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# House of Representatives

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

## DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*July 22, 2002.*

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

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

## 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.

## RECESS

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

Accordingly (at 12 o'clock and 31 minutes p.m.) the House stood in recess until 2 p.m.

□ 1400

## AFTER RECESS

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

## PRAYER

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

Lord God and provider of all good gifts, whenever Your people assemble to pray, we praise You as the source of all we have and are. Preserve in the Members of Congress grateful hearts for all You have given them and this Nation. With this gracious attitude, the tasks You set before Your people can be accomplished with humility. Decisions can be made with confidence in Your guiding wisdom. Accomplishments, though limited in our eyes, can be to Your honor and glory, and bring the world closer to attaining the goals of Your Kingdom here on Earth.

As Your conscientious and grateful servants we pray now and forever. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

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

Mr. SENSENBRENNER led the Pledge of Allegiance as follows:

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

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Evans, one of his secretaries.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
*Washington, DC, July 19, 2002.*

Hon. J. DENNIS HASTERT,
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER, Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 19, 2002 at 2:09 p.m.

That the Senate passed without amendment H.R. 2175.

That the Senate passed without amendment H. Con. Res. 413.

Appointment: U.S. Commission on Civil Rights.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
*Clerk of the House.*

## BOMBING IN AFGHANISTAN

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

Mr. KUCINICH. Mr. Speaker, news accounts indicate that hundreds upon hundreds of innocent Afghans have been killed by mistakes by U.S. war planes. Stop the bombing. We have no quarrel with the Afghan people. The Taliban are overthrown. Al Qaeda has fled. bin Laden has vanished, and yet the bombs still drop indiscriminately. Is there any American who has not been shaken at the mere thought of the horror of U.S. war planes bombing a wedding celebration in the village of Kakrak killing dozens of civilians? Whatever moral authority our Nation has had at the beginning of the conflict is rapidly being lost. This act does not represent America. Democracy does



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not wed terror. This act must not be cloaked in the irresponsible and inhuman euphemism of ''collateral damage.'' Stop the bombing. Let an international police force continue in Afghanistan. Let the humble people of Afghanistan be spared friendly fire issued from the skies. Enough of the bombing of villages to save the villages. Stop the bombing.

## CORPORATE GREED

(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, a scandal-weary American people awoke this morning to more unpleasant news. WorldCom, an employer of 60,000 people, $107 billion in assets, announced that it would seek bankruptcy court protection.

Millions of Americans have watched their retirement accounts evaporate because of fraud, rampant greed, and misgovernance in some of America's largest corporations. Ordinary investors and Wall Street alike have demanded stronger oversight of the accounting industry, rules that prohibit accounting firms from consulting the companies they audit, new authorities for Federal prosecutors to investigate and to punish corporate criminals, and a requirement that top executives personally certify the accuracy of their companies' financial statements.

Legislation that would make these needed reforms passed the other body unanimously last week. Throughout the 1990s, Republicans rushed to unravel regulations and block needed reforms and helped creates the permissive regulatory environment that has led to recent corporate scandals. Now the Republican leadership has stubbornly refused to bring meaningful accounting reform to the floor. Why, Mr. Speaker?

## 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.

RECORD votes on motions to suspend the rules ordered prior to 6:30 p.m. may be taken today. RECORD votes on remaining motions to suspend the rules will be taken tomorrow.

## EXTENSION OF IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4558) to extend the Irish Peace Process Cultural and Training Program.

The Clerk read as follows:

H.R. 4558

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

**SECTION 1. EXTENSION OF IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM.**

Section 2 of the Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note) is amended—

(1) in subsection (a)(2)(A) by striking ''3'' and inserting ''4'';

(2) in subsection (a)(3) by striking ''3'' and inserting ''4'';

(3) in subsection (d)(1) by striking ''2005,'' and inserting ''2006,''; and

(4) in subsection (d)(2) by striking ''2005,'' and inserting ''2006,''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4558, the bill now under consideration.

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

There was no objection.

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

H.R. 4558 amends the Irish Peace Process Cultural and Training Program Act of 1998, which established a cultural training program for disadvantaged individuals to assist the Irish peace process. The program creates 12,000 3-year nonimmigrant visas of the Q classification for adults between the ages of 18 and 35 who live in disadvantaged areas in northern Ireland and the border counties of the Irish Republic. The program enacted in 1998 is set to sunset on October 1, 2005. This bill extends it for 1 year to 2006.

The purpose of the visa is to provide practical training, employment, and the experience of co-existence and conflict resolution in a diverse society and a strong economy such as ours. After trainees return home, they can provide the critical skill base needed to attract private investment in their local economies. The program currently operates in Washington, D.C.; Colorado Springs; Boston; and Pittsburgh. Because the program has been so successful, it also began in Syracuse, New York, within the past few months.

The program got off to a late start due to funding trouble. As such, H.R. 4558 would extend the program for 1 year to make up for the delay so that additional young people can take advantage of this successful program and become peacemakers for Northern Ireland.

I urge my colleagues to support this bill.

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

The SPEAKER pro tempore. Without objection, the gentleman from Ohio (Mr. BROWN) will manage the time on his side of the aisle.

There was no objection.

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

This appears to be a very worthwhile bill, as it amends the Irish Peace Process Cultural and Training Program Act of 1998 to extend through fiscal year 2006. The Irish Peace Process Cultural and Training Program provides for admission into the U.S. each fiscal year of up to 4,000 young disadvantaged aliens from designated counties in Northern Ireland and the Republic of Ireland. These youths suffer from sectarian violence and high unemployment.

The need for these programs is highlighted by the recent outbreak of violence in the country. The Guardian newspaper reports today that a young 20-year-old Catholic man was shot dead in north Belfast. This shooting is a continuation of a series of shootings. Earlier, a 19-year-old Protestant man was shot in the groin in Ardoyne close to the site of last year's loyalist picket at Holy Cross School. The shootings followed a series of violent clashes in north Belfast over the weekend in which an elderly disabled man narrowly escaped death when a petrol bomb was thrown into his home as he slept. Officials and residents are concerned that the renewed attacks will escalate violence in the country.

Hopefully, Mr. Speaker, this program will help put an end to such violence. This program helps these young people develop job and conflict resolution skills in a diverse and peaceful environment so they can return to their homes better able to contribute toward economic regeneration and a lasting peace in Ireland. America's vibrant Irish community welcomes this. I think it is a good idea.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, today I rise in support of H.R. 4558, a bill to extend the Irish Peace Process Cultural and Training Program. This legislation would simply extend the current program for 1 year and allow another group of participants from Northern Ireland and the border counties to enter into the program in fiscal year 2003. I would like to thank the gentleman from Pennsylvania (Mr. GEKAS), who has been such a wonderful advocate for this bill and also the gentleman from Wisconsin (Mr. SENSENBRENNER), who, despite an incredibly heavy workload in the Committee on the Judiciary, fast-tracked this bill. We are very grateful to both of them.

As chairman of the bipartisan Friends of Ireland Caucus here in the House, I believe this is a vital program in support of the Northern Ireland peace process; and I thank the committee for their prompt consideration.

Imagine a program where young people are able to leave Irish neighborhoods of hardship and strife to experience life in a multicultural, multireligious, and diverse Nation. Upon return, they share what they have learned with their peers and build a better life for themselves and their families, a life of greater acceptance of difference without hate. This was the idea of the Irish Peace Process Cultural and Training Program, which began in 1998.

The original legislation, H.R. 4293, creates 12,000 3-year nonimmigrant visas, Q classification, for adults between the ages of 18 and 35 who live in disadvantaged areas in Northern Ireland and the border counties of the Republic of Ireland. It aims to assist the region in its transition to a peacetime economy. As a low-cost, low-risk, high-return investment in peace, it affords people an opportunity to obtain valuable job skills and the experience of working in the world's greatest economy. After their visit, they return home to provide the crucial skill base needed to attract private investment in their local communities.

Signed into law by President Clinton on October 30, 1998, the legislation directs the Secretary of State and the Attorney General to establish a program for young people who are residents of these areas to, quote, ''develop job skills and conflict resolution abilities.''

Since its inception, this program has already allowed about 500 young people ages 18 to 35 to immerse themselves in the culture in United States hub cities, including Colorado Springs; Washington, D.C.; Boston; Pittsburgh; and, most recently, my home, Syracuse. When the program was created, the Congress had no idea how many visas would be required. We had no accurate way to gauge interest among young people in those areas. However, the program is working; and I am anxiously awaiting a review by the Immigration and Naturalization Service and the State Department next spring when the first group of participants return to their home country.

Mr. Speaker, current regulations state that INS may only admit 4,000 aliens per year under this program for a maximum of 36 months and only during the years 2000, 2001, and 2002. This legislation would simply allow another group of participants in fiscal year 2003 to obtain a 3-year Q–2 visa and enter into the program. This is understood by the State Department as well as the Ireland and Northern Ireland governments. If approved, they are expecting about 250 additional visas will be issued next year.

□ 1415

Mr. Speaker, whenever Members of Congress visit Ireland and Northern Ireland, we are thanked for the support Congress has given to the peace process and reminded of the need to maintain our involvement. We have seen first-hand benefits of private and public investment in these distressed areas that have suffered the most from the violence over the last 30 years.

The peace process in Northern Ireland is a great story, but it is an ongoing story and needs leadership from within and support from outside. This program is part of our ongoing commitment to a process that would have been impossible without U.S. involvement.

The visa program will leverage existing and future private investment at a time of fiscal austerity. This program is a relatively inexpensive way to promote peace, reconciliation and stability. I believe this program serves as a model for future efforts to bring peace and resolve conflicts in other hot spots around the world.

Mr. Speaker, I urge the adoption of H.R. 4558.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 4558 an extension of the Irish Peace Process Cultural Training program sponsored by my friend and colleague the gentleman from New York. Mr. WALSH, who chairs the Congressional Friends of Ireland.

Today, in the north of Ireland the institutions established by the Good Friday Accord are up and running. They are serving the people very well in a shared governance scheme supported by the two governments in the region, by our nation, and most of the people in both the north and south.

Now that we have changed their means of governance, we must also help change hearts and minds in the long divided Irish society, where sadly some elements of sectarianism still exist.

During this past summer we witnessed nearly nightly violence in some of the interfaced areas in the inner city of Belfast, where some Catholics and Protestants have yet to learn to live together side by side.

Mr. Walsh's plan, extended by H.R. 4558, has provided for young people from the north and the border counties in the south to come to our nation. Here they can learn new skills and at the same time also learn to live and work together in peace and harmony in multicultural societies, such as ours.

These new job skills and cultural experiences that they learn here and take back to Ireland, are just what Northern Ireland needs today.

While the shared governance scheme has changed the institutions, we also must help change mind sets and develop new outlooks and opportunities for the young people of the region. Mr. Walsh's program meets those two vital needs, and is a long term and insightful solution for what next needs to be done in Northern Ireland.

On a recent Codel to Ireland, I am informed, the Walsh visa program won high praise from some members of the Irish Dail and the Northern Ireland assembly. These are people on the ground who know the challenges and what can and needs to be done by our nation to cement the peace.

I urge all of our colleagues who are for the future of Northern Ireland and especially its young people to vote for H.R. 4558. It is yet another commitment from our nation to the people of Northern Ireland, especially the young, who are its future.

There is no turning back from the Good Friday accord as the important and well meaning IRA apology of last week made clear. We are at the dawn of a new beginning in that long troubled region. H.R. 4558 is a vital part of our contribution to that new and hopeful future, and I urge its adoption.

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

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

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4558.

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.

## CHILD STATUS PROTECTION ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1209) to amend the Immigration and Nationality Act to determine whether an alien is a child, for purposes of classification as an immediate relative, based on the age of the alien on the date the classification petition with respect to the alien is filed, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Child Status Protection Act''.*

***SEC. 2. USE OF AGE ON PETITION FILING DATE, PARENT'S NATURALIZATION DATE, OR MARRIAGE TERMINATION DATE, IN DETERMINING STATUS AS IMMEDIATE RELATIVE.***

*Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended by adding at the end the following:*

*''(f) RULES FOR DETERMINING WHETHER CERTAIN ALIENS ARE IMMEDIATE RELATIVES.—*

*''(1) AGE ON PETITION FILING DATE.—Except as provided in paragraphs (2) and (3), for purposes of subsection (b)(2)(A)(i), a determination of whether an alien satisfies the age requirement in the matter preceding subparagraph (A) of section 101(b)(1) shall be made using the age of the alien on the date on which the petition is filed with the Attorney General under section 204 to classify the alien as an immediate relative under subsection (b)(2)(A)(i).*

*''(2) AGE ON PARENT'S NATURALIZATION DATE.—In the case of a petition under section 204 initially filed for an alien child's classification as a family-sponsored immigrant under section 203(a)(2)(A), based on the child's parent being lawfully admitted for permanent residence, if the petition is later converted, due to the naturalization of the parent, to a petition to classify the alien as an immediate relative under subsection (b)(2)(A)(i), the determination described in paragraph (1) shall be made using the*

*age of the alien on the date of the parent's naturalization.*

*''(3) AGE ON MARRIAGE TERMINATION DATE.—In the case of a petition under section 204 initially filed for an alien's classification as a family-sponsored immigrant under section 203(a)(3), based on the alien's being a married son or daughter of a citizen, if the petition is later converted, due to the legal termination of the alien's marriage, to a petition to classify the alien as an immediate relative under subsection (b)(2)(A)(i) or as an unmarried son or daughter of a citizen under section 203(a)(1), the determination described in paragraph (1) shall be made using the age of the alien on the date of the termination of the marriage.''.*

***SEC. 3. TREATMENT OF CERTAIN UNMARRIED SONS AND DAUGHTERS SEEKING STATUS AS FAMILY-SPONSORED, EMPLOYMENT-BASED, AND DIVERSITY IMMIGRANTS.***

*Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended by adding at the end the following:*

*''(h) RULES FOR DETERMINING WHETHER CERTAIN ALIENS ARE CHILDREN.—*

*''(1) IN GENERAL.—For purposes of subsections (a)(2)(A) and (d), a determination of whether an alien satisfies the age requirement in the matter preceding subparagraph (A) of section 101(b)(1) shall be made using—*

*''(A) the age of the alien on the date on which an immigrant visa number becomes available for such alien (or, in the case of subsection (d), the date on which an immigrant visa number became available for the alien's parent), but only if the alien has sought to acquire the status of an alien lawfully admitted for permanent residence within one year of such availability; reduced by*

*''(B) the number of days in the period during which the applicable petition described in paragraph (2) was pending.*

*''(2) PETITIONS DESCRIBED.—The petition described in this paragraph is—*

*''(A) with respect to a relationship described in subsection (a)(2)(A), a petition filed under section 204 for classification of an alien child under subsection (a)(2)(A); or*

*''(B) with respect to an alien child who is a derivative beneficiary under subsection (d), a petition filed under section 204 for classification of the alien's parent under subsection (a), (b), or (c).*

*''(3) RETENTION OF PRIORITY DATE.—If the age of an alien is determined under paragraph (1) to be 21 years of age or older for the purposes of subsections (a)(2)(A) and (d), the alien's petition shall automatically be converted to the appropriate category and the alien shall retain the original priority date issued upon receipt of the original petition.''.*

***SEC. 4. USE OF AGE ON PARENT'S APPLICATION FILING DATE IN DETERMINING ELIGIBILITY FOR ASYLUM.***

*Section 208(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(3)) is amended to read as follows:*

*''(3) TREATMENT OF SPOUSE AND CHILDREN.—*

*''(A) IN GENERAL.—A spouse or child (as defined in section 101(b)(1) (A), (B), (C), (D), or (E)) of an alien who is granted asylum under this subsection may, if not otherwise eligible for asylum under this section, be granted the same status as the alien if accompanying, or following to join, such alien.*

*''(B) CONTINUED CLASSIFICATION OF CERTAIN ALIENS AS CHILDREN.—An unmarried alien who seeks to accompany, or follow to join, a parent granted asylum under this subsection, and who was under 21 years of age on the date on which such parent applied for asylum under this section, shall continue to be classified as a child for purposes of this paragraph and section 209(b)(3), if the alien attained 21 years of age after such application was filed but while it was pending.''.*

***SEC. 5. USE OF AGE ON PARENT'S APPLICATION FILING DATE IN DETERMINING ELIGIBILITY FOR ADMISSION AS REFUGEE.***

*Section 207(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(2)) is amended—*

*(1) by striking ''(2)'' and inserting ''(2)(A)''; and*

*(2) by adding at the end the following:*

*''(B) An unmarried alien who seeks to accompany, or follow to join, a parent granted admission as a refugee under this subsection, and who was under 21 years of age on the date on which such parent applied for refugee status under this section, shall continue to be classified as a child for purposes of this paragraph, if the alien attained 21 years of age after such application was filed but while it was pending.''.*

***SEC. 6. TREATMENT OF CLASSIFICATION PETITIONS FOR UNMARRIED SONS AND DAUGHTERS OF NATURALIZED CITIZENS.***

*Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following:*

*''(k) PROCEDURES FOR UNMARRIED SONS AND DAUGHTERS OF CITIZENS.—*

*''(1) IN GENERAL.—Except as provided in paragraph (2), in the case of a petition under this section initially filed for an alien unmarried son or daughter's classification as a family-sponsored immigrant under section 203(a)(2)(B), based on a parent of the son or daughter being an alien lawfully admitted for permanent residence, if such parent subsequently becomes a naturalized citizen of the United States, such petition shall be converted to a petition to classify the unmarried son or daughter as a family-sponsored immigrant under section 203(a)(1).*

*''(2) EXCEPTION.—Paragraph (1) does not apply if the son or daughter files with the Attorney General a written statement that he or she elects not to have such conversion occur (or if it has occurred, to have such conversion revoked). Where such an election has been made, any determination with respect to the son or daughter's eligibility for admission as a family-sponsored immigrant shall be made as if such naturalization had not taken place.*

*''(3) PRIORITY DATE.—Regardless of whether a petition is converted under this subsection or not, if an unmarried son or daughter described in this subsection was assigned a priority date with respect to such petition before such naturalization, he or she may maintain that priority date.*

*''(4) CLARIFICATION.—This subsection shall apply to a petition if it is properly filed, regardless of whether it was approved or not before such naturalization.''.*

***SEC. 7. IMMIGRATION BENEFITS FOR CERTAIN ALIEN CHILDREN NOT AFFECTED.***

*Section 204(a)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)) is amended by adding at the end the following new clause:*

*''(iii) Nothing in the amendments made by the Child Status Protection Act shall be construed to limit or deny any right or benefit provided under this subparagraph.''.*

***SEC. 8. EFFECTIVE DATE.***

*The amendments made by this Act shall take effect on the date of the enactment of this Act and shall apply to any alien who is a derivative beneficiary or any other beneficiary of—*

*(1) a petition for classification under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) approved before such date but only if a final determination has not been made on the beneficiary's application for an immigrant visa or adjustment of status to lawful permanent residence pursuant to such approved petition;*

*(2) a petition for classification under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) pending on or after such date; or*

*(3) an application pending before the Department of Justice or the Department of State on or after such date.*

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

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1209.

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

There was no objection.

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

Mr. Speaker, H.R. 1209, the Child Status Protection Act, is the good work of the Subcommittee on Immigration, Border Security and Claims chairman, the gentleman from Pennsylvania (Mr. GEKAS), and the ranking member, the gentlewoman from Texas (Ms. JACKSON-LEE.) It passed the House by a vote of 416 to 0 in June of 2001. Today we take up the bill as amended by the Senate.

Aliens residing in the United States who are eligible for permanent resident status may adjust their status with the INS. However, INS processing delays have caused up to a 3-year delay for adjustment. For alien children of U.S. citizens, this delay in processing can have serious consequences, for once they turn 21 years of age they lose their immediate relative status. An unlimited number of immediate relatives of U.S. citizens can receive green cards every year. However, there are a limited number of green cards available for the adult children of citizens.

If a U.S. citizen parent petitions for a green card for a child before the child turns 21 but the INS does not get around to processing the adjustment of status application until after the child turns 21, the family is out of luck. The child goes to the end of the long waiting list. The child is being punished because of INS ineptitude, which we have heard much about, and it is not right. H.R. 1209 corrects this outcome by providing that a child shall remain eligible for immediate relative status as long as an immigrant visa petition was filed for him or her before turning age 21.

The Senate passed H.R. 1209 with a few appropriate additions, and the motion today is to concur in those additions. The Senate bill addresses three other situations where alien children lose immigration benefits by ''aging out'' as a result of INS processing delays.

Case number one: Children of permanent residents. Under current law, when a child of a permanent resident turns 21, he or she goes from the second preference A waiting list to the second waiting list B waiting list, which is much longer.

Case number two: Children of family and employer-sponsored immigrants

and diversity lottery winners. Under current law, when an alien receives permanent residence as a preference visa recipient or a winner of the diversity lottery, a minor child receives permanent residence at the same time. After the child turns 21, the parent would have to apply for the child to be put on the second preference B waiting list.

Case number three: Children of asylees and refugees. Under current law, when an alien receives asylum or is granted refugee status, a minor child receives permanent residence at the same time as the parent. After the child turns 21, the parent would have to apply for him or her to be put on the second preference B waiting list.

The Senate amendment also fixes a troubling anomaly in our immigration laws. Under current law, when a permanent resident naturalizes who has sponsored adult sons and daughters for preferential visas, they move from the second preference B category to the first preference category. Normally, the wait for a first preference visa is much shorter than the wait for second preference B visa. However, currently this is not the case for sons and daughters of immigrants from the Philippines. For complicated factors, the line actually gets longer for sons and daughters when the parent naturalizes. Immigrants are in effect being penalized for becoming citizens, and we don't want that.

The Senate amendment provides a simple fix by allowing an adult son or daughter to decline to be transferred from the second preference B category to the first preference category when a parent naturalizes.

This bill is a fine example of how we and the other body can work together in a collaborative fashion. Bringing families together is a prime goal of our immigration system. H.R. 1209 facilitates and hastens the reuniting of legal immigrants' families. It is family-friendly legislation that is in keeping with our proud traditions. I urge my colleagues to support this bill.

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

The SPEAKER pro tempore. Without objection, the gentlewoman from Texas (Ms. JACKSON-LEE) will control the time.

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank you for your kindness, and I might also acknowledge the gentleman from Ohio (Mr. BROWN) for his kindness. Traveling sometimes causes one to be delayed.

Mr. Speaker, let me rise to support what I think is a very special and important piece of legislation that has come about from the Committee on the Judiciary in a bipartisan manner, the Child Status Protection Act of 2001, H.R. 1209.

I would ask my colleagues to enthusiastically support this legislation, which was originally cosponsored by the subcommittee chairman, the gentleman from Pennsylvania (Mr. GEKAS), and myself, and it is a culmination of a bipartisan agreement of both the House and the Senate that addresses the status of unmarried children of U.S. citizens who turn 21 while in the process of having an immigrant visa petition adjudicated. The age and marital status of the offspring of U.S. citizens determine whether they are eligible for immigrant status as an immediate relative or under the family-first preference category.

As has been noted throughout our debates on the floor of the House, we are interested in and encouraged by the interest of immigrants in this country to access legalization, to become American citizens, to be part of the great values and the great beliefs of this Nation.

H.R. 1209 would protect the status of children of United States citizens who ''age out'' while awaiting the processing and adjudication of immediate relative petitions.

The child of a U.S. citizen is eligible for admission as an immediate relative. Immediate relatives of U.S. citizens are not subject to any numerical restrictions. That is, visas are immediately available to them under the statute, subject only to the processing time required to adjudicate the immediate relative visa petition.

Obviously, the parent and child relationship is very important. The benefits that come from the parent-child relationship or relative relationship is very important, the ability to be able to go to school, to a place of higher education, to receive other governmental benefits. Thus, the only wait that such children are required to endure is the time it takes to process their paperwork. We want to see that completed.

Under current law, once children reach the age of 21 and above, they are no longer considered immediate relatives under the INA. That means that they ''age out.'' Thus, instead of being entitled to admission without numerical limitation, the U.S. citizen's sons or daughters are placed in the back of the line for one of the INS's backlogged family preference categories of immigrants. That means they have already been standing in line for maybe 2, 3, 4 years. They may have been 17 or 16 or 19, and they have then aged out. By putting them behind a long list of individuals then complicates further the situation of the benefits that they might receive and also the relationship being established as an American citizen.

This can be particularly difficult when there are just over 23,000 family-first preference visas available each year to the adult unmarried sons and daughters of citizens, many of whom are coming over to the country for the first time. Some of these that will be impacted by this law are already here waiting to access citizenship. The waiting list at times has been in excess of over 90,000 people. It is not uncommon for people to wait on this waiting list for 4 years.

The Senate expanded this bill to cover other situations where alien children lose immigration benefits by aging out as a result of INS processing delays. The Senate amendment expands age-out protection to cover the following:

Children of permanent residents. Under current law, there is a group that is waiting in permanent residence, and we have expanded that. Children of family and employer-sponsored immigrants and diversity lottery winners, which allows those who are under visas such as H1(b), which is very helpful. Children of asylees and refugees. Under current law, when an alien receives asylum or is granted refugee status, a minor child receives permanent residence at the same time as the parent. After the child turns 21, the parent would have to apply for him or her to be put on the second preference B waiting list.

I have a dilemma in my own district with where a family of nine is now in detention because the only citizen they have in their family is a 9-year-old child, which shows that, in many instances, sometimes there are difficulties in families, good families, trying to access legalization. This family has been in the country for 9 years. This legislation does not apply to that, but it shows that where we can correct situations to bring families together, this is extremely important.

So the Senate has brought about an opportunity to correct or expand upon what was not done in the House. I believe this is an important bill that helps those who are aging out and brings families together. I hope my colleagues will support this legislation enthusiastically.

Mr. Speaker, ''The Child Status Protection Act'' we are considering today, originally sponsored by Subcommittee Chairman GEORGE GEKAS and myself, is the culmination of a bipartisan agreement of both the House and the Senate, that addresses the status of unmarried children of U.S. citizens who turn 21 while in the process of having an immigrant visa petition adjudicated. The age and marital status of the offspring of U.S. citizens determine whether they are eligible for immigrant status as ''immediate relatives'' or under the ''family first preference category''.

H.R. 1209 would protect the status of children of United States citizens who ''age-out'' while awaiting the processing and adjudication of immediate relative petitions.

The ''child'' of a U.S. citizen is eligible for admission as an ''immediate relative.'' ''Immediate relatives'' of U.S. citizens are not subject to any numerical restrictions. That is, visas are immediately available to them under the statute, subject only to the processing time required to adjudicate the immediate relative visa petition. Thus, the only wait that such children are required to endure is the time it takes to process their paperwork.

Under current law once children reach 21 years of age, they are no longer considered immediate relatives under the INA. Thus, instead of being entitled to admission without

numerical limitation, the U.S. citizen's sons or daughters are placed in the back of the line for one of the INS's backlogged family preference categories of immigrants. This can be particularly difficult when there are just over 23,000 family-first preference visas available each year to the adult, unmarried sons and daughters of citizens and a waiting list which at times has been in excess of over 90,000 people. It is not uncommon for people to wait on this waiting list for years.

The Senate expanded the bill to cover other situations where alien children lose immigration benefits by ''aging-out'' as a result of INS processing delays. The Senate amendment expands age-out protection to cover:

CHILDREN OF PERMANENT RESIDENTS

Under current law, when a child of a permanent resident turns 21, he or she goes from the second preference ''A'' waiting list to the second preference ''B'' waiting list, which is much longer.

CHILDREN OF FAMILY AND EMPLOYER-SPONSORED IMMIGRANTS AND DIVERSITY LOTTERY WINNERS

Under current law, when an alien receives permanent residence as a preference-visa recipient or a winner of the diversity lottery, a minor child receives permanent residence at the same time. After the child turns 21, the parent would have to apply for him or her to be put on the second preference ''B'' waiting list.

CHILDREN OF ASYLEES AND REFUGEES

Under current law, when an alien receives asylum or is granted refugee status, a minor child receives permanent residence at the same time as the parent. After the child turns 21, the parent would have to apply for him or her to be put on the second preference ''B'' waiting list.

The Senate amendment also fixes an anomaly in our immigration laws. Under current law, when a permanent resident naturalizes who has sponsored adult sons and daughters for preference visas, they move from the second preference ''B'' category (for the adult sons and daughters of permanent residents) to the first preference category (for the adult sons and daughters of citizens).

Normally, the wait for a first preference visa is much shorter than the wait for a second preference ''B'' visa. However, currently this is not the case for the sons and daughters of immigrants from the Philippines. The line actually gets longer for the sons and daughters when the parent naturalizes. This outcome is caused by two factors: (1) no one country can receive more than a certain percentage of visas in family-preference categories, and (2) there is a relatively higher demand among naturalized citizens from the Philippines for preference visas for their adult sons and daughters than there is among permanent residents from the Philippines. In any event, it is certainly unfortunate that immigrants are in effect being penalized for becoming citizens. The Senate amendment provides relief by allowing an adult son or daughter of a naturalized citizen who has already been sponsored for permanent residence to choose not to be transferred from the second preference ''B'' category to the first preference category.

This bill will solve the ''age out'' problem without displacing others who have been waiting patiently in other visa categories by allowing the child to use the date at the time the date of the parent's application. I would like to thank our Subcommittee Chairman, Congressman GEORGE GEKAS and Chairman SENSENBRENNER for moving this matter through the Congress. I look forward to further bi-partisan agreements in the future.

Mr. GEKAS. Mr. Speaker, I introduced H.R. 1209, the ''Child Status Protection Act'', in March of 2001 along with SHEILA JACKSON LEE. I was moved by stories of the children of U.S. citizens, constituents of my own and of other members, who were being punished because of the inability of the INS to process applications for adjustment of status to permanent residency in a timely manner.

I am gratified to see us today on the verge of passing this bill for a second time and sending it to President Bush for his signature. I want to thank Senator DIANNE FEINSTEIN for all her help in getting this bill passed by the Senate and for her efforts to make it even better.

Aliens who are eligible to receive an immigrant visa and who are in the United States are eligible to adjust to permanent resident status with the INS. However, the adjustment of status process has become a black hole. Almost a million adjustment of status applications are pending and the consequent processing delay can last up to three years. For the children of U.S. citizens, such delay can have major consequences.

An unlimited number of visas are available each year for the minor children of U.S. citizens, who are considered immediate relatives. However, a finite number of visas are available for the adult children of U.S. citizens.

The date at which the age of a child is measured is the date their adjustment of status application is processed—not the date that an immigrant visa petition was filed on their behalf. Thus, with the INS taking up to three years to process applications, children who were under 21 when their petitions were filed may find themselves over 21 by the time their applications are processed. When a child of a U.S. citizen ''ages out'' by turning 21, the child automatically shifts from the immediate relative category to the family first preference category. This puts him or her at the end of long waiting list for a visa.

Because demand for first preference visas far exceeds the number of visas available each year, petitions are processed in the order they were filed. For applicants from most countries, the wait for a family first preference visa is about seven years, but for applicants from Mexico or the Philippines, the wait can be much longer. This is in addition to the time it takes INS to process he adjustment of status application.

H.R. 1209, ''the Child Status Protection Act'', allows the children of U.S. citizens whose visa petitions were filed before they reached 21, but turn 21 before their adjustment of status applications are processed, to adjust status without having to wait for years. Pursuant to the bill, they will still be considered minor children of U.S. citizens, thus avoiding the first preference backlog.

This bill protects the children of American citizens whose opportunity to receive a visa quickly has been lost because of INS delays. It will also apply to those rare cases where a child ''ages out'' overseas during the usually more expeditious State Department visa processing.

The bill was modified in the Senate to provide relief to other children who lose out when the INS takes too long to process their adjustment of status applications—such as the children of permanent residents and of asylees and refugees. I want to commend Senator FEINSTEIN for these changes.

The bill will also benefit Philippine immigrants who become naturalized citizens. For some of them, naturalization now means that they will have to wait longer to reunite with their adult children. Our complex immigration laws and the law of supply and demand currently lead to the odd result that the waiting list is longer for the adult child of a naturalized citizen from the Philippines than for the adult child of a permanent resident from the Philippines. As a result, Filipino permanent residents with adult children are being punished for becoming citizens of the United States. H.R. 1209 sets things right by simply allowing the adult children to choose to stay in the shorter line.

I urge my colleagues to support H.R. 1209.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1209.

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

A motion to reconsider was laid on the table.

## CONFERRING HONORARY CITIZENSHIP ON THE MARQUIS DE LAFAYETTE

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 13) conferring honorary citizenship of the United States on Paul Yves Roch Gilbert du Motier, also known as Marquis de Lafayette, as amended.

The Clerk read as follows:

S.J. RES. 13

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Marie Joseph Paul Yves Roche Gilbert du Motier, the Marquis de Lafayette, is proclaimed posthumously to be an honorary citizen of the United States of America.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S.J. Res. 13.

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

There was no objection.

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

Mr. Speaker, Senate Joint Resolution 13 confers honorary U.S. citizenship on the Marquis de Lafayette in recognition of his many contributions to and sacrifices for the cause of American independence and his lifelong crusade for the principles of representative government.

American citizenship is the highest honor that we as a country can confer upon the citizen of another country. The granting of honorary citizenship is the admission and welcoming of that person into our national family.

□ 1430

The granting of honorary U.S. citizenship has only been given to individuals four times in our history.

The Marquis de Lafayette's role in the fight for this country's freedom justifies adding the Marquis to this select group of individuals.

This resolution acknowledges the many efforts made by the Marquis de Lafayette that are the basis for granting him honorary United States citizenship.

Although the Marquis de Lafayette was granted citizenship by Maryland and Virginia before the Constitution was adopted, it has been determined that citizenship conferred by those States did not confer U.S. citizenship on the Marquis.

Because of the many ways in which the Marquis played a major role in the creation of our great Nation, it is appropriate to bestow the rare distinction of honorary U.S. citizenship upon the Marquis de Lafayette.

No other foreign national involved in this country's independence contributed so much to the cause. The Marquis de Lafayette certainly deserves this tribute for his role in creating a free America.

Unfortunately, the resolution passed by the Senate states the Marquis's name incorrectly. This motion that I have made amends the joint resolution to grant honorary citizenship to the real Marquis de Lafayette and, thus, the resolution must go back to the other body for its consideration. I hope that the other body will move quickly and not cause any further delay in granting this much overdue honor to the Marquis de Lafayette. I urge the House to pass this resolution.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just under a month ago, we celebrated our Independence Day, when many Americans begin to turn their attention to, again, the values of this country and the privileges of this country. I took the opportunity again to reflect upon the Declaration of Independence and to read about the original signers of that document. It was interesting to note that most of those who signed, or many of those who signed, ultimately lost their status and wealth, their land, some of whom lost their life or their freedom by being incarcerated in prison, some never to see their family members again. So S.J. Resolution 13 is worthy of the support of my colleagues in honor of the Marquis de Lafayette.

So I rise today to support this measure conferring honorary citizenship of the United States on this important historic figure. Known as Marquis de Lafayette or General Lafayette, he was a soldier for America's freedom. He gave up a lot: his comfort in France, his royal birthplace, to help young America battle for independence. He did something he did not have to do as the original signers of the Declaration of Independence did as well. So he made a great sacrifice for this Nation.

In 1777, Lafayette, with a crew of adventurers, set sail for America to fight in the revolution against the British. Lafayette joined the ranks as a major general and was assigned to the staff of George Washington. He served with distinction, leading American forces to several victories. On a return visit to France in 1779, Lafayette persuaded the French government to send aid to the Americans. After the British surrender at Yorktown, Lafayette returned to his home in Paris. He had become a hero to the new Nation. At home, he cooperated closely with Ambassadors Benjamin Franklin and then Thomas Jefferson on behalf of American interests.

The United States has conferred honorary citizenship on four other occasions in more than 200 years of its independence, and honorary citizenship is and should remain an extraordinary honor not lightly conferred, not frequently granted. Whereas the Marquis de Lafayette voluntarily put forth his own money, gave aid to the United States, and risked his life for the freedom of Americans, I believe this distinction is warranted. Particularly in this time, we all realize how grateful we are for being born in a country that values freedom so greatly, and for those who fought for that freedom, to make this Nation an ongoing process in greater freedom for all of its diverse members is a tribute.

The sentiment that Marquis de Lafayette had toward America is one Americans should have. Humanity has won its battle. Liberty now has a country.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Speaker, I wish to thank the chairman and the ranking member and all of the members of the Committee on the Judiciary for their effort on behalf of S.J. Resolution 13.

Inspired by our cause for independence, the Marquis de Lafayette left his aristocratic life in France to come to revolutionary America. He landed in Charleston, South Carolina, and he was only 20 years old. One month later in Philadelphia, he volunteered to serve in the continental Army at his own expense. Congress gave him the rank of major general.

Two months after his commission, Lafayette was wounded at the Battle of Brandywine. He spent the winter with George Washington at Valley Forge. The following summer, he served with distinction at the Battle of Monmouth, and then at the battle of Newport in Rhode Island.

After going to France for 2 years, he returned to America in 1780 and was an invaluable aide-de-camp as General Washington and the French Commander-in-Chief planned a joint campaign. In 1781, Lafayette served in Virginia, concluding with our victory at Yorktown. He went back to France.

Then in 1824, Lafayette returned to America and received a hero's welcome wherever he went. He spent over a year touring all 24 States of the Union.

Many of my colleagues have noticed the portrait on the wall here in the House. It commemorates Lafayette's speech to an 1824 Joint Session of Congress, the first such address by a foreigner. In November of that year, Lafayette stayed with President Thomas Jefferson at Monticello in the fifth district of Virginia. At a banquet at the University of Virginia held in the Dome Room of UVA's Rotunda, the Marquis was seated between former presidents Jefferson and James Madison. There proclaimed Jefferson, referring to the American revolution, ''I merely held the nail; Lafayette drove it.''

I take these comments to mean that while Jefferson was a crucial figure in defining the ideals of representative democracy, Lafayette was a crucial figure in making our democracy politically possible through securing France's help and winning our independence from Great Britain.

Let us now return Lafayette's inestimable favor. Let us concur on the Marquis de Lafayette honorary citizenship of the United States of America.

Mr. Speaker, I urge my colleagues to vote in favor of S.J. Resolution 13.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it gives me great pleasure to yield such time as he might consume to the gentleman from American Samoa (Mr. FALEOMAVEAGA). We appreciate his friendship and that of the independent islands which he is representing.

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentlewoman for yielding me this time. I certainly want to commend our distinguished chairman of the Committee on the Judiciary, as well as the gentlewoman from Texas, for their management of this legislation. I support the proposed resolution.

How ironic, Mr. Speaker, that we find here in this hallowed Chamber only two paintings of two distinguished individuals that have had some bearing in terms of what we are discussing, the

revolution and the leadership of George Washington. If I am correct, Mr. Speaker, I believe the other painting that we see here in the gallery is the Marquis de Lafayette, and I think it bears an understanding of how distinguished this Frenchman was by demonstrating his leadership, his courage, and his commitment to our freedoms as a former colony of the British empire.

I think we have to have a sense of perspective too in terms of the fact that the French and the British were fighting over the colonial abilities of themselves in terms of what we were to do, and I wonder, sometimes, if maybe the French government really had a love or a greater hatred for the British than they did for the colonialists.

But I do want to honor the Marquis de Lafayette and all that my good friend, the gentleman from Virginia (Mr. GOODE) had spoken about in terms of his history and his commitment to democracy. I just wish that perhaps in these days, the Marquis de Lafayette would come and help me with the fact that the French government had conducted 200 nuclear testings in the South Pacific that has drastically affected the environment in this region of the world. I wonder that despite the fact that 60 percent of the French people were even against nuclear testing, for which President Chirac has simply broken the moratorium and given greater pain and feelings of misunderstanding of the people of the Pacific.

Yes, I do honor the Marquis de Lafayette for what he has done for our Nation, and for that I want to again thank the gentlewoman from Texas for giving me this opportunity to pay tribute to this gentleman, and I support the resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Let me thank the distinguished gentleman from American Samoa. I think his tribute to the Marquis de Lafayette is to be appreciated, as well as his concerns that have been expressed.

Let me say to the distinguished chairman of the Committee on the Judiciary, as I mentioned last week when we were on the floor together, let me make it very clear that I support enthusiastically this resolution, and distinguished gentleman from Virginia for putting it forward. I think it is important that as this bill deals with citizenship, just to indicate to this House as we begin to finish our work before a work recess, that there is unfinished business, and I hope that we can attend to it perspectively, without disrespect to the present legislation as I rise to support it.

I believe it is important, however, that we find a way to move 245(i) on, because we have come to this floor and we have modified the status of children waiting to access citizenship through their parents. We need to continue moving forward on family reunification and not use the tragedies of September 11 and the terrorism that we have experienced to deal with real immigration issues.

I would also hope that one of the groups that we have looked at and maybe looked over that we can try to address their concerns, and that is the Haitians, that we can provide legislation to address their status. Also, I believe that if we did a cultural bill similar to that done in Ireland, that it would be extremely helpful. We need peace in Haiti, one of the countries that has the greatest turmoil that is right outside of our border here in the Western Hemisphere.

So I hope that we will have the opportunity to do that as we move forward on the Homeland Security Department. I also hope that we will have an opportunity to focus on making sure that the resources of the immigration services and enforcement are all kept intact so that we do not lose sight of diminishing the role that they play in this country, the good role that they play in this country.

With that, I would ask my colleagues to support S.J. Resolution 13.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I am really sorry that the gentlewoman from Texas and the gentleman from American Samoa have brought extraneous issues into the debate on whether or not we should give honorary citizenship to the Marquis de Lafayette.

This is really something that is very unique. It probably came about as a result of an anomaly in our citizenship laws that have been overlooked for over 200 years, because both Virginia and Maryland, prior to the adoption of the Constitution, granted the Marquis honorary citizenship. I think many people had assumed that that grant before the Constitution was adopted would have sufficed to make sure that his honorary citizenship was valid in the newly United States of America. Unfortunately, it was not, and that is why we are here today.

One of the reasons why we have 50 stars in the upper left-hand corner of our flag rather than the union jack was because of the efforts that the Marquis made not only militarily during the Revolutionary War, but in securing the France of Louis the 16th to be on the side of the American colonists in their fight against Great Britain. Without his efforts, both on the ground on this side of the Atlantic and diplomatically in Paris, the revolution may very well have not succeeded.

So today should be the Marquis de Lafayette's day. I think that we should have an overwhelming vote in favor of this resolution.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in support of S.J. Res. 13 conferring honorary U.S. citizenship on Paul Yves Roch Gilbert du Motier.

Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette, risked his life and financial security for the freedom of Americans. By an Act of Congress, the Marquis de Lafayette was voted to the rank of Major General, and during the Revolutionary War, General Lafayette was wounded at the Battle of Brandywine, demonstrating bravery that forever endeared him to American soldiers. General Lafayette then provided his devotion to our country further by securing the help of France in the United States' colonists' fight against Great Britain, a turning point in the war of independence.

For his unmatched dedication, General Lafayette was the first foreign dignitary to address Congress, an honor accorded to him upon his return to the United States in 1824. A portrait of our honored friend hangs in front of us today in the House Chamber—the only portrait of a non-American citizen in the Capitol. Mr. Speaker, I rise today to ask my colleagues to join me in supporting the Honorable Senator from Virginia's effort to confer honorary citizenship on a great friend of America, General Lafayette.

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

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate joint resolution, S.J. Res. 13, as amended.

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

The title of the Senate joint resolution was amended so as to read: ''Joint Resolution conferring honorary citizenship of the United States posthumously on Marie Joseph Paul Yves Roche Gilbert du Motier, the Marquis de Lafayette.''.

A motion to reconsider was laid on the table.

□ 1445

## JUDICIAL IMPROVEMENTS ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3892) to amend title 28, United States Code, to make certain modifications in the judicial discipline procedures, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3892

*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, that judge shall not hear 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.''.

(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''.

The SPEAKER pro tempore (Mr. STEARNS). Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3892 currently under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 3892 constitutes a noncontroversial fine-tuning of an existing statute, the Judicial Conduct and Disability Act of 1980, which permits individuals to file complaints against Federal judges for inappropriate behavior.

The legislation before us will reorganize the 1980 act by recodifying it as a new chapter of title 28, United States Code, thereby making it easier to locate and use. The bill will also clarify the responsibilities of a circuit chief judge in making the initial evaluations of a complaint, will specifically empower a judicial council to refer a complaint to a smaller panel for greater scrutiny. These changes will not only assist the Federal judiciary in discharging its responsibilities under the 1980 act, they will enable an individual to understand more fully the reasoning behind the disposition of a complaint.

Mr. Speaker, the Committee on the Judiciary believes that the 1980 act works well in most instances but could work better. We have developed this bill with full participation of the minority, and I urge my colleagues to support it.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3892, the Judicial Improvements Act of 2002. H.R. 3892 makes slight modifications to existing Federal judicial misconduct statutes. These statutes govern the methods and procedures through which a complaint against a Federal judge is filed and evaluated.

H.R. 3892 improves the statutes of both the judiciary and the complainant. H.R. 3892 clarifies how chief judges should evaluate complaints while enabling a complainant to receive a fair and expeditious review of his or her complaint. Specifically, H.R. 3892 accomplishes four primary goals. H.R. 3892 creates a new chapter to house the misconduct statutes, better organized and more convenient than before. Second, it recognizes the authority of a chief judge to conduct a limited inquiry into a complaint against a Federal judge to evaluate the merit of the complaint. Third, H.R. 3892 specifies additional valid criteria for a dismissal of a complaint. Finally, it permits a subset of the judicial council to evaluate a complainant's appeal rather than the full council.

I believe that is the right direction to assist our Federal judiciary, which I know wants to be on top of the rules and in front of the rules, to do their jobs and to monitor their own conduct.

Mr. Speaker, I rise in support of H.R. 3892, the Judicial Improvements Act of 2002.

H.R. 3892 makes slight modifications to existing federal judicial misconduct statutes. These statutes govern the methods and procedures through which a complaint against a federal judge is filed and evaluated.

H.R. 3892 improves these statutes for both the judiciary and the complainant. H.R. 3892 clarifies how chief judges should evaluate complaints, while enabling a complainant to receive a fair and expeditious review of his or her complaint.

Specifically, H.R. 3892 accomplishes four primary goals.

First, H.R. 3892 creates a new chapter to house the misconduct statutes, better organized and more convenient than before.

Second, it recognizes the authority of a chief judge to conduct a limited inquiry into a complaint against a federal judge, to evaluate the merit of the complaint.

Third, H.R. 3892 specifies additional valid criteria for a dismissal of a complaint.

Finally, it permits a subset of the judicial council to evaluate a complainant's appeal, rather than the full council.

This legislation is the outcome of the Subcommittee on Courts, the Internet, and Intellectual Property oversight hearing held in November 2001 on judicial misconduct and recusal.

The reorganization and clarifications in this bill were discussed and supported by the witnesses at that hearing. H.R. 3892 was subsequently marked up at both the Subcommittee and Committee levels with the full support of the Members.

This legislation helps the judiciary to police itself more effectively, and does not impose any additional restrictions or external oversight.

With that, I would ask my colleagues to support this legislation.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. COBLE).

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

Mr. Speaker, the chairman has done a thorough job of describing the bill, so I will not rehash his comments. I would say, however, that the bill was a bipartisan effort in the making, and I especially want to thank the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the House Committee on the Judiciary; the distinguished gentleman from Michigan (Mr. CONYERS), the ranking member; and the distinguished gentleman from California (Mr. BERMAN), who is the ranking member on the subcommittee of jurisdiction, for their contributions and cooperations.

In addition to our work on H.R. 3892, the gentleman from California (Mr. BERMAN) and I have undertaken two other projects to help improve the ethical standing of the judiciary. We have written to the Chief Justice asking that the judicial conference consider implementing certain administrative changes that should improve the operations of the courts; and we have, furthermore, requested that the Federal Judicial Center conduct a study of complaint dispositions throughout the various circuits. Combined with H.R. 3892, I believe that these efforts will assist Federal judges in discharging their ethical responsibilities while better informing the Congress as to the effectiveness of the judicial misconduct statute which we are amending today.

Finally, Mr. Speaker, I would be remiss if I failed to mention the diligent work of the following people who were incredibly helpful in the drafting of H.R. 3892: Mr. Arthur Hellman of the Pittsburg School of Law, Mr. Mike Remington, the former chief counsel on the Subcommittee on the Courts, the Internet and Intellectual Property, Sandy Strokoff of the Legislative Counsel's Office, as well as the Honorable William Osteen, United States District Judge from the middle district of North Carolina who appeared as a witness, and who by the way, Mr. Speaker, is one of my constituents.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I know that the gentleman from California (Mr. BERMAN) would want me to thank the gentleman for his hard work on this legislation and to, as well, acknowledge the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) for their work on this legislation.

Mr. Speaker, I do want to note, I want to indicate that this legislation is the outcome of the Subcommittee on Courts, the Internet and Intellectual Property oversight hearing that was held November 2001 on judicial misconduct and recusal.

The reorganization and clarifications in this bill were discussed and supported by the witnesses at the hearing, and H.R. 3892 was subsequently marked up at both the subcommittee and committee levels with the full support of the Members. This legislation helps the judiciary to police itself more effectively and does not impose additional restrictions or external oversight.

Our committee, though this is not the Subcommittee on Courts for the Committee on the Judiciary, and I understand the committee that deals with commercial administrative law has had it brought to its attention issues dealing with ALJ's as it relates to the responsibility they have, in particular, dealing with Social Security

Administration issues. This kind of even-handed legislation and oversight hearings are the kind that I think will give us guidance on how to deal with the administrative law judges, and I would look forward in the time to come that we would have that opportunity. I support this legislation, and I ask my colleagues to vote in favor of H.R. 3892.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3892, 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.

## RUSSIAN RIVER LAND ACT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3048) to resolve the claims of Cook Inlet Region, Inc., to lands adjacent to the Russian River in the State of Alaska, as amended.

The Clerk read as follows:

H.R. 3048

*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 ''Russian River Land Act''.*

***SEC. 2. FINDINGS AND PURPOSES.***

*(a) FINDINGS.—Congress makes the following findings:*

*(1) Certain lands adjacent to the Russian River in the area of its confluence with the Kenai River contain abundant archaeological resources of significance to the Native people of the Cook Inlet Region, the Kenaitze Indian Tribe, and the citizens of the United States.*

*(2) Those lands at the confluence of the Russian River and Kenai River contain abundant fisheries resources of great significance to the citizens of Alaska.*

*(3) Cook Inlet Region, Inc., an Alaska Native Regional Corporation formed under the provisions of the Alaska Native Claims Settlement Act of 1971 (43 U.S.C. 1601 et. seq.) (hereinafter in this Act referred to as ''ANCSA''), has selected lands in the area pursuant to section 14(h)(1) of such Act (43 U.S.C. 1613(h)(1)), for their values as historic and cemetery sites.*

*(4) The United States Bureau of Land Management, the Federal agency responsible for the adjudication of ANCSA selections has not finished adjudicating Cook Inlet Region, Inc.'s selections under section 14(h)(1) of that Act as of the date of the enactment of this Act.*

*(5) The Bureau of Indian Affairs has certified a portion of Cook Inlet Region, Inc.'s selections under section 14(h)(1) of ANCSA as containing prehistoric and historic cultural artifacts, and meeting the requirements of section 14(h)(1) of that Act.*

*(6) A portion of the selections under section 14(h)(1) of ANCSA made by Cook Inlet Region, Inc., and certified by the Bureau of Indian Affairs lies within the Chugach National Forest over which the United States Forest Service is the agency currently responsible for the administration of public activities, archaeological features, and natural resources.*

*(7) A portion of the selections under section 14(h)(1) of ANCSA and the lands certified by the Bureau of Indian Affairs lies within the Kenai National Wildlife Refuge over which the United States Fish and Wildlife Service is the land managing agency currently responsible for the administration of public activities, archaeological features, and natural resources.*

*(8) The area addressed by this Act lies within the Sqilantnu Archaeological District which was determined eligible for the National Register of Historic Places on December 31, 1981.*

*(9) Both the Forest Service and the Fish and Wildlife Service dispute the validity and timeliness of Cook Inlet Region, Inc.'s selections under section 14(h)(1) of ANCSA.*

*(10) The Forest Service, Fish and Wildlife Service, and Cook Inlet Region, Inc., determined that it was in the interest of the United States and Cook Inlet Region, Inc., to—*

*(A) protect and preserve the outstanding historic, cultural, and natural resources of the area;*

*(B) resolve their disputes concerning the validity of Cook Inlet Region, Inc.'s selections under section 14(h)(1) of ANCSA without litigation; and*

*(C) provide for the management of public use of the area and protection of the cultural resources within the Sqilantnu Archaeological District, particularly the management of the area at the confluence of the Russian and Kenai Rivers.*

*(11) Legislation is required to enact the resolution reached by the Forest Service, the Fish and Wildlife Service, and Cook Inlet Region, Inc.*

*(b) PURPOSE.—It is the purpose of this Act to ratify an agreement between the Department of Agriculture, the Department of the Interior, and Cook Inlet Region, Inc.*

***SEC. 3. RATIFICATION OF AGREEMENT BETWEEN THE UNITED STATES FOREST SERVICE, UNITED STATES FISH AND WILDLIFE SERVICE, AND COOK INLET REGION, INC.***

*(a) RATIFICATION OF AGREEMENT.—*

*(1) IN GENERAL.—The terms, conditions, covenants, and procedures set forth in the document entitled ''Russian River Section 14(h)(1) Selection Agreement'', which was executed by Cook Inlet Region, Inc., the United States Department of Agriculture, and the United States Department of the Interior on July 26, 2001, (hereinafter in this Act referred to as the ''Agreement''), are hereby incorporated in this section, and are ratified, as to the duties and obligations of the United States and the Cook Inlet Region, Inc., as a matter of Federal law.*

*(2) SECTION 5.—The ratification of section 5 of the Agreement is subject to the following conditions:*

*(A) The Fish and Wildlife Service shall consult with interested parties when developing an exchange under section 5 of the Agreement.*

*(B) The Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a copy of the agreement implementing any exchange under section 5 of the Agreement not less than 30 days before the exchange becomes effective.*

*(3) AGREEMENT CONTROLS.—In the event any of the terms of the Agreement conflict with any other provision of law, the terms of the Agreement shall be controlling.*

*(b) AUTHORIZATION OF ACTIONS.—The Secretaries of Agriculture and the Interior are authorized to take all actions required under the terms of the Agreement.*

***SEC. 4. AUTHORIZATION OF APPROPRIATION.***

*(a) IN GENERAL.—There is authorized to be appropriated to the Department of Agriculture, Office of State and Private Forestry, $13,800,000, to remain available until expended, for Cook Inlet Region, Inc., for the following:*

*(1) Costs for the planning and design of the Joint Visitor's Interpretive Center.*

*(2) Planning and design of the Sqilantnu Archaeological Research Center.*

*(3) Construction of these facilities to be established in accordance with and for the purposes set forth in the Agreement.*

*(b) LIMITATION ON USE OF FUNDS.—Of the amount appropriated under this section, not more than 1 percent may be used to reimburse the Forest Service, the Fish and Wildlife Service, and the Kenaitze Indian Tribe for the costs they incur in assisting Cook Inlet Region, Inc. in the planning and design of the Joint Visitor's Interpretive Center and the Sqilantnu Archaeological Research Center.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

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

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

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

Mr. YOUNG of Alaska. Mr. Speaker, I want to congratulate your ability to pronounce the name of my good friend from American Samoa.

This legislation, H.R. 3048, introduced by myself, ratifies a land settlement at Russian River on the Kenai Peninsula in Alaska.

Section 14(h)(1) of the Alaska Native Claims Settlement Act authorized ANCSA corporations to make selections of cultural sites within their region.

Cook Inlet Region, Inc., selected historical sites and cemetery sites 26 years ago. Initially, the U.S. Fish and Wildlife Service and U.S. Forest Service, which jointly managed the land at issue, contested CIRI's selections. Not only is the area surrounding the confluence of the Russian and Kenai Rivers rich in archeological and cultural features, but it is also the site of perhaps the most heavily used public sports fishery in Alaska.

For the past 3 years, CIRI has been negotiating with Fish and Wildlife and the Forest Service for lands surrounding the confluence of the Russian and Kenai Rivers. On July 26, 2001, all three parties reached an agreement which allows the public to maintain the right to fish the waters at the confluence of the two rivers. Without Federal legislation, this agreement could not be ratified. I urge my colleagues to support this legislation.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I certainly would like to commend the distinguished gentleman from Alaska (Mr. YOUNG) not only as a former chairman of our Committee on Resources but now as chairman of the distinguished Committee on Transportation and Infrastructure.

I am pleased to rise in support of H.R. 3048, in support of the legislation introduced by my good friend, the gentleman from Alaska (Mr. YOUNG).

Mr. Speaker, this legislation is intended to resolve a longstanding dispute over ownership of lands at the junction of the Russian and Kenai Rivers in Alaska. It accomplishes that goal by ratifying an agreement negotiated between the U.S. Forest Service, the U.S. Fish and Wildlife Service, and the Cook Inlet Region, Incorporated, or CIRI. CIRI is one of the regional corporations formed under the Alaska Native Claims Settlement Act of 1971 to manage lands and financial assets for its Alaska Native shareholders.

Asserting claims under the authority of section 14(h)(1) of the settlement act, CIRI sought title to 2,000 acres of public lands at the conflux of the two rivers. This area was considered by CIRI to qualify as a historic site under the settlement act. But it also is one of the most popular recreational fishing areas in Alaska.

Both the Forest Service and the Fish and Wildlife Service opposed outright the conveyance to CIRI of these lands from the Chugach National Forest and the Kenai National Wildlife Refuge.

As an alternative to prolonged and uncertain litigation, the three parties reached an agreement on July of 2001 which seeks to fairly balance and accommodate CIRI's interests in the cultural history and archeological assets as well as the public interest in the recreational and fish and wildlife resources of this area.

Under the agreement, the Forest Service will convey to CIRI fee title to two parcels of land totaling only 62 acres. The Fish and Wildlife Service will also convey to CIRI the archeological and cultural resources from some 502 acres to the Kenai Refuge lands.

In addition, CIRI will develop a visitors center and other facilities on the 42-acre parcel. The bill provides for an appropriation of $13.8 million to support that endeavor to showcase the native history of this region.

Mr. Speaker, in return for those assets and financial assistance, CIRI agrees to relinquish its section 14(h)(1) claims allowing the majority of the lands at issue to remain in public ownership as part of the national forest and national wildlife refuge. The right of public access to continue fishing in the Kenai and Russian Rivers and to make use of the campgrounds is also maintained.

Finally, the agreement authorizes, but does not require, an exchange of additional lands between CIRI and the Fish and Wildlife Service. Any such exchange would be of equal value and affect no more than 3,000 acres of the Kenai Refuge boundaries.

While such preauthorization of the exchange that could affect refuge wilderness boundaries is unusual and not unprecedented, in this case we have been assured by the Fish and Wildlife Service that any agreed-to exchange of lands would clearly be in the best interest of the Kenai Refuge and the public.

