gouging our consumers, that they were gouging the State, that it was all manipulation, they told us there was nothing to talk about, that they were comfortable that the market would work it all out. There was no market. It was manipulation. It was greed. It was dishonesty. It was fraud.

The same was true when he appointed Harvey Pitt as the chairman of the Securities and Exchange Commission, who said that the previous chairman of the Securities and Exchange Commission, Mr. Levitt, had been too hard on American corporations; when he tried to get honesty and transparency in their accounting processes, the industry came to Congress and got them to stall out. So Mr. Pitt said he is coming to be kinder and gentler to these corporations.

That is not what we need. We need a watchdog. We do not need a lapdog. But Mr. Pitt was appointed to be a lapdog. I do not think Mr. Bush can retrain him fast enough to take care of the American investor, the American worker, and the American shareholder. Every week now we get a new revelation. And the interesting thing is that many of the things these corporations were doing may not be against the law.

Merck was taking money that went to the pharmacists and saying it was their revenue. They never saw the money; it never came to them. And they are saying this is generally accepted within accounting principles. Generally accepted to what? To misstate revenues, to misstate earnings? I do not think so. But apparently it is.

That is why we need what Senator SARBANES is presenting to the Senate right now, a strong, independent review board, and not some industry control board that the President has been for, or that Mr. Pitt has been for, controlled by industry, making up the rules for industry for the good of the industry and not for the American people.

An investor today in the American stock market, whom are they to believe? Are they to read the 10K statements? They apparently have been misleading. Are they to read the page that is signed off by the accountant? They have been lying to the public. Are they going to go talk to the attorneys? They have been misleading the public and the boards of directors and others.

Mr. President, we are glad that you finally recognized this is a crisis, but for millions of Americans who have lost their pensions, lost their jobs, and lost their savings, this was a crisis a long time ago.

INTRODUCTION OF MILITARY TRIBUNALS ACT OF 2002

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

Mr. SCHIFF. Mr. Speaker, today I will be introducing the Military Tribunals Act of 2002 to provide congressional authorization for tribunals to try unlawful combatants against the United States in the war on terrorism.

Article I, section 8 of the Constitution provides that it is the Congress that has the power to constitute tribunals inferior to the Supreme Court to define and punish offenses against the law of nations.

Up until now, there has been no congressional authorization for military tribunals. The formation of these tribunals, thus far, has been performed solely by executive order of the President with clarifying regulations promulgated by the Secretary of Defense.

Some would argue, not implausibly, that despite the clear language of article I, section 8, congressional authorization is not necessary; that as President and commander in chief, he has the authority, all the authority he needs, to regulate the affairs of the military, and this power extends to the adjudication of unlawful combatants. Ultimately, if the Congress fails to act, any adjudications of the military tribunals will be challenged in court on the basis that the tribunals, having been improperly constituted, the sentences cannot stand.

Through this bill, we can remove any legal cloud that would overhang these prosecutions. For one thing the Supreme Court has made abundantly clear is that the power of the executive when it acts in concert with the Congress is at its greatest ebb. But there is another reason, an even more compelling reason, for Congress to act, and that is the separation of powers.

No single branch should have the authority on its own to establish jurisdiction for a tribunal, to determine the charges, to determine indeed what defendants should be brought before that tribunal, to determine process, and to serve as judge, jury and potential executioner. As a former prosecutor, I would not have wanted such unbridled authority, nor do I believe it is appropriate here.

The Military Tribunals Act of 2002 establishes the jurisdiction of these new courts over noncitizens, non-U.S. residents, unlawful combatants, al-Qaeda members, and those working in concert with them to attack the United States. It preserves the right of habeus corpus, and appeal, and the basic rights of due process. It also protects the confidentiality of sources of information and classified information. And it also protects ordinary citizens from being exposed to the dangers of trying these suspects.

Perhaps most important, in the context of a war without clear end, against an enemy without uniform or nation, the bill requires the President to report to Congress on who is detained for how long and on what basis.

□ 1745

Mr. Speaker, in sum, the Military Tribunal Act of 2002 gives the Commander in Chief the power to try unlawful combatants, provides the confidence these judgments will be upheld, establishes clear rules of due process, maintains our check and balances, and permits Congress to effectively oversee the war powers as the Constitution and the preservation of liberty requires.

Separation of powers: Our great nation was founded on the basic principles of liberty and justice for all. And one of the founding principles of our government is a separation of powers, and a system of checks and balances.

We set up our government this way for a reason. The delegates to the Constitutional Convention faced a difficult challenge—to create a strong, cohesive central government, while also ensuring that no individual or small group in the government would become too powerful. They formed a government with three separate branches, each with its own distinct powers.

Without this separation of powers, any one branch of government could have the power to establish a tribunal, decide what charges would be covered and what due process would be afforded, and also serve as judge and jury. The intent of the framers was to avoid these kinds of imbalances of power—to provide checks and balances.

That is why Congress must have a role in setting up military tribunals.

The role of military tribunals: As the United States and its allies continue to engage in armed conflict with al Qaeda and the Taliban, military tribunals provide an appropriate forum to adjudicate the international law of armed conflict. While it may sound incongruous to have a justice system to deal with crimes of war, this process ensures adherence to certain international standards of wartime conduct. In order to garner the support of the community of nations, military trials must provide basic procedural guarantees of fairness, consistent with the international law of armed conflict and the International Covenant on Civil and Political Rights.

Constitutional justification: Congressional authorization is necessary for the establishment of extraordinary tribunals to adjudicate and punish offenses arising from the September 11, 2001 attacks, or future al Qaeda terrorist attacks against the United States, and to provide a clear and unambiguous legal foundation for such trials.

This power is granted by the U.S. Constitution, which gives congress the authority to constitute tribunals, define and punish offenses against the Law of Nations, and make rules concerning captures.

While Congress has authorized the President to use all necessary and appropriate force against those nations, organizations, or persons that he determines to have planned, authorized, committed, or aided the terrorist attacks or harbored such organizations or persons, Congress has yet to expressly authorize the use of military tribunals.

Crafting the bill: In November, 2001, the President issued a military order which said non-U.S. citizens arrested at home or abroad could be tried by military tribunals. In March, 2002, the Department of Defense announced rules for military trials for accused terrorists.

Believing that Congress should play a critical role in authorizing military tribunals, I began discussing this issue with legal organizations, military law experts, and legal scholars. The result of these discussions is the Military Tribunals Act of 2002, which I am introducing today.

Who is covered: My bill will give the President the authority to carry out military tribunals to try individuals who are members of al Qaeda or members of other terrorist organizations knowingly cooperating with or aiding or abetting persons who attack the United States.

Unlawful combatants: The Geneva Conventions limit the ways regular soldiers who surrender or are captured may be treated, but there is a very clear distinction made between lawful enemy combatants (a member of a standing/recognized army), who would not be subject to a tribunal, and unlawful enemy combatants (civilians who take up arms) who would.

Currently, there are more than 500 persons who are being detained at Guantanamo Bay. They have been classified by the Department of Defense as unlawful enemy combatants, and each one could potentially be subject to a military tribunal. But without legislative backing, any military tribunal adjudication of guilt may later be challenged on the basis that the tribunals were not authorized by Congress. Congressional action would make it abundantly clear that military tribunals are an appropriate venue for trying unlawful enemy combatants. Spelling out the requirements for a military tribunal would ensure that sentences, when they are handed down, could be defended from judicial invalidation.

Due process: My bill would ensure that the basic tenets of due process are adhered to by a military tribunal. The tribunal would be independent and impartial. The accused would be presumed innocent until proven guilty, and would only be found guilty if there was proof beyond a reasonable doubt. The accused would be promptly notified of alleged offenses. The proceedings would be made available to relevant parties in other languages as necessary. The accused would have the opportunity to be present at trial. The accused have the opportunity to confront, cross-examine, and offer witnesses. The proceedings would be expeditious. The accused would be afforded all necessary means of defense. A conviction would be based on proof that the individual was responsible for the offense. A conviction could not be upheld on an act that was not an unlawful offense when it was committed. The penalty for an offense would not be greater than it was when the offense was committed. The accused would not be compelled to confess guilt or testify against himself. A convicted person would be informed of remedies and appeals processes. A preliminary proceeding would be held within 30 days of detention to determine whether a trial may be appropriate. The tribunal would be comprised of a military judge and not less than five members. The death penalty would be applied only by unanimous decision. The accused would have access to evidence supporting each alleged offense, except where disclosure of the evidence would cause identifiable harm to the prosecution of military objectives, and would have the opportunity to both obtain and present exculpatory evidence, and to respond to such evidence.

Habeas corpus: Finally, the writ of habeas corpus would not be infringed, as it is a critical tenet of our justice system. Every person should be entitled to a court determination of whether he is imprisoned lawfully and whether or not he should be released from custody. This basic tenet dates back to 1215 when it stood in the Magna Carta as a critical individual right against arbitrary arrest and imprisonment.

Courts have referred to habeas corpus as ''the fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action.'' Without judicial review, the police can arrest people without warrants and jail people without trials. U.S. Senator Arlen Specter has noted, ''Simply declaring that applying traditional principles of law or rules of evidence is not practical is hardly sufficient. The usual test is whether our national security interests outweigh our due process rights, and the administration has not made the case.''

A careful reading of the President's military order reveals that ''military tribunals shall have exclusive jurisdiction, and the individual shall not be privileged to seek any remedy or maintain any proceeding, directly or indirectly . . . in any court of the United States, or any state thereof, any court of any foreign nation, or any international tribunal.''

Appeals process: Another critical protection we must retain in these trials is that of an appeals process. My bill calls for the Secretary of Defense to promptly review convictions by such tribunals to ensure that the procedural requirements of a full and fair hearing have been met. It also calls for the United States Court of Appeals for the Armed Forces established under the Uniform Code of Military Justice to review the proceedings, convictions, and sentences of such tribunals. Finally, the Supreme Court would review the decisions of the United States Court of Appeals for the Armed Forces. This is the most appropriate system of judicial review, especially since the U.S. Court of Appeals for the Armed Forces would not have to appoint special masters or magistrates to do the necessary fact finding.

Public proceedings: We gain the confidence of our citizenry by ensuring that trial proceedings are open to the public. My bill would require trial and appeal proceedings to be accessible to the public, while securing the safety of observers, witnesses, tribunal judges, counsel, and others. Evidence available from an agency of the Federal Government, however, may be kept secret from the public if such evidence would harm the prosecution of military objectives or intelligence sources or methods.

Detention: The bill allows for the Secretary of Defense to detain a person who is subject to a tribunal consistent with the international law of armed conflict. However these detentions would only be authorized while a state of armed conflict continues, or which a prosecution or a post-trial proceeding is ongoing. Under the Military Tribunals Act of 2002, the United States District Court for the District of Columbia would have exclusive jurisdiction to ensure that the requirements for detaining an accused are satisfied.

And while an accused is held, the detainee shall be treated humanely, without any adverse distinction based on race, color, religion, gender, birth, wealth, or any similar criteria. Adequate food, drinking water, shelter, clothing, and medical treatment shall be provided. Finally, a detainee's right to the free exercise of religion would not be infringed.

Reports to congress: Without protection and reporting requirements in place, persons detained for an indefinite amount of time would have no recourse. Currently in America, the total number of persons detained by both the Department of Justice and the Department of Defense is unknown. In many cases, there is little information, if any, available about who has been detained and why. My bill requires the President to report annually to Congress on the use of the military tribunal authority. Each such report would include information regarding each person subject to, or detained pursuant to, a military tribunal, and each person detained pursuant to any actual or planned act of terrorism, who has not been referred for trail in connection with that act of terrorism to a criminal court or to a military tribunal. With this provision, we can significantly reduce the danger that due process might be evaded by simply failing to bring detainees before a tribunal for trial.

Conclusion: There is some debate about the necessity of Congressional input in the establishment of military tribunals. But there is no doubt that legislative branch input can provide indispensable safeguards, such as an appeal to an independent entity, that the executive branch simply cannot provide on its own. By exercising Congress' role in the process, we will ensure that our justice system remains a beacon for the rest of the world, where due process is protected, and the accused are afforded basic protections.

We are living in an extraordinary time, a difficult time. But we are defined as a nation by how we handle these difficult times. Our government's words and deeds are important, not only for the legal precedents we set, but also for the message we send to our global neighbors. During this, the most significant international crisis of our day, we have an opportunity to show the world the true meaning of justice, liberty, and the freedoms upon which America was founded.

PRESIDENT'S FORTUNE BUILT ON INSIDER TRADING

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

Mr. MCDERMOTT. Mr. Speaker, I include for the RECORD an article from yesterday's New York Times by Paul Krugman called ''Succeeding in Business.''

The reason I do this, we have a lot of Members coming here and talking about what is happening with business and the President, and this article told us what was going to happen today. As we watch the news about what President Bush said, remember this: ''George Bush is scheduled to give a speech intended to put him in front of the growing national outrage over corporate malfeasance. He will sternly lecture Wall Street executives about ethics and will doubtless portray himself as a believer in old-fashioned business probity.

''Yet this pose is surreal, given the way top officials like Secretary of the Army Thomas White, Dick Cheney and Mr. Bush himself acquired their wealth. As Joshua Green says in The Washington Monthly, in a must-read article written just before the administration suddenly became such an exponent of corporate ethics: 'The new tone that George W. Bush brought to Washington isn't one of integrity, but of permissiveness. In this administration, enriching oneself while one's business goes bust is not necessarily frowned upon.'

''Unfortunately, the administration has so far gotten the press to focus on the least important question about Mr. Bush's business dealings: His failure to obey the law by promptly reporting his insider trading. It is true that Mr. Bush's story about that failure has suddenly changed four times, but the administration hopes that a narrow focus on the reporting lapses will divert attention from the larger point: Mr. Bush profited personally from aggressive accounting identical to the recent scams that have shocked the Nation.

''In 1986, one would have had to consider Mr. Bush a failed businessman. He had run through millions of dollars of other people's money, with nothing to show for it but a company losing money and heavily burdened with debt. But he was rescued from his failure when Harken Energy bought his company at an astonishingly high price. There is no question that Harken was basically paying for Mr. Bush's connections.

''Despite these connections, Harken did badly. But for a time it concealed its failure, sustaining its stock price, as it turned out, just long enough for Mr. Bush to sell most of his stake at a large profit, with an accounting trick identical to one of the main ploys used by Enron a decade later.''

Mr. Speaker, surprisingly, Arthur Andersen was the accountant. The ploy works this way. Corporate insiders create front corporations that seem independent but are really under their control. This front buys some of the firm's assets at unrealistically high prices, creating a phantom profit that inflates the stock price, allowing the executives to cash in their stock.

That is exactly what happened at Harken. A group of insiders, using money borrowed from Harken itself, paid an exorbitant price for a Harken subsidiary, Aloha Petroleum. That created a $10 million phantom profit which hid three-quarters of the company's losses in 1989. White House aides have played down the significance of this move saying $10 million is not very much compared with recent scandals. Indeed, it is a small fraction of the apparent profits Halliburton created through a sudden change in accounting procedures during Dick Cheney's tenure as chief executive. But for Harken's stock price and hence Mr. Bush's personal wealth, this accounting trickery made all the difference. Mr. Bush was on the company's audit committee, as well as on the special restructuring committee.

And back in 1994, another member of both committees, E. Stuart Watson, assured reporters that he and Mr. Bush were constantly made aware of the company's finances. If Mr. Bush did not know about the Aloha maneuver, he was a very negligent director. In any case, Mr. Bush certainly found out what his company had been up to when the Securities and Exchange Commission ordered it to restate its earnings, so he cannot really be shocked over recent corporate scams. His own company pulled exactly the same tricks, to his considerable benefit. Of course what really made Mr. Bush a rich man was the investment of those proceeds from Harken in the Texas Rangers, a step that is another equally strange story.

The point is the contrast between image and reality. Mr. Bush portrays himself as a regular guy, someone ordinary Americans can identify with, but his personal fortune was built on privilege and insider dealings, and after his Harken sale, on large-scale corporate welfare. Some people have it easy.

Mr. Speaker, this is the man who went down there and said we are going to clean this thing up. We are going to have a task force on corporate fraud. The fox went down to the chicken house and said to the other foxes, hey, I know how to run this hen house, and I am going to show you.

This guy, can we expect him really, really, after that story, and this is not me talking, this is a columnist for the New York Times.

Mr. Speaker, most people who watch television tonight will see about 19 seconds of the President saying, I am going to be tough on corporate fraud. They will think it is for real because they will not know the story behind the man, what he really did. That is why I took the time to come down and read this. I feel like an old-fashioned news reader on television. Now everything has to be snap, snap and Americans never learn what is really going on.

This President is running a game on us, and the pensions and investments of people are at risk as long as he refuses to put people on the SEC to stop it.

The article previously referred to is as follows:

[From the New York Times, July 7, 2002]

SUCCEEDING IN BUSINESS

(By Paul Krugman)

George W. Bush is scheduled to give a speech intended to put him in front of the growing national outrage over corporate malfeasance. He will sternly lecture Wall Street executives about ethics and will doubtless portray himself as a believer in old-fashioned business probity.

Yet this pose is surreal, given the way top officials like Secretary of the Army Thomas White, Dick Cheney and Mr. Bush himself acquired their wealth. As Joshua Green says in The Washington Monthly, in a must-read article written just before the administration suddenly became such an exponent of corporate ethics: ''The 'new tone' that George W. Bush brought to Washington isn't one of integrity, but of permissiveness. . . . In this administration, enriching oneself while one's

business goes bust isn't necessarily frowned upon.''

Unfortunately, the administration has so far gotten the press to focus on the least important question about Mr. Bush's business dealings: his failure to obey the law by promptly reporting his insider stock sales. It's true that Mr. Bush's story about that failure has suddenly changed, from ''the dog ate my homework'' to ''my lawyer ate my homework—four times.'' But the administration hopes that a narrow focus on the reporting lapses will divert attention from the larger point: Mr. Bush profited personally from aggressive accounting identical to the recent scams that have shocked the nation.

In 1986, one would have had to consider Mr. Bush a failed businessman. He had run through millions of dollars of other people's money, with nothing to show for it but a company losing money and heavily burdened with debt. But he was rescued from failure when Harken Energy bought his company at an astonishingly high price. There is no question that Harken was basically paying for Mr. Bush's connections.

Despite these connections, Harken did badly. But for a time it concealed its failure—sustaining its stock price, as it turned out, just long enough for Mr. Bush to sell most of his stake at a large profit—with an accounting trick identical to one of the main ploys used by Enron a decade later. (Yes, Arthur Andersen was the accountant.) As I explained in my previous column, the ploy works as follows: corporate insiders create a front organization that seems independent but is really under their control. This front buys some of the firm's assets at unrealistically high prices, creating a phantom profit that inflates the stock price, allowing the executives to cash in their stock.

That's exactly what happened at Harken. A group of insiders, using money borrowed from Harken itself, paid an exorbitant price for a Harken subsidiary, Aloha Petroleum. That created a $10 million phantom profit, which hid three-quarters of the company's losses in 1989. White House aides have played down the significance of this maneuver, saying $10 million isn't much, compared with recent scandals. Indeed, it's a small fraction of the apparent profits Halliburton created through a sudden change in accounting procedures during Dick Cheney's tenure as chief executive. But for Harken's stock price—and hence for Mr. Bush's personal wealth—this accounting trickery made all the difference.

Oh, the Harken's fake profits were several dozen times as large as the Whitewater land deal—though only about one-seventh the cost of the Whitewater investigation.

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The point is the contrast between image and reality. Mr. Bush portrays himself as a regular guy, someone ordinary Americans can identify with. But his personal fortune was built on privilege and insider dealings—and after his Harken sale, on large-scale corporate welfare. Some people have it easy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. After listening to several 5-minute special order speeches, the Chair would remind all Members that, although remarks in debate may include criticism of the President on matters of policy or politics, remarks in debate may not descend to personalities by alluding to unethical behavior on the part of the President.

FOX GUARDING THE CHICKEN COOP

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

Mr. LEWIS of Georgia. Mr. Speaker, I come to the floor tonight dismayed, disillusioned and disappointed. What is happening in corporate America? What has become of our corporate leaders? This is a simple issue of right and wrong, good and evil, how fraud, lying and cheating have become part of our corporate culture. We must ask ourselves, How did this happen? What gave birth to this period of corporate greed and scandal?

It all started with the corporate crusade against big government. Big government was making big business file too many reports. Big government was spending too much time making sure that big business was following the law, so big business asked their friends in Congress to do something about it.

Thanks to Republican attacks against big government, these CEOs and board of directors are acting with little, if any, government regulation. They have been lying to investors, lying to workers, and lying to the Federal Government. And they have been getting away with it.

While corporate America has been making out like bandits, hard-working men and women are losing their jobs, their retirement, and losing their children's college funds. The majority party in the White House has created a climate in which Enron, WorldCom, and Tyco could happen. Instead of having the SEC look over corporate books, Republicans have had the SEC look the other way.

My colleagues, so shall thee sow, so shall thee reap.

But this travesty is not just about Global Crossing, WorldCom, Enron, Martha Stewart, Tyco, and Merck. In fact, it is not just about the world of business. It is bigger than that.

Look at the Republican environmental record. Look at their record on worker safety. Our Interior Department is fighting tooth and nail to drill for oil and dig for coal on our pristine public lands. The EPA is leading the fight for more air pollution. OSHA is making fewer and fewer trips to the workplace. And the SEC has been leading the fight to let business just go about its business.

Time and time again, Republicans have declared that the only regulation is self-regulation or no regulation. Even today, President Bush declared that we must ''depend on the conscience of American business leaders.''

Republicans have left the fox in charge of the chicken coop; and now they are shocked, they are absolutely shocked to find a fat fox and an empty chicken coop.

Mr. President, actions speak louder than words. Today's moral indignation rings as falsely as an Enron accounting report.

Today, President Bush told the American people that he wanted to hire 100 new staffers at the SEC to make corporations obey the law. President Bush did not tell the American people that just last year he proposed getting rid of 57 SEC workers. This is what the Republicans were doing before the American people started paying attention. This is what the Republicans were doing when no one was watching.

We do not need strong words and empty promises. We need strong regulation and strict enforcement. It is time to get tough on crime, all crime, and not just the folks who cannot afford to make a campaign contribution.

When someone gets caught dealing a thousand dollars' worth of drugs, they lock you up, lock you away, and take almost everything you own. We need the same standards for CEOs who steal millions of dollars from their companies. We need the same standards for corporate leaders who lie, cheat and steal from their employees and their shareholders.

Mr. Speaker, it is time to get serious about corporate crime. It is time to put some teeth back into securities laws and some power back into the SEC. Do not just talk the talk; walk the walk. Pass the laws. Protect the folks who are being dumped on and ripped off. We owe our people no less. It is our mission, our mandate, and our moral obligation, our moral responsibility.

HAS CAPITALISM FAILED AGAIN?

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

Mr. PAUL. Mr. Speaker, the question I want to address today is: Has capitalism failed again?

It is now commonplace and politically correct to blame what is referred to as the excesses of capitalism for the economic problems that we face, and especially for the Wall Street fraud that dominates the business news. Politicians are having a field day demagoguing the issue while, of course, failing to address the fraud and deceit found in the budgetary shenanigans of the Federal Government for which they are directly responsible. Instead, it gives the Keynesian crowd that runs

the show a chance to attack free markets and ignore the issue of sound money.

So once again we hear the chant: Capitalism has failed; we need more government controls over the entire financial markets. No one asked why the billions that have been spent and thousand of pages of regulations that have been written since the last attack on capitalism in the 1930s did not prevent the fraud and deception of the Enrons, the WorldComs, and the Global Crossings. That failure surely could not have come from a dearth of regulations.

What is distinctly absent is any mention that all financial bubbles are saturated with excesses in hype, speculation, depth, greed, fraud, gross errors in investment judgment, carelessness on the part of the analysts and investors, huge paper profits, conviction that a new-era economy has arrived, and above all else, pie-in-the-sky expectations.

□ 1800

When the bubble is inflating, there are no complaints. When it bursts, the blame game begins. This is especially true in the age of victimization and is done on a grand scale. It quickly becomes a philosophic, partisan, class, generational and even a racial issue. While avoiding the real cause, all the fingerpointing makes it difficult to resolve the crisis and further undermines the principles upon which freedom and prosperity rests. Nixon was right once, when he declared we are all Keynesians now. All of Washington is in sync in declaring that too much capitalism has brought us to where we are today. The only decision now before the central planners in Washington is whose special interest will continue to benefit from the coming pretense at reform. The various special interests will be lobbying heavily, like the Wall Street investors, the corporations, the military-industrial complex, the banks, the workers, the unions, the farmers, the politicians and who knows who else, but what is not discussed is the actual cause and perpetration of the excesses now unraveling at a frantic pace. This same response occurred in the 1930s in the United States as our policymakers responded to very similar excesses that developed and collapsed in 1929. Because of the failure to understand the problem then, the Depression was prolonged. These mistakes allowed our current problems to develop to a much greater degree. Like the failure to come to grips with the cause of the 1980s bubble, Japan's economy continued to linger at no-growth and recession level, with their stock market at approximately one fourth of its peak 13 years ago.

If we are not careful, and so far we have not been, we will make the same errors that will prevent the correction needed before economic growth can be resumed.

In the 1930s it was quite popular to condemn the greed of capitalism, the gold standard, lack of regulation, and no government insurance on bank deposits for the disaster. Businessmen became the scapegoat. Changes were made as a result and the welfare warfare state was institutionalized. Easy credit became the holy grail of monetary policy, especially under Alan Greenspan, the ultimate maestro.

Today, despite the presumed protection from these Government programs built into the system, we find ourselves in a bigger mess than ever before. The bubble is bigger, the boom lasted longer, and the gold price has been deliberately undermined as an economic signal. Monetary inflation continues at a rate never seen before in a frantic effort to prop up stock prices and continue the housing bubble, while avoiding the consequences that inevitably come from easy credit.

This is all done because we are unwilling to acknowledge that current policy is only setting the stage for a huge drop in the value of the dollar. Everyone fears it, but no one wants to deal with it. Out of ignorance as well as disapproval for the natural restraints placed on market excesses that capitalism and sound markets impose, capitalism is not only rejected, it is blamed for all problems we face. If this fallacy is not corrected and capitalism is even further undermined, the prosperity that the free market generates will be destroyed.

Corruption and fraud in the accounting practices of many companies are coming to light. There are those who would have us believe this is an integral part of free market capitalism. If we did have free market capitalism, there would be no guarantees that some fraud would not occur. When it did, it would be dealt with by local law enforcement authorities, not by the politicians in Washington who had their chance to prevent such problems but choose instead to politicize the issue while using the opportunity to promote more Keynesian, useless regulations.

Capitalism should not be condemned since we have not had capitalism. A system of capitalism presumes sound money, not fiat money manipulated by a central bank. Capitalism cherishes voluntary contracts and interest rates that are determined by savings, not credit creation by a central bank. It is not capitalism when the system is plagued with incomprehensible rules regarding mergers, acquisitions, stock sales, wage controls, price controls, protectionism, corporate subsidies, international management of trade, complex and punishing corporate taxes, privileged Government contracts to the military-industrial complex, a foreign policy controlled by corporate interests and overseas investments; central mismanagement of farming, education, medicine, insurance, banking and welfare. This is not capitalism.

To condemn free market capitalism because of anything going on today makes no sense whatsoever. There is no evidence that capitalism exists today. We are deeply involved in an interventionist, planned economy that allows major benefits to accrue to the politically connected of both political spectrums. One may condemn the fraud in the current system, but it must be called its proper name, Keynesian, inflationism, interventionism, and corporatism.

What is not discussed is that the current crop of bankruptcies reveals that the blatant distortions and lies emanating from years of speculative orgy were predictable.

First, Congress should be investigating the Federal Government's fraud and deception in accounting, reporting future obligations such as Social Security and how the monetary system destroys wealth. Those problems are bigger than anything in the corporate world and are the responsibility of the Congress. Besides, it is the standard set by the Government and the monetary system it operates that are the major contributing causes to all that is wrong on Wall Street today.

When fraud does exist, it is a State matter, not a Federal one, and State authorities can enforce these laws without any help from Congress.

Second, we do know why financial bubbles occur and we know from history that they are routinely associated with speculation, excessive debt, wild promises, greed, lying and cheating. These problems were described by quite a few observers as the problems were developing in the 1990s, but the warnings were ignored, for one reason; everybody was making a killing and no one cared, and those who were reminded of history were reassured by the Fed chairman that, this time, a new economic era had arrived and not to worry. Productivity increases, it was said, could explain it all.

But now we know that is just not so. Speculative bubbles and all that we have been witnessing are a consequence of huge amounts of easy credit, created out of thin air by the Federal Reserve. We have had essentially no savings, which is one of the most significant driving forces in capitalism. The illusion created by low interest rates perpetuates the bubble and all the bad stuff that goes along with it. And that is not a fault of capitalism. We are dealing with a system of inflationism and interventionism that always produces a bubble economy that must end badly.

So far, the assessment made by the administration, the Congress, and the Fed bodes badly for our economic future. All they offer is more of the same, which cannot possibly help. All it will do is drive us closer to national bankruptcy, a sharply lower dollar and a lower standard of living for most Americans, as well as less freedoms for everyone.

This is a bad scenario that need not happen. But preserving our system is impossible if the critics are allowed to blame capitalism and sound monetary

policy is rejected. More spending, more debt, more easy money, more distortion of interest rates, more regulations on everything, more foreign meddling, will soon force us to the very uncomfortable position of deciding the fate of our entire political system.

If we were to choose freedom and capitalism, we would restore our dollar to a commodity or a gold standard. Federal spending would be reduced; income taxes would be lowered and taxes would be removed from savings, dividends and capital gains; regulations would be reduced; special interest subsidies would be stopped and no protectionist measures would be permitted; our foreign policy would change and we would bring our troops home.

We cannot depend on government to restore trust to the markets. Only trustworthy people can do that. Actually, the lack of trust in Wall Street executives is healthy, because it is deserved and prompts caution. The same lack of trust in the politicians, the budgetary process, and the monetary system would serve as a healthy incentive for the reforms in government we need.

Markets regulate better than governments can. Depending on government regulations to protect us significantly contributes to the bubble mentality. These moves would produce the climate for releasing the creative energy necessary to simply serve consumers, which is what capitalism is all about.

The system that inevitably breeds corporate government cronyism that created our currently ongoing disaster would end. Capitalism did not give us this crisis of confidence now existing in the corporate world. The lack of free markets and sound money did. Congress does have a role to play, but it is not proactive. Congress' job is to get out of the way.

IS AMERICA A POLICE STATE

Another subject, Mr. Speaker, I want to address today, is is America a police state? Most Americans believe we live in dangerous times, and I must agree. Today I want to talk about how I see those dangers and what Congress ought to do about them.

Of course, the Monday-morning quarterbacks are now explaining with political overtones what we should have done to prevent the 9/11 tragedy. Unfortunately, in doing so, foreign policy changes are never considered.

I have for more than 2 decades been severely critical of our post-World War II foreign policy. I have perceived it to be not in our best interests and have believed that it presented a serious danger to our security.

For the record, in January of 2000 I said on this floor, ''Our commercial interests in foreign policy are no longer separate. As bad as it is that average Americans are forced to subsidize such a system, we additionally are placed in greater danger because of our arrogant policy of bombing nations that do not submit to our wishes. This generates hatred directed toward America and exposes us to a greater threat of terrorism, since this is the only vehicle our victims can use to retaliate against a powerful military state. The cost in terms of lost liberties and unnecessary exposure to terrorism is difficult to assess, but in time it will become apparent to all of us that foreign interventionism is of no benefit to American citizens. Instead, it is a threat to our liberties.''

Again, let me remind you, these were statements I made on the House floor in January of the year 2000. Unfortunately, my greatest fears and warnings have been borne out.

I believe my concerns are as relevant today as they were then. We should move with caution in this post-9/11 period so that we do not make our problems worse overseas while further undermining our liberties at home.

So far, our post-9/11 policies have challenged our rule of law here at home and our efforts against the al Qaeda have essentially come up empty-handed. The best we can tell now, instead of being in one place, the members of the al Qaeda are scattered around the world, with more of them in allied Pakistan than in Afghanistan. Our efforts to find our enemies have put the CIA in 80 different countries. The question that someday we must answer is whether we can catch them faster than we generate them. So far, it appears we are losing.

As evidence mounts that we have achieved little in reducing the terrorist threat, more diversionary tactics will be used. The big one will be to blame Saddam Hussein for everything and initiate a major war against Iraq, which will only generate even more hatred toward America from the Muslim world.

But, Mr. Speaker, my subject today is to discuss whether America is a police state. I am sure the large majority of Americans would answer this in the negative. Most would associate military patrols, martial law and summary executions with a police state, something obviously not present in our everyday activities. However, those knowledgeable with Ruby Ridge, Mount Carmel and other such incidents may have a different opinion.

The principal tool for sustaining a police state, even the most militant, is always economic punishment, by denying such things as jobs or a place to live, levying fines or imprisonment. The military is more often only used in the transition phase to a totalitarian state. Maintenance for long periods is usually accomplished through economic controls on commercial transactions, the use of all property and political dissent. Peaceful control through these efforts can be achieved without storm troopers on our street corners. Terror or fear is used to achieve complacency and obedience, especially when the people are deluded into believing they are still a free people.

□ 1815

The changes, they are assured, will be minimal, short-lived and necessary, such as those that occur in times of declared war. Under those conditions, most citizens believe that once the war is won, the restrictions on their liberties will be reversed. For the most part, however, after a declared war is over, the return to normalcy is never complete. In an undeclared war, without a precise enemy and, therefore, no precise ending, returning to normalcy can prove illusory.

We have just concluded a century of war, declared and undeclared, while at the same time responding to public outcries for more economic equality. The question as a result of these policies is, are we already living in a police state? If we are, what are we going to do about it? If we are not, we need to know if there is any danger that we are moving in that direction.

Most police states, surprisingly, come about through the democratic process with majority support. During a crisis, the rights of individuals and the minority are more easily trampled, which is more likely to condition a nation to become a police state than a military coup. Promised benefits initially seem to exceed the cost in dollars or lost freedom. When the people face terrorism or great fear from whatever source, the tendency to demand economic and physical security over liberty and self-reliance proves irresistible.

The masses are easily led to believe that security and liberty are mutually exclusive and demand for security far exceeds that for liberty. Once it is discovered that the desire for both economic and physical security that prompted the sacrifice of liberty which inevitably led to the loss of prosperity and no real safety, it is too late. Reversing the trend from authoritarian rule toward a freer society becomes very difficult, takes a long time, and entails much suffering. Although dissolution of the Soviet empire was relatively nonviolent at the end, millions suffered from police suppression and economic deprivation in the decades prior to 1989.

But what about here in the United States? With respect to a police state, where are we and where are we going? Let me make a few observations. Our government already keeps close tabs on just about everything we do and requires official permission for nearly all of our activities. One might take a look at our capital for any evidence of a police state. We see barricades, metal detectors, police, the military at times, dogs, ID badges required for every move, vehicles checked at airports and throughout the capital. People are totally disarmed except for the police and the criminals but, worse yet, surveillance cameras in Washington are everywhere to ensure our safety. The terrorist attacks only provided the cover for the do-gooders who had been planning for a long time before last summer to monitor us for our own good. Cameras are used to spy on our drug habits, on our kids at school, on

subway travelers, and on visitors to every government building or park. There is not much evidence of an open society in Washington, D.C., yet most folks do not complain. Anything goes if it is for government-provided safety and security.

If this huge amount of information and technology is placed in the hands of the government to catch the bad guys, one naturally asks, what is the big deal? But it should be a big deal, because it eliminates the enjoyment of privacy that a free society holds dear. The personal information of law-abiding citizens can be used for reasons other than safety, such as political. Like gun control, people control hurts law-abiding citizens much more than the lawbreakers. Social Security numbers are used to monitor our daily activities. The numbers are given to us at birth and then are needed when we die and for everything in between. This allows government record-keeping of monstrous proportions and accommodates the thugs who would steal others' identities for evil purposes. This invasion of privacy has been compounded by the technology now available to those in government who enjoy monitoring and directing the activity of others. Loss of personal privacy was a major problem a long time before 9–11. Centralized control and regulations are required in a police state.

Community and individual State regulations are not as threatening as the monolith of rules and regulations written by Congress and the Federal bureaucracy. Law and order has been federalized in many ways, and we are moving inexorably in that direction.

Almost all our economic activities depend upon receiving the proper permits from the Federal Government. Transactions involving guns, food, medicine, smoking, drinking, hiring, firing, wages, politically correct speech, land use, fishing, hunting, buying a house, business mergers and acquisitions, selling stocks and bonds, and farming all require approval and strict regulation from our Federal Government. If this is not done properly and in a timely fashion, economic penalties and even imprisonment are likely consequences.

Because government pays for so much of our health care, it is conveniently argued that any habits or risk-taking that could harm one's health are the prerogative of the Federal Government and are to be regulated by explicit rules to keep medical care costs down. This same argument is used to require helmets for riding motorcycles and bikes. Not only do we need a license to drive, but we also need special belts, bags, buzzers, seats, and environmentally-dictated speed limits or a policeman will be pulling us over to levy a fine and he will be carrying a gun, of course.

The States do exactly as they are told by the Federal Government because they are threatened with the loss of tax dollars being returned to their State, dollars that should never have been taken from them in the first place and sent to Washington, let alone be allowed to be used to extort obedience to a powerful central government. Over 80,000 Federal bureaucrats now carry guns to make us toe the line and to enforce the thousands of laws and tens of thousands of regulations that no one can possibly understand. We do not see the guns, but we all know they are there, and we all know we cannot fight city hall, especially if it is Uncle Sam.

All 18-year-old males must register to be ready for the next undeclared war. If they do not, men with guns will appear and enforce this congressional mandate of involuntary servitude, which was banned by the 13th amendment, but courts do not apply this prohibition to the servitude of draftees or those citizens required to follow the dictates of the IRS, especially the employers of the country who serve as the Federal Government's chief tax collectors and information-gatherers.

Fear is the tool used to intimidate most Americans to comply to the Tax Code by making examples of celebrities. Leona Helmsley and Willie Nelson know how this process works. Economic threats against business establishments are notorious. Rules and regulations from the EPA, the ADA, the SEC, the LRB, OSHA and more terrorize business owners into submission, and those charged accept their own guilt until they can prove themselves innocent. Of course, it turns out it is much more practical to admit guilt and pay the fine. This serves the interests of the authoritarians because it firmly establishes just who is in charge.

An information leak from a government agency like the FDA can make or break a company within minutes. If information is leaked, even inadvertently, a company can be destroyed and individuals involved in the revealing of government-monopolized information can be sent to prison. Each, though economic crimes, are serious offenses in the United States. Violent crimes sometimes evoke more sympathy and fewer penalties. Just look at the O.J. Simpson case as an example.

Efforts to convict Bill Gates and others like him of an economic crime are astounding, considering his contribution to economic progress, while sources used to screen out terrorist elements from our midst are tragically useless. If business people are found guilty of even the suggestion of collusion in the marketplace, huge fines and even imprisonment are likely consequences.

Price-fixing is impossible to achieve in a free market. Under today's laws, talking to or consulting with competitors can be easily construed as price-fixing and involve a serious crime even with proof that the so-called collusion never generated monopoly-controlled prices or was detrimental to consumers. Lawfully circumventing taxes, even sales taxes, can lead to serious problems if a high profile person can be made an example.

One of the most onerous controls placed on American citizens is the control of speech through politically correct legislation. Derogatory remarks or off-color jokes are justification for firings, demotions, and destruction of political careers. The movement toward designating penalties based on a category to which victims belong rather than the nature of the crime itself has the thought police patrolling the airways and the byways.

Establishing relative rights and special penalties for subjective motivation is a dangerous trend. All our financial activities are subject to legal searches without warrants and without probable cause. Tax collection, drug usage, and possible terrorist activities justify the endless accumulation of information on all Americans. Government control of medicine has prompted the establishment of a national medical data bank. For efficiency reasons, it is said, the government keeps our medical records for our benefit. This, of course, is done with vague and useless promises that this information will always remain confidential, just like all the FBI information in the past. Personal privacy, the sine qua none of liberty, no longer exists in the United States. Ruthless and abusive use of all of this information accumulated by the government is yet to come.

The Patriot Act has given unbelievable power to listen, read, and monitor all of our transactions without a search warrant being issued after affirmation or probable cause. Sneak-and-peak and blanket searches are now becoming more frequent every day. What have we allowed to happen to the Fourth Amendment?

It may be true that the average American does not feel intimidated by the encroachment of the police state. I am sure our citizens are more tolerant of what they see as mere nuisances because they have been deluded into believing all of this government supervision is necessary and helpful and besides, they are living quite comfortably material-wise. However, the reaction will be different once all of this new legislation we are passing comes into full force and the material comforts that soften our concerns for government regulations are decreased. This attitude then will change dramatically, but the trend toward the authoritarian state will be difficult to reverse. What government gives with one hand as it attempts to provide safety and security, it must at the same time take away with two others. When the majority recognizes that the monetary costs and the results of our war against terrorism and personal freedoms are a lot less than promised, it may be too late.

I am sure all of my concerns are unconvincing to the vast majority of Americans who do not only seek, but also demand, they be made safe from any possible attack from anybody, ever. I grant you, this is a reasonable

request. The point is, though, however, there may be a much better way of doing it. We must remember we do not sit around and worry that some Canadian citizen is about to walk into New York and set off a nuclear weapon. We must come to understand the real reason is that there is a difference between the Canadians and all of our many friends and the Islamic radicals. Believe me, we are not the target because we are free and prosperous. The argument made for more government controls here at home and expansionism overseas to combat terrorism is simple and goes like this: If we are not made safe from potential terrorists, property and freedom have no meaning. It is argued that first we must have life and physical and economic security with continued abundances, and then we will talk about freedom.

It reminds me of the time I was soliciting political support from a voter and was boldly put down. ''Ron,'' she said, ''I wish you would lay off this freedom stuff. It is all nonsense. We are looking for a representative who will know how to bring home the bacon and help our area, and you are not that person.'' Believe me, I understand that argument, it is just that I do not agree that it is what should be motivating us here in the Congress. That is not the way it works. Freedom does not preclude security. Making security the highest priority can deny prosperity and still fail to provide the safety we all want.

□ 1830

The Congress would never agree that we are a police state. Most Members, I am sure, would argue for the negative. But we are all obligated to decide in which direction we are going. If we are moving toward a system that enhances individual liberty and justice for all, my concerns about a police state should be reduced or totally ignored; yet if by chance we are moving toward more authoritarian control than is good for us in moving toward a major war in which we should have no part, we should not ignore the dangers.

If current policies are permitting a serious challenge to our institutions that allow for our great abundance and we ignore them, we ignore them at great risk for future generations. That is why the post-9–11 analysis and subsequent legislation are crucial to the survival of those institutions that made America great.

We now are considering a major legislative proposal dealing with this dilemma, the new Department of Homeland Security; and we must decide if it truly serves the interests of America.

Since the new Department is now a foregone conclusion, why should anyone bother to record a dissent? Because it is the responsibility of all of us to speak the truth to the best of our ability; and if there are reservations about what we are doing, we should sound an alarm and warn the people of what is likely to come.

In times of crises, nearly unanimous support for government programs is usual, and the effects are instantaneous. Discovering the errors of our ways and waiting to see the unintended consequences evolve takes time and careful analysis. Reversing the bad effects is slow and tedious and fraught with danger. People would much prefer to hear platitudes than the pessimism of a flawed policy.

Understanding the real reason why we were attacked is crucial to deriving a proper response. I know of no one who does not condemn the attacks of 9–11. Disagreement as to the cause and the proper course of action should be legitimate in a free society such as ours; if not, we are not a free society.

Not only do I condemn the vicious acts of 9–11, but also out of deep philosophic and moral commitment I have pledged never to use any form of aggression to bring about social or economic changes. But I am deeply concerned about what has been done and what we are yet to do in the name of security against the threat of terrorism.

Political propagandizing is used to get all of us to toe the line and be good patriots, supporting every measure suggested by the administration. We are told that preemptive strikes, torture, military tribunals, suspension of habeas corpus, executive orders to wage war, and sacrificing privacy with a weakened fourth amendment are the minimum required to save our country from a threat of terrorism. Who is winning this war, anyway?

To get popular support for these serious violations of our traditional rule of law requires that people be kept in a state of fear. The episode of spreading undue concern about the possibility of a dirty bomb being exploded in Washington without any substantiation of an actual threat is a good example of excessive fear being generated by government officials.

To add insult to injury, when he made this outlandish announcement, our Attorney General was in Moscow. Maybe if our FBI spent more time at home, we would get more for our money we pump into this now-discredited organization. Our FBI should be gathering information here at home, and the thousands of agents overseas should return. We do not need these agents competing overseas and confusing the intelligence apparatus of the CIA or the military.

I am concerned that the excess fear created by the several hundreds of al Qaeda functionaries willing to sacrifice their lives for their demented goals is driving us to do to ourselves what the al Qaeda themselves could never do to us by force. So far, the direction is clear: we are legislating bigger and more intrusive government here at home and allowing our President to pursue much more military adventurism abroad. These pursuits are overwhelmingly supported by Members of Congress, the media, and the so-called intellectual community, and questioned only by a small number of civil libertarians, anti-imperial antiwar advocates.

The main reason why so many usually level-headed critics of bad policy accept this massive increase in government power is clear. They, for various reasons, believe the official explanation of ''why us?'' The several hundreds of al Qaeda members we were told hate us because we are rich, free, and we enjoy materialism, and the purveyors of terror are jealous and envious, creating the hatred that drive their cause. They despise our Judeo-Christian values; and this, we are told, is the sole reason they are willing to die for their cause.

For this to be believed, one must also be convinced that the perpetrators lied to the world about why they attacked us. The al Qaeda leaders say they hate us because we support Western puppet regimes in Arab countries for commercial reasons and against the wishes of the populace of those countries. This partnership allows military occupation, the most confrontational being in Saudi Arabia, that offends the sense of pride and violates their religious convictions to have a foreign military power on their holy land. We refuse to consider how we might feel if China's navy occupied the Gulf of Mexico for the purpose of protecting their oil, and had air bases on U.S. territory.

We show extreme bias in support of one side in the 50-plus-year war going on in the Middle East. That is their explanation.

What if the al Qaeda is telling the truth and we ignore it? If we believe only the official line from the administration and proceed to change our whole system and undermine our constitutional rights, we may one day wake up to find that the attacks have increased the numbers of those willing to commit suicide for their cause has grown, our freedoms have diminished, and all this has contributed to making our economic problems worse.

The dollar cost of this war could turn out to be exorbitant, and the efficiency of our markets can become undermined by the compromises placed on our liberties. Sometimes it almost seems that our policies inadvertently are actually based on a desire to make ourselves less free and less prosperous, those conditions that are supposed to have prompted the attacks.

I am convinced we must pay more attention to the real cause of the attacks of last year and challenge the explanation given us. The question that one day must be answered is this: What if we had never placed our troops in Saudi Arabia, and involved ourselves in the Middle East war in an even-handed fashion? Would it have been worth it if this would have prevented 9–11?

If we avoid the truth, we will be far less well off than if we recognize that just maybe the truth lies in the statements made by the leaders of those who perpetuated the atrocities. If they

speak the truth about the real cause, changing our foreign policy from foreign military interventionism around the globe supporting an American empire would make a lot of sense. It could reduce tension, save money, preserve liberty, and preserve our economic system.

This for me is not a reactive position coming out of 9–11, but rather, an argument I have made for decades, claiming that meddling in the affairs of others is dangerous to our security and actually reduces our ability to defend ourselves.

This in no way precludes pursuing those directly responsible for the attacks and dealing with them accordingly, something that we seem to have not yet done. We hear more talk of starting a war in Iraq than in achieving victory over the international outlaws that instigated the attacks on 9–11.

Rather than pursuing war against countries that were not directly responsible for the attacks, we should consider the judicious use of mark and reprisal. I am sure that a more enlightened approach to our foreign policy will prove elusive. Financial interests of our international corporations, oil companies and banks, along with the military-industrial complex, are sure to remain a deciding influence on our policies.

Besides, even if my assessments prove to be true, any shift away from foreign militarism, like bringing our troops home, would now be construed as yielding to the terrorists. It just will not happen. This is a powerful point, and the concern that we might appear to be capitulating is legitimate. Yet, how long should we deny the truth, especially if this denial only makes us more vulnerable? Should we not demand the courage and wisdom of our leaders to do the right thing in spite of the political shortcomings?

President Kennedy faced an even greater threat in October of 1962, and from a much more powerful force. The Soviet-Cuban terrorist threat with nuclear missiles only 90 miles off our shores was wisely defused by Kennedy's capitulating and removing missiles from Turkey on the Soviet border. Kennedy deserved the praise he received for the way he handled this nuclear standoff with the Soviets.

This concession most likely prevented a nuclear exchange and proved that taking a step back from a failed policy is beneficial. Yet how one does so is crucial. The answer is to do it diplomatically. That is what diplomats are supposed to do.

Maybe there is no real desire to remove the excuse for our worldwide imperialism, especially our current new expansion into central Asia, or the domestic violations of our civil liberties. Today's conditions may well be exactly what our world commercial interests want. It is now easy for us to go into the Philippines, Colombia, Pakistan, Afghanistan, or wherever, in pursuit of terrorists. No questions are asked by the media or the politicians, only cheers. Put in these terms, who can object? We all despise the tactics of the terrorists, so the nature of the response is not to be questioned.

A growing number of Americans are concluding that the threat we now face comes more from a consequence of our foreign policy than because the bad guys envy our freedoms and prosperity.

How many terrorist attacks have been directed toward Switzerland, Australia, Canada, or Sweden? They are also rich and free, and would be easy targets; but the Islamic fundamentalists see no purpose in doing so. There is no purpose in targeting us unless there is a political agenda, which there surely is. To deny that this political agenda exists jeopardizes the security of this country. Pretending something to be true that is not is dangerous.

It is a definite benefit for so many to recognize that our $40 billion annual investment in intelligence-gathering prior to 9–11 was a failure. Now, a sincere desire exists to rectify these mistakes. That is good, unless instead of changing the role of the CIA and the FBI all the past mistakes are made worse by spending more money and enlarging the bureaucracy to do the very same thing without improvement in their efficiency or a change in their goals. Unfortunately, that is what is likely to happen.

One of the major shortcomings that is led to the 9–11 tragedy was the responsibility for protecting commercial airlines was left to the government: the FAA, the FBI, the CIA, and the INS. They failed. A greater sense of responsibility for the owners to provide security is what is needed. Guns in the cockpit would have most likely prevented most of the deaths that occurred on that fateful day.

But what does our government do? It firmly denies airline pilots the right to defend their planes, and we federalize the security screeners and rely on F–16s to shoot down airliners if they are hijacked. Security screeners, many barely able to speak English, spend endless hours harassing pilots, confiscating dangerous mustache scissors, mauling grandmothers and children, and pestering Al Gore, while doing nothing about the influx of aliens from Middle Eastern countries who are on designated watch lists.

We pump up the military from India and Pakistan, ignore all the warnings about Saudi Arabia, and plan a secret war against Iraq, to make sure no one starts asking, where is Osama bin Laden? We think we know where Saddam Hussein lives, so let us go get him instead.

Since our government bureaucracy failed, why not get rid of it, instead of adding to it? If we had proper respect and understood how private property owners effectively defend themselves, we could apply those rules to the airlines and achieve something worthwhile.

If our immigration policies have failed, when will we defy the politically correct fanatics and curtail the immigration of those individuals on the highly suspect list? Instead of these changes, all we hear is that the major solution will come by establishing a huge new Federal department, the Department of Homeland Security.

According to all the pundits, we are expected to champion the big government approach; and if we do not jolly well like it, we will be tagged unpatriotic. The fear that permeates our country calls out for something to be done in response to almost daily warnings of the next attack. If it is not a real attack, then it is a theoretical one, one where the bomb could well be only in the minds of a potential terrorist.

Where is all this leading us? Are we moving toward a safer and more secure society? I think not. All the discussions of these proposed plans since 9–11 have been designed to condition the American people to accept major changes in our political system. Some of the changes being made are unnecessary, and others are outright dangerous to our way of life.

There is no need for us to be forced to choose between security and freedom. Giving up freedom does not provide greater security; preserving and better understanding freedom can. Sadly, today, many are anxious to give up freedom in response to real and generated fears.

The plans for a first strike supposedly against a potential foreign government should alarm all Americans. If we do not resist this power the President is assuming, our President, through executive order, can start a war anyplace, anytime, against anyone he chooses for any reason without congressional approval.

This is a tragic usurpation of the war power by the executive branch from the legislative branch, with Congress being all too accommodating. Removing the power of the executive branch to wage war, as was done through our revolution and the writing of the Constitution, is now being casually sacrificed on the alter of security.

In a free society, and certainly in the constitutional Republic we have been given, it should never be assumed that the President alone can take it upon himself to wage war whenever he pleases. The publicly announced plan to murder Saddam Hussein in the name of our national security draws nary a whimper from Congress. Support is overwhelming, without a thought as to the legality, the morality, the constitutionality, or its practicality.

Murdering Saddam Hussein will surely generate many more fanatics ready to commit their lives to suicide attacks against us. Our CIA attempts to assassinate Castro backfired with the subsequent assassination of our President. Killing Saddam Hussein just for the sake of killing him obviously will increase the threat against us, not diminish it. It makes no sense. But our warriors argue that some day he may build a bomb, some day he might use

it, maybe against us or some unknown target.

This policy further radicalizes the Islamic fundamentalists against us because, from their viewpoint, our policy is driven by Israel, not U.S. security interests.

□ 1845

Planned assassination, a preemptive strike policy without proof of any threat and a vague definition of terrorism may work for us as long as we are king of the hill; but one most assume every other nation will naturally use our definition of policy as justification for dealing with their neighbors. India can justify a first strike against Pakistan, China against India or Taiwan as other examples. This new policy, if carried through, will make the world a lot less safe.

This new doctrine is based on proving a negative which is something impossible to do, especially when we are dealing with a subjective interpretation of plans buried in someone's head. To those who suggest a more restrained approach on Iraq and killing Saddam Hussein, the war hawks retort saying, Prove to me that Saddam Hussein might not do something some day directly harmful to the United States. Since no one can prove this, the war mongers shout, let us march to Bagdad.

We can all agree that aggression should be met with force and that providing national security is an ominous responsibility that falls on the shoulders of Congress. But avoiding useless and unjustifiable wars that threaten our whole system of government and security seems to be the more prudent thing to do.

Since September 11, Congress has responded with a massive barrage of legislation not seen since Roosevelt took over in 1933. Where Roosevelt dealt with trying to provide economic security, today's legislation deals with personal security from any and all imaginable threat at any cost, dollar or freedom loss. These include the PATRIOT Act, which undermines the fourth amendment with the establishment of an overly-broad and dangerous definition of terrorism; the Financial Anti-terrorism Act, which expands the government's surveillance of the financial transactions of all American citizens through the increased power of FinCen and puts back on track the plans to impose ''Know our customer'' regulations on all Americans.

The airline bail-out bill gave $15 billion rushed through shortly after September 11. The federalization of all airlines security employees, military tribunals set up by executive orders, undermining the rights of those accused, rights established as far back as 1215. Unlimited retention of suspects without charges being made even when a crime has not been committed, a serious precedent that one day may well be abused. Relaxation of FBI surveillance guidelines of all political activity. Functioning of the Federal Government authority and essentially monopolizing vaccines and treatment for infectious diseases, permitting massive quarantines and mandates for vaccinations.

Almost all significant legislation since 9–11 has been rushed through in a tone of urgency with reference to the tragedy including the $190 billion farm bill. Guarantees to all insurance companies are now moving quickly through the Congress. Increasing the billions already flowing into foreign aid is now being planned as our intervention overseas continue to expand.

There is no reason to believe that the massive increase in spending, both domestic and foreign, along with the massive expansion of the size of the Federal Government will slow any time soon. The deficit is exploding as the economy weakens. When the government sector drains the resources needed for capital expansion, it contributes to the loss of confidence needed for growth, allowing the economy to function.

Even without evidence that any good has come from this massive expansion of government power, Congress is in the process of establishing this huge new Department of Homeland Security, hoping miraculously through centralization to make all of these efforts productive and worthwhile. There is no evidence, however, that government bureaucracy and huge funding can solve our Nation's problem. The likelihood is that the unintended consequences of this new proposal will be to diminish our security and do nothing to enhance our security.

Opposing currently proposed legislation and recently passed legislation does not mean that one is complacent about terrorism or homeland security. The truth is that there are alternative solutions to these problems we face without resorting to expanding the size and scope of government at the expense of liberty.

As tempting as it may seem, a government is incapable of preventing crimes. On occasion with luck they might succeed. But the failure to tip us off about 9–11 after spending $40 billion a year on intelligence-gathering should surprise no one. Governments by nature are very inefficient institutions. We must accept that as fact.

I am sure that our intelligence agency had the information available to head off 9–11, but bureaucratic blundering and turf wars prevented the information from being useful. But the basic principle is wrong. City policeman cannot and should not be expected to try to prevent crimes. This would invite massive intrusions into the everyday activities of every law-abiding citizen. But that is exactly what our recent legislation is doing. It is a wrongheaded approach, no matter how wonderful it may sound. The policemen in the inner cities patrol their beats, but crime is still rampant.

In the rural areas of America, literally millions of citizens are safe and secure in their homes though miles from any police protection. They are safe because even the advantage of isolation does not entice the burglar to rob a house when he knows a shotgun sits inside the door waiting to be used. But this is a right denied many of our citizens living in the inner city.

The whole idea of government preventing crime is dangerous. To prevent crimes in our homes or businesses, governments would need cameras to spy on every move to check for illegal drug use, wife-beating, child abuse or tax evasion. They would need cameras not only on our streets and in our homes; but our phones, Internet, and travels would need to be constantly monitored just to make sure we are not a terrorist, drug dealer, or tax evader.

This is the assumption used at the airports, rather than using privately owned airlines to profile their passengers to assure the safety for which airline owners ought to assume responsibility. But, of course, this would mean guns in the cockpit. I am certain this approach to safety and security would be far superior to the rules that existed prior to 9–11 and now have been made much worse in the past 9 months.

This method of providing security emphasizes private property ownership and responsibility of the owners to protect that property, but the right to bear arms must be included. The fact that the administration is opposed to guns in the cockpits and the fact that airline owners are more interested in bailouts and insurance protection means that we are just digging a bigger hole for ourselves, ignoring liberty and expanding the government to provide something it is not capable of doing.

Because of this, in combination with a foreign policy that generates more hatred towards us and multiplies the number of terrorists that seek vengeance, I am deeply concerned that Washington's effort so far, sadly, have only made us more vulnerable. I am convinced that the newly proposed Department of Homeland Security will do nothing to make us more secure, but it will make us a lot poorer and less free. If the trend continues, the Department of Homeland Security may well be the vehicle used for a much more ruthless control of the people by some future administration than any of us dreamed. Let us pray that this concern will never materialize.

America is not now a ruthless authoritarian police state, but our concerns ought to be whether we have laid the foundation of a more docile police state. The love of liberty has been so diminished that we tolerate intrusions into our privacy today that would have been abhorred just a few years ago. Tolerance of inconvenience to our liberties is not uncommon when both personal and economic fears persist. The sacrifices being made to our liberties will surely usher in a system of government that will place only those who enjoy being in charge of running other peoples lives.

What then is the answer? Is America a police state? My answer is maybe, not yet. But it is fast approaching. The seeds have been sown and many of our basic protections against tyranny have been and are constantly being undermined. The post-9–11 atmosphere here in Congress has provided ample excuse to concentrate on safety at the expense of liberty, failing to recognize that we cannot have one without the other.

When the government keeps detailed records on every move we make and we either need advanced permission for everything we do or are penalized for not knowing what the rules are, America will be a declared police state. Personal privacy for law-abiding citizens will be a thing of the past. Enforcement of laws against economic and political crimes will exceed that of violent crimes. War will be the prerogative of the administration. Civil liberties will be suspended for suspects and their prosecution will not be carried out by an independent judiciary. In a police state this becomes common practice rather than a rare incident.

Some argue that we already live in a police state and Congress does not have the foggiest notion of what we are dealing with. So forget it and use your energies for your own survival, some advise. And they advise also that the momentum toward the monolithic state cannot be reversed.

Possibly that is true. But I am optimistic that if we do the right thing and do not capitulate to popular fallacies and fancies and the incessant war propaganda, the onslaught of statism can be reversed. To do so, we as a people once again have to dedicate ourselves to establishing the proper role a government plays in a free society. That does not involve the redistribution of wealth through force. It does not mean that government dictates to us the moral and religious standards of the people. It does not allow us to police the world by involving ourselves in every conflict as if it is our responsibility to manage an American world empire. But it does mean government has a proper role in guaranteeing free markets, protecting voluntary and religious choices and guaranteeing private property ownership while punishing those who violate these rules, whether foreign or domestic.

In a free society, the government's job is simply to protect liberty. The people do the rest. Let us not give up a grand experiment that provided so much for so many. Let us reject the police state.

PROTECTING AMERICANS FROM POLLUTION

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

Mr. BLUMENAUER. Mr. Speaker, ultimately the Federal Government has an important responsibility to protect the quality of life for our citizens. My sense is that it is important for us to promote liveable communities where the Federal Government is a partner to help make our families safe, healthy, and more economically secure.

Unfortunately, when it comes to dealing with hazardous waste, we, as a Federal Government, have failed to follow through on our commitment. This is very serious business for most Americans. I, in the State of Oregon, have eleven Superfund sites. One in four Americans live within 4 miles of a Superfund site. Ten million American children live within a short bicycle ride of a Superfund site. These are areas, some 1,200 priority sites around the country, many of which are polluted by hazardous chemicals known to cause cancer, heart disease, kidney failure, birth defects and brain damage.

There has been a very simple principle at work for over 20 years as far as the Federal Government is concerned, and that is that corporations, businesses that have been involved with serious pollution should clean up after themselves. If they are responsible for the environmental damage and the public health threats, they should be held financially accountable for their contaminated sites and should help keep them up.

The law that we put in place in 1980 is based on this ''polluter pays'' principle. When the companies that are responsible for this pollution and the public health threats are unable to clean up after themselves, then the Federal Government steps in. And that part of that same legislation created the Superfund site, created a Superfund itself, that was to be supplied with money from a special tax on oil and chemical companies who, by and large, have been responsible for much of this pollution.

The money from the tax was placed in a trust fund, the so-called Superfund, and designated for cleaning up polluted sites where the responsible party either could not pay or we were unable to identify them.

Unfortunately, the tax that provides the Environmental Protection Agency with the funds to clean up these abandoned sites expired in 1995. Part of the Gingrich revolution was simply a refusal to reenact the tax, despite the fact that every Congress and every President since its original enactment was supportive of that effort.

Now, originally when they have refused to renew the tax in 1995, it was not an immediate disaster because over the years money had accumulated in the trust fund; and, indeed, at the time of the tax termination there was over $3.5 billion in 1996. But now that fund has dwindled from $3.8 billion down to a projected $28 million next year.

This leaves us with three stark choices. We either reinstate the tax, we dramatically reduce our clean up efforts, or we force the taxpayers to pick up the tab from already strained budgets. The Federal Government now, as we know, is hemorrhaging red ink. We have gone from last year being concerned that we were somehow going to pay off the national debt too quickly, to a point where we are going to be borrowing over a trillion and a half dollars from the Social Security fund.

□ 1900

Sadly, the administration has chosen to abandon the notion of renewing the Superfund tax. It has chosen instead to slash the cleanup funding and to rely for what money will be available from the general fund. This is part of a pattern from this administration that is unsettling.

In its first year, the Bush administration decreased the pace of cleanups by almost 45 percent, from an average of 87 sites per year in President Clinton's second term. It originally projected this year, the administration predicted that it would clean up 65 sites this year, but now that number will be only 40.

Last month, the administration announced that it would be cutting funding for cleanup at 33 sites in 19 States. In addition to zeroing out the funding for these 33 sites altogether, it is severely underfunding sites of existing projects. We have two of them that I am following closely in Oregon, McCormick and Baxter creosote plant in Portland on the banks of the Willamette River, and a site designated Northwest Pipe and Casting Process Company, which is an area that is near a number of well areas and that drains into the Clackamas River which drains into that same Willamette River.

I must say that I am rather frustrated at this attitude we have at this point. During the last presidential election, we had the candidates, both Mr. Bush and Mr. Gore, talking a good fight about being able to be forward protecting on the environment. Now when we have a chance to put it into action, we are not seeing the performance.

It does not have to be that way. When we get a chance to work together, good things can happen. Earlier this Congress was able to work with the administration in a bipartisan fashion to deal with cleanup of brownfields, and we made some significant progress. These are the properties that are idle due to actual or potential contamination by hazardous substances and pollutants, by and large in our urban areas. We have an estimate of almost a half million of these brownfields sites nationally.

We found that by moving to restore the environmental health of these sites it is an effective way to revitalize neighborhoods and in some cases an entire city. It can help communities become more livable in a number of ways. It improves the environment by cleaning up the toxic contaminants and preventing their spread and contamination and potential disease-causing aspects, side effects for individuals. The

cleanup makes the communities healthier and safer, and it targets reinvestments in our city.

By providing redevelopment opportunities where infrastructure is currently in place, it saves taxpayers dollars over greenfield development out in pristine farmlands that would require new roads, utility, water, and would take away open space, productive farmland, wetlands that have other purposes that help stabilize the environment.

We see significant job creation and economic development opportunities provided by brownfield cleanup, and it actually boosts the tax revenues for cities and towns by improving property tax bases. In fact, the EPA estimates that for every dollar of Federal money spent on brownfield cleanup, cities and States produce or leverage almost two-and-a-half dollars in private investment.

Sort of a stark example. We have the opportunity to revitalize communities with investments in brownfields, and we have been able to work on that on a bipartisan basis, what has happened with Superfund, where Democrats, I assure my colleagues, are willing to step forward with progressive, environmentally sensitive Republicans and support the administration to make sure that we take advantage of these opportunities to protect the environment and revitalize the community.

I am pleased to be joined by the gentleman from Washington (Mr. INSLEE), my colleague from the Great Pacific Northwest, from the Seattle area, who has been very active on a whole range of environmental areas. I would be pleased to yield to him to comment, if he would, on corporate responsibility, environmental cleanup and where he sees us going in the months ahead.

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

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

Mr. INSLEE. Mr. Speaker, I appreciate the gentleman organizing this chance to address this because this is an interesting sort of coming-together of two themes of American values, and one of those values is protect our natural resources for our children, and the other American value is responsibility and accountability and corporate responsibilities which certainly is in the news in a lot of different ways today.

I have come to the floor tonight because I am so concerned that I think the administration is grossly on the wrong track on both these issues on an interesting sort of marriage of two values, where the administration is going absolutely backwards. Clearly we have an environmental challenge in making sure that our Superfund sites remain in operation to clean up these most toxic areas with PCB, DDT, creosote, you name it, in it. So we have got this environmental challenge and cleaning it up is an American value. Americans feel very strongly about cleaning up these sites so that we do not leave water pollution for our children for hundreds and hundreds of years.

But there is another thing Americans feel strongly about, and that is responsibility for one's actions. That is why years ago this Chamber and the Senate adopted a Superfund plan that would make sure that polluters pay, not taxpayers, and Americans have felt for years that polluters who dump this toxic material into the soil ought to be the one, to the extent humanly possible, to pay for the cleanup, instead of John Q. Citizen or Mary Q. Citizen who pay their taxes, and Americans have felt for a long time that it is only right because why should the taxpayer have to pay when the polluter was the one who dumped the crud into the ground? That has been the law up until George W. Bush was elected President of the United States.

Now he wants to change that. He wants to abandon this basic American value of personal responsibility and he wants to shift the cost of that onto the American taxpayer, and I think that is wrong.

I think the continued American value is, one, we ought to continue the Superfund cleanup to get these sites done, and two, that the President is wrong in trying to stop the idea and abandon the idea of polluter pays and now make the rule in America being that the taxpayer pays, and somehow we have got to put it on the general fund for the taxpayer to fund these billions of dollars of cleanup, and I think that that is way out of touch with what Americans want to see happen here, and it is but yet one more, just one more manifestation of how the President's administration unfortunately has acted slavishly to these corporate interests instead of the general interests, and the President who has had a history, as we all know, in the oil and gas industry, cannot seem to break that history to answer the general needs of the public rather than the special needs of the polluting industries.

This is not something that we are asking the President to sort of invent a new science or even a new type of legislation. We are just asking him to take his hands off the existing legislation, which requires polluters to pay for their own problems they created rather than the taxpayer. We are only asking him to do what has been the law for years and years and years and years, and that is why it is most discouraging that the President has seen fit to try to go backwards both on environmental policy and on the concept of personal accountability, and we are going to do everything we can to stop him in his efforts.

In the State of Washington we have a number of Superfund sites. They are at risk with many other Superfund sites of not being funded because of the President's threats, and even if they are funded, we do not think they should be funded by the taxpayer. We think they should be funded by the polluter who dumped the stuff in the ground.

I give my colleagues an example. In Bainbridge Island, where I live, one of the largest toxic waste sites in the West Coast is a former creosote plant and that for years and years and years the owners dumped creosote into the ground right on Bill Point which is a point just on Eagle Harbor there in Bainbridge Island. It is a beautiful location. Trouble is now it is one of the most toxic area substrata around because it is full of creosote, which is pretty ugly stuff. Sometimes when I go by, I can see it bubble up out of the water, and it is real stinky and black and it is quite toxic. We think that the polluters who put the creosote in the ground should be responsible for that cleanup, which is going to take years and years and years, rather than the taxpayers in the State of Washington or anywhere else in the United States, and yet the President wants to reduce that protection.

I just give my colleague a little comment, too. We are now trying, just to tell him how nasty the stuff is, we are trying a new technology of injecting steam into the ground to try to break up the creosote so it can be pumped out, and it is an experiment, really one of the first or second times it is being tried anywhere in the Nation. We hope it works because if it does not work, we have got to build these walls to essentially have a bathtub to preserve this stuff so it does not keep leaking into Puget Sound and causing terrible things in the food chain, and if we have to do that, we have to pump water out of this literally for eternity.

So this is very expensive and we think the one who put it in ought to be responsible. We think that the President should revisit this issue and stick with the existing view of the polluter being responsible rather than the taxpayer. We hope we are successful in this regard.

Today the President gave a speech about corporate responsibility, and he said that corporations need to be more ethical, more responsible, and if he feels that way, why the heck is he trying to shift the costs off of corporations who dump creosote in the ground year after year after year after year, poisoning the atmosphere and the environment, and try to change that responsibility off the taxpayers? That is not in league with what I sense he was saying today, which is corporations ought to be responsible for their own conduct.

So we will continue in our efforts, and I appreciate this opportunity to join my colleague to talk about this one particular issue that I am very concerned about.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman making that linkage because I think it is important.

There is a lot of talk about corporate responsibility. There is a lot of talk now when the spotlight has been trained on some practices that are having a devastating effect on the pocketbook of Americans across the country, as people are getting their quarterly statements from their individual retirement accounts, their 401(k)s. They

have watched what has happened as the stock market has been hammered by questionable practices that are in turn being reflected in a loss of wealth for Americans.

It is going to make it harder to do business, yet this notion of exercising corporate responsibility is something that could be simply done in terms of an area that would actually add value to every community around the country in terms of reestablishing this principle of polluter pays.

Mr. INSLEE. I may just tell my colleague, we have got a lot of great corporations out there, too, that are being extremely responsible, and those sort of good actors are paying corporate taxes, the ones who are not polluting against the law, and what the President's proposal is doing is shifting the burden for the pollution of the bad actors onto the corporations as well as individual taxpayers. He is shifting the burden for the pollution off the bad actors onto the good corporations that are not polluting. So I mean it is not like just individuals are victims of the President's proposal here. The good corporations that are following environmental laws and taking care of their waste and recycling their products, and thank goodness I have got hundreds of them in my district, Microsoft being one. Why do we have to have Microsoft have to pay for some other corporation that is not following the law, that is dumping this stuff in the ground? So we are defending the corporations who are good neighbors and good community members against the perditions of those who are not, and George Bush is in league with those corporations that want to violate the law and dump this stuff in the ground, and we think that is just absurd and that is the best, most gracious language I can use.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the distinction because in the Northwest we have seen a significant increase in environmental consciousness, worked with programs like The Natural Step. We are seeing models of corporate responsibility where people are trying to reduce their footprint on the landscape, and we are seeing many small- and medium-sized businesses and consulting firms that are emerging that are practicing sustainable business models.

The approach that is being taken here, shifting this onto the general fund, means that instead of identifying sources of pollution historically, it is going to put a greater burden on individuals and corporations who are actually doing an outstanding job. In some cases, it is in effect taxing them twice because they pay their share plus the share of people who are evading responsibilities.

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Mr. INSLEE. If I may add, the other thing that is frankly disturbing to a lot of my constituents, is that this is just one more of a litany of these antienvironmental actions by this administration.

Everybody makes a mistake. We are all human, and we do not expect perfection from the President. But when we look at the number of times that the President, this President, has sided with these special interests to the degradation of clean air and clean water, it really bothers the people I represent. I have lots of them come up to me and say, ''Whatever you do, just do not let him continue down this road.''

It started with his efforts on arsenic in the water; then it has gone on to issues to gut the roadless area rule where we are trying to protect the last pristine areas in our forest areas; then the President ignores any affirmative action on global warming; and then the President takes this action that we are talking about trying to gut the Superfund sites. That was preceded 2 weeks ago by his efforts to reduce clean air rules.

This is consistent with his actions, unfortunately, with the Securities and Exchange Commission, to date, where he appointed a gentleman, who, though a very nice person, very intelligent, is from the industry he is supposed to be regulating. Mr. Pitt from the SEC is supposed to be regulating the securities industry and the accounting industry, and that is who he represented. As a result, we have had no effective, meaningful reform in the last 6 months of this horrendous predation on American investors. Yet the President has not stood up for American values, he has stood up and allowed the special interests to dominate his administration to the degradation and damage of the American investors.

So this is a consistent pattern where corporations, not all of them, but some of them, who have acted against the laws, have dominated his decision-making. And this is just another example of how an administration has gone off course. We hope he restores that and rethinks through this pattern of his.

With that, I would like to thank the gentleman for an opportunity to join him this evening.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's thoughts and observations and the leadership the gentleman has provided, particularly in chairing for the minority the Subcommittee on Forests and Forest Health of the Committee on Resources. The gentleman has had an opportunity to train a searchlight on some of the practices that those who would not place quite the same premium on the environment would have. The gentleman has also provided leadership in pushing back on the notion of abandoning the roadless rule, where we had, what, almost 2 million comments in support of this important protection.

Mr. INSLEE. Just one more comment, if I may, and I thank the gentleman for his compliments, I always accept those, but 96 percent of the Americans who commented on this wanted a strong roadless area bill to protect our pristine area, yet what did the President of the United States do? He ignored them.

Now he is trying to back up on this rule to allow clear-cutting and roadless area rules. We are going to fight this. We feel very strongly about it.

And I thank the gentleman.

Mr. BLUMENAUER. I appreciate the gentleman's leadership.

One of the areas we have been focusing on in dealing with Superfund needs to be in the area of hard rock mining. Frankly, there are a number of us who are concerned about the situation that is occurring in our Nation's wilderness areas that have basically been given away to mining interests with virtually no change since that law was enacted in 1872, basically the same as when it was enacted and signed into law by President Ulysses S. Grant.

There are those that argue that hard rock mining is the Nation's number one polluter. They are currently responsible for approximately 70 Superfund sites. Of the 33 sites around the country that the administration sadly is talking about eliminating funding for, two of them were contaminated by hard rock mining companies in Montana. Yet, until recently, there were no requirements that the mining companies pay for the notion of cleaning up after themselves.

That is how companies like W.R. Grace, who have been in the news for years with its notorious activities, were able to walk away from the site without being held responsible. Yet, last month, the administration issued a rule that would make filling our waterways with waste from hard rock mining mountaintop removal legal.

Now, think about this for a moment: giving a grant of authority from the administration to the mining industry to legalize this notion of where they are just stripping away mountaintops and shoving it into streams to gain access to seams of coal.

As if the Superfund law and the Clean Air Act were not enough, we have here a direct opportunity on the part of the administration to overturn important provisions of the Clean Water Act, all of this to protect an extraordinarily destructive mining practice. These companies have already buried over 800 miles of rivers and streams in West Virginia and Kentucky, all with the permission of the Army Corps of Engineers. But until this rule change goes through, it is still illegal for the Corps to allow waste from mining to be dumped in our Nation's waterways.

Why? Why would the administration, instead of changing the Corps' practice to make them obey the law, why have they decided instead to change the law to make these actions legal? Think about the types of harmful fill we are talking about dumping into wildlife habitat and communities' drinking supplies. Hard rock mining waste includes construction and demolition debris. People have found coal ash waste,

old tires, car parts, and discarded appliances. They also often contain particularly dangerous toxic chemicals, such as cyanide, arsenic, and sulfuric acid.

Mr. Speaker, this is serious business. We are approaching the 130th anniversary of the mining law of 1872, as I mentioned, signed into effect by President Ulysses S. Grant, essentially unchanged. We should be talking about how to make this outdated law stronger. We should not be taking an opportunity to roll back provisions of the Clean Water Act that are here to protect public health and the environment.

We are already giving the mining industry public lands and minerals for 19th century recording prices. We are not requiring that these corporations, often foreign-owned, that are extracting this mineral wealth, give a portion of it back in the form of a tax or royalty to American taxpayers to put in our Treasury. And now we are allowing them to blow off the tops of mountains, bulldoze them away to bury rivers and streams.

I would strongly suggest that instead of facilitating this type of behavior, it is important that we provide more corporate responsibility, provide more environmental protection, and we make sure that we are protecting the heritage that God has given this country.

It is frustrating that we have not been able to give people the type of understanding of what is at stake. Remember, as I mentioned earlier, one in four Americans lives within 4 miles of a Superfund site. Now, these sites are hazardous waste, often abandoned warehouses, landfills and mines, and 85 percent of all Superfund sites have contaminated groundwater. Research suggests that there is a markedly increased risk for birth defects when women live close to Superfund sites early in pregnancy.

A few of the hazardous chemicals that people are discovering on these sites include arsenic. We had a great deal of debate earlier in this Congress as the administration proposed rolling back protections on arsenic in the drinking water. Well, that frankly blew up, and the administration did retreat because the public knows arsenic in the drinking water is not a positive development. It is known to cause cancer of the lungs, bladder, and skin. It is also linked to cancer of the liver, kidney, colon, even nasal passages; and to a variety of noncancerous health effects, including heart disease, diabetes, adverse effects to the immune system, lungs, gastrointestinal tract, and thickening and discoloration of the skin.

Lead is another serious area of pollution that can damage almost every organ and system in the human body, especially the immune and reproductive system, and can cause heart disease and kidney damage. It is particularly damaging to the central nervous system, especially for children, where it is well-known and accepted now that children suffering from exposure to lead can have serious brain damage, decreased IQ scores, slow growth, and cause hearing problems in infants or young children.

We have serious problems with mercury on these Superfund sites that can cause brain and kidney damage and pose a high risk for adverse neurological development of fetuses. These are some of the hazards that we face with over 1,200 toxic waste sites on the Superfund national priority list.

Congress should not be undercutting the polluter-pays principle and walking away from its financial responsibility. Some of these sites have been on the list for more than a decade. Last year, in a report requested by Congress, Resources for the Future calculated that implementing the Superfund program for the current decade is going to cost us from $14 billion to $16.5 billion. Now is not the time to walk away from the financing.

I mentioned that it was, I felt, unfortunate that Congress allowed the corporate tax that funded the Superfund to expire in 1995 and that the administration has no plans to work with us to reinstate this tax. It has been that combination of funding that enabled us to clean up more than 800 toxic waste sites in communities across the country. During the last 5 years, we were averaging about 87 sites per year. Last year, in its first year, the Bush administration found that the pace of cleanup was down 45 percent. In 2 years, the administration expects to reduce the pace of cleanups by more than 50 percent more, along with shifting the responsibility for the cleanup.

Now, we have seen, as a consequence, that the administration has gone to the General Fund for $634 million in 2001. It is proposing $700 million this next year. When we had the Superfund in place that was funded by the tax, the General Fund only assumed about 18 percent of the program costs. Next year, if the President's proposals are adopted, they will be paying 54 percent of the associated costs, and soon, in the next year or two, the entire cost.

Mr. Speaker, I find that to be unacceptable. We need to not be abandoning the principle of polluter-pays. We ought not to be putting more pressure on the beleaguered General Fund. We ought not to be cutting the pace of Superfund cleanup. After more than 20 years, if anything, we should be redoubling our efforts in providing this revitalization. We have, today, opportunity after opportunity to take a step back and to do what the American public wants us to do, which is more investment in areas that is going to protect the environment.

Another critical area that we are having a great deal of discussion about on the floor of this Congress and in our committees deals with the situation we see in forest fires that have been raging across the West. In recent days, we have had 22 large fires in seven States.

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We have had over 300 million acres already burned this year. For comparison purposes, that is more than twice what we have had over the last 10 years on average, and we are only halfway through this fire season. There are approximately 10,000 men and women currently fighting the fires throughout the West. It has been important enough for the President and a number of governors to be involved with touring. We have been watching homes being lost. To date we have had nearly 1,500 homes across the West and over 35,000 residents have been evacuated. I would hope that this would be another area where we might be able to assess what has happened and draw the appropriate environmental conclusions and lessons, particularly since we are facing what is likely to be the worst fire season in memory.

It is important that these catastrophic fires serve as a wake-up call, not senseless recrimination, attacking. In some cases we have even seen people trying to blame this on environmentalists, incredible as it sounds. This is an opportunity for us to reflect on the transformation of our natural systems of forest and even astrospheric chemistry dealing with global warming. We need to have a cultural shift to a more conservative approach, respecting the fragility of these systems and our dependence upon them. We need to stop this curious blame game.

It is not, by any stretch of the imagination, the environmentalists who caused the drought. It is not the environmentalists who have had a policy for the last 50 years of instantly suppressing any fire anywhere so that what we have done is we have stopped the periodic fires that have swept through the forests of the West. We have seen the number of trees and other flammable material expand dramatically, and it has been actually compounded by logging practices that have opened up many of these forests and removed the most mature trees, trees that are the most fire resistant, and leave the tinder behind. And it was interesting 2 years ago when we went through this cycle, we found that the areas that had been the most heavily logged were the ones that had the worst forest fires.

This current fire season will be the worst in the past half century, and I am hopeful that we will be able as a Congress, we will be able as a country to take a step back and face the hard questions about current forest management policies, funding for various wildfire management programs, and look at the Federal role in protecting State, Federal, and private land and, yes, take a hard look at the land uses that we are permitting and encouraging in this area.

We need to return to ecology 101. Small ground fires that once regulated the vegetation in our great western woods need to be returned to the ecosystem. The brush and small trees that

would burn while older larger trees survive were part of a natural process that made the forest healthier. We need to recognize that a century of aggressive fire suppression has rendered western forests susceptible to these massive conflagrations that cost us billions of dollars annually and that much of the cost and the agony can be attributed to structure protection for homes that are in the forested fringe.

There is a lot of talk these days about the wild land-urban interface. It is a serious question, Mr. Speaker, because we have in this interface between the developed areas on formerly undeveloped forest land, it is putting people in direct contact with what earlier had been a healthy natural phenomenon of wildfires that have just rushed through. We found that people have a difficult time accepting the reality. A recent survey in the Arizona Republic showed that people in this wild land-urban interface have an attitude that, well, they know that it is risky, but I think I will take my chances because it is not that risky. Of course it is not just their chance. They will not bear the costs alone when the worst scenario plays out. Since 1985, wildfires have burned over 10,000 homes.

I see my good friend Mr. TANCREDO from Colorado in the Chamber. My understanding is that there will be a million people in the foreseeable future in Colorado who will be located under current policies in areas that are heavily forested, putting them in harm's way and giving us a very difficult choice about allowing the fires to burn on, risking people's homes and lives, or making some changes to deal with a more rational approach. It is not appropriate for us to continue to put thousands of men and women in harm's way needlessly, and in some cases there are bizarre situations that are a result of human activity on formerly wild forest areas.

We had in Fort Windgate, New Mexico, firefighters having to stay away from certain areas because there were explosions of unexploded ordnance beneath the surface of the public land in areas that had been used for target practice. We had this a couple of years ago in Storm King State Park in New York where firefighters were out fighting a blaze and all of a sudden explosions started to occur. This was a result of shelling from cadets from West Point.

Well, it is not just these unusual situations that deal with unexploded ordnance in military activities. We have to have a comprehensive approach to how we are going to permit activities into the forest land, who is going to bear the risk, what we can do to minimize that in terms of if we are not going to prohibit it outright, to regulate where it is, building materials, what is happening in terms of landscaping. In too much of the West, people have just turned their back on their responsibility, creating serious, serious problems.

Since 1970, over 2.8 million housing units have been constructed along this forest fringe and out into the forest land. The total now is over 5 million dwelling units. If population growth continues at current rates, and we continue to have the ex-urban housing development and we have resort development, there will be an additional 2.4 million housing units in the next 30 years, approaching 9 million in all.

As staggering as these numbers are, they only represent primary residence. They do not include tens of thousands of residences that are second and seasonal and vacation homes, particularly near resort towns. We are seeing the consequences of unplanned growth and development. Some may call it sprawl or dumb growth when it occurs in and around suburban areas; but the facts are we are seeing it leak out in the countryside, and we are going to be penalizing the taxpayer, costing money to extend services, penalizing the taxpayer for fighting fires, for example, where it is going to be exceedingly expensive and difficult to solve in the future.

The final area of concern that I have that I wanted to talk about this evening deals with the way the global climate change has the potential of accelerating and compounding these difficulties. Now the unprecedented drought that we have seen in the West, we have seen in Wyoming, it is the worst in 100 years. We are seeing it throughout the eastern seaboard in places like metropolitan Atlanta where we are not used to thinking about drought conditions.

This is merely a preview of what we can expect if we are going to continue to have the effects of global climate change, as droughts are going to be contributing to concerns about wildfire vulnerability. Unusually dry winters and hot summers increase the likelihood, and we are going to make it more and more difficult to contend with multiple challenges across the country.

I find it ironic that the President will tour the fire sites in Arizona, but really does not have anything in the way of a plan for American leadership when it comes to mounting a plan to deal with global climate change which might forestall or minimize this very serious problem in the future.

It is research from our own federally funded studies that have shown that climate change is going to have a dramatic increase in the areas burned and the number of potentially catastrophic fires, in fact, more than doubling the losses in some regions. And the changes are going to occur despite deployment of fire suppression resources at the highest levels, implying that the change is going to precipitate an increase in both fire suppression costs and economic loss due to just wild fires alone.

And it is not just wild fires that are a concern dealing with the change in greenhouse gasses and global climate. Worldwide, the number of great weather disasters, including fires, in the 1990s was more than five times the number of these disasters for the 1950s. And the damages, the costs that were incurred by governments, by insurance, were more than 10 times as high adjusted for inflation than in the 1950s.

We have seen in the last year of the previous decade 47 events, more than double the average for the 1980s. Well, the United States, with less than 5 percent of the world's population, is playing a huge role in greenhouse gas contributions. We produce approximately five times our per capita contribution.

We as Americans know that we can do better. I sincerely hope that the administration will work with concerned people on both sides of the aisle to not abandon the principle of ''polluter pay'' and make sure that Superfund cleanup is the priority that the American public wants, to deal with the abuse of the mining industry, hardrock mining in particular, to not make it easier for them to have assaults on the environment, to fill miles of streams and valleys in violation of current law, that instead encourage, indeed mandate, that the industry clean up after itself, that we deal with the current realities of this urban-rural interface that has created such a problem with forest fire protection. And last, but by no means least, that we deal with national leadership for global climate change.

Next month the United States will join with over 100 other nations in the environmental summit in Johannesburg. Mr. Speaker, this would be an excellent opportunity for the United States, if the administration cannot abide by the Kyoto Protocols, which ironically even some large businesses are stepping up and agreeing to meet those targets, at least we are obligated to have our plan, our approach, and it would be a perfect time for the administration to reverse its position, come forward with a leadership approach to make sure that these problems of global climate change, storm events, and wildfires, are not going to be worse as a result of our stewardship, but instead would be better.

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ITEMS OF CONCERN TO AMERICA

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, I rise tonight to bring to the attention of my colleagues a number of issues. I have listened, as I have been sitting here preparing my notes, to the previous speaker, and there are many concerns that he expresses that I certainly share.

Before I get into the main part of my comments, I do just want to make one statement regarding the issue of wildfires and their cause, the reason

for the severe nature of the fires we are having in my State and the others around the West.

I certainly agree with the gentleman from Oregon (Mr. BLUMENAUER) when he says that what has contributed to this condition in our Nation's forests has been 100 years of fire suppression philosophy. The idea that we had to try to put out every fire that started in our forests has undoubtedly been a wrong-headed approach. We recognize now that fires, of course, can be healthy. I say ''can be,'' because it is not necessarily the case. It is not always the case that every type of fire that you have is a ''healthy'' phenomenon.

There are certain kinds of fires that are enormously destructive, not just in the terms that we naturally think of when we hear of a wildfire, but there are certainly other aspects of it. So not allowing for a natural process to occur, constantly getting in there and trying to stop all fires, is not good, and I agree.

Now the question becomes one of how to deal with it. Is it to simply ignore the fact that we have forests in the Nation that have accumulated up to 400 tons, 400 tons per acre, of fuels, when the average amount, what we would call a healthy natural forest, is around 10 tons per acre? Is it to simply ignore that, leave it, and say because we do not like the idea that mankind, that governments have attempted to intervene in this process, and that has been problematic, is it to suggest that we have no role to play?

I would state categorically that it is just the opposite. Now that we know what the problem is, now that we have some sense of what has contributed to this enormous problem, then what we need to do as a government and as a public policy is to try to address it, and it is not to ignore it. It is not to pretend that the potential for these catastrophic fires does not exist and to simply walk away from the forests and the management thereof to some other kind of bucolic world in which, after all of the forests in the United States have burned to the ground, in a couple of hundred years they will all be back in a more natural and pristine state. That is essentially what our environmentalist friends are asking us to do.

However, we do have options. We do have alternatives. What we have learned is that you can actually now reduce the catastrophic kind of fires that we are experiencing in the West by management, by enlightened forest management. Part of that is what we call controlled burning, where we go to the area, the Forest Service goes into a particular area and does in fact burn a lot of the underbrush and burn those fuels in an area and in a way that they can contain it so it does not, hopefully, get out of control. It has happened in the past, Los Alamos is a horrible example, but, for the most part, it does not happen that it gets out of control. We have in fact over the years had hundreds, if not thousands, of controlled burns. They have all worked perfectly well. It does help create a more natural environment.

It also helps stop the spread of catastrophic fires like the one we are having. I have seen it with my own eyes in Colorado, in the forests we are now dealing with, with the firings we are now dealing with, where we have allowed for a controlled burn. The Hayman fire, which is the one that has consumed 150,000 acres, you can actually see where it has come up against what was called the Polhemus burn, which was a controlled burn, come up against that area, and essentially stopped because there was not the fuel to have it continue.

We can manage the forests by controlled burns. We can also manage the forests by thinning, by going in and actually taking out a lot of this underbrush, by cutting down trees, yes, I am saying it, cutting down trees, especially the trees with the small circumference, and a lot of the underbrush that has been so problematic in these fires. We can do this.

There are ways to manage forests, not to stop all fires, but to make the fires that do occur a product of or manifestation of that healthy ecosystem. It is this area, this point of conflict, that we find ourselves in with our friends in the environmental community, especially the more radical elements of that community, who have stopped every single attempt on the part of the government to try and manage the forests, of the Forest Service to try to manage those forests, and, as a matter of fact, were successful in stopping the Forest Service from doing any sort of thinning right in the middle of the area we now call the Hayman fire.

A year-and-a-half ago the Forest Service proposed to go in there and thin parts of that area, to clean out that kind of underbrush. The environmentalist community filed appeals. They worked for a year-and-a-half with them to try to come to some resolution of their concerns. When the Forest Service thought the concerns were met, they went ahead to start the process. What do you think happened? Guess what? The environmentalists went in there and filed the appeal again, stopped the process again. That was a year-and-a-half ago, and, of course, now that issue is moot, irrelevant, because that part of the forest, along with another 150,000 acres, are simply pieces of charcoal.

So we can do a lot to mitigate the disastrous effects of the fire. As for the wildlife wildland-urban interface, that is problematic. We can also control that. There are zoning laws we can adopt and, in many, many cases, have already. It is not the fault of an American who wants to live near a forest or in the forest area. It is not their fault that we have fires or that the fires are catastrophic.

To this point, we have not had a fire in Colorado, of which I am aware, actually, that was started because someone was living near a forest. I am not saying that has not happened. Nothing I am aware of recently. None of the major fires were started by people who happened to live in or near the forests.

Unfortunately, the two most horrendous fires we have burning or have just brought under control in the United States, one in Colorado and one in Arizona, were started by Forest Service personnel. In Colorado, the lady that started the fire apparently, apparently started the fire, I should say, is a Forest Service employee directly. The gentleman in Arizona who apparently started this fire is someone who is employed by the Forest Service to go in and help the Forest Service fight fires. He is a smoke jumper and he wanted to essentially be employed, so he started this fire thinking I will get the job; I can go in and fight the fire. It got away from him, and 500,000 acres burned down. An area actually now larger than the size of Los Angeles has burned in Arizona.

So this idea that you have got people living on or near the land and therefore we have these big problems, that is really not it. Yes, there are homes that are destroyed, and it is true and horrible, but the people who have chosen to live there take that kind of risk and pay insurance premiums that reflect that, for the most part.

Anyway, I just wanted to talk about that. There are many other issues, but that was not the main purpose of my coming to the floor tonight.

I did want tonight to reflect upon another speaker who had the hour before the gentleman from Oregon, and this was my dear friend and colleague, the gentleman from Texas (Mr. PAUL), a gentleman whom, by the way, I respect enormously and whose opinions and attitudes I believe are incredibly profound and need to be heard. The gentleman from Texas (Mr. PAUL) is a devout libertarian who has in many, many cases and many, many times, I think, been a lone voice for a variety of different causes here and a perspective that is not heard often enough.

Of course, there are certain aspects of his presentation, of his discussion tonight, with which I must disagree, especially in terms of what our responsibility is as a Nation to defend ourselves against the war that we are now involved in and whether or not we can argue about the purpose of the war, I should say the genesis of it. But I do not think we can argue about the fact that we are in one.

The question that I think this House must always deal with, and I commend my colleague, the gentleman from Texas (Mr. PAUL), for being such an articulate defender of the fact or the idea, the philosophy, that we must never surrender individual freedom and liberty in the pursuit of ultimate security. I certainly agree with that, that that is a terribly difficult balance that we are asked to try and maintain here in this Congress. And the issue is to what extent does this government have

a responsibility to actually try to defend itself against the threat that we, I think, that we now face, and what are the measures that we can legitimately take to defend ourselves, considering the nature of our opponent, our enemy.

That is really the ultimate debate we are having. What is the nature of the fight we are in? Is it just against this small band of terrorists who have, as we have been told, hijacked a particular religious philosophy? And, if so, if it is just against a small band? Maybe we can name them al Qaeda. If that is it, if that is our only war, I would agree with my colleague, the gentleman from Texas (Mr. PAUL), that the steps presently taken, the steps we have taken up to this point in time, may have been overreaction, because it is a relatively small group and we can identify who they are by name, we can go after them wherever they are, find them, arrest them, kill them, if that is the only alternative.

But I believe that that is not the nature of the battle or of the enemy that we face. I believe it is much broader than that. I believe it is in fact fundamentalist Islam that we are fighting tonight, today, yesterday, and will be fighting for many years to come. It is something far larger than this small group of people.

Tonight, maybe, during this discussion we will have the opportunity to go through this at greater length, to determine what exactly it is then our Nation should do, if we are faced with that broader, more broadly defined enemy. One of the things I believe we must absolutely do is to work to control our borders.

It is incumbent upon us, it is incumbent upon us because we call ourselves a Nation State, because we believe ourselves to be a sovereign Nation. We claim that, and I believe we are, I believe we are separate and distinct from the other nations of the world.

I believe that becoming an American citizen, for instance, means more and should mean more than simply crossing a line, simply stepping over a boundary. I believe there are all kinds of things that are incumbent upon an individual when they become a citizen of this country, and I believe that there are people in this world, there are, in fact, far too many people in this world, that would destroy this Nation, everything we stand for, everything we believe in, and physically destroy us, not just our philosophy, but all of us living here.

I believe that that is the nature of the fight we are in, and I believe that there are many things we need to do. Among them is to actually secure our own borders. It is to say to the world that we have a right, a responsibility, to defend ourselves. Part of that may be to seek out our enemies in Afghanistan and in Iraq and in the Philippines or wherever they may be hiding. But it is also to defend our own borders from those who would come across for the purpose of doing us harm. And I do not think we should be condemned for that or called myopic or xenophobic or anti-individual freedom. It is the least that our citizens can expect of us, to defend them, so that they can be free to practice their religion and their political philosophies and their individual ways of life.

□ 2000

I see that I am joined tonight by the gentleman from California (Mr. ROHRABACHER) and another colleague whom I will introduce in just a moment. I am glad that they are here. I will gladly yield to my colleague.

Mr. ROHRABACHER. Mr. Speaker, first and foremost, I would like for the record and for anyone who is observing this presentation this evening, to understand the pivotal role that the gentleman from Colorado (Mr. TANCREDO) is playing in this battle for our Nation's security in terms of the fight against illegal immigration.

Now, I may or may not agree with the gentleman about the nature of the terrorist threat to the United States; I tend to think that there are many, many Muslims throughout the world who are as much against terrorism as we are, standing right here in this body today, and that they are horrified that the bin Ladens of the world are being presented to the American people and to others as spokesmen for Islam. They are just horrified by this.

But to the degree that there is a threat there, what is important is what the gentleman from Colorado has been doing to make sure that we focus on a major vulnerability of our country, which is the fact that our government is not concerned about the sanctity of our immigration system and the security of our borders, so that the people of the United States of America are being made vulnerable every day in many ways; economically, but also in terms of their own personal safety, as well as the safety of our government and our institutions, by a massive flow of illegal immigration into the United States of America.

The gentleman from Colorado has taken it upon himself to try to mobilize public opinion and mobilize the opinion of Members of this body so that the public, as well as this body, will understand the great risk we are putting ourselves in by not controlling the flow of illegal immigrants into our country. It is a risk that has economic ramifications, which the gentleman from Colorado has time and again talked about, and about how the standard of living of the average working person has been going down; and yet, of course, we have the ownership class in America who seems to be able to take advantage of cheap labor.

We have also heard from the gentleman from Colorado about the criminal elements that are coming into our country; and now the gentleman from Colorado is also warning us about the potential terrorist implications to not having control over our borders.

Now, I have been fighting illegal immigration for as long as I have served, and have been privileged to serve, in this body; and that is why I feel so strongly that the gentleman from Colorado (Mr. TANCREDO) is playing a role that is just indispensable to the security of our country, because he is carrying much of this load on his own shoulders.

But I have been especially concerned over the years about the security risks that illegal aliens pose to our country. We do not need to just make this fundamentalist Muslims, because I happen to believe that there are a lot of fundamentalist Christians and fundamentalist Jews that say crazy things about other people's religions, and there are radicals who would murder people in every faith. We must make sure that we are opposed to any of this type of radicalism, and it should be denied access to the United States of America. If you have a radical Christian or a radical Buddhist or a radical Communist or a radical Hebrew or a radical Muslim, any one of those who are willing to kill other people because of their faith, should not be permitted in the United States of America, period.

Well, since 245(i), which was an amnesty for illegal aliens, was proposed in 1996, I have talked myself hoarse about why this was such a grave matter to our national security. Mr. Speaker, 245(i), as we know, permits people who are in this country illegally not to have to go back to their home countries in order to readjust their status so that they could in some way be here legally. In the past, if someone is here illegally, they have to go back before they can adjust their status.

Well, others in this body have openly scoffed, saying that 245(i) is about, what they claim, is about uniting families, or fairness, or economics, or anything else than what it is.

Mr. Speaker, 245(i), which is an amnesty for those people who are here illegally so they do not have to go home to adjust their status, they can do it here, is an invitation to criminals and terrorists and anyone else who would overstay their visa to come to this country and break our laws. It is an invitation for everyone who comes here on a visa to overstay their visa because, after all, now that they are here in the United States, and they can be adjusted. And while 245(i), which we put into place, was supposedly a limited right of these people who are here illegally to adjust their status, it has had already horrible impacts on the safety of our people.

Now, the 245(i) amnesty for illegal aliens has claimed the first victims that can be officially proven to be the victims of the action of 245(i) by this Congress, and it is a very prominent case. The INS Congressional Relations Office confirmed to my office that the Egyptian gunman who killed two people at the El Al counter in Los Angeles Airport, at LAX, on July 4, was in this country only due to a 245(i) amnesty.

That is that Hesham Mohamed Hadayet, an Egyptian citizen, a man who apparently either was part of a terrorist system which we do not know, he may not have been, but we do know that he lost his composure or perhaps he did it intentionally, but he went to LAX and murdered two people, two innocent people.

Think about this. Mr. Hadayet, and I do not know if that is the way you pronounce his name, who was due to be deported, became a resident of this country due to a 245(i) amnesty. What a travesty.

Now, this is a case that we can document. I would contend that there are probably many other cases in this country where people have been brutalized or murdered or raped or robbed, or that you have someone who imposes a terrorist threat in our country because of this, but this one we can document. If we had deported him, those two people there at LAX, those beautiful young people, may be alive today, would certainly be alive today, and their families and their friends would have been saved this enormous grief.

Estimates from the INS and others are literally several hundred thousand, by the way, in terms of how many illegal aliens have already applied for and received legal permanent status through 245(i). So let us make that clear. Hundreds of thousands of people have received their permanent resident status, even though they were in this country illegally at the time, because of 245(i).

Now I might add just for the record that the gentleman from California (Mr. BERMAN), my good friend and colleague, the two of us debated this issue out. I was claiming at the time that hundreds of thousands of people would seek to utilize this loophole if Congress passed the 245(i) extension. The gentleman from California (Mr. BERMAN) emphatically stated that it would only be 30,000, he could never imagine more than 30,000 or so people claiming this, and this was his official estimate by some, of course, source that either did not know what they were talking about or were intentionally misleading the gentleman from California (Mr. BERMAN).

But I remember him saying, if you have over that many people apply, I will buy you dinner. Well, I say to the gentleman, I am ready for dinner. I am ready for dinner. And I want the gentleman to know that I will not mention over dinner the death of those two poor people at the El Al counter at LAX, because they can be traced right back to that 245(i), and there are not just a few thousand people who applied, there are hundreds of thousands, and it is a gigantic loophole that we do not need to open wider, we need to stop that loophole. We need to plug it so we do not have any more maniacs in our midst who might have been deported; at least they would not have been here. Who knows.

I had a person from the INS tell me that the reason why we want them here, if they are here illegally, the reason we want them deported back to their home country to check them out is because that is where the records are. That is where all the authorities in those countries know in their country who has been arrested for unstable behavior. Maybe this man was not a Muslim extremist. He may have just been a very disturbed person.

Well, guess what? We do not want a very disturbed person in this country who is here illegally either. And if Congress should pass another extension of 245(i), which is, of course, what we were being pressured to do, and let me add that the vote that they were leading up to, and there is enormous pressure on us to pass 245(i), that vote was supposed to be on what day? 9–11.

If those people would not have flown those planes into the World Trade Center, if those terrorists would not have slaughtered thousands of Americans up there in New York, this body would have been in session and we would have been voting for 245(i) that would permit these types of threats to our security and to the personal safety of our people to remain in the United States. Had Congress passed 245(i), there would probably be, and we estimate, another 300,000 illegal aliens permitted to stay here and to start to legalize their citizenship status and their immigration status.

Mr. TANCREDO. Mr. Speaker, reclaiming my time for just a minute, the gentleman makes a very interesting and, I think, dramatic point here, something I did not know, something that I think a majority of Americans did not know. And I will guarantee my colleagues this: What my colleague has just stated about the status of the gentleman who was here and killed those two people at El Al, that fact, I would be willing to bet anyone dinner and anything else, would never, ever, ever have come out had it not been for the dogged determination of the gentleman from California (Mr. ROHRABACHER).

These are the things that we hear about, but the INS will never admit to. And I hope to see, but I wonder if tomorrow morning we will see on the front page of every newspaper in this country and on every talk show in the country this fact, the fact that my colleague has just pointed out to us; and I will bet again, if it is brought up at all, it will probably be buried, except for the very few parts of the media that have a tendency to support our point of view on this.

Mr. ROHRABACHER. Mr. Speaker, if the gentleman will yield, the gentleman is precisely correct. My staff, when this happened, noticed that there was a discrepancy about why this person was actually in the country after he had been given deportation notices. I talked to them about it and, frankly, several of my staff members worked very diligently to find this information out. Rick Dykema, who is my chief of staff, headed the investigation; and the INS, although they finally confirmed it this evening, right before I came up here, the INS was being very nebulous and it was like, oh, well, they did not want to admit that this was it.

How many people around the country are going to hear this? As the gentleman says, how many newspapers are going to report that? I am very grateful, and I thank the gentleman very much for noting that it took a lot of hard work for us to do this.

I would just hope that those people who want to extend 245(i) go down and take a look at the blood on the floor of the LAX airport before they do. Take a look at the picture of those poor people who were murdered by this either fanatic or unstable foreigner who was here illegally, whom we could have sent back, but instead, we kept, because our colleagues have bought into this idea that it is in some way a positive thing to permit this loophole to exist.

□ 2015

By the way, if there are another 300,000 people who now the INS has to process because of 245(i), let us remember that the INS is already 3 million cases behind in processing people who already have made their application. Why are we adding to their work in processing these applications, and while they are doing it, permitting these people who are here illegally to stay here in this country?

If there is a backlog of 3 million people, it is going to take them years to work and to try to find or go over everyone's case like this, and now we are just adding more and more people who are able to stay here without the serious background check that they would get if they were sent home because they were here in this country illegally.

With the July 4 attack, we knew that we were in a horrible situation. We must take a look at 245(i) and the entire immigration policy of this country after this attack on July 4, but we should have been doing this after September 11, as well.

Mr. TANCREDO. Mr. Speaker, absolutely. Here is the thing: we are now 10 months past 9–11. We can talk about the errors we have made in the Congress in the past and the errors this government has made in the past in the crazy-quilt patchwork type of immigration policy that we have been dealing with here for years, and we can affix blame there, and rightly so.

But would the gentleman not think that subsequent to 9–11, subsequent to that horrible event, we would have done something to correct this action, to say, okay, we have made mistakes and we recognize it?

But not only have we not done anything significant to correct it, but an interesting article that I came across just the other day said that, since 9–11, we have given out over 50,000 visas to people from countries on the terrorist watch list. This is not just people from

countries that are kind of on the fringe; these are people from the countries on the terrorist watch list. We have given out 50,000 visas since then.

It is still the case that if people live in Saudi Arabia and want to come to the United States they do not have to go see an actual counselor; they can put it in a drop-box. They can get the visa. No one interviews them. This is coming from Saudi Arabia, a country that we already know many people have come from who have done horrible, horrible things to the United States.

Mr. ROHRABACHER. Mr. Speaker, as the gentleman knows, all 19 of those people who flew the planes into our buildings and murdered our people were Saudi citizens. I think there are some people in Saudi Arabia who are friends of the United States and allies of the United States, but we have to take a look at what is going on in Saudi Arabia. We have to protect ourselves, to make sure that we just do not have an open door, because they have not cleaned up their own house. They have not put their own house in order. Thus, they have made it unsafe.

How many other countries are like that?

Mr. TANCREDO. Reclaiming some of my time, I want to say that the gentleman from California (Mr. ROHRABACHER) has been enormously flattering in his description of my efforts, and I sincerely appreciate it. But I also know that long before I came to this Congress, there were people here laboring in this vineyard, and the gentleman is one.

I want to tell the gentleman how much I appreciate what he has done in this area. It is by circumstance and event and whatever that I ended up in the position of being the spokesman for our caucus, but it is only because of work like the gentleman has done and another colleague I will introduce right now that we have the ability to actually bring, I think, some sanity to this discussion. It is because they have been here for some time, and they have been really and truly pressing this issue.

Now, of course, it is on everybody's plate. It is on everybody's top list of things to be concerned about. Why? Only because of horrendous events. They should have been listening to my colleagues a long time ago.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Mr. Speaker, I thank the gentleman for his leadership, as the gentleman from California (Mr. ROHRABACHER) has already expressed, for leadership on the Immigration Reform Caucus.

I would like to take a few minutes to share more information. I think the information just brought forward by the gentleman from California (Mr. ROHRABACHER) is certainly pertinent to the issue of the 245(i) matter that is still pending before this Congress.

Mr. Speaker, we should learn some things when we have studies and censuses and other reports made, because we spend a lot of money doing this. If we will just look at a few statistics. For example, the latest census of 2000 tells us that approximately 8.7 million people are undocumented illegal aliens living in this country. That is about 1 million more than most people estimated was going to show up in the report.

According to those figures, we are having about 700,000 a year illegal immigrants entering this country. If that translates down to 1,918 per day, 80 per hour, and approximately one per minute, in other words, since 9–11, we are approaching a half a million illegal immigrants who have entered this country and virtually nothing is being done about it.

Let me share some other things. As the gentleman has already alluded to, the 19 terrorists in the 9–11 attack all had Social Security cards, all had Social Security numbers. In fact, 13 of them obtained Social Security cards legally. In that regard, a recent report was issued by the Inspector General of the Social Security Administration in which he said that one in every 12 foreigners receiving new Social Security numbers have done so using false documents. He indicated in his report that preliminary results show that some 100,000 Social Security numbers were wrongly issued to noncitizens in the year 2000.

He goes on to say that even before 9–11, that he had been recommending that the Social Security agency check its records with the INS before issuing Social Security cards, and had received no support and cooperation from Social Security. Since that time, Social Security has agreed with that recommendation, but still is having difficulty coordinating records. We, of course, have tried to pass legislation previously to deal with that issue.

Let me deal with another subject. Speaking of ironic situations, I have discovered in my research and in my talking with local INS agents that one of the reasons we are having difficulty deporting illegals is that a lot of times we do not have any detention facilities to keep them until we can process them for deportation.

One of the major reasons is we cannot use many of our jails where we are housing American citizens for criminal activity. They do not comply with the INS detention standards. The INS has adopted detention standards that do not correspond with the American Correctional Association standards. Now, these are the standards that are used in over 21,000 detention facilities all across our country, but the INS says they are not good enough.

Let me give the gentleman just a few examples. Non-English speaking detainees must be provided with more than just simple access to a set of English language law books. They must also be allowed to have presentations made by outside groups informing them of U.S. immigration laws and procedures, and the INS encourages these presentations.

What about meals? Detainees under the INS standards must be served at least two hot meals a day. Any sack meal shall contain at least two sandwiches per meal, which at least one must be nonmeat and one must be meat, and that must be nonpork, and they must also include one piece of fresh fruit and a dessert item.

I was recently told that in my hometown in Hall County, Georgia, we could not use the local detention facility which houses all other detainees simply because that facility serves a cold breakfast and a balogna sandwich for lunch, and that was just not good enough for the housing of people who are illegally in this country.

Mr. Speaker, if the gentleman tells me that it is all right to detain our neighbor who has a traffic violation or a bad-check charge, or even our children in the school lunch program who do eat balogna sandwiches and are sometimes served cold breakfasts, and it is not good enough for those who are illegally in this country, but it is good enough for American citizens, let us get real about this.

What about telephone access? We have all heard the proverbial, I am entitled to my telephone call. If one is an illegal alien in this country, let me tell the gentleman what they are entitled to about telephone calls. They cannot, first of all, be placed in a detention facility unless they have unlimited access to telephones; and they cannot be limited, except if they do attempt to limit the time, it can be no less than 20 minutes.

They have also required, the INS has required, their telephone service provider to program the telephone system to permit detainee calls to numbers on the pro bono legal representation list, and permits them to use debit cards to make the calls. Now, that is not the same privileges that are entitled to Americans who are detained in our detention facilities.

They also say that if one is a normal detainee, one has to make all long distance calls, and they have to be collect. Not so if one is an illegal alien. They are entitled to use a debit card. I am told by one that even the detention facility may have to have international telephone access to meet the requirements.

I know that we all recall some of the debates that surrounded the 1996 Immigration Reform Act. We are in the process of looking at that act again, trying to clarify some things. One of the issues was what is a deportable offense. Generally, it was considered to be certain felonies that are of an aggravated nature.

For example, just to have a DUI is not enough to get one deported. Let me read from a letter from a local judge in my hometown. This is what he said:

''Last week I sentenced a gentleman on his fourth DUI committed in the last 2 years. This gentleman is an illegal immigrant. I directed the probation

department to contact INS in an attempt to prevent further violations in Hall County.'' He goes on to say that that was not enough to get him deported.

He also makes reference to local gang activity. I might just say within the last months we have had two drive-by murders and gang-related activity in my community.

He goes on and summarizes. He says that people who repeatedly drive drunk and are known to be involved in gang activity are allowed to basically run free, with no fear of prosecution, because of the current INS policies. That is a real tragedy and a real shame. It needs to be corrected.

How many DUIs does the gentleman think a person should have who is, first of all, illegally in the country to begin with? One is not enough to get them deported, two is not enough, three is not enough, and in this case he cites an actual case where four DUIs is not enough to get him sent out of this country.

I ask, where is MADD on this issue? Where are those who say that we ought to get tough on drunk driving and the other things that disrupt communities and endanger the safety and lives of our local citizens?

I commend the gentleman, and I will conclude with this comment. It is a comment that was presented to our reform caucus by a senior INS special agent. I think he says it very well when he says this: ''The first laws that aliens entering the United States encounter are those laws that the INS is supposed to enforce. When the INS fails to effectively, consistently, and fairly enforce these laws, we are sending a very dangerous message to aliens seeking to enter the United States. In effect, we are telling them that not only can they expect to get away with violating our laws, they can anticipate being rewarded for violating our laws.''

I think he says it very well.

Mr. TANCREDO. Mr. Speaker, I thank the gentleman. Although the gentleman did say it very well, it was made even more profound, I think, and more articulate by the gentleman's brilliant analysis. I do sincerely appreciate the gentleman coming down this evening.

The gentleman points out several ironic, would be one way to describe them, or infuriating is another way to describe these situations, these events, these things with which we are now dealing almost daily. It seems to me I confront something like this all the time where we hear something like this and we say, How could this be? This could not really be. For instance, four DUIs, and he cannot be deported?

We have constructed on our Web site a list of things that we call ''incredible but true,'' and Members can go to that Web site, www.house.gov/Tancredo and go to the immigration page on that Web site, and Members will see these.

If they wish, people are able to go to that Web site and sign a petition to the President of the United States asking him to please augment the forces that we presently have on the border, the Border Patrol people that are so, right now, inundated. They are so overrun, outgunned, outmanned by the people they are trying to keep out of this country that they are in desperate shape. So we are asking the President to actually help us help them by putting military on the border. Members can go there and sign a petition.

I see that my colleague, the gentleman from California (Mr. ROHRABACHER), has something else he wants to say.

□ 2030

Mr. ROHRABACHER. Mr. Speaker, I would just like to reaffirm something we talked about earlier, and this is for people who may have missed the beginning of this Special Order, that due to research from my office, we have discovered that the murderer who may well be a terrorist or may well be just a very disturbed man or may be a cold-blooded murderer who is in this country illegally, managed to stay in this country through the use of the 245(i) process, this is the murderer who killed those people on July 4 at LAX. So we have confirmed officially for the first time at least, these are known victims of the 245(i).

This is outrageous. And hopefully by exposing this, it should wake up some of our colleagues to just how serious it is to not regain control of our borders which are just totally out of control. And, number two, hopefully this will alert our fellow colleagues to the danger of the 245(i) reform, which they call it, which is a gigantic loophole which permits people who should be deported or should not be in this country because they are here illegally, to stay in this country and adjust their status here in the country rather than having to go back to their native country.

Had this man who came from Egypt been forced to return to his country as was the law without 245(i), those two people who were murdered on July 4 at LAX at the El Al counter would be alive today. And this grief that we brought upon their families is the grief that can be brought upon any American family.

We just heard from our colleague of someone having four DUIs. What does that mean? That person was driving, that person was a threat to killing our families on the street. Now, why are we permitting people who are in this country to pose a risk to the safety of our people and the security of our country? This is ridiculous. I would hope that those listening understand just how serious this issue is and demand that Congress act on this, and watch what Congress does, and, again, that people pay attention to people like the gentleman from Colorado (Mr. TANCREDO), who is offering tremendous leadership on this issue and he has taken a lot of personal hits.

I can tell you years ago I was called a racist skinhead for suggesting that instead of giving hundreds of thousands of dollars to medical benefits to illegal immigrants, that they should be sent home to their own countries for medical benefits. There was one man in my district who received over $300,000 worth of medical treatment. He had leukemia. Now, I am sorry he had leukemia, but $300,000? What does that do for the amount of money that we have available to take care of our own people?

Obviously, America has not been taking the steps necessary to secure our own borders. Obviously, the leaders in America are not putting the safety and security and well-being of the American people first. Who is to care about America unless we do?

The gentleman from Colorado (Mr. TANCREDO) has been in the forefront of this type of patriotism, caring about his country and watching out for our people.

I thank the gentleman very much for letting me participate.

Mr. TANCREDO. Mr. Speaker, I thank the gentleman for joining us this evening.

The gentleman brought up several interesting points, not the least of which is the cost of illegal immigration, the cost to the country. There are a whole host of ramifications of illegal immigration into the country. People do not like talking about any of them. But there is an enormous economic cost to illegal immigration, and it far outweighs the amount of money that is contributed, quote/unquote, to the American society by the taxes that many of these people pay.

It is true that if they come here and they work and they are working for wages that can be taxed, that is to say they are not working under the counter, just being paid under the table, they will pay some sort of tax, and they pay a tax on the things they buy. But the reality is that for the most part 90-some percent of the people who are here and especially who are here illegally have the lowest-paying jobs. They are low-skilled people who, therefore, of course are employed at a marginal level. They pay relatively little, if anything, number one, in income tax and certainly not all that much even in the sales tax because their purchasing power is relatively low. We do not gain a tremendous amount of revenue from the people who come here and are working illegally. But we do gain a tremendous amount of cost.

Recently Rice University estimated that the undocumented aliens in the United States cost taxpayers $24 billion every single year. And by the way, in Arizona a Federal judge has just added to that. To go on the list of incredible, but true, things about immigration, let us add this one: right now 175 illegals in Arizona are getting free kidney dialysis treatments, free kidney dialysis. Many of them came across the border to obtain this service.

Now, it was supposed to end on June 30, but Judge Browning has extended

the benefits for five illegals who are ''very ill.'' Now the question we have to ask ourselves, how many people in our own districts, how many people who have been here all their lives, that were born here, grandparents born here, that are citizens of the United States, paid taxes all their lives, how many of them can afford kidney dialysis or have it paid for or that were able to have it paid for by the State? And yet people who can come into this country illegally, take advantage of our system, take advantage of our laws, can receive this treatment? It is not fair. I am sorry for them that they need the treatment. How much can we possibly afford, is the question? How much can we afford? And why should we be doing it for people who are not citizens?

There are a lot of people who would suggest that in reality there is nothing different from being just here physically in this country and being here as a citizen. But I suggest to you that there is an enormous amount of difference, and we should not ignore it.

Another colleague who has joined me this evening, another member of our Immigration Reform Caucus and another member who, long before I came to the Congress, has been laboring in this vineyard and bringing to the attention of the American people concerns about illegal immigration, my colleague from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Speaker, I want to thank the gentleman from Colorado (Mr. TANCREDO). First, I want to thank him for his tireless effort on behalf of reining in the huge problem of illegal immigration in this country. I also want to thank the Congressman from Georgia for pointing out the situation where four drunk driving convictions are insufficient for deportation. I would also like to thank the Congressman from California (Mr. ROHRABACHER) for pointing out the background of the killer of the three persons at Los Angeles Airport on July 4. He mentioned one cost and this gentleman has mentioned one cost, and that is the free medical treatment that illegal immigrants impose on the United States.

I was just reading a letter from another Member of Congress in a Dear Colleague about a cost of a million dollars for treating immigrants in the State of Florida. In Patrick County, an illegal immigrant ran a citizen off the road in an automobile accident. That citizen had to go to Baptist Hospital in North Carolina, was in a coma, and the young man is still not recovered. And this treatment of him has been going on and that is a tangent cost. It is not a direct cost, but it has long surpassed the resources of that family.

I also wanted to talk this evening a few minutes about the need for troops on our borders. This past week we celebrated Independence Day. And I think one of the best birthday presents this Nation could have would be secure borders. With secure borders we could greatly reduce or stop terrorism. We could greatly reduce or stop illegal immigration. And with secure borders we could greatly reduce or stop the illegal drug traffic. And I know that several of us with the gentleman's leadership have urged the administration to deploy the military on our borders; and we stand committed towards that end, either administratively or through legislation. In particular, the southern and northern borders of the United States are porous.

Canada and Mexico are still not doing an adequate job of screening the immigrant traffic and cargo in and out of their countries. Aside from obviously being dangerous to the welfare of citizens in this country, the porousness of our borders adds an unacceptable burden on our already overworked border patrol.

The Immigration and Naturalization Service is struggling to meet the demands of new threats, and it is in urgent need of the support of our military. Congress is working to give the administration greater authority to use the military on our borders. As the gentleman noted, the House adopted an amendment to the defense authorization bill that would allow the Department of Justice, if requested by the INS or the Customs Service, to utilize troops on our borders. This legislation would allow the direct involvement of the military in assisting Customs and our border patrol in preventing the coming into this country of terrorists, drug traffickers, and illegal aliens.

If we really want to make our homeland secure, we have got to do more than reorganize homeland security. That is a good positive step. And we have taken other good and positive steps, but to have our borders secure we needs troops; and that will have a three-fold purpose of stopping illegal drugs, stopping illegal immigration, and stopping terrorists. And, again, I want to thank the gentleman for his tireless efforts on behalf of this.

Mr. TANCREDO. Mr. Speaker, I sincerely appreciate it.

The gentleman from Virginia (Mr. GOODE) has been also enormously helpful as a member of our committee and a person to whom I turn often for advice and consultation. It is important I think that we should point out that it was the amendments of the gentleman from Virginia (Mr. GOODE) to the defense authorization bill that did, in fact, provide, if it is passed by the other body, signed into law, it will provide the President with that authorization. And I sincerely hope that it is retained by the Senate.

This would not be the first time we have passed that resolution, and every time we have done so in the past the Senate has chosen to simply ignore it. This is, I hope, a change as a result of all of the events of the last several months. The last 10 months really would help the Members of the other body understand the need for doing this and certainly would help the President also.

Mr. Speaker, again, I want to just say that there has been an enormous amount of talk about the need to protect the United States from future terrorist attacks. Unfortunately, there has not been enough action, certainly far more talk than action. Since 9–11, we are absolutely not one bit safer today in this country. Our borders are not one bit more secure than they were at the time that the terrorists flew the planes into the buildings here in the United States and killed 3,000 of our citizens. That is an unacceptable position to be in for the Members of this body. For the administration to ignore the security of our borders as one aspect of this war that we are fighting, is irresponsible to say the least. And all I can hope is that they will heed the advice of the colleagues that joined me tonight, especially the President, in putting troops on the borders, that is the number one thing, and the rest of the Members of this body to tighten up our immigration policy.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT) for today and the balance of the week on account of a family illness.

Mr. HOLT (at the request of Mr. GEPHARDT) for today on account of a family emergency.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today on account of a typhoon in Guam.

Mr. WALSH (at the request of Mr. ARMEY) for today on account of attending a funeral.

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. HOYER) to revise and extend their remarks and include extraneous material:

Mrs. THURMAN, for 5 minutes, today.

Mr. ROSS, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

The following Members (at the request of Mr. THUNE) to revise and extend their remarks and include extraneous material:

Mr. JONES of North Carolina, for 5 minutes, today and July 10.

Mr. DUNCAN, for 5 minutes, today and July 10.

Ms. ROS-LEHTINEN for 5 minutes, today.

Mr. THUNE, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

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.

□ 2045

ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 10, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7765. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Lamb Promotion, Research, and Information Program: Rules and Regulations [No. LS-02-05] received June 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7766. A letter from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule — Food Stamp Program: Work Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and Food Stamp Provisions of the Balanced Budget Act 1997 (RIN: 0584-AC45) received July 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7767. A letter from the Deputy Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General William P. Tangney, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

7768. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Tax Exemptions (Italy)[DFARS Case 2000-D027] received June 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7769. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Veterans Employment Emphasis [DFARS Case 97-D314] received June 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7770. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Memorandum of Understanding-Switzerland [DFARS Case 2001-D019] received June 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7771. A letter from the Under Secretary, Department of Defense, transmitting a letter regarding the ongoing evaluation of all test programs for transportation of household goods for members of the Armed Forces and the status of the report containing the results of this evaluation; to the Committee on Armed Services.

7772. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Caribbean Basin Country End Products [DFARS Case 2000-D302] received June 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7773. A letter from the Director, Office of Management and Budget, transmitting a report on the Cost Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

7774. A letter from the Assistant Secretary, Department of Education, transmitting Final Priority —— Burn Model Systems (BMS) Projects, a Burn Data Center (BDC), and for a Traumatic Brain Injury Model Systems (TBIMS) Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

7775. A letter from the Acting Administrator Energy Information Administration, Department of Energy, transmitting the Department's report entitled, ''Uranium Industry Annual 2001,'' pursuant to 42 U.S.C. 2296b—5; to the Committee on Energy and Commerce.

7776. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program; Medicaid Managed Care [CMS-2001-F4] (RIN: 0938-AL83) received June 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7777. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — State Certification of Mammography Facilities [Docket No. 99N-4578] (RIN: 0910-AB98) received June 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7778. A letter from the Secretary, Department of Commerce, transmitting the fourth annual report mandated by the International AntiBribery and Fair Competition Act of 1998; to the Committee on International Relations.

7779. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Bureau of Political-Military Affairs: Amendment to the List of Proscribed Destinations — received June 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7780. A letter from the Chief Counsel (Foreign Assets Control), Department of the Treasury, transmitting the Department's final rule — Rules Governing Availability of Information — received June 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7781. A letter from the Secretary, Department of Education, transmitting the twenty-sixth Semiannual Report to Congress on Audit Follow-Up in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 app.; to the Committee on Government Reform.

7782. A letter from the Administrator, General Services Administration, transmitting a semiannual report on Office of Inspector General auditing activity, together with a report providing management's perspective on the implementation status of audit recommendations, pursuant to 5 app.; to the Committee on Government Reform.

7783. A letter from the Secretary/Chief Administrative Officer, Postal Rate Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7784. A letter from the Deputy Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Special Regulations; Areas of the National Park System: Delay of Effective Date (RIN: 1024-AC82) received June 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7785. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting a draft bill to provide authority to the Secretary of the Interior to grant easements or rights-of way for energy-related projects on the Outer Continental Shelf (OCS); to the Committee on Resources.

7786. A letter from the Deputy Secretary, Department of Commerce, transmitting a copy of the administration's draft bill entitled, ''United States Patent and Trademark Office Reauthorization Act, Fiscal Year 2003'' together with a sectional analysis and a statement of purpose and need; to the Committee on the Judiciary.

7787. A letter from the Regulations Officer, Department of Transportation, transmitting the Department's final rule — Administration of Engineering and Design Related Services Contracts [FHWA Docket No. FHWA-98-4350] (RIN: 2125-AE45) received June 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7788. A letter from the Regulations Officer, FMCSA, Department of Transportation, transmitting the Department's final rule — Certification of Safety Auditors, Safety Investigators, and Safety Inspectors; Delay of Effective Date [Docket No. FMCSA-2001-11060] (RIN: 2126-AA64) received June 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7789. A letter from the Deputy Administrator, General Services Administration, transmitting an informational copy of a Report of Building Project Survey for Charlotte, NC, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

7790. A letter from the Deputy Administrator, General Services Administration, transmitting informational copies of additional lease prospectuses that support the General Services Administration's Fiscal Year 2003 Capital Investment and Leasing Program, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

7791. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Request for Comments on Phased Retirement [Notice 2002-43] received June 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7792. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Supplemental Security Income; Disclosure of Information to Consumer Reporting Agencies and Overpayment Recovery Through Administrative Offset Against Federal Payments (RIN: 0960-AF31) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7793. A letter from the Secretary, Department of Energy, transmitting the semi-annual report regarding programs for the protection, control and accounting of fissile materials in the countries of the former Soviet Union, pursuant to Public Law 104—106, section 3131(b) (110 Stat. 617); jointly to the

Committees on Armed Services and International Relations.

7794. A letter from the Board Members, Railroad Retirement Board, transmitting the 2002 annual report on the financial status of the railroad unemployment insurance system, pursuant to 45 U.S.C. 369; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

7795. A letter from the Board Members, Railroad Retirement Board, transmitting a report on the actuarial status of the railroad retirement system, pursuant to 45 U.S.C. 231f—1; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

7796. A letter from the Chairman, Federal Election Commission, transmitting the Commission's FY 2003 budget request, pursuant to 2 U.S.C. 437d(d)(1); jointly to the Committees on House Administration, Appropriations, and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. House Concurrent Resolution 425. Resolution calling for the full appropriation of the State and tribal shares of the Abandoned Mine Reclamation Fund (Rept. 107–556). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 472. Resolution providing for consideration of the bill (H.R. 4635) to amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes (Rept. 107–557). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 473. Resolution providing for consideration of the bill (H.R. 2486) to authorize the National Weather Service to conduct research and development, training, and outreach activities relating to tropical cyclone inland forecasting improvement, and for other purposes (Rept. 107–558). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 474. Resolution providing for consideration of the bill (H.R. 2733) to authorize the National Institute of Standards and Technology to work with major manufacturing industries on an initiative of standards development and implementation for electronic enterprise integration (Rept. 107–559). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 475. Resolution providing for consideration of the bill (H.R. 4687) to provide for the establishment of investigative teams to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that posed significant potential of substantial loss of life (Rept. 107–560). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LAFALCE (for himself, Mr. DINGELL, and Mr. GEPHARDT):

H.R. 5070. A bill to improve quality and transparency in financial reporting and independent audits and accounting services for public companies, to create a Public Company Accounting Oversight Board, to enhance the standard setting process for accounting practices, to strengthen the independence of firms that audit public companies, to increase corporate responsibility and the usefulness of corporate financial disclosure, to protect the objectivity and independence of securities analysts, to improve Securities and Exchange Commission resources and oversight, and for other purposes; to the Committee on Financial Services.

By Mr. SCHIFF (for himself, Mr. CONYERS, and Mr. FRANK):

H.R. 5071. A bill to authorize the President to establish military tribunals to try the terrorists responsible for the September 11, 2001 attacks against the United States, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, 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. MCKEON (for himself and Mr. BOEHNER):

H.R. 5072. A bill to make technical amendments to the Higher Education Act of 1965 incorporating the results of the Fed Up Initiative; to the Committee on Education and the Workforce.

By Mr. BACA (for himself, Mr. SERRANO, Mr. OWENS, Mr. MCGOVERN, Mr. RODRIGUEZ, Mr. UNDERWOOD, Mr. PASTOR, and Mr. LEACH):

H.R. 5073. A bill to enhance the security and efficiency of the immigration, visa, border patrol, and naturalization functions of the United States Government; to the Committee on the Judiciary.

By Mr. BARCIA (for himself, Mr. UDALL of Colorado, Mr. HALL of Texas, Mr. WEINER, Mr. HONDA, Ms. RIVERS, Mr. LARSON of Connecticut, Mr. ISRAEL, Mr. MATHESON, Ms. WOOLSEY, Mr. BACA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COSTELLO, and Ms. LOFGREN):

H.R. 5074. A bill to authorize appropriations for the National Institute of Standards and Technology for fiscal years 2003, 2004, and 2005, and for other purposes; to the Committee on Science.

By Mr. CANTOR (for himself, Mr. BOUCHER, Mrs. JO ANN DAVIS of Virginia, Mr. FORBES, Mr. MORAN of Virginia, and Mr. SCHROCK):

H.R. 5075. A bill to ensure continuity for the design of the 5-cent coin, establish the Coin Design Advisory Committee, and for other purposes; to the Committee on Financial Services.

By Mr. KENNEDY of Rhode Island (for himself, Mr. SCOTT, Mrs. NAPOLITANO, Ms. NORTON, Mr. MCDERMOTT, Mr. FROST, Ms. MILLENDER-MCDONALD, Mrs. MEEK of Florida, Mrs. MINK of Hawaii, Ms. CARSON of Indiana, Mr. SERRANO, Mr. GILMAN, Mr. OWENS, Mrs. DAVIS of California, Mr. PAYNE, Mr. CROWLEY, Ms. LEE, and Mr. WAXMAN):

H.R. 5076. A bill to amend part C of the Individuals with Disabilities Education Act to improve early intervention programs for infants and toddlers with disabilities, and for other purposes; to the Committee on Education and the Workforce.

By Mr. KENNEDY of Rhode Island:

H.R. 5077. A bill to amend the Public Health Sevice Act with respect to mental health services for elderly individuals; to the Committee on Energy and Commerce.

By Mr. KENNEDY of Rhode Island (for himself, Ms. ROS-LEHTINEN, Ms. KAPTUR, Mr. SERRANO, Ms. MILLENDER-MCDONALD, Ms. RIVERS, Mr. OWENS, Mr. FROST, Mr. STARK, Mr. CONYERS, Mr. HOLT, Mr. LANTOS, Mr. DEUTSCH, Mr. BALDACCI, Ms. LEE, and Mr. DEFAZIO):

H.R. 5078. A bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, 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. PALLONE (for himself, Mr. LYNCH, Mr. BROWN of Ohio, Mrs. MINK of Hawaii, Mr. BONIOR, Mr. WEXLER, Mr. MCGOVERN, Mr. FORD, Ms. MCKINNEY, Mr. HINCHEY, Mrs. DAVIS of California, Mr. HALL of Ohio, Mr. SANDERS, Ms. SOLIS, Mr. KILDEE, and Mr. ENGEL):

H.R. 5079. A bill to amend the Federal Water Pollution Control Act to improve the enforcement and compliance programs; to the Committee on Transportation and Infrastructure.

By Mr. FRELINGHUYSEN (for himself, Mr. HOLT, Mr. SAXTON, Mr. FERGUSON, Mr. MENENDEZ, Mr. ANDREWS, Mr. LOBIONDO, Mr. PASCRELL, Mr. SMITH of New Jersey, Mr. PALLONE, Mr. ROTHMAN, Mrs. ROUKEMA, and Mr. PAYNE):

H.R. 5080. A bill to establish the Crossroads of the American Revolution National Heritage Area in the State of New Jersey, and for other purposes; to the Committee on Resources.

By Mr. RADANOVICH (for himself, Mr. CANNON, Mr. HASTINGS of Washington, Mr. JONES of North Carolina, Mr. OTTER, Mr. SIMPSON, and Mr. WALDEN of Oregon):

H.R. 5081. A bill to provide full funding for the payment in lieu of taxes program for the next five fiscal years, to protect local jurisdictions against the loss of property tax revenues when private lands are acquired by a Federal land management agency, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, 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. STRICKLAND (for himself, Mr. BERRY, Mr. NEY, Mr. TAYLOR of Mississippi, Mr. BACA, and Mr. CARSON of Oklahoma):

H.R. 5082. A bill to amend title 38, United States Code, to suspend for five years the authority of the Secretary of Veterans Affairs to increase the copayment amount in effect for medication furnished by the Secretary on an outpatient basis for the treatment of nonservice-connected disabilities and to provide an increase in the maximum annual rates of pension payable to surviving spouses of veterans of a period of war, and for other purposes; to the Committee on Veterans' Affairs, 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. UDALL of New Mexico (for himself, Ms. ROYBAL-ALLARD, Mr. SERRANO, Mr. PASTOR, Mr. GONZALEZ, Mr. BACA, Mr. UNDERWOOD, Ms. VELAZQUEZ, and Mr. MENENDEZ):

H.R. 5083. A bill to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the ''Santiago E.

Campos United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. PAYNE (for himself, Mr. BLUMENAUER, Mr. BILIRAKIS, Ms. BERKLEY, Mr. BERMAN, Mr. BLAGOJEVICH, Mr. CROWLEY, Mr. DOYLE, Ms. ESHOO, Mr. FOSSELLA, Mr. GILMAN, Mr. HINCHEY, Mr. KNOLLENBERG, Mr. LANTOS, Ms. LEE, Mrs. MALONEY of New York, Mr. MCGOVERN, Mr. MCNULTY, Mrs. MINK of Hawaii, Mr. PALLONE, Ms. ROS-LEHTINEN, Ms. ROYBAL-ALLARD, and Ms. WATERS):

H. Con. Res. 436. Concurrent resolution expressing the sense of the Congress that the Parthenon Marbles should be returned to Greece; to the Committee on International Relations.

By Mr. WYNN (for himself, Ms. GRANGER, Mr. WEXLER, Mr. WHITFIELD, Mr. HASTINGS of Florida, Mr. HOUGHTON, Mr. FALEOMAVAEGA, Mr. PITTS, Mr. OXLEY, Mr. BERMAN, Mr. SKELTON, Mr. NETHERCUTT, Mr. CRAMER, Mr. DAVIS of Florida, Mrs. TAUSCHER, Mr. BURTON of Indiana, and Mr. BEREUTER):

H. Con. Res. 437. Concurrent resolution recognizing the Republic of Turkey for its cooperation in the campaign against global terrorism, for its commitment of forces and assistance to Operation Enduring Freedom and subsequent missions in Afghanistan, and for initiating important economic reforms to build a stable and prosperous economy in Turkey; to the Committee on International Relations.

By Mr. UDALL of New Mexico:

H. Res. 476. A resolution expressing the sense of the House of Representatives regarding several individuals who are being held as prisoners of conscience by the Chinese Government for their involvement in efforts to end the Chinese occupation of Tibet; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 68: Mrs. BIGGERT, Ms. MCCARTHY of Missouri, Mr. FARR of California, Mr. DEAL of Georgia, Mr. WAMP, Mr. MURTHA, Mr. RUSH, Ms. CARSON of Indiana, Mr. FORD, and Mr. AKIN.

H.R. 250: Mr. WATT of North Carolina.

H.R. 267: Mr. SCHROCK, Mr. CALVERT, Mrs. MYRICK, and Mrs. CLAYTON.

H.R. 356: Mr. LARSEN of Washington and Mr. HILLEARY.

H.R. 425: Mr. DICKS.

H.R. 548: Mr. HILLEARY.

H.R. 822: Mr. ROHRABACHER.

H.R. 953: Mr. WAXMAN.

H.R. 967: Mr. REYNOLDS.

H.R. 1073: Mr. SCOTT.

H.R. 1090: Mr. LYNCH, Mr. DIAZ-BALART, Ms. BROWN of Florida, Mr. GREENWOOD, Mr. CAPUANO, Ms. SOLIS, and Mr. WELLER.

H.R. 1184: Mr. EVANS, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. JOHN, Ms. KAPTUR, Mrs. KELLY, Mr. KENNEDY of Rhode Island, Mr. LATOURETTE, Mr. OBEY, Mr. REYES, Mr. SMITH of Washington, Mr. CROWLEY, Mr. SHIMKUS, Mr. DOYLE, Mr. PALLONE, Mr. BORSKI, Mr. WEXLER, Mr. MASCARA, and Mr. LEWIS of Georgia.

H.R. 1198: Mr. WAXMAN and Mr. GEKAS.

H.R. 1405: Ms. DEGETTE.

H.R. 1421: Mr. WU, Mr. KIRK, Ms. HARMAN, Mr. UDALL of New Mexico, and Mr. STEARNS.

H.R. 1522: Mr. FATTAH.

H.R. 1556: Mr. EDWARDS.

H.R. 1596: Mrs. NORTHUP.

H.R. 1598: Mr. HALL of Ohio.

H.R. 1774: Mr. WOLF.

H.R. 1862: Mr. KINGSTON and Mr. ISRAEL.

H.R. 1943: Mr. TURNER.

H.R. 1956: Mr. ABERCROMBIE.

H.R. 1983: Mrs. NORTHUP.

H.R. 2035: Mr. CONYERS.

H.R. 2290: Mr. TIBERI.

H.R. 2349: Mr. HOYER, Ms. HARMAN, Mr. STRICKLAND, Mr. KANJORSKI, and Mr. MATHESON.

H.R. 2483: Mr. KIND.

H.R. 2550: Mr. DAVIS of Illinois.

H.R. 2702: Mrs. THURMAN and Mr. SCOTT.

H.R. 3183: Mr. GEKAS, Mr. LAHOOD, and Ms. RIVERS.

H.R. 3238: Mr. HASTINGS of Florida.

H.R. 3337: Mr. STENHOLM.

H.R. 3491: Mr. BARR of Georgia, Mr. BACA, and Mr. KENNEDY of Minnesota.

H.R. 3626: Mr. ANDREWS.

H.R. 3831: Mr. TERRY, Mr. SOUDER, Mr. KIND, and Ms. ROS-LEHTINEN.

H.R. 3834: Mr. PASCRELL.

H.R. 3884: Mr. FILNER, Mr. THOMPSON of California, Ms. LOFGREN, and Mr. CROWLEY.

H.R. 3912: Mr. LEWIS of Georgia.

H.R. 3973: Mr. RILEY.

H.R. 3974: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COYNE, and Ms. MILLENDER-MCDONALD.

H.R. 4014: Mr. ENGEL, Mr. JENKINS, Mr. BALDACCI, and Ms. HARMAN.

H.R. 4039: Mr. PASCRELL.

H.R. 4100: Mr. SERRANO, Ms. MILLENDER-MCDONALD, and Mr. KLECZKA.

H.R. 4483: Mr. CHAMBLISS, Mr. GEKAS, and Mr. SMITH of New Jersey.

H.R. 4620: Mr. DUNCAN, Mr. JONES of North Carolina, and Mr. GILCHREST.

H.R. 4643: Mr. LYNCH.

H.R. 4644: Mrs. CLAYTON, Mr. CLYBURN, Ms. SLAUGHTER, and Mr. FOLEY.

H.R. 4665: Mr. BRADY of Pennslvania, Mr. HORN, Mr. WOLF, Mr. LATOURETTE, Mr. CROWLEY, Ms. LEE, and Mr. MCDERMOTT.

H.R. 4683: Mr. GILMAN and Mr. WEXLER.

H.R. 4693: Mr. BONILLA, Mr. LATHAM, and Mr. BAIRD.

H.R. 4720: Mr. STENHOLM.

H.R. 4729: Mr. KENNEDY of Rhode Island.

H.R. 4730: Mr. FATTAH, Mr. STARK, Mr. BONIOR, and Mr. SNYDER.

H.R. 4760: Mr. GORDON, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. FROST.

H.R. 4778: Mr. STRICKLAND.

H.R. 4793: Mr. ACKERMAN, Mr. WYNN, Mr. HALL of Texas, Ms. RIVERS, and Mr. GORDON.

H.R. 4803: Mr. BROWN of Ohio, Ms. NORTON, Ms. BROWN of Florida, and Mr. FALEOMAVAEGA.

H.R. 4832: Ms. SLAUGHTER.

H.R. 4833: Ms. SLAUGHTER and Mr. CROWLEY.

H.R. 4839: Mr. PASCRELL.

H.R. 4840: Mr. THUNE.

H.R. 4852: Mr. FOLEY.

H.R. 4865: Mr. TOM DAVIS of Virginia and Mr. VISCLOSKY.

H.R. 4887: Mr. CARSON of Oklahoma.

H.R. 4888: Mr. BALDACCI and Mr. CROWLEY.

H.R. 4895: Mr. COOKSEY.

H.R. 4922: Ms. MCKINNEY.

H.R. 4937: Mr. FORD, Mr. BARRETT, Mrs. MINK of Hawaii, Ms. DELAURO, and Ms. LEE.

H.R. 4939: Mr. DOYLE.

H.R. 4951: Mrs. DAVIS of California, Ms. CARSON of Indiana, Mr. LYNCH, Ms. LEE, Mr. PHELPS, Mrs. MINK of Hawaii, and Mr. SANDERS.

H.R. 4965: Mr. BOOZMAN, Mr. LUCAS of Kentucky, Mr. HOSTETTLER, and Mr. HAYWORTH.

H.R. 4972: Mr. BALDACCI.

H.R. 5001: Mr. LYNCH, Mr. HASTINGS of Florida, and Ms. LEE.

H.R. 5033: Mr. PETRI, Mr. HASTERT, Mrs. BONO, Mr. HASTINGS of Washington, Mr. ISSA, Mr. TIAHRT, Mr. WELDON of Florida, and Mr. SESSIONS.

H.R. 5035: Mr. ETHERIDGE.

H.R. 5047: Mr. CAPUANO.

H.J. Res. 81: Mr. LAHOOD, Mr. CANNON, and Mr. GOODLATTE.

H.J. Res. 98: Mrs. MINK of Hawaii.

H. Con. Res. 197: Mr. JEFF MILLER of Florida and Mr. UDALL of New Mexico.

H. Con. Res. 238: Mrs. CAPITO.

H. Con. Res. 320: Ms. ROS-LEHTINEN.

H. Con. Res. 352: Mrs. CUBIN.

H. Con. Res. 362: Mr. DAVIS of Illinois and Mr. UNDERWOOD.

H. Con. Res. 380: Mr. CLYBURN.

H. Con. Res. 408: Mrs. DAVIS of California, Mr. TOWNS, Mr. MCHUGH, and Mr. SERRANO.

H. Con. Res. 409: Mr. CONYERS, Mrs. MORELLA, and Mr. OSBORNE.

H. Con. Res. 423: Mr. PENCE.

H. Con. Res. 429: Ms. BROWN of Florida, Ms. CARSON of Indiana, Mr. FATTAH, Mrs. CLAYTON, Mr. INSLEE, and Mr. SCOTT.

H. Res. 295: Mr. PHELPS.

H. Res. 393: Mr. HONDA, Mr. KLECZKA, Mrs. TAUSCHER, and Mr. ISAKSON.

H. Res. 410: Ms. SLAUGHTER.

H. Res. 469: Mr. ACKERMAN.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4635

OFFERED BY: MR. BARTON OF TEXAS

AMENDMENT NO. 2: Page 8, line 8, strike ''may'' and insert ''shall''.

Page 8, line 10, strike ''a'' and insert ''any''.

Page 9, strike lines 3 through 9.

Page 9, line 10, strike ''(5)'' and insert ''(4)''.

H.R. 4635

OFFERED BY: MR. BARTON OF TEXAS

AMENDMENT NO. 3: Page 12, strike line 3 and all that follows through line 21 on page 13, and insert the following:

''(2) RISK-BENEFIT DETERMINATION DECISION.—Before the last day of such 2-year period, the President, in consultation with the Under Secretary, shall determine whether the security benefits of the Federal flight deck officer pilot program outweigh the risks of the program.

''(3) TERMINATION OF PILOT PROGRAM.—If the President, in consultation with the Under Secretary, determines under paragraph (2) that the risks outweigh the benefits, the President shall sign a certification ordering the Under Secretary to publish a notice in the Federal Register terminating the pilot program and explaining the reasons for the decision to terminate. The Under Secretary shall publish such notice and shall provide adequate notice of the decision to Federal flight deck officers and other individuals as necessary.

''(4) CONTINUATION OF PROGRAM.—If the President, in consultation with the Under Secretary, determines under paragraph (2) that the benefits outweigh the risks, the President shall sign a certification ordering the Under Secretary to publish a notice in the Federal Register announcing the continuation of the program. The Under Secretary shall publish such notice, continue the program in accordance with this section, and may increase the number of Federal flight deck officers participating in the program.

H.R. 4635

OFFERED BY: MR. CUNNINGHAM

AMENDMENT NO. 4: Page 9, line 6, strike ''2 percent'' and insert ''25 percent''.

H.R. 4635

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 5: Page 3, lines 8 and 9, strike ''selecting, training,'' and insert ''training''.

Page 3, line 9, after ''pilots'' insert ''who are qualified to be Federal flight deck officers''.

Page 3, line 10, strike the semicolon and all that follows through ''first'' on line 17.

Page 9, strike lines 3 through 9.

Page 9, line 10, strike ''(5)'' and insert ''(4).

Page 12, line 21, strike the comma and insert ''and''.

Page 12, line 23, strike the comma and all that follows through ''program'' on line 24.

H.R. 4635

OFFERED BY: MR. HORN

AMENDMENT NO. 6: Page 15, strike line 12 and all that follows through line 4 on page 18 and insert the following:

(a) AVIATION CREWMEMBER SELF-DEFENSE DIVISION.—Subsections (a) and (b) of section 44918 of title 49, United States Code, are amended to read as follows—

''(a) IN GENERAL.—

''(1) REQUIREMENTS FOR AIR CARRIERS.—

''(A) PRESCRIPTION.—Not later than 60 days after the date of enactment of the Arming Pilots Against Terrorism Act, the Under Secretary of Transportation for Security shall prescribe detailed requirements for an air carrier cabin crew training program, and for the instructors of that program as described in subsection (b) to prepare crew members for potential threat conditions.

''(B) CONSULTATION.—In developing the requirements, the Under Secretary shall consult with appropriate law enforcement personnel who have expertise in self-defense training, security experts, terrorism experts, and representatives of air carriers and labor organizations representing individuals employed in commercial aviation.

''(2) AVIATION CREWMEMBER SELF-DEFENSE DIVISION.—

''(A) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this subparagraph, the Under Secretary shall establish an Aviation Crew Self-Defense Division within the Transportation Security Administration.

''(B) DUTIES.—The Division shall develop and administer the requirements described in this section.

''(C) DIRECTOR.—

''(i) APPOINTMENT.—The Under Secretary shall appoint a Director of the Aviation Crew Self-Defense Division who shall be the head of the Division. The Director shall report to the Under Secretary.

''(ii) SOLICITATION OF RECOMMENDATIONS.—In the selection of the Director, the Under Secretary shall solicit recommendations from law enforcement, air carriers, and labor organizations representing individuals employed in commercial aviation.

''(iii) BACKGROUND.—The Director shall have a background in self-defense training, including military or law enforcement training with an emphasis in teaching self-defense and the appropriate use force.

''(D) REGIONAL TRAINING SUPERVISORS.—Regional training supervisors shall be under the control of the Director and shall have appropriate training and experience in teaching self-defense and the appropriate use of force.

''(b) PROGRAM ELEMENTS.—

''(1) IN GENERAL.—The requirements prescribed under subsection (a) shall provide competence, and ensure retention of skills, in self-defense training that incorporates classroom and situational training that contains the following elements:

''(A) Determination of the seriousness of any occurrence.

''(B) Crew communication and coordination.

''(C) Appropriate responses to defend oneself, including hands on training, with reasonable and effective requirements on time allotment providing competence and ensuring retention of skills in the following levels of self-defense:

''(i) Awareness, deterrence, and avoidance.

''(ii) Verbalization.

''(iii) Empty hand control.

''(iv) Intermediate weapons and self-defense techniques.

''(v) Deadly force.

''(D) Use of protective devices assigned to crewmembers (to the extent such devices are approved by the Administrator of the Federal Aviation Administration or Under Secretary).

''(E) Psychology of terrorists to cope with hijacker behavior and passenger responses.

''(F) Live situational simulation joint training exercises regarding various threat conditions, including all of the elements required by this section.

''(G) Flight deck procedures or aircraft maneuvers to defend the aircraft.

''(2) PROGRAM ELEMENTS FOR INSTRUCTORS.—The requirements prescribed under subsection (a) shall contain program elements for instructors that include, at a minimum, the following:

''(A) A certification program for the instructors who will provide the training described in paragraph (1).

''(B) A requirement that no training session shall have fewer than 1 instructor for every 12 students.

''(C) A requirement that air carriers provide certain instructor information, including names and qualifications, to the Aviation Crew Member Self-Defense Division within 30 days after the requirements are prescribed under subsection (a).

''(D) Training course curriculum lesson plans and performance objectives to be used by instructors.

''(E) Written training bulletins to reinforce course lessons and provide necessary progressive updates to instructors.

''(3) RECURRENT TRAINING.—Each air carrier shall provide the training under the program every 6 months after the completion of the initial training.

''(4) INITIAL TRAINING.—Air carriers shall provide the initial training under the program within 24 months of the date of enactment of the Arming Pilots Against Terrorism Act.

''(5) COMMUNICATION DEVICES.—The requirements described in subsection (a) shall include a provision mandating that air carriers provide flight and cabin crew with a discreet, hands-free, wireless method of communicating with the flight deck.''.

(b) RULEMAKING; LIABILITY.—Section 44918 of such title is further amended by adding at the end the following:

''(f) RULEMAKING AUTHORITY.—Notwithstanding section 44903(i) (relating to authority to arm flight deck crew with less than-lethal weapons), not later than 180 days after the date of enactment of the Arming Pilots Against Terrorism Act, the Under Secretary, in consultation with persons described in subsection (a)(1), shall prescribe regulations requiring air carriers to—

''(1) provide adequate training in the proper conduct of a cabin search and allow adequate duty time to perform such a search; and

''(2) conduct a preflight security briefing with flight deck and cabin crew and, when available, Federal air marshals or other authorized law enforcement officials.

''(g) LIMITATION ON LIABILITY.—

''(1) AIR CARRIERS.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the acts or omissions of the air carrier's training instructors or cabin crew using reasonable and necessary force in defending an aircraft of the air carrier against acts of criminal violence or air piracy.

''(2) TRAINING INSTRUCTORS AND CABIN CREW.—An air carrier's training instructors or cabin crew shall not be liable for damages in any action brought in a Federal or State court arising out of an act or omission of a training instructor or a member of the cabin crew regarding the defense of an aircraft against acts of criminal violence or air piracy unless the crew member is guilty of gross negligence or willful misconduct.''.

(c) CONFORMING AMENDMENTS.—Section 44918 of such title is further amended—

(1) in subsection (c)—

(A) by striking ''issues the guidance'' and inserting ''prescribes the requirements'';

(B) by striking ''that guidance'' and inserting ''those requirements''; and

(C) by striking ''guidance'' the third place it appears; and

(2) in subsection (e) by striking ''guidance issued'' and inserting ''requirements prescribed''.

(d) NONLETHAL WEAPONS FOR FLIGHT ATTENDANTS.—

(1) STUDY.—The Under Secretary of Transportation for Security shall conduct a study to determine whether possession of a nonlethal weapon by a member of an air carrier's cabin crew would aid the flight deck crew in combating air piracy and criminal violence on commercial airlines.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the Under Secretary shall transmit to Congress a report on the study.

H.R. 4635

OFFERED BY: MR. HOSTETTLER

AMENDMENT NO. 7: Page 5, strike lines 18 through 21.

Page 5, line 22, strike ''(5)'' and insert ''(4)''.

Page 6, line 1, strike ''(6)'' and insert ''(5)''.

H.R. 4635

OFFERED BY: MR. HOSTETTLER

AMENDMENT NO. 8: Page 9, strike lines 3 through 9 and insert the following:

''(4) TIME LIMITS.—Not later than 180 days after the date of the enactment of this section, 20 percent of all pilots who volunteer to participate in the program within 30 days of such date of enactment shall be trained and deputized as Federal flight deck officers. Pilots may continue to participate in the program during the 2-year period of the pilot program. By the last day of such 2-year period, at least 80 percent of all pilots who volunteer to participate in the program must be trained and deputized as Federal flight deck officers.

Page 11, line 24, strike ''250th pilot'' and insert the following: ''last pilot of the 20 percent of all pilots who volunteer to participate in the program wihtin 30 days of such date of enactment of this Act''.

H.R. 4635

OFFERED BY: MR. HOSTETTLER

AMENDMENT NO. 9: Page 11, after line 19, insert the following:

''(i) LIMITATION ON AUTHORITY OF AIR CARRIERS.—No air carrier shall prohibit or in any way refuse or discourage a pilot employed by the air carrier from becoming a Federal flight deck officer under this section. No air carrier shall—

''(1) prohibit a Federal flight deck officer from piloting an aircraft operated by the air carrier, or

''(2) terminate the employment of a Federal flight deck officer,

solely on the basis of his or her volunteering for or participating in the program under this section.

Page 11, line 20, strike ''(i)'' and insert ''(j)''.

Page 14, line 5, strike ''(j)'' and insert ''(k)''.

H.R. 4635

OFFERED BY: MR. MICA

AMENDMENT NO. 10: Page 4, line 8, strike ''Analyze'' and insert ''An analysis of''.

Page 4, line 9, after ''discharge'' insert ''(including an accidental discharge)''.

Page 5, line 3, before the period insert the following: '', including whether an additional background check should be required beyond that required by section 44936(a)(1)''.

Page 5, line 6, before the period insert the following: '', focusing particularly on whether such security would be enhanced by requiring storage of the firearm at the airport when the pilot leaves the airport to remain overnight away from the pilot's base airport.''.

Page 6, after line 6, insert the following:

''(7) MINIMIZATION OF RISK.—If the Under Secretary determines as a result of the analysis under paragraph (3)(E) that there is a significant risk of the catastrophic failure of an aircraft as a result of the discharge of a firearm, the Under Secretary shall take such actions as may be necessary to minimize that risk.''.

Page 11, line 19, before the period insert the following: ''under chapter 171 of title 28, relating to tort claims procedure.''.

Page 11, after line 19 insert the following:

''(i) PROCEDURES FOLLOWING ACCIDENTAL DISCHARGES.—

''(1) IN GENERAL.—If an accidental discharge of a firearm under the pilot program results in the injury or death of a passenger or crew member on an aircraft, the Under Secretary—

''(A) shall revoke the deputization of the Federal flight deck officer responsible for that firearm if the Under Secretary determines that the discharge was attributable to the negligence of the officer; and

''(B) if the Under Secretary determines that a shortcoming in standards, training, or procedures was responsible for the accidental discharge, the Under Secretary may temporarily suspend the program until the shortcoming is corrected.

''(2) AFFECT OF SUSPENSION.—A temporary suspension of the pilot program under paragraph (1) suspends the running of the 2-year period for the pilot program until the suspension is terminated.''

Page 11, line 20, strike ''(i)'' and insert ''(j)''.

Page 13, line 6, strike ''proposed''.

Page 14, line 4, after the period insert the following: ''The report shall include a description of all the incidents in which a gun is discharged, including accidental discharges, on an aircraft of an air carrier after the date of enactment of this section.''.

Page 14, line 5, strike ''(j)'' and insert ''(k)''.

Page 15, line 12, insert ''(a) IN GENERAL.—'' before ''Section''.

Page 15, line 22, insert ''effective'' before ''hands-on''.

Page 16, line 10, insert ''subdue and'' before ''restrain''.

Page 16, line 13, insert ''and effective'' after ''appropriate''.

Page 17, line 4, insert '', including the duty time required to conduct the search'' before the semicolon.

Page 17, line 8, strike ''amount'' and insert ''number or hours''

Page 17, line 9, insert ''and'' after the semicolon.

Page 17, line 13, strike the semicolon and all that follows through line 17 and insert a period.

Page 17, line 19, strike ''In developing'' and insert the following:

''(A) CONSULTATION.—In developing

Page 17, line 23, strike ''employees of air carriers,'' and insert ''the provider of self-defense training for Federal air marshals, flight attendants, labor organizations representing flight attendants,''.

Page 17, line 25, strike the closing quotation marks and ''; and''.

Page 17, after line 25, insert the following:

''(B) DESIGNATION OF OFFICIAL.—The Under Secretary shall designate an official in the Transportation Security Administration to be responsible for overseeing the implementation of the training program under this subsection.

''(C) NECESSARY RESOURCES AND KNOWLEDGE.—The Under Secretary shall ensure that employees of the Administration responsible for monitoring the training program have the necessary resources and knowledge.''; and

Page 18, after line 4, insert the following:

(b) ENHANCE SECURITY MEASURES.—Section 109(a) of the Aviation and Transportation Security Act (49 U.S.C. 114 note; 115 Stat. 613–614) is amended by adding at the end the following:

''(9) Require that air carriers provide flight attendants with a discreet, hands-free, wireless method of communicating with the pilots.''.

(c) BENEFITS AND RISKS OF PROVIDING FLIGHT ATTENDANTS WITH NONLETHAL WEAPONS.—

(1) STUDY.—The Under Secretary of Transportation for Security shall conduct a study to evaluate the benefits and risks of providing flight attendants with nonlethal weapons to aide in combating air piracy and criminal violence on commercial airlines.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the Under Secretary shall transmit to Congress a report on the results of the study.

Page 19, after line 7, insert the following:

SEC. 5. AUTHORITY TO ARM FLIGHT DECK CREW WITH LESS-THAN-LETHAL WEAPONS.

Section 44903(i) of title 49, United States Code (as redesignated by section 6 of this Act) is amended by adding at the end the following:

''(3) REQUEST OF AIR CARRIERS TO USE LESS-THAN-LETHAL WEAPONS.—If, after the date of enactment of this paragraph, the Under Secretary receives a request from an air carrier for authorization to allow pilots of the air carrier to carry less-than-lethal weapons, the Under Secretary shall respond to that request within 90 days.''.

Page 19, line 8, strike ''5'' and insert ''6''.

H.R. 4635

OFFERED BY: MR. NETHERCUTT

AMENDMENT NO. 11: Page 2, line 12, strike ''pilot''.

Page 3, lines 8 and 9, strike ''selecting, training,'' and insert ''training''.

Page 3, line 9, after ''pilots'' insert ''who are qualified to be Federal flight deck officers''.

Page 3, line 10, strike the semicolon and all that follows through ''first'' on line 17.

Page 9, strike lines 3 through 9.

Page 9, line 10, strike ''(5)'' and insert ''(4).

Page 9, line 24, strike the comma and all that follows through the comma on line 25.

Page 11, strike line 20 and all that follows through line 4 on page 14.

Page 12, line 21, strike the comma and insert ''and''.

Page 12, line 23, strike the comma and all that follows through ''program'' on line 24.

Page 14, line 5, strike ''(j)'' and insert ''(i)''.

H.R. 4635

OFFERED BY: MR. NETHERCUTT

AMENDMENT NO. 12: Page 2, line 12, strike ''pilot''.

Page 9, strike lines 3 through 9.

Page 9, line 10, strike ''(5)'' and insert ''(4)''.

Page 9, line 24, strike the comma and all that follows through the comma on line 25.

Page 11, strike line 20 and all that follows through line 4 on page 14.

Page 14, line 5, strike ''(j)'' and insert ''(i)''.

H.R. 4635

OFFERED BY: MR. STEARNS

AMENDMENT NO. 13: Page 14, line 18, strike the close quotation marks and the period.

Page 14, insert after line 18 the following:

''§ 44922. Federal cockpit officer program

''(a) ESTABLISHMENT.—The Under Secretary of Transportation for Security shall establish a pilot program to deputize volunteer pilots of air carriers providing air transportation or intrastate air transportation as Federal law enforcement officers to defend the flight decks of aircraft of such air carriers against acts of criminal violence or air piracy. Such officers shall be known as 'Federal cockpit officers'.

''(b) PROCEDURAL REQUIREMENTS.—

''(1) IN GENERAL.—Not later than 2 months after the date of enactment of this section, the Under Secretary shall establish procedural requirements to carry out the program under this section.

''(2) COMMENCEMENT OF PROGRAM.—Beginning 2 months after the date of enactment of this section, the Under Secretary shall begin the process of selecting, training, and deputizing pilots as Federal cockpit officers under the program; except that, if the procedures required under paragraph (1) are not established before the last day of such 2-month period, the Under Secretary shall not begin the process of selecting, training, and deputizing pilots until the date on which the procedures are established or the last day of the 4-month period beginning on such date of enactment, whichever occurs first.

''(3) ISSUES TO BE ADDRESSED.—The procedural requirements established under paragraph (1) shall address the following issues:

''(A) The type of non-lethal weapon to be used by a Federal cockpit officer.

''(B) The standards and training needed to qualify and requalify as a Federal cockpit officer.

''(C) The placement of the non-lethal weapon of a Federal cockpit officer on board the aircraft to ensure both its security and its ease of retrieval in an emergency.

''(D) Analyze the risk of catastrophic failure of an aircraft as a result of the discharge of a non-lethal weapon to be used in the program into the avionics, electrical systems, or other sensitive areas of the aircraft.

''(E) The division of responsibility between pilots in the event of an act of criminal violence or air piracy if only one pilot is a Federal cockpit officer and if both pilots are Federal cockpit officers.

''(F) Procedures for ensuring that the non-lethal weapon of a Federal cockpit officer does not leave the cockpit if there is a disturbance in the passenger cabin of the aircraft or if the pilot leaves the cockpit for personal reasons.

''(G) Interaction between a Federal cockpit officer and a Federal air marshal on board the aircraft.

''(H) The process for selection of pilots to participate in the program based on their fitness to participate in the program.

''(I) Storage and transportation of non-lethal weapons between flights, including international flights, to ensure the security of the weapons.

''(J) Methods for ensuring that security personnel will be able to identify whether a pilot is authorized to carry a non-lethal weapon under the program.

''(K) Methods for ensuring that pilots (including Federal cockpit officers) will be able to identify whether a passenger is a law enforcement officer who is authorized to carry a firearm aboard the aircraft.

''(L) Any other issues that the Under Secretary considers necessary.

''(4) PREFERENCE.—In selecting pilots to participate in the program, the Under Secretary shall give preference to pilots who are former military or law enforcement personnel.

''(5) CLASSIFIED INFORMATION.—Notwithstanding section 552 of title 5 but subject to section 40119 of this title, information developed under paragraph (3)(E) shall not be disclosed.

''(6) NOTICE TO CONGRESS.—The Under Secretary shall provide notice to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate after completing the analysis required by paragraph (3)(E).

''(c) TRAINING, SUPERVISION, AND EQUIPMENT.—

''(1) IN GENERAL.—The Under Secretary shall provide the training, supervision, and equipment necessary for a pilot to be a Federal cockpit officer under this section at no expense to the pilot or the air carrier employing the pilot.

''(2) TRAINING.—

''(A) ELEMENTS.—The training of a Federal cockpit officer shall include, at a minimum, the following elements:

''(i) Training to ensure that the officer achieves the level of proficiency with a nonlethal weapon required under subparagraph (C)(i).

''(ii) Training to ensure that the officer maintains exclusive control over the officer's non-lethal weapon at all times, including training in defensive maneuvers.

''(iii) Training to assist the officer in determining when it is appropriate to use the officer's non-lethal weapon.

''(B) TRAINING IN USE OF NON-LETHAL WEAPONS.—

''(i) STANDARD.—In order to be deputized as a Federal cockpit officer, a pilot must achieve a level of proficiency with a non-lethal weapon that is required by the Under Secretary.

''(ii) CONDUCT OF TRAINING.—The training of a Federal cockpit officer in the use of a non-lethal weapon may be conducted by the Under Secretary or by a training facility approved by the Under Secretary.

''(iii) REQUALIFICATION.—The Under Secretary shall require a Federal cockpit officer to requalify to carry a non-lethal weapon under the program. Such requalification shall occur quarterly or at an interval required by a rule issued under subsection (i).

''(d) DEPUTIZATION.—

''(1) IN GENERAL.—The Under Secretary may deputize, as a Federal cockpit officer under this section, a pilot who submits to the Under Secretary a request to be such an officer and whom the Under Secretary determines is qualified to be such an officer.

''(2) QUALIFICATION.—A pilot is qualified to be a Federal cockpit officer under this section if—

''(A) the pilot is employed by an air carrier;

''(B) the Under Secretary determines that the pilot meets the standards established by the Under Secretary for being such an officer; and

''(C) the Under Secretary determines that the pilot has completed the training required by the Under Secretary.

''(3) DEPUTIZATION BY OTHER FEDERAL AGENCIES.—The Under Secretary may request another Federal agency to deputize, as Federal cockpit officers under this section, those pilots that the Under Secretary determines are qualified to be such officers.

''(4) MAXIMUM NUMBER.—The maximum number of pilots that may be deputized under the pilot program as Federal cockpit officers may not exceed 1 percent of the total number of pilots that are employed by air carriers engaged in air transportation or intrastate transportation on the date of enactment of this section.

''(5) REVOCATION.—The Under Secretary may revoke the deputization of a pilot as a Federal cockpit officer if the Under Secretary finds that the pilot is no longer qualified to be such an officer.

''(e) COMPENSATION.—Pilots participating in the program under this section shall not be eligible for compensation from the Federal Government for services provided as a Federal cockpit officer. The Federal Government and air carriers shall not be obligated to compensate a pilot for participating in the program or for the pilot's training or qualification and requalification to carry non-lethal weapons under the program.

''(f) AUTHORITY TO CARRY NON-LETHAL WEAPONS.—

''(1) IN GENERAL.—The Under Secretary shall authorize, while the program under this section is in effect, a Federal cockpit officer to carry a non-lethal weapon while engaged in providing air transportation or intrastate air transportation. Notwithstanding subsection (c)(1), the officer may purchase a non-lethal weapon and carry that weapon aboard an aircraft of which the officer is the pilot in accordance with this section if the weapon is of a type that may be used under the program.

''(2) PREEMPTION.—Notwithstanding any other provision of Federal or State law, a Federal cockpit officer, whenever necessary to participate in the program, may carry a non-lethal weapon in any State and from one State to another State.

''(3) CARRYING NON-LETHAL WEAPONS OUTSIDE UNITED STATES.—In consultation with the Secretary of State, the Under Secretary may take such action as may be necessary to ensure that a Federal cockpit officer may carry a non-lethal weapon in a foreign country whenever necessary to participate in the program.

''(g) AUTHORITY TO USE FORCE.—Notwithstanding section 44903(d), the Under Secretary shall prescribe the standards and circumstances under which a Federal cockpit officer may use, while the program under this section is in effect, force against an individual in the defense of the flight deck of an aircraft in air transportation or intrastate air transportation.

''(h) LIMITATION ON LIABILITY.—

''(1) LIABILITY OF AIR CARRIERS.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of a Federal cockpit officer's use of or failure to use a non-lethal weapon.

''(2) LIABILITY OF FEDERAL COCKPIT OFFICERS.—A Federal cockpit officer shall not be liable for damages in any action brought in a Federal or State court arising out of the acts or omissions of the officer in defending the flight deck of an aircraft against acts of criminal violence or air piracy unless the officer is guilty of gross negligence or willful misconduct.

''(3) LIABILITY OF FEDERAL GOVERNMENT.—For purposes of an action against the United States with respect to an act or omission of a Federal cockpit officer, the officer shall be treated as an employee of the Federal Government.

''(i) DURATION OF PROGRAM.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the pilot program established under this section shall be in effect for a period of 2 years beginning on the date that the 250th pilot is deputized as a Federal cockpit officer under this section.

''(2) RISK-BENEFIT DETERMINATION DECISION.—Before the last day of such 2-year period, the Under Secretary shall determine whether the security benefits of the Federal cockpit officer pilot program outweigh the risks of the program.

''(3) TERMINATION OF PILOT PROGRAM.—If the Under Secretary determines under paragraph (2) that the risks outweigh the benefits, the Under Secretary shall publish a notice in the Federal Register terminating the pilot program and explaining the reasons for the decision to terminate and shall provide adequate notice of the decision to Federal cockpit officers and other individuals as necessary.

''(4) CONTINUATION OF PROGRAM.—

''(A) IN GENERAL.—If the Under Secretary determines under paragraph (2) that the benefits outweigh the risks, the Under Secretary shall publish a notice in the Federal Register announcing the continuation of the program, shall continue the program in accordance with this section, and may increase the number of Federal cockpit officers participating in the program.

''(B) NOTICE OF PROPOSED RULEMAKING.—Not later than 60 days after the date of publication of a notice continuing the program, the Under Secretary shall issue a notice of proposed rulemaking to provide for continuation of the program. In conducting the proposed rulemaking, the Under Secretary shall readdress each of the issues to be addressed under subsection (b)(3) and, in addition, shall address the following issues:

''(i) The use of various technologies by Federal cockpit officers, including smart gun technologies and nonlethal weapons.

''(ii) The necessity of hardening critical avionics, electrical systems, and other vulnerable equipment on aircraft.

''(iii) The standards and circumstances under which a Federal cockpit officer may use force against an individual in defense of the flight deck of an aircraft.

''(5) REEVALUATION.—Not later than 3 years after the date of publication of a notice continuing the program, the Under Secretary shall reevaluate the program and shall report to Congress on whether, in light of additional security measures that have been implemented (such as reinforced doors and universal employee biometric identification), the program is still necessary and should be continued or terminated.

''(j) APPLICABILITY.—

''(1) EXEMPTION.—This section shall not apply to air carriers operating under part 135 of title 14, Code of Federal Regulations, and to pilots employed by such carriers to the extent that such carriers and pilots are covered by section 135.119 of such title or any successor to such section.

''(2) PILOT DEFINED.—The term 'pilot' means an individual who has final authority and responsibility for the operation and safety of the flight or, if more than 1 pilot is required for the operation of the aircraft or by the regulations under which the flight is being conducted, the individual designated as second in command.''.

Page 14, insert before line 23, the following: *''44921. Federal cockpit officer program.''*.

H.R. 4635

OFFERED BY: MRS. TAUSCHER

AMENDMENT NO. 14: Page 5, line 5, before ''between'' insert ''at airports''.

Page 10, after line 18 insert the following:

''(g) STORAGE OF FIREARMS.—The Under Secretary shall require that firearms carried by Federal flight deck officers in the program be stored in airports between flights and shall determine and designate the most secure locations for the storage of such firearms.''.

Redesignate subsequent subsections accordingly.

H.R. 4635

OFFERED BY: MRS. TAUSCHER

AMENDMENT NO. 15: Page 6, after line 6, insert the following:

''(7) SUSPENSION OF PROGRAM.—If the Under Secretary determines as a result of an analysis under paragraph (3)(E) that there is a significant risk of the catastrophic failure of an aircraft from the discharge of a firearm, the Under Secretary may suspend the program until such actions as may be necessary to minimize such risk are taken.''.

H.R. 4635

OFFERED BY: MRS. TAUSCHER

AMENDMENT NO. 16: Page 11, strike line 1 and all that follows through ''OFFICERS.—'' on lines 7 and 8.

Page 11, strike lines 15 through 19.

H.R. 4635

OFFERED BY: MRS. TAUSCHER

AMENDMENT NO. 17: Page 12, line 15, after the period insert the following: ''If an accidental discharge of a firearm under the pilot program results in injury or death of a passenger or crew member of a flight, the Under Secretary may terminate the pilot program by publishing in the Federal Register a notice of such termination and providing adequate notice of the decision to terminate to Federal flight deck officers and other individuals as necessary.''.

H.R. 4635

OFFERED BY: MR. THUNE

AMENDMENT NO. 18: Page 8, line 8, strike ''may'' and insert ''shall''.

Page 8, line 10, strike ''a'' and insert ''any''.

Page 9, strike lines 3 through 9.

Page 9, line 10, strike ''(5)'' and insert ''(4)''.

H.R. 4635

OFFERED BY: MR. TOWNS

AMENDMENT NO. 19: Page 4, line 12, after the period, insert the following: ''The analysis shall include an assessment of the potential risks of an accidental or intentional discharge of a firearm by a licensed Federal flight deck officer on an aircraft.''.

Page 14, line 4, after the period, insert the following: ''The report shall include a description of any incidence involving the accidental or intentional discharge of a firearm by a Federal flight deck officer on an aircraft.''.

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PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Thank you, Lord, for the resources You have given to us. You ask us to be good stewards—to invest resources wisely. And we want to do so. But this is hard when others deceive us. We have learned recently how professionals in a few companies took unfair advantage of investors. They lost track of their accountability to truth and their commitment to integrity. As a result, investors lost billions of dollars, tens of thousands of workers lost their jobs, and untold numbers of people lost confidence in the financial markets. Please comfort and help those who were harmed. Bless the many men and women who operate their companies honestly. Help strengthen the integrity of America's financial system so that people can be better stewards of our resources. And give the Senators wisdom to know how to legislate to preserve an effective financial accounting system for the businesses of America. In Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JACK REED led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 9, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. JACK REED 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. Mr. President, in a short time there will be a period of morning business until 10:15 today, with times evenly divided, the first half under the control of the Republicans and the second half under the control of the Democrats. At 10:15, the Senate will resume consideration of the accounting reform bill.

I was advised by my junior colleague from Nevada last evening that he was notified by the Republican leader that this afternoon the Republicans will move to the nuclear waste veto matter which has been hanging around for a while. If that is the case, that will take up most of the afternoon, I am sure, with a 10-hour statutory time available that could go into tomorrow. We have been working since we learned about this yesterday to work something out that would be more definite. We will keep the Senate advised as soon as we know something more.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:15 a.m. with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the first half of the time shall be under the control of the Republican leader or his designee.

The Senator from Nebraska.

DISASTER ASSISTANCE FOR AGRICULTURE

Mr. HAGEL. Mr. President, I rise this morning to speak about the severe drought gripping much of our Nation. The situation is developing into a national problem, a big problem that can no longer be ignored.

Last week in Nebraska, I met with farmers and livestock producers who have witnessed firsthand the devastation caused by this drought. For many agricultural producers in Nebraska and throughout America, hope is again for this growing season. Their crops are wilted and their pastures are scorched and bare. These producers need assistance. For them, there are no options left. Drought is not just a Nebraska problem; it is a national problem.

According to the National Drought Mitigation Center at the University of Nebraska, about 15 percent of the country experiences drought in a typical year. Today, more than 40 percent of the entire country is suffering from drought. The West is bone dry. ''Exceptional'' and ''extreme'' drought, as it is termed by the National Oceanic and Atmospheric Administration, NOAA, has ravaged the Southwest as well as Wyoming, Montana, and parts of Texas. The Southern States, along with sections of New England, such as represented by the distinguished Presiding Officer, and the Mid-Atlantic States are also reeling from drought.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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This past spring was the driest in 107 years of data reporting in Colorado and the second driest in Arizona and southern California. Keep in mind, it is only July 9. To add to this problem, the drought has brought swarms of grasshoppers which are now infecting many parts of Nebraska as well as the entire Midwest.

The economic effects of drought are often hard to measure. Unlike a hurricane or tornado, droughts area measured in years, sometimes decades. The worst drought in recent memory, in the summer of 1988, covered almost 40 percent of the entire United States. It cost an estimated $40 billion. Compare that to Hurricane Andrew in 1992, which cost about $30 billion.

The bad news is the current drought could be much worse than the drought of 1988, considering we still must endure July and August, the hottest months of the year. Already, Nebraska is estimating at least $307 million damage to its economy, with the loss to crops and pastureland alone estimated at $150 million. Again, this is only a midyear estimate.

Government action is now necessary. Congress is quick to respond to floods, earthquakes, and hurricanes. Now we must respond to this national drought. Some of my colleagues may second-guess the need for additional agricultural assistance. After all, Congress, for the past 3 years, has provided billions of dollars for supplemental agricultural spending, mostly due to low commodity prices. Emergency payments were supposed to cease with passage of the new farm bill this year.

Clearly, the new farm bill, which will spend an estimated $180 billion or more over the next 10 years, provides almost no safety net for farmers and ranchers hurt by drought. That is one of the farm bill's biggest faults, as Senators ROBERTS and LUGAR pointed out often during the farm bill debate on the floor of the Senate. Increased price supports could not help much when there is no crop to be harvested.

During the Senate farm bill debate, Senator LUGAR brought up the idea of expanded crop and livestock revenue insurance. Senator ROBERTS called for more emphasis on direct, decoupled, nonproduction-related payments. Both are solid, sound ideas, but Congress did not listen. Now we must play with the cards we have dealt ourselves.

It is important we do not hold drought-plagued agricultural producers hostage to a shortsighted farm bill. The President said any new agricultural disaster aid must come from the $73.5 billion in new agricultural funding. I agree with the President. We should find the necessary offsets for this new funding. But we must act quickly to find the necessary disaster aid to help minimize the drought's impact on local economies. America will see a ripple effect on these economies. The economies of many States are directly tied to agriculture and food production.

We are not limited to just an agricultural disaster package. There are other ways in which Washington is helping our agricultural producers this year.

Secretary Veneman has been making disaster declarations for counties across the country, which allows eligible agriculture producers to receive emergency low-interest loans. She has approved grazing and haying on Conservation Reserve Program acres throughout the country, including almost 40 Nebraska counties.

Also, I would like to remind my colleagues of an important bill recently introduced by the senior Senator from New Mexico. Senator DOMENICI's National Drought Preparedness Act S. 2528 would move us away from the costly, ad-hoc, response-oriented approach to droughts to a comprehensive, proactive national drought policy. We need an established program that will allow local, State, and Federal Governments to work together—to coordinate a drought preparedness strategy.

Droughts do not happen overnight, and the damage they cause to the economy and environment do not go away with one measurable rainfall. Government cannot bring an end to the drought or bring pastures and crops back to life. But we can help our agriculture producers survive, weather this crisis, and prepare for the next growing season. With many of my colleagues in the House and Senate, I am working on an emergency drought disaster package to bring before the Congress.

I urge all of my colleagues to help find a responsible way to get America's agriculture producers the help they need—as soon as possible.

I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, how much time do the Republicans have?

The ACTING PRESIDENT pro tempore. The Republicans have 5 minutes 30 seconds.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Will the Presiding Officer advise me if the time of the Republicans has run out?

The ACTING PRESIDENT pro tempore. The time of the Republicans has expired.

Mrs. BOXER. Thank you very much, Mr. President.

What is the order now?

The ACTING PRESIDENT pro tempore. The majority leader or his designee has control of the remaining 20 minutes.

Mrs. BOXER. Thank you very much, Mr. President.

CORPORATE ENVIRONMENTAL RESPONSIBILITY

Mrs. BOXER. Mr. President, I come to the floor today to discuss a matter that is very related to the whole issue of corporate responsibility. Sometimes the people do not connect the issue of the environment with corporate responsibility, but I am going to do that this morning with the Senator from Illinois, as we touch on some of the policies of this administration, which are really, in my view, putting us in a very dangerous situation in terms of taking a stand with the corporate polluters versus the people of this country who deserve to have protection from environmental hazards. This is not a discussion about ideology, it is really a discussion about the checks and balances that there have to be in this country so we can have robust economic growth along with the sense that there will be responsibility and people will be protected.

I have found out, in my long history in politics, that in fact if you are good to the environment and if you care about the health and safety of people, you will have, actually, development of new businesses to deal with pollution and you will have prosperity.

We go back in the environmental movement to the days when rivers in this country were on fire, they had so many hazards in the waterways, such as in Ohio and other places. That is what started the Clean Air Act. We go back to the days when you could literally see the air in some of our big cities. We turned it around in such a way that the people benefited both from a healthier environment and a robust economy.

So this argument that we should step away and no longer say to corporations that pollute: You have a responsibility to clean up your mess—the fact that this administration seems to take that position is at odds with our history and is at odds with what we ought to be doing.

On Monday, July 1, a report by the Environmental Protection Agency inspector general was released stating that the EPA has designated 33 sites in 18 States for cuts in financing for the Superfund cleanup program. The reason this administration decided to do this is, frankly, they are depleting the Superfund, which is a fund that is set up via a fee by polluting corporations, and the administration is not interested, at least to now, in making sure that we have that fund, that that fund is not depleted.

The report that was commissioned several months ago by Democrats in

the House finally did come back. I have to say, as the chair of the Superfund Subcommittee in the Environment Committee, we have been trying to get this information from EPA for several months. We have not been able to get it. I thank my colleagues in the House for going to the inspector general.

The 33 sites are National Priorities List sites, and they are among the most toxic in the country. So instead of saying, we are going to clean them up, the administration is walking away from them.

What do these sites contain? Let me say, you may want to know this information but you would not want to get near it. The sites contain arsenic, Agent Orange, dioxin, and industrial pesticides.

The report indicates that EPA's Atlanta regional office staff say there is a bottleneck on new starts for cleanup and that there must be maintenance of cleanup progress. The Dallas office reports they have problems. They did not receive $56 million. The Kansas office says they need $100 million. The Denver regional office at EPA says they did not get the $10 million they were to receive.

Here is the point. For an administration that says, trust the people who are working in the field, this administration has turned its back on their regional offices.

One of the excuses the administration comes up with—and then I will yield to my friend from Illinois—is that, well, it is true the Clinton sites were cleaned up—I have a chart showing progress that was made under President Clinton. We see, in the last 4 years of his administration, 88, 87, 85, and 87 sites. That is the number of sites that were cleaned up. Under this administration, they told us, when we asked them, they wanted to clean up 75, 65, and 40 sites. Now it is 47, 40, and 40 sites.

We are looking at a terrible diminution in the number of sites cleaned.

One of the things they say is: Well, there are no tough sites left. They were cleaned up by Clinton.

So we did a little research. One of the sites that was cleaned up by the Clinton administration is the Illinois site.

I want to bring this up so my colleague can hear this. The NL Industries Corporation smelter site in Illinois was cleaned up. For them to say they didn't clean up any hard sites is ridiculous. The site was used for lead smelting operations from the turn of the century until 1983. It included 100 square blocks and 1,600 residences were affected. Ten percent of the children living near the site had blood levels of lead above 10 micrograms, which is an unsafe level. The responsible parties fought the EPA. We had to go to the Superfund to get the money. It was not a simple site. The cleanup was important for the children. The site was cleaned up.

Why was it cleaned up? Because the Clinton administration used that Superfund, and they were committed to cleaning up the site. I am sure my colleague will attest to the fact that the site is quite different today.

That is the reality. That is why we are on the floor—because this is a great program. It had some problems in the early stages. It wasn't moving. But by 1992 it really started.

It is a sad day when I am here to tell you that this administration is not cleaning up its act.

Mr. DURBIN. Mr. President, if the Senator will yield, I thank the Senator from California for her leadership on this issue. I hope the Senator will bear with me for a moment. I think for those who are following this debate, a little history goes a long way.

There was a time in America, in my home State of Illinois, when people would strip-mine coal. They would literally drag the coal out from just below the surface and leave behind this terrible wasteland that looked like craters on the Moon. Over time, people started saying: It is not only ugly but the runoff is dangerous, and we ought to require the coal companies to restore the land after they have strip-mined so it can be used for something—so it looks a little bit like it looked when God created it.

That really reflected a kind of change in the national conscience which said it isn't enough to take the land, or take parts of America, blight them, make them toxic and dangerous for someone to make a profit.

We said, as we looked around America and found toxic waste and hazardous waste, that is a danger to our environment, to the people living nearby and to the ground water. President Carter—a Democrat—said let us put together a Superfund tax where the corporations, the businesses which are polluting businesses, will pay a tax to pay for the cleanup of the mess left from this industrial work.

The reason I wanted to get into this history a little bit is that, as I understand from staff, although it was passed by President Carter—obviously, a Democrat—and a Democratic Congress, a few years later, in 1986, President Ronald Reagan—a Republican—not only reauthorized the same program but said, yes, corporations around America should be held accountable; they should pay a fee or a tax to clean up the toxic waste sites across America through the Superfund. Not only did this Republican President restore it, but he raised the tax. He said we need more money to do this on a national basis.

Now we had a bipartisan commitment to this concept from a Democratic President, Jimmy Carter, and a Republican President, Ronald Reagan. They assumed that America would stand behind the concept of corporate responsibility when it came to environmental cleanup.

Now enter President Clinton at a later point. He said to Congress, we need to reauthorize this same law to keep up this program. What he ran into was a Republican Congress, a probusiness Congress, that said: We don't believe that is the right thing to do any longer. So they wouldn't reauthorize the Superfund. The collection of about $2 billion or more a year to clean up America started evaporating as the taxes and fees were not being collected to clean up the polluted mess across America. Now we are down to $25 million, or $26 million for all of this mess around America.

The Senator from California, in a bipartisan effort, I might add, with Senator CHAFEE of Rhode Island, says we ought to reestablish the Superfund. If it was good enough for Democratic President Carter and Republican President Reagan, if Congress—Democratic and Republican—thought it was a good concept, why are we walking away from it?

When I was back home on the Fourth of July break, I went to two sites in Chicago. I went to one site in the southeastern part of the city. It is an industrial graveyard from an operation not many years ago, and 75,000 manufacturing jobs are now gone. I went to the LTV Steel Corporation site, a company that declared bankruptcy just last December. I took a look at the toxic waste which the Superfund left behind.

I went up to north to Waukegan. For over 20 years, Waukegan has been dealing with mercury and PCBs dumped into Lake Michigan—something we value as part of our national heritage. They are in a position of limbo with a suspended mix of efforts to clean it up. It is within a stone's throw of Lake Michigan. We pointed out the outboard marine site. Waukegan said this is a site which won't be cleaned up because the Superfund is not being funded again by the Bush administration. They refused to put the money into environmental cleanup.

That is irresponsible. It is irresponsible not to hold liable the corporations that produce the chemicals that we find over and over again at these sites. If they want to make a profit producing these chemicals, is it unreasonable to suggest they pay a fee so they can clean up the aftermath of the use of these chemicals which have blighted parts of America?

I say to the Senator from California, as we view this issue, some say: There go the Democrats again with their outlandish environmental policies. But if you look at the history, this has been a bipartisan approach from the start. I ask the Senator from California, who has been our leader on this issue, if she could comment on that.

Mrs. BOXER. Mr. President, I first thank the Senator from Illinois for his eloquence on this subject. Again, this isn't really a theoretical thing at all. We see the progress that has been made during the last 8 years. It is amazing to look at the difference because there were, frankly, problems with the Superfund Program for a while. They weren't really doing a good job of it.

Under Carol Browner began a shake-up, and they began to get through all the problems.

Here we are. My friend is right. This is not only important for the environment, and not only bipartisan, as he pointed out, but it is really, in my view, a probusiness situation. When they leave behind a mess such as this, then they go somewhere else and go before the planning commission in some little place in Illinois, or California, or Louisiana, and this big company XYZ wants to come in and do some work over here with a plant, what is their record? Now the county supervisor or the planning commission can look back and say: Oh, my God, the XYZ company left a mess in California. The truth is that the company is not going to be welcomed.

To me, it is probusiness to clean up your mess. It is going to help your business. It is, in fact, a part of corporate responsibility. It is our responsibility to make sure that polluters pay.

I want to share a chart with my friend that shows what has happened with this program.

In 1995, 82 percent of the cleanup was paid by industry. Either through responsible parties coming forward and paying for the mess they made, or the Superfund itself—as my friend points out, as opposed to the dollars that are collected from a fee on polluters—only 18 percent had to be made up by the general taxpayers.

By 2003, if the situation continues to deteriorate under this President, 46 percent of the cleanup is going to be paid for by our constituents who had nothing to do with the dumping of those materials. This should fall on the people who made the mess. The polluters should pay. It is part of the Superfund.

As we talk about corporate irresponsibility and as we talk about ways we can put confidence back into the system, we shouldn't forget that corporate responsibility is reflected in the Superfund Program. It has been reflected. It has been a successful program. That is why it was embraced by many Republicans. That is why I hope it will be again embraced by many, although I am very concerned, frankly, that the bipartisan nature of this is slipping away in this atmosphere today.

I am very proud to have Senator CHAFEE of Rhode Island as the key Republican sponsor of the Superfund legislation.

Mr. DURBIN. If the Senator will yield for one last question, is this not the same basic concept as protecting pensions? If a corporation accepts the responsibility of going into business, hiring people, making a promise that the people who work for them when they retire will have a pension, then that corporation violates its trust and responsibility and destroys the pension, like the Enron officers cashing in on stock while the pensioners were losing everything they had in their 401(k)s isn't this a similar situation where if a business in America says, I want to create a business here and I want to try to make a profit and I am going to hire people to do it, isn't there kind of a social contract involved here that says: You can't pollute the land and walk away from it as part of doing business in America; part of your responsibility as a corporation is to take responsibility for keeping that natural heritage we all respect so much protected.

Eliminating Superfund takes away the responsibility of these corporations to clean up their own mess and says no to the families at large and businesses across America: It is now your responsibility.

It seems to me, whether we are talking about pensions or the environment, corporate responsibility really applies at the same level. I ask the Senator from California, does she see a distinction here? I do not.

Mrs. BOXER. That is an excellent analogy. If a corporation makes certain promises to the people they employ and that is part of the contract and if a corporation comes into a community to be a good neighbor and that is part of the deal, then they should not walk away from either. That is why it is important sometimes that the Government, the House and Senate, the President, make sure that we get in and restore justice.

Talk about justice, a lot of these sites—take a look at the sites shown in purple on the chart—are the major polluted sites. They are in every State but North Dakota. My State has the second number. New Jersey has the first. Illinois is up there, unfortunately. There are many States that are affected.

We are talking about walking away from a lot of places when we deplete the Superfund. We are walking away from ''polluter pays.''

I thank my friend. There is a definite analogy to be made. He has made it very clearly, as he usually does when we talk about the issue of corporate responsibility.

Today we are concentrating on the WorldComs and Global Crossings and the Enrons and Arthur Andersens and the ImClones. We know those names now. Those names and what is behind those names has propelled us in the Senate to take up the very important Sarbanes bill. The Leahy bill will be added, and the bill will become the Sarbanes-Leahy bill. We have been propelled into action because of, as President Bush says, these bad actors.

I think it goes beyond that to the system. There are no checks and balances in that system. If we don't have a Superfund, I say to the Senator, we have no check and balance on those bad actors who would walk away.

Let me say to my friend, is he familiar with that site I talked about that was cleaned up?

Mr. DURBIN. I am. I say to the Senator from California, we have three Superfund sites in the State of Illinois, another 18 that must go on the list, and 6 others we think could be eligible. Frankly, if the Bush administration's proposal goes through, it means no Superfund, no money, no cleanup. That means the public health hazard will remain.

Today the President will go to New York to talk about corporate responsibility. He wants to throw the bad actors in jail. That makes sense. The simple fact is, an actress accused of shoplifting in California is facing potentially more prison time than any officer of Enron is facing today. I might say, if the President's premise, his principle is sound, why do we stop and say it is just when it comes to accounting? If a corporation walks away from its responsibility in terms of cleaning up the environmental mess they have left behind, why aren't we talking about that as being the kind of misconduct that should not only be condemned but punished?

Instead, the administration has said: We don't even want to hold them liable for paying for it. No penalty, no crime, they are not even going to be liable for paying for the cleanup.

The Senator from California has made the point so well today: Corporate responsibility goes way beyond accounting. It goes into the handling of pensions. It goes into the environmental responsibility that corporations have.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Ms. LANDRIEU). According to the earlier order, morning business is now closed.

PUBLIC COMPANY ACCOUNTING REFORM AND INVESTOR PROTECTION ACT OF 2002

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2673, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2673) to improve quality and transparency in financial reporting and independent audits and accounting services for public companies, to create a Public Company Accounting Oversight Board, to enhance the standard setting process for accounting practices, to strengthen the independence of firms that audit public companies, to increase corporate responsibility and the usefulness of corporate financial disclosure, to protect the objectivity and independence of securities analysts, to improve Securities and Exchange Commission resources and oversight, and for other purposes.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 4174

(Purpose: To provide for criminal prosecution of persons who alter or destroy evidence in Federal investigations or defraud investors of publicly traded securities, and for other purposes)

Mr. DASCHLE. Madam President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DASCHLE], for Mr. LEAHY, for himself, Mr. MCCAIN, Mr. DASCHLE, Mr. DURBIN, Mr. HARKIN, Mr. CLELAND, Mr. LEVIN, Mr. KENNEDY, Mr. BIDEN, Mr. FEINGOLD, Mr. MILLER, Mr. EDWARDS, Mrs. BOXER, Mr. CORZINE, and Mr. KERRY, proposes an amendment numbered 4174.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. DASCHLE. Madam President, on behalf of Senator LEAHY and others, I offer this amendment which is identical to the Corporate and Criminal Fraud Accountability Act, S. 2010, passed unanimously by the Judiciary Committee some time ago.

I view the Leahy amendment as a necessary complement to the Sarbanes bill. In fact, I think of them as two parts of a vital whole—one element guarantees the truth and honesty of corporate accounting. The other is a deterrent. It says that corporate misrepresentation will be forcefully punished—with jail time.

We need both. We need to improve oversight and independence of the accounting profession and hold corporate wrongdoers accountable for their actions.

We need to act comprehensively to fulfill our promise to the American people that integrity, honesty, and accountability will be restored to our markets.

Last week Senator LEAHY and I wrote to the President requesting his views on this bill and the Sarbanes accounting reform bill.

Unfortunately, the President has not answered our letter yet. But I hope to hear today—and I think we need to hear today—that he supports and will sign both.

We welcome the President's apparent new enthusiasm for reforming our corporate culture, and we look forward to working with him.

The administration needs to understand that the time for half measures has long passed. The American people expect and deserve comprehensive reform.

Combining the Leahy bill and the Sarbanes bill accomplishes just that. The Sarbanes bill revamps the regulatory structure that protects our markets. There will be better rules and a new oversight body to send corporations and accountants a clear message that they must tell the truth on their balance sheets.

The Leahy bill is every bit as vital. Let me summarize a few of its provisions very quickly. The amendment has three aims: punishing criminals; preserving evidence; and protecting victims.

The Leahy amendment punishes criminals by creating a tough new 10-year felony for securities fraud. It provides prosecutors with a new tool that is flexible enough to keep up with the most complex new fraud schemes and tough enough to deter violations on the front end. It also provides a mechanism to raise the fraud sentences that are already on the books.

The amendment also preserves evidence of fraud. It creates two new criminal anti-shredding provisions in federal law. As we say in the Arthur Andersen case, even the most straightforward obstruction of justice cases can be difficult to prove under current law.

Senator LEAHY's bill closes the loopholes and makes document destruction in fraud cases an unambiguous crime.