It is our understanding that if the Service desires to acquire lands from the CIRI which would have higher value for implementing the Kenai Peninsula Brown Bear Conservation Strategy than would any lands conveyed from the refuge to CIRI in exchange, we expect the service will consult with the committee in the development of any exchange using this authority and have added language to the bill concerning the public process and submission for any proposed exchange to the committee prior to final approval.

□ 1500

In closing, Mr. Speaker, I congratulate the gentleman from Alaska for bringing this bill before us today. I also applaud CRI, the Forest Service and the Fish and Wildlife Service for their work on the agreement. This is a consensus-based and creative solution to a complex land management problem.

I urge the passage of this legislation, and on behalf of the gentleman from West Virginia (Mr. RAHALL), the ranking member of this party on this side of the aisle and the members of the committee, I urge my colleagues to support passage of this legislation.

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

Mr. YOUNG of Alaska. Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 3048, 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.

## MESSAGE FROM THE SENATE

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

S. 2037. An act to mobilize technology and science experts to respond quickly to the threats posed by terrorist attacks and other emergencies, by providing for the establishment of a national emergency technology guard, a technology reliability advisory board, and a center for evaluating antiterrorism and disaster response technology within the National Institute of Standards and Technology.

S. Con. Res. 128. Concurrent resolution honoring the invention of modern air conditioning by Dr. Willis H. Carrier on the occasion of its 100th anniversary.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3487. An act to amend the Public Health Service Act with respect to health professions programs regarding the field of nursing.

## MOUNT NAOMI WILDERNESS BOUNDARY ADJUSTMENT ACT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4870) to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4870

*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 ''Mount Naomi Wilderness Boundary Adjustment Act''.*

***SEC. 2. BOUNDARY ADJUSTMENTS.***

*(a) LANDS REMOVED.—The boundary of the Mount Naomi Wilderness is adjusted to exclude the approximately 31 acres of land depicted on the Map as ''Land Excluded''.*

*(b) LANDS ADDED.—Subject to valid existing rights, the boundary of the Mount Naomi Wilderness is adjusted to include the approximately 31 acres of land depicted on the Map as ''Land Added''. The Utah Wilderness Act of 1984 (Public Law 98–428) shall apply to the land added to the Mount Naomi Wilderness pursuant to this subsection.*

***SEC. 3. MAP.***

*(a) DEFINITION.—For the purpose of this Act, the term ''Map'' shall mean the map entitled ''Mt. Naomi Wilderness Boundary Adjustment'' and dated May 23, 2002.*

*(b) MAP ON FILE.—The Map shall be on file and available for inspection in the office of the Chief of the Forest Service, Department of Agriculture.*

*(c) CORRECTIONS.—The Secretary of Agriculture may make technical corrections to the Map.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

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

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

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

Mr. YOUNG of Alaska. Mr. Speaker, this bill was sponsored by the gentleman from Utah (Mr. HANSEN), the chairman of the Committee on Resources. Mount Naomi is located in the Wasatch-Cache National Forest near Logan, Utah in the gentleman from Utah's (Mr. HANSEN) district.

It is a beautiful area composed of approximately 44,523 acres, making it one of the largest wilderness areas in the State of Utah. It is the host of many different families of both plants and animals and undoubtedly deserves wilderness protection.

Mount Naomi was designated a wilderness area by the Utah Wilderness

Act of 1984. However, some complications have arisen because of the close proximity of the wilderness boundary to Logan City limits. Management and maintenance problems have been reported by the Forest Service and Logan City.

Within the southwest corner of the wilderness boundary, lying adjacent to Logan City limits, is a utility corridor with several lines, including power, communication and water lines. This utility corridor existed prior to the designation of the wilderness area. Because no motorized or mechanized equipment is allowed to operate within the wilderness area, maintenance of these facilities is difficult, if not impossible, to conduct.

A simple adjustment of the wilderness boundary would provide a commonsense solution to both the utility corridor's maintenance and the Forest Service's management problems.

This legislation would adjust the wilderness boundary to exclude the 31-acre parcel that houses the utility corridor. The new boundary would follow the natural contour lines of Mount Naomi.

To compensate for this adjustment, and prevent a net loss of wilderness, the Forest Service has identified a separate 31-acre parcel with wilderness characteristics to the southern boundary of the wilderness area to be added. This adjustment would thus provide a manageable, natural boundary for the wilderness area.

This legislation has support from the local Forest Service, Logan City and Cache County, and is the smallest area needed to accomplish this purpose.

Additionally, a small portion of the Bonneville Shoreline Trail has been proposed within the 31-acre area adjacent to the Logan City limits. This portion of the trail would connect with a number of other trails in the Bonneville Shoreline Trail system and provide outstanding recreational opportunities to thousands of people each year. When completed, the trail system will travel along the shoreline of the ancient Lake Bonneville, which stretches from northern Utah to southern Utah, near present-day Cedar City.

This trail system has been incredibly popular for hikers, mountain bikers and equestrian traffic. This is the only portion of this trail system that lies within the wilderness area.

This is good legislation. I want to compliment the gentleman from Utah (Mr. HANSEN) on proposing it and urge all my colleagues to support it.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, again, I thank my good friend from Alaska for his management of this proposed legislation.

Mr. Speaker, the legislation before us today is sponsored by the gentleman from Utah (Mr. HANSEN), the honorable chairman of our Committee on Resources.

The bill would remove from wilderness designation some 31 acres of land in one section and would add 31 acres to another portion of the Mount Naomi Wilderness Area. I understand the legislation was requested by the city of Logan, Utah, to facilitate the development of the 90-mile nonmotorized Bonneville Shoreline Trail used by pedestrians and cyclists. The proposed trail crosses the Mount Naomi wilderness area where mountain biking is not allowed.

The Subcommittee on Forests and Forest Health held a hearing concerning this legislation. There was no opposition to it. It is my understanding also, Mr. Speaker, that the administration also supports this legislation.

I urge my colleagues to support this bill.

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

Mr. YOUNG of Alaska. Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 4870, 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.

## CALIFORNIA FIVE MILE REGIONAL LEARNING CENTER TRANSFER ACT

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3401) to provide for the conveyance of Forest Service facilities and lands comprising the Five Mile Regional Learning Center in the State of California to the Clovis Unified School District, to authorize a new special use permit regarding the continued use of unconveyed lands comprising the Center, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3401

*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 ''California Five Mile Regional Learning Center Transfer Act''.*

***SEC. 2. LAND CONVEYANCE AND SPECIAL USE AGREEMENT, FIVE MILE REGIONAL LEARNING CENTER, CALIFORNIA.***

*(a) CONVEYANCE.—The Secretary of Agriculture shall convey to the Clovis Unified School District of California all right, title, and interest of the United States in and to a parcel of National Forest System land consisting of 27.10 acres located within the southwest ¼ of section 2, township 2 north, range 15 east, Mount Diablo base and meridian, California, which has been utilized as the Five Mile Regional Learning Center by the school district since 1989 pursuant to a special use permit (Holder No. 2010–02) to provide natural resource conservation education to California youth. The conveyance shall include all structures, improvements, and personal property shown on original map #700602 and inventory dated February 1, 1989.*

*(b) SPECIAL USE AGREEMENT.—As soon as practicable after the date of the enactment of this Act, the Secretary shall enter into negotiations with the Clovis Unified School District to enter into a new special use permit for the approximately 100 acres of National Forest System land that, as of the date of the enactment of this Act, is being used by the school district pursuant to the permit described in subsection (a), but is not included in the conveyance under such subsection.*

*(c) REVERSION.—In the event that the Clovis Unified School District discontinues its operation of the Five Mile Regional Learning Center, title to the real property conveyed under subsection (a) shall revert back to the United States.*

*(d) COSTS AND MINERAL RIGHTS.—The conveyance under subsection (a) shall be for a nominal cost. Notwithstanding such subsection, the conveyance does not include the transfer of mineral rights.*

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming (Mrs. CUBIN).

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

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

Mrs. CUBIN. Mr. Speaker, I am very glad to be working with the gentleman from American Samoa (Mr. FALEOMAVAEGA).

H.R. 3401, introduced by the gentleman from California (Mr. RADANOVICH), my colleague and chairman of the Subcommittee on National Parks, Recreation and Public Lands, provides for the conveyance of Forest Service facilities and lands comprising the Five Mile Regional Learning Center in the State of California to the Clovis Unified School District.

The bill authorizes also a new special use permit for the continued use of unconveyed lands used by the center.

The regional learning center is an outdoor education center that serves several thousand elementary school students throughout the State of California, and I urge my colleagues to support this bill.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I would like to offer my commendation to the gentlewoman from Wyoming whom I have had the privilege of working closely with on a couple of pieces of legislation on national parks.

Mr. Speaker, this bill was introduced by the gentleman from California (Mr.

RADANOVICH), the distinguished chairman of the Subcommittee on National Parks, Recreation and Public Lands.

Mr. Speaker, H.R. 3401 directs the Forest Service to convey approximately a 27.10-acre administrative site on the Stanislaus National Forest in California to the Clovis Unified School District, or CUSD. The parcel contains the Five Mile Regional Learning Center, which since 1989 has been operating under a special use permit by the school district as a conservation education center.

The learning center serves approximately 14,000 students and is in need of significant repair. While the Clovis Unified School District is willing to put up $5 million toward capital improvement, it could only secure funding for district-owned properties. The bill also mandates that the Secretary negotiate a special use permit for approximately 100 acres for the school district to use in its educational programs. The school district currently has a special use permit covering 120 acres. The bill includes a reversionary clause as well.

Mr. Speaker, the administration values this land at approximately $1 to $2 million. Although we generally do not support the conveyance of Federal lands for little or no consideration, this conveyance is to a school district to foster environmental education. The Clovis Unified School District is also willing to make capital improvements or investment of some $5 million and requires title to do so, when the Forest Service is apparently unable to maintain the property.

I would like to thank the gentleman from California (Mr. RADANOVICH), the chairman of the Subcommittee on National Parks, Recreation and Public Lands, for working with us on this side of the aisle, the minority, to address concerns with the reversionary clause and clarifying that were the land to revert to the United States, the learning center would be liable for any hazardous substances present on the property since 1989.

Again, Mr. Speaker, I commend the gentlewoman for her management of this bill.

Mr. RADANOVICH. Mr. Speaker, there has been some concern regarding the provision regarding the reversionary interest in the land and the potential liabilities to the Government. I would like to clarify the issue for the record. It is our intent that the California Five Mile Regional Learning Center shall be liable for any contamination of the property by hazardous substances since it commenced occupancy in 1989. In the event that the property reverts back to the United States under section 2(c) of the Act, the Center or its successors shall continue to be liable for environmental contamination under existing law, and the Secretary shall require environmental remediation in such event before retaking possession.

Mr. FALEOMAVAEGA. Mr. Speaker, I do not have additional speakers, and I yield back the balance of my time.

Mrs. CUBIN. Mr. Speaker, having no other requests for time, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and pass the bill, H.R. 3401, 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.

## REASONABLE RIGHT-OF-WAY FEES ACT OF 2002

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3258) to amend the Federal Lands Policy and Management Act of 1976 to clarify the method by which the Secretary of the Interior and the Secretary of Agriculture determine the fair market value of rights-of-way granted, issued, or renewed under such act to prevent unreasonable increases in certain costs in connection with the deployment of communications and other critical infrastructure, as amended.

The Clerk read as follows:

H.R. 3258

*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 ''Reasonable Right-of-Way Fees Act of 2002''.*

***SEC. 2. CLARIFICATION OF FAIR MARKET RENTAL VALUE DETERMINATIONS FOR PUBLIC LANDS AND FOREST SERVICE RIGHTS-OF-WAY.***

*(a) LINEAR RIGHTS-OF-WAY UNDER FEDERAL LAND POLICY AND MANAGEMENT ACT.—Section 504 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764) is amended by adding at the end the following new subsection:*

*''(k) DETERMINATION OF FAIR MARKET VALUE OF LINEAR RIGHTS-OF-WAY.—(1) Effective upon the issuance of the rules required by paragraph (2), for purposes of subsection (g), the Secretary concerned shall determine the fair market rental for the use of land encumbered by a linear right-of-way granted, issued, or renewed under this title using the valuation method described in paragraphs (2), (3), and (4).*

*''(2) Not later than one year after the date of enactment of the Reasonable Right-of-Way Fees Act of 2002, and in accordance with subsection (k), the Secretary of the Interior shall amend section 2803.1–2 of title 43, Code of Federal Regulations, as in effect on the date of enactment of such Act, to revise the per acre rental fee zone value schedule by State, county, and type of linear right-of-way use to reflect current values of land in each zone. The Secretary of Agriculture shall make the same revisions for linear rights-of-way granted, issued, or renewed under this title on National Forest System lands.*

*''(3) The Secretary concerned shall update annually the schedule revised under paragraph (2) by multiplying the current year's rental per acre by the annual change, second quarter to the second quarter (June 30 to June 30) in the Gross National Product Implicit Price Deflator Index published in the Survey of Current Business of the Department of Commerce, Bureau of Economic Analysis.*

*''(4) Whenever the cumulative change in the index referred to in paragraph (3) exceeds 30 percent, or the change in the 3-year average of the 1-year Treasury interest rate used to determine per acre rental fee zone values exceeds plus or minus 50 percent, the Secretary concerned shall conduct a review of the zones and rental per acre figures to determine whether the value of Federal land has differed sufficiently from the index referred to in paragraph (3) to warrant a revision in the base zones and rental per acre figures. If, as a result of the review, the Secretary concerned determines that such a revision is warranted, the Secretary concerned shall revise the base zones and rental per acre figures accordingly.''.*

*(b) RIGHTS-OF-WAY UNDER MINERAL LEASING ACT.—Section 28(l) of the Mineral Leasing Act (30 U.S.C. 185(l)) is amended by inserting before the period at the end the following: ''using the valuation method described in section 2803.1–2 of title 43, Code of Federal Regulations, as revised pursuant to section 504(k) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(k))''.*

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I know many of my colleagues, especially from the West, are strong advocates of fair and reasonable Federal land rights-of-way fees.

This Nation's system of roadways and railways was born of effective partnerships in planning and construction between the Federal Government and private industry. Today, we face the challenge of expanding the next generation of technology and energy infrastructures to the underserved areas of the country and bringing commercial benefits to citizens set apart by geographic, economic and digital divides.

I serve as a member of the House Committee on Energy and Commerce, Subcommittee on Telecommunications and the Internet. As such, I have been exploring ways to facilitate the expansion of telecommunications infrastructure in my home State of Wyoming.

In doing so, I became aware of a significant Federal obstacle to infrastructure development nationwide. Recent applications of the Federal Land Policy and Management Act, which I will call FLPMA, have resulted in exorbitant increases in fees to cross Federal lands. Telecommunications providers, particularly those building the next generation of fiber optic broadband infrastructure, have been specifically targeted for these fee increases, while other infrastructure providers have been put on notice of changes to come.

FLPMA requires that private users of public lands pay a fair price for that privilege, a policy that protects the value of our Federal lands, helps ensure that those resources continue to be available to and accommodating of a number of a multitude of compatible uses.

Recent interpretations of FLPMA, however, have motivated policies which reach way beyond the value of Federal lands, attempting to associate the right of way to cross Federal lands with the revenues generated by the use of telecommunications technologies.

In the exercising of our public trust, the Federal Government protects and preserves the public interest in our Federal lands. I am confident, however, that there is little public interest in turning our Federal lands into toll booths or roadblocks on the information superhighway or along the path of any of our Nation's critical infrastructures.

In 1999 and 2000, revisions to the right-of-way rental fee schedules by the Bureau of Land Management and the U.S. Forest Service led to some fiber optic telecommunications companies receiving fee increases of 100 to 150 times their previous annual bills.

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Congress put a temporary halt to these interim revisions to existing right-of-way regulations in the fiscal year 2001 appropriations bill.

As the agent situation proceedings toward the rulemaking process required to change existing right-of-way fees, it is important that their responsibilities regarding the determination and collection of right-of-way fees be clear and that we avoid a reiteration of the previous misguided proposals.

A permanent solution must be found. H.R. 3258, the Reasonable Right-of-Way Fees Act, is that solution. H.R. 3258 clarifies the responsibilities we have to protect the value of Federal lands, explicitly limiting fees we charge for rights-of-way to the value of those lands.

As a representative of the most rural State in the country, I recognize the tremendous value the vast open spaces of our rural West has, including the lands managed by the Federal Government. These lands should not become an obstacle to infrastructure development. Charging fair market value for the use of Federal lands does not mean a share in the revenues associated with the facilities crossing Federal lands.

H.R. 3258 was introduced to help guarantee that Federal lands will continue to be protected as valuable national resources and ensures that these lands will not present unnecessary obstacles to infrastructure deployment and improvement.

During the Committee on Resources's legislative hearing on H.R. 3258, the BLM witness testified that the methodology laid out in the bill may be too prescriptive and would mandate the BLM and other agencies do more than one appraisal when determining the rental fee right-of-way for an individual. During the Committee on Resources' consideration of H.R. 3258, I offered an amendment in the nature of a substitute that simply codified the existing BLM regulations.

These regulations, which were promulgated in 1987, lay out a formula for the right-of-way fee schedule based solely on the value of the land. This methodology will prevent the spikes and fluctuations many telecommunications and pipeline companies found when the BLM and Forest Service valued the right-of-way by the revenue generated by the products that crossed Federal lands.

The substitute that was accepted by the committee will ensure a fair return to the Federal Government by directing the Secretaries of the Interior and Agriculture to annually assess the changes in the land values and predicate the fee schedule formula on those land value increases.

We all know that land values typically will increase over time. They do not, however, increase by uncontrollable increments like a throughput valuation that had been used does.

H.R. 3258 is endorsed by, among others, the TelROW Coalition, which represents the interests of telecommunications companies providing services throughout the country.

I want to thank the Departments of the Interior and Agriculture for their help in providing guidance on this complicated issue and for their instruction memorandum issued to field officials ensuring that the right-of-way rental fees will be based solely on land values.

Mr. Speaker, I look forward to the House's swift passage of this bill and prompt consideration by the Senate.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I first want to thank the gentlewoman for being the primary sponsor of this proposed legislation.

The Federal Lands Policy Management Act requires those seeking a right-of-away across Forest Service or BLM land to pay a fee based on the fair market value of that right-of-way. Despite this requirement, however, investigations conducted by the Department of the Interior's Inspector General and the General Accounting Office have provided ample evidence that the right-of-way fees currently being charged by the agencies are far below fair market value.

Mr. Speaker, States, local governments, and private individuals all charge significantly more than the Federal Government for the rights-of-way across lands they own. In particular, the Inspector General report estimated that the fees charged by the BLM were as much as $50 million below fair market value. This undercharging means that large corporations who stand to make vast profits on the use of public lands are not being required to pay the American people a fair rate of return for that privilege.

As a result, Mr. Speaker, we share the desire of the gentlewoman from Wyoming (Mrs. CUBIN) to correct this problem. While we had some concerns regarding the multiple appraisal approach contained in the bill as introduced, in working with the gentlewoman from Wyoming we feel we have agreed on an approach that will address this problem more effectively.

Mr. Speaker, as amended, H.R. 3258 will require the agencies to review their existing fee schedules, and the land valuations which underlie them, to ensure that they represent current values. In addition, this measure will ensure that, once these new fees have been promulgated, they will be adjusted annually for inflation.

This approach, Mr. Speaker, may not be perfect, but it certainly is an improvement over the status quo and should move us closer to a system that adequately compensates the taxpayers for the use of their lands.

I would like to once again thank the gentlewoman from Wyoming for her willingness to work with us on this side of the aisle, and I urge the adoption of this proposed bill.

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

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and pass the bill, H.R. 3258, 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:

Amend the title so as to read: ''A bill to amend the Federal Land Policy and Management Act of 1976 and the Mineral Leasing Act to clarify the method by which the Secretary of the Interior and the Secretary of Agriculture determine the fair market value of certain rights-of-way granted, issued, or renewed under these Acts.''.

A motion to reconsider was laid on the table.

## FLIGHT 93 NATIONAL MEMORIAL ACT

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and pass the bill (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 for other purposes, as amended.

The Clerk read as follows:

H.R. 3917

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

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Flight 93 National Memorial Act''.*

***SEC. 2. FINDINGS AND PURPOSES.***

*(a) FINDINGS.—Congress finds the following:*

*(1) Passengers and crewmembers of United Airlines Flight 93 of September 11, 2001, courageously gave their lives, thereby thwarting a planned attack on our Nation's Capital.*

*(2) In the months since the historic events of September 11, thousands of people have visited the Flight 93 site, drawn by the heroic action and sacrifice of the passengers and crew aboard Flight 93.*

*(3) Many are profoundly concerned about the future disposition of the crash site, including grieving families of the passengers and crew, the people of the region who are the current stewards of the site, and a broad spectrum of citizens across the United States. Many of these people are forming the Flight 93 Task Force as a broad, inclusive organization to provide a voice for all interested and concerned parties.*

*(4) The crash site commemorates Flight 93 and is a profound symbol of American patriotism and spontaneous leadership of citizen-heroes. The determination of appropriate recognition at the crash site of Flight 93 will be a slowly unfolding process in order to address the interests and concerns of all interested parties. Appropriate national assistance and recognition must give ample opportunity for those involved to voice these broad concerns.*

*(5) It is appropriate that the crash site of Flight 93 be designated a unit of the National Park System.*

*(b) PURPOSES.—The purposes of this Act are as follows:*

*(1) To establish a national memorial to honor the passengers and crew of United Airlines Flight 93 of September 11, 2001.*

*(2) To establish the Flight 93 Advisory Commission to assist with consideration and formulation of plans for a permanent memorial to the passengers and crew of Flight 93, including its nature, design, and construction.*

*(3) To authorize the Secretary of the Interior (hereinafter referred to as the ''Secretary'') to coordinate and facilitate the activities of the Flight 93 Advisory Commission, provide technical and financial assistance to the Flight 93 Task Force, and to administer a Flight 93 memorial.*

***SEC. 3. MEMORIAL TO HONOR THE PASSENGERS AND CREWMEMBERS OF FLIGHT 93.***

*There is established a memorial at the September 11, 2001, crash site of United Airlines Flight 93 in the Stonycreek Township, Somerset County, Pennsylvania, to honor the passengers and crew of Flight 93.*

***SEC. 4. FLIGHT 93 ADVISORY COMMISSION.***

*(a) ESTABLISHMENT.—There is established a commission to be known as the ''Flight 93 Advisory Commission'' (hereafter in this Act referred to as the ''Commission'').*

*(b) MEMBERSHIP.—The Commission shall consist of 15 members, including the Director of the National Park Service, or the Director's designee, and 14 members appointed by the Secretary from recommendations of the Flight 93 Task Force.*

*(c) TERM.—The term of the members of the Commission shall be for the life of the Commission.*

*(d) CHAIR.—The members of the Commission shall select the Chair of the Commission.*

*(e) VACANCIES.—Any vacancy in the Commission shall not affect its powers if a quorum is present, but shall be filled in the same manner as the original appointment.*

*(f) MEETINGS.—The Commission shall meet at the call of the Chairperson or a majority of the members, but not less often than quarterly. Notice of the Commission meetings and agendas for the meetings shall be published in local newspapers in the vicinity of Somerset County and in the Federal Register. Meetings of the Commission shall be subject to section 552b of title 5, United States Code (relating to open meetings).*

*(g) QUORUM.—A majority of the members serving on the Commission shall constitute a quorum for the transaction of any business.*

*(h) NO COMPENSATION.—Members of the Commission shall serve without compensation, but may be reimbursed for expenses incurred in carrying out the duties of the Commission.*

*(i) DUTIES.—The duties of the Commission shall be as follow:*

*(1) Not later than 3 years after the date of the enactment of this Act, the Commission shall submit to the Secretary and Congress a report containing recommendations for the planning, design, construction, and long-term management of a permanent memorial at the crash site.*

*(2) The Commission shall advise the Secretary on the boundaries of the memorial site.*

*(3) The Commission shall advise the Secretary in the development of a management plan for the memorial site.*

*(4) The Commission shall consult and coordinate closely with the Flight 93 Task Force, the Commonwealth of Pennsylvania, and other interested parties, as appropriate, to support and not supplant the efforts of the Flight 93 Task Force on and before the date of the enactment of this Act to commemorate Flight 93.*

*(5) The Commission shall provide significant opportunities for public participation in the planning and design of the memorial.*

*(j) POWERS.—The Commission may—*

*(1) make such expenditures for services and materials for the purpose of carrying out this Act as the Commission considers advisable from funds appropriated or received as gifts for that purpose;*

*(2) subject to approval by the Secretary, solicit and accept donations of funds and gifts, personal property, supplies, or services from individuals, foundations, corporations, and other private or public entities to be used in connection with the construction or other expenses of the memorial;*

*(3) hold hearings, enter into contracts for personal services and otherwise;*

*(4) do such other things as are necessary to carry out this Act; and*

*(5) by a vote of the majority of the Commission, delegate such of its duties as it determines appropriate to employees of the National Park Service.*

*(k) TERMINATION.—The Commission shall terminate upon dedication of the completed memorial.*

***SEC. 5. DUTIES OF THE SECRETARY.***

*The Secretary is authorized to—*

*(1) provide assistance to the Commission, including advice on collections, storage, and archives;*

*(2) consult and assist the Commission in providing information, interpretation, and the conduct of oral history interviews;*

*(3) provide assistance in conducting public meetings and forums held by the Commission;*

*(4) provide project management assistance to the Commission for planning, design, and construction activities;*

*(5) provide programming and design assistance to the Commission for possible memorial exhibits, collections, or activities;*

*(6) provide staff assistance and support to the Commission and the Flight 93 Task Force;*

*(7) participate in the formulation of plans for the design of the memorial, to accept funds raised by the Commission for construction of the memorial, and to construct the memorial;*

*(8) acquire from willing sellers the land or interests in land for the memorial site by donation, purchase with donated or appropriated funds, or exchange; and*

*(9) to administer the Flight 93 memorial as a unit of the National Park System in accordance with this Act and with the laws generally applicable to units of the National Park System such as the Act of August 25, 1916 (39 Stat. 585).*

***SEC. 6. CLARIFICATION OF PASSENGERS AND CREW.***

*For the purposes of this Act, the terrorists on United Airlines Flight 93 on September 11, 2001, shall not be considered passengers or crew of that flight.*

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming (Mrs. CUBIN).

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

Mr. Speaker, it is truly an honor for me to manage this bill introduced by the gentleman from Pennsylvania (Mr. MURTHA). He certainly is a statesman in this body, and it is an honor for me to be able to work with him on this issue.

H.R. 3917 would establish a national memorial in Somerset County, Pennsylvania, at the site where United Airlines Flight 93 crashed on September 11. The legislation would designate the memorial as a unit of the National Park System, while also establishing a 15-member advisory commission comprised of various stakeholders, including the family members of victims, rescue workers, landowners, locally elected officials, and other important stakeholders to advise the Secretary of the Interior regarding the design, construction, and long-term management of the memorial. The commission would then dissolve upon the dedication of the memorial.

Mr. Speaker, I am sure that I speak for every Member of this body when I express my deep gratitude for the heroic efforts of the crew and the passengers that fought to keep Flight 93 from carrying out their intended act of terrorism on this Nation's capital.

As thousands and thousands of people have visited the crash site in Pennsylvania to pay their respects and to reflect upon what took place that day, it has become even more clear that this deep gratitude is shared by all Americans.

I believe that this is an appropriate way of honoring these heroes and keeping their memory alive. Thousands and thousands of future Americans will no doubt visit this site and reflect upon the courage of those who were first to begin to fight back against America's attackers in its war on terrorism.

While the establishment of this memorial does depart from the normal process of studying a potential site prior to its establishment, and allowing the passage of time in order to permit history to make its judgment about the historical significance of a particular site, we share the opinion expressed by the National Park Service that this site is so clearly nationally significant and important to contemporary America that recognition now is totally appropriate.

Mr. Speaker, this legislation is supported on both sides of the aisle, as well as by the administration; and I urge support for this bill.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, this bill is proposed by my good friend, the distinguished gentleman from Pennsylvania (Mr. MURTHA), the ranking member of the Subcommittee on

Defense of the Committee on Appropriations.

Mr. Speaker, with all of the bills we have considered relating to the events of September 11 of last year, we would like to first say our thoughts and prayers continue to go out to those affected by the events of that awful day. While we as a Nation have attempted to go on with our lives, the tragedy and loss of that day will never be forgotten or taken out of our hearts and minds.

The scope and severity of that terrible tragedy make it difficult to know how best to memorialize those who were lost, but the legislation of the gentleman from Pennsylvania focuses on memorializing the heroism of those aboard United Flight 93 and the tragedy of their loss. These are the events which mostly affected the families he represents, and we fully support this legislation.

Mr. Speaker, I had the recent privilege of accompanying the gentleman from Pennsylvania (Mr. WELDON), another colleague from Pennsylvania, with eight other Members of Congress to visit Uzbekistan, where we do the majority of our major staging area for our troops in going and fighting the war in Afghanistan. What struck me, Mr. Speaker, was that one of the units there, an Air Force unit, had a slogan. They took this slogan from the last words that were given by one of the gentlemen on board this Flight 93, and it was simply this: ''Let's roll.'' This Air Force unit had adopted this slogan, ''Let's Roll,'' to honor the heroes of Flight 93.

For all I know, Mr. Speaker, many of us in this body, Members and staff, may not be here if it had not been for the heroic acts of those passengers willing to sacrifice their lives so that we and the many of us here might live. I hope we will never forget that.

We want to continue working with all our colleagues regarding appropriate reactions to the events of September 11. It is our hope that over time we may gain the wisdom and perspective to devise a memorial or series of memorials that will tell the story of these attacks; of the people who are lost, their families, and our resulting efforts to end the threat of terrorism in such a way that future generations will never forget these events. Better yet, Mr. Speaker, perhaps such a memorial could in some small way reduce the chance that any future generation will have to endure such a tragedy.

I want to say for the RECORD, Mr. Speaker, that I commend the gentleman from Pennsylvania, as the dean of the great State of Pennsylvania's delegation, and will support him in whatever way he sees fit on how we might best honor those heroes of United Flight 93.

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

Mrs. CUBIN. Mr. Speaker, I yield myself such time as I may consume, and I rise now to speak on behalf of our friend and colleague, the gentleman from Pennsylvania (Mr. SHUSTER), who has worked very hard getting this bill to this point.

He is stuck in traffic right now, and so I just wanted to rise to let the body know that he is in great support of this bill, has done a great job in getting it through the committee, has addressed all of the concerns that anyone has had, and he is very much committed to getting this memorial built, and hoping that in doing so will bring some comfort to the families of those people that died, as the gentleman from American Samoa (Mr. FALEOMAVAEGA), has just expressed for us.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I am honored to yield such time as he may consume to the gentleman from Pennsylvania (Mr. MURTHA), the primary sponsor of this proposed bill.

Mr. MURTHA. Mr. Speaker, I want to express my appreciation to the gentlewoman from Wyoming for her eloquent statement, as well as the gentleman from American Samoa.

Mr. Speaker, the gentleman from California (Mr. LEWIS), chairman of the Subcommittee on Defense, and I were both in the Capitol on September 11. We saw the crash on television of the World Trade Center, and we evacuated the Capitol before we marked up our bill. We then went outside and saw the plume of smoke from the Pentagon and heard that there was a plane, of course, coming towards the Capitol, which was the reason we evacuated it.

□ 1530

We heard a sonic boom which we thought was an explosion.

The next morning, we drove to the site, and the plane had completely incinerated. On the way back I heard the reports of the telephone calls between the passengers and the people at home. Of course, in those reports, there was an immediate idea that these people were going to bring that plane down so the same tragedy would not occur that occurred in New York and at the Pentagon.

Imagine this, we have been taught if a plane is hijacked, we sit passively and wait until they land the plane. We do not take any action. That was the way we were supposed to respond. They got the reports from the families, and they realized this was a different situation entirely. Of course, the terrorists miscalculated, thinking that the United States was soft, thinking the United States was all kinds of adjectives that they have used against this great country. They found out that the people on board were not going to give up easily. They made an instantaneous decision. They brought that plane down, missing Johnstown by a few seconds, missing an airport by a few seconds, and missing an elementary school by a few seconds. The people in Shanksville, Somerset County, reacted almost instantaneously. Within 5 or 6 minutes, volunteer firemen were at the site.

The next day when I got there at 7 or 8 in the morning, the FBI was there. They had taken charge because it was a criminal investigation, volunteer firemen were there, State police were there, and they had it under control. All that was left was the rubble from the airplane. The tail had completely collapsed into the center and the nose section of the airplane.

When I think of the great courage that these people displayed in this action, it makes me realize what the terrorists did not realize, that this was one of the most heroic acts, and it defined the United States at a time in our history, that we are not going to sit back and allow terrorism to destroy this great country. Those folks took action and we are proud of them.

Let me say in addition to them, I have talked to the families, and the families at first felt it ought to be a memorial and bury the remains someplace else. But then they realized that 90 percent of the remains are there.

I appreciate what the committee has done. As the gentlewoman from Wyoming (Mrs. CUBIN) said, normally these things takes years before we determine what needs to be done. This was obvious that it needed some fast action, and the families who have been so good, the fact that they realized that their loved ones were heroes, and they want to say how much they would appreciate this. I told them that we will try to get it done this summer, and we have done it. I appreciate what Members have done because this is an extraordinary action by the Congress to get something like this done so quickly. I represent the area this year, because of reapportionment, the gentleman from Pennsylvania (Mr. SHUSTER) will represent it next year. Both of us appreciate the action of the committee.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, let me say it is really impressive that the gentleman has gotten this job accomplished in this length of time. It is very important that Americans, and also people around the world know that America is standing together regarding that for which those brave men and women gave their lives. Indeed, they sacrificed themselves to make sure that further disaster did not take place on that day.

The further irony is that the Appropriations Subcommittee on Defense, which handles national defense, was meeting that morning. We usually have our people meet about 9:30 for rolls and coffee, because we want them to be at the meeting at 10, but we were there early and witnessed these planes flying into the World Trade Center. None of us knew what was going on in Pennsylvania. Indeed, I am not sure that we would have gotten notice if the terrorists had been successful. They could have had, as their target, the White

House, or they could have had the symbol of this country's freedom, the Capitol of the United States. If that was the case, we might very well have been struck.

We abandoned our work and left the Capitol, as everybody else did. But, indeed, if the terrorists had been successful, we might not have had a chance. Literally, those brave men and women set the stage that day for the President of the United States to declare war on terrorism.

Together we stand firm to fight for that battle, for the very civilization we believe so much in is at stake, and I believe the freedom of the world may very well be at stake. I congratulate the gentleman from Pennsylvania (Mr. MURTHA) who is a fantastic partner in our business, in defense appropriations. But more importantly, this symbol will be there forever, and it is a reflection of what we are willing to give that freedom might live.

Mr. MURTHA. Mr. Speaker, reclaiming my time, from Pennsylvania to California to Wyoming to American Samoa, this is a piece of legislation that will be remembered long after we are gone, and a monument to some real heroes of this great country, which defines what America is all about.

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman from California (Mr. LEWIS), the chairman of the Appropriations Subcommittee on Defense, and the dean of the Pennsylvania delegation, the gentleman from Pennsylvania (Mr. MURTHA) for their eloquent remarks in reference to this legislation.

I would be remiss if I do not thank the gentlewoman from Wyoming (Mrs. CUBIN), and even though she has yielded her time, I would be happy to yield to the gentlewoman.

Mrs. CUBIN. Mr. Speaker, will the gentleman yield?

Mr. FALEOMAVAEGA. I yield to the gentlewoman from Wyoming.

Mrs. CUBIN. Mr. Speaker, I thank the gentleman for yielding, and just say how much I have enjoyed working with the gentleman for the past 8 years now. He is a gentleman, a statesman, and always interested in what is best for the United States and for American Samoa, and I am very grateful.

Mr. FALEOMAVAEGA. Mr. Speaker, it is my sincere hope that this legislation will be taken in the most expedient manner, not only from this Chamber, but certainly from the other body, so we can make the most appropriate arrangements. Again, I thank the gentleman from Pennsylvania (Mr. MURTHA) for his remarks and personal experience relative to what happened to United Flight 93.

Mr. Speaker, there was no question where that plane was headed towards. It was headed towards Washington, D.C. It could have been any one of us here. It could have been our office buildings that flight was headed for. Again, I thank the gentleman whose last words before communications cut out, he simply said, ''Let's roll.'' I want to pay that special tribute and honor to that gentleman, and all of the passengers on Flight 93 as to that act of heroism as to why we are alive today.

Mr. HOLT. Mr. Speaker, I am pleased to join with my colleagues in support of this legislation to establish a memorial for the brave men and women of Flight 93, who perished in the terrorist attacks of September 11. All Americans should honor these brave Americans. And this legislation is one important way to see that all Americans remember their tremendous courage and sacrifice.

Earlier this year, I carried through legislation to honor one Flight 93 hero, Todd Beamer, of Cranbury New Jersey, in my district.

The band of passengers on Flight 93 who fought the hijackers, saved hundreds, perhaps thousands of lives that would have been taken if that plane reached the hijackers' intended target. And it is worth nothing that none of those people whose lives were saved know who they are. They will never know. But all Americans can be grateful.

The memory of the people on board Flight 93 reminds us that this is not the last time that America will need heroes. The survival of American ideals depends day in and day out on ordinary Americans stepping out of their ordinary lives to do extraordinary things, courageous things.

It is appropriate, I think, that people will be able to find inspiration as they look at this memorial and pause for a moment to reflect on the essence of America, what we can extract from these American's heroism. While we are designating a memorial to these passengers, they have left their own lasting memorial for us all, by their example.

I take great pride in joining with my colleagues in supporting this important bill.

Mr. SHUSTER. Mr. Speaker, I rise today in support of H.R. 3917, the Flight 93 National Memorial Act. This important measure would pay tribute to the passengers of Flight 93. These brave men and women made the ultimate sacrifice in an effort to protect their countrymen. It is only fitting that we establish a lasting memorial to these brave individuals.

As we debate this measure, in this most revered of halls, I cannot help but contemplate the possibility that Flight 93 was headed to a target here in the Nation's Capitol—quite possibly right here to the Capitol itself. We will, however, never know for sure where that doomed flight was headed. We will never know, because men and women, put love of country ahead of self preservation. These were not super heros, but individuals just like you and me. Individuals with families and loved ones anxiously awaiting their return, who put aside their own desirers and stood up to combat terrorism and save countless lives.

Mr. Speaker, shortly after the tragic events of September 11th, I had the opportunity to attend a memorial service for the passengers of Flight 93 in my home state of Pennsylvania. I was moved by the outpouring of support for the families of those who died. I knew immediately that this was indeed hallowed ground.

Already thousands of visitors have flooded to Pennsylvania to pay their respects to these brave men and women and many more are expected to come. We must provide the American people with a proper place to both bring their grief as well as for them to pay honor and tribute to those who gave so much.

The legislation before us today lays out a fair and balanced approach for construction of a memorial for these brave individuals. The legislation calls for the creation of the Flight 93 Advisory Commission which would be composed of representatives from the families of victims, the local community, the state of Pennsylvania and the United States Government. The Commission would then submit their recommendations to the Secretary of the Interior.

Mr. Speaker, we have all been inspired by the many heros who have emerged in the wake of September 11th. The passengers aboard Flight 93 are certainly heros. These brave men and women put the love of their country before themselves and are responsible for saving the lives of many. It is only proper that we construct a memorial where all Americans can come and honor these immensely courageous individuals. I urge passage of the Flight 93 Memorial Act.

Mrs. ROUKEMA. Mr. Speaker, I rise today in support of this resolution that honors the great bravery, courage, and patriotism of the crew and passengers aboard United Airlines Flight 93, including my constituent Jeremy Glick of West Milford, New Jersey. Though we may never know what took place in the final minutes on that flight, we can be certain that because of Jeremy's actions, along with other passengers and crew members, lives were saved. Not only do the passengers and crew of Flight 93 deserve the highest of honors and a permanent place in our Nation's memory, but they also deserve our immense gratitude.

Aboard the fated flight which crashed in Pennsylvania, Jeremy Glick was one of the heroes who bravely and selflessly sacrificed his own life after providing important details about the terrorists' actions over his cell phone. We know that Jeremy helped to take down the terrorist, armed only with a plastic dinner knife. As United Flight 93 crashed prematurely in Pennsylvania, Air Force One changed its route and the White House and Capitol Building were evacuated. The potential destruction and loss of more innocent lives were averted in part because of Jeremy's heroic actions. I am overwhelmed by his selfless defense of civilian lives and his country. Such patriotism and valor demands our recognition and our thanks

Out of this tragedy, our Nation has emerged stronger and prouder than ever. Our spirit is inspired by the stories of the brave men and women of that day—true heroes of our country. This is what this monument will stand for—their memory and stories that inspire us, now and for years to come. The Flight 93 memorial will allow generation after generation to remember and honor Jeremy and all those on the flight for their exceptional bravery, valor, and patriotism.

Shortly before September 11th, Jeremy's wife Lyzebth gave birth to a beautiful daughter, Emerson. The photos of Jeremy and Emerson move me immensely as I witness the love and pride in Jeremy's eyes for his daughter. Emerson will see these same photos one day, and know of the love her father had for her. Let us, as a Congress and as a country, allow her to know the tremendous service her father did for America on September 11th.

Although there are no flags or pieces of legislation that can relieve the sorrow of the families of these victims, I hope that they will take comfort in the fact that their loved ones will

not be forgotten. I urge my colleagues to join me in commemorating the lives of the crew and passengers of United Flight 93 with this national memorial in Somerset County, Pennsylvania.

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and pass the bill, H.R. 3917, 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.

## LOWER RIO GRANDE VALLEY WATER RESOURCES CONSERVATION AND IMPROVEMENT OF 2001

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2990) to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects under that Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2990

*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 ''Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2001''.*

***SEC. 2. AUTHORIZATION OF ADDITIONAL PROJECTS UNDER THE LOWER RIO GRANDE VALLEY WATER RESOURCES CONSERVATION AND IMPROVEMENT ACT OF 2000.***

*Section 4(a) of the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 (Public Law 106–576; 114 Stat. 3067) is amended by adding at the end the following:*

*''(5) In the United Irrigation District of Hidalgo County, Texas, a pipeline and pumping system as identified in the Sigler, Winston, Greenwood, Associates, Incorporated, study dated January 2001.*

*''(6) In the Cameron County, Texas, Irrigation District No. 2, proposed improvements to Canal C, as identified in the February 8, 2001, engineering report by Martin, Brown, and Perez.*

*''(7) In the Cameron County, Texas, Irrigation District No. 2, a proposed Canal C and Canal 13 Inner Connect, as identified in the February 12, 2001, engineering report by Martin, Brown, and Perez.*

*''(8) In Delta Lake Irrigation District of Hidalgo and Willacy Counties, Texas, proposed water conservation projects, as identified by the AW Blair Engineering report of February 13, 2001.*

*''(9) In the Hidalgo and Cameron County, Texas, Irrigation District No. 9, a proposed project to salvage spill water using automatic control of canal gates as identified in the AW Blair Engineering report dated February 14, 2001.*

*''(10) In the Brownsville Irrigation District of Cameron County, Texas, a proposed main canal replacement as outlined in the Holdar-Garcia & Associates engineering report dated February 14, 2001.*

*''(11) In the Hidalgo County, Texas, Irrigation District No. 16, a proposed off-district pump station project as identified by the Melden & Hunt, Incorporated, engineering report dated February 14, 2001.*

*''(12) In the Hidalgo County, Texas, Irrigation District No. 1, a proposed canal replacement of the North Branch East Main, as outlined in the Melden & Hunt, Incorporated, engineering analysis dated February, 2001.*

*''(13) In the Donna (Texas) Irrigation District, a proposed improvement project as identified by the Melden & Hunt, Incorporated, engineering analysis dated February 13, 2001.*

*''(14) In the Hudspeth County, Texas, Conservation and Reclamation District No. 1, the Alamo Arroyo Pumping Plant water quality project as identified by the engineering report and drawings by Gebhard-Sarma and Associates dated July 1996 and the construction of a 1,000 acre-foot off-channel regulating reservoir for the capture and conservation of irrigation water, as identified in the engineering report by AW Blair Engineering dated June 2002.*

*''(15) In the El Paso County, Texas, Water Improvement District No. 1, the Riverside Canal Improvement Project Phase I Reach A, a canal lining and water conservation project as identified by the engineering report by AW Blair Engineering dated June 2002.*

*''(16) In the Maverick County, Texas, Water Improvement and Control District No. 1, the concrete lining project of 12 miles of the Maverick Main Canal, identified in the engineering report by AW Blair Engineering dated June 2002.*

*''(17) In the Hidalgo County, Texas, Irrigation District No. 6, rehabilitation of 10.2 miles of concrete lining in the main canal between Lift Stations Nos. 2 and 3 as identified in the engineering report by AW Blair Engineering dated June 2002.*

*''(18) In the Hidalgo County, Texas, Irrigation District No. 2, Wisconsin Canal Improvements as identified in the Sigler, Winston, Greenwood & Associates, Incorporated, engineering report dated February 2001.*

*''(19) In the Hidalgo County, Texas, Irrigation District No. 2, Lateral 'A' Canal Improvements as identified in the Sigler, Winston, Greenwood & Associates, Incorporated, engineering report dated July 25, 2001.''.*

***SEC. 3. AMENDMENTS TO THE LOWER RIO GRANDE VALLEY WATER RESOURCES CONSERVATION AND IMPROVEMENT ACT OF 2000.***

*The Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 (Public Law 106–576; 114 Stat. 3065 et seq.) is further amended as follows:*

*(1) Section 3(a) is amended in the first sentence by striking ''The Secretary'' and all that follows through ''in cooperation'' and inserting ''The Secretary, acting through the Bureau of Reclamation, shall undertake a program under cooperative agreements''.*

*(2) Section 3(b) is amended to read as follows:*

*''(b) PROJECT REVIEW.—Project proposals shall be reviewed and evaluated under the guidelines set forth in the document published by the Bureau of Reclamation entitled 'Guidelines for Preparing and Reviewing Proposals for Water Conservation and Improvement Projects Under P.L. 106–576', dated June 2001.''.*

*(3) Section 3(d) is amended by inserting before the period at the end the following: '', including operation, maintenance, repair, and replacement''.*

*(4) Section 3(e) is amended by striking ''the criteria established pursuant to this section'' and inserting ''the guidelines referred to in subsection (b)''.*

*(5) Subsection (f) of section 3 is amended by striking ''to prepare'' and all that follows through the end of the subsection and inserting ''to have the Secretary prepare the reports required under this section. The Federal share of the cost of such preparation by the Secretary shall not exceed 50 percent of the total cost of such preparation.''.*

*(6) Section 3(g) is amended by striking ''$2,000,000'' and inserting ''$8,000,000''.*

*(7) Section 4(b) is amended—*

*(A) in the first sentence by striking ''costs of any construction'' and inserting ''total project cost of any project''; and*

*(B) in the last sentence by inserting ''the actual'' before ''funds''.*

*(8) Section 4(c) is amended by striking ''$10,000,000'' and inserting ''$47,000,000 (2001 dollars)''.*

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from Texas (Mr. ORTIZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming (Mrs. CUBIN).

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

Mr. Speaker, H.R. 2990, the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2001, will amend Public Law 106–576. This legislation adds 14 new water conservation projects, increases study authorizations from $2 million to $8 million, and increases facility construction authorizations from $10 million to $47 million.

The Rio Grande has been severely impacted, as have most areas in the west, by drought conditions during the last decade. Many of these drought conditions are the worse that have ever been seen, at least recorded. These droughts conditions have made it difficult to supply Rio Grande water to the 7 million people who depend on it. Implementation of significant improvements to irrigation canal delivery systems, aggressive water conservation programs, and improved water management are critical needs that must be taken seriously. H.R. 2990 will work within the existing framework of Public Law 106–576 to address these critical needs.

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

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

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

Mr. ORTIZ. Mr. Speaker, first, let me thank my colleagues on the Committee on Resources, particularly the gentleman from California (Mr. CALVERT) who has been a local hero back home in South Texas for his interest and work on this bill. South Texas also would like to thank the gentleman from Utah (Mr. HANSEN) and the gentleman from West Virginia (Mr. RAHALL) for their attention to our situation and understanding, and their willingness to move this urgent bill forward. I also want to thank the staff. We had an opportunity to travel to my district, and we had hearings.

The South Texan who deserves great credit for House consideration today is the gentleman from Texas (Mr. BONILLA), our distinguished appropriations cardinal whose personal involvement in this legislation has been pivotal to our success today. The gentleman from Texas (Mr. BONILLA) and I co-chair the House Border Caucus, and he is an important player for all of us

when it comes to issues affecting the southwest border.

Mr. Speaker, nature, or El Nino or La Nina, has played a cruel joke on Texas. After a decade of drought in South Texas, Mother Nature dumped between 30 and 40 inches of rain on central Texas which caused a lot of flooding and a lot of damage, none of which made its way to our reservoirs in South Texas.

The Lower Rio Grande Valley Water Conservation and Improvement Act of 2001 will authorize $47 million to be managed by the State of Texas to improve the irrigation system in the South Texas area. The bill specifies water transportation and conservation activities. It also begins to implement some of the water conservation measures considered in the development of the State of Texas water plan.

We have been hit hard by at least 6 years of drought, and have raced to find ways to conserve this amount of water. We have to save as much as we can. This bill is an outgrowth of a very serious international treaty violation by Mexico. In 1944, the United States and Mexico signed a water treaty to share the waters of the Rio Grande, the Colorado, and their tributaries.

□ 1545

Under the treaty, the United States delivers 1.5 million acre-feet of water to Mexico from the Colorado while Mexico delivers 350,000 acre-feet of water to the United States from tributaries and reservoirs of the Rio Grande. I represent the Texas border communities at the downstream of the river. The last drop and the last stop of water is in my district.

There is very little that we can do to help south Texas water users today. But passing this bill to authorize improvements to the existing irrigation systems in the area will help conserve the tiny bit of water that we do now have. The gentleman from California (Mr. CALVERT) led the Committee on Resources in a hearing in south Texas. He saw and heard firsthand the need that we have to improve the existing infrastructure in south Texas. Californians, and others from the American Southwest, have a special understanding of water needs and droughts; and we will be standing together with our colleagues from California as we try to mitigate the circumstances we now find ourselves in.

I and all south Texas water users are deeply grateful to all the players in the House who have heard our plea for help and have stepped up to the plate to do what we need to do to make this horrible situation a little better. I want to thank my good friend, the gentlewoman for Wyoming, for being a lot of help in contributing to the passage of this bill.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. HINOJOSA).

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

Mr. HINOJOSA. Mr. Speaker, I rise today in strong support of H.R. 2990. I want to thank the gentleman from California (Mr. CALVERT), subcommittee chairman; the gentleman from Utah (Mr. HANSEN), the full committee chairman; as well as the gentleman from West Virginia (Mr. RAHALL); the gentlewoman from Wyoming (Mrs. CUBIN); the gentleman from Texas (Mr. SMITH); and the gentleman from Texas (Mr. ORTIZ) for all of their help in moving our legislation to the House floor.

South Texas has reached a crisis stage. A decade-long drought combined with a 1.5 million acre-feet water debt owed by Mexico has left our water reservoirs dangerously low at only 25 percent of capacity. As a result, south Texas farmers have lost much of their crops. Our farmers are unable to plant new ones and are losing their farms because bank loans are being called. The sustainable growth of the region is in jeopardy.

Agriculture has long been a cornerstone of the south Texas economy, and the devastating effects of the drought upon farmers are rippling throughout the entire economy in our country. Economists have estimated that the water shortage has cost the Texas economy almost $1 billion in the last 10 years, and costs are now mounting at a pace of more than $400 million annually. This means that south Texas has lost thousands of jobs and millions of dollars in economic activity. Given our chronic double-digit unemployment rate along the border, these are simply jobs that we cannot afford to lose. The agricultural and economic losses are not the only areas in which the drought has had a serious negative effect.

The environmental negative impact has been felt as well. The Rio Grande River no longer flows into the Gulf of Mexico, which has adversely impacted a number of economically and ecologically important marine species. It is quite clear that the drought, compounded by Mexico's refusal to comply with the terms of the 1944 water treaty, is having a devastating effect upon all aspects of our community. We must continue our efforts to press Mexico to deliver the water that is owed us, but we must also be more efficient in transporting what little irrigation water we have.

In conclusion, Mr. Speaker, I want to say that in his most recent agreement with Mexico, the President has promised to fund water conservation projects in Mexico and the U.S. The projects authorized in our bill, H.R. 2990, are the type of conservation projects that will go a long way towards helping us modernize our antiquated water delivery systems on the U.S. side of the border. Currently, we lose up to 35 percent of our water to evaporation and to seepage. This legislation would allow the Bureau of Reclamation to conduct these planned projects that would significantly improve conservation of our scarce water resources.

Specifically, this bill authorizes $47 million in new funding for water conservation and infrastructure improvement projects along the Texas/Mexico border from Brownsville to McAllen to Laredo to El Paso, Texas.

These are badly needed financial resources that will be an important investment in the future of the South Texas border region.

In closing, let me say that after holding several hearings, including field hearings in Weslaco and Brownsville, Texas, this bill was approved unanimously by both the Subcommittee on Water and Power and the full Committee on Resources. I urge my colleagues to support H.R. 2990.

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

I would just like to point out how cruel at times Mother Nature can be. There is flooding in Texas at the same time very nearby there is a drought that has been going on for 6 years. I also want everyone to know that we are very aware that there is a drought all the way across the West. The drought conditions in my own State of Wyoming are the worst that we have ever seen. It is that way throughout the West. Now that we are faced with the wildfires that we have, the drought becomes all the more significant in environmental issues and in the health of our public lands.

This is just the beginning. I believe that the Congress will be here to help other people in other States with the drought. But this particular bill is very important because it involves an international treaty and it involves water that is available, but we simply have to be able to save and use in a more efficient way the water that is there. In my own State, it is lack of water. Period. But the Congress will be there to help those people as this session goes on.

Mr. Speaker, I want to thank the gentleman from Texas (Mr. ORTIZ) and add my support and the committee's support for his hard work, for the field hearings that they have had. This bill has been vetted extremely well through the House. It does deserve to be passed. We do need to start dealing with the issues of the drought.

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

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

This is truly a very bipartisan bill. We ask Members to vote for this bill. It is very important. It will help those people who have lost a lot of money in south Texas because they have not been able to irrigate and grow a crop.

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

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

Mr. BENTSEN. Mr. Speaker, I rise today in strong support of H.R. 2990, the Lower Rio Grand Valley Water Resources Conservation and Improvement

Act, legislation sponsored by our colleagues along the U.S.-Mexico border, the gentleman from Texas (Mr. HINOJOSA), the gentleman from Texas (Mr. BONILLA), the gentleman from Texas (Mr. GONZALEZ), the gentleman from Texas (Mr. ORTIZ), the gentleman from Texas (Mr. REYES), and the gentleman from Texas (Mr. RODRIGUEZ).

The legislation will authorize 14 irrigation improvement projects necessary for the continued viability and prosperity of farmers throughout the lower Rio Grand region. Eight of these projects will improve irrigation in Hidalgo County; three will help Cameron County; others will help Maverick County, El Paso County, and Hudspeth County.

Farmers in the lower Rio Grand Valley are being hit hard by both an international dispute over water obligations with Mexico and a serious 8-year drought, the longest on record in the valley region. For anyone needing proof for this desperation of valley farmers, I advise them to visit the mouth of the Rio Grand River where the flow has ceased to reach the Gulf of Mexico twice in the last 2 years and often only manages a trickle. The land in the lower Rio Grande Valley is among the most fertile, producing cotton, grains, vegetables, citrus, including the legendary pink grapefruit.

However, without water, farmers have accumulated billions in losses and tens of thousands of jobs have been lost. While drought has and always will challenge farmers, those in the lower Rio Grande Valley have had more than 1.5 million acre feet of water, or an incredible 488 billion gallons of water, withheld from them by the Mexican state of Chihuahua since 1992. At the same time, the state of Chihuahua has used this U.S. water to produce crops of their own in the desert. This violation of the 1944 U.S.-Mexico treaty regarding the Rio Grande and Colorado Rivers is admitted by the Mexican authorities and no party claims that the U.S. has ever failed in its reciprocal obligation to provide water to Mexico from the Colorado River.

While I consider Mexico to be a friend and strong ally of the United States, I have consistently argued that the State Department needs to resolve this issue of great importance to the economy of the lower Rio Grande Valley before moving on to other more controversial foreign policy issues between the United States and Mexico.

The matter of Mexico's adherence to the 1944 treaty and mounting water debt should be the Bush administration's top bilateral priority with respect to Mexico. Unfortunately, the administration's efforts to date have been deficient, as has been shown by the recent signing of the wholly inadequate water deal known as Minute 308.

A minute is a clarification to an existing treaty but is not a formal amendment. Signed by the representatives of the United States and Mexican governments to the International Boundary and Water Commission on June 28, 2002, Minute 308 calls for improved water infrastructure in Mexico and the U.S., but it makes no meaningful attempt to address the mounting water debt that Mexico is accumulating.

Farmers in the lower Rio Grande Valley, while welcoming any attention to this issue, have overwhelmingly rejected Minute 308 as close to useless. I am disappointed that the U.S. representatives to the commission, who were in direct communication with high ranking administration officials, would not force stronger action.

With each passing day of inadequate administration action, the risk increases that this mounting debt will not be repaid, and more and more Texas farmers watch as their crops wither and die under the hot Texas sun.

Mr. Speaker, the twin factors of drought and politics have hit valley farmers hard. All are praying simultaneously for a good rain and a resolution of the dispute before the latest deadline of September 30, 2002. Even if this deadline is met, it will be too late for many. In the meantime, valley farmers will be encouraged that this House is coming to their aid by increasing the irrigation opportunities in the region throughout this legislation before us today. However, the administration needs to hear our debate today and to make sure that we have some water to use in these important projects.

I want to thank the gentleman from Texas (Mr. HINOJOSA) for introducing this legislation. I encourage my colleagues to vote ''yes'' in suspending the rules and passing H.R. 2990, the Lower Rio Grande Valley Water Resources Conservation and Improvement Act.

Mr. RODRIGUEZ. Mr. Speaker, I rise this evening to offer my full support for passage of HR 2990, the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2001. This bill would authorize additional projects critical to the improvement of water quality and infrastructures in South Texas while encouraging the federal government to focus more resources on the border region.

South Texas faces a grave water crisis. Even as counties to the north suffer from flooding that has caused millions of dollars in damage to businesses and homes, the border region suffers from a terrible lack of water. It is evident that we need to take a long, hard look at our water management practices and find new ways to improve our water resources.

In the Lower Rio Grande Valley of Texas, communities continue to battle with an eight-year drought. The land is parched. The crops have died. The Rio Grande River has literally stopped flowing into the Gulf of Mexico. How can I express the seriousness of the situation to my colleagues? The lack of water in South Texas has all but destroyed the way of life for the farmers and ranchers of the region.