The amendment does not just protect ''paper evidence,'' it also protects valuable testimony from people. For the first time, the Leahy bill creates federal protection for whistleblowers. People like Sherron Watkins of Enron will be protected from reprisal for the first time under federal law. This bill is going to help prosecutors gain important insider testimony on fraud and put a permanent dent in the ''corporate code of silence.''

Finally, the amendment will protect victims of fraud. By extending the time period during which victims can bring cases to recoup their losses, the Leahy bill removes the reward for those fraud artists who are especially gifted at concealing what they've done for lengthy periods of time.

Cases where victims have lost their entire life savings should be decided on the merits, not based on procedural hurdles that may now be used to throw legitimate victims out of court.

The Leahy bill also prevents fraud artists from declaring bankruptcy to shut out their victims. The amendment would accomplish this by making security fraud debts nondischargeable in bankruptcy.

Again, the Leahy provisions enjoyed broad bipartisan support in the Judiciary Committee when passed unanimously in April. They are needed now more than ever, as the number and magnitude of corporate misstatements continues to pile up and the lost jobs, lost pensions, and ruined lives continue to mount.

We must act to punish criminals, no matter what color their collar. I hope all Senators will support this amendment.

Madam President, the country will be listening intently to what the President says this morning. A crucial test will be whether he explicitly supports—and pledges to sign—the Sarbanes bill with the Leahy legislation attached. We cannot restore confidence in the integrity of our markets with anything else.

Senator LEAHY is on the floor.

Mr. LEAHY. Will the majority leader yield?

Mr. DASCHLE. Yes.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, I very much appreciate what my good friend, the distinguished majority leader, has said. I also compliment him for his leadership on corporate accountability. Sometime ago, he asked the Chairs of the various committees with possible jurisdiction in this area to get together and craft comprehensive legislation. I recall that meeting very well. I recall the majority leader—back at the time of Enron, before WorldCom and these other business scandals came forward—expressing his concern that not only is this a blight on the business community, it is a blight on our system of doing things. He also spoke about how terrible it was for those people, not only workers who had their pensions tied up in the fortunes of the companies they are working with and are relying on for truthfulness—what they assumed is the truthfulness—of the accounting statements of those companies, but also many other people who invest, whether it is a farmer in South Dakota or a merchant in a small town in Vermont who is putting savings in and hoping this will be part of his retirement.

The majority leader made it very clear to all of us that we were to set politics aside, we were to set any kind of special interests aside, and we were to bring up the best legislation possible for the people of America. That was what Senator DASCHLE charged us to do, and that is what I am trying to do with this amendment.

We have excellent accounting reform legislation, S. 2673, crafted by Chairman SARBANES and the Senate Banking Committee. I commend Senator SARBANES and the other members of the Banking Committee—for their bipartisan leadership. Senator SARBANES had people on both sides of the aisle come out with this legislation, and I am proud to cosponsor it.

My amendment is to add to Senator SARBANES' legislation, not to detract from it. As he knows, I offered to add a criminal penalty and other provisions that are within the jurisdiction of the Judiciary Committee.

My amendment is cosponsored by Senator MCCAIN and the majority leader, Senators DURBIN, HARKIN, CLELAND, LEVIN, KENNEDY, BIDEN, FEINGOLD, MILLER, EDWARDS, BOXER, CORZINE, KERRY, SCHUMER and BROWNBACK. Our amendment is identical to S. 2010, the Corporate and Criminal Fraud Accountability Act that was reported unanimously by both Republicans and Democrats in the Judiciary Committee on April 25.

Again, following the very clear direction the distinguished majority leader gave us when he said we have to protect the people of this country, we have to make sure corporate America can do its best to help our economy, this would create tough new penalties for securities fraud and would preserve evidence of fraud to make sure there is accountability for crimes that not only cheat investors but rob the markets themselves of the public trust. The markets have stolen the public's trust.

According to press reports, President Bush has changed his mind on corporate reform and may support new penalties for corporate fraud, and I welcome the President's change of heart. The Corporate and Criminal Fraud Accountability Act creates tough, new, criminal penalties for corporate fraud, and Senator DASCHLE and I have written to the President asking for his support.

The time for watching and handwringing is over. We have to take action to start the slow but critical process of restoring confidence in the books of our publicly traded companies.

The collapse of Enron has become a symbol of a corporate culture where greed has been inflated and accountability devalued. Unfortunately, Enron is no longer alone. Joined by Arthur Andersen, Global Crossing, Tyco, Xerox, and, most recently, WorldCom, the misrepresentations about the financial health of our Nation's largest companies have shaken confidence in our financial markets.

If we do nothing to learn and apply the repeated lessons of the last months, we are only going to compound the problem. That was obviously the belief of the unanimous Judiciary Committee vote when the committee approved S. 2010. Innocent consumers, investors, and employees depend on stock investments for their children's college funds, for their retirement nest eggs, and for their savings. Every week brings news of a new financial scandal. Just look at the effect on the stock market. It has been devastating. This has repercussions not just for companies that depend on our capital markets to grow their businesses and our economy, but certainly also for the average American family. More than one in every two Americans invest in our financial markets, and they are watching what we do here. They deserve action.

Those who defraud investors should be held accountable for their crimes. The Leahy-McCain amendment, the Corporate and Criminal Fraud Accountability Act, is all about accountability and transparency—two bedrocks of our market.

The PRESIDING OFFICER. The Chair states that the majority leader has yielded for a question only while retaining the floor. Is that the intent of the majority leader?

Mr. DASCHLE. Madam President, it was my intention to yield for a question, but I thank the distinguished chair of the Judiciary Committee for his extraordinary leadership and the effort he has made to bring this legislation to the floor.

This is the Leahy amendment and, as I noted, it passed unanimously in large measure because I think he was able to work with our colleagues on both sides of the aisle.

I am happy to yield the floor so he and others may seek recognition.

Mr. LEAHY. My question would be this to the majority leader: Would he agree, in his experience, that nothing would focus the attention more of those executives who have defrauded their own companies and investors than the idea that they would actually go to jail for it, and not walk off with hundreds of millions of dollars?

Mr. DASCHLE. Madam President, it is for that reason that I believe this package ought to be viewed in its entirety. The Sarbanes bill lays out the framework. The Leahy bill lays out the penalties for violating that framework. So I don't know that you can have one without the other and not have a complete package.

So I appreciate very much the work of the Judiciary Committee, and the chair of the Judiciary Committee especially, for the work in allowing this package to come to the floor. I thank him again for the contributions he made.

Several Senators addressed the Chair.

Mr. LEAHY. Madam President, I seek recognition in my own right.

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENT NO. 4175 TO AMENDMENT NO. 4174

Mr. GRAMM. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

Mr. LEAHY. Madam President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. What is the rule on recognition? Is it not the Senator who seeks recognition first?

The PRESIDING OFFICER. The Chair understands that the managers of the amendment are entitled to be recognized.

Mr. LEAHY. On my amendment? May I be recognized on my own amendment which is pending before the Chair? Is that correct?

The PRESIDING OFFICER. The managers of the legislation have priority.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas, the manager of the underlying bill.

Mr. LEAHY. Would the managers of the amendment include the distinguished senior Senator from Kentucky? Is he one of the managers?

The PRESIDING OFFICER. The managers of the legislation are the Senator from Maryland and the Senator from Texas.

Mr. LEAHY. The distinguished Presiding Officer has recognized, however, the Senator from Kentucky.

The PRESIDING OFFICER. The Chair has recognized the Senator from Texas. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM], for Mr. MCCONNELL, proposes an amendment numbered 4175 to amendment No. 4174.

Mr. GRAMM. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue.

The assistant legislative clerk continued with the reading of the amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I want to make sure people understand what the Leahy-McCain amendment is. I realize there may be those who want to amend it to make life easier.

The PRESIDING OFFICER. Will the Senator from Vermont suspend? The regular order is the reading of the amendment.

Mr. LEAHY. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection to calling off the reading of the amendment? Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for certification of financial reports by labor organizations and to improve quality and transparency in financial reporting and independent audits and accounting services for labor organizations)

At the end of the amendment add the following:

SEC. 302. CORPORATE AND LABOR ORGANIZATION RESPONSIBILITY FOR FINANCIAL REPORTS AND DISCLOSURE REQUIREMENTS.

(a) FINANCIAL REPORTS.—

(1) CERTIFICATION OF REPORTS.—

(A) CERTIFICATION OF PERIODIC REPORTS.—Each periodic report containing financial statements filed by an issuer with the Commission pursuant to section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a) or 78o(d)) shall be accompanied by a written statement by the chief executive officer and chief financial officer (or the equivalent thereof) of the issuer.

(B) CERTIFICATION OF FINANCIAL REPORTS BY LABOR ORGANIZATIONS.—

(i) IN GENERAL.—Each financial report filed by a labor organization with the Secretary of Labor pursuant to section 201(b) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 431(b)) shall be accompanied by a written statement by the president and secretary-treasurer (or the equivalent thereof) of the labor organization.

(ii) DEFINITION.—In this subparagraph, the term ''labor organization'' has the meaning given the term in section 3 of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 402).

(2) CONTENT.—The statement required by paragraph (1) shall certify the appropriateness of the financial statements and disclosures contained in the periodic report or financial report, and that those financial statements and disclosures fairly present, in all material respects, the operations and financial condition of the issuer or labor organization.

(3) CONFORMING AMENDMENT.—Section 201(b) of the Labor-Management Reporting and Disclosure Act of 1959 is amended, in the matter preceding paragraph (1), by inserting ''(and accompanied by the statement described in section 302(a)(1)(B) of the Public Company Accounting Reform and Investor Protection Act of 2002)'' after ''officers''.

(b) REPORTING REQUIREMENTS.—

(1) FINANCIAL REPORTING FOR LABOR ORGANIZATIONS EQUIVALENT TO REQUIRED REPORTING

OF PUBLIC COMPANIES.—Section 201 of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 431) is amended by adding at the end the following:

''(d)(1) In the case of a labor organization with gross annual receipts for the fiscal year in an amount equal to $200,000 or more, the information required under this section shall be reported using financial reporting procedures comparable to procedures required for periodic and annual reports of public companies pursuant to sections 12(g), 13, and 15 of the Securities and Exchange Act of 1934 (15 U.S.C. 78*l*(g), 78m, and 78*o*).

''(2)(A) Such information shall be reviewed by a certified public accountant using generally accepted auditing standards applicable to reporting companies under the Securities and Exchange Act of 1934.

''(B) Such audit shall be conducted subject to requirements comparable to the requirements under section 10A of the Securities Exchange Act of 1934 (15 U.S.C. 78j–1).

''(3) Such information shall be reported using generally accepted accounting procedures comparable to the procedures required for public companies under sections 12(g), 13, and 15 of the Securities and Exchange Act of 1934 (15 U.S.C. 78*l*(g), 78m, and 78*o*).

''(4) The authority provided under this subsection shall be in addition to the authority provided under subsection (b) and section 208, regarding reporting procedures and review of information required under this section.''.

(2) REMEDIES AND PENALTIES FOR VIOLATIONS OF REPORTING REQUIREMENTS.—Section 210 of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 440) is amended—

(A) by striking ''Whenever'' and inserting ''(a) Whenever''; and

(B) by adding at the end the following:

''(b)(1) If the Secretary finds, on the record after notice and opportunity for hearing, that any person has willfully violated any provision of section 201(d), the Secretary may impose a civil monetary penalty in an amount not to exceed the amount for any comparable violation under section 21B(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–2).

''(2) In the case of a violation of an auditing requirement under section 201(d)(2) by a public accountant, the Secretary may impose a civil monetary penalty in the same manner as penalties are imposed under section 10A(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78j–1(d)).

''(3) For purposes of any action brought by the Secretary under paragraph (1), any person who knowingly provides substantial assistance to another person in violation of a provision of section 201(d), or of any rule or regulation issued under such section (including aiding, abetting, counseling, commanding, or inducing such violation) shall be deemed to be in violation of such provision to the same extent as the person to whom such assistance is provided.

''(c)(1) Any person who makes or causes to be made any statement in any report or document required to be filed under section 201(d) which statement was at the time, and in the light of the circumstances under which it was made, false or misleading with respect to any material fact, shall be liable to any person (not knowing that such statement was false or misleading) who relied upon such statement. A person seeking to enforce such liability may sue at law or in equity in any court of competent jurisdiction.

''(2) In any such suit the court may, in its discretion, require an undertaking for the payment of the costs of such suit, and assess reasonable costs, including reasonable attorneys' fees, against either party litigant.

''(3) The recovery and statute of limitation provisions of subsections (b) and (c) of section 18 of the Securities Exchange Act of 1934 (15 U.S.C. 78r) shall apply for purposes of any action under this subsection.

''(d) In any action arising under subsection (c) or (d) or in connection with any provision of section 201(d), the provisions of section 27(c) of the Securities Act of 1933 (15 U.S.C. 77z–1(c)) regarding abusive litigation shall apply.''.

(3) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Labor, shall promulgate such regulations as the Secretary determines necessary to carry out the provisions and purposes of this subsection (including the amendments made by this subsection) and to ensure the provisions of this subsection are carried out in a manner comparable to the manner any similar provisions are carried out by the Securities and Exchange Commission.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, so people understand what the Leahy-McCain amendment is, it is the Corporate and Criminal Accountability Act. It is about accountability, and it is about transparency. I think everybody—investors, corporate managers, or anybody else—will tell you that accountability and transparency are the bedrock of our economy, of our markets.

If one is going to invest in a company, one wants to know what the company does and what the books say. One wants to be able to rely upon their reports.

Transparency will instill confidence, and accountability helps enforce transparency and forthright financial decisions. We do not just rely on the better angels of our nature; we rely on the fact that somebody is going to be there to enforce it.

We cannot stop greed, but we can stop greed from succeeding. This bipartisan amendment is going to send wrongdoers to jail and save documents from the shredder, and that sends a powerful and clear message to potential wrongdoers: Don't do it.

The measure enjoys wide support. The amendment is supported by law enforcement officials, regulators, and numerous whistleblowers, and consumer protection advocates. I have letters of support from these advocates, and I will, at the end of my statement, ask consent to print them in the RECORD.

Let me summarize some of the provisions. This bipartisan amendment has three prongs to restore accountability: punishing and preventing fraud, preserving the evidence of fraud, and protecting victims of fraud.

S. 2010, as unanimously reported, accomplishes these goals in a number of ways. It is going to create a tough new Federal felony for securities fraud for a 10-year maximum penalty. The idea of 10 years in the slammer is going to focus the attention of those who are more interested in taking their money and hiding it in offshore bank accounts.

As one who was a prosecutor, I was surprised to learn that unlike bank fraud, health care fraud, and even bankruptcy fraud, there is no specific Federal crime of securities fraud to protect victims of fraud related to publicly traded companies.

Can you imagine, Madam President, while all this talk has been going on, it turns out there is no specific crime of securities fraud. This bill would create such a felony with a tough 10-year jail sentence.

The amendment provides for a review of the existing sentencing guidelines for fraud cases and for organizational misconduct to make them tougher as well.

The new crimes and enhanced criminal penalties in this bill were worked out among Senators HATCH, SCHUMER, and me, and unanimously supported by the Judiciary Committee, and I thank Senators HATCH and SCHUMER for their support.

The Leahy-McCain amendment also creates two new anti-shredding penalties which set clear requirements for preserving financial audit guides and close loopholes in current anti-shredding laws.

These provisions close loopholes in current laws and set a clear requirement that corporate audit documents must be saved for 5 years. We, incidentally, picked that time period because that is the statute of limitation for most Federal crimes.

These provisions are crucial in preventing recurrences of what happened at Arthur Andersen.

These provisions will preserve evidence that helps law enforcement officers and prosecutors focus immediately on the evidence. It takes a few minutes to warm up the shredder, but it can take years for prosecutors and victims to put together a case without key documents.

The amendment protects corporate whistleblowers. Senator GRASSLEY and I worked out these bipartisan measures in the Judiciary Committee. I thank the Senator from Iowa for his assistance and his constant leadership over the years on whistleblower rights.

When sophisticated corporations set up complex fraud schemes, corporate insiders are often the only ones who can disclose what happened and why.

Unfortunately, the Enron case also demonstrates the vulnerability of corporate whistleblowers to retaliation under current law. This is a memo from outside counsel to Enron management. They were afraid there might be a whistleblower. It said:

> You also asked that I include in this communication a summary of the possible risks associated with discharging (or constructively discharging) employees who report allegations of improper accounting practices.

Then he goes on to give them the good news:

> Texas law does not currently protect corporate whistleblowers. The supreme court has twice declined to create a cause of action for whistleblowers who are discharged. . . .

In other words, if they dare tell about corporate misdeeds, fire them, it is not going to hurt.

After this high-level employee of Enron reported improper accounting practices, the Enron executives were not thinking about firing the accountants who were doing wrong; they wanted to fire the whistleblower, their own employee. Why? Because they were pocketing the money. They were getting that money out to their bank accounts as fast as they could, and they did not want anybody to say so.

The bipartisan whistleblower protections are supported by the National Whistleblower Center, the Government Accountability Project, and Taxpayers Against Fraud. They call S. 2010 ''the single most effective measure possible to prevent further recurrences. . . . ''

The measure lengthens the statute of limitation by extending it from the earlier of 1 year from discovery or 3 years from the fraud to 2 years from discovery or 5 years from the fraud.

Senators FEINSTEIN and CANTWELL worked hard to craft a fair compromise on this provision in the Judiciary Committee.

Indeed, the last two SEC Chairmen from both parties, Arthur Levitt and Richard Breeden, both agreed that the current short statute of limitations is unfair to fraud victims.

Attorney General Christine Gregoire testified before the Judiciary Committee in the Enron State pension fund litigation that the current short statute has forced some States to forego claims against Enron.

In Washington State alone, the short statute of limitations could cost hard-working State employees—firefighters and police officers—nearly $50 million in lost Enron investments.

Last week, Xerox announced it was restating its revenue back 5 years by $6.4 billion. Madam President, as a law student, I remember sitting in the gallery listening to the distinguished Senator from Illinois, Mr. Dirksen, give his well-known speech: ''A billion here and a billion there, and soon you're talking about real money.''

Imagine a corporation claiming they made a mistake in their revenue of $6.4 billion for the past five years. The disclosures raise the specter of innocent investors who, through no fault of their own, will be barred from recouping losses.

We make the debt from security law violations nondischargeable in bankruptcy. We protect fraud victims by amending the bankruptcy code to make judgments and settlements based upon security law violations nondischargeable. Corporate leaders should not be allowed to take the money, run, file bankruptcy, and keep from ever paying any securities fraud judgment. The State security regulators strongly support this change. You cannot have one set of rules which say if you steal $500 from a store, you can go to jail. But if you steal $50 million from the corporate boardroom, keep the money. That makes no sense. Everywhere I went in the State of Vermont last week, people were saying: If I committed an act, if I stole something, if I cash a bad check for $100, I run the risk of going to jail.

But what do you do if you get $50 million or $100 million? You are home free.

Criminal conduct deserves criminal penalties. Corporate CEOs who rob their company, who rob the pension funds of their employees, who rob the trust of the American people, are criminals. They ought to go to jail.

The steel bars, maybe that will give a conscience to some of these people like Kenneth Lay and others who obviously do not have one. This gives prosecutors, the investigators, and victims the tools to hold corporate wrongdoers accountable.

The people who are involved in such massive criminal activity ought to pay. The American people ought to know they will have to pay. If they don't, there will be a whole lot more fraud.

I ask unanimous consent to have a number of letters printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

TAXPAYERS AGAINST FRAUD,
Washington, DC.
GOVERNMENT ACCOUNTABILITY PROJECT,
Washington, DC, July 5, 2002.

DEAR SENATOR: The Government Accountability Project (GAP) and the Taxpayers Against Fraud (TAF) reaffirm our support for the Leahy Corporate and Criminal Fraud Accountability amendment to S. 2673, the Public Company Accounting Reform and Investor Protection Act of 2002.

Initially introduced as S. 2010, the Corporate and Criminal Fraud Accountability Act, was unanimously reported by the Senate Judiciary Committee on May 6, 2002. This amendment is a landmark proposal. It promises to make whistleblower protection the rule rather than the exception for those challenging betrayals of corporate fiduciary duty enforced by the Securities and Exchange Commission. It would be the single most effective measure to prevent recurrences of the Enron and Worldcom debacles as well as similar threats to the nation's financial markets, shareholders and pension holders.

GAP is a nonprofit, nonpartisan public interest law firm dedicate since 1976 to helping whistleblowers, those employees who exercise freedom of speech to bear witness against betrayals of public trust that they discover on the job. GAP has led the campaign for passage of nearly all federal whistleblower laws over the last two decades. TAF is a nonprofit, nonpartisan public interest organization dedicated to combating fraud against the Federal Government through promotion and use of the federal False Claims Act and its qui tam whistleblower provisions. TAF supports effective anti-fraud legislation at the federal and state level.

The Leahy amendment to S. 2673 is outstanding good government legislation. It closes the loopholes that have meant whistleblowers proceed at their own risk when warning Congress, shareholders, and their own management's Board Audit Committees of financial misconduct threatening the health of their own company, investor confidence and the nation's economy. We hope we can count on your support to add this state of the art whistleblower protection system in S. 2673. If you have any questions regarding the Leahy amendment, please call Tom Devine at GAP (202–408–0034 ext. 124), or Doug Hartnett (ext. 136).

Sincerely,

JIM MOORMAN,
Executive Director, TAF.
TOM DEVINE,
Legal Director, GAP.

NORTH AMERICAN SECURITIES ADMINISTRATORS ASSOCIATIONS, INC.,
Washington, DC, July 5, 2002.

Hon. PATRICK LEAHY,
Washington, DC.

DEAR SENATOR LEAHY: NASAA supports S. 2673, The Public Company Accounting Reform and Investor Protection Act of 2002, and opposes efforts to weaken its provisions. State securities regulators believe there is an immediate need to restore investor confidence in our securities markets.

Passage of the Leahy amendment, which incorporates S. 2010, the Corporate and Criminal Fraud and Accountability Act of 2002, into the accounting reform bill would send a strong deterrent message to potential securities violators by providing prosecutors with new and better tools to punish those who defraud our nation's investors. Our focus is on Section 4, which would prevent the discharge of certain debts in bankruptcy proceedings. At the present time, the bankruptcy code enables defendants who are guilty of fraud and other securities violations to thwart enforcement of the judgments and other awards that are issued in these cases.

We support passage of the Leahy amendment because it strengthens the ability of regulators and individual investors to prevent the discharge of certain debts and hold defendants financially responsible for violations of securities laws. This issue is of great interest to state securities regulators, and we hope you'll support it on the Senate floor.

In addition, state securities regulators enclose Title V of S. 2673—Analyst Conflicts of Interest—in its current form and strongly oppose any amendment to this title that would reduce our ability to investigate wrongdoing and take appropriate enforcement actions against securities analysts. An amendment drafted by Morgan Stanley was circulated that, we believe, would have prohibited state securities regulators from imposing remedies upon firms that committed fraud, if it involved securities analysts and perhaps even broker-dealers that deal with individual investors. Clearly this approach is ill-advised, especially in today's climate. What message would be sent to Main Street investors if the states' investigative and enforcement authority were weakened? (Additional information on this proposal was delivered to your office last week.)

Please vote for passage of S. 2673, for the Leahy amendment, and against any amendments to curtail state securities enforcement actions.

Sincerely,

JOSEPH P. BORG,
NASAA President, Alabama Securities Director.
CHRISTINE A. BRUENN,
NASAA President-elect, Maine Securities Administrator.

AMERICAN FEDERATION OF LABOR
AND
CONGRESS OF INDUSTRIAL
ORGANIZATION,
Washington, DC, April 17, 2002.

Hon. PATRICK LEAHY,
Senate Judiciary Committee, Washington, DC.
Legislative Alert!

DEAR SENATOR LEAHY: The sudden and spectacular collapse of Enron has jeopardized the retirement security of millions of hardworking Americans and exposed systemic failures of our securities laws. If we are to prevent future Enrons and restore the credibility of America's capital markets, aggressive reform is required. This week the Judiciary Committee will markup S. 2010, the Corporate and Criminal Fraud Accountability Act of 2002, which is an important part of this effort and deserves your support.

The measures embodied in S. 2010 will help protect working families and their retirement funds from future Enrons by strengthening the penalties for securities and accounting fraud, and destruction of audit papers. The bill provides strong civil and criminal penalties for conduct such as document shredding by auditors and conspiracies to defraud investors; and bars those who commit securities fraud from using the bankruptcy system to avoid compensating the victims of such fraud. It also lengthens the statute of limitations for civil lawsuits by the victims of securities fraud, making it more difficult for those who commit these crimes to escape having to compensate their victims.

S. 2010 is an important part of the comprehensive reforms Congress needs to enact in response to the conflicts in the capital markets exposed by the collapse of Enron. The AFL–CIO urges you to support S. 2010 at this week's Judiciary Committee markup.

Sincerely,

WILLIAM SAMUEL
Director, Department of Legislation.

CONSUMERS UNION,
Washington, DC.

Re Support for S. 2010, the Corporate and Criminal Fraud Accountability Act of 2002

CONSUMER FEDERATION OF AMERICA,
Washington, DC, April 16, 2002.

DEAR SENATOR: Consumers Union and the Consumer Federation of America urge your support for S. 2010, the Corporate and Criminal Fraud Accountability Act of 2002, sponsored by Senator Patrick Leahy, when it comes before the Judiciary Committee for markup on Thursday. This proposal adds important provisions to the civil and criminal laws, which will both, deter and when necessary, punish securities fraud.

ENHANCING ENFORCEMENT AND SANCTIONS FOR SECURITIES FRAUD

S. 2010 takes the following important steps to strengthen enforcement and penalties for securities fraud:

It creates a new felony for the act of defrauding shareholders of publicly traded companies.

It creates a new felony for destruction of evidence or creation of evidence with intent to obstruct a federal agency or criminal investigation.

It provides whistleblower protection to employees of publicly traded companies when they act lawfully to disclose information about fraudulent activities within their company.

It enhances the ability of state attorneys general and the SEC to use civil RICO to enforce existing law; currently only the US attorney general has such authority currently under RICO.

ADOPTING A REALISTIC STATUTE OF LIMITATIONS

S. 2010 also increases the ability of defrauded investors to recover their losses by lengthening the statute of limitations. The bill would set the statute of limitations to the earlier of 5 years after the date of the fraud or three years after the fraud was discovered.

The current statute of limitations, the result of a 5–4 vote in a 1991 Supreme Court decision, sets up an unrealistically short timetable for bringing private suits and needs to be corrected. Former President Bush's SEC Chairman Richard Breeden, former President Clinton's SEC Chairman Arthur Levitt, and state securities regulators have all supported an extension of the statute of limitations.

Suits by defrauded investors have long been recognized by securities regulators, including former SEC Chairman Levitt, as an important deterrent against fraud. Moreover, securities fraud is often well-concealed and not readily apparent to investors until, in some cases, years after the fraud has been committed. As Chairman Levitt testified in 1995 before the Senate Banking Committee, ''Extending the statute of limitations is warranted because many securities frauds are inherently complex, and the law should not reward the perpetrator of a fraud who successfully conceals its existence for more than 3 years.''

Justices O'Connor and Kennedy, in their vigorous dissent in the 1991 Supreme Court case, also supported a longer statute of limitations. Justice Kennedy wrote, ''The most extensive and corrupt schemes may not be discovered within the time allowed for bringing an express cause of action under the 1934 Act. Ponzi schemes, for example, can maintain the illusion of a profit-making enterprise for years, and sophisticated investors may not be able to discover the fraud until long after its perpetration . . . By adoption of a three year period of response, the Court makes a 10(b) action all but a dead letter for many injured investors who by no conceivable standard of fairness or practicality can be expected to file suit within three years after the violation occurred. In so doing, the Court also turns its back on the almost uniform rule rejecting short periods of response for fraud-based actions.''

Indeed, some states' pension funds may have to forego claims against Enron for securities fraud that occurred in the late 1990s because of this short statute of limitations. Washington State's Attorney General discussed this problem when she testified before your Committee in February of this year. ''In fact, for Washington State, our claim in the [Enron] case is for approximately $50 million, when in fact our losses are in excess of $100 million. But because of the statute of limitations, we're not able to make that claim.'' (underlining added).

The current statute of limitations rewards those who are able to conceal their fraud for a relatively short time with immunity from private liability. It also includes a limit of one-year from the time of discovery, which encourages a rush to the courthouse.

The criminal conduct surrounding the collapse of Enron, and the fact that many claims for fraud will be time-barred by the current short statute of limitations, have drawn attention to the need for reform. S. 2010 includes important investor protection measures. We urge your support for this bill in the Judiciary Committee April 18.

Sincerely,

SALLY GREENBERG,
Senior Counsel.
TRAVIS PLUNKETT,
Legislative Director.

U.S. PUBLIC INTEREST
RESEARCH GROUP;
Washington, DC, April 17, 2002.

No More Enrons—Support S. 2010, the Corporate and Criminal Fraud Accountability Act of 2002

DEAR MEMBER OF THE SENATE JUDICIARY COMMITTEE: We are writing on behalf of the members of state Public Interest Research Groups to urge your strong support for S. 2010, the Corporate and Criminal Fraud Accountability Act of 2002, sponsored by Senator Patrick Leahy, when it comes before the Judiciary Committee for markup on Tuesday. This proposal adds important provisions to the civil and criminal law to both deter and, when necessary, punish securities fraud. Please oppose weakening amendments.

S. 2010 takes the following important steps to strengthen enforcement and penalties for securities fraud:

It creates a new felony for the act of defrauding shareholders of publicly traded companies.

It creates a new felony for destruction of evidence or creation of evidence with intent to obstruct a federal agency or criminal investigation.

It provides whistleblower protection to employees of publicly traded companies when they act lawfully to disclose information about fraudulent activities within their company.

It enhances the ability of state attorneys general and the SEC to use civil RICO to enforce existing law; currently only the U.S. attorney general has such authority currently under RICO.

Importantly, S. 2010 also increases the ability of defrauded investors to recover their losses by lengthening the statute of limitations. The bill would reasonably and sensibly set the statute of limitations to the earlier of 5 years after the date the fraud occurred or three years after the fraud was discovered. A securities law violation is often a complex, multi-year enterprise. Indeed, Enron's recent accounting restatements went back five years. Under the fraudster-friendly current law, some state pension fund claims against Enron may be time-barred.

S. 2010 includes numerous important investor protection measures to assist whistleblowers, fraud victims, and law enforcement agencies. We urge your strong support for this bill to help restore investor confidence in the Judiciary Committee April 18. Please oppose weakening amendments. For more information about the full state PIRG platform to protect employees, investors and taxpayers from future Enron/Andersen debacles, please visit http://www.enronwatchdog.org. Please contact me with questions at either 202–546–9707x314 or ed@pirg.org.

Sincerely,

EDMUND MIERZWINSKI,
Consumer Program Director.

NATIONAL WHISTLEBLOWER CENTER,
Washington, DC, April 17, 2002.

Hon. MARIA CANTWELL,
Senate Judiciary Committee, Washington, DC.

DEAR SENATOR CANTWELL: The National Whistleblower Center strongly supports S. 2010, the Corporate and Criminal Fraud Accountability Act of 2002. This law would protect employees who disclose Enron-related fraud to the appropriate authorities.

One of the most notorious loopholes in current whistleblower protection law exists under the securities laws, in which employees who report fraud against stockholders have no protection under federal law. It is

truly tragic that employees who are wrongfully discharged merely for reporting violations of law, which may threaten the integrity of pension funds or education-based savings accounts, have no federal protection.

This point was made abundantly clear by the recently released internal memorandum from attorneys for Enron. According to Enron's own counsel, employees who were blowing the whistle on Enron's misconduct were not protected under federal law, and could be subject to termination. Unfortunately, the Enron attorney was correct.

It is imperative that the next time a company like Enron seeks advice from counsel as to whether they can fire an employee, like Sharon Watkins (who merely disclosed potential fraud on shareholders), the answer must be a resounding ''no.'' That can only happen if the Corporate and Criminal Fraud Accountability Act is enacted into law.

Respectfully submitted,

KRIS J. KOLESNIK,
Executive Director.

NATIONAL ASSOCIATION
OF ATTORNEY GENERAL,
Washington, DC, July 3, 2002.

DEAR SENATOR: It has come to my attention that the substance of S. 2010, the Corporation and Criminal Fraud Accountability Act of 2002, will be offered as an amendment to S. 2673, the Public Company Accounting Reform and Investor Protection Act of 2002, as early as next week.

I have attached a letter to Senator LEAHY from seven Attorneys General written last April in support of the substance of S. 2010, in order to make these views known as you consider this legislation.

If you have any questions or concerns, please feel free to call Blair Tinkle, NAAG's Legislative Director at 202–326–6258.

Sincerely,

LYNNE ROSS,
Executive Director.

NATIONAL ASSOCIATION OF
ATTORNEYS GENERAL,
Washington, DC, April 17, 2002.

Hon. PATRICK LEAHY,
Chairman, Senate Judiciary Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY: We would like to take this opportunity to express our support for your bill, S. 2010, the Corporate and Criminal Fraud Accountability Act of 2002, which is pending before the Senate.

As you know, the proposal would allow state Attorney's General to seek to enjoin racketeering activities under the federal RICO statute. Such added authority would enhance the ability of Attorneys General to protect their citizens from unlawful activities by organizations both within and outside the borders of our individual states.

In addition, to restore accountability, S. 2010 provides prosecutors new and better tools to effectively prosecute and punish criminals who defraud investors by:

Creating a new, 10-year felony specifically aimed at securities fraud.

Enhancing fraud and obstruction of justice statutes where evidence is destroyed and in fraud cases, where there are many victims or where any victim is financially devastated.

Creating two new document destruction felonies establishing a new felony shredding crime and requiring the preservation of audit documents for 5 years.

Creating new protections for corporate whistleblowers.

Finally, the bill protects victims' rights by:

Protecting securities fraud victims from discharge of their debts in bankruptcy.

Extending the statute of limitations in securities fraud cases.

We appreciate your efforts to enact this important legislation. Please feel free to contact us if we can provide further assistance in this effort.

Sincerely,

Carla J. Stovall, Attorney General of Kansas, President of NAAG; Hardyress, Attorney General of Oregon, Chairman, Enron Bankruptcy Working Group; Christine Gregsire, Attorney General of Washington; William H. Sorrell, Attorney General of Vermont; Ms. Edmonds, Attorney General of Oklahoma, President-Elect of NAAG; Thurbert E. Baker, Attorney General of Georgia; Betty D. Montgomery, Attorney General of Ohio.

Mr. LEAHY. I appreciate the distinguished majority leader introducing this amendment and yielding to me.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MILLER. I was going to send an amendment to the desk but I understand there is one pending. I ask unanimous consent I have up to 8 minutes to discuss this amendment now, which I will send later.

Mr. MCCONNELL. Reserving the right to object, and I probably will not, I hoped for an opportunity to briefly explain the second-degree amendment that is pending at the desk. If the Senator thinks it might be helpful just to determine the order of discussion, perhaps it is more appropriate to discuss the amendment that is pending over one that might have been pending.

Mr. MILLER. The Senator from Kentucky is correct. I would like to get in the queue somewhere along the line.

Mr. REID. I ask the question of the Senator from Kentucky, How long does the Senator from Kentucky wish to speak?

Mr. MCCONNELL. I will be happy to wrap up in 5 or 6 minutes. I want to summarize what the amendment is about.

Mr. SARBANES. Madam President, I ask unanimous consent the Senator from Kentucky be recognized for 5 minutes to speak to the second-degree amendment that has been offered, that is pending, and that be followed by the Senator from Georgia to speak for 8 minutes.

Mr. MURKOWSKI. Madam President, I wonder if I may be recognized after the sequence that has been discussed for about 1 minute.

Mr. REID. I object.

The PRESIDING OFFICER. Is there an objection to the original request of the Senator from Maryland?

Mr. REID. I do not object to the original 13 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky will proceed.

Mr. MCCONNELL. I thank my friend from Georgia. I will briefly discuss the second-degree amendment. I expect to vote for the underlying bill, but we ought to, in the name of equity, apply the same principles in the underlying bill we are seeking to apply to corporations to labor unions.

The amendment I sent to the desk requires union financial statements to be audited by an independent accountant using procedures that mirror those of public companies under Federal securities laws. It imposes civil penalties for violations of these new auditing requirements that mirror those imposed on the Security Exchange Act of 1934. Third, it requires that the Union President and Secretary-Treasurer certify the accuracy of financial reports, mirroring a similar requirement for CEOs and CFOs in the Sarbanes bill.

We are debating how to better oversee and enforce the audit requirements for large corporations that were first established under the Securities Act of 1933. It may shock many to learn that labor unions are not even required to have independent audits of the financial statements they file with the Department of Labor—or should I say that they are required to file. Many unions apparently thumb their nose at the requirement. A study by the Office of Labor Management Standards found that 34 percent of all unions filed late financial reports or no reports at all.

If we are serious about protecting the investing public from the financial fraud of corporations and accountants, we should be equally serious about protecting the day-to-day American worker—the plumbers, the machinists, the longshoremen, and the steelworkers—from the financial fraud of union officials.

One prominent union official recently said that:

> Over the coming months you will no doubt hear more about the Enron scandal and the many thousands of people who have lost their pensions because of corporate greed.

I agree with that. What we do not hear enough of are the stories of union greed. It is only fair to share some of them today. I have a rather long list I will discuss later in the debate, but let me cover a few of them in my allotted time. We have heard of Arthur Andersen, but has anyone heard of Thomas Havey? That is the accounting firm where a partner confessed to helping a bookkeeper conceal the embezzlement of hundreds of thousands of dollars from a worker training fund of the International Association of Ironworkers. And in an eerie parallel to the Enron scandal, the Havey accountants revealed startling information—10 years ago, the then General Counsel for the Ironworkers Union said that if the accounting firm refused to assist in the union scheme to conceal financial mismanagement, the accounting firm should be fired. Sadly, the accounting firm complied.

We have all heard of Global Crossing, but has anyone heard of ULLICO? That is the multibillion-dollar insurance company owned primarily by unions and their members' pension funds that invested $7.6 million in Global Crossing. Apparently, ULLICO directors received a sweetheart investment deal that allowed them to make millions on the sale of stock. The union pension

funds, however, dried up with Global Crossing's demise.

There is much more. An accountant within the National Association of Letter Carriers embezzled more than $3.2 million from union funds over an 8-year period to buy 8 cars, 2 boats, 3 jet skis, a riding mower, and 105 collectable dolls. A former official of the Laborers' Union District Council in Oregon, Idaho, and Wyoming is in jail for accepting hundreds of thousands of dollars in kickbacks for directing money into a ponzi-like investment scheme that defrauded Oregon labor unions of $355 million.

I have a number of additional examples that I wish to get to later, but I do want to say in summary, again, what my amendment is about, just so everyone will understand as we move subsequently to a vote. It first requires union financial statements to be audited by an independent accountant using procedures that mirror those of public companies under the Federal securities laws; second, it imposes civil penalties for violations of these new auditing requirements that mirror those imposed under the Securities Exchange Act of 1934; and, third and finally, it requires that the Union President and Secretary-Treasurer certify the accuracy of their financial reports, which mirrors a similar requirement for CEOs and CFOs in the Sarbanes bill.

I yield the floor.

Mr. SARBANES. Will the Senator yield for a question?

Mr. McCONNELL. Yes.

Mr. SARBANES. Of course, there is a special statutory arrangement that governs labor organizations. I take it this proposal—has this come to us from the Department of Labor?

Mr. McCONNELL. I say to the Senator from Maryland, it did not come from the Department of Labor. It came from my office. This is something we have been looking at over the last week or 10 days, thinking that, since the very worthwhile requirements of corporations and accounting firms, under the bill of the Senator from Maryland, make sense if we are looking to protect investors, we should also protect union members from similar kinds of casual exploitation.

Mr. SARBANES. But under the Labor Management Reporting and Disclosure Act, the Department has certain authorities it can invoke in dealing with the kind of problems the Senator has outlined. At least that is my understanding under the current state of the law. Is that correct?

Mr. McCONNELL. I don't know what the position of the Department of Labor is on the amendment I am offering. But it is my belief that if the amendment were not necessary, we would not be offering it here today. This is something I am sure we are going to discuss further as we move along.

Mr. SARBANES. I am sure the Senator would be able to find out from the Secretary.

Mr. McCONNELL. I expect I could find out from the Secretary of Labor, but I chose not to do that.

Mr. GRAMM. I don't know whether you could or not.

Mr. McCONNELL. She has her job and I have mine.

AMENDMENT NO. 4176

The PRESIDING OFFICER. The Senator from Georgia is recognized under the previous order.

Mr. MILLER. Madam President, I ask unanimous consent the pending amendment be temporarily set aside so I be allowed to offer an amendment.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Georgia [Mr. MILLER] proposes an amendment numbered 4176.

Mr. MILLER. Madam President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to require the signing of corporate tax returns by the chief executive officer of the corporation)

At the end add the following new title:

TITLE VIII—CORPORATE TAX RETURNS

SEC. 801. SIGNING OF CORPORATE TAX RETURNS BY CHIEF EXECUTIVE OFFICER.

(a) IN GENERAL.—Section 6062 of the Internal Revenue Code of 1986 (relating to signing of corporation returns) is amended by striking the first sentence and inserting the following new sentence: ''The return of a corporation with respect to income shall be signed by the chief executive officer of such corporation.''.

(b) EXECUTIVE DATE.—The amendment made by this section shall apply to returns filed after the date of the enactment of this Act.

Mr. GRAMM. Will the Senator yield?

There is a little bit of confusion. I want to be sure he is setting aside the entire amendment, the Leahy and the McConnell amendment, and he is offering a first-degree amendment? That is what I understood when I talked to the Senator and to what I had agreed.

The PRESIDING OFFICER. That is the Chair's understanding.

Mr. SARBANES. No. What was the request? I thought the unanimous consent request was to set aside the McConnell amendment and offer the Miller amendment to the Leahy amendment.

Mr. GRAMM. It was the pending amendment.

Madam President, I wanted to be sure that we set aside both Leahy and McConnell. This is a new issue, a first-degree amendment. That was the basis that I understood it on and on the basis of that I had no objection to it.

The PRESIDING OFFICER. The Chair understands the Senator from Georgia was going to offer an amendment that would be considered at a different time, an independent first-degree amendment, to be spoken about now and considered at a later time. Is that the understanding of the Senator from Vermont?

Mr. LEAHY. Reserving the right to object, I want to make sure I fully understand. What is the request?

The PRESIDING OFFICER. There is no request pending.

Mr. LEAHY. I am sorry. I thought there was a request to lay aside my amendment.

The PRESIDING OFFICER. That request has been granted.

Mr. LEAHY. But then my—what is the parliamentary situation with my amendment? Maybe that is the best way to ask it.

The PRESIDING OFFICER. The Senator from Georgia obtained the consent to set aside the pending amendment in order to offer a first-degree amendment.

Mr. LEAHY. I understand.

Mr. SARBANES. Would the call for the regular order at the completion of the statement of the Senator from Georgia, or disposition of his amendment, bring back before the body the Leahy amendment?

The PRESIDING OFFICER. Yes, it would.

Mr. LEAHY. The Senator from Georgia spoke to me earlier. I do not want in any way to interfere with that. I do want to accommodate him. I just wanted to make sure, also for my own schedule, where we stood.

I thank the distinguished Presiding Officer and I thank the distinguished chairman of the committee and of course I thank the distinguished Senator from Georgia.

Mr. MILLER. I thank the Senator from Vermont and the Senator from Texas.

Madam President, there is a good old boy from down in Georgia named Jerry Reed, who went to Nashville several years ago and made it big as a tremendous guitar picker, singer, and songwriter. He had a big hit a while back. Maybe some of you remember it. It was called ''She Got the Gold Mine and I Got the Shaft.''

I thought about that song of Jerry Reed's as I watched what has happened lately on the corporate scene. The big shots of Enron and WorldCom and others, they got the gold mine while the poor employees and the innocent stockholders got the shaft.

If a picture is worth a thousand words, take a look at this gold mine. It was built partly on the backs of those Georgia schoolteachers who, each month, put their hard-earned money into the Georgia teachers' retirement fund. The fund in Georgia lost $78 million from Enron and another $6 million from WorldCom. Think how many monthly contributions by how many struggling teachers that represents. And think about those other thousands of employees who have lost their life savings, not even to mention the thousands of employees who have lost their jobs—at least 450 jobs were wiped out in Georgia alone so far.

Yes, a few big shots got the gold mine and a lot of little folks got the shaft.

I am as probusiness as anyone in this body. I yield to no officeholder when it comes to supporting business issues. As Governor and Senator, I have worked to give tax cuts and tax incentives and pay for the training of their employees—all to provide a probusiness environment in which the entrepreneurial spirit can thrive and prosper and create jobs. But, folks, there comes a time when so much greed and so many lies become so bad—even if it is only by a few—that something meaningful has to be done. We must act quickly to protect the investor, provide some security for the worker, and restore confidence in the marketplace because, make no mistake about it, today we have a crisis in the integrity of corporate America.

That is why I have worked with Senator SARBANES in perfecting his bill, and I strongly support it. I am pleased that it is before us this week. I also commend President Bush for making the strong recommendations he is going to be making in New York.

But I think we need to do at least one other thing, so I have a simple amendment. It is only two short paragraphs in length, but it goes to the very essence of fairness. It simply says that, when the taxman cometh, we all—workers and high-dollar bosses alike—must face him just alike, without any go-betweens or liability firewalls or corporate veils.

This is how it would work. There is a standard tax form called 1040. I know there are more sophisticated ones for big business, but the principle I am getting at is the same. This is what it says:

> Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief they are true, correct and complete.

And then it is signed here by Joe Sixpack. Joe Sixpack of America signs those kinds of forms. There were more than 14 million of those forms filed in April. If Joe Sixpack is required to sign this oath for his family, why shouldn't Josepheus Chardonnay be required to sign that same oath for his corporation?

So my little amendment simply requires that henceforth the chief executive officer of all publicly owned and publicly traded corporations must sign the corporation's annual Federal tax return.

Currently, there is an IRS rule that corporations can designate any corporate officer to sign their tax return. That will not get it. Let's be specific. Let's put it into law: The CEO is the one who is to sign the tax return and must be accountable for it.

Where I come from it is expected that those being paid ''to mind the store'' should at least know whether the store is losing or making money.

Harry Truman had a sign on his desk in the Oval Office that said, ''The Buck Stops Here.'' For Truman, it meant that he was accountable.

He took the blame. He suffered the consequences when things went bad.

For some of today's CEOs, it is just the opposite. They want no accountability. They shift the blame to others. They hide behind that corporate veil. And, it seems, they rarely if ever pay the consequences.

Their former workers cancel plans for their children to go to college while they sip from champagne flutes in their mansions in Boca and Aspen.

For these CEOs, Truman's famous sign has changed from ''The Buck Stops Here'' to ''The Bucks Go Here.''

Our system of collecting taxes is based upon the premise that individual taxpayers will take all steps necessary to ensure that the financial information in the tax return is accurate.

If Joe Sixpack fudges the numbers, he doesn't get a pass from paying penalties or going to jail. I find it outrageous that the same is not a part of the mind set for those in the corporate culture.

If any CEO is not willing to sign the company tax return—if they are not willing to take steps to satisfy themselves that their corporation is accurately reporting financial information—then those CEOs have no right to the prestige and respect that goes with the position they hold.

What is good for the goose is good for the gander. So I urge my colleagues to simply hold our CEOs to the same standard that we now impose upon our average wage earners.

Treat them the same, ''Treat 'em'' the same. That is the American way. That is what the voters out there want us to do and that is what they expect us to do. ''Treat 'em'' the same.

And you can take that back home this summer and explain it. Some of these other reforms, I fear, will be more difficult to explain.

Treat 'em the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

S.J. RES. 34—APPROVAL OF YUCCA MOUNTAIN DEPOSITORY MOTION TO PROCEED

Mr. MURKOWSKI. Madam President, in accordance with the rules of the Senate as set forth in the Nuclear Waste Policy Act, the chairman of the Energy Committee, Senator BINGAMAN, introduced S.J. Res. 34 on April 9. The Committee on Energy and Natural Resources held 3 days of hearings. On June 5, the measure was favorably reported to the Senate.

As the ranking member of the Energy and Natural Resources Committee, pursuant to the recommendations of the committee and in accordance with the rules of the Senate as set forth in the Nuclear Waste Policy Act that contemplates Senate action within 90 days of introduction, I now move to proceed to S.J. Res. 34.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, during the last little bit we have been working on an orderly way to proceed on this matter. We knew before the break that the minority was going to bring this matter up, and we did not know exactly when.

I spoke a couple times yesterday with the distinguished Republican leader. I spoke to my colleague, Senator ENSIGN, on a number of occasions. And the day has arrived and the motion has been made. As a result of that, even though Senator ENSIGN and I are extremely disappointed, this matter is now before us. It is here.

We think it would be best resolved as follows: I ask unanimous consent that there be 4 hours 30 minutes for debate on the pending motion to proceed, equally divided between Senator REID of Nevada and Senator MURKOWSKI, or their designees; that upon the use or yielding back of that time, the Senate vote on the motion to proceed; that if the motion to proceed is agreed to, then H.J. Res. 87 be read a third time and the Senate vote on final passage of the joint resolution; that the motion to reconsider that vote be laid on the table, and the preceding all occur without any intervening action or debate.

If I could say just one thing, Madam President, the reason that I felt so strongly, as did Senator ENSIGN, about this is it is important that Members have the benefit of some debate prior to this most important vote. So that is the reason. I appreciate the general tenure of what is going on here. I know there are strong feelings on both sides. Nobody is happy with what we are doing, but it is the best we could do.

Mr. LOTT. Reserving the right to object, Madam President.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. I do reserve the right to object but state in the beginning I would not and will not object. I think this is an appropriate way to proceed. This is something that has been fully disclosed to all on both sides of the argument. We certainly understand and respect the desire of the Senators from Nevada, Mr. REID and Mr. ENSIGN, to have an opportunity to make their case and to maximize their effort against this proposal.

I also made it clear that it was the intent of the proponents, with the leadership of Senator MURKOWSKI and others on both sides of the aisle, that under the law there is a time limit. We have to act on this issue by July 27 or, in fact, this proposal could not go forward. The veto of the Governor, in effect, would be upheld by inaction.

Not wanting to get squeezed down to the end of the session and having it unclear as to how we would proceed, we thought the fair thing to do to both sides was to say on this Tuesday, we would move to proceed to the issue which would be nondebatable unless agreement was worked out to the contrary.

As a result of that being what our intent was, the motion was made, and we have now worked out this unanimous consent agreement which is agreeable to all sides. There would be debate before the vote, and then there would be a vote on the motion to proceed which would be really, in fact, the vote. So this afternoon somewhere not later than 5:45, or perhaps earlier, as I understand it—Senator REID can maybe comment on this—there would be a vote on the motion to proceed.

While nothing else is precluded, it would be clearly my understanding that it would not be necessary to have a vote on final passage if the motion to proceed is agreed to. Everybody understands that is the vote. We have checked on both sides of the aisle, and this agreement is acceptable. That would be the vote.

Another good thing about this is it allows everybody to know when the critical vote will come. It also means, instead of 10 hours, we will go 4½ hours. There is no demand or desire that we go beyond that. Then we can get back to other business; hopefully, defense-related appropriations bills and the auditing bill and get that work done this week.

This is a fair way to proceed. Everybody is on notice. I am glad to work with the opponents and proponents to come to this agreement.

With that statement, I withdraw my reservation of objection.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. As the leader has indicated, both sides have sought to determine if there would be a requirement for a rollcall vote, and both sides have come back no. If there is anyone who attempts in the ensuing period to be mischievous in that regard for whatever reason, it would be very hard for them to get a second for that vote. I think we should go forward on this basis.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Madam President, let me echo the comments of the two leaders relative to what we have before us. I would like to point out in the spirit of cooperation, the motion to proceed is nondebatable. We have agreed on a 4½-hour time limit. It is my anticipation that we will yield some time back.

I just wanted to point out the reality that any Member could have brought this up for action. We worked with Senator REID and the other concerned Senators trying to reach some accord. We think this is a fair and equitable arrangement within the Senate prerogatives, particularly given the opportunity on both sides for 4½ hours of debate, and then expedite final disposition so we can move on to other business. I did want to point out, the motion to proceed ordinarily is nondebatable.

I yield the floor.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. ENSIGN. Madam President, reserving the right to object, and I will not object, I wanted to emphasize a couple of points. First of all, Senator REID and I obviously vehemently oppose this bill and oppose this bill even being on the floor today. Given the reality of what we were dealing with, we knew that we could not delay this bill coming to the floor beyond the July 27 deadline that has been talked about. Because of that, we believed the procedural vote was so important that we have some debate prior to the vote. As Senator MURKOWSKI has pointed out, it is a nondebatable motion. We appreciate the cooperation of the other side because it is such a precedent-setting motion that we believed it was important to have the debate.

We appreciate the cooperation for this 4½ hours of debate prior to the motion to proceed, understanding that if our side loses that vote, it will automatically go to a voice vote and nobody is going to request—although not precluded—no one will request a recorded vote.

I will not object at this time.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, it is my understanding that the unanimous consent request has been accepted; is that right?

The PRESIDING OFFICER. The Chair has asked if there is further objection to the request.

Without objection, it is so ordered.

The Senator from Nevada.

ORDER FOR RECESS

Mr. REID. Madam President, I ask unanimous consent that the Senate stand in recess between the hours of 12:30 and 2:15 today for the weekly party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged to either side as it will be for a short time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENSIGN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. REID. Madam President, I yield time to the Senator from Nevada.

Mr. ENSIGN. Madam President, I start my remarks today by saying a lot of the information that I am going to talk about this morning on this procedural vote—I will be talking more about the substance of the issue this afternoon, but this morning on the procedural vote, a lot of the information has been gathered through hours and hours of research with the Congressional Research Service, with the former Parliamentarian of the Senate, Bob Dove, as well as several conversations with the current Parliamentarian.

I believe strongly this research is accurate and that the precedent we will be setting is a very dangerous precedent.

Today's vote is not just about whether the Senate should allow nuclear waste to be dumped in Nevada. It is also about the authority of the majority leader, and the very meaning of a Senate majority.

According to the rules of the Senate, it is true, any member may offer a motion to proceed to a bill or resolution. In practice, we all know that's not the way it works. The Senate isn't governed just by rules; it is also governed by traditions. And one of those traditions is that the majority leader—and only the majority leader—can set the Senate's agenda by deciding which legislation will be considered. As Senator BYRD's history of the Senate makes clear, it is the exclusive role of the majority leader to ''determine what matters or measures will be scheduled for floor action and when.''

That's why—the rules notwithstanding—never in the history of the modern Senate has anyone—I repeat, anyone—other than the majority leader or his designee successfully offered a motion to proceed with legislation. It is simply not done.

Why? Because if such a motion prevails without the majority leader's consent, then his office has been impaired. His ability to control the agenda of the Senate—which is the basis of his power and that of the majority party—would be dealt a devastating blow.

That is why Senators of the majority party have always deferred to the majority leader's authority to set the Senate's agenda—and have voted with him to protect this power even when they disagreed on the substance of the issue at hand. Because they know that if they lose, what is at stake is their very power as the majority party. if any Senator can set the Senate agenda, then all the minority has to do to hijack the Senate agenda is convince a handful of Senators from the majority party to join them on any given issue.

Indeed, that is why, from time to time, the minority has sought to challenge the majority leader's power by offering motions to proceed. As a matter of fact, I believe the current majority leader did so when he was in the minority. He did so because he knew the consequences if he succeeded. And those high stakes were the very reason

he was unsuccessful—because the majority party has always rallied around its leader.

We call today's vote a procedural vote. But it is in effect, a test of the power of the majority.

That being said, I suspect few on the other side of the aisle are jumping at the chance to proclaim the stakes in this vote because they hope, perhaps, that no one will notice—that it will be like a tree falling in the woods. If no one hears, perhaps it will not make a noise.

But this vote will make a loud noise—and will change the way the Senate operates. It will do so because—as of this moment—every Senator knows that even though the Standing rules of the Senate permit any Member can make a motion to proceed, no one has ever done it successfully, save for the majority leader or his designee.

After today, if the minority succeeds, it will be a different story. Each Senator will be able to decide how to interpret the results. Will it be OK for any Senator to offer a motion to proceed on any bill or resolution? Or just measures considered under expedited procedures, such as this bill? Or just those considered under expedited procedures which explicitly state that any member can make a motion to proceed? Take your pick, Madam President. Like beauty, this precedent is in the eye of the beholder. And that's what makes it so dangerous.

Our opponents argue that this is a unique circumstance. They are simply wrong. The procedure in the Nuclear Waste Policy Act is not unique.

There are many statutes containing expedited procedures. And 6 expedited procedures in current law, including the Nuclear Waste Policy Act, contain language that explicitly states that ''any Member of the Senate'' may offer the motion to proceed. That language merely restates the rules of the Senate. Still no one has ever successfully done so without the express consent of the majority leader.

There have been times when Congress has determined that is appropriate to override the traditional power of the majority leader to schedule the Senate's agenda, and this is important when this has been the will of Congress, Congress has passed legislation like the National Emergencies Act and the War Powers Act to do so,.

The War Powers Act states that,

> Any joint resolution or bill so reported (from Committee) shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents), and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by yeas and nays.

Madam President, unlike the War Powers Resolution, the nuclear Waste Policy Act does not make the resolution the pending business of the Senate. It does not take away the prerogative of the majority leader by making a resolution the pending business without any motion to proceed being required. Had the Senate wished to do so in this case it could have followed the language of the War Powers Resolution, but it did not.

Unlike this War Powers provision, there is no requirement in the Nuclear Waste Policy Act for Congress to take any action with regard to the Yucca Mountain resolution. The procedure spelled out in the Nuclear Waste Policy Act is not required; it is merely permitted. In other words, it is left up to the majority leader whether or not to proceed.

Indeed, the Nuclear Waste Policy Act anticipates that a vote on the Yucca Mountain resolution might not occur that it might be blocked. That is why, if the deadline passes, then the statute giving the State of Nevada a veto will have been carried out. That was part of the 1982 compromise.

The junior Senator from Alaska stated that he does ''not know that it really matters very much'' who makes the motion to proceed to the Yucca Mountain resolution.

Well, I say that it does matter. It matters very much. The majority leader has made clear he opposes proceeding with this legislation. He has staked his reputation and his office on this matter. I—and the people of Nevada—appreciate his courage in doing so.

So let me be clear: any Senator who offers a motion to proceed in this matter is posing a direct challenge to the powers of any majority leader. For the majority leader to lose such a vote would be unprecedented.

As I said, it may be in my interest as a member of the minority to see the majority leader lose such a vote. But the majority leader has put a lot on the line for Nevada, which is why I am standing here today—a Republican Senator—defending the prerogatives of the Democrat majority leader.

I am doing so because this issue is the most important matter for the State of Nevada to come before the U.S. Senate. No single issue unites Nevadans—no single issue transcends region, political party, or industry—like our fight against becoming the Nation's nuclear dumping ground.

In conclusion, let me restate how important the precedent we are setting today is if the majority leader is overruled. Every Senator needs to reflect on this vote very carefully because this vote could literally change the entire way the Senate operates. Many people believe this issue is vitally important. Some of us believe it is wrongheaded, as I do.

Regardless of how one Senator feels on this issue, the procedures of the Senate need to be preserved. The precedent set today will be a dangerous one and the unintended consequences in the future could be very dire. I encourage all my fellow Senators to think long and hard before they vote. It is not just a vote on whether or not to proceed on Yucca Mountain but a vote on violating the rules of the Senate.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska.

Mr. MURKOWSKI. Madam President, I yield myself such time as I may require.

Let me first point out that it has been a long time coming. We have been approximately 20 years on this issue of nuclear waste, and we are moving in an orderly process, but I feel compelled to respond to my good friend from Nevada on the point on which he most eloquently commented relative to the authority of the majority leader in cases of this nature.

I am going to comment on the motion to proceed, and I think what my colleagues need to understand is that despite what has been said, we are proceeding under Senate rules, make no mistake about it. This particular provision was identified under procedures set forth in the Nuclear Waste Policy Act. They were very carefully developed and adopted as part of the rulemaking powers of the Senate.

I quote that portion to address the concerns of my friend from Nevada.

> They are deemed a part of the rules of the Senate.

We are not excluding the rules of the Senate. We are not excluding the authority of the majority leader. This procedure is deemed part of the Senate rules. So I hope we can put to rest the matter that somehow we are violating or circumventing Senate rules.

Some have objected to the provision that allows any Member to make the motion to proceed, but they forget, or perhaps ignore, the history of the provision and how integral it was to the 90-day limit on congressional consideration.

This came before the Senate in 1979 and 1980 when the Senate and House were attempting to resolve this issue, as we are today. That provision was considered and passed by the Senate.

Further, it was included in the nuclear waste measure that was introduced in 1981 by then-Chairman Jim McClure of Idaho, who had assumed the chairmanship of the committee. It was also included in legislation offered by Congressman UDALL on the House side, and it was included in the substitute amendments that were reported from the Energy Committee and the Environment and Public Works Committee which had joint referral of the legislation.

It was included in the legislation that passed the Senate in April and then was included in the final legislation that was enacted in December of 1982. It was part of the proposal insisted on by Senator Proxmire, Senator Mitchell, and others who wanted a stronger State veto provision. It was, in fact, what made work the compromise suggested by Congressman Joe Moakley, the chairman of the House Rules Committee.

I find it somewhat off the point, if you will, and kind of a diversion that

some are speaking about violating the integrity of the Senate when we are moving a bill in line with what the Senate had already adopted. Again, I refer to the Nuclear Waste Policy Act and the manner in which this process was considered under the rulemaking powers of the Senate, and included in the rule are the words, '' . . . are deemed to be part of the rules of the Senate.''

Let me comment briefly on the role of the majority leader. I have the utmost respect for procedure and traditions. As to the role of the majority leader, there should be no misunderstanding that this process does not in any manner detract from his authority or responsibility. By its very terms, this process applies in the situation of a resolution of approval only under the Nuclear Waste Policy Act and no other situation. So no Member of this body should be misled. This process applies only to the situation of a resolution of approval under the Nuclear Waste Policy Act.

This resolution should not come as any surprise to any Member. All sides have known this was coming since last year. We certainly have not circumvented the procedure. Once the Secretary of Energy made his recommendation to the President, we all took out the calendars and figured out that 90 days would expire sometime before the end of July, specifically July 27. The majority leader was very much aware of this timeframe. Madam President, that day fast approaches.

The chairman of the committee introduced the resolution as required by law, and we had a fairly good idea of exactly when the Senate needed to act. Throughout the process—hearings, full committee consideration, and reporting—the majority leader has been aware of the status of the legislation and the need for the Senate to act, indeed, within the statutory timeframe.

The majority leader has also been aware of the desire of the chairman of the committee and mine as ranking member, together with other Members of the Senate who support the resolution, to find a time that was convenient for him, given his responsibilities to schedule activities on the Senate floor.

The majority leader's office, in fact, proposed a unanimous consent request almost immediately after we reported the resolution to the floor. We responded, and there have been several attempts to work out a suitable time and schedule as well.

It should not come as a surprise, Madam President. Everyone in the Senate knows what the issue is and what the issue is not. No one is trying to undermine the majority leader. No one is trying to circumvent the Senate rules.

When I brought the nuclear waste legislation to the floor last Congress, I tried to fully accommodate the desires of my colleagues from Nevada, and I certainly intend to see that they have every opportunity to express their concerns today.

I also advise my colleagues again that under the motion to proceed, which is nondebatable, we have agreed to a reasonable debate, 4½ hours. This shows good faith on the part of those of us who believe this matter should be brought to a head and resolved.

As I indicated, the motion to proceed is nondebatable. We could have relied on the statute to proceed, but we have worked out a satisfactory compromise that is fair and equitable. I think the method under which we are proceeding is a fair one, given the circumstances, but I want everyone to understand that we have gone the extra mile to accommodate procedure, the majority leader, each Member, and of course our friends from Nevada.

Provisions in the Nuclear Waste Policy Act are there to allow the leader to decide that he would not make the motion to proceed but allow someone else to do it. I did that this morning by proposing the motion to proceed, and we have now agreed on a procedure.

We have a choice to make. The Senate will today decide very simply whether we should permit the Secretary of Energy to apply for a license to operate a repository at Yucca Mountain.

Madam President, I am going to yield the floor at this time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Who yields time?

Mr. SPECTER. Madam President, I inquire of the distinguished manager if I may ask him a question or two. I discussed this with Senator MURKOWSKI.

Mr. MURKOWSKI. I will be happy to respond to my friend from Pennsylvania.

Mr. SPECTER. Madam President, I thank the distinguished Senator from Alaska.

The question of concern to this Senator and I think many others is the issue of safety in transporting this nuclear material. What are the plans in the general sense? That is, how will the material be transported? By truck? By rail? And in a general way, what will the routes be? Will they pass through densely populated areas?

Mr. MURKOWSKI. In response to the Senator from Pennsylvania, under the licensing process, I emphasize the action we are taking today does not address the transportation system or the procedure associated with the transportation system. That would come under the licensing process which takes place at a later time.

All we are authorizing today is the procedure to allow the Secretary to apply for the license. So the licensing process will in great detail examine all parameters associated with transportation safety, the manner in which the waste will be not only transported by rail and by truck but containers, and the safety of the containers to ensure they can withstand any anticipated exposure associated with derailment or whatever.

What we have in the transportation of nuclear waste is a number of historic examples of moving spent nuclear fuel. We have had about 2,700 shipments in the last 30 years. The distance these have been shipped totals almost 2 million miles. There has not been a single release of radioactivity.

Now, in other parts of the world—in Europe—they have shipped over 70,000 tons in the last 25 years. The estimates are 175 shipments to Yucca Mountain will take place over a 24-year period. I could go on and enlighten my friend at great length relative to the procedure, but I emphasize what we are doing today is giving the administration and the Secretary the authority to proceed with the licensing. The licensing will address the transportation issue.

I am happy to respond to further questions.

Mr. SPECTER. Madam President, my next question is, is the Senator from Alaska in a position to respond to what the tonnage would be, over how long a period of time, and how many shipments there would be to handle the nuclear waste involved in the projection for being a repository of Yucca Mountain?

Mr. MURKOWSKI. That Department estimate is 175 annual shipments to Yucca Mountain.

Mr. SPECTER. Over how long a period of time?

Mr. MURKOWSKI. Over 24 years; that is 4,300 shipments. In comparison to 300 million hazardous material shipments that take place annually in the United States today with no notice given because these are military shipments associated with the breakup of reactors, most associated with our nuclear Navy fleet.

That is strict guidelines for the Nuclear Regulatory Commission and the Department of Transportation. In testimony before the Senate Energy Committee, both the NRC and the DOT testified they can and will take all precautions necessary for safe and secure transportation. As I am sure the Senator from Pennsylvania is aware, the transportation is in nearly impenetrable casks. For every 1 ton of spent fuel there are 4 tons of protective shielding. The casks have to pass the test to ensure there will be no breach. Tests show they can withstand a 120-mile-per-hour crash into a concrete wall and prolonged exposure to fires at 1,475 degrees.

Some of that will depend, of course, on routing and volume. But 175 shipments is a responsible estimate.

Annual numbers, as I indicated, depend on transportation plans and the combination of truck or train is not yet decided. This will be decided under the licensing process. It is fair to say we will have another opportunity for input on the adequacy of the transportation plan once the licensing process is undertaken. The action of the Senate today will lead to that next step.

Mr. SPECTER. Madam President, when I inquire as to the next step, the

Senator from Alaska comments we will have another opportunity to make an inquiry. Will these procedures, if I may inquire of the Senator——

Mr. MURKOWSKI. It is my understanding——

Mr. SPECTER. Let me finish the question.

Having been here for 22 years, having come to the Senate the same day, we can almost communicate without speaking very much. But my question goes to the issue of another vote here. You say we will have another opportunity. Will there be something presented to the Senate where we have an opportunity to vote on our views as to the adequacy of the safety procedures?

Mr. MURKOWSKI. It is my understanding there will not be another opportunity for a vote. The licensing process is a procedure under the Nuclear Regulatory Commission that will examine and certify the safety of the transportation mode, but there will not be another opportunity for a vote.

Under the rules of procedure we have outlined, this is quite explicit. It allows the licensing process to go ahead. The licensing process will determine the adequacy of transportation and safety. We should recognize we have moved nuclear waste, military waste—primarily military waste—throughout the country for many years and have done it successfully. There is no reason to believe we cannot use transportation methods we have and technology we have to move high-level nuclear waste to one site as opposed to leaving it in 131 sites in 34 States.

Clearly, the Yucca Mountain provision which identifies it at one central location and without transportation, obviously, is going to have to stay in the States where it currently is located, which were not designed for a permanent repository.

Mr. SPECTER. Madam President, another couple of questions. In the absence of a vote, my question to the Senator from Alaska would be, What congressional oversight is possible? Sometimes licensing procedures are fine and sometimes they are not, but they do not have the assurance which this deliberative body can apply.

So my specific question is, What level of oversight would the Senator from Alaska envisage with the licensing procedures?

Mr. MURKOWSKI. I would like to give my friend from Pennsylvania the comfort that suggests we are the parties in making a determination of safety. We certainly have the obligation of oversight. But the appropriate agencies that have this responsibility are the Department of Energy, the Nuclear Regulatory Commission, and the Department of Transportation.

They have the obligation to address, if you will, transportation procedures, safety, routing, the manner in which casks are stored and safeguarded. It is fair to say that the National Academy of Sciences is a participant in the process as well.

What we have is the very best science, engineering, and technology to address the legitimate concerns of the Senator from Pennsylvania. I personally believe they have the expertise, the experience, and have certainly a record that suggests there has not been an accident. It does not mean there couldn't be, but all the necessary precautions within reason have been taken.

Of course, in comfort to the Senator from Pennsylvania, again, we have legitimate oversight of the agencies I have named and will continue to have and maintain that which I would hope would be sufficient to meet the concerns of the Senator from Pennsylvania.

Mr. SPECTER. My final question relates to the issue as to the precautions in the event, perhaps unlikely, that there would be an accident. What assurances are there, if it should happen, for example, in Russell, KS, my hometown—what could happen in Alaska could happen in the hometown of the Senator from Alaska—

Mr. MURKOWSKI. If I could respond, I would almost make sure the waste would not go through my State or through Russell, KS.

Nonetheless, it is a legitimate question. In the Nuclear Regulatory Commission proceedings there is obviously work in progress where there would be a response procedure associated with any inevitability of an accident at any time. That is part of the responsibility of the Nuclear Regulatory Commission, and they would work, of course, with Federal and State agencies to respond. It would involve the Department of Transportation and the Department of Energy. These procedures are already established.

Again, recognizing the movement of this waste over a period of time, there would be an increased degree of sophistication because, unlike military waste, which moves with little notice, clearly it would be known when nuclear waste was moving from reactors to the Yucca Mountain site so there would be special escorts, special procedures, and so forth, to safeguard it because it wouldn't be done without the knowledge, obviously, of the public.

What precautions are taken are outlined in the spent fuel transportation procedure, which has been put out by the Department of Energy, Office of Public Affairs. I would be happy to share this.

It is a lengthy list of what precautions the Government has taken in transportation routing. It covers routing, it covers security, it covers tracking, it covers coordination with State officials, as well as State participation. It involves training procedures. It involves what the Government is doing with emergency procedure assistance. It identifies the specific States, proposed routing, casks, and so forth. I am further advised there is a certification here by the Chairman, Mr. Meserve, of the Nuclear Regulatory Commission. It reads as follows:

> Federal regulation of spent fuel transportation safety is shared by the U.S. Department of Transportation and the Nuclear Regulatory Commission.

It relates to the transportation of all hazardous materials. It further goes on to say:

> For its part, NRC establishes design standards for the casks used to transport licensed spent fuel, reviews and certifies cask designs prior to their use. Further, cask design, fabrication, use and maintenance activities must be conducted under an NRC-approved Quality Assurance Program.
>
> NRC has reviewed and certified a number of package designs. . . .
>
> We believe the safety protection provided by the current transportation regulatory system is well established [and they] continually examine the transportation safety program.

I think that pretty much addresses the input, the testimony at the hearings by those responsible for oversight.

Mr. SPECTER. Mr. President, I thank the Senator from Alaska for those responses.

Mr. MURKOWSKI. I yield the floor.

The PRESIDING OFFICER (Mr. MILLER). Who yields time?

Mr. ENSIGN. I wonder if the junior Senator from Alaska will yield for a question.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. ENSIGN. Will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator yield?

Mr. MURKOWSKI. I am happy to yield.

Mr. ENSIGN. While the Senator from Pennsylvania is still here—this was part of the hearing. I think it is something important for us to get cleared up.

The 175 shipments per year the Department of Energy—and you have mentioned this morning that has been a common number that has been tossed around. The piece of paper I have in my hand is page J–11. It is from the final EIS statement. I am sure your staff has a copy of this. This is part of the final EIS statement from the Department of Energy, table J–1, a summary of the estimated number of shipments for the various inventory, national transportation analysis scenario combinations.

They go through the various types of ways that we would ship and the minimums and maximums.

From what I understand, the 175 per year would be if every shipment was in dedicated trains, which the Department of Energy so far has been opposed to because of the expense of dedicated trains.

The other thing is that we have no rail built in Nevada to make possible the rail segment or the rail scenario. You have to have the rail built in Nevada to be able to go from rail to rail, and there is no rail leading to the Nevada Test Site.

The reason I bring this up, and the reason I would like at least to have this on the record as part of the Senate debate is because it is huge amounts

more of shipments, from what I understand, unless it is all dedicated trains. Is that the Senator's understanding?

Mr. MURKOWSKI. I think, in response to my good friend from Nevada, he has to understand where we are. The licensing plan will address the legitimate mass questions because there is no rail into the area. That is going to come under the licensing plan. But there is a Union Pacific route that is adjacent to the area. It would not be difficult to put a spur in. This was discussed in hearings and so forth.

Mr. ENSIGN. It is about 400 miles it has to go, 300-some depending on the route, it may have to go, from the Union Pacific to the Nevada Test Site.

Mr. MURKOWSKI. This line of consideration, while appropriate, is really part of the transportation plan which will come out of the licensing procedure. That is not what we are here for today. We are here to advance the process so the appropriate agencies can address whether they are going to issue a license. They might not issue a license. But what we are doing is giving the authority for the administration to proceed to try to obtain a license. That will be from the Department of Transportation, it will be from the Nuclear Regulatory Commission, and it will be from the Department of Energy. And they will address the questions of how access is provided, whether it be by rail or certainly truck is available as well; we can talk about these things, but these are all proposals that are going to be addressed in due course.

Mr. ENSIGN. Mr. President, if the Senator will continue to yield, the reason I brought it up and the reason I thought the question of the Senator from Pennsylvania was so appropriate is because this stuff that may be proposed is very important, first of all, because the cost of rail is not included in the Nuclear Waste Policy Act. The cost of the rail into the Nevada Test Site is not in the budgetary projections.

The second thing is that if a Senator is voting on whether this thing is going through—in other words, if I am a Senator from Pennsylvania, and I have a couple of nuclear powerplants, but I know I have a lot more shipments may be coming through my State—if I think there are only going to be 20 shipments a year through my State versus maybe 1,000 shipments through my State, that may make a difference on how I would vote.

Mr. MURKOWSKI. Mr. President, if I could point out, I do not mind responding to questions, but we are dividing time here. It is important, if the Senator from Nevada wants to speak, it is on his time.

Mr. ENSIGN. That is fine. If Senator REID has control of the time, it is fine with us.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, Senator BOXER is due here any minute. I was waiting for her to speak. She is not here. I ask my friend from Nevada if he wants an extra 5 minutes now, or would he rather wait.

Mr. ENSIGN. Mr. President, 5 minutes now I would really appreciate.

Mr. REID. Mr. President, let me say to my friend from Idaho that I hope the Senator from California will be here at that time. If she is not, I will yield. But Senator MURKOWSKI could yield some time. I yield 5 minutes to the Senator from Nevada.

Mr. MURKOWSKI. Mr. President, what is the remaining time on either side so we can start off anew relative to where we are?

The PRESIDING OFFICER. The Senator from Alaska controls 106 minutes, and the Senator from Nevada controls 125 minutes.

Mr. MURKOWSKI. Mr. President, I understand that after the Senator from Nevada speaks, the Chair will recognize the Senator from Idaho.

Mr. REID. When the Senator from California is here, I have explained to the Senator from Idaho that she would go first.

Mr. MURKOWSKI. That is fine.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, if the Senator from Alaska would engage, I think it is an important part of our discussion.

The point I was making was that if a Senator were worried about transportation coming through their State—it seems to be one of the biggest issues, and I think it should be one of the biggest issues, if people are thinking about the way to vote on this issue—it is important to know how many shipments, or approximately how many shipments, or the types of shipments that are going to be coming through the State.

As the Senator from Alaska has said, that is going to be determined in the future. But as was pointed out, the only chance for the Senator from Pennsylvania to vote is today. Today is the only chance to vote on whether or not I have 20 shipments coming through my State or whether I may have 100 shipments coming through my State. The numbers can be that different.

Once again, based on table J–1 on page J–11, in the final EIS report, if we have a mostly truck scenario just on one of those proposed actions, we would have 52,000 shipments over the period of time that Yucca Mountain is open. Under mostly rail, we would have around 11,000 shipments. When we have dedicated trains, the numbers go way down. But these aren't dealing with dedicated trains. In fact, the final EIS Department of Energy report did not contain dedicated trains.

That is the reason I was asking the question and why I wanted to get it cleared up. If we don't know we are going to be using dedicated trains, how can the Senator from Alaska and others, including the Senator from Pennsylvania, say there are 175 shipments per year? We toss that number around as if it is a fact when, in fact, it is not a fact. It is something that is conjecture, pure conjecture, from the Department of Energy based on dedicated trains when they are not even putting that in their final EIS report.

The Senator can answer it on my time. If the Senator from Alaska would like to comment on that, I think it is very important to try to clear this up, because when the Department of Energy testified, they certainly didn't clear this up in the committee.

Mr. MURKOWSKI. This is an estimate. It is all it can possibly be at this time because, clearly, we do not ship this material. We have had experience in shipping in the United States. We had 2,996 shipments of spent fuel under the authority of the Nuclear Regulatory Commission from 1964 to the year 2000. We have shipped that waste 1.7 million miles. There it is on the chart. Low-level radioactive waste—you can see it on the chart—896 shipments. That is what we have done in the past.

I cannot in good conscience do anything more than submit what we have been given as an estimate of the number of shipments. I will not make a determination as to whether that is factual, but it is their best estimate. There is no reason to believe it should not be relatively accurate.

Mr. ENSIGN. Mr. President, reclaiming my time, the Senator said there were the 175 shipments as a statement of fact. He said, as a matter of fact, he is relatively sure of that statement. Because he said he was relatively sure of that statement——

Mr. MURKOWSKI. I think in this interpretation I used the word ''estimate''—an estimate. It is all it can possibly be. It couldn't be anything else other than an estimate because it is has not shipped.

Mr. ENSIGN. Except, according to the EIS—and I don't know whether the Senator will address the EIS—on dedicated rail, it is around 175 shipments per year. According to their EIS, they don't use 175. That is only if it is dedicated rail.

Mr. MURKOWSKI. If I may respond to the Senator from Nevada, that may be only dedicated rail. There are other alternatives other than rail.

Mr. ENSIGN. Correct.

Mr. MURKOWSKI. What those might will be determined by the licensing process. But I would encourage my colleagues to recognize the reality here: Do we want this waste to stay where it is or do we want to move it to one central repository? You don't get it to a central repository and out of the States unless you move it.

Mr. ENSIGN. Mr. President, I understand my time is up. I think this is an important question which we will have to deal with a little more this afternoon. I yield the floor so the Senator from Idaho can be recognized.

Mr. REID. Mr. President, the Senator from California is not here. I ask the Senator from Alaska to yield time to the Senator from Idaho.

Mr. MURKOWSKI. Mr. President, might I ask how much time the Senator from Idaho is going to require?

Mr. CRAIG. I will consume the remainder of the time.

Mr. MURKOWSKI. I yield the remainder of the time for this morning to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 15 minutes.

Mr. CRAIG. Mr. President, already this morning we have seen an example of the kind of record that is attempting to be made in part by the Senator from Nevada who would, first, argue a procedural issue that I and others, including renown Parliamentarians, argue does not exist. Clearly, the Nuclear Waste Policy Act of 1982 established an extraordinary procedure—not a precedent-setting procedure. Parliamentarians have agreed that is the case.

But even today, as the Senator from Alaska has mentioned, we have been willing to shape that to accommodate the Senators from Nevada to allow debate on a motion to proceed prior to that vote. Clearly, the majority leader was not engaged on the floor. He already engaged us by saying he would not schedule a vote. He has walked away from his responsibility, if in fact it was there. I would argue that it was not there. Any Senator, by an act of Congress and by the law of the United States, could have done this.

When we talk about precedent-setting action on the floor of the Senate as it relates to the rules of the Senate, we talk about the normal processes of configuring the schedule. I agree with the junior Senator from Nevada on that statement. This is not a precedent-setting action today. In fact, I think those who have observed it have recognized the kind of flexibility and give and take and the responsibility that this Senate had to take under the 1982 law.

I believe the record will be complete. I do not believe that complete record in any way can or will demonstrate that future Parliamentarians would argue that a precedent has been set. Quite the opposite has happened. The Senate of the United States voted in 1982 to establish a process. Therefore, the Senate collectively spoke. It was clear in its speaking that a motion could be placed. And the reason they did that was very clear. They did not want a single person, a majority leader, Democrat or Republican, blocking the responsibility of the Federal Government as it related to a necessary step in the process of determining whether this Nation would establish a deep geologic, high-level waste nuclear repository; that it was more important than one Senator, in that case the majority leader.

It set in place a time schedule. It even gave the State of Nevada—the two Senators are on the floor speaking in behalf of phenomenal power—the power to veto. They have vetoed this. But even in that case, it did not allow a total State prerogative because this is a national issue of very real importance. And that is why we are on the floor today.

We can debate procedure, if we want. But I think that is clear and it has been well established, and several Parliamentarians argue on either side of the case.

What is clear is a law, and a law clearly stating and a law being passed by the Congress itself and signed by a President. That is what is important. It is from that law that we act today. But because, as the Senator from Nevada has spoken, we wanted and we believed it most important to accommodate my colleagues from Nevada—as I would want to be accommodated if this were happening in my State—we have given that kind of flexibility inside the law by a unanimous consent. And it is under that action that we are currently debating Senate Joint Resolution 34.

What are we doing today? We are taking another step forward. This action today does not, in itself, establish a deep geologic repository for high-level nuclear waste at Yucca Mountain in Nevada. It says that we, the Senate, agree with the Department of Energy that a certification process has gone forward to determine the minimum standards and capabilities of geology and water tables and all of those kinds of things to meet tremendously high level protocol, and now we hand it forth into the next step, and that is licensure.

The Senator from Pennsylvania is concerned about transportation, as he should be. But the Senator from Alaska responded appropriately. That is part of a very meticulous effort at licensing a facility, how it will be constructed, under what conditions it will be constructed, how the waste will move from the State of Pennsylvania or from the State of Idaho to that facility.

Yes, we have ample oversight capacity and capability, and we ought to exercise it. I serve on the Energy Committee from which this resolution came. I want to make sure the Nuclear Regulatory Commission handles that transportation portion of the licensing well. We also have multiple jurisdictions—the Department of Transportation. Therefore, Environment and Public Works will have some say in oversight.

Will there be another action or another vote? No. That is not prescribed within the law. But I also know the State of Nevada is not through either. They will exert phenomenal oversight, as they should, as this process goes forward if—if—the Nuclear Regulatory Commission determines that a license is appropriate for this facility under all of these kinds of conditions.

I would suggest that we have also spent $4 billion. And $4 billion is an important figure. It was not our money. It was not taxpayer money. It was ratepayers' money from the 39 States that have commercial nuclear reactors operating power-generating facilities who have paid into a fund to take us this far, a fund that continues to grow, and a fund that will, in large part, finance the construction and the operation of this facility.

So we are taking the next step, the important step. I must tell you, a vote today on a motion to proceed is a vote to take the step or to not step at all. If we do not, we step back 20 years—20 years—into a debate about how to manage high-level nuclear waste with commercial facilities, and temporary repositories filling up with waste as we speak.

Do we say, if we do not speak today, there will be no future for the nuclear industry in this country? Well, we certainly say we have no resolution of how to manage its high-level waste stream, except to leave it in well over 100 facilities spread across 39 States.

Will the States then respond by allowing additional repositories to be built in those States when they were promised that those were the only repositories and that high-level waste would move out and move to a permanent repository, as the Congress decided, in a single location? Those are the unknowns.

But what is known today is that the 20 percent of the electrical energy of this country that is generated through nuclear reactors is the cleanest electrical energy outside of hydro in the United States. Some who are concerned about climate change and want even cleaner energy—and this Nation demanding even higher volumes of high-quality electrical energy—are recognizing that, at least under current and immediate-future technology, the nuclear industry is the right industry to turn to for advanced generation.

So do we want to walk away from that industry today, as we will if we vote down a motion to proceed? Or do we want to take a step forward in a licensing process that says the whole industry can move to, potentially, a future opportunity of producing 25 or 30 or 40 percent of our electric energy needs of this country in a clean and responsible fashion?

Let me talk for a few moments about transportation. I do not fear transportation. The reason I do not fear transportation is the history of transportation of radioactive materials and high-level waste in this country. There have been 2,700 shipments, over the last 30 years, of spent nuclear fuel; some 300 million hazardous and radioactive shipments annually in this country; and there are currently about 3 million shipments annually of radioactive material in this country. So there is a lot of movement going on.

So why the alarm? It is a tactic. It is an alarmist political tactic to try to kill this very effort. Should we be concerned about transportation? You bet we should. But we have a very good record to date of a lot of movement of nuclear waste in this country and radioactive material in a safe and sound fashion.

The reason is quite clear: Because the Federal Government has demanded from day one that those shipments be done in extraordinary ways, extraordinary super-built containers, much of it traveling by rail. The high-level waste that comes to Idaho is naval waste. It comes by rail. But the low-level waste that leaves Idaho leaves by highways in very well designed, tremendously strong containers, and well-managed, selected routes, all of it guided and monitored by GPS. It is tremendously safe today as that waste goes from Idaho to the Waste Isolation Pilot Plant in Carlsbad, NM.

Yes, we have a right to be concerned, but we do not have a right to use alarm and fear where they should not exist. But we have a right to do what is responsible to keep it out of our populated areas, to move it in appropriate fashions in less populated ways.

The Senator from Nevada speaks about rail and an appropriate and safe way to handle it, well demonstrated, well proved. And the Nuclear Regulatory Commission may well want even enhanced containers. But what I would suggest is that if we fail to act today to determine the next step, and many of these utilities go to a private location and establish a private repository—as some are now contemplating—then there is a strong possibility that, in a much less regulated way, in a much less orchestrated and monitored way, we will see nuclear waste moving across this country simply because we failed to act and failed to organize and failed to respond to a highly regulated, highly controlled, and highly monitored transportation system.

Those are the realities of where we are today with this industry and where we are today with the volume of nuclear waste, high-level spent fuel nuclear waste that is building up in repositories across the country. It isn't damned if you do and damned if you don't. It is a responsible and important step to take to move this resolution through to a licensing procedure which will then have full transparency, which will then have the ability of the Senate of the United States and the House to do the kind of oversight necessary to make sure that we can recognize what both Senators from Nevada, who are in the Chamber, need: The best assurance possible, in a zero sum game, if you can get there, that this has been done to the maximum capability of the engineering talent of the best we have to offer.

The 10,000-year protocol established all of those kinds of things that meet the standards that are so critically necessary to do what is right and responsible for this country: store our high-level waste in a deep geologic repository; cause the next step to happen; advance the future of the nuclear industry; advance clean electrical energy for our country well into the future.

It is a responsible act that the Senate undertakes today to allow that very kind of thing to happen. I hope this afternoon, when we have an opportunity to vote on the motion to proceed, which, in fact, is a vote on whether we will allow the process to go forward, a majority of the Senate will vote in favor of that motion to proceed.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:30 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. STABENOW).

APPROVAL OF YUCCA MOUNTAIN REPOSITORY—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I yield myself 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Madam President, the Senate today is faced with an important decision about whether to ship extremely hazardous, high-level nuclear waste to a permanent repository in Yucca Mountain. Let there be no doubt in anyone's mind, I would like to see this nuclear waste shipped safely out of Minnesota. I wish I could responsibly vote to support this resolution. I regret that I cannot today vote in favor.

I have consistently said that before the Department of Energy and the Congress make a final judgment that we are ready to begin shipping high-level nuclear waste to a repository, there should be a carefully thought out, detailed plan in place, approved by the NRC and the DOE, to transport this radioactive waste and to manage all of the risks associated with that transportation.

Although it has had over 30 years to do so, the Department of Energy has failed to develop such a safe—I emphasize ''safe''—waste transportation plan.

While I want this high-level nuclear waste out of our State and think Yucca Mountain may very well be the most sensible location, I don't think we should move forward and commit ourselves irrevocably until we have all of the transportation and security issues addressed.

Therefore, I have come to the conclusion, through a careful examination of congressional testimony, meetings with DOE officials, including the Secretary of Energy, State energy officials and local leaders, that there are too many uncertainties, too many unresolved issues, and the risks are simply too high for the citizens of Minnesota.

I cannot now support this resolution. We urgently need to develop a comprehensive waste transportation plan and policy that protects the health and safety of local communities and all Americans. We should have such a plan in place before moving forward on a permanent repository plan.

It is unacceptable to me as a Senator that the Department of Energy has ignored the very real and daunting task of developing a secure, comprehensive transportation plan before seeking to authorize the Yucca Mountain site.

The simple fact is, the Congress should not be considering nor should the DOE have recommended authorization of the Yucca Mountain site before State and local officials were consulted and a comprehensive transportation plan has been finalized which takes into account their concerns and the people they represent.

Madam President, even though the Department of Energy has had years to develop such a plan, they don't have one. By the way, I thank Secretary Abraham. I have talked with him over the phone. He has been very gracious, and I appreciate that. But when he testified May 16, 2002, that the ''Department is just beginning to formulate its preliminary thoughts about a transportation plan,'' to me, that is not enough for my State or the country.

The Department spent $7 billion looking into Yucca Mountain geology but less than $2 million on the transportation of the nuclear waste. That works out at less than $10 million a year for the last 20 years. This is a fundamental flaw in the Department's approach. So, to me, failing to plan for the safe and secure transport of nuclear waste before approving the repository site would be irresponsible.

I recognize the industry has had a generally safe record of transporting small amounts of nuclear waste over the last 35 years. But shipments to Yucca Mountain would be at an unprecedented level. The Department of Energy estimates that transportation to a central repository could involve the shipment of more than 46,000 tons of high-level radioactive nuclear waste across 40 States in 53,000 trucks or 20,000 railcars. It is worth noting that even if the shipments were to begin today, there are more than 200 million Americans living in the 700-plus counties that are traversed by DOE's potential roads and rail lines. The population is only going to grow, and grow more quickly, during the time DOE needs to move nuclear waste across the country.

Beginning in 2010, the DOE estimates that over 1,000 truck and rail shipments of nuclear waste could well travel through Minnesota, through our most populated cities and towns such as Minneapolis-St. Paul, Mankato, Rochester, and the Twin City suburbs. So 683,000—looking at the proposed route—Minnesotans would live within 1 mile; 2,213,612 Minnesotans would live within 5 miles; 3,121,718 Minnesotans would live within 20 miles. That is about half of the State's population.

This raises a very important and yet unanswered set of questions about the risks of possible accidents or terrorist

attacks, and how local communities through which the waste would travel would manage the risk. That is why the Conference of Mayors passed a resolution just this past June expressing serious concerns about the issue and urging the Congress to prohibit the transport of waste until all cities—I include Minnesota cities and towns—along the proposed transportation route have been consulted and have received adequate training and equipment to protect the public health and safety of the citizens in the event of an accident.

Again, I thank the Department of Energy and I thank the Secretary for his graciousness. Unfortunately, DOE has yet to hold any public meetings in recent years in Minnesota on the topic of, again, where is this going to go, what kind of training is there going to be, and how are we going to prevent an accident? To me, this is a key issue.

Example: The DOE environmental impact statement maintains that shipping high-level spent fuel casks on mixed general freight trains is acceptable. This would permit casks of high-level nuclear waste to be mixed among cars of corn, soybeans, autoparts, and other goods. I am concerned that the DOE's regulations appear to be market driven; mixed freight trains are cheaper than dedicated trains.

As the American Association of Railroads testified, DOE's position is ''driven, no doubt, by economic consideration.'' But the safe transportation of these highly toxic materials must take precedence over any cost considerations. I agree with the American Association of Railroads that dedicated trains would be a safer and more prudent alternative. I would like to have that laid out for me before we have a final vote on the repository.

Madam President, I believe a transportation plan for nuclear waste shipments should have a ''zero accident'' goal, but as yet the DOE doesn't even have a plan. A zero accident goal would reflect a culture in which safety is paramount and drives all aspects of the transportation system. That goal encourages a culture of safety.

I know there are safety concerns about these materials being stored where they are. The Department of Energy has argued that we need to consolidate this waste in one location. But that argument overlooks the fact that authorization of Yucca Mountain as a permanent repository doesn't solve these concerns. The only reactors that will get rid of their waste completely, according to the DOE, are those that are closed today—and those are not in Minnesota.

According to the draft environmental impact statement prepared by DOE, the Monticello and Prairie Island reactors will still have 111 and 344 metric tons of high-level nuclear waste, respectively, onsite when Yucca Mountain is full.

Despite what the proponents would have us believe, the DOE's proposal fails to eliminate Minnesota's nuclear waste. Nationwide, when the Yucca Mountain project is completed, there will roughly be the same amount of high-level nuclear waste at powerplants across the country as there is today. We simply cannot afford to overlook the real and pressing security concerns inherent with the transportation of this fuel, nor can we ignore the fact that the next generation will still be left with similar problems of what to do with the waste.

I will conclude this way. We urgently need to achieve a real solution to our storage problem with high-level nuclear waste, as opposed to forcing authorization of Yucca Mountain before there is a comprehensive plan for transporting the waste safely and securely before it is in place.

I believe the Department of Energy needs to immediately begin a true collaborative process, seeking broad-based stakeholder input on the real challenges of transportation safety and emergency preparedness. While the Department of Energy has elected to proceed with significant questions remaining unresolved, a comprehensive transportation plan developed through a consultative process would give DOE's proposal for Yucca Mountain the credibility it now lacks. The DOE should immediately organize a stakeholder task force to develop transportation recommendations that include the experts on the ground, such as Governors and their safety agencies, local elected officials of the large and small towns where the waste will travel, emergency preparedness experts, and public health and safety officials, and develop a responsible plan that would transport this waste safely before a final decision is made.

I believe there are a whole host of issues surrounding the transportation of nuclear waste material that must be addressed before final decisions are made on Yucca Mountain. We can make the decision next year or the year after. That would be fine with me—if these concerns can be met first.

Unfortunately, the administration has elected to force the issue before all these concerns can be sufficiently addressed. I want to be able to support this resolution. I would like to be able to vote to move the high-level nuclear waste out of Minnesota. But I cannot, in good conscience, do this before there is a comprehensive plan in place to protect Minnesotans as this radioactive waste is moved through our State to Yucca Mountain, and from our State to Yucca Mountain.

I think forcing the issue before such a comprehensive plan is in place would be a serious mistake, and that is why I intend to vote no on this resolution.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Madam President, while I have the attention of the Senator from Minnesota, the Department of Energy did a comprehensive analysis called ''The Spent Nuclear Fuel Transportation System,'' which I think encompasses a good deal of the concerns of the Senator from Minnesota. I encourage that he review it at his leisure.

I also remind my colleagues that the issue before us is simply licensing and the authority that this body gives the Department of Energy to proceed with the license. That licensing process will legitimately conclude in an evaluation of the adequacy of the transportation proposals either by rail, road, or a combination of both involving the Nuclear Regulatory Commission, the Department of Transportation, the Department of Energy, and the National Academy of Sciences. They are judged to be the best experts as opposed to those of us who obviously are not necessarily specialists but generalists in this area, although we have some expertise in legislation.

I also remind my colleagues that this is the formal process of some 20 years in evolution of addressing the procedure to address the waste.

I am sensitive to the needs of my colleagues from Nevada who obviously do not want the waste in their State, but I remind my friend from Minnesota that there are 835 metric tons of nuclear fuel stored in Minnesota in two locations, and that Minnesota has three nuclear units—Prairie Island 1 and 2 and Monticello.

As a consequence of the procedures we have initiated, there appears to be one of two solutions: We either proceed and let the experts in the agencies address a transportation plan in the sequence that has been laid out that follows after the licensing, or we are going to be right back where we were 20 years ago on what to do with the waste. I can assure my colleagues, nobody wants it, but we have created it, and we have an obligation to take care of it.

I would like to identify, so we can move along in sequence, those speakers who have requested time on our side. We have Senator BINGAMAN, who has asked for 10 minutes; Senator THOMAS, some 8 to 10 minutes; Senator CRAPO, 5 minutes; Senator KYL, 10 minutes. I would like to reserve some time for myself, about 20 minutes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I will say quickly that this document about which my friend from Alaska refers is not worth the paper on which it is written. It talks about 4,300 shipments on trains—they have no trains at Yucca Mountain, 100 miles from any train. This piece of trash—and that is what it is—is typical of what the Department of Energy has done. It is one big lie after one big lie.

As indicated by anyone who looks at it, there are 292 reports that they did not even wait to see what the answers would be. The General Accounting Office said that, not some radical environmental group—the General Accounting Office. So the statements of my friend from Minnesota are directly on point. This means nothing.

Madam President, in keeping with having some degree of preciseness on the floor—I will be happy to yield some time to my friend—I am going to yield 10 minutes in a minute to the Senator from Minnesota and then it is my understanding the Senator from Alaska will yield 10 minutes to the Senator from New Mexico, and following that, I will yield 10 minutes to the Senator from California, Mrs. BOXER, who almost made it here this morning. Then if the Senator from Alaska has somebody who wishes to speak, that is fine; otherwise, I will yield time to the Presiding Officer, who will be out of the chair at that time, just to give an idea of how we are proceeding.

How much time does the Senator from Minnesota wish before I yield to his colleague?

Mr. WELLSTONE. I say to the Senator from Nevada, 1 minute.

Mr. REID. I yield my friend 2 minutes.

Mr. WELLSTONE. Mr. President, I say to my colleague from Alaska, I have over and over—my position is a somewhat different position than the Senator from Nevada—over and over I have said do not separate Yucca Mountain; you already put $7 billion into it. Why not lay out a comprehensive plan about how you are going to transport this safely to Yucca Mountain? That has been my issue over and over. I have asked the Department of Energy when will there be such a plan? Two years? Three years? Four years? I think we are now talking about several years in the future.

I want to make it crystal clear to me that to vote for Yucca Mountain without those assurances, without the assurances about how it is going to be done safely, without the input of local communities, without the commitment that people will be trained, without any of those assurances whatsoever, it seems to me to be not responsible. That is my first point.

My second point is to one more time say to my colleague and say to all colleagues, though there are those who would have us believe Yucca Mountain will eliminate Minnesota's nuclear waste, as a matter of fact, according to the draft environmental impact statement by the DOE, we still will have 111 and 344 metric tons of high-level nuclear waste in Minnesota onsite at Monticello and Prairie Island.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, a little simple math: 77,000 tons now exist. They can move at most 3,000 tons to someplace; let's say Yucca Mountain. These reactors produce over 2,000 tons. I repeat, the math is not very much. The big lie has been the fact that they say they are going to have only one repository. They are still going to have 131 repositories. That is the way it is going to be. This is a big lie they have perpetuated for many years now, and it is absolutely false that they are going to have one repository. They will continue to have 131, plus the mobile Chernobyls that will be all over America on trucks, barges, and trains.

I yield 10 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. I thank the Chair.

Madam President, I thank my very distinguished colleague from Nevada for granting me time. I join with my senior colleague from the State of Minnesota who spoke very eloquently before me. I have come independently to the same conclusion as he that I will vote against designating Yucca Mountain as a national nuclear waste repository at this time.

I do so because there are simply too many unanswered questions, untested designs, and unproven procedures to approve a project that has such enormous consequences.

Building a safe and secure storage site at Yucca Mountain and then filling it with some 77,000 tons of nuclear waste will take the next 30 to 40 years. That is the rest of my generation's lifetime.

Throughout those three and four decades, the design, the construction, the loading, the unloading, and the safe transportation of over 150,000 pounds of extremely poisonous nuclear waste must all be done perfectly—at least almost perfectly. One accident, one rupture, one attack would have devastating effects on the lives of people today and for generations to follow, as one look at a victim of the Chernobyl nuclear accident would confirm.

That is the easy part, those 30 to 40 years. Now those 150,000 pounds or as much as 200,000 pounds of radioactive waste has to be stored, contained, and isolated perfectly—almost perfectly—for thousands of years.

That it must be nearly perfect does not mean it is unattainable or unsustainable, but it does mean that the standards for approval must be very high. The standards of reliability, of proven technology, of public safety must be extraordinarily high. They must be met and maintained with certainty, and that certainty must be guaranteed to the American people.

This project is nowhere near that standard today, not even close. That is why we should not even be considering the approval we are being required to give or to deny today. This is not what the law proscribes.

The law states, as it has for the last 20 years, that within 90 days after Congress's final approval, which will be today if this body so decides, the Department of Energy shall submit its application to the Nuclear Regulatory Commission.

According to the Secretary of the Department of Energy, the Department is at least 2 years or more away from being ready to submit that application. According to the private project manager, Bechtel Corporation, DOE is 4 years or more away from being able to submit an acceptable application.

I was not here in 1982 when the law was passed, but clearly the lawmakers intended, and I believe wisely so, that Congress's final review of this project would be within 90 days, or very shortly before the Department of Energy made its application to the Nuclear Regulatory Commission; in other words, after all the testing and design and evaluation had been completed. Today we can do nothing more, if we are so inclined, to say it looks OK or it does not look OK. A lot more has to be done.

As the Senator from Nevada pointed out correctly, the Department of Energy has still almost 200 tests and assessments remaining that it agreed, itself, with the Nuclear Regulatory Commission would have to be completed before the Department of Energy could even submit an acceptable application for site construction to the Nuclear Regulatory Commission. Just to develop an acceptable application, it has to complete some 200 more assessments. Then the Nuclear Regulatory Commission has up to 4 years to review. There is no one else who has the expertise beyond ours and is associated with this project who maintains it is even ready to begin to be considered. Why are we put in a position of acting on it today? Why even consider approving it today?

Given those high standards that are necessary, some of the recent critiques of expert advisory boards and commissions are truly alarming. A January 24 letter of this year to Congress by the U.S. Nuclear Waste Technical Review Board stated:

> The Board's view is that the technical basis for DOE's repository performance estimates is weak to moderate at this time.

Weak to moderate is a long ways from perfect.

In a September 18, 2001, letter to the Chairman of the U.S. Nuclear Regulatory Commission, the Advisory Committee on Nuclear Waste documented its review of the Department of Energy's performance modeling called TSTA–SR. The committee's ''principal findings are that this system does not lead to a realistic risk-informed result and does not inspire confidence in the TSTA–SR process. In particular, the TSTA–SR reflects the input and results of models and assumptions that are not founded on realistic assessment of the evidence. The consequence is that TSTA–SR does not provide a basis for estimating margins of safety.''

Others who have written and raised similar questions and concerns. I believe we should say no to the Yucca Mountain site today, not to remove it from further consideration but we should not commit ourselves to a decision that will affect the lives of millions of Americans today and for generations and generations to follow based on insufficient evidence, inadequate testing, incomplete analyses, undocumented strategies. In a sense, the Senate would be put in a position to make that attestation today which

no one could responsibly make about this project, particularly given this level of assurance that the American people deserve.

Finally, as to the citizens of Nevada, they have been remarkably, extraordinarily well served by the two Senators from that State, Senators REID and ENSIGN. We preside in the Senate in inverse proportion to our seniority, which means I—being 100th in seniority—spend as much time presiding as anyone else; I therefore have a chance to observe what is going on in the Senate. The senior Senator from Nevada, Mr. REID, has been unbelievable in his tireless pursuit of every Member of this body to discuss and to reason and implore their recognition of the facts as he has so well articulated. Senator ENSIGN is in his first term and has encountered an enormous responsibility to his State which he has also performed remarkably well.

Regardless of the outcome of today's vote, I cannot imagine any two people who could have possibly done more, tried more, put more of themselves, heart and soul, into doing what they believe with all their fervor is the right thing for the people of Nevada, and I believe for the people of the United States, including the people of Minnesota, which is to vote no against Yucca Mountain as a site today.

I yield the floor.

Mr. MURKOWSKI. Madam President, before I yield to the chairman of the Energy and Natural Resources Committee 7 to 10 minutes, I point out that for the past several decades we have moved nuclear waste safely in this country. We have had 2,700 shipments in the past 30 years. We have shipped 1.7 million miles. We have not had a single harmful release of radioactivity. This is substantiated by the testimony in the committee. Both the Regulatory Commission and the Department of Transportation, the agencies responsible testified that the waste can be ''safely and securely transported.''

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I appreciate my colleague from Alaska yielding me a few minutes to express my views on this issue.

We are in a debate now about whether to proceed to consider S.J. Res. 34 which would approve President Bush's recommendation of Yucca Mountain as the site for the development of a nuclear waste repository. The resolution does not authorize construction of a repository. Similarly, it does not authorize the transportation of nuclear waste to Yucca Mountain. What the resolution does do is allow the Department of Energy to apply to the Nuclear Regulatory Commission for a license to begin construction of the repository. The Department of Energy still needs to persuade the Nuclear Regulatory Commission that the repository would be safe before construction could begin and before shipments to the repository could begin. Failure to approve the resolution that we are talking about, S.J. Res. 34, would terminate the Nation's nuclear waste program.

The Nuclear Waste Policy Act of 1982, passed before I came to this Senate, gave the Governor of Nevada the power to veto the President's site recommendation, and the Governor of Nevada exercised that authority in April. If the President does not join the House of Representatives in voting to override the Governor's veto by the 27th of this month—this July—the Governor's veto stands. If the Governor's veto is sustained, either the waste will stay where it is, in temporary aboveground holding tanks at 72 nuclear powerplant sites and 4 Department of Energy nuclear weapons plants in 39 States, either it stays where it is in those locations from now on, or Congress will have to pass a new law to authorize the Department of Energy to search for a new site, leaving the waste where it is safe enough in the short run.

I am not one who is saying there is an imminent health risk or safety risk from leaving the waste where it currently is in the short run. However, it is not an acceptable long-term solution. It would require constant monitoring where it now is and frequent replacement of the storage containers for thousands of years, or the waste will escape into the environment. That is based on the expert testimony we received in the committee hearings.

Looking for another site, without allowing the Nuclear Regulatory Commission to consider Yucca Mountain, to consider an application for a license to use Yucca Mountain, is not a realistic course of action. We have spent 20 years; we spent $4 billion looking at Yucca Mountain already. No one has found a technical or scientific reason that makes it unsuitable as yet. We are not likely to find a better site next time, but, of course, if the Nuclear Regulatory Commission determines that another site has to be found, then we can take on that task.

The Committee on Energy and Natural Resources, which I chair, of which my colleague from Alaska is the ranking member, carefully considered the arguments against the repository that have been raised by opponents of the project. I am the first to admit that not all of the questions that have been raised by the opponents have yet been adequately answered. They have not been. Many of those are questions, though, that are best answered by the Nuclear Regulatory Commission in its licensing procedures and nothing in the record before us justifies a decision, in my view, to terminate the program at this stage.

The hearing record that we compiled in the Energy Committee supports approval of the resolution and it supports allowing the waste program to continue. While not prejudging whether it will approve a license application for Yucca Mountain, the Nuclear Regulatory Commission itself—and we had the Commission members there testifying before our committee—testified that they believed nuclear waste can be safely transported and safely buried at a repository. Not necessarily this one—that will be a decision they will make in the future—but at a repository.

The Nuclear Waste Technical Review Board testified that:

> No individual technical or scientific factor has been identified that would automatically eliminate Yucca Mountain from consideration.

The Environmental Protection Agency testified that the radiation protection standards that will apply to this repository are ''among the most stringent in the world.'' If the repository complies with them it ''will be fully protective of public health and the environment.''

That is ''if'' the repository complies with these standards. As I say, that is a decision the Nuclear Regulatory Commission will make in the future.

In addition to these agencies of the Federal Government, we also heard from the U.S. Geological Survey. They stated:

> The scientific work performed to date supports a decision to recommend Yucca Mountain for development of the nuclear waste repository [and that] no feature or characteristic of the site . . . would preclude recommending the site.

So based on this record, the committee found no reason to terminate the program.

The National Academy of Sciences has said:

> [G]eological disposal remains the only scientifically and technically credible long-term solution available to meet the need for safety without reliance on active management.

We have a responsibility to dispose of these wastes rather than leave them for future generations to deal with. I do not favor just kicking this can down the road and leaving it for someone else to act.

In sum, a vote for the motion to proceed on the resolution is not a final vote to put nuclear waste in Yucca Mountain. It is a vote to let the Department of Energy apply for a license, a vote to let the technical experts at the Nuclear Regulatory Commission decide whether Yucca Mountain is, in fact, safe.

A vote against the resolution is a vote to stop the program in its tracks, to leave the waste where it is with no alternative strategy for finding another site, and, frankly, with little or no chance of putting together a political consensus to find another site in the foreseeable future.

On the basis of those reasons, I urge my colleagues to approve the motion to proceed and to approve the resolution.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I will yield to my friend from California in a minute, but this is another one of the fallacies of this

whole debate. Isn't it too bad we have worked on it all this time, and if it doesn't go through, what are we going to do?

Chairman Meserve of the Nuclear Regulatory Commission said less than a month ago:

> If Yucca Mountain were to fail because of congressional action, that does not mean all of a sudden from a policy point of view that the country is at a stalemate and is confronting imminent disaster.

Of course he would say that. We have nuclear reactors around the country that are using their facilities to store the stuff onsite—safely, in dry cask storage containment. You don't have all the worries of transportation. It is safer than trying to haul this stuff past our schools and homes. This is an argument that is without foundation. It would not mean the end of the nuclear world at all.

I yield 10 minutes to the Senator from California who, I would state, is the chair of the environmental task force Senator DASCHLE has set up and who has done an outstanding job pointing up the environmental problems we have in America today.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, it is indeed an honor to stand with my friend from Nevada on this issue because there can be no higher calling that we have than to protect the health and safety of the people we represent—no higher calling.

It seems to me very interesting that, as we are about to address a very important subject of corporate irresponsibility and try to fix the mess that is happening on Wall Street, we would be disrupted from that task to go to an issue such as this, which is so very harmful to our people. I am going to take some time to explain it.

My State of California is one of the most affected by the Yucca Mountain project because Yucca Mountain is only 17 miles from the California border and from Death Valley National Park. Scientific studies have shown that the regional ground water aquifer surrounding Yucca Mountain discharges into Death Valley because Death Valley is down gradient from Yucca Mountain. If the ground water is contaminated, that will mean the demise of the park and the surrounding communities.

The tests that have been done on the site are not what we would want to see. We see leakage; we do not see dryness. We see problems with Yucca Mountain that would lead most people to assume there will be a problem with leakage into the ground water. It is an absolute travesty waiting to happen to my State.

The long-term viability of the fish, the wildlife, and the human population is dependent on this aquifer. Water is life in the desert. Water quality must be preserved. Given the threat posed by Yucca Mountain, I have opposed it, and that was before 9–11.

Since 9–11, we have a whole other area of concern and that is taking this waste from all over the country and putting it on trucks or trains and shipping it across this country. It is an absolute disaster waiting to happen. This is so hot that it has to be cooled for—I say to my friend from Nevada, Senator REID, am I correct in saying that waste is so hot that it has to be cooled? And for how long does it have to be cooled?

Mr. REID. I will respond to my friend from California. National Geographic this month has a wonderful article on nuclear waste. Among other things, it confirms what we have known for a long time. The nuclear reactors in America and around the world are 97 percent inefficient. That means you put in a fuel rod in a nuclear reactor and when they take it out, it still has 97 percent of its radioactivity. It has only used 3 percent.

The nuclear reactors are so inefficient they have to take them out of the reactors and put them in water. You cannot take them out of the water for at least 5 years for them to cool down.

Mrs. BOXER. Five years.

Mr. REID. Five years for them to cool down. So I say to my friend from California, all this talk about we need to have one site, we don't need to have 131 sites—the fact is, they are always going to have spent fuel at the sites of the power-generating facilities.

Mrs. BOXER. I thank my friend. I knew this waste was so hot that it would have to be cooled down, but I wasn't aware that it was for 5 years.

Post 9–11, you would think this administration would think twice, or three times, or six times, before they would go ahead and give the order for this waste to move. We have given the airlines billions of dollars. We are spending so much to make airports safe and here we have this administration, the one that tells us we are in a war—there is not a speech this President makes that he doesn't remind us that we are in a war—is ready to put this kind of material on our roads.

I am just incredulous. The only thing I can come up with is, who is really behind all of this?

I have a list of some of the people who are pushing for this. Let us put that on the floor since we are talking about corporate power this week.

We have the Nuclear Energy Institute. There are 260 companies in the Nuclear Energy Institute pushing this. They include Enron, First Energy, Bechtel, Duke Energy, and General Electric, to name a few. There are a lot of special interests—260, to be exact—pushing this.

But where are the people? The people will be living in fear, I guarantee you, when this starts.

Let me show you a map which I think my colleague must have shown before. Let me show you a map first of just one area, Sacramento. The red area is within 1 mile of one of the proposed routes. The yellow area is within 3 miles of the proposed route, and the light yellow is within 5 miles.

If you look at all of this, you see these little arrows. They are actually schoolhouses. These are the schools located so close to this traffic. The H's are the hospitals. We have 167 schools that are within 5 miles in this area. There are seven hospitals within 5 miles.

The PTA has sent us a letter against this project.

Where are my colleagues? You would think 9/11 never happened. You would think 9/11 was just something in a movie. The PTA has basically told us: Don't do this until you have a plan that you can prove is safe.

Mr. REID. Madam President, will the Senator yield for a question?

Mrs. BOXER. I would be happy to.

Mr. REID. The Senator mentioned the 260-plus companies that make up NEI. Is the Senator aware that there is a lawsuit now pending to have the Vice President of the United States divulge who he met with at those energy companies and what they talked about? Is the Senator aware of that?

Mrs. BOXER. I am certainly aware of that.

Mr. REID. I felt so strongly about that issue that I filed an amicus curiae brief joining with the GAO to have him divulge that information. I will bet a significant number of the 261-plus companies met with him to develop the energy policy this administration came up with. Does the Senator suggest that is probably true?

Mrs. BOXER. Given the track record of this administration in terms of its energy policy and the President's lack of anything very exciting in terms of how we are going to regain the confidence and trust of the people, it is very possible—indeed, probable, in fact—that these companies, or certainly their representatives, met with the Vice President.

I will tell you, when that comes out, we will know even more why, even after 9/11, they had this plan.

This is just one area—Sacramento. I want to show you Los Angeles. We are not talking philosophy or ideology. We are talking about the hottest, most dangerous waste known to humankind coming near schools and hospitals in my State and in almost every other State.

Again, the red area is within 1 mile of the route. The yellow area is within 3 miles. The light yellow area is within 5 miles. We have 446 schools within 5 miles of these routes. Is this what we owe those little kids? Is this what we owe them? Are they going to close the school down when they transport this near by? There are 23 hospitals within 5 miles.

I am amazed we are debating this issue. I am amazed we are debating this issue. The Department of Energy doesn't tell us what the final plan is. You know why? It is because of the outcry in the country when that final plan comes forward.

Attorney General Ashcroft has said we should worry about a ''dirty'' bomb. And we all do. We already know it has been disruptive. That is a ''dirty'' bomb. That is material that doesn't even come close to the danger of this material.

I want to give you the facts about what happens in California with the transportation of this waste.

We have 35 million people in our State. Seven million people in California live within 1 mile of the proposed route.

I ask my colleague for 5 more minutes.

Mr. REID. I yield the Senator from California 5 more minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 more minutes.

Mrs. BOXER. There are 231 hospitals within 1 mile of the proposed route. There are 3,500 schools within 1 mile of the proposed route. Nuclear waste shipments in California over the life of the project, if done by truck, will be 14,000-plus; if done by train, 13,000-plus; 2,040 metric tons of nuclear waste at facilities throughout California now—which means that even with the Yucca Mountain we are going to have nuclear waste in the State, which is also the case with most of our States.

Our Attorney General had a press conference about the potential of a ''dirty'' bomb. We worry about where the terrorists are going to get this material. This administration has been backing the transportation of the most dangerous nuclear waste and not even mentioning 9/11. It is almost like a Rip Van Winkle situation when it comes to Yucca Mountain. Well, we have done it; we spent the money; and, we have invested it. It doesn't matter—9/11, or anything else. You could have another terrorist and it would still be here for Yucca Mountain.

Loud special interests are behind this vote. That is the only way you can come to any other conclusion.

I will tell you some of the people who oppose this. I mentioned the PTA. I will give you some more: The Alliance for Nuclear Accountability, American Land Alliance, American Rivers, American Public Health Association, Clean Water Action, Environmental Action Foundation, Environmental Defense, Fellowship of Reconciliation, Friends of the Earth, and the Government Accountability Project. It goes on: League of Conservation Voters, International Association of Firefighters.

Do you want to be a fireman and get called to a fire when one of these accidents happens? The Department of Energy has said they know already there are going to be accidents. Is that 100 accidents? They predict that already.

The International Association of Firefighters knows what that could mean to their lives.

Who are we fighting for here? I say to my colleague, this is a moment of truth for every person here.

You could look at the United Church of Christ, United Methodist Church, Wilderness Society, and the Women's Legislative Lobby in Washington. These are people who have spoken out.

I ask unanimous consent to have this entire list printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ORGANIZATIONS OPPOSED TO THE YUCCA MOUNTAIN NUCLEAR WASTE DUMP

Alliance for Nuclear Accountability, Seattle, Washington, American Lands Alliance, Washington, DC, Americans for Democratic Action, Washington, DC, American Rivers, Washington, DC, American Public Health Association, Washington, DC, Center for Safe Energy, Earth Island Institute, Berkeley, California, Clean Water Action, Washington, DC, Defenders of Wildlife, Washington, DC, Earthjustice, Oakland, CA, Environmental Action Foundation, Takoma Park, Maryland, Environmental Defense, New York, NY, Environmental Working Group, Washington, DC, Fellowship of Reconciliation, Nyack, NY, Free the Planet!, Washington, DC, Friends of the Earth, Washington, DC, Government Accountability Project, Seattle, WA, Grandmothers for Peace International, Elk Grove, CA.

Greenpeace, Washington, DC, Honor the Earth, St. Paul, Minnesota, Indigenous Environmental Network, Bemidji, MN, Institute for Energy and Environmental Research, Takoma Park, Maryland, International Association of Fire Fighters, Washington, DC, League of Conservation Voters, Washignton, DC, League of United Latin American Citizens, Washington, DC, National Education Association, National Environmental Coalition of Native Americans, Prague, OK, National Environmental Trust, Washington, DC, National Parent Teacher Association, National Wildlife Federation, Washington, DC, Natural Resources Defense Council, Washington, DC, Nuclear Information and Resource Service, Washington, DC, Pax Christi USA, Erie, PA, Peace Action, Washington, DC, Physicians for Social Responsibility, Washington, DC.

Presbyterian Church (USA), National Ministries Division, Washington, DC, Psychologists for Social Responsibility, Washington, DC, Public Citizen, Washington, DC, The Safe Energy Communication Council, Washington, DC, Scenic America, Washington, DC, Sierra Club, Washington, DC, Union of American Hebrew Congregations/Religious Action Center of Reform Judaism, Washington, DC, United Church of Christ, Office for Church in Society, Washington, DC, The United Methodist Church, General Board of Church and Society, Washington, DC, U.S. Public Interest Research Group, Washington, DC, The Wilderness Society, Washington, DC, Women's International League for Peace and Freedom, Philadelphia, PA, The Women Legislators' Lobby (WILL), Washington, DC, Women's Action for New Directions (WAND), Washington, DC, 20/20 Vision, Washington, DC.

Mrs. BOXER. Madam President, I want to conclude and say I could show you other charts that show the impact on other States. But I have made my point. This nuclear waste is going to go by schools, it is going to go by hospitals, it is going to go by our families, it is going to go by our children, it is going to go by our homes, and it is going to go by our businesses. And post-9/11 we don't even have the final plan.

I am proud to stand with my friends from Nevada. I am going to be in this fight if they need me because I believe there are some moments on this floor when you have to step up and realize you are here for a brief time, but decisions we make can come back to haunt us. I hope today people will think about that and vote with my colleague from Nevada.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Madam President, let me point out a couple of facts that perhaps some Members have not reflected upon.

There are no proposed routes. There are only potential routes.

While the Senator from California points out routes around Sacramento or Los Angeles, they have simply taken every major route that has the potential of moving nuclear waste and said this is, in fact, a proposed route.

That is hardly accurate. It is fair to say there is no Yucca transportation route yet. What opponents have done is they have selected every major highway in the U.S. and simply called it ''proposed.'' That is certainly stretching things to suggest it is going to go by hospitals, it is going to go by schools.

Clearly, there are efforts being made by the responsible agencies. If we create these agencies, we have the oversight. If we do not have the faith in them to do their job—the Department of Transportation, the Department of Energy, the Nuclear Regulatory Commission—are we to micromanage, if you will, when waste has been moving safely across this country for decades, and to suggest that somehow we cannot move it safely?

California is 17-percent dependent on nuclear energy. I am looking at a spreadsheet. Cumulative spent fuel, in California, at the end of the year 2000, was 1,954 metric tons, not including 98 metric tons from the San Onofre Nuclear Reactor. There are 403 metric tons at shutdown reactors, 11 metric tons in dry storage. It is going to stay there unless it is going to be moved somewhere. It has to be moved by a route. It has to be moved safely. Is it going to be moved by train or by highway?

Clearly, we have moved 2,700 shipments in 30 years 1.7 million miles, and with not a single harmful release of radioactivity. We have had shipments to WIPP in New Mexico—900 shipments, since 1997, 900,000 shipment miles, and not a single harmful release of radioactivity.

Do you think we are the creators of moving this stuff? In Europe there has been 70,000 tons shipped safely over 25 years. So this isn't something that has just happened.

We have moved high-level nuclear waste across this country. Now we are talking about moving waste out of our reactors. We are talking about doing it responsibly.

Some of these arguments—we have heard the term ''red herring.'' Well,

this is a ''nuclear herring,'' if you will. Maybe it glows in the dark. But it certainly suggests, in this debate, that somehow we are doing something new in this country, that we are doing something that is high risk in which we have not had any experience.

Again, in reference to bringing this discussion in the parameters, we are not moving it to Yucca Mountain today. We are simply authorizing the administration to proceed with the license process which will address the legitimate transportation questions that are coming up in this debate.

I yield the floor to my good friend from Wyoming.

How much time would the Senator from Wyoming require?

Mr. THOMAS. I think about 10 minutes, please.

Mr. MURKOWSKI. I yield 10 minutes to the Senator.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, this is an issue we have talked about for a good long time. Some of the things I have heard today are quite different than what we have talked about before. Nevertheless, everyone is entitled to their own views.

I think, as has been mentioned, we ought to remind ourselves what the purpose of this particular vote is about. It is to make it possible for the Secretary to apply for a license to construct a site at Yucca Mountain. If this fails, then ever since the 1980s, 24 years of work, and $4 billion worth of expenditures will be halted and nothing more will happen.

This is not the final issue to be talked about. This is not the issue of transportation. This is the issue of whether or not to move forward and license the site, which will then provide the opportunity and the necessity of moving on to other issues, such as defining the transportation routes and dealing with the safety of transportation.

I think we ought to keep in mind what we are doing here and that is to authorize them to move forward in licensing the site. The site, of course, is one of the most important issues before us. It has been said a number of times that there are 131 different sites where waste is stored. Not all of those sites will disappear, of course, but many of them will. Those that have been Government used, that are not continuing to be used, will be gone. We will have fewer sites.

I do not hear anyone talking about solving the problem. All I hear about is avoiding coming to a decision. I think we need to ask ourselves which is better in terms of safety: to have it generally in one place or to have 131 different sites?

Talking about trying to have protection and security, how much security do you think there is in every one of these sites? If you are talking about September 11, you have to talk a little bit about having all these sites. We are trying to consolidate some.

So it has been interesting to hear the kinds of reactions that we have had. The site is there, of course, because Yucca Mountain is 90 miles from the nearest population centers. It is one of the most remote places in the country. The climate is conducive to storage. There are multiple national barriers in order that tunnels can be stored. There is great depth, 2,600 feet deep underneath, an isolated basin.

So this is something that has been selected with a very great deal of study from a number of places. This is the one that was decided upon to be the best. So that is where we are.

It is interesting, all we hear about are problems. I think it is up to us to talk about some solutions. I hope we can do that. In fact, I think to say this Energy Department material is not useful is a stretch. Certainly this material has been studied. Experts have put this information in there.

Some of the information we are hearing lacks a little bit. At the hearings we held, there was a gentleman who had been the past director of highway safety who was talking about highways. I asked him who he was working for. It turned out he had been paid by the State of Nevada. Talk about people being in support of the idea and causing people to have their positions the way they are.

Let me talk a minute, though, about transportation. Obviously, transportation could very well be going through our State of Wyoming, although, as the Senator from Alaska points out, those decisions have not been made. Everyone is talking about where it is going to go. That has not been decided. In fact, I have written a letter to the Secretary of Energy to ensure, as we move through this particular decision, that we will move on, then, to an equally difficult decision about transportation, and also to get assurance—which he has assured us—that the Governors and officials in the States will coordinate and will be cooperative workers in terms of deciding what the routes are.

In any event, we have talked a little bit about the history of transportation. It is very impressive. We have had 30 years of transportation of nuclear waste of various kinds without an incident. We have had that over 1.5 million miles. It is handled safely.

I was surprised. At the hearing, they had a sample on the floor of the kinds of containers that spent nuclear material is in. I had no idea, frankly, what it was. But they are in solid pellets, approximately the size of a pencil eraser. And they are secured in multiple layer metal tubes. They are hard, and they are solid.

Nuclear waste is not fluid. It is not a gas. It will not pour or evaporate. It is in these big, hard vats that are set up for it. Nuclear waste, nuclear fuel does not burn, as a matter of fact. It is not flammable, even if it is engulfed in fire.

Spent nuclear fuel cannot explode. We sort of get the notion that it is going to go up in a big puff. That is not the case. It is transported in strong thick-walled casks, casks that have been dropped from 30 feet in a free fall from helicopters to be tested. And they have a puncture test with a special way to do it. They have flatbed trucks that have been smashed into a 700-ton concrete wall at 80 miles an hour.

There is safety here. Safety, of course, is a high issue for all of us. No one would suggest it should not be. Most of it will be done by train, not on the highways. These are the things we will have to deal with and we will deal with over a period of time.

We should start, of course, with dealing with the question. We have agreed, in 1982, to take care of this waste, particularly in the commercial uses that have been there. They have been taxed $17 billion to do something with it. What they are doing with it now is not the safest thing that can be done.

I know when you talk about nuclear, everybody swells up, but it is interesting to also recall that Illinois, for example, generates over 30 percent of their electricity with nuclear. Of course, there is nuclear waste. But we need to do something with it. We are going to be moving more toward it.

On the other side, it is one of the cleanest kinds of electric generating fuels we can have. I guess if I have been impressed by anything in this discussion, it is that we haven't really dealt with the problem, How do we solve it? What we have talked about, what we hear about almost all the time, is how do we avoid making a decision on an issue that is there, and one that is obviously going to be there until we do something about it, until we follow through on what we agreed to do in 1982 and have not done since, and haven't heard much about, as a matter of fact. We spent $4 billion in Nevada. We didn't hear much about that. Fine.

I hope we can go ahead and deal with this, support this portion of the total decision that needs to be made, move forward on this site, and then deal with the other issues that come before us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I will yield to my friend from Michigan in a second. I do want to say, however, that of course the routes Senator BOXER talked about are the routes proposed by the DOE in their final environmental impact statement. They have said they are not sure this is the final transportation plan they will have, but that is what they have said so far.

Jim Hall, former head of the National Transportation Safety Board, said in testimony: What I find more shocking about the Yucca Mountain project is that DOE has no plan to transport spent nuclear fuel to its proposed repository.

Secretary Abraham testified last week that DOE is just beginning to formulate preliminary thoughts about a transportation plan, even though in

the final environmental impact statement they did give us these routes about which Senator BOXER and others have talked.

Puncture tests? Sure, there are puncture tests. We know a shoulder-fired weapon will go through one of those canisters of spent fuel rods. We know that. The tests have been proven. We also know they don't withstand fire. Diesel fuel burns at 1,400 degrees. They have only had these tests go up to 1,200 degrees. If you have a fire and a diesel truck is carrying this, it will breach the container.

The things we are being told simply have no validity. We talk all the time about all this dangerous stuff that has been hauled. Let me tell you about the WIPP facility. The WIPP facility is the waste isolation project in New Mexico. WIPP is the most highly planned nuclear shipment we have ever had. Yet the first shipment went the wrong way, 28 miles the wrong way, and was turned around by the local police department. The DOE satellite tracking system didn't work. The truck was going 28 miles the wrong way. It turned around. It was 56 miles on a road on which they were not supposed to be.

Eighty percent of all traffic accidents are not as a result of anything going wrong with the equipment; it is human factors. That is what this is all about.

No harmful releases of radiation? That is laughable, Mr. President. There have been accidents, and there have been releases over these 2,700 shipments. Some of those have dealt with pounds of stuff, not tons. On one of these trucks, the cannister alone was 10 tons. There have been releases over the years that they have been doing this. The DOE itself says there will be at least 100 accidents. That is in their proposed findings in the environmental impact statement.

Someone can vote against this with goodness in their heart. They are doing the right thing. This is not good for the country.

My friend mentioned France and Germany. They may have hauled a lot of stuff, but they haven't hauled a lot of stuff lately because it has been stopped in its tracks. Germany has given up trying to haul it because people lie down in the streets and chain themselves to railroad tracks.

I yield 10 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 10 minutes.

Ms. STABENOW. Mr. President, I thank my colleagues from Nevada for their leadership on this very important issue for all of us. I know my colleagues on both sides of the aisle will join me in saying there is not a more revered Member of this body than our senior Senator from Nevada. I thank him for his leadership, his intelligence, his compassion, and his advocacy on this particular issue as well as many others.

When I was in the Michigan Senate, I helped to lead an effort to stop putting casks along Lake Michigan and our nuclear facilities because of my concern about the waste being along Lake Michigan. I certainly still have that concern. We lost that, and the waste is there.

On first blush, when I was in the House of Representatives, I thought supporting a permanent nuclear storage site at Yucca Mountain was a good idea. I want the waste out of Michigan. There is no question about it. My preference, if we could say, ''Beam me up, Scottie,'' would be to move the waste out of Michigan.

Unfortunately, by very close examination of the facts and information from the Department of Energy, their current documents, I have come to the conclusion that this proposal not only will maintain existing threats to the Great Lakes but will create new ones, new security risks, new environmental threats for the Great Lakes and for Michigan families. I am deeply concerned about that and frustrated because fundamentally I want the waste out of Michigan. But I do not want to create more threats in the process.

It goes without saying that the world has changed since September 11. We know that. We hear that all the time from our President. We say that on the floor of the Senate practically every day. The world has changed since September 11.

Since the tragedies in New York and Pennsylvania and the Pentagon, we have administration officials who daily tell us that we are going to see further attacks. On May 19 of this year, the Vice President stated on ''Meet the Press'' that the prospects of a future terrorist attack against the United States are almost certain and not a matter of if but when. That should be a concern—and I know it is—for all of us. It should in some way be a shadow over every decision we make today in this body for our families, for the families we represent.

On June 10, as we all know—just a month ago—the American people became aware of a plot to potentially detonate a so-called ''dirty'' bomb which could kill thousands of people and send poisonous nuclear matter throughout the air, exposing hundreds of thousands more people to nuclear radiation. This causes me to pause and look at what we are doing in a new light. September 11 and the ongoing war against terrorism has, in fact, put this in a new light for me. I have examined how the nuclear waste from Michigan's storage sites would be transported across Michigan to Yucca Mountain and, unfortunately, I am very concerned there is not a plan by the Department of Energy to protect those shipments from terrorist attack.

I have asked the questions of our State government, I have asked the questions of our Department of Energy, and I am told, as we have heard over and over again, that the Department is only beginning to look at developing a transportation plan and designating transportation routes. Yet we are asked to decide today on this project without that information.

I am also very concerned the Department has not implemented any additional security requirements for transporting nuclear waste since 9–11 to ensure safety and protect the shipments from terrorist attack. In addition, I am very deeply concerned to find that there is no Government agency that has conducted full-scale physical tests of the casks that would be used to transport high-level nuclear waste to Yucca Mountain; nor have these test requirements been reviewed or strengthened to take into account how the casks would perform under a potential terrorist attack.

This is a new day. There are new questions and new tests that need to take place in light of our current reality as Americans.

I am very concerned today, when I pick up the Washington Post and find that they further reveal that the EPA has been keeping under wraps a February 2002 report that concludes that they are not fully prepared to handle a large-scale nuclear, biological, or chemical attack. The EPA is the primary agency for providing support to State and local governments in response to a discharge of nuclear or hazardous materials, and they are not fully prepared to deal with current security threats.

How well prepared will they be once thousands of nuclear shipments begin to travel by our schools, our hospitals, through our communities, our residential neighborhoods, en route to Yucca Mountain.

I also discovered, Mr. President, in my examination of the Department of Energy's own documents, that most of the waste stored in Michigan will never make it to Yucca Mountain. That is a pretty big discovery for me. Most of the waste in Michigan will never make it to Yucca Mountain. As long as nuclear powerplants operate in Michigan, new nuclear waste will have to be stored in cooling pools, as indicated by my colleagues, on the shores of the Great Lakes for 5 years at a time so they can be cooled before they are transported anywhere. Much of the nuclear waste in Michigan will not be moved to Yucca Mountain because Yucca Mountain will reach its full capacity within the first 25 years of operation.

While I want the waste out of Michigan, away from its shores, We have a worst case scenario for the people of Michigan. The nuclear waste will continue to sit on the shores of the Great Lakes and also be traveling on our roads and railways—and, Heaven forbid, even barges on the Great Lakes—past our communities, neighborhoods and schools.

Let me speak to that new threat that, unfortunately, is in the environmental impact statement the Department released just a few months ago,

which raised a tremendous red flag for me. The Department of Energy's final environmental impact statement describes barging nuclear waste on the Great Lakes as a transportation option. Now, in fairness, they indicate that while there could be as many as 431 barge shipments of nuclear waste on Lake Michigan, that is not their preferred option. I am glad that is not their preferred option, but, unfortunately, when writing the Secretary, he would not take it off the table as an option. In fact, he indicated that the Department of Energy ''has made no decision on the matter.''

I cannot imagine putting high-level nuclear waste on barges and sending it across Lake Michigan. There is not a plan in the world that I would support to do that. The answer of the Department on this issue is simply not good enough. I cannot support any plan that includes a transportation option that endangers one-fifth of the world's freshwater supply and the source of drinking water for the entire Great Lakes region.

Mr. President, today's vote, unfortunately, will be the last time Congress will have a real voice on this issue. We certainly can express ourselves as it moves through the regulatory process, but this is the time for us to say, yes, we know enough to move forward or, no, we do not. If we say no, we can ask that more information be given to us, that more tests be done, and that we receive assurances, such as I need, to know that there will not be, under any circumstances, barging on the Great Lakes. We can get that information and then we can proceed again.

This is not the end. We can proceed further—those of us who want more information, more assurances, and want to know that our communities will be safe and the environment will be safe. There is no reason we cannot work on getting those assurances and the plans in place first.

Based on my examination of the Department of Energy's own documents, as well as further information, I do not believe this administration has a safety plan for transporting waste to Yucca Mountain that protects my citizens, Michigan families, or the Great Lakes. Therefore, I cannot support the Yucca Mountain resolution.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, let me point out that the State of Michigan is currently 18.2 percent dependent on nuclear energy. Currently, in the State of Michigan, there are 1,627 metric tons of spent fuel of which 58 tons is in shutdown reactors, and 177 tons is in dry storage.

As a consequence of the alternatives we face, the recognition is obvious that if we do not move this waste, it is going to stay where it is. The nuclear power generation in Michigan consists of four nuclear units: Cook 1 and 2, Fermi 2, and Palisades. As a consequence of the recognition that there are six storage locations covering the 1,625 metric tons, we have to address the reality of how much longer the nuclear plants can continue to operate without a permanent repository. That is what the contemplated vote is all about.

Questions have been raised by Members concerning the routing. Again, I point out the Nuclear Regulatory Commission approves all routes and security plans with States and tribes, including the Department of Transportation, Department of Energy and, of course, the Nuclear Regulatory Commission. For security, armed guards are required through heavily populated metropolitan areas if they are indeed selected. At the discretion of the Governor of each State, all shipments are required to have 24-hour escorts.

Tracking: The Governor of each State is notified in advance of spent fuel shipments. These shipments are required to have an escort into the central transportation command facility every 2 hours to ensure that problems do not exist. All shipments are closely coordinated with local and Federal law enforcement agencies.

As far as training, States and tribes have and will continue to receive Federal support for specific training. On the question of what is the Government doing with emergency preparedness assistance, since 1950, the Federal Government has had its own experienced teams of emergency responders. Emergency responders receive assistance and training from the Department of Energy, Department of Transportation, FEMA, and others, and are specially trained and prepared to respond to a variety of incidents and accidents, and DOD will continue to provide training to emergency responders. The Department has directly trained over 1,200 responders.

In addition, DOE has trained instructors and have provided training to additional emergency personnel in the State, tribal, and local response groups. Training materials have been distributed.

It is fair to say efforts are made to train local government entities. There is a misconception somehow that if there is an accident, there is likely to be a fire, some kind of an explosion. That is not the case. If, indeed, there is a penetration of a cask, which is extraordinarily unlikely, there will obviously be an awareness, and the area will be roped off. The material is very heavy. It does not blow around in the wind. Unless you get in and mess with it, why, it can be cleaned up by experienced personnel.

This is not a matter, as some suggest, that if there is a penetration, there is going to be a nuclear explosion of some kind.

Mr. President, I yield the floor and ask how much time is remaining on this side.

The PRESIDING OFFICER. The Senator has 62½ minutes remaining.

Mr. MURKOWSKI. I thank the Chair.

Mr. REID. Mr. President, I yield 10 minutes to the Senator from Missouri, Mrs. CARNAHAN.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 10 minutes.

Mrs. CARNAHAN. Mr. President, when I speak to people throughout Missouri, security continues to be their primary concern. They are concerned about threats from abroad and about security in their daily lives—job security, health care security, retirement security.

In this day and age, when we are making extraordinary efforts to protect ourselves, people are more fearful than ever about shipments of nuclear waste through their neighborhoods and communities.

In Missouri, this is especially a sensitive issue because of our recent history of nuclear waste shipments. Two summers ago, Governor Carnahan succeeded in getting a shipment rerouted around Missouri. But last year, the Department of Energy scheduled another shipment to go through Missouri. The route the Government selected went through the most populated areas in the State, through the heavily populated suburbs of St. Louis, straight through Columbia, past Independence, and then on through Kansas City.

The Government's plan would ship nuclear waste along Interstate 70 and other roads that are crowded and in disrepair. Interstate 70 through Missouri is one of the oldest stretches of Federal interstate highway in the Nation. The newest stretch is 37 years old. The oldest stretch is 46 years old. But the original design life was only 20 years.

I–70 is one of the most vital transportation corridors in the Nation. It is in need of more than just basic maintenance. It is in need of total reconstruction.

Everyone who travels over I–70 knows it is in horrible condition. The number and severity of traffic-related accidents along I–70 between Kansas City and St. Louis have grown steadily in recent years and will continue to grow with projected increases in travel. Unless the road is repaired and expanded, conditions will continue to deteriorate, congestion will increase, and transportation costs will rise.

There are two scenarios: Either I–70 will remain in poor condition or, as I would prefer, it will undergo massive reconstruction over the next decade. Either way, I–70 should not be the superhighway for nuclear waste.

If Yucca Mountain is built, that is exactly what will happen. Preliminary estimates by the Department of Energy show that within a 25-year period, over 19,000 truck and 4,000 rail shipments of nuclear waste will go through Missouri on their way to Yucca Mountain. That is two trucks a day every day passing through St. Louis, Boone County, Jackson County, and many other counties across the State.

Unfortunately, the manner in which last year's shipment of nuclear waste through Missouri was conducted does not inspire confidence in the way the Department of Energy handles these shipments. While the State of Missouri and the Department of Energy were negotiating about this shipment, the Department announced that it would not allow waste from a research reactor in Columbia, MO, to be shipped out of State.

The linkage of these two issues was inappropriate. While Governor Holden was negotiating safety protocols, the Department was playing politics with nuclear waste.

I intervened to ensure these issues would be handled separately so that the Governor could continue to insist upon proper safety arrangements for the shipment.

After all this, the shipments showed up in St. Louis at rush hour and would have passed through Kansas City during a Royals baseball game. The shipment had to be held at the border for a number of hours.

In my view, we have not focused enough on the transportation issue to approve the Yucca Mountain site at this time. The transportation casks have not been thoroughly tested for possible terrorist attack. The final transportation routes have not been selected, and security of the truck and train shipments has not been studied. There are no concrete plans for training emergency responders in local communities along transportation routes. And, as I mentioned, the roads remain in sad repair.

All these issues need to be properly addressed before I will consider voting to approve the Yucca Mountain site. It is more important to make the right decision than it is to make a quick decision.

Every nuclear reactor in the country has onsite spent fuel. These storage facilities will continue to be used even if the repository at Yucca Mountain is built because the spent fuel that comes out of the reactor must cool for approximately 5 years. Most of these facilities will be upgraded and expanded if and when necessary, and in Missouri our single nuclear powerplant will not experience shortage difficulties until 2024. So there is plenty of time to upgrade and further expand its storage facility if necessary.

Before committing to ship tons of nuclear waste through the heartland, I believe we should spend much more time in determining whether we can transport this waste safely and keep these shipments away from our most densely populated communities. I am confident that is what the people of Missouri want.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I see a couple of Senators, Mr. CRAPO and Mr. KYL. I want to point out to the Senator from Missouri that nuclear energy includes about 13 percent of the power generated in Missouri. Coal is 82 percent. It is about 95 percent in combination.

Mr. President, 388 metric tons of spent fuel are currently in the State of Missouri. As a consequence, I think it is important—and if I can have the attention of the Senator from Missouri—to point out this transportation route because currently the shipment of waste, this transuranic waste, goes out of Missouri and routes under this highway system into New Mexico. There is no proposed existing transportation route that will be taking the waste through Missouri. This waste is currently at the University of Missouri research reactor. It goes out on 70, up on 55, comes over on 880, and down on 25 into New Mexico.

My point is, while it is obviously possible that the Department of Energy, the Nuclear Regulatory Commission, and the Department of Transportation would choose other routes, it is clear to point out that currently there has been and there is no logic to suggest there would be a movement of waste through the State of Missouri when currently transportation routes to WIPP do not go through Missouri; they actually remove waste from the State of Missouri.

We should keep these discussions in the context of accuracy relative to what is contemplated vis-a-vis the current transportation route.

I yield to my friend from Idaho for 10 minutes.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 10 minutes.

Mr. CRAPO. Thank you, Mr. President. I thank the Senator from Alaska for his graciousness in yielding me this time.

I rise today to add my voice and my strong, unequivocal support for Senate Joint Resolution 34, a resolution approving development of a permanent nuclear waste repository at Yucca Mountain, NV, notwithstanding the disapproval of the Governor of Nevada.

Before I get into my main remarks, I wish to talk a moment about my colleague from Idaho, Senator LARRY CRAIG, who, as a member of the Energy Committee in the Senate, has been tireless in his efforts to make certain that the procedural maneuvers and the substantive debate over this issue move forward expeditiously and that we address the issues that the law provides so we can make certain the Yucca Mountain facility is able to maneuver forward into the permitting process.

As many of those who have debated today have already stated, this debate is not about whether to open the Yucca Mountain facility so much as it is about allowing the process of permitting to begin to take place. As my colleagues know, this is the required legislative procedure spelled out by the Nuclear Waste Policy Act of 1982.

In 1982, 20 years ago, Congress made the decision we should begin resolving this issue and set forth a series of legislative and other procedures that must be followed to assure that every question—that of national security, safety, of individual State rights, and all the other issues—were adequately addressed as we deal with this critical issue. Over those 20 years, the importance of dealing with this issue has grown.

Now the issue of the role of nuclear power in the portfolio of America's energy policy and the manner in which we will resolve the handling of the spent nuclear fuel has become a national security issue, in my opinion.

I come to this debate with a long history of working on this issue. The State of Idaho, which I have the honor to represent, hosts the Department of Energy's Idaho National Engineering and Environmental Laboratory, NEEL, which currently stores a large volume of spent nuclear fuel and high level nuclear waste.

The INEEL now has 56.5 percent by volume and 11 percent by weight of all spent nuclear fuel in the DOE complex. This spent nuclear fuel includes the Navy's spent nuclear fuel, the spent fuel and rubble from Three Mile Island and other commercial power plants, foreign research reactor fuel that is coming to the United States from other countries for nonproliferation reasons, and spent fuel from the dozens of reactors operated at the INEEL, Argonne-West, and other DOE facilities throughout the country. Under the Idaho Settlement Agreement, the Navy's spent nuclear fuel in Idaho must be some of the first fuel to go into Yucca Mountain.

Defense high-level waste is the waste that resulted from reprocessing spent nuclear fuel. At the INEEL, this high level waste is in granulated ''calcine'' form. DOE is currently deciding how this high level waste can be prepared and shipped to Yucca Mountain. In the past, DOE looked at turning this waste into glass logs in a vitrification plant as required by law, but Bechtel and DOE now hope they can make direct shipments of the calcine waste to Yucca Mountain using a standard package similar to that used for spent fuel.

The INEEL also manages the DOE National Spent Nuclear Fuel program. This program performs the analysis and technology development to support inclusion of DOE-owned spent nuclear fuel in the repository license application. As Yucca opens, this program will play a larger role for DOE and the INEEL.

Because of the history of the INEEL, located near my hometown of Idaho Falls, I have been involved in nuclear issues for many years. I visited Yucca Mountain and I have seen the dry, isolated location President Bush has recommended as the site for our Nation's permanent repository for spent nuclear fuel and high-level waste.

Right now, across the Nation spent nuclear fuel is stored in temporary facilities near cities, homes, schools, rivers, lakes, and oceans. These temporary storage facilities were never intended for long-term storage, but they have become that because our Nation has bent over backwards to do all of the science needed to ensure permanent storage of nuclear waste at Yucca Mountain can be done safely. After spending billions of dollars, our Nation's best scientists say nuclear waste can be stored safely at Yucca Mountain. No one can dispute the logic that it makes more sense for the environment, for national security, and for our Nation's energy policy to store spent nuclear fuel in one isolated location in the desert of Nevada instead of leaving it scattered across the country at over 130 temporary facilities.

Some of the opponents of Yucca Mountain say we should not support S.J. Res. 34 and development of Yucca Mountain because we cannot safely transport this material. To these opponents I say we have safely sent thousands of shipments of nuclear waste across the country for decades.

I know other speakers have already repeated this information before. But it is critical to reiterate that in this country we have seen 1.7 million miles of shipments conducted safely without a release of radioactivity. That is over 2,700 shipments. As the Senator from Alaska said earlier, in Europe where they have been doing this for two and a half decades, they have had over 70,000 tons of radioactive material safely transported. Compare that record to the risk that we would face if we do not transport it.

For those in favor of stopping the development of Yucca Mountain, the issue of terrorism has been raised. If we have over 131 sites across this country where much of this material is not stored safely—in a remote underground facility—the risk of terrorism would rise. Even the risk from a hypothetical earthquake would be much greater at the 131 sites if they were left untreated or unresolved than at one central underground location that is safe, secure, and protected.

Whether one is looking at the safety record of transportation or the risk of leaving these facilities with the stored nuclear fuel in them spread throughout the country in unsafe conditions, the conclusion must be that for our safety, for the environment, and for our national security, we must move toward one underground, safe depository.

There is also an equity issue before the Senate. For decades, energy users across this country who have received their electricity from nuclear power have paid a surcharge on their energy bill to pay the Federal Government to dispose of this waste. The Federal Government faithfully collected these fees and assumed the responsibility under law for developing a nuclear repository. Now after collecting these fees and doing the necessary science, the Federal Government has an obligation to provide for the permanent disposition of spent nuclear fuel.

Development of the repository at Yucca Mountain will greatly enhance our Nation's energy balance by demonstrating that we can dispose of nuclear waste created by nuclear power. Today, with our dependence on foreign oil for so much of our energy supply, it is critical we broaden our energy portfolio in this country. When one looks at the amount of money we pay to nations such as Iraq for oil, when we could expand our reliance on other sources of energy, including nuclear power, one has to recognize the national security implications of this vote today.

Nuclear power should play a greater role in our Nation's energy portfolio. A path forward for spent nuclear fuel will remove one bottleneck in the nuclear energy fuel cycle. Under the Nuclear Waste Policy Act, if Congress does not approve this resolution, the Yucca Mountain project cannot go forward. There will not be a nuclear repository at Yucca Mountain and nuclear waste in 39 States across this country will stay where it is.

I ask my colleagues, Are we going to vote today to leave spent nuclear fuel and nuclear waste in New York, Vermont, Illinois, Georgia, Michigan, Connecticut, Washington, Idaho, and the many other States in which it is now located or are we going to move forward with a permanent repository for spent nuclear fuel that makes sense for this Nation and the environment? I urge strongly my colleagues to vote in favor of S.J. Res. 34.

I yield the floor.

Mr. REID. Mr. President, my friend from Alaska said if something happens and one of these casks is breached, there will be an explosion. But understand, standing within 3 feet of a spent fuel rod is a lethal dose—three feet. It will kill you. It may not kill you immediately. But you are dead. It will kill you pretty quickly.

As has been brought out by my friend from Nevada, the shipments are not dangerous, relatively speaking.

I yield 2 minutes to my friend from Nevada to talk about that.

Mr. ENSIGN. Mr. President, I do want to address the map that the junior Senator from Alaska has put up over here. When he was talking to the Senator from Missouri, talking about the transportation through Missouri, he was saying these things are already happening, going through Missouri, going through her State, because that was the major reason she was voting against the Yucca Mountain proposal.

This is not the same kind of waste that is going to Yucca Mountain; otherwise, you would need a different kind of repository. This is not as high a level of nuclear waste as is coming to Nevada. So to equate the two is irresponsible, I believe. We should not even have that map on the floor.

I want to clear up two other quick things. The first is, the Senator from Idaho just said, Isn't it better to have one site? If, in fact, we had one site, and we are going to have all the nuclear waste at one site, that would be true. Except we are not going to have just one site. We are going to continue to have sites all over the United States with nuclear waste. Here is a very simple graph to understand.

Currently we have 45,000 metric tons of nuclear waste in America. By the time Yucca Mountain is supposed to start receiving waste in 2010, we will have 65,000 metric tons. When Yucca Mountain is completed in 2036, it will have 70,000 metric tons in Yucca Mountain, but because we are producing new nuclear waste every year, spread around the country still will be 47,000 metric tons, virtually the same as we have today spread out all over the country.

The Senator from Idaho has a very good argument to get the stuff out of his State. He has one of the few good arguments, but everybody else does not: If you have nuclear powerplants in your State, you will continue to have nuclear waste in your State for as long as you have nuclear powerplants operating.

It is not a question of national security. It is going to be safer to have it in one site. But we are still going to have all these other sites, so national security is focused on transportation more than it is anything else.

I thank the Senator for yielding.

Mr. REID. Mr. President, I am going to yield 10 minutes to the Presiding Officer in a second.

Another thing my friend from Alaska said is it is not going to travel through Missouri. This is one of the problems. It is like the ''immaculate reception.'' One day we will wake up and it is suddenly going to be there. I don't know, there are no transportation routes, but it will get there because the DOE says it will.

It can only go by train, truck, or barge, and for barge transportation, according to the Nuclear Regulatory Commission, the only tests that have been done are by computer. They have never stuck one of them in the water. It has all been done by computer.

I yield 10 minutes to the Senator from Delaware.

(Mr. REID assumed the chair.)

Mr. CARPER. Mr. President, I thank the deputy majority leader for yielding this time to me.

On the floor this afternoon I see three, maybe four Senators—four of whom I have been privileged to serve with in the House of Representatives, one of whom I have just been privileged to serve with for the last year and a half.

The senior Senator from Nevada knows the great affection I hold for him. He and I were elected to the House of Representatives in 1982. We came to Congress together in 1982. We began our first years in the House of Representatives many mornings working out together in the House gym. I

have had the privilege of knowing his family and watching his kids grow up. For me, and I know for many of us, this important policy decision is also a decision that is intertwined with the respect and admiration we have for our colleagues. I have great respect and admiration for both the senior and junior Senator from Nevada.

As some of you know, I spent a fair number of my years in the Navy, 5 years on active duty, another 18 years as a Reserve naval flight officer, most of that time on airplanes but other times on ships. I have been on ships that are nuclear powered. They included aircraft carriers and submarines. I have known hundreds of people who lived many years of their lives on nuclear-powered vessels. When you have that kind of background, you are maybe more comfortable with nuclear power than those who have not literally lived on a floating nuclear powerplant.

I acknowledge there are a lot of people who have legitimate concerns about the various aspects of nuclear power—a few of them have been pretty well vetted here today. One of them is transportation: how to move this nuclear waste through dozens of States and do so safely, especially in an age of terrorism.

There are concerns about the terrorists themselves and whether or not they might strike, either at a site such as Yucca Mountain or at a barge or a railroad or a highway.

Before I served in the Senate a year and a half ago, I served as Governor of Delaware. During those years, I became all the more mindful of the transportation of hazardous waste through my State and alongside my State via the Delaware River and the bay which divides the State of the Presiding Officer and my State. Every day hazardous materials make their way up and down the Delaware River. Throughout I–95/I–495, which crosses my State and the railroads of my State, the Norfolk Southern and CSX, we have dangerous materials every day traverse throughout Delaware—sometimes hazardous materials, sometimes explosive materials. We have learned to deal with them and deal with them safely. In Europe, they have shown a record over time of being able to transport nuclear waste in a way that is safe as well.

I know people who are concerned about nuclear power because of the possibility there will be an accident at a nuclear powerplant. I acknowledge those concerns are not illegitimate. The safety record of the nuclear power industry has been better in the last 10 years than probably in all the years before, and it continues to improve.

While I acknowledge, on the one hand, the legitimate concerns about nuclear power being a viable, growing part of the generation of electricity in our country, I want to talk briefly about the virtues, the advantages of nuclear power. We had a great debate on energy policy over the earlier part of this year. We talked about the growing demand, the rise in price of foreign oil, now up 50 percent. We talked about the huge and growing trade deficit we have in this country, over $300 billion last year, maybe $400 billion this year, and a significant part of that is oil imports.

I think we have begun a serious discussion and debate about what to do with respect to air emissions, how we can curtail sulfur dioxide, mercury, carbon dioxide, and nitrogen oxide from powerplants in this country and other sources.

Nuclear power, whether we like it or not, does not create sulfur dioxide emissions. It doesn't create mercury emissions. It doesn't create nitrogen oxide emissions. It doesn't create carbon dioxide emissions—it doesn't contribute to those. With respect to our environment and the quality of our air, I think nuclear power is, if anything, a friend.

I, as have a number of my colleagues, had a chance to go to Yucca Mountain. I visited the place. I talked to people who worked on that project for any number of years. I met with people in Nevada who oppose the designation of Yucca Mountain and those who favor it. I have had the opportunity along with many of my colleagues to participate in hours of hearings and other meetings with advocates and opponents of designating Yucca Mountain and licensing Yucca Mountain.

In the end it comes down to maybe two votes: one, a procedural vote as to whether or not we are going to vote to proceed to the final vote and that is one that would carry on to the licensing of Yucca Mountain. I said to my colleagues on the Energy Committee a month or so ago, I have agonized with this vote probably as much as any in my memory, trying to do, on the one hand, what I think is the right thing for my country and trying to treat my dear colleagues the way I would want to be treated. It is a tough call. It is tough for me and I know it is for many of us.

We have two votes. On the first vote, on the motion to proceed, if my vote is needed—and I am going to stand in the well there—if my vote is needed in order to be able to proceed to the final vote, I will vote yes—if my vote is needed.

On the final vote, if the motion to proceed is approved, I will vote yes on the designation of Yucca Mountain.

With that, I thank the deputy majority leader for yielding his time to me.

Mr. MURKOWSKI. Mr. President, to respond very briefly, under the agreement, there will be a rollcall vote on the motion to proceed; then the agreement is that there will be a voice vote on the final resolution.

Mr. CARPER. I appreciate that. When we vote, I will be here to vote. When the yeas and nays are asked for, my voice will say yes on that final vote.

Mr. REID. Mr. President, the Senator from Alaska, having served here as long as he has, has certainly on occasion when there has been a voice vote wanted to be listed as voting yes or no. That certainly can be stated in the RECORD. I have done it on a number of occasions myself.

Senator ENSIGN and I wish to speak longer. Senator KYL is here. It is my understanding you would like to yield some time to him.

Mr. MURKOWSKI. Mr. President, would you advise me on how much time is remaining on our side?

The PRESIDING OFFICER (Mr. CORZINE). The Senator has 50 minutes.

Mr. REID. How about here?

The PRESIDING OFFICER. Forty-five minutes remains for the Senator from Nevada.

Mr. MURKOWSKI. I yield 10 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Thank you, Mr. President.

Let me make a general statement, and also preliminarily comment on the debate that has been conducted by the two Senators from the State of Nevada. They have been tenacious in the representation of their position. I take no pleasure in opposing their position. They are both fine Senators and are extraordinarily good at representing the interests of their constituents in this particular case. I know it is not just a matter of representing the people who have spoken out from the State of Nevada. I have talked to Senator ENSIGN a lot, and he has argued his case with a lot of personal conviction that you don't always see in this body. I commend both of them and make the point that I take no pleasure in opposing them.

I do, however, strongly believe it is time for us to move forward with this process, and the next step in the process is the approval of this legislation. Then there are other things that have to be done, including the Department of Energy action.

I want to make a comment about this issue of the storage of nuclear waste because the Palo Verde nuclear-generating station just west of the city of Phoenix is the biggest in the country. It is a huge, successful, good nuclear-generating station. It stores an awful lot of waste. In fact, I believe, according to the Nuclear Energy Institute, more than 45,000 metric tons of high-level radioactive waste are housed at the 131 sites in 39 States—sites such as Palo Verde.

If we don't use a storage facility such as Yucca Mountain, the problem only gets worse. Each year, about 2,000 more tons of radioactive waste are being added to the total.

Senator ENSIGN made the point that even if we have a site such as Yucca Mountain, of course, we are still going to have the other storage sites around the country. That is very true. But I think it begs the question of what we are going to do with the majority of this waste.

It is a little like saying since every Wednesday morning everybody in my

area of Phoenix is going to put their garbage out, and because we keep producing garbage, we should not have a dump to where all of that garbage is taken. It is certainly true that every Wednesday everybody is going to put their garbage out. We produce more garbage, and to store it onsite is in effect storing it on the curb. That doesn't argue for the proposition that there should not be a central repository where that material is taken and disposed of in a proper way.

That is what we are talking about here. We are going to continue to produce waste. There will have to be a place to temporarily store it at each of these nuclear-generating facilities around the country. But eventually, when it cools off, it is put into these casks and transported to Yucca Mountain. That is where most of the scientists have decided is the right place to put it.

As a matter of fact, the scientific reports of the Department of Energy conclude that a repository at Yucca Mountain would protect the public health and safety in accordance with the EPA and NRC guidelines. The Nuclear Regulatory Commission is in support. The Nuclear Waste Technical Review Board is in support. The experts on the National Academy of Sciences panel who recommended the site note that there is ''worldwide scientific consensus'' for the idea.

I might also add that there is now a new element that is injected into the debate. That is the element of terrorism. We can't talk about that a lot on the floor of the Senate. I am on the Intelligence Committee. I can assure my colleagues that it is a significant issue to have this waste dispersed at a variety of sites around the country in the conditions that currently pertain. It would be much better if we were able to take a majority of it, when we could, to one site that is clearly safe from terrorism. Yucca Mountain is a remote location. It is 100 miles away from the nearest metropolitan area. It has the highest security—again, because of its general proximity to the Nevada Test Site and Nellis Air Force Range. Those are reasons we think it is important to go ahead with the next step of the process and get this material to Yucca.

With respect to transportation, we know that there have been a lot of questions raised. But the truth is we have had 45 years of experience and 3,000 successful shipments of used nuclear fuel. That is not exactly the same as this fuel, but we have much better casks now—these steel casks that have been described in detail here on the floor that will be used for the transportation of the material.

There have been no radiation releases, fatalities, or injuries, nor any environmental damage that has occurred as a result of the transportation of this radioactive cargo in the past.

I am a little distressed by the fact that people have been scared. I am very disappointed that some people—clearly not those on the floor of the Senate today—but there are some who have really attempted to scare people in individual communities with the notion that somehow there will be some great catastrophe as a result of the transportation of this material. That is so unlikely as to be something that should not be of concern to us as we move forward with this legislation.

I urge my colleagues to recognize that at some point something has to be done. We can't just allow the waste to sit where it is. There is a safe, scientifically proven location where the material can be stored. The transportation has also been throughly considered by the scientific community. A method for transporting it has been developed. Sandia Laboratories, which has done a lot of testing, assures us it would withstand the most extreme accident scenarios.

For all of these reasons, I think it is important for us to move on, get beyond this next step, and allow the DOE now to look at this Yucca Mountain site for licensing.

Again, I commend all of my colleagues for the way in which this debate has been conducted. This is an emotional issue with a lot of people around this country. But the debate has been responsible and serious and based upon good science. I commend both the proponents and the opponents for the way they have conducted this debate.

Thank you, Mr. President.

Mr. DODD. Mr. President, today, I am prepared to vote in support of S.J. Res. 34 which approves the site at Yucca Mountain for the development of a repository for spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982, but I do so with great caution.

The vote we cast today does not give carte blanche to move this waste. Instead, it signals a continuation of a process begun in Congress more than two decades ago. The risks are not insignificant and in the coming months and years many steps must be satisfied and many scientific tests undertaken before a license is issued by the Nuclear Regulator Commission and a single shipment of waste is moved. In addition, there must be open dialogue among industry, organizations, transportation experts, and government entities at the Federal, State, and local level to determine a safe and workable transportation system. If the ongoing scientific, environmental, or public safety tests are not satisfactory, or a transportation system is deemed unworkable, then the site should not be licensed.

For Congress to stop the process today with no viable, permanent alternative solution on the table is shortsighted and wrong. I recognize the limitations on the amount of waste that Yucca Mountain can accept and the length of time it will take to transport the waste. I further understand that some waste will necessarily remain on site at individual facilities even if Yucca Mountain is licensed, as nuclear reactors continue to operate and generate waste.

But to keep all of the current and future waste on-site at approximately 100 sites in above ground storage is not a prudent long-term solution. In fact, many facilities will be reaching their storage capacity long before their licenses expire. For these reasons, while we continue to move forward with Yucca Mountain, we must also step up our security at all the nuclear facilities sites around the country. If all systems are a go with Yucca, it will be at least 10 years before any waste is moved.

My record is clear. I have supported nuclear power and the obligation of the Federal Government to take responsibility for nuclear waste. I am one of a handful of current Senators who was here in 1982 to vote on the National Nuclear Waste Policy Act of 1982. I supported that initiative and again in 1987, I supported amendments to the 1982 act which singled out Yucca Mountain to be examined as a nuclear waste repository. However, I have voted against both the idea of interim, above ground consolidated storage and moving forward with the process before the Secretary of Energy formally recommended Yucca Mountain.

No one knows the costs and benefits of nuclear energy more than the residents of my State. Connecticut has two operating nuclear facilities and two permanently shut down facilities that are undergoing decommissioning. Nuclear energy provides more than 45 percent of the electricity generated in Connecticut. Only Vermont, New Hampshire, New Jersey, Illinois and South Carolina have a larger percentage of electricity generated by nuclear power.

It is a fact that while I have supported nuclear power, I have also been one of its most vocal critics when I believed the industry and oversight agencies failed to exercise appropriate controls over the facilities in my State.

I have also been a champion of the need for alternative energy sources, including renewables, to meet our growing energy needs and offset our dependance on energy sources that generate waste, pollute our environment and cause public health concerns. I applaud people, including many of my colleagues, who champion these issues, drive fuel efficient and cleaner burning automobiles, and make personal choices to use alternative energy sources in their daily lives.

We will be judged by future generations not only by the decisions we make in the coming months and years regarding nuclear waste, but also by the bold choices we make regarding our future energy security and the health and welfare of our planet.

This is not a perfect solution, but a reasonable step if the risks can be managed. I hope that it will be looked upon as such in years to come.

Having said that, while I support the substance of this resolution, I voted against the motion to proceed. As chairman of the Rules Committee, I take the rules of the Senate very seriously. It is my belief that despite what may have been written into the Nuclear Waste Policy Act of 1982 and 1987, I believe it is the fundamental prerogative of the Majority Leader to set the agenda of the Senate. My understanding is that at no time in the recent history of the Senate has that prerogative been violated. Moreover, I fail to see why my colleagues felt the need to violate that prerogative today. There are still more than 2 weeks to bring this matter to the floor under established practices of the Senate. Furthermore, it is worth noting that this matter was brought up by the minority during the middle of a very important debate to address wrongdoings and shortcomings in the accounting industry and corporate sector. I want to make this very clear, my vote against the motion to proceed was not against S.J. Resolution 34, but out of respect for the practices and prerogatives of the Senate. If there had been a recorded vote on S.J. Res. 34, I would have voted aye.

Mr. VOINOVICH. Mr. President, I rise today in support of establishing a permanent nuclear repository at Nevada's Yucca Mountain. Establishing a single site for high-level nuclear waste is the best thing we can do to meet our growing energy needs in an environmentally sound manner, support our domestic economy, and protect our national security.

One of my goals in coming to the Senate was to enact a comprehensive U.S. energy policy that harmonizes our energy and environmental needs. I worked hard with my colleagues on the Energy bill and after 6 weeks of debate, this body finally passed legislation that does just that. Our challenge in the energy bill was to encourage development of domestic energy sources in a balanced way that respects seemingly competing needs, the economy and the environment. These are not competing needs, however. A sustainable environment is critical to a strong economy, and a sustainable economy is critical to providing the funding necessary to improve our environment.

In order to maintain a strong economy, we will have to produce more energy to keep up with the growing demand. According to the Department of Energy, we need to increase by 30 percent the amount of energy we produce in the United States by 2015 in order to meet our county's demand. To ensure that consumers have access to low-cost, reliable energy, we must make use of every available resource instead of putting all of our eggs in one basket. We need to increase our production of oil, gas, coal, nuclear energy, and renewables. Keep in mind that only two-tenths of 1 percent of our total electricity comes from wind and solar power. At the same time, we need to continue to increase conservation efforts which have already substantially contributed to reducing our reliance on imports. We simply must diversify the source of our energy supply and we can do so while protecting our precious natural resources.

One of our great untapped resources is nuclear energy. It is an important part of meeting our Nation's energy needs and harmonizing our energy and environmental policies. Over the past 40 years, we have seen how safe and reliable nuclear energy can be. We use it today. Nationally, we obtain 20 percent of our electricity from nuclear energy plants and in my State of Ohio, nuclear power provides 12 percent of our total.

But this level is far below what other countries do. For example, France derives 70 percent of its electricity from nuclear power; Sweden uses 39 percent; South Korea 41 percent; and Japan uses 34 percent.

One of the reasons these countries use so much nuclear energy is that it produces zero harmful air emissions. None. I am not sure that many people realize this. Throughout my career, I have been actively involved in the debate concerning how to reduce emissions from power plants and continue to provide safe and reliable electricity to consumers. This has been difficult, however, because so many so-called environmentalists raise issue with all of our energy alternatives.

For example, here's what they say: coal, which supplies 52 percent of our energy, is too dirty. Hydropower, which supplies 7.3 percent of our total energy, is criticized because the dams can disrupt the ecosystem. Due to lengthy and complicated environmental regulations, it is nearly impossible to build new pipelines for natural gas, which supplies 16 percent of our energy. Even windmills, the source so many of my colleagues point to, has siting difficulties due to their noise and unsightly appearance. Nuclear power, which supplies 20 percent, has been demonized because of the waste issue, which can be solved.

The science for using nuclear energy has been rapidly developing over the past several decades and nuclear energy offers one of the best alternatives for the future: a clean-burning and reliable source of energy.

Since 1973, the use of nuclear energy has prevented 62 million tons of sulfur dioxide and 32 million tons of nitrogen oxide from being released into the atmosphere. Nuclear energy also releases none of the so-called greenhouse gas emissions, such as carbon dioxide. In fact, according to the Energy Information Administration, nuclear power has offset more than 3.1 billion metric tons of carbon emissions between 1960 and 2000 that would have been generated by fossil fuels.

Nuclear energy has incredible potential as an efficient and clean source of energy, yet we face some major impediments that prevent us from taking full advantage of its benefits. During consideration of the energy bill, I offered two amendments to address these problems and promote the growth of nuclear energy. Both amendments were included in the Senate version of the energy bill, and I hope the conferees will keep them in the final version.

The first amendment reauthorizes the Price-Anderson program, which provides liability protection to the public paid by the industry. The second amendment provides needed Nuclear Regulatory Commission reforms to address the human capital crisis that is impacting the NRC, improves licensing and decommissioning oversight, and strengthens anti-trust protections by moving the review process from the NRC to the Justice Department.

But the biggest impediment to the growth of nuclear energy could not be addressed in the energy bill and that is what brings us here today. Congress recognized the importance and necessity of having one storage site for spent nuclear fuel in 1982 with the passage of the Nuclear Waste Policy Act, which was signed into law. That law required the Department of Energy to locate, build, and operate a deep, mined geologic repository for high-level nuclear waste.

In response to this law, the Energy Department identified, studied, and selected viable potential sites for this purpose. In 1987, Congress then amended the law and designated Nevada's Yucca Mountain as the only site that could be considered and stipulated the further study was required to determine whether that site was suitable.

Congress stipulated that the nuclear waste storage facility was to be completed by January 31, 1998. Obviously, this deadline has not been met because the Energy Department wanted to be thorough and base their decision on science. Some of my colleagues would have you believe that this was a rash decision. On the contrary, Secretary Abraham recommended Yucca Mountain after two decades and $7 billion of scientific research.

In addition, President Bush affirmed this recommendation. The House of Representatives affirmed this recommendation overwhelmingly by a vote of 306 to 117 in May. The Senate Committee on Energy and Natural Resources affirmed this recommendation by a vote of 13 to 10 in June. Now it is the Senate's turn.

All of this support is based on science. This is exactly what we want to see in the formation of public policy; science driving the policy.

Yucca Mountain is located approximately 90 miles from Las Vegas in an area that averages about seven inches of rainfall a year. The Energy Department does not expect water to come into contact with any of the nuclear material that will be stored there for more than 10,000 years. Surrounded by unsaturated rock layers, nuclear waste would be stored approximately 1,000 feet above any water, which is still about 1,000 feet below ground.

Even if water somehow infiltrated Yucca Mountain and corroded the seal and then penetrated the robust fuel containers before 10,000 years passed, natural and engineered barriers would prevent or limit any release of radiation. Furthermore, Yucca Mountain is located in a hydrologic basin, in which water does not connect to any rivers, oceans, or the groundwater system that serves Las Vegas. Through years of scientific research, it has been determined that the site is secure and that radiation exposure to the public would be well below both the stringent EPA limits and natural background radiation levels.

Let me emphasize: The resolution we are considering allows the Yucca Mountain program to continue to the next step; it is not the end of the process. The site must still go through a rigorous licensing review, which is expected to last up to five years. Moreover, the NRC still must address a whole host of issues including monitoring and testing programs, quality assurance, personnel training, and certification, emergency planning, and more.

Additionally, the NRC must use standards adopted by the EPA specifically and exclusively for Yucca Mountain. These strict standards provide that an engineered barrier system should be designed to work in combination with natural barriers so that, for 10,000 years following disposal, the expected radiation dose to an individual would not exceed 15 millirems total effective dose equivalent per year, and 4 millirems per year for groundwater exposure.

These are exceedingly stringent standards designed to protect the public from any harmful exposure, now or in the future. To illustrate what the numbers mean, let me offer two examples. In Denver, Colorado, due to the higher altitude and cosmic radiation from the sun and stars, residents are subject to at least 15 millirems of radiation more per year than people who live in my hometown of Cleveland. On average, Americans are exposed to 4 millirems of radiation per year through the naturally occurring radioactive potassium in the 140 pounds of potatoes that an individual eats on average each year.

This rigorous licensing process combined with the full completion of the site is expected to take 10 years. Therefore, unlike most of the attention this matter has received in the media, our action in the Senate will not begin the transportation of nuclear waste to the repository. Instead, this resolution simply affirms the science behind the project and allows the experts to continue to move ahead with their analyses and reviews.

While some people have concerns about the transportation of nuclear waste, many people may not realize that nuclear waste has been shipped across our country since 1964 and that it has an amazing track record of safety. During this period, more than 3,000 shipments have traveled 1.7 million miles on roads and railways with only eight minor accidents: no injuries, fatalities, or release of any radiation.

There are two reasons for this success. First, the containers for the waste have been tested rigorously under extreme conditions, including being dropped from buildings, hit by trains, and burned at high temperatures. Second, there are numerous safety measures that federal agencies and state and local governments have developed, including satellite positioning, designation of special routes, police escorts, inspections, and emergency response planning.

Over the next 10 years as new scientific discoveries are made, it is likely that new regulations, procedures, and technology will offer further improvements to the safety and security of transporting spent nuclear fuel to Yucca Mountain. And the NRC in conjunction with other federal agencies will continue to examine the safest and most effective means of transport and storage.

Failure to approve this resolution will have serious costs to our economy and national security. Our nation has already spent $7 billion over 20 years researching this specific site. The greater cost is the current danger we face across our nation with 131 facilities in 39 states storing more than 40,000 tons of spent nuclear material. To put these numbers in perspective, about 160 million Americans live within 75 miles of these sites.

Establishment of a repository at Yucca Mountain would allow all of the nuclear waste to be stored in one place, underground in a remote location. The site is on federal property with restricted access to the land and airspace, and as a further safeguard, the Nellis Air Force Range is nearby. From a national security perspective, one site is easier to defend then many facilities scattered throughout the nation.

The current situation is also costly in terms of capacity. The facilities which currently store this spent fuel are only designed to be used on an interim basis and space is limited. The Energy Department estimates that replacement facilities at each interim site would have to be built every 100 years with major repairs every half century.

Nuclear power is a necessary and sound part of our energy future that makes sense for our environment and our economy. Furthermore, because it protects national security and the safety of all Americans, I urge my colleagues to listen to the science and support this resolution to affirm the President's recommendation to establish a permanent nuclear repository at Yucca Mountain.

Mr. ALLARD. In 1982, Congress passed the Nuclear Waste Policy Act. In 1987, after being ranked as the site that possessed the best technical and scientific characteristics to serve as a repository, the Nuclear Waste Policy Act was amended to direct the Department of Energy to study Yucca Mountain as a potential storage site.

The Federal Government has spent over 20 years and $8 billion analyzing and studying potential sites for disposal of nuclear waste. This serious investment of money and human capital has led to the clear conclusion that Yucca Mountain is indeed scientifically and technically suitable for development.

As a result of this massive effort, on February 14, 2002, Secretary of Energy Spencer Abraham formally recommended to President Bush that the Yucca Mountain site in Nevada be developed as the Nation's first long-term geologic repository for high-level radioactive waste. I fully support this designation, and I will vote to move forward with the process, allowing the bipartisan regulatory experts at the Nuclear Regulatory Commission to make a final determination of whether to allow storage at the site.

Colorado, and indeed the Nation, has much to gain from the opening of Yucca Mountain. Material that is currently scattered throughout the United States will finally find a safe long-term shelter at Yucca Mountain—isolated in the remote Nevada desert.

Those opposed to opening Yucca continue to argue about the method of delivery to Yucca Mountain. Much has already been said in this respect, but I would like to point out that in the last 40 years, more than 3,000 shipments of spent nuclear fuel have traveled 1.6 million miles in the United States with no radiation related injuries or deaths. The Nuclear Regulatory Commission has performed numerous safety tests on the multi-layered containers that carry the nuclear substance. These tests, often exceeding regulatory requirements, have never yielded any negative or potentially harmful results. Additionally, nuclear waste is a solid that is not flammable and cannot explode. The casks have surpassed expectations during rigid drop tests, puncture tests, heat exposure trials and submergence drills.

Public safety has always been a priority, but has become even more important in this unprecedented time of threat to our national security. I believe that the centralization of our used nuclear waste 1,000 feet beneath the earth's surface in a single, highly secure location is preferable to the current scattered distribution of nuclear waste in 131 temporary surface facilities in 39 States.

Without Yucca Mountain, the fuel at the Fort St. Vrain facility will remain there indefinitely. This means that the 2.6 million people in Colorado that live within 75 miles of a nuclear facility will continue to live in close proximity; our citizens will be forced to wait another 20 years and spend 8 billion more taxpayer dollars to find another suitable site. Without Yucca

Mountain, major metropolitan areas in my State will still have only 20 miles between their town limits and a nuclear facility that stores fuel above ground. Without Yucca Mountain, waste being stored at facilities that are safely designed to hold waste for 50 to 100 years will have to wait untold years for a new destination, costing billions of dollars. Without a favorable decision on Yucca Mountain, a facility that is designed to store nuclear material safely for 10,000 years will shut down.

It is important to note that this vote does not mean that Yucca Mountain will open tomorrow. What it does mean, is that the next phase of science can begin in earnest—highly skilled nuclear experts will determine whether the facility merits a license to begin accepting the material. After that, any shipping is subject to strict Nuclear Regulatory Commission and U.S. Department of Transportation guidelines and regulations, and would not begin, if Yucca is finally approved, until 2010.

I support the Yucca Mountain Project, and will continue to be an active participant in the debate. I encourage my fellow colleagues to support the project, and fulfill the requirements of the law imposed by Congress some 20 years ago.

Mr. DOMENICI. Mr. President, I am pleased that the Senate is preparing to vote on the resolution that would allow continued evaluation of Yucca Mountain's suitability for a high-level nuclear waste repository. I compliment Senator BINGAMAN on his resolution and on his success in reporting that resolution out of the Energy and Natural Resources Committee.

Members don't need to be reminded of the vital role that nuclear energy plays in our national security. There is no question that it directly impacts our environmental security and our energy security. Without nuclear energy, we would have far dirtier skies and be far more dependent on foreign energy supplies.

I have argued repeatedly that our nation must maintain nuclear energy as a viable energy source far into the future. With advanced technologies, it can become a fuel for centuries into the future. Its clean reliable baseload power will be essential in powering our economic growth for future generations, just as it is a vital component of today's economic successes.

For nuclear energy to continue to support our economy, we must address the waste issue. There is no denying that these wastes represent an area of risk but every energy source requires a balance of benefits and risks. The risks associated with nuclear waste are ones that we can fully control.

I am well aware that hundreds of outstanding issues have been identified by the Nuclear Regulatory Commission. And the Department is well aware that they must address each and every one of the NRC issues before the Commission is going to move towards a final license.

In many meetings with the NRC chairman, as well as many of the commissioners, I have always been impressed with their intent to deal with this, or any licensing issue, through careful study of the relevant scientific facts. The NRC has the expertise to evaluate these outstanding issues, and I am confident that they will do so with great care.

It is not up to the U.S. Senate to decide on the complex scientific issues that will eventually determine the fate of a license for Yucca Mountain. Our vote today is solely on the question of whether the licensing process continues.

I have been very sorry to see the overblown concerns on transportation by those who wish to block further evaluation of Yucca Mountain. Apparently the opponents of Yucca Mountain are so intent on winning this battle that they are willing to use transportation issues to frighten the American people into abandoning nuclear energy. That would be a colossal mistake for our nation and would seriously undermine national security.

The simple fact is that transportation of nuclear materials is a challenging and risky operation, but it is also an operation that has been extensively studied and engineered for success. In the United States, as well as in other countries, the record for transporting spent fuel is superb. Opponents need to remember that the shipping casks for spent fuel are designed to withstand the most rigorous conditions, and routes will be carefully chosen to further limit risks.

In the United States, since 1960, we have shipped spent fuel about 2700 times and it's traveled over 1.6 million miles. Sure, there have been a few accidents. But no radiation has ever been released in any of them.

The record at the Waste Isolation Pilot Project is also spectacular. In their 3 years of operations, they have logged about 700 shipments traveling over 1.5 million miles. And in Europe, over 70,000 metric tons of spent fuel have been shipped, an amount roughly equal to the total authorized limit for Yucca Mountain.

Furthermore, in any debate about transportation, the simple fact is that route selection and detailed planning will begin at least 5 years before the first shipment and that the total number of shipments in a year will be around 175, a far cry from the 300 million annual shipments of hazardous materials that are currently moving around the country. There will be plenty of time to debate and optimize shipping plans before any spent fuel moves.

In responding to the outstanding issues raised by the NRC, I'm sure the Department will continue to analyze the mountain and improve their modeling and simulation. That is certainly important research that I fully support. But I want to note that other research is also vital.

I have spoken on many occasions with my concern that the Nation's policy of simply treating spent fuel as ''waste'' deserves careful debate. Spent fuel has immense residual energy content. I am not convinced that we should be making a decision today that future generations will have no interest in this superb energy source.

I have noted that alternative spent fuel management strategies should be carefully studied and evaluated. Reprocessing and transmutation could not only recover residual energy, but could also vastly reduce the toxicity of the final waste products.

I am pleased that the Department plans for all spent fuel in Yucca Mountain to be fully retrievable for at least 50 years. We may find that these new approaches can even be applied to the spent fuel in Yucca Mountain and they certainly will influence any additional repositories that we may need.

In my view, the Nation is far better served by beginning to move spent fuel into a single well-secured repository than to leave it stored in temporary facilities at 131 sites in 39 States. I support the joint resolution to override the veto of the Governor of Nevada and continue evaluation of Yucca Mountain as our Nation's future repository.

Mr. HATCH. Mr. President, I rise today to speak regarding the proposed national nuclear waste repository at Yucca Mountain, NV. After serious consideration of this issue over the last several years and after carefully studying the track record of the nuclear industry in the United States, I have concluded that I will not stand in the way of sending this waste to a permanent repository at Yucca Mountain. I also understand the reservations expressed by many of my colleagues in this Chamber, and I have certainly taken such considerations into account in making my decision.

Utahns have a right to be skeptical about government promises with regard to the handling of nuclear materials. In Utah, we have had more than our share of victims from government activities relating to atomic testing and the uranium industry. I have met with too many Utahns who are suffering needlessly. These Utahns were my inspiration when I passed the Radiation Exposure Compensation Act through Congress and when I improved this legislation a few years ago. Over the years, the act has provided compensation to thousands of downwinder victims.

One of the top considerations in my decision on this issue has been the future of a proposal for a temporary storage site on the Skull Valley Goshute Indian reservation in Utah. Skull Valley has been targeted by a private consortium of nuclear electric generators as a temporary site for nuclear waste en route to Yucca Mountain, NV. I have concluded that if the plan to send high level nuclear waste to Yucca Mountain is not approved, Skull Valley will likely become the targeted alternative for permanent storage even though it is a private project only

being considered as a temporary facility.

I have many concerns regarding the proposed Skull Valley site. Chief among these is that it would pose a serious threat to the nearby Utah Test and Training Range, which is one of the most important bombing ranges available to our military. The dangers involving live ordnance or aviation accidents in the vicinity of the proposed above-ground nuclear storage casks present an unacceptable risk. Secretary Abraham of the Department of Energy has made it clear to me that the Department will not reimburse the nuclear industry for storing nuclear waste at Skull Valley. By not funding the Skull Valley site, the Department of Energy provides a significant incentive for generators of high level nuclear waste to find solutions to storage problems either on-site or to send materials directly to the permanent site proposed at Yucca Mountain.

Also a top concern for me and many Utahns has been the issue of the safe and secure transportation of these materials through Utah as they travel to Yucca Mountain, NV. As you may be aware, well over 80 percent of the high level nuclear waste proposed to be stored in Yucca Mountain is projected to travel through populated areas of Utah.

Only after receiving a firm commitment from Secretary Abraham that the Department of Energy will work with the State of Utah to formulate an enhanced and updated transportation plan do I feel confident in casting this vote today. The plan will address operational procedures, additional emergency first responder training, and coordination efforts between State governments and the Department of Energy regarding the safe transit of nuclear materials to Yucca Mountain. I would like to make it clear that the Utah congressional delegation will closely monitor the development of this updated transportation plan.

In closing, I want to underscore how difficult this decision has been for me. I could never support any policy that would place Utahns at risk, and I believe that my decision to support the Yucca Mountain project is consistent with that. This decision has come down to my commitment to fight against the ill-advised and under-equipped facility proposed for Skull Valley, UT, and a firm commitment from the Department of Energy concerning the safe and secure transportation of these materials. With these strong commitments from Secretary Abraham, I have decided that I should not stand in the way of sending this waste to its permanent resting place in Yucca Mountain.

Mr. CAMPBELL. Mr. President, I rise today to speak on designating Yucca Mountain as the Nation's waste repository in the State of Nevada.

But before I start, I would like to get a few things clear. First, I don't oppose nuclear power. Nuclear power is an efficient and clean way to generate electricity. The obvious downside to nuclear power is that its waste is harmful to people. Yet, several States benefit from the relative clean power that nuclear plants generate. Clean air, clean water, and efficient power are significant benefits that some enjoy.

My opposition to designating Yucca Mountain is deeply rooted in my strongly held belief in States' rights. I believe that States should determine their own destiny—when States elect or choose to benefit from a program or policy, then those States should correspondingly assume the costs, costs that might not only be monetary.

My State of Colorado did not choose to build nuclear power plants. My State of Colorado did not choose to enjoy the benefits that nuclear power offers. Correspondingly, my State of Colorado never chose to assume the responsibility of storing nuclear waste and, therefore, we do not.

Some States favor storing nuclear waste and enjoy the economic benefits of doing so. My neighbor to the south, New Mexico, for example, chose to store nuclear waste in Carlsbad. The WIPP facility there is a major source of revenue for the community and the State. Although it has some detractors, I think that it is widely regarded as a big plus. The State of Nevada, however, unequivocally opposes storing waste at Yucca Mountain. It objects for a variety of reasons. Whereas the State of New Mexico considers storing nuclear waste good for business, the State of Nevada believes that storing nuclear waste at Yucca will kill business. Nevada's economy relies, perhaps more than any other State in the Nation, on tourism.

I cannot, in good conscience, vote to override a Governor's veto, when the long-term effect has the potential to destroy that State's economy. During hearings before the Committee on Energy and Natural Resources on designating Yucca, I noted my moral opposition. Today, I reiterate that argument.

I likened the issue to a homeowner who builds his big house on a small lot, and then realizes that he failed to build a septic tank for the house. Rather than change his design, the homeowner just puts the septic tank on his neighbor's property. I don't want someone else's septic tank on my property. The State of Colorado doesn't want a septic tank. We shouldn't force Nevada to be a septic tank for other States.

Furthermore, I am concerned about the routing of nuclear waste shipments going through Colorado toward Yucca. I realize that the routes that have been referred to are not certainties, but they are certain possibilities. After this vote, the Congress will have a very limited voice in choosing routes. I share many of the same transportation concerns some of my colleagues have expressed. I don't want to restate all of their points. Rather, I just want to note that if Yucca mountain moves forward, Colorado will likely be a major transit route for nuclear waste with nearly 13,000 rail shipments over 38 years, one of the highest in the Nation.

And what is not transported by rail will be transported by truck in I–70 and through Vail Pass, a difficult mountain road winding through Colorado's Rocky Mountains. Trucks wreck all the time on I–70. I am happy to know that we have not had any major nuclear waste accidents by truck, but am troubled by the possibility, just the same.

A colleague made a logical argument about the benefits and risk. For him, the benefits of designating Yucca mountain make the risks tolerable. I am unable to make the determination. Because I don't know what the transportation routes will be and my Governor does not have authority to designate or oppose routes, I can't engage in a cost-benefit analysis.

In the absence of state oversight authority to regulate, and without sufficient information on route designations, the risks are too great for this Senator to approve Yucca Mountain.

Mr. KERRY. Mr. President, I represent a State with one active nuclear reactor powerplant and a second decommissioned nuclear power plant, both of which are storing nuclear waste far beyond their initial design limits. I can assure you there is much concern within my State over what the government plans to do with nuclear waste and a sense of urgency to get something done. I cannot in good conscious however vote to make Yucca Mountain the destination for all of our nuclear waste when a number of studies urge caution and further study to make sure that we are not making a mistake, a mistake that could plague the people of Nevada and potentially more than 40 other States in which we will transport this nuclear waste in the years to come.

In the late-1970s President Carter, himself a nuclear engineer, initiated an Interagency Review Group, IRG, to solve once and for all the high-level nuclear waste problem in the United States. The IRG tasked the Department of Energy with finding the best sites in the country for storing our nuclear waste. At the same time, the Environmental Protection Agency, EPA, and the Nuclear Regulatory Commission, NRC, were tasked with developing criteria for the selection of sites. Then, in 1982, Congress enacted the Nuclear Waste Policy Act, NWPA, which included a commitment to identifying two sites. Between 1982 and today, however, the process was changed. In 1987, Congress amended the NWPA by directing DOE to develop only one site, Yucca Mountain. Yucca Mountain was selected as the only site for purely political reasons.

Over the years, the EPA has lowered standards when they discovered that Yucca Mountain could not meet the existing ones. They abandoned a collective radiation dose limit when it was discovered that the Yucca site could not meet it, and, just last year, the

EPA promulgated final standards for licensing Yucca Mountain that rely on dilution of nuclear waste as opposed to containment. In other words, we changed the standards so that we did not have to change the site. Yucca Mountain was picked, in part, because it is an arid, unpopulated area already owned by the federal government, which used it as a nuclear test site from the 1950s to the early 1990s. The original theory was that, if canisters deteriorated, there would be little water in the dry ground to carry the radioactive waste to other areas. But that theory has already been thrown as Chlorine-36, a radioactive isotope created during nuclear weapons tests over the Pacific Ocean in the 1950s, was recently discovered 1,000 feet below ground at Yucca Mountain. In just 50 years, that material traveled in the atmosphere to Nevada, was delivered as rain at Yucca Mountain and traveled at least 1,000 feet below the surface—the level where the nuclear waste would be stored. Such rapid movement was completely unexpected and required a revision of models of water flow in the area.

Because of this Chlorine-36, the DOE plans to bury the waste in canisters made of Alloy 22—a new composite metal containing nickel, chromium and molybdenum—and then lined on the inside with stainless steel. Alloy 22 is resistant to corrosion from water, but it is a manmade substance that has existed for only about 20 years. The DOE has only about 2 years of data on the effects of corrosion on it. Using such limited data, the government is predicting the life expectancy of the canisters 10,000 years into the future. No other nation is planning to use Alloy 22 to bury its nuclear waste, and the material does not exist in nature, so there is no way of naturally predicting how strong it will prove to be. Clearly, further study is needed before reliable predictions can be made.

I am concerned that President Bush approved Yucca Mountain despite the fact that the General Accounting Office back in December of last year, identified more than 200 important scientific and technical questions about Yucca Mountain that remain to be answered. This is especially troubling because Presidential candidate Bush promised back in 2000 that ''sound science, not politics, must prevail'' in determining whether to bury nuclear waste at Yucca Mountain. The GAO report urged the administration to postpone a decision until these questions could be answered. I am disappointed that the administration has failed to listen to the GAO.

There are transportation issues as well. I am not entirely convinced that we have a well-thought-out plan for moving all of this nuclear waste from around the country. The safety record of nuclear waste transportation should give us pause. Between 1964 and 1997, the DOE made approximately 2,913 shipments of used nuclear fuel. During this time, there were 47 safety incidents involving nuclear shipments, including six accidents. Much is left to be decided on transportation and I for one am reluctant to proceed until we have answers as to how this material will be shipped, on what routes, by what means and near what major cities. None of these questions have been answered, and I believe we should know if we can move this radioactive waste safely before we designate a national repository.

The routes for transporting nuclear waste to Yucca Mountain have not been finalized by DOE. The DOE is currently considering three modes of transportation, rail, truck and barge, but the DOE has not finalized the modes nor the routes. In the Final Environmental Impact Statement, EIS, for the Yucca Mountain project, DOE proposed a set of truck, barge and rail routes. These routes make use of major highways and pass through several of the Nation's largest metropolitan areas. The EIS for Massachusetts shows that if trucks are used to move the waste, 456 truck trips would originate in the Bay State and another 1,469 trips would transit the state en route to Yucca Mountain. Under the rail scenario, the EIS showed that 39 rail trips would originate in Massachusetts and another 511 would pass through the state en route to Yucca. In addition, the NRC is responsible for testing the containers that the waste will be shipped in. Thus far, all of the NRC tests relied exclusively on computer simulation to test the storage containers against fire and water damage. I think we can all agree that more testing is needed with actual storage containers to ensure the safety of all Americans.

Because of this lack of testing and with real concern for their cities, the Conference of Mayors recently passed a resolution calling on the Federal Government to oppose the Yucca Mountain repository until the serious safety concerns in the transport of nuclear waste were answered. Some of these concerns include the lack of physical testing of the transport casks and the lack of money and knowledge in our cities needed to deal with an accident involving nuclear waste. I believe we would be wise to listen to our mayors.

None of us here today want this waste to stay onsite forever, but we need a safe and responsible solution for disposal of the waste we have created. And we urgently need to develop a policy that protects the health and safety of local communities and all Americans. There are too many unanswered questions about the long-term effects of storing the waste at Yucca Mountain and the means by which we transport that waste there, and that is why I am voting no today.

Mr. LIEBERMAN. Mr. President, I vote today against the motion to proceed to the consideration of the Yucca Mountain resolution. I have cast this vote for several reasons. First, on procedural grounds, I agree with the majority leader that to consider the issue now would be an unacceptable divergence from Senate practice and procedure. It is the right of the majority leader to schedule the consideration of legislation on the floor of the Senate, and for me to vote for this motion would be to sanction what I view as an inappropriate procedure.

But the biggest problem is the substance of this plan. I don't believe that the Yucca Mountain site is ready to be approved by the Congress. There is an old saying: ''underpromise, overperform.'' Unfortunately, the Yucca Mountain nuclear waste storage plan overpromises and underperforms for the people of my State. I have studied this issue carefully, mindful of how important nuclear power is to Connecticut, and of how concerned Connecticut families are about the health and safety effects of storing nuclear waste on site. They are right to be concerned. But after many months of deliberation, I have decided that the plans aren't ready. Voting to create a waste repository at Yucca Mountain today would solve no problems and create a few new ones for the people of my state. It is not wise policy.

I believe the most obvious indication of this fact is the Department of Energy's plans to apply for a license from the Nuclear Regulatory Commission. Even though the Nuclear Waste Policy Act instructs the Energy Department to submit an application to the Nuclear Regulatory Commission 90 days after Congress acts, Secretary Abraham has stated that his agency will not submit an application until December 2004 at the earliest. Obviously, the Energy Department is not ready to make their case for this site. Why should we be endorsing the project long before the Department is ready?

From studying the plans for the site, I believe that the reason that the Energy Department is not ready to submit its application is because, simply, too many unanswered questions remain. In dealing with nuclear waste, we should first do no harm.

It is too soon to say conclusively that the Yucca Mountain plans meet that standard. Consider the storage problems. In a December 2001 report to members of Congress, the General Accounting Office wrote of ''uncertainties'' relating to the ''longevity of [engineered] waste containers,'' and noted that ''significant work is needed'' before the safety of the containers can be substantiated. The GAO also felt that more studies needed to be completed before the physical characteristics of the site could be declared suitable for the project. Most notably, the report stated the GAO's uncertainty on ''how the combination of heat, water, and chemical processes caused by the presence of nuclear waste . . . would affect the flow of water through the repository.'' Among the remaining physical ''uncertainties,'' the GAO prominently listed: faulting and fracturing of the

repository rock; the flow of water through the repository rock; and the stability of the repository rock under heated conditions and conditions involving seismic events as main concerns.

The GAO's view of uncertainties was seconded by the Nuclear Waste Technical Review Board—an independent review board that acts as a check for the Energy Department's view of the science. In a January 24, 2002 letter to Congress, the Review Board offered criticisms of the DOE study, finding that, ''as a whole . . . the technical basis for the DOE's repository performance estimates is weak to moderate.''

But, the most important point for my home state of Connecticut is that, even if Yucca Mountain worked perfectly, with none of the potential problems that many experts have raised, it would not answer our problem of nuclear waste storage. It gives the people of my State the false hope of a solution to this serious problem. In fact, the plan may well create new problems in many areas of the state that are now free of nuclear waste problems.

It is not as if, if we were to approve this site, the tons of nuclear waste in Connecticut would be instantly transported to Nevada. Rather, it would take 40 years and thousands of shipments to transport that waste across the country, and by the time Yucca was filled, we would have generated just as much waste at each of Connecticut's nuclear sites. So the opening of Yucca Mountain will not free us of the terrorist threat at each of the sites. To the contrary, it will disperse the waste even more than it is currently dispersed.