During this same time period, Mexico has accumulated a substantial water deficit. Under terms of the 1944 U.S.-Mexico Water Treaty, Mexico now owes us close to 1.7 million acre-feet of water. This is water that could have provided enormous relief to South Texas. Farmers and water district managers had held out hope that Mexico would release a portion of water owed so they could make it through the summer.

We were recently informed that the Administration had struck a deal with Mexico for the release of a mere 90,000 acre-feet. As South Texans have said, this is too little water, too late. To add insult to injury, the agreement gives Mexico access to substantial loans without requiring a firm payment schedule for water still owed. While we need substantial investment on both sides of the border to improve our water resources, we need Mexico to meet its treaty obligations to offer immediate relief to the parched lands of the Texas Valley.

We have a real opportunity to provide some needed relief today. HR 2990 will direct badly needed resources to South Texas to improve water quality and infrastructure. I ask for my colleagues support of this important bill.

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

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and pass the bill, H.R. 2990, 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

Mrs. CUBIN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous materials in the RECORD on the six bills just considered: H.R. 4870, H.R. 3258, H.R. 3401, H.R. 3048, H.R. 2990, and H.R. 3917.

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

There was no objection.

## VETERANS HEALTH CARE AND PROCUREMENT IMPROVEMENT ACT OF 2002

Mr. MORAN of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3645) to amend title 38, United States Code, to provide for improved procurement practices by the Department of Veterans Affairs in procuring health-care items, as amended.

The Clerk read as follows:

H.R. 3645

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Veterans Health Care and Procurement Improvement Act of 2002''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

Sec. 3. Limitation on use of local contracts for Department of Veterans Affairs procurement of health-care items.
Sec. 4. Enhancements to enhanced-use lease authority.
Sec. 5. Eligibility for Department of Veterans Affairs health care of certain additional Filipino World War II veterans residing in the United States.
Sec. 6. Outpatient dental care for all former prisoners of war.
Sec. 7. Improved accountability of research corporations established at Department of Veterans Affairs medical centers.
Sec. 8. Department of Defense participation in Revolving Supply Fund purchases.
Sec. 9. Name of Department of Veterans Affairs outpatient clinic, New London, Connecticut.

**SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.**

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

**SEC. 3. LIMITATION ON USE OF LOCAL CONTRACTS FOR DEPARTMENT OF VETERANS AFFAIRS PROCUREMENT OF HEALTH-CARE ITEMS.**

(a) IN GENERAL.—Section 8125 is amended to read as follows:

**"§ 8125. Procurement of health-care items**

''(a) Except as provided in subsection (b), any procurement of a health-care item by the Department shall be made through the use of a Federal Supply Schedule contract, or a national contract, that meets the requirements of subsection (d).

''(b)(1) Subsection (a) does not apply to a procurement of a health-care item in any of the following cases:

''(A) A procurement that is necessary to meet a current or near-term medical emergency at a medical center.

''(B) A procurement that is for a health-care item that is not listed in the Federal Supply Schedule or as part of a national contract and for which there is a valid clinical need.

''(C) A procurement that is for a specialized health-care item not listed in the Federal Supply Schedule or as part of a national contract and that is to meet the special needs of an individual patient who has one of the special needs identified in section 1706(b) of this title and who has a valid clinical need for the item.

''(D) A procurement that is part of an approved sharing agreement between the Department of Defense and the Department of Veterans Affairs with demonstrable cost-per-item savings for a health-care item listed on the Federal Supply Schedule or a national contract.

''(E) A procurement that supports a prime contract or a subcontract with a small business concern qualifying for a procurement preference program under section 8 or 15 of the Small Business Act (15 U.S.C. 637, 644).

''(2) A procurement may be made as authorized under subparagraph (B) of paragraph (1) only if the procurement is specifically authorized in advance in writing by the Secretary. The authority of the Secretary under the preceding sentence may only be delegated to the Deputy Secretary or to an official of the Veterans Health Administration not below the level of a Deputy Under Secretary (or equivalent) acting jointly with a procurement executive of the Department not below the level of an Associate Deputy Assistant Secretary.

''(c) In the case of an emergency procurement of a health-care item as authorized by subsection (b)(1)(A), the quantity of the item procured may not exceed the quantity of that item that is the reasonably foreseeable need for the item at the medical center concerned until resupply can be achieved through procurement actions other than emergency procurement.

''(d) A contract meets the requirements of this subsection if the contract includes—

''(1) provisions referred to as 'preaward and postaward audit clauses'; and

''(2) a provision referred to as a 'price reduction clause'.

''(e)(1) The Secretary shall establish procedures to assure compliance by each Department medical facility with the provisions of this section and with applicable Federal and Department procurement regulations.

''(2) The procedures established by the Secretary under paragraph (1) shall be designed to maximize health-care item variety and the use of the Federal Supply Schedule.

''(3) The Secretary shall establish and enforce procedures limiting the standardization of items at the local, regional, or national level to provide special patient populations (as identified in section 1706(b) of this title) with the range and types of health-care items required to meet their clinical and quality-of-life needs.

''(4) The Advisory Committee on Prosthetics and Special-Disabilities Programs established under section 543 of this title shall review the procedures established under paragraph (3), including the implementation of those procedures, and shall advise the Secretary when those procedures are not effectively enforced by the Department.

''(f)(1) The Secretary shall establish annual goals for Department medical centers for the purchase of health-care items from Federal Supply Schedule and national contracts meeting the requirements of subsection (d). Such goals shall be designed to maximize the percentage of such purchases that are made through such contracts.

''(2) The Secretary shall establish goals for the Department for procurements from small business concerns qualifying for a procurement preference program under section 8 or 15 of the Small Business Act (15 U.S.C. 637, 644). Such goals shall be no less than the national goal for each such procurement preference program under either of those sections.

''(3) Achievement of the goals established under this subsection shall be an element in the performance standards for employees of the Department who have the authority and responsibility for achieving those goals.

''(g) A provision of law that is inconsistent with any provision of this section shall not apply, to the extent of the inconsistency, to the procurement of a health-care item for the Department.

''(h)(1) Not later than December 31 each year, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the procurement of health-care items during the preceding fiscal year. Each such report shall include, for the year covered by the report, the following:

''(A) The total dollar amount of all items listed in Federal Supply Classification (FSC) Group 65 or 66 and the total dollar value of the exceptions to subsection (a) under each of subparagraphs (A), (B), (C), (D), and (E) of subsection (b)(1), shown by medical facility.

''(B) A detailed explanation for exceptions to subsection (a), including—

''(i) the rationale for use of emergency procurement at Department medical facilities;

''(ii) the rationale for approval of requests under subsection (b)(1)(B) for procurement of items not listed on the Federal Supply Schedule or on national contracts; and

''(iii) exceptions granted for special health-care needs of veterans with disabilities described in section 1706(b) of this title.

''(C) Analysis of sharing agreements between the Department and the Department of Defense to indicate the basic written sharing initiative and the division of financial responsibility between the two Departments.

''(D) The stated goal under each procurement preference program, together with an assessment of the performance of the Department toward achievement of that goal, especially with respect to the goal for contracting with businesses that are owned by veterans with service-connected disabilities.

''(2) The Advisory Committee on Prosthetics and Special- Disabilities Programs of the Department shall submit comments on each report under paragraph (1) before the report is submitted under that paragraph, and the Secretary shall include those comments in the report as submitted.

''(i) For the purposes of this subsection:

''(1) The term 'health-care item' includes any item other than services listed in, or (as determined by the Secretary) of the same nature as an item listed in, Federal Supply Classification (FSC) Group 65 or 66.

''(2) The term 'national contract' means a contract for procurement of an item that is entered into by the National Acquisition Center of the Department or another Department procurement activity, as authorized by the Secretary, that is available for use by all Department medical facilities.

''(3) The term 'valid clinical need' means in the professional judgment of an appropriate clinician. Such term applies to health care items, prosthetic appliances, sensory or mobility aids and supplies that are prescribed by a physician for special patient populations such as veterans with spinal cord dysfunction, blindness, amputations, and other veterans included in section 1706(b) of this title.

''(4) The term 'Federal Supply Schedule contract' means a contract that is awarded and administered by the National Acquisition Center of the Department under a delegation of authority from the Administrator of the General Services Administration.

''(5) The term 'emergency procurement' means a procurement necessary to meet an emergency need affecting the health or safety of a person being furnished health-care services by the Department.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on September 30, 2003, and shall apply to procurements by the Secretary of Veterans Affairs after that date.

**SEC. 4. ENHANCEMENTS TO ENHANCED-USE LEASE AUTHORITY.**

(a) INCREASED FLEXIBILITY UNDER ENHANCED-USE LEASES.—Section 8162(a)(2)(B) is amended—

(1) by striking ''proposed by the Under Secretary for Health'' and inserting ''proposed by one of the Under Secretaries''; and

(2) by striking ''to the provision of medical care and services'' and inserting ''to the programs and activities of the Department''.

(b) NOTIFICATION OF PROPERTY TO BE LEASED.—Section 8163 is amended—

(1) in the first sentence of subsection (a)—

(A) by striking ''designate a property to be leased under an enhanced-use lease'' and inserting ''enter into an enhanced-use lease with respect to certain property''; and

(B) by striking ''before making the designation'' and inserting ''before entering into the lease'';

(2) in subsection (b), by striking ''of the proposed designation'' and inserting ''to the congressional veterans' affairs committees and to the public of the proposed lease''; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''designate the property involved'' and inserting ''enter into an enhanced-use lease of the property involved''; and

(ii) by striking ''to so designate the property'' and inserting ''to enter into such lease'';

(B) in paragraph (2), by striking ''90–day period'' and inserting ''45–day period'';

(C) in paragraph (3)—

(i) by striking ''general description'' in subparagraph (D) and inserting ''description of the provisions''; and

(ii) by adding at the end the following new subparagraph:

''(G) A summary of a cost-benefit analysis of the proposed lease.''; and

(D) by striking paragraph (4).

(c) DISPOSITION OF LEASED PROPERTY.—Section 8164 is amended—

(1) in subsection (a)—

(A) by striking ''by requesting the Administrator of General Services to dispose of the property pursuant to subsection (b)'' in the first sentence; and

(B) by striking the third sentence;

(2) in subsection (b)—

(A) by striking ''Secretary and the Administrator of General Services jointly determine'' and inserting ''Secretary determines''; and

(B) by striking ''Secretary and the Administrator consider'' and inserting ''Secretary considers''; and

(3) in subsection (c), by striking ''90 days'' and inserting ''45 days''.

(d) USE OF PROCEEDS.—Section 8165 is amended—

(1) in subsection (a)—

(A) by striking ''(1)'' after ''(a)'';

(B) by inserting after ''of this title'' the following: '', except that any funds received by the Department under an enhanced-use lease in support of the Veterans Benefits Administration or the National Cemetery Administration and remaining after any deduction from such funds under subsection (b) shall be credited to applicable appropriations of that Administration''; and

(C) by striking paragraph (2);

(2) in subsection (b), by adding at the end the following new sentence: ''The Secretary may use the proceeds from any enhanced-use lease to reimburse applicable appropriations of the Department for any expenses incurred in the development of additional enhanced-use leases.''; and

(3) by striking subsection (c).

(e) CLERICAL AMENDMENTS.—(1) The heading of section 8163 is amended to read as follows:

**''§ 8163. Hearing and notice requirements regarding proposed leases''.**

(2) The item relating to section 8163 in the table of sections at the beginning of chapter 81 is amended to read as follows:

''8163. Hearing and notice requirements regarding proposed leases.''.

**SEC. 5. ELIGIBILITY FOR DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE OF CERTAIN ADDITIONAL FILIPINO WORLD WAR II VETERANS RESIDING IN THE UNITED STATES.**

(a) ELIGIBILITY FOR HEALTH CARE.—The text of section 1734 is amended to read as follows:

''(a) The Secretary shall furnish hospital and nursing home care and medical services to any individual described in subsection (b) in the same manner, and subject to the same terms and conditions, as apply to the furnishing of such care and services to individuals who are veterans as defined in section 101(2) of this title. Any disability of an individual described in subsection (b) that is a service-connected disability for purposes of this subchapter (as provided for under section 1735(2) of this title) shall be considered to be a service-connected disability for purposes of furnishing care and services under the preceding sentence.

''(b) Subsection (a) applies to any individual who is a Commonwealth Army veteran or new Philippine Scout and who—

''(1) is residing in the United States; and

''(2) is a citizen of the United States or an alien lawfully admitted to the United States for permanent residence.''.

(b) LIMITATION.—The amendment made by subsection (a) shall take effect on the date on which the Secretary of Veterans Affairs submits to the Committees on Veterans' Affairs of the Senate and House of Representatives and publishes in the Federal Register a certification that sufficient resources are available for the fiscal year during which the certification is submitted to carry out section 1734 of title 38, United States Code, as amended by such amendment, during that fiscal year at those facilities of the Department of Veterans Affairs where the majority of veterans described in subsection (b) of such section will receive hospital and nursing home care and medical services authorized by subsection (a) of such section.

**SEC. 6. OUTPATIENT DENTAL CARE FOR ALL FORMER PRISONERS OF WAR.**

Section 1712(a)(1)(F) is amended by striking ''and who was detained or interned for a period of not less than 90 days''.

**SEC. 7. IMPROVED ACCOUNTABILITY OF RESEARCH CORPORATIONS ESTABLISHED AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS.**

(a) AUDITS AND IMPROVED ANNUAL REPORT.—Subsection (b) of section 7366 is amended to read as follows:

''(b)(1) Not later than March 1 each year, each such corporation shall submit to the Secretary a report concerning the preceding calendar year. Each such annual report shall include the following:

''(A) A detailed statement of the corporation's operations, activities, and accomplishments during the preceding calendar year.

''(B) A description of each research project or activity for which funds were provided by the corporation during that year or for which funds were provided by the corporation during a preceding year and that is ongoing during the year covered by the report, including, for each such project or activity, the title of the project or activity and a description of the purpose of the project or activity.

''(C) A statement of the amount of funds controlled by the corporation as of the first day, and as of the last day, of the year covered by the report and a statement of the amount of funds received, shown by source, during the year.

''(D) An itemized accounting of all disbursements made during the year.

''(E) The most recent audit of the corporation under paragraph (2).

''(F) Such other information as may be necessary to enable the Secretary to prepare the annual report to congressional committees required under section 7367 of this title.

''(2) A corporation with a balance of funds under its control in excess of $300,000 at any time during a calendar year shall obtain an audit of the corporation for that year. Any other corporation shall obtain an independent audit of the corporation at least once every three years. The report on any such audit shall specifically state whether the corporation audited made any payment, or provided any travel, during the period covered by the audit to a member of the board of directors of the corporation and, if so, the amount and recipient of any such payment or travel.

''(3) Any audit under paragraph (2) shall be performed by an independent auditor and shall be performed in accordance with generally accepted Government auditing standards and in accordance with Office of Management and Budget Circular A–133.

''(4) The Inspector General of the Department shall each year review the most recent audit under paragraph (2) of not less than 10 percent of the corporations described in the first sentence of paragraph (2) and not less than 10 percent of the corporations described in the second sentence of that paragraph. As part of such review, the Inspector General shall determine whether the audit was carried out in accordance with generally accepted Government auditing standards, as required by paragraph (3).''.

(b) ANNUAL REPORT OF SECRETARY.—(1) Subchapter IV of chapter 73 is amended—

(A) by inserting after subsection (c) of section 7366 the following:

**''§ 7367. Annual report to congressional committees'';**

and

(B) in the text immediately following the section heading inserted by subparagraph (A)—

(i) by striking ''(d)'' and inserting ''(a)'';

(ii) by inserting after the first sentence the following new sentence: ''Each such report shall be based on the annual reports submitted by the corporations to the Secretary under section 7366(b) of this title and shall be submitted not later than May 1 of the year following the year covered by such reports.''; and

(iii) by striking ''The report shall'' and inserting the following:

''(b) Each such report shall''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7366 the following new item:

''7367. Annual report to congressional committees.''.

(c) EXTENSION OF AUTHORITY TO ESTABLISH RESEARCH CORPORATIONS.—Section 7368 is amended by striking ''December 31, 2003'' and inserting ''December 31, 2006''.

**SEC. 8. DEPARTMENT OF DEFENSE PARTICIPATION IN REVOLVING SUPPLY FUND PURCHASES.**

(a) ENHANCEMENT OF DEPARTMENT OF DEFENSE PARTICIPATION.—Section 8121 is amended—

(1) by redesignating subsection (b) and (c) as subsections (d) and (e), respectively;

(2) by designating the last sentence of subsection (a) as subsection (c); and

(3) by inserting after paragraph (3) of subsection (a) the following new subsection:

''(b) The Secretary may authorize the Secretary of Defense to make purchases through the fund in the same manner as activities of the Department. When services, equipment, or supplies are furnished to the Secretary of Defense through the fund, the reimbursement required by paragraph (2) of subsection (a) shall be made from appropriations made to the Department of Defense, and when services or supplies are to be furnished to the Department of Defense, the fund may be credited, as provided in paragraph (3) of subsection (a), with advances from appropriations available to the Department of Defense.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply only with respect to funds appropriated for a fiscal year after fiscal year 2002.

**SEC. 9. NAME OF DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC, NEW LONDON, CONNECTICUT.**

The Department of Veterans Affairs outpatient clinic located in New London, Connecticut, shall after the date of the enactment of this Act be known and designated as

the ''John J. McGuirk Department of Veterans Affairs Outpatient Clinic''. Any reference to such outpatient clinic in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the John J. McGuirk Department of Veterans Affairs Outpatient Clinic.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MORAN) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3645 was introduced by the gentleman from Illinois (Mr. EVANS) earlier this year. I would like to take this time to commend the gentleman from Illinois as well as our chairman, the gentleman from New Jersey (Mr. SMITH), and the gentleman from California (Mr. FILNER), the ranking member of our Subcommittee on Health, which I am privileged to chair. In addition, I would like to thank the gentleman from Indiana (Mr. BUYER), chairman of the Subcommittee on Oversight and Investigations and the gentleman from Connecticut (Mr. SIMMONS) for their work on this bill.

Introduced by the gentleman from Illinois (Mr. EVANS), H.R. 3645 represents an important reform to the manner in which the VA obtains medical supply items for VA health care, and it is a good-government measure. On June 26 of this year, the VA Subcommittee on Health held a legislative hearing to explore the merits of this bill. As a result of our hearing and subsequent meetings with veterans' organizations, changes were made to the bill to ensure that the VA may continue to obtain specialized health care items that severely disabled veterans require. These changes are addressed in section 3 of the bill.

Also, Mr. Speaker, several other measures were incorporated into this legislation. To summarize, the VA Subcommittee on Health held a hearing on June 13 regarding access to VA health care to Filipino veterans of World War II who now reside in this country. These veterans fought alongside our troops in the Philippines and deserve access to VA health care. Section 5 of the amendment includes the health care-related provisions of H.R. 4904, a bill that the gentleman from California (Mr. FILNER) introduced that would extend these services to our World War II allies who served in the Commonwealth Army of the Philippines. The VA Subcommittees on Health and Oversight and Investigations held a joint hearing on May 16 to address our concerns about activities of the research and education corporations that aid the VA in conducting outside funded research and provide certain health education funding for VA clinicians.

As a result of issues arising at that hearing, the gentleman from Indiana (Mr. BUYER) introduced H.R. 5084, the contents of which are now included in section 7 of this bill.

Mr. Speaker, the VA also requested the inclusion of three additional provisions, provisions to streamline the procedures for awarding enhanced-use leases of certain VA real properties, to expand dental care for all former prisoners of war, and to authorize the VA Secretary to permit the Department of Defense to use the VA supply fund to obtain medical supply items for DOD health care facilities. These provisions are part of this bill in sections 4, 6 and 8, respectively.

Finally, the gentleman from Connecticut (Mr. SIMMONS) introduced a bill, H.R. 3418, to name the New London, Connecticut, VA clinic in honor of the late John McGuirk, a prominent World War II veteran from New London. The gentleman from Connecticut's bill, cosponsored by the entire Connecticut delegation, is in full compliance with our committee's policy for naming VA facilities and is included as an amendment to this legislation. Last week, our Subcommittee on Health met and marked up this bill and the full committee did so later in the week as well.

Mr. Speaker, H.R. 3645 is a good bill. I urge its support.

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

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

Mr. Speaker, I am very pleased that H.R. 3645, as amended, is being considered by the House today. In addition to providing needed reforms to VA procurement, it also authorizes medical care for veterans and expedites the process for enhanced use lease of VA assets.

I sincerely appreciate the cooperation of the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) on this bill. I also want to thank the chairman and ranking member of the Subcommittee on Health, the gentleman from Kansas (Mr. MORAN) and the gentleman from California (Mr. FILNER), for their assistance and valuable contributions.

H.R. 3645 was introduced to reform VA procurement for medical and surgical supplies. For too long, VA has not leveraged its enormous purchasing power to obtain the best possible prices. Unfortunately, VA has also failed to include price reduction provisions in procurement contracts and did not consistently conduct pre- and post-award audits.

The procurement reform provisions in the Veterans Health Care Procurement Reform and Improvement Act of 2002 are about good government, obtaining the best prices for medical and surgical supplies used to provide VA medical care and saving taxpayer dollars. Additionally, I also recognize the persistence of the gentleman from California (Mr. FILNER) to win health care benefits for certain Filipino veterans. I have long supported his efforts and am pleased that the health benefits he has advocated are included in the legislation before us today.

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

Mr. MORAN of Kansas. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Mississippi for his remarks and also agree with him about the importance of this legislation, particularly the good-government aspects that the gentleman from Illinois (Mr. EVANS), our ranking member, has pursued by introduction of this bill, and also the Filipino veteran issue that the gentleman from California (Mr. FILNER), the ranking member of the Subcommittee on Health, who is en route back to Washington today from California, his effort over many years to try to address the issues of the Filipino veterans.

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And finally I thank the gentleman from Connecticut (Mr. SIMMONS) for his effort to recognize one of his outstanding World War II veterans from Connecticut. So this legislation really is a result of a bipartisan effort and a number of Members' special interests in issues that affect veterans not only in our country but especially in their own districts.

Mr. CUNNINGHAM. Mr. Speaker, I rise in support of H.R. 3645 and thank you for the opportunity to speak about this bill. While this issue, as a matter of national honor, is one of the most important subjects that we will discuss this session, It does not capture the headlines and few Americans are even aware of it. Yet it requires no debate to determine the only honorable and right course of action.

When we went to war in 1941, the people of the Philippines, then an American Commonwealth, went with us. Under Executive Order by President Roosevelt, the 4000,000 men of the Philippines military were called on to join our forces under General Douglas MacArthur. They faithfully fought with us throughout the war. They walked side by side with us during the Bataan Death March, dying at a rate exceeding that of the American troops., After the war, we passed legislation that denied these brave men status as US veterans, denying them access to veterans' benefits. I am proud to count myself among the many that fee this was wrong and not worthy of our Nation's honor.

I believe that a promise made is a debt unpaid, and it is far past the proper time to correct this longstanding wrong. While passage of H.R. 3645 does not correct the entire problem it is a step in the right direction. This bill will take the step of extending VA benefits to the 11,000 Filipino WWII veterans that are living in the United States. I hope we will eventually extend this benefit to the 34,000 veterans that chose to stay in the Philippines. With passage of this bill, we will be closer to this goal. Failure to take action is a stain on our national character. As Americans we can and must set a higher standard.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 3645, the Veterans Health-Care Items Procurement Reform and Improvement Act of 2002. I urge my colleagues to lend their support to this measure.

This legislation reforms the Department of Veterans Affairs (VA) programs and policies that procure certain health-care items used by the VA to care for veterans; address specialized accountability; and strengthens reporting for exceptions made to the reformed policies.

The measure also streamlines the procedures that govern the VA's use of enhance-use lease authority and provide the VA additional flexibility to enhance use of VA properties in complementary activities. The largest VA facility near my congressional district, located in Montrose, NY, has been taking advantage of enhance-lease authority for several years. The primary goal of enhance leasing should be to promote tenants and projects that will complement existing VA medical services. The language in this portion of H.R. 3645 should help ensure that the needs of veterans come first with any future enhanced leasing that occurs at the Montrose Medical Center.

I am especially pleased to note the provision that provides hospital and nursing home care and medical services to certain Filipino World War II veterans of the Philippines Commonwealth army and former Philippines ''New Scouts'' who now permanently reside in the United States. The inclusion of this section marks another milestone in our long-standing effort to extend overdue recognition and benefits to Filipino veterans of World War II. As a leader in the fight to restore these benefits over the past ten years, I am grateful my colleagues from California, congressmen FILNER and CUNNINGHAM for their work within the Veterans Affairs Committee to see that this section was adopted.

Finally, H.R. 3645 expands eligibility for outpatient dental care for all former prisoners for VA research and education corporations established at VA medical centers.

Mr. Speaker, this is a good bill that provides numerous benefits to those who served their country in the Armed Forces. I urge my colleagues to support its passage.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in strong support of H.R. 3645, the Veterans Health-Care Items Procurement Reform and Improvement Act of 2002.

The bill includes provisions to expand health care benefits for World War II Filipino veterans residing in the U.S. The bill moves us one step closer to restoring the veterans' benefits taken away from Filipino soldiers who fought for the U.S. military during the Second World War.

Before World War II, the Philippines had been a U.S. possession for 42 years. Located off the coast of mainland Asia, Filipinos found themselves a short distance from the hostilities that would soon draw the whole world into a war to avenge the bombing of Pearl Harbor, and the atrocities in the European Theater.

The U.S. asked the Philippines to help America fight the long and difficult battles to come. When President Roosevelt issued Military Order No. 1 on July 26, 1941, nearly 200,000 Filipinos responded. They responded without hesitation to defend their homeland and to answer the call for help.

From 1941 to 1945, Filipino soldiers fought alongside American soldiers. They defended Bataan and Corregidor, which helped ensure General MacArthur's ultimate victory. Thousands of Filipino prisoners of war endured the infamous Bataan Death March, and many more died in prisons.

When the Filipino soldiers with America in its struggle to defend freedom, the members of the Commonwealth Army expected to receive their benefits at the end of the war. When the Philippines was forced to form guerrilla forces during the Japanese occupation, these brave soldiers also expected to receive their benefits.

After the war, the U.S. Congress established the New Philippine Scouts by enacting the Armed Forces Voluntary Recruitment Act (Public Law 79–190) in October 1945. From 1945 through 1946, the New Philippine Scouts helped defend the Philippines as the nation worked to rebuild itself.

President Roosevelt promised that Filipino veterans would become U.S. citizens and thus have the same benefits given to all other U.S. veterans. In October 1945 General Omar Bradley, Administrator of the Veterans Administration, reaffirmed that they were to be treated like all other American veterans and would receive full benefits. But the U.S. Congress broke this promise to the Commonwealth Army and the recognized guerrilla forces by enacting the Rescission Act (Public Law 79–301). Congress broke the promise to New Philippine Scouts when it passed the Second Rescission Act (Public Law 79–391).

The Rescission Acts stated that the World War II service of Filipinos shall not be deemed to be service in the military or national forces of the U.S. or any component thereof. Exceptions only were given to those who died, were maimed, or were separated from active service due to physical disability.

Since passing the Rescission Acts, the U.S. government has done little to recognize the service of World War II Filipino soldiers. In the 1948 (PL 80–865), 1963 (PL 88–40), 1973 (PL 93–82), and 1981 (97–72), the U.S. Congress passed legislation to help the Philippine government provided limited medical care at special VA facilities in Manila.

The equality movement has made significant strides during the last 12 years. In 1990, Public Law 101–649 made certain Filipino veterans who served during World War II eligible for U.S. citizenship. Under this law, over twenty eight thousand veterans became naturalized citizens and seventeen thousand moved to U.S.

In 1999 Congress passed Public Law 106–169. It expanded U.S. income-based Social Security disability benefits to certain World War II veterans, including Filipino veterans of World War II who served in the organized military forces of the Philippines.

The following year, Congress passed two laws for Filipino veterans. Public Law 106–377 allowed Commonwealth Army Veterans and veterans of the recognized guerrilla forces to receive disability compensation at the full statutory rate and visit VA medical facilities for those disabilities, if they are permanent legal residents.

Public Law 106–419 provided full burial benefits for Commonwealth Army Veterans and veterans of the recognized guerrilla force if they are permanent residents of the U.S. and met certain other entitling conditions.

Even after passing multiple bills to correct the injustice of the Rescission Acts, there is still much work to do to help Filipino veterans legally residing in the U.S. New Philippine Scouts are denied most non-health care benefits and all health care benefits for non-service connected injuries. The surviving spouses of veterans from the Commonwealth Army and the guerrilla forces do not receive full dependency and indemnity compensation rates.

I sponsored H.R. 594 in the 107th Congress to amend the Social Security Act and allow World War II Filipino veterans to obtain health care benefits through Medicare. Under my bill, qualified World War II Filipino veterans living in the U.S. would be entitled to Medicare Part A benefits and the option to enroll in Part B. With the current veterans' health care system (TRICARE) using Medicare as a primary insurer, my bill would have provided a ready basis for providing full health care benefits to all surviving World War II Filipino veterans living in the U.S.

Congressman FILNER introduced H.R. 4904 on June 11, 2002. I am an original cosponsor of this bill. H.R. 4904 will provide VA medical care to World War II Filipino veterans who live in the U.S. and are U.S. citizens or legal permanent residents. It will provide the full dependency and indemnity compensation (DIC) rates to surviving spouses of Filipino veterans, and the bill includes benefits for New Philippine Scouts.

During a hearing before House Veterans' Affairs Subcommittee on Benefits, Veterans Administration Secretary Anthony Principi stated his support for H.R. 4909 and agreed to act on its provisions as soon as it is signed by the President.

The key provisions of H.R. 4904 have been incorporated into H.R. 3645, the bill that is before us today. H.R. 3645 provides hospital, nursing home, and medical services to certain Filipino World War II veterans of the Philippines Commonwealth Army and former Philippines New Scouts who now permanently reside in the U.S.

I am disappointed that the bill does not include the more comprehensive language offered by Congressman FILNER in committee. His amendment would have raised the unfair compensation rate of New Scouts who live in the U.S. New Filipino Scouts receive half the normal rate because they originally lived in the Philippines. This must change because many New Scouts moved to U.S. after Congress passed Public Law 106–419. I look forward to working with my colleagues to address this injustice in future legislation.

I urge my colleagues to vote for H.R. 3645 so we can get this bill to the President's desk before the end of the year. Fewer than 14,000 Filipino veterans live in the U.S. and that number is rapidly falling. Every day will lose more and more of these brave veterans. The Veterans Administration estimates that the Filipino population will decrease by one-third by 2010.

For more than fifty years Filipino veterans have been denied the veterans' benefits they earned during World War II. Now is the time to fulfill our obligation to these brave veterans. They are entitled to VA health care benefits the same as any other veteran.

Mr. SIMMONS. Mr. Speaker, I rise today in support of H.R. 3645, the ''Veterans Health-Care Items Procurement Reform and Improvement Act of 2002.'' I would also like to take a moment and praise the hard work of the Veterans' Affairs Committee and staff for their endless support of veterans throughout the years.

Included in this bill is legislation (H.R. 3418) I introduced earlier this year to name the U.S. Department of Veterans Affairs Community Based Outreach Clinic (CBOC), located on the

grounds of the United States Coast Guard Academy in New London, CT, the ''John J. McGuirk Department of Veterans Affairs Outpatient Clinic.''

John J. McGuirk was a devoted patriot, a dedicated sailor and a great American. Working his way across the South Pacific as an enlisted salvage diver in the United States Navy during World War II, John McGuirk began his life long commitment to his nation and fellow veterans.

Following his honorable discharge from the Navy, he served veterans across Connecticut. Whether it was finding a pair of crutches, gaining access for disabled veterans to vote or working with the VA Healthcare system to expand availability—John gave it his all.

John saw first hand the extensive hardships placed on veterans as they traveled from all over the state to West Haven, CT to see VA physicians. John felt that veterans should not travel such distances to get proper treatment and worked tirelessly to open a VA clinic in Southeastern Connecticut. The VA opened a Veterans Outreach Clinic in New London with the willing help of the Coast Guard Academy, enabling veterans access to heathcare services.

On behalf of the Members of the Connecticut delegation, Disabled Veterans of America, Paralyzed Veterans of America, American Legion, Veterans of Foreign wars, AMVETS and the United States Coast Guard Academy, I ask that all Members of Congress support this bill and honor the memory of John J. McGuirk.

Mr. EVANS. Mr. Speaker, H.R. 3645, the Veterans Health Care and Procurement Improvement Act of 2002, as reported, deserves the support of every Member of this House. When enacted, H.R. 3645 will improve the delivery of important benefits to veterans, expedite the process associated with enhanced use of VA assets and improve the cost-effectiveness of VA procurement of medical and surgical items resulting in wiser and more effective use of taxpayer dollars to provide medical care to our Nation's veterans. Other key provisions of this bill add or strengthen benefits for certain Filipino veterans or for U.S. former prisoners of war.

As the author of H.R. 3645, I appreciate and recognize the cooperation and assistance provided by the Chairman of our Committee, CHRIS SMITH, in guiding H.R. 3645 through Committee consideration. I am also grateful to the Chairman and Ranking Member of our Health Subcommittee, JERRY MORAN and BOB FILNER, for their conscientious efforts to improve H.R. 3645. Their contributions are both welcome and appreciated. I also appreciate the work and contributions of other Members and staff from both sides of the aisle.

Last year, VA reportedly spent approximately $1.5 billion on medical supplies and prosthetics. The Department of Veterans Affairs (VA) Office of Inspector General has repeatedly documented inefficient and wasteful procurement of medical supplies and prosthetics by VA. Sporadic and uncoordinated purchasing practices do not allow VA to leverage its significant purchasing power to obtain the best prices for the government. The result is chronic over spending for items VA could buy at lower costs; diminished accountability for items purchased locally; and limited availability of cost effective health-care items.

The procurement reforms in H.R. 3645 will unquestionably result in procurement cost savings for VA when fully implemented. The Congressional Budget Office agrees this provision will save scarce VA and taxpayer dollars.

Last May, VA's Office of the Inspector General (VA IG) published an evaluation of VA purchasing practices that found a pressing need for reform. That evaluation identified numerous deficiencies in current purchasing practices and linked the cause of deficiencies to an earlier decision not to require health-care item purchases from the cost-effective Federal Supply Schedule (FSS). By eliminating the mandate for FSS procurements, VA decentralized the contracting and procurement process. This provided a financial incentive for many vendors of health-care items to remove their products from the FSS and to seek product sales in generally more profitable local markets.

The VA IG found that local-market purchases had proliferated, often under contracts without the advantage of audit requirements or most-favored customer pricing for the government. Some much ballyhooed success in local purchases of health-care items were overshadowed by many other, less efficient, local contracts.

In June 2001, Secretary Principi created an internal task force to evaluate the procurement system and recommend improvements. Earlier this year, in May 2002, VA issued the Procurement Reform Task Force Report. The report recognized the need for a hierarchical approach to purchasing by using supply schedules or blanket purchase agreements to procure most of its medical supplies. The approach would share some of the characteristics from the oft-praised approach VA takes to purchasing pharmaceuticals. The approach used for the National Drug Formulary ensures that VA closely assesses all the medications within a drug class and makes educated purchases for its facilities based on both the price and the quality of each pharmaceutical in that class. The savings from the National Drug Formulary approach is now estimated at over $200 million annually.

While VA supports the goal of procurement reform, it wants to use its own unidentified means to ensure that it makes better use of its purchasing power. My concern is that VA will slow walk its own effort through by allowing the vital savings that would accrue to its financially ailing health care system to slip through its fingers. Mr. Speaker, I believe the time for enacting needed VA procurement reform legislation is now.

As I noted before, H.R. 3645 contains numerous provisions. One of these provisions authorizes health care benefits to Filipino veterans. While this provision has long-standing bipartisan support, it has been championed by one Member, BOB FILNER. At BOB'S request, as then Chairman of the Oversight and Investigations Subcommittee, I conducted a hearing near San Diego on the importance of providing Filipino veterans health care services. I commend the dogged determination of the Ranking Member of the Health Subcommittee, BOB'S FILNER, for his work in attempting to win health and benefits parity for certain Filipino veterans. I have long supported his efforts and am pleased the health benefits are included in the legislation.

Mr. Speaker, again, I thank Chairman SMITH and the Chairman and Ranking Member of the Health Subcommittee for a true collaboration on the measure before us today. This measure reflects the best of the bipartian tradition of the House Committee on Veteran' Affairs. I urge all Members to support H.R. 3645, as amended.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MORAN) that the House suspend the rules and pass the bill, H.R. 3645, 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.

## ARLINGTON NATIONAL CEMETERY BURIAL ELIGIBILITY ACT

Mr. MORAN of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4940) to amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4940

*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 ''Arlington National Cemetery Burial Eligibility Act''.

**SEC. 2. PERSONS ELIGIBLE FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.**

(a) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

**''§ 2412. Arlington National Cemetery: persons eligible for burial**

''(a) PRIMARY ELIGIBILITY.—The remains of the following individuals may be buried in Arlington National Cemetery:

''(1) Any member of the Armed Forces who dies while on active duty.

''(2)(A) Any retired member of the Armed Forces.

''(B) Any member or former member of a reserve component of the Armed Forces—

''(i) who served on active duty;

''(ii) who was honorably discharged from such active duty service;

''(iii) who, at the time of death, was under 60 years of age; and

''(iv) who, but for age, would have been eligible at the time of death for retired pay under chapter 1223 of title 10.

''(3) Any former member of the Armed Forces separated for physical disability before October 1, 1949, who—

''(A) served on active duty; and

''(B) would have been eligible for retirement under the provisions of section 1201 of title 10 (relating to retirement for disability) had that section been in effect on the date of separation of the member.

''(4) Any former member of the Armed Forces whose last active duty military service terminated honorably and who has been awarded one of the following decorations:

''(A) Medal of Honor.

''(B) Distinguished Service Cross, Air Force Cross, or Navy Cross.

''(C) Distinguished Service Medal.

''(D) Silver Star.

''(E) Purple Heart.

''(5) Any former prisoner of war who dies on or after November 30, 1993.

''(6) Any member of a reserve component of the Armed Forces who dies in the performance of duty while on active duty for training or inactive duty training.

''(7) The President or any former President.

''(b) ELIGIBILITY OF FAMILY MEMBERS.—The remains of the following individuals may be buried in Arlington National Cemetery:

''(1) The spouse, surviving spouse (which for purposes of this paragraph includes any remarried surviving spouse, section 2402(5) of this title notwithstanding), minor child, and, at the discretion of the Superintendent, unmarried adult child of a person listed in subsection (a), but only if buried in the same gravesite as that person.

''(2)(A) The spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces on active duty if such spouse, minor child, or unmarried adult child dies while such member is on active duty.

''(B) The individual whose spouse, minor child, and unmarried adult child is eligible under subparagraph (A), but only if buried in the same gravesite as the spouse, minor child, or unmarried adult child.

''(3) The parents of a minor child or unmarried adult child whose remains, based on the eligibility of a parent, are already buried in Arlington National Cemetery, but only if buried in the same gravesite as that minor child or unmarried adult child.

''(4)(A) Subject to subparagraph (B), the surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces who was lost, buried at sea, or officially determined to be permanently absent in a status of missing or missing in action.

''(B) A person is not eligible under subparagraph (A) if a memorial to honor the memory of the member is placed in a cemetery in the national cemetery system, unless the memorial is removed. A memorial removed under this subparagraph may be placed, at the discretion of the Superintendent, in Arlington National Cemetery.

''(5) The surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces buried in a cemetery under the jurisdiction of the American Battle Monuments Commission.

''(c) DISABLED ADULT UNMARRIED CHILDREN.—In the case of an unmarried adult child who is incapable of self-support up to the time of death because of a physical or mental condition, the child may be buried under subsection (b) without requirement for approval by the Superintendent under that subsection if the burial is in the same gravesite as the gravesite in which the parent, who is eligible for burial under subsection (a), has been or will be buried.

''(d) FAMILY MEMBERS OF PERSONS BURIED IN A GROUP GRAVESITE.—In the case of a person eligible for burial under subsection (a) who is buried in Arlington National Cemetery as part of a group burial, the surviving spouse, minor child, or unmarried adult child of the member may not be buried in the group gravesite.

''(e) EXCLUSIVE AUTHORITY FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.—(1) Eligibility for burial of remains in Arlington National Cemetery prescribed under this section is the exclusive eligibility for such burial.

''(2)(A) In the case of an individual not otherwise eligible for burial under subsection (a) whose acts, service, or contributions to the Armed Forces are so extraordinary as to justify burial in Arlington National Cemetery, the President may deem such individual eligible for burial under subsection (a).

''(B) If the President deems an individual eligible for burial in Arlington National Cemetery under subparagraph (A), the Secretary of the Army shall immediately notify the chairmen and the ranking members of the Committee on Veterans' Affairs of the Senate and House of Representatives.

''(C)(i) Except as provided in clause (ii), the authority under subparagraph (A) may not be delegated.

''(ii) The President may only delegate the authority under subparagraph (A) to the Secretary of the Army.

''(f) APPLICATION FOR BURIAL.—(1) A request for burial of remains of an individual in Arlington National Cemetery shall be made to the Secretary of the Army or to any other Federal official that the Secretary of the Army may specify.

''(2) The Secretary, or other Federal official, may not consider a request referred to in paragraph (1) that is made before the death of the individual for whom burial in Arlington National Cemetery is requested.

''(3) The President, or the Secretary, as the case may be, may not consider a request to deem an individual eligible for burial in Arlington National Cemetery under subsection (e)(2) that is made before the death of the individual for whom burial in Arlington National Cemetery is requested.

''(g) REGISTER OF BURIED INDIVIDUALS.—(1) The Secretary of the Army shall maintain a register of each individual buried in Arlington National Cemetery and shall make such register available to the public.

''(2) With respect to each such individual buried on or after January 1, 2002, the register shall include a brief description of the basis of eligibility of the individual for burial in Arlington National Cemetery.

''(h) DEFINITIONS.—For purposes of this section:

''(1) The term 'retired member of the Armed Forces' means—

''(A) any member of the Armed Forces on a retired list who served on active duty and who is entitled to retired pay;

''(B) any member of the Fleet Reserve or Fleet Marine Corps Reserve who served on active duty and who is entitled to retainer pay; and

''(C) any member of a reserve component of the Armed Forces who has served on active duty and who has received notice from the Secretary concerned under section 12731(d) of title 10, of eligibility for retired pay under chapter 1223 of title 10, United States Code.

''(2) The term 'former member of the Armed Forces' includes a person whose service is considered active duty service pursuant to a determination of the Secretary of Defense under section 401 of Public Law 95–202 (38 U.S.C. 106 note).

''(3) The term 'Superintendent' means the Superintendent of Arlington National Cemetery.''.

(b) PUBLICATION OF UPDATED PAMPHLET.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall publish an updated pamphlet describing eligibility for burial in Arlington National Cemetery. The pamphlet shall reflect the provisions of section 2412 of title 38, United States Code, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of title 38, United States Code, is amended by adding at the end the following new item:

''2412. Arlington National Cemetery: persons eligible for burial.''.

(d) TECHNICAL AMENDMENT.—Section 2402(5) of title 38, United States Code, is amended by inserting '', except section 2412(b)(1) of this title,'' after ''which for purposes of this chapter''.

(e) CONFORMING REPEAL.—Section 1176 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 38 U.S.C. 2402 note) is repealed.

(f) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), section 2412 of title 38, United States Code, as added by subsection (a), shall apply with respect to individuals dying on or after the date of the enactment of this Act.

(2) In the case of an individual buried in Arlington National Cemetery before the date of the enactment of this Act, the surviving spouse of such individual is deemed to be eligible for burial in Arlington National Cemetery under subsection (b) of such section, but only in the same gravesite as such individual.

**SEC. 3. PERSONS ELIGIBLE FOR PLACEMENT IN THE COLUMBARIUM IN ARLINGTON NATIONAL CEMETERY.**

(a) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding after section 2412, as added by section 2(a) of this Act, the following new section:

**''§ 2413. Arlington National Cemetery: persons eligible for placement in columbarium**

''The cremated remains of the following individuals may be placed in the columbarium in Arlington National Cemetery:

''(1) A person eligible for burial in Arlington National Cemetery under section 2412 of this title.

''(2)(A) A veteran whose last period of active duty service (other than active duty for training) ended honorably.

''(B) The spouse, surviving spouse, minor child, and, at the discretion of the Superintendent of Arlington National Cemetery, unmarried adult child of such a veteran.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of title 38, United States Code, is amended by adding after section 2412, as added by section 2(c) of this Act, the following new item:

''2413. Arlington National Cemetery: persons eligible for placement in columbarium.''.

(c) CONFORMING AMENDMENT.—Section 11201(a)(1) of title 46, United States Code, is amended by inserting after subparagraph (B), the following new subparagraph:

''(C) Section 2413 (relating to placement in the columbarium in Arlington National Cemetery).''.

(d) EFFECTIVE DATE.—Section 2413 of title 38, United States Code, as added by subsection (a), and section 11201(a)(1)(C), as added by subsection (c), shall apply with respect to individuals dying on or after the date of the enactment of this Act.

**SEC. 4. MONUMENTS IN ARLINGTON NATIONAL CEMETERY.**

(a) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding after section 2413, as added by section 3(a) of this Act, the following new section:

**''§ 2414. Arlington National Cemetery: authorized headstones, markers, and monuments**

''(a) GRAVESITE MARKERS PROVIDED BY THE SECRETARY.—A gravesite in Arlington National Cemetery shall be appropriately marked in accordance with section 2404 of this title.

''(b) GRAVESITE MARKERS PROVIDED AT PRIVATE EXPENSE.—(1) The Secretary of the Army shall prescribe regulations for the provision of headstones or markers to mark a gravesite at private expense in lieu of headstones and markers provided by the Secretary of Veterans Affairs in Arlington National Cemetery.

''(2) Such regulations shall ensure that—

''(A) such headstones or markers are of simple design, dignified, and appropriate to a military cemetery;

''(B) the person providing such headstone or marker provides for the future maintenance of the headstone or marker in the event repairs are necessary;

''(C) the Secretary of the Army shall not be liable for maintenance of or damage to the headstone or marker;

''(D) such headstones or markers are aesthetically compatible with Arlington National Cemetery; and

''(E) such headstones or markers are permitted only in sections of Arlington National Cemetery authorized for such headstones or markers as of January 1, 1947.

''(c) MONUMENTS.—(1) No monument (or similar structure as determined by the Secretary of the Army in regulations) may be placed in Arlington National Cemetery except pursuant to the provisions of this subsection.

''(2) A monument may be placed in Arlington National Cemetery if the monument commemorates—

''(A) the service in the Armed Forces of the individual, or group of individuals, whose memory is to be honored by the monument; or

''(B) a particular military event.

''(3) No monument may be placed in Arlington National Cemetery until the end of the 25-year period beginning—

''(A) in the case of commemoration of service under paragraph (1)(A), on the last day of the period of service so commemorated; and

''(B) in the case of commemoration of a particular military event under paragraph (1)(B), on the last day of the period of the event.

''(4) A monument may be placed only in those sections of Arlington National Cemetery designated by the Secretary of the Army for such placement.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of title 38, United States Code, is amended by adding after section 2413, as added by section 3(b) of this Act, the following new item:

''2414. Arlington National Cemetery: authorized headstones, markers, and monuments.''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to headstones, markers, or monuments placed in Arlington National Cemetery on or after the date of the enactment of this Act.

**SEC. 5. PUBLICATION OF REGULATIONS.**

Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall publish in the Federal Register any regulation proposed by the Secretary to carry out sections 2 through 4.

**SEC. 6. APPLICATION OF DEPARTMENT OF VETERANS AFFAIRS BENEFIT FOR GOVERNMENT MARKERS FOR MARKED GRAVES OF VETERANS AT PRIVATE CEMETERIES TO VETERANS DYING ON OR AFTER SEPTEMBER 11, 2001.**

(a) IN GENERAL.—Subsection (d) of section 502 of the Veterans Education and Benefits Expansion Act of 2001 (Public Law 107–103; 115 Stat. 994; 38 U.S.C. 2306 note) is amended by striking ''the date of the enactment of this Act'' and inserting ''September 11, 2001''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of such section 502.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MORAN) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for the American people, Arlington National Cemetery is a special place honoring our military heroes. This national shrine has a fascinating history that began even before land began to be used as a national cemetery near the end of the Civil War. Arlington mansion was originally the home of Martha Washington's grandson, George Washington Parke Curtis. His son-in-law, Robert E. Lee, lived there prior to the Civil War, and when the Civil War began, the Federal Government confiscated the estate for use as a fortification to protect Washington, D.C.

As the decades passed, famous military leaders were buried in Arlington. President Taft was buried there, and the cemetery's prestige continued to grow. With the Arlington burial of President Kennedy in 1963, the cemetery became the one of the most visited places in the Washington area, and the pressure increased for interments in its limited space. Arlington's interment rate rose so quickly that if burial eligibility had not been restricted, the cemetery would have been full by 1968. Arlington today has a capacity of 243,373 gravesites, with only about 32,000 gravesites remaining as available.

All national cemeteries except Arlington are under the jurisdiction of the Department of Veterans Affairs. As a result of its unique history, Arlington is under the jurisdiction of the U.S. Army.

Mr. Speaker, unlike all other national cemeteries, Arlington's eligibility is governed by Army regulations, not by statute. Our country is again in a war we did not seek. Our troops are in distant lands answering the September 11 attack by terrorists who threaten our freedom and our way of life. And I believe the time is right for Congress to codify the eligibility for burial in our preeminent military cemetery. Mr. Speaker, our bill to codify eligibility should not be taken as an implicit dissatisfaction with the Army's stewardship of Arlington. We think the Army is doing a very good job and we have every confidence in the Army's ability to run and manage Arlington in the future.

Mr. Speaker, H.R. 4940 is similar to measures that have already passed the House in the previous two Congresses. However, there are a couple of important differences between the Arlington National Cemetery Burial Eligibility Act and those two previous measures. Our friend and the former chairman of the Committee on Veterans' Affairs, the gentleman from Arizona (Mr. STUMP), included a provision authorizing the President to waive the strict criteria set out in the bill to allow burial at Arlington National Cemetery of persons whose acts, service, or contributions to the Armed Forces are so extraordinary as to justify burial at this hallowed ground.

In addition, H.R. 4940 contains provisions that the House approved last year in separate legislation that our full committee chairman, the gentleman from New Jersey (Mr. SMITH), offered following the tragedies of September the 11th. Those provisions contained in H.R. 3423 and included again now in H.R. 4940 would change the burial eligibility in two respects for members of our reserve forces. First, it would extend burial eligibility to reservists and Guardsmen who, but for their age, would have qualified for retirement pay and therefore have been eligible for Arlington. Such was the case with Captain Charles Burlingame, the pilot on the American Airlines flight 77 that crashed into the Pentagon. Fortunately, he was granted a waiver and was given the honors he had earned, but should other families be in such a position, this change would ensure that they would not have to seek waivers in their time of grief.

The second provision would authorize burial for reservists and Guardsmen who die in the performance of training duties. This provision recognizes that much of our Nation's defense is dependent upon reserve forces who must continually update their skills. Members of the Armed Forces who die in service to our Nation, regardless of the technicalities of their duty status, deserve the same burial honors. The balance of this bill is very similar to previous measures sponsored by the gentleman from Arizona (Mr. STUMP) codifying eligibility of veterans and family members in a manner consistent with the existing Army burial regulations.

Mr. Speaker, I urge all of my colleagues to support this legislation.

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

Mr. SHOWS. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I want to thank the chairman, the gentleman from New Jersey (Mr. SMITH), and the ranking member, the gentleman from Illinois (Mr. EVANS), as well as the chairman of the Subcommittee on Benefits, the gentleman from Idaho (Mr. SIMPSON) for moving forward with consideration of H.R. 4940.

This legislation was introduced by the former chairman of the House Committee on Veterans' Affairs, the gentleman from Arizona (Mr. STUMP). He has worked tirelessly to codify eligibility for burial at Arlington National Cemetery. This bill is similar to other measures which have passed the House in prior sessions of Congress. To address the increasing demand for burial space at Arlington National Cemetery, the Arlington National Cemetery Burial Eligibility Act would clarify and codify the requirements for burial in what is considered by many to be our most revered national cemetery.

A manager's amendment to the bill will change the effective date for providing a suitable marker to honor the graves of those who are buried in marked as opposed to unmarked graves. Under Public Law 107–103, veterans who die after December 27, 2001, may receive an appropriate Government marker to recognize their service to our Nation. Under the manager's amendment, markers may be provided

to veterans who died on or after September 11, 2001. It is only fitting that this honor be provided to those brave American veterans who lost their lives in the terrorist attack on the United States. I support this bill and I urge my colleagues to vote in favor of the bill as amended.

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

Mr. MORAN of Kansas. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. JEFF MILLER).

Mr. JEFF MILLER of Florida. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the gentleman from New Jersey (Chairman SMITH) and the ranking member, the gentleman from Illinois (Mr. EVANS) for bringing this bill to the floor today, in addition to their steadfast commitment to our military veterans.

I would also like to recognize and thank the gentleman from Arizona (Chairman STUMP) for his continued commitment to preserving the original intent of Arlington National Cemetery as a national military cemetery, as well as unwavering support for our men and women in uniform.

Mr. Speaker, H.R. 4940, the Arlington National Cemetery Burial Eligibility Act, would codify eligibility criteria for burial at Arlington in order to ensure it remains the premier resting place for those who dedicated their lives to our Armed Forces.

The bill incorporates the provisions of previous Arlington bills which have passed this House in both the 105th and 106th Congress. The bill also incorporates language included in H.R. 3423, introduced by Chairman SMITH, which passed the House last December.

H.R. 4940 contains a significant change to the Arlington bills approved in the House in the past two Congresses. Today's bill includes language extending to the President the authority to grant a burial waiver to an individual who does not otherwise meet the military service criteria for burial, but has made extraordinary contributions to our Armed Forces.

The final section of the bill would make retroactive to September 11, 2001, VA's authority to provide a bronze marker to those families who request a government headstone or marker for the already-marked grave of a veteran interred at a private cemetery. Previous language authorizing this bronze marker was considered by the House last year, and is now incorporated in Public Law 106–103. That particular provision went into effect in December 27, 2001, and I would like to recognize the gentleman from Illinois (Mr. SHIMKUS) for his work on this issue.

Mr. Speaker, I urge my colleagues to support H.R. 4940 and look forward to working with the other body to ensure that this bill becomes law this year.

Mr. SHOWS. Mr. Speaker, I yield 6 minutes to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, I thank the gentleman from Mississippi for his work on this issue, and the gentleman from Kansas also.

Mr. Speaker, I rise in opposition to this bill, but let me say from the very beginning that I have no expectation of this bill being defeated today. It will pass overwhelmingly, as it has twice before in the last two sessions. But I continue to believe there are problems with this bill that jeopardize it being taken up by the Senate, as has happened with the last two versions.

What problem are we trying to solve here? What problem led to this bill being brought up in the first place? It is not September 11 and the events of September 11.

The first version of this passed in 1999 on the House floor. As you all may recall, in a very ugly incident, we had an ambassador who passed away who had qualified as a veteran under the Army regulations that govern Arlington. His family requested that he be buried at Arlington, and he was. It turned out that his record as a Merchant Marine that qualified him as a veteran status could not be verified.

I think the conclusion of most people who have looked at these facts, without question, is that for years this man had been telling, unfortunately, stories that were not true about his past record with the Merchant Marine. He was subsequently exhumed from Arlington at the family's request and no longer resides at Arlington. That is the incident that led to these discussions and these bills.

In my opinion, as the gentleman from Kansas indicated, the Army has ably handled the management of this very special resting place very ably by regulation. But, in my opinion, in attempting to solve this problem, the underlying bill creates new problems and changes the nature of Arlington National Cemetery as the final resting place of the honored dead of a nation of citizen soldiers, people who not only served their Nation as soldiers in the military, but later in other ways served their Nation honorably and well.

What are the problems with the bill? There are three. First of all, both the bill and current regulation provide for the President to be listed in the bill. The President can be buried and former Presidents buried at Arlington.

Other positions under current law are also eligible. So if there is a person who is a veteran who has been subsequently vice president, or who is a veteran and subsequently a member of the Supreme Court, or is a veteran and a member of the House or Senate who served their country, they also can be buried in Arlington.

Under this bill, even if the Vice President or the Chief Justice of the Supreme Court or the Speaker of the House are veterans, they are not eligible for burial at Arlington, even if they are veterans.

Then you say but there is a waiver provision in this bill. Let us discuss the waiver provision, which I think is the second problem with this bill.

Under current regulations, if a person does not qualify under the regulations for burial at Arlington, the family can request a waiver from the current regulations. It specifically talks about providing information about military service and/or service to the Nation. Those exact words, ''service to the Nation.''

Under the language of this bill, H.R. 4940, the President can only issue a waiver if the person has provided acts, service and contributions to the armed services, to the Armed Forces, not to the Nation, not to the United States, not in defense of the United States, but only to the Armed Forces. Even the President would not have the authority under this bill to grant a waiver in extraordinary circumstances in which somebody may have died in service to their Nation, but not in service to the Armed Forces. I think that is a tremendous oversight.

The third problem. On page 13 of the bill there is a limitation placed in the bill on monuments. It specifically states that there can only be monuments placed in Arlington to a military event or to specific military groups and individuals.

That sounds all right. What is wrong with that? Well, if you go out to Arlington, you can find monuments out there that under this bill that we are considering today would not be allowed. What are they? One is to the Challenger disaster, in which we lost an entire space shuttle crew in a very dramatic and heroic moment for this country. Those people are heroes. Under the language of this bill, that monument should not have been there.

□ 1615

Another one, there is a monument at Arlington to the dead of the Pan Am flight that was bombed over Lockerbee, Scotland. The monument is 272 stones, I believe it was provided by the people of Lockerbee, is my recollection, one stone for each of the dead in that plane. One of those stones is for a young 18-year-old from my town of Little Rock, Arkansas.

Now, by putting this kind of restriction that says only for military events, in my view, it is too limiting.

The one issue in this bill that I agree with is the portion that deals with the Reserve component. However, my understanding is that the Army deals with these on a case-by-case basis, and has issued waivers in the past, and I am told that they would certainly be willing to relook at their regulations and do this by regulatory change rather than by statute. The problem with setting these things into statute is that once we run into these problems, once events or people or extraordinary people come along and pass away that we would like to put into Arlington, but they do not qualify because of statutory change, even the President would not have the authority to waive it.

So I commend the people who sponsored this bill for their patriotism, for

their support of the Arlington National Cemetery. I speak today knowing that this bill will pass overwhelmingly again, but it did not get consideration by the Senate in the past because of problems. While it has been changed and the language has been improved, in my view, there are still serious problems with this bill that I hope the folks who participate, both on the House side and on the Senate side, will look at and either seek to improve or discard the statutory change and consider working with the Army on regulatory changes.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 4940, the Arlington National Cemetery Burial Eligibility Act. I urge my colleagues to lend their support to this measure.

This legislation H.R. 4940 will codify existing regulatory eligibility criteria for in-ground burial at Arlington National Cemetery.

It also provides the President with the authority to grant a waiver for burial at Arlington in the case of an individual not otherwise eligible for burial under the military service criteria outlined above but whose acts, service, or contributions to the Armed Forces are so extraordinary as to justify burial at Arlington. Additionally, the measure allows the President to delegate the waiver authority only to the Secretary of the Army.

H.R. 4940 also codifies existing regulatory eligibility for interment of cremated remains in the Columbarium at Arlington. Generally, this includes all veterans with honorable service and their dependents. Finally the measure clarifies that only memorials honoring military service may be placed at Arlington and sets a 25-year waiting period.

Mr. Speaker, in recent years there has risen a valid concern that the remaining available space at Arlington National Cemetery has been filling up too fast. This bill is the latest in a natural progression of legislation that Congress has taken to address this problem. It seeks to balance the demand for burial with the limited space available in a manner which preserves the memory and accomplishments of those interred there in the past.

Accordingly, I urge my colleagues to support this measure.

Mr. REYES. Mr. Speaker, I rise today in support of H.R. 4940, the Arlington Cemetery Burial Eligibility Act. I would like to thank Chairman CHRIS SMITH and Ranking Member LANE EVANS, as well as MIKE SIMPSON, the Chairman of our Subcommittee, for moving forward with consideration of H.R. 4940. While I am aware of concerns that the bill may exclude certain high government officials from burial at Arlington, I support this measure to codify the requirements for burial in order to conserve the limited space available at this hallowed ground.

I also support the manager's amendment to permit veterans who were buried in marked graves at private cemeteries to qualify for a government marker if they died after September 11, 2001.

This amendment would make a provision of Public Law 107–103, applicable to veterans who die between September 11, 2001 and December 26, 2001. The marker will recognize the veteran's service to our Nation. It is only fitting that this honor be extended those brave American veterans who lost their lives in the terrorist attack on the United States.

I support this bill and urge my colleagues to vote in favor of the bill as amended.

Mr. SHIMKUS. Mr. Speaker, this bill makes several important changes that will honor our veterans. It rightfully expands eligibility requirements for burial at Arlington Cemetery. It also includes provisions from my bill, the "Captain Jack Punches Memorial Act" which honors our veterans who died during the September 11th attacks by allowing them to have both a private grave marker—and—a VA furnished marker to honor their service. This is a benefit already afforded to veterans who died on or after December 27, 2001.

I introduced this legislation in honor of Captain Jack Punches, a retired Navy pilot who worked in military intelligence and was at his desk when terrorists crashed a hijacked jet into the building.

Punches grew up in Tower Hill, Illinois—and his mother (Ruth Godwin) still resides in Ramsey. Captain Punches was buried in a private cemetery, and his family wanted to have a private marker as well as a VA marker to commemorate his long service to our country. Due to a quirk in the law, Punches did not qualify for a newly enacted benefit that would entitle him to both headstones.

This legislation will allow veterans, who like Captain Punches gave their lives during September 11th to be properly honored for their service.

I would like to thank Chairman SMITH and Chairman SIMPSON for all of their help with this legislation. I hope that the Senate will act quickly so that this bill will be signed into law by September 11, 2002.

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

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Kansas (Mr. MORAN) that the House suspend the rules and pass the bill, H.R. 4940, 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.

## ARLINGTON NATIONAL CEMETERY MEMORIAL HONORING WORLD WAR II VETERANS WHO FOUGHT IN BATTLE OF THE BULGE

Mr. MORAN of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill (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.

The Clerk read as follows:

H. 5055

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

**SECTION 1. AUTHORIZATION OF PLACEMENT OF MEMORIAL IN ARLINGTON NATIONAL CEMETERY HONORING WORLD WAR II VETERANS WHO FOUGHT IN THE BATTLE OF THE BULGE.**

(a) IN GENERAL.—The Secretary of the Army is authorized to place in Arlington National Cemetery a memorial marker honoring veterans who fought in the battle in the European theater of operations during World War II known as the Battle of the Bulge.

(b) APPROVAL OF DESIGN AND SITE.—The Secretary of the Army shall have exclusive authority to approve an appropriate design and site within Arlington National Cemetery for the memorial authorized under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MORAN) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MORAN of Kansas asked and was given permission to revise and extend his remarks.)

Mr. MORAN of Kansas. Mr. Speaker, several years ago, the House adopted a resolution honoring those valiant Americans who survived the last desperate battle in the European theater during World War II, the Battle of the Bulge. Many of the members of our committee and Members of Congress have relatives who fought in this epic struggle. A group of survivors of this most heroic battle have asked Congress to enact legislation to enable them to replace the modest plaque at Arlington National Cemetery commemorating this battle with a more appropriate memorial. The cost of the memorial will be borne by that organization.

Mr. Speaker, over 600,000 American troops participated in this action and more than 81,000 were wounded or killed. In scope and number of participants, no American engagement in our storied history was more costly or massive.

The historic significance of the Battle of the Bulge cannot be overstated. If the American and Allied lines had broken, if our frost-bitten GIs fighting and dying in the cold December and January of 1944 and 1945 failed to rally from the ferocity of the initial German assault, or if the weather had not improved enough for our air superiority to turn the tide of battle, World War II could have been prolonged for months or even years. The shape of Europe could have been dramatically different and countless additional Jews, Catholics, Slavs, Gypsies and other political prisoners would surely have died in Nazi death camps.

To put the sheer number of troops involved in the Battle of the Bulge into perspective, remember that there were three armies and six corps, the equivalent of 31 divisions, on the U.S. side alone. Compare these World War II figures to the fact that today, the entire U.S. Army is comprised of 12 active duty divisions and 20 reserve divisions.

One of the most decisive battles in the war in Europe, the Battle of the Bulge, began December 16, 1944 when the German Army, in an effort to trap the allied forces in Belgium and Luxembourg, launched an attack against what were perceived as a weak line of American and allied troops. Their goal was to split the allied forces in Belgium and Luxembourg and race to the coast toward Antwerp. Adolf Hitler and his generals knew that the German Air Force could not maintain regional air superiority, so they were banking on bad weather and relatively green and fatigued American troops who were greatly outnumbered.

At the outset of the battle, the German troops forming three armies numbered approximately 200,000 versus 83,000 Americans. Their goal was to capture bridges over the Meuse River, and in the first 48 hours of the attack, and then press on to Antwerp. At the time of their initial attack, the Germans had more than 30 infantry and seven panzer divisions, with nearly 1,000 tanks and almost 2,000 guns deployed along a front of 60 miles. Five more divisions were soon to follow with at least 450 more tanks.

Although the Americans were caught by surprise, they fought back in those first days of attack in December, holding the line in the north while the Germans pushed through the middle of the bulge toward the Meuse River. One incident, which particularly hardened the Americans and allied forces as to the intent of the German Army, was the Malmedy Massacre, in which 86 American POWs were murdered by the Germans as they moved forward to capture the Meuse River. The same German unit, which was responsible for this infamous massacre, eventually killed at least 300 American POWs and over 100 unarmed Belgian civilians. These incidents only solidified the realization in the minds of the American men on the ground that fighting the Germans down to their last round of ammunition was their only hope.

As I mentioned, the American armies had more than 81,000 casualties, and of these, 19,000 men were killed in action. The British had 1,400 casualties and 200 killed. Both sides lost as many as 800 tanks each, and the Germans lost 1,000 planes. All told, the battle was three times the size of Gettysburg when accounting for the number of American service men and women who participated.

Let me take a moment to thank Stan Wojtusik, National Vice President of Military Affairs for the Veterans of the Battle of the Bulge; and Mrs. Edith Nowels, a constituent of the chairman of the committee, who lives in New Jersey, for all of their hard work in helping put this legislation together. Edith Nowels' brother, Bud Thorne, was killed in action during the battle. Bud, after his death, was awarded the Medal of Honor and was one of 17 recipients of the highest combat medal for this particular battle. Eighty-six servicemen were also awarded the Distinguished Service Cross for their valor during the battle.

According to the citation presented to his family, Corporal Thorne single-handedly destroyed a German tank and, in the words of the citation, ''displayed heroic initiative and intrepid fighting qualities, inflicted costly casualties on the enemy and ensured the success of his patrol's mission by the sacrifice of his life.''

For Bud Thorne and tens of thousands of other Americans killed and wounded, and the hundreds of thousands who fought alongside, I ask my colleagues to give their full support to this legislation.

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

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

Mr. Speaker, I rise in support of H.R. 5055, a bill 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.

I am proud to be here as a member of the House Committee on Veterans' Affairs to share my continued support for H.R. 5055 with my colleagues in Congress.

As a young man growing up in Mississippi, my life in public service, and advocacy for veterans was indisputably inspired by two great World War II veterans, and one reason I wanted to be on the Committee on Veterans' Affairs, my father, Clifford Shows and Sonny Montgomery. Both men, as many did, put their lives on the line to protect, defend, and advance ideals of democracy and our American way of life, by serving in the United States military. Both did so honorably and proudly, despite the mortal risks that faced them. Indeed, my father was taken as a POW at the Battle of the Bulge.

The Battle of the Bulge, fought in the twilight months of World War II, was where Hitler launched his great offensive to defeat the allied forces. The surprise attack, launched through the Belgian Forest, Ardennes, on December 16, 1944, was the largest land battle of the entire war.

My father was one of hundreds of thousands of men who fought for freedom and their own personal survival in this critical battle. He remembers well the conditions his company endured that December. Simple words describe their collective experiences. He said it was rough, hard, and cold. They had no food. They had no place to stay but on the ground where they fought, on the ground where their friends perished. Then, on December 19, my father's troop was captured in an open field surrounded by German troops and forced into Germany, the very Nation of Nazis which was their mission to destroy. For 10 days and 11 nights they were forced to alternate between marching on foot and being locked up in boxcars. For 3 straight days and nights, they were forced to remain in those cars. You cannot imagine the conditions or the hopelessness of being imprisoned by the Germans on Christmas Day.

I cannot imagine the suffering my father endured during his 5 months as a POW.

By the time the fighting ended on January 25, 1945, there were over 100,000 Germans and 81,000 Americans captured, wounded or killed. The German objective had failed, and the best they had accomplished was temporarily achieving a ''bulge'' in the American line of defense. As Sir Winston Churchill noted, ''It was without any doubt the greatest American battle of the Second World War,'' and it will, I believe, always be considered as a great American victory.

Today, we honor my father and thousands of other men that fought that bloody battle for our freedom. On the Committee on Veterans' Affairs alone, the gentleman from Arkansas (Mr. SNYDER), the gentleman from Texas (Mr. REYES) and the gentleman from Arizona (Mr. STUMP) all have family members who also fought so bravely during the severe conditions of that brutal battle. The valiant service rendered by those brave men was not done for any personal reward, just for knowing they had done their part to keep American democracy strong. Our Nation's veterans are our heroes.

Our Nation's veterans are our heroes. They have shaped and sustained our Nation with courage, sacrifice, and faith. They have earned our respect and deserve our gratitude. Today, we honor the Battle of the Bulge heroes by creating a permanent new memorial at Arlington National Cemetery, our military's most hallowed ground.

I am proud that the chairman and ranking member have introduced this legislation, and I am confident we will pass this legislation today. It is the right thing to do.

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

Mr. MORAN of Kansas. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. JEFF MILLER).

Mr. JEFF MILLER of Florida. Mr. Speaker, I thank the gentleman for yielding me this time. I will not take 3 minutes today, but I do associate myself with the gentleman's comments and the gentleman's apt portrayal of the infamous Battle of the Bulge, the largest land battle of the Second World War. As has already been pointed out to this Chamber today, Winston Churchill called it ''the greatest American battle'' of that war.

I strongly support the Battle of the Bulge survivors' request for a new memorial that recognizes the scope of this battle, and I urge all of my colleagues to support H.R. 5055. I appreciate the chairman and the ranking member for their leadership on this bill.

Mr. SHOWS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this

time, and I commend our colleagues for bringing this very important resolution to the floor. As I was listening to the debate on the suspensions upstairs, I was personally at first pleased, saddened, a whole mixture of emotions to hear that there was going to be a tribute to those who fought at the Battle of the Bulge, because I cannot remember a time in my whole childhood or growing up that that was not a source of sadness and pride to our family.

□ 1630

My father's brother, John D'Alesandro, died at the Battle of the Bulge; and it was a source of great sadness for our family, for his children. But then the good news was that he received the Purple Heart. Well, that was a scary notion to a child all those years growing up. The Purple Heart? What did that mean? But it meant a wonderful thing about his bravery. So to think that all these many years later when all of us thought that we had to keep the memory alive because of our personal relationship, that this Congress would come here today to recognize those many, many, many people who fought so bravely, who have protected our freedom, who made the supreme sacrifice and those who were willing to make that sacrifice.

I greatly thank our colleagues for what they are doing today, and I can speak firsthand for what it means to so many families across America.

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

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 5055 to authorize a memorial in Arlington National Cemetery Honoring the World War II veterans who fought in the Battle of the Bulge. I urge my colleagues to join in supporting its passage.

The Battle of the Bulge is one of the most famous battles in American military history. In the weeks leading up to the Christmas of 1944, it appeared to the Western Allies that victory over the German Army was near at hand. Since the Allied Landings of D-Day, the German forces were pushed back across the French countryside. By autumn, the Allies had liberated significant portions of Belgium and the Netherlands. It appeared that one final push was all that was needed to force a total collapse of German resistance on the western front and lead to the invasion of the German homeland.

What the Allied commanders were not aware of was the fact that the German dictator was planning one final, desperate offensive. For weeks the German military had been building up its limited stocks of fuel and ammunition. By mid December 1944, they were prepared to launch one final offensive through the Ardennes Forest, in the hopes of splitting the Allied lines and driving to the English Channel.

The German attack came as a near total surprise, and achieved initial success. Poor weather prevented Allied air superiority from being brought to bear, and the German panzers took full advantage of the respite. Yet, in the end, the offensive failed.

The offensive failed because American soldiers shook off their initial shock and fought with a stubborn tenacity to prevent a German breakthrough. The Allied lines gave way, hence the "Bulge" description, but refused to break. After several days, the weather cleared, and the overwhelming Allied advantage in tactical air power could finally be brought to bear in a concentrated counterattack.

This resolution permits the placement of a marker honoring those veterans who fought in the Battle of the Bulge in Arlington National Cemetery. These veterans put up a tenacious defense, in horrible conditions, against an enemy with superior armored forces. Their success in halting the German Ardennes offensive preserved the Allied lines, and helped to maintain the pressure on Germany's military. After the Battle of the Bulge, the German effort on the western front was finished. Within six months, Germany had surrendered.

The efforts of our veterans in the Battle of the Bulge, like those of all Americans who fought against tyranny in World War II, deserve our recognition and respect. I urge my colleagues to join in supporting this measure, which honors the contributions of the veterans of the Bulge to the Ultimate victory of freedom over tyranny during the Second World War.

Mr. REYES. Mr. Speaker, I rise in strong support of H.R. 5055. This measure authorizes the placement in Arlington National Cemetery of a memorial to honor our brave World War II veterans who fought in the Battle of the Bulge. In particular I thank Chairman CHRIS SMITH and Ranking Member LANE EVANS, as well as MIKE SIMPSON, the Chairman of our Benefits Subcommittee for their strong support for this important bill.

Mr. Speaker, my father-in-law, Victor Gaytan, fought at the Battle of the Bulge. I am very pleased this memorial will honor him and his comrades who fought bravely during that difficult battle.

As Field Marshal Montgomery said, the Battle of the Bulge "was definitely one of the most difficult in which I have been able to participate and the stakes were considerable." Arlington is a fitting place to honor these brave veterans, those that returned as my father-in-law did, as well as those who made the ultimate sacrifice.

I am pleased to support this measure. I urge all members to support the bill.

Mr. MORAN of Kansas. Mr. Speaker, I urge my colleagues to support this measure.

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Kansas (Mr. MORAN) that the House suspend the rules and pass the bill, H.R. 5055.

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. MORAN of Kansas. 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. 5055, H.R. 3645, and H.R. 4940.

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

There was no objection.

## AMERICAN 5–CENT COIN DESIGN CONTINUITY ACT OF 2002

Mr. KING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4903) to amend title 31, United States Code, to specify that the reverse of the 5-cent piece shall bear an image of Monticello, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4903

*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 "American 5-Cent Coin Design Continuity Act of 2002".

**SEC. 2. DESIGNS ON THE 5–CENT COIN COMMEMORATING THE BICENTENNIAL OF THE LOUISIANA PURCHASE.**

(a) IN GENERAL.—Subject to subsection (b) and after consulting with the Coin Design Advisory Committee and the Commission of Fine Arts, the Secretary of the Treasury may change the design on the obverse and the reverse of the 5-cent coin for coins issued in 2003, 2004, and 2005 in commemoration of the bicentennial of the Louisiana Purchase.

(b) DESIGN SPECIFICATIONS.—

(1) OBVERSE.—If the Secretary of the Treasury elects to change the obverse of 5-cent coins issued during 2003, 2004, and 2005, the design shall include an image of President Thomas Jefferson in commemoration of his role with respect to the Louisiana Purchase and the commissioning of the Louis and Clark Expedition to explore the newly acquired territory.

(2) REVERSE.—If the Secretary of the Treasury elects to change the reverse of the 5-cent coins issued during 2003, 2004, and 2005, the design selected shall commemorate the Louisiana Purchase.

(3) OTHER INSCRIPTIONS.—5-cent coins issued during 2003, 2004, and 2005 shall continue to meet all other requirements for inscriptions and designations applicable to circulating coins under section 5112(d)(1) of title 31, United States Code.

**SEC. 3. DESIGNS ON THE 5-CENT COIN SUBSEQUENT TO THE COMMEMORATION OF THE BICENTENNIAL OF THE LOUISIANA PURCHASE.**

(a) IN GENERAL.—Section 5112(d)(1) of title 31, United States Code, is amended by inserting after the 4th sentence the following new sentences: "The obverse of any 5-cent coin issued after December 31, 2005, shall bear an image of Thomas Jefferson. The reverse of any 5-cent coin issued after December 31, 2005, shall bear an image of the home of Thomas Jefferson at Monticello.".

(b) DESIGN CONSULTATION.— The 2d sentence of section 5112(d)(2) of title 31, United States Code, is amended by inserting ", after consulting with the Coin Design Advisory Committee and the Commission of Fine Arts," after "The Secretary may".

**SEC. 4. COIN DESIGN ADVISORY COMMITTEE.**

(a) IN GENERAL.—Subchapter III of chapter 51 of title 31, United States Code, is amended by inserting after section 5136 (as amended by section 5 of this Act) the following new section:

**"§ 5137. Coin Design Advisory Committee**

(a) ESTABLISHMENT.—There is hereby established the Coin Design Advisory Committee (in this section referred to as the "Advisory Committee").

''(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Advisory Committee shall consist of 9 members, as follows:

''(A) The Chief of Staff to the Secretary of the Treasury.

''(B) 4 persons appointed by the President—

''(i) 1 of whom shall be appointed for a term of 4 years from among individuals who are specially qualified to serve on the Advisory Committee by virtue of their education, training, or experience as a nationally or internationally recognized curator in the United States of a numismatic collection;

''(ii) 1 of whom shall be appointed for a term of 4 years from among individuals who are specially qualified to serve on the Advisory Committee by virtue of their experience in the medallic arts or sculpture;

''(iii) 1 of whom shall be appointed for a term of 3 years from among individuals who are specially qualified to serve on the Advisory Committee by virtue of their education, training, or experience in American history; and

''(iv) 1 of whom shall be appointed for a term of 2 years from among individuals who are specially qualified to serve on the Advisory Committee by virtue of their education, training, or experience in numismatics.

''(C) 1 person appointed by the Speaker of the House of Representatives from among individuals who are specially qualified to serve on the Advisory Committee by virtue of their education, training, or experience, including staff employees of the House of Representatives, who shall serve at the pleasure of the Speaker.

''(D) 1 person appointed by the minority leader of the House of Representatives from among individuals who are specially qualified to serve on the Advisory Committee by virtue of their education, training, or experience, including staff employees of the House of Representatives, who shall serve at the pleasure of the minority leader.

''(E) 1 person appointed by the majority leader of the Senate from among individuals who are specially qualified to serve on the Advisory Committee by virtue of their education, training, or experience, including staff employees of the Senate, who shall serve at the pleasure of the majority leader.

''(F) 1 person appointed by the minority leader of the Senate from among individuals who are specially qualified to serve on the Advisory Committee by virtue of their education, training, or experience, including staff employees members of the Senate, who shall serve at the pleasure of the minority leader.

''(2) CONTINUATION OF SERVICE.—Each appointed member may continue to serve after the expiration of the term of office to which such member was appointed until a successor has been appointed and qualified.

''(3) VACANCY.—

''(A) IN GENERAL.—Any vacancy on the Advisory Committee shall be filled in the manner in which the original appointment was made.

''(B) ACTING OFFICIALS MAY SERVE.—In the event of a vacancy in a position described in paragraph (1)(A), and pending the appointment of a successor, or during the absence or disability of any individual serving in any such position, any individual serving in an acting capacity in any such position may serve on the Advisory Committee while serving in such capacity.

''(4) CHAIRPERSON.—The Chairperson of the Advisory Committee shall be the person serving in the position described in paragraph (1)(A) (or serving in an acting capacity in such position).

''(5) PAY AND EXPENSES.—Members of the Advisory Committee shall serve without pay for such service but each member of the Advisory Committee shall be reimbursed from the United States Mint Public Enterprise Fund for expenses incurred in connection with attendance of such members at meetings of the Advisory Committee.

''(6) MEETINGS.—The Advisory Committee shall meet, not less frequently than quarterly, at the call of the chairperson or a majority of the members.

''(7) QUORUM.—7 members of the Advisory Committee shall constitute a quorum.

''(c) DUTIES OF THE ADVISORY COMMITTEE.—The duties of the Advisory Committee are as follows:

''(1) Advise the Secretary of the Treasury on any design proposals relating to circulating coinage and numismatic items, including congressional gold medals.

''(2) Advise the Secretary of the Treasury with regard to any other proposals or issues relating to any items produced by the United States Mint that the Secretary may request of the Advisory Committee.

''(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Advisory Committee, the Director of the United States Mint shall provide to the Advisory Committee the administrative support services necessary for the Advisory Committee to carry out its responsibilities under this section.

''(e) ANNUAL REPORT.—

''(1) REQUIRED.—Not later than January 30 of each year, the Advisory Committee shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

''(2) CONTENTS.—The report required by paragraph (1) shall describe the activities of the Advisory Committee during the preceding year and the reports and recommendations made by the Advisory Committee to the Secretary of the Treasury.

''(f) FEDERAL ADVISORY COMMITTEE ACT DOES NOT APPLY.—The Federal Advisory Committee Act shall not apply with respect to the Committee, except that each meeting of the Advisory Committee shall be open to the public following publication of a notice of the meeting in the Federal Register.''.

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

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

GENERAL LEAVE

Mr. KING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation, and to insert extraneous material on the bill, H.R. 4903.

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

There was no objection.

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

Mr. Speaker, I rise to urge passage of H.R. 4903, the Keep Monticello on the Nickel Act, introduced by the distinguished gentleman from Virginia (Mr. CANTOR) with the bipartisan sponsorship of the Virginia delegation.

As the gentleman from Virginia (Mr. CANTOR) will describe in more detail, the bill allows for the redesign of the 5-cent coin for the years 2003, 2004, and 2005 to recognize the importance of the Louisiana Purchase and the Lewis and Clark expedition that began 200 years ago next year.

The bill specifies that all redesigned coins shall bear the image of Thomas Jefferson on the face or obverse and that in 2006 and thereafter the coin bear the image of Jefferson on the obverse and of his home, Monticello, on the reverse. The images of Jefferson may be different and the view of Monticello that returns to the coin might differ from the current one.

Mr. Speaker, the bill also contains numerous other provision which the gentleman from Virginia (Mr. CANTOR) will describe.

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

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

Mr. Speaker, I am honored to manage time on the Keep Monticello on the Nickel Act, legislation that preserves the portrait of Monticello on the nickel.

All Americans are familiar with the role that Thomas Jefferson played in our Nation's founding. Jefferson was the third President of the United States, the author of the Declaration of Independence, and the founder of the University of Virginia. One of the foremost intellectuals in American history, Jefferson produced many of his finest writings at Monticello, his picturesque mansion outside of Charlottesville; and it is appropriate that we preserve the mansion on our Nation's coinage.

Our distinguished colleague from Virginia (Mr. CANTOR) has put forward a plan to mint to commemorate the plans of Lewis and Clark for 3 years and revert to the Monticello for 2006. That is a reasonable compromise. We support the Cantor legislation. I urge my colleagues to support it.

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

Mr. KING. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. CANTOR), the sponsor of the legislation.

Mr. CANTOR. Mr. Speaker, I rise today to speak in favor of H.R. 4903 that would authorize the U.S. Mint to redesign the nickel for 3 years to recognize the Lewis and Clark expedition and to ensure Monticello, the Virginia estate of Thomas Jefferson, has its place on the reverse side of the nickel after 2005.

Additionally, Mr. Speaker, the bill would authorize and establish a Citizen's Coin Design Advisory Committee that would report directly to the Secretary of the Treasury. The purpose of this committee would be to advise the Secretary on the design or redesign of coins and metals providing a broad range of input from professional and citizen representatives.

Mr. Speaker, I introduced this legislation after representatives from the Mint came to my office and informed me that the imagine of Thomas Jefferson's Monticello would be removed from the reverse side of the nickel and would be replaced by the image of a Native American and an eagle facing

westward to recognize the 200th anniversary of the Lewis and Clark expedition. The Treasury Department has the authority to change the nickel once every 25 years. It was the intent that this new design be presented as the replacement for Monticello.

I learned further that this new design was chosen internally at the U.S. Mint with no input from Congress or the American people. Even more striking, I was shocked to learn that the Mint planned to announce this redesign in just 10 days from our meeting.

As a proud Virginian and American, I was concerned about the Mint's plan because Jefferson's beloved Monticello represented so much to the people of the Commonwealth of Virginia and, for that matter, to all Americans. I also feared that the new design and the process by which it was conceived was reminiscent of the failed Sacagawea one-dollar coin experience.

Monticello is the autobiographical masterpiece of Thomas Jefferson or as he called it, his ''essay in architecture,'' and is recognized as an international treasure. Monticello, ''little mountain'' in Italian, is the only home in America on the World Heritage List of Sites that must be protected at all costs. It is there that Jefferson assumed his place in history, shaping, debating, and producing his prolific writings on the topics of liberty, democracy, and equality for all.

In America after September 11 we all know that these are the very principals that are under attack by the radical terrorists and their global organizations.

H.R. 4903 authorizes the U.S. Mint to implement an interim design change on the reverse side of the nickel for the years 2003, 2004, and 2005 in order to recognize the 200th anniversary of the Lewis and Clark expedition. In 2006, Monticello will once again resume its place on the 5-cent piece. Additionally, so that the American people will not experience another Sacagawea debacle, my bill provides a mechanism to ensure public input to this or any redesign of our coinage.

The bill creates a nine-member coin design advisory committee which will make recommendations to the Secretary of the Treasury as to the appropriate designs for the Lewis and Clark series. It will review all designs or redesigns of circulating and commemorative coins and of Congressional Gold Medal ideas that the Mint is assigned with. This committee will be made up of a coin collector, an internationally recognized coin museum curator, an expert in American history, and either a sculptor or a medallic artist, all appointed by the President, as well as four persons named by the leadership of the House and the Senate.

This committee will be able to provide the Secretary of the Treasury with a broad range of expertise and input to ensure that any redesign or circulating coinage as well as the design for commemorative coins or Congressional Gold Medals be artistically appropriate and consistent with broad American themes and values.

Mr. Speaker, this bill represents a positive step forward, and I urge my colleagues to support H.R. 4903 today.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in strong support of H.R. 4903, the Keep Monticello on the Nickel Act. for nearly 65 years, the image of Thomas Jefferson's Monticello has graced our Nation's nickel. This legislation, introduced by my friend and colleague from the Commonwealth of Virginia, Mr. CANTOR, is a win-win. It ensures that Monticello has a permanent home on the five-cent piece, and also recognizes the need for a fair and open process to evaluate other commemorative coinage efforts, such as the one honoring the bicentennial of the Louisiana Purchase and the Lewis and Clark expedition.

Mr. Speaker, as you know, Thomas Jefferson was the author of the Declaration of Independence and the Statute of Virginia for Religious Freedom, the third president of the United States and the founder of the University of Virginia. He voiced the aspirations of a new America as no other individual of his era. From his home in Monticello, Jefferson served his country for over five decades.

Monticello is more than a classic piece of architecture; its significance even supercedes the fact that it is the only house in the United States on the United Nation's prestigious World Heritage List of sites. It is more: a symbol of Jefferson's age of optimism, of all that was and is great about America. It is, quite simply, Jefferson's autobiographical masterpiece.

Mr. CANTOR's legislation strikes a reasonable balance. It provides for nickel redesigns in 2003 and 2004 to commemorate both the Louisiana Purchase and the Lewis and Clark expedition, returning Monticello to the reverse side of the coin in 2005. The legislation also establishes a Congressionally-appointed advisory board, whose responsibility it will be to advise the Secretary of the Treasury on any proposed changes to U.S. coins.

I join my fellow Members of the Virginia Delegation in urging all Members to support H.R. 4903, to allow for a three-year recognition of one of Jefferson's greatest accomplishments, the Louisiana Purchase, before returning to the foundation of all of his successes, Monticello.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 4903, 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: ''To ensure continuity for the design of the 5-cent coin, establish the Coin Design Advisory Committee, and for other purposes.''.

A motion to reconsider was laid on the table.

□ 1645

## TRUE AMERICAN HEROES ACT OF 2002

Mr. KING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5138) to posthumously award Congressional gold medals to government workers and others who responded to the attacks on the World Trade Center and the Pentagon and perished and to people aboard United Airlines Flight 93 who helped resist the hijackers and caused the plane to crash, to require the Secretary of the Treasury to mint coins in commemoration of the Spirit of America, recognizing the tragic events of September 11, 2001, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5138

*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 ''True American Heroes Act of 2002''.

**TITLE I—MEDALS FOR RESPONDERS AND RESISTERS**

**SEC. 101. CONGRESSIONAL GOLD MEDALS FOR GOVERNMENT WORKERS WHO RESPONDED TO THE ATTACKS ON THE WORLD TRADE CENTER AND PERISHED.**

(a) PRESENTATION AUTHORIZED.—In recognition of the bravery and self-sacrifice of officers, emergency workers, and other employees of State and local government agencies, including the Port Authority of New York and New Jersey, and of the United States Government and others, who responded to the attacks on the World Trade Center in New York City, and perished in the tragic events of September 11, 2001 (including those who are missing and presumed dead), the Speaker of the House and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design for each such officer, emergency worker, employee, or other individual to the next of kin or other personal representative of each such officer, emergency worker, employee, or other individual.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike gold medals with suitable emblems, devices, and inscriptions to be determined by the Secretary to be emblematic of the valor and heroism of the men and women honored.

(c) DETERMINATION OF RECIPIENTS.—The Secretary of the Treasury shall determine the number of medals to be presented under this section and the appropriate recipients of the medals after consulting with appropriate representatives of Federal, State, and local officers and agencies and the Port Authority of New York and New Jersey.

(d) DUPLICATIVE GOLD MEDALS FOR DEPARTMENTS AND DUTY STATIONS.—

(1) IN GENERAL.—The Secretary of the Treasury shall strike duplicates in gold of the gold medals struck pursuant to subsection (a) for presentation to each of the following, for permanent display in the respective offices, houses, stations, or places of employment:

(A) The Governor of the State of New York.

(B) The Mayor of the City of New York.

(C) The Commissioner of the New York Police Department, the Commissioner of the New York Fire Department, the head of

emergency medical services for the City of New York, and the Chairman of the Board of Directors of the Port Authority of New York and New Jersey.

(D) Each precinct house, fire house, emergency response station, or other duty station or place of employment to which each person referred to in subsection (a) was assigned on September 11, 2001, for display in each such place in a manner befitting the memory of such persons.

(e) DUPLICATE BRONZE MEDALS.—Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under subsection (a) at a price sufficient to cover the costs of the bronze medals (including labor, materials, dies, use of machinery, and overhead expenses) and the cost of the gold medal.

(f) USE OF THE UNITED STATES MINT AT WEST POINT, NEW YORK.—It is the sense of the Congress that the medals authorized under this section should be struck at the United States Mint at West Point, New York, to the greatest extent possible.

**SEC. 102. CONGRESSIONAL GOLD MEDALS FOR PEOPLE ABOARD UNITED AIRLINES FLIGHT 93 WHO HELPED RESIST THE HIJACKERS AND CAUSED THE PLANE TO CRASH.**

(a) CONGRESSIONAL FINDINGS.—The Congress finds as follows:

(1) On September 11, 2001, United Airlines Flight 93, piloted by Captain James Dahl, departed from Newark International Airport at 8:01 a.m. on its scheduled route to San Francisco, California, with 7 crew members and 38 passengers on board.

(2) Shortly after departure, United Airlines Flight 93 was hijacked by terrorists.

(3) At 10:37 a.m. United Airlines Flight 93 crashed near Shanksville, Pennsylvania.

(4) Evidence indicates that people aboard United Airlines Flight 93 learned that other hijacked planes had been used to attack the World Trade Center in New York City and resisted the actions of the hijackers on board.

(5) The effort to resist the hijackers aboard United Airlines Flight 93 appears to have caused the plane to crash prematurely, potentially saving hundreds or thousands of lives and preventing the destruction of the White House, the Capitol, or another important symbol of freedom and democracy.

(6) The leaders of the resistance aboard United Airlines Flight 93 demonstrated exceptional bravery, valor, and patriotism, and are worthy of the appreciation of the people of the United States.

(b) PRESENTATION OF CONGRESSIONAL GOLD MEDALS AUTHORIZED.—In recognition of heroic service to the Nation, the Speaker of the House and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design for each passenger or crew member on board United Airlines Flight 93 who is identified by the Attorney General as having aided in the effort to resist the hijackers on board the plane to the next of kin or other personal representative of each such individual.

(c) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (b), the Secretary of the Treasury shall strike gold medals of a single design with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(d) DUPLICATE MEDALS.—Under such regulations as the Secretary of the Treasury may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medals struck under subsection (b) at a price sufficient to cover the cost of the bronze medals (including labor, materials, dies, use of machinery, and overhead expenses) and the cost of the gold medals.

**SEC. 103. CONGRESSIONAL GOLD MEDALS FOR GOVERNMENT WORKERS WHO RESPONDED TO THE ATTACKS ON THE PENTAGON AND PERISHED.**

(a) PRESENTATION AUTHORIZED.—In recognition of the bravery and self-sacrifice of officers, emergency workers, and other employees of the United States Government, who responded to the attacks on the Pentagon Washington, D.C. and perished in the tragic events of September 11, 2001 (including those who are missing and presumed dead) the Speaker of the House and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design for each such officer, emergency worker, or employee to the next of kin or other personal representative of each such officer, emergency worker, or employee.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike gold medals of a single design with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) DETERMINATION OF RECIPIENTS.—The Secretary of the Treasury shall determine the number of medals to be presented under this section and the appropriate recipients of the medals after consulting with the Secretary of Defense and any other appropriate representative of Federal, State, and local officers and agencies.

**SEC. 104. NATIONAL MEDALS.**

The medals struck under this title are national medals for purposes of chapter 51 of title 31, United States Code.

## TITLE II—SPIRIT OF AMERICA COMMEMORATIVE COINS

**SEC. 201. FINDINGS.**

The Congress finds as follows:

(1) On September 11, 2001, the United States suffered the worst act of terrorism in its history.

(2) The more than 6,000 people who lost their lives as a result of the terrorist attacks that occurred in New York City, at the Pentagon, and in Pennsylvania on September 11, 2001, will not be forgotten.

(3) Hundreds of emergency personnel responded heroically to the crisis and lost their lives as a result.

(4) People from everywhere in the United States responded to the crisis with an outpouring of support for the victims of the terrorist attacks and their families.

(5) The civilized world stands with strength and fortitude in opposition to the cowardly terrorist attacks against the United States that occurred on September 11, 2001.

(6) It is essential to remember not only the tragedy of the attacks, but also the strength and resolve demonstrated by the people of the United States in the aftermath of the attacks.

(7) The minting of coins in commemoration of the Spirit of America will pay tribute to the countless heroes who risked their lives during the terrorist attacks and in their aftermath so that others may live and to a united people whose belief in freedom, justice, and democracy has never swayed.

**SEC. 202. COIN SPECIFICATIONS.**

(a) DENOMINATIONS.—In commemoration of the Spirit of America, the Secretary of the Treasury (hereafter in this title referred to as the ''Secretary'') shall mint and issue the following coins:

(1) $50 GOLD COINS.—Such number of 50 dollar coins as the Secretary determines under subsection (b), which shall—

(A) weigh 1 ounce;

(B) have a diameter of 1.287 inches; and

(C) contain 91.67 percent gold and 8.33 percent alloy.

(2) $1 SILVER COINS.—Such number of 1 dollar coins as the Secretary determines appropriate to meet demand, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(3) HALF DOLLAR CLAD COINS.—Such number of half dollar coins as the Secretary determines appropriate to meet demand, which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(b) NUMBER OF GOLD COINS.—

(1) IN GENERAL.—The number of gold coins minted and issued under this title shall equal the sum of 25,000 and the number determined under paragraph (2).

(2) DETERMINATION OF NUMBER.—The Secretary, in consultation with the Attorney General of the United States and the Governors of New York, Pennsylvania, and Virginia shall determine the number of innocent individuals confirmed or presumed to have been killed as a result of the terrorist attacks against the United States that occurred on September 11, 2001, and shall identify such individuals. The Secretary, under subsection (a)(1), shall mint and issue a number of 50 dollar coins equal to the number of such individuals.

(c) LEGAL TENDER.—The coins minted under this title shall be legal tender, as provided in section 5103 of title 31, United States Code.

(d) NUMISMATIC ITEMS.—For purposes of section 5136 of title 31, United States Code, all coins minted under this title shall be considered to be numismatic items.

(e) SOURCES OF BULLION.—For the purpose of minting coins under this title, the Secretary may only use metals that are from natural deposits in the United States or any territory or possession of the United States.

(f) SPECIAL TREATMENT UNDER EXIGENT CIRCUMSTANCES.—

(1) FINDINGS.—The Congress finds as follows:

(A) The limitations contained in paragraphs (1) and (2)(A) of section 5112(m) of title 31, United States Code, and section 5134(f)(1)(B) of such title have well served, and continue to serve, their purpose of bringing greater stability to the markets for commemorative coins, maximizing demand and participation in such programs, and ensuring that such programs have a broad base of private support and are not used as the primary means of fundraising by organizations that are the recipients of surcharges.

(B) The shocking circumstances of September 11, 2001, the broad base of public interest in showing the Spirit of America and participating in the raising of funds for the victims of the crimes committed on that date, and the importance of implementing this coin program as quickly as possible, notwithstanding the fact that 2 commemorative coin programs are already in effect for 2001 and 2002, justify exempting the coins produced under this title from such limitations.

(2) EXEMPTION.—Paragraphs (1) and (2) of section 5112(m) of title 31, United States Code, and section 5134(f)(1)(B) of such title shall not apply to coins authorized under this title.

**SEC. 203. DESIGN OF COINS.**

(a) IN GENERAL.—The design of the coins minted under this title shall be emblematic of the tragic events that occurred at the Pentagon, in New York City, and in Pennsylvania, on September 11, 2001.

(b) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this title there shall be—

(1) a designation of the value of the coin;

(2) an inscription of the date ''September 11, 2001'' (and such coin shall bear no other date); and

(3) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(c) SELECTION.—The design for the coins minted under this title shall be selected by the Secretary after consultation with the Commission of Fine Arts.

**SEC. 204. STRIKING AND ISSUANCE OF COINS.**

(a) QUALITY OF COINS.—

(1) IN GENERAL.—Except as provided under paragraph (2), coins minted under this title shall be issued in uncirculated quality.

(2) GOLD COINS.—50 dollar coins minted under section 202(a)(1) shall be issued only in proof quality.

(b) MINT FACILITY.—

(1) IN GENERAL.—Except as provided under paragraph (2), only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this title.

(2) CLAD COINS.—Any number of facilities of the United States Mint may be used to strike the half dollar coins minted under section 202(a)(3).

(c) PERIOD FOR ISSUANCE.—The Secretary—

(1) shall commence issuing coins minted under this title as soon as possible after the date of the enactment of this Act; and

(2) shall not issue any coins after the end of the 1-year period beginning on the date such coins are first issued.

**SEC. 205. SALE OF COINS.**

(a) SALE PRICE.—The coins issued under section 202(a) (other than the 50 dollar gold coins referred to in subsection (d)) shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharges required by section 206(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under section 202(a) at a reasonable discount.

(c) PREPAID ORDERS.—The Secretary shall accept prepaid orders received before the issuance of the coins minted under section 202(a). The sale prices with respect to such prepaid orders shall be at a reasonable discount.

(d) GOLD COINS.—Notwithstanding section 204(c)(2), the Secretary shall issue a 50 dollar coin minted under section 202(a)(1) for presentation free of charge to the next of kin or personal representative of each individual identified under section 202(b). The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of such gold coins.

**SEC. 206. SURCHARGES ON SALE OF COINS.**

(a) ASSESSMENT.—Any sale by the Secretary of a coin minted under this title shall include a surcharge of an amount determined by the Secretary to be sufficient to cover the cost of the gold coins minted under section 202(a)(1) (including labor, materials, dies, use of machinery, overhead expenses, and shipping) for presentment in accordance with section 205(d), which charge may not be less than—

(1) $100 per coin for the 50 dollar gold coins;

(2) $10 per coin for the 1 dollar coin; and

(3) $5 per coin for the half dollar coin.

(b) DISTRIBUTION OF EXCESS PROCEEDS.—Any proceeds from the surcharges received by the Secretary from the sale of coins issued under this title in excess of the cost of producing all coins issued under this title (including coins issued for individuals identified pursuant to section 202(b)(2)) shall be—

(1) used to cover the costs incurred in the production of gold medals under title I that have not been recovered from the sale of duplicate bronze medals under such title; and

(2) with respect to any amount remaining after the costs described in paragraph (1) are covered, transferred to any fund for victims of the tragedies of September 11, 2001, that the Secretary of the Treasury and the Attorney General jointly determine to be appropriate.

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

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

GENERAL LEAVE

Mr. KING. 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 this legislation.

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

There was no objection.

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

At the outset, let me commend the gentlewoman from New York (Mrs. MALONEY), also the gentleman from New York (Mr. ENGEL), the gentleman from Florida (Mr. STEARNS), the gentleman from Colorado (Mr. TANCREDO), the gentlewoman from New Jersey (Mrs. ROUKEMA), and the gentleman from Oklahoma (Mr. WATTS), all of whom are cosponsors of this legislation.

Mr. Speaker, the legislation we are bringing up today is our attempt to honor those men and women who laid down their lives in the line of duty at the World Trade Center, at the Pentagon, and in bringing down Flight 93 on September 11. No one is ever going to forget where they were or forget what they were doing on those terrible days of September 11, when we saw the terrible attack on the World Trade Center, the attack on the Pentagon. We saw Flight 93 being brought down and then the rescue efforts that began over the subsequent days.

Mr. Speaker, this legislation today will award Congressional Gold Medals to all of those Government workers who laid down their lives in the line of duty at the World Trade Center, including, of course, the 343 New York City firefighters, the Port Authority police, the New York City police, the New York State court officers who laid down their lives carrying out the greatest rescue mission in the history of this country. Twenty-five thousand people were rescued that day from the World Trade Center.

In addition, it will award Congressional Gold Medals to those who died in the line of duty at the Pentagon carrying out rescue operations, and in addition to that, those who were determined by the Attorney General to have been responsible for thwarting the terrorists on Flight 93 and bringing that flight down before it could actually strike here in Washington, either at the Capitol or the White House or wherever the target was intended to be.

In addition to that, Mr. Speaker, there were others who were not uniform officers, who were not government employees, who also became part of the rescue operation that day. For instance, there were construction workers who were not even working in the World Trade Center who rushed into the building that day to carry out a rescue operation. One, just for the purposes of the RECORD, will be Charles Costello of Elevator Constructors Local 1, who again raced into the building as part of the rescue operation and was killed, not a government worker but yet a hero who laid down his life in the line of duty.

In addition to that, we had a number of paramedics and six EMT, six, I believe, who were not government workers but were either hospital employees or members of volunteer ambulance corps. These men and women also laid down their lives and should be recognized.

In addition to that, Mr. Speaker, the bill includes legislation initially introduced by the gentleman from New York (Mr. ENGEL) and the gentleman from Florida (Mr. STEARNS) which brings about coins, which they can explain in greater detail, but commemorative coins which will describe for all time the terrible tragedy of that day, but also the glory of that day, and I am sure the gentleman from New York (Mr. ENGEL) will discuss that, and the gentleman from New York (Mr. ISRAEL), in greater detail.

That is an integral part of this bill because a similar bill to this was enacted last December. It did encounter some questions in the Senate, and it is our sincere hope that by making the changes we have made today, by melding together two different pieces of legislation, uniting them as one, that it will make it easier for the bill to be passed by the Senate so that it can be presented to the President to be signed prior to September 11.

Mr. Speaker, the events of September 11 were the first great battle and the first great war of the 21st century, and the American people have responded in a way that surpasses what anyone could have ever hoped for, could have ever dreamt of, but the reality is that would not have happened if there was not such tremendous courage shown on the day of September 11 itself when the rescue workers came forward, when those who worked in the buildings, all of whom were heroes in their own right, did what had to be done.

This was America at its best, and by adopting this legislation, both as far as the gold medals and as far as the commemorative coins, Mr. Speaker, it will be our way as a Congress of showing the dedication that we have to those

men and women who lost their lives on September 11. Also, Mr. Speaker, it will be a source of some consolation and solace to the survivors of those poor brave men and women who died that day.

It is a small step. I think it will mean a lot to those families if they can see the unity that we feel, the sense of dedication that we in the Congress feel toward honoring and commemorating all those men and women.

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

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

Mr. Speaker, I want to thank my colleague and friend from Long Island for bringing this important resolution to the floor today. I have two daughters and they do not like it much when I talk about them publicly, but in the wake of September 11, both of them asked me many questions. They asked me why I was attending so many memorial services and funerals. They asked why did this have to happen. They asked why did some people die and not others. That is a question that we have been asking ourselves every day since September 11. It is a question that we will continue to ask ourselves every day in the future, and each of us has our own answers inspired by our own faiths and beliefs and experiences.

We may not know why except for this. For the fire and rescue workers who died that day, it was their job to save lives. When everyone was running away from danger, they rushed towards it. Aboard a jet over Pennsylvania, a group of ordinary citizens banded together to force their plane down to save our Capitol but to end their own lives. They were heroes. Why did they do it?

They knew that the terrorists were not simply trying to end our lives. They were seeking to end our way of life. They knew that those terrorists wanted to bring that plane down on the Capitol itself, destroying not only the dome of this building but the very foundation of our democracy, and rather than fleeing danger, they accepted it to save a way of life, to save our way of life, and we all know what that way of life is, one Nation under God, indivisible, with liberty and justice for all.

Mr. Speaker, what was built by Washington and Adams and Jefferson has been saved by the heroes that we recognize today, people like Ray Downey of Deer Park and Glen Pettit of Ronkonkoma and John Viggiano of West Islip and 100 others in my district on Long Island who lost their lives.

Every day, firefighters across this land risk their lives to protect us. We are right to honor them with the Congressional Gold Medal and coins mined by the United States Mint, a coin that will include the phrase ''In God We Trust.''

I want to again thank the gentleman for bringing this to the floor.

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

Mr. KING. Mr. Speaker, I yield such time as he may consume to the gentleman from Staten Island, New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Speaker, I thank the gentleman for yielding me the time. I also commend him for his leadership on this initiative, and I think it is going, as he said, to serve well for those thousands who lost their lives on September 11.

In particular, I would like to commend my colleagues, the gentleman from New York (Mr. RANGEL) and the gentleman from New York (Mr. ISRAEL), for their leadership in paying honor to so many who lost their lives.

Earlier today, I heard, I think, a right discussion to bring attention to the Battle of the Bulge, and we heard some Members come forward to express decades later how this country honors those who have sacrificed. In a way, this is a similar attempt to do the same thing. We are attempting to honor hundreds, if not thousands, of people who were either doing their job on September 11, who were on their way to rescue, which was and is the largest rescue effort in the history of the United States.

We had firemen rushing to these burning buildings who never escaped. Some were on the job. Rescue 5 on Staten Island, all but one of their people who rushed into that fire died, people like Mike Esposito, whom I grew up with, and so many of his colleagues. Their families are still looking for closure, and we are trying to help.

People who were not even working that day, a guy, Stephen Siller on his way to play golf with his brothers, like he did on a regular basis, heard the call, saw the burning buildings, rushed into the trade center never to come out.

Some firefighters on the job for just a few days, one of their first calls was the trade center, young guys with families, never to return.

Then we had those who were just doing an honest day's work, young people like Jason DeFazio, married to my cousin, newlyweds, about to raise family. He was doing his job, a good kid. He will not ever see the light of day again.

The way this all comes about is because people like the gentleman from New York (Mr. KING) and the people he represents, and the gentleman from New York (Mr. RANGEL) and the gentleman from New York (Mr. ISRAEL) and so many other of us in this House who represent more than Staten Island, where alone over 200 people were killed on September 11, and what this Congress fortunately is doing today in a small but I think symbolic and significant way is saying they are heroes, and the gold medal represents that.

It will not bring back the loved ones, no, but I think it sends a signal to those families, people that live just a few blocks from me, Captain Marty Egan and his wife Diane live just a couple of blocks away. I hope Diane, when she gets this gold medal, understands that the entire Nation, through its elected representatives, says, Diane, your husband was a hero, or again, to people like my cousin who lost their young husband and in a similar sort of way with some hard evidence that this country, through its representatives, says thank you.

Mr. Speaker, I think that this is highly appropriate, and I again commend the gentlemen and ladies who made this possible and a way to say thanks to so many people who lost their lives on September 11.

Mr. ISRAEL. Mr. Speaker, I am pleased to yield as much time as he may consume to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank my friend from New York for yielding to me and, Mr. Speaker, I rise in strong support of H.R. 5138, the True American Heroes Act.

This is a combination of two bills, one originally sponsored by myself and the gentleman from Oklahoma (Mr. WATTS) and the other one by the gentleman from New York (Mr. KING) and the gentlewoman from New York (Mrs. MALONEY). I want to thank the gentleman from New York (Mr. KING) for his many courtesies as subcommittee chairman in helping to combine the bills and to get these bills through.

Contained within the legislation is the bill I coauthored with the gentleman from Oklahoma (Mr. WATTS) which we called the Spirit of America Commemorative Coin. This honors the memory of all the victims of the terrible tragedy of September 11.

For all Americans, September 11 is seared into our memories. As the gentleman from New York (Mr. KING) mentioned, we will always remember where we were on that day and where we were when we heard about the tragedies. We were scared together, we cried together and we were inspired together. We watched with horror as men with hatred in their hearts turned airplanes into weapons of mass destruction.

I was in New York City that day and I remember standing in disbelief. We watched with immense sorrow the destruction of a great American icon, and we watched with pride the men and women of the New York Fire Department, Police Department, Port Authority, EMTs, Iron Workers and other volunteers rush to the World Trade Center to try and save lives. Many of them, as, of course, was mentioned by the gentleman from New York (Mr. FOSSELLA), lost their lives in doing so.

The Nation went through the same roller coaster of emotions as the Pentagon was attacked, and we did it again as we learned of the heroism and the bravery of the passengers of Flight 93 who most assuredly saved countless more lives here in Washington, D.C.

I can only hope that for most Americans life has settled into a new routine. However, for those of us in New York, there is still a gaping hole in our city and in our hearts.

I remember going to the World Trade Center site with President Bush the Friday after September 11, and I remember standing there and thinking I cannot believe this is New York City, I cannot believe this is the area that I passed through hundreds and hundreds and hundreds of times before. It just seemed like some kind of a burned-out, bombed-out, ravaged zone which, of course, it was. But I could not believe that this was New York City.

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However, we New Yorkers are tough; and we have started to heal. But we are committed to remembering those who suffered so much, and the Spirit of America Coin Act is part of that remembrance. Each family who lost a loved one will be presented with a gold version of this coin and the American people will be able to purchase a gold, silver, or clad version to help in their remembrance.

Our original bill had called for the front side of the coin to bear an image of the Pentagon and the U.S. flag and the back side of the coin a picture of the World Trade Center. Though the new bill does not include these direct requirements, the bill still requires ''The design of the coins minted under this title shall be emblematic of the tragic events that occurred at the Pentagon, in New York City, and in Pennsylvania on September 11th, 2001.'' And I would hope that the Mint will be very cognizant of what more than 290 Members of this body endorsed.

We had more than 290 cosponsors of this bill, the majority of the House; and many of these sponsors personally met with me on the floor of this House to discuss this bill. So I would hope the Mint would take into account the fact that we would like to have the Pentagon and the American flag on one side of this coin and the World Trade Center on the other side of the coin. I plan on working closely with the U.S. Mint as they develop the design for this important coin. They must take into account the wishes of this Congress, and it must stand out as a great tribute to the spirit of America.

I am so pleased to say that bringing this bill to the floor has truly been a nonpartisan effort. Again, I want to thank the gentleman from New York (Mr. KING). I owe great thanks to the gentleman from Oklahoma (Mr. WATTS), the gentleman from Florida (Mr. STEARNS), and the gentlewoman from New Jersey (Mrs. ROUKEMA), who helped with the original bill. I thank the gentlewoman from New York (Mrs. MALONEY) as well; the chairman, the gentleman from New York (Mr. KING); and the ranking member of the subcommittee and authors of the medal portion of this bill. I also want to thank the gentleman from Ohio (Mr. OXLEY) and the gentleman from New York (Mr. LAFALCE) for their assistance in this effort. And, finally, Mr. Speaker, I want to thank all of the staff who spent so many hours working on this legislation, in particular my legislative director, Pete Leon.

Mr. Speaker, this legislation is a fitting tribute to the men and women who lost their lives on September 11. None of us who represent districts in downstate New York were spared constituents, unfortunately, who lost their lives. Many of us attended many funerals for these constituents. I want to particularly site Christian Regenhard, who was a young firefighter in my district, who rushed into the World Trade Center to try to save lives. His mother, Sally Regenhard, has been a friend of mine for many, many years; and Christian, unfortunately, lost his life at the World Trade Center.

I want to also mention the Richman and Zucker families from Riverdale in my district. None of us escaped the personal feelings of constituents and friends and loved ones and family who lost their lives in the World Trade Center and, of course, as well as the Pentagon and in Pennsylvania. I urge all my colleagues to support the passage of this bill, and I commend all my colleagues on both sides of the aisle for making this truly a team effort.

Mr. ISRAEL. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank my colleague for yielding me this time; and particularly I am pleased to join my colleague, the gentleman from New York (Mr. KING), in support of the True American Heroes Act. Actually, I just am coming in from New York, having toured yet again Ground Zero.

This legislation combines a bill that the gentleman from New York (Mr. KING) and I were able to get through the House last December that would present gold medals to emergency rescuers who perished at the World Trade Center with legislation put forth by the gentleman from Oklahoma (Mr. WATTS) and the gentleman from New York (Mr. ENGEL) to create a Spirit of America coin, as well as suggestions for honoring rescuers at the Pentagon and the brave passengers who wrestled Flight 93 to the ground in Pennsylvania.

More than 10 months after September 11, the pain from that day has not begun to fade for my constituents in New York. While we have cleaned up the site and begun to focus on rebuilding, no New Yorker can walk past a firehouse or see a police car race through the city without being reminded of this incredible horror that happened and the incredible heroism displayed by 343 firefighters, 37 Port Authority police, and 23 New York City police who gave their lives to save the lives of others.

In my own district, 25 different fire stations lost people in the attack. One firehouse in my district on Roosevelt Island had the special operations unit, and it lost 10 men. The loss was so great from this facility and others because of a duty change which was in progress, so men who were finishing a shift grabbed their equipment and headed to the scene. As a result, twice as many perished as would have otherwise.

At Ground Zero, on September 12, we heard estimates that as many as 20,000 people had perished. We now know that thanks to the heroic work of the rescue workers the death toll was under 3,000 because these rescue workers charged up into the towers to save as many strangers as they could. From the moment the plane struck the towers, from all over the city and surrounding areas rescuers poured out of firehouses and precinct houses and reacted without regard for their own safety. They were cops, firemen, EMTs, and other public servants.

This legislation lets us honor these men and women who died so that others could live. Thousands of families are missing members after 10 months, but perhaps the best reason to pass this bill is that tens of thousands of families are not. As New York and the world watched in horror as the planes struck and the towers were engulfed, these individuals honored by this bill thrust themselves toward danger without a second thought. They are true American heroes.

In the past, the Congressional Gold Medal has been awarded to honor contributions to America for outstanding individuals and groups. The True American Heroes Act will award Congressional Gold Medals to brave rescuers who perished in the attack. What better way to pay tribute than to award these families the most distinguished honor bestowed by Congress.

This legislation also designates that the individual precinct houses, firehouses, and emergency response stations that lost people in the attack will receive copies of the gold medal.

As you pass the firehouses and precincts in New York, the emotion of this tragedy is still overpowering. This legislation will ensure that we will forever have public displays around the city to preserve the memory of those rescuers who made the ultimate sacrifice.

The offices of the Mayor, the Governor of New York, and the head of the Port Authority will also be awarded copies of the medals. As we all know, the head of the Port Authority himself, my friend Neil Levin, was lost in the attack. Neil was serving as the executive director of the Port Authority, the agency that ran the World Trade Center for 28 years.

In addition to the gold medals, the U.S. Mint will make bronze reproductions of the medals available to the general public. The bill also awards medals to the exceptional brave passengers who battled the hijackers of Flight 93. They saved an untold number of lives and, quite possibly, the very building in which we are now standing.

Finally, the bill is much improved with language provided by the gentleman from Oklahoma (Mr. WATTS)

and my fellow colleague, the gentleman from New York (Mr. ENGEL). Together, they worked over the past 10 months to create an official U.S. Mint coin to commemorate September 11. This Spirit of America Coin is a highly appropriate remembrance for this solemn occasion. I thank them for their important contributions to the legislation.

I also thank very much my colleague and counterpart, the chairman of the Subcommittee on Domestic Monetary Policy, Technology, and Economic Growth, the gentleman from New York (Mr. KING), who has worked on this legislation tirelessly; and we all owe a deep debt of gratitude to him.