And the most dangerous waste of all—the ''hot'' waste that has just been removed from the reactors—cannot be moved off of our sites in Connecticut until it has cooled for at least 5 years. Thus, as long as we are operating nuclear plants in Connecticut, we will have dangerous nuclear waste at those plants. In other words, the current Yucca storage plans do not resolve Connecticut storage issues.

Finally, I am concerned that the transportation of the waste would bring new problems to regions of Connecticut that do not face them. The Energy Department has formulated no logical and systematic plan regarding the transportation of waste. To transport the approximately 40,000 tons of nuclear waste to Yucca Mountain, over 100,000 truck shipments or 36,000 combined rail and truck shipments would be needed, to be spread over the next 40 or so years. This would include waste from other States coming across on Connecticut highways and railroads. The attacks on September 11 have created major new questions about the transport of this waste, which could have a major effect on my State and which have not been addressed. Until some safe and proven plan to transport this waste is offered, I am troubled by the danger on our roads and rails.

We need to deal with this nuclear waste—but no one has demonstrated yet that Yucca Mountain is the answer. With technology advancing every day, perhaps it will be the answer tomorrow. Or perhaps in the future we will find another, much better solution. Until then, the imperfect status quo is better than a highly uncertain and incomplete plan such as this one.

This proposal is simply not yet ready for our consideration. Unfortunately, the Energy Department has stated that it will not continue to consider the site if this vote does not go its way. I think that is the wrong approach—the questions I have raised today may be able to be answered satisfactorily with more planning and better technology, and if they are, I would probably support the site. But this proposal is not ready for prime-time, and I am concerned that it will not be responsible to proceed to its consideration at this point.

Mr. JEFFORDS. Mr. President, we are voting today on whether to move forward on development of Yucca Mountain as a permanent disposal site for our Nation's nuclear waste.

Nuclear power provides an emissions free energy source. My State of Vermont, along with 39 other States, relies on nuclear power for a large portion of its electricity generation. It is an important part of our energy mix.

Nonetheless, we must be realistic in dealing with the downsides associated with nuclear power. Over 30 years ago, as Vermont's Attorney General, I was concerned about the impact of nuclear waste on our environment and the health of Vermonters. As Attorney General, I fought to improve the safety standards at Vermont Yankee by calling for the use of new technology that dramatically reduced airborne radiation. When the industry resisted, I required Vermont Yankee to enter into a contract with the State to use the best available technology to control radiation and to accept State monitoring, protecting the Connecticut River and the people of Vermont. The Atomic Energy Commission later accepted these technologies as their industry standard.

Throughout my time in Congress I have continued to work for a comprehensive solution to our nuclear waste problem. Back in 1977, I introduced a bill in the House calling for a comprehensive nuclear waste disposal strategy. I maintained then, as I do now, that finding an effective solution to the waste problem is critical to the future of nuclear power in this country.

So I have been working on this problem for a long time. I have supported the Yucca Mountain proposal in the past, in the belief that it would resolve the problem, and contain both our past and future nuclear waste.

However, the truth is that Yucca Mountain will not provide this solution. It is now clear that Yucca Mountain will only take part of the waste, leaving some, if not most, of the future waste that will be produced sitting along the banks of rivers, beside both our small local communities and our largest population centers. This is not adequate. This is not acceptable.

Therefore, despite my past voting record on this issue, I will cast my vote today against the sitting resolution for Yucca Mountain, because it does not finish the job we must do. Unlike my previous understanding, the Yucca site will not provide a sound, permanent and comprehensive solution to the problem of our nuclear waste disposal. All it does it provide a partial measure, one that can lull us into a false sense of security that the issue is taken care of. It is not.

I understand that Yucca Mountain, if approved today as I assume it will be, will take some of the waste, both from my State and others. That is of course helpful, as far as it goes.

But Americans should not be misled into believing that the Yucca Mountain site will solve America's waste problem. I would be derelict in my duties were I not to dispel this motion. I do so with my vote today in opposition to the Yucca Mountain proposal, under its current limitations. I do so not because I don't recognize that Yucca has the potential to provide some relief to storage concerns at Vermont Yankee and other sites. I take this vote instead because we cannot allow it to be viewed as the panacea to our nuclear waste storage problem.

We must continue to work with the nuclear industry and with the administration to find a safe and comprehensive solution to this extremely vexing problem. We cannot rest on our laurels for the next 10, 20 or 30 years, only to wake up to expanded nuclear waste piles with nowhere to go.

I trust my vote today will help emphasize this continuing need, and our continuing obligation.

I take this vote only after many long hours of carefully examining the facts of this matter. The truth is, I am more concerned than ever that we are just delaying the problem. Vermonters need to know that under the Yucca ''solution'' high-level waste is still likely to be stored forever on the banks of the Connecticut River. All Americans need to know similar waste storage problems will still exist on our Nation's waterways.

Over the years, I have consistently supported a central storage solution for nuclear waste. I continue to believe that it is essential that we find a permanent, central storage site if we are to continue to produce nuclear power.

The current proposal before us is merely a partial, interim step, and must be recognized as such. We must not just blindly continue to produce nuclear power, without a comprehensive and safe solution to the disposal of the waste we produce.

I urge my colleagues and this administration to not relax our diligence in focusing on the next step, a real and

comprehensive solution to nuclear waste disposal.

Mrs. FEINSTEIN. Mr. President, I am voting against this resolution. I support the development of a long-term strategy of storing our Nation's nuclear waste. However, a single storage repository is not the answer to our nuclear waste problem.

I have three major concerns about the proposed Yucca Mountain nuclear waste repository: first, the repository's inadequate storage capacity, second, the environmental risks of storing nuclear waste at the site, and third, the risks of transporting nuclear waste to the site.

Based on these factors, I believe it would be a mistake to bring all of our Nation's nuclear waste to Yucca Mountain. Instead of a single repository, it would be better to develop regional nuclear waste permanent storage facilities which would increase overall storage capacity and reduce risks associated with transporting waste great distances.

Today nuclear waste is stored at 131 facilities in 39 States. These facilities hold nearly 47,500 metric tons of nuclear waste. This amount is growing rapidly. Within 40 years, it is estimated that our country will have generated nearly 108,000 metric tons of nuclear waste.

The Yucca Mountain repository, as I understand it, is authorized to hold only 70,000 metric tons. So at our current rate of nuclear waste production, we will have generated this amount by the earliest estimated date of the repository's opening in 2010. In fact, we may generate the full 70,000 metric tons of nuclear waste before the site ever opens.

What is the point of creating a storage site that will be filled to capacity before it even opens?

I am very concerned about the environmental risks surrounding the site storage. DOE was supposed to recommend or reject the Yucca Mountain repository with geologic considerations to be the primary criteria. I find it disturbing that the suitability of the Yucca Mountain repository has instead focused on container material.

These titanium waste containers are DOE's principal method of providing safety and security of the nuclear waste and repository and ensuring the protection of surrounding areas.

Yet how can we be so confident in our support of such containers when we don't know about their longevity and durability?

The Nuclear Waste Technical Review Board, which was established by Congress specifically to ensure that a repository adequately protects the public health and the environment and it has voiced similar concerns. Last year, the board termed the technical basis for DOE's repository performance estimates as ''weak to moderate.''

As a result, the NWTRB has limited confidence in current performance estimates generated by the DOE's performance assessment model. The board has found that high temperatures in the DOE's repository design increase uncertainties and decrease confidence in the performance of these metal storage containers.

According to Dr. Jared Cohon, the chairman of the board, ''gaps in data and basic understanding cause important uncertainties in the concepts and assumptions on which the DOE's performance estimates are now based.''

The half-life of these titanium storage containers is still unknown. Scientists have found that the first container failures could occur after 10,000 years, although one board member said it was ''hopeless'' to know how long the container would last, given just a few years of research. Perhaps failure could occur much sooner.

In comparison, Uranium 235, the basic fuel used by nuclear reactors, has a half-life of 704 million years.

It would be simply irresponsible for us to bury such hazardous nuclear waste when we don't have a good idea about how long the containers could hold up.

One of the most significant problems found at the site is the amount of subsurface water present under Yucca Mountain. Water promotes corrosion and movement of radioactive material and its presence in a repository is a serious drawback. As the titanium casks erode over time, we could face a potential disaster as this water becomes contaminated and flows into the water table.

California counties have expressed their rightful concerns of subsurface water at Yucca Mountain surfacing at populated areas downstream of the site.

For instance, Inyo County in California, with a population of 17,945, lies downstream of the proposed repository. Contaminated water could very easily spread from the repository directly into their towns and homes.

Death Valley, one of our Nation's ecological and environmental treasures, is also only about 20 miles from the repository. Water contaminated with nuclear waste could destroy one of the jewels of our National Park System.

DOE refutes the idea of possible harm of water contamination based on the titanium casks the Department has proposed to store the nuclear waste.

Yet in March of 2001, the NWTRB wrote to DOE expressing its concern that important water flow processes around Yucca Mountain remain poorly understood and should be further studied.

The board has criticized the lack of critical corrosion data on the titanium casks in the DOE's basic design concept. According to the board, ''We are betting the performance of the systems on the long term performance of these effectively new materials.''

The fact is we simply do not know enough about the durability of these containers and how they will hold up under intense natural conditions for thousands of years.

If we are so confident of the safety and durability of these titanium storage casks, why not use them to store nuclear waste at or near existing reactor sites and thereby eliminate the risk of transporting these hazardous materials across the country?

The most immediate question that need to be answered, however, is, how will we transport all of our nuclear waste to Yucca Mountain? While some argue that the repository will increase national security by decreasing the number of storage sites, the transportation of nuclear waste to the site would actually create thousands of moving targets.

In order to move the Nation's nuclear waste to the Yucca Mountain repository, DOE would have to transport thousands of metric tons of nuclear waste across the country and those shipments would take decades just to move the waste that has already been generated.

Keep in mind that nuclear power provides a quarter of our Nation's energy needs and we generate hundreds of spent nuclear fuel rods each day and nearly 2,200 metric tons of nuclear waste each year.

If we had a way to magically move all of the nuclear waste to Yucca Mountain, it might be safer to have a single repository. However, this is not the case and the transportation of nuclear waste poses unnecessary risks for accidents and attacks.

According to DOE, it would take an estimated 24 years for the full 70,000 metric tons of nuclear waste to be transported to Yucca Mountain.

DOE has not yet determined exactly how this nuclear waste would be transported. The Department estimates that it would take 53,000 trips by truck over the proposed 24-year time period. If the nuclear waste traveled by train, that scenario would involve an estimated 10,700 rail shipments.

The site is scheduled to open in 2010 according to DOE's earliest predictions and at the end of all shipments in 2034, there would still be: nearly 42,000 metric tons of commercial nuclear waste stored in 63 nuclear power plant sites in 31 States; and about 7,000 metric tons of DOE generated waste stored in 4 states.

This is why I believe a single repository is not capable of meeting our long-term nuclear waste storage needs.

Such shipments present unnecessary risks in transporting numerous shipments of hazardous materials from New England to Nevada.

As a result of this plan, significant amounts of nuclear waste will undoubtedly move through or near populated urban areas, potentially jeopardizing the safety of millions of Americans.

And commercial spent nuclear fuel from nuclear power reactors would comprise about 90 percent of the waste shipped to the repository. DOE has acknowledged that this waste is ''usually intensely radioactive.''

According to DOE's Final Environmental Impact Statement, (FEIS)

more than 123 million people currently live in 703 counties traversed by DOE's proposed highway routes and 106 million live in counties along DOE's proposed rail routes.

Using potential truck and rail transportation routes identified by DOE, the Environmental Working Group, a national environmental research organization, estimated that waste shipments to the Yucca Mountain repository could pass within a mile or less of 14,510 schools, 933 hospitals and the homes of 38.5 million people.

When the distance from routes is expanded to 5 miles, waste shipments could pass 36,228 schools, 1,831 hospitals and the homes of 109 million people.

Preliminary routes in Southern California slate waste from the Diablo Canyon powerplant to be shipped about 200 miles on a barge to Port Hueneme in suburban Ventura County just north of Los Angeles, which is one of California's five busiest ports and the nation's biggest export site for citrus.

These shipments pose potential threats to some of the most densely populated areas in the U.S.

Additionally, routine radiation from shipping casks poses a significant health threat to workers handling such shipments.

In the most extreme example, motor carrier safety inspectors could receive cumulative doses large enough to increase their risk of cancer death by 10 percent or more and their risk of other serious health effects by 40 percent or more.

According to the Nevada Agency for Nuclear Projects, public perception of transportation risks could also result in economic costs to those communities along shipping routes. Even without an accident or incident, property values near these routes could decline by 3 percent or more. In the event of an accident, residential property values along shipping routes could decline between 8 percent and 34 percent, depending on the severity of the accident.

DOE takes great pride in its record of safe transportation of hazardous materials for over more than 30 years. During that time, there have been only eight accidents and none of them resulted in the harmful release of radioactive material.

However, during that time period, we were moving fewer than 100 shipments per year.

Over the next 24 years, there would be an estimated 2,200 shipments per year heading to the Yucca Mountain repository alone. There would also be more than 10,700 cross-country shipments occurring at an average of 450 per year.

This enormous increase in shipments would greatly increase potential accidents.

According to the National Highway Traffic Safety Administration, 457,000 large trucks were involved in traffic crashes in the year 2000 alone.

According to the FEIS, a very severe highway or rail accident could release radioactive materials from a shipping container, resulting in radiation exposures to members of the public and latent cancer fatalities among the exposed population.

The July 2001 Baltimore rail tunnel fire has been cited as an example of the dangers of shipping nuclear waste by train.

The fire burned for 3 days with temperatures as high as 1500 degrees Fahrenheit. A single rail cask in such an accident could have released enough radioactive material to contaminate an area of 32 square miles.

In addition to the harm inflicting surrounding populations, the FEIS estimates the clean-up costs of such an accident could potentially reach $10 billion.

Failure to clean up the contamination of such an accident could cause 4,000 to 28,000 cancer deaths over the next 50 years. Between 200 and 1,400 latent cancer fatalities would be expected from exposures during the first year.

A successful terrorist attack using high energy explosives could result in similar destruction and damage.

The FEIS concedes that a high-energy explosive device could rupture the wall of a truck cask, leading to the dispersal of contaminants into the environment. A single blast resulting in 90 percent penetration of a truck cask could lead to 300 to 1,800 cancer fatalities. Full perforation of a cask could cause 3,000 to 18,000 cancer fatalities. Cleanup and recovery costs of such an incident would exceed $10 billion.

These threats should be taken very seriously and this assessment furthers my belief that the long and complex transportation of nuclear waste to a single site is a threat to our national security.

Based on these concerns, I do not believe that Yucca Mountain is the answer to our current nuclear waste security nor our long term nuclear waste storage problem.

According to Dr. Victor Gilinsky, a former Commissioner of the Nuclear Regulatory Commission, Yucca Mountain is not needed to continue, or even expand, nuclear power use. There is ample opportunity to expand existing, NRC-approved, on-site storage. As he testified before the Senate Energy Committee:

> the important thing now is to recognize that there is no immediate crisis, that there is time to do this and to do a good job and responsible job in terms of safety and security, and to do it at a much lower cost to taxpayers than Yucca Mountain represents.

I believe a regional system will provide us with both immediate and long-term results. Immediate in the sense that we can explore expanding storage at current NRC-approved sites. Long-term in the sense that it will produce a system of regional permanent storage sites that will meet our long-term nuclear waste storage needs.

I cannot support a site that does not have the capacity to meet our Nation's long-term nuclear waste storage needs and poses serious risks to our environment and national security. A system of regional storage repositories could eliminate these risks and provide the adequate and safe permanent storage of nuclear waste that our country needs.

Mr. AKAKA. Mr. President, I rise today in opposition to House Joint Resolution 87, the Yucca Mountain resolution, to approve the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982.

Since the advent of nuclear power nearly 50 years ago, we have been concerned about the problem of waste generated by the production of electricity. Today we are considering a decisive step towards a solution to the dilemma of high-level nuclear waste as mandated by the act. But the path forward is not risk-free.

There are problems associated with the siting. The General Accounting Office has raised serious questions regarding the seismology, stability of the repository, and long-term effects of heat, water and chemical processes in and around the waste containers.

I am concerned about dangers posed by transporting thousands of tons, and thousands of shipments, of high-level nuclear waste through 43 States. Each truck could potentially carry more long-lived radioactivity than released at Hiroshima. I am sympathetic to those States that face the risk of transportation-related accidents or terrorist attacks. Because of our experience in the Pacific with nuclear testing and resulting exposure to radioactivity, I urge caution when dealing with long-lived radioactive material.

We have similar transport problems on the world's sea lanes. Last week, Japan returned a shipment of mixed plutonium-uranium oxide fuel, MOX, to the United Kingdom because it was sent to Japan with falsified safety data and without proper safety checks. The safety and security of nuclear waste, whether transported on the highways or the high seas, should be of great concern to Americans. During my tenure in the Senate, I have closely monitored the safety and security of shipments of MOX from Europe to Japan for nuclear power purposes. On numerous occasions I have voiced concerns with transportation plans and associated security measures for the shipments of nuclear material in the Pacific. Recent warnings and alarm over the threat of procurement and use of nuclear materials for crude explosive devices known as ''dirty bombs'' heightens the need to be vigilant and careful in the transport of nuclear material.

I am not convinced that the plan proposed by the administration has addressed all of these risks. Clearly, we can't walk away from the nuclear waste dilemma, and the nation must address this intractable problem. We need a scientific rather than a political

solution. In a new approach, Congress should not pre-select a site but provide a process that leads to a scientifically sound solution. I will oppose the motion to proceed, as I am not convinced that this is the best path forward.

Mr. DURBIN. Mr. President, the advent of nuclear power more than 50 years ago brought with it both great promise and great responsibility. Our ability to harness the power of the atom has paid substantial dividends for our society, but it has also left us with the formidable challenge of safely storing the byproducts of nuclear power generation. This is a challenge our Nation must meet so that future generations are not endangered by today's nuclear waste.

Presently, all of the spent fuel from nuclear power plants and research reactors throughout the country remains on-site at each reactor. None of these facilities was designed to safely store that waste on a permanent basis, and leaving spent fuel in temporary storage around the Nation poses both a security threat and an environmental hazard. In Illinois, nearly half of our electricity is generated from nuclear power. Our State contains seven nuclear powerplants, two nuclear research reactors, and more commercial nuclear waste than any other State.

We need to find a safe and permanent way to store this material, and such a storage site has been proposed at Yucca Mountain in Nevada. I have been to Yucca Mountain, which is located 90 miles from Las Vegas on Federal land at the remote Nevada nuclear test site. The waste would be stored more than 600 feet underground but more than 500 feet above the water table, sealed in steel containers placed under a titanium shield. A security force at the Nevada test site is in place to protect the area, and the airspace around Yucca Mountain is already restricted.

When this issue has come before Congress in the past, I have opposed efforts to move waste to a temporary facility at Yucca Mountain before there was a scientific determination of whether waste could be safely stored there on a permanent basis. I had no interest in moving this waste to a temporary place, only to move it again when a permanent repository is finally determined. I also opposed earlier measures that would have mandated dangerously low standards for environmental protection at the site.

Recently, however, I have been encouraged by the fact that the Environmental Protection Agency has established radiation and groundwater contamination standards for the Yucca Mountain storage site. These standards were derived from recommendations by experts at the National Academy of Sciences and were developed after extensive public comment and scientific analysis. All of these standards greatly exceed the standards debated by Congress in the two previous bills I opposed. Under three bills Congress considered in the past on this issue, the EPA would have been required to issue a single standard limiting the lifetime risk of premature cancer death to 1 in 1,000, or .001. The current EPA standard assumes a risk of 8.5 in 1,000,000, or .0000085. Furthermore, these bills would have prohibited a standard for groundwater, which EPA has now put in place. If the Department of Energy is able to move forward with a licensing application for Yucca Mountain, the Nuclear Regulatory Commission will be charged with making sure that the Department of Energy proves it can meet the EPA's standards. If it cannot prove this, the Yucca Mountain project cannot move forward.

No site will ever be perfect for the storage of high-level nuclear waste, but I believe the studies which have already been conducted and the Nuclear Regulatory Commission review still to come provide sufficient assurances that Yucca Mountain is the most appropriate site available and should be used as the permanent national nuclear waste repository.

I am still concerned, however, with the movement of thousands of tons of nuclear waste across the country to Nevada. According to the U.S. Department of Energy, Illinois would rank seventh in truck shipments in what is called the ''mostly truck scenario.'' The same Energy Department analysis concludes that Illinois would rank sixth in rail shipments in the ''mostly rail scenario.'' Although waste has been shipped through Illinois and other states in the past, approving Yucca Mountain would initiate the largest waste shipping campaign in the history of our country, both in terms of the number of shipments and the amount of miles traveled for high level nuclear waste.

Unless we scrutinize safety factors and security risks, the large-scale transportation of radioactive materials has the potential to cause a host of serious challenges to cities and communities along shipping routes. The U.S. Conference of Mayors has expressed concerns about the transportation plan, and I am submitting for the RECORD a letter sent to President Bush on this matter, signed by Mayor Richard M. Daley of Chicago and 17 other mayors. This issue is all the more important in light of the terrorist threats we are likely to face in the years ahead.

Illinois is home to one of the busiest transportation corridors in the Nation, putting our State squarely at the intersection of the nuclear crossroads. With the safety of Illinoisans at stake, finding the safest way to move nuclear waste to a location where it poses the least risk is imperative.

That is why I am introducing legislation in the Senate that would direct the Federal Government to develop a comprehensive safety program for nuclear waste transportation. This legislation would require the waste containment casks to be tested to ensure they could withstand intense fires, high-speed collisions and other threats that may occur during transport. My bill also would require States to be consulted on the selection of transportation routes and would require a 2-week advance notification of waste shipments. I also would ban inland waterway shipments of nuclear waste, require dedicated trains and establish a minimum number of trained escorts to accompany each nuclear waste convoy. I am looking forward to working with my colleagues who share my interest in this legislation.

Congress should move forward with making Yucca Mountain the central repository for our Nation's nuclear waste. It is, I am convinced, the best solution to a complicated problem we have debated for decades. But before shipments to Yucca Mountain begin, we need to establish a transportation plan to ensure the safety and security of the communities that lie in the path of those shipments, and we must begin that work today.

I ask unanimous consent to print the letter in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE U.S. CONFERENCE OF MAYORS,
February 23, 2002.

Hon. GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Your approval of Yucca Mountain in Nevada as a nuclear waste repository was a historic moment in the history of the project. Quite literally, it is the culmination of over 50 years of scientific research and analysis. Since the Atomic Energy Act was passed in 1954, the federal government has been searching for methods to dispose of spent nuclear fuel and high-level radioactive waste.

As a single largest federal government project in the history of the United States, we acknowledge that the Yucca Mountain project has detractors and supporters. Regardless of the final repository location, we have serious concerns about the transportation of spent nuclear fuel from reactors all over the country to Yucca Mountain or any other repository.

So far, the preliminary estimates that have been released call for up to 10 shipments of nuclear fuel each day for close to 40 years. These shipments will travel through America's cities past our schools, homes and places of business.

In 1996, The United States Conference of Mayors adopted policy on the transportation of radioactive waste that calls for the federal government to fund training and equipment that will be needed by local emergency response personnel along transportation routes, to upgrade medical facilities which would treat victims of transportation accidents, and to upgrade highway and railroad or highway bypasses to ensure safe transportation corridors. It also calls on the Nuclear Regulatory Commission to certify shipping transportation containers after a public process that includes both physical testing and computer modeling to ensure that the containers can withstand severe accidents.

As mayors, we are concerned that the Department of Energy (DOE) has not yet fully researched the methods for the transportation of nuclear waste. A recent incident that illustrates our concern is the 2001 Baltimore Tunnel fire. Five days passed before fire fighters could gain access to the blaze

and control the flames. Several studies have been done to determine the environmental impact if that train had been carrying spent nuclear fuel—and the results have been disturbing.

Given the long-term nature of the Yucca project, it seems only natural that the DOE would include transportation analysis and an environmental impact study in its final report. We respectfully request that the Office of the President of the United States initiate one.

As the mayors of potentially affected cities, we urge you to continue your dedication to public safety and homeland security by supporting a thorough study on nuclear waste transportation to the final repository.

We look forward to working with you on this very important issue.

Sincerely,

(Signed by 18 mayors.)

Ms. SNOWE. Mr. President, I rise today in support of S.J. Res. 34, a joint resolution approving the site at Yucca Mountain, NV, for the development of a repository for the disposal of spent nuclear fuel and high-level radioactive waste, pursuant to the Nuclear Waste Policy Act of 1982.

As we are aware, under current law, Energy Secretary Abraham recommended the Yucca Mountain geologic site as the repository for the Nation's spent nuclear fuel and high-level radioactive waste to the President on February 14, 2002, and the President then recommended the site to Congress the next day. Under law, on April 8, Nevada Governor Guinn exercised his right to veto the Yucca Mountain site. This veto will block further development of the site unless the Congress acts by passing an approval resolution that is signed by the President by July 27.

In 1982, legislation was crafted in response to the need to dispose of the Nation's spent nuclear fuel and high-level radioactive waste that has been collecting since the growth of the nuclear power industry started in the 1950s. The waste is now being stored in various ways in 131 locations across the country.

The Nuclear Waste Policy Act of 1982, the NWPA, called for disposal of this spent nuclear fuel in a repository in a deep geologic formation that would not be disturbed for thousands of years. An office was established in the Department of Energy to develop such a storage repository, the costs of which would be covered by a fee on nuclear-generated electricity and paid into the Nuclear Waste Fund.

My experience with the storage of the Nation's high-level nuclear waste covers the entire 20 year lifetime of the NWPA. In the 99th Congress, I introduced a bill in the House, H.R. 4664, with 23 other Representatives to amend the NWPA. The bill called for the disposal of high-level radioactive waste and spent nuclear fuel in a single national repository. At that time, the NWPA called for two repositories, one in the East and one in the West. I was also a cosponsor of H.R. 4668, the Broyhill bill that removed the requirement of a second repository for the disposal of high-level radioactive waste and spent nuclear fuel.

Our successes came in the next Congress, the 100th Congress, when language I developed with then Representative Mo Udall was ultimately included in the fiscal year 1988 Concurrent Budget Resolution that went on to be signed into law as Public Law 100–203. The language called for the establishment of one national repository. Language was also added at that time that established Yucca Mountain as the only site to be considered for the repository.

Through all of those years, and especially since 9/11, I have continued to believe that the Nation's spent nuclear fuel could be more safely stored at one secure federally guarded facility than at temporary storage facilities all around the country. It would also be less expensive to State governments, which have already taken on the responsibility of dealing with the storage of low-level radioactive waste within their borders.

I do not believe that leaving the spent fuel at commercial and DOE sites for 10,000 years while having each site take the necessary security precautions and storage upgrades is the best approach, especially as the DOE itself has predicted that leaving the spent fuel stored on all of the numerous sites throughout the country would result in a radioactive material release, contaminating soil, surface water, and groundwater.

In Maine, we have a nuclear plant being decommissioned—Maine Yankee—that has been waiting for the Federal Government to take the waste that it should have taken by law by 1998, but has still failed to do so since no facility is ready to store the waste. In fact, Maine Yankee is seeking $120 million through a lawsuit against DOE because the Federal Government has not lived up to their part of the bargain.

The nuclear power plant stopped operating in 1997, but 1,434 spent fuel assemblies still sit at the site waiting for a permanent Federal solution. The company has now spent about $60 million to build a dry cask storage facility and will spend at least $4 million per year to operate it. This is not a unique case as there are a total of 26 power plants no longer in operation that also have waste waiting to be shipped. By 2006, 60 reactors will run out of original storage space, with 78 running out by 2010.

Even after we pass this resolution and the President signs it, the repository will still need to meet the strict requirements of the Nuclear Regulatory Commission to be licensed, and if the Yucca Mountain site receives approval, it will not even be ready to accept spent fuel before 2010 at the earliest. We simply cannot wait any longer to move this issue forward.

I understand that concerns have been raised about the transportation of the spent fuel—and these should be raised and the public should be assured that security plans are in place for safe transportation. We do, however, have a decade to assure that the waste will be safely and securely shipped to the Yucca Mountain site from all parts of the country. Indeed, history tells us that past shipments have been carefully managed. The nuclear industry has completed 3,000 shipments of spent fuel over 1.7 million miles by highways and railroads since 1964. Eight accidents have occurred, four of which had fuel in the shipping containers, but no radiation was released. In the next decade, we can expect even greater safety of shipments through improved technology.

I was pleased to support Senator CARNAHAN's amendment to the recently passed Senate energy bill that calls for a National Academy of Sciences study on how DOE chooses spent nuclear fuel transportation routes, and to do risk assessments of all of the potential routes. This should clarify the transportation issue even more for the public and I urge the conferees to keep this provision in the conference report.

The Federal Government has already spent $7 billion on the Yucca Mountain site, and will ultimately spend about $50 billion more up to the time when the site is expected to reach capacity and is closed in 2019. We must move forward responsibly to once and for all safely and securely store the Nation's highly radioactive spent fuel and nuclear waste at a single national location or, as the DOE has projected, the cost will climb to the trillions of dollars. We can neither afford this or afford to wait any longer.

Mr. GRASSLEY. Mr. President, in 1982, Congress required the Federal Government to find a permanent repository for the disposal of spent nuclear fuel. Now, 20 years later, we are finally taking the necessary action to move ahead with this plan.

Yucca Mountain was recently designated as a suitable site for development as the Nation's permanent repository, with over 24 years of Federal research and scientific evaluation. The Secretary of Energy, after thoroughly examining the relevant scientific and technical materials, concluded that the site is scientifically and technically suitable for construction of a repository. Now, it is up to Congress to ensure that we provide a safe, permanent storage facility.

In this time of heightened terrorist threats, it is absolutely necessary that the Government provide safe and secure permanent storage for our spent nuclear fuel. Currently, spent nuclear fuel and high-level radioactive waste is stored at 131 sites in 39 States.

We can no longer afford to continue storing nuclear waste in temporary sites that are too often located near densely populated areas and water supplies. It seems only logical to want to safeguard public health and safety by storing nuclear waste at a site that

would be highly guarded against any terrorist activity.

Even in my home State of Iowa, spent nuclear fuel from the Duane Arnold plant is stored just outside of Cedar Rapids near the town of Palo. Like too many other facilities in the United States, the plant is being forced to construct temporary storage because of the Federal Government's lack of action on a permanent facility.

And, just 10 miles from the Iowa border, at a plant that ceased operation in 1987, sits 42 tons of nuclear waste in a waterpool that is designed for temporary storage during operation, not permanent storage. It's for these reasons that it is crucial the Senate move forward in designating Yucca Mountain as a permanent storage facility. Storing nuclear waste at Yucca Mountain would protect public safety, health and the Nation's security.

Opponents continue to raise questions concerning the safety of the transportation of this material to Nevada. For over 30 years, there have been 2,700 shipments of spent nuclear fuel without a single release of radioactive material harmful to the public or the environment. It is important to remember that because spent fuel is stored at over 100 temporary sites across the Nation, shipments of spent fuel will cross the country whether or not Yucca Mountain is approved.

Secretary Abraham has assured that the Department of Energy will develop a transportation plan and work with State and tribal governments regarding shipments to Yucca Mountain. Iowa's Governor, Tom Vilsack, has also shared with me his support for designating Yucca Mountain, based on the outstanding record of safely transporting nuclear material. Given Iowa's geographic position across major transportation routes, Governor Vilsack relayed that Iowa has consistently met its responsibilities in this regard.

Lastly, those who oppose the transportation of the waste across the country because it could be a terrorist target have clearly disregarded the fact that spent fuel in secure transit to a permanent repository is far less of a target than the spent fuel scattered across the country at over 100 temporary, stationary sites.

With over 2,000 tons of spent nuclear fuel in Iowa or on it is borders, it's imperative that the Senate take the necessary action today to finally begin the process of developing a permanent repository. To protect our national security, enhance our energy security, and ensure the safety of the public, we must support this resolution and move ahead on this project.

I request that a copy of Governor Vilsack's letter to me dated May 8, 2002, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF IOWA,
OFFICE OF THE GOVERNOR,
Des Moines, May 8, 2002.

Hon. CHARLES E. GRASSLEY,
U.S. Senator, Hart Senate Office Bldg., Washington, DC.

I am writing to encourage your support for the recent decision to go forward with development of Yucca Mountain, Nevada as a permanent repository for our nation's used commercial nuclear fuel and defense nuclear fuel and defense nuclear waste. The State of Nevada has exercised its right to object to the decision. As a result, it is now your responsibility, as a member of Congress, to evaluate, considering the effects on national interest, the decision and affirm its wisdom.

In 1982 Congress established our nation's policy on managing used commercial nuclear fuel and defense waste, i.e., interim storage by commercial reactor operators at their sites and permanent storage at one or more national, geologic repositories by the Federal government. Further, Congress provided for the collection of a fee, levied on customers of electricity generated by nuclear power plants, to be paid into the Federal Treasury and appropriated by Congress for the study and development of a permanent repository. In 1987, Congress, acting to focus the U.S. Department of Energy's efforts, instructed the DOE to exclusively study the site at Yucca Mountain, Nevada.

The DOE acting in accordance with Congress' instructions, studied the Yucca Mountain site in extensive detail. This study validated the scientific wisdom that led to focusing on the Yucca Mountain site in 1987. We should now move on to the next phase of activities and begin the processes of design, licensing, construction and operation of a permanent repository. This is with the full understanding that the licensing and operation of Yucca Mountain still must withstand the detailed scrutiny and additional questioning by the U.S. Nuclear Regulatory Commission which is charged by law to decide whether or not to issue a license to the DOE before a single bundle of used nuclear fuel can move to Yucca Mountain.

Used nuclear fuel is currently stored at commercial reactor sites within and on the borders of the state of Iowa. While this storage has been and continues to be accomplished responsibly, these facilities were never intended as sites for permanent storage and are operated on the presumption that the Federal government will go forward with its responsibility for providing a permanent repository. These same reactor sites provide nearly 25% of Iowa's electric energy.

Customers have paid into the federal fund for the purposes of developing a repository. Study is but a single step towards the final end of developing a useful facility. With the completion of that study there is a ''light at the end of the tunnel'' for those same customers who are bearing the expense of the interim storage within or on the borders of our state.

Congress, in 1982, when it enacted the policy of a national repository, recognized that used nuclear fuel and defense nuclear waste must be transported to that repository. History provides us an outstanding record of transportation of nuclear material. The state of Iowa, with its geographical position across major transportation routes, has consistently met its responsibilities in this regard. The same 1982 act provides for federal support to states to insure that the safety record of future transportation is equally good, if not better.

The decision to move forward on Yucca Mountain and the subsequent objection by Nevada have turned the issue back to Congress to fulfill the national policy it established in 1982: providing a permanent Federal repository for used nuclear fuel and defense nuclear waste. Science affirms the wisdom of Congress' decision in 1987 to focus on Yucca Mountain. Customers and our nuclear reactor operators have provided money and interim storage while waiting for a permanent repository.

It is now time for Congress to stand behind its original decision and vote to move forward with Yucca Mountain. I ask for your support on this important issue.

Sincerely,

THOMAS J. VILSACK,
Governor.

Mr. KOHL. Mr. President, today the long struggle to find a permanent repository for nuclear waste came one step closer to completion. The Senate has decided to over rule Nevada's objection to storing nuclear waste at Yucca Mountain with a strong majority. This is a victory I supported, but not one I can be happy about because it forced me to vote against my leadership.

I supported moving the waste to Yucca Mountain for three main reasons. First, the opening of Yucca Mountain means that Wisconsin will have one less site storing nuclear waste as the Dairyland Power Cooperative's decommissioned reactor will finally be able to get rid of the waste stored at its defunct reactor. Second the site has been proven safe after 20 years of study by the Department of Energy and the National Academy of Sciences. Third, the electricity rate payers of Wisconsin have paid more than $250 million over the years for this site, and the Federal Government should fulfill its side of the bargain by providing the repository it promised.

I still have concerns regarding transportation of the waste through our population centers. This is a high stakes situation and every effort needs to be made to choose the best routes, prepare the local emergency response units, and continue to improve the casks in which the waste will be moved. However, the industry's record of thousands of shipments of nuclear waste around the country and around the world without an accidental release of radiation leads me to believe that these concerns will be adequately addressed.

I understand the concerns some of my colleagues have on the safety of the Yucca Mountain site. What we are asking science to do by proving that this site will be safe for tens of thousands of years is unheard of, and may well be beyond our current capabilities. But this site, on the Nevada Nuclear Test site, is certainly safer than leaving this waste at 132 sites nationwide. Sites scattered around the country that were never designed to be a permanent solution. This mountain has been carefully studied and will continue to be closely monitored. We will not walk away from Yucca Mountain but will watch it closely for generations to come.

Burying our waste problems for future generations to deal with is not something we should be proud of. I hope the Congress and the administration will continue to fund nuclear research that will investigate ways to

neutralize this waste. The repository at Yucca Mountain doesn't have to be the last word on nuclear waste, and I hope we can do better in the future.

Mr. FEINGOLD. Mr. President, I want to share my views on the Yucca Mountain resolution. Specifically, I want to review the issues that I have considered in examining this legislation that have led me to vote against the motion to proceed to this measure. In short, while I believe that Yucca Mountain ultimately may be the appropriate place to permanently store our country's nuclear waste, the Senate is considering proceeding to this resolution today without having addressed two key concerns: the Congress has not ensured that the Yucca Mountain site is of sufficient size to house our country's nuclear waste and the Congress does not yet know the Administration's plans for ensuring that the transportation of waste to that site is safe and secure. In addition, considering this premature resolution does nothing to get the waste to Yucca Mountain more quickly because the Federal Government must complete a number of remaining regulatory steps and build the site.

Let me first express my grave concern about the process by which this resolution has been brought to the floor. The Nuclear Waste Policy Act of 1982, amended in 1987, establishes a process for the Federal Government to designate a site for a permanent repository for civilian nuclear waste. In February 2002, this process culminated in a Presidential recommendation for a repository at Yucca Mountain, NV. On April 8, 2002, the State of Nevada exercised its authority under the law to disapprove the site. As a result of this State disapproval, the site may be approved only if a joint resolution of repository siting approval, which we are now considering, becomes law.

The Nuclear Waste Policy Act also establishes an expedited procedure for congressional consideration of the Yucca resolution. The purpose of an expedited procedure is to facilitate the ability of Congress to dispose of the matter specified in a timely and definitive way. To this end, it establishes a means for Congress to take up, and complete action on, the resolution of approval or disapproval within a limited period of time. I am concerned that we are taking this action today and we are still several years away from a final siting decision on Yucca. The Nuclear Regulatory Commission is still several years away from issuing a construction license for Yucca, there is no transportation plan, and the transportation containers to be used for waste shipments to a permanent storage site have also not been approved by the Nuclear Regulatory Commission. Thus, while Yucca may be the right site, this is the wrong time to have Congress ''approve'' the site while so many regulatory questions are yet unanswered.

I have always felt that we should be certain that Yucca is the final site before we proceed with final Congressional approval. For those of us who represent states that are grappling with nuclear waste storage questions, the short time frame mandated in law for the consideration of this resolution has made it extremely difficult to analyze its full effects on behalf of our constituents. The issues raised by this resolution are serious policy issues. The Bush Administration knows the resolution approval process is designated by law and has statutorily defined deadlines for Congressional consideration. The Administration should not have jumped the gun and set the clock in motion while there is still a possibility that Yucca might not receive final siting approval in the regulatory process.

During my time in the Senate, I have consistently said that I would prefer that once nuclear waste leaves the State, it leaves permanently. Wisconsinites want nuclear waste removed from our State and stored in a permanent geologic repository out of State so that it has no chance of coming back to Wisconsin. I opposed nuclear waste legislation in the last Congress that sought to build large scale interim storage facilities before the permanent storage site was ready and would have jeopardized consideration of the permanent site. This resolution commits the Federal Government, at least for the near term, to build one such large scale permanent site.

I have heard concerns, however, from some constituents that this resolution to build at Yucca makes Wisconsin more likely to be the next permanent geologic storage site. I am concerned that Yucca, as currently authorized, will not be of sufficient size to take all of Wisconsin's waste. In previous Congresses, though I did not ultimately support interim storage legislation for other reasons, I supported provisions in interim storage bills to expand the size and capacity of the Yucca site. At best, when Yucca is opened, it will leave nearly a quarter of the waste currently in Wisconsin still sitting at our plants. Moreover, if our nuclear plants in Southeast Wisconsin re-fuel in the next few years, the Yucca site is not currently expected to take any new waste.

Yucca's size is an important issue for Wisconsin because Congress is required under law to approve the study and construction of a second waste site, if one is needed. This resolution does nothing to change that provision of law, and it remains unclear whether the Department of Energy would look again at Wisconsin or the other sites considered in the 1970s and 1980s. If it needed more storage capacity, the Department of Energy could ask Congress to expand Yucca's size or recommend another alternative geologic site. As a Wisconsin Senator, I have serious concerns regarding the construction of a geologic storage site in Wisconsin. In the past I have opposed legislation opening up the possibility of a second site, and would express those concerns strongly in any discussion of a second permanent location.

One of my main concerns has always been the safety and security of shipping nuclear materials from their current locations to a permanent geologic storage site outside of the State. Obviously, there is a risk that, during the transportation, accidents may occur. While many have suggested that waste has been shipped safely across the country during the history of nuclear power in this country, there has never been a coordinated efforts to ship waste to a centralized storage location. The opening of Yucca Mountain would initiate an unprecedented shipping program. I am concerned that the Final Environmental Impact Statement for Yucca Mountain now includes barge transport on the Great Lakes and extensive truck transport on highways as potential transportation routes in addition to rail transport.

This resolution does not enhance our transportation safety, and our current transportation regulatory program must be strengthened. In fact, I believe that additional legislation may be needed to address a number of transportation issues. I still feel that the Senate must act in the near term to ensure that state and local governments have the financial and equipment resources they need to respond to accidents and protect public safety. Congress must insist on a comprehensive safety program for nuclear waste transportation. We must require the waste containment casks to be tested to ensure they could withstand intense fires, high-speed collisions and other threats that may occur during transport. It is also essential that states be consulted on the selection of transportation routes and are given longer advance notification of waste shipments. Other measures that need to be addressed include banning both open water and inland waterway shipments of nuclear waste, requiring dedicated means of shipping, and establishing a minimum number of armed escorts to accompany each nuclear waste convoy.

In conclusion, I cannot support this proceeding to this legislation which purports to provide an interim fix to the country's nuclear waste problem. I realize that this action is not the final say on Yucca Mountain and that we have many more steps to go before Yucca is built. But this site cannot serve its national purpose if we cannot get the waste there safely or if it is too small to hold the waste. We should have addressed these important considerations before proceeding to this resolution.

Mr. LEVIN. Mr. President, I am supporting the Yucca Mountain Resolution today because we need to take the next step in resolving the problem of nuclear waste in this country. It makes more sense to store the Nation's high-level nuclear waste in a single place than it does to leave it at 131 sites spread all around the country, many close to significant population centers

and all located on bodies of water, including the Great Lakes and major river systems. I do not feel that it is environmentally responsible to allow spent nuclear fuel to sit indefinitely in temporary facilities on the shores of the Great Lakes. We set up a procedure 20 years ago to deal with this problem, and we should use it.

I have heard from citizens all over Michigan on both sides of this issue. The Michigan Municipal League, the Michigan House of Representatives, and over 75 counties and communities have contacted me to express their support for the effort to establish a permanent repository at Yucca Mountain. This resolution will permit the Department of Energy to submit an application to the Nuclear Regulatory Commission so that the Commission can determine whether established regulatory requirements for the protection of public health, safety and the environment have been satisfied. The Nuclear Waste Policy Act, which was passed 20 years ago, did not leave it up to Congress to decide whether or not Yucca Mountain is a suitable location for our nuclear waste. Rather, it left this decision up to the Nuclear Regulatory Commission. If this resolution is approved, a license application will be submitted by the Department of Energy for Yucca Mountain and over the next several years, the Nuclear Regulatory Commission will go through all of the scientific and environmental data and look at the design of the repository to make sure that it can meet environmental and safety standards. This will be done by scientists and technical experts.

I share the concerns of many people regarding the storage and shipment of nuclear waste. Terrorism and transportation issues need to be thoroughly addressed in the licensing process. Transportation plans will be developed in a staged process over time and all plans will go public with opportunities for input from the States and local communities. The actual transportation routes are a long way from being determined. Further, the Department of Energy assures us that there are no plans to use barges to transport waste, and I will oppose any effort to do so.

Since 1983, the people of Michigan have committed more than $400 million to the Nuclear Waste Fund for environmental protection that they have not received. The Palisades nuclear power plant near South Haven has a total of 432 spent fuel assemblies stored in 18 dry casks located on site. An additional 649 spent fuel assemblies remain in the spent fuel pool and will ultimately be transferred to dry casks. The Big Rock Point nuclear plant near Charlevoix retains all of its spent fuel in a pool inside the containment building. The plant is permanently shut down and is in the process of being decommissioned. Beginning early next year, the plant's 441 spent fuel bundles will be loaded into 7 dry casks and stored on site. These casks are designed to be an interim measure. They are not a permanent solution. Each nuclear plant site in the U.S. has become a de facto spent fuel storage facility. It would be more efficient and more secure to move all of the spent fuel to one central facility where it can be safely stored indefinitely. Further, in the case of Big Rock Point located near Charlevoix, the plant and equipment will be completely removed from the property within the next few years. All that will remain will be the spent fuel, sitting on a large concrete pad about one-half mile from the lake. Re-use of the property cannot be accommodated until the spent fuel is removed.

Finally, a permanent repository is also important to support the cleanup of contamination and waste generated by the cold war production of nuclear weapons and materials for these weapons. Currently the Department of Energy is treating high level waste materials, stabilizing them and getting then into other safe configurations so that the waste can ultimately be shipped to a permanent repository. Moving the treated and stabilized waste is particularly key to the cleanup of sites such as the Savannah River Site in South Carolina and the Hanford Site in Richland, WA.

If this resolution does not become law, the only alternative for getting waste out of these many temporary storage sites into a permanent site will be terminated, which would move us in the wrong direction. Leaving the nuclear waste at temporary sites and leaving this decision to future generations is not the responsible thing to do and is not a solution to this problem.

In supporting this resolution, I am supporting an open and rigorous process for answering the concerns raised by so many. Only through this process will we be able to protect the health of the people and the environment.

Mr. LEAHY. Mr. President, since my first days in the U.S. Senate, I have expressed strong concerns about nuclear power. The claims made in the 1970s that nuclear power was going to bring our country cheap, reliable and clean energy have turned out—as many warned at the time—to be far from the truth. While electricity from nuclear power has been reliable, it is neither cheap nor clean. The waste from these plants is an enormous and undisputed economic liability for the Nation, and it is far from environmentally clean.

After all these years of coasting on these false promises about nuclear power, the bill has come due. Today we have 29 years of nuclear waste in Vermont in the form of spent fuel in temporary storage on the banks of the Connecticut River, and we cannot ignore that it needs to be managed. Part of that management, especially since September 11 and all of our heightened security since then, is to better secure on-site waste until it can be transported to a safer location. And part of that management is to create that safer location, officially designating Yucca Mountain as the single, high-security site for the bulk of nuclear waste that is now dispersed across our country.

While I know that some waste will always be located on-site at operating nuclear plants, we must locate the bulk of the waste at a single, secure site. Governor Dean and the Vermont Public Service Department have consistently called on me to support the repository, and today I again respect the wishes and long-term interests of my State.

The vote in the Senate today was about establishing a single national repository for tons of hazardous nuclear waste. I voted in favor. But the question of how nuclear material is safely transported to the Yucca Mountain site brings up a new set of difficult decisions that Congress has yet to face. For the past several months, I have expressed my strong concerns about prematurely transporting nuclear waste across the Nation without a plan that addresses growing concerns of State governments and local communities.

Especially in light of fears after September 11, nuclear waste transportation concerns need to be discussed, debated and addressed by our Nation's leaders. Congress has worked with the administration to improve security at airports, border crossings and public buildings. Yet throughout this Yucca Mountain debate, the Bush administration has failed to fully inform Congress about security improvements envisioned for shipping nuclear waste. It has failed to respond to repeated questions from the American people and their local communities, and that is unacceptable.

Vermonters, in the tradition that has so distinguished our State, have actively studied the issues involved in the Yucca decision. Many have shared their views and suggestions with me, on both sides of this question, and I deeply appreciate their counsel. The approval of Yucca as a repository is one issue that has taken years for Congress to debate and address. This vote does not end the federal government's obligation, by any means. I believe the administration must answer the concerns raised by many Americans in many States about nuclear waste transportation security before any material moves across the country and through hundreds of large cities and small towns. Until then—and until the Yucca Mountain site is truly operational—we must focus our energy on ensuring that all nuclear waste is secured in the safest, strongest on-site storage facilities possible.

The PRESIDING OFFICER. Who yields time?

Mr. MURKOWSKI. Mr. President, I thank the Senator from Arizona. The Senator from Idaho I think would require some 15 minutes.

Mr. REID. Mr. President, I say to my friend, the Senator from Idaho spoke to me and indicated he would like to go now. Senator ENSIGN and I have to be

here, and you have to be here. He doesn't have to be here all the time.

Mr. MURKOWSKI. I am sure he is relieved to hear that, Mr. President.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, thank you.

I thank my colleague for allowing me some additional time to visit with you about what is probably one of the most important environmental votes we will have this session in both the short-term and the long-term perspective of good government policy dealing with the waste stream of our nuclear era and hopefully dealing with it in a way that allows us to move forward to new reactor design.

Ultimately, ensuring America it will continue to have a nuclear industry that will provide the quality of electrical power on which our country will so depend in an environmentally sound way is really an underlying premise of this debate.

Before I discuss that a little more, I thought I would add to the RECORD an interesting fact about precedent. I know my colleague from Nevada is concerned about that as it relates to procedural activity on the floor and what this motion to proceed may or may not mean.

As you know, the comment was made that if anyone other than a majority leader were to make a motion to proceed, the Senate would be seriously harmed. Let me give you a small excerpt of history.

On July 8, 1957, Senator Knowland of California, the Republican minority leader of the Senate, rose and made the motion to proceed to the consideration of H.R. 6127, which was being blocked by the majority and the majority leader.

On July 16, 1957, after a week of debate on just that issue, the Senate voted 71 to 18 to take up the legislation. In other words, they voted on a motion to proceed proposed by the Republican minority leader.

This legislation was the Civil Rights Act of 1957. The majority leader was the then-Senator Lyndon Johnson. And he survived the assault on his leadership very well. I think history will certainly attest to that. The Senate itself has also survived very well.

But what we got through that fight was probably one of the most critical pieces of legislation of a generation if not in the history of this country; and that was the Civil Rights Act of 1957.

The procedures we are following and that set forth in the Nuclear Waste Policy Act are a part of the Senate rules. By the term of the statute, those procedures could be amended in the same fashion as any other rule.

For 20 years, no one has complained about the procedures developed by Senators Jackson, Johnston, Proxmire, and McClure, and others, and eventually put forward by Congressman Joe Moakley, the chairman of the House Committee on Rules.

No damage was done to the Senate in 1957, and it was that precedent that found its way into the 1982 act. Failure to not proceed to and not approve the resolution will not, obviously, in my opinion, advance the issue at hand.

Having said that, I ask unanimous consent that the RECORD of July 8, 1957, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Excerpt from the RECORD of July 8, 1957]

CIVIL RIGHTS

Mr. KNOWLAND. Mr. President, the motion I am about to make is to enable the Senate of the United States to perform its legislative function to consider, debate, and vote upon such amendments as may be offered and upon H.R. 6127, otherwise known as the civil-rights bill.

* * * * *

I hope that within this week the Senate of the United States will be allowed to vote on the motion to proceed to the consideration of this important bill.

I feel certain that the Members of this body are both reasonable and fair. If the opponents of the proposed legislation will argue the merits of their case on the bill itself and on the amendments when the bill is before the Senate, they will find that we who favor the Senate's functioning as a legislative body will not be unfair in our judgments or unreasonable in our actions.

The mere fact that a majority may favor bringing this bill up for consideration will not cause us to depart from a procedure of parliamentary conduct that we would consider fair and equitable if applied to us if we were in the minority on this or any similar measure.

Again I appeal to my colleagues to permit the Senate as a part of a coordinate branch of the Government of the United States, to function under section 1, article I of the Constitution, which reads as follows:

''All legislative power herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.''

Mr. President, I move that the Senate now proceed to the consideration of Calendar No. 485, H.R. 6127.

The PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from California.

Mr. DOUGLAS. Mr. President, what the Senator from California has moved is merely that the Senate proceed to consider the civil rights bill. He is not, at this time, moving its passage. He is simply trying to bring the issue up before the Senate, so that we may then have the chance to discuss and to vote on it.

If the motion of the Senator from California prevails, then, and only then, will it be germane for us to debate the merits of the bill itself and to consider such amendments as may be proposed. But for the present, all that is before us is that we take a prior step and clear the decks so that we can thereafter consider the all-important question of civil rights.

This very simple parliamentary fact creates two guides for action. First, that to filibuster against such a preliminary step as deciding that we will later consider the bill would be a purely negative and obstructive act. The second consequence is equally clear. Until this motion is adopted, it is inappropriate and premature to discuss at any length either the merits of the bill or to consider any amendments thereto. All this will properly come later. But for the moment, all we are contending for is the right of the Senate to take the earlier step, which is logically prior to the discussion of amendments.

Let this immediate issue be crystal clear, and let it be not confused by a deluge of words and a multitude of false leads. It should not need any argument on our part.

Since the motives of those who are supporting this proposed legislation have, however, been called into question, it may be proper if we briefly restate our purpose. What we are trying to do is to make effective in actual life the constitutional rights of all citizens—regardless of race and color—primarily the right to vote. As we all know, this right is guaranteed by the 15th amendment in the following words:

''The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

''The Congress shall have the power to enforce this article by appropriate legislation.''

Not only does Congress have the power, but it also has the duty to protect this right to vote against interference by State officials under not only the 15th but also the ''equal protection of the laws'' clause of the 14th amendment.

Furthermore, the Supreme Court has held (*U.S.* v. *Classic* (313 U.S. 299)) that this right to vote in Federal elections is also guaranteed by article I, section 2 of the Constitution, and can be protected by the Federal Government against infringement by individuals as well as by State or local bodies.

All of us know—and this knowledge is supported by statistics and press accounts—that the right to vote is denied to vast numbers of Negroes, particularly in those areas where they are found in large numbers, namely the Southern States. Frequently, this is done by legal and procedural subterfuge, often by social pressure, sometimes by economic pressure, and—upon occasion—by outright coercion. The net effect of all these methods is the practical disenfranchisement of the vast proportion of potential Negro voters of the South.

We believe this is to be a denial not only of constitutional rights, but also of the principles of true religion and of the ideals upon which our Republic was founded. We seek to realize those ideals not by criminal prosecutions after the fact, but by the preventive use of injunctions to prevent such abuses from occurring. All that is asked is that officials and citizens should conform to the law and to the Constitution. If this is done, nothing else need follow, since our aim is prevention, not punishment.

We are concentrating our efforts upon making the right to vote effective, because if this right is guaranteed then many other abuses which are now practices upon the disenfranchised will be self-correcting.

* * * * *

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES], the Senator from Maine [Mr. PAYNE], and the Senator from Kansas [Mr. SCHOEPPEL] are absent because of illness.

The Senator from North Dakota [Mr. YOUNG] is detained on official business.

If present and voting, the Senator from Maine [Mr. PAYNE] and the Senator from Kansas [Mr. SCHOEPPEL] would each vote ''yea.''

The result was announced—yeas 71, nays 18, as follows:

YEAS—71

Aiken	Frear	Martin, Pa.
Allott	Goldwater	McNamara
Anderson	Gore	Monroney
Barrett	Green	Morse
Beall	Hayden	Morton
Bennett	Hickenlooper	Mundt
Bible	Hruska	Murray
Bricker	Humphrey	Neely
Bush	Ives	Neuberger
Butler	Jackson	O'Mahoney
Capehart	Javits	Pastore
Carlson	Jenner	Potter
Carroll	Johnson, Tex.	Purtell
Case, N.J.	Kefauver	Revercomb
Case, S. Dak.	Kennedy	Saltonstall
Chavez	Kerr	Smith, Maine
Church	Knowland	Smith, N.J.
Cooper	Kuchel	Symington
Cotton	Langer	Thye
Curtis	Lausche	Watkins
Dirksen	Magnuson	Wiley
Douglas	Malone	Williams
Dworshak	Mansfield	Yarborough
Flanders	Martin, Iowa	

NAYS—18

Byrd	Holland	Scott
Eastland	Johnston, S.C.	Smathers
Ellender	Long	Sparkman
Ervin	McClellan	Stennis
Fulbright	Robertson	Talmadge
Hill	Russell	Thurmond

NOT VOTING—6

Bridges	Hennings	Schoeppel
Clark	Payne	Young

So Mr. KNOWLAND's motion was agreed to; and the Senate proceeded to the consideration of the bill (H.R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. DIRKSEN. Mr. President, I move that the Senate reconsider the vote by which the motion was agreed to.

Mr. KNOWLAND. Mr. President, I move to lay that motion on the table.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from California [Mr. KNOWLAND].

The motion to lay on the table was agreed to.

Mr. CRAIG. Let me also talk about one other issue that we discussed when we talk about the capacity of Yucca Mountain and, therefore, that there will always be waste out there somewhere in these temporary repositories at these nuclear reactors generating our commercial power.

Yes, there will be temporary storage for periods of cooling pretransportation. There would be anyway under any circumstance. But what we are talking about—and the Senator from Nevada showed a dip—is that you can just double the numbers at each one of those, if you want. And doubling the numbers, in my opinion, does have a risk factor, certainly a management factor.

What is most important is that many of these temporary repositories were licensed under State authority for a certain volume. To exceed that means you have to go back to the same State authority that was granted 15 or 20 years ago, versus today, and the politics have changed a great deal, and we know that, because those States were led to believe that the Federal Government would react responsibly in building a permanent repository and the temporary facility would be just that—it would not become a permanent facility. Therefore, it would be a point to cool and a point to transfer. That is what those temporary repositories were always intended to be.

So this really was the hand-in-glove scenario. Do not suggest that one goes without the other at all because they were licensed not for permanency but for temporary status while the Federal Government moved through that time of establishing a permanent repository.

In that context, when we talk about the 70,000 ton cap at Yucca Mountain as a statutory limitation, it may be statutory but it is not physical. We do not know what the physical capability of Yucca Mountain beyond 70,000 tons would be. It could be increased over time 30 years out if, in fact, all of the geology and everything else met the standards that the scientists, through the licensing process, had established.

Twenty years from now, 30 years from now, I will not be here. I doubt that the junior Senator from Nevada will be here. But on another day and in another place, and if that science meets those standards, and it is strong and stable, and the world's perspective has shifted, then, remember, we are dealing with a statutory cap, not a physical limitation, as it relates to Yucca Mountain.

The reason the statutory cap was put in place originally was because we were looking at other repository locations in Vermont, in Washington State, and other places at the time. That is why there was a cap put in place.

I know Senators Cantwell and Jeffords and Wellstone have talked about the limitations and, therefore, the argument that temporary repositories would still have material in them. Remember, of course, any of us who legislate know that a statutory cap is one that could be changed if the politics and/or the science would argue a change were there to do so. So let us not, in any way, fall prey to that argument of limitation.

In that context, let me suggest that limitation is, in part, tied to the geology of Yucca Mountain. I cannot tell you that I was there at the beginning, but I was there during the legislative time when we were looking at a variety of locations for repositories. I had examined them all as a legislator. I read all of the preliminary geologic surveys.

It was determined at that time, in the mid-1980s, that Yucca Mountain was, by far, the site that appeared to be the most desirable other than, if you will, the large granite deposits in Vermont.

Granite has a unique shielding capability, and it is possible to assume that you could put repositories deep into the granite of Vermont and it would be an ideal situation. But our country did not go there. Our country decided not to have multiple repositories, but a single one, largely because of the politics of it.

Governor Guinn, in his arguments of vetoing it, suggested that Yucca Mountain is unsuitable for a permanent repository because it is at the center of volcanic activity, earthquake vault zones, and rapid ground water flow. In other words, that is the geology of the mountain, as spoken to by the Governor of Nevada.

Secretary Abraham has asserted Yucca Mountain is geologically stable and experiences little ground water flow or rainfall.

The U.S. Geological Survey agrees, stating that the arid climate and low probability of repository-piercing earthquakes or volcanic activity support the recommendation of Yucca Mountain.

The Nuclear Waste Technical Review Board also concurred, stating:

> No individual technical or scientific factor has been identified that would automatically eliminate Yucca Mountain from consideration at this point.

That is a quote directly from the report by the technical review group.

Based on these factors, the Energy Committee, on which I serve, examined it and determined that it was fair that we bring this issue to the floor in the form of a resolution and allow ourselves to go to the next step.

And oh, by the way, the U.S. Geological Survey agrees with us. The Governor asserted that the geology of Yucca Mountain is so bad that DOE has given up on geologic isolation of waste in favor of manmade barriers. In other words, the original concept was to create a facility so deep in the Earth that the Earth itself would create the natural barriers, and that you would not need to build a barrier within a barrier, in other words, a manmade barrier.

Secretary Abraham points out that a balance of both natural and engineered barriers has always been planned for the repository.

Existing geologic barriers are likely sufficient to prevent waste from reaching ground water, but the engineered barriers provide additional protection.

Do you remember what we did a couple years ago? Because we wanted to make sure we did it right, because we wanted to address the arguments that were being made, we put EPA into the mix and we extended the idea of engineering out into the future a facility that would withstand 10,000 years of any kind of threat. That is when the barrier within the barrier concept really began to develop.

The Nuclear Waste Policy Act requires the Secretary to consider engineered barriers when making this recommendation to the President.

Long before the Governor got into the argument, and long before the Governor tried to find arguments that would fit his political need, we had already thought of that. It was in the 1982 act. The Nuclear Regulatory Commission, not the committee or the Senate, must ultimately decide if the barriers are sufficient to prevent the seepage of radionuclides. The committee agreed with Secretary Abraham's conclusion that the consideration of manmade barriers is appropriate.

The Governor claims that DOE's computer models are unable to adequately predict emission rates for

10,000 years. The NRC will rely on these models for licensing, as absolute proof of compliance with EPA radiation protection standards is not obtainable. DOE must be able to demonstrate compliance with EPA's standards for the 10,000-year cycle.

The committee is concerned that DOE models are not adequate. The Nuclear Waste Technical Review Board has expressed similar concerns but has given guidance to DOE on improving the quality of its assessments.

In other words, what we are talking about and what the Secretary made his recommendations on was the science far enough along to get us to the point of moving it the next step. The science is not cooked. It is not done. It is not over. It is evolving.

What I am suggesting is that as we question the science, the science we now have is adequate to arrive at reasonable comfort under all of the best engineered scenarios to allow the safety that is required. But for the Nuclear Regulatory Commission and others to require additional science is possible.

The committee expects DOE to improve its computer models but does not believe that existing weaknesses are sufficient to stop the consideration. In other words, we are not even satisfied with the work that has been done, although it is clear—and I must say for the RECORD that the work that has been done is adequate, clearly adequate to get us to this point of consideration. If we can make the best better, and if in that we create the kind of both political and real comfort that the State of Nevada needs, then we ought to do that. That is our responsible role as public policymakers.

Let me conclude with the Governor's objection on what he calls the completeness of the design. The Governor notes that DOE has not completed the design of Yucca Mountain and cites 293 unresolved technical issues. Because of these, the DOE will be unable to submit a license application to the Nuclear Regulatory Commission until 2004, violating a statutory requirement to file an application within 90 days of congressional approval of the President's recommendation. That has been the argument placed by some.

The Nuclear Waste Policy Act requires the Secretary to determine site suitability before making a recommendation to the President. It does not require him to complete the repository design or satisfy every obligation for license application. In other words, the step required by law was met, determining site suitability. It is from that process within the law that moves us to where we are today.

The Nuclear Regulatory Commission is confident that the DOE can supply all necessary information for license review. The 293 unresolved issues are commitments from the DOE to supply additional information. Forty-one of these issues have already been completed, reducing the number to 252.

The Yucca Mountain project is already 12 years behind schedule. The DOE's inability to file an application within 90 days is unfortunate but not a violation of the statute. The provision is a directory, and not a mandatory requirement.

In other words, like the science, we have met the standards but we want to achieve a greater level.

In that regard, as it relates to the law and as it relates to an application to the Nuclear Regulatory Commission, we have met suitability as we now work to address the other issues that will become a part of the licensing process of the Nuclear Regulatory Commission.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Nevada.

Mr. REID. Mr. President, I have spoken with the distinguished Senator from Alaska. We both have limited amounts of time to give, but we decided the Senator from Nevada would be given 15 minutes; following that the Senator from Alaska would be recognized to use up whatever amount of his 25 minutes he wished; and following that I will speak and/or the majority leader. That should take all of our time.

I yield 15 minutes to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, Nevada's slogan is ''battle born.'' It is on our State flag. It reflects the firmness of purpose and the willingness to fight for what is right that is so much a part of what characterizes Nevada. This is as true today as it was when our State entered the Union during the Civil War.

When it comes to Yucca Mountain, we intend to fight. Nevada's other motto is ''all for our country.'' This is proudly displayed on our State seal. Nevadans have always been for our country. The ore taken from Nevada's Comstock load financed the means by which we preserved the Union during the Civil War, and Nevada has hosted aboveground nuclear testing at the Nevada Test Site, the result being a weapon of such mass destruction that it swiftly brought the end to the World War II conflict.

Too many innocent people in Nevada and Utah died from horrible cancer-related disease from the radiation fallout. So when it comes to our national defense, Nevadans have always proudly stood tall for our country.

Yucca Mountain is not needed for our defense and goes way beyond patriotic duty.

I want to address the transportation issue. These are some charts. Once again, because we don't know the exact transportation routes, these are the charts from the Department of Energy's final environmental impact statement. So it is all we have to go on.

The darker lines—it is probably very difficult to see the real light red lines which are the rail—are the highways. This happens to be in Illinois. Chicago is up here. These are all the various transportation routes. Down here is St. Louis—all the various transportation routes through this part of the country upon which nuclear waste could and probably will travel. This happens to be the State of California. My State is here, but all of these are various transportation routes going through major cities—Los Angeles, Oakland, Sacramento.

This happens to be Colorado, Denver, a major metropolitan area here as well.

This is Utah where we have Salt Lake City. We see the highways and the railroads running through Salt Lake City.

This is Florida, with a huge amount of population today, a very populated State—going through Miami, near Orlando and through Orlando, with the train routes through Jacksonville, Tallahassee.

This is in Georgia—going through obviously their major population center in Atlanta.

This is a summary of the country. These are just the highways across the country. We can see that so much of the country and so many population areas of the country are going to have nuclear waste transported through them. Once again, we don't know the exact routes, but these are the best routes we have to go on.

The Department of Energy and the nuclear industry wants Americans to believe that taking tens of thousands of tons of dangerous radioactive waste, removing it from reactor sites around the country, and putting it on trains and trucks and barges now and moving it through cities and towns and waterways across America so it can be buried on an earthquake fault line in southern Nevada is a good idea. It is not.

According to the Department of Energy, 50,000 to 100,000 truck shipments, 10,000 to 20,000 rail shipments, and 1,600 to 3,000 barge shipments would be required to transport high-level nuclear waste to Yucca Mountain.

The Government is trying to convince us that this project is going to be safe; as a matter of fact, they say more than safe. The Government would have us believe that getting this waste to Yucca Mountain is the key to keeping our children safe from radioactive waste that is going to be dangerous for tens of thousands of years.

Anyone who believes the argument that this dangerous waste can be transported without incident only needs to look at what happened last July in the Baltimore Tunnel when a CSX freight train carrying hazardous waste derailed and set off fires that burned for days. The casks have been studied at about 1,475 degrees using computer modeling—casks similar to that. The Baltimore Tunnel fire burned at 1,500 degrees for days, which is way beyond what these casks have been put through—at least in the laboratories. Imagine a similar incident to that which happened in Baltimore, except this time if it is radioactive waste.

Forget an accident. What about a terrorist attack? People have talked today about the record of shipping nuclear waste across Europe and the United States. But post-September 11, we are in a different world. We need to think about terrorism and the ways and uses and possible attacks on these nuclear canisters as they are traveling across our country. Hijacking or blowing up a truck containing nuclear waste would be an easy way to devastate one of our metropolitan areas.

What we have on the chart here is difficult to see because it is taken off of VHS footage. This is a canister that is very similar. This is a newer company using their best technology trying to compete with the currently used canisters. This is a TOW missile fired down through there, and you can see that it penetrates it or would breach one of these nuclear waste canisters that are going to be shipped across major metropolitan areas in the United States.

Indeed, the most senior al-Qaida leader in U.S. custody told interrogators that al-Qaida is seeking to explode a ''dirty'' bomb in the United States. Jose Padilla was arrested in Chicago after intelligence indicated that he was participating in a plot to detonate a ''dirty'' bomb in the United States. But al-Qaida doesn't need to buy nuclear material to smuggle a ''dirty'' bomb into our country. Congress is doing the hard work for them.

Every truckload of nuclear waste going to Yucca Mountain on our highways through our towns and cities is a potential ''dirty'' bomb. All the terrorists have to do is breach one of these canisters on one of the trucks, trains, or barges, as the Senator from Michigan talked about, in the Great Lakes, and we will witness another severe act of terrorism.

So let's call this legislation what it is and what it is not: This is not the Nuclear Waste Disposal Act. It is the ''terrorism facilitation act,'' and it needs to be defeated. Nuclear powerplant sites are among the most secure commercial facilities in the country. Following the events of September 11, they are being made even more secure, and there are even proposals for military protection at these sites.

Modest infrastructure improvements can further increase the level of protection against any conceivable terrorist threat. Nuclear waste is safe when stored onsite in casks surrounded by concrete. But it is another story when these casks are going to be traveling by homes, schools, and churches. At this time, we cannot be sure they will survive real-world conditions. We may be able to develop the technology, but we don't have it today. So we should not have Yucca Mountain go forward until we develop the technology.

As I have said earlier, the casks have not been tested in real fires—only with computer simulations, and not to the extent they need to be tested. I will repeat that because it is so important.

The computer simulation is for 30 minutes at 1,475 degrees Fahrenheit. The temperature in the Baltimore Tunnel fire read 1,500 degrees, and it burned for days. The NRC stated that it is doing a top-to-bottom review—partly because of September 11 and the Baltimore Tunnel fire—to review the security requirements, including a review of the transportation casks' vulnerabilities to terrorism. Let's make sure these casks are properly tested before Congress votes on Yucca Mountain.

I want to talk about the Government's big lie. Not only is the Government's plan dangerous for America, it also won't solve the problem. The Government's big lie is that we Americans have a choice to have one central nuclear waste storage site at Yucca Mountain or to have waste stored at the reactor sites around America. We talked about it earlier today. That sounds as if it is an easy choice except that it is not true.

Even if, by some luck, waste is shipped safely across the country to Yucca Mountain, there will continue to be nuclear waste stored at all operating reactor sites. You see, even if it were possible to immediately and magically, as one of the Senators talked about today—like our garbage is picked up, we simply, all at once, pick it up and take it to the dump. It is not done that way with nuclear waste. There will continue to be spent fuel stored at each and every operating reactor in the country. That is because nuclear waste is highly radioactive, thermally hot, and must be kept at reactor sites at water-filled cooling ponds for at least 5 to 10 years. The only way spent fuel storage can be eliminated from a reactor location is to shut down the reactor and wait many years to ship the material after that.

I don't think that option of closing down figures into the nuclear industry's long-range plan. We will have 65,000 metric tons of commercial nuclear waste by the time Yucca Mountain is scheduled to open. We produce about 2,000 metric tons of nuclear waste per year. The DOE plans to ship about 3,000 tons. Just do the math. We won't get rid of the nuclear waste backlog in the country for nearly a century—even if, as somebody talked about, we expand Yucca Mountain, which would obviously be politically a very difficult thing to do—excuse me. Yucca Mountain will be filled long before then—as we see on the chart, in 2036.

I think it is important to understand this because the DOE and the Secretary of Energy have been saying that it is safer to have this fuel all shipped to one place. This is today. We have 45,000 tons of spent nuclear high-level radioactive waste around the country. In 2010, when Yucca Mountain is scheduled to open, we will have 65,000 tons. If we start shipping about 3,000 tons a year, by 2036, when Yucca Mountain is full, we will still have virtually the same as what we have today. So we really have not accomplished too much.

If we don't have Yucca Mountain, it will be way up, but there is not a lot of difference. It is a management thing, not a security risk.

The other thing is after Yucca Mountain is full, we start producing more of it, and we get out to 2056, we can see what happens. So Yucca Mountain doesn't really solve the problems people say it is going to solve.

Moving waste to Yucca Mountain will just create one additional large storage facility. To do that, the cost will be tens of thousands of shipments of deadly radioactive waste on the Nation's highways and railroads and waterways day after day, month after month. Obviously, it will never end.

I want to talk briefly about the history of the process. This is really Washington power politics. The reason I talk about this is because we are going to get to the cost of Yucca Mountain in a moment.

In 1982, the Nuclear Waste Policy Act gave the Energy Department until 1998 to open a permanent underground geological depository for high-level nuclear waste. At the time, they were studying several sites. But because of politics out of the States of Nevada, Washington, and Texas—Washington had the majority leader in the House, and Texas had the Speaker of the House—Nevada ended up with the nuclear waste ''queen of spades.''

The deal reached was not by a scientific determination of which location would be suitable. Basically, they just decided on politics that Nevada would get this.

The site originally was for geology. They said: We are going to house this waste underground, and it is going to protect us. Over the years, they found that the geology would not protect us. So what they had to do was build in manmade protections, and that drove the costs up significantly.

Prior to 1987 when they said they were going to study one site, the original cost estimate was $24 billion. In 1985 the cost estimate went to $27 billion, and in 1987 it was $38 billion. They were studying three sites. They said: We cannot do that; we will just study one site.

Now they are studying one site. The cost in 1995 was $37 billion, in 1998 the cost was $46 billion, and in 2001 the cost is $58 billion. That is the equivalent of all 12 aircraft carriers for the United States combined. As a matter of fact, that is more than in today's dollars the cost of the Panama Canal, the World Trade Center, and Hoover Dam all combined.

That does not include building a rail site to Yucca Mountain which, according to the DOE, is going to be needed. So this is a boondoggle, and we do not need to do it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ENSIGN. I ask unanimous consent for 5 more minutes.

Mr. MURKOWSKI. On the time of Senator REID.

Mr. ENSIGN. Yes.

Mr. MURKOWSKI. I have no objection, Mr. President.

Mr. ENSIGN. Mr. President, according to the NRC Chairman, people have said: Do we have to do this right now? According to the NRC Chairman, we do have the capacity to store these materials safely for decades to come—NRC Chairman Richard Meserve.

There has been a lot made of one of the Senators talking about what do we do with this waste if we do not transport it, and I wish to conclude my remarks by giving people an answer. If not Yucca Mountain, then what?

Onsite dry cask storage is good for at least 100 years. We know that. These canisters are safe for at least 100 years, according to the Department of Energy. It is about $4 billion to $5 billion to store it onsite, and that includes all of the costs associated with storing it onsite—$4 billion to $5 billion instead of $60 billion plus. It is going to be at least $60 billion, make no mistake about it.

Every year, we have been taking the cost up by over $10 billion in the estimates. Where is the cost going to go from here? We know this situation is going to be too expensive. What we need to do is keep the waste onsite. It is a lot cheaper.

There is promising science. There is pyroprocessing. There is what is called accelerator technology transmutation. These are fancy scientific words. The bottom line is they are modern recycling of nuclear waste or partially spent nuclear fuel rods. We are recycling everything we can in this country. We need to continue to invest in recycling technology.

For those who are supporters of nuclear power, as I am, recycling will make nuclear power more viable in the future, I believe, because if we have solved the waste problem, instead of burying it in the ground where it is too expensive and waste partially spent nuclear fuel rods, if we invest in recycling technology, we will have a permanent energy supply for generation after generation of Americans.

If one believes in nuclear power, let's make it less costly and let's invest in the recycling technology and keep it onsite without the risks of transportation.

I wish to make one other point before I close. The senior Senator from Idaho talked about 1957. We are talking about a procedural motion. He talked about 1957 where somebody offered a motion to proceed, and I have been saying all day we are violating Senate tradition today.

He said that in 1957, somebody in the minority offered a motion to proceed and that debate took a week. At the end of the week, that motion to proceed actually was voted for by a vote of 70-something to 28. While that vote is accurate, what he is inaccurate about is the majority leader supported the vote. What we have said is no motion to proceed has ever come to the Senate floor successfully over the objections of the majority leader, and that statement is still true, even with the 1957 precedent.

We think this still sets a very dangerous precedent on Senate tradition if this vote goes forward today.

Lastly, I wish to thank a few people in our State who have done a phenomenal job of fighting this fight for the people of the State of Nevada and I believe for Americans in general. First, the senior Senator from Nevada, the assistant majority leader. No one has worked more tirelessly on this issue than he has. His staff has done an incredible job, as has my staff. I am thankful for the yeoman work of our Gov. Kenny Guinn and other elected officials, both Republican and Democrat, in our State who have tirelessly fought this issue.

If we lose this vote, I am committed to the belief that one day, years from now, leaders will look back on what the Senate did today and simply say: What were we thinking?

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. The Senator has 26 minutes.

Mr. MURKOWSKI. I will take such time as I need.

Mr. President, it is fair to reflect on where we are. Today the Senate is going to decide whether the Secretary of Energy should be allowed to make an application to the Nuclear Regulatory Commission for the use of Yucca Mountain as a repository for spent nuclear fuel and high-level waste. That is the only issue before this body.

The Senate today is not—I repeat, is not—deciding whether science and engineering are sufficient for the Yucca Mountain site to be operated safely and in compliance with EPA and other agency regulations. That is really the job of the Nuclear Regulatory Commission.

We have had a lot of discussion. Some of the discussion is associated with fear. I have looked for a synonym for red herring. I do not know if fluorescent herring is as close as we are going to get. In any event, we have to deal with this in a responsible manner.

Let me share with my colleagues what some of the public opinionmakers have said. I quote from the New York Times. This is July 9, ''A Critical Vote on Nuclear Waste.'' It says:

Any Senator tempted to vote against the resolution must recognize the severe consequences. A nay vote or a failure to vote means that Yucca Mountain is effectively dead and the nation must start anew to look for a disposal solution. A yes vote means simply that the project can proceed to the next step, a formal licensing application to the Nuclear Regulatory Commission, which will spend years analyzing all aspects of the repository to see if it warrants a license to operate.

Mr. President, I ask unanimous consent that this New York Times article, ''A Critical Vote on Nuclear Waste,'' and a Chicago Tribune article, ''Crossroads of Nuclear Waste Storage,'' dated July 9 both be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 9, 2002]

A CRITICAL VOTE ON NUCLEAR WASTE

The Senate is facing a momentous vote this week that will determine whether a plan to bury nuclear waste at Yucca Mountain in Nevada moves to the next stage of regulatory scrutiny or dies prematurely. Any legislative delay now will be likely to terminate the project, and that must not be allowed to happen. If Yucca is abandoned, the nation will be right back where it was decades ago—with spent nuclear fuel piling up at reactor sites around the country and no plan for its permanent disposal.

In recent weeks the critics of Yucca Mountain have grown increasingly alarmist in an effort to stampede any wavering senators. They claim that Yucca has geological and technical flaws that render it unsafe. But those are precisely the issues that will be examined in excruciating detail by the Nuclear Regulatory Commission if a licensing application is allowed to move forward. The critics also fret over the possibility of catastrophic accidents while the fuel transported from reactor sites to Nevada. But they seldom mention that such shipments have gone on without incident in this country and Europe for the past three decades—in quantities that actually exceed the amount that would be shipped to Yucca.

The Senate finds itself in this pivotal spot because the statute that designated Yucca Mountain as the sole candidate for a disposal site set up a tight timetable of necessary approvals. The state of Nevada vetoed the project, as was its right, thereby throwing the decision back to Congress. The House has already voted, by a thumping margin, to go forward. But unless the Senate also votes to override Nevada by late this month, the designation of Yucca as the candidate repository will expire.

Unfortunately, the Senate Democratic leadership is working against the proposal. Harry Reid, the majority whip, who hails from Nevada, is adamantly opposed to storage in his state. Tom Daschle, the majority leader, opposes the project and is refusing to schedule a Yucca Mountain vote. Fortunately, the Nuclear Waste Policy Act allows any senator to request that the Yucca resolution be brought to the floor for time-limited debate and a vote, a step that Republicans say they will take as early as this week, possibly even today.

Any senator tempted to vote against the resolution must recognize the severe consequences. A nay vote or a failure to vote means that Yucca Mountain is effectively dead and the nation must start anew to look for a disposal solution. A yes vote means simply that the project can proceed to the next step, a formal licensing application to the Nuclear Regulatory Commission, which will spend years analyzing all aspects of the repository to see if it warrants a license to operate. Given the stakes, it would be irresponsible for the Senate—most of whose members have little detailed knowledge of the Yucca proposal—to decide this issue on the fly, thereby blocking the detailed technical review that it deserves.

[From the Chicago Tribune, July 9, 2002]

A CROSSROADS IN NUCLEAR WASTE STORAGE

(By Dick Durbin)

The advent of nuclear power more than 50 years ago brought with it both great promise and great responsibility. Our ability to harness the power of the atom has paid substantial dividends for our society, but it has also left us with the formidable challenge of safely storing the byproducts of nuclear power generation. This is a challenge our nation must meet so that future generations are not endangered by today's nuclear waste.

Presently, all of the spent fuel from nuclear power plants and research reactors throughout the country remains on-site at each reactor. None of these facilities was designed to safely store that waste on a permanent basis, and leaving spent fuel in temporary storage around the nation poses both a security threat and an environmental hazard.

Everyone agrees that we need to find a safe and permanent way to store this material and such a storage site has been proposed at Yucca Mountain in Nevada. I have been to Yucca Mountain, which is located 90 miles from Las Vegas on federal land at the remote Nevada nuclear test site. The waste would be stored more than 600 feet underground but more than 500 feet above the water table, sealed in steel containers placed under a titanium shield. A security force at the Nevada test site is in place to protect the area, and the airspace around Yucca Mountain is already restricted.

When this issue has come before Congress in the past, I have opposed efforts to move waste to a temporary facility at Yucca Mountain before there was a scientific determination of whether waste could be safely stored there on a permanent basis. I also opposed earlier measures that would have mandated dangerously low standards for environmental protection at the site.

Recently, however, I have been encouraged by the fact that the Environmental Protection Agency has successfully established radiation and groundwater contamination standards for the Yucca Mountain storage site. These standards were derived from recommendations by experts at the national academy of Sciences and were developed after extensive public comment and scientific analysis. All of these standards greatly exceed the standards debated by Congress in the two previous bills I opposed.

No site will ever be perfect for the storage of high-level nuclear waste. But I believe the studies, which have already been conducted, and the Nuclear Regulatory Commission review still to come provide sufficient assurances that Yucca Mountain is the most appropriate site available and should be used as the permanent national nuclear waste repository. Therefore, I have decided to support the Yucca Mountain resolution, which would make that facility the national nuclear waste repository.

I am still concerned, however, with the movement of thousands of tons of nuclear waste across the country to Nevada. According to the U.S. Department of Energy, Illinois would rank seventh in truck shipments under what is called the ''mostly truck scenario.'' The same Energy Department analysis concludes that Illinois would rank sixth in rail shipments in the ''mostly rail scenario.'' Although waste has been shipped through Illinois and other states in the past, approving Yucca Mountain would initiate the largest waste shipping campaign in the history of our country—both in terms of the number of shipments and the amount of miles traveled for high-level nuclear waste.

Unless we scrutinize safety factors and security risks, the large-scale transportation of radioactive materials has the potential to cause a host of serious challenges to cities and communities along shipping routes. This issue is all the more important in light of the terrorist threats we are likely to face in the years ahead.

In Illinois, nearly half of our electricity is generated from nuclear power. Our state contains seven nuclear power plants, two nuclear research reactors and more commercial nuclear waste than any other state. In addition, we are home to one of the busiest transportation corridors in the nation, putting our state squarely at the intersection of the nuclear crossroads. With the safety of Illinoisans at stake, finding the safest way to move nuclear waste to a location where it poses the least risk is imperative.

Congress must insist on a comprehensive safety program for nuclear waste transportation. We must require the waste containment casks to be tested to ensure they could withstand intense fires, high-speed collisions and other threats that may occur during transport. It is also essential that states be consulted on the selection of transportation routes and are given longer advance notification of waste shipments. Other measures that need to be addressed include banning inland waterway shipments of nuclear waste, requiring dedicated trains and establishing a minimum number of armed escorts to accompany each nuclear waste convoy.

We should move forward with making Yucca Mountain the central repository for our nation's nuclear waste. But we must not forget that the site can only serve its national purpose if the waste is transported safely. Before shipments to Yucca Mountain begin, we need to establish a transportation plan to ensure the safety and security of the communities that lie in the path of those shipments—and we must begin that work today.

Mr. MURKOWSKI. Mr. President, I will refer to a couple of other articles. A Seattle Times editorial, Sunday, June 2:

If the Senate does not follow the House lead, the Energy Department must start over. The agency must look again at other finalists—Deaf Smith County, Texas, or Washington's own Hanford Nuclear Reservation.

I refer to the Oregonian, Saturday, June 8:

If Yucca Mountain is blocked, nuclear waste could sit forever in temporary, poorly planned sites all across this country, including the Trojan nuclear powerplant. Yucca Mountain is clearly the best option available.

From the Washington Post, April 30:

Congress should override Nevada Governor Kenny Guinn's veto and allow work on Yucca Mountain to proceed.

But while years of investigation have not answered all of the questions, neither have they produced adequate reason to stop the project in its tracks.

And April 21, the New York Times:

There is no question that the transportation issues will need to be explored in great depth.

But the appropriate place for those issues to be addressed is in a painstaking regulatory proceeding before the NRC.

Not before a rushed Congress debate.

So everyone understands, we are authorizing the licensing process in the sense that the administration will now be able, if we prevail on this vote, to proceed with a licensing process. That is all.

We had a lot of discussion, and I am inclined to think we have probably spent 20 years or so moving this process along relative to the disposition of the waste. People sometimes have different visions of what Yucca Mountain is all about.

This is a picture of Yucca Mountain. Yucca Mountain has environmental attributes that would contribute to the safe disposal of high-level waste: Remote location with the nearest metropolitan area about 100 miles away, high security because of the proximity to the Nevada Test Site and the Nellis Air Force range, arid climate, deep water table, isolated hydrologic basin without flow into rivers or oceans and multiple natural barriers.

This is Yucca Mountain; this is the site of the tunnel. I have been there. It is in existence. And $4 billion of taxpayers' money has been expended.

It is important to know just what this location involves. This is a picture of the test site area. For the last 40 years, we have been using this area as a test site for nuclear bombs and various nuclear weapons. It is an area that has levels of radioactivity associated with it. For all practical purposes, in spite of the fact we hate to admit we do this, we put certain areas off limits. This is one because of the high levels of radioactivity, unexploded munitions, and so forth. Yucca Mountain is included in this area.

While we have looked for other places, it is fair to say one of the conditions was this area had been set aside for a nuclear test site.

Now, another chart shows tests in other States. As we look at the disposition, we should go back and look at events leading to the selection of Yucca Mountain for a study. There were nine potential sites. There was the Hanford site in Washington and Yucca Mountain in Nevada. In Utah, there was Davis Canyon and Lavender Canyon. In Texas was the Deaf Smith County site and the Swisher site and a couple of sites in Mississippi, sites in Texas. We made a cut. We cut from nine sites and left Hanford, we left Yucca Mountain, Davis Canyon, Texas and Mississippi. Three sites were Presidentially approved: Washington, Nevada, and Texas.

In 1986, there was one site left. It was selected. That was Yucca Mountain. Congress passed the NWPA, as amended, mandating only the Yucca Mountain site for the detailed site characterization.

This has been done. We have expended the money. We went through a process. If we do not take care of Yucca Mountain today, what are we going to do? Start this process all over. It will be Texas, Utah, Washington, Mississippi. We will go through this process—perhaps Vermont. They have a lot of marble stabilization out there. The point is, we would be derelict to walk away from the obligation we have today.

The transportation systems we have heard so much about. This chart shows

the existing transportation routes to WIPP, a low-level isolation pilot plant associated with the Livermore Laboratories and others in New Mexico.

I have been there. It is in the salt caverns. You go down in the huge caverns where they store this low-level waste. It is interesting to see the routing, what States are affected and which are not. We move wastes from various laboratories. These are low-level transuranic wastes that move across Highway No. 80 and so forth. Clearly, they go in one location.

For those arguing the merits of Missouri and waste going through Missouri, the waste leaves Missouri. I am not suggesting there is a final plan associated with it. This is where we have been moving the waste so far. It is low-level waste. We do not know where the various agencies are going to make these decisions and those agencies—the Nuclear Regulatory Commission, the Department of Energy, and the Department of Transportation—will bear the responsibility of determining what routes are taken.

We have moved almost 3,000 shipments of spent fuel. This is high-level waste moved between 1964 and 2000. We moved them over 1.7 million miles. We have had zero radiation releases. Low level to WIPP is 900 shipments, and almost 900,000 miles. We had 3,892 shipments and moved them over 2.6 million miles with zero harmful radiation.

Now the importance of nuclear energy and a source of electricity: 51 percent is coal, natural gas is 16 percent, oil is 2.9 percent, hydro is 7.2 percent, miscellaneous is 2.2, nuclear is 20 percent.

There are those who would like to see the nuclear industry choke on its own waste and simply go away. That is an impractical reality. It does not flow. If we are talking about reducing emissions or talking about global warming, clearly the nuclear industry in this country has to maintain its prominence. We have not had any new nuclear plants come online in 20 years. Clearly, nuclear energy plays a major role. It is emission free. The problem is the problem we have in the Senate today, and that is addressing the disposal of the waste.

It is important to recognize where these plants are located: the State of Washington, California, Texas, and on to the east coast. Clearly, there are a number of nuclear plants producing 20 percent of our electricity. This chart shows the States.

It is important to note the rationale that Congress developed to address the disposal of this waste. That is those that use nuclear power would pay a special assessment into a fund that currently has about $17 billion; $11 billion came from the ratepayer. The Federal Government takes that money and agrees to take the waste. They agreed in a contractual commitment in 1998 to take the waste. They did not take the waste because they were not ready. They are in violation of a contract. The litigation associated with this breach of the contractual commitments is estimated to be somewhere between $40 and $70 billion. That is a hit to the U.S. taxpayer.

The reality is that these ratepayers in Washington paid $98 million; in Arizona, $337 million; in Texas, $334 million; in South Carolina, $876 million; in Pennsylvania, $1 billion; Maine, $67 million. These are fees the ratepayers have paid to the Government to take the waste. We have that obligation. The occupant of the chair is well versed in contractual law. We have an obligation to perform if we enter into a contract. We failed to do that.

The taxpayer bears the burden even though the ratepayers have paid to the Federal Government under the terms of the contract. There you have the responsibility associated with the issue: If this is a Government bailout, will this come to the Appropriations Committee for appropriations? No, the ratepayers have paid this amount.

Let's look at it State by State. Here is New York. New York is 23 percent dependent on nuclear energy; 18 percent coal; gas, 28 percent and so forth.

They have operating reactors, six, and three sites, and as a consequence they have a significant portion of waste in their State. The waste is on the small charts. It is important to reflect on what happens to the waste that is in your State if, indeed, Yucca Mountain does not receive the approval of this body.

We find that there are 2,378 metric tons of nuclear fuel stored in New York. Do you want that fuel moved? That is a question.

The next chart is Connecticut. Connecticut has 45 percent dependence on nuclear energy. Again, the waste stored in that State is 1,500 tons. That is not going to move unless we pass this legislation.

Illinois is almost 50 percent dependent on nuclear energy. They have 5,800 tons of waste, high-level waste. I can go through the other charts:

California, 17 percent dependent; Maryland, 27 percent dependent; Massachusetts, I think 14 percent dependent; New Jersey, 49 percent dependent; and Washington State is relatively insignificant at 8 percent.

Nevertheless, the point I want to make here is that nuclear energy is important, the energy development in these States and the waste is piling up, and it is significant.

Madam President, how much time is remaining on our side?

The PRESIDING OFFICER (Mrs. CLINTON). The Senator has 11 minutes remaining.

Mr. MURKOWSKI. How much time does the Senator from Oklahoma need? I am going to use most of the remaining time, but if he would like 5 minutes? Why don't you take 4 minutes, and you will probably get 5.

Mr. INHOFE. I thank the Senator for giving me a little bit of time. I believe it is necessary.

A number of people have asked me why it is that I support nuclear energy when my home State does not have any nuclear power. My response is that nuclear energy directly benefits every Oklahoman even though not a single kilowatt of energy is produced from nuclear power in our state. Oklahomans benefit from nuclear energy in the form of decreased power bills and increased national and economic security.

Currently, nuclear power represents 20 percent of our Nation's electricity generation. As an integral part of the U.S. energy mix, nuclear energy is a secure energy source that the nation can depend on. Unlike some other energy sources, nuclear energy is not subject to unreliable weather or climate conditions, unpredictable cost fluctuations, or dependence on foreign suppliers.

However, the lack of storage space for nuclear waste is now threatening the existence of nuclear power. If Yucca Mountain is not approved, nuclear powerplants will be forced to start shutting down at some point because there will be no place to store the waste. This would have profound consequences for all Oklahomans.

Even though Oklahoma does not have any nuclear powerplants, if nuclear power goes off line, it would cause an economic crisis in Oklahoma. The reason is simple. If you take 20 percent of the power supply off line, other States' demands of Oklahoma's power would increase, thus creating a smaller supply of energy, and a corresponding increase in the cost of energy for Oklahomans. The days of utility rates in Oklahoma being 19 percent below the national average power rate would be over.

Higher energy prices affect everyone. However, when the price of energy rises that means the less fortunate in our society must make a decision between keeping the heat and lights on or paying for other essential needs. In a recent study on Public Opinion on Poverty, it was reported that one-quarter of Americans report having problems paying for several basic necessities. In this study, currently 23 percent have difficulty in paying their utilities. That is almost one out of every four Americans. I will not support attacks on our energy supply, which hurt the poor in Oklahoma and around the Nation, in the name of an environmental crusade.

In the mid-1980s, I traveled around the country with President Reagan's energy Secretary, Don Hodel, to bring attention to the need for measures to decrease our Nation's energy dependence. Additionally, in January 1998, I elicited virtual consensus from the members of the Joint Chiefs of Staff that energy security was a too-often-overlooked aspect of our national security needs. Additionally, in just the last couple of weeks, Deputy Secretary of Defense Paul Wolfowitz said that U.S. dependency on foreign energy ''is a serious strategic issue . . . My sense

is that (our) dependency is projected to grow, not to decline.''

It is essential for a strong Navy.

The fact is we are at war right now. Every American is benefiting from the war on terrorism. Our subs are nuclear. Our aircraft carriers are nuclear. Every time we send American ships to a different part of the world, whether to keep the peace or defeat an aggressor they head there powered by nuclear fuel. Where does that spent fuel go? Right now the material goes to Idaho. That is right. It is transported right now. It's stored on the surface. So what happens if we fail to set up a permanent repository? We create what Secretary Abraham calls uncertainty regarding the ''continued capability of our naval operations.'' A strong Navy fuels our ability to remain a world power. And we need a safe way to handle what is fueling our Navy.

The cold war is over.

To those of us who grew up in a time when we had bomb shelters in our backyards, nothing would be more welcome than seeing us dismantle weapons we no longer need. Every time I read about the plans for turning plutonium into ''mixed-oxide'' or MOX fuel, I see the results of our past determination to resist Soviet domination.

But whether surplus plutonium is made into MOX fuel or another form, waste is still left over. And it must go to a permanent repository. And that is not just for our own good. How can we urge other countries to get rid of their nuclear weapons if they don't see us doing it? We are now turning swords into plowshares by helping Russia convert its surplus weapons material into fuel for American reactors. Even the by-products of this fuel, once used, will need a repository. Yucca Mountain will provide a safe place for the materials in weapons no longer pointed at our enemies. And it will be a powerful example to other countries that no longer need weapons pointed at us.

Maybe a few years back we could not conceive of terrorists making bombs out of planes and striking at the very heart of America. We can now. Make no mistake. They are out there and in our country. Yes, it is good that we are racing to put neutron flux detectors and gamma ray detectors at all our airports. But terrorists don't need to bring radioactive material into the United States. There is enough of it here.

And these materials—relics of the cold war—are scattered around the country. Yucca Mountain will put this material where it belongs: safe and secure 1,000 feet underground. A few days back, after Jose Padilla, A.K.A. Abdullah al Muhajir, was arrested, I saw this headline in ''The Washington Post: U.S. Source of Isotopes Become Focus After Arrest.'' Here is what the Post said: ''Of the thousands of nuclear sources still in use, or decommissioned to known storage sites, many are thought to be vulnerable to theft or black market sale.'' That is why Yucca Mountain is so important. That is why we have to move now to create a permanent repository. That is why we need a central underground disposal site, where spent fuel can be more safely and efficiently monitored.

And so, I urge my colleagues to vote yes on Yucca Mountain. We caught one terrorist. We can't catch them all. They will come through our airports. They will dock in our major ports. They will go through customs without a hitch because they possess not plutonium, but knowledge. Terrorists want to use that knowledge to threaten our way of life. A vote for Yucca Mountain will make that hard for them.

What is America's record when it comes to transportation of nuclear materials? It is astonishingly safe. There are some people who act as if transporting nuclear fuel will be a new thing for America. The fact is that we've seen more than 3,000 shipments of it over the past 40 years. In all those years, there has been zero danger to the environment, zero release of radioactivity, and zero fatalities.

We have seen 1.7 million miles of these shipments without any release of radioactive contents. And don't forget: The Energy Department also accepts used nuclear fuel from foreign research reactors under a non-proliferation pact. They come in from Europe and Latin America. They are brought by train to South Carolina. And we're going to do that until 2006—22,743 separate used fuel assemblies. This is something we know how to do. Because we have done it. And we have done it exceptionally well.

Will we avoid transporting waste if we don't pass Yucca Mountain? Absolutely not. A lot of sites are reaching their limits for keeping used nuclear fuel on location. 40 of them will need additional storage in the next 8 years. But they don't have the space for it. Where is that waste going to go? Secretary Abraham put his finger on the issue when he testified last February. ''Our real choice is not between transporting or not transporting used fuel, but between transporting it with as much planning and safety as possible, or transporting it with such organization as the moment might invite.''