New York is thankful to all of the Members of this House who have responded to the City of New York in its time of need. We thank you so much for the 20-plus billion dollars in rescue aid and rebuilding aid; and we thank you, hopefully, for your support for this legislation.

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

In conclusion, Mr. Speaker, let me again thank the gentlewoman from New York (Mrs. MALONEY) for the tremendous cooperation she has given throughout this process. We also thank the gentleman from New York (Mr. ENGEL) for working so closely with us and combining the two pieces of legislation. I want to thank the gentleman from New York (Mr. FOSSELLA) for his very moving remarks here today, and, of course, the gentleman from New York (Mr. ISRAEL) for the job he has done today and for the terrific job he has done since September 11 in working with the many victims' families in his district and working closely with me with the victims' compensation fund.

I would also like to say on a personal note, Mr. Speaker, in my own district there were more than 150 constituents who were killed on September 11. There were a number of friends and neighbors. I would like to point out just several in my own community. Firefighter Tim Haskell and his brother, Fire Captain Tom Haskell.

Also, I would like to point out Police Lieutenant John Perry, who, ironically, was actually putting in his retirement papers at the moment that the World Trade Center was hit. He took his papers back, went across the street, took part in the rescue effort and was killed.

I would also like to commend firefighters Michael Boyle and David Arce, both of whom were very active in my campaigns and worked with me for many years. They, though, are just typical of so many of the firefighters, police officers, and civilians who died that day doing what they were paid to do, to save others, to do their job, and to really symbolize the very best of America.

So on that note, Mr. Speaker, I strongly urge the House to adopt this legislation as a fitting tribute to those who died that day and also as a fitting tribute to the survivors who are carrying the fight forward; and also, I think, as a symbol of the unity that our country has shown since September 11 in working with the President and both parties, in a bipartisan way, standing together to win the war against terrorism.

So, again, I urge adoption of the legislation. I certainly hope that it will be passed readily in the other body so that it can be signed by the President by September 11 as a fitting tribute to what occurred on September 11 as far as those who demonstrated such bravery, and the country itself for the way it showed such resolve and unity.

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

Mr. ISRAEL. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from New York (Mr. KING) and the gentleman from New York (Mr. FOSSELLA), the gentlewoman from New York (Mrs. MALONEY), and the gentleman from New York (Mr. ENGEL) for their bipartisanship work on this bill.

Mrs. ROUKEMA. Mr. Speaker, I rise today in strong support of the True American Heroes Act. The men and women who died on September 11th serving our country by saving lives deserve not only our immense gratitude, but also the highest of honors. Today, we look to pass important legislation to recognize—and remember—these true American heroes.

In our darkest hours on September 11th, the heroes in our midst shined brighter than ever. We know some heroic endeavors that were undertaken from stories about cell phone calls and from eyewitness accounts.

Let us recognize the men and women who served us in our most horrific hours in several ways. First, the True American Heroes Act awards the heroes of Flight 93 and the rescue workers who were killed in the Pentagon and World Trade Center Congressional Gold Medals. These medals express the public gratitude of the Nation for their extraordinary actions.

Additionally, this bill incorporates part of a bill I introduced allowing the families of the victims to have a tangible expression of the Nation's gratitude with the Spirit of America coin. This coin will commemorate the spirit and the lives of those who were killed at the World Trade Center, the Pentagon, and aboard Flight 93.

I would like to recognize several of these outstanding individuals.

UNITED AIRLINES FLIGHT 93

The True American Heroes Act awards Congressional Gold Medals to all passengers on United Airlines Flight 93. One of my constituents, Jeremy Glick called his wife Lyzbeth from that flight, alerting her that his plane had been hijacked. Jeremy was part of the fearless effort by passengers and crew to stop the terrorists from taking the plane into the heart of Washington, DC.

From his cell phone conversation, we know that Jeremy along with other passengers and crew chose to fight the terrorists who had commandeered the plane. At 10:37 a.m., United Flight 93 crashed in Pennsylvania, just minutes after the White House and the Capitol Building had been evacuated.

Always a hero to his wife, his family and his friends, Jeremy Glick became a hero to the Nation that day. Today, this House formally recognizes his contribution and all of the heroes aboard Flight 93.

THE FALLEN HEROES OF THE WORLD TRADE CENTER AND PENTAGON RESCUE EFFORTS

This bill also recognizes the bravery of the many firefighters, police officers, and rescue workers who died in Lower Manhattan and the Pentagon. The families of these heroes too will be awarded a Congressional Gold Medal for their loved one's actions. Many of these men and women were from the 5th District. For example:

Dana Hannon of Wyckoff, New Jersey, was a 29-year-old, newly-engaged member of the New York City Engine Company #28, who responded to the reports of a plane crash at the north and south towers of the World Trade Center.

Paul Laszczynski of Paramus was a Port Authority police officer who was honored for his action during the first attack on the World Trade Center. He and a colleague carried a wheelchair-bound victim down 77 floors to safety after the bombing in 1993.

Joe Navas of Paramus was a 44-year-old Port Authority police officer. In his hometown of Paramus he volunteered as a Little League Coach for his two boys. His wife and family had to learn about his earlier heroic exploits by reading it in the Bergen Record.

The example set by these outstanding individuals is not unique. Our fire departments and emergency services are the first on the scene to fires, motor vehicle accidents, natural disasters, hazardous waste spills, and, yes, even terrorist attacks.

And they never draw attention to themselves. In their minds, they are ''just doing their jobs. . . .'' That Tuesday, their work and their courage brought them into the building lobbies as people flooded out into the streets. These men and women ran up the stairs while instructing people to immediately get down those same stairs and outside. They ran to help as others ran to safety. Their efforts will never be forgotten, especially by those who were saved.

TRUE AMERICAN HEROES

Mr. Speaker, the men and women that we honor today died fighting selflessly against those who hate all that our country stands for. But our country's strength goes beyond these men and women.

This bill also honors with commemorative coins all those who were killed in the World Trade Center and the Pentagon—the men and women who were simply doing their jobs. These men and women were citizens and workers who played an integral role in our country's financial markets and national defense. As proud Americans in their work, they were killed for what they stood for. But their spirit will triumph overall. As President Reagan said in his first Inaugural Address, ''we must realize that no arsenal, or no weapon in the arsenals of the world, is so formidable as the will and moral courage of free men and women. It is a weapon our adversaries in today's world do not have. It is a weapon that we as Americans do have.

In the days immediately following September 11th, I spoke with many people who lost friends, coworkers, or even casual acquaintances in the World Trade Center. They wanted to do so much to help, and also wanted something to share in the memory of their friends. This legislation makes the Spirit of

America coins available to all Americans. The inspiration and spirit of those who died that day will reach beyond the families and across America with a physical reminder of these heroes of September 11th.

Although these medals and coins will not relieve the sorrow of the families of these victims, I hope that they will take comfort in the fact that their loved ones will not be forgotten. I strongly urge my colleagues to support this legislation.

God Bless America.

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 5138, the True American Heroes Act which will bestow Congressional Gold Medals to government workers who selflessly responded to the terrorist attacks in New York and Washington on September 11, 2001 and were killed as a result of their heroics. This Resolution also requires the Secretary of the Treasury to mint coins in commemoration of the Spirit of America, recognizing the tragic events of September 11th.

On that tragic day in September, our Nation witnessed the best and the worst of humanity. The despicable and cowardly terrorist acts were valiantly countered with the incredible heroism and courage of not only our firefighters, law enforcement officers, and emergency personnel but also our fellow citizens.

Accordingly, it is incumbent upon our Nation to appropriately honor these departed heroes. Bestowing the Congressional Gold Medals on these deserving men and women is a fitting tribute to their memory and their contribution to our Nation's freedom. Accordingly, I urge my fellow colleagues to support this important measure.

Mr. STEARNS. Mr. Speaker, I want to thank my colleague for bringing this bill to the floor. The bill before us posthumously awards Congressional Goal Medals to government workers and others who responded to the attacks on the World Trade Center and the Pentagon and perished and to people aboard United Airlines Flight 93 who helped resist the hijackers. Last year, I introduced a similar bill for the crew and passengers of Flight 93, and since have worked with Mr. ENGEL on his Spirit of America Coin Bill to award to families who lost loved ones in the attacks. I especially want to thank Mr. ENGLE and his staff for their tireless effort on that piece of legislation.

Earlier today, we passed a bill to create a memorial for Flight 93. It is widely presumed that the terrorists who took control of United Airlines Flight 93 intended to use the aircraft as a weapon and crash it into the United States Capitol Building in Washington, DC. From what we have been able to find out, upon learning from cellular phone conversations with their loved ones, that 3 hijacked aircraft were used as weapons against the World Trade Center and the Pentagon, the passengers and crew of United Airlines Flight 93 recognized the potential danger and took heroic and noble action to ensure that the aircraft they were aboard could not be used as a weapon. In the ultimate act of selfless courage and supreme sacrifice, the crew and passengers of United Airlines Fight 93 fought to recapture the flight from the terrorists and prevented further catastrophic loss of life.

This same selfless act was demonstrated by the emergency workers, and other employees of State and local government agencies, including the Port Authority of New York and New Jersey, and of the United States Government who gave their lives in responding to the attacks, working to save the lives of others.

I am pleased that we have the bill before us today that not only honors those who gave their lives, with a Congressional Gold Medal, but also provides the opportunity for all Americans, with the authorization of a Spirit of America Coin, to hold the tragic events of September 11 as a reminder of the sacrifices made my not only those who serve and protect our country, but to all citizens who live in—and believe—in this country that is freedom.

As President Lincoln stated in his Gettysburg Address, ''We here highly resolve that the dead shall not have died in vain, that the Nation, under God, shall have a new birth of freedom; and that government of the people, by the people, and for the people, shall not perish from the Earth.''

I thank my colleagues for bringing this legislation to the floor and urge its adoption.

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 5138, 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.

## MAKING IN ORDER ON TUESDAY, JULY 23, 2002, OR ANY DAY THEREAFTER, CONSIDERATION OF HOUSE JOINT RESOLUTION 101, DISAPPROVING EXTENSION OF WAIVER AUTHORITY OF SECTION 402(c) OF TRADE ACT OF 1974 WITH RESPECT TO VIETNAM

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it be in order at any time on July 23, 2002, or any day thereafter, to consider in the House the joint resolution (H.J. Res. 101) disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam; that the joint resolution be considered as read for amendment; that all points of order against the joint resolution and against its consideration be waived; that the joint resolution be debatable for 1 hour equally divided and controlled by the chairman of the Committee on Ways and Means (in opposition to the joint resolution) and a Member in support of the joint resolution; that consistent with sections 152 and 153 of the Trade Act of 1974, the previous question be considered as ordered on the joint resolution to final passage without intervening motion; and that the provisions of sections 152 and 153 of the Trade Act of 1974 shall not otherwise apply to any joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam for the remainder of the second session of the 107th Congress.

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

There was no objection.

## MAKING IN ORDER AT ANY TIME CONSIDERATION OF CONFERENCE REPORT ON H.R. 4775, 2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it be in order at any time to consider the conference report to accompanying H.R. 4775; that all points of order against the conference report and against its consideration be waived; and that the conference report be considered as read when called up.

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

There was no objection.

## HONORING CORINNE ''LINDY'' CLAIBORNE BOGGS ON OCCASION OF 25TH ANNIVERSARY OF FOUNDING OF CONGRESSIONAL WOMEN'S CAUCUS

Mr. LINDER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 439) honoring Corinne ''Lindy'' Claiborne Boggs on the occasion of the 25th anniversary of the founding of the Congressional Women's Caucus.

The Clerk read as follows:

H. CON. RES. 439

*Resolved by the House of Representatives (the Senate concurring),* That the Congress honors Corinne ''Lindy'' Claiborne Boggs for her extraordinary service to the people of Louisiana and the United States, recognizes that her role in founding the Congressional Women's Caucus has improved the lives of families throughout the United States, and commends her bipartisan spirit as an example to all elected officials.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. LINDER) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. LINDER).

□ 1715

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

Mr. Speaker, today I rise to recognize and honor one of the most influential and respected women in the history of American politics, former Congresswoman Lindy Boggs of Louisiana.

Assuming the seat held by her late husband, then House Majority Leader Hale Boggs in 1973, Lindy Boggs once considered herself to be ''a bridge between the old and new, liberals and conservatives, whites and blacks, men and women, Republicans and Democrats.'' This assertion, given by the

long-time Secretary for the Congressional Women's Caucus and the longest serving female Member of Congress from the South, in my opinion, exemplifies what the spirit of public service ought to be.

Mr. Speaker, it is said that behind every great man stands a great woman, but I believe that great women stand not only behind great men, but beside them. And in a large number of cases, in front of them. Lindy Boggs certainly stands out as one of the most respected and successful women in the history of this country. Her 17 years of service to the people of Louisiana, her representation of the women of America, her grace, and her presence have earned her an esteemed place not only in the annals of Congress, but in the history of this country.

As such, Mr. Speaker, I rise to salute this devoted mother, wife, Member of this body, and Ambassador of the people of the United States to the Holy See, and thank her for setting an example not only to the Members of this body, but to the people of this great Nation.

In addition, I would like to take this opportunity to join my colleagues and rise in celebration of the 25th anniversary of the founding of the Congressional Women's Caucus. On April 19, 1977, 15 Members of Congress met in what was formally known as the Congresswoman's Reading Room to establish one of the most influential and respected organizations within the House since then. Originally known as the Congresswomen's Caucus, this group has successfully fought for a number of important issues affecting the millions of women across this country, including pension reform, welfare reform, increased child support enforcement, and better awareness and stiffer penalties for domestic violence.

Though we rise today to celebrate 25 years of service by the Congressional Women's Caucus, I believe that changes brought on by this group have only just begun. As such, on behalf of the American people, I thank all of the members of the Congressional Women's Caucus for the hard work and dedication to make our country a better place. I am proud to stand beside each and every one of them as we work together to lead this country now and into the future.

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

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

Mr. Speaker, I want to associate myself with the remarks of the gentleman from Georgia (Mr. LINDER) and thank the gentleman for his leadership in bring this resolution to the floor in honor of Lindy Boggs. This is an occasion to remember and reflect upon both Lindy Boggs and the role of the Congressional Women's Caucus on women's issues, and the role they both have played in coordinating and communicating and legislating for women's interests in the formation of public policy.

It is, at the same time, a celebration of Lindy Boggs herself. Lindy Boggs was or has become a stateswoman in the finest tradition of women in politics. She took the political reins when the responsibility fell to her, even though it was not her initial calling. Then she served in the House for nearly 2 decades. Lindy Boggs was a teacher by training, but she came from a long tradition of political service by members of her family. When she was in the Congress, she was given the task and the formidable responsibility of arranging for the bicentennial of the Congress itself. She chaired the Joint Committee on Bicentennial arrangements in the 94th Congress, and the Commission on the Bicentenary of the United States House of Representatives from the 95th through the 101st Congresses.

She led the 1976 Democratic Convention which nominated Jimmy Carter, President of the United States, and was the first woman to chair a national party convention. She was an author, a political wife, mother, and a gentlewoman who influenced the formation of national policy with a gentle hand.

When she retired from this body, she was chosen to serve as the United States Ambassador to the Vatican from 1997 to 2001.

Mr. Speaker, when one looks at the life of Lindy Boggs, one is impressed by the number of firsts that accompany her service. The first woman to be elected to the House of Representatives from Louisiana. That is not so unusual today. The first woman to serve as a regent of the Smithsonian Institute. No one would be surprised at having a woman regent today. She was the first woman to reside over a national convention. That would be routine at Democratic and Republican conventions today. The first woman to receive the Congressional Medal from Veterans of Foreign Wars.

Women may be new to the military and the rolls they have today, but Lindy Boggs broke yet another military tradition. She was the first woman to receive a Tulane University Distinguished Outstanding Alumni Award, the first woman to serve as Ambassador to the Holy See. These firsts have now become part of American life and the American tradition. When we consider that a woman of our time broke these barriers, we must have no small amount of respect.

H–235 where the women of the House come to lounge is named the Lindy Claiborne Boggs Congressional Reading Room. We do not name rooms after ordinary people, and the naming of this room in 1962 as the Congressional Women's Reading Room is significant because H–235 is a very special room. It was the original Speaker's office used by Henry Clay and James Pope. It was the place where we are often reminded that John Quincy Adams was taken and died after suffering from a stroke. Lindy Boggs' picture was hung there.

In the years since the Congressional Caucus on Women'S Issues was formed, America has changed more profoundly than in any other way. The Women's Caucus as we are called, accepts some responsibility for those changes. America is different in each and every way. Some of these ways had nothing to do with legislation. Much of them depended upon the leadership of Members of Congress willing to give women's issues great priority, to give them priority over other issues. As a result of women's leadership, much of the great legislation of the last 25 years that benefit women and their families has been passed.

Today it is routine to see women walking onto factory floors or driving buses or building things. That was not routine when the Congressional Women's Caucus was formed in 1977. Women now are partners in law firms. They serve on corporate boards and are CEOs. They are doctors of every kind; and yes, they serve as Chairs in this House and in very responsible positions in the cabinet of the United States. Women have improved the quality of the recruits of the Armed Services. If there were no women in the Armed Services, much that we do every day and much of what we depend on every day would not be done nearly as well.

None of this has happened because of women in the House of Representatives alone; but no one believes that women in the House of Representatives have made no difference on these great advances for women. To give Members some idea of just how important the work of Lindy Boggs and the women who began the Congressional Women's Caucus has been, I would name only a few of the most important pieces of legislation that have passed this House since the Women's Caucus was formed: The Family Medical and Leave Act, the Pregnancy Discrimination Act, the Child Support Enforcement Act, the Breast and Cervical Cancer Mortality Prevention Act, the Mammography Quality Standards Act. The list is very long indeed.

In honoring Lindy Boggs, we honor the women who have served in the Congress before and since Lindy Boggs served. It is very appropriate to take note, as she is one of the most distinguished women ever to serve in this body in over 200 years.

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

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. VITTER), the sponsor of this resolution.

Mr. VITTER. Mr. Speaker, I am honored and humbled to stand as an author of H. Con. Res. 439 as a small commemoration to a woman who has given her State and country so much, and that is Lindy Boggs.

Louisiana has a rich and colorful history. We have had fierce debates in our State over the politics of north Louisiana versus south Louisiana, Catholics versus Protestants, the LSU Tigers versus the Tulane Green Wave, but we all agree that Louisiana is proud to be

home of a true national gem that we call Lindy, and I am proud to have authored this resolution that honors her work, her legacy, and her life.

Marie Corinne Morrison Claiborne Boggs is beloved throughout Louisiana, but has an impact on events that affect the entire country and indeed the world. She arrived in Washington at 24 years of age as the wife of a newly elected congressman, Hale Boggs, and the mother of young children. She returns this week to receive the Freedom Award from the Capitol Historical Society.

In the meantime, she has served as a congresswoman, as an ambassador, as a chair of political conventions, as someone who has contributed so much to her State and country. In doing so, she pioneered new frontiers for women and has created a true legacy of service, patriotism, and honor.

As a congressional spouse, Lindy managed her husband's campaign and congressional office. She chaired the inaugural balls of Presidents Kennedy and Johnson. She accomplished this while raising three wonderful children. She was truly Hale's helpmate, soulmate, and they were a wonderful team that worked together to form a formidable duo. If Hale and Lindy could not convince and charm someone, it could not be done.

When tragedy struck in 1972, Lindy found herself widowed and Hale's work left undone, so she stepped in where she saw a need and became a pioneer. She won the special election in 1973 to Hale's old seat and became the first woman from Louisiana to be elected to Congress. She retired from Congress in 1991 after many years of exemplary service, but she did not retire from life, she continued to be very active, most notably, going to the Vatican to serve as ambassador to the Holy See.

As we gather to honor Lindy Boggs, I find myself truly awed by the respect and admiration that she garners from such a vast array of people. A friend not only to presidents and the Pope, but really a friend to us all, particularly those of us in Louisiana. Louisiana is proud of Lindy Boggs, a true national gem.

Ms. NORTON. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding me this time, and commend the gentlewoman from the District of Columbia (Ms. NORTON), the gentleman from Georgia (Mr. LINDER), and the gentleman from Louisiana (Mr. VITTER) for their leadership in bringing this important resolution to the floor.

It is an exciting day for those of us who have served with Lindy Boggs. I am pleased to be part of this effort to honor an outstanding woman who has been such an important role model for many of us, and for so many women in political life, Ambassador Lindy Boggs.

Mr. Speaker, how appropriate that the gentlewoman from the District of Columbia (Ms. NORTON) should be managing this bill on the Democratic side. She would have a full appreciation of what Ambassador Lindy Boggs has contributed because of the considerable record of the gentlewoman from the District of Columbia (Ms. NORTON) in all of these areas. Her appreciation is heightened and her recognition all the more important, and I thank the gentlewoman from the District of Columbia (Ms. NORTON) on behalf of all of the women in the Congress. There could not be a better manager of this bill.

□ 1730

As the gentlewoman from the District of Columbia (Ms. NORTON) mentioned, Lindy Boggs had a career of firsts. To name a few, of course as has been said, first woman to be elected to the House from Louisiana, first woman to chair a Democratic National convention, and the first woman to serve as ambassador to the Holy See. And what a great ambassador she was indeed.

Each one of these firsts helped clear the path for women to take on leadership roles and to make their voices heard. I have no doubt if we asked Lindy Boggs about her life of public service, we would not hear about all of those firsts. We would hear about the accomplishments that went with them. What Lindy Boggs cared about were those accomplishments, not what she symbolized but what she had done. The gentlewoman from the District of Columbia (Ms. NORTON) mentioned that there is a room named for Lindy Boggs in the Capitol and she said that rooms in the Capitol are not named for ordinary people, only extraordinary ones. Indeed, they are not even named for women. So this is quite a spectacular source of comfort to women who visit the Capitol that this room is named for Lindy Boggs, and a historic and wonderful room it is at that.

We talk about her accomplishments. The list is long, and certainly time prevents me from going into everything; but I associate myself with some of the accomplishments mentioned by the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman. She was instrumental in ensuring that women had access to credit. She fought for civil rights, pay equity for women, protection of the exploited and assistance to the underprivileged. Her leadership of the Women's Caucus created a powerful bipartisan force for creating policy on issues of concern to not just women but all Americans, issues like Social Security, pensions, and education.

Her most important, I think she would say, contribution was raising her children. Her son's statement, Tom Boggs' statement about her is great. He said it best at a family celebration when he toasted her as mother, campaign manager, mother, consummate hostess, mother, civil rights advocate, mother, congresswoman, grandmother, convention chairman, mother, congresswoman, mother, author, mother, great grandmother, ambassador, mother.

To that I would add one more: teacher. She taught us all when we served with her in the Congress. She taught so many of us here not about the ins and outs and the arcane goings on of this august body. She taught us not only about the issues and how to get things done but she taught us what mattered and how to do it in a way that would reap benefits not only for our issues but for our future service here.

Two of those lessons are two that I would like to convey. When I think of Lindy, I always think of them; and when I employ these lessons, I always think of Lindy. She passed them on. She said Hale used to always say never fight any fight as if it is your last fight. No matter how right you think you are, no matter how involved you are with the issue, no matter how passionate, no matter how angry, no matter what, you always have to take off the gloves and shake hands when it is over, go to your respective corners and come out for another fight another day, but to always treat people as the resource that we are to each other, people here to work for the American people and not to fight to the end on any issue.

And her second piece of advice she gave me long before I came to Congress, but I pass it on with attribution to her all the time, to a group of women gathered, she said know thy power, know thy power. Women, children, workers, people, we should all know our power because this Congress will always respond to the wishes of the American people, and women out there and people out there just have to make their voices heard and their concerns heard, and they can see how powerful they are.

I wish to say that it is easy to get caught up in Potomac fever and believe that power resides here, but she knew and taught us and reminded us constantly that power resided with the people. Thanks to Lindy Boggs, the power is increasingly in the hands of women as well as men, and for that and for much more we are very grateful to her.

I am proud to have this opportunity to join in honoring Lindy Boggs. Everyone who has ever served with her had the privilege of calling her colleague. Every person in America has been blessed by her service to our country. Yes, she is a gem and she truly deserves the title ''The Gentlewoman from Louisiana.''

I thank my colleagues for the opportunity to honor Lindy Boggs today.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) and the gentlewoman from the District of Columbia (Ms. NORTON). It is my privilege to rise today and join many a colleague to express my feelings about Lindy Boggs. I

especially appreciate the gentleman from Georgia's (Mr. LINDER) bringing this matter before us today and giving us this opportunity.

Let me say the last time that Lindy and I were together in a social way was during the time when she served as ambassador to the Holy See, a fabulous experience for a woman of her background and experience and talent; but it was most interesting to me over that luncheon to watch Lindy, for it was very clear to those who know her at all to know that she was missing something that day and the feeling one got was that she was missing the House.

It was my honor to serve with Lindy for a number areas in the House of Representatives. Almost all those years we shared committees together within the appropriations process. She worked long and hard in the legislative branch as well as that subcommittee that deals with housing programs and veterans, those programs within our Committee on Appropriations that serve people in many ways the most. Lindy, above and beyond all else, was a woman of the House who cared most about the institution that is the Congress. While the gentlewoman from the District of Columbia (Ms. NORTON) is my Congresswoman, she and I share the fact that Lindy Boggs represents the best of what we would hope to be as we serve here in the House of Representatives.

Lindy Boggs, with almost every breath during the years she served here, wanted to reflect the best of the House of Representatives, for she cared about this institution. It was her energy that was applied to try to make sure that it did the utmost on behalf of this institution as it continues to serve our people and our freedom well.

Lindy, I look forward to seeing you on Wednesday when people will, in a formal way, address many of your accomplishments. Today it is a privilege of mine to just say a few words about a great friend from the House of Representatives.

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

I thank the gentleman for his remarks, and I appreciate that the gentleman never forgets that he spends more time in Washington than he does in his home district because the House meets here and not in California. I know that Lindy Boggs would especially appreciate the words of the gentleman who served with Lindy Boggs and who serves in such a bipartisan fashion to this day with us all.

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

Mr. LINDER. Mr. Speaker, I am pleased to yield such time as she may consume to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. I thank the gentleman from Georgia for yielding me this time.

Mr. Speaker, on this 25th anniversary of the founding of the Congressional Women's Caucus, I rise along with my colleagues to congratulate its founder, the first woman elected to the U.S. House of Representatives to have served in such a high distinction, Corinne ''Lindy'' Claiborne Boggs. The first woman to chair a national political convention and the first to be elected as ambassador to the Vatican, Lindy Boggs broke the glass ceiling and helped pave the way for the many numbers of women who today humbly serve in our United States Congress.

During the 101st Congress, I had the great privilege of serving alongside Lindy Boggs as she assumed the responsibility of compiling photographs and brief biographies of the 129 women who had served in the House and Senate as of that time. To date, the published volume, which is entitled ''Women in Congress, 1917 to 1990,'' proudly marks Congress' anniversary as it highlights the progress and the contributions made by women to the history of our Nation. That book, ''Women in Congress,'' remains a historical resource which has inspired many readers across America to seek careers in public service.

Through the bipartisan caucus that Lindy Boggs helped found, she remained committed to empowering women and improving the lives of our families. With her leadership, she helped shepherd vital pieces of legislation and helped to create the Select Committee on Children, Youth and Families, proving her dedication to the once underprivileged of our society. Today, the Women's Caucus continues to make history, helping to enact legislation imperative to the lives of women such as the Breast and Cervical Cancer Treatment Act and the Violence Against Women Act.

Mr. Speaker, that is why I rise today to thank Corinne ''Lindy'' Claiborne Boggs, for which the Ladies' Reading Room is named and which is expertly directed by my good friend Susan Dean, for her vision, for Lindy's diligence and for making the women of this legislative body very proud.

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

The gentlewoman from Florida emphasized that the Women's Caucus is a bipartisan caucus. I would like, myself, to reiterate that emphasis. It is, I think, not unusual that the name of Lindy Boggs would be associated with a bipartisan caucus in this House. The Women's Caucus for all of its accomplishments pursues those accomplishments in a bipartisan fashion. That is not always easy, but the fact is that we have found in the caucus that the great majority of the issues that come naturally to us are issues that are of their very nature bipartisan. It was my great privilege to chair the Congressional Caucus on Women's Issues during one Congress. I must say that I think that Lindy Boggs would be especially proud that the caucus that she helped found has maintained its strong bipartisan focus and because of that focus has become one of the strongest caucuses in the House.

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

Mr. LINDER. Mr. Speaker, I am pleased to yield such time as she may consume to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding this time to me, and I certainly thank him and the gentleman from Louisiana (Mr. TAUZIN), the authors of this resolution, for bringing it before the House. I certainly rise in support of H. Con. Res. 439, to honor Lindy Boggs on this 25th anniversary of the Congressional Caucus on Women's Issues. As has been mentioned over and over again, and very appropriately so, this is and always has been a bipartisan group of people who have come together to do what they can for what is in the best interests of women, children, and all of our society.

On April 15, 1977, 15 Congresswomen held the first meeting of the Congresswomen's Caucus. These women met to discuss Social Security and pension reform, child care and job training. They also prioritized securing government contracts for women-owned businesses. It has gone on and on. It has increased its numbers. We named the Congresswomen's Reading Room for Lindy Boggs. How appropriate, because of her strength, her courage, her caring and her fairness.

In 1993, 24 newly elected Congresswomen dubbed the year the Year of the Woman; and the following year, in the 104th Congress, I was privileged to cochair the Women's Caucus that Lindy was one of the founders of. She was the first woman elected to the U.S. House of Representatives from Louisiana, and in 1976 she was the first woman to chair a national political convention.

You may all know the history, that she was only 24 years of age when she came to Washington from Louisiana with her newly elected husband, Congressman Hale Boggs. She emerged as an influential force in American politics, running her husband's congressional campaigns and managing his Capitol Hill office. Simultaneously she raised three children who would come into prominence in their own right. In the words of her youngest child, NPR and ABC-TV's Cokie Roberts, ''Politics is our family business.'' And it is so true. The members of the family, one who is now deceased who was very prominent in politics, Tommy Boggs, and Cokie Roberts all care about family. They care about family, they care about education, and they care about very strong values. Lindy Boggs can be very proud of what she has done to create that environment.

□ 1745

Backtracking, in 1972, Congressman Boggs disappeared in a small plane over Alaska, and Lindy ran for his seat and won. She served in Congress for nine terms, from 1976 to 1990. I was fortunate to serve with her from the time I was elected in 1987 until she left and retired in 1990.

She served on the Committee on Appropriations, she was instrumental in creating the Select Committee on Children, Youth and Families, and chaired the Crisis Intervention Task Force. She spearheaded all kinds of legislation to help the American public on issues ranging from civil rights to credit access and government service and pay equity for women.

I always found her to be a mentor, one that I could go to, and I think others felt the same way, too, when I wanted to seek some advice. She was always understanding, and always had some very gentle but strong advice to offer.

Lindy Boggs has since served as a board member or director of the National Archives, the Botanical Gardens and the U.S. Capitol Commission, and in 1994, she published her autobiography, Washington through a Purple Veil, Memoirs of a Southern Woman.

I also visited with her on two occasions when she became Ambassador to the Holy See. She was the typical Lindy Boggs; receptive, open, very caring about her responsibility, professional, with those who were there to visit.

So I support this resolution honoring Lindy Boggs and the Congressional Caucus on Women's Issues on its 25th anniversary. Bipartisanship has always been a key to the Caucus' success. We find the issues we can share our support for and we bring our efforts together to improve the lives of women and families.

Again, Mr. Speaker, I congratulate Lindy Boggs for the great service she has rendered. May the Congressional Caucus for Women's Issues thrive and continue.

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

Mr. LINDER. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Louisiana (Mr. TAUZIN), I suspect a longtime friend of the Boggs family.

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

Mr. Speaker, I am pleased today that we are taking a moment to honor Lindy Boggs and the work she did in this Chamber and throughout her lifetime for our Nation, for our State, and for so many in this House who were privileged to know her and work with her. It is indeed amazing that it is already 25 years since she participated so mightily in the establishment of the Congressional Caucus on Women's Issues, and we celebrate that anniversary today in the same moment we honor her for her work and enduring character and enduring spirit.

I wanted to speak for a second as dean of the Louisiana delegation about Lindy Boggs, the person. The women of this Chamber have a lot of debt to Lindy Boggs. She broke so many glass ceilings in her life and she opened so many doors that had remained closed before. She was such an instrument of advancing the cause of women in this Nation in her incredibly quiet, genteel and classy way. But the men of this Chamber owe a great deal to Lindy Boggs, too, particularly the members of the Louisiana delegation.

I came to know Lindy as the spouse of Congressman Hale Boggs, who was such a powerful figure in this Chamber and lost his life campaigning for a colleague in Alaska. We never found Hale Boggs. We just know that we lost him, and Lindy Boggs had to pick up the pieces of her life and her career in the face of that awful tragedy. But she not only picked up the pieces of his career, but established her own and became a legend in Louisiana for amazing service to our State as a Congresswoman.

On a personal level, Lindy Boggs was something very special for all the members of our delegation. I believe all of you who serve in this body know of which I speak when I say that there are times when the stresses of the job we have undertaken, that we have undertaken in many cases in spite of the demands of family and friends and work and all the other things that intrude upon our work here in Congress, those pressures and those incredible hours and those incredible problems of travel back and forth to the district that we all undertake in service to our country sometimes erode your sense of who you are and what you are and sometimes become very almost unbearable in the light of all the claims upon your life as a Member of Congress. Your children need you, your friends need you, the folks at home need you, and your colleagues and their work here need you. Eventually at some point in your career, you need some very special person to set it all right and sit down with you and give you focus again.

Lindy Boggs always did that for our delegation. I can remember so many times when a member of our delegation was in that moment of stress when it all seemed too much, and it all seemed too difficult, and it all seemed almost unbearable, and Lindy Boggs was there to put it all in perspective and remind them why they knocked on doors and why they worked so hard to get here and what service to this country was all about and what it was to sacrifice sometimes in order to do this job good and to do it well, and to be respectful of all the obligations imposed upon a Member of this body.

Lindy Boggs was such a class act as a Congresswoman. She remains such a class act as a person. She remains someone all of us in our delegation continually look up to with admiration and respect and honor and great affection.

She went on, as you know, to serve as Ambassador to the Vatican and to serve our country in that incredibly important function, representing our Nation to a foreign nation. She did so with, again, that special style that was only Lindy's, that special ability to charm anyone, anywhere in this world, and to make them want to pay attention to her and to listen to her and to take her into account.

She had so many gifts, and this beautiful family she raised with so much talent is just one of the many gifts that she has given this body and this world and this country.

For all of you who look back over those 25 years and think how far this body has come, how much we have changed in those 25 years, let me perhaps close with one most important thought for the women of this body: Lindy Boggs opened not only doors for you, but she opened a lot of eyes to men in this body about women's issues. She taught us so much. She made us all much more sensitive to the concerns of women, not only in this body, but in this country. And to all of you who remember her, as I do, with such love and affection on this 25th anniversary of this institution of the Congressional Caucus on Women's Issues that she was so mightily responsible for, we say thank you again, Lindy. Thank you for being a part of this body, thank you for giving so much of your life to this country in so many different ways. Thank you for being that personal nurturing spirit that you were for our delegation in so many tough moments, and thank you for all you did for women's issues in this country.

Lindy Boggs, we love you, and this body stands in awe of you, and we honor you today because you deserve no less than the highest honor this body could ever afford anyone in this country, who has done so much and given so much and has been such a great lady as yourself.

The SPEAKER pro tempore (Mr. TERRY). The time of the gentleman from Georgia (Mr. LINDER) has expired. The gentlewoman from the District of Columbia has 5 minutes remaining.

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

Mr. Speaker, Lindy Boggs makes us use the words eloquence, intelligence and excellence in the same sentence. I think that is why 11 years after she left this House she continues to draw people to this floor when we speak her name. That, in and of itself, speaks volumes of the lasting contributions and the significance of the contributions Lindy Boggs has made.

If I may be so presumptuous as to speak on behalf of the women who serve in the Congress, we are especially grateful to today honor a woman whom we regard as one of the seers, one of the great mentors of the House.

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

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

Mr. Speaker, in closing, let me just say that I have met Lindy Boggs personally on one occasion in the Ambassador's residence in Rome when she was an Ambassador to the Holy See. Knowing of her remarkable history, her remarkable contributions to this country, I only left that meeting saying, gee, what a nice lady. I hope someone says that about me sometime, what a nice person. All of us have made

contributions one way or another, but she was a lovely lady.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to honor Corinne Lindy Claiborne Boggs, a pioneer for all women in the U.S. Congress. As the first woman from Louisiana to be elected to the U.S. House of Representatives and as a founder of the Congressional Women's Caucus, Lindy Boggs helped pave the path for all women Members of Congress who have followed in her footsteps.

When Lindy Boggs was elected to Congress in 1973, there were only 15 other women in the House of Representatives. Today there are 62 women in the House, and for the first time ever, a woman holds the second highest position in the Democratic party. Lindy Boggs is a model and inspiration for all of us who dedicate our lives to public service. She was the first woman to chair a national political convention in 1976 and served as the Ambassador to the Vatican under President Clinton from 1997 to 2000.

I am proud to walk the same halls and work in the same Chamber where Lindy Boggs broke down so many barriers and led the way for so many to follow. I commend her for her leadership, spirit, and vision, and urge my colleagues to support H. Con. Res. 439 Honoring Corrine ''Lindy'' Claiborne Boggs on the Occasion of the 25th Anniversary of the Founding of the Congressional Women's Caucus.

Mr. HOYER. Mr. Speaker, I rise today in strong support of H. Con. Res. 439, which pays tribute to my friend, Corinne ''Lindy'' Claiborne Boggs, on the occasion of the 25th anniversary of the founding of the Congressional Women's Caucus.

Lindy Boggs is an outstanding individual whose service in the U.S. House of Representatives has made a lasting and positive contribution to this great institution. Her dedication to public service, especially in improving the lives of women, children and the underprivileged, has touched the lives of many—and is a testimony to her impeccable character.

I had the distinct honor of serving on the Appropriations Committee with Lindy after I was elected to Congress—and I can truly say she is one of the most proactive and effective Members I have had the privilege of serving with in Congress.

Lindy's remarkable career is one of many firsts. In 1973, she became the first women elected to the United States House of Representatives from Louisiana. And by the end of her tenure in 1991, she became the longest serving Congresswoman from the South.

Lindy was the first woman to chair a national political convention, leading the Democratic convention of 1976 that nominated President Jimmy Carter.

Her dedication to the advancement of women led her to help found the Congressional Women's Caucus in 1977, which is still active today as an instrumental bipartisan force in Congress that promotes key legislation to advance the rights of women.

She was a leader in creating the Select Committee on Children, Youth and Families, and chaired the Crisis Intervention Task Force.

Since retiring from Congress, Lindy served as United States Ambassador to the Holy See from 1997–2001. Her life long dedication to public service exemplifies the devotion, integrity and leadership that have characterized her personal, family and political lives through the years.

I am proud to stand with my colleagues in support of H. Con. Res. 439, in tribute to Lindy Boggs. Her valuable contributions in Congress and her fierce advocacy of women's rights are an inspiration to all of us.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to join in celebrating the contributions of Corrine ''Lindy'' Claiborne Boggs on the Occasion of the 25th Anniversary of the Founding of the Congressional Women's Caucus.

I was one of only 16 women Members of the House of Representatives in March 1973, when Lindy began her tenure after winning a special election to fill the seat of her beloved husband, Congressman Hale Boggs. Fourteen of the women Members were Democrats and two were Republicans.

Lindy knew how to be an effective legislator from the start. She already knew a great many of the Members and was knowledgeable about House procedure and protocol. In 1976, she became the first woman to chair a national political convention, presiding over the nomination of President Jimmy Carter.

In 1977, Lindy and 14 other women representatives held the first meeting of the Congresswomen's Caucus in the Congresswomen's Reading Room. From the beginning, the focus of the caucus was on issues with special relevance to women, since our representation among the general Membership of the Congress was so small. The Caucus was a bipartisan organization from its inception, showing that Democratic and Republican Congresswomen could work together on issues to improve the lives of women and their families.

In 1981, the name of the Caucus was changed to the Congressional Caucus on Women's Issues and membership was opened to male members of Congress. In 1990, we voted to name the Congresswoman's reading room the Corrine ''Lindy'' Boggs Congressional Reading Room in recognition of Lindy's years of service as Caucus Secretary, her example of bipartisanship, and her efforts to ''fix up'' our little space.

Lindy served nine terms in Congress, including service on the Appropriations Committee. She was instrumental in creating the Select Committee on Children, Youth and Families and chaired the Crisis Intervention Task Force. Lindy decided not to run for Congress in 1990.

Lindy was appointed U.S. Ambassador to the Holy See (Vatican) by President Clinton and served in that capacity from 1997 to 2001.

I join my colleagues in thanking Lindy for her years of outstanding public service to the people of Louisiana and to our nation. Her role as a founding member of the Congressional Women's Caucus has helped to make the concerns and voices of women heard throughout our government.

Mr. HOLT. Mr. Speaker, I am very pleased to join with my colleagues in support of this legislation to honor Corrine ''Lindy'' Boggs for her years of service to the House and to the nation.

We in central New Jersey have a close relationship with the Boggs family that many of my colleagues may not know about and we have a special affection for Lindy Boggs who has spent so much time in our area.

In 1983, Princeton elected as mayor Barbara Boggs Sigmund, Rep. Bogg's daughter. Barbara Boggs Sigmund was a Southern belle whose charm and grace and style and courage made her one of the most beloved politicians of modern New Jersey history. Lindy Boggs often has listed ''mother'' as one of her accomplishments—with offspring like Barbara, Cokie and Tom it's no wonder.

Barbara Boggs Sigmund played in the halls of Congress as a child, worked as a letter writer for President John F. Kennedy and danced with President Lyndon Johnson at her wedding. She is remembered for working up to the final day of an 8-year battle with the cancer that took her life at age 51 in 1990.

In 1972 Sigmund launched her political career with a winning campaign for a seat on the Princeton Borough council. In three years she was a Mercer County freeholder as we call county councilors in New Jersey. As a council member she convinced New Jersey government to ''Save the Dinky,'' the single-car train that links the Borough to the Princeton Junction station a mile outside town. She has also established Womanspace, a shelter for battered women. Later as Mayor, she joined with Mercer County Executive Bill Mathesius, a Republican, to promote ''smart growth'' in New Jersey. Barbara was reelected, and entered the Democratic gubernatorial primary in 1989.

''Barbara had a blend of personal charm and chutzpah that nobody could stop,'' a former colleague said after Sigmund's death. She was a omen in the mold of her colleague Lindy.

Barbara Boggs Sigmund, like her distinguished parents, made public service their calling. We in central New Jersey are better for the commitment of Lindy Boggs and her entire family. I join with my colleagues in honoring these distinguished Americans.

Ms. SHEILA JACKSON-LEE of Texas. Mr. Speaker, today we are here to support the passage of H. Con. Res. 439, which seeks to honor Congresswoman Corinne ''Lindy'' Boggs of Louisiana, the first woman to be elected to the House from that State.

Corinne ''Lindy'' Boggs was elected to represent Louisiana in a special election held after the devastating disappearance of her husband's plane in 1972.

Before her stint in the House, Boggs diligently served as the president of the Women's National Democratic Club, the Democratic Wives' Forum, and the Congressional Club. She chaired the inaugural committees for President Kennedy in 1961 and President Johnson in 1965. She also served as the first female Regent of the Smithsonian.

After filling the seat of her late husband, Corinne ''Lindy'' Boggs helped to found the Congressional Women's Caucus and served as longtime Caucus secretary.

On this historic 25th anniversary of the founding of the Congressional Women's Caucus, we look to honor one of the original members, Corinne ''Lindy'' Claiborne Boggs.

The Women's Caucus is a bipartisan group committed to improving the lives of women and families, putting their partisan differences aside. The Women's Caucus supports initiatives that impact women and families. Originally established on April 19, 1977, the Women's Caucus has successfully fought for fair credit practices, tougher child support enforcement, retirement income security, and equitable pay.

The Caucus has a long list of accomplishments in the 107th Congress including, but not limited to, the Pregnancy Discrimination Act,

the Civil Rights Restoration Act, the Women's Business Ownership Act, and the Family and Medical Leave Act.

Caucus members have championed women's issues around the world reaching from Egypt to China. At the U.N. world conferences on women and children, the Caucus brought to the U.N.'s attention the plight of refugees.

Few of these accomplishments would have been possible without the insightful and trailblazing leaders of women such as Corinne ''Lindy'' Claiborne Boggs. She served nine terms in the House before retiring in 1990. In 1997, Boggs was nominated by President Clinton to be the U.S. ambassador to the Vatican City.

Boggs has served this House and country well, now we have the opportunity to show our gratitude.

Ms. KAPTUR. Mr. Speaker, I rise this evening to honor Ambassador and Congresswoman Corinne ''Lindy'' Claiborne Boggs, a great and timeless leader and lady of this House.

I had the privilege of serving with Lindy Boggs from the time I arrived in Congress in 1983 until her congressional retirement in 1991. As a member of the Banking Committee and the Appropriations Committee, she championed many causes including equal credit for women, civil rights, and community development.

Lindy was instrumental in founding the Women's Caucus in 1977 when there were only 15 women in the House. She served as Caucus Secretary. Throughout her congressional career, she was dedicated to improving the lives of women and families.

So, as we celebrate the 25th anniversary of the founding of the Women's Caucus, it is only fitting that we honor Lindy's lifelong achievements. Her portrait hangs in the Women's Reading room now renamed The Corinne Lindy Claiborne Bogg Room for years hence.

Lindy has the distinction of being the first woman elected to the House of Representatives from the state of Louisiana and the first woman to chair a national political convention, leading the Democratic National Convention that nominated former President Jimmy Carter in 1976.

She was also America's distinguished Ambassador to the Holy See during the Clinton Administration, the first woman ever appointed to this post.

On April 19, 1977, fifteen Congresswomen held the first meeting of the Women's Caucus. At the time there were a total of 18 female members of the House of Representatives and 2 female Members of the Senate. Twenty five years later, we have 62 female members of the House of Representatives and 13 female members of the Senate. Our progress is slow but steady, a testament to a nation that has expanded liberty for all people since our founding.

With growing strength in numbers, Lindy's bipartisan spirit lives on today. The Congressional Women's Caucus continues to carry the torch for equitable pay, women's health, and child welfare under the leadership of Congresswoman Juanita Millender-McDonald of California and Congresswoman Judy Biggert of Illinois.

Lindy's spirit of bipartisanship has served as the key to the Caucus's strength and success, and I am honored to be a co-sponsor of this resolution. As a member of this people's House and the Women's Caucus for the past 20 years, I extend my sincere admiration and deepest appreciation to Corinne ''Lindy'' Claiborne Boggs for there extraordinary service to the people of the United States and the world and her unwavering dedication to the establishment of the Congressional Women's Caucus. Onward and godspeed to Lindy and her beautiful family.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LINDER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 439.

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. LINDER. 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. LINDER. 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. Con. Res. 439.

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

There was no objection.

## RECOGNIZING CONTRIBUTIONS OF PAUL ECKE, JR., TO POINSETTIA INDUSTRY

Mr. PUTNAM. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 471) to recognize the significant contributions of Paul Ecke, Jr., to the poinsettia industry, and for other purposes.

The Clerk read as follows:

H. RES. 471

*Resolved*, That the House of Representatives—

(1) recognizes Paul Ecke, Jr.'s legendary energy, generosity, integrity, optimism, determination, and love of people which have enabled him to develop the poinsettia industry as well as to touch and improve the lives of children and adults all over the world through his extraordinary contributions; and

(2) extends its condolences to the Ecke Family and to the floral industry on the death of Paul Ecke, Jr., who was a philanthropist, and advocate for education, and a warm, loving, and brilliant human being.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. PUTNAM) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

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

GENERAL LEAVE

Mr. PUTNAM. 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. 471.

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

There was no objection.

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

Mr. Speaker, I am pleased to have the House consider H. Res. 471, important legislation introduced by our distinguished and decorated colleague, the gentleman from California (Mr. CUNNINGHAM).

This resolution recognizes the significant contributions of Paul Ecke, Jr., to the horticultural industry and in particular the poinsettia industry.

The poinsettia is named after Joel Roberts Poinsett, the United States Ambassador to Mexico from 1825 to 1829. Ambassador Poinsett, who collected the flower while serving as Ambassador and sent them to his greenhouse in South Carolina, brought the first poinsettia to the United States.

Since then, the poinsettia has grown to become synonymous with the Christmas holiday season. For more than 150 years, December 12 has been traditionally recognized as National Poinsettia Day. That date marks the death of Ambassador Poinsett.

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

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

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

Mr. Speaker, Paul Ecke, Jr., revolutionized the way poinsettias are bred, produced and sold in the United States, making it the best selling potted flowering plant in the United States and the world.

The poinsettia, which is native to Central America, flourished in Southern Mexico, where the Aztec Indians used it decoratively, for medicine, and for dye for textiles. The poinsettia was first brought to the U.S. by Joel Roberts Poinsett, the U.S. Ambassador to Mexico from 1825 to 1829.

Ecke Ranch, established by Paul Ecke, Sr., and subsequently owned and developed by Paul Ecke, Jr., created a worldwide poinsettia market. In 2001, poinsettias contributed $250 million in sales at the wholesale level to the United States economy, and many times that amount to the economies of countries around the world.

□ 1800

This resolution recognizes Paul Ecke, Jr.'s integrity and determination and love of people which have enabled him to develop the poinsettia industry and extends condolences to his family on his death.

Mr. Speaker, I urge my colleagues to support this resolution.

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

Mr. PUTNAM. Mr. Speaker, I yield such time as he may consume to the

gentleman from California (Mr. CUNNINGHAM), the distinguished and decorated top gun in the House; it is a pleasure to be his wing man.

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

Mr. Speaker, Paul Ecke, Jr., was not a Congressman, he was not a Senator, but most of the Members in this House, and the other body as well, have benefited not only from Paul Ecke, Jr., but his entire family.

I rise in tribute to Paul Ecke, Jr., who passed away at the age of 76. I do so for my San Diego colleagues who are on a plane unable to make it here tonight, and also former member Ron Packard.

I rise today to pay tribute to the life and accomplishments of my friend, Paul Ecke, Jr., and also my constituent. Paul was a devoted husband and father, a leader in the San Diego community, and a force in the poinsettia industry. While his leadership and the business made him an international figure, it was his warm heart and caring personality that made him a community leader and friend. The entire Ecke family has dedicated themselves to children, education, and the betterment of San Diegoans.

Since I came to Congress, Paul and I have worked together on issues important to our community of San Diego and to the flower industry worldwide. Paul's boundless leadership and generosity was evident in his support of local charities. The Magdalena Ecke YMCA, which was named after his mother; the San Diego Museum of Natural History, which he dedicated personal time in the overseeing of; the California State University at San Marcos, and the Del Mar Fair Grounds. In addition, Paul's industry has given America the world's poinsettia for holidays. Eighty percent of the world's poinsettias are licensed to the Ecke ranch, not a small accomplishment.

I will never forget the first time I met Paul. He came to meet me in my home when I was a candidate for United States Congress. He walked in my living room, he picked up a basket of silk flowers from my coffee table and immediately threw them in the garbage. He told me that he would replace it with something better, and later that day, he sent me an arrangement of real flowers. Paul was a man who noticed every detail and never hesitated to tell you what he was thinking, and who always followed through with his promises.

Paul's life exemplified commitment and service to his community, and he leaves behind a legacy for his family, his friends, and fellow Americans to follow.

Together with poinsettias, Paul Ecke leaves a legacy of philanthropy. His generosity extended not only just to the YMCA, but his father had the Paul Ecke Elementary School named after him, so we can see the entire family has been involved in education.

Paul Ecke, Sr., who died in 1991, developed the first poinsettia cultivar from a wildflower native to Mexico so that it could be successfully grown in an indoor potted plant. Over the years, the family marketed the plant so it could become synonymous with the Christmas holidays. Today, the family employs 300 people in Encinitas and 1,000 in Mexico.

As a member of the YMCA Board of Directors for many years, Ecke, Jr.'s signature fund raiser was a holiday poinsettia ball and annual benefit that would raise $75,000 minimum a year for scholarships for children of low-income families to use at the YMCA. From 1992 to 2000, Ecke, Jr. was a member of the Del Mar Board. During his tenure, the fair flower show expanded to a nationally recognized event. Paul Ecke, Jr.'s son, Paul Ecke, III, now runs the business and told me the motto of the Ecke family house was ''We never give up.'' Paul Ecke, III said that he showed us by example that you do not lie, you do not cheat, and you do not steal, and that you are fair.

Paul Ecke, Jr., joined the Navy and served in the Pacific aboard USS *Knapp*. He was called back to duty in 1951 to serve as an ensign aboard the USS *Perkins* in the China Sea during the Korean War. Even then, his green thumb was irrepressible. Paul Ecke, Jr. told me a story about his father, that the guns had shook the ship so much that the Captain's flowerpots had jiggled all the dirt out. Paul Ecke, Jr. got the captain to go to the North Korean shore and gather more earth so that the flowers could grow on the USS *Perkins*. He was a horticulturist.

Paul Ecke, Jr. earned a degree in horticulture from Ohio State University in 1949. From there, Ecke, Jr. pioneered the use of greenhouses to grow his flowers. He was responsible for the construction of the Floral Trade Center in Carlsbad. If any of the Members have ever attended the flower gathering once a year held over in the Cannon Building, it was Paul Ecke, Jr. who organized the entire event and gave flowers out to every Member of Congress and lady that wanted them, and most of the men as well, for their ladies.

Yes, Paul was a giant man. He was not a Congressman. He was not a Senator. We will miss him.

Mr. Ecke is survived by his wife, Maureen; daughter, Sara Ecke May of Greensboro, North Carolina; daughter Lizbeth Ecke; son of Paul Ecke, III, and 7 grandchildren. May God bless Paul Ecke, Jr.

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

In addition to the other fine things that have been said about Paul Ecke, Jr., he also led the horticulture industry's successful effort to include for the first time significant research funding for floral and nursery crops in the research budget of the United States Department of Agriculture. We extend our condolences to the Ecke family and to the floral industry on the death of Paul Ecke, Jr., who was a philanthropist, an advocate for education, and a warm and loving human being.

Mr. STENHOLM. Mr. Speaker, I rise to join my colleagues in their tribute to Paul Ecke, Jr. and the Ecke family for their contributions to the floral and horticulture industries in this country and particularly for their devotion to the cultivation and improvement of the poinsettia plant.

This is a case where the impact one family has had on an industry cannot go unmentioned, and the unfortunate passing of Paul Ecke, Jr., gives us the opportunity to pay tribute to him and to his father.

Their ingenuity and hard work have made poinsettias a holiday tradition and the largest selling potted plant in this country. It is also an amazing feat when one thinks that over 80 percent of all poinsettia plants grown in the world can trace their origin to the Ecke Ranch.

Paul Ecke, Jr., was a tireless worker on behalf of the entire floriculture industry and his efforts will truly be missed. I send my condolences to his family and to his industry.

Mr. PUTNAM. Mr. Speaker, I urge all Members to support this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Florida (Mr. PUTNAM) that the House suspend the rules and agree to the resolution, H. Res. 471.

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

A motion to reconsider was laid on the table.

## EXPRESSING GRATITUDE FOR THE 10-MONTH-LONG WORLD TRADE CENTER CLEANUP AND RECOVERY EFFORTS AT THE FRESH KILLS LANDFILL ON STATEN ISLAND, NEW YORK, FOLLOWING THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001

Mr. PUTNAM. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 492) expressing gratitude for the 10-month-long World Trade Center cleanup and recovery efforts at the Fresh Kills Landfill on Staten Island, New York, following the terrorist attacks of September 11, 2001.

The Clerk read as follows:

H. RES. 492

*Resolved*, That the House of Representatives thanks and pays tribute to all those whose 10 months of efforts at Fresh Kills Landfill on Staten Island, New York, to clean up the debris from the site of the World Trade Center, and to recover the remains and effects of the victims, following the terrorist attacks of September 11, 2001, helped to bring healing and closure to the victims' families and loved ones, to New York, and to the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. PUTNAM) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

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

GENERAL LEAVE

Mr. PUTNAM. 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. 492.

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

There was no objection.

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

Mr. Speaker, House Resolution 492 is being introduced by our distinguished colleague from the State of New York (Mr. FOSSELLA). This resolution honors the more than 1,000 workers who worked day and night for 10 months at the Fresh Kills Landfill on Staten Island, sifting through over 1.5 million tons of debris from the World Trade Center site, searching for human remains and personal items.

Mr. Speaker, following the unthinkable horror of last September 11, a reality emerged that rivaled the gravity of the tragedy itself, that the debris from the site would have to be hauled away and painstakingly sifted for the remains of those killed in the tragedy. Tons of concrete, steel, and other material had to be carried away by the truckload, and dedicated men and women from New York City, State, and Federal agencies contracted to completing this seemingly endless and compassionate work.

Mr. Speaker, I thank the gentleman from New York for introducing this measure that honors those wonderful Americans that performed this backbreaking labor for months on end. For this reason, I urge all Members to support the adoption of House Resolution 492.

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

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

Mr. Speaker, the debris from the cleanup of the terrorist attacks on the World Trade Center towers were taken to the Fresh Kills Landfill on Staten Island, New York for cleanup and investigation. Over a 10-month period following September 11, 2001, more than 1,000 workers at the landfill, around the clock, tirelessly and carefully sifted through all 1.62 million tons of debris from the World Trade Center site, searching for remains, personal effects, and evidence from what is now considered to be history's largest crime scene.

These workers came from 28 New York City, State, and Federal agencies to participate in these cleanup and recovery efforts. They recovered approximately 20 percent of all of the victim remains following the towers' collapse, as well as more than 54,000 personal items. The remains of 188 of the 1,215 World Trade Center victims whose remains have been identified and returned to their families were recovered at the landfill. The actions of these workers brought peace to the hundreds of friends and families that were touched by this horrific attack against the United States.

This resolution pays tribute to the workers who helped clean up the debris of the World Trade Center site and recovered the remains and effects of the victims. I urge my colleagues' support for this resolution.

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

Mr. PUTNAM. Mr. Speaker, I yield such time as he may consume to the gentleman from Staten Island, New York (Mr. FOSSELLA), the sponsor of this measure.

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

Mr. FOSSELLA. Mr. Speaker, I thank the gentleman from Florida for yielding me this time, and I thank the gentleman from Missouri for his words.

This was said last week at the closing ceremony of the Fresh Kills Landfill: ''As grass grows green again on Fresh Kills, teach us that life, not death, has triumphed.'' That was the Reverend Jack Ryan who spent, it seemed like almost every day for the last 10 months, up at the landfill that has been mentioned by my colleagues, where more than 1,000 workers and volunteers really did the Lord's work, trying to help some families come to closure. As was mentioned, 54,000 personal items, such things as wedding rings or wallets, identifications, pictures, and the like were recovered and given to many of the families. The gentleman from Missouri (Mr. CLAY) mentioned that 188 of the victims were identified from the work at Fresh Kills.

Over the past 10 months, I visited the landfill many times and witnessed for myself the work which has taken a physical and an emotional toll on the men and women there. But they never stopped pushing themselves. They never stopped, because they knew what they were doing was making a positive difference in the lives of people who suffered greatly. They brought peace of mind and a sense of healing to many, and a grateful Nation offers its thanks to these tireless and dedicated workers.

Many of the workers sustained personal losses themselves on September 11 and were perhaps searching and working to find any remnant that would help bring their own loved one to rest. They were working in honor of their own family, friend, or coworkers; others simply worked for our country and to provide some element of closure to fellow Americans.

The sacrifice of all of these workers and their willingness to give of themselves to help others has shown that the best attributes of mankind may emerge, even as a result of the worst mankind can do. Through their efforts, people such as Police Investigator James Luongo, the coordinator of the recovery effort at Fresh Kills, FBI Special Agent Richard Marx, Firefighter John Tedesco, Port Authority Police Lieutenant Brian Tierney, Dominick Bilotto of the New York City Sanitation Department, and hundreds like them gave families such as Bill and Camille Doyle some comfort by returning their 25 year-old son, Joseph's, driver's license and credit cards which were retrieved at Fresh Kills.

For now, it is all the Doyles have of their son, a driver's license and credit cards. But even for that, they are extremely thankful to those who worked at the landfill.

I think a clear demonstration of how much their work at Fresh Kills means to the people of Staten Island, New York City, the State, and the Nation is illustrated by the actions of a Staten Islander, Daya Madison of St. George who, on the day of the closing ceremony, stood at the foot of the road leading out of the landfill, holding up the same signs she has held up at the site for almost 10 months straight, wishing the workers well and thanking them.

□ 1815

As a Nation, we must remember that while over 1,200 families, 1,200, have had the remains of their loved ones returned to them. There are over 1,600, 1,600 families who lost a loved one on that unimaginable day of September 11 at the Trade Center who have not recovered anything. These families do not have a grave site to visit, ashes to scatter or something of their loved one to lay to rest. Almost a year later these families are still hoping and praying every day that their loved one will be identified and returned to them.

We must also remember to keep these families in our hearts and prayers. For over 50 years the Fresh Kills Landfill in Staten Island served as a dumping ground for New York City, now and forever more will serve as a hallowed ground; and we will always remember how the good in people was exhibited there.

It is often said that closure does not have an end and we do not necessarily move on, but move forward. These workers at Fresh Kills Field should forever remain proud in knowing that they helped many more than they will ever know to move forward. Again, as Father Ryan said, ''As grass grows green again on Field Kills, teach us that life not death has triumphed.''

Mr. PUTNAM. Mr. Speaker, I thank the gentleman from New York (Mr. FOSSELLA) for bringing this measure to the House's attention. I urge adoption of this measure.

Mr. ISRAEL. Mr. Speaker, I rise to join my friend from Staten Island in recognizing the heroes who worked outside the view of cameras over the last year.

The people who worked at Fresh Kills had a terrible task. More than 1,000 workers toiled at the landfill, 24 hours a day, 7 days a week. They sifted through all 1.62 million tons of debris from the World Trade Center site. they sifted through a national tragedy, looking for the remains of national heroes.

They searched for body parts, personal items, and evidence from what is history's

largest crime scene. These workers recovered approximately 20 percent of all the victim remains. 188 of the 1,215 World Trade Center victims whose remains have been identified and returned to their families were recovered at the landfill.

More than 54,000 personal items were recovered: wedding rings, photographs, driver licenses, keys; reminders of lives lived and tragically cut short.

These workers helped the victims' families by giving the families something to hold. These items could never replace the lost ones, but could help give some closure and peace. On July 15, 2002, the cleanup and recovery operations at Fresh Kills Landfill came to a somber conclusion.

We will however, be eternally grateful to the workers at Fresh Kills. We know it wasn't an easy job. But these workers lived up to the best ideals of service by helping so many families.

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Florida (Mr. PUTNAM) that the House suspend the rules and agree to the resolution, H. Res. 492.

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. PUTNAM. 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.

## WILLIAM C. CRAMER POST OFFICE BUILDING

Mr. PUTNAM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5145) to designate the facility of the United States Postal Service located at 3135 First Avenue North in St. Petersburg, Florida, as the ''William C. Cramer Post Office Building''.

The Clerk read as follows:

H. R. 5145

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

**SECTION 1. WILLIAM C. CRAMER POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 3135 First Avenue North in St. Petersburg, Florida, shall be known and designated as the ''William C. Cramer Post Office Building''.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. PUTNAM) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

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

GENERAL LEAVE

Mr. PUTNAM. 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. 5145, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 5145, introduced by our colleague from the State of Florida (Mr. YOUNG), the distinguished chairman of the Committee on Appropriations, designates a post office at 3135 First Avenue North in St. Petersburg as the William C. Cramer Post Office Building. Members of the entire House delegation from the great State of Florida are co-sponsors of this legislation.

In 1951, Republicans in the Florida legislature were still a rarity; but as Pinellas County sent up an entirely GOP delegation to the 1951 session, there were enough to justify electing a minority leader for the first time. They elected freshman William C. Cramer as the minority leader who, along with two other members of this Pinellas County delegation, made up the entire Republican conference.

It is worth noting under his leadership they soon doubled their numbers to six in the 1954 election.

Mr. Speaker, this post office will recognize former Congressman Bill Cramer for his 16 years of service to the people of Florida. Bill Cramer represented Floridians in the Republican Party of Congress as the ranking member on the House Committee on Public Works, the Subcommittee on Roads and the Committee on Federal Aid Highway Investigation. Prior to his elective service, he also served in the Navy reserves in Europe during World War II.

Mr. Speaker, Bill Cramer is a friend and mentor who served our Nation with great honor and distinction in this House. The enactment of this legislation will leave in St. Petersburg, the hometown he so dearly loved and served, a lasting tribute to his service, his patriotism, and his devotion to our Nation. I thank the distinguished chairman from Florida (Mr. YOUNG), who is unfortunately unable to be with us today, for introducing this measure. I urge all Members to support the adoption of H.R. 5145.

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

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

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to join my colleague in the consideration of H.R. 5145, a bill to designate a facility of the U.S. Postal Service after William C. Cramer.

H.R. 5145 was introduced by the gentleman from Florida (Mr. YOUNG) on July 16, 2002, and enjoys the support and co-sponsorship of the entire Florida congressional delegation. William Cramer was born in Denver, Colorado, and at the age of 3 moved with his parents to St. Petersburg, Florida, where he attended public schools. After serving as a lieutenant in the Naval Reserve and the State House of Representatives, William Cramer was elected to the U.S. House of Representatives in 1955, and served until January 1971. He is currently retired and a resident of St. Petersburg, Florida.

Mr. Speaker, I urge the swift passage of this bill.

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

Mr. PUTNAM. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from the greater Orlando, Florida area (Mr. MICA).

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

Mr. Speaker, I am pleased to come before you in support of this legislation that will name a Federal facility in honor of William C. Cramer, a former Member of this distinguished body.

I have had the opportunity over the past 3 decades to know, and the opportunity to work with, the opportunity to admire Bill Cramer as he is affectionately known. Congressman Cramer, as we have heard, was one of the leaders in Republican-elected service in the State of Florida at a time when all the Republicans in the State legislature could meet in one phone booth and still have plenty of room left over. He not only led the beginning of a two-party system in the Florida legislature when he was first elected to Congress, he was the first and only Republican elected since the Civil War, one lone Republican member of the delegation; and today we have 15 of 23 due to his great legacy of service.

I had the opportunity to work for Bill Cramer as a young man in his campaign for the United States Senate in 1970. Much of what I have learned in campaigns and much of what I learned about elected service comes from the model provided by Bill Cramer. Bill Cramer served in this House and also served as an inspiration for me to become involved in the Committee on Transportation and Infrastructure. He was one of the leading Republican members of its predecessor, the Committee on Public Works, and served with distinction.

Bill Cramer's service is an example of the legacy that we can leave here, not just in words, but also in changing the infrastructure and the opportunity and lives of so many people.

If you go through central Florida and look at the intrastate and the infrastructure projects from end to end, many of them show the handy work of this great leader who we are here to honor. Bill Cramer will be celebrating his 80th birthday, and it could not be more fitting to have any facility named for any individual I know of

than the distinguished former gentleman from this body, the Honorable William C. Cramer.

Mr. PUTNAM. Mr. Speaker, I thank the gentleman from Florida (Mr. MICA), who has taken up the mantle of leadership from Mr. CRAMER as the lead advocate for Florida's infrastructure needs.

Mr. Speaker, I urge adoption of this measure.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. PUTNAM) that the House suspend the rules and pass the bill, H.R. 5145.

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.

## SENSE OF CONGRESS THAT FEDERAL LAND MANAGEMENT AGENCIES IMPLEMENT WESTERN GOVERNORS ASSOCIATION ''COLLABORATIVE 10-YEAR STRATEGY FOR REDUCING WILDLAND FIRE RISKS TO COMMUNITIES AND THE ENVIRONMENT''

Mr. POMBO. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 352) expressing the sense of Congress that Federal land management agencies should fully implement the Western Governors Association ''Collaborative 10-year Strategy for Reducing Wildland Fire Risks to Communities and the Environment'' to reduce the overabundance of forest fuels that place national resources at high risk of catastrophic wildfire, and prepare a National Prescribed Fire Strategy that minimizes risks of escape, as amended.

The Clerk read as follows:

H. CON. RES 352

*Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of Congress that—

(1) in the interest of protecting the integrity and posterity of United States forests and wildlands, wildlife habitats, watersheds, air quality, human health and safety, and private property, the Forest Service and other Federal land management agencies should—

(A) fully support the ''Collaborative 10-year Strategy for Reducing Wildland Fire Risks to Communities and the Environment'' as prepared by the Western Governors' Association, the Department of Agriculture, the Department of the Interior, and other stakeholders, to reduce the overabundance of forest fuels that place these resources at high risk of catastrophic wildfire;

(B) use an appropriate mix of fire prevention activities and management practices, including forest restoration, thinning of at-risk forest stands, grazing, selective tree removal, and other measures to control insects and pathogens, removal of excessive ground fuels, and prescribed burns;

(C) increase the role for private, local, and State contracts for fuel reduction treatments on Federal forest lands and adjoining private properties; and

(D) pursue more effective fire suppression on Federal forest lands through increased funding of mutual aid agreements with professional State and local public fire fighting agencies;

(2) in the interest of forest protection and public safety, the United States Department of Agriculture and the Department of the Interior should immediately prepare for public review a national assessment of prescribed burning practices on public lands to identify alternatives that will achieve land management objectives to minimize risks associated with prescribed fire; and

(3) results from the national assessment of prescribed burning practices on public lands as described in paragraph (2) should be incorporated into any regulatory land use planning programs that propose the use of prescribed fire as a management practice.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. POMBO) and the gentleman from Texas (Mr. STENHOLM) each will control 20 minutes.

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

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

Mr. Speaker, citizens in the West are bracing this year in fear of catastrophic fires. The summer is not even over, and we have seen 3.6 million acres burn on State, Federal, and private lands. These catastrophic fires are so intense the fire literally destroys every sign of life and can rage for thousands of acres.

But this is not a new phenomenon or a 1-year event. During the wildfire season, 81,681 fires burned 3.5 million acres that killed 15 firefighters and threatened rural communities nationwide. Congress must take action. Our current Federal strategy to handle catastrophic wildfire is not adequately addressing a looming crisis. The Federal Government must take action to prevent loss of wildlife habitat and to protect rural communities.

This is why I am here today offering H. Con. Res. 352 before the House of Representatives. This wildfire resolution expresses the sense of the U.S. Congress to fully implement the Western Governors Association collaborative 10-year strategy for reducing wild land fire risk to communities and the environment and to prepare a national prescribed fire strategy to minimize risk of escape.

America needs to know Congress understands the forest health crisis is causing these fires and that Congress is taking action. It is important to keep in mind our forests are in constant transformation. A particular forest now will look much different in 10 years and in about 50 years will not look like the same forest. Sometimes a forest can get overpopulated with trees. Some of these trees become diseased, creating enormous amounts of dry timber fuel to spur a catastrophic fire. Reducing forest density and improving the ability of healthy forests to survive expansive wildfires must become the number one priority of Federal forest managers. It is time for Members of Congress to make the tough decisions necessary to end catastrophic losses of wildlife habitat, forest resources, and, most importantly, human lives on all Federal forest lands.

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. Con. Res. 352, a resolution expressing the sense of Congress that Federal land management agencies should fully support the collaborative 10-year strategy for reducing wild land fire risk to communities and the environment as prepared by the Western Governors Association, the Department of Agriculture, and the Department of Interior and other stakeholders.

Mr. Speaker, the risk of wild land fires to the 192 million Forest Service acres is higher today than ever before. The potential for loss of life and property is also increased in areas where more people are building homes within the wild land urban interface.

□ 1830

The local communities situated near our unmanaged national forests experience firsthand the ecosystem problems resulting from fires that cannot be controlled. As we consider H. Con. Res. 352, 29 forest fires are burning in our Western states and six of these fires are out of control. Our efforts to extinguish these fires are stretched to the limit because more than one area in the West is experiencing incidents that have the potential to exhaust all agency fire resources.

I applaud President Bush for providing the necessary emergency funds to fight these fires. However, we must continue to think of long-term solutions with four essential goals in mind: The prevention and suppression of wildfires, the reduction of hazardous fuels, the restoration of fire-adapted ecosystem, and the promotion of community assistance. As we focus on these goals, Mr. Speaker, we must encourage the Federal agencies involved to work with the governors in their efforts to deal with the wildland fire and hazardous fuel situation.

The Western Governors 10-year Comprehensive Strategy Implementation Plan provides Federal land management agencies with a plan to reduce the overabundance of forest fuels that place national resources at high risk of catastrophic wildfire. In addition, the plan provides a national assessment of prescribed burning practices to minimize risks of escape.

I urge my colleagues to support passage of H. Con. Res. 352.

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

Mr. POMBO. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. GOODLATTE), chairman of the subcommittee.

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

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding and I commend him for his leadership in

bringing this important resolution before the House. I strongly support it and was pleased to cooperate in seeing it move through the Committee on Agriculture, and I urge my colleagues to adopt it here.

The gentleman is quite correct. We are not facing an ordinary situation here. These are not natural forest fires, and as a result, this resolution would clearly establish Congress' commitment and support for a proactive forest management strategy.

The strategy cannot simply be to let these fires burn. They consume the entire forest from the ground to the top of the tallest and oldest and most extensive trees. They leave behind bare mineral soil, dead trees and vegetation, hot running streams and rivers, and the threat of more devastation from massive mudslides. The historic efforts of managing fire suppression will only lead to an increase in the forest health crises and the probability of more catastrophic wildfires like the ones we are experiencing today. We must actively manage by focusing on forest health and if we want to protect our firefighters, our communities, or forests, we must work to create healthy, sustainable ecosystems through good stewardship. Healthy forests burn more predictably and can be more easily controlled when necessary.

The Western Governors Association comprehensive strategy does this very thing. It calls for moving quickly to plan programs that will reduce hazardous fuels and implementing restoration efforts on fire-ravaged landscapes.

Therefore, I strongly urge my colleagues to support House Concurrent Resolution 352, to reinforce Congress' commitment to the health of our forests.

Mr. POMBO. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I rise in strong support of this resolution. We are in the midst of what could be the most costly and destructive fire season for which records have been kept. More than 3½ million acres have burned so far this year, almost 2½ times the 10-year average, and close to a million acres more than at this time in 2000 which was then the worst fire season in 50 years.

It is an ominous glimpse of what the future holds if Congress and the administration do not make a dramatic commitment and take immediate steps to manage our forests aggressively to protect public health and safety. Our forests are incredibly unhealthy and literally choking from an unnatural accumulation of forest fuels. Some areas are up to 10 times denser than historically. Because of this dangerous build-up of trees, instead of the healthy fires that clean up the forest floor, we are now seeing wildfires of catastrophic size and intensity that cannot be controlled, threatening entire communities, lives and property, and leaving charred forests that will not recover for a century or more. These fires are not natural. They are not inevitable. They are not environmentally healthy. They are a very serious threat to public health and safety.

According to the Forest Service's own estimates, the number of acres at risk for such catastrophic fire events has grown to alarming proportions. Today close to 80 million acres of our Federal forest lands are threatened and, Mr. Speaker, this devastating fire season is further proof that time is quickly running out.

The 1999 GAO, Government Accounting Office, report that provided the first insight into the extent of our forest health crises also predicted that the window for taking effective action is quickly closing. They indicated that we have only 10 to 25 years within which to take action before these fires become widespread. We are not going to prevent forest fires, but by implementing a fire protection and fuel reduction strategy, setting aggressive goals, and giving land managers the tools and flexibility they need, we can reduce their size and intensity and give our firefighters a fighting chance. Congress approved such a plan in 1998. The Herger-Feinstein Quincy Library Group Forest Recovery Act, which this House passed by the overwhelming margin of 429 to 1, requires implementation of a locally developed bipartisan pilot project based on a system of environmentally sensitive fuel breaks and thinning that would reduce the risk of fire and protect communities. It would protect wildlife and enhance their habitat. With a $3 return for every $1 expended and $2.1 billion in economic benefit for rural communities, it is proof that there are win-win, cost-effective fire protection solutions out there that are ripe for immediate implementation.

Mr. Speaker, this resolution is a critical step toward giving this emergency and the need for solutions the urgency and the serious attention they deserve. I urge my colleagues to support it.

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

Mr. FLAKE. Mr. Speaker, I rise in support of this resolution. Fires continue to blaze through the western portion of our country. Aided by drought the damage stretches into a million acres and billions of dollars.

More than 22,000 communities across the country and over 211 million acres of federal lands are currently at risk to these severe wildfires. In Arizona alone, over a half a million acres of land burned with more than 400 homes and other structures. Nearly 33,000 people were evacuated.

The key to reducing risk of these catastrophic wildfires is to actively manage forests not just in the interface but landscape wide to ensure forests can withstand drought, insects and disease. Reaching the appropriate tree density and promoting native mixes of species ensures less severe burns than what we have seen ravage the west already this year.

This is not a commercial logging or timber issue. This is an issue of keeping the forests healthy and well maintained through thinning, logging and prescribed burns. Policies that slow down this process coupled with appeals that further halt necessary treatments must be stopped. Without these changes, we will see more years similar to this one where the fire year is shaping up as the most devastating on record. Some 2.7 million acres have already burned, nearly three times the average acreage for this time of year.

We still have time. The fire season is in its early stages. Thinning and forest management practices necessary to ensure our forests are able to survive future catastrophic wildfires must begin without further delay.

In a 1999 report, the General Accounting Office report to the U.S. House of Representatives, entitled "Western Forests: A Cohesive Strategy Is Needed To Address Catastrophic Wildfire Threats," was published in 1999. The GAO reported that "the most extensive and serious problem related to the health of national forests in the interior West is the over-accumulation of vegetation, which has caused an increasing number of large, intense, uncontrolled and catastrophically destructive wildfires. According to the U.S. Forest Service, 39 million areas on national forests in the interior West are at high risk of catastrophic wildfire."

The Western Governors Association (WGA) signed it "Collaborative 10-year Strategy for Reducing Wild Fire Risks to Communities and the Environment" in 2001. The plan emphasizes preventing catastrophic blazes instead of just fighting them.

I encourage Congress to support the plans of the 10-year strategy. I encourage the immediate implementation of practices we know will aide in preventing future fires that burn thousands of acres of land and homes.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. POMBO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 352, as amended.

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

The title of the bill was amended so as to read:

"Concurrent resolution expressing the sense of Congress that Federal land management agencies should fully support the "Collaborative 10–year Strategy for Reducing Wildland Fire Risks to Communities and the Environment" as prepared by the Western Governors' Association, the Department of Agriculture, the Department of the Interior, and other stakeholders, to reduce the overabundance of forest fuels that place national resources at high risk of catastrophic wildfire, and prepare a national assessment of prescribed burning practices to minimize risks of escape.".

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair

will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H. Con. Res. 439, by the yeas and nays;

H. Con. Res. 492, by the yeas and nays.

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

## HONORING CORINNE ''LINDY'' CLAIBORNE BOGGS ON OCCASION OF 25TH ANNIVERSARY OF FOUNDING OF CONGRESSIONAL WOMEN'S CAUCUS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 439.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LINDER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 439, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 378, nays 0, not voting 56, as follows:

[Roll No. 324]

YEAS—378

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Bartlett
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Boehlert
Boehner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Brown (SC)
Burr
Burton
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Ford
Fossella
Frank
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
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 (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
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
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—56

Abercrombie
Bachus
Barrett
Barton
Becerra
Blagojevich
Blunt
Bonilla
Bonior
Borski
Brady (TX)
Bryant
Callahan
Calvert
Carson (OK)
Clement
Conyers
Cox
Coyne
Cramer
Crane
Davis (FL)
Dooley
Emerson
Fletcher
Foley
Frelinghuysen
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hilleary
Hinchey
Johnson, Sam
Jones (OH)
Kilpatrick
Lewis (GA)
Maloney (CT)
McCrery
McKeon
Meek (FL)
Millender-McDonald
Miller, Dan
Murtha
Myrick
Phelps
Riley
Rush
Schaffer
Sessions
Stump
Tancredo
Taylor (NC)
Tierney
Traficant
Young (FL)

□ 1901

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FOLEY. Mr. Speaker, on rollcall No. 324, I was with the DEA Administrator, Asa Hutchinson, and missed the vote.

Had I been present, I would have voted Yea.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

## EXPRESSING GRATITUDE FOR THE 10-MONTH-LONG WORLD TRADE CENTER CLEANUP AND RECOVERY EFFORTS AT THE FRESH KILLS LANDFILL ON STATEN ISLAND, NEW YORK, FOLLOWING THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 492.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. PUTNAM) that the House suspend the rules and agree to the resolution, H. Res. 492, 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 375, nays 0, not voting 59, as follows:

[Roll No. 325]

YEAS—375

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Bartlett
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Boehlert
Boehner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Brown (SC)
Burr
Burton
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell

Doggett
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
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 (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
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
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)

NOT VOTING—59

Abercrombie
Bachus
Barrett
Barton
Becerra
Blagojevich
Blunt
Bonilla
Bonior
Borski
Brady (TX)
Bryant
Callahan
Calvert
Carson (OK)
Clement
Conyers
Coyne
Cramer
Crane
Davis (FL)
Dooley
Doyle
Emerson
Fletcher
Frelinghuysen
Gonzalez
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hilleary
Hinchey
Hunter
Johnson, Sam
Jones (OH)
Kilpatrick
Lewis (GA)
Maloney (CT)
McCrery
McKeon
Meek (FL)
Millender-McDonald
Miller, Dan
Murtha
Myrick
Phelps
Riley
Rush
Schaffer
Sessions
Stump
Tancredo
Taylor (NC)
Traficant
Weldon (PA)
Whitfield
Woolsey
Young (FL)

□ 1911

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, district business prevents me from being present for legislative business scheduled for today, Monday, July 22, 2002. Had I been present, I would have voted "aye" on the following roll call votes: H. Con. Res. 439, Honoring Corinne "Lindy" Claiborne Boggs on the Occasion of the 25th Anniversary of the Founding of the Congressional Women's Caucus (Roll Call No. 324); and H. Res. 492, Expressing Gratitude for the World Trade Center Cleanup and Recovery Efforts at the Fresh Kills Landfill on Staten Island, New York Following the Terrorist Attacks of September 11, 2001 (Roll Call No. 325).

## AMENDMENT PROCESS FOR H.R. 5005, HOMELAND SECURITY ACT OF 2002

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

Mr. GOSS. Mr. Speaker, today a Dear Colleague letter will be sent to all Members informing them that the Committee on Rules will meet this week to grant a rule that may limit the amendment process for H.R. 5005, the Homeland Security Act of 2002. The Select Committee on Homeland Security is expected to file its report early Wednesday morning.

Any Member who wishes to offer an amendment to the Homeland Security Act of 2002 should submit 55 copies of the amendment and one copy of a brief explanation of the amendment by 12 noon on Wednesday, July 24, to the Committee on Rules in room H–312 in the Capitol. Members should draft their amendments to the text of the bill as reported by the Select Committee on Homeland Security, which will be made available later today on the majority leader's Web site as well as the Committee on Rules website.

Members should use the Office of Legislative Counsel to ensure their amendments are properly drafted, and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

## FREEDOM PROMOTION ACT OF 2002

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3969) to enhance United States public diplomacy, to reorganize United States international broadcasting, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3969

*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 "Freedom Promotion Act of 2002".

**SEC. 2. TABLE OF CONTENTS.**

The table of contents is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.

TITLE I—UNITED STATES PUBLIC DIPLOMACY

Sec. 101. Findings and purposes.
Sec. 102. Public diplomacy responsibilities of the Department of State.
Sec. 103. Annual plan on public diplomacy strategy.
Sec. 104. Public diplomacy training.
Sec. 105. United States Advisory Commission on Public Diplomacy.
Sec. 106. Library program.
Sec. 107. Sense of Congress concerning public diplomacy efforts in sub-Saharan Africa.
Sec. 108. Funding and authorization of appropriations.

TITLE II—UNITED STATES EDUCATIONAL AND CULTURAL PROGRAMS OF THE DEPARTMENT OF STATE

Sec. 201. Establishment of initiatives for predominantly Muslim countries.
Sec. 202. Database of alumni of American and foreign participants in exchange programs.
Sec. 203. Report on inclusion of freedom and democracy advocates in educational and cultural exchange programs.
Sec. 204. Fulbright-Hays authorities.
Sec. 205. Supplemental authorization of appropriations.
Sec. 206. Supplemental authorization of appropriations for the National Endowment for Democracy.

TITLE III—REORGANIZATION OF UNITED STATES INTERNATIONAL BROADCASTING

Sec. 301. Establishment of United States International Broadcasting Agency.
Sec. 302. Authorities and functions of the agency.
Sec. 303. Role of the secretary of State.
Sec. 304. Administrative provisions.
Sec. 305. Broadcasting Board of Governors and International Broadcasting Bureau.
Sec. 306. Transition.
Sec. 307. Conforming amendments.
Sec. 308. References.
Sec. 309. Broadcasting standards.
Sec. 310. Authorization of appropriations.
Sec. 311. Effective date.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Affairs and the Committee on Appropriations of the Senate.

(2) DEPARTMENT.—The term ''Department'' means the Department of State.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of State.

## TITLE I—UNITED STATES PUBLIC DIPLOMACY

### SEC. 101. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) The United States possesses strong and deep connections with the peoples of the world separate from its relations with their governments. These connections can be a major asset in the promotion of United States interests and foreign policy.

(2) Misinformation and hostile propaganda in these countries regarding the United States and its foreign policy endanger the interests of the United States. Existing efforts to counter such misinformation and propaganda are inadequate and must be greatly enhanced in both scope and substance.

(3) United States foreign policy has been hampered by an insufficient consideration of the importance of public diplomacy in the formulation and implementation of that policy and by the underuse of modern communication techniques.

(4) The United States should have an operational strategy and a coordinated effort regarding the utilization of its public diplomacy resources.

(5) The development of an operational strategy and a coordinated effort by United States agencies regarding public diplomacy would greatly enhance United States foreign policy.

(6) The Secretary of State has undertaken efforts to ensure that of the new job positions established at the Department of State after September 30, 2002, a significant proportion of the positions is for public diplomacy.

(b) PURPOSES.—It is the purpose of this Act to enhance in scope and substance, redirect, redefine, and reorganize United States public diplomacy.

### SEC. 102. PUBLIC DIPLOMACY RESPONSIBILITIES OF THE DEPARTMENT OF STATE.

(a) IN GENERAL.—The State Department Basic Authorities Act of 1956 (22 U.S.C. 265 et seq.) is amended by inserting after section 56 the following new section:

### ''SEC. 57. PUBLIC DIPLOMACY RESPONSIBILITIES OF THE DEPARTMENT OF STATE.

''(a) IN GENERAL.—The Secretary of State shall make public diplomacy an integral component in the planning and execution of United States foreign policy. The Department of State, in coordination with the United States International Broadcasting Agency, shall develop a comprehensive strategy for the use of public diplomacy resources and assume a prominent role in coordinating the efforts of all Federal agencies involved in public diplomacy. Public diplomacy efforts shall be addressed to developed and developing countries, to select and general audiences, and shall utilize all available media to ensure that the foreign policy of the United States is properly explained and understood not only by the governments of countries but also by their peoples, with the objective of enhancing support for United States foreign policy. The Secretary shall ensure that the public diplomacy strategy of the United States is cohesive and coherent and shall aggressively and through the most effective mechanisms counter misinformation and propaganda concerning the United States. The Secretary shall endeavor to articulate the importance in American foreign policy of the guiding principles and doctrines of the United States, particularly freedom and democracy. The Secretary, in coordination with the Board of Governors of the United States International Broadcasting Agency, shall develop and articulate long-term measurable objectives for United States public diplomacy. The Secretary is authorized to produce and distribute public diplomacy programming for distribution abroad in order to achieve public diplomacy objectives, including through satellite communication, the Internet, and other established and emerging communications technologies.

''(b) INFORMATION CONCERNING UNITED STATES ASSISTANCE.—

''(1) IDENTIFICATION OF ASSISTANCE.—In cooperation with the United States Agency for International Development (USAID) and other public and private assistance organizations and agencies, the Secretary shall ensure that information concerning foreign assistance provided by the United States Government, United States nongovernmental organizations and private entities, and the American people is disseminated widely and prominently, particularly, to the extent practicable, within countries and regions that receive such assistance. The Secretary shall ensure that, to the extent practicable, projects funded by the United States Agency for International Development (USAID) that do not involve commodities, including projects implemented by private voluntary organizations, are identified as being supported by the United States of America, as American Aid or provided by the American people.

''(2) REPORT TO CONGRESS.—Not later than 120 days after the end of each fiscal year, the Secretary shall submit a report to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate on efforts to disseminate information concerning assistance described in paragraph (1) during the preceding fiscal year. Each such report shall include specific information concerning all instances in which the United States Agency for International Development has not identified projects in the manner prescribed in paragraph (1) because such indentification was not practicable. Any such report shall be submitted in unclassified form, but may include a classified appendix.

''(c) AUTHORITY.— Subject to the availability of appropriations, the Secretary may contract with and compensate government and private agencies or persons for property and services to carry out this section.''.

(b) ESTABLISHMENT OF PUBLIC DIPLOMACY RESERVE CORPS.—

(1) The Secretary of State shall establish a public diplomacy reserve corps to augment the public diplomacy capacity and capabilities of the Department in emergency and critical circumstances worldwide. The Secretary shall develop a detailed action plan for the temporary deployment and use of the corps to bolster public diplomacy resources and expertise. To the extent considered necessary and appropriate, the Secretary may recruit experts in public diplomacy and related fields from the private sector and utilize the expertise of former employees of the Department in implementing this subsection.

(2) While actively serving with the reserve corps, individuals are prohibited from engaging in activities directly or indirectly intended to influence public opinion within the United States to the same degree that employees of the Department engaged in public diplomacy are so prohibited.

(c) TECHNOLOGY AND EQUIPMENT UPGRADES.—

(1) The Secretary shall establish a fully capable multimedia programming and distribution capacity including satellite, Internet, and other services, and also including the capability to acquire and produce audio and video feeds and Internet streaming to foreign news organizations. The technology and equipment upgrades under the first sentence shall be fully implemented within 2 years of the date of the enactment of this Act.

(2) To the extent practicable, activities under this subsection shall utilize the facilities of the United States International Broadcasting Agency established by title III for the purpose of furthering the public diplomacy objectives of the Department of state as enunciated in this section. The Secretary shall reimburse the reasonable expenses of the United States International Broadcasting Agency which are incurred as a result of the Department's use of the Agency's facilities.

(d) FUNCTIONS OF THE UNDER SECRETARY FOR PUBLIC DIPLOMACY.—

(1) Section 1(b)(3) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)(3)) is amended by striking ''formation'' and all that follows through the period at the end and inserting ''formation, supervision, and implementation of United States public diplomacy policies, programs, and activities, including the provision of guidance to Department personnel in the United States and overseas who conduct or implement such policies, programs, and activities. The Under Secretary for Public Diplomacy shall assist the United States Agency for International Broadcasting in presenting the policies of the United States clearly and effectively, shall submit statements of United States policy and editorial material to the Agency for broadcast consideration in addition to material prepared by the Agency, and shall ensure that editorial material created by the Agency for broadcast is reviewed expeditiously by the Department.''.

(2) The Under Secretary for Public Diplomacy, in carrying out the functions under the last sentence of section 1(b)(3) of the State Department Basic Authorities Act of 1956 (as added by paragraph (1), shall consult public diplomacy officers operating at United States overseas posts and in the regional bureaus of the Department of State.

### SEC. 103. ANNUAL PLAN ON PUBLIC DIPLOMACY STRATEGY.

The Secretary of State, in coordination with all appropriate Federal agencies, shall prepare an annual review and analysis of the impact of public diplomacy efforts on target audiences. Each review shall assess the United States public diplomacy strategy worldwide and by region, including the allocation of resources and an evaluation and assessment of the progress in, and barriers to, achieving the goals set forth under previous plans submitted under this section. On the basis of such review, the Secretary of State, in coordination with all appropriate Federal agencies shall develop and submit to the appropriate congressional committees an annual plan for the implementation of a public diplomacy strategy which specifies goals, agency responsibilities, and necessary resources and mechanisms for achieving such goals during the next fiscal year. The plan may be submitted in classified form.

### SEC. 104. PUBLIC DIPLOMACY TRAINING.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Foreign Service should recruit individuals with expertise and professional experience in public diplomacy.

(2) Ambassadors should have a prominent role in the formulation of public diplomacy

strategies for the countries and regions to which they are assigned and be accountable for the operation and success of public diplomacy efforts at their posts.

(3) Initial and subsequent training of Foreign Service officers should be enhanced to include information and training on public diplomacy and the tools and technology of mass communication.

(b) PERSONNEL.—

(1) In the recruitment, training, and assignment of members of the Foreign Service, the Secretary shall emphasize the importance of public diplomacy and of applicable skills and techniques. The Secretary shall consider the priority recruitment into the Foreign Service, at middle-level entry, of individuals with expertise and professional experience in public diplomacy or mass communications, especially individuals with language facility and experience in particular countries and regions.

(2) The Secretary of State shall seek to increase the number of Foreign Service officers proficient in languages spoken in predominantly Muslim countries. Such increase shall be accomplished through the recruitment of new officers and incentives for officers in service.

**SEC. 105. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.**

(a) STUDY AND REPORT BY UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.—Section 604(c)(2) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469(c)) is amended to read as follows:

''(2)(A) Not less often than every two years, the Commission shall undertake an indepth review of United Sttes public diplomacy programs, policies, and activities. Each study shall assess the effectiveness of the various mechanisms of United States public diplomacy, in light of factors including public and media attitudes around the world toward the United States, Americans, and United States foreign policy, and make appropriate recommendations.

''(B) A comprehensive report of each study under subparagraph (A) shall be submitted to the Secretary of State and the appropriate congressional committees. At the discretion of the Commission, any report under this subsection may be submitted in classified form or with a classified appendix.

(b) INFORMATION AND SUPPORT FROM OTHER AGENCIES.—Upon request of the United States Advisory Commission on Public Diplomacy, the Secretary of State, the Director of the United States International Broadcasting Agency, and the head of any other Federal agency that conducts public diplomacy programs and activities shall provide information to the Advisory Commission to assist in carrying out the responsibilities under section 604(c)(5) of the United States Information and Educational Exchange Act of 1948 (as amended by subsection (a)).

(c) ENHANCING THE EXPERTISE OF UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.—

(1) QUALIFICATIONS OF MEMBERS.—Section 604(a)(2) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469(a)(2)) is amended by adding at the end the following: ''At least 4 members shall have substantial experience in the conduct of public diplomacy or comparable activities in the private sector. No member shall be an officer or employee of the United States.''.

(2) APPLICATION OF AMENDMENT.—The amendments made by paragraph (1) shall not apply to individuals who are members of the United States Advisory Commission on Public Diplomacy on the date of the enactment of this Act.

**SEC. 106. LIBRARY PROGRAM.**

The Secretary of State shall develop and implement a demonstration program to assist foreign governments to establish or upgrade their public library systems to improve literacy and support public education. The program should provide training in the library sciences. The purpose of the program shall be to advance American values and society, particularly the importance of freedom and democracy.

**SEC. 107. SENSE OF CONGRESS CONCERNING PUBLIC DIPLOMACY EFFORTS IN SUB-SAHARAN AFRICA.**

(a) FINDINGS.—The Congress makes the following findings:

(1) A significant number of sub-Saharan African countries have predominantly Muslim populations, including such key countries as Nigeria, Senegal, Djibouti, Mauritania, and Guinea.

(2) In several of these countries, groups with links to militant religious organizations are active among the youth, primarily young men, promoting a philosophy and practice of intolerance and radical clerics are effectively mobilizing public sentiment against the United States.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Secretary should include countries in sub-Saharan Africa with predominantly Muslim populations in the public diplomacy activities authorized by this Act and the amendments made by this Act.

**SEC. 108. FUNDING AND AUTHORIZATION OF APPROPRIATIONS.**

(a) LIMITATION ON USE OF FUNDS.—Of the amounts authorized to be appropriated for each of the fiscal years 2002 and 2003 for the Diplomatic and Consular Programs of the Department of State, $297,759,000 for the fiscal year 2002 and $305,693,000 for the fiscal year 2003 shall be available only for public diplomacy programs and activities as carried out prior to the Foreign Affairs Reform and Restructuring Act of 1998, other than programs of educational and cultural exchange.

(b) AUTHORIZATION OF APPROPRIATIONS FOR IMPROVEMENTS IN PUBLIC DIPLOMACY PROGRAMS.—

(1) In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated $20,000,000 for each of the fiscal years 2002 and 2003 for Diplomatic and Consular Programs of the Department of State which shall be available only for improvements and modernization of public diplomacy programs and activities of the Department of State as carried out prior to the Foreign Affairs Reform and Restructuring Act of 1998, other than programs of educational and cultural exchange.

(2) LIMITATIONS.—

(A) TRANSLATION SERVICES.—Of the amounts authorized to be appropriated by paragraph (1), $4,000,000 for each of the fiscal years 2002 and 2003 is authorized to be appropriated only for translation services available to public affairs officers in overseas posts.

(B) BROADCAST SERVICES.—Of the amounts authorized to be appropriated by paragraph (1), $7,500,000 for each of the fiscal years 2002 and 2003 is authorized to be appropriated only for the Office of Broadcast Services to carry out section 102(c).

## TITLE II—UNITED STATES EDUCATIONAL AND CULTURAL PROGRAMS OF THE DEPARTMENT OF STATE

**SEC. 201. ESTABLISHMENT OF INITIATIVES FOR PREDOMINANTLY MUSLIM COUNTRIES.**

(a) FINDINGS.—The Congress makes the following findings:

(1) Surveys indicate that, in countries of predominantly Muslim population, opinions of the United States and American foreign policy among the general public and select audiences are significantly distorted by highly negative and hostile beliefs and images and that many of these beliefs and images are the result of misinformation and propaganda by individuals and organizations hostile to the United States.

(2) These negative opinions and images are highly prejudicial to the interests of the United States and to its foreign policy.

(3) As part of a broad and long-term effort to enhance a positive image of the United States in the Muslim world, a key element should be the establishment of programs to promote a greater familiarity with American society and values among the general public and select audiences in countries of predominantly Muslim population.

(b) ESTABLISHMENT OF INITIATIVES.—The Secretary of State shall establish the following programs with countries with predominantly Muslim populations as part of the educational and cultural exchange programs of the Department of State for the fiscal years 2002 and 2003:

(1) JOURNALISM PROGRAM.—A program for foreign journalists, editors, and postsecondary students of journalism which, in cooperation with private sector sponsors to include universities, shall sponsor workshops and professional training in techniques, standards, and practices in the field of journalism to assist the participants to achieve the highest standards of professionalism.

(2) ENGLISH LANGUAGE TEACHING.—The Secretary shall establish a program to provide grants to United States citizens to work in middle and secondary schools as English language teaching assistants for not less than an academic year. If feasible, the host government or local educational agency shall share the salary costs of the assistants.

(3) SISTER CITY PARTNERSHIPS.—The Secretary shall expand and enhance sister-city partnerships between United States and international municipalities in an effort to increase global cooperation at the community level. Such partnerships shall encourage economic development, municipal cooperation, health care initiatives, youth and educational programs, disability advocacy, emergency preparedness, and humanitarian assistance.

(4) YOUTH AMBASSADORS.—The Secretary shall establish a program for visits by middle and secondary school students to the United States during school holidays in their home country for periods not to exceed 4 weeks. Participating students shall reflect the economic and geographic diversity of their countries. Activities shall include cultural and educational activities designed to familiarize participating students with American society and values. To the extent practicable, such visits shall be coordinated with middle and secondary schools in the United States to provide for school-based activities and interactions. The Secretary shall encourage the establishment of direct school-to-school linkages under the program.

(5) FULBRIGHT EXCHANGE PROGRAM.—The Secretary shall seek to substantially increase the number of awards under the J. William Fulbright Educational Exchange Program to graduate students, scholars, professionals, teachers, and administrators from the United States who are applying for such awards to study, teach, conduct research, or pursue scholarship in predominantly Muslim countries. Part of such increase shall include awards for scholars and teachers who plan to teach subjects relating to American studies.

(6) HUBERT H. HUMPHREY FELLOWSHIPS.—The Secretary shall seek to substantially increase the number of Hubert H. Humphrey Fellowships awarded to candidates from predominantly Muslim countries.

(7) LIBRARY TRAINING EXCHANGE PROGRAM.—The Secretary shall develop an exchange program for postgradute students seeking additional training in the library sciences and related fields.

(c) GENERAL PROVISION.—Programs established under this section shall be carried out under the provisions of the United States Information and Educational Exchange Act of 1948 and the Mutual Educational and Cultural Exchange Act of 1961.

**SEC. 202. DATABASE OF ALUMNI OF AMERICAN AND FOREIGN PARTICIPANTS IN EXCHANGE PROGRAMS.**

To the extent practicable, the Secretary of State, in coordination with the heads of other agencies that conduct international exchange and training programs, shall establish and maintain a database listing all American and foreign alumni of such programs in order to encourage networking, interaction, and communication with alumni.

**SEC. 203. REPORT ON INCLUSION OF FREEDOM AND DEMOCRACY ADVOCATES IN EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the Congress a report concerning the implementation of section 102 of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996. The report shall include information concerning the number of grants to conduct exchange programs to countries described in such section that have been submitted for competitive bidding, what measures have been taken to ensure that willingness to include supporters of freedom and democracy in such programs is given appropriate weight in the selection of grantees, and an evaluation of whether United States exchange programs in the countries described in such section are fully open to supporters of freedom and democracy, and, if not, what obstacles remain and what measures are being taken to implement such policy.

**SEC. 204. FULBRIGHT-HAYS AUTHORITIES.**

Section 112(d) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460) is amended by striking ''operating under the authority of this Act and consistent with'' and inserting ''which operate under the authority of this Act or promote''.

**SEC. 205. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS.**

In addition to such amounts as are otherwise authorized to be appropriated, for each of the fiscal years 2002 and 2003 there are authorized to be appropriated $35,000,000 for educational and cultural exchange programs of the Department of State.

**SEC. 206. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL ENDOWMENT FOR DEMOCRACY.**

In addition to amounts otherwise authorized to be appropriated for the fiscal years 2002 and 2003, there are authorized to be appropriated $5,000,000 for the fiscal year 2002 and $5,000,000 for the fiscal year 2003 for the National Endowment for Democracy to fund programs that promote democracy, good governance, the rule of law, independent media, religious tolerance, the rights of women, and strengthening of civil society in countries of predominantly Muslim population within the jurisdiction of the Bureau of Near Eastern Affairs of the Department of State.

**SEC. 207. SENSE OF THE CONGRESS CONCERNING EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM FOR FOREIGN JOURNALISTS.**

It is the sense of the Congress that the Secretary of State should work toward the establishment of a program for foreign journalists from regions of conflict that will provide professional training in techniques, standards, and practices in the field of journalism.

## TITLE III—REORGANIZATION OF UNITED STATES INTERNATIONAL BROADCASTING

**SEC. 301. ESTABLISHMENT OF UNITED STATES INTERNATIONAL BROADCASTING AGENCY.**

(a) IN GENERAL.—Section 304 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203) is amended to read as follows:

**"SEC. 304. ESTABLISHMENT OF UNITED STATES INTERNATIONAL BROADCASTING AGENCY.**

''(a) ESTABLISHMENT.—There is established as an independent agency in the executive branch the United States International Broadcasting Agency (hereinafter in this Act referred to as the 'Agency').

''(b) BOARD OF GOVERNORS OF THE AGENCY.—

''(1) HEAD OF AGENCY.—The Agency shall be headed by the Board of Governors of the United States International Broadcasting Agency (hereinafter in this Act referred to as the 'Board of Governors').

''(2) AUTHORITIES AND FUNCTIONS.—The Board of Goverors shall—

''(A) carry out the authorities and functions of the Agency under section 305; and

''(B) be responsible for the exercise of all authorities and powers and the discharge of all duties and functions of the Agency.

''(3) COMPOSITION OF THE BOARD OF GOVERNORS.—

''(A) The Board of Governors shall consist of 9 members, as follows:

''(i) Eight voting members who shall be appointed by the President, by and with the advice and consent of the Senate.

''(ii) The Secretary of State who shall also be a voting member.

''(B) The President shall appoint one member (other than the Secretary of State) as Chair of the Board of Governors, subject to the advice and consent of the Senate.

''(C) Exclusive of the Secretary of State, not more than 4 of the members of the Board of Governors appointed by the President shall be of the same political party.

''(4) TERM OF OFFICE.—The term of office of each member of the Board of Governors shall be three years, except that the Secretary of State shall remain a member of the Board of Governors during the Secretary's term of service. The President shall appoint, by and with the advice and consent of the Senate, board members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Any member whose term has expired may serve until a successor has been appointed and qualified. When there is no Secretary of State, the Acting Secretary of State shall serve as a member of the board until a Secretary is appointed.

''(5) SELECTION OF BOARD OF GOVERNORS.—Members of the Board of Governors appointed by the President shall be citizens of the United States who are not regular full-time employees of the United States Government. Such members shall be selected by the President from among Americans distinguished in the fields of mass communications, print, broadcast media, or foreign affairs.

''(6) COMPENSATION.—Members of the Board of Governors, while attending meetings of the board or while engaged in duties relating to such meetings or in other activities of the board pursuant to this section (including travel time) shall be entitled to receive compensation equal to the daily equivalent of the compensation prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code. While away from their homes or regular places of business, members of the board may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons in the Government service employed intermittently. The Secretary of State shall not be entitled to any compensation under this title, but may be allowed travel expenses as provided under this subsection.

''(7) DECISIONS.—Decisions of the Board of Governors shall be made by majority vote, a quorum being present. A quorum shall consist of 5 members.

''(8) IMMUNITY FROM CIVIL LIABILITY.—Notwithstanding any other provision of law, any and all limitations on liability that apply to the members of the Board of Governors also shall apply to such members when acting in their capacities as members of the boards of directors of RFE/RL, Incorporated and Radio Free Asia.

''(c) DIRECTOR.—

''(1) APPOINTMENT.—The Board of Governors shall appoint a Director of the Agency. The Director shall receive basic pay at the rate payable for level IV of the Executive Schedule under section 5313 of title 5, United States Code. The Director may be removed through a majority vote of the Board.

''(2) FUNCTIONS AND DUTIES.—The Director shall have the following functions and duties:

''(A) To exercise the authorities delegated by the Board of Governors pursuant to section 305(b).

''(B) To carry out all broadcasting activities conducted pursuant to this title, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act.

''(C) To examine and make recommendations to the Board of Governors on long-term strategies for the future of international broadcasting, including the use of new technologies.

''(D) To review engineering activities to ensure that all broadcasting elements receive the highest quality and cost-effective delivery services.

''(E) To procure supplies, services, and other personal property to carry out the functions of the Agency.

''(F) To obligate and expend, for official reception and representation expenses, such amounts as may be made available through appropriations.

''(G) To provide for the use of United States Government transmitter capacity for relay of broadcasting by grantees.

''(H) To procure temporary and intermittent personal services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for positions classified above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code.

''(I) To procure for the Agency, pursuant to section 1535 of title 31, United States Code goods and services from other departments or agencies.

''(J) To the extent funds are available, to lease space and acquire personal property for the Agency.

''(d) INSPECTOR GENERAL AUTHORITIES.—

''(1) IN GENERAL.—The Inspector General of the Department of State shall exercise the same authorities with respect to the Agency as the Inspector General exercises under the Inspector General Act of 1978 and section 209 of the Foreign Service Act of 1980 with respect to the Department of State.

''(2) RESPECT FOR JOURNALISTIC INTEGRITY OF BROADCASTERS.—The Inspector General of the Department of State and the Foreign Service shall respect the journalistic integrity of all the broadcasters covered by this

title and may not evaluate the philosophical or political perspectives reflected in the content of broadcasts.''.

(b) RETENTION OF EXISTING BOARD MEMBERS.—The members of the Broadcasting Board of Governors appointed by the President pursuant to section 304 of the United States International Broadcasting Act of 1994 on the day before the effective date of this title and holding office as of that date may serve the remainder of their terms of office as members of the Board of Governors established under subsection (b) without reappointment, or if their term has expired may serve until a successor is appointed and qualified.

**SEC. 302. AUTHORITIES AND FUNCTIONS OF THE AGENCY.**

Section 305 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204) is amended to read as follows:

**''SEC. 305. AUTHORITIES AND FUNCTIONS OF THE AGENCY.**

''(a) The Agency shall have the following authorities and functions:

''(1) To supervise all broadcasting activities conducted pursuant to this title, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act.

''(2) To review and evaluate the mission and operation of, and to assess the quality, effectiveness, and professional integrity of, all such activities within the context of the broad foreign policy objectives of the United States and the guiding principles and doctrines of the United States, particularly freedom and democracy.

''(3) To develop strategic goals after reviewing human rights reporting and other reliable assessments to assist in determining programming and resource allocation.

''(4) To ensure that United States international broadcasting is conducted in accordance with the standards and principles contained in section 303.

''(5) To review, evaluate, and determine, at least annually, after consultation with the Secretary of State, the addition or deletion of language services.

''(6) To make and supervise grants for broadcasting and related activities in accordance with sections 308 and 309.

''(7) To allocate funds appropriated for international broadcasting activities among the various elements of the Agency and grantees, subject to the limitations in sections 308 and 309 and subject to reprogramming notification requirements in law for the reallocation of funds.

''(8) To undertake such studies as may be necessary to identify areas in which broadcasting activities under its authority could be made more efficient and economical.

''(9) To submit to the President and the Congress an annual report which summarizes and evaluates activities under this title, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act, placing special emphasis on the assessment described in paragraph (2).

''(10) To make available in the annual report required by paragraph (9) information on funds expended on administrative and managerial services by the Agency and by grantees and the steps the Agency has taken to reduce unnecessary overhead costs for each of the broadcasting services.

''(11) To utilize the provisions of titles III, IV, V, VII, VIII, IX, and X of the United States Information and Educational Exchange Act of 1948, and section 6 of Reorganization Plan Number 2 of 1977, as in effect on the day before the effective date of title XIII of the Foreign Affairs Agencies Consolidation Act of 1998, to the extent the Director considers necessary in carrying out the provisions and purposes of this title.

''(12) To utilize the authorities of any other statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding that had been available to the Director of the United States Information Agency, the Bureau, or the Board before the effective date of title XIII of the Foreign Affairs Consolidation Act of 1998 for carrying out the broadcasting activities covered by this title.

''(b) DELEGATION OF AUTHORITY.—The Board of Governors may delegate to the Director of the Agency, or any other officer or employee of the United States, the authorities provided in this section, except those authorities provided in paragraph (1), (2), (4), (5), (6), (7), or (9) of subsection (a).

''(c) BROADCASTING BUDGETS.—Director and the grantees identified in sections 308 and 309 shall submit proposed budgets to the Board. The Board shall forward its recommendations concerning the proposed budget for the Board and broadcasting activities under this title, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act to the Office of Management and Budget.''.

**SEC. 303. ROLE OF THE SECRETARY OF STATE.**

Section 306 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6205) is amended to read as follows:

**''SEC. 306. ROLE OF THE SECRETARY OF STATE.**

''To assist the Agency in carrying out its functions, the Secretary of State shall provide such information and guidance on foreign policy and public diplomacy issues to the Agency as the Secretary considers appropriate.''.

**SEC. 304. ADMINISTRATIVE PROVISIONS.**

The United States International Broadcasting Act of 1994 is amended by striking section 307 and inserting the following new section:

**''SEC. 307. ADMINISTRATIVE PROVISIONS.**

''(a) OFFICERS AND EMPLOYEES.—The Board of Governors may appoint and fix the compensation of such officers and employees as may be necessary to carry out the functions of the Agency. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation shall be fixed in accordance with title 5, United States Code.

''(b) EXPERTS AND CONSULTANTS.—The Board of Governors, as may be provided in appropriation Acts, may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, and may compensate such experts and consultants at rates not to exceed the daily rate prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

''(c) ACCEPTANCE OF VOLUNTARY SERVICES.—

''(1) IN GENERAL.—Notwithstanding section 1342 of title 31, United States Code, the Board of Governors may accept, subject to regulations issued by the Office of Personnel Management, voluntary services if such services—

''(A) are to be uncompensated; and

''(B) are not used to displace any employee.

''(2) TREATMENT.—Any individual who provides voluntary services under this section shall not be considered a Federal employee for any purpose other than for purposes of chapter 81 of title 5, United States Code (relating to compensation for injury) and sections 2671 through 2680 of title 28, United States Code (relating to tort claims).

''(d) DELEGATION.—Except as otherwise provided in this Act, the Board of Governors may delegate any function to the Director and such other officers and employees of the Agency as the Board of Governors may designate, and may authorize such successive redelegations of such functions within the Agency as may be necessary or appropriate.

''(e) CONTRACTS.—

''(1) IN GENERAL.—Subject to the Federal Property and Administrative Services Act of 1949 and other applicable Federal law, the Board of Governors may make, enter into, and perform such contracts, grants, leases, cooperative agreements, and other similar transactions with Federal or other public agencies (including State and local governments) and private organizations and persons, and to make such payments, by way of advance or reimbursement, as the Board of Governors may determine necessary or appropriate to carry out functions of the Board of Governors or the Agency.

''(2) APPROPRIATION AUTHORITY REQUIRED.—No authority to enter into contracts or to make payments under this title shall be effective except to such extent or in such amounts as are provided in advance under appropriation Acts.

''(f) REGULATIONS.—The Director may prescribe such rules and regulations as the Board of Governors considers necessary or appropriate to administer and manage the functions of the Agency, in accordance with chapter 5 of title 5, United States Code.

''(g) SEAL.—The Director shall cause a seal of office to be made for the Agency of such design as the Board of Governors shall approve. Judicial notice shall be taken of such seal.''.

**SEC. 305. BROADCASTING BOARD OF GOVERNORS AND INTERNATIONAL BROADCASTING BUREAU.**

The Broadcasting Board of Governors and the International Broadcasting Bureau are abolished.

**SEC. 306. TRANSITION.**

(a) TRANSFER OF FUNCTIONS.—Except as otherwise provided in this title or an amendment made by this title, all functions that on the day before the effective date specified in section 311 are authorized to be performed by the Broadcasting Board of Governors and the International Broadcasting Bureau and any officer, employee, or component of such entities, under any statute, reorganization plan, Executive order, or other provision of law, are transferred to the Agency established under this title effective on that date.

(b) DETERMINATION OF CERTAIN FUNCTIONS.—If necessary, the Office of Management and Budget shall make any determination of the functions that are transferred under this title.

(c) TRANSITION PROVISIONS.—

(1) EXERCISE OF AUTHORITIES.—Except as otherwise provided by law, the Board of Governors may, for purposes of performing a function that is transferred to the Agency by this title, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of that function on the day before the effective date specified in section 310.

(2) AUTHORITIES TO WIND UP AFFAIRS.—

(A) The Director of the Office of Management and Budget may take such actions as the Director of the Office of Management and Budget considers necessary to wind up any outstanding affairs of the Broadcasting Board of Governors and the International Broadcasting Bureau associated with the functions that are transferred pursuant to subsection (a).

(B) The Director of the Office of Management and Budget may take such actions as the Director of the Office of Management and Budget considers necessary to wind up any outstanding affairs of the Broadcasting Board of Governors and the International Broadcasting Bureau associated with the functions that are transferred pursuant to subsection (a).

(3) TRANSFER OF ASSETS.—Any property, records, unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with a function transferred to the Agency by this Act are transferred on the effective date specified in section 310.

**SEC. 307. CONFORMING AMENDMENTS.**

(a) UNITED STATES INTERNATIONAL BROADCASTING ACT OF 1994.—The United States International Broadcasting Act of 1994 is amended as follows:

(1) Section 308 (22 U.S.C. 6207) is amended—

(A) in subsection (a)—

(i) by striking ''The Board'' and inserting ''The Agency''; and

(ii) in paragraph (1) by striking ''Broadcasting Board of Governors'' and inserting ''Board Governors of the International Broadcasting Agency'';

(B) in subsection (b)—

(i) by striking paragraph (2);

(ii) by striking ''(1)''; and

(iii) by striking ''Board'' both places it appears and inserting ''Agency'';

(C) in subsections (c), (d), (g), (h), and (i) by striking ''Board'' each place it appears and inserting ''Agency'';

(D) in subsection (g)(4) by striking ''International Broadcasting Bureau'' and inserting ''Agency''; and

(E) in subsections (i) and (j) by striking ''and the Foreign Service'' each place it appears.

(2) Section 309 (22 U.S.C. 6208) is amended—

(A) in subsection (c)(1) by striking ''Board'' both places it appears and inserting ''Agency'';

(B) by striking subsection (e);

(C) in subsections (f) and (g) by striking ''Board'' each place it appears and inserting ''Agency''; and

(D) in subsection (g) by striking ''Chairman of the Board'' and inserting ''Agency''.

(3) By striking section 311 (22 U.S.C. 6210).

(4) In section 313 (22 U.S.C. 6212) by striking ''Board'' and inserting ''Agency''.

(5) In section 314 (22 U.S.C. 6213) by striking paragraph (2).

(6) By striking section 315.

(b) CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY (LIBERTAD) ACT OF 1996.—Section 107 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6037) is amended in subsections (a) and (b) by striking ''International Broadcasting Bureau'' each place it appears and inserting ''United States International Broadcasting Agency''.