To keep that waste in 39 States is to keep it at 131 locations never designed for permanent disposal, never intended to manage this waste indefinitely. Clearly, any solution to the disposal of this waste requires it be transported somewhere.

Furthermore, as skillful as America is at transporting hazardous materials, we are not the only people in the world who do that well. Europe has been doing it since 1966 about as much material as we want to send to Yucca Mountain. Fatalities? Hazards from radioactivity? Zero.

There are those who see in this plan the heavy-handed approach of Washington. As a former mayor of Tulsa, I am always very sensitive to the importance of local control. In fact, the way America handles the problem of nuclear waste is a victory for local control. State and local governments can select alternate routes if they oppose those proposed by DOE and 11 States have done just that. As they should. Meanwhile, Federal and State and local authorities have worked together. Worked with training. Worked on contingency plans. Worked on mutual assistance agreements. Worked as partners. As we should. Building on our Nation's fine records, as the ranking member of the Transportation, Infrastructure, and Nuclear Safety Subcommittee, I look forward to working with the various Federal agencies to ensure the proper federal role in providing security for nuclear waste shipments. As a former mayor of Tulsa, I will also keep in mind the critical role that State and local governments must play in this process.

In an attempt to misinform and frighten the public, extreme environmentalists have been saying that the shipment of waste would be creating thousands of ''mobile Chernobyls.'' I have already discussed, our Nation's safety record with regard to the shipment of nuclear materials. However, I must mention that, until the Yucca Mountain project is licensed by the Nuclear Regulatory Commission, which is about 10 years off, the Departments of Energy and Transportation will not designate shipping routes for nuclear waste to Yucca Mountain. If anyone implies that they know the routes, they are not telling the truth because the decision makers of those routes will not consider routes for many years.

As ranking member of the Transportation, Infrastructure, and Nuclear Safety Subcommittee, I am looking forward to my key role in working with the various federal agencies to ensure the safe transportation of our commercial and military nuclear waste.

Make no mistake. A vote against Yucca Mountain is a vote against nuclear power, and, thus, a vote to hurt our energy, economic, and national security.

I thank the Senator from Alaska for giving me a few minutes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I ask unanimous consent there be 10 minutes additional time equally divided between Senator MURKOWSKI and the Senator from Nevada.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. MURKOWSKI. Madam President, I believe we have a Senator from the majority coming over. But I will take—how much time may I ask is remaining on our side, Madam President?

The PRESIDING OFFICER. There remains 11½ minutes.

Mr. MURKOWSKI. I would like to take 10 minutes and reserve the remainder of my time.

As I indicated a few moments ago, there is only one issue before the Senate, and that is the reality that we are about to vote to determine whether science and engineering are sufficient for the Yucca Mountain site to be operated safely in compliance with EPA and other agency regulations in pursuing a license by the Department of Energy. That is the question.

The ultimate transportation and other matters are going to be determined by the Nuclear Regulatory Commission, which is a very competent group. But the Senate is not now deciding whether or how spent fuel will be transported to a site if it is licensed and constructed.

As I indicated, the Department of Transportation, the Secretary of Energy, the Nuclear Regulatory Commission, will proceed and that will take some time.

What we have today is basically two choices: We could follow the recommendations of the Secretary of Energy and the President of the United States—the U.S. House of Representatives has done its job, and the Senate Committee on Energy and Natural Resources—and allow the Secretary of Energy to proceed and apply for a license or we can abandon some 20 years of work, over $7 billion invested in science, in engineering, and the peer-reviewed conclusions of responsible scientists within and outside Government, and then what do we do? We begin the task all over at the expense of the taxpayers.

That is where we are. There is no middle ground and no way to duck the issue or duck the responsibility. As we say in Alaska, it is time to fish or cut bait.

The Nuclear Waste Policy Act was deliberately and carefully crafted to ensure that both the Senate and the House would deal with the issue.

The House met its obligation by an overwhelming vote of 306 to 117. The House agreed with the President's decision and voted to allow the Secretary of Energy to proceed with the license application. The Committee on Energy and Natural Resources held 3 full days of hearings to examine all aspects of this issue, including a full day where we welcomed the State of Nevada to select its witnesses who would appear in opposition to the resolution. The committee carefully reviewed each and every argument raised by the State of Nevada, either in the Governor's message or by the State representatives.

I commend the report to the attention of my colleagues. We have that report before us. Here it is. In a careful and methodical manner, this particular report discusses each and every argument raised in the process.

Under any impartial analysis, there is no legitimate reason to object to the President's decision to deny the Secretary the opportunity to apply for a license before the Nuclear Regulatory Commission.

What are the consequences if we fail to act? On the other hand, there are many serious consequences if we do not approve the resolution. The immediate consequence is set forth in the Nuclear Waste Policy Act. Section 115(b) is explicit. If the resolution is not approved within 90 days—the 90-day period for congressional review—such site shall be disapproved. The magic date is July 27. If this is not approved by that date, the site shall be disapproved.

Further, it does not say that the decision is postponed or the decision is simply put off for some reason to be revisited at a more convenient time. It explicitly and without qualification says ''such site shall be disapproved.''

There are the consequences of that disapproval, and those consequences are serious. At a minimum, Congress will need to reconsider the previous sites—Hanford in Washington, Deaf Smith County, TX—giving serious consideration by using the Hanford Reservation as an interim site to meet our contractual obligations to the utilities and deal with defense in other ways.

We have a significant amount of defense waste already at Hanford. Instead of moving material from Hanford, we might have to consider moving additional material there for the foreseeable future.

Should Congress not act and we start this process over, my guess is we will have to go back to where we were in 1982 when there was serious consideration of granite formations in the Michigan Peninsula, and elsewhere; salt caverns in Mississippi and Louisiana; granite in Vermont, and so forth. Some have suggested that we use Federal reservations as interim sites, as has been proposed in the past. With the transportation scenario, that will be far more complex than that which has been considered to date—perhaps simply leaving the spent fuel onsite in Vermont, Illinois, Maryland, California, or elsewhere.

Let there be no mistake. Because of the statutory time constraints and the directives in the law, a vote against the motion to proceed is a vote to direct the Secretary of Energy to cease all further work at Yucca Mountain and close the office until Congress decides otherwise.

I hope my colleagues will look around in the Chamber because only Nevada—only Nevada—will not be in the next round.

There is an implication to the taxpayer because we have the nuclear waste. Aside from taking Nevada off the table, there are other unavoidable and unpleasant consequences of failure to face up to our responsibilities. Members may not recall, but the cost of permanent storage of spent fuel is totally financed by ratepayers who use the energy. The fee is collected by the utilities and every one of our constituents who have nuclear energy as part of their energy mix have been paying into the nuclear waste to pay for storage. These costs do not—let me repeat—do not come out of the General Treasury. They come from ratepayers that use nuclear energy. These ratepayers are in virtually every State in the Union, including States that do not have nuclear powerplants. Those ratepayers and the States that either have nuclear powerplants or whose citizens pay for the use of nuclear power have a contractual obligation to set in statute with the Federal Government to take spent fuel from their sites.

The last administration thought they could avoid the problem and suggested there was no binding requirement. The courts thought otherwise.

If you like the idea of coming up with $60 billion or $70 billion or $80 billion of taxpayer money—that is taxpayer, not ratepayer money—then vote against the motion to proceed. The $60 billion to $80 billion would likely not be the end of the toll for the taxpayer either because, as a matter of national interest, we will need to find the solution, and the States will incur expenses as well as those associated with liability. Leaving the waste is a consideration, but it is a bad idea.

In addition to economic issues, there is the health and safety issues associated with continuing to leave both spent fuel and high-level waste onsite. Remember, the current site-storage for the reactors is and was designed to be temporary. Yes, the present storage is the safest, but it is not a permanent solution. It is an interim solution.

The Chairman of the NRC has been very up front, saying that the present arrangement for the temporary storage of spent fuel at commercial reactors is safe, and it is, as he states, a ''temporary'' measure.

Exchanging Yucca Mountain for 131 sites in 39 States and permanent repositories scattered around the country is not something the Chairman recommends nor that any other thoughtful person suggested. But that is precisely what those who oppose the motion to proceed are endorsing. There can be no other conclusion.

We also have the situation of utilities running out of room for storage and needing to find an alternative site if Yucca Mountain does not go forward. If a repository is not built, these utilities need to be shut down. In shutting down the reactors, we are going to have to look to alternative sources of fuel. What are they? Coal? Oil? Nuclear is clean power.

As we address our concerns over emissions and the recognition that nuclear provides about 20 percent of the electric power generated in this country, it makes a significant addition in our energy mix. Do any of the opponents to the motion to proceed have a suggestion on how we are going to replace that 20 percent? I guess the answer is more fossil fuels.

There is no way that this Nation will ever approve the Kyoto targets on climate change without nuclear power. There is no way to replace nuclear energy within our electric power mix.

For those of you who experienced shortages on the west coast last year,

think where this Nation would be and what we would be in for if we had to shut off 20 percent of our electric power simply because we could not agree on a solution to the waste problem.

If you don't know how much of the electric power in your State comes from nuclear, I have gone through the numbers: Connecticut, 40 percent; Illinois, 50 percent; California, 17 percent; Vermont, 67 percent; New York, 23 percent; Maryland, 28 percent; Michigan, 18 percent; and, Georgia, 27 percent. How much waste is in those States that needs to get out? It is thousands and thousands of metric tons.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. MURKOWSKI. I believe I have 1 minute. I will conclude. I see the majority leader is seeking recognition. I want to respect the traditions of the Senate.

I will conclude with the reality that the issue before us is clear. All one has to do is read the commission report. The Committee on Energy and Natural Resources performed the review, as we would expect. We carefully considered every objection raised by the State of Nevada. We conducted 3 days of hearings. We considered the issue in an open business meeting and favorably reported on a bipartisan basis. We filed a comprehensive report that discusses every argument raised by the State of Nevada, and why the argument is not persuasive or not relevant to the issue before the Senate.

I commend my colleagues, Senator ENSIGN and Senator REID. I understand why the Senators from Nevada oppose the resolution, but I cannot understand why anyone else would.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, I will use my leader time to make the statement I am about to make.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Madam President, we should not be having this vote today. There are still far too many questions about the wisdom and safety of creating a national nuclear waste dump at Yucca Mountain for anyone to be able to cast an informed, responsible vote on this matter. But we are here.

We are here because the Bush administration and some of its allies in Congress—and in the energy industry—are determined to exploit unique rules that were written 20 years ago and apply only to this bill.

I can't help but think how ironic it is that less than a week after America celebrated the genius of our Founders, who intended this Senate to be the world's most deliberative body, we are being forced to vote on a matter of such grave importance before we can have an informed, honest debate.

Even more troubling than the break this vote represents with our past, is the threat it poses to America's future. Let us be very clear: The claim that science supports building a national nuclear waste dump at Yucca Mountain is simply not true. The truth is, leading independent scientists have raised troubling questions about the scientific basis for the Department of Energy's recommendation regarding Yucca Mountain.

A recent letter to Congress from the independent Nuclear Waste Technical Review Board contains a warning we should all pay great heed to. It warns that—quote—''the technical basis for DOE's repository design is weak to moderate at this time.''

Think about that. We are being asked to overturn a Governor's veto—and risk public health and safety—by approving a plan of ''weak to moderate'' technical design. That is an extraordinary position for the administration to take.

The General Accounting Office, Congress's independent watchdog agency, has also raised serious questions about Yucca Mountain. Eight months ago, the GAO released a report that questioned Secretary Abraham's recommendation to the President to move ahead on Yucca Mountain despite the—quote—''significant amount of work remaining to be done'' on the safety and feasibility of the project. The GAO report noted that more than 200 unresolved technical issues identified by the Nuclear Regulatory Commission remain unanswered. It pointed out that even the Department of Energy's own contractor doesn't think those issues will be resolved in time to meet the 2010 deadline. In fact, it will probably be years before we know definitively whether it is safe to store nuclear waste at Yucca Mountain.

So why are we having this vote today?

We are being forced to decide this issue prematurely—without sufficient scientific information—because this administration is doing the bidding of special interests that simply want to make the deadly waste they have generated somebody else's problem.

That is wrong. We ought to make this decision on the basis of sound science, not pressure from the energy industry.

Two weeks ago, a mild earthquake shook Yucca Mountain. What would happen to nuclear waste buried beneath Yucca Mountain when the next earthquake hits? And we know there will be another. Will the radioactive waste leak? Will it contaminate the soil? The groundwater? We don't know.

The decision we make will have consequences that will last for tens of thousands of years. We owe it to the American people—and to future generations of Americans who haven't been born yet—to wait until we have real answers. Yucca Mountain is less than 75 miles from Las Vegas, the fastest-growing metro area in the country.

But it is not just Nevadans who are potentially in harm's way. Serious questions have also been raised not only about the safety of burying nuclear waste at Yucca Mountain, but also about the safety of getting the toxic materials to Yucca Mountain.

We are talking about transporting roughly 70,000 metric tons of deadly waste from nuclear facilities in 39 States across our Nation's highways, railways, and waterways to Yucca Mountain. No one knows exactly what routes the waste would take. But, based on the routes the DOE used in its environmental impact statement, there are 14,500 schools and 38 million people within 1 mile of a proposed nuclear waste transfer route.

This is extremely dangerous material: High-level radioactive waste. According to the non-partisan Environmental Working Group: Each rail cask carrying nuclear waste, for instance, contains 240 times as much long-lived radiation as was released by the Hiroshima bomb. A person standing 3 feet from an unshielded nuclear waste cask will receive a lethal dose of radiation in 2 minutes.

The administration has warned us repeatedly that terrorists may hijack trucks and strike at trains. We also know that there are security problems with many of our ports. By shipping nuclear waste on trucks and trains and barges, we may very well be creating hundreds, even thousands, of rolling ''dirty'' bombs. What sense does that make?

Even if we are fortunate enough to avoid terrorist attacks on shipments of radioactive waste bound for Yucca Mountain, there is a serious risk of accidents in transit, which would put Americans at risk of exposure to high-level radioactive waste as well. Almost a year ago exactly, a train derailment in a Maryland incident caused a tunnel fire that burned for days. Temperatures in that tunnel exceeded 1,000 degrees.

How much radiation would have been released to the environment had nuclear waste been on that train? How many people might have died?

There is so much we don't know about this ill-conceived project. But there is one thing we do know: Contrary to what the special interests claim, even if the Senate votes today to override Governor Guinn's veto, creating a national nuclear dump in Nevada will not solve America's nuclear waste storage problem. That is because the site isn't big enough. America produces far more nuclear waste than can be buried at Yucca Mountain. So beware if you are thinking of voting for this proposal. This time, the nuclear waste may be passing through your State. Next time, your State may be where the special interests want to bury their radioactive trash.

If we let them do it this time—without sufficient scientific proof that it is safe—think how much easier it will be the next time.

During his campaign, President Bush promised Americans that if he were elected, he would support regulations

requiring energy companies to reduce their emissions of carbon dioxide, a compound that nearly all scientists agree is causing global warming. When the time came to follow through on that promise, the President reneged.

At a stop in Las Vegas during the campaign, Vice President CHENEY said a Bush administration would not muscle this project through. He promised that the final decision would be based on sound science. Now, at the urging of the energy industry, the administration has reneged on that promise, too. They are pushing us to make this decision prematurely, at grave potential risk to this Nation.

There is no reason we have to make a final decision today. Scientists at the Nuclear Regulatory Commission have assured us that the nuclear waste can stay where is it for 100 years—safe in dry cask storage—without posing any additional risk to public health and safety. It is premature, dangerous, and reckless to force a vote on this question today. We have more than enough time to make an informed, responsible decision about Yucca Mountain. The question is: Will we have the courage to take that time?

For the sake of all Americans—including those who will be born generations from now—I hope the answer is yes.

I urge my colleagues to vote against this proposal. We risk no harm by waiting for the scientists to finish their work. We risk catastrophic harm by refusing to wait.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Madam President, parliamentary inquiry: How much time remains on each side at this point?

The PRESIDING OFFICER. The Senator from Alaska has no time remaining. The Senator from Nevada has 27½ minutes remaining.

Mr. LOTT. Madam President, I will use my leader time. I realize Senators are expecting to vote on or around 6 o'clock. I hope we will be able to do that.

In that vein, I will not speak too long, but I have to rise to urge my colleagues to vote yes on the motion to proceed. That is the vote. That will be the only vote today. This is not something that is new. This is not a proposal that we are rushing into. In fact, the entire time I have been in the Senate, and 6 years when I was in the House, this process has been under way. It is 20 years that this has been in the making. Nobody is being surprised. Nobody is being rammed. There are not going to be any dangers.

This is a part of a very long, thoughtful process based on science. Twenty years and $8 billion have already been expended. This is something we must do. Nuclear power is an important part of our overall energy needs. It provides clean, efficient power. We need to include that in our diverse package of power production.

I am still dumbfounded to hear people express concerns about how it can be moved, how it can be stored. Senator MURKOWSKI and a bipartisan delegation took a look 10 years ago at how Sweden, France, and the Japanese have dealt with this problem. Yet in America we have not been able to come to grips with our future needs and how we are going to deal with the problem.

We should not overexaggerate what this decision today will do. The Senate today will decide very simply whether to permit the Secretary of Energy to apply for a license to operate a repository at Yucca Mountain. It is not the end of the process. It is the very beginning. I know from experience we are going to look at this issue every year, congressionally, as we should, because funds will have to be used as we go through the process. Senators from across the country are going to want to know what is happening, how it is going. This is just to begin the important part of the process.

We should not abandon all these years of effort. That is what would happen. If we don't pass this motion to proceed, vote yes on it, I don't know how we go forward. We will have wasted years and billions of dollars in research and effort.

In addition, there is a tremendous problem with the exposure the Government would have as a result. If we don't go forward, our Federal Government could face billions of dollars in liability for breach of contractual obligations. Remember this: If we don't proceed, a lot of companies are going to start entering into private contracts. They will start making arrangements for other types of repositories, probably not as safe, not as well thought out, not based on as much science, and also still having to be moved. When you look at various States and where their nuclear waste is and its condition, you see that something is going to happen. Having a repository that we have studied so much and that will be so secure is better than the alternative of the liability to which we would be exposed and what then would begin to happen all over the country.

We should not jeopardize our only realistic means of meeting global climate concerns by cutting back 20 percent of clean electric power that is supplied by these nuclear reactors. As a matter of fact, I am hoping we will have some more nuclear reactors activated in the Tennessee Valley Authority region.

Clearly, there is a way that could be done, and there are some nearly completed reactors that could be put back on line. It would help us with our energy needs as we move toward an ever growing economy. If you are going to have economic growth, you have to have power. I have just visited some other countries that have seen real growth, and one of the concerns they have—a country such as Ireland—is that growth. They have new companies, but they are struggling to keep up with meeting the power needs that go with the economic growth.

If we don't proceed, do we go back to the beginning? Do we debate again the repository siting and reexamine all the feasibilities of other sites such as the Hanford Reservation or the Michigan Peninsula. Where would it be? What would we do?

Also, we would have to consider existing Federal reservations such as Hanford and Savannah River. The complications that would be caused and the irresponsible consequences of not agreeing to the motion to proceed today are almost incomprehensible.

There has been a lot of discussion about transportation, moving this waste around the country. How can we deal with it? Certainly, getting this waste moved to a single repository where we could have very strong security is much better than what we have now with all of these sites in 39 States that are sitting there reaching their limits and exposed. It would be much easier certainly to guarantee the security in a single place.

I have also taken the time to look at how this transportation is handled. These moving devices are very secure. You wouldn't believe all the effort that goes into making sure they won't be exposed to any kind of accident. To my knowledge, there has never been one that has caused a problem.

When you look at what we have done to paint this dire picture of what might happen, the truth is, the picture of what will happen if we don't take this action now, after all this time, all this money, all this effort, all this science—I don't know where we go from here. It all boils down to this vote for 39 States, including my State. If not now, when in the world are we going to do it? And if not in this way, if not in this place, where? There are a lot of Senators who would have to begin to be very nervous about a whole reevaluation process and what it would mean to their sites.

I understand the Senators from Nevada. They have made a valiant effort. They feel so strongly about it. I understand that. But I think the Senate is committed to working with them to make sure that as we move forward, it is based on good science and also that we do it in the most secure fashion.

Let me again urge that we vote yes and that we do it within the next few minutes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, the Senator from Nevada talked about courage. I yield 5 minutes to one of the most courageous legislators we have had. She showed that courage in the House of Representatives and now in the Senate.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, I rise today in opposition to the motion

to proceed to the Yucca Mountain resolution authorizing DOE to move forward with the siting of a national nuclear waste repository at Yucca Mountain, Nevada.

Washington State is home to the Hanford Nuclear Reservation, the most contaminated site in this country. My constituents have a very keen interest in the development of a comprehensive, scientifically-driven national nuclear waste policy. Unfortunately, I don't believe this proposal, the Yucca Mountain policy, represents the needs of Washington State. As far as I can tell, it is neither a comprehensive solution to the fact that we have 54 million gallons of tank waste now stored at Hanford, nor was the decision to recommend the site at Yucca Mountain driven by a preponderance of scientific evidence.

This proposal, as billed, is supposed to be a long-term, comprehensive solution for our nation's nuclear waste, yet it would leave as much as 87 percent of the high-level nuclear tank waste in my State. That is right. Under the Department of Energy's plan, as outlined in its Environmental Impact Statement, only 13 percent of the waste from Washington State's underground tanks would move to Yucca Mountain. Only 19 percent of all of Hanford's defense-related waste would move. And that's to say nothing about the increase in the total amount of commercial nuclear waste within our borders.

There are capacity issues, as is admitted in the EIS. Yucca Mountain will, by statute, only be able to take up to 70,000 metric tons of heavy metal. And by the time the Yucca Mountain proposed site is open, Washington State will already have 150-percent more commercial nuclear waste than we have today. So where is the waste in Washington State going to go?

The Seattle PI recently ran an editorial, ''Yucca Mountain Must Meet Rigorous Standards,'' that talked about how we had created a monster in the amount of nuclear waste in this country and asked what we are going to do about it. I ask unanimous consent to print that in the RECORD.

There being no objection, the editorial ordered to be printed in the RECORD, as follows:

[From the Seattle Post-Intelligencer, July 8, 2002]

YUCCA MOUNTAIN MUST MEET RIGOROUS STANDARDS

This country, in this century, has created a monster that likely will live for hundreds of thousands of years. Long, long after we are gone, Americans will look back at the summer of 2002 to see how carefully we tamed the monster.

So imagine the pressure on the U.S. Senate this week as it must decide whether to declare Yucca Mountain in Nevada the permanent repository for this nation's most dangerous nuclear waste.

Maybe Yucca Mountain should become the final resting place for this radioactive Frankenstein. But Americans, and especially citizens of Washington state, should be very sure that the site meets the highest standards for effectiveness and safety before it is officially designated.

Washington state's Hanford Nuclear Reservation, remember, was very close to being chosen for this ugliest of graveyards. We didn't want it any more than the citizens of Nevada do.

Washington state has done its share for the country in producing and enduring these dangerous wastes and waiting for bureaucrats and politicians to recognize the environmental threat with which we've been saddled.

Washington was able to escape doing even more to rid the world of the nuclear-waste monster.

So this state cannt be party to sacrificing the health of Nevada and its residents because we want to get rid of the wastes piled up within our borders.

We owe Nevada—even more, probably, than other states do.

Washington doesn't necessarily need to join Nevada in opposing the respository. But we and our congressional delegation should be involved. We should insist that the Department of Energy, the Environmental Protection Agency and the Nuclear Regulatory Commission make certain that this repository is as safe as we would want it to be if the waste were coming to Hanford.

The repository is supposed to separate high-level nuclear waste from the human race for 10 centuries.

We've spent $7 billion studying Yucca Mountain, and for several years, it's been the only place under consideration. This has put a lot of heat on the EPA, DOE and the NCR to lower or change standards to make sure the Nevada site makes the grade.

That just adds to the need for the Senate to be cautious about signing on to this plan. It can't be Yucca Mountain for the sake of getting something—anything—done about nuclear waste. Expedient is not good enough when the decision will have consequences for thousands and thousands of years.

There can be no certainty when the timeline is unimaginably long and the material unimaginably ugly.

Ms. CANTWELL. So why doesn't the ''trust us'' answer work for us when it comes to nuclear waste—when it comes to trusting the Department of Energy? Washington State has had to fight and battle hard. By some estimates, we have already spent some $35 billion on Hanford cleanup—without producing a single log of vitrified waste from those underground tanks that are leaking in my State. We will also spend another $50 billion, according to estimates, to finish the job, and we are banking on the development of new technologies that have never been used in projects of this magnitude. Meanwhile, we are spending an average of about $5.1 million per day on this effort.

Since starting this project, we have had lots of stops and starts. In 1958, we tried converting our nuclear tank waste to ceramic forms. We tried again later in the 1980s, to turn the tank waste into grout. That plan didn't work, and it was abandoned.

Then, in 1998, DOE tried to privatize the construction of the vitrification plant. That didn't work either. After a series of cost overruns, DOE fired the contractor and we moved on to the next phase.

So we in Washington State know how hard this process can be. That is why we have a tri-party agreement with the Federal Government and our State agencies to make sure the Department of Energy lives up to its responsibilities. But these are complex problems. So the fact that DOE hasn't answered all the questions about Yucca Mountain on the technical side and on the environmental side before proceeding puts a question in my mind: Why do we have to execute today? Why do we have to move forward today?

Even the GAO, in its recent report, says that there was no way that the questions left to be answered at Yucca can be answered in the timeframe that the original Nuclear Waste Policy Act envisioned So, basically, we are saying we will approve this site without conclusively addressing some 293, I believe, different technical questions that are still out there.

As the GAO stated in its December 2001 report:

On the basis of information we reviewed, DOE will not be able to submit an acceptable application to the NRC within the express statutory time frames . . .

The GAO also criticized the lack of reliable cost estimates for Yucca Mountain. How much will American taxpayers spend on this proposal, with so many outstanding technical uncertainties? No one really knows, but likely over $100 billion. That's why this proposal is opposed by so many taxpayer groups.

Madam President, my State, more than any, wants a real solution to our nation's nuclear waste problem. But more than anywhere else, my State also knows that that these solutions must be based on sound science and technology, and that the people deserve real answers and not a plan that will do little to nothing for moving waste out of our State. So when the DOE leaves so many questions unanswered and rushes to judgment, I am skeptical.

To quote another article in the Seattle Post-Intelligencer, ''Cart before horse at Yucca,'' it said:

Been there, heard those empty promises about sure-bet technological fixes for the past 50 years. That approach hasn't produced a disposal solution so far, and there's no reason to rely on that failed strategy now.

We need more specific answers on every aspect of the Yucca Mountain plan—on transportation, technology, and most importantly, from the State of Washington: Where is the rest of the 87 percent of our tank waste going to go? The Yucca Mountain proposal fails to provide that answer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. I yield 1 minute to the Senator from Missouri, Senator CARNAHAN.

The PRESIDING OFFICER. Senator from Missouri is recognized.

Mrs. CARNAHAN. Madam President, for the RECORD, I want to correct the statement made earlier regarding the shipment of nuclear waste or spent fuel through Missouri.

The Senator from Alaska stated that ''there is no proposed existing transportation route that will be taking the

waste through Missouri.'' He also said that ''there is no logic to suggest that there would be movement of waste through the State of Missouri.'' These are simply untrue statements.

In fact, a shipment of foreign research reactor spent fuel was shipped through Missouri on I–70 in June 2001. The Department of Energy has three highway routes selected for cross-country shipments of this spent fuel that we take back from foreign countries.

I have the map right here. I got it from the Department of Energy. Two of the three routes go directly across Missouri. This map—not the one used on the floor by the Senator from Alaska—is a much better predictor for the potential routes for the spent fuel that will be shipped cross-country to Yucca Mountain because it is currently used for very similar nuclear waste.

These are the facts. I wanted the RECORD to be clear for the people of Missouri.

Mr. REID. Mr. President, how much time does the Senator from Nevada have remaining?

The PRESIDING OFFICER. Twenty minutes.

Mr. REID. Madam President, I know there are people in the audience all around here who are being paid lots of money. They are coming here to see what is going to happen. They are being paid lots of money. They drive here in limousines and have Gucci shoes and nice suits. It is interesting to know that in the places where they work, Washington and New York, they have editorials supporting this bad situation, trying to ship Yucca Mountain waste on our highways, railways, and our waterways.

In this morning's paper, it says the Senate should pass the Yucca Mountain bill now. This is part of the unending stream of money. That is what this is all about—money, lots of money; money to run newspaper ads; unlimited vacations to Las Vegas to look at Yucca Mountain for 2 hours and spend three days being wined and dined in Las Vegas; unlimited dollars to send representatives to Capitol Hill.

I know how this works. The State of Nevada had a few dollars and we wanted to hire a lobbyist, but we could not find one. They were all hired by the Nuclear Energy Institute. We could not hire them. They had conflicts of interest. So all you people here, just bill everybody, feel good about it; you are perpetrating a travesty on the people of this country.

We know that the information in this ad from the Washington Post are myths. The law requires Senate action. That is not true, as has been indicated by the majority leader and everybody else. It is not true. The chairman of the Nuclear Regulatory Commission said less than a month ago that if it didn't go forward now, no big deal, it is safe where it is.

Well, this argument that Yucca needs to happen is a big crock of potato soup. The fact of the matter is that the General Accounting Office said there is 292 scientific investigative reports that are not completed.

Those independent scientists and analysts include the Nuclear Waste Technical Review Board, General Accounting Office, a former NRC commissioner, and other independent scientists.

Let's look at some of the myths of this ad:

It is right for the environment.

Now, that is a joke. It is right for the environment? Every environmental group in America opposes Yucca Mountain. There's your answer. The transportation of it scares them. The Senator from Oklahoma came and said ''why are they scaring people?'' Let's think about this a minute. The proposed route that goes through Oklahoma was just the scene of a horrible accident, where a barge hit a bridge and 23 cars were knocked into the water and it killed 13 people.

I don't think that is scaring people. I think it is a scary fact. So it is good for the environment? That has to be a big laugh. Every environmental group in America opposes this. ''It has bipartisan support''? The PTA, the national Parent Teachers Association, opposes this. The National Education Association and the Farm Bureau, because of the water situation, oppose this, along with the U.S. Conference of Mayors. As is already in the RECORD from the Senator from California, hundreds of environmental groups and other organizations in America oppose this.

It is right for the environment? Afraid not. ''It is right for consumers''? Joan Claybrook, who spent hours out in the reception room earlier today, is the epitome of what consumers are about in America, and her group opposes it.

Right for consumers? If this boondoggle goes through, it will cost the American taxpayers approximately $100 billion. The Department of Energy itself acknowledges they will spend $69 billion, but they low-ball everything and come back to Congress for more money. How can that be right for hard-working American families.

''It is time for action''? Afraid not. But this is the Gucci crowd. They paid for this. They do it in New York and in Washington where they get the good editorials. They don't get the good editorials in other places because they have not been able to weave their web of money.

That is what this is all about. As the Senator from California indicated today, 261 groups make up the Nuclear Energy Institute. These are the same groups that our Vice President met with secretly. Now he won't tell us anything about those meetings.

Let's see what USA Today said. They said there is no good reason to move forward with this project. The view is best summarized by comments of the Chairman of the Nuclear Regulatory Commission where he said:

> If Yucca Mountain was to fail because of congressional action, it does not mean from a policy point of view the country is at a stalemate and confronting imminent disaster. We do have the capacity to store the material safely for decades.
>
> There has been talk today on several occasions that these sites are filling up; as a result, we are going to have to move to unregulated private storage facilities. That's another lie, because these private facilities still have to be approved by the Nuclear Regulatory Commission.

I repeat, outside of Washington and New York, people realize how flawed this is. It certainly is the wrong way to go.

The Department of Energy has been saying we need to have Yucca Mountain to consolidate all the waste that is sitting in existing nuclear facilities. If there were ever a big lie, that is it. I have had Senators who support this come here all day today saying: What we need is one site. That is what this is all about. Every State one looks at, we will find they do not gain anything. None of them are getting rid of nuclear waste.

We can run through all these places across America. When it is all over, Browns Ferry in Alabama will have 107 percent of the nuclear waste they have right now, and we can go on down the list; 168 percent in Pennsylvania; 140 percent in South Carolina. There is one that is 306 percent. That is in Virginia. There is one here for 380 percent. They will have 380 percent more nuclear waste than when they started.

This is the big lie, that they are going to get rid of the nuclear waste all around the country and have one place where there is nuclear waste. That is simply not true. It will not happen. They are going to wind up with more nuclear waste.

A simple statement of fact: They can move at the most 3,000 tons a year. They will generate more than 2,000 tons a year, and they have 46,000 tons stored, and Yucca can only hold 77,000 tons. It does not take a mathematician to figure out that we are not going to get rid of the nuclear waste stored where it is.

Some of my colleagues have said the Nuclear Waste Technical Review Board really has not said how bad this is. They have said it as clearly as one can. An important conclusion in the board's January letter is:

> When DOE's technical and scientific work is taken as a whole the Board's view is that the technical basis for the DOE's repository performance is weak to moderate. . . .

They go on to say:

> While no individual technical or scientific factor has been identified that would automatically eliminate Yucca Mountain from consideration at this point, the Board has limited confidence generated by DOE's performance market.

We are in the midst of a crisis in this country. The stock market has plummeted. People have lost confidence in corporate America. Today, we should be working to fix those problems, not create another disaster for the American people to help out big corporations. That is what this is about. Corporate America is driving this decision.

That is really too bad, Madam President. It is really too bad.

I extend my appreciation publicly to my friend from Nevada. Senator ENSIGN has worked very hard on this. He has done good work. Senator ENSIGN has done an outstanding job talking with every member of the minority. I am very happy with the work he has done. I publicly congratulate him for the work he has done.

I have been tremendously impressed with the fact he has not in any way backed off, even though some say it is unpopular for him to oppose the President of the United States.

Let me read a poem by Robert Frost to close this debate:

Two roads diverged in a yellow wood,
And sorry I could not travel both
And be one traveller, long I stood
And looked down one as far as I could
To where it bend in the undergrowth;

Then took the other, as just as fair,
And having perhaps the better claim,
Because it was grassy and wanted wear;
Though as for that the passing there
Had worn them really about the same,

And both that morning equally lay
In leaves no step had trodden black.
Oh, I kept the first for another day!
Yet knowing how way leads on to way,
I doubted if I should ever come back.

I shall be telling this with a sigh
Somewhere ages and ages hence:
Two roads diverged in a wood, and I—
I took the one less travelled by,
And that has made all the difference.

Madam President, Senators are being called upon to take that less traveled road because it is going to make a difference.

Yucca Mountain is a bad project. We cannot transport nuclear waste safely. We know that. Nuclear waste is subject to terrorist attack. We are talking about tens of thousands of truckloads and thousands and thousands of trainloads, and now they told us they are going to move waste on barges. This is a road that should not be traveled, even though some people want to go down that road.

I say let's take the road that makes all the difference. It is the right thing to do.

In the years to come, as indicated in the Seattle Post Intelligencer, people are going to ask: Why did they do that? There is no reason to do it. Chairman Meserve has said:

If Yucca Mountain were to fail because of congressional action, that does not mean all of a sudden from a policy point of view that the country is at a stalemate and is confronting imminent disaster.

That is true. But corporate interests are pushing this. In fact, we should be talking about legislation to address these problems with corporate American right now. We should be working a bill reduce the power of corporate America with which this administration has been in bed. The only person who could have stopped this corporate abuse today, it appears, is the President of the United States. He misled the people of Nevada. That is the reason he is President of the United States, I am sorry to say. If he told the truth about Yucca Mountain, he would not be President. He would have lost by four electoral votes and would have lost the Presidency of the United States.

I say to my friend, the ranking member of the committee, Senator MURKOWSKI, he and I have had a lot of battles on the Senate floor. I have the greatest respect for him. He has been a gentleman and always fair to me, and although we disagree on policy issues, I cannot say enough about him being the type of legislator I think we should have.

I urge my colleagues one more time to take the road less travelled and protect people in the country, their states and Nevada.

I yield the floor and ask for the yeas and nays.

The PRESIDING OFFICER (Ms. CANTWELL.) Is there a sufficient second?

There appears to be a sufficient second.

The PRESIDING OFFICER. The Senator from Nevada has 6 minutes remaining.

Mr. REID. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed to S.J. Res. 34. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 39, as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—60

Allard	Graham	Miller
Allen	Gramm	Murkowski
Bennett	Grassley	Murray
Bingaman	Gregg	Nelson (FL)
Bond	Hagel	Nelson (NE)
Brownback	Hatch	Nickles
Bunning	Hollings	Roberts
Burns	Hutchinson	Santorum
Cleland	Hutchison	Sessions
Cochran	Inhofe	Shelby
Collins	Kohl	Smith (NH)
Craig	Kyl	Smith (OR)
Crapo	Landrieu	Snowe
DeWine	Leahy	Specter
Domenici	Levin	Stevens
Durbin	Lincoln	Thomas
Edwards	Lott	Thompson
Enzi	Lugar	Thurmond
Fitzgerald	McCain	Voinovich
Frist	McConnell	Warner

NAYS—39

Akaka	Clinton	Jeffords
Baucus	Conrad	Johnson
Bayh	Corzine	Kennedy
Biden	Daschle	Kerry
Boxer	Dayton	Lieberman
Breaux	Dodd	Mikulski
Byrd	Dorgan	Reed
Campbell	Ensign	Reid
Cantwell	Feingold	Rockefeller
Carnahan	Feinstein	
Carper	Harkin	
Chafee	Inouye	
Sarbanes	Stabenow	Wellstone
Schumer	Torricelli	Wyden

NOT VOTING—1

Helms

The motion was agreed to.

Mr. CRAIG. Madam President, I move to reconsider the vote.

The PRESIDING OFFICER. That motion is not in order.

Under the previous order, the Senate will proceed to the consideration of H.J. Res 87, which the clerk will report by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 87) approving the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982.

The PRESIDING OFFICER. Under the previous order, the clerk will read H.J. Res 87 for the third time.

The joint resolution was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question occurs on passage of the resolution.

The joint resolution (H.J. Res. 87) was passed.

Mr. CRAIG. Mr. President, I move to reconsider the vote.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. I ask unanimous consent S.J. Res. 34 be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I am concerned that many geological and technical questions associated with the Yucca Mountain plan have yet to be answered. We must ensure the safe keeping of this waste material for 10,000 years—a period of time longer than the written history of mankind. Therefore, there must be certainty that the Yucca Mountain site ensures protection of the environment and the safety of citizens. At this point, such certainty does not exist.

What we do not yet know about Yucca Mountain and its suitability as a long-term repository gives me great concern. For instance, how safe is it to house such a great volume of nuclear waste at a site that lies along a natural fault line? Can a facility be built to withstand a major earthquake? There have not been sufficient answers to these and other questions. Many scientific studies have reached the same conclusion, namely that more research is needed before moving forward with the Yucca Mountain site. Despite the incomplete scientific study of Yucca Mountain and the state of Nevada's steadfast opposition to the project, the nuclear energy industry and other parties are said to have pressured the Secretary of Energy to recommend that Yucca Mountain is a suitable site for the repository.

If Yucca Mountain is designated the primary repository for high-level nuclear waste, transportation of this hazardous material throughout the country will increase significantly. However, to date, the Department of Energy has not decided upon any plan on how to move this material to the repository. It is another in a long line of uncertainty surrounding the Yucca Mountain proposal. How will the material be moved? By train? By barge? By truck? What kind of security will be involved? There is not a single answer to any of these questions. Congress needs those answers before signing off on this plan.

We need a long-term solution to the problem of securing nuclear waste, and Yucca Mountain may ultimately prove to be a scientifically sound solution. But before we make a final decision on a repository which must have a 10,000-year life span, we must have absolute certainty of the suitability of Yucca Mountain. The safety of citizens for thousands of years to come depends on our prudence and careful deliberation.

With these concerns in mind, I voted against this proposal.

Mr. MURKOWSKI. Madam President, let me recognize the action by the Senate and thank those who participated in the debate, and Senator REID, Senator ENSIGN. I certainly understand and appreciate the position they have taken. I thought the discussion and presentation throughout the debate was certainly evidence of their concern for the State of Nevada.

On the other hand, this has been with us for a long time, 20 years. I think the Senate has acted responsibly today.

Let me thank certain staff members who have done a great deal of work. I will be very brief: Colleen Deegan, Jennifer Owen, Brian Malnak, Josh Bowlen, Macy Bell, Jim Beirne, our chart man, Joe Brenckle; and on the majority: Sam Fowler, Bob Simon, and of course Senator BINGAMAN.

Many others worked so diligently. We want to thank those in the industry who assisted in bringing this matter to the attention of all Members, encouraging that we act in a prudent manner, with dispatch. I most appreciate the two leaders who are recognizing that we can take the time today to dispose of this matter.

I yield the floor.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. SARBANES. Parliamentary inquiry: What is the pending business?

PUBLIC COMPANY ACCOUNTING REFORM AND INVESTOR PROTECTION ACT OF 2002—Continued

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 2673) to improve quality and transparency in financial reporting and independent audits and accounting services for public companies, to create a Public Company Accounting Oversight Board, to enhance the standard setting process for accounting practices, to strengthen the independence of firms that audit public companies, to increase corporate responsibility and the usefulness of corporate financial disclosure, to protect the objectivity and independence of securities analysts, to improve Securities and Exchange Commission resources and oversight, and for other purposes.

Mr. SARBANES. What is now pending before the Senate?

The PRESIDING OFFICER. The Miller amendment, No. 4176.

Mr. SARBANES. I ask for the regular order.

Mr. GRAMM. May we have order, Madam President.

The PRESIDING OFFICER. Members will take their conversations off the floor of the Senate.

Mr. SARBANES. There is a procedural question following the Miller amendment. We have been discussing that. We may be able to resolve it, but we need to do that overnight.

I call for the regular order which, as I understand it, would take us back to the Leahy amendment, with the McConnell amendment pending to Leahy?

The PRESIDING OFFICER. The Senator is correct.

Mr. SARBANES. I call for the regular order.

AMENDMENT NO. 4175

The PRESIDING OFFICER. The amendment is now pending. The Senator from Massachusetts.

Mr. LEAHY. Will the Senator yield for a question? We are on, am I correct, the Leahy amendment which was pending to it the McConnell amendment?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. I thank the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. As I understand it, the matter before the Senate now is the McConnell amendment; am I correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Madam President, this amendment of the Senator from Kentucky is what we call around here and everywhere a poison pill amendment intended to prevent serious action on corporate accountability. Just as a few Republicans sought to stop campaign finance reform with similar amendments, now they are trying to block action to make executives accountable. The lack of corporate responsibility in the United States has undermined the credibility of our markets and devastated the retirement savings of millions of Americans.

This widespread abuse of corporate power has jeopardized our Nation's economic recovery and hurt the legitimacy of our fundamental institutions. We must not call for the obstructionism of Senate Republicans. Instead, we must heed the call of the American people and insist on bold action this week to ensure that corporations are made accountable and that workers and investors are protected against these abuses.

The Leahy amendment, which my Republican colleagues seek to block, was unanimously approved by the Judiciary Committee in April. It includes critical measures to strengthen the ability of Federal prosecutors to detect, prevent, and prosecute corporate fraud. It makes acts of document shredding and corporate fraud punishable by 10 years in prison. It lengthens the statute of limitations for victims of security fraud.

Finally, the bill directs the U.S. Sentencing Commission to review criminal penalties for obstruction of justice and corporate fraud.

Today, Americans are outraged by the endless corporate scandals, and Congress must act to hold corporate crooks fully accountable and to restore confidence in our markets.

Defeating the ''poison pill'' amendment offered by Senator MCCONNELL is the first step toward that goal. Senator MCCONNELL's amendment would put America's workers in double jeopardy. The amendment puts new requirements on workers' representatives, despite the fact that these officials currently face disclosure and reporting requirements which surpass those of public companies.

This amendment would subject small local unions with annual receipts of only $200,000, which are already subject to labor reporting requirements, to the same SEC reporting requirements as large public companies which typically have resources in the millions.

The reality is that union finances are already more heavily regulated than those of most public companies. The Department of Labor under current law can investigate and audit union financial records at any time, including conducting random audits. There is no comparable requirement for public companies today.

There are many other examples of current labor laws requiring much stricter disclosure by unions than the SEC requires of publicly traded companies. Unions have to list every employee who receives more than $10,000. But the SEC does not require this of companies. Unions have to provide more detailed information regarding their loans than do public companies under SEC requirements. Unions have to provide more detailed lists of their investment today than do public companies under the SEC requirements.

The list goes on and on and on.

For over 40 years under labor laws, union officials have been required to certify the annual financial reporting of their unions under penalty of perjury.

The McConnell amendment certification requirement ignores the safeguards that already exist under our labor laws. Union officials are already subject to criminal penalties, which include jail time for willfully failing to

file reports, or knowingly making false statements, or willfully concealing documents. Union officials who violate these provisions are subject to jail time as well as substantial fines.

It is misguided to apply SEC requirements and penalties which were designed for publicly traded companies to not-for-profit groups such as unions. Even the Department of Labor recognizes this.

Don Todd, Deputy Assistant Secretary in charge of the Department's Union Reporting Office, wrote last August regarding SEC requirements that the Department of Labor does not have the expertise to provide more than a very general overview of this complex area of law. Why in the world would we want to force the labor unions to comply with SEC filing requirements when the relevant oversight agency doesn't understand this area of the law?

The bottom line here is that the Republicans fear corporate responsibility. They know the American people are outraged by the endless series of corporate scandals that are hurting workers, retirees, and our economic recovery. Rather than admit the scope of corporate corruption and the urgency of criminal penalties for corrupt executives proposed by Senator LEAHY, the Republicans are seeking to poison the well. If we allow this, the American people will never forgive us for passing up this unique opportunity to bring accountability to corporate executives. Corporate criminals must be made to pay for their misdeeds.

I urge my colleagues to vote against the McConnell amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, first of all, let me point out something. Senator MCCONNELL's amendment changes nothing in the Leahy amendment. The adoption of Senator MCCONNELL's amendment does nothing to change the Leahy amendment. I understand that Senator MCCONNELL tomorrow is going to come over and speak at great length on his amendment. But I don't want anyone to be deceived as to what the amendment is about.

The amendment has nothing to do with the Leahy amendment in terms of its adoption in any way delaying or changing the Leahy amendment.

The Senator from Kentucky has proposed a simple proposition that I believe is unassailable logically. That proposition is we are going to put penalties on filing false reports by corporations, and we are going to in the process send people to prison for it. I support that provision. I think there are probably 100 Members of the Senate who support that part of Senator LEAHY's amendment.

The Senator from Kentucky simply asks the question: Why don't we require that labor unions, when they submit financial statements once a year, have them audited by CPAs? Second, why don't we have them sign those reports and be accountable for their accuracy?

I am sure that people who do not want unions subjected to transparency and to accountability are going to say: Well, this is an effort to circumvent requirements on corporate America. Nothing could be further from the truth. This amendment does not strike the Leahy amendment. It simply adds a simple provision to it that applies parallel standards to unions.

Senator KENNEDY says this neglects existing law. The point is that the existing law is not very strong. Many unions don't even submit these reports. You could argue on the corporate side that we already have a body of law; why are we writing new laws? We are writing new laws because we need stronger and better laws. We have a bipartisan consensus that we do it.

Also, Senator KENNEDY says the veracity of these reports should follow under another jurisdiction. We are talking about accounting. We are talking about accuracy in reporting. We are talking about transparency. We are talking about accountability. Surely union members, in reading a report, should have the same confidence that it is valid, that a certified public accountant who is subject to high ethical standards wrote the report, and that the president of the unions certifies it, and that the president is going to be held accountable if it doesn't meet the standards we are setting.

Let me just summarize, since we are going to debate this amendment tomorrow, by saying:

No. 1, this amendment does not change the Leahy amendment. If you are for the Leahy amendment, that is fine.

The question the Senator from Kentucky poses is, should similar parallel requirements be imposed on unions that issue a financial statement annually, and should they have to be certified by a certified public accountant? And should the president of the union have to sign the report as the president of a corporation does? Should they be held liable if the report is not accurate and if they knowingly file an inaccurate report?

That is the question.

No. 2, it seems to me it is perfectly reasonable. You might be for it, and you might be against it, but you can't say it has anything to do with trying to undo the Leahy amendment.

It seems to me that if you are against it, you have to explain why unions should not be required to meet high standards in filing reports.

I haven't spoken on the Leahy amendment. It is my understanding we are going to be debating it tomorrow. I would like to simply outline what is in the amendment that I am for and what is in the amendment that I am against. I can do it very briefly.

If people knowingly and willfully violate the law, I support putting them in prison. The President has proposed doubling the sentence. I am for that. I hope at some point the administration will give us legislative language to implement the changes the President proposed today. I am hopeful that on a bipartisan basis we can adopt it on the floor of the Senate as part of this bill.

If we do not have time to do it, I have every reason to believe there will be bipartisan support to make those changes and those additions, those strengthening amendments in conference.

There is only one part of the Leahy amendment to which I object. Unfortunately, it is a very important part of the amendment that no one is focusing on when they are talking about the Leahy amendment. In fact, I would move that we simply accept the Leahy amendment except for this small but important provision.

I remind my colleagues that in 1995, on a bipartisan basis, we adopted the Private Securities Litigation Reform Act, legislation that basically amended securities laws to deal with the whole issue of predatory strike suits where one law firm was filing 80 percent of the lawsuits against corporate America and we had a reform of corporate liability. That bill was adopted on a bipartisan vote. It is the only bill that we overrode President Clinton's veto on in 8 years in office.

One of the reforms was to set statute of limitations requirements that basically paralleled the securities acts from the 1930s. What we said is, if you want to file a lawsuit, you have to do it within a year of when you know there was a violation or within 3 years of when the violation occurred.

The whole point of statute of limitations is, that beyond some point it is very difficult to maintain records. You do not know what happened. People's memories fade. People die. This was part of this important reform.

The Leahy amendment effectively throws out the 1 year and the 3-year statute of limitations and adopts a 5-year limitation. Now, he claims it is a 2-year and 5-year, but the 2 year applies only if you can prove that the person who filed the lawsuit knew that the violation occurred outside of the 2 years. I would assert that is virtually impossible to prove.

It is interesting, in statute of limitations, where you are saying you have to act on a timely basis because people do not have knowledge after periods of time expire, under this, you have to have enough knowledge to prove that they knew, which I think is a standard that could not possibly work. No one really believes it could work.

So the reality is, we are striking the 1-year and the 3-year statute of limitations in the securities litigation reform bill, and we are substituting a 5-year statute of limitations for it. That is a provision that I oppose. Every other part of the Leahy amendment I support. I personally would be willing to see it accepted by unanimous consent save that one provision in the bill. I think it is an important provision.

But I want people to know, as we go into the debate, that my support for

the McConnell amendment has nothing to do with the Leahy amendment; it simply has to do with having been convinced that there is logic to the McConnell position.

If we are trying to get transparency in financial reporting, if we are trying to hold people accountable, if we want honest numbers, it seems to me the logical place would be to start with Government, which we have not done. But the second point, it seems to me, is to apply the same standard to business and to labor. That is what McConnell has done.

Tomorrow we will have the debate on it, but I wanted to outline what the amendment did and did not do and my position on the Leahy amendment.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Madam President, I am prompted to enter this debate by the comments of my colleague from Texas. You cannot evaluate the parallelism of the McConnell amendment without evaluating the requirements that are now imposed upon labor unions under the Labor-Management Reporting and Disclosure Act of 1959. The argument that this is logical is only if you drop out of the picture or the context the fact that the unions are now under extensive reporting requirements in the law, requirements that significantly exceed, in many respects, anything that is required of corporations.

Now, the Department of Labor has the authority to conduct audits of labor unions.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. SARBANES. Yes.

Mr. KENNEDY. According to the statute, it can conduct those audits randomly, as I understand. Does the Senator agree with me that these audits can be done randomly? According to the statute, it says right here, in section 601(a):

> The Secretary shall have power when he believes it necessary in order to determine whether any person has violated . . . any provision of [the legislation] . . . to make an investigation and in connection therewith. . . .

And they may enter such places to inspect such records and accounts in question.

Does the current underlying legislation permit the SEC to conduct random auditing of public entities?

Mr. SARBANES. The auditing is done by the independent public accountants.

Mr. KENNEDY. The point I am making is, at the current time, the Department of Labor can conduct an independent audit at any particular time on any occasion, according to the Labor-Management Reporting Act.

Beyond that, it has the provision:

> Every labor organization shall file annually with the Secretary a financial report signed by its president and treasurer or corresponding principal officers containing the following information. . . .

And it lists all of that information. It already exists.

Mr. SARBANES. Will the Senator yield on that point?

Mr. KENNEDY. Yes.

Mr. SARBANES. The Senator from Kentucky says they are not filing these reports. What are the Secretary of Labor and the Department of Labor doing, because they have the power to make them file their reports. In fact, they can impose penalties, as I understand it, including not only fines but also imprisonment for the failure of union officials to meet the requirements under the statute.

My dear colleague from Texas says, well, look, this thing is on all fours. This is what we are doing to the corporations. And all the McConnell amendment does is it does it to the unions. Now, who could be against that?

But let's look at what is already being done to the unions. Let's look at the requirements under which they already have to function. Let's look at the powers that the Department of Labor and the Secretary of Labor have with respect to this matter.

Mr. GRAMM. Will the Senator yield?

Mr. SARBANES. Certainly.

Mr. GRAMM. You can make the same argument the SEC has the power to audit any company in America today. Any exchange they are a member of has the power to audit them today. We are saying we need better, stronger, more powerful laws. We need better reporting. People need better information.

All the Senator from Kentucky is saying is, why don't we apply the same thing to the reports that are filed by labor unions.

Mr. SARBANES. Will the Senator yield?

Mr. GRAMM. Yes. You have the floor.

Mr. SARBANES. Has the Senator examined, with any care, the reporting requirements and the other matters that govern labor union reporting under the Labor-Management Reporting and Disclosure Act?

Mr. GRAMM. Only to the degree that I can say that all the arguments that are being made, saying we do not need to improve reporting, are arguments that someone could make with regard to corporate America. They are already subject to random audits by the SEC. They are already subject to random audits by exchanges. I am not making that argument because I do not believe it.

Mr. SARBANES. What about the requirement on unions that they list the employees whose total of salaries and other disbursements exceed $10,000, including position, gross salary, allowances, and disbursements? What about that requirement that is imposed on the unions to make that kind of disclosure? Where is a comparable disclosure in that regard with respect to corporations?

Mr. GRAMM. Will the Senator yield?

Mr. SARBANES. Certainly.

Mr. GRAMM. I say, if the Senator wanted to offer an amendment to impose that, he certainly could. And I will stop asking him to yield, but let me make this point.

Mr. SARBANES. To impose it on corporations, you support that?

Mr. GRAMM. If you offer that amendment, I would have to read it. I probably wouldn't.

Mr. SARBANES. All right.

Mr. GRAMM. But the point I am making is, we are talking about two things. One thing that you have to have is a CPA do the audit, and, two, the president of the union and the president of the company has to sign the report. They are liable if they knowingly are misleading people. Those are the only two things the McConnell amendment does.

I just can't see what is wrong with it and why it doesn't make sense. Not that there is anything wrong with that part of the Leahy amendment; I support that part of the Leahy amendment. I just don't understand why this does violence to organized labor. It seems to me it makes perfectly good sense.

Mr. SARBANES. I simply say that a statutory structure has been worked out for labor which is quite extensive and exceeds in many respects anything that applies to corporations. You can't make a judgment about whether you should do anything additional to the unions until you examine carefully what is already required from them under the existing statutory scheme. That is not happening here.

Mr. DODD. Will my colleague yield for a question?

Mr. SARBANES. I yield.

Mr. DODD. It occurs to me as well, in this bill, we are not requiring for all businesses these requirements. These are for businesses that have to file with the SEC.

Mr. SARBANES. That is right, which is a limited universe.

Mr. DODD. It is a limited universe. My point is, we are not talking about every entity that conducts business for profit. We excluded the overwhelming majority of businesses that are private entities, that have no filing requirements with the SEC. Our colleague from Wyoming felt very strongly about this point, that we only deal with public companies, the 16,000 public companies.

Let me ask my colleague this question: Is a labor union a for-profit business or are they a different kind of an entity? I have always understood a labor union was not a business and therefore to require of the labor union that which we require of a for-profit company that is required to file with the SEC seems to be mixing apples and oranges. There is no parallelism here at all.

Mr. SARBANES. The Senator is absolutely correct. The unions ought to have reporting requirements and they ought to file.

Mr. DODD. Correct.

Mr. SARBANES. Those have been put into law. There are extensive authorities in the Secretary of Labor and the

Department with respect to the unions—quite extensive authorities, I might add.

We have established one statutory framework to control the reporting requirements and disclosure on the part of unions, which is a completely separate universe from what we are trying to address in this legislation.

The Senator is absolutely right. It is in a sense apples and oranges. You are dealing with two different universes, and you have established two different statutory frameworks within which to address that.

Mr. DODD. If the Senator from Texas were interested in creating a sense of uniformity, I could see him offering an amendment—I wouldn't agree with it—which would require that all businesses that are conducting their operations for profit be subjected to an accounting standard that was equal. Again, my friend from Wyoming would strenuously object to such an amendment. I would as well because of the reasons that smaller companies just could not possibly afford the costs associated with that. But to suggest somehow that a nonprofit organization ought to be subjected to the same rules as a for-profit public company where shareholders and so forth are involved is stretching logic.

I appreciate my colleague yielding.

Mr. SARBANES. It is obvious that one of the distinctions we sought to make in the underlying bill that is before us is that when a company becomes public, you then have an investor interest that has to be protected. Otherwise, manipulation destroys investor confidence and affects the confidence in our capital markets. That is the issue we are confronting now and the impact it is having on the economy.

That was the universe we tried to deal with in this legislation. We were very careful that the legislation does not apply to most businesses in America and doesn't apply to most accountants in America, since most of them don't audit public companies.

Mr. GRAMM. Will the Senator yield?

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Texas.

Mr. GRAMM. I remind my colleagues that in some 40 States in the Union, you can't work unless you are a member of a union. If unions are not public organizations, when you have mandatory requirements, I can't work in Maryland in an area that is unionized without either joining the union or paying union dues. To suggest that unions are somehow private when you have mandatory membership I think won't hold water.

Mr. SARBANES. If the Senator would yield, you don't have mandatory membership. You may have a requirement that you pay a union fee, but the union then has an obligation, if you are in a union shop, to represent you in the collective bargaining efforts and with grievances, and so forth and so on. So the union has to, in effect, provide you a service for the fact that you get charged that fee.

Mr. GRAMM. I am not saying you are not getting anything for it. I am just saying that it is mandatory, and I don't see how you cannot say that unions are public institutions.

Secondly, why do we require CPAs to do audits of companies? We can't audit every company in America. We don't have enough resources. So you try to get a system where the auditor has some degree of responsibility for helping to enforce the standards. I don't see why you wouldn't have CPAs required to do the audits of unions.

I was handed this by Senator MCCONNELL's staff. I am sorry he had an appointment tonight, but the OLMS, which does the compliance audits, did a high of 1,583 audits in 1984. Last year, that was only 238. So I don't know why you wouldn't want a union that has mandatory membership to have its reports done by CPAs who we are holding to a high standard in this bill. That is all I am saying.

Mr. SARBANES. What is the explanation by the Department of Labor for this rather stunning drop in the number of audits? Was it from 1,500 to 200 in 1 year's time or 2 years' time?

Mr. GRAMM. It is from 1984 to 2001.

I would say on that issue, if the Senator will yield, that the President's 2003 budget asked for an additional $3.4 million for 40 full-time positions. It will be very interesting to see if we provide the money for them to have it.

Mr. SARBANES. That is the way to go at this problem; otherwise, it seems to me that the Department of Labor needs to do the job that it has been charged to do. I think that is what those figures amply demonstrate.

I am gratified that the administration's budget is seeking more money in order to meet these responsibilities, but that is where it ought to be done.

Mr. GRAMM. My final point—and I appreciate the generosity of the chairman—it seems to me the most fundamental requirement is if you are going to make a public report and you have mandatory membership so you are a public institution, you ought to have a certified public accountant do that report and sign that they have done it.

We have decided—I think it is one of the best things in our bill; whatever bill is adopted will have it—to require the heads of companies to sign these reports. I don't know why you wouldn't want the head of the union to sign these reports.

Mr. SARBANES. Would the Senator support a provision that required all companies with annual receipts of $200,000 or more to meet all of these auditing requirements?

Mr. GRAMM. I would if the companies were companies that people had to do business with. If we had anything equivalent in the marketplace to a provision that said you have to buy things from this company or you can't buy them, which in essence we do in States that don't have right-to-work laws; we say that you have to pay the union dues in order to work—you don't have to join, but you have to pay the dues—I think when you have that mandatory element, having to report publicly is logical.

Mr. SARBANES. They do have to report publicly. They are now required to report publicly under the legislation that governs reporting and disclosure. The Senator is speaking as though there are no such requirements.

The fact of it is that there is an elaborately developed framework. Now, the Department of Labor may not be carrying it out fully, as the statute would require. They may be falling short in that regard, but if that is the case, the way to remedy the situation is to provide the resources to the Department of Labor and call upon them to do their job.

Mr. GRAMM. Mr. President, this is Mr. MCCONNELL's amendment, and I will let him debate it. But the whole purpose of having CPAs, the whole purpose of having licensing and the taking of oaths is we cannot audit every company by the Government. I am pleased to say that nobody has proposed to have the Government take over the auditing function. We have proposed to strengthen the CPA process and impose higher standards because that is really our fundamental line of defense.

I just don't understand. It seems to me this would be a logical amendment to take. It only says two things: When unions file a report, it has to be done by a CPA. You have a mandatory membership of unions in some 40 States, and they are public institutions. Secondly, the president of the union, as the president of the company, ought to have to verify the veracity of the statement and be liable if he knowingly is certifying it when he knows it is not valid. I mean you are not holding him accountable if somebody has not told him the truth.

Senator MCCONNELL is going to present case and verse of all of the problems. I don't know the problems, but it seems to me that when we are trying to improve reporting and improve transparency and improve accountability, the simple proposal that when unions file their annual report, as corporations do, a CPA should prepare the report—I just cannot imagine not requiring that.

Secondly, the president of the union ought to have to sign the report and be accountable if he knowingly is saying something that is not true.

Finally, the argument that there are other requirements—well, there are more requirements on corporate America. We just concluded there were not enough. So Senator MCCONNELL is simply saying while you are improving one, improve both. If I were a member of a union, I would like having certified by a CPA a report showing how my money was spent. I think it would give me more confidence. I would think if the rank-and-file union members in my State would vote on this, there would

be an overwhelming vote for it. I don't even know why we are debating this. This is sort of a no-brainer, in my opinion. But my opinion may not be the majority opinion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I agree with the Senator from Texas, this is a no-brainer amendment because I cannot quite understand why we would be establishing a standard here for labor unions. It reminds me of when I was raising my kids and my wife and I had to give one of our children medicine that they didn't want. My daughter would say: I would feel a lot better if my brother had to take it, too. That is what we are having here—businesses faced with corporate corruption. Frankly, we have people on the Senate floor saying, as painful as it is for us to make more disclosures, we would feel better if you could also hurt the labor unions while you are at it. Is that what this is about—to try to find a parity of pain between business and labor? I didn't think so.

The point made by the Senator from Maryland is that labor unions already face extraordinary reporting requirements in a law that has been in place for 43 years—requirements not made of many businesses. In the McConnell-Gramm amendment, it suggests that if your labor union has receipts of $200,000 a year, they are going to add a new burden to the labor unions—even beyond this 43-year-old law.

I listened closely as the Senator from Maryland explained the bill before us. He has worked closely with the Senator from Wyoming to make sure it just applies to public corporations, where there is public investment in stockholders and where there is an item of public trust involved. That is understandable.

So if I would stand before the Members here and say, if you really believe in transparency and disclosure, you ought to apply these requirements to every business in America, many people would say that is an onerous and unnecessary burden; it goes beyond the issue of public trust; now you are going after every business, large and small. That is what the McConnell-Gramm amendment does when it comes to labor unions. They say if a labor union has receipts of $200,000, they have a brandnew set of requirements. The Senator from Texas says these unions are public institutions, they should not be treated as if they are private. Well, they are not. They are subject to the 1959 Labor-Management Reporting and Disclosure Act.

The thing that also concerns me is that many requirements of the labor unions under current law are far stricter than what is required under the SEC for public corporations. I cannot understand why we would want to increase the burden on labor unions when the issue appears to be, at Enron, not a union problem but a business problem. The issue at Enron had to do with members of the board of directors being paid—according to the Governmental Affairs recent report—$350,000 a year to serve on the board and, frankly, missing it completely, or didn't report it when things were being done that defrauded stockholders, pensioners, and ultimately cost employees their jobs.

That, I thought, was what this debate was about. Instead, we are talking about right-to-work and labor unions. I am sorry, but I don't think people across America believe the problems of Enron and WorldCom and Global Crossing had anything to do with labor unions. They didn't. They had to do with corporate greed and corruption.

I commend Senators SARBANES and ENZI for bringing to the floor a bill that addresses this in a straightforward manner. The McConnell-Gramm amendment wants to get us on another track to discuss other things. I find this interesting. There is no proposal that this new requirement be applied to any other organization than labor unions. I don't hear anybody coming before us and suggesting that the Boy Scouts of America should be subject to SEC filing. That is a large organization. They certainly have receipts beyond $200,000. I don't hear the suggestion that associations and organizations like the Boy Scouts of America, or the American Legion—I don't want to go too far with this—or the Federalist Society should have more transparency and disclosure and, therefore, should be subject to SEC filings. Nobody brought that up. Is that part of the problem in America, the lack of confidence in our economy? Not at all.

The problem relates to corporations and businesses that have gone too far and lied to the stockholders and the American people. If we get off the track here and decide we are going to go after other battles to be fought, whether labor unions or other organizations, we have missed the point. I think this amendment misses the point.

Let me also say that the McConnell amendment holds labor unions to standards to which not even businesses are being held. In 1995, I happened to be a Member of the House when the so-called Newt Gingrich ''Contract on America'' came through. One of the things we did there, I am afraid, turned out to be a precursor to what we are going through today in what was known then as securities litigation reform. We basically said we think some of these plaintiff lawyers, class action lawyers, have gone too far and therefore we are going to protect many corporations from liability when it comes to securities transactions. I was 1 of 99 in the House of Representatives who voted against that bill and wanted to sustain President Clinton's veto. We did not prevail. We lost in the House and in the Senate.

It really, sadly, set the stage for where we are today. Another watchdog was gone. Corporations such as Enron and WorldCom didn't have to worry about somebody bringing an action against them for securities misdeeds.

One of the things that was included in the 1995 law was to take away liability for aiding and abetting, in terms of rights of action, causes of action involving corporate fraud. We exempted a whole category of people who, up until that time, had been liable for aiding and abetting fraud. We said in the name of securities litigation reform, we would exempt this category of individuals.

Senator MCCONNELL comes up with this amendment and says: We want to reinstate that aiding and abetting liability, not for businesses, but we want to put it on labor unions. What is wrong with this picture? We are not imposing it on corporations despite all the scandals we have read about; instead, we are going to impose this new obligation on labor unions.

I am afraid, frankly, that is not a matter of public policy, it is a matter of retribution. I also think we should take a look at how many labor unions could be liable for this audit that is required. There are 70 national and international unions, but the McConnell-Gramm amendment would apply to 5,000 different unions, large and small, across America. It goes way too far.

The amendment certification requirements are also redundant. For more than 40 years, union officers have been required to sign annual financial reports, under penalty of perjury, attesting that the report's information accurately describes the union's financial condition and operations. That is a pretty reasonable standard for labor unions under current law.

We are trying to impose similar standards on corporations so when they file their accounting audit statements, someone puts their name on it and accepts responsibility for the truth and accuracy of the statement.

Frankly, I think Senator MCCONNELL and Senator GRAMM have this totally upside down. The problems we face—the corporate corruption, the lack of confidence in the economy, which even the President spoke about today—have nothing to do with labor unions. They really have to do with corporations that have an obligation to the public.

I believe the vast majority of businesses and corporations in America are run by honest people, working hard to make a profit to provide goods, services, and jobs to make America a better place. I do believe that. But there are some who have violated the public trust. The underlying bill addresses that. To bring in an argument now about imposing new obligations on labor unions not only misses the point completely as to why we are here this evening but misses the point about why we are facing this crisis in America.

I stand in opposition to the McConnell-Gramm amendment, and I hope all

of my colleagues will join me in remembering why this debate got started.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, I, too, wish to verbalize my opposition to this amendment that tries to draw in a completely extraneous item which has not been debated in the context of this bill in the 10 committee hearings we had with regard to putting together the Corporate Corruption and Investor Protection Act.

It has not been involved in any of the President's discussions about corporate abuse or fraud that we have heard discussed. It is not in any way related to the group of organizations with which we are attempting to deal, which are large, publicly traded corporations, and really ignores the fact that there is already a body of law that deals with union organizations and union officers with regard to their responsibility to their memberships and for their reporting requirements.

For a whole host of reasons, I do not understand how this even relates to the issue that is the fundamental part of the underlying bill, and there certainly is not any evidence in the marketplace of ideas and activities across America that would justify pulling labor unions by their actions into the fish net about which we are talking. This is about corporate corruption. It is about investor protection. It is about making sure corporate fraud is properly dealt with in the legal system, one that puts everyone on notice that they have serious responsibilities to certify that what is reported is real, and if it is not real, then people are held accountable.

We are off on the wrong track, and if we end up having too many of these diversionary tactics away from the underlying principles of what we are trying to accomplish, which is to have measured, reasonable, and thoughtful progress with regard to corporate responsibility, corporate accountability, accounting reform, and investor protection, public protection, then I think we are going to miss the opportunity to secure our economy, to secure the steps that are necessary for most people to restart this engine of investment that drives our economy. This is completely off point.

I hope my colleagues in the Senate will recognize it for what it is and move on, turn this down, and get on with the underlying amendment that Senator LEAHY has so appropriately brought to bear in this case.

I yield the floor.

Mr. SARBANES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. SARBANES. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Members allowed to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 12, 2001 in Huntington, NY. A man, who was drunk, tried to run over a Pakistani woman in the parking lot of a shopping mall, according to police. The man then followed the woman into the mall and threatened to kill her for ''destroying my country.''

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.

ADDITIONAL STATEMENTS

RESTORATION AND REDEDICATION OF THE GEORGETOWN CIRCLE

● Mr. CARPER. Mr. President, today I recognize the rededication of ''The Circle'' in Georgetown, DE scheduled for July 19. Thanks to the great efforts and hard work of the citizens of Georgetown, this historic site has been restored to its original splendor.

The Circle was established in 1791 by an act of the Delaware General Assembly. Subsequently, the town of Georgetown was laid out around the Circle. While Delawareans knew of its historic and cultural significance, it was confirmed nationally in 1973 when The Circle was placed on the National Register of Historic Places.

Georgetown has long been famous for Return Day, a celebration that takes place every 2 years, 2 days after the state's general election. With the campaign behind them, voters and candidate's return to the Circle to enjoy parades, listen to music, and literally ''bury a hatchet.'' We talk a lot in my State about working together, about putting aside partisan differences to cross party lines to get things done. This celebration at the Circle embodies that effort and commitment.

Over the years, the Circle fell to a state of disrepair. Once a place of stately honor, financial assistance was needed to return the Circle to its original state. The community of Georgetown joined together and formed a committee to oversee the repairs and maintain the historic beauty of the site. The repairs were financed through a Transportation Enhancement Grant from the Federal Highway Administration, the Delaware Department of Transportation, and members of the Delaware General Assembly from Sussex County. Together, these groups were able to provide substantial funding for renovations. The residents of Georgetown should be praised for their commitment to restoring the Circle. With their initiative and dedication, future generations will be able to enjoy its rich history.

The July 19 rededication is a celebration of the community's collective efforts. Delaware's future will be built upon its rich history. We must work hard to preserve these symbols of our past to ensure that they are not forgotten. The citizens of Georgetown worked hard to ensure that the area's unique history will be preserved long into the future.●

HONORING WALTER JOHNSON

● Mrs. BOXER. Mr. President, I would like to take this opportunity to direct the Senate's attention to the life and achievements of Walter Johnson. Walter is the Secretary-Treasurer of the San Francisco Labor Council, a position he has held since 1985. He is a man of great compassion and determination. He is also, I am proud to say, a trusted friend and confidante.

On July 18, 2002, Walter is being honored by the San Mateo Central Labor Council for his lifetime of service. He certainly deserves it. He has been a leader in the Bay Area labor movement since the 1950s. He got his start with the Department Store Employees Union Local 1100 while working as a salesperson at Sears. Once in the union, it did not take him long to work his way up to be president and eventually secretary-treasurer, the top post.

Over the years, Walter has never wavered in his commitment to advancing the interests of working men and women and the larger community. He truly believes in social justice and equal rights. As the head of an organization comprised of 125 unions and 175,000 workers, he lives his beliefs every day.

When it comes to the lives and livelihoods of those he represents, he never lets elected officials forget that we work for the people, not the other way around. While this may make him an occasional irritant, it also makes him a constant inspiration.

Walter Johnson is the very embodiment of the labor movement in San Francisco and the Bay Area. If it seems like he has been there for years, it is because he has. Over the course of a half century, he always put the people first. It is high time he sat still long enough to let those he has helped return the favor.●

HONORING UNIVERSITY OF SOUTH CAROLINA, CLEMSON FOR MEN'S CHAMPIONSHIP BASEBALL TEAMS

• Mr. HOLLINGS. Mr. President, last month as sports fans around the world focused their attention on soccer, the student athletes of South Carolina reminded this nation why baseball is America's game.

Both the University of South Carolina and Clemson University played in the final rounds for the national title. While the Senators from Texas have the bragging rights to the trophy, I can say this: the South Carolina teams had their most successful seasons ever and engaged in a rivalry that will long be remembered in my state.

This year, my alma mater Gamecocks won a record 57 games, in what was supposed to have been a rebuilding year. In the last three years they have had more wins than any team in the nation. In the tournament, they beat their bitter rival Clemson twice, thus making it to the final game for the first time since Jerry Ford was President. For Clemson it was a heartbreaking finish to an incredible run. For two months, the Tigers had been ranked number one in the polls. They won 54 games, the most in their history, including winning 10 games against top 10 teams.

And although baseball is a team sport, this Senator cannot overlook one player in particular: Clemson shortstop Khalil Greene. He was named national player of the year. Hitting .470, he may have had the greatest season any Clemson player in any sport has ever had. His season reminds me of when I was a very young fan, in 1930, and Babe Ruth earned $80,000 and was asked why did he make more money than President Hoover, and he replied, ''I had a better year than he did.''

In his professional life, Mr. Greene will probably have better years than any United States Senator, including our Hall of Famer, Senator BUNNING. I congratulate Mr. Greene, University of South Carolina Coach Ray Tanner, and Clemson coach Jack Leggett. And I salute all the players who on the field showed us what great athletes they are, and who made this season the best ever for South Carolina baseball fans.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVES MESSAGES REFERRED

As in executive session Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:38 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 bills, in which it requests the concurrence of the Senate:

H.R. 2643. An act to authorize the acquisition of additional lands for inclusion in the Fort Clatsop National Memorial in the State of Oregon, and for other purposes.

H.R. 3380. An act to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of Great Smoky Mountains National Park.

H.R. 4609. An act to authorize the Secretary of the Interior to conduct a comprehensive study of the Rathdrum Prairie/Spokane Valley Aquifer, located in Idaho and Washington.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4609. An act to direct the Secretary of the Interior to conduct a comprehensive study of the Rathdrum Prairie Spokane Valley Aquifer, located in Idaho and Washington; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and the second times by unanimous consent, and placed on the calendar:

H.R. 2643. An act to authorize the acquisition of additional lands for inclusion in the Fort Clatsop National Memorial in the State of Oregon, and for other purposes.

H.R. 3380. An act to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of Great Smoky Mountains National Park.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7691. A communication from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Allowing Eligible Schools to Apply for Preliminary Enrollment in the Student and Exchange Visitor Information System (SEVIS)'' (RIN115–AG55) received on July 2, 2002; to the Committee on the Judiciary.

EC–7692. A communication from the Assistant Secretary, Indian Affairs, Division of Transportation, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Distribution of Fiscal Year 2002 Indian Reservation Roads Funds'' (RIN1076–AE28) received on June 27, 2002; to the Committee on Indian Affairs.

EC–7693. A communication from the Assistant Secretary, Indian Affairs, Division of Transportation, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Law and Order on Indian Reservations'' (RIN1076–AE33) received on June 27, 2002; to the Committee on Indian Affairs.

EC–7694. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Over-the-Counter Human Drugs; Labeling Requirements; Partial Delay of Compliance Dates'' (RIN0910–AA79) received on June 26, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–7695. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the 2002 Annual Actuarial Report Required by Section 22 of the Railroad Retirement Act of 1974 and Section 502 of the Railroad Retirement Solvency Act of 1983; to the Committee on Health, Education, Labor, and Pensions.

EC–7696. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the 2002 Annual Report on the Financial Status of the Railroad Unemployment Insurance System; to the Committee on Health, Education, Labor, and Pensions.

EC–7697. A communication from the Acting Director, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Occupational Injury and Illness Recording and Reporting Requirements (recording occupational hearing loss)'' (RIN1218–AC06) received on July 3, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–7698. A communication from the Deputy Secretary, Investment Management, Office of Regulatory Policy, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendments to Rules and Forms Due to the National Securities Markets Improvement Act of 1996 and the Gramm-Leach-Bliley Act'' (RIN3235–AI53) received on June 26, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–7699. A communication from the President of the United States, transmitting, pursuant to law, the Final Report on the National Emergency with respect to the Taliban that was Declared in Executive Order 13129 of July 4, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–7700. A communication from the President of the United States, transmitting, pursuant to law, the report of an Executive Order that terminates the national emergency described and declared in Executive Order 13129 or July 4, 1999, related to the actions and policies of the Taliban, and amends Executive Order 13224 of September 23, 2001, to include reference to Mohammed Omar and the Taliban in the Annex to that order, thus preserving the sanctions imposed against the Taliban; to the Committee on Banking, Housing, and Urban Affairs.

EC–7701. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's report on Government dam use charges; to the Committee on Energy and Natural Resources.

EC–7702. A communication from the Assistant Secretary, Land and Mineral Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Oil and Gas and Sulphur Operations on the Outer Continental Shelf-Suspension of Operations for Exploration Under Salt Sheets'' (RIN1010–AC92) received on July 3, 2002; to the Committee on Energy and Natural Resources.

EC–7703. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the

Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Russia; to the Committee on Foreign Relations.

EC–7704. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Russia, Ukraine, Norway and Cayman Islands; to the Committee on Foreign Relations.

EC–7705. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyhalofo-butyl; Pesticide Tolerance Technical Correction'' (FRL7185–1) received on June 26, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7706. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clarified Hydrophobic Extract of Neem Oil; Pesticide Tolerance; Technical Correction'' (FRL6835–1) received on June 26, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7707. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Oxadixly; Tolerance Revocations'' (FRL7180–4) received on July 3, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7708. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Change in Disease Status of Poland Because of BSE'' (Doc. No. 02–068–1) received on July 3, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7709. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mediterranean Fruit Fly; Removal of Quarantined Area'' (FRL01–093–2) received on July 3, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7710. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Change in Disease Status of Greece With Regard to Foot-and-Mouth Disease'' (Doc. No. 01–059–2) received on July 3, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7711. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a certification relative to Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgystan, Moldova, Ukraine, Uzbekistan, and Tajikistan; to the Committee on Armed Services.

EC–7712. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to strengthen the management structure of the Office of the Secretary of Defense; to the Committee on Armed Services.

EC–7713. A communication from the Under Secretary of Defense, Comptroller, transmitting, a notice regarding desktop computer management service; to the Committee on Armed Services.

EC–7714. A communication from the Secretary of Defense, transmitting, pursuant to law, a report regarding the President's approval of a new Unified Command Plan (UCP) that specifies the missions and responsibilities, including geographic boundaries, of the unified combatant command; to the Committee on Armed Services.

EC–7715. A communication from the Assistant Secretary of Defense, Force Management Policy, transmitting, pursuant to law, a notice regarding Critical Skills Retention Bonus for Submarine Warfare Officers (112X) and Surface Warfare Officers (111X); to the Committee on Armed Services.

EC–7716. A communication from the Deputy Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–7717. A communication from the Deputy Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 414: A bill to amend the National Telecommunications and Information Administration Organization Act to establish a digital network technology program, and for other purposes. (Rept. No. 107–207).

By Mr. LEVIN, from the Committee on Armed Services, with amendments:

S. 2506: An original bill to authorize appropriations for fiscal year 2003 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. (Rept. No. 107–208).

NOMINATION DISCHARGED

The following nomination was discharged from the Committee on Governmental Affairs and placed on the executive calendar pursuant to the order of January 5, 2001:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

J. Russell George, of Virginia, to be Inspector General, Corporation for National and Community Service.

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 Mrs. CLINTON (for herself and Mr. DURBIN):

S. 2710. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the health insurance expenses of small business; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. CAMPBELL):

S. 2711. A bill to reauthorize and improve programs relating to Native Americans; to the Committee on Indian Affairs.

By Mr. HAGEL:

S. 2712. A bill to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries; to the Committee on Foreign Relations.

By Mr. LEAHY (for himself and Mr. THOMPSON):

S. 2713. A bill to amend title 28, United States Code, to make certain modifications in the judicial discipline procedures, and for other purposes; to the Committee on the Judiciary.

By Mrs. CLINTON (for herself, Mr. KENNEDY, and Mr. SCHUMER):

S. 2714. A bill to extend and expand the Temporary Extended Unemployment Compensation Act of 2002; to the Committee on Finance.

By Mrs. CLINTON (for herself, Mr. KENNEDY, and Mr. SCHUMER):

S. 2715. A bill to provide an additional extension of the period of availability of unemployment assistance under the Robert T. Stafford Disaster Relief an Emergency Assistance Act in the case of victims of the terrorist attacks of September 11, 2001; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR:

S. Res. 300. A resolution encouraging the peace process in Sri Lanka; to the Committee on Foreign Relations.

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. Res. 301. A resolution supporting the National Railroad Hall of Fame, Inc. of Galesburg, Illinois, in its endeavor to erect a monument known as the National Railroad Hall of Fame; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. Res. 302. A resolution honoring Ted Williams and extending the condolences of the Senate on his death; considered and agreed to.

ADDITIONAL COSPONSORS

S. 582

At the request of Mr. GRAHAM, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 582, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance program.

S. 654

At the request of Mr. TORRICELLI, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 654, a bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans.

S. 699

At the request of Mr. JOHNSON, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 699, a bill to provide for substantial reductions in the price of prescription drugs for medicare beneficiaries.

S. 862

At the request of Mrs. FEINSTEIN, the name of the Senator from New York

(Mr. SCHUMER) was added as a cosponsor of S. 862, a bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2002 through 2006 to carry out the State Criminal Alien Assistance Program.

S. 869

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 869, a bill to amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor.

S. 987

At the request of Mr. TORRICELLI, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 987, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV.

S. 1350

At the request of Mr. DAYTON, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1350, a bill to amend the title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 1394

At the request of Mr. ENSIGN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1394, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 1655

At the request of Mr. BIDEN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1655, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 1818

At the request of Mr. DURBIN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 1818, a bill to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred.

S. 1868

At the request of Mr. BIDEN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1868, a bill to establish a national center on volunteer and provider screening to reduce sexual and other abuse of children, the elderly, and individuals with disabilities.

S. 2010

At the request of Mr. LEAHY, the names of the Senator from New York (Mr. SCHUMER), the Senator from Florida (Mr. NELSON), and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors 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. 2085

At the request of Ms. COLLINS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2085, a bill to amend title XVIII of the Social Security Act to clarify the definition of homebound with respect to home health services under the medicare program.

S. 2188

At the request of Mr. BREAUX, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2188, a bill to require the Consumer Product Safety Commission to amend its flammability standards for children's sleepwear under the Flammable Fabrics Act.

S. 2215

At the request of Mrs. BOXER, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

S. 2221

At the request of Mr. ROCKEFELLER, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 2221, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program.

S. 2249

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2249, a bill to amend the Public Health Service Act to establish a grant program regarding eating disorders, and for other purposes.

S. 2328

At the request of Mr. HARKIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2328, a bill to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to ensure a safe pregnancy for all women in the United States, to reduce the rate of maternal morbidity and mortality, to eliminate racial and ethnic disparities in maternal health outcomes, to reduce pre-term, labor, to examine the impact of pregnancy on the short and long term health of women, to expand knowledge about the safety and dosing of drugs to treat pregnant women with chronic conditions and women who become sick during pregnancy, to expand public health prevention, education and outreach, and to develop improved and more accurate data collection related to maternal morbidity and mortality.

S. 2394

At the request of Mrs. CLINTON, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2394, a bill to amend the Federal Food, Drug, and Cosmetic Act to require labeling containing information applicable to pediatric patients.

S. 2395

At the request of Mr. BIDEN, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 2395, a bill to prevent and punish counterfeiting and copyright piracy, and for other purposes.

S. 2480

At the request of Mr. LEAHY, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 2480, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns.

S. 2558

At the request of Mr. REED, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2558, a bill to amend the Public Health Service Act to provide for the collection of data on benign brain-related tumors through the national program of cancer registries.

S. 2562

At the request of Mr. REID, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2562, a bill to expand research regarding inflammatory bowel disease, and for other purposes.

S. 2611

At the request of Mr. REED, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2611, a bill to reauthorize the Museum and Library Services Act, and for other purposes.

S. 2636

At the request of Mr. TORRICELLI, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2636, a bill to ensure that the Secretary of the Army treats recreation benefits the same as hurricane and storm damage reduction benefits and environmental protection and restoration.

S. 2663

At the request of Mr. BREAUX, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2663, a bill to permit the designation of Israeli-Turkish qualifying industrial zones.

S. 2691

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2691, a bill to amend the Communications Act of 1934 to facilitate an increase in programming and content on radio that is locally and independently produced, to facilitate competition in radio programming, radio advertising, and concerts, and for other purposes.

S. 2707

At the request of Mr. KENNEDY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2707, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide comprehensive pension protection for women.

S. RES. 258

At the request of Mr. SMITH of New Hampshire, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Res. 258, a resolution urging Saudi Arabia to dissolve its ''martyrs'' fund and to refuse to support terrorism in any way.

S. RES. 266

At the request of Mr. ROBERTS, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Res. 266, a resolution designating October 10, 2002, as ''Put the Brakes on Fatalities Day.''

S. CON. RES. 94

At the request of Mr. WYDEN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Con. Res. 94, a concurrent resolution expressing the sense of Congress that public awareness and education about the importance of health care coverage is of the utmost priority and that a National Importance of Health Care Coverage Month should be established to promote that awareness and education.

S. CON. RES. 121

At the request of Mr. HUTCHINSON, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Georgia (Mr. MILLER) 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.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HAGEL:

S. 2712. A bill to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries; to the Committee on Foreign Relations.

Mr. HAGEL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2712

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; DEFINITION.

(a) SHORT TITLE.—This Act may be cited as the ''Afghanistan Freedom Support Act of 2002''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents; definition.

TITLE I—ECONOMIC AND DEMOCRATIC DEVELOPMENT ASSISTANCE FOR AFGHANISTAN

Sec. 101. Declaration of policy.
Sec. 102. Purposes of assistance.
Sec. 103. Principles of assistance.
Sec. 104. Authorization of assistance.
Sec. 105. Coordination of assistance.
Sec. 106. Administrative provisions.
Sec. 107. Authorization of appropriations.

TITLE II—MILITARY ASSISTANCE FOR AFGHANISTAN AND CERTAIN OTHER FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS

Sec. 201. Support for security during transition in Afghanistan.
Sec. 202. Authorization of assistance.
Sec. 203. Eligible foreign countries and eligible international organizations.
Sec. 204. Reimbursement for assistance.
Sec. 205. Authority to provide assistance.
Sec. 206. Promoting secure delivery of humanitarian and other assistance in Afghanistan.
Sec. 207. Sunset.

TITLE III—ADDITIONAL REQUIREMENTS WITH RESPECT TO ASSISTANCE FOR AFGHANISTAN

Sec. 301. Prohibition on United States involvement in poppy cultivation or illicit narcotics growth, production, or trafficking.
Sec. 302. Requirement to report by certain United States officials.
Sec. 303. Report by the President.

(c) DEFINITION.—In this Act, the term ''Government of Afghanistan'' includes—

(1) the government of any political subdivision of Afghanistan; and

(2) any agency or instrumentality of the Government of Afghanistan.

TITLE I—ECONOMIC AND DEMOCRATIC DEVELOPMENT ASSISTANCE FOR AFGHANISTAN

SEC. 101. DECLARATION OF POLICY.

Congress makes the following declarations:

(1) The United States and the international community should support efforts that advance the development of democratic civil authorities and institutions in Afghanistan and the establishment of a new broad-based, multi-ethnic, gender-sensitive, and fully representative government in Afghanistan.

(2) The United States, in particular, should provide its expertise to meet immediate humanitarian and refugee needs, fight the production and flow of illicit narcotics, and aid in the reconstruction of Afghanistan's agriculture, health care, civil service, financial, and educational systems.

(3) By promoting peace and security in Afghanistan and preventing a return to conflict, the United States and the international community can help ensure that Afghanistan does not again become a source for international terrorism.

(4) The United States should support the objectives agreed to on December 5, 2001, in Bonn, Germany, regarding the provisional arrangement for Afghanistan as it moves toward the establishment of permanent institutions and, in particular, should work intensively toward ensuring the future neutrality of Afghanistan, establishing the principle that neighboring countries and other countries in the region do not threaten or interfere in one another's sovereignty, territorial integrity, or political independence, including supporting diplomatic initiatives to support this goal.

(5) The special emergency situation in Afghanistan, which from the perspective of the American people combines security, humanitarian, political, law enforcement, and development imperatives, requires that the President should receive maximum flexibility in designing, coordinating, and administering efforts with respect to assistance for Afghanistan and that a temporary special program of such assistance should be established for this purpose.

(6) To foster stability and democratization and to effectively eliminate the causes of terrorism, the United States and the international community should also support efforts that advance the development of democratic civil authorities and institutions in the broader Central Asia region.

SEC. 102. PURPOSES OF ASSISTANCE.

The purposes of assistance authorized by this title are—

(1) to help assure the security of the United States and the world by reducing or eliminating the likelihood of violence against United States or allied forces in Afghanistan and to reduce the chance that Afghanistan will again be a source of international terrorism;

(2) to support the continued efforts of the United States and the international community to address the humanitarian crisis in Afghanistan and among Afghan refugees in neighboring countries;

(3) to fight the production and flow of illicit narcotics, to control the flow of precursor chemicals used in the production of heroin, and to enhance and bolster the capacities of Afghan governmental authorities to control poppy cultivation and related activities;

(4) to help achieve a broad-based, multiethnic, gender-sensitive, and fully representative government in Afghanistan that is freely chosen by the people of Afghanistan and that respects the human rights of all Afghans, particularly women, including authorizing assistance for the rehabilitation and reconstruction of Afghanistan with a particular emphasis on meeting the educational, health, and sustenance needs of women and children to better enable their full participation in Afghan society;

(5) to support the Government of Afghanistan in its development of the capacity to facilitate, organize, develop, and implement projects and activities that meet the needs of the Afghan people;

(6) to foster the participation of civil society in the establishment of the new Afghan government in order to achieve a broad-based, multiethnic, gender-sensitive, fully representative government freely chosen by the Afghan people, without prejudice to any decisions which may be freely taken by the Afghan people about the precise form in which their government is to be organized in the future;

(7) to support the reconstruction of Afghanistan through, among other things, programs that create jobs, facilitate clearance of landmines, and rebuild the agriculture sector, the health care system, and the educational system of Afghanistan; and

(8) to include specific resources to the Ministry for Women's Affairs of Afghanistan to

carry out its responsibilities for legal advocacy, education, vocational training, and women's health programs.

SEC. 103. PRINCIPLES OF ASSISTANCE.

The following principles should guide the provision of assistance authorized by this title:

(1) TERRORISM AND NARCOTICS CONTROL.—Assistance should be designed to reduce the likelihood of harm to United States and other allied forces in Afghanistan and the region, the likelihood of additional acts of international terrorism emanating from Afghanistan, and the cultivation, production, trafficking, and use of illicit narcotics in Afghanistan.

(2) ROLE OF WOMEN.—Assistance should increase the participation of women at the national, regional, and local levels in Afghanistan, wherever feasible, by enhancing the role of women in decisionmaking processes, as well as by providing support for programs that aim to expand economic and educational opportunities and health programs for women and educational and health programs for girls.

(3) AFGHAN OWNERSHIP.—Assistance should build upon Afghan traditions and practices. The strong tradition of community responsibility and self-reliance in Afghanistan should be built upon to increase the capacity of the Afghan people and institutions to participate in the reconstruction of Afghanistan.

(4) STABILITY.—Assistance should encourage the restoration of security in Afghanistan, including, among other things, the disarmament, demobilization, and reintegration of combatants, and the establishment of the rule of law, including the establishment of a police force and an effective, independent judiciary.

(5) COORDINATION.—Assistance should be part of a larger donor effort for Afghanistan. The magnitude of the devastation—natural and man-made—to institutions and infrastructure make it imperative that there be close coordination and collaboration among donors. The United States should endeavor to assert its leadership to have the efforts of international donors help achieve the purposes established by this title.

SEC. 104. AUTHORIZATION OF ASSISTANCE.

(a) IN GENERAL.—The President is authorized to provide assistance for Afghanistan for the following activities:

(1) URGENT HUMANITARIAN NEEDS.—To assist in meeting the urgent humanitarian needs of the people of Afghanistan, including assistance such as—

(A) emergency food, shelter, and medical assistance;

(B) clean drinking water and sanitation;

(C) preventative health care, including childhood vaccination, therapeutic feeding, maternal child health services, and infectious diseases surveillance and treatment;

(D) family tracing and reunification services; and

(E) clearance of landmines.

(2) REPATRIATION AND RESETTLEMENT OF REFUGEES AND INTERNALLY DISPLACED PERSONS.—To assist refugees and internally displaced persons as they return to their home communities in Afghanistan and to support their reintegration into those communities, including assistance such as—

(A) assistance identified in paragraph (1);

(B) assistance to communities, including those in neighboring countries, that have taken in large numbers of refugees in order to rehabilitate or expand social, health, and educational services that may have suffered as a result of the influx of large numbers of refugees;

(C) assistance to international organizations and host governments in maintaining security by screening refugees to ensure the exclusion of armed combatants, members of foreign terrorist organizations, and other individuals not eligible for economic assistance from the United States; and

(D) assistance for voluntary refugee repatriation and reintegration inside Afghanistan and continued assistance to those refugees who are unable or unwilling to return, and humanitarian assistance to internally displaced persons, including those persons who need assistance to return to their homes, through the United Nations High Commissioner for Refugees and other organizations charged with providing such assistance.

(3) COUNTERNARCOTICS EFFORTS.—(A) To assist in the eradication of poppy cultivation, the disruption of heroin production, and the reduction of the overall supply and demand for illicit narcotics in Afghanistan and the region, with particular emphasis on assistance to—

(i) eradicate opium poppy, establish crop substitution programs, purchase nonopium products from farmers in opium-growing areas, quick-impact public works programs to divert labor from narcotics production, develop projects directed specifically at narcotics production, processing, or trafficking areas to provide incentives to cooperation in narcotics suppression activities, and related programs;

(ii) establish or provide assistance to one or more entities within the Government of Afghanistan, including the Afghan State High Commission for Drug Control, and to provide training and equipment for the entities, to help enforce counternarcotics laws in Afghanistan and limit illicit narcotics growth, production, and trafficking in Afghanistan;

(iii) train and provide equipment for customs, police, and other border control entities in Afghanistan and the region relating to illicit narcotics interdiction and relating to precursor chemical controls and interdiction to help disrupt heroin production in Afghanistan and the region;

(iv) continue the annual opium crop survey and strategic studies on opium crop planting and farming in Afghanistan; and

(v) reduce demand for illicit narcotics among the people of Afghanistan, including refugees returning to Afghanistan.

(B) For each of the fiscal years 2002 through 2005, $15,000,000 of the amount made available to carry out this title is authorized to be made available for a contribution to the United Nations Drug Control Program for the purpose of carrying out activities described in clauses (i) through (v) of subparagraph (A). Amounts made available under the preceding sentence are in addition to amounts otherwise available for such purposes.

(4) REESTABLISHMENT OF FOOD SECURITY, REHABILITATION OF THE AGRICULTURE SECTOR, IMPROVEMENT IN HEALTH CONDITIONS, AND THE RECONSTRUCTION OF BASIC INFRASTRUCTURE.—To assist in expanding access to markets in Afghanistan, to increase the availability of food in markets in Afghanistan, to rehabilitate the agriculture sector in Afghanistan by creating jobs for former combatants, returning refugees, and internally displaced persons, to improve health conditions, and assist in the rebuilding of basic infrastructure in Afghanistan, including assistance such as—

(A) rehabilitation of the agricultural infrastructure, including irrigation systems and rural roads;

(B) extension of credit;

(C) provision of critical agricultural inputs, such as seeds, tools, and fertilizer, and strengthening of seed multiplication, certification, and distribution systems;

(D) improvement in the quantity and quality of water available through, among other things, rehabilitation of existing irrigation systems and the development of local capacity to manage irrigation systems;

(E) livestock rehabilitation through market development and other mechanisms to distribute stocks to replace those stocks lost as a result of conflict or drought;

(F) mine awareness and demining programs and programs to assist mine victims, war orphans, and widows;

(G) programs relating to infant and young child feeding, immunizations, vitamin A supplementation, and prevention and treatment of diarrheal diseases and respiratory infections;

(H) programs to improve maternal and child health and reduce maternal and child mortality;

(I) programs to improve hygienic and sanitation practices and for the prevention and treatment of infectious diseases, such as tuberculosis and malaria;

(J) programs to reconstitute the delivery of health care, including the reconstruction of health clinics or other basic health infrastructure, with particular emphasis on health care for children who are orphans;

(K) programs for housing, rebuilding urban infrastructure, and supporting basic urban services; and

(L) disarmament, demobilization, and reintegration of armed combatants into society, particularly child soldiers.