(c) RADIO BROADCASTING TO CUBA ACT.—The Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.) is amended as follows:

(1) In section 3 (22 U.S.C. 1465a) as follows:

(A) In the section heading by striking ''BROADCASTING BOARD OF GOVERNORS'' and inserting ''UNITED STATES INTERNATIONAL BROADCASTING AGENCY''.

(B) In subsection (a) by striking ''the 'Board')'' and inserting ''the 'Agency')''.

(C) In subsections (a), (d), and (f) by striking ''Broadcasting Board of Governors'' and inserting ''United States International Broadcasting Agency''.

(3) In section 4 (22 U.S.C. 1465b) as follows:

(A) In the first sentence by striking ''The'' and all that follows through ''Bureau'' and inserting: ''The Board of Governors of the United States International Broadcasting Agency shall establish within the Agency''.

(B) In the third sentence by striking ''Broadcasting Board of Governors'' and inserting ''Board of Governors of the United States International Broadcasting Agency''.

(C) In the fourth sentence by striking ''Board of the International Broadcasting Bureau'' and inserting ''Board of Governors of the United States International Broadcasting Agency''.

(4) In section 5 (22 U.S.C. 1465c) as follows:

(A) In subsection (b) by striking ''Broadcasting Board of Governors'' and inserting ''Board of Governors of the United States International Broadcasting Agency''.

(B) By striking ''Board'' each place it appears and inserting ''Advisory Board''.

(5) In section 6 (22 U.S.C. 1465d) as follows:

(A) In subsection (a) by striking ''Broadcasting Board of Governors'' and inserting ''United States International Broadcasting Agency'' and by striking ''Board'' and inserting ''Board of Directors of the United States International Broadcasting Agency''.

(B) In subsection (b) by striking ''Board'' and inserting ''United States International Broadcasting Agency''.

(6) In section 7 (22 U.S.C. 1465e) by striking ''Board'' in subsections (b) and (d) and inserting ''United States International Broadcasting Agency''.

(7) In section 8(a) (22 U.S.C. 1465f(a)), by striking ''Broadcasting Board of Governors'' and inserting ''United States International Broadcasting Agency''.

(d) TELEVISION BROADCASTING TO CUBA ACT.—The Television Broadcasting to Cuba Act (22 U.S.C. 1465aa note) is amended as follows:

(1) Section 243(a) (22 U.S.C. 1465bb) is amended by striking ''Broadcasting Board of Governors'' and inserting ''United States International Broadcasting Agency''.

(2) Section 244 (22 U.S.C. 1465cc) is amended as follows:

(A) In subsection (a) by amending the third sentence to read as follows: ''The Board of Governors of the United States International Broadcasting Agency shall appoint a head of the Service who shall report directly to the Board of Governors.''.

(B) In subsection (b) by striking ''Board'' and inserting ''United States International Broadcasting Agency''.

(C) In subsection (c) by striking ''The Board'' and inserting ''The Agency'' and by striking ''Board determines'' and inserting ''Board of Governors of the United States International Broadcasting Agency determines''.

(3) In section 246 (22 U.S.C. 1465dd) by striking ''United States Information Agency'' and inserting ''United States International Broadcasting Agency'' and by striking ''Board'' and inserting ''Board of Governors of the United States International Broadcasting Agency''.

(e) UNITED STATES INFORMATION AND EDUCATIONAL EXCHANGE ACT OF 1948.—The United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.) is amended—

(1) in section 505 (22 U.S.C. 1464a), by striking ''Broadcasting Board of Governors'' each place it appears and inserting ''United States International Broadcasting Agency''; and

(2) in section 506(c) (22 U.S.C. 1464b(c))—

(A) by striking ''Broadcasting Board of Governors'' and inserting ''United States International Broadcasting Agency''; and

(B) by striking ''Board'' and inserting ''Agency''.

(e) FOREIGN SERVICE ACT OF 1980.—The Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) is amended—

(1) in section 202(a)(1) (22 U.S.C. 3922(a)(1)), by striking ''Broadcasting Board of Governors'' and inserting ''United States International Broadcasting Agency'';

(2) in section 210 (22 U.S.C. 3930), by striking ''Broadcasting Board of Governors'' and inserting ''United States International Broadcasting Agency'';

(3) in section 1003(a) (22 U.S.C. 4103(a)), by striking ''Broadcasting Board of Governors'' and inserting ''United States International Broadcasting Agency''; and

(4) in section 1101(c) (22 U.S.C. 4131(c)), by striking ''Broadcasting Board of Governors,'' and inserting ''the United States International Broadcasting Agency,''.

(f) STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956.—The State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended—

(1) in section 23(a) (22 U.S.C. 2695(a)), by striking ''Broadcasting Board of Governors,'' and inserting ''United States International Broadcasting Agency,'';

(2) in section 25(f) (22 U.S.C. 2697(f)—

(A) by striking ''Broadcasting Board of Governors'' and inserting ''United States International Broadcasting Agency''; and

(B) by striking ''the Board and the Agency'' and inserting ''their respective agencies'';

(3) in section 26(b) (22 U.S.C. 2698(b))—

(A) by striking 'Broadcasting Board of Governors,'' and inserting ''United States International Broadcasting Agency''; and

(B) by striking ''the Board and the Agency'' and inserting ''their respective agencies''; and

(4) in section 32 (22 U.S.C. 2704), by striking ''Broadcasting Board of Governors'' and inserting ''United States International Broadcasting Agency''.

(g) TITLE 5, UNITED STATES CODE.—Section 5315 of title 5, United States Code, is amended—

(1) by striking ''Director of the International Broadcasting Bureau.''.

(2) by adding at the end the following: ''Director, United States International Broadcasting Agency.''.

**SEC. 308. REFERENCES.**

Except as otherwise provided in this title or an amendment made by this title, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the Broadcasting Board of Governors and the International Broadcasting Bureau or any other officer or employee of the Broadcasting Board of Governors or the International Broadcasting Bureau shall be deemed to refer to the United States International Broadcasting Agency or the Board of Governors of the United States International Broadcasting Agency established under this title.

**SEC. 309. BROADCASTING STANDARDS.**

Section 303(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6202(a)) is amended—

(1) in paragraph (6) by striking ''and'';

(2) in paragraph (8) by striking the period and inserting ''; and''; and

(3) by adding after paragraph (8) the following new paragraph:

''(9) seek to ensure that resources are allocated to broadcasts directed at people whose governments deny freedom of expression or who are otherwise in special need of honest and professional broadcasting, commensurate with the need for such broadcasts.''.

**SEC. 310. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to such amounts as are otherwise authorized to be appropriated for the fiscal year 2003, there are authorized to be appropriated $135,000,000 for the fiscal year 2003 for the Broadcasting Board of Governors to expand television and radio broadcasting to countries with predominantly Muslim populations and to support audience development.

(b) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

**SEC. 311. EFFECTIVE DATE.**

Except as otherwise provided, this title and the amendments made by this title shall

take effect on the last day of the 6-month period beginning on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 3969, the Freedom Promotion Act of 2002. As Americans, we are justly proud of our country. If any Nation has been a greater force for good in the long and tormented history of this world, I am unaware of it. We have guarded whole continents from conquests, showered aid on distant lands, sent thousands of youthful idealists to remote and often inhospitable areas to help the world's forgotten.

Why then when we read or listen to descriptions of Americans in foreign press, do we so often seem to be entering a fantasyland of hatred?

□ 1915

Much of the popular press overseas, often including the government-owned media, daily depict the United States as a force for evil, accusing this country of an endless number of malevolent plots against the world. As we battle the terrorists who masterminded the murder of thousands of Americans, our actions are widely depicted in the Muslim world as a war against Islam. Our efforts at self-defense, which should be supported by every decent person on this planet, instead spark riots that threaten governments that dare to cooperate with us.

How is it that the country that invented Hollywood and Madison Avenue has such trouble promoting a positive image of itself overseas? Over the years, the images of mindless hatred directed at us have become familiar fixtures on our television screens. All this time, we have heard calls that ''something must be done.'' Clearly, whatever has been done has not been enough.

I believe that the problem is too great and too entrenched to be solved by tweaking an agency here or reshuffling a program there. We must rethink our entire approach and seek out new perspectives and methods. We must both address our immediate needs and also lay the groundwork for long-term changes, changes that must include utilizing the full range of modern media and tapping into the private sector's vast expertise in the creation and promotion of compelling messages and images.

To begin this process, with the assistance of my cosponsors, the gentleman from California (Mr. LANTOS) and the gentleman from California (Mr. BERMAN), I have introduced the bipartisan bill now before us, H.R. 3969, the Freedom Promotion Act of 2002. This legislation is designed to meet a number of pressing needs by reorienting and reinvigorating our approach to public diplomacy.

The bill is divided into three titles. The major provisions of title I elevate the role and prominence of public diplomacy in the State Department's programs and decision-making and include a requirement that the Secretary of State prepare an annual strategic plan for the use of public diplomacy along with an operational plan for its implementation. Title II establishes a series of initiatives focused on the Muslim world, the goal of which is to increase those people's direct contact with the American people for the purpose of enhancing their understanding of the United States and its values. Title III reorganizes our international broadcasting operations in order to ensure greater clarity and responsibility in decisionmaking. All sources agree that the current organizational structure produces great confusion. Our purpose, however, is not merely to rationalize decisionmaking but to create the conditions needed to design and implement fundamental reforms throughout our broadcasting efforts.

Mr. Speaker, these are the broad goals of this legislation. I have prepared a section-by-section description of the bill that I insert in the RECORD.

LEGISLATION SUMMARY

TITLE I: DEPARTMENT OF STATE

Specific authorizing language. The legislation gives shape to the direction and manner in which public diplomacy is carried out by defining the statutory authorization; defines the role of the Secretary of State in public diplomacy more specifically in terms of standards, technologies, and target audiences:

Requires the Secretary of State to ensure that there is a ''cohesive and coherent'' strategy to ''aggressively . . . counter misinformation and hostile propaganda concerning the United States.''

In coordination with the reconstituted International Broadcasting Agency, the Secretary of State ''shall develop and articulate long-term measurable objectives for United States public diplomacy.

Mandates development of an annual strategic communications plan by the Department of State to advance U.S. foreign policy goals including a tactical communications plan for implementation at the embassy level. The development of this plan must be coordinated with the many federal agencies active in international programs. Although the State Department is not given operational control over programs and activities conducted by other agencies, it is designated as the lead agency.

Under Secretary of State for Public Diplomacy—Created in 1999 with the consolidation of the Department of State and the United Information Agency (USIA), the Under Secretary is given new authority over public diplomacy directors serving in the department's six regional bureaus to improve coordination of public diplomacy activities.

The legislation creates a firewall around the budget for public diplomacy and authorizes an additional $70 million for exchange and cultural programs and $40 million for other public diplomacy programs over two years.

The legislation also provides $7.5 million annually to the Office of Broadcast Services at the Department of State to accelerate its outreach to the world. A key objective is to equip the State Department with the requisite facilities, including studios and satellite capability, to enable it to act as a command center for a public diplomacy operations globally and in real time.

Development of programming. The State Department is authorized to develop programming in coordination with U.S. Agency for International Development for foreign audiences separate from the renamed International Broadcasting Agency. State is encouraged to work with foreign television broadcasters and other media to produce and distribute programming.

Establishment of the Public Diplomacy Reserve Corps. Includes a database of eligible experts in foreign policy and mass communication for temporary assignments to augment the Department during ''emergency and critical circumstances worldwide.''

Enhanced training in media and advocacy skills for the Foreign Service and Ambassadors. The Foreign Service is encouraged to recruit individuals with experience in public diplomacy and to emphasize to all incoming officers that public diplomacy is an important part of their job. Training for Ambassadors and Foreign Service officers should include a component on public diplomacy and the tools and technology of mass communication. In particular, Ambassadors should take a prominent role in the formulation of public diplomacy strategies for the country and regions to which they are assigned and be formally held accountable for the operation and success of the public diplomacy efforts at their posts.

Translation services. To assist Public Affairs Offices in embassies worldwide, the legislation adds an additional $4 million annually for document translation services.

Mandates in-depth research on public and media attitudes in regions chosen at the discretion of the Department of State. This includes a requirement that analyses of the comparative effectiveness of the various efforts undertaken in the area of public diplomacy be provided annually, including the use of the private sector in the U.S. and overseas.

Alumni program. A database of international alumni of U.S. exchange programs will be created in order to expand and utilize the connections established.

American Library initiative. A demonstration program will examine the most effective way to augment resources in local public library systems to improve literacy and to ''familiarize participants with American values and society, particularly the importance of freedom and democracy.''

Reform of the U.S. Advisory Commission on Public Diplomacy. Mandates a comprehensive biennial study by the Commission of the State Department's public diplomacy and requires that at least four of the seven Commission members have ''substantial experience in the conduct of public diplomacy or comparable activities in the private sector.''

TITLE II: INITIATIVES AIMED AT THE MUSLIM WORLD

Youth Ambassadors—Authorizes a summer youth exchange program for young individuals from countries with a predominantly

Muslim population. (Short-term exchanges of 3–4 weeks in length) to familiarize participants with the United States.

Jouralism program—Authorizes an initiative to work with foreign journalists to increase their familiarity with appropriate practices and techniques and to enhance international standards of quality and objectivity. This program will be established and operated in cooperation with private sector sponsors, including universities and exchange programs.

English language training. Creates a pilot program to increase English language skills by sending Americans to middle schools in the Muslim world to provide English language instruction.

Sister Cities Initiative: Authorizes funds for an expanded ''sister cities'' program to increase the number of US-sister city partnerships in countries with a predominantly Muslim population. (Currently there are 42 such partnerships). These partnerships are aimed at community level development and volunteer action and include non-federal support.

Fulbright Exchange Programs: Requires new emphasis on exchanges of U.S. professionals seeking to study, teach, conduct research or pursue scholarship in predominately Muslim countries.

National Endowment for Democracy: Provides an additional $10 million over two years to fund programs ''that promote democracy, media, religious tolerance, the rights of women and strengthening of civil society'' in predominately Muslim countries.

TITLE III: INTERNATIONAL BROADCASTING

Establishment of the International Broadcasting Agency—The legislation reorganizes U.S. international broadcasting programs, now headed by a part-time Board of Broadcasting Governors, into an agency headed by a director appointed by the Board. The reorganization is designed to ensure accountability by an identified decision maker while causing minimal disruption to broadcasting operations and preserving the strengths of the Board. The present Board of Governors will be reconstituted as the Board of International Broadcasting of the U.S. International Broadcasting Agency and will retain operational control of grants to entities including Radio Liberty, Radio Free Asia, and Radio Free Europe.

Development of television services to the Middle East and elsewhere. The legislation provides an initial $135 million to the Board of International Broadcasting (formerly known as the BBG) to expand television and radio broadcasting to countries with predominately Muslim populations, in order to dramatically expand access to mass audiences of uncensored news and entertainment.

There is a manager's amendment that includes a few changes from the bill as reported. We have made a number of accommodations to the concerns expressed by the State Department and others, and the bill now enjoys State Department support. These changes include reducing the authorization for the 2003 fiscal year for State Department's operating account for public diplomacy programs; providing a 2-year authorization for the initiatives focused on countries with predominantly Muslim populations for the 2002 and 2003 fiscal years; and adding a sense of Congress to establish a training program for journalists from regions of conflict.

The measures in this bill are long overdue, but they represent only the first steps in what must become an ongoing effort to ensure that the truth about our country rises above the cacophony of hate and misinformation that often passes for discourse in many areas of the world. Our goal should not merely be to talk to the governments and elites of the world but to engage people at all levels and in every country and do so on a permanent basis. We must do so not as an adjunct to our foreign policy but as a central component of that policy.

America's story is a compelling one, but it is up to us to tell it. We have much to do, but we must never forget that beyond the islands of hatred populated by vocal enemies, there is an enormous reservoir of good will and that legions of silent allies await.

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

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of H.R. 3969, the Freedom Promotion Act of 2002.

Let me begin, Mr. Speaker, by applauding Chairman Hyde for his tireless work on this bill. It is his push, his creativity, and his efforts that have brought this bill into introduction, through passage in committee and now to the floor. He has a strong personal commitment to enhancing our public diplomacy programs and he is showing tremendous leadership on that critical issue. I would also like to commend my ranking member, the gentleman from California (Mr. LANTOS), for his great dedication to public diplomacy. As both of these distinguished Members are well aware, winning the information war is critical to winning the war on terrorism. Helping prevent one key element in the prevention of future terrorist attacks must be the enhancement of international understanding of U.S. policies and values and a response to the hateful anti-American propaganda that often fuels terrorism. This can only be done through strong public diplomacy, including expanded international broadcasting and enhanced educational and cultural exchanges, particularly in the Middle East and in other countries with large Muslim populations.

Mr. Speaker, in the struggle against international terrorism, the United States must not be afraid to proclaim the universal values we espouse, democracy, free markets, human rights and social justice. These ideals represent the strongest weapons in America's arsenal and are the ultimate guarantors of our victory in this struggle. Disseminating these values more broadly and more effectively is the purpose and the promise of this legislation.

This compromise bill represents the best in bipartisanship in pursuit of U.S. national security interests. In the Committee on International Relations, we worked together to craft an amendment that streamlines the management of our international broadcasting operations while at the same time maintaining a bipartisan board as a firewall to shield broadcasting from inappropriate political influence. This structure is key to preserving journalistic integrity and the credibility of our broadcasts.

We also adopted important amendments to increase funding for the National Endowment for Democracy's activities in the Middle East, to more systematically advertise our foreign assistance to overseas audiences, and to ensure that the predominantly Muslim countries of Africa are not overlooked.

Finally, we adopted an amendment that I offered with the gentleman from Virginia (Mr. CANTOR) to provide additional resources for a 24-hour Arabic language satellite television service in the Middle East, as well as new television services and expanded radio broadcasts to countries with large Muslim populations in Central, South and East Asia. It is critical that we offer people in these countries a balanced alternative to al-Jazeera and other media sources that have contributed to growing anti-Americanism in the Muslim world.

Mr. Speaker, Congress has a responsibility to ensure that the brave men and women fighting for freedom in Afghanistan and beyond are the best trained, best equipped, and best led in the world. We also have a duty to provide our diplomatic corps and our broadcasting personnel, who are on the front lines of our public diplomacy efforts, with the same moral and material support. The funds authorized in this bill are a drop in the bucket compared to the amount we have already spent in the war on terrorism, but they will make a difference in our public diplomacy efforts.

Mr. Speaker, in the wake of last September's horrific events, this Chamber has united to take bold and courageous action in support of our war against international terrorism. The legislation before us is an integral part of that war effort and deserves the same strong bipartisan show of support.

I urge all my colleagues to support the resolution.

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

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

I would not want this opportunity to pass without commending my friend and colleague, the gentleman from California (Mr. BERMAN), who has made his usual indispensable contribution to good legislation. He is a very valuable and contributing Member. I am delighted to have him as an active cosponsor on this bill.

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

Mr. ENGEL. Mr. Speaker, I rise in support of the Freedom Promotion Act. This important legislation is designed to enhance public diplomacy in countries with predominantly Muslim populations.

During the 1990's, the United States fought in four military conflicts in support of countries with majority Muslim areas. We liberated Kuwait, saved 250,000 people in Somalia, ended

the Bosnia genocide, and halted Milosevic's ethnic cleansing in Kosova. With that record, it is almost inconceivable to me that we need to enhance our nation's image in the Middle East and other areas with large Muslim populations. Nevertheless, for a variety of reasons we do. This bill is an important first step toward telling the world the story of America and the values for which we stand.

I particularly support this legislation because it includes my amendment authorizing funding for the promotion of democracy, good governance, the rule of law, independent media, religious tolerance, the rights of women, and strengthening civil society in Middle Eastern states. For too long, America has tolerated Arab dictatorships because of our need for secure oil supplies. September 11th demonstrated that our country needs true friends in the region—democracies which respect the rights of their people—not petty autocracies which trample civil and political rights to perpetuate their rule. The funding to promote democracy in the Middle East will be coordinated by the National Endowment for Democracy, which does such excellent work around the world to promote America's democratic values.

My amendment passed prior to the recent release of the Arab Human Development Report 2002 written by Arab scholars and experts with the support of the United Nations Development Program. Yet, this report, which found a ''freedom deficit'' in the Arab world, only adds to the importance of democracy promotion in the Middle East. As stated in a July 7 New York Times Editorial, ''For too long, America embraced corrupt and autocratic Arab leaders, asking only that they accommodate Western oil needs and not make excessive trouble for Israel. As a result, too many young Arabs now identify the United States more readily with repressive dictators it supports in the Middle East than with the tolerant democracy it practices at home.'' My amendment is designed to turn back that tide.

Once again, I strongly support H.R. 3969, the Freedom Promotion Act and urge my colleagues to support the bill.

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 3969, the Freedom Promotion Act.

Mr. Speaker, Chairman HYDE has crafted a superb bill and I am proud of him and of our Committee. The bill, as our Committee report states, is intended to ''enhance in scope and substance, redirect, redefine, and reorganize United States public diplomacy.'' It is clear that we have not been getting the desired results from our public diplomacy efforts. Even with the major reorganization of the last decade, our efforts have not met the challenge of the post-September 11 world.

The team assembled by the President, including Under Secretary Beers and, of course, Secretary Powell, a most formidable communicator in his own right, are working overtime. But they need the tools and resources that this bill provides them.

I am especially interested in the special authorities for outreach to the Muslim world that are incorporated in this bill. The governments of too many Muslim states have been directing the energies of their people at the United States, or at Israel, in the search for an excuse for mismanagement at home. We need to tell our story and deflect this improperly-placed blame, which can only lead to hatred, terrorism, and war.

Mr. Speaker, I applaud the work of Chairman HYDE and my colleagues and urge them to support the bill.

Mr. SCHIFF. Mr. Speaker, I rise today in support of H.R. 3969, the Freedom Promotion Act of 2002. I would like to thank Chairman HYDE and Ranking Member Lantos of the House International Relations Committee for their leadership on this very important issue.

Mr. Speaker, American leadership and generosity have made the United States the leading international donor. Each year, the United States provides billions of dollars in foreign aid. Unfortunately, despite our efforts to improve the daily lives of people around the world, anti-American sentiment exists and is—quite alarmingly—on the rise. Often, the recipients of our aid do not know that it comes from the United States.

I was pleased to offer an amendment to H.R. 3969 during the International Relations Committee markup ensuring that the positive work and support the United States provides to troubled regions around the world be properly identified. U.S. assistance funded by the American taxpayer should be clearly identified, and the extent of American generosity for purposes of poverty reduction and development should be well known.

Foreign aid is a potentially powerful tool in our public diplomacy campaign. Broadcasting this fact abroad can help in building support for U.S. foreign policy and generate good will. Directing the Secretary of State to take advantage of this untapped resource, and requiring him to report to Congress on his efforts to do so, ensures that U.S. foreign assistance becomes an integral component of public diplomacy.

My amendment to H.R. 3969 was only the first step in the effort to effectively promote U.S. assistance abroad. Now more than ever, this bill is vital to shaping an effective foreign policy that ensures America's security interests in the aftermath of September 11, and advances America's enduring principles of justice, democracy and human rights.

Thank you and I urge an 'aye' vote.

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

Mr. HYDE. 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 Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 3969, 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.

## ANNOUNCEMENT REGARDING AMENDMENT PROCESS FOR H.R. 4628, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2003

Mr. GOSS. Mr. Speaker, today a Dear Colleague will be sent to all Members informing them that the Committee on Rules will meet this week to grant a rule for H.R. 4628, the Intelligence Authorization Act for fiscal year 2003, which may require that amendments be printed in the CONGRESSIONAL RECORD prior to their consideration on the floor.

The Intelligence Authorization Act is tentatively scheduled for floor debate on Wednesday, July 24. In order for an amendment to be in order on the floor, it would need to be submitted to the CONGRESSIONAL RECORD by the end of legislative business on Tuesday, July 23.

Amendments should be drafted to the text of the bill as reported by the Permanent Select Committee on Intelligence, which was filed on Thursday, July 18.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

## SENSE OF THE HOUSE REGARDING IMPLEMENTATION OF MANDATORY STEROID TESTING PROGRAM FOR MAJOR LEAGUE BASEBALL

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 496) expressing the sense of the House of Representatives that Major League Baseball and the Major League Baseball Players Association should implement a mandatory steroid testing program.

The Clerk read as follows:

H. RES. 496

*Resolved*, That it is the sense of the House of Representatives that—

(1) Major League Baseball and the Major League Baseball Players Association should implement a mandatory steroid testing program; and

(2) such a program would send a clear message to our Nation's children that steroids are dangerous, illegal, and morally offensive to our country's competitive spirit and one of our most cherished sports.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

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

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the resolution.

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

There was no objection.

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

Mr. Speaker, today I rise in support of H. Res. 496 which expresses the sense of the House of Representatives that Major League Baseball and the Major League Baseball Players Association should implement a mandatory steroid testing program.

Baseball is our national pastime. I am a lifelong fan and proudly hang pictures of my beloved Pittsburgh Pirates

in my office and now have season tickets to Tampa Bay Devil Rays games. As a fan, I know that whether professional players like it or not, they are heroes to many of our children.

Recently, many players have made outstanding achievements on the baseball field. Unfortunately, this has coincided with disturbing reports of widespread steroid abuse. Unless we do something to change the culture in major league baseball, children might believe that steroid use is not only permissible but also desirable and can help an individual perform at a higher level than they could without drugs. In fact, some reports already indicate that steroid use is rising in children.

As a baseball fan, I am concerned about the integrity of the game that I love. As a grandparent, I am determined to ensure that my grandchildren grow up in an environment where dangerous performance-enhancing drugs are not a part of sports. This resolution, Mr. Speaker, is a positive step in that direction. I urge my colleagues to support it.

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

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

After years of rumors and whispering, numerous current and former baseball players have recently alleged that a substantial number of major league players are using, or have used, illegal anabolic steroids to enhance their performance on the field. Steroids cause long-term damage to the heart and liver, can cause strokes in otherwise healthy people, and can cause career-ending injuries because a player's muscles become too strong for their joints and their ligaments and their tendons.

Recent allegations have placed the number of players using steroids at widely varying percentage. One former player alleged 85 percent of major league players have taken steroids at some point during their careers. But even if the correct number, say, is only 5 percent, it would mean that dozens of cheaters are sullying the sport, jeopardizing their own health, and putting enormous pressure on other players to use performance-enhancing drugs.

Unlike the use of illegal recreational drugs, the use of steroids can actually and obviously make you a better ball player. So if a player chooses not to use steroids, not to break the rules, he may be placing himself at a competitive disadvantage.

□ 1930

Technically, there is a commissioner's ban on steroid use. Without any form of drug testing, this ban is meaningless.

In light of the recent allegations, both the union and the owners have agreed to make this issue a negotiating point during their upcoming labor negotiations. In past negotiations, the players' union cited privacy concerns about drug testing. These are legitimate concerns, Mr. Speaker, and reasonable people can disagree about how to test players for steroid use. However, the other major sports leagues in this country have successfully instituted drug testing policies that are supported by both the owners and the players.

While baseball has many big issues on the agenda for its upcoming negotiations, the league should also make time to find a mutually agreeable way to test its players for steroids. The continuing use of these illegal drugs is bad for the players who use them, bad for the players who do not use them, and bad for baseball.

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

Mr. BILIRAKIS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), the sponsor of this legislation.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the chairman very much for yielding me time, and I thank him for his efforts in bringing this resolution to the floor.

I rise in strong support of H. Res. 496 and urge its unanimous adoption.

I am not an expert on baseball, though I have played the game enthusiastically at many periods in my life. I am not an expert on baseball's contract disputes either. If this were merely an issue between the players' union and owners, I would not have introduced this resolution. But I am an expert on kids, and I know that children look for heroes and emulate their heroes.

Nearly three million children worldwide play Little League baseball, and these children look up to the players of the big leagues. Yet baseball's failure to test for steroids, coupled with media reports of steroid abuse in baseball, tells young people that drug use is not only permissible, but desirable. This is exactly the wrong message to be sending to our children, but it is getting through.

Recent studies have shown an alarming increase in steroid use among children. One report said steroid use by high school boys was as high as 12 percent. I am here today because Major League Baseball needs to step up to the plate and put an end to steroid use for the sake of our children, if not for the sake of the game.

Steroids are dangerous drugs with deadly consequences, such as heart attack, stroke, and liver cancer. It is dead wrong to send the message to our children that steroids can be used safely, when they are dangerous to a person's health. It is dead wrong to send the message to our kids that it is okay to cheat, and using steroids is cheating at sports.

It is time for our Nation's most popular national pastime to send the right message to our Nation's wonderful kids. Instituting mandatory, random drug testing, as football and basketball have already done, is the only way to signal that steroids have no place in professional sports and no place in our kids' lives.

The Members of the House of Representatives represent more than 250 million Americans. Passing this resolution will send a wake-up call to baseball that they need to clean up their act.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from New York (Mr. ISRAEL).

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

Mr. Speaker, I rise in strong support of this resolution urging mandatory steroid testing in Major League Baseball. I rise as a Member of this body, but, more importantly, as a father and as a huge baseball fan, particularly of the New York Mets, which, I will take this opportunity to add, play much better in the second half than in the first half.

Mr. Speaker, all around us people are losing faith in their politicians, their corporations and their retirements. We cannot let them lose faith in America's national pastime, baseball. We cannot allow the clouds of doubt and skepticism to hang over every at-bat by every 40-home-run hitter.

Mr. Speaker, I grew up on Long Island worshipping Tom Seaver and Jerry Koosman and Tommy Agee and Cleon Jones and Art Shamsky. I started, I am very proud to announce, the Ron Swaboda fan club in my neighborhood. I was the only member of the Ron Swaboda fan club in my neighborhood, but that is what young people are supposed to do. Instead, according to one report, 12 percent of high school boys are taking steroids.

Baseball should be a field of dreams, and not a den of drugs. This should not be just another collective bargaining issue, because baseball is not just another business, like Enron or WorldCom. Baseball is special and has a special historic obligation to lead by example, to tell people who are young that you do not have to enhance your performance by using drugs that are dangerous, illegal and morally offensive; that you can excel the good old-fashioned way, with hard work.

The only way that baseball can send a serious message that it will not tolerate steroids is to institute mandatory drug testing for steroids. I take this position as a Member of Congress, as a father, and as a very proud fan of the New York Mets, much to the consternation of my constituents on Long Island.

Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. OSBORNE), our own coach.

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

Mr. Speaker, I rise to support H. Res. 496, sponsored by the gentlewoman from Connecticut (Mrs. JOHNSON). I really appreciate her leadership on this particular issue.

As other speakers have mentioned, there are a number of former major

league baseball players who have indicated that steroid abuse is widespread. Some have said 50 percent, some 60 percent. I do not know what the exact figure is, but the perception is certainly there.

I guess recent records would lend some credibility to these allegations, because in the first 125 years of major league baseball, we had two players who hit 60 home runs or more. In the last 4 years, we have had three players who have hit over 70 home runs. Home run production has skyrocketed. Strength, size, speed has always increased. So, again, we do not know the exact figures, we do not know the exact facts, but, obviously, there is something going on here that is a matter of concern.

I think the perception of steroid abuse is damaging, because the National Football League, as has been pointed out, the National Basketball Association, the Olympics and intercollegiate athletics have tested for steroids for a number of years. It is hard to understand why all of these people would test and be very much against steroids, while Major League Baseball seems to turn their head. I cannot really understand that.

I know the intercollegiate athletic scene the best. For an average top football player in an intercollegiate athletic institution, you will find that the NCAA will test twice a year, the conference will come in and test twice a year, and the school will test two to three times a year. All of these are random, unannounced tests. When that happens, you will find that steroids abuse goes down and practically disappears, because, if it is an oil-based steroid, it is detectable for up to 12 months, and if it is a water-based steroid, it is detectable for 3 to 4 weeks. So with that frequency of testing, it is almost impossible to dodge the bullet, to use steroids and get away with it. So we think this has worked very well.

In the late '70s and early '80s occasionally you would hear rumors about this guy or that guy using steroids. He would gain weight and get stronger. We had the testing capability from the middle '80s on. From that time forward, we have seen practically no steroid abuse among NCAA athletes, at least in the football arena. Of course, if a person is caught using steroids, they are suspended automatically for at least 1 year.

There are three damaging issues regarding steroids. As has been mentioned earlier, there are severe health implications, heart disease, cancer, it caps growth of young people. But an adjunct to this is psychological. Steroids greatly increase aggression. There is something called ''steroid rage,'' where someone is irrationally angry all of a sudden. This is something that can be caused by steroids. Suicide rates generally go up with those using steroids, and certain psychotic events occasionally occur as well.

Secondly, as has been mentioned earlier, there is the issue of competitive advantage. The thing I would like to mention is if you are a player and you are in a league where you think 30, 40, 50, 60 percent of your colleagues are using steroids, you may not want to use steroids, but you feel you have to use steroids in order to be competitive. If you can play in the league 2 more years, that may be several million dollars. If you can raise your home run average by 10 a year, your batting average by 15 percent, that also translates into huge contract increases. So I think we will find it is sort of a situation that to be competitive, you have to keep ratcheting up the steroid abuse.

The last thing I would mention, the reason I have really gotten behind this resolution is the fact that there is no question that young people look up to athletes, and if they see that home run production skyrocketing, if they see these guys getting bigger and stronger and faster and it seems as though the league is turning their head, we are sending a very powerful message to these young people that it is okay to do what you can get by with.

As the gentleman from New York (Mr. ISRAEL) mentioned earlier, we really have had a crisis of confidence in so many areas of our society, whether it be the clergy, whether it be politics, whether it be business, and we really cannot afford to have this crisis of confidence spread and affect our young people and particularly the game of Major League Baseball, so I urge support of the resolution and want to thank the gentlewoman from Connecticut (Mrs. JOHNSON) for her work in this area.

Mr. BROWN of Ohio. Mr. Speaker, I have no further requests for time.

Mr. BILIRAKIS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from West Virginia (Mrs. CAPITO).

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

Mr. Speaker, I rise today in favor of House Resolution 496, expressing the sense of Congress that Major League Baseball should implement a mandatory steroid drug testing program and ban the use of the drug from the sport.

I really do not have much to add from the very compelling speeches that we have heard here, but I am a mother of three actual high school athletes, and I would like to talk about how I think professional ballplayers' use and abuse of steroids has become a children's health issue.

Mr. Speaker, recent studies have shown that steroid use among student athletes is on the rise. Some studies have suggested as many as 12 percent of high school athletes use steroids. I believe that is a frightening statistic. Other surveys have indicated that student athletes are either unaware or unconvinced of the harmful effect of steroid use. Amazingly, among high school seniors, disapproval of steroids has dropped from 1997, where 91 percent of high school seniors disapproved, to less than 86 percent in the year 2001, while the belief that steroids pose a great risk has fallen from 67 percent to 59 percent in the year 2001.

These numbers are very troubling. Kids are learning that steroids are acceptable and not dangerous, and from who are they learning this? They are learning from those whose athletic performance is the highest standard, those who are the role models, the professional athlete.

Either the youth of America is ignorant, or not concerned about the side effects that have been mentioned here today, stunted growth, infertility, loss of hair, increased risk of stroke, heart disease and liver cancer. More than ever, kids are emulating what they see professionals doing, and that is using and abusing steroids to enhance their athletic performance.

Mr. Speaker, the fact that our children are copying this destructive behavior should be appalling.

There is no doubt that parents, teachers and coaches need to take a tough stance on this issue. All of us have a responsibility for our children's health. But it is absolutely crucial that we have the help of professional sports players and Major League Baseball to send a strong and clear example that steroids have no place in America's athletics.

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

Mr. BILIRAKIS. Mr. Speaker, I have no further requests for time, and 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. BILIRAKIS) that the House suspend the rules and agree to the resolution, H. Res. 496.

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

A motion to reconsider was laid on the table.

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## SENSE OF CONGRESS REGARDING OVARIAN CANCER

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 385) expressing the sense of the Congress that the Secretary of Health and Human Services should conduct or support research on certain tests to screen for ovarian cancer, and Federal health care programs and groups and individual health plans should cover the tests if demonstrated to be effective, and for other purposes.

The Clerk read as follows:

H. CON. RES. 385

*Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of the Congress that—

(1) the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health—

(A) should conduct or support research on the effectiveness of the medical screening technique of using proteomic patterns in blood serum to identify ovarian cancer, including the effectiveness of using the technique in combination with other screening methods for ovarian cancer; and

(B) should continue to conduct or support other promising ovarian cancer research that may lead to breakthroughs in screening techniques;

(2) the Secretary should submit to the Congress a report on the research described in paragraph (1)(A), including an analysis of the effectiveness of the medical screening technique for identifying ovarian cancer; and

(3) if the research demonstrates that the medical screening technique is effective for identifying ovarian cancer, Federal health care programs and group and individual health plans should cover the technique.

The SPEAKER pro tempore (Mr. GRUCCI). Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

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

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 385 and to include extraneous material.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H. Con. Res. 385, which expresses the support of the Congress for research on tests to screen for ovarian cancer.

Ovarian cancer ranks fifth in cancer deaths among women. Approximately 50 percent of the women in the United States diagnosed with ovarian cancer die as a result of the cancer within 5 years. The sooner ovarian cancer is diagnosed and treated, the better a woman's chance for recovery, since ovarian cancer is readily treatable when it is detectable before it has spread beyond the ovaries.

If diagnosed and treated while the cancer is still limited to the ovary, the 5-year survival rate is 95 percent. However, only 25 percent of all ovarian cancers are found at this early stage, primarily because ovarian cancer is hard to detect early. Women with ovarian cancer often do not display symptoms until the disease is in an advanced stage. Without a reliable, easy-to-administer screening tool, we will continue to lose the battle to detect and treat this cancer in its early stages.

This resolution expresses the sense of the Congress that the National Institutes of Health should conduct or support research on the effectiveness of screening technologies to detect ovarian cancer. The resolution also requests that the Secretary of Health and Human Services submit to Congress a report on this research, including an analysis on the effectiveness of these screening techniques.

Finally, the resolution states that if the research demonstrates that the screening technique is effective for identifying ovarian cancer, Federal health programs and health plans should cover this new diagnostic test.

It is important for women to get tested yearly for ovarian cancer. Effective screening techniques coupled with yearly exams will ultimately save lives. Mr. Speaker, I urge my colleagues to support this resolution.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I want to thank the gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from New York (Mr. ISRAEL) for their efforts to address the need for continued research in ovarian health screening and subsequent coverage of proven testing methods by insurers.

Ovarian cancer, the deadliest of the gynecologic cancers, is the fourth leading cause of cancer deaths among American women. It is estimated there will be over 23,000 new cases that get diagnosed, approximately 14,000 deaths from ovarian cancer just in this year alone in the U.S. There is no sound screening test to accurately detect ovarian cancer in its early stages like a pap smear for the detection of cervical cancer or a mammogram to detect breast cancer. While the 5-year survival rate for women in the advanced stages of ovarian cancer is only 15 to 20 percent, for women in stage I of the disease, the 5-year survival rate approaches 90 percent.

This resolution encourages the development of an effective screening tool for ovarian cancer and promotes insurance coverage of effective screening tests. The Subcommittee on Health under the Committee on Energy and Commerce marked up this bill last week in committee. We passed it unanimously by voice vote. I urge my colleagues to support the resolution.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. ISRAEL).

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

Mr. Speaker, there are times when we can make a difference and sometimes it is the difference between life and death, and today is one of those days. We are considering a resolution that could begin a process that will save the lives of thousands of American women with ovarian cancer and women all over the world over the next several years.

The resolution before us, which I introduced with the gentlewoman from Connecticut (Ms. DELAURO), distinguished colleague, calls on the National Institutes of Health to conduct a complete multi-institutional trial of a potentially huge breakthrough in the early detection of ovarian cancer.

My colleagues have heard the statistics. About 75 percent of women diagnosed with ovarian cancer receive that diagnosis in the advanced stages of the disease when survival rates are only 20 percent. Ovarian cancer is the deadliest of gynecologic cancers. It is the fifth leading cause of cancer deaths among American women. One out of every 57 women are diagnosed with ovarian cancer. Last year nearly 14,000 women in America died from ovarian cancer.

The statistics are alarming, but we can do something about them tonight. Thanks to Peter Levine and Dr. Ben Hitt, a reliable method of early detection may be near and that early detection takes the survival rate from 20 percent to 95 percent. This is something that saves lives. These are statistics that we can improve.

The resolution calls for a full field test of the new ovarian cancer early detection process, and if that full trial of the simple blood test for ovarian cancer proves effective, I am going to fight to require that the blood test be given to all women as part of their annual gynecological exam and that Medicare/Medicaid and private insurance fully cover the procedure. It is a tough approach, but the time to act is now. In this case we can do something about the statistics. We can do something to save thousands of lives. We can make a difference.

Our Nation has found the resolve and the resources to tackle the most difficult problems on earth, to produce the most advanced technology, to produce the most sophisticated weapons we need to protect our national security, and now we have an opportunity, using a simple stick upon a finger, to protect the health security of nearly 14,000 women. Now is the time for us to find the resolve and the resources to protect our people and our women from the ravages of ovarian cancer.

Mr. Speaker, I want to thank the leadership of the Committee on Commerce for their bipartisan support. I want to thank the leadership of the entire Congress for their bipartisan support for this legislation that does put women ahead of politics. I urge my colleagues to support this important resolution.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO), who has been one of the sponsors of this bill and has been a leader in all kinds of issues regarding women's health.

Ms. DELAURO. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time.

I stand here today in thanks to the gentleman from New York (Mr. ISRAEL), and I want to express how proud I am to join with him on this resolution. I will explain why to my colleagues.

So many people here know about my own set of health circumstances. Sixteen years ago, I was diagnosed with ovarian cancer. There is a moment

when they tell you that you have cancer in which you go blank. You are not quite listening to anything that the doctor is telling you; you are only trying to figure out whether or not you are going to live or you are going to die.

Ovarian cancer is a stealth disease. It does not know a political party; it does not know age; it does not know religious background; it just strikes. What is often the case is that women do not know they have ovarian cancer until the late stages, and that is often too late. By some, I say random luck, but I always view that someone was watching over me; I was diagnosed with ovarian cancer in the first stage so that it was treatable, though 16 years ago we did not have all of the new technology and this wonderful opportunity that we have to see expanded research by looking at blood samples and determining from the protein in those blood samples whether or not you have ovarian cancer. But it was random, and no one should live or die by randomness.

We have an opportunity with this resolution to move forward in that early detection of ovarian cancer, and in these last 16 years, we have been unable to come forward with a screen, something like a mammogram which has been so helpful in determining the early stages of breast cancer so that we can save lives. That is what this resolution is about. It is about saving women's lives, because almost 14,000 women will die this year with ovarian cancer. If we had that screen, we could save 90 percent of them. They could go and be with their families, with their husbands, with their children, and have good lives.

I know my colleagues will do the right thing on this resolution. Let us take advantage of modern technology, of biomedical research, and let us bring hope to the women of this country and their survival. I say ''thank you'' from the bottom of my heart to STEVE ISRAEL, who asked me to join him on this resolution, and I say ''thank you'' to God every day for giving me my life back and my opportunity to serve in this institution, because this is the institution that can make things happen. We can save lives with this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support H. Con. Res. 385 which expresses the sense of Congress that the Secretary of Health and Human Services should conduct or support research on certain tests to screen for ovarian cancer, and Federal health care programs and group and individual health plans should cover the tests if demonstrated to be effective.

Experts estimate that more than 23,000 cases of ovarian cancer will be diagnosed this year with an estimated 13,900 women dying this year alone. While this is a sad reality, it is even more disturbing when we consider that ovarian cancer is a very treatable disease when it is detected early, but only 25 percent of ovarian cancer cases in the United States are diagnosed in the early stages. The vast majorities of cases are not diagnosed until the cancer has spread beyond the ovaries, often because symptoms are easily confused with other diseases and because reliable easily administered screening tools do not exist. Ovarian cancer is the deadliest of all gynecologic cancers, and is the fourth leading cause of cancer death among women in the United States.

We all know about the remarkable scientific advances that are made each day. Today, people worried about certain illnesses may soon know for certain if they are at risk. Diseases that were once considered incurable are not preventable. Every day we are exploring new frontiers of the landscape of life and claiming new scientific victory. We are able to operate on infants still in the womb, extend the lives of heart patients with artificial hearts, and predict the development of disease through genetic coding. But there is a sad side of this story. There are diseases that do not receive the research attention that is necessary for advancement in treating and curing them. Ovarian cancer is one of those diseases.

That is why we must actively support all promising new developments in research. Scientists from the Food and Drug Administration and the National Cancer Institute reported in the February edition of The Lancet that patterns of protein found in patients' blood serum may reflect the presence of ovarian cancer. In the study, scientists used serum proteins to detect ovarian cancer, even at its earliest stages. Using a test that can be completed in 30 minutes with blood from a finger prick researchers were able to differentiate between serum samples taken from patients with ovarian cancer and those from unaffected patients. This test was one step in a long journey. Additional, multi-institutional trials must be completed before the scientific community can agree that this is a reliable tool. That is why this resolution is so critical. We must push to make this test available to women. Saving at least one of the 13,900 who will die has to be our motivation.

Currently, 50 percent of women diagnosed with ovarian cancer die from it within five years. When the disease is diagnosed in advanced stages, the chance of five-year survival is only 25 percent. Sadly, the situation for African American women is even more dismal. Among African American women, only 48 percent survive five years or more. Overcoming such persistent and perplexing health disparities and promoting health for all Americans must be a priority. That is why supporting research on medical screening techniques to identify ovarian cancer must rank as a priority for the Department of Health and Human Services.

Early detection of this disease is the best way to save women's lives. The Department of Health and Human Service has done remarkable work researching deadly disease like cancer, Alzheimer's, diabetes and AIDS and giving hope to so many patients through this research. This resolution asks the Secretary of Health and Human Services to focus research on this unrecognized threat to the lives of women. Specifically, the Secretary should focus research on the effectiveness of the medical screening technique of using proteomic patterns in blood serum to identify ovarian cancer.

Our scientists have tackled some of the most difficult problems known to man and have the potential to solve some of the most challenging health problems in the world. We must resolve to put all our resources behind their efforts particularly for diseases that affect populations that persistently experience health disparities.

I support this legislation and thank the sponsor Mr. ISRAEL and Ms. ROSA DELAURO who is a living testimony to how we can get results from good health care—because she is a survivor of ovarian cancer.

Mr. DINGELL. Mr. Speaker, I commend the House for taking up this resolution raising the importance of ovarian cancer research and screening.

Despite the severe consequences it poses to women's health, ovarian cancer is still under-recognized and under-researched. According to the American Cancer Society, more than 23,000 new cases of ovarian cancer will be diagnosed this year alone. An estimated 13,900 women will die of ovarian cancer in 2002, accounting for more deaths than any other cancer of the female reproductive system, and ranking as the fifth leading cause of cancer deaths in women.

Ovarian cancer is highly treatable when discovered in its earliest, most treatable stages. Unfortunately, it is seldom discovered until it has spread. Only 78 percent of ovarian cancer patients survive one year and just over 50 percent survive five years after diagnosis.

Currently, no simple standardized tests exist to detect ovarian cancer the way mammography can reliably check for breast cancer. This is why it is essential that Congress commit itself to research in the early detection of ovarian cancer.

The good news is that since 1991, the ovarian cancer incidence rate has been on the decline. The best way to ensure the continuation of these waning numbers is to invest in improved testing and research. With multiple means of early detection on the horizon, it is essential that we address this important issue as soon as possible. I urge my colleagues to join me in support of this resolution.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to ask all of my colleagues to vote for H. Con. Res. 385, which calls upon the Secretary of Health and Human Services to conduct or support research on certain tests to screen for ovarian cancer and to ensure that Federal health care plans and group and individual health plans cover the tests if they are demonstrated to be effective. I am a proud cosponsor of this important legislation.

As many of my colleague know, increasing research funding for ovarian cancer, especially for development of an early detection test, has been among my top legislative priorities for the past decade. My bill, H.R. 326, the Ovarian Cancer Research and Information Amendments Act, has 142 co-sponsors. I have introduced a similar bill in each Congress, beginning in 1991.

I was thrilled to learn in February of this year of a blood test developed by Correlogic Systems Inc. of Bethesda, Maryland which has been studied by researchers at the National Cancer Institute and the Food and Drug

Administration. In the study, scientists used a protein pattern they developed to classify 116 blood samples that were known to include 50 cancerous samples and 66 noncancerous samples. The test correctly identified the 50 cancerous samples and correctly identified 95 percent of the control sample as noncancerous.

It is urgent that large-scale testing of this technology be begun as soon as possible. As this test only requires a blood test, it will at last enable the widespread screening needed to identify this disease in its earliest and most curable stage. In particular, we should make the test available as soon as possible to those with increased risk factors for ovarian cancer.

Approximately 23,000 women in the United States are expected to be diagnosed with ovarian cancer this year and some 14,000 women will die from the disease. Ovarian cancer is the most lethal cancer of the female reproductive system, primarily because it is so difficult to detect in its early stages. While survival rates are quite high if the disease is found before it spreads beyond the ovaries, the five-year survival rate drops to 28 percent for women who are diagnosed and treated in the later stages of the disease. Only 25 percent of ovarian cancer cases are caught in the earliest stage. This test could change these frightening statistics and lead to the declines in mortality we've seen since widespread use of early detection tests for cervical and breast cancer.

I commend Representatives ISRAEL and DELAURO for introducing this bill and urge all of my colleagues to support it.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 385.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## NURSE REINVESTMENT ACT

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3487) to amend the Public Service Act with respect to health professions programs regarding the field of nursing.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Nurse Reinvestment Act''.*

***SEC. 2. TABLE OF CONTENTS.***

*The table of contents for this Act is as follows:*

*Sec. 1. Short title.*
*Sec. 2. Table of contents.*
*TITLE I—NURSE RECRUITMENT*
*Sec. 101. Definitions.*
*Sec. 102. Public service announcements regarding the nursing profession.*
*Sec. 103. National Nurse Service Corps.*
*TITLE II—NURSE RETENTION*
*Sec. 201. Building career ladders and retaining quality nurses.*
*Sec. 202. Comprehensive geriatric education.*
*Sec. 203. Nurse faculty loan program.*
*Sec. 204. Reports by General Accounting Office.*

***TITLE I—NURSE RECRUITMENT***

***SEC. 101. DEFINITIONS.***

*Section 801 of the Public Health Service Act (42 U.S.C. 296) is amended by adding at the end the following:*

*''(9) AMBULATORY SURGICAL CENTER.—The term 'ambulatory surgical center' has the meaning applicable to such term under title XVIII of the Social Security Act.*

*''(10) FEDERALLY QUALIFIED HEALTH CENTER.—The term 'Federally qualified health center' has the meaning given such term under section 1861(aa)(4) of the Social Security Act.*

*''(11) HEALTH CARE FACILITY.—The term 'health care facility' means an Indian Health Service health center, a Native Hawaiian health center, a hospital, a Federally qualified health center, a rural health clinic, a nursing home, a home health agency, a hospice program, a public health clinic, a State or local department of public health, a skilled nursing facility, an ambulatory surgical center, or any other facility designated by the Secretary.*

*''(12) HOME HEALTH AGENCY.—The term 'home health agency' has the meaning given such term in section 1861(o) of the Social Security Act.*

*''(13) HOSPICE PROGRAM.—The term 'hospice program' has the meaning given such term in section 1861(dd)(2) of the Social Security Act.*

*''(14) RURAL HEALTH CLINIC.—The term 'rural health clinic' has the meaning given such term in section 1861(aa)(2) of the Social Security Act.*

*''(15) SKILLED NURSING FACILITY.—The term 'skilled nursing facility' has the meaning given such term in section 1819(a) of the Social Security Act.''.*

***SEC. 102. PUBLIC SERVICE ANNOUNCEMENTS REGARDING THE NURSING PROFESSION.***

*Title VIII of the Public Health Service Act (42 U.S.C. 296 et seq.) is amended by adding at the end the following:*

***''PART H—PUBLIC SERVICE ANNOUNCEMENTS***

***''SEC. 851. PUBLIC SERVICE ANNOUNCEMENTS.***

*''(a) IN GENERAL.—The Secretary shall develop and issue public service announcements that advertise and promote the nursing profession, highlight the advantages and rewards of nursing, and encourage individuals to enter the nursing profession.*

*''(b) METHOD.—The public service announcements described in subsection (a) shall be broadcast through appropriate media outlets, including television or radio, in a manner intended to reach as wide and diverse an audience as possible.*

*''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2003 through 2007.*

***''SEC. 852. STATE AND LOCAL PUBLIC SERVICE ANNOUNCEMENTS.***

*''(a) IN GENERAL.—The Secretary may award grants to eligible entities to support State and local advertising campaigns through appropriate media outlets to promote the nursing profession, highlight the advantages and rewards of nursing, and encourage individuals from disadvantaged backgrounds to enter the nursing profession.*

*''(b) USE OF FUNDS.—An eligible entity that receives a grant under subsection (a) shall use funds received through such grant to acquire local television and radio time, place advertisements in local newspapers, or post information on billboards or on the Internet in a manner intended to reach as wide and diverse an audience as possible, in order to—*

*''(1) advertise and promote the nursing profession;*

*''(2) promote nursing education programs;*

*''(3) inform the public of financial assistance regarding such education programs;*

*''(4) highlight individuals in the community who are practicing nursing in order to recruit new nurses; or*

*''(5) provide any other information to recruit individuals for the nursing profession.*

*''(c) LIMITATION.—An eligible entity that receives a grant under subsection (a) shall not use funds received through such grant to advertise particular employment opportunities.*

*''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2003 through 2007.''.*

***SEC. 103. NATIONAL NURSE SERVICE CORPS.***

*(a) LOAN REPAYMENT PROGRAM.—Section 846(a) of the Public Health Service Act (42 U.S.C. 297n(a)) is amended—*

*(1) in paragraph (3), by striking ''in an Indian Health Service health center'' and all that follows to the semicolon and inserting ''at a health care facility with a critical shortage of nurses''; and*

*(2) by adding at the end the following: ''After fiscal year 2007, the Secretary may not, pursuant to any agreement entered into under this subsection, assign a nurse to any private entity unless that entity is nonprofit.''.*

*(b) ESTABLISHMENT OF SCHOLARSHIP PROGRAM.—Section 846 of the Public Health Service Act (42 U.S.C. 297n) is amended—*

*(1) in the heading for the section, by striking ''LOAN REPAYMENT PROGRAM'' and inserting ''LOAN REPAYMENT AND SCHOLARSHIP PROGRAMS'';*

*(2) by redesignating subsections (d), (f), (g), and (h) as subsections (f), (h), (i), and (g), respectively;*

*(3) by transferring subsections (f) and (g) (as so redesignated) from their current placements, by inserting subsection (f) after subsection (e), and by inserting subsection (g) after subsection (f) (as so inserted); and*

*(4) by inserting after subsection (c) the following subsection:*

*''(d) SCHOLARSHIP PROGRAM.—*

*''(1) IN GENERAL.—The Secretary shall (for fiscal years 2003 and 2004) and may (for fiscal years thereafter) carry out a program of entering into contracts with eligible individuals under which such individuals agree to serve as nurses for a period of not less than 2 years at a health care facility with a critical shortage of nurses, in consideration of the Federal Government agreeing to provide to the individuals scholarships for attendance at schools of nursing.*

*''(2) ELIGIBLE INDIVIDUALS.—In this subsection, the term 'eligible individual' means an individual who is enrolled or accepted for enrollment as a full-time or part-time student in a school of nursing.*

*''(3) SERVICE REQUIREMENT.—*

*''(A) IN GENERAL.—The Secretary may not enter into a contract with an eligible individual under this subsection unless the individual agrees to serve as a nurse at a health care facility with a critical shortage of nurses for a period of full-time service of not less than 2 years, or for a period of part-time service in accordance with subparagraph (B).*

*''(B) PART-TIME SERVICE.—An individual may complete the period of service described in subparagraph (A) on a part-time basis if the individual has a written agreement that—*

*''(i) is entered into by the facility and the individual and is approved by the Secretary; and*

*''(ii) provides that the period of obligated service will be extended so that the aggregate amount of service performed will equal the amount of service that would be performed through a period of full-time service of not less than 2 years.*

*''(4) APPLICABILITY OF CERTAIN PROVISIONS.—The provisions of subpart III of part D of title III shall, except as inconsistent with this section, apply to the program established in paragraph (1) in the same manner and to the same*

*extent as such provisions apply to the National Health Service Corps Scholarship Program established in such subpart.''.*

*(c) PREFERENCE.—Section 846(e) of the Public Health Service Act (42 U.S.C. 297n(e)) is amended by striking ''under subsection (a)'' and all that follows through the period and inserting ''under subsection (a) or (d), the Secretary shall give preference to qualified applicants with the greatest financial need.''.*

*(d) REPORTS.—Subsection (h) of section 846 of the Public Health Service Act (42 U.S.C. 297n) (as redesignated by subsection (b)(2)) is amended to read as follows:*

*''(h) REPORTS.—Not later than 18 months after the date of enactment of the Nurse Reinvestment Act, and annually thereafter, the Secretary shall prepare and submit to the Congress a report describing the programs carried out under this section, including statements regarding—*

*''(1) the number of enrollees, scholarships, loan repayments, and grant recipients;*

*''(2) the number of graduates;*

*''(3) the amount of scholarship payments and loan repayments made;*

*''(4) which educational institution the recipients attended;*

*''(5) the number and placement location of the scholarship and loan repayment recipients at health care facilities with a critical shortage of nurses;*

*''(6) the default rate and actions required;*

*''(7) the amount of outstanding default funds of both the scholarship and loan repayment programs;*

*''(8) to the extent that it can be determined, the reason for the default;*

*''(9) the demographics of the individuals participating in the scholarship and loan repayment programs;*

*''(10) justification for the allocation of funds between the scholarship and loan repayment programs; and*

*''(11) an evaluation of the overall costs and benefits of the programs.''.*

*(e) FUNDING.—Subsection (i) of section 846 of the Public Health Service Act (42 U.S.C. 297n) (as redesignated by subsection (b)(2)) is amended to read as follows:*

*''(i) FUNDING.—*

*''(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of payments under agreements entered into under subsection (a) or (d), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2003 through 2007.*

*''(2) ALLOCATIONS.—Of the amounts appropriated under paragraph (1), the Secretary may, as determined appropriate by the Secretary, allocate amounts between the program under subsection (a) and the program under subsection (d).''.*

## *TITLE II—NURSE RETENTION*

### *SEC. 201. BUILDING CAREER LADDERS AND RETAINING QUALITY NURSES.*

*Section 831 of the Public Health Service Act (42 U.S.C. 296p) is amended to read as follows:*

### *''SEC. 831. NURSE EDUCATION, PRACTICE, AND RETENTION GRANTS.*

*''(a) EDUCATION PRIORITY AREAS.—The Secretary may award grants to or enter into contracts with eligible entities for—*

*''(1) expanding the enrollment in baccalaureate nursing programs;*

*''(2) developing and implementing internship and residency programs to encourage mentoring and the development of specialties; or*

*''(3) providing education in new technologies, including distance learning methodologies.*

*''(b) PRACTICE PRIORITY AREAS.—The Secretary may award grants to or enter into contracts with eligible entities for—*

*''(1) establishing or expanding nursing practice arrangements in noninstitutional settings to demonstrate methods to improve access to primary health care in medically underserved communities;*

*''(2) providing care for underserved populations and other high-risk groups such as the elderly, individuals with HIV–AIDS, substance abusers, the homeless, and victims of domestic violence;*

*''(3) providing managed care, quality improvement, and other skills needed to practice in existing and emerging organized health care systems; or*

*''(4) developing cultural competencies among nurses.*

*''(c) RETENTION PRIORITY AREAS.—The Secretary may award grants to and enter into contracts with eligible entities to enhance the nursing workforce by initiating and maintaining nurse retention programs pursuant to paragraph (1) or (2).*

*''(1) GRANTS FOR CAREER LADDER PROGRAMS.—The Secretary may award grants to and enter into contracts with eligible entities for programs—*

*''(A) to promote career advancement for nursing personnel in a variety of training settings, cross training or specialty training among diverse population groups, and the advancement of individuals including to become professional nurses, advanced education nurses, licensed practical nurses, certified nurse assistants, and home health aides; and*

*''(B) to assist individuals in obtaining education and training required to enter the nursing profession and advance within such profession, such as by providing career counseling and mentoring.*

*''(2) ENHANCING PATIENT CARE DELIVERY SYSTEMS.—*

*''(A) GRANTS.—The Secretary may award grants to eligible entities to improve the retention of nurses and enhance patient care that is directly related to nursing activities by enhancing collaboration and communication among nurses and other health care professionals, and by promoting nurse involvement in the organizational and clinical decisionmaking processes of a health care facility.*

*''(B) PREFERENCE.—In making awards of grants under this paragraph, the Secretary shall give a preference to applicants that have not previously received an award under this paragraph.*

*''(C) CONTINUATION OF AN AWARD.—The Secretary shall make continuation of any award under this paragraph beyond the second year of such award contingent on the recipient of such award having demonstrated to the Secretary measurable and substantive improvement in nurse retention or patient care.*

*''(d) OTHER PRIORITY AREAS.—The Secretary may award grants to or enter into contracts with eligible entities to address other areas that are of high priority to nurse education, practice, and retention, as determined by the Secretary.*

*''(e) PREFERENCE.—For purposes of any amount of funds appropriated to carry out this section for fiscal year 2003, 2004, or 2005 that is in excess of the amount of funds appropriated to carry out this section for fiscal year 2002, the Secretary shall give preference to awarding grants or entering into contracts under subsections (a)(2) and (c).*

*''(f) REPORT.—The Secretary shall submit to the Congress before the end of each fiscal year a report on the grants awarded and the contracts entered into under this section. Each such report shall identify the overall number of such grants and contracts and provide an explanation of why each such grant or contract will meet the priority need of the nursing workforce.*

*''(g) ELIGIBLE ENTITY.—For purposes of this section, the term 'eligible entity' includes a school of nursing, a health care facility, or a partnership of such a school and facility.*

*''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2003 through 2007.''.*

### *SEC. 202. COMPREHENSIVE GERIATRIC EDUCATION.*

*(a) COMPREHENSIVE GERIATRIC EDUCATION.—Title VIII of the Public Health Service Act (42 U.S.C. 296 et seq.) (as amended by section 102) is amended by adding at the end the following:*

## *''PART I—COMPREHENSIVE GERIATRIC EDUCATION*

### *''SEC. 855. COMPREHENSIVE GERIATRIC EDUCATION.*

*''(a) PROGRAM AUTHORIZED.—The Secretary shall award grants to eligible entities to develop and implement, in coordination with programs under section 753, programs and initiatives to train and educate individuals in providing geriatric care for the elderly.*

*''(b) USE OF FUNDS.—An eligible entity that receives a grant under subsection (a) shall use funds under such grant to—*

*''(1) provide training to individuals who will provide geriatric care for the elderly;*

*''(2) develop and disseminate curricula relating to the treatment of the health problems of elderly individuals;*

*''(3) train faculty members in geriatrics; or*

*''(4) provide continuing education to individuals who provide geriatric care.*

*''(c) APPLICATION.—An eligible entity desiring a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.*

*''(d) ELIGIBLE ENTITY.—For purposes of this section, the term 'eligible entity' includes a school of nursing, a health care facility, a program leading to certification as a certified nurse assistant, a partnership of such a school and facility, or a partnership of such a program and facility.*

*''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2003 through 2007.''.*

*(b) TECHNICAL AMENDMENT.—Section 753(a)(1) of the Public Health Service Act (42 U.S.C. 294c) is amended by striking '', and section 853(2),'' and inserting '', and section 801(2),''.*

### *SEC. 203. NURSE FACULTY LOAN PROGRAM.*

*Part E of title VIII of the Public Health Service Act (42 U.S.C. 297a et seq.) is amended by inserting after section 846 the following:*

*''NURSE FACULTY LOAN PROGRAM*

*''SEC. 846A. (a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may enter into an agreement with any school of nursing for the establishment and operation of a student loan fund in accordance with this section, to increase the number of qualified nursing faculty.*

*''(b) AGREEMENTS.—Each agreement entered into under subsection (a) shall—*

*''(1) provide for the establishment of a student loan fund by the school involved;*

*''(2) provide for deposit in the fund of—*

*''(A) the Federal capital contributions to the fund;*

*''(B) an amount equal to not less than one-ninth of such Federal capital contributions, contributed by such school;*

*''(C) collections of principal and interest on loans made from the fund; and*

*''(D) any other earnings of the fund;*

*''(3) provide that the fund will be used only for loans to students of the school in accordance with subsection (c) and for costs of collection of such loans and interest thereon;*

*''(4) provide that loans may be made from such fund only to students pursuing a full-time course of study or, at the discretion of the Secretary, a part-time course of study in an advanced degree program described in section 811(b); and*

*''(5) contain such other provisions as are necessary to protect the financial interests of the United States.*

*''(c) LOAN PROVISIONS.—Loans from any student loan fund established by a school pursuant*

*to an agreement under subsection (a) shall be made to an individual on such terms and conditions as the school may determine, except that—*

*''(1) such terms and conditions are subject to any conditions, limitations, and requirements prescribed by the Secretary;*

*''(2) in the case of any individual, the total of the loans for any academic year made by schools of nursing from loan funds established pursuant to agreements under subsection (a) may not exceed $30,000, plus any amount determined by the Secretary on an annual basis to reflect inflation;*

*''(3) an amount up to 85 percent of any such loan (plus interest thereon) shall be canceled by the school as follows:*

*''(A) upon completion by the individual of each of the first, second, and third year of full-time employment, required by the loan agreement entered into under this subsection, as a faculty member in a school of nursing, the school shall cancel 20 percent of the principle of, and the interest on, the amount of such loan unpaid on the first day of such employment; and*

*''(B) upon completion by the individual of the fourth year of full-time employment, required by the loan agreement entered into under this subsection, as a faculty member in a school of nursing, the school shall cancel 25 percent of the principle of, and the interest on, the amount of such loan unpaid on the first day of such employment;*

*''(4) such a loan may be used to pay the cost of tuition, fees, books, laboratory expenses, and other reasonable education expenses;*

*''(5) such a loan shall be repayable in equal or graduated periodic installments (with the right of the borrower to accelerate repayment) over the 10-year period that begins 9 months after the individual ceases to pursue a course of study at a school of nursing; and*

*''(6) such a loan shall—*

*''(A) beginning on the date that is 3 months after the individual ceases to pursue a course of study at a school of nursing, bear interest on the unpaid balance of the loan at the rate of 3 percent per annum; or*

*''(B) subject to subsection (e), if the school of nursing determines that the individual will not complete such course of study or serve as a faculty member as required under the loan agreement under this subsection, bear interest on the unpaid balance of the loan at the prevailing market rate.*

*''(d) PAYMENT OF PROPORTIONATE SHARE.—Where all or any part of a loan, or interest, is canceled under this section, the Secretary shall pay to the school an amount equal to the school's proportionate share of the canceled portion, as determined by the Secretary.*

*''(e) REVIEW BY SECRETARY.—At the request of the individual involved, the Secretary may review any determination by a school of nursing under subsection (c)(6)(B).*

*''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2003 through 2007.''.*

***SEC. 204. REPORTS BY GENERAL ACCOUNTING OFFICE.***

*(a) NATIONAL VARIATIONS.—Not later than 4 years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a survey to determine national variations in the nursing shortage at hospitals, nursing homes, and other health care providers, and submit a report, including recommendations, to the Congress on Federal remedies to ease nursing shortages. The Comptroller General shall submit to the Congress this report describing the findings relating to ownership status and associated remedies.*

*(b) HIRING DIFFERENCES AMONG CERTAIN PRIVATE ENTITIES.—The Comptroller General of the United States shall conduct a study to determine differences in the hiring of nurses by nonprofit private entities as compared to the hiring of nurses by private entities that are not nonprofit. In carrying out the study, the Comptroller General shall determine the effect of the inclusion of private entities that are not nonprofit in the program under section 846 of the Public Health Service Act. Not later than 4 years after the date of the enactment of this Act, the Comptroller General shall submit to the Congress a report describing the findings of the study.*

*(c) NURSING SCHOLARSHIPS.—The Comptroller General of the United States shall conduct an evaluation of whether the program carried out under section 846(d) of the Public Health Service Act has demonstrably increased the number of applicants to schools of nursing and, not later than 4 years after the date of the enactment of this Act, submit a report to the Congress on the results of such evaluation.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

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

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation, and to insert extraneous material on the bill.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 3487, the Nurse Reinvestment Act.

Over the past several weeks, both the Senate and the House have worked to reach agreement on legislation that will help alleviate the national nursing shortage. We have all heard about issues with recruitment and retention of nursing staff across the nursing continuum. Our health and long-term care systems rely heavily on the services of these dedicated health care professionals. Nurses provide critical medical services necessary to ensure quality health care. Our legislation provides new authority to the Secretary of Health and Human Services to ensure that we will have an adequate supply of qualified nurses in our health care system.

□ 2000

To address the nursing shortage, this legislation focuses on two key areas. The first one pertains to the recruitment of new nurses, which means we must encourage more young people to choose this challenging and fulfilling career. This legislation directs the Secretary of Health and Human Services to create public service announcements designed to promote nursing and nursing education programs. Secondly, this legislation focuses on the training of those in the profession by building on the recruitment theme.

The compromise bill we are considering today expands title 8 of the Public Health Service Act to include scholarships for students entering the nursing profession. In exchange, students must enter a commitment to serve in a health facility determined to have a critical shortage of nurses.

Third, H.R. 3487 focuses on the retention of the talented workforce that is in the system today. To aid in the retention of qualified nurses, the legislation provides the HHS Secretary with authority to expand on career ladder programs that promote career advancement of nurses within the profession. The bill also allows grants to enhance the nursing workforce by initiating and retaining nurse retention programs. Moreover, this legislation authorizes grants for programs that will train and educate individuals in providing care for elderly, which may be critical with our aging baby boom population.

Our efforts to recruit and retain qualified nursing professionals will be in vain if we do not also address our system for educating nurses. If we are successful in recruiting nurses to the profession, we will need to build up our Nation's capacity to educate nurses. To this end, the bill establishes a faculty loan cancellation program to encourage people to complete advanced education and treat future nurses. Under this program, Ph.D. and master's nursing students will be eligible to receive loans if they agree to teach in a nursing schooling upon completion of their degree. For every year up to 4 years that a loan recipient teaches, he or she will have an increasing portion of their loan canceled.

Nurses are invaluable, Mr. Speaker, to the success and quality of our health care system. The legislation helps ensure that our Nation will have a well-trained supply of nurses on which to rely. Again, this legislation, and I am very proud to say this, was put together with a bipartisan effort of the House and the Senate. And I would certainly be remiss if I did not mention the gentlewoman from California (Mrs. CAPPS), who is a nurse herself who has lived these particular problems and she has been a pusher, I guess is the best way I can put it, on this; and we are very, very grateful to her for this and to her staff.

I would like to thank my colleagues for their hard work and dedication to this issue, and I would also add thanks to the gentleman from Maryland (Mr. EHRLICH), the gentleman from Kentucky (Mr. WHITFIELD), the gentleman from Tennessee (Mr. BRYANT), and the gentlewoman from New York (Mrs. KELLY). There are so many from the other side of the aisle and our side who have been so helpful because of the great interest in trying to solve this particular problem.

I would like to take a moment to thank some of the staff who worked on this bill. Please forgive me if I miss anyone in this process. I would like to recognize a few people. First, Anne Esposito, who recently left my staff, was instrumental in obtaining House passage of the bill. John Ford, Jeremy

Sharp, and Katie Porter on the minority were also most helpful, as were Steve Tilton, Erin Ockunzzi, Cheryl Jaeger, and Pat Morrisey from my staff. I thank each of them for their hard work on this legislation. I know that we all should feel awfully proud and awfully good about having passed this or at least brought it to this particular point.

I urge my colleagues to join me in support of H.R. 3487, the Nurse Reinvestment Act.

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

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

Mr. Speaker, there are three nurses in the House of Representatives, the gentlewoman from New York (Mrs. MCCARTHY), the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), and the gentlewoman from California (Mrs. CAPPS).

Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Mrs. CAPPS), who, as a registered nurse and a member of the Subcommittee on Health of the Committee on Energy and Commerce, has been the driving force and turned this dream into a reality and, as the gentleman from Florida (Mr. BILIRAKIS) has said, has simply not let up on this issue.

Mrs. CAPPS. Mr. Speaker, I thank my colleague for yielding me time.

Mr. Speaker, I rise in strong support of the Nurse Reinvestment Act, and I urge my colleagues to vote for this important legislation.

Mr. Speaker, I want to thank the gentleman from Florida (Mr. BILIRAKIS) for putting up with me, the gentleman from Louisiana (Mr. TAUZIN), and especially ranking members, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Ohio (Mr. BROWN), and all of the staff for the hard work put into this bill. I will mention by name as well: Katie Porter, John Ford, Steve Tilton, Cheryl Yaeger, and from my office, Jeremy Sharp.

Together we have crafted good legislation that will help us deal with the nursing shortage.

This bill marks a major commitment by the Congress to end the shortage of nurses. The bill is based on legislation that I introduced in April of last year, H.R. 1436, and represents a major step forward in nursing education. I am grateful for the support of 238 co-sponsors of that bill and the nursing and public health groups that helped us move it forward.

The Nurse Reinvestment Act will authorize new scholarships for prospective nurses to complete their education more quickly and join the workforce. These scholarships will enable a broader range of people to find their way into a very rewarding career, one that will always be in demand, no matter the strength or weakness of the economy.

The bill also authorizes grants to train all levels of the nursing workforce in geriatric care. This will better prepare our nurses to deal with the coming retirement of the baby boom generation. And the bill addresses the shortages of nursing faculty by providing loan assistance to nurses who want to teach.

It also expands current nursing programs to include career ladder grant programs and nursing retention programs. These new programs will help make the nursing profession more attractive to potential nurses and to provide for more upward mobility.

And, finally, the legislation will authorize public service announcements to educate the public about the need for more nurses, the opportunities available for educational assistance, and the rewards of this kind of caregiving career. One of the major problems nursing faces is the perception that it is an unappealing career and women's work. These PSA's will help us counter that impression and explain the value and the benefits of a career in nursing.

Mr. Speaker, I am, as my colleague mentioned, one of three nurses currently serving in Congress. Before I was elected to the House of Representatives, I served the people of Santa Barbara County as a public health nurse for 20 years. I do know first hand the challenges facing our hospitals and health care providers and the consequences if we fail to meet them. Nurses are the backbone of our public health system. As we struggle to prepare our Nation for everyday public health emergencies, and extraordinary events like bio-terrorism, we certainly cannot afford to be without enough nurses. September 11 and the anthrax letters remind us that our safety and well-being depends in part on the ability of our hospitals to care for us and our loved ones. Having enough nurses is a critical component of that care. Nurses are the first line of defense in all these scenarios. They will be the ones treating the victims of biological and conventional terror attacks, and right now we do not have enough of them.

Data on the nursing workforce shows that staffing shortages are increasing and recruiting new registered nurses is becoming progressively more difficult. We already today need 125,000 RN's to fill existing vacancies according to the American Hospitals Association; and by 2010, 40 percent of the RN workforce will be over 50 years old. In contrast, the number of RN's under 35 has fallen to just a little over 18 percent. Simply put, there are not enough new nurses joining the workforce to replace those expected to retire in the next 10 years, and this problem will be compounded by the 78 million baby boomers retiring and needing more health care.

Congress needs to act on this problem quickly. We need to pass the Nurse Reinvestment Act, and then we need to appropriate sufficient funds to the program it creates. This bill represent several good steps toward a comprehensive solution toward the nursing shortage; but if we do not fund it, it will be of little help.

Funding for nursing education programs right now is around $100 million. We certainly have to increase our commitment to nursing. To be sure, there is much more that we will need to do. But this is an excellent start, and I am pleased that we have finally come to this point. So I urge all of my colleagues to support nurses and vote for the Nurse Reinvestment Act.

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

Mr. Speaker, I must say that last evening, late last night about 11:15, 11:30, my favorite uncle, my wife's and mine, passed away with leukemia. And during these last few weeks when he was in the hospital in Tarpon Springs, Florida, my hometown; and afterwards with the hospice people at his home for 3 or 4 days, well, the dedication of nurses was just there and I do not think I told any of them; but I wanted to tell them about this piece of legislation, but they were awfully busy.

Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. EHRLICH), who is a member of the committee.

Mr. EHRLICH. Mr. Speaker, I rise in support of H.R. 3487, as amended. We have already heard this bill is absolutely critical. In Maryland, our health care facilities are now reporting a shortage of 2,000 nurses statewide. This shortage directly affects the quality of care Marylanders receive in hospitals, in community health centers, in doctors' offices, and even their homes. This act spurs both nurse recruitment to attract more young people into the profession, as well as nurse retention to hold on to experienced nurses.

As we have heard, this legislation contains provisions for public service announcements to advertise and promote the nursing profession, highlight the advantages and rewards of nursing, and encourage individuals to enter this critical profession. It also establishes a scholarship program for students who want to become nurses but may not be able to afford nursing school.

The act creates a scholarship program to help individuals who agree to serve at least 2 years at a health care facility in a nurse shortage area. To improve retention, the bill gives the Secretary of Health and Human Services the authority to provide grants for nurse education practices and retention grants. These grants may go to programs to help train nurses in specialty areas, serve underserved populations such as the elderly and substance abusers, and work for a higher nursing degree, among other nurse-retention programs.

Mr. Speaker, this act gives the Health Resources and Services Administration the authority to offer loan repayment opportunities for nurses to gain advance degrees in order to become nursing faculty. Faculty who serve 4 years in nurse-shortage areas

will have 85 percent of their school loans repaid for them.

I would like to thank the chairman. We could not do this without the gentleman from Florida (Mr. BILIRAKIS). His leadership has been terrific, and he has been as dogged as the gentlewoman from California (Mrs. CAPPS). I also want to thank the gentlewoman from New York (Mrs. KELLY), my colleague and friend, for her hard work on this; the gentleman from Ohio (Mr. BROWN); and, of course, the man who makes it all possible, the chairman of the committee, the gentleman from Louisiana (Mr. TAUZIN). But without the gentleman from Florida (Mr. BILIRAKIS), we would not be standing here today. I know the gentlewoman from California (Mrs. CAPPS) agrees with that thought.

Mr. Speaker, this investment in the nursing workforce improves our Nation's health delivery system, and it is crucial to the health and public safety of all Americans. I congratulate everybody associated with the bill. It will be signed by the President. It is good policy. It is a bipartisan bill. I look forward to its enactment into law.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MCCARTHY), who also is a registered nurse.

Mrs. MCCARTHY of New York. Mr. Speaker, I was a nurse for over 30 years before I came to Congress and the gentlewoman from California (Mrs. CAPPS) and I talk about it. We are still nurses. We just happen to have a side job as being a Congressperson. That is the way we look at it here. That is why I take the nursing shortage very personally; and also why, last December when we passed a version of the Nurse Reinvestment Act, I was happy that we started looking at the issue because it is an important issue to all of us. But we still need to do more for our nurses. That is why I and the gentlewoman from California (Mrs. BONO) introduced H.R. 4654, the Nurse Retention and Quality of Care Act. This is a bill that provides $20 million in grant monies to hospitals to help them become magnet hospitals.

On Long Island where I live, we have an RN vacancy rate of 8 percent and an 16 percent LPN vacancy rate. In addition, 126,000 nurses are needed nationwide.

One solution to keep and retain nurses immediately would be to help hospitals obtain magnet hospital status. Magnet hospitals are hospitals that have reorganized care to be more hands-on, team-oriented, patient-centered, and as a result are attracting more nurses.

I and the gentlewoman from California (Mrs. BONO) wanted to give hospitals a chance to become better workplaces for health care professionals. Even in times of nursing shortages, magnet hospitals enjoy low turn-over and job satisfaction. The average length of employment for registered nurses in magnet hospitals is 8 years, twice the length of employment in non-magnet hospitals. Magnet hospitals give our nurses the ability to make their own schedules, which, by the way, is one of the biggest contentions with nurses in hospitals today. In addition, nurses are on all administration boards and continued education for all levels of nursing are provided.

As a result, magnet hospitals report lower mortality rates, higher patient satisfaction and greater cost efficiency.

□ 2015

The patients experience shorter stays in hospital and intensive care units. Best of all, nurses are enjoying their jobs again.

The nurses I spoke to at my Long Island magnet hospitals say that their quality of life has dramatically improved due to the changes made, and I think this is something that we are starting to really address now. With this particular bill, we are looking at all of the aspects of what our nurses are facing on a daily basis. We have sicker patients in the hospitals today. The job has gotten harder and harder. Higher tech has come in, but yet there is one thing all nurses have in common, and this is the compassion to take care of the people. That is why we went into nursing in the first place.

Mr. Speaker, I rise today thrilled that the Nurse Reinvestment Act now includes our magnet hospital language, and it has truly become a bill that will help all nurses, but this is a win-win situation. Not only is it good for our nurses and our hospitals, but it really is good for our patients, and again, that comes back down to those that need us the most, especially when they are sick.

I commend my colleagues in both Houses for their diligent work negotiating for a better bill and urge all Members to support this important piece of legislation.

Mr. BILIRAKIS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I rise in strong support of the Nurse Reinvestment Act. This is a substantial step in addressing the growing shortage of nurses currently being experienced by health care facilities nationwide. I thank the gentleman from Florida (Mr. BILIRAKIS), the Subcommittee on Health chairman, and the gentlewoman from California (Mrs. CAPPS), for their hard work in bringing this legislation to the floor.

As a professional patient advocate, I hope that this measure will increase the number of health professionals available to care for the growing number of patients we have, the growing number, as well as being more ill when they are in the hospital.

The bill contains practical and creative solutions to eliminating the nursing shortage. It focuses on recruitment, retention, career enhancement and faculty development. The Nurse Reinvestment Act will provide a framework for increasing awareness about opportunities in the nursing profession, growing enrollment in nursing schools, and providing staff coverage for areas experiencing acute shortages.

Funding for outreach and public awareness campaigns will help us tap into new communities, seeking those people who may not traditionally have considered health care as a career. The National Nurse Service Corps expanded loan repayment assistance and a scholarship program contained in this bill will further entice prospective students to serve in areas where the need is the greatest.

We hope that nurses currently practicing will find this legislation provides funding for the development of internships, residency and mentoring programs, and education and new emerging technologies. Nurses also should be encouraged to seek specialty training and other opportunities to enhance their skills as a result of this bill.

An especially important component of the bill is a provision to ensure that nursing schools have adequate faculty. A loan forgiveness program will be available for nurses pursuing advanced education who will teach in nursing schools.

In short, the bill will help make sure that the classroom seats in our Nation's nursing schools are filled and that practicing nurses remain in the field and pursue higher skill levels. This will help relieve the nursing shortage that we are experiencing. Nurses are stretched too thin, and we need to get more nurses on the hospital floors to provide much-needed care for patients.

It is a good step. It is a first step in helping America continue to have caring and outstanding medical nursing care. I urge all of my colleagues to support this measure and help strengthen our Nation's health care workforce.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to first of all commend and congratulate the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) for their outstanding leadership on health issues, and I also want to commend the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) for the leadership that they provide. I could not let this opportunity go by without coming over to congratulate and commend the gentlewoman from California (Mrs. CAPPS) for the outstanding leadership she has provided on this issue as well as so many others.

I was listening to the debate and was thinking of Loyola University, Rush-Presbyterian St. Luke's, University of Illinois, Cook County Hospital, Mount Sinai Hospital, Westside Veterans Administration, Heinz, Northwestern, Mercy Hospital, Malcolm X College,

the Chicago Rehabilitation Institute, all of which have nursing schools and nursing programs in my congressional district, all who lament the fact that we do not have enough nurses, in many instances, to fill some of the classes.

This deal will create an opportunity for many institutions not to find it necessary to import nurses. There is a wealth of talent, individuals around who with a little nudging and a little help will choose nursing as a career. This is an opportunity. It is a great one.

Again, I commend the gentlewoman from California (Mrs. CAPPS) and all of those who have made it happen.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 4 minutes.

I want to thank the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Florida (Mr. BILIRAKIS) for their fine work and for working with the gentleman from Michigan (Mr. DINGELL), the gentlewoman from California (Mrs. CAPPS) and with me on the issue of the nurse shortage and their commitment to send a bill to the President's desk.

Special thanks to staff members Steve Tilton and Cheryl Jaeger, and Katie Porter in my office and John Ford, and Jeremy Sharp for the work they did on this legislation.

Nurses are the heart of our health care system. They have the most contact with patients. With the threat and reality of bioterrorism, they are on the front lines treating exposure to biological and chemical agents as well as a surge of ''worried well'' patients. They make a functioning health care system an effective health care system, and to be sure, they do not receive nearly enough gratitude.

There is not a Member in this House or Senate who does not recognize the severity of the nursing shortage. While the facts to substantiate the shortage are glaring, the solutions are far less clear. The House and Senate each passed legislation that reflected their sincere and strong commitment to tackling the problem. Both bodies put in a tremendous amount of work to reach a compromise between the two bills, and I am pleased in joining with my colleagues with the end result.

This bill is not intended to provide all the answers. Its modest but critical purpose is to alleviate the nursing shortage by jump-starting recruitment and fostering retention.

Under recruitment, our bill will establish public service announcements and expands the current loan repayment programs to include scholarships.

Under retention, our bill will help schools of nursing to train nurses in geriatric care. It also establishes a career ladder grant program and a faculty loan cancellation program. It provides resources to health care facilities to improve their staff management.

While this bill will not cure the shortage, it is also much more than a bandaid. The bill will provide substantial authority and ultimately resources to interest men and women in becoming nurses and furthering their careers in nursing and improving the quality of their work environment. It sends a strong message to nurses that we value their hard work, we recognize their inherent value in the delivery of quality health care in this country, and we are committed to helping them in their efforts to help others.

Mr. Speaker, I ask the House to support this legislation.

Mr. BENTSEN. Mr. Speaker, I rise today in strong support of the conference report for H.R. 3487, the Nurse Reinvestment Act. As the representative for Texas Medical Center, the home of four nursing schools, I strongly believe that we need to provide sufficient federal funding for nursing education and retention programs. In a time when many of our nation's hospitals are facing nursing shortages, this legislation is an important first step in our effort to recruit and train more nurses to meet patient needs.

This bill will expand a nurse loan repayment program to include scholarship for needy students. In exchange for this scholarship assistance, nurses will be required to serve for a period of time in health care facilities that face a critical shortage of nurses. The requirement to serve will vary according to the amount of assistance each nursing student receives.

This legislation will also provide resources to nursing schools to train nurses of all levels to care for an aging population. As a larger portion of our population reaches retirement age, there will be an increased need for skilled nurses. Nursing schools will be allowed to develop new curricula, faculty development, and offer continuing education classes.

Another important provision included in this bill will provide grants to nursing schools for Faculty Loan Programs. Nursing schools will offer loans to advanced degree students with the expectation that these advanced trained nurses will join the faculty to teach new nurses. In our local area, there is shortage of both trained nurses and trained faculty members. I believe we need both more nursing teachers and students in order to increase the supply of nurses.

This measure would also expand current basic nursing training programs to provide grants to establish career ladder programs. With these programs, health care facilities would be able to offer new opportunities for nurses to increase their responsibilities and career opportunities. If nurses believe that they can achieve advancement in their careers, they will be more likely to be attracted to this profession.

Finally, this bill provides for public service announcements to promote the nursing professions. With more information, it is hoped that more people will enter the nursing field when they realize that it is a vital part of our health care profession. With nurses, our health care facilities can provide quality care to patients. All of these programs are necessary to ensure that tomorrow's nurses will be trained to care for all Americans.

Mr. Speaker, I urge my colleagues to support this effort to increase nursing education and recruitment programs.

Ms. DELAURO. Mr. Speaker, I rise in strong support of the bipartisan Nurse Reinvestment Act, and I thank the gentlewoman from California for her commitment to addressing our Nation's nursing shortage. She has worked so hard to ensure this body could take the first steps in addressing the concerns of nurses and the issues which have plagued the nursing profession.

In my home state of Connecticut, more than 3,200 nurses have left the State or given up their licenses since 1996. Nurse vacancy rates are up 50 percent since that time, and the number of newly licensed nurses is down 25 percent from 4 years ago.

Further, the average age of licensed nurses in my state is 45, compared to the national average of 42. There is a widening gap between the increasing need for nursing care and the number of women and men who will be there to provide the care that their patients need. These statistics only begin to indicate the severity of our nursing shortage, one that mirrors what is happening nationally.

Nurses play a critical role and are often underappreciated in our health care system. Anyone who has spent time in any hospital knows how hard nurses work and the high quality of care that they provide. Congress needs to support nurses, just as they support our loved ones and us when we need it the most. The Nurse Reinvestment Act is that first step to achieve these goals.

This bill would establish nurse scholarships in exchange for requiring those nurses to serve facilities with critical shortages. It would provide resources to schools of nursing to train nurses of all levels to care for an older population. The Nursing Reinvestment Act would also provide incentives and grant programs to ensure that nurses stay in the profession and have opportunities to move up the career ladder. It establishes public service announcements to change age-old stereotypes about the nursing profession and improve recruiting.

I am proud that nurses have been the driving force behind this bill. Together, they played a large role in developing the legislation and fighting for its passage. They were out on the front lines. They know better than anyone the challenges that nurses face day in and day out, and their experience and ideas informed this bipartisan effort and built a strong piece of legislation.

Again, I would like to thank my colleague, Mrs. CAPPS, for all of her hard work on this bill, and I urge my colleagues to support this bill so that we may meet this urgent need as soon as possible.

Mr. DINGELL. Mr. Speaker, I rise in support of the Nurse Reinvestment Act. This bill is a solid down payment in our effort to address severe shortages in the nursing profession. This is not the first nursing shortage we have seen, but I am dedicated to finding a real solution so that it may be our last. Nurses are the unsung heroes in health care, and today they need our help.

As is the case with any bill of importance, much of the credit goes to our colleagues who are willing to do the hard work. None has worked harder on behalf of the nursing professions than my friend and colleague, Representative CAPPS. She has been tireless and today her efforts pay off. I congratulate her on a job well done. Of course, we would not be here without bipartisan support and cooperation. I thank the Chairman of the Health Subcommittee, Representative BILIRAKIS, Subcommittee Ranking Member BROWN, and Chairman TAUZIN.

The national nursing shortage reached crisis level in 1999 and experts are predicting that by 2008, the nation will be short 450,000 nurses. This shortage of nurses has dramatic detrimental repercussions for American citizens. When there are too few nurses at bedsides, patients are significantly more likely to suffer serious complications, according to one study published recently in the New England Journal of Medicine.

So far, my home state of Michigan has fared better than many other states against the national nursing shortage because so many Canadian nurses have crossed the Ambassador Bridge and Detroit-Windsor Tunnel for U.S. nursing jobs. Metro Detroit hospitals import 15 to 20 percent of their nursing staff from Canada. A study by the University of Detroit-Mercy, however, reports that by 2008, Michigan will need 1.4 million registered nurses, but only 656,000 will be available.

The bill before us today seeks to rectify these problems and reverse their implications. The Nurse Reinvestment Act establishes nurse scholarships to provide educational scholarships in exchange for commitment to serve in a public or private non-profit health facility determined to have a critical shortage of nurses. H.R. 3487 further establishes nurse retention and patient safety enhancement grants to assist health care facilities to retain nurses and improve patient care delivery through more collaboration between nurses and other health care professionals.

H.R. 3487 establishes comprehensive geriatric training grants for nurses, it establishes faculty loan cancellation programs to allow nurses full-time study and rapid completion of advanced degree studies, and it establishes a career ladder grant program to assist individuals in the nursing workforce to obtain more education. Finally, the Nurse Reinvestment Act will help us recruit more nurses through public service announcements and other educational programs. These will inform the public about nursing as a profession and career and will tell potential nurses about the resources available to them if they choose to enter this wonderful profession.

I salute the efforts of Representative CAPPS and my other colleagues that have brought us this far and I urge my colleagues to join me in support of this bill.

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

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

The SPEAKER pro tempore (Mr. GRUCCI). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3487.

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

A motion to reconsider was laid on the table.

## EXPRESSING SENSE OF CONGRESS THAT CHINA SHOULD CEASE PERSECUTION OF FALUN GONG PRACTITIONERS

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 188) expressing the sense of Congress that the Government of the People's Republic of China should cease its persecution of Falun Gong practitioners, as amended.

The Clerk read as follows:

H. CON. RES. 188

*Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of Congress that—

(1) the Government of the People's Republic of China should cease its persecution of Falun Gong practitioners, and its representatives in the United States should cease their harassment of citizens and residents of the United States who practice Falun Gong and cease their attempts to put pressure on officials of State and local governments in the United States to refuse or withdraw support for the Falun Gong and its practitioners;

(2) the United States Government should use every appropriate public and private forum to urge the Government of the People's Republic of China—

(A) to release from detention all Falun Gong practitioners and put an end to the practices of torture and other cruel, inhumane, and degrading treatment against them and other prisoners of conscience; and

(B) to abide by the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights by allowing Falun Gong practitioners to pursue their personal beliefs; and

(3) the United States Government should investigate allegations of illegal activities in the United States of the Government of the People's Republic of China and its representatives and agents, including allegations of unlawful harassment of United States citizens and residents who practice Falun Gong and of officials of State and local governments in the United States who support Falun Gong, and should take appropriate action, including but not limited to enforcement of the immigration laws, against any such representatives or agents who engage in such illegal activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentlewoman from California (Ms. WATSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

In the past 3 years there has been a systematic escalation of horrific attacks launched by Chinese authorities against Falun Gong practitioners. The deplorable action by the Chinese authorities has included the brutal torture of followers, particularly women, who have been arrested, gang-raped and brutally beaten.

In one instance, a 19-year-old woman who was arrested in Tiananmen Square died 13 days later while still in police custody. Her face and lips were severely swollen, both ears were plugged with blood-soaked cotton, and her nose had collapsed as a result of repeated beatings.

Another woman and her 8-month-old son were tortured to death while in police custody. Her neck and knuckle bones were broken, and her skull was sunken in. Her infant son's ankles had deep bruises from being hung upside down by handcuffs. There were bruises on the baby's head and blood in his nose.

Since the crackdown officially began on July 21, 1999, many Falun Gong followers have been suspended or expelled from school. They have been demoted or dismissed from their employment. They have been held in prison. They have been sent to labor camps and psychiatric hospitals, all because they chose to live by the strength of their convictions and refused to renounce their religious beliefs.

Thus, as a human being and a refugee of another Communist regime who oppresses its people and also has a policy of intolerance, I was compelled to act. I filed House Concurrent Resolution 188, which is supported by over 100 of our colleagues in this House. This resolution calls on the Chinese leadership to stop its persecution of Falun Gong practitioners. It further directs the agencies of our United States Government to use every appropriate public and private forum to press the Chinese authorities to release all Falun Gong religious prisoners and to immediately stop the use of torture against the Falun Gong and other prisoners of conscience.

Since the resolution was passed by our Committee on International Relations last July, this situation for the Falun Gong has worsened, and the determination of the PRC to suppress the Falun Gong at all costs has become increasingly evident. Secret documents issued by the PRC and unveiled by human rights organizations in May of this year underscored that Falun Gong practitioners and instigators should be cracked down to a greater degree, and this is their exact quote, ''As soon as they are discovered, they should first be arrested and then the formalities be dealt with.''

The PRC's persecution of the Falun Gong in China constitutes the most deplorable and inhumane behavior. Disturbingly, these practices are now being employed in the United States against the Falun Gong. Falun Gong practitioners here in the United States are the victims of death threats, of car bombs, of vandalism against their homes, of cyber attacks and harassment.

Given the increased evidence linking Chinese officials to this wave of persecution, Mr. Speaker, it is imperative that we in the United States act swiftly and decisively to address this serious matter. We must send a clear message to the PRC that such behavior

will not be tolerated in this country and that violators will be held accountable for their actions, and that is what the manager's amendment seeks to accomplish.

In addition to technical changes, the manager's amendment includes two substantive changes to the bill introduced. The new whereas clause underscores the victimization of U.S. citizens and permanent residents who are subjected to arbitrary detention, imprisonment and torture by the PRC, and the new resolve clause calls on the United States Government to investigate reports of persecution of American citizens and residents by PRC officials and agents in the U.S.

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It calls on the U.S. Government to investigate harassment of U.S. State and local officials in an attempt to intimidate the State and local officials into withdrawing support for the Falun Gong; and it further calls on the United States Government to take appropriate action to address this illegal and unacceptable behavior.

Mr. Speaker, it has been said that the only thing necessary for the triumph of evil is for good men and women to do nothing. Therefore, I call on my colleagues to render their support to the Falun Gong and other victims of oppression in China, and to vote for the manager's amendment to House Concurrent Resolution 188.

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

Ms. WATSON of California. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

Mr. Speaker, I would like to thank the gentlewoman from Florida (Ms. ROS-LEHTINEN), the distinguished Chair of the House Subcommittee on International Operations and Human Rights, for bringing this important resolution to the floor.

Mr. Speaker, since the Chinese Government launched its brutal campaign against Falun Gong practitioners over 3 years ago, the U.S. Congress has been joined by human rights' groups and the State Department in condemning this campaign of terror and intimidation. I have been visited at my district office by the distinguished Chinese ambassador who feels that the Falun Gong is a threat to the orderly process of government in China. I had questions at the time that they came; but I listened diplomatically, I responded in a very diplomatic way, but I disagreed.

Unfortunately, these calls for fair and decent treatment of the Falun Gong has fallen on deaf ears in Beijing. Since 1999, over 250 Falun Gong practitioners have been killed by the Chinese Government. Many of those killed refused to break their links to the Falun Gong and have paid the ultimate price as a result. Thousands more Falun Gong adherents arrested in cities and villages throughout China have been subjected to brutal mistreatment, rape, and torture by their jailers. As we speak today, thousands of Chinese citizens remain behind bars or locked away in mental hospitals because they refuse to break from the Falun Gong.

Mr. Speaker, it is hard to fathom the reasons for the Chinese Government's decision to declare Falun Gong an evil cult and to launch a brutal crackdown on its adherents. And maybe there is good reason. However, as I can see it, Falun Gong's only apparent crime is its ability to organize and attract followers in a country in which the government wishes to have a monopoly on organization and ideology.

Prior to the Chinese Government's edict of July 21, 1999, to smash the Falun Gong, its adherents organized the largest peaceful public demonstration in China since the democracy movement in 1989. These peaceful protests have continued to today, despite the repression. We often see a few lone Falun Gong practitioners on the nightly news, bravely unfurling banners in Tiananmen Square, only to be hauled off into police vans a few seconds later.

To counteract these brave acts, the Chinese Government has embarked on an intense media campaign both in China and abroad to defame Falun Gong as a cult, thereby designating Falun Gong for particularly harsh treatment under the PRC's anticult agenda. Falun Gong supporters, largely silent and intimidated in China, have sought legal refuge abroad and in any place they can from these human rights' violations. There have been numerous civil complaints filed in U.S. Federal courts for the violations of the Torture Victim Protection Act, the Alien Tort Claims Act, and other crimes against humanity. Lawsuits have also been filed claiming that PRC embassies and consulates have been responsible for harassment here in the United States.

The Congressional Human Rights Caucus recently heard testimony from local government officials, including some from my own home State of California, that they have been subject to pressure from Chinese diplomats to renounce proclamations of support for Falun Gong by local city councils. I, myself, as I said, have been pressured. Mr. Speaker, it is important that the United States Congress strongly condemn such outrageous behavior and stand with local officials in the United States who wish to speak out for human rights in China.

Mr. Speaker, I urge all my colleagues to support this resolution.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I am very pleased to yield such time as he may consume to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, it is a great honor to join with my colleagues tonight on a matter of principle. And my colleague who just spoke certainly has spoken for all of us in the points that she has made, and I hope that the words that I am going to utter now also maintain what one would say is bipartisan. But it is not actually a bipartisan spirit; it is an American spirit. It has nothing to do with politics and nothing to do with anything but a belief in human beings and a belief that we care and a demonstration that we care about people.

Mr. Speaker, the Falun Gong, if anyone has ever met anybody in the Falun Gong, they know how easy it is to really care about these people, because they have such wonderful hearts. Here we have people who practice meditation and yoga, and they have committed themselves to treating other people with kindness and trying to be honest. For that, they have made themselves a target of one of the most brutal regimes on this planet.

How could anyone do anything other than sympathize with people like the Falun Gong? They are so demonstrative, and they are so exemplary of the oppressed people of the world. Not all oppressed people in the world have such good hearts and are kind and practice yoga and meditation, but they are all oppressed. And the fact that we have a regime that can be so brutal with these pacifists indicates just how immoral and horrifying the Communist regime in Beijing actually is.

As we have heard, tens of thousands of these pacifistic people, these spiritual people, have been arrested. Thousands of them have been tortured. Hundreds have died in captivity. Let us think about it: hundreds of these people, people with good souls, kindhearted people who are dedicated pacifists have died in captivity, thousands have been tortured; and tens of thousands have been thrown into jail.

This is not, however, unique for Communist China. Let us remember what has been going on in Tibet for these last few decades. In fact, one of the Dalai Lama's religious followers was just let out, I think after 19 years in prison. Again, tens of thousands of people in Tibet have been thrown into prison and tortured, if not hundreds of thousands. These are horrendous crimes against civilization that have been committed against the people of Tibet, like the Falun Gong.

And how about Christian churches in China? The People's Republic of China says if you do not register, if you are a religious organization, you must register and let us know exactly the names of everyone involved in your organization. Sounds like what the Nazis did to the Jews prior to World War II. And guess what? If you refuse to register, then those people, in what they call underground churches, are rounded up and they too are put into the laogai prison system along with the Tibetans, along with the Falun Gong representatives.

And what happens in the laogai prison system? What happens in the laogai prison system is that people are used as slave labor, and we end up having products sent to the United States

that, oh yes, we can be guaranteed that none of them come from that prison camp; but what we cannot be guaranteed of is that the parts that are made in the laogai prison system do not end up in the factories that make the products that give us such a great deal at the supermarket and at the Wal-Mart stores throughout our country.

No. What has happened, unfortunately, while all this repression and bloodshed and brutality, and I might add a massive build up in their military has been going on, America has been conducting business as usual with the Communist regime in Beijing. Business as usual. And that is the United States Congress has passed time and time again bills providing Most Favored Nation Status, or as they call it, normal trade relations, for the same Communist China that is committing these violent crimes, these ugly crimes against humanity.

I do not think we should have business as usual with any thug regime, whether it be Fidel Castro, which our colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN), knows the brutality of that regime firsthand, or whether it be Communist China or whether it be Kazakhstan, which I read in the paper today that we have developed a close relationship with the gangster thug that runs that country. Let us not have business as usual with countries that are run by gangsters.

Yes, let us have free trade, but let us have free trade between free people. What happens instead, what controls the agenda here in our relationships with these regimes around the world? Instead, it is our big business community, with their dreams of huge profits in dealing with someone who has a monopoly control of a country, like these gangster regimes have; cutting one deal, and thus they can have all the profit they want because they have no labor problems and they have no competition.

No, that dream is not the dream of the American people. The American people's dreams come on July 4, when we talk about individual rights being granted by God to all of God's children throughout the world. We, as free people, should be siding with the oppressed people of the world and not those gangster regimes that stand for everything that America is supposed to be against. But, of course, our big businessmen are over there making a huge profit.

They are making a big profit by setting up companies over there, I might add, manufacturing units. What is ironic about all of this is that I talked to a big business company the other day, a pharmaceutical industry; and I said, by the way, I remember when you built your plant over in China 10 years ago. How are you doing over there? And he said, well, we are not doing too good; but we are not losing as much money as the rest of those people who invested over there.

The irony of this is that we have big business, with their dreams of huge profits, directing our policy, while they themselves are getting taken to the cleaners for investing in a regime that has no respect for the rule of law. And they also know that without the IMF loan guarantees and subsidies that we provide them by granting Most Favored Nation Status, without that they would not have invested over there in the first place. Now we see a Frankenstein monster that has been created by the actions of our own government, by kowtowing to business interests that are being totally unrealistic about the threat of Communist China and a business community that has no respect for our traditions of liberty and justice.

Unfortunately, this administration, as I read today, to top it all off, as we are talking about the Falun Gong, this administration is considering closer military ties to the People's Republic of China. What a disgrace that is. When we talk about bipartisanship here in Congress, let us note that I attacked the last administration for trying to do that. Not trying to, but implementing a policy of closer military ties, and I cannot stand silently while this administration goes down that same path.

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Mr. Speaker, America should side with those in China who long for freedom. We should side with the goodhearted people of China who want to have yoga and meditation and treat people kindly. Those are our allies, not those who carry guns and building the weapons systems, and putting their boots in the face of their fellow Chinese.

We need to let the people of the world know that the United States is not the friend of totalitarian regimes, of gangsters who beat people up and slaughter them and refuse to allow the people of their country to control their destiny through the ballot box. Many people of the world think that is what they think the United States is all about, because that is what they see in their own country. Our only hope is that the young people of China, Burma, Kazakhstan or Cuba, that they understand that we are on their side and that the United States of America is a country that believes in treating people decently, and those people who are treating them in such a harsh manner and destroying their families and torturing them, that has nothing to do with the United States of America. When they see our flag, they should think this is not for repression. Those people who see our flag should think, they are on our side.

Mr. Speaker, let us pass this resolution siding with the Falun Gong, and help those who are suffering so much in China and throughout the world. We should let them know that our world stands for freedom and liberty and justice, and that we have made mistakes. We have not gone so far and it is not past time for us to reclaim our proper role in this world, which is the role of the champion of the oppressed and the hope for all mankind.

We can make it real when we talk about the Falun Gong and the oppression in Tibet, the repression in Cuba and Kazakhstan and elsewhere, by making sure that the business community does not dictate to us the short term profit goals as being the goals of the United States of America. Our goals are much, much higher than that. Our goals are a united humanity, united behind the principles that were laid down in 1776.

We fell short of those goals for a long time, but now we must stand together on both sides of the aisle to see that we stand for those higher values.

Ms. WATSON of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise in support of H. Con. Res. 188, the resolution sponsored by the gentlewoman from Florida (Ms. ROS-LEHTINEN), and I thank the gentlewoman from California (Ms. Watson) for yielding me time to express my concerns regarding the persecution of Falun Gong practitioners by the Chinese government. Three years ago, the Chinese government began its brutal crackdown against Falun Gong practitioners in China. People have been killed, imprisoned, and beaten for expressing their peaceful beliefs, and we know this is absolutely unacceptable.

Across America, many local United States officials have responded by sponsoring resolutions affirming the right of Falun Gong practitioners to enjoy freedom of speech. They have done this in their particular community across America. And much to our outrage, these local officials have been pressured by Chinese officials demanding that they recant their support for Falun Gong practitioners. In a Democratic Nation, the value of free speech and freedom of religion means that this is absolutely unacceptable to us. The gentlewoman from Florida (Ms. ROS-LEHTINEN) touches briefly in this issue in H. Con. Res. 188, and later this week, I will be introducing a resolution which focuses solely on Chinese efforts to interfere with local American officials.

Mr. Speaker, I ask Members to ask themselves how do they feel about the Chinese governments telling the mayors and city councils in their districts who to support, who to allow to demonstrate and speak and, what to do in general? I urge all Members to support H. Con. Res. 188, and to cosponsor my resolution that directly addresses China's attempts to stifle democracy right here in America.

Ms. WATSON of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from California (Ms. WATSON) for yielding me this time, and for her leadership

on this issue, and thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for this legislation, H. Con. Res. 188, and ask my colleagues to support it.

I begin my remarks by asking the question, How long? How long, and when will this persecution end? That is the underlying underpinnings of this resolution. How long can the world stand by when those who are part of the Falun Gong are persecuted and beaten every day in China? It is interesting when we begin to debate issues of human rights as relates to China. There is always a dilemma. China our friend, China our business and trading partner. But I believe it is imperative that the United States looks internally on its own history and assesses times when it needs to be corrected and its treatment of individuals remedied, such as passing the hates crime legislation and civil rights legislation, and to ask our friends as well to address the terrible and violent acts that are going on against those who simply want to be peaceful practitioners, who want to be in peace.

In Houston as I pass the Chinese council office, I have worked with them. I have been able to support issues that they are concerned about. But every time I pass, there are those who are there protesting quietly and silently, but in pain over the treatment of those who practice Falun Gong. They are there every day. They are there so Americans can see that they are in pain and they need help.

This resolution will be both instructive, and it helps to craft America's foreign policy, that we cannot leave our human rights at home. It is imperative that we stand for what we believe in this country's right and as we look at our friends overseas, that we do not step away from our values. It is important to allow those to practice their faith, and to acknowledge that we have the right to free expression.

I realize that China is not governed by our Bill of Rights or our Constitution. I also realize that China has represented over and over again that they are fearful of the Falun Gong because they may be distracting people away from the government policies that China operates under the particular structure of government, the communist system of government, but China wants us to applaud and encourage its participation in the World Trade Organization and to be an equal partner in trade.

China welcomes our university professors and exchange programs. There is one in my own community with the University of Houston, and I applaud those cultural exchanges. But it warrants that we speak loudly about the abuse, and this community of people who simply ask to be left alone to practice their particular beliefs, have not been left alone in peace. Their human rights are violated, have been violated, are being violated, and will continue to be violated.

H. Con. Res. 188 puts on record this body's opposition to this violent treatment. It stands for what we believe in. It crafts and states that we are believers in human rights and that we will seek to promote human rights all over the world, even in place of having a trading partner that does not look askance at us for speaking our values and from our heart.

I applaud the strong people who are part of the Falun Gong and ask them to remain strong so we will be able to answer the question how long. Now is the time to change the ways and the attitudes. We must preserve their dignity and their life. I ask my colleagues to enthusiastically support this resolution; but as I do so, I ask the administration to enthusiastically embrace this legislation and to ask the leaders of the Chinese government to cease and desist, or else suffer penalties that we in America will stand by because we stand by human rights.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Falun Gong is based on the principles of truthfulness, of compassion and forbearance. It is about spirituality and peace. Yet for this, as we have heard tonight, practitioners are subjected to the most cruel, inhumane and degrading treatment imaginable at the hands of the Chinese authorities. Young or old, male or female, adult or child, the Chinese authorities show no regard for human life, no mercy, and no remorse. And now the PRC is seeking to extend its rein of terror over the Falun Gong to the United States. The persecution of the Falun Gong must end, and it must end now. I ask my colleagues to vote yes on the manager's amendment to H. Con. Res. 188.

Mr. WOLF. Mr. Speaker. I rise in support of this resolution that calls on the People's Republic of China to cease its persecution of Falun Gong practitioners, and I want to thank Rep. Ros-Lehtinen for introducing this legislation.

Falun Gong practitioners in China continue to suffer at the hands of China's officials. The State Department's most recent annual human rights report cited that thousands of organizers and adherents of the banned Falun Gong movement continue to be held in reeducation-through-labor camps or in prison.

The report says that over 200 Falun Gong practitioners died in detention as a result of torture or mistreatment. It is incredible to think that the Chinese Government tortured and killed over 200 Falun Gong practitioners—200 men and women—for practicing their religious belief.

As evidenced by the $83 billion trade deficit the U.S. has with China, the Chinese government has not been afraid to manufacture more products for sale overseas. The Chinese authorities are not afraid of making money or of selling products, but they seem to fear any organized religion in their country.

According to the Cardinal Kung Foundation, there are at least 12 Roman Catholic bishops in Chinese prisons under house arrest or in hiding.

Numerous Protestant House Church leaders and worshipers in China have been imprisoned and detained.

Large numbers of Muslims from the Uighur people group in China are in prison because of their faith. Young Muslim Uighur boys and girls are not even allowed to enter a mosque until they are 18-years-old.

The Chinese government has imprisoned hundreds of Tibetan Bhuddist monks and nuns because of their faith.

It is time for the state-sponsored and state-led persecution of believers in China to stop. It is time for the innocent to stop suffering and for believers in China to be allowed to worship freely, without fear of imprisonment.

I support this legislation that calls on the people's Republic of China to stop its persecution and urges the U.S. government to use every appropriate forum, public and private, to speak out against these human rights abuses.

Ms. SCHAKOWSKY. Mr. Speaker, I rise to call attention to the persecution of Falun Gong practitioners in China. Falun Gong is based on three principles: Truth, Compassion, and Tolerance. Falun Gong practitioners participate in five simple yet powerful exercises that they believe refines their inner strength by reaching for excellent health and higher spirituality. That is why I am baffled as to why the Chinese Government, which supported the spread of Falun Gong in the early 1990s, is so against such a peaceful and humble religion. I was shocked when I read reports of Falun Gong practitioners being beaten, imprisoned, and even tortured. This abuse is not isolated within the borders of China. There have been recent reports of Falun Gong practitioners in the United States being attacked. These incidents have even affected constituents in my district and these abuses must come to an end across the globe.

It pains me to see innocent people being attacked for their beliefs. As we enter this new century, we have so much opportunity to make this world a better place to live for all and it is our responsibility to work toward that goal. I ask my colleagues to support House Concurrent Resolution 188, which strongly urges the Government of the People's Republic of China to cease its persecution of Falun Gong practitioners because supporting this resolution is supporting the true essence of freedom.

Mr. GILMAN. Mr. Speaker, I would like to commend the gentlelady from Florida (Ms. ROS-LEHTINEN) for bringing this important resolution before us today.

China's continued persecution of Falun Gong practitioners for merely practicing their religion is deeply appalling. After 3 years of intense repression marked by propaganda campaigns, beatings, and imprisonment, thousands of Falun Gong practitioners remain in ''reeducation-through-labor camps'' or in prison without the benefit of formal judicial process. Furthermore, since October 2000, when China's President Jiang Zemin declared that Falun Gong was bent on ''overthrowing the Chinese government, and undermining socialism'' and vowed to crush the spiritual practice, over 400 Falun Gong practitioners died in detention as a result of torture or mistreatment.

China's suppression of Falun Gong is systematic and thorough. The are seeking to destroy the religion and the practitioners. Just as

the British felt threatened by the peaceful nonviolent protests of Mahatma Ghandi, the Chinese regime fears the popular appeal of this movement and views it as a threat to its domination over Chinese society at large.

Accordingly, I urge my colleagues to support H. Con. Res. 188 expressing the sense of Congress that the Government of the People's Republic of China should cease its persecution of Falun Gong practitioners.

If the regime in Beijing wants to take its place among civilized nations, it must end its repression and persecution of the Falun Gong and other religions, and end it now.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in strong support of H. Con. Res. 188, expressing the sense of Congress that the Government of the People's Republic of China should cease its persecution of Falun Gong practitioners. Ms. ROS-LEHTINEN, I commend you for introducing this legislation and for the leadership you have shown as Chair of the Subcommittee on International Operations and Human Rights in speaking out against human rights abuses throughout the world.

Members of Congress need to be aware of the brutal suppression of human rights and religious freedoms being carried out by the People's Republic of China. From forced abortion and labor camps, to the imprisonment and sometimes even execution of brave Chinese who dare to stand up for their faith or political beliefs, Jiang Zemin's regime is one of the worst violators of human rights in the world.

While Christians, Tibetan Buddhists, and Muslim Uighurs are all being persecuted for their faith, the suffering of peaceful Falun Gong practitioners has been especially intense. In 1999, China's dictators launched a brutal campaign to completely eradicate Falun Gong from their country through whatever means necessary, claiming that Falun Gong was a threat to ''social order'' in China. The reason behind this campaign of brutality is clear: by the mid to late 1990s, the number of Falun Gong practitioners began to exceed the number of members of the Communist Party. Like all dictators and totalitarian terror systems, the PRC fears and hates what it cannot control. So it sought to destroy and intimidate those who practice Falun Gong.

Falun Gong is not a religion, per se, but rather more like a philosophy. Based on the principles of Truthfulness, Compassion, and Tolerance, Falun Gong uses a series of five physical and mental exercises to assist its members purify themselves spiritually and peacefully resolve conflicts. Whatever one may say about the merits of their beliefs, the evidence is very clear that Falun Gong practitioners are peaceful individuals who want to be left alone to practice their beliefs as they see fit.

To carry out the task of smashing those who practice Falun Gong, the Beijing dictatorship created ''610'' offices throughout China to oversee and direct the persecution of Falun Gong through brainwashing, torture, and murder.

The State Department Human Rights Report for 2001 has several pages detailing and documenting the plight of the Falun Gong. We know at least 250 Falun Gong have died as a result of torture thus far. Other estimates place the true body count much higher. Bodies of the tortured victims are often cremated immediately to conceal evidence of torture. The report indicated that Falun Gong adherents sent to mental health institutions have been administered psychiatric drugs and electric shock treatments by Chinese authorities.

Tens of thousands of Falun Gong practitioners are held in labor camps, prisons, and mental hospitals, where they are forced to endure torture brainwashing sessions. Chinese-American permanent residents are not spared in the PRC's disgusting torture and brainwashing campaign.

One American permanent resident, Ms. Teng Chunyan, was arrested in May 2000 and sent to prison for three years solely on account of her beliefs. She was sent to Beijing ''re-education center'' in June 2000. The PRC—in a move that most American POWs from Korea and Vietnam would immediately see through and recognize—put Ms. Teng on public display on November 20, 2001 after its ''re-education'' center had thoroughly broken and brainwashed this poor woman.

In the macabre display gleefully published by the Chinese embassy—which I will include for the public record—Ms. Teng disavowed her affiliation to the Falun Gong and stated that ''I have never been abused since my detention and have not seen any sign of beating or admonishment here. Police in the center are very polite and kind. . . . The re-education center is more comfortable than my home and I am gaining weight here.'' American POWs who endured horrible