(5) REESTABLISHMENT OF AFGHANISTAN AS A VIABLE NATION-STATE.—(A) To assist in the development of the capacity of the Government of Afghanistan to meet the needs of the people of Afghanistan through, among other things, support for the development and expansion of democratic and market-based institutions, including assistance such as—

(i) support for international organizations that provide civil advisers to the Government of Afghanistan;

(ii) support for an educated citizenry through improved access to basic education, with particular emphasis on basic education for children who are orphans, with particular emphasis on basic education for children;

(iii) programs to enable the Government of Afghanistan to recruit and train teachers, with special focus on the recruitment and training of female teachers;

(iv) programs to enable the Government of Afghanistan to develop school curriculum that incorporates relevant information such as landmine awareness, food security and agricultural education, human rights awareness, and civic education;

(v) support for the activities of the Government of Afghanistan to draft a new constitution, other legal frameworks, and other initiatives to promote the rule of law in Afghanistan;

(vi) support to increase the transparency, accountability, and participatory nature of governmental institutions, including programs designed to combat corruption and other programs for the promotion of good governance;

(vii) support for an independent media;

(viii) programs that support the expanded participation of women and members of all ethnic groups in government at national, regional, and local levels;

(ix) programs to strengthen civil society organizations that promote human rights and support human rights monitoring;

(x) support for national, regional, and local elections and political party development;

(xi) support for the effective administration of justice at the national, regional, and local levels, including the establishment of a responsible and community-based police force; and

(xii) support for establishment of a central bank and central budgeting authority.

(B) For each of the fiscal years 2003 through 2005, not less than $10,000,000 of the amount made available to carry out this title should be made available for the purposes of carrying out a traditional Afghan assembly or ''Loya Jirga'' and for support for national, regional, and local elections and political party development under subparagraph (A)(x).

(6) MARKET ECONOMY.—To support the establishment of a market economy, the establishment of private financial institutions, the adoption of policies to promote foreign direct investment, the development of a basic telecommunication infrastructure, and the development of trade and other commercial links with countries in the region and with the United States, including policies to—

(A) encourage the return of Afghanistan citizens or nationals living abroad who have marketable and business-related skills;

(B) establish financial institutions, including credit unions, cooperatives, and other entities providing microenterprise credits and other income-generation programs for the poor, with particular emphasis on women;

(C) facilitate expanded trade with countries in the region;

(D) promote and foster respect for basic workers' rights and protections against exploitation of child labor; and

(E) provide financing programs for the reconstruction of Kabul and other major cities in Afghanistan.

(b) LIMITATION.—

(1) IN GENERAL.—Amounts made available to carry out this title (except amounts made available for assistance under paragraphs (1) through (3) and subparagraphs (F) through (I) of paragraph (4) of subsection (a)) may be provided only if the President first determines and certifies to Congress with respect to the fiscal year involved that substantial progress has been made toward adopting a constitution and establishing a democratically elected government for Afghanistan.

(2) WAIVER.—

(A) IN GENERAL.—The President may waive the application of paragraph (1) if the President first determines and certifies to Congress that it is important to the national interest of the United States to do so.

(B) CONTENTS OF CERTIFICATION.—A certification transmitted to Congress under subparagraph (A) shall include a written explanation of the basis for the determination of the President to waive the application of paragraph (1).

SEC. 105. COORDINATION OF ASSISTANCE.

(a) IN GENERAL.—The President is strongly urged to designate, within the Department of State, a coordinator who shall be responsible for—

(1) designing an overall strategy to advance United States interests in Afghanistan;

(2) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies set forth in this title;

(3) pursuing coordination with other countries and international organizations with respect to assistance to Afghanistan;

(4) ensuring that United States assistance programs for Afghanistan are consistent with this title;

(5) ensuring proper management, implementation, and oversight by agencies responsible for assistance programs for Afghanistan; and

(6) resolving policy and program disputes among United States Government agencies with respect to United States assistance for Afghanistan.

(b) RANK AND STATUS OF THE COORDINATOR.—The coordinator designated under subsection (a) shall have the rank and status of ambassador.

SEC. 106. ADMINISTRATIVE PROVISIONS.

(a) APPLICABLE ADMINISTRATIVE AUTHORITIES.—Except to the extent inconsistent with the provisions of this title, the administrative authorities under chapters 1 and 2 of part III of the Foreign Assistance Act of 1961 shall apply to the provision of assistance under this title to the same extent and in the same manner as such authorities apply to the provision of economic assistance under part I of such Act.

(b) USE OF THE EXPERTISE OF AFGHAN-AMERICANS.—In providing assistance authorized by this title, the President should—

(1) maximize the use, to the extent feasible, of the services of Afghan-Americans who have expertise in the areas for which assistance is authorized by this title; and

(2) in the awarding of contracts and grants to implement activities authorized under this title, encourage the participation of such Afghan-Americans (including organizations employing a significant number of such Afghan-Americans).

(c) DONATIONS OF MANUFACTURING EQUIPMENT; USE OF LAND GRANT COLLEGES AND UNIVERSITIES.—In providing assistance authorized by this title, the President, to the maximum extent practicable, should—

(1) encourage the donation of appropriate excess or obsolete manufacturing and related equipment by United States businesses (including small businesses) for the reconstruction of Afghanistan; and

(2) utilize research conducted by United States land grant colleges and universities and the technical expertise of professionals within those institutions, particularly in the areas of agriculture and rural development.

(d) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount made available to a Federal department or agency to carry out this title for a fiscal year may be used by the department or agency for administrative expenses in connection with such assistance.

(e) MONITORING.—

(1) COMPTROLLER GENERAL.—The Comptroller General shall monitor the provision of assistance under this title.

(2) INSPECTOR GENERAL OF USAID.—

(A) IN GENERAL.—The Inspector General of the United States Agency for International Development shall conduct audits, inspections, and other activities, as appropriate, associated with the expenditure of the funds to carry out this title.

(B) FUNDING.—Not more than $1,500,000 of the amount made available to carry out this title for a fiscal year shall be made available to carry out subparagraph (A).

(f) CONGRESSIONAL NOTIFICATION PROCEDURES.—Funds made available to carry out this title may not be obligated until 15 days after notification of the proposed obligation of the funds has been provided to the congressional committees specified in section 634A of the Foreign Assistance Act of 1961 in accordance with the procedures applicable to reprogramming notifications under that section.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the President to carry out this title $300,000,000 for each of the fiscal years 2002 through 2004, and $250,000,000 for fiscal year 2005. Amounts authorized to be appropriated pursuant to the preceding sentence for fiscal year 2002 are in addition to amounts otherwise available for assistance for Afghanistan.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are—

(1) authorized to remain available until expended; and

(2) in addition to funds otherwise available for such purposes, including, with respect to food assistance under section 104(a)(1), funds available under title II of the Agricultural Trade Development and Assistance Act of 1954, the Food for Progress Act of 1985, and section 416(b) of the Agricultural Act of 1949.

TITLE II—MILITARY ASSISTANCE FOR AFGHANISTAN AND CERTAIN OTHER FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS

SEC. 201. SUPPORT FOR SECURITY DURING TRANSITION IN AFGHANISTAN.

It is the sense of Congress that, during the transition to a broad-based, multi-ethnic, gender-sensitive, fully representative government in Afghanistan, the United States should support—

(1) the development of a civilian-controlled and centrally-governed standing Afghanistan army that respects human rights and prohibits the use of children as soldiers or combatants;

(2) the creation and training of a professional civilian police force that respects human rights; and

(3) a multinational security force in Afghanistan.

SEC. 202. AUTHORIZATION OF ASSISTANCE.

(a) TYPES OF ASSISTANCE.—

(1) IN GENERAL.—(A) To the extent that funds are appropriated in any fiscal year for the purposes of this Act, the President may provide, consistent with existing United States statutes, defense articles, defense services, counter-narcotics, crime control and police training services, and other support (including training) to the Government of Afghanistan.

(B) To the extent that funds are appropriated in any fiscal year for these purposes, the President may provide, consistent with existing United States statutes, defense articles, defense services, and other support (including training) to eligible foreign countries and eligible international organizations.

(C) The assistance authorized under subparagraph (B) shall be used for directly supporting the activities described in section 203.

(2) DRAWDOWN AUTHORITY.—The President is authorized to direct the drawdown of defense articles, defense services, and military education and training for the Government of Afghanistan, eligible foreign countries, and eligible international organizations.

(3) AUTHORITY TO ACQUIRE BY CONTRACT OR OTHERWISE.—The assistance authorized under paragraphs (1) and (2) and under Public Law 105–338 may include the supply of defense articles, defense services, counter-narcotics, crime control and police training services, other support, and military education and training that are acquired by contract or otherwise.

(b) AMOUNT OF ASSISTANCE.—The aggregate value (as defined in section 644(m) of the Foreign Assistance Act of 1961) of assistance provided under subsection (a)(2) may not exceed $300,000,000, provided that such limitation shall be increased by any amounts appropriated pursuant to the authorization of appropriations in section 204(b)(1).

SEC. 203. ELIGIBLE FOREIGN COUNTRIES AND ELIGIBLE INTERNATIONAL ORGANIZATIONS.

(a) ELIGIBILITY FOR ASSISTANCE.—

(1) IN GENERAL.—Except as provided in paragraph (2), a foreign country or international organization shall be eligible to receive assistance under section 202 if such foreign country or international organization is participating in or directly supporting United States military activities authorized

under Public Law 107–40 or is participating in military, peacekeeping, or policing operations in Afghanistan aimed at restoring or maintaining peace and security in that country.

(2) EXCEPTION.—No country the government of which has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)) shall be eligible to receive assistance under section 202.

(b) WAIVER.—The President may waive the application of subsection (a)(2) if the President determines that it is important to the national security interest of the United States to do so.

SEC. 204. REIMBURSEMENT FOR ASSISTANCE.

(a) IN GENERAL.—Defense articles, defense services, and military education and training provided under section 202(a)(2) shall be made available without reimbursement to the Department of Defense except to the extent that funds are appropriated pursuant to the authorization of appropriations in subsection (b)(1).

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for the value (as defined in section 644(m) of the Foreign Assistance Act of 1961) of defense articles, defense services, or military education and training provided under section 202(a)(2).

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended, and are in addition to amounts otherwise available for the purposes described in this title.

SEC. 205. ELIGIBLE FOREIGN COUNTRIES AND ELIGIBLE INTERNATIONAL ORGANIZATIONS.

(a) AUTHORITY.—The President may provide assistance under this title to any eligible foreign country or eligible international organization if the President determines that such assistance is important to the national security interest of the United States and notifies the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate of such determination at least 15 days in advance of providing such assistance.

(b) NOTIFICATION.—The report described in subsection (a) shall be submitted in classified and unclassified form and shall include information relating to the type and amount of assistance proposed to be provided and the actions that the proposed recipient of such assistance has taken or has committed to take.

SEC. 206. PROMOTING SECURE DELIVERY OF HUMANITARIAN AND OTHER ASSISTANCE IN AFGHANISTAN.

(a) FINDINGS.—Congress finds the following:

(1) The President has declared his view that the United States should provide significant assistance to Afghanistan so that it never again becomes a haven for terrorism.

(2) The delivery of humanitarian and reconstruction assistance from the international community is necessary for the safe return of refugees and is critical to the future stability of Afghanistan.

(3) Enhanced stability in Afghanistan through an improved security environment is critical to the fostering of the Afghan Interim Authority and the traditional Afghan assembly or ''Loya Jirga'' process, which is intended to lead to a permanent national government in Afghanistan, and also is essential for the participation of women in Afghan society.

(4) Incidents of violence between armed factions and local and regional commanders, and serious abuses of human rights, including attacks on women and ethnic minorities throughout Afghanistan, create an insecure, volatile, and unsafe environment in parts of Afghanistan, displacing thousands of Afghan civilians from their local communities.

(5) The violence and lawlessness may jeopardize the ''Loya Jirga'' process, undermine efforts to build a strong central government, severely impede reconstruction and the delivery of humanitarian assistance, and increase the likelihood that parts of Afghanistan will once again become safe havens for al-Qaida, Taliban forces, and drug traffickers.

(6) The lack of security and lawlessness may also perpetuate the need for United States Armed Forces in Afghanistan and threaten the ability of the United States to meet its military objectives.

(7) The International Security Assistance Force in Afghanistan, currently led by Turkey, and composed of forces from other willing countries without the participation of United States Armed Forces, is deployed only in Kabul and currently does not have the mandate or the capacity to provide security to other parts of Afghanistan.

(8) Due to the ongoing military campaign in Afghanistan, the United States does not contribute troops to the International Security Assistance Force but has provided support to other countries that are doing so.

(9) The United States is providing political, financial, training, and other assistance to the Afghan Interim Authority as it begins to build a national army and police force to help provide security throughout Afghanistan, but this effort is not meeting the immediate security needs of Afghanistan.

(10) Because of these immediate security needs, the Afghan Interim Authority, its Chairman, Hamid Karzai, and many Afghan regional leaders have called for the International Security Assistance Force, which has successfully brought stability to Kabul, to be expanded and deployed throughout the country, and this request has been strongly supported by a wide range of international humanitarian organizations, including the International Committee of the Red Cross, Catholic Relief Services, and Refugees International.

(11)(A) On January 29, 2002, the President stated that ''[w]e will help the new Afghan government provide the security that is the foundation of peace''.

(B) On March 25, 2002, the Secretary of Defense stated, with respect to the reconstruction of Afghanistan, that ''the first thing . . . you need for anything else to happen, for hospitals to happen, for roads to happen, for refugees to come back, for people to be fed and humanitarian workers to move on the country . . . [y]ou've got to have security''.

(b) STATEMENT OF POLICY.—It should be the policy of the United States to support measures to help meet the immediate security needs of Afghanistan in order to promote safe and effective delivery of humanitarian and other assistance throughout Afghanistan, further the rule of law and civil order, and support the formation of a functioning, representative Afghan national government.

(c) PREPARATION OF STRATEGY.—Not later than 45 days after the date of the enactment of this Act, and every six months thereafter, the President shall transmit to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a strategy for meeting the immediate and long-term security needs of Afghanistan in order to promote safe and effective delivery of humanitarian and other assistance throughout Afghanistan, further the rule of law and civil order, and support the formation of a functioning, representative Afghan national government.

SEC. 207. SUNSET.

The authority of this title shall expire after December 31, 2004.

TITLE III—ADDITIONAL REQUIREMENTS WITH RESPECT TO ASSISTANCE FOR AFGHANISTAN

SEC. 301. PROHIBITION ON UNITED STATES INVOLVEMENT IN POPPY CULTIVATION OR ILLICIT NARCOTICS GROWTH, PRODUCTION, OR TRAFFICKING.

No officer or employee of any Federal department or agency who is involved in the provision of assistance under this Act may knowingly encourage or participate in poppy cultivation or illicit narcotics growth, production, or trafficking in Afghanistan. No United States military or civilian aircraft or other United States vehicle that is used with respect to the provision of assistance under this Act may be used to facilitate the distribution of poppies or illicit narcotics in Afghanistan.

SEC. 302. REQUIREMENT TO REPORT BY CERTAIN UNITED STATES OFFICIALS.

(a) REQUIREMENT.—An officer or employee of any Federal department or agency involved in the provision of assistance under this Act and having knowledge of facts or circumstances that reasonably indicate that any agency or instrumentality of the Government of Afghanistan, or any other individual (including an individual who exercises civil power by force over a limited region) or organization in Afghanistan, that receives assistance under this Act is involved in poppy cultivation or illicit narcotics growth, production, or trafficking shall, notwithstanding any memorandum of understanding or other agreement to the contrary, report such knowledge or facts to the appropriate official.

(b) DEFINITION.—In this section, the term ''appropriate official'' means the Attorney General, the Inspector General of the Federal department or agency involved, or the head of such department or agency.

SEC. 303. REPORT BY THE PRESIDENT.

Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the President shall transmit to Congress a written report on the progress of the Government of Afghanistan toward the eradication of poppy cultivation, the disruption of heroin production, and the reduction of the overall supply and demand for illicit narcotics in Afghanistan in accordance with the provisions of this Act.

By Mr. LEAHY (for himself and Mr. THOMPSON):

S. 2713. A bill to amend title 28, United States Code, to make certain modifications in the judicial discipline procedures, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I rise today to introduce the Judicial Improvements Act of 2002, a bipartisan bill that will amend judicial discipline procedures to ensure fair consideration of judicial misconduct complaints. I am pleased to have Senator THOMPSON as a cosponsor of this legislation, and I look forward to moving this bill through the Senate.

While I am introducing legislation addressing judicial misconduct, I want

to be clear that the vast majority of judges serve honorably. As chairman of the Judiciary Committee, I take a special responsibility for evaluating nominees to ensure they are fit to serve. Despite the scrutiny judicial nominees undergo, however, we have faced situations when judges have acted improperly. Some have even been convicted of criminal offenses. In the late 1980s, the Senate convicted three Federal judges who were impeached by the House. This bill does not alter the Congress' responsibility to impeach and convict judges where necessary, but it does refine the process—originally created by Congress in the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980, by which aggrieved citizens can bring complaints that can be evaluated through an impartial review.

Under the framework codified by this bill, a person with a complaint about a judge's conduct may file a written complaint with the clerk of the court of appeals for the judge's circuit. The chief judge must review the complaint and either dismiss it, if it meets certain narrow criteria, or refer it to a panel of judges from the circuit. The judge who is the subject of the complaint retains the right to present evidence and argue before the panel. The circuit council may certify the judge's misconduct of disability and request that the judge voluntarily retire, but may not order removal from office. A complainant or judge aggrieved by an action of a judicial council can petition the Judicial Conference for review. And if a complaint is dismissed, the judge who was its subject may be reimbursed for reasonable expenses, including attorneys' fees, incurred during the investigation.

If a judicial council determines that an Article III judge has acted in a way that might constitute grounds of impeachment, it must certify such determination to the Judicial Conference, which can in turn refer that determination to the House of Representatives.

With very limited exceptions, all matters related to judicial misconduct investigations must be confidential and not disclosed by any person in any proceeding. This provision protects judges who are accused falsely of wrongdoing while also ensuring confidentiality for those with legitimate complaints.

The bill also forbids judges who have been convicted of a State or Federal felony and have exhausted all available means for direct review of that conviction from hearing or deciding cases or accruing credit toward retirement benefits, unless the judicial council of the circuit determines otherwise. This measure, like many of the measures in this legislation, was recommended in 1993 by the nonpartisan National Commission on Judicial Discipline and Removal.

Some may question whether this bill raises separation of powers concerns. It does not. This bill is narrowly tailored, as was the 1980 law that this bill amends, to ensure that Congress gives the judiciary the powers it needs to regulate itself while preserving its constitutional role in the impeachment process. The general scheme we established in 1980 has worked well, and has conformed with our constitutional principles. This bill simply seeks to improve that system where it has shown to be lacking. To give one example, experts in this area have suggested that many litigants and interested parties are unaware of the existence of these procedures—to rectify that, we create a separate chapter within title 28 of the U.S. Code to promote knowledge and use of these procedures. It also clarifies the authority of the chief judge of a circuit and the standard by which a compliant can be dismissed as frivolous, and makes explicit that complaints can be referred to a five-member panel for examination.

Highly similar legislation has already been reported from the House Judiciary Committee with strong bipartisan support. I hope that my colleagues in the Senate review and support this bill, and that we can make it law this year.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2713

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 ''Judicial Improvements Act of 2002''.

SEC. 2. JUDICIAL DISCIPLINE PROCEDURES.

(a) IN GENERAL.—Part I of title 28, United States Code, is amended by inserting after chapter 15 the following new chapter:

"CHAPTER 16—COMPLAINTS AGAINST JUDGES AND JUDICIAL DISCIPLINE

''Sec.
''351. Complaints; judge defined.
''352. Review of complaint by chief judge.
''353. Special committees.
''354. Action by judicial council.
''355. Action by Judicial Conference.
''356. Subpoena power.
''357. Review of orders and actions.
''358. Rules.
''359. Restrictions.
''360. Disclosure of information.
''361. Reimbursement of expenses.
''362. Other provisions and rules not affected.
''363. Court of Federal Claims, Court of International Trade, Court of Appeals for the Federal Circuit.
''364. Effect of felony conviction.

"§ 351. Complaints; judge defined

''(a) FILING OF COMPLAINT BY ANY PERSON.—Any person alleging that a judge has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts, or alleging that such judge is unable to discharge all the duties of office by reason of mental or physical disability, may file with the clerk of the court of appeals for the circuit a written complaint containing a brief statement of the facts constituting such conduct.

''(b) IDENTIFYING COMPLAINT BY CHIEF JUDGE.—In the interests of the effective and expeditious administration of the business of the courts and on the basis of information available to the chief judge of the circuit, the chief judge may, by written order stating reasons therefor, identify a complaint for purposes of this chapter and thereby dispense with filing of a written complaint.

''(c) TRANSMITTAL OF COMPLAINT.—Upon receipt of a complaint filed under subsection (a), the clerk shall promptly transmit the complaint to the chief judge of the circuit, or, if the conduct complained of is that of the chief judge, to that circuit judge in regular active service next senior in date of commission (hereafter, for purposes of this chapter only, included in the term 'chief judge'). The clerk shall simultaneously transmit a copy of the complaint to the judge whose conduct is the subject of the complaint. The clerk shall also transmit a copy of any complaint identified under subsection (b) to the judge whose conduct is the subject of the complaint.

''(d) DEFINITIONS.—In this chapter—

''(1) the term 'judge' means a circuit judge, district judge, bankruptcy judge, or magistrate judge; and

''(2) the term 'complainant' means the person filing a complaint under subsection (a) of this section.

"§ 352. Review of complaint by chief judge

''(a) EXPEDITIOUS REVIEW; LIMITED INQUIRY.—The chief judge shall expeditiously review any complaint received under section 351(a) or identified under section 351(b). In determining what action to take, the chief judge may conduct a limited inquiry for the purpose of determining—

''(1) whether appropriate corrective action has been or can be taken without the necessity for a formal investigation; and

''(2) whether the facts stated in the complaint are either plainly untrue or are incapable of being established through investigation.

For this purpose, the chief judge may request the judge whose conduct is complained of to file a written response to the complaint. Such response shall not be made available to the complainant unless authorized by the judge filing the response. The chief judge or his or her designee may also communicate orally or in writing with the complainant, the judge whose conduct is complained of, and any other person who may have knowledge of the matter, and may review any transcripts or other relevant documents. The chief judge shall not undertake to make findings of fact about any matter that is reasonably in dispute.

''(b) ACTION BY CHIEF JUDGE FOLLOWING REVIEW.—After expeditiously reviewing a complaint under subsection (a), the chief judge, by written order stating his or her reasons, may—

''(1) dismiss the complaint—

''(A) if the chief judge finds the complaint to be—

''(i) not in conformity with section 351(a);

''(ii) directly related to the merits of a decision or procedural ruling; or

''(iii) frivolous, lacking sufficient evidence to raise an inference that misconduct has occurred, or containing allegations which are incapable of being established through investigation; or

''(B) when a limited inquiry conducted under subsection (a) demonstrates that the allegations in the complaint lack any factual foundation or are conclusively refuted by objective evidence; or

''(2) conclude the proceeding if the chief judge finds that appropriate corrective action has been taken or that action on the complaint is no longer necessary because of intervening events.

The chief judge shall transmit copies of the written order to the complainant and to the

judge whose conduct is the subject of the complaint.

''(c) REVIEW OF ORDERS OF CHIEF JUDGE.—A complainant or judge aggrieved by a final order of the chief judge under this section may petition the judicial council of the circuit for review thereof. The denial of a petition for review of the chief judge's order shall be final and conclusive and shall not be judicially reviewable on appeal or otherwise.

''(d) REFERRAL OF PETITIONS FOR REVIEW TO PANELS OF THE JUDICIAL COUNCIL.—Each judicial council may, pursuant to rules prescribed under section 358, refer a petition for review filed under subsection (c) to a panel of no fewer than 5 members of the council, at least 2 of whom shall be district judges.

''§ 353. Special committees

''(a) APPOINTMENT.—If the chief judge does not enter an order under section 352(b), the chief judge shall promptly—

''(1) appoint himself or herself and equal numbers of circuit and district judges of the circuit to a special committee to investigate the facts and allegations contained in the complaint;

''(2) certify the complaint and any other documents pertaining thereto to each member of such committee; and

''(3) provide written notice to the complainant and the judge whose conduct is the subject of the complaint of the action taken under this subsection.

''(b) CHANGE IN STATUS OR DEATH OF JUDGES.—A judge appointed to a special committee under subsection (a) may continue to serve on that committee after becoming a senior judge or, in the case of the chief judge of the circuit, after his or her term as chief judge terminates under subsection (a)(3) or (c) of section 45. If a judge appointed to a committee under subsection (a) dies, or retires from office under section 371(a), while serving on the committee, the chief judge of the circuit may appoint another circuit or district judge, as the case may be, to the committee.

''(c) INVESTIGATION BY SPECIAL COMMITTEE.—Each committee appointed under subsection (a) shall conduct an investigation as extensive as it considers necessary, and shall expeditiously file a comprehensive written report thereon with the judicial council of the circuit. Such report shall present both the findings of the investigation and the committee's recommendations for necessary and appropriate action by the judicial council of the circuit.

''§ 354. Action by judicial council

''(a) ACTIONS UPON RECEIPT OF REPORT.—

''(1) ACTIONS.—The judicial council of a circuit, upon receipt of a report filed under section 353(c)—

''(A) may conduct any additional investigation which it considers to be necessary;

''(B) may dismiss the complaint; and

''(C) if the complaint is not dismissed, shall take such action as is appropriate to assure the effective and expeditious administration of the business of the courts within the circuit.

''(2) DESCRIPTION OF POSSIBLE ACTIONS IF COMPLAINT NOT DISMISSED.—

''(A) IN GENERAL.—Action by the judicial council under paragraph (1)(C) may include—

''(i) ordering that, on a temporary basis for a time certain, no further cases be assigned to the judge whose conduct is the subject of a complaint;

''(ii) censuring or reprimanding such judge by means of private communication; and

''(iii) censuring or reprimanding such judge by means of public announcement.

''(B) FOR ARTICLE III JUDGES.—If the conduct of a judge appointed to hold office during good behavior is the subject of the complaint, action by the judicial council under paragraph (1)(C) may include—

''(i) certifying disability of the judge pursuant to the procedures and standards provided under section 372(b); and

''(ii) requesting that the judge voluntarily retire, with the provision that the length of service requirements under section 371 of this title shall not apply.

''(C) FOR MAGISTRATE JUDGES.—If the conduct of a magistrate judge is the subject of the complaint, action by the judicial council under paragraph (1)(C) may include directing the chief judge of the district of the magistrate judge to take such action as the judicial council considers appropriate.

''(3) LIMITATIONS ON JUDICIAL COUNCIL REGARDING REMOVALS.—

''(A) ARTICLE III JUDGES.—Under no circumstances may the judicial council order removal from office of any judge appointed to hold office during good behavior.

''(B) MAGISTRATE AND BANKRUPTCY JUDGES.—Any removal of a magistrate judge under this subsection shall be in accordance with section 631 and any removal of a bankruptcy judge shall be in accordance with section 152.

''(4) NOTICE OF ACTION TO JUDGE.—The judicial council shall immediately provide written notice to the complainant and to the judge whose conduct is the subject of the complaint of the action taken under this subsection.

''(b) REFERRAL TO JUDICIAL CONFERENCE.—

''(1) IN GENERAL.—In addition to the authority granted under subsection (a), the judicial council may, in its discretion, refer any complaint under section 351, together with the record of any associated proceedings and its recommendations for appropriate action, to the Judicial Conference of the United States.

''(2) SPECIAL CIRCUMSTANCES.—In any case in which the judicial council determines, on the basis of a complaint and an investigation under this chapter, or on the basis of information otherwise available to the judicial council, that a judge appointed to hold office during good behavior may have engaged in conduct—

''(A) which might constitute one or more grounds for impeachment under article II of the Constitution, or

''(B) which, in the interest of justice, is not amenable to resolution by the judicial council,

the judicial council shall promptly certify such determination, together with any complaint and a record of any associated proceedings, to the Judicial Conference of the United States.

''(3) NOTICE TO COMPLAINANT AND JUDGE.—A judicial council acting under authority of this subsection shall, unless contrary to the interests of justice, immediately submit written notice to the complainant and to the judge whose conduct is the subject of the action taken under this subsection.

''§ 355. Action by Judicial Conference

''(a) IN GENERAL.—Upon referral or certification of any matter under section 354(b), the Judicial Conference, after consideration of the prior proceedings and such additional investigation as it considers appropriate, shall by majority vote take such action, as described in section 354(a)(1)(C) and (2), as it considers appropriate.

''(b) IF IMPEACHMENT WARRANTED.—

''(1) IN GENERAL.—If the Judicial Conference concurs in the determination of the judicial council, or makes its own determination, that consideration of impeachment may be warranted, it shall so certify and transmit the determination and the record of proceedings to the House of Representatives for whatever action the House of Representatives considers to be necessary. Upon receipt of the determination and record of proceedings in the House of Representatives, the Clerk of the House of Representatives shall make available to the public the determination and any reasons for the determination.

''(2) IN CASE OF FELONY CONVICTION.—If a judge has been convicted of a felony under State or Federal law and has exhausted all means of obtaining direct review of the conviction, or the time for seeking further direct review of the conviction has passed and no such review has been sought, the Judicial Conference may, by majority vote and without referral or certification under section 354(b), transmit to the House of Representatives a determination that consideration of impeachment may be warranted, together with appropriate court records, for whatever action the House of Representatives considers to be necessary.

''§ 356. Subpoena power

''(a) JUDICIAL COUNCILS AND SPECIAL COMMITTEES.—In conducting any investigation under this chapter, the judicial council, or a special committee appointed under section 353, shall have full subpoena powers as provided in section 332(d).

''(b) JUDICIAL CONFERENCE AND STANDING COMMITTEES.—In conducting any investigation under this chapter, the Judicial Conference, or a standing committee appointed by the Chief Justice under section 331, shall have full subpoena powers as provided in that section.

''§ 357. Review of orders and actions

''(a) REVIEW OF ACTION OF JUDICIAL COUNCIL.—A complainant or judge aggrieved by an action of the judicial council under section 354 may petition the Judicial Conference of the United States for review thereof.

''(b) ACTION OF JUDICIAL CONFERENCE.—The Judicial Conference, or the standing committee established under section 331, may grant a petition filed by a complainant or judge under subsection (a).

''(c) NO JUDICIAL REVIEW.—Except as expressly provided in this section and section 352(c), all orders and determinations, including denials of petitions for review, shall be final and conclusive and shall not be judicially reviewable on appeal or otherwise.

''§ 358. Rules

''(a) IN GENERAL.—Each judicial council and the Judicial Conference may prescribe such rules for the conduct of proceedings under this chapter, including the processing of petitions for review, as each considers to be appropriate.

''(b) REQUIRED PROVISIONS.—Rules prescribed under subsection (a) shall contain provisions requiring that—

''(1) adequate prior notice of any investigation be given in writing to the judge whose conduct is the subject of a complaint under this chapter;

''(2) the judge whose conduct is the subject of a complaint under this chapter be afforded an opportunity to appear (in person or by counsel) at proceedings conducted by the investigating panel, to present oral and documentary evidence, to compel the attendance of witnesses or the production of documents, to cross-examine witnesses, and to present argument orally or in writing; and

''(3) the complainant be afforded an opportunity to appear at proceedings conducted by the investigating panel, if the panel concludes that the complainant could offer substantial information.

''(c) PROCEDURES.—Any rule prescribed under this section shall be made or amended only after giving appropriate public notice and an opportunity for comment. Any such rule shall be a matter of public record, and any such rule promulgated by a judicial council may be modified by the Judicial Conference. No rule promulgated under this section may limit the period of time within

which a person may file a complaint under this chapter.

"§ 359. Restrictions

"(a) RESTRICTION ON INDIVIDUALS WHO ARE SUBJECT OF INVESTIGATION.—No judge whose conduct is the subject of an investigation under this chapter shall serve upon a special committee appointed under section 353, upon a judicial council, upon the Judicial Conference, or upon the standing committee established under section 331, until all proceedings under this chapter relating to such investigation have been finally terminated.

"(b) AMICUS CURIAE.—No person shall be granted the right to intervene or to appear as amicus curiae in any proceeding before a judicial council or the Judicial Conference under this chapter.

"§ 360. Disclosure of information

"(a) CONFIDENTIALITY OF PROCEEDINGS.—Except as provided in section 355, all papers, documents, and records of proceedings related to investigations conducted under this chapter shall be confidential and shall not be disclosed by any person in any proceeding except to the extent that—

"(1) the judicial council of the circuit in its discretion releases a copy of a report of a special committee under section 353(c) to the complainant whose complaint initiated the investigation by that special committee and to the judge whose conduct is the subject of the complaint;

"(2) the judicial council of the circuit, the Judicial Conference of the United States, or the Senate or the House of Representatives by resolution, releases any such material which is believed necessary to an impeachment investigation or trial of a judge under article I of the Constitution; or

"(3) such disclosure is authorized in writing by the judge who is the subject of the complaint and by the chief judge of the circuit, the Chief Justice, or the chairman of the standing committee established under section 331.

"(b) PUBLIC AVAILABILITY OF WRITTEN ORDERS.—Each written order to implement any action under section 354(a)(1)(C), which is issued by a judicial council, the Judicial Conference, or the standing committee established under section 331, shall be made available to the public through the appropriate clerk's office of the court of appeals for the circuit. Unless contrary to the interests of justice, each such order shall be accompanied by written reasons therefor.

"§ 361. Reimbursement of expenses

"Upon the request of a judge whose conduct is the subject of a complaint under this chapter, the judicial council may, if the complaint has been finally dismissed under section 354(a)(1)(B), recommend that the Director of the Administrative Office of the United States Courts award reimbursement, from funds appropriated to the Federal judiciary, for those reasonable expenses, including attorneys' fees, incurred by that judge during the investigation which would not have been incurred but for the requirements of this chapter.

"§ 362. Other provisions and rules not affected

"Except as expressly provided in this chapter, nothing in this chapter shall be construed to affect any other provision of this title, the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, the Federal Rules of Appellate Procedure, or the Federal Rules of Evidence.

"§ 363. Court of Federal Claims, Court of International Trade, Court of Appeals for the Federal Circuit

"The United States Court of Federal Claims, the Court of International Trade, and the Court of Appeals for the Federal Circuit shall each prescribe rules, consistent with the provisions of this chapter, establishing procedures for the filing of complaints with respect to the conduct of any judge of such court and for the investigation and resolution of such complaints. In investigating and taking action with respect to any such complaint, each such court shall have the powers granted to a judicial council under this chapter.

"§ 364. Effect of felony conviction

"In the case of any judge or judge of a court referred to in section 363 who is convicted of a felony under State or Federal law and has exhausted all means of obtaining direct review of the conviction, or the time for seeking further direct review of the conviction has passed and no such review has been sought, the following shall apply:

"(1) The judge shall not hear or decide cases unless the judicial council of the circuit (or, in the case of a judge of a court referred to in section 363, that court) determines otherwise.

"(2) Any service as such judge or judge of a court referred to in section 363, after the conviction is final and all time for filing appeals thereof has expired, shall not be included for purposes of determining years of service under section 371(c), 377, or 178 of this title or creditable service under subchapter III of chapter 83, or chapter 84, of title 5.".

(b) CONFORMING AMENDMENT.—The table of chapters for part I of title 28, United States Code, is amended by inserting after the item relating to chapter 15 the following new item:

"16. Complaints against judges and judicial discipline ..... 351".

SEC. 3. TECHNICAL AMENDMENTS.

(a) RETIREMENT FOR DISABILITY.—(1) Section 372 of title 28, United States Code, is amended—

(A) in the section caption by striking "**; judicial discipline**"; and

(B) by striking subsection (c).

(2) The item relating to section 372 in the table of sections for chapter 17 of title 28, United States Code, is amended by striking "; judicial discipline".

(b) JUDICIAL CONFERENCE.—Section 331 of title 28, United States Code, is amended in the fourth undesignated paragraph by striking "section 372(c)" each place it appears and inserting "chapter 16".

(c) JUDICIAL COUNCILS.—Section 332 of title 28, United States Code, is amended—

(1) in subsection (d)(2)—

(A) by striking "section 372(c) of this title" and inserting "chapter 16 of this title"; and

(B) by striking "372(c)(4)" and inserting "353"; and

(2) by striking the second subsection designated as subsection (h).

(d) RECALL OF BANKRUPTCY JUDGES AND MAGISTRATE JUDGES.—Section 375(d) of title 28, United States Code, is amended by striking "section 372(c)" and inserting "chapter 16".

(e) DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—Section 604 of title 28, United States Code, is amended—

(1) in subsection (a)(20)—

(A) in subparagraph (B), by striking "372(c)(11)" and inserting "358"; and

(B) in subparagraph (C), by striking "372(c)(15)" and inserting "360(b)"; and

(2) in subsection (h)—

(A) in paragraph (1), by striking "section 372" each place it appears and inserting "chapter 16"; and

(B) in paragraph (2), by striking "section 372(c)" and inserting "chapter 16".

(f) COURT OF APPEALS FOR VETERANS CLAIMS.—Section 7253(g) of title 38, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "section 372(c)" and inserting "chapter 16"; and

(B) by striking "such section" and inserting "such chapter";

(2) in paragraph (2)—

(A) in the first sentence, by striking "paragraphs (7) through (15) of section 372(c)" and inserting "sections 354(b) through 360"; and

(B) in the second sentence, by striking "paragraph (7) or (8) of section 372(c)" and inserting "section 354(b) or 355"; and

(3) in paragraph (3)(B), by striking "372(c)(16)" and inserting "361".

SEC. 4. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 300—ENCOURAGING THE PEACE PROCESS IN SRI LANKA

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 300

Whereas the United States has enjoyed a long and cordial friendship with Sri Lanka;

Whereas the people of Sri Lanka have long valued political pluralism, religious freedom, democracy, and a respect for human rights;

Whereas the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam have waged a protracted and costly war for the past 19 years;

Whereas an estimated 65,000 people have died in Sri Lanka as a result of these hostilities;

Whereas the war has created an estimated 1,000,000 displaced persons over the course of the conflict;

Whereas 19 years of war have crippled the economy of the north and east of Sri Lanka and resulted in low growth rates and economic instability in the south of Sri Lanka;

Whereas the economic impact of the conflict is felt most severely by the poor in both the north and the south of Sri Lanka;

Whereas efforts to solve the conflict through military means have failed and neither side appears able to impose its will on the other by force of arms;

Whereas the Government of Norway has offered and been accepted by the parties of the conflict to play the role of international facilitator;

Whereas an agreement on a cease–fire between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam was signed by both parties and went into effect February 23, 2002; and

Whereas both the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam have agreed to meet for peace talks in Thailand: Now, therefore, be it

Resolved, That the Senate—

(1) notes with great satisfaction the warm and friendly relations that have existed between the people of the United States and Sri Lanka;

(2) recognizes that the costly military stalemate that has existed between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam can only be resolved at the negotiating table;

(3) believes that a political solution, including appropriate constitutional structures and adequate protection of minority rights and cessation of violence, is the path to a comprehensive and lasting peace in Sri Lanka;

(4) calls on all parties to negotiate in good faith with a view to finding a just and lasting political settlement to Sri Lanka's ethnic conflict while respecting the territorial integrity of Sri Lanka;

(5) denounces all political violence and acts of terrorism in Sri Lanka, and calls upon those who espouse or use such methods to reject these methods and to embrace dialogue, democratic norms, and the peaceful resolution of disputes;

(6) applauds the important role played by Norway in facilitating the peace process between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam;

(7) applauds the cooperation of the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam in lifting the cumbersome travel restrictions that for the last 19 years have hampered the movement of goods, services, and people in the war-affected areas;

(8) applauds the agreement of the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam in implementing the Sri Lanka Monitoring Mission;

(9) calls on all parties to recognize that adherence to internationally recognized human rights facilitates the building of trust necessary for an equitable, sustainable peace;

(10) further encourages both parties to develop a comprehensive and effective process for human rights monitoring;

(11) states its willingness in principle to see the United States lend its good offices to play a constructive role in supporting the peace process, if so desired by all parties to the conflict;

(12) calls on members of the international community to use their good offices to support the peace process and, as appropriate, lend assistance to the reconstruction of war-damaged areas of Sri Lanka and to reconciliation among all parties to the conflict; and

(13) calls on members of the international community to ensure that any assistance to Sri Lanka will be framed in the context of supporting the ongoing peace process and will avoid exacerbating existing ethnic tensions.

Mr. LUGAR. Mr. President, I rise today to submit a resolution encouraging the ongoing peace process in Sri Lanka. It was recently announced that Norway has agreed to mediate a new round of peace talks. The peace process brings hope that a continued commitment to democracy and human rights might be realized through lasting peace.

The roots of the current crisis began in the early 1800's when Sri Lanka fell subject to British colonial rule. Indian Tamil laborers were brought to Sri Lanka to develop and maintain numerous plantations. This practice doubled the number of Tamils in Sri Lanka and further diversified the population. In 1948, Sri Lanka gained its independence from Britain and rose above bitter communal and religious issues and established a democratize government.

Regrettably, issues of language and alleged government bias propelled this once peaceful nation into brutal civil war. The Liberation Tigers of Tamil Eelam became the leading rebel group in the struggle against the government. Over the last two decades, an estimated sixty-five thousand people have been killed and one million have been displaced by the fighting. The nation once referred to as the ''pearl upon the brow of India'' has become known as the ''fallen tear.''

The situation is not without hope. The people of Sri Lanka demand peace and with the assistance of Norway, the sides have once again returned to the negotiating table. Past failures shed some light on the difficult path that lies ahead and the tremendous work that lies before Norwegian mediators. Norway's offer to mediate talks was accepted in 1999. By keeping the negotiations secret, Norway has gained the cautious trust and respect of both sides. The fighting has ceased, and negotiations are planned to begin in Thailand in the near future.

One of my constituents, the Reverend Paul Jahn, and the Indiana-Kentucky Conference have placed a critical role in bringing peace to Sri Land. Reverend Jahn and the conference have dedicated a significant amount of time and effort to this important effort. They have raised significant amounts of funding for various relief efforts in Sri Lanka and continue to make valuable contributions to the peace process. I want to thank Reverend Jahn, a minister at St. Peter and Trinity United Church of Christ in Lamar, IN, and the Conference for suggesting the important role this resolution could play in expressing American support for the peace process.

I urge the Congress, through this resolution, to express its support for these efforts and to encourage both sides to resolve their differences as expeditiously as possible. The United States finds itself at a time when our international responsibilities are great, and yet it remains essential that we continue to support the realization of peace and democracy wherever it exists. To do this, I urge my colleagues to adopt this resolution, and show our support for Norwegian mediators as they endeavor to make it possible for Sri Lanka to enjoy the virtues that have made our nation, and so many nations around the world, just and free.

SENATE RESOLUTION 301—SUPPORTING THE NATIONAL RAILROAD HALL OF FAME, INC. OF GALESBURG, ILLINOIS, IN ITS ENDEAVOR TO ERECT A MONUMENT KNOWN AS THE NATIONAL RAILROAD HALL OF FAME

Mr. DURBIN (for himself and Mr. FITZGERALD) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 301

Whereas Galesburg, Illinois, has been linked to the history of railroading since 1849 when the Peoria and Oquawka Railroad was organized;

Whereas the citizens of Galesburg supported a railroad to Chicago which was chartered as the Central Military Tract Railroad in 1851;

Whereas upon completion of the Central Military Tract Railroad, the Northern Cross Railroad joined the Central Military Tract Railroad at Galesburg;

Whereas in 1886 Galesburg secured the Atchison, Topeka and Santa Fe Railway and became one of the few places in the world served by 2 major railroads;

Whereas the National Railroad Hall of Fame, Inc., has been established in Galesburg and chartered under the laws of the State of Illinois as a not-for-profit corporation;

Whereas the objectives of the National Railroad Hall of Fame, Inc., include (1) perpetuating the memory of leaders and innovators in the railroad industry, (2) fostering, promoting, and encouraging a better understanding of the origins and growth of railroads, especially in the United States, and (3) establishing and maintaining a library and collection of documents, reports and other items of value to contribute to the education of all persons interested in railroading; and

Whereas the National Railroad Hall of Fame, Inc., is planning to erect a monument known as the National Railroad Hall of Fame to honor the men and women who actively participated in the founding and development of the railroad industry in the United States: Now, therefore, be it

Resolved, That the Senate supports the National Railroad Hall of Fame, Inc., of Galesburg, Illinois, in its endeavor to erect a monument known as the National Railroad Hall of Fame.

Mr. DURBIN. Mr. President, I rise today to submit a resolution with my colleague, Senator PETER FITZGERALD, in support of the establishment of the National Railroad Hall of Fame in Galesburg, IL.

The State of Illinois has played a pioneering role in the growth of the railroad industry. The history of Illinois railroading dates back to 1837 with the creation of the Northern Cross Railroad linking the Illinois and Mississippi Rivers. The city of Galesburg joined Chicago by rail seventeen years later in 1854. The Carl Sandburg College of Galesburg is today the home of the first accredited railroad degree program.

So it is only natural that the National Railroad Hall of Fame would be established in Galesburg. This privately-funded museum will highlight the efforts of men and women whose hard work and resourcefulness helped build one of the nation's best modes of transportation. It will also help promote and encourage a better understanding of the origins and growth of the railroad industry. The vision of the National Railroad Hall of Fame will span more than two centuries, from the dawn of the American railroad, through the Golden Age of railroading, and up through the modern era, in which railroads remain a critical aspect of the transportation industry. The museum will also be a center of learning and debate, as well as a library of historical materials.

Fourteen members of the House of Representatives have brought forward an identical measure in that chamber. Approval by the Senate will be an important step toward the erection of this monument. I urge the Senate to

adopt this resolution in a timely fashion so that we can properly honor the railroad industry and its many pioneers.

SENATE RESOLUTION 302—HONORING TED WILLIAMS AND EXTENDING THE CONDOLENCES OF THE SENATE ON HIS DEATH

Mr. KERRY (for himself and Mr. KENNEDY) submitted the following resolution; which was considered and agreed to:

S. RES. 302

Whereas Theodore Samuel Williams served the Nation with honor and distinction as a Naval Aviator during World War II and as a Marine fighter pilot during the Korean War;

Whereas Ted Williams, during his service in the Marines during the Korean War, flew on 39 combat missions and earned an Air Medal and 2 Gold Stars;

Whereas Ted Williams became the greatest hitter in baseball history while playing with the Boston Red Sox from 1939-1960;

Whereas Ted Williams, during his career with the Boston Red Sox, even after losing 5 years to military service, had 2654 total hits, 521 home runs, and a lifetime batting average of .344;

Whereas as a member of the Boston Red Sox, Ted Williams hit for an average of .406 in 1941 and was the last major league baseball player to hit for an average above .400;

Whereas as a member of the Boston Red Sox, Ted Williams led the American League in batting 6 times, in slugging percentage 9 times, in total bases 6 times, and in runs scored 6 times;

Whereas as a member of the Boston Red Sox, Ted Williams won 2 Triple Crowns, was twice named the Most Valuable Player of the American League, and was chosen as an American League All-Star 16 times;

Whereas Ted Williams was elected to the Baseball Hall of Fame in 1966; and

Whereas Ted Williams provided invaluable assistance to the Commonwealth of Massachusetts through his efforts on behalf of and in support for the Jimmy Fund in order to help eradicate cancer in children: Now, therefore, be it

Resolved, That the Senate—

(1) honors the achievements of Ted Williams;

(2) expresses its deepest sympathies and condolences to the family of Ted Williams on his passing; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of Ted Williams.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4174. Mr. DASCHLE (for Mr. LEAHY (for himself, Mr. MCCAIN, Mr. DASCHLE, Mr. DURBIN, Mr. HARKIN, Mr. CLELAND, Mr. LEVIN, Mr. KENNEDY, Mr. BIDEN, Mr. FEINGOLD, Mr. MILLER, Mr. EDWARDS, Mrs. BOXER, Mr. CORZINE, Mr. KERRY, Mr. SCHUMER, Mr. BROWNBACK, and Mr. NELSON, of Florida)) proposed an amendment to the bill S. 2673, to improve quality and transparency in financial reporting and independent audits and accounting services for public companies, to create a Public Company Accounting Oversight Board, to enhance the standard setting process for accounting practices, to strengthen the independence of firms that audit public companies, to increase corporate responsibility and the usefulness of corporate financial disclosure, to protect the objectivity and independence of securities analysts, to improve Securities and Exchange Commission resources and oversight, and for other purposes.

SA 4175. Mr. GRAMM (for Mr. MCCONNELL) proposed an amendment to amendment SA 4174 proposed by Mr. DASCHLE (for Mr. LEAHY (for himself, Mr. MCCAIN, Mr. DASCHLE, Mr. DURBIN, Mr. HARKIN, Mr. CLELAND, Mr. LEVIN, Mr. KENNEDY, Mr. BIDEN, Mr. FEINGOLD, Mr. MILLER, Mr. EDWARDS, Mrs. BOXER, Mr. CORZINE, Mr. KERRY, Mr. SCHUMER, Mr. BROWNBACK, and Mr. NELSON of Florida)) to the bill (S. 2673) supra.

SA 4176. Mr. MILLER proposed an amendment to the bill S. 2673, supra.

SA 4177. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2673, supra; which was ordered to lie on the table.

SA 4178. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2673, supra; which was ordered to lie on the table.

SA 4179. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2673, supra; which was ordered to lie on the table.

SA 4180. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2673, supra; which was ordered to lie on the table.

SA 4181. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2673, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4174. Mr. DASCHLE (for Mr. LEAHY (for himself, Mr. MCCAIN, Mr. DASCHLE, Mr. DURBIN, Mr. HARKIN, Mr. CLELAND, Mr. LEVIN, Mr. KENNEDY, Mr. BIDEN, Mr. FEINGOLD, Mr. MILLER, Mr. EDWARDS, Mrs. BOXER, Mr. CORZINE, Mr. KERRY, Mr. SCHUMER, Mr. BROWNBACK, and Mr. NELSON of Florida)) proposed an amendment to the bill S. 2673, to improve quality and transparency in financial reporting and independent audits and accounting services for public companies, to create a Public Company Accounting Oversight Board, to enhance the standard setting process for accounting practices, to strengthen the independence of firms that audit public companies, to increase corporate responsibility and the usefulness of corporate financial disclosure to protect the objectivity and independence of securities analysts, to improve Securities and Exchange Commission resources and oversight, and for other purposes:

On page 117, after line 12, add the following:

TITLE VIII—CORPORATE AND CRIMINAL FRAUD ACCOUNTABILITY

SEC. 801. SHORT TITLE.

This title may be cited as the ''Corporate and Criminal Fraud Accountability Act of 2002''.

SEC. 802. CRIMINAL PENALTIES FOR ALTERING DOCUMENTS.

(a) IN GENERAL.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

''§ 1519. Destruction, alteration, or falsification of records in Federal investigations and bankruptcy

''Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 10 years, or both.

''§ 1520. Destruction of corporate audit records

''(a)(1) Any accountant who conducts an audit of an issuer of securities to which section 10A(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78j–1(a)) applies, shall maintain all audit or review workpapers for a period of 5 years from the end of the fiscal period in which the audit or review was concluded.

''(2) The Securities and Exchange Commission shall promulgate, within 180 days, after adequate notice and an opportunity for comment, such rules and regulations, as are reasonably necessary, relating to the retention of relevant records such as workpapers, documents that form the basis of an audit or review, memoranda, correspondence, communications, other documents, and records (including electronic records) which are created, sent, or received in connection with an audit or review and contain conclusions, opinions, analyses, or financial data relating to such an audit or review, which is conducted by any accountant who conducts an audit of an issuer of securities to which section 10A(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78j–1(a)) applies.

''(b) Whoever knowingly and willfully violates subsection (a)(1), or any rule or regulation promulgated by the Securities and Exchange Commission under subsection (a)(2), shall be fined under this title, imprisoned not more than 5 years, or both.

''(c) Nothing in this section shall be deemed to diminish or relieve any person of any other duty or obligation, imposed by Federal or State law or regulation, to maintain, or refrain from destroying, any document.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of title 18, United States Code, is amended by adding at the end the following new items:

''1519. Destruction, alteration, or falsification of records in Federal investigations and bankruptcy.

''1520. Destruction of corporate audit records.''.

SEC. 803. DEBTS NONDISCHARGEABLE IF INCURRED IN VIOLATION OF SECURITIES FRAUD LAWS.

Section 523(a) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking ''or'' after the semicolon;

(2) in paragraph (18), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end, the following:

''(19) that—

''(A) arises under a claim relating to—

''(i) the violation of any of the Federal securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47)), any State securities laws, or any regulations or orders issued under such Federal or State securities laws; or

''(ii) common law fraud, deceit, or manipulation in connection with the purchase or sale of any security; and

''(B) results, in relation to any claim described in subparagraph (A), from—

''(i) any judgment, order, consent order, or decree entered in any Federal or State judicial or administrative proceeding;

''(ii) any settlement agreement entered into by the debtor; or

''(iii) any court or administrative order for any damages, fine, penalty, citation, restitutionary payment, disgorgement payment, attorney fee, cost, or other payment owed by the debtor.''.

SEC. 804. STATUTE OF LIMITATIONS FOR SECURITIES FRAUD.

(a) IN GENERAL.—Section 1658 of title 28, United States Code, is amended—

(1) by inserting ''(a)'' before ''Except''; and

(2) by adding at the end the following:

''(b) Notwithstanding subsection (a), a private right of action that involves a claim of fraud, deceit, manipulation, or contrivance in contravention of a regulatory requirement concerning the securities laws, as defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47)), may be brought not later than the earlier of—

''(1) 5 years after the date on which the alleged violation occurred; or

''(2) 2 years after the date on which the alleged violation was discovered.''.

(b) EFFECTIVE DATE.—The limitations period provided by section 1658(b) of title 28, United States Code, as added by this section, shall apply to all proceedings addressed by this section that are commenced on or after the date of enactment of this Act.

(c) NO CREATION OF ACTIONS.—Nothing in this section shall create a new, private right of action.

SEC. 805. REVIEW OF FEDERAL SENTENCING GUIDELINES FOR OBSTRUCTION OF JUSTICE AND EXTENSIVE CRIMINAL FRAUD.

Pursuant to section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend, as appropriate, the Federal Sentencing Guidelines and related policy statements to ensure that—

(1) the base offense level and existing enhancements contained in United States Sentencing Guideline 2J1.2 relating to obstruction of justice are sufficient to deter and punish that activity;

(2) the enhancements and specific offense characteristics relating to obstruction of justice are adequate in cases where—

(A) documents and other physical evidence are actually destroyed, altered, or fabricated;

(B) the destruction, alteration, or fabrication of evidence involves—

(i) a large amount of evidence, a large number of participants, or is otherwise extensive;

(ii) the selection of evidence that is particularly probative or essential to the investigation; or

(iii) more than minimal planning; or

(C) the offense involved abuse of a special skill or a position of trust;

(3) the guideline offense levels and enhancements for violations of section 1519 or 1520 of title 18, United States Code, as added by this title, are sufficient to deter and punish that activity;

(4) the guideline offense levels and enhancements under United States Sentencing Guideline 2B1.1 (as in effect on the date of enactment of this Act) are sufficient for a fraud offense when the number of victims adversely involved is significantly greater than 50;

(5) a specific offense characteristic enhancing sentencing is provided under United States Sentencing Guideline 2B1.1 (as in effect on the date of enactment of this Act) for a fraud offense that endangers the solvency or financial security of a substantial number of victims; and

(6) the guidelines that apply to organizations in United States Sentencing Guidelines, chapter 8, are sufficient to deter and punish organizational criminal misconduct.

SEC. 806. PROTECTION FOR EMPLOYEES OF PUBLICLY TRADED COMPANIES WHO PROVIDE EVIDENCE OF FRAUD.

(a) IN GENERAL.—Chapter 73 of title 18, United States Code, is amended by inserting after section 1514 the following:

''§ 1514A. Civil action to protect against retaliation in fraud cases

''(a) WHISTLEBLOWER PROTECTION FOR EMPLOYEES OF PUBLICLY TRADED COMPANIES.—No company with a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*), or that is required to file reports under section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(d)), or any officer, employee, contractor, subcontractor, or agent of such company, may discharge, demote, suspend, threaten, harass, or in any other manner discriminate against an employee in the terms and conditions of employment because of any lawful act done by the employee—

''(1) to provide information, cause information to be provided, or otherwise assist in an investigation regarding any conduct which the employee reasonably believes constitutes a violation of section 1341, 1343, 1344, or 1348, any rule or regulation of the Securities and Exchange Commission, or any provision of Federal law relating to fraud against shareholders, when the information or assistance is provided to or the investigation is conducted by—

''(A) a Federal regulatory or law enforcement agency;

''(B) any Member of Congress or any committee of Congress; or

''(C) a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct); or

''(2) to file, cause to be filed, testify, participate in, or otherwise assist in a proceeding filed or about to be filed (with any knowledge of the employer) relating to an alleged violation of section 1341, 1343, 1344, or 1348, any rule or regulation of the Securities and Exchange Commission, or any provision of Federal law relating to fraud against shareholders.

''(b) ENFORCEMENT ACTION.—

''(1) IN GENERAL.—A person who alleges discharge or other discrimination by any person in violation of subsection (a) may seek relief under subsection (c), by—

''(A) filing a complaint with the Secretary of Labor; or

''(B) if the Secretary has not issued a final decision within 180 days of the filing of the complaint and there is no showing that such delay is due to the bad faith of the claimant, bringing an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.

''(2) PROCEDURE.—

''(A) IN GENERAL.—An action under paragraph (1)(A) shall be governed under the rules and procedures set forth in section 42121(b) of title 49, United States Code.

''(B) EXCEPTION.—Notification made under section 42121(b)(1) of title 49, United States Code, shall be made to the person named in the complaint and to the employer.

''(C) BURDENS OF PROOF.—An action brought under paragraph (1)(B) shall be governed by the legal burdens of proof set forth in section 42121(b) of title 49, United States Code.

''(D) STATUTE OF LIMITATIONS.—An action under paragraph (1) shall be commenced not later than 90 days after the date on which the violation occurs.

''(c) REMEDIES.—

''(1) IN GENERAL.—An employee prevailing in any action under subsection (b)(1) shall be entitled to all relief necessary to make the employee whole.

''(2) COMPENSATORY DAMAGES.—Relief for any action under paragraph (1) shall include—

''(A) reinstatement with the same seniority status that the employee would have had, but for the discrimination;

''(B) the amount of back pay, with interest; and

''(C) compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

''(d) RIGHTS RETAINED BY EMPLOYEE.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any Federal or State law, or under any collective bargaining agreement.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of title 18, United States Code, is amended by inserting after the item relating to section 1514 the following new item:

''1514A. Civil action to protect against retaliation in fraud cases.''.

SEC. 807. CRIMINAL PENALTIES FOR DEFRAUDING SHAREHOLDERS OF PUBLICLY TRADED COMPANIES.

(a) IN GENERAL.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

''§ 1348. Securities fraud

''Whoever knowingly executes, or attempts to execute, a scheme or artifice—

''(1) to defraud any person in connection with any security of an issuer with a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*) or that is required to file reports under section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(d)); or

''(2) to obtain, by means of false or fraudulent pretenses, representations, or promises, any money or property in connection with the purchase or sale of any security of an issuer with a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*) or that is required to file reports under section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(d))

shall be fined under this title, or imprisoned not more than 10 years, or both.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 63 of title 18, United States Code, is amended by adding at the end the following new item:

''1348. Securities fraud.''.

SA 4175. Mr. GRAMM (for Mr. MCCONNELL) proposed an amendment to amendment SA 4174 proposed by Mr. DASCHLE (for Mr. LEAHY (for himself, Mr. MCCAIN, Mr. DASCHLE, Mr. DURBIN, Mr. HARKIN, Mr. CLELAND, Mr. LEVIN, Mr. KENNEDY, Mr. BIDEN, Mr. FEINGOLD, Mr. MILLER, Mr. EDWARDS, Mrs. BOXER, Mr. CORZINE, Mr. KERRY, Mr. SCHUMER, Mr. BROWNBACK, and Mr. NELSON of Florida)) to the bill (S. 2673) to improve quality and transparency in financial reporting and independent audits and accounting services for public companies, to create a Public Company Accounting Oversight Board, to enhance the standard setting process for accounting practices, to strengthen the independence of firms that audit public companies, to increase corporate responsibility and the usefulness of corporate financial disclosure,

to protect the objectivity and independence of securities analysts, to improve Securities and Exchange Commission resources and oversight, and for other purposes:

At the end of the amendment add the following:

SEC. 302. CORPORATE AND LABOR ORGANIZATION RESPONSIBILITY FOR FINANCIAL REPORTS AND DISCLOSURE REQUIREMENTS.

(a) FINANCIAL REPORTS.—

(1) CERTIFICATION OF REPORTS.—

(A) CERTIFICATION OF PERIODIC REPORTS.—Each periodic report containing financial statements filed by an issuer with the Commission pursuant to section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a) or 78o(d)) shall be accompanied by a written statement by the chief executive officer and chief financial officer (or the equivalent thereof) of the issuer.

(B) CERTIFICATION OF FINANCIAL REPORTS BY LABOR ORGANIZATIONS.—

(i) IN GENERAL.—Each financial report filed by a labor organization with the Secretary of Labor pursuant to section 201(b) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 431(b)) shall be accompanied by a written statement by the president and secretary-treasurer (or the equivalent thereof) of the labor organization.

(ii) DEFINITION.—In this subparagraph, the term ''labor organization'' has the meaning given the term in section 3 of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 402).

(2) CONTENT.—The statement required by paragraph (1) shall certify the appropriateness of the financial statements and disclosures contained in the periodic report or financial report, and that those financial statements and disclosures fairly present, in all material respects, the operations and financial condition of the issuer or labor organization.

(3) CONFORMING AMENDMENT.—Section 201(b) of the Labor-Management Reporting and Disclosure Act of 1959 is amended, in the matter preceding paragraph (1), by inserting ''(and accompanied by the statement described in section 302(a)(1)(B) of the Public Company Accounting Reform and Investor Protection Act of 2002)'' after ''officers''.

(b) REPORTING REQUIREMENTS.—

(1) FINANCIAL REPORTING FOR LABOR ORGANIZATIONS EQUIVALENT TO REQUIRED REPORTING OF PUBLIC COMPANIES.—Section 201 of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 431) is amended by adding at the end the following:

''(d)(1) In the case of a labor organization with gross annual receipts for the fiscal year in an amount equal to $200,000 or more, the information required under this section shall be reported using financial reporting procedures comparable to procedures required for periodic and annual reports of public companies pursuant to sections 12(g), 13, and 15 of the Securities and Exchange Act of 1934 (15 U.S.C. 78*l*(g), 78m, and 78*o*).

''(2)(A) Such information shall be reviewed by a certified public accountant using generally accepted auditing standards applicable to reporting companies under the Securities and Exchange Act of 1934.

''(B) Such audit shall be conducted subject to requirements comparable to the requirements under section 10A of the Securities Exchange Act of 1934 (15 U.S.C. 78j–1).

''(3) Such information shall be reported using generally accepted accounting procedures comparable to the procedures required for public companies under sections 12(g), 13, and 15 of the Securities and Exchange Act of 1934 (15 U.S.C. 78*l*(g), 78m, and 78*o*).

''(4) The authority provided under this subsection shall be in addition to the authority provided under subsection (b) and section 208, regarding reporting procedures and review of information required under this section.''.

(2) REMEDIES AND PENALTIES FOR VIOLATIONS OF REPORTING REQUIREMENTS.—Section 210 of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 440) is amended—

(A) by striking ''Whenever'' and inserting ''(a) Whenever''; and

(B) by adding at the end the following:

''(b)(1) If the Secretary finds, on the record after notice and opportunity for hearing, that any person has willfully violated any provision of section 201(d), the Secretary may impose a civil monetary penalty in an amount not to exceed the amount for any comparable violation under section 21B(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78u-2).

''(2) In the case of a violation of an auditing requirement under section 201(d)(2) by a public accountant, the Secretary may impose a civil monetary penalty in the same manner as penalties are imposed under section 10A(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78j-1(d)).

''(3) For purposes of any action brought by the Secretary under paragraph (1), any person who knowingly provides substantial assistance to another person in violation of a provision of section 201(d), or of any rule or regulation issued under such section (including aiding, abetting, counseling, commanding, or inducing such violation) shall be deemed to be in violation of such provision to the same extent as the person to whom such assistance is provided.

''(c)(1) Any person who makes or causes to be made any statement in any report or document required to be filed under section 201(d) which statement was at the time, and in the light of the circumstances under which it was made, false or misleading with respect to any material fact, shall be liable to any person (not knowing that such statement was false or misleading) who relied upon such statement. A person seeking to enforce such liability may sue at law or in equity in any court of competent jurisdiction.

''(2) In any such suit the court may, in its discretion, require an undertaking for the payment of the costs of such suit, and assess reasonable costs, including reasonable attorneys' fees, against either party litigant.

''(3) The recovery and statute of limitation provisions of subsections (b) and (c) of section 18 of the Securities Exchange Act of 1934 (15 U.S.C. 78r) shall apply for purposes of any action under this subsection.

''(d) In any action arising under subsection (c) or (d) or in connection with any provision of section 201(d), the provisions of section 27(c) of the Securities Act of 1933 (15 U.S.C. 77z-1(c)) regarding abusive litigation shall apply.''.

(3) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Labor, shall promulgate such regulations as the Secretary determines necessary to carry out the provisions and purposes of this subsection (including the amendments made by this subsection) and to ensure the provisions of this subsection are carried out in a manner comparable to the manner any similar provisions are carried out by the Securities and Exchange Commission.

SA 4176. Mr. MILLER proposed an amendment to the bill S. 2673, to improve quality and transparency in financial reporting and independent audits and accounting services for public companies, to create a Public Company Accounting Oversight Board, to enhance the standard setting process for accounting practices, to strengthen the independence of firms that audit public companies, to increase corporate responsibility and the usefulness of corporate financial disclosure, to protect the objectivity and independence of securities analysts, to improve Securities and Exchange Commission resources and oversight, and for other purposes; as follows:

At the end add the following new title:

TITLE VIII—CORPORATE TAX RETURNS

SEC. 801. SIGNING OF CORPORATE TAX RETURNS BY CHIEF EXECUTIVE OFFICER.

(a) IN GENERAL.—Section 6062 of the Internal Revenue Code of 1986 (relating to signing of corporation returns) is amended by striking the first sentence and inserting the following new sentence: ''The return of a corporation with respect to income shall be signed by the chief executive officer of such corporation.''.

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

SA 4177. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2673, to improve quality and transparency in financial reporting and independent audits and accounting services for public companies, to create a Public Company Accounting Oversight Board, to enhance the standard setting process for accounting practices, to strengthen the independence of firms that audit public companies, to increase corporate responsibility and the usefulness of corporate financial disclosure, to protect the objectivity and independence of securities analysts, to improve Securities and Exchange Commission resources and oversight, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. PROTECTION FOR EMPLOYEES OF PUBLICLY TRADED COMPANIES WHO PROVIDE EVIDENCE OF FRAUD.

(a) IN GENERAL.—Chapter 73 of title 18, United States Code, is amended by inserting after section 1514 the following:

''§ 1514A. Civil action to protect against retaliation in fraud cases

''(a) WHISTLEBLOWER PROTECTION FOR EMPLOYEES OF PUBLICLY TRADED COMPANIES.—No company with a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*), or that is required to file reports under section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(d)), or any officer, employee, contractor, subcontractor, or agent of such company, may discharge, demote, suspend, threaten, harass, or in any other manner discriminate against an employee in the terms and conditions of employment because of any lawful act done by the employee—

''(1) to provide information, cause information to be provided, or otherwise assist in an investigation regarding any conduct which the employee reasonably believes constitutes a violation of section 1341, 1343, 1344, or 1348, any rule or regulation of the Securities and Exchange Commission, or any provision of Federal law relating to fraud against shareholders, when the information or assistance is provided to or the investigation is conducted by—

''(A) a Federal regulatory or law enforcement agency;

''(B) any Member of Congress or any committee of Congress; or

''(C) a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct); or

''(2) to file, cause to be filed, testify, participate in, or otherwise assist in a proceeding filed or about to be filed (with any knowledge of the employer) relating to an alleged violation of section 1341, 1343, 1344, or 1348, any rule or regulation of the Securities and Exchange Commission, or any provision of Federal law relating to fraud against shareholders.

''(b) ENFORCEMENT ACTION.—

''(1) IN GENERAL.—A person who alleges discharge or other discrimination by any person in violation of subsection (a) may seek relief under subsection (c), by—

''(A) filing a complaint with the Secretary of Labor; or

''(B) if the Secretary has not issued a final decision within 180 days of the filing of the complaint and there is no showing that such delay is due to the bad faith of the claimant, bringing an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.

''(2) PROCEDURE.—

''(A) IN GENERAL.—An action under paragraph (1)(A) shall be governed under the rules and procedures set forth in section 42121(b) of title 49, United States Code.

''(B) EXCEPTION.—Notification made under section 42121(b)(1) of title 49, United States Code, shall be made to the person named in the complaint and to the employer.

''(C) BURDENS OF PROOF.—An action brought under paragraph (1)(B) shall be governed by the legal burdens of proof set forth in section 42121(b) of title 49, United States Code.

''(D) STATUTE OF LIMITATIONS.—An action under paragraph (1) shall be commenced not later than 90 days after the date on which the violation occurs.

''(c) REMEDIES.—

''(1) IN GENERAL.—An employee prevailing in any action under subsection (b)(1) shall be entitled to all relief necessary to make the employee whole.

''(2) COMPENSATORY DAMAGES.—Relief for any action under paragraph (1) shall include—

''(A) reinstatement with the same seniority status that the employee would have had, but for the discrimination;

''(B) the amount of back pay, with interest; and

''(C) compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

''(d) RIGHTS RETAINED BY EMPLOYEE.—Nothing in this section shall be deemed to diminish the rights, privilege, or remedies of any employee under any Federal or State law, or under any collective bargaining agreement.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of title 18, United States Code, is amended by inserting after the item relating to section 1514 the following new item:

''1514A. Civil action to protect against retaliation in fraud cases.''.

SA 4178. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2673, to improve quality and transparency in financial reporting and independent audits and accounting services for public companies, to create a Public Company Accounting Oversight Board, to enhance the standard setting process for accounting practices, to strengthen the independence of firms that audit public companies, to increase corporate responsibility and the usefulness of corporate financial disclosure, to protect the objectivity and independence of securities analysts, to improve Securities and Exchange Commission resources and oversight, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INVESTIGATION AND PROSECUTION OF OFFENSES.

Section 21(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)) is amended by adding at the end the following:

''(5) EQUITABLE RELIEF.—In any action brought by the Commission under any provision of the securities laws against any person, the Commission may seek, and Federal courts may grant, any equitable relief appropriate or necessary for the benefit of investors.

''(6) DISGORGEMENT OF BENEFITS.—In any action or proceeding brought or instituted by the Commission under the securities laws against any person for engaging in, causing, or aiding and abetting any violation of the securities laws or the rules and regulations prescribed under those laws, such person, in addition to being subject to any other appropriate order, may be required to disgorge any or all benefits received from any source in connection with the conduct constituting, causing, or aiding and abetting the violation, including salary, commissions, fees, bonuses, options, profits from securities transactions, and losses avoided through securities transactions.''.

SA 4179. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2673, to improve quality and transparency in financial reporting and independent audits and accounting services for public companies, to create a Public Company Accounting Oversight Board, to enhance the standard setting process for accounting practices, to strengthen the independence of firms that audit public companies, to increase corporate responsibility and the usefulness of corporate financial disclosure, to protect the objectivity and independence of securities analysts, to improve Securities and Exchange Commission resources and oversight, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 14 and 15, insert the following:

SEC. 110. OVERSIGHT AUDITING OF PUBLIC COMPANIES.

(a) ESTABLISHMENT OF DIVISION.—There is established within the Office of the Chief Accountant of the Commission, the Division of Oversight Audits, which shall be charged with responsibility for conducting oversight audits of issuers, at such times, and in accordance with such procedures as the Commission shall establish, by rule.

(b) STRUCTURE AND OVERSIGHT.—The Division of Oversight Audits shall be headed by the Chief Accountant of the Commission. Notwithstanding any other provision of law, following the end of the term of employment of the Chief Accountant in effect on the date of enactment of this Act, the Chief Accountant shall be appointed by the President, with the advice and consent of the Senate, and may be removed at will by the President. The Chief Accountant shall be appointed to a 5-year term, and may not serve for more than 2 terms.

(c) PURPOSE, FUNCTIONS, AND DUTIES.—The Division of Oversight Audits shall be responsible for—

(1) reviewing and conducting oversight audits of the financial statements of issuers; and

(2) using its resources effectively to focus on highest risk audit areas and to target questionable audit practices of which the Division of Oversight Audits is aware from communications with the Division of Enforcement of the Commission and the Board.

(d) REPORTS.—On an annual basis, the Division of Oversight Audits shall report its findings and make recommendations for change to—

(1) the Commission;

(2) the Board; and

(3) the Comptroller General of the United States.

(e) REFERRALS.—

(1) IN GENERAL.—The Division of Oversight Audits shall refer findings of accounting or auditing irregularity to—

(A) the Division of Enforcement of the Commission for further investigation of the issuer or the public accounting firm, as appropriate; and

(B) the Board for further investigation of the public accounting firm, as appropriate.

(2) OTHER REFERRALS.—If appropriate, the Division of Oversight Audits may refer findings of accounting or auditing irregularity to—

(A) any other Federal functional regulator (as defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)), in the case of an audit report for an institution that is subject to the jurisdiction of such regulator;

(B) the Attorney General of the United States;

(C) the attorneys general of 1 or more States; or

(D) the appropriate State regulatory authority.

(f) FUNDING.—

(1) IN GENERAL.—The Division of Oversight Audits shall be funded exclusively as provided in this subsection.

(2) ANNUAL BUDGETS.—The Division of Oversight Audits shall establish a budget for each fiscal year, which shall be subject to approval by the Commission.

(3) SOURCES AND USES OF FUNDS.—The budget of the Division of Oversight Audits for each fiscal year shall be payable from annual accounting support fees, in accordance with paragraph (4).

(4) ANNUAL ACCOUNTING SUPPORT FEE.—The annual accounting support fee for the Division of Oversight Audits—

(A) shall be allocated in accordance with paragraph (5), and assessed and collected against each issuer, by 1 or more appropriate designated collection agents, as may be necessary or appropriate to pay for the budget and provide for the expenses of the Division, and to provide for an independent, stable source of funding for the Division, subject to review by the Commission; and

(B) may differentiate among different classes of issuers.

(5) ALLOCATION OF ACCOUNTING SUPPORT FEES AMONG ISSUERS.—Any amount due from issuers (or a particular class of issuers) under this subsection to fund the budget of the Division of Oversight Audits shall be allocated among and payable by each issuer (or

each issuer in a particular class, as applicable) in an amount equal to the total of such amount, multiplied by a fraction—

(A) the numerator of which is the average monthly equity market capitalization of the issuer for the 12-month period immediately preceding the beginning of the fiscal year to which such budget relates; and

(B) the denominator of which is the average monthly equity market capitalization of all such issuers for such 12-month period.

SA 4180. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2673, to improve quality and transparency in financial reporting and independent audits and accounting services for public companies, to create Public Company Accounting Oversight Board, to enhance the standard setting process for accounting practices, to strengthen the independence of firms that audit public companies, to increase corporate responsibility and the usefulness of corporate financial disclosure, to protect the objectivity and independence of securities analysts, to improve Securities and Exchange Commission resources and oversight, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, strike lines 1 through 19, and insert the following:

''(9) the opining on a financial statement with respect to the proper financial statement results of—

''(A) any listed transaction, or

''(B) any reportable transaction (other than a listed transaction) if a significant purpose of such transaction is the avoidance or evasion of Federal income tax,

but only if the registered public accounting firm (or any such associated person of such firm) has directly or indirectly provided any material aid, assistance, or advice with respect to the organizing, promoting, selling, implementing, or carrying out of such listed or reportable transaction, and

''(10) any other service that the Board determines, by regulation, is impermissible.

''(h) RULES AND DEFINITIONS RELATING TO NON-AUDIT SERVICES.—

''(1) PREAPPROVAL REQUIRED FOR NON-AUDIT SERVICES.—A registered public accounting firm may engage in any non-audit service, including tax services, that is not described in any of paragraphs (1) through (10) of subsection (g) for an audit client, only if the activity is approved in advance by the audit committee of the issuer, in accordance with subsection (i).

''(2) REPORTABLE AND LISTED TRANSACTIONS.—For purposes of subsection (g)(9)—

''(A) REPORTABLE TRANSACTION.—The term 'reportable transaction' means any transaction with respect to which information is required to be included with a return or statement because, as determined under regulations prescribed under section 6011 of the Internal Revenue Code of 1986, such transaction is of a type which the Secretary of the Treasury determines as having a potential for tax avoidance or evasion.

''(B) LISTED TRANSACTION.—Except as provided in regulations, the term 'listed transaction' means a reportable transaction which is the same as, or similar to, a transaction specifically identified by the Secretary of the Treasury as a tax avoidance transaction for purposes of section 6011 of such Code.''.

(b) EXEMPTION AUTHORITY.—The Board may, on a case by case basis, exempt any person, issuer, public accounting firm, or transaction from the prohibition on the provision of services under section 10A(g) of the Securities Exchange Act of 1934 (as added by this section), to the extent that such exemption is necessary or appropriate in the public interest and is consistent with the protection of investors, and subject to review by the Commission in the same manner as for rules of the Board under section 107. This subsection shall not apply to services described in paragraph (9) of such section 10A(g).

SA 4181. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2673, to improve quality and transparency in financial reporting and independent audits and accounting services for public companies, to create a Public Company Accounting Oversight Board, to enhance the standard setting process for accounting practices, to strengthen the independence of firms that audit public companies, to increase corporate responsibility and the usefulness of corporate financial disclosure, to protect the objectivity and independence of securities analysts, to improve Securities and Exchange Commission resources and oversight, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. BANKRUPTCY PROVISIONS.

(a) PREFERENCES.—Section 547 of title 11, United States Code, is amended by adding at the end the following:

''(h) A trustee may avoid any transfer made within 1 year before the date of the filing of the petition that was made to an insider, officer, or director for any bonuses, loans, nonqualified deferred compensation, or other extraordinary or excessive compensation as determined by the court.''.

(b) FRAUDULENT TRANSFERS AND OBLIGATIONS.—Section 548(a) of title 11, United States Code, is amended by adding at the end the following:

''(3) The trustee may avoid any transfer of an interest of the debtor in property, or any obligation incurred by the debtor, including any bonuses, loans, nonqualified deferred compensation, or other extraordinary or excessive compensation as determined by the court, paid to any officer, director, or employee of an issuer of securities (as defined in section 2(a) of the Public Company Accounting Reform and Investor Protection Act of 2002), if—

''(A) that transfer of interest or obligation was made or incurred on or within 4 years before the date of the filing of the petition; and

''(B) the officer, director, or employee was directly or indirectly responsible for—

''(i) any violation of the Federal securities laws (as defined in section 3(a)(47) of the Securities Exchange Act of 1934), State securities laws, or any regulation or order issued under Federal or State securities laws;

''(ii) fraud, deceit, or manipulation in a fiduciary capacity or in connection with the purchase or sale of any security registered under section 12 or 15(d) of the Securities Exchange Act of 1934 or under section 6 of the Securities Act of 1933; or

''(iii) improper, illegal, or deceptive accounting practices.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENTAL AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, July 9, 2002, at 2:30 p.m. to conduct a hearing to receive testimony on Sections 2015, 2016, 2017(a) and (b), 2018 and 2019 of S. 2225, the National Defense Authorization Act for Fiscal Year 2003.

The hearing will be held in SD–406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 9, 2002 at 10:30 a.m. to hold a hearing on the Moscow Treaty.

Agenda

Witness: The Honorable Colin L. Powell, Secretary of State, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 9, 2002 at 2:30 p.m. to hold a nomination hearing.

Agenda

Nominees: Mr. John Blaney, of Virginia, to be Ambassador to the Republic of Liberia; Ms. Aurelia Brazeal, of Georgia, to be Ambassador to the Federal Democratic Republic of Ethiopia; Mr. Martin Brennan, of California, to be Ambassador to the Republic of Zambia; Mr. J. Anthony Holmes, of California, to be Ambassador to Burkina Faso; Ms. Vicki Huddleston, of Arizona, to be Ambassador to the Republic of Mali; Mr. Donald Johnson, of Texas, to be Ambassador to the Republic of Cape Verde; Mr. Jimmy Kolker, of Missouri, to be Ambassador to the Republic of Uganda; Ms. Gail Mathieu, of New Jersey, to be Ambassador to the Republic of Niger; Mr. Richard Roth, of Michigan, to be Ambassador to the Republic of Senegal; and to serve concurrently and without additional compensation as Ambassador to the Republic of Guinea-Bissau; and Mr. James Yellin, of Pennsylvania, to be Ambassador to the Republic of Burundi.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on The Nomination of Dr. Richard H. Carmona, of Arizona to be Surgeon General of the Public Health Service during the session of the Senate on Tuesday, July 9, 2002 at 10 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on The President's Commission on Excellence in Special Education during the session of the Senate on Tuesday, July 9, 2002 at 2:30 p.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. REID. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Tuesday, July 9, 2002 from 2:30 p.m.–5 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM, AND GOVERNMENT INFORMATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Technology, Terrorism and Government Information be authorized to meet to conduct a hearing on ''Identity Theft Penalty Enhancement Act of 2002'' on Tuesday, July 9, 2002, at 2:30 p.m. in Room 226 of the Dirksen Senate Office Building.

Agenda

Witnesses Dan Collins, Deputy Associate Attorney General, Department of Justice, Washington, DC; Howard Beales, Director, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC; and Dennis Lormel, Section Chief, Terrorism Financial Review Group, Federal Bureau of Investigation, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent floor privileges be extended to Karen Wayland, a legislative fellow in the Office of Senator REID of Nevada.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 3009

Mr. REID. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House with respect to H.R. 3009, the Andean Trade Act; that the Senate disagree to the House amendment, agree to the request for a conference with the House on the disagreeing votes of the two Houses; and that the Chair be authorized to appoint conferees on the part of the Senate, with the ratio being three Democrats, two Republicans.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. REID. Mr. President, I am very disappointed. This is a matter that the President has talked about needing to move forward. I assume the objection is on the number of Senators in the conference. If this legislation is important, I would hope the President would weigh in and say let's get it done no matter what the ratio.

HONORING TED WILLIAMS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 302 submitted earlier today by Senators KERRY and KENNEDY.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 302) honoring Ted Williams and extending the condolences of the Senate on his death.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I think all of us my age and a little younger, and, of course, a little older, remember this great baseball player. Think how good he would have been had he not served his country in the U.S. military for 5 years. He did that during the prime of his baseball career. He served valiantly, as reported by John Glenn. I think a lot of us have seen John Glenn talking about the person who flew combat with him in Korea.

I ask unanimous consent that the resolution submitted by Senators KERRY and KENNEDY and the preamble be agreed to en bloc and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 302) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 302

Whereas Theodore Samuel Williams served the Nation with honor and distinction as a Naval Aviator during World War II and as a Marine fighter pilot during the Korean War;

Whereas Ted Williams, during his service in the Marines during the Korean War, flew on 39 combat missions and earned an Air Medal and 2 Gold Stars;

Whereas Ted Williams became the greatest hitter in baseball history while playing with the Boston Red Sox from 1939-1960;

Whereas Ted Williams, during his career with the Boston Red Sox, even after losing 5 years to military service, had 2654 total hits, 521 home runs, and a lifetime batting average of .344;

Whereas as a member of the Boston Red Sox, Ted Williams hit for an average of .406 in 1941 and was the last major league baseball player to hit for an average above .400;

Whereas as a member of the Boston Red Sox, Ted Williams led the American League in batting 6 times, in slugging percentage 9 times, in total bases 6 times, and in runs scored 6 times;

Whereas as a member of the Boston Red Sox, Ted Williams won 2 Triple Crowns, was twice named the Most Valuable Player of the American League, and was chosen as an American League All-Star 16 times;

Whereas Ted Williams was elected to the Baseball Hall of Fame in 1966; and

Whereas Ted Williams provided invaluable assistance to the Commonwealth of Massachusetts through his efforts on behalf of and in support for the Jimmy Fund in order to help eradicate cancer in children: Now, therefore, be it

Resolved, That the Senate—

(1) honors the achievements of Ted Williams;

(2) expresses its deepest sympathies and condolences to the family of Ted Williams on his passing; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of Ted Williams.

BENJAMIN FRANKLIN TERCENTENARY COMMISSION

Mr. REID. I ask unanimous consent the Senate proceed to Calendar No. 309, H.R. 2362.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2362) to establish the Benjamin Franklin Tercentenary Commission.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read three times, passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD at the appropriate place, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2362) was read for the third time and passed.

ORDERS FOR WEDNESDAY, JULY 10, 2002

Mr. REID. I ask unanimous consent when the Senate completes its business tonight, it adjourn until 9:30 tomorrow morning, Wednesday, July 10; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 10:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the majority leader or his designee, and the second half of the time under the control of the Republican leader or his designee; that at 10:30 a.m. the Senate resume consideration of the accounting reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:38 p.m., adjourned until Wednesday, July 10, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 9, 2002:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

FREDERICK W. GREGORY, OF MARYLAND, TO BE DEPUTY ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE JAMES R. THOMPSON, JR., RESIGNED.

MERIT SYSTEMS PROTECTION BOARD

NEIL MCPHIE, OF VIRGINIA, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF SEVEN YEARS EXPIRING MARCH 1, 2009, VICE BETH SUSAN SLAVET, TERM EXPIRED.

NATIONAL MEDIATION BOARD

HARRY R. HOGLANDER, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2005, VICE MAGDALENA G. JACOBSEN, TERM EXPIRED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

QUANAH CROSSLAND STAMPS, OF VIRGINIA, TO BE COMMISSIONER OF THE ADMINISTRATION FOR NATIVE AMERICANS, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE GARY NILES KIMBLE, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. BRYAN D. BROWN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. PHILIP R. KENSINGER JR., 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MARTIN R. BERNDT, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MICHAEL D. MALONE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. JOHN B. NATHMAN, 0000

EXTENSIONS OF REMARKS

IN RECOGNITION OF ACHIEVEMENTS OF MADISON COUNTY HISTORICAL SOCIETY IN EDWARDSVILLE, IL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the achievements of the Madison County Historical Society in the Edwardsville, Illinois area.

Edward Coles was the second Governor of the State of Illinois. Born in central Virginia in 1786 to a wealthy father who grew tobacco and was a slave owner, Coles would later in life decide that owning slaves was not the right thing to do. It is thought that this idea was instilled in him when he studied at William and Mary College in Williamsburg, VA. He did not support the philosophy that people could own other people when a professor raised it at the school.

Coles father died in 1807 leaving Edward a 782-acre farm and 23 slaves. He decided that freeing the slaves would be the right thing to do, but that would have been impossible because of the strict provisions in Virginia. The law stated that any freed slave must leave the State within a year of emancipation, which insured the failure of the slaves as free citizens. On top of that the other slave owners in the area would have surely hung Coles for his betrayal of their highly prized trade.

In 1810 Edward became Personal Secretary for President Madison in Washington DC. He was very successful in the world of politics, but still wanted to free the slaves under his control. After President Madison's first term Coles quit the White House and went west looking for a place to free his slaves. He came back from his excursion with a plan and an idea.

After a brief stint as a diplomat to Russia, Coles bought 3,500 acres in Illinois and accepted an appointment as land Registrar in Edwardsville, Illinois. He packed up his belongings and 22 slaves and headed towards Edwardsville. Coles waited until he was West of the Ohio River before he let anyone know his plan to free the slaves that worked for him. After he told them that they were free to go 5 went to Kentucky, 7 to Missouri, and 10 followed Coles the rest of the way. It is said that Edward provided the slaves that followed him with land of their own. He also provided all of his former slaves with money and supplies, as they needed them.

Later in life Coles was Governor of Illinois for one term. He ran for Congress in 1832 and lost, which is when he came to the conclusion that he wanted to move back to the East Coast. He moved to Philadelphia where he married a lady named Sally Logan Roberts, and had three children with her.

Some people do not only look for reward in the form of offices or titles, but in gratification for doing the right thing. Mr. Edward Coles was one of these people, and without his support and belief in the abolitionist movement many more people would have been sold as property and treated as less than human. Mr. Coles was a man who did the right thing when the challenge presented itself.

I want to commend the Madison County Historical Society for their efforts to keep the Coles Legacy of freedom and decency alive.

THE INTRODUCTION OF THE MILITARY TRIBUNALS ACT OF 2002

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. SCHIFF. Mr. Speaker:

SEPARATION OF POWERS

Our great nation was founded on the basic principles of liberty and justice for all. And one of the founding principles of our government is a separation of powers, and a system of checks and balances.

We set up our government this way for a reason. The delegates to the Constitutional Convention faced a difficult challenge—to create a strong, cohesive central government, while also ensuring that no individual or small group in the government would become too powerful. They formed a government with three separate branches, each with its own distinct powers.

Without this separation of powers, any one branch of government could have the power to establish a tribunal, decide what charges would be covered and what due process would be afforded, and also serve as judge and jury. The intent of the framers was to avoid these kinds of imbalances of power—to provide checks and balances.

That is why Congress must have a role in setting up military tribunals.

THE ROLE OF MILITARY TRIBUNALS

As the United States and its allies continue to engage in armed conflict with al Qaeda and the Taliban, military tribunals provide an appropriate forum to adjudicate the international law of armed conflict. While it may sound incongruous to have a justice system to deal with crimes of war, this process ensures adherence to certain international standards of wartime conduct. In order to garner the support of the community of nations, military trials must provide basic procedural guarantees of fairness, consistent with the international law of armed conflict and the International Covenant on Civil and Political Rights.

CONSTITUTIONAL JUSTIFICATION

Congressional authorization is necessary for the establishment of extraordinary tribunals to adjudicate and punish offenses arising from the September 11, 2001 attacks, or future al Qaeda terrorist attacks against the United States, and to provide a clear and unambiguous legal foundation for such trials.

This power is granted by the U.S. Constitution, which gives Congress the authority to constitute tribunals, define and punish offenses against the Law of Nations, and make rules concerning captures.

While Congress has authorized the President to use all necessary and appropriate force against those nations, organizations, or persons that he determines to have planned, authorized, committed, or aided the terrorist attacks or harbored such organizations or persons, Congress has yet to expressly authorize the use of military tribunals.

CRAFTING THE BILL

In November, 2001, the President issued a military order which said non-U.S. citizens arrested at home or abroad could be tried by military tribunals. In March, 2002, the Department of Defense announced rules for military trials for accused terrorists.

These rules made no provision for the writ of habeas corpus, or an adequate appeals process. In addition, there was no accounting of persons who were being detained.

Believing that Congress should play a critical role in authorizing military tribunals, I began discussing this issue with legal organizations, military law experts, and legal scholars. The result of these discussion is the Military Tribunals Act of 2002, which I am introducing today.

WHO IS COVERED

My bill will give the President the authority to carry out military tribunals to try individuals who are members of al Qaeda or members of other terrorist organizations knowingly cooperating with or aiding or abetting persons who attack the United States.

UNLAWFUL COMBATANTS

The Geneva Conventions limit the ways regular soldiers who surrender or are captured may be treated, but there is a very clear distinction made between lawful enemy combatants (a member of a standing/recognized army), who would not be subject to a tribunal, and unlawful enemy combatants (civilians who take up arms) who would.

Currently, there are more than 500 persons who are being detained at Guantanamo Bay. They have been classified by the Department of Defense as unlawful enemy combatnats, and each one could potentially be subject to a military tribunal. But without legislative backing, any military tribunal adjudication of guilt may later be challenged on the basis that the tribunals were not authorized by Congress. Congressional action would make it abundantly clear that military tribunals are an appropriate venue for trying unlawful enemy combatants. Spelling out the requirements for a military tribunal would ensure that sentences, when they are handed down, could be defended from judicial invalidation.

DUE PROCESS

My bill would ensure that the basic tenets of due process are adhered to by a military tribunal. The tribunal would be independent and impartial. The accused would be presumed innocent until proven guilty, and would only be found guilty if there was proof beyond a reasonable doubt. The accused would be promptly notified of alleged offenses. The proceedings would be made available to relevant

parties in other languages as necessary. The accused would have the opportunity to be present at trial. The accused would have a right to be represented by counsel. The accused have the opportunity to confront, cross-examine, and offer witnesses. The proceedings would be expeditious. The accused would be afforded all necessary means of defense. A conviction would be based on proof that the individual was responsible for the offense. A conviction could not be upheld on an act that was not an unlawful offense when it was committed. The penalty for an offense would not be greater than it was when the offense was committed. The accused would not be compelled to confess guilt or testify against himself. A convicted person would be informed of remedies and appeals processes. A preliminary proceeding would be held within 30 days of detention to determine whether a trial may be appropriate. The tribunal would be comprised of a military judge and not less than five members. The death penalty would be applied only by unanimous decision. The accused would have access to evidence supporting each alleged offense, except where disclosure of the evidence would cause identifiable harm to the prosecution of military objectives, and would have the opportunity to both obtain and present exculpatory evidence, and to respond to such evidence.

HABEAS CORPUS

Finally, the writ of habeas corpus would not be infringed, as it is a critical tenet of our justice system. Every person should be entitled to a court determination of whether he is imprisoned lawfully and whether or not he should be released from custody. This basic tenet dates back to 1215 when it stood in the Magna Carta as a critical individual right against arbitrary arrest and imprisonment.

Courts have referred to habeas corpus as ''the fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action.'' Without judicial review, the police can arrest people without warrants and jail people without trials.

U.S. Senator ARLEN SPECTER has noted, ''Simply declaring that applying traditional principles of law or rules of evidence is not practical is hardly sufficient. The usual test is whether our national security interests outweigh our due process rights, and the administration has not made the case.''

A careful reading of the President's military order reveals that ''military tribunals shall have exclusive jurisdiction, and the individual shall not be privileged to seek any remedy or maintain any proceeding, directly or indirectly . . . in any court of the United States or any state thereof, any court of any foreign nation, or any international tribunal.''

APPEALS PROCESS

Another critical protection we must retain in these trials is that of an appeals process. My bill calls for the Secretary of Defense to promptly review convictions by such tribunals to ensure that the procedural requirements of a full and fair hearing have been met. It also calls for the United States Court of Appeals for the Armed Forces established under the Uniform Code of Military Justice to review the proceedings, convictions, and sentences of such tribunals. Finally, the Supreme Court would review the decisions of the United States Court of Appeals for the Armed Forces. This is the most appropriate system of judicial review, especially since the U.S. Court of Appeals for the Armed Forces would not have to appoint special masters or magistrates to do the necessary fact finding.

PUBLIC PROCEEDINGS

We gain the confidence of our citizenry by ensuring that trial proceedings are open to the public. My bill would require trial and appeal proceedings to be accessible to the public, while securing the safety of observers, witnesses, tribunal judges, counsel, and others. Evidence available from an agency of the Federal Government, however, may be kept secret from the public if such evidence would harm the prosecution of military objectives or intelligence sources or methods.

DETENTION

The bill allows for the Secretary of Defense to detain a person who is subject to a tribunal consistent with the international law of armed conflict. However these detentions would only be authorized while a state of armed conflict continues, or while a prosecution or a post-trial proceeding is ongoing. Under the Military Tribunals Act of 2002, the United States District Court for the District of Columbia would have exclusive jurisdiction to ensure that the requirements for detaining an accused are satisfied.

And while an accused is held, the detainee shall be treated humanely, without any adverse distinction based on race, color, religion, gender, birth, wealth or any similar criteria. Adequate food, drinking water, shelter, clothing, and medical treatment shall be provided. Finally, a detainee's right to the free exercise of religion would not be infringed.

REPORTS TO CONGRESS

Without protections and reporting requirements in place, persons detained for an indefinite amount of time would have no recourse. Currently in America, the total number of persons detained by both the Department of Justice and the Department of Defense is unknown. In many cases, there is little information, if any, available about who has been detained and why. My bill requires the President to report annually to Congress on the use of the military tribunal authority. Each such report would include information regarding each person subject to, or detained pursuant to, a military tribunal, and each person detained pursuant to any actual or planned act of terrorism, who has not been referred for trial in connection with that act of terrorism to a criminal court or to a military tribunal. With this provision, we can significantly reduce the danger that due process might be evaded by simply failing to bring detainees before a tribunal for trial.

CONCLUSION

There is some debate about the necessity of Congressional input in the establishment of military tribunals. But there is no doubt that legislative branch input can provide indispensable safeguards, such as an appeal to an independent entity, that the executive branch simply cannot provide on its own. By exercising Congress' role in the process, we will ensure that our justice system remains a beacon for the rest of the world, where due process is protected, and the accused are afforded basic protections.

We are living in an extraordinary time, a difficult time. But we are defined as a nation by how we handle these difficult times. Our government's words and deeds are important, not only for the legal precedents we set, but also for the message we send to our global neighbors. During this, the most significant international crisis of our day, we have an opportunity to show the world the true meaning of justice, liberty, and the freedoms upon which America was founded.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. OWENS. Mr. Speaker, yesterday I was unavoidably absent and missed rollcall votes Nos. 283 and 284. If present I would have voted ''yea.''

HONORING THE CENTENNIAL OF LOCAL 309 INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 100th anniversary of the International Brotherhood of Electrical Workers, Local 309.

The International Brotherhood of Electrical Workers (IBEW) is as old as the commercial use of electricity itself. It is the oldest, as well as the largest, electrical union in the world. IBEW Local 309 will mark 100 years of pride for its members who have been leaders in producing the most highly trained and skilled workers in the country.

Various histories of labor record no attempts to organize electrical workers during the experimental days of electricity. In 1844 the first telegraph wires were strung between Washington and Baltimore carrying that famous message of Samuel Morse, ''What hath God wrought?'' This was the first electrical accomplishment of commercial importance. It changed the whole aspect of electricity, which most people believed to be an interesting but dangerous experiment. In 1848 the first telegraph station was built in Chicago. By 1861 a web of telegraph lines crisscrossed the United States, and in 1866 the transatlantic cable was laid. Linemen to string the wires became a necessity, and young men flocked eagerly to enter this new and exciting profession.

With Edison's invention of the first successful incandescent lamp in 1879, the general public became aware of the possibilities of electricity. The electric power and light industry was established with the construction of the Pearl Street Generating Station in New York in 1882. Where once only a few intrepid linemen handled electricity for a thrill, many now appeared on the scene, and wiremen, too, seeking a life's work. As public demand for electricity increased, the number of electrical workers increased accordingly. The surge toward unionism was born out of their desperate needs and deplorable safety conditions.

Beginning in 1870 many small, weak unions organized, and then disappeared. However, by 1880 enough telegraph linemen had organized

to form their own local assembly and affiliate with the Knights of Labor. A few more locals soon organized, and a district council was formed. In 1833 this council called a general strike against the telegraph companies. The strike failed and broke up the first unknown attempt to organize electrical workers. The urge to unite was strong, however; and another attempt was made in 1884, this time with a secret organization known as the United Order of Linemen. Headquarters for this union was in Denver, and the group attained considerable success in the western part of the United States.

The nucleus of the Brotherhood formed in 1890. An exposition was held in St. Louis that year featuring ''a glorious display of electrical wonders.'' Wiremen and linemen from all over the United States flocked to Missouri's queen city to wire the buildings and erect the exhibits which were the ''spectaculars'' of their era. The men got together at the end of each long workday and talked about the toil and conditions for workers in the electrical industry. The story was the same everywhere. The work was hard; the hours long; the pay small. It was common for a lineman to risk his life on the high lines 12 hours a day in any kind of weather, seven days a week, for the meager sum of 15 to 20 cents an hour. Two dollars and 50 cents a day was considered an excellent wage for wiremen, and many men were forced to accept work for $8.00 a week.

There was no apprenticeship training, and safety standards were nonexistent. In some areas the death rate for linemen was one out of every two hired, and nationally the death rate for electrical workers was twice that of the national average for all other industries. A union was the logical answer; so this small group, meeting in St. Louis, sought help from the American Federation of Labor (AFL). An organizer named Charles Cassel was assigned to help them and chartered the group as the Electrical Wiremen and Linemen's Union, No. 5221, of the AFL. A St. Louis lineman, Henry Miller, was elected president of that union. To him and the other workers at that St. Louis exposition, it was apparent their small union was only a starting point. Isolated locals could accomplish little as bargaining agencies. Only a national organization of electrical workers with jurisdiction covering the entire industry could win better treatment from the corporate empires engaged in telephone, telegraph, electric power, electrical contracting and electrical-equipment manufacturing.

The founders of the union met in a small room above Stolley's Dance Hall in a poor section of St. Louis. The name adopted for the organization was National Brotherhood of Electrical Workers. The delegates to that First Convention worked night and day for seven days drafting the first Constitution, general laws, ritual and emblem the well-known first grasping lightning bolts.

Today the IBEW remains strong with approximately 750,000 members. The IBEW is united through more than 1,100 local unions established over the length and breadth of the United States and Canada. It is one of the largest unions in the world, and their wages and working conditions are second to none in any comparable field. IBEW members enjoy better health and welfare coverage, improved pensions, longer vacations and more holidays, as well as a shorter workweek.

They stand where they are today because strong, intelligent and loyal men and women created, protected and preserved the union. They cared about what happened to them and to their children. They remained loyal to the organization that gave them protection and strength. Each era writes its own history. The IBEW's union heritage, vibrant and strong, has been passed on to people today. As IBEW International President Barry said during the opening of the 35th International Convention:

> We in the IBEW want a world where a man can go to a safe workplace, earn a fair wage and use his skills to do a good day's work. We want a world where a woman can develop her talents to the fullest and have a wealth of opportunity before her . . . where workers can retire with dignity, with the security of knowing their healthcare is affordable and available . . . where children are treated like the precious treasure they are—nurtured, educated and loved so they can carry the torch into the future, . . . and where workers can organize and bargain collectively to achieve all these things in fairness and in justice.

For 100 years, Local 309 has helped build and shape the metro-east as well as the surrounding counties of Southern Illinois with its expertise and craftsmanship. Local 309 is prepared to continue being a leader in the Electrical industry with advancements in training, organizing, market recovery and service to its members.

Mr. Speaker, I ask my colleagues to join me in honoring the Centennial of IBEW Local 309 and to congratulate their membership on the occasion of this anniversary and to wish the 1100 members and their families the very best for the future.

RECOGNIZING ACHIEVEMENTS OF BOY SCOUTS FROM TROOPS 27 AND 36 IN SPRINGFIELD, ILLINOIS AREA

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the achievements of Boy Scouts from Troops 27 and 36 in the Springfield, Illinois area.

I have received notification that these Scouts completed all necessary requirements to earn the Citizenship in the Nation Merit Badge. These requirements include items such as a basic understanding of our nation's governmental structure, a tour of the state or national capital, and a formal letter to their congressional representative concerning an issue that they would like to see resolved.

It is reassuring to know that the youth of our country are aware of the issues that stand to affect their future. The Scouts have made suggestions on a wide range of topics that are currently on the congressional agenda.

The boys of Troops 27 and 36 truly exemplify the ideals upon which the Boy Scouts of America was founded here in Washington, D.C. some 92 years ago. Their accomplishments commend great pride upon themselves and the Boy Scouts of America.

CONGRATULATIONS TO TAIWAN PRESIDENT CHEN SHUI-BIAN

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. HILLIARD. Mr. Speaker, Taiwan President Chen Shui-bian has successfully completed his first two years in office. His performance as leader of his country has received widespread praise around the world. In terms of Taiwan's relations with the People's Republic of China, President Chen has, on many occasions sought to assuage Beijing's anxieties about Taiwan's declaration of independence. In his inaugural address two years ago, President Chen promised that he would not seek independence as long as the PRC would refrain from using force against Taiwan. Furthermore, President Chen has taken concrete steps to reduce tension in the Taiwan Straits. Travel between Taiwan and the Chinese mainland has been made much easier, officials from Taiwan and the Chinese mainland having been visiting one another across the Straits. We hope that Taiwan and the PRC will soon resume their dialogue on reunification and other commercial issues affecting them. Peace in the Straits is in everyone's interest.

President Chen was also instrumental in making Taiwan's admission to the World Trade Organization a reality. We hope that President Chen will continue his efforts in making Taiwan a more visible global player; we understand Taiwan has been trying to gain observer status in the World Health Organization and other international bodies, including the United Nations. We applaud President Chen's leadership and wish him every success.

Relations between Taiwan and the United States have been steadily improving. Taiwan has been buying all types of American agricultural and consumer products and the United States has agreed to sell more advanced weaponry to Taiwan, including Kidd-class destroyers, twelve Orion antisubmarine surveillance aircraft and eight diesel-powered submarines.

Domestically, President Chen has been trying to reinvigorate Taiwan's economy, to eliminate corruption and gangster influence in politics and the economy, and to gain his people's trust and support in making Taiwan a complete democracy.

At the midway point of Mr. Chen's presidential term, we salute him for his many accomplishments such as maintaining stability in the Taiwan Strait, improving Taiwan's visibility in the international arena and its relations with the United States, and reinvigorating Taiwan's economy. Congratulations, President Chen, you have done a good job.

HONORS GAYLORD HOSPITAL AS THEY CELEBRATE THEIR 100TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Ms. DELAURO. Mr. Speaker, for one hundred years Gaylord Hospital of Wallingford has

provided care and comfort to those most in need. It is an honor for me to rise today to congratulate the Gaylord community, both past and present, on this very special occasion. As we celebrate its history it is easy to see what has made Gaylord such a success—the spirit of compassion and generosity which is at its core.

At the turn of the 20th century, Connecticut faced a tuberculosis epidemic and was lacking a facility which specialized in the care and treatment of this devastating disease. Recognizing this rapidly increasing problem, the New Haven County Anti-Tuberculosis Association, which later became the Gaylord Farm Association, negotiated the purchase of the Gaylord Farm. This association, one of the first organized in the United States, quickly began to fulfill their mission to ''establish a non-profit sanatorium and hospital for the care and treatment of cases of pulmonary tuberculosis.''

Under the leadership of the renowned Dr. David Russell Lyman, who was the first director of the hospital and served in that capacity for a full fifty years, Gaylord Hospital flourished, becoming internationally recognized for its work. Dr. Lyman, who himself has been stricken with tuberculosis in his first years as a practitioner, had developed his own personal crusade against the ''great white plague'' and used his determination and commitment to make Gaylord a success.

In its earliest days, Gaylord Farm Sanatorium, as it was first named, was run almost solely by Dr. Lyman and head nurse, Florence Rudolph Burgess. Though its full capacity was only twenty-two beds, this was quite an undertaking. Over the next fifty years the efforts of Dr. Lyman and Mrs. Burgess culminated in the expansion of the campus from two hundred thirty-nine acres to six hundred, from six buildings to fifty-five, from a staff of two to one hundred fifty, and an increased bed capacity from twenty-two to one hundred forty-four. Even more importantly, more than six thousand people, including American playwright Eugene O'Neill, sought and received the medical care they needed and were restored to health. In fact, my father, Ted DeLauro was a patient there from the summer of 1942 to the early spring of 1943. It is this legacy of care and dedication that continues to live within the walls of Gaylord Hospital today.

With the discovery of medications that stemmed the progress of tuberculosis, Gaylord turned its expertise to other forms of rehabilitation. Today, Gaylord is the premier rehabilitation center in Connecticut, well-known throughout the region. Continuing in its expanded mission, this private not-for-profit facility is making a difference in the lives of many—providing patients with the physical and emotional care they need to achieve their rehabilitation goals.

While we, as a nation, have been faced with numerous problems concerning our health care system, it is important to recognize that our medical facilities have not lost sight of their original mission. As they celebrate their centennial anniversary, I am proud to stand today to pay tribute to Gaylord Hospital for their invaluable contributions to our community and to the millions of people whose lives have been touched by their care, compassion and dedication.

IN HONOR OF JOHN ARCHIBALD WHEELER

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. HOLT. Mr. Speaker, I rise today on the occasion of the 91st birthday of John Archibald Wheeler, one of the preeminent figures in twentieth-century theoretical physics.

John Wheeler was born on July 9, 1911 in Jacksonville, Florida. The son of librarians, John was an inquisitive child who started experimenting at an early age. At the age of sixteen, Wheeler entered Johns Hopkins University to study engineering. While studying at Johns Hopkins, Wheeler discovered a passion for physics and by 1933 had graduated with a Ph.D. in theoretical physics.

In 1938, Wheeler joined the Physics Department at Princeton University, where he remained until 1976 when he moved to the University of Texas, Austin, to become the Director of the Center for Theoretical Physics. He now resides in New Jersey.

Dr. Wheeler's contributions to the scientific community are numerous, as a scientist, a scholar, a mentor, and a teacher.

He was the first American to learn of the discovery of nuclear fission and he later worked with his former mentor Niels Bohr to write an article on nuclear fission.

He mentored and worked with future Nobel laureate Richard Feynman on a novel approach to electrodynamics.

Dr. Wheeler led the theoretical development of the hydrogen bond in the United States and worked on the Manhattan Project.

He worked with Albert Einstein and formulated new solutions to Einstein's gravitational equations.

He pioneered studies on gravitational collapse and coined the term ''black hole''.

His many publications include the books ''Gravitation'' and ''Frontiers of Time'' as well as his autobiography ''Geons, Black Holes, and Quantum Foam: A Life in Physics''.

Dr. Wheeler's accomplishments have been recognized with many awards and honors. He served as president of the American Physical Society. He was elected to the National Academy of Sciences in 1952. Wheeler received the Albert Einstein Prize of the Strauss Foundation in 1965, the Enrico Fermi Award in 1968, the Franklin Medal of the Franklin Institute in 1969, and the National Medal of Science in 1971.

Today, he is Professor Emeritus of Physics at Princeton University and the University of Texas, Austin.

Mr. Speaker, I commend John Archibald Wheeler on the occasion of his 91st birthday and for the contribution he has made to physics and American science.

TRIBUTE TO CARROLLTON FIRST BAPTIST CHURCH ON ITS 175TH ANNIVERSARY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to the Carrollton First Baptist Church and the Anniversary of its 175 years of service to the community of Carrollton, Illinois.

The people of the Carrollton First Baptist Church are truly good Samaritans. They have spent 175 years preaching the word of Christ to Carrollton and surrounding areas and participating in other good works. Since 1827, the church has served as a cornerstone for religious growth throughout Southwestern Illinois.

To such people as Reverend Stan Nichol and his congregation, the good deeds themselves are their own best rewards. Yet, on this special day, I think it is appropriate that they are recognized for their efforts. They are good Christians and good Americans, and remind us all of the compassion and energy that makes this country great.

To the people of the Carrollton First Baptist Church, thank you for your enduring dedication over the last 175 years; and may God grant you the opportunity to continue doing His work for many years into the future.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. BECERRA. Mr. Speaker, on Monday, July 8, 2002, due to business in my District, I was unable to cast my floor vote on roll call numbers 283, and 284. The votes I missed include roll call vote 283 on the Motion to Suspend the Rules and Pass H.R. 4609, the Rathdrum Prairie Spokane Valley Aquifer Study Act; and roll call vote 284 on the Motion to Suspend the Rules and Pass, as amended H.R. 2643, the Fort Clatsop National Memorial Expansion Act.

Had I been present for the votes, I would have voted ''yea'' on roll call votes 283 and 284.

TRIBUTE TO THE DEPARTMENT OF ENERGY'S ROCKY FLATS MANAGER

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to express my appreciation for the good work of Barbara Mazurowski, the Department of Energy's manager of the Rocky Flats Field Office in Colorado. Barbara will soon be moving to DOE's national headquarters from her post overseeing the complex and monumental cleanup of the Rocky Flats Environmental Technology site after more than two years of hands-on management.

Barbara came on board during a critical time for Rocky Flats. The cleanup and closure were well underway, but concerns over worker safety, schedule and cost were ever present. She did not shy away from these challenges and met them head-on. As a result, she kept this project on track—within schedule and budget—so that we now have a good chance of seeing this site cleaned up and closed by 2006, our target date for closure.

But perhaps her most lasting legacy will be in the area of worker health and safety. When

concerns were raised about the commitment of the DOE to these critically important aspects of the cleanup work, Barbara elevated this as a high priority. A number of unfortunate safety mishaps had occurred, one of these involving serious exposures to a number of workers. Following these incidents, Barbara sent a lengthy and hard-hitting letter to Kaiser-Hill, the general contractor for the site, and insisted that the improvements be made in safety protocols. I understand such a letter was unprecedented at Rocky Flats. The end result of her intervention has been a measurable improvement in safety at the site.

These efforts and many others have earned her the respect and admiration of many, including the hard working employees at the site, both union and non-union—employees who put their health and safety on the line every day so that we can see the site closed in a timely manner. Her contribution to keeping work on schedule and her insistence on maintaining open channels of communication also have been appreciated by the local communities surrounding Rocky Flats.

Barbara also managed the site through two high profile milestones—designating the site as a national wildlife refuge upon cleanup and closure, and complications with the plans for shipment of surplus plutonium to DOE's Savannah River site in South Carolina. Both required long hours, extensive coordination and serious attention, and throughout both she demonstrated calm, dedicated leadership.

Her work on these issues and many others will be a standard by which to judge her successor managers. We have much more work ahead at this site, much of that involving the demolition of buildings and the extensive cleanup work that still needs to be done. I hope that we can continue the progress that has been accomplished during her tenure. I wish her well and continued success in her future endeavors and ask my colleagues to join me in thanking her for her dedicated public service to Colorado and the nation.

TRUDY AND PAUL PEUKERT CELEBRATE 80 YEARS OF MARRIAGE

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. KLECZKA. Mr. Speaker, on Monday, July 22, 2002, Mr. and Mrs. Trudy and Paul Peukert will celebrate 80 years together as man and wife.

Trudy was born July 7, 1904 and this year will celebrate her 98th birthday. Paul was born February 26, 1901 and is 101 years old. He was one of 12 children, 6 boys and 6 girls, and is the only surviving member of his family. Both were born in Germany, and were married in Sandorf, Germany on July 22, 1922. Ironically, before they were married, Trudy's mother pulled her aside after assessing Paul's small stature—he had to compete with 11 other children for food and was quite skinny—and advised her not to marry him because he looked sickly and surely would leave her a young widow.

In 1923, at the relatively young age of 22, Paul left his new bride and infant daughter and immigrated to America. In 1925 he had worked and saved enough to bring Trudy and their daughter Johanna to the U.S., and the family moved to Detroit, Michigan, where Paul worked for Chevrolet Motors for 30 years. They have been American citizens for over 65 years.

Paul and Trudy have been blessed with two daughters, four grandsons, eight great grandchildren and one great-great grandchild. For the last 17 years, the Peukert's have called Greenfield, Wisconsin home. They own and live in their own home, still enjoy tending their flower gardens and attribute their longevity to good, clean living. They are also active voters.

So it is with great pride that I congratulate Mr. & Mrs. Peukert on their longevity and unending commitment to each other. Their relationship is inspiring and stands as a testament to life-long love and enduring friendship.

COMMENDING 2002 GOLDEN APPLE SCHOLAR AWARD WINNERS AND MS. AMANDA WATSON

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. SHIMKUS. Mr. Speaker, I rise before you today to commend the 2002 Golden Apple Scholar award winners from my district. The Golden Apple Scholars program is to recruit talented high school juniors who want to become teachers.

I would like to take the opportunity to recognize Ms. Amanda Watson from Alton High School in Alton, Illinois. Teachers, like parents, have a unique opportunity—to touch the life of a child. I can't think of a more rewarding experience.

As you know, Mr. Speaker, I was a former high school teacher. I want to wish Amanda all the same joy and success that I shared in my teaching career.

TRIBUTE TO RABBI HERBERT JAY MANDL

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. MOORE. Mr. Speaker, I rise today to congratulate Rabbi Herbert Jay Mandl, who will be honored by Kehilath Israel Synagogue of Overland Park, Kansas, at a dinner on Sunday, August 25, 2002.

Rabbi Mandl, who has been Senior Rabbi at the synagogue for 25 years, is a graduate of Baltimore City College and Johns Hopkins University. He was ordained and graduated from the Jewish Theological Seminary of America in June 1969, and later received his orthodox ''Smicha'' ordination. He earned his Ph.D. from the University of Montreal, and his Doctor of Divinity degree from the Jewish Theological Seminary of America.

Rabbi Mandl serves on the Kansas City, Missouri, Board of Police Commissioners as Jewish Chaplain for the city police force. He was recently appointed the first Jewish Chaplain for the Overland Park Police Department. He has served as a commissioner of the Kansas Commission on Governmental Standards and Conduct. Since the autumn of 1989, he has been an adjunct lecturer in Judaica at Rockhurst University. Rabbi Mandl was the first chairman of the Missouri Health Facilities Review Commission from 1990–1996.

Of his innumerable accomplishments in the Kansas City Jewish community, Rabbi Mandl is particularly proud of his efforts which brought new Kosher facilities and wider availability of Kosher foods to the Kansas City area. Rabbi Mandl brought many innovations with him to the Kehilath Israel Synagogue, especially the all-night Shavuot study program, which continues to draw adults and youth from all over the community.

He and his wife, Barbara, a teacher at Hyman Brand Hebrew Academy and the Kehilath Israel Religious School, are the parents of Aron [who is married to Chaia], an attorney in Florida; Seth, a market researcher in New York; Debbie, who has just started working on her Master's of Public Administration degree at the Columbia University Biosphere in Arizona; and Miriam, who will be a senior at the Hyman Brand Hebrew Academy in the fall. They are the proud parents of Samuel and Benjamin.

Mr. Speaker, it is with great pride that I honor such an exceptional individual. I ask all my colleagues in the House of Representatives to join me now in commending Rabbi Herbert Jay Mandl.

PERSONAL EXPLANATION

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. HOEFFEL. Mr. Speaker, I was unable to vote on two suspension bills on July 8, 2002, as I was returning from Berlin, Germany where I participated in the annual assembly of the Commission on Security and Cooperation in Europe as a member of the official United States delegation.

If present, I would have voted ''aye'' on H.R. 4609, the Rathdrum Prairie Spokane Valley Aquifer Study Act, and ''aye'' on H.R. 2643, the Fort Clatsop National Memorial Expansion Act.

EQUAL RIGHTS FOR ALL AMERICANS, HERE AND ABROAD

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. CAPUANO. Mr. Speaker, I rise to inform the House of indignities inflicted last month on several of my constituents. One young woman, Mengyang Jian, was detained, with twenty other United States citizens, at Reykjavik Airport. Other Asian-Americans, traveling with American passports, about twenty-five in all, were prevented from boarding IcelandAir flights at Logan Airport in Boston on the nights of June 11, 12, and 13. Dr. Tianlun Jian gave me a copy of a document from the Ministry of Justice of the Republic of Iceland instructing the airline to refuse him passage ''for security reasons.'' All believe that travelers with Asian surnames or Asian appearance were treated differently from other passengers.

The Republic of Iceland took these extraordinary measures in anticipation of Falun Gong protests during the state visit of President Jiang Zemin. The Icelandic government, as I understand its position, consistently maintained that, despite its commitment to free speech and peaceful protest, its security forces could not cope with ''thousands'' of demonstrators. And, indeed, the airport detainees were eventually released and allowed to proceed to the capital and to demonstrate at designated sites. I do not wish to portray these events as brutal violations of human rights, such as those that Falun Gong practitioners do, in fact, suffer in China.

Nonetheless it is wrong and unacceptable for Asian Americans to be treated differently from other Americans. It is wrong and unacceptable for foreign governments to discriminate among American citizens on the basis of religion or ethnicity. Such discrimination is wrong and unacceptable when it happens abroad. It is wrong and unacceptable, and most certainly illegal, when it takes place in the Commonwealth of Massachusetts or anywhere in the United States of America. The Congress must defend the rights of all Americans to equal treatment, and, occasionally, we must remind even friendly democratic countries that we are one people, indivisible, with liberty and justice for all.

The great strength of any democracy rests in its citizens, and my constituents report that the people of Iceland themselves demonstrated in solidarity with them. Hundreds signed a full-page ad that appeared in the June 13 issue of the Morgunbladid, Iceland's major daily paper, apologizing in Chinese, English, and Icelandic for their government's actions. One of my constituents, So Dai Yee of Cambridge, told me that she drew comfort from these ''people with righteous hearts.''

In closing, Mr. Speaker, I want to pay tribute to the people of Iceland who rose to defend human rights.

RECOGNIZING ACHIEVEMENTS OF HILLSBORO JOURNAL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the achievements of, Hillsboro Journal, in Hillsboro, Illinois.

Every so often, a corner stone is set in place to build upon a future full of hope. With countless hours of hard work by individuals who deeply care about the product they are producing, a dream of fulfilling their potential can be achieved. I would like to take this opportunity to thank the people of the Hillsboro Journal for their hard work that has resulted in quality news delivered to the people for 150 years now.

Many people have contributed to the success of the Journal, including founders Frank and Cyrus Gilmore, and the first editor Rev. Thomas Springer. Mr. James Slack bought the paper in 1875 and named it the Hillsboro Journal, which had been called The Montgomery County Herald, The Democrat, and The Anti-Monopolist in the past. The present owners, the Galer Family, began with the paper in 1945, and Mr. Little who joined the paper in 1900 and was with the paper until his death in 1970 have also made significant contributions to the Journal.

So often in our world today, family owned businesses cannot sustain the place that they once held because of massive corporate takeovers. It is a pleasure to see the Journal maintain their place in the Hillsboro area. After many years of reporting the important news of the day, the Hillsboro Journal is celebrating its 150th Publication Year. For serving the Hillsboro area for so many years, it is my pleasure to congratulate them on a job well done, but not completed. I look forward to the future of the Hillsboro Journal and the superior writing it gives us all.

HONORING THE 90TH BIRTHDAY OF PAUL HETH, JR.

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to Mr. Paul Heth, Jr. of Jesup, Iowa, who will celebrate his 90th birthday on Monday, July 15.

Paul, the son of German immigrants, was born on his family's farm southeast of Fairbank, Iowa on July 15, 1912. When Paul started school, he first went to the local country school on County Line Road, which was a mile west of the Heth Farm, and then onto the parochial school in Fairbank situated behind St. John's Lutheran Church. Upon the family's move to a farm just north of Jesup, Paul began attending the Jesup School.

Like many young men his age, Paul's labors were needed on the family farm during his eighth grade year. Possessing a traditional Midwestern work-ethic, at age twelve, Paul began working for neighboring farmers as well. In fact, one time a local fanner, who was driving by a field in which Paul was working, stopped to compliment the young man on the straight rows of corn he was planting.

Life wasn't all work for Paul in those days. In 1937, Paul and a young lady named Ruby Rachuy headed for the Illinois state line, where in Galena they exchanged marriage vows. On May 13 of this year, Paul and Ruby celebrated 65 years of marriage. With a new wife and a growing family came new responsibilities. This led to a change of career for Paul as he headed to the John Deere Company, where he worked in the farm equipment manufacturer's ''Heat Treat'' facility for over 33 years, retiring in 1974.

As a member of the ''Greatest Generation,'' Paul is devoted to his church, his community and his country. In addition to being a longtime member of Grace Lutheran Church in Jesup, Paul served three terms on the Jesup City Council, which culminated in one term as Mayor. The Jesup newspaper announced his victory, proclaiming: ''Paul Heth Elected Mayor of Jesup by a Landslide.'' And although a family deferral prevented his own uniformed service to America, three of Paul's sons proudly represent over 50 years of service to their nation in the United States Navy.

On behalf of his wife Ruby, and children Carolyn, Verla, Bob, Ron, Patricia, Rick, Pam and Randy, I call on my colleagues in the House of Representatives to join me in expressing appreciation to Mr. Paul Heth, Jr. on his 90th birthday.

PERSONAL EXPLANATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. CLEMENT. Mr. Speaker, on rollcall No. 284, and 283, had I been present, I would have voted ''yea''.

RECOGNITION OF THE MADISON CIVICS CLUB

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Ms. BALDWIN. Mr. Speaker, I rise to today to recognize the Madison Civics Club. For 90 years, the Madison Civics Club has brought world leaders, illuminating thinkers and local innovators to the citizens of Madison. The club began in 1912 through the tireless efforts of five charter members.

These five had just spent several grueling, and unsuccessful, months trying to convince members of the Wisconsin Legislature to adopt women's suffrage. The founding members—Georgia Lloyd Jones, Alice Bleyer, Edna Chynoweth, Lucille McCarthy and Mary B. Orvis—decided to gather for lunch, review their mistakes, seek strength and ''lick their wounds generally.'' From that effort, the club was born. Its goal was, and remains to this day, developing a civic conscience through being informed on local and foreign affairs.

The Madison Civics Club has flourished. Its members number more than 800. It has hosted such world leaders as Winston Churchill, Nelson Rockefeller and Eleanor Roosevelt. The Madison Civics Club brought those who have mastered the arts to Madison, including Carl Sandburg, Arthur C. Clarke and Peter Bogdanovich. Amelia Earhart, Bella Abzug and Alex Haley are just some of the inspirational individuals who have illuminated Madison's citizens. Those that shape the message of our mass media, including David Broder, Ray Suarez and Hedrick Smith, have been a part of Madison Civics Club history.

Prominent citizens, including those on the faculty of the world-class institution, the University of Wisconsin-Madison, also have addressed Madison's local concerns.

The 2002–03 season shares the hallmark of again promising an engaging and thoughtful series of speakers. The theme, as determined by the 2002–03 chair Lynn Stathas, is ''The American Dream.'' Speakers include: Harry Wu, Chinese dissident and human rights activist; Judith Miller, an author and Pulitzer-Prize winning correspondent at the New York Times who is considered an expert on terrorism and was in fact the target of one of the heinous and infamous anthrax letters that were mailed in 2001; Wisconsin Supreme Court Chief Justice Shirley S. Abrahamson, the first female chief justice on the Wisconsin high court and an important figure, the 150th anniversary of the Wisconsin Supreme Court; Diana L. Eck, a professor of Comparative Religion and Indian Studies at Harvard University; and Dr.

David Satcher, the 16th Surgeon General of the United States.

Through these speakers, as in past years, the Madison Civics Club celebrates the enduring freedoms our nation has sustained and nurtured, building a civil society for more than 200 years. America has built a legacy of justice, freedom and hope that will be heralded through the Madison Civics Club in its 90th year.

As the representative for the 2nd Congressional District of Wisconsin, I wish the Madison Civics Club officers and members, and its past and upcoming speakers, all the best as they continue their exemplary tradition of molding a civic conscience that builds communities and benefits all.

RECOGNIZING ACHIEVEMENTS OF CHARLES L. BRIMM

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the achievements of Charles L. Brimm, from Dupo, Illinois.

Charlie Brimm has been an influential leader in the Dupo, Illinois V.F.W., Post 6368, for years now. His past positions include 14th District Commander from 1992 to 1993, Jr. Vice Commander, and Sr. Vice Commander of the Department of Illinois. I would like to take this opportunity to congratulate Mr. Brimm on his recently named position as Department Commander of the State of Illinois.

Service in the military, the police force, county deputies office, and organizations like the Shiners have made Charles Brimm a fixture of law enforcement and an upholder of the law, as well as a caring individual. Through his leadership and efforts to improve the community, Charlie has had a positive impact on the town and people of Dupo.

I would like to thank Mr. Brimm for his service to this great country and to the people of the Dupo community throughout the years, and wish him well in his continued service with the V.F.W.

BEN-GURION UNIVERSITY OF THE NEGEV

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. ROTHMAN. Mr. Speaker, on May 9, Bert Foer of the American Associates, Ben-Gurion University of the Negev, was scheduled to testify before the House Appropriations Committee's Subcommittee on Foreign Operations, Export Financing and Related Programs, of which I am a member, on the university's important work in the critical field of desertification and water resources.

Unfortunately, because of the committee's deliberations on the supplemental appropriations bill for Fiscal Year 2002, that hearing was canceled. Thus, members were unable to hear Mr. Foer's testimony about these efforts, which have received the support of Congress because of the essential role they play in the effort to achieve peace in the region.

As Mr. Foer stated in his prepared statement, even in the turmoil that is now occurring in the Middle East, water remains a central element of hope for the future. Ben-Gurion University and its Jacob Blaustein Institute for Desert Research have played an important role in improving relations among the nations of the Middle East. The work of Dr. Eilon Adar, the director of the university's new Institute for Water Sciences and Technology, figured prominently in the critical water allocation process set forth in the Israeli-Jordanian peace agreement of 1994. His efforts are perhaps even more important today.

Congress last year recommended that the Department of State and the Agency for International Development should consider up to $1 million for the Institute to address the flow and transport of pollutants in groundwater in the region. This served to highlight the Institute's unique regional partnerships in applied water research.

Ben-Gurion University is situated on the edge of three of the world's four major dryland regions. This gives the university and its world-renowned research scientists a unique perspective on the challenges and solutions to regional water quality, supply and allocations issues—issues that surely will be key components of future peace negotiations. As Mr. Foer stated, even in the turmoil that is now occurring in the Middle East, water remains a central element of hope for the future.

Most of the ground water aquifers in the region are shared by at least two countries. In spite of the current conflict, water management agreements have remained in effect. Once all parties return to negotiations, the success of a lasting peace and security agreement will depend on the ability of all parties to agree on an equitable allocation of the region's scarce water resources. Thus, we should continue to support these essential initiatives.

Mr. Foer noted in his statement that we know the strains in the Middle East will not easily go away. But it is important that we seek out and support initiatives that address areas of tension and that provide opportunities for the nations of the region to work together on matters of mutual interest and interest.

The efforts of Ben-Gurion University and its Blaustein Institute are, as Mr. Foer so eloquently said in his statement, an investment in more than simply cleaner water. They are an investment in the peace process and in the cause of improved cooperation between Israel and its neighbors.

H. RES. 459

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2002

Mr. ETHERIDGE. Mr. Speaker, I rise today in strong support of H. Res. 459, a bill expressing the sense of the House that Newdow v. U.S. Congress was erroneously decided.

Like many of my colleagues, I was disappointed and shocked that the Ninth Circuit Court of Appeals ruled the Pledge of Allegiance unconstitutional. The Ninth Circuit ruling defies common sense and the timing of the decision couldn't be worse. Now more than ever we as Americans remember the important purpose of our Pledge of Allegiance, stand in awe of the magnificent symbolism of our flag, and take pride in the triumphant chords of our national anthem, the Star Spangled Banner.

Every day in this Chamber, we honor our nation by reciting the Pledge. Schoolchildren across our nation should be allowed to make that same statement, thus building a foundation of patriotism and citizenship. Generations of Americans regard the Pledge of Allegiance as a solemn statement of our nation's values. We must not allow this misguided decision to change that fact.

As a cosponsor of this important resolution, I urge all of my colleagues to support H. Res. 459.

GOD AND COUNTRY

SPEECH OF

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2002

Mr. KINGSTON. Mr. Speaker, I find the ruling by the 9th Circuit Court of Appeals regarding the Pledge of Allegiance an outrage. Labeling the Pledge unconstitutional and banning it from Public Schools is an uninformed and narrow-minded decision by a notoriously irresponsible and radical court.

Mr. Speaker, I denounce this decision, and for the record, I want to include the following remarks, which include quotations from some of our founding fathers as respects their view on religion and the law:

Any high school student with a basic knowledge of history and with a minimal interest in politics understands that there exists a strong separation of church and state in the United States today. This idea of separation is bitterly enforced by some politicians and always emerges as a hot topic in political debate.

But ask these same high school students about the religious beliefs of our founding fathers and the place of religion in the early history of our government, and you will probably find that their knowledge of these subjects is vague and incomplete.

In fact, many Americans today would be surprised to find out that the creators of our nation were profoundly religious, that many of them had no reservations about the role of God in our Government.

Yet, it is amazing to me that our understanding of the founding fathers and the creation of our country has been forgotten or ignored. For in one of our most cherished documents, The Declaration of Independence, which holds our most basic statement of our rights as Americans, we are told that it is ''self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of happiness.''

It goes on, ''That to secure these rights, Governments are instituted among men . . .'' It is as simple as that—our morality, the basis for our laws, comes from our Creator. Our government, or any democratic government for that matter, is based on our divinely inspired sense of night and wrong. This was an undisputed understanding amongst our founding fathers, which, somehow, escapes the modem imagination.

The Declaration of Independence presents the idea of Divine authority in vague terms, a wise and conscious choice by the authors who understood the importance of religious freedom. But the use of that language should not forsake our founding fathers as believers in a vague and indeterminable God.

On the contrary, most of these men believed in a personable and loving God. They followed the teachings of Christianity; they were public in their faith and unreserved about their convictions. Yet, on the whole the lives of these men—signers of the Declaration of Independence, the Articles of Confederation, the Constitution—on the whole their lives and contributions to the founding of the United States are unknown to us. The details of their lives are surprising to many and certainly are relevant to today's debate and are instructive on the topic in general:

Reverend John Peter Gabriel Muhlenberg—A pastor of two churches in Woodstock, Virginia and a member of the Virginia legislature. On January 21, 1776, Reverend Muhlenberg preached his Sunday sermon on Ecclesiastes 3, ''to everything there is time and a season.'' At verse 8—A time for war; A time for peace—he declared to his congregation that for Virginia and the other colonies, it was a time of war. He then removed his clerical robes, revealing to the congregation the full military uniform he was wearing underneath.

After the service, Muhlenberg recruited 300 men for the war; they eventually were known as the Eighth Virginia Regiment. He served throughout the Revolutionary War, achieving the rank of Major General. There is a statue of him in the Capitol depicting the moment when he disrobed in front of the congregation.

John Witherspoon—signed the Declaration. He was an ordained minister and wrote the introduction to one of the first American editions of the Bible in 1791.

Dr. Ben Rush—signed the Declaration. A leading educator, has been called the ''Father of American Medicine,'' personally trained 3,000 students for medical degrees, founder of America's first abolition society as well as America's first Bible society: The Bible Society of Philadelphia. One of the objectives of Dr. Rush's society was to mass-produce and distribute Bibles to American citizens. In order to do so, the society had to purchase and import special stereo printing plates. Under president James Madison, congress passed an act that cancelled all importation duties for the society; it was entitled the ''Act for the Relief of the Bible Society of Philadelphia,'' passed February 2, 1813.

John Hancock—signed the Declaration. After the revolution became Governor of Massachusetts; during his tenure he issued several proclamations for days of prayer and thanksgiving. Typical of his proclamations was the one issued October 15, 1791, which ended with a call for the citizens of Massachusetts to pray ''that universal happiness may be established in the world; [and] that all may bow to the scepter of our Lord Jesus Christ, and the whole earth filled with His Glory.''

Sam Adams—signed the Declaration. He served as Governor of Massachusetts after John Hancock. Like his predecesor, he issued a number of proclamations for State wide days of prayer and thanksgiving. In an example from 1795, he asked that citizens pray ''that the peaceful and glorious reign of our Divine Redeemer may be know and enjoyed throughout the family of mankind.''

John Quincy Adams—sixth president of the U.S. elected to the House after his presidency. Read the Bible in its entirety once a year. On February 21st, 1848, Adams collapsed from his chair on the House floor; he was placed on a sofa and carried to the nearby Speaker's Apartment (just off of the House Chamber). It was there that Adams uttered his last words before dying, ''This is the end of earth. . . . I am composed.'' His words are an indication of his faith; he went out of life with the expectation of eternal reward.

George Washington—After the Revolution, Washington sent a circular letter to the 13 Governors and State legislatures declaring his resignation as Commander of the Continental army. The letter closed with a prayer:

I now make it my earnest prayer that God would have you and the State over which you preside in His holy protection,—that He would incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government,—to entertain a brotherly affection and a love for one another, for their fellow citizens of the United States at large, and particularly for their brethren who have served in the field—and finally, that He would most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and temper of the mind which were the characteristics of the Divine Author of our blessed religion, without an humble imitation of whose example in these things, we can never hope to be a happy nation.

Alexander Hamilton—signed the Constitution and was one of the authors of the Federalist papers, a document that heavily influenced the creation of the Constitution. Hamilton was a devout Christian whose faith remained strong even on his deathbed. He reluctantly entered into a duel with Aaron Burr, recording in his Journal:

I have resolved, if . . . it pleases God to give me the opportunity, to reserve and throw away my firs [shot]; and I have thoughts even of reserving my second [shot]—and thus giving a double opportunity to Col. Burr.

Hamilton's decision cost him his life. On July 11th, 1804, Hamilton was mortally wounded by Burr and died 24 hours later. On his deathbed, the Rev. Benjamin Moore asked of him, ''Do you sincerely repent of your sins past? Have you a lively faith in God's mercy through Christ, with a thankful remembrance of the death of Christ? And are you disposed to live in love and charity with all men?'' Hamilton replied, ''With the utmost sincerity of heart I can answer those questions in the affirmative—I have no ill will against Col. Burr. I met him with a fixed resolution to do him no harm—I forgive all that happened.'' The Reverend went on to report that Hamilton, ''Expired without a struggle, and almost without a groan.'' Hamilton's death inspired the Reverend to write:

By reflecting on this melancholy event. . . . let the infidel be persuaded to abandon his opposition to that Gospel which the strong, inquisitive, and comprehensive mind of Hamilton embraced.

At the time of his death, Hamilton was in the process of creating a religious society with the suggested name of the ''Christian Constitutional Society.''

Its goals were to support the Christian Religion and to support the Constitution of the United States. This organization was to have numerous clubs throughout each state, which could meet regularly and work to elect to office those who reflected the Christian Constitutional Society.

James McHenry—signed the Constitution; officer in the American Revolution and Secretary of War under George Washington and John Adams. Founded the Baltimore Bible society and explained the importance of the Bible in American society:

Public utility pleads most forcibly for the general distribution of the Holy Scriptures. The doctrine they preach—the obligation they impose—the punishment they threaten—the rewards they promise—the stamp and image of divinity they bear which produces a conviction of their truths—[these] can alone secure to society, order and peace, and to our courts of justice and constitutions of government, purity, stability, and usefulness. In vain, without the Bible, we increase penal laws and draw entrenchments around our institutions. Bibles are strong entrenchments. Where they abound, men cannot pursue wicked courses.

The Baltimore Bible Society still exists today (now known as the Maryland Bible Society) and functions much as it did when it was first founded. Its mission is ''to encourage the circulation, distribution and printing of the Bible in all languages without note or comment.'' In 1999, the society distributed over 4 million copies.

THE EARLY SUPREME COURT: ITS JUSTICES AND OPINIONS.

Justice James Wilson—one of the original justices, signed the Constitution and the Declaration, also credited with starting the first organized legal training in America for law students. Here is an example of what he taught his students about the relationship between law and religion:

It should always be remembered that this law, . . . made for men or for nations, flows from the same Divine source: it is the law of God. . . . What we do, indeed, must be founded on what He has done; and the deficiencies of our laws must be supplied by the perfections of His. Human law must rest its authority, ultimately, upon the authority of that law which is Divine. . . . We now see the deep and the solid foundations of human law. . . . Far from being rivals or enemies, religion and law are twin sisters, friends, and mutual assistants. Indeed, these two sciences run into each other.

Chief Justice Oliver Ellsworth—third Chief Justice of the supreme court, member of the Continental Congress during the Revolution and Constitutional Convention; believed religion was necessary in public life and declared in the Connecticut Courant of June 7, 1802:

The primary objects of government, are the peace, order and prosperity of society. . . . To the promotion of these objects, particularly in a republican government, good morals are essential. Institutions for the promotion of good morals are, therefore, objects of legislative provision and support: and among these . . . religious institutions are eminently useful and important. . . . The legislature, charged with the great interests of the community, may, and ought to countenance, aid and protect religious institutions—institutions wisely calculated to direct men to the performance of all the duties arising from their connection with each other, and to prevent or repress those evils which flow from unrestrained passion.

Justice Joseph Story—U.S. Congressman during the presidency of Thomas Jefferson

and appointed to the Supreme Court by James Madison. He founded Harvard Law School; he wrote 286 opinions while serving as a justice as well as several legal essays published under the title, ''Commentaries on the Constitution of the United States.'' In this work, Story argues that the first amendment was not intended to separate religion from civil government:

The First Amendment is ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . .'' . . . We are not to attribute this prohibition of a national religious establishment to an indifference to religion in general, and especially to Christianity, which none could hold in more reverence than the framers of the Constitution. . . . Indeed, the right of a society or government to [participate] in matters of religion will hardly be contested by any persons are intimately connected with the well being of the state and indispensable to the administration of civil justice. . . . At the adoption of the Constitution and the [first] amendment to it . . . the general, the general, if not the universal, sentiment in America was, that Christianity ought to receive encouragement from the State. . . . An attempt to level all religions, and to make it a matter of state policy to hold all in utter indifference, would have created universal disapprobation, if not universal indignation.

Vidal v. Girard's Executors—This was a case that came before the Supreme Court in 1844. Stephen Girard in his will left $7 million dollars to the city of Philadelphia and asked that a school be started for the benefit of orphans and needy children but stipulated that ministers be prohibited from serving on the faculty. The court ruled that ministers could be excluded but that did not necessarily exclude the teaching of religion from public schools. In the opinion, written by Justice Story, the court asked:

Why not the Bible, and especially the New Testament . . . be read and taught as a divine revelation in the [school]—its general precepts expounded, its evidence explained, and its glorious principles of morality inculcated? . . . Where can the purest principles of morality be teamed so clearly or so perfectly as from the New Testament? Where are benevolence, the love of truth, sobriety and industry, so powerfully and irresistibly inculcated as in the Sacred Volume?

In our Nation today, at the first hint of a mixing of church and state, at the mere suggestion of a correlation between religion and civil law, there erupts from certain factions outrage and indignation, followed by claims of an impending right-wing conspiracy.

These people have made sacred the quest to keep religion out of public schools and out of our Government. They believe any attempt to do otherwise is in direct conflict with the intentions of our founding fathers.

But as I have shown you, these founding fathers were absorbed with religion, namely Christianity, and understood its fundamental role in government and society.

Even Thomas Jefferson, who intentionally kept his religious beliefs obscure to the public, never once admitting to an acceptance of Christianity, nor altogether denying its truth, even Jefferson wrote that in the pure and untainted teachings of Christ can be found the ''most sublime and benevolent code of morals which has ever been offered to man.''

Why have we conceded to the ridiculous idea that religion has no place in government, that the creators wanted strict separation of church and state? These are not ideas founded upon reason but on the ignorance of atheism, ideas promoted by those who would like to see an end to religion.

As our government is founded on self-evident and unalienable rights, so to is it founded upon divine Law—these are one in the same. For a discussion of morality without God ultimately becomes absurd. Indeed, there is no government without religion.

PAYING TRIBUTE TO FRANK KOGOVSEK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I take this opportunity to pay tribute to the life of Frank Kogovsek, who sadly passed away recently at the age of 91. Frank was a pillar of the Pueblo community and, as his family mourns his loss, I think it is appropriate that we remember his life and celebrate the work he did on behalf of others.

Frank was born to Frank and Mary Kogovsek in April of 1911. Coming of age in the middle of the Great Depression, Frank's childhood tested his resolve and forged his character. The death of Frank's father from Black Lung disease in the late 1920s was a particularly hard blow to the family. And it was these defining trials that made Frank Kogovsek into the generous and wise man whose ability to reach out and minister to his family and community has touched the lives of so many.

From a young age, Frank was adept at woodworking, while also showing a particular skill at the art of dancing. It was this second talent that lead Frank to meet his future wife, Mary Blatnick, at a dance in the Arcadia Ballroom. They fell in love and were married in St. Mary's Church on June 24, 1938. Frank and Mary reared an active and large family, with seven sons and a daughter, Mary Joy. As an employee of the Colorado Fuel and Iron Corporation since the age of 16, the post-war years were a boom time for Frank and his young family. Between overtime at work and his service at the Church of St. Francis Xavier, Frank's many commitments to others never came before his love for his family; by their own admission, Frank was a generous man to his children.

Mr. Speaker, it is my honor to pay tribute to the life of Frank Kogovsek, a man whose character and impact on others is evident in the lives of all who have crossed his path. It is with admiration, respect and a sense of sadness that I recount Frank's 91 years of life before this body of Congress. Although Frank has left us, his good-natured spirit lives on through the lives of those he has touched. In particular, the character of Frank's son Ray, who so ably represented the 3rd District of Colorado in this House from 1979 to 1985, is a testament to the inspirational life lead by Frank Kogovsek. I would like to extend my thoughts and deepest sympathies to Frank's family and friends during this difficult time.

UKRAINIAN ELECTIONS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. LANTOS. Mr. Speaker, I rise today to call the attention of my colleagues to bi-elections in three parliamentary districts of Ukraine that will take place on July 14.

Ukraine's parliamentary elections were held on March 31 of this year. The House of Representatives closely observed developments related to those elections; on March 20 we passed a resolution urging the government of Ukraine to meet its commitments on democratic elections as delineated in the 1990 Copenhagen Document of the Organization for Security and Cooperation in Europe (OSCE).

Conditions surrounding the March 31 elections were far from free and fair. There were hundreds of documented instances of fraud, intimidation of voters, and blocked access to the media. A few races were declared invalid, which is why bi-elections will be held on July 14.

Mr. Speaker, unfortunately it appears that these bi-elections are being run no better than the parliamentary elections; in fact they may be worse. There are reports that local officials are under pressure of losing their jobs to guarantee that candidates loyal to the President win. This seems to be the case particularly for incumbent Alexander Zhyr. As the former head of the parliamentary committee that investigated the murders of Ukrainian journalists, including Georgiy Gongadze, Zhyr is not favorable to the party of power.

Mr. Speaker, Ukraine has expressed its desire to become a full partner in Western institutions. To do so, it must uphold its commitment, as a member of the OSCE, to democratic values and human rights, including free and fair elections. I urge the Government of Ukraine to conduct these bi-elections in accordance with international standards, and to grant unfettered access to all election observers, foreign and domestic.

HAITI

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. TOWNS. Mr. Speaker, as our Nation turns its focus toward a full-scale battle against worldwide terrorism, there are some international human rights issues that are evading the scope of U.S. policymakers. This should be of great concern to those in this country who have long been concerned with the welfare of all humanity, be it in Asia, Africa, or in the Caribbean. Unbeknownst to many in this country, one of the hungriest and most neglected nations in the world lies not only in this hemisphere, but also in our own Caribbean backyard. The situation in Haiti is worsening by the day while international financial institutions refuse to provide development assistance, and the role of the U.S. is still unclear. What is certain is that a double standard has been created regarding Haiti, and that rather than being helped, the population is being further driven into the ground.

Andrew Blandford, Research Associate at the Washington-based Council on Hemispheric Affairs (COHA), has recently authored a press memorandum entitled ''As Catastrophe Approaches in Haiti, the U.S. Continues to Block International Loans.'' This important analysis, which was released on June 13, will shortly appear in a revised form in the upcoming issue of that organization's estimable biweekly publication, The Washington Report on the Hemisphere. Blandford's research findings spotlight the developing Haitian tragedy and examine the role played by units of our own government in orchestrating the withholding of over $500 millon in loans and grants to our poverty-stricken neighbors.

Following weeks of floods and increased potable water shortages in Haiti, residents are forced to spend, on average, nearly a tenth of their meager U.S. $1 a day income on such a fundamental staple as water. As a result of its scarcity and inflated price, less than half of Haiti's population consumes potable water, compounding the nation's abysmal health standards. Over 4% of Haiti's populace is infected with HIV/AIDS while only 1 in 10,000 has access to a physician.

The sanctions against Haiti include the withholding of a $146 million loan from the Inter-American Development Bank that was intended to fund education, healthcare and infrastructure projects. Because the IDB loans have already been approved, we have the ironic situation where Haiti must continue to pay interest on money it does not receive. While U.S. dollars flow in record amounts to such undemocratic nations as Saudi Arabia and Pakistan, our Caribbean neighbors live in abject poverty. We must recognize the injustice of withholding, international development assistance to a country previously ruled by the U.S.-supported Duvalier family dictatorship which distorted the country's institutions while running up record debts.

COHA researcher Blandford calls for action through the passage of H.C.R. 382, sponsored by our colleague Representative BARBARA LEE and the Congressional Black Caucus. This resolution would urge the President to end the virtual embargo on development assistance to Haiti. Consequently, the article is of great relevance since the need to constructively engage Haiti is likely to grow in importance in the coming months, given the precedent for Haitian refugees to attempt to escape to Florida by means of a perilous sea passage when famine and destitution become unbearable at home, even though they face automatic interdiction and are forced to return to the island.

AS CATASTROPHE APPROACHES IN HAITI, THE U.S. CONTINUES TO BLOCK INTERNATIONAL LOANS

Less than a decade after the United States triumphantly pronounced the restoration of democracy in Haiti with the return of President Jean-Bertrand Aristide, the international community has financially repudiated the island nation. Only two years before its bicentennial, the unrest which has characterized much of Haiti's two centuries of independence has returned to the poverty-stricken nation. A loose and disparate opposition coalition of mainly tiny rightist factions, the Democratic Convergence, due to its tight links to conservative Washington powerbrokers, has been able to undermine the Aristide administration both abroad and at home.

THE DEVELOPING HAITIAN TRAGEDY

In recent weeks, in addition to Haiti's routine political and economic woes, its populace has been forced to spend, on average, nearly a tenth of their meager U.S. $1 a day income on water alone due to a lethal shortage of supplies. Because of its scarcity and price inflation, less than half of Haiti's population consumes potable water.

Dr. Paul Farmer, a Harvard medical professor and director of Haiti's celebrated Zanmi Lasante clinic, notes the close connection between contaminated water and the cataclysmic HIV epidemic that affects 4% of the island's population. Dr. Farmer has of late witnessed the number of untreated patients in Haiti multiply at an unprecedented pace: ''I had worried about 60–70,000 patients for the year. Now it'll likely be well over 120,000. The blocked $146 million in IDB [Inter-American Development Bank] loans are for health, water, and education. It's insane for the richest country in the world to hold up financing of these projects in one of the poorest.'' Dr. Farmer's invaluable role in spearheading the battle against AIDS, nevertheless, is thus far a losing effort. Currently there is only one physician for every 10,000 Haitians. The Pan-American Heath Organization's director, George Alleyne, laments that 74 Haitian babies die per every 1,000 live births and that life expectancy on the island is among the lowest in the Americas. To him the cause is clear: ''It is poverty.''

THE U.S. ROLE IN HAITI'S PLIGHT

Due to the U.S. Treasury Department's virtual veto power over the IDB, a low interest loan of $54 million meant to improve Haiti's access to clean water cannot be disbursed, despite the fact that the bank's charter specifically forbids such political meddling. The IDB claims that no loans can be sent to Haiti because the country is in arrears, but the State Department has made it clear that international pressure will be removed only when the strict demands on the U.S. agenda are met. At June's OAS General Assembly in Barbados, U.S. Secretary of State Colin Powell asserted that Haiti needs the assistance of the international financial community . . . but it is difficult to provide that kind of aid until there is political stability.'' Despite Aristide's democratic authenticity, the Convergence's provocations have effectively cut off international resources to Haiti while billions of U.S. dollars flow to authoritarian nations such as Saudi Arabia and Pakistan.

In January 2001, Ira Kurzban, the Aristide administration's general counsel in the U.S., claimed that the IRI facilitated the allocation of $3 million of NED funds to the Convergence. Shortly thereafter, in a February 2 article, The Washington Post substantiated the IRI's connection to the origins of the Convergence. In effect, the IRI has arranged for the Convergence to have a de facto veto power over Aristide's constitutional mandate.

The Convergence essentially delivered an ultimatum to the Haitian president when it called for the annulment of the results of the May 2000 election, which its leaders insisted were flawed. Aristide agreed over a year ago to fire the seven senators whose votes were contested and to move up the elections despite the fact that an American delegation led by Congressman John Conyers (D-MI) of the Congressional Black Caucus (CBC) witnessed the balloting and characterized it as ''the democratic process working, exceptionally well.'' The Convergence, however, still stonewalls negotiations, choosing instead to advance its policy of economic asphyxiation of the government.

The Republican leadership argues that USAID already delivers sufficient funding to Haiti. According to remarks made by Secretary of State Powell, the U.S. only provided $73 million in aid last year for emergency rations, but this figure will be slashed to $20 million for Fiscal Year 2002. Moreover, a USAID official in Haiti recently told visitors ''79 cents of every USAID dollar worldwide is actually spent in the U.S.''

THE OAS-SPONSORED NEGOTIATIONS

A total of $500 million in approved international loans and grants have been withheld as a result of demands made by Aristide's political enemies that a consensus be reached between the democratically-based Aristide administration and the Convergence's questionable bona fides. Few analysts see any grounds for optimism as an OAS negotiation team is in the country on its twentieth visit in an attempt to produce a peace accord. Like Aristide, the OAS has been unable to accomplish its goal due to a lack of political and financial assets. Section nineteen of the OAS Inter-American Commission on Human Rights Report specifically cites a lack of resources as the leading cause behind Haiti's inefficient judicial institutions and the OAS has displayed a particular lack of ability to operate independent of State Department dictates.

At a June 28 Haiti Symposium in Washington, the leader of the OAS peace initiative, Assistant Secretary General Luigi Einaudi, fresh from the island, agreed that it is now ''the absolute critical time'' to move forward and set a deadline for negotiations. This step would thwart the Convergence's strategy of issuing perpetual ultimatums. Einaudi stressed, ''There is not one nation—certainly not one of the 34 in the OAS—which disputes Aristide's presidency.'' The problem, as he explained it, is that the international community will not sign onto the process of renewing development support until Aristide and his administration's opposition reach an agreement. ''I hate sanctions,'' Einaudi griped, ''they're easy to put on and hard to take off.''

Since a consensus in Haiti is far from assured, Representative Barbara Lee (D–CA) and the CBC introduced in April H.C.R. 382, ''New Partnership for Haiti,'' which calls for an end to U.S.-influenced sanctions on the island, regardless of the Convergence's obstinacy. However, while the resolution remains stalled in committee, and with Congress sharply divided along party lines, it is doubtful whether the legislation will reach the House floor. Furthermore, Haitian advocacy groups stress that a resumption of international development assistance is only the first step in addressing Haiti's dire condition. Once the Haitian government is able to establish its authority and marshals the necessary resources, It will have to begin to create solid institutions and reform its judicial process in order to effectively serve the nation.

H.R. 4954, THE MEDICARE MODERNIZATION AND PRESCRIPTION DRUG ACT

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2002

Mr. ETHERIDGE. Mr. Speaker, I rise today in opposition to H.R. 4954, the fraudulent Republican Medicare bill.

Prescription medicine coverage is one of the most important issues facing our nation today. Since it was created in 1965, Medicare has been the bedrock of health security for America's senior citizens. However, Medicare is incomplete without prescription medicine coverage. I support a plan that is simple, comprehensive, and without gaps in coverage.

The Republican Medicare bill fails on all of these points.

Today, prescription medicines are a critical component of medical treatment. Indeed, prescription medicines keep many seniors out of the hospital and at home with their families. But too many of our seniors must choose between paying for food and other necessities or the prescription medicines they need to live full, healthy lives. Seniors deserve prescription medicine coverage under Medicare. Yet, the Republicans continue to play politics with this vital issue.

There are several flaws in this Republican bill. First, it is inadequate. The Republican Medicare bill would cover less than 20 percent of what seniors are projected to spend on prescription medicines over the next ten years. The bill also leaves seniors who spend between $2,000 and $3,700 on prescription medicines without coverage for part of the year forcing nearly half of all seniors to pay the full cost of their medicines.

Second, the Republican bill provides no guaranteed benefit to seniors. The only thing this bill promises seniors is the ability to shop around for some type of coverage. There is no specific language in this bill that sets premiums at $35. In reality, private plans can charge whatever they want for premiums. What's more, under their plan the insurance companies that will administer this plan are allowed to vary their prices and the availability of coverage all across the country, which will shortchange the seniors who need this benefit the most.

Finally, this Republican bill provides subsidies to private insurance companies instead of providing seniors with a guaranteed prescription medicine benefit. Tonight we see the Republican majority's priorities, Mr. Speaker. They put insurance companies first, not our seniors.

Mr. Speaker, this is not a prescription medicine benefit plan. It's a sleight of hand proposal designed to hide the Republican Leadership's true intention to eventually privatize Medicare.

It is noteworthy that the Republican majority has placed a number of provisions relating to physicians and hospitals into the bill that I strongly support. Currently, physicians are not being adequately reimbursed for taking care of Medicare patients, making it difficult to keep their doors open. The current system defies common sense, basing physician reimbursements on the state of the economy instead of the cost or need of health care. The fact is folks do not stop visiting the doctor because the economy is sluggish. I support the provisions in this bill that would correct this flawed payment system.

As a Member of the Congressional Rural Health Coalition, I also support provisions in this bill to increase the reimbursement payments for our nation's hospitals, especially those facilities located in rural areas. In fact, I joined 77 of my colleagues in writing the Chairmen of the Energy and Commerce and Ways and Means Committees in support of provisions to standardize the base payments between rural and urban hospitals. Language to this effect is also included in the bill. There are other worthwhile measures in this bill, and it is a shame these provisions are included in a fundamentally flawed bill.

Despite these provisions, I am unable to support H.R. 4954 because the Republican Majority's Medicare bill will not help America's seniors get access to affordable prescription medicines. I support the Democratic alternative that is easy to understand, designed to fit into our Medicare system, and provides seniors access to all of the medicines they need. It also includes all of the provider reimbursement provisions that are contained in H.R. 4954. Unfortunately, the Republican majority has denied us the opportunity to offer this alternative.

America's seniors deserve a prescription medicine benefit that allows them to remain healthy in their golden years. We must strengthen Medicare with a real, guaranteed Medicare prescription medicine benefit, not a private insurance plan that leaves half of America's seniors without prescription medicine coverage. I urge my colleagues to reject this sham Republican Medicare bill, and to support the Democratic Motion to Recommit.

NEW HAMPSHIRE CONGRESSIONAL LAW ENFORCEMENT AWARDS

HON. JOHN E. SUNUNU

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. SUNUNU. Mr. Speaker, I rise today to pay tribute to the men and women of law enforcement who have exemplified themselves through uncommon and distinctive service to the citizens of New Hampshire during the course of their duties.

Few among us would question that one of the most demanding professions in our nation is law enforcement; it is a profession that requires sacrifice, courage and a dedication to serve others. Each day, these brave men and women put themselves in harm's way in order to administer the laws of our society. In so doing, they have earned—and deserve—our respect and our gratitude.

In 1998, my friend and colleague, Representative CHARLES BASS, and I first established the New Hampshire Congressional Law Enforcement Awards at the request of current and retired New Hampshire law enforcement personnel. We both agreed that these awards would be an excellent way to honor the men and women of law enforcement whose service and professionalism was truly extraordinary, and this Sunday, July 14, a ceremony will be held at the New Hampshire Police Standards and Training facility in Concord to honor the 82 recipients of this year's awards.

In New Hampshire, the nominations process for the awards starts with all duty sworn officers of the law, full or part-time, including local, county, state and federal law enforcement agencies. Law enforcement professionals from other states who distinguish themselves in serving the people of New Hampshire are also eligible. Nominations are then made based on exceptional achievement in any police endeavor, including: extraordinary valor; crime prevention; drug control and prevention; investigative work; community policing; community service; traffic safety; search and rescue; and juvenile training, programs. Individual officers are nominated for the award by citizens, an officer's department or his or her co-workers, a city or town official or a government agency.

The awards honor law enforcement personnel in one of five separate categories: Career Service Award, which recognizes those who have shown an outstanding dedication to law enforcement over the length of their career; Unit Citation Award, which recognizes officers for actions taken as a group in dangerous situations; Dedication and Professionalism Award, which recognizes personnel who exceed their normal duties in service to others; Above and Beyond the Call of Duty Award, which honors officers who put their lives in harm's way in service to others; and Associate Service Award, which honors fire and rescue personnel as well as civilians who assist law officers in the course of their duties—at times putting their own lives at risk.

While Congress works each day to pass legislation that supports local law enforcement and protects the interests of our communities, families and children, the men and women of law enforcement, working on the front lines every day, take the necessary risks to ensure our safety and the safety of our loved ones. These awards have been a fitting tribute to our officers and a reminder to all of us of the important role they play in our lives and in our communities.

Mr. Speaker, I join with Congressman BASS and all the citizens of the Granite State in offering our appreciation for the service and the dedication of our law enforcement personnel. I congratulate each recipient of the 2002 New Hampshire Congressional Law Enforcement Awards, and thank the people with whom they work and the citizens they serve for nominating such outstanding individuals.

PAYING TRIBUTE TO ALAN TERRY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to congratulate an outstanding individual from Colorado whose hard work and dedication has produced a number of awards throughout his business career. Alan Terry, the president of Terry & Stephenson, P.C. has just received a very high honor from the business community, as he is the recipient of the Accountant Advocate of the Year award. The Denver Urban Renewal Authority nominated Alan for this award, which is among the most prestigious and coveted forms of recognition given in the business world, and I am honored to bring forth his accomplishments before this body of Congress and nation.

Alan attended Trinidad State Junior College, received an AA in Business Administration and went on to complete his undergraduate work at the University of Southern Colorado where he earned a BS degree in accounting. His professional career began with Price Waterhouse in Baltimore, Maryland and after several years, Alan moved to Pittsburgh, Pennsylvania where he started Terry & Stephenson, P.C., a certified public accounting, and management consulting firm. In 1986, he moved to Denver, Colorado and opened the Denver office of Terry & Stephenson, P.C.

Since opening the Denver office, Alan has worked with a variety of businesses including start up businesses, Fortune 500 corporations, the State of Colorado, the City and County of Denver, and various nonprofit organizations.

He serves on many nonprofit boards and is an active member of the Colorado Society of Certified Public Accountants.

Mr. Speaker, it is clear that Alan Terry is a man of great dedication and commitment to his profession and to the people of Colorado. He has demonstrated that success can be achieved though hard work and commitment to his clients and I am honored to bring forth his accomplishments before this body of Congress and this nation. He has achieved great success in his career and it is my privilege to extend to him my congratulations on his selection for the Accountant Advocate of the Year award. Alan, I wish you all the best in your future.

IN RECOGNITION OF NORTH BAY STAND DOWN 2002

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize the importance of North Bay Stand Down 2002 as a vehicle for providing homeless and at-risk veterans in Napa, Solano and Yolo Counties with access to existing and planned programs.

Many of these veterans have never applied for the benefits they have earned through their service to our country. Through the user-friendly ''veterans helping veterans'' atmosphere of North Bay Stand Down 2002 they will be encouraged to transform the despair and immobility of homelessness into the momentum necessary to get in to recovery, to resolve legal issues, to seek employment, to access health services and benefits, to reconnect with the community and to get off the street.

It is estimated that veterans comprise nearly 30 percent of our homeless population nationwide. For them, life on the streets can be both dangerous and debilitating and often leads to feelings of hopelessness.

North Bay Stand Down 2002 will help veterans free themselves from this self-defeating cycle of despair and begin to repair their lives by breaking down the barriers that contribute to their isolation.

North Bay Stand Down 2002 has the support of the U.S. Department of Veterans Affairs, the California State Department of Veterans Affairs, the State Employment Development Department, local governments and veterans' and trade organizations and members of the community.

Mr. Speaker, it is appropriate that we acknowledge and honor today the men and women who organized North Bay Stand Down 2002 for their commitment to our veterans and to our country.

THE TECHNOLOGY ADMINISTRATION AND NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT OF 2003

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. BARCIA. Mr. Speaker, today, I and Representatives M. UDALL, R. HALL, WEINER, HONDA, RIVERS, LARSON, ISRAEL, MATHESON, WOOLSEY, BACA, E.B. JOHNSON, COSTELLO, and LOFGREN are introducing the Technology Administration and National Institute of Standards and Technology Act of 2003. This bill provides a 3-year authorization for the Technology Administration and the National Institute of Standards and Technology.

For the Technology Administration the bill provides the Administration's FY03 request. The legislation then provides for inflationary increases in FY04 and FY05.

For the National Institute of Standards and Technology, the bill provides full funding for the Manufacturing Extension Partnership program (MEP). The bill authorizes $110 million in FY03, which will fully fund MEP Centers in 400 locations in all fifty states and Puerto Rico. The Manufacturing Extension Partnership program is strongly supported by small- and medium-sized manufacturers throughout the United States. It is a proven and successful industry/government partnership. Both the National Association of Manufacturers and the National Coalition for Advanced Manufacturing endorse the Manufacturing Extension Partnership program and this level of funding. In FY04 and FY05 the bill provides for inflationary increases for MEP funding.

The bill also provides funding for the Advanced Technology Program and addresses Administration concerns about the program. First this bill provides a stable funding base for the ATP by providing sufficient funds to allow for $60.7 million in new awards to be made in each fiscal year. In addition, the bill authorizes four policy changes to the ATP that were proposed by Secretary Evans. The bill makes Secretary's proposed changes to (1) allow universities to lead joint ventures, (2) allow universities and non-profit laboratories to be invested with intellectual property, (3) stress that ATP does not support product development, and (4) allows for private-sector experts to participate in the ATP project review process.

The bill also provides the Administration's request for the standards supporting activities performed by NIST. In addition, the bill provides $12 million for NIST to continue its investigative work on the collapse of buildings in the World Trade Center complex. The bill also provides $10 million to upgrade the Large Fire Facility at NIST's Gaithersburg campus. One of the most important recommendations of the Building Performance Assessment Team that did a preliminary investigation on the structural causes of the collapse of buildings at the World Trade Center complex was that current standards do not require actual fire testing of structural components. In other words, we can't evaluate how buildings will perform under actual fire conditions. Currently no place in the United States can perform this type of testing. The funding for the renovation of the Large Fire Facility will allow this type of testing to be done. Finally the bill provides much needed funding for the renovation of the NIST facilities in Boulder, CO. The bill provides the Administration FY03 request for this activity and in FY04 and FY05 provides funding in accordance with NIST's 10-year construction plan.

This bill also incorporates legislation that enhances NIST's measurement and standards activities. Title III of the bill is the text of the H.R. 2733, the Enterprise Integration Act of 2002. This authorizes the National Institute of Standards and Technology to work with major manufacturing industries on an initiative of standards development for enterprise integration. Title IV of the bill incorporates the provisions of H.R. 3683, the Fair Play in Sport Act of 2002. These provisions were drafted by Representative MATHESON, and will utilize the National Institute of Standards and Technology's unique measurement capabilities to assist the United States Anti-Doping Agency in their mission.

This bill represents tough choices in a difficult budget scenario. In developing this legislation we realized that tough choices needed to be made and priorities set. As authorization legislation, this bill represents our priorities and funding allocations to our colleagues on the Appropriations Committee as they begin their difficult task this year. We also hope that this bill will signal the Administration of our views as they prepare the fiscal year 2004 budget request.

This is a solid authorization bill and I would urge my colleagues in the House to cosponsor this legislation.

PERSONAL EXPLANATION

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. WATTS of Oklahoma. Mr. Speaker, I was unavoidably detained in my district and missed recorded votes on Monday, July 8, 2002. I would like the RECORD to reflect that, had I been present, I would have cast the following votes:

On passage of H.R. 4609, rollcall vote No. 283, I would have voted ''yea.''

On passage of H.R. 2643, rollcall vote No. 284, I would have voted ''yea.''

PAYING TRIBUTE TO ZELMA LA BAR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Zelma La Bar and thank her for her contributions to the Pueblo Horizons Federal Credit Union and the community of Pueblo, Colorado. Zelma will always be remembered as a dedicated leader and an innovative CEO. As she announces her retirement, I would like to bring forth her accomplishments before this body of Congress today.

Zelma has served as chairperson of the Pueblo Area Chapter of Credit Unions since assuming that position in March 1997. She has also served on a number of Colorado Credit Union League Committees from 1991–2002, which includes the Legislative Sub-Committee for Regulatory Issues and the Environmental Scan Sub-Task Force. Zelma is a member of the Credit Union Executives Society and serves as the Pueblo Horizons Federal Credit Union representative to the Greater Pueblo Chamber of Commerce, the Latino Chamber of Commerce and PEDCO.

Mr. Speaker, it is a great honor to recognize Zelma La Bar and the groundbreaking leadership that she has brought to the Pueblo Horizons Federal Credit Union and the City of

Pueblo. Her devotion helped enable many families to invest their money and helped to make their dreams come true. I would like to applaud her for her years of dedication and hard work. Her time and dedication have proved an invaluable addition to the company. I wish Zelma the best of luck in her future endeavors—I hope she will enjoy her well-deserved retirement!

MEDICARE MODERNIZATION AND PRESCRIPTION DRUG ACT

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2002

Mr. UDALL of Colorado. Mr. Speaker, I opposed the Republican prescription drug bill. And not only the bill, but the process by which we considered it.

Since being elected to Congress in 1998, not a day has gone by without my hearing from a senior who is struggling to pay for prescription drugs.

I've told the story of the woman from Westminster, CO who has to visit the food bank once a week so that she can afford her prescription drugs.

I've told the story of another woman who plays her own version of the lottery. She puts all of her bills in a fish bowl, draws one bill, and the one she draws is the one she puts off paying so that she can buy the drugs her doctor tells her she has to take.

And I've told the story of Juanita Johns, a constituent who kept the thermostat in her home at 60 degrees so she could pay her drug bills. That is until she sold her house and moved in with her son in order to afford her medicines. Juanita is not with us anymore.

Unfortunately, these women are not alone. Over one-third of Medicare beneficiaries have no drug coverage. Medicare does not cover outpatient prescription drug costs. Many seniors turn to supplemental plans for drug coverage, but these plans often are expensive and have high deductibles or low benefits.

No senior should be faced with the choice of buying food, paying the electric bill or buying critical life saving medicines.

We have an obligation to our Nation's seniors to provide them with the lifesaving treatments they need and deserve.

Last month, we had the opportunity to do something about it. But the Republican leadership insisted on pushing through a proposal that subsidizes insurance companies and drug companies instead of helping seniors. Their bill does nothing to guarantee coverage for seniors. It has a gap in coverage that will leave Medicare beneficiaries 100% financially liable for thousands of dollars in drug costs, covers only 6% of Medicare beneficiaries, and does nothing to lower the price of prescription drugs. Instead, their bill gives $310 billion to insurance companies to encourage them to offer stand-alone prescription drug plans, something that the insurance companies themselves say will not work.

If this bill becomes law, and if past is prologue, we will have insurance companies knocking on our door in the not too distant future telling us that they don't have enough money to provide these plans, and that they need more. It's just like what is happening with Medicare+Choice. Several insurance companies promised seniors affordable health care, took their premiums and then dumped them a year later. And now many seniors are scrambling to find a new doctor.

Now, I support the increase in payments for providers, which are included in the Republican bill. As a matter of fact, I am cosponsoring legislation to increase physician payments and to change the formula upon which those payments are based. I support increased payments to our Nation's hospitals, and I've joined with several of my colleagues asking the leadership of this body to address Medicare HMO payment issues. But in a cynical political move, the authors of this bill attached these provider payments to their prescription drug bill to force us to vote against them. So I am going on the record today to say that my vote against this bill should not be construed as a vote against provider payments.

And my vote against this bill should not be construed as a vote against prescription drugs for seniors. I support the Democratic plan, which is a defined benefit under Medicare. It has a guaranteed premium, a guaranteed copayment, guaranteed coverage, and is available to all those seniors who need it. It doesn't have any gaps in coverage, and it has no gimmicks. That's what our seniors deserve.

But the Republican leadership wouldn't even let us bring our bill to the floor for debate. They wouldn't even let us offer amendments to their bill. Why not? If it was so bad, they could have just voted it down. But they knew that our plan was better and if it were put up against the Republican plan, it would have prevailed. Instead, they took a ''my way or the highway'' approach.

On the day of the vote, many members took to the floor of the House to recite the Pledge of Allegiance. ''. . . one nation under God, indivisible, with liberty and justice for all.''

Where is the indivisibility? Where is the liberty in this rule? Where is the justice in this rule? In this debate? In this bill? We should set a better example for other governments around the world. This is not the way democracy works.

Mr. Speaker, the great civil rights worker Fannie Lou Hamer once said, ''I'm sick and tired of being sick and tired.'' So am I, and so are the millions of seniors who can't afford the drugs their doctors tell them they have to take. The number of seniors in this Nation will double over the next twenty years, and at that time, their voices and actions will be stronger than the insurance companies and the drug manufacturers. I just hope we don't have to wait that long.

I could not support the rule or the bill.

Daily Digest

HIGHLIGHTS

Senate agreed to H.J. Res. 87, Yucca Mountain Nuclear Waste Site Approval.

House Committee ordered reported the following appropriations for fiscal 2003: Interior; and Treasury, Postal Service and General Government.

Senate

Chamber Action

Routine Proceedings, pages S6433–S6514

Measures Introduced: Six bills and three resolutions were introduced, as follows: S. 2710–2715, and S. Res. 300–302. **Page S6498**

Measures Reported:

S. 414, to amend the National Telecommunications and Information Administration Organization Act to establish a digital network technology program, with amendments. (S. Rept. No. 107–207)

S. 2506, to authorize appropriations for fiscal year 2003 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, with amendments. (S. Rept. No. 107–208) **Page S6498**

Measures Passed:

Yucca Mountain Nuclear Waste Site Approval: Senate passed H.J. Res. 87, approving the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982. **Pages S6444–91**

Honoring Ted Williams: Senate agreed to S. Res. 302, honoring Ted Williams and extending the condolences of the Senate on his death. **Page S6513**

Benjamin Franklin Tercentenary Commission Act: Senate passed H.R. 2362, to establish the Benjamin Franklin Tercentenary Commission, clearing the measure for the President. **Page S6513**

Accounting Reform Act: Senate continued consideration of S. 2673, to improve quality and transparency in financial reporting and independent audits and accounting services for public companies, to create a Public Company Accounting Oversight Board, to enhance the standard setting process for accounting practices, to strengthen the independence of firms that audit public companies, to increase corporate responsibility and the usefulness of corporate financial disclosure, to protect the objectivity and independence of securities analysts, to improve Securities and Exchange Commission resources and oversight, taking action on the following amendments proposed thereto: **Pages S6436–44, S6491–96**

Pending:

Daschle (for Leahy) Amendment No. 4174, to provide for criminal prosecution of persons who alter or destroy evidence in certain Federal investigations or defraud investors of publicly traded securities. **Pages S6436–38**

Gramm (for McConnell) Amendment No. 4175 (to Amendment No. 4174), to provide for certification of financial reports by labor organizations to improve quality and transparency in financial reporting and independent audits and accounting services for labor organizations. **Pages S6438–43, S6491–96**

Miller Amendment 4176, to amend the Internal Revenue Code of 1986 to require the signing of corporate tax returns by the chief executive officer of the corporation. **Pages S6443–44, S6491**

A unanimous-consent agreement was reached providing for further consideration of the bill at 10:30 a.m., on Wednesday, July 10, 2002. **Page S6513**

During today's proceedings, Senate also took the following action:

By 60 yeas to 39 nays (Vote No. 167), Senate agreed to the motion to proceed to consideration of S.J. Res. 34, approving the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of high-level radioactive waste and spent

nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982. **Page S6490**

Subsequently, by unanimous consent, S.J. Res 34 (listed above) was returned to the Senate calendar. **Page S6445**

Nominations Received: Senate received the following nominations:

Frederick W. Gregory, of Maryland, to be Deputy Administrator of the National Aeronautics and Space Administration.

Neil McPhie, of Virginia, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2009.

Harry R. Hoglander, of Massachusetts, to be a Member of the National Mediation Board for a term expiring July 1, 2005.

Quanah Crossland Stamps, of Virginia, to be Commissioner of the Administration for Native Americans, Department of Health and Human Services.

2 Army nominations in the rank of general.

1 Marine Corps nomination in the rank of general.

2 Navy nominations in the rank of admiral. **Page S6514**

Messages From the House: **Page S6497**

Measures Referred: **Page S6497**

Measures Placed on Calendar: **Page S6497**

Executive Communications: **Pages S6497–98**

Additional Cosponsors: **Pages S6498–S6500**

Statements on Introduced Bills/Resolutions: **Pages S6500–08**

Additional Statements: **Pages S6496–97**

Amendments Submitted: **Pages S6508–12**

Authority for Committees to Meet: **Pages S6512–13**

Privilege of the Floor: **Page S6513**

Record Votes: One record vote was taken today. (Total—167) **Page S6490**

Adjournment: Senate met at 9:30 a.m., and adjourned at 7:38 p.m., until 9:30 a.m., on Wednesday, July 10, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S6513).

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported S. 2506, to authorize appropriations for fiscal year 2003 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, with an amendment.

NATIONAL DEFENSE AUTHORIZATION

Committee on Environment and Public Works: Committee concluded hearings on sections 2015, 2016, 2017(a) and (b), 2018 and 2019 of S. 2225, the National Defense Authorization Act for Fiscal Year 2003, after receiving testimony from Adm. William J. Fallon, USN, Vice-Chief of Naval Operations; Gen. Robert H. Foglesong, USAF, Vice Chief of Staff, United States Air Force; Gen. John M. Keane, USA, Vice Chief of Staff, United States Army; Gen. Michael J. Williams, USMC, Assistant Commandant, United States Marine Corps; William Hurd, Virginia Office of the Attorney General, Richmond; Daniel S. Miller, Colorado Department of Law, Denver; Stanley Phillippe, California Department of Toxic Substances Control, Sacramento, behalf of the Association of State and Territorial Solid Waste Management Officials; Jamie Rappaport Clark, National Wildlife Federation, Washington, D.C., former Director, U.S. Fish and Wildlife Service, Department of the Interior; and Bonner Cohen, Lexington Institute, Arlington, Virginia; David Henkin, Earthjustice, Honolulu, Hawaii.

TREATY ON STRATEGIC OFFENSIVE REDUCTIONS

Committee on Foreign Relations: Committee held hearings on the Treaty between the United States of America and the Russian Federation on Strategic Offensive Reductions, signed at Moscow on May 24, 2002 (Treaty Doc. 107–8), receiving testimony from Colin L. Powell, Secretary of State.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of John William Blaney, of Virginia, to be Ambassador to the Republic of Liberia, Aurelia E. Brazeal, of Georgia, to be Ambassador to the Federal Democratic Republic of Ethiopia, Martin George Brennan, of California, to be Ambassador to the Republic of Zambia, J. Anthony Holmes, of California, to be Ambassador to Burkina Faso, Vicki Huddleston, of Arizona, to be Ambassador to the Republic of Mali, Donald C. Johnson, of Texas, to be Ambassador to the Republic of Cape Verde, Jimmy Kolker, of Missouri, to be Ambassador to the Republic of Uganda, Gail Dennise Thomas Mathieu, of New Jersey, to be Ambassador to the Republic of Niger, and James Howard Yellin, of Pennsylvania, to be Ambassador to the Republic of Burundi, after the nominees testified and answered questions in their own behalf.

NOMINATION

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings on the nomination of Richard H. Carmona, of Arizona, to be Medical Director in the Regular Corps of the Public Health Service, and to be Surgeon General of the Public Health Service, Department of Health and Human Services, after the nominee, who was introduced by Senators McCain and Kyl, testified and answered questions in his own behalf.

EXCELLENCE IN SPECIAL EDUCATION

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings to examine recommendations of the President's Commission on Excellence in Special Education regarding the Individuals with Disabilities Act of 1997 (IDEA), after receiving testimony from Terry E. Branstad, Chairman, Douglas H. Gill, Chairman, Finance Task Force, and Douglas C. Huntt, Chairman, Transition Task Force, all of the President's Commission on Excellence in Special Education.

IDENTITY THEFT

Committee on the Judiciary: Subcommittee on Technology, Terrorism, and Government Information held hearings on S. 2541, to amend title 18, United States Code, to establish penalties for aggravated identity theft, receiving testimony from Daniel P. Collins, Associate Deputy Attorney General and Chief Privacy Officer, and Dennis M. Lormel, Chief, Terrorist Financial Review Group, Federal Bureau of Investigation, both of the Department of Justice; and Howard Beales, Director, Bureau of Consumer Protection, Federal Trade Commission.

Hearings recessed subject to call.

COUNTERFEIT MEDICINE

Special Committee on Aging: Committee concluded hearings to examine public health concerns of counterfeit medicine, focusing on the purchasing of pharmaceuticals, both brand name and generic, from outside the nation's borders and without the series of checks in place for drugs sold domestically, after receiving testimony from William K. Hubbard, Senior Associate Commissioner for Policy, Planning, and Legislation, Food and Drug Administration, Department of Health and Human Services; Elizabeth G. Durant, Executive Director of Trade Programs, U.S. Customs Service, Department of the Treasury; John Theriault, Pfizer, Inc., Washington, D.C.; and Rick C. Roberts, San Francisco, California.

House of Representatives

Chamber Action

Measures Introduced: 14 public bills, H.R. 5070–5083; and 3 resolutions, H. Con. Res. 436–437, and H. Res. 476, were introduced.

Pages H4424–25

Reports Filed: Reports were filed today:

H. Con. Res. 425, calling for the full appropriation of the State and tribal shares of the Abandoned Mine Reclamation Fund (H. Rept. 107–556);

H. Res. 472, providing for consideration of H.R. 4635, to amend title 49, United States Code, to establish a program for Federal flight deck officers (H. Rept. 107–557);

H. Res. 473, providing for consideration of H.R. 2486, to authorize the National Weather Service to conduct research and development, training, and outreach activities relating to tropical cyclone inland forecasting improvement (H. Rept. 107–558);

H. Res. 474, providing for consideration of H.R. 2733, to authorize the National Institute of Standards and Technology to work with major manufacturing industries on an initiative of standards development and implementation for electronic enterprise integration (H. Rept. 107–559); and

H. Res. 475, providing for consideration of H.R. 4687, to provide for the establishment of investigative teams to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that posed significant potential of substantial loss of life (H. Rept. 107–560).

Page H4424

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative to act as Speaker pro tempore for today. **Page H4353**

Recess: The House recessed at 11:16 a.m. and reconvened at 12 noon. **Page H4358**

Committee on Transportation and Infrastructure Resolutions: Read a letter from chairman Young of Alaska wherein he transmitted copies of resolutions adopted on June 26, 2002 by the Committee on Transportation and Infrastructure—referred to the committee on Appropriations. **Pages H4358–59**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Airport Streamlining Approval Process Act: H.R. 4481, amended, to amend title 49, United States Code, relating to airport project streamlining; **Pages H4361–65**

Armed Services Tax Fairness Act: H.R. 5063, to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services (agreed to by a yea-and-nay vote of 413 yeas with none voting "nay," Roll No. 286); **Pages H4365–69, H4392–93**

Undergraduate Science, Mathematics, Engineering, and Technology Education Improvement Act: H.R. 3130, amended, to provide for increasing the technically trained workforce in the United States; **Pages H4369–75**

Wildfire Fighting Collaboration with Foreign Countries: H.R. 5017, to amend the Temporary Emergency Wildfire Suppression Act to facilitate the ability of the Secretary of the Interior and the Secretary of Agriculture to enter into reciprocal agreements with foreign countries for the sharing of personnel to fight wildfires; **Pages H4375–78**

Improper Payments Reduction Act: H.R. 4878, amended, to provide for reduction of improper payments by Federal agencies; and **Pages H4378–80**

Rise in Anti-Semitism in Europe: H. Res. 393, concerning the rise in anti-Semitism in Europe (agreed to by a yea-and-nay vote of 412 yeas with none voting "nay," Roll No. 287). **Pages H4380–87, H4393–94**

Motion to Instruct Conferees—Help America Vote Act: Agreed to the Langevin motion to instruct conferees on the disagreeing votes of the two Houses on the Senate amendments to H.R. 3295, to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs and to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, to recede from disagreement with the provisions contained in subparagraphs (A) and (B) of section 101 (a)(3) of the Senate amendment to the House bill (relating to the accessibility of voting systems for individuals with disabilities) by a yea-and-nay vote of 413 yeas with none voting "nay," Roll No. 286. **Pages H4387–92**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H4425–29.

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of the House today and appear on pages H4392, H4392–93, and H4393–94. There were no quorum calls.

Adjournment: The House met at 10:30 a.m. and adjourned at 8:45 p.m.

Committee Meetings

INTERIOR AND TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS; REVISED SUBALLOCATION OF BUDGET ALLOCATIONS

Committee on Appropriations: Ordered reported the following appropriations for fiscal year 2003: Interior; and Treasury, Postal Service and General Government.

The Committee also approved the Report on the Revised Suballocation of Budget Allocations for fiscal year 2003.

QUALITY HEALTH CARE—EXPANDING ACCESS

Committee on Education and the Workforce: Subcommittee on Employer-Employee Relations held a hearing on Expanding Access to Quality Health Care: Solutions for Uninsured Americans. Testimony was heard from Representatives Fletcher and Tierney; Mark B. McClellan, member, Council of Economic Advisers; and public witnesses.

CREATING DEPARTMENT OF HOMELAND SECURITY

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations continued hearings on "Creating the Department of Homeland Security: Consideration of the Administration's Proposal," with emphasis on research and development and critical infrastructure activities proposed for transfer to the new Department. Testimony was heard from Jerome Hower, Director, Office of Public Health Emergency Preparedness, Department of Health and Human Services: the following officials of the GAO: Jan Heinrich, Director, Health Care and Public Health Issues; and Robert F. Dacey, Director, Information Security Issues; John S. Tritak, Director, Critical Infrastructure Assurance Office, Department of Commerce; James McDonald, Director, Energy Security and Assurance Program, Department of Energy; Samuel G. Varnado, Director, Infrastructure

and Information Systems Center, Sandia National Laboratories; Donald D. Cobb, Associate Director, Threat Reduction, Los Alamos National Laboratory; and public witnesses.

The Subcommittee also met in executive session on this subject. Testimony was heard from Jason Ahearn, Assistant Commissioner, Field Operations, U.S. Customs Service, Department of the Treasury; Frank Panico, Manager, International Networks and Transportation, U.S. Postal Service; Linton Brooks, National Nuclear Security Administration, Department of Energy; Gary Jones, Director, Natural Resources and Environment Issues, GAO: David Nokes, Director, Systems Assessment and Research Center, Sandia National Laboratories; Donald D. Cobb, Associate Director, Threat Reduction, Los Alamos National Laboratory; Wayne J. Shotts, Associate Director, Nonproliferation, Arms Control and International Security, Lawrence Livermore National Laboratory; Steven W. Martin, Director, Homeland Security Programs, Pacific Northwest National Laboratory; and public witnesses.

NEW ECONOMY SPEED—HELPING STATE AND LOCAL GOVERNMENTS

Committee on Government Reform: Subcommittee on Technology and Procurement Policy held a hearing on ''Helping State and Local Governments Move at New Economy Speed: Adding Flexibility to the Federal IT Grant Process.'' Testimony was heard from David L. McClure, Director, Information Technology Management Issues, GAO; Sherri Z. Heller, Director, Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services; Roberto Salazar, Administrator, Food and Nutrition Service, USDA; and public witnesses.

FEDERAL AGENCY PROTECTION OF PRIVACY ACT; OVERSIGHT—CERTAIN RAMIFICATIONS—DEPARTMENT OF HOMELAND SECURITY CREATION

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law approved for full Committee action H.R. 4561, Federal Agency Protection of Privacy Act.

The Subcommittee also held a hearing on ''Administrative Law, Adjudicatory Issues, and Privacy Ramifications of Creating a Department of Homeland Security.'' Testimony was heard from Mark W. Everson, Controller, Office of Federal Financial Management, OMB; and public witnesses.

PARTIAL-BIRTH ABORTION BAN ACT

Committee on the Judiciary: Subcommittee on the Constitution held a hearing on H.R. 4965, Partial-Birth Abortion Ban Act of 2002. Testimony was heard from public witnesses.

HOMELAND SECURITY ACT

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on H.R. 5005, Homeland Security Act. Testimony was heard from Joe M. Allbaugh, Director, FEMA; from the following officials of the Department of the Treasury: Robert C. Bonner, Commissioner, U.S. Customs Service; and Brian L. Stafford, Director, U.S. Secret Service; and the following officials of the Department of Transportation: Adm. Thomas H. Collins, USCG, Commandant, U.S. Coast Guard; and John W. Magaw, Under Secretary, Security, Transportation Security Administration.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Recreation and Public Lands held a hearing on the following bills: H.R. 2099, to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide adequate funding authorization for the Vancouver National Historic Reserve; H.R. 3917, to authorize a national memorial to commemorate the passengers and crew of Flight 93 who, on September 11, 2001, courageously gave their lives thereby thwarting a planned attack on our Nation's Capital; and H.R. 4874, to direct the Secretary of the Interior to disclaim any Federal interest in lands adjacent to Spirit Lake and Twin Lakes in the State of Idaho resulting from possible omission of land from an 1880 survey. Testimony was heard from Representatives Baird and Otter; the following officials of the Department of the Interior: P. Daniel Smith, Special Assistant to the Director, National Park Service; and Robert Anderson, Deputy Assistant, Minerals, Realty, and Resource Protection, Bureau of Land Management; Royce Pollard, Mayor, Vancouver, Washington; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Water and Power held a hearing on the following bills: H.R. 4708, Fremont-Madison Conveyance Act; H.R. 4739, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning and construction of a project to reclaim and reuse wastewater within and outside of the service area of the City of Austin Water and Wastewater Utility, Texas; and H.R. 5039, to direct the Secretary of the Interior to convey title to certain irrigation project property in the Humboldt Project, Nevada, to the Pershing County Water Conservation District, Pershing County, Lander County and the State of Nevada. Testimony was heard from John W.

Keys, Commissioner, Bureau of Reclamation, Department of the Interior; Gustavo Garcia, Mayor, Austin, Texas; and public witnesses.

ARMING PILOTS AGAINST TERRORISM ACT

Committee on Rules: Granted, by voice vote, a modified open rule providing 1 hour of debate on H.R. 4635, Arming Pilots Against Terrorism Act, The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill shall be considered as an original bill for the purpose of amendment. The rule waives all points of order against the committee amendment in the nature of a substitute. The rule makes in order only those amendments to the committee amendment that are printed in the Congressional Record or are pro forma amendments for the purpose of debate. The rule provides that each amendment printed in the Congressional Record may be offered only by the Member who caused it to be printed or his designee, and that each amendment shall be considered as read. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Mica and Oberstar.

NATIONAL CONSTRUCTION SAFETY TEAM ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 4687, National Construction Safety Team Act. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill shall be considered as an original bill for the purpose of amendment. The rule waives all points of order against the committee amendment in the nature of a substitute. The rule provides that the bill shall be considered for amendment by section. The rule authorizes the Chairman of the Committee of the Whole to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Boehlert and Representative Hall of Texas.

TROPICAL CYCLONE INLAND IMPROVEMENT AND WARNING SYSTEM DEVELOPMENT ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 2486, Tropical Cyclone Inland Forecasting Improvement and Warning System Development Act of 2002. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill shall be considered as an original bill for the purpose of amendment. The rule provides that the bill shall be considered for amendment by section. The rule authorizes the Chairman of the Committee of the Whole to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Boehlert and Representative Hall of Texas and Etheridge.

ENTERPRISE INTEGRATION ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 2733, Enterprise Integration Act of 2002. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill shall be considered as an original bill for the purpose of amendment. The rule provides that the bill shall be considered for amendment by section. The rule authorizes the Chairman of the Committee of the Whole to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Boehlert and Representative Hall of Texas.

TRUCKING SAFETY

Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held a hearing on Trucking Safety. Testimony was heard from Representative McGovern; Joseph M. Clapp, Administrator, Federal Motor Carrier Safety Administration, Department of Transportation; and public witnesses.

VETERANS LEGISLATION

Committee on Veterans' Affairs: Subcommittee on Benefits approved for full Committee action the following bills: H.R. 4940, the Arlington National Cemetery Burial Eligibility Act; and H.R. 5055, to authorize the placement in Arlington National Cemetery of a memorial honoring the World War II veterans who fought in the Battle of the Bulge.

COMMITTEE MEETINGS FOR WEDNESDAY, JULY 10, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine the Commodity Futures Trading Commission (CFTC), 9:30 a.m., SD–106.

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine, to hold hearings to examine railway safety, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: Subcommittee on Water and Power, to hold oversight hearings to examine water resource management issues on the Missouri River, 9:30 a.m., SD–366.

Full Committee, to hold hearings to examine the present and future roles of the Department of Energy/National Security Administration national laboratories in protecting our homeland security, 2:30 p.m., SD–366.

Committee on Environment and Public Works: to hold hearings to examine the President's proposal to establish the Department of Homeland Security, 2 p.m., SD–406.

Committee on Health, Education, Labor, and Pensions: business meeting to consider S. 710, to require coverage for colorectal cancer screenings; S. 2328, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to ensure a safe pregnancy for all women in the United States, to reduce the rate of maternal morbidity and mortality, to eliminate racial and ethnic disparities in maternal health outcomes, to reduce pre-term, labor, to examine the impact of pregnancy on the short and long term health of women, to expand knowledge about the safety and dosing of drugs to treat pregnant women with chronic conditions and women who become sick during pregnancy, to expand public health prevention, education and outreach, and to develop improved and more accurate data collection related to maternal morbidity and mortality; S. 812, to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals; S. 2489, to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care; and the nominations of Richard H. Carmona, of Arizona, to be Medical Director in the Regular Corps of the Public Health Service, and to be Surgeon General of the Public Health Service; Naomi Shihab Nye, of Texas, and Michael Pack, of Maryland, each to be a Member of the National Council on the Humanities; Earl A. Powell III, of Virginia, to be a Member of the National Council on the Arts; Robert Davila, of New York, to be a Member of the National Council On Disability; and Peter J. Hurtgen, of Maryland, to be Federal Mediation and Conciliation Director, 10 a.m., SD–430.

Committee on Indian Affairs: to hold hearings to examine Elder health issues, 10 a.m., SR–485.

Committee on the Judiciary: Subcommittee on Crime and Drugs, to hold hearings to examine issues concerning white collar crime, 2:30 p.m., SD–226.

Committee on Veterans' Affairs: to hold hearings to examine the continuing challenges of care and compensation due to military exposures, 9:30 a.m., SR–418.

House

Committee on Appropriations, Subcommittee on Energy and Water Development, to mark up appropriations for fiscal year 2003, 4 p.m., 2362 Rayburn.

Committee on Armed Services, to mark up H.R. 5005, Homeland Security Act of 2002, 10 a.m., 2118 Rayburn.

Committee on Education and the Workforce, hearing on Reforming the Individuals with Disabilities Education Act: Recommendations from the Administration's Commission on Excellence in Special Education, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection, to mark up H.R. 5058, Financial Accounting Standards Board Act, 3 p.m., 2123 Rayburn.

Subcommittee on Telecommunications and the Internet, hearing on Corporation for Public Broadcasting Oversight and a Look Into Public Broadcasting in the Digital Era, 10 a.m., 2123 Rayburn.

Committee on Financial Services, to continue consideration of H.R. 3995, Housing Affordability of America Act of 2002, 10 a.m., 2128 Rayburn.

Committee on International Relations, to mark up H.R. 5005, Homeland Security Act of 2002, 9:30 a.m., 2172 Rayburn.

Committee on the Judiciary, to mark up the following: H.R. 3838, to amend the charter of the Veterans of Foreign Wars of the United States organization to make members of the armed forces who receive special pay for duty subject to hostile fire or imminent danger eligible for membership in the organization; H.R. 3214, to amend the charter of the AMVETS organization; H.R. 3988, to amend title 36, United States Code, to clarify the requirements for eligibility in the American Legion; H.R. 5005, Homeland Security Act of 2002; and private relief measures, 10 a.m., 2141 Rayburn.

Committee on Resources, to continue markup of H.R. 4749, Magnuson-Stevens Act Amendments of 2002; and to mark up the following measures: H. Con. Res. 419, requesting the President to issue a proclamation in observance of the 100th Anniversary of the founding of the International Association of Fish and Wildlife Agencies; H.R. 3148, to amend the Alaska Native Claims Settlement Act to provide equitable treatment of Alaska Native Vietnam Veterans; 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. 3917, Flight 93 National Memorial Act; 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. 4739, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the City of Austin Water and Wastewater Utility, Texas; H.R. 4822, Upper Missouri River Breaks Boundary Clarification Act; H.R. 4840, Sound Science for Endangered Species Act Planning Act of 2002; S. 238, Burnt, Malheur, Owyhee, and Powder River Basin Water Optimization Feasibility Study Act of 2001; S. 356, Louisiana Purchase Bicentennial Commission Act; and S. 1057, Pu'uhonua O Honaunau National Historical Park Addition Act of 2001, 2 p.m., 1324 Longworth.

Committee on Science, to mark up H.R. 5005, Homeland Security Act of 2002, 10 a.m., and to hold a hearing on the Administration's Climate Change Initiative, 1 p.m., 2318 Rayburn.

Committee on Ways and Means, to mark up H.R. 5005, Homeland Security Act of 2002, 10:30 a.m., 1100 Longworth.

Joint Meetings

Joint Committee on Printing: to hold hearings to examine federal government printing and public access to government documents, 11 a.m., SR–301.

Next Meeting of the SENATE

9:30 a.m., Wednesday, July 10

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will continue consideration of S. 2673, to improve quality and transparency in financial reporting and independent audits and accounting services for public companies, to create a Public Company Accounting Oversight Board, to enhance the standard setting process for accounting practices, to strengthen the independence of firms that audit public companies, to increase corporate responsibility and the usefulness of corporate financial disclosure, to protect the objectivity and independence of securities analysts, to improve Securities and Exchange Commission resources and oversight.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, July 10

House Chamber

Program for Wednesday: Consideration of H.R. 4635, Arming Pilots Against Terrorism Act (modified open rule, one hour of general debate)

Extensions of Remarks, as inserted in this issue

HOUSE

Baldwin, Tammy, Wisc., E1216
Barcia, James A., Mich., E1222
Becerra, Xavier, Calif., E1214
Capuano, Michael E., Mass., E1215
Clement, Bob, Tenn., E1216
Costello, Jerry F., Ill., E1212
DeLauro, Rosa L., Conn., E1213
Etheridge, Bob, N.C., E1217, E1220
Hilliard, Earl F., Ala., E1213
Hoeffel, Joseph M., Pa., E1215
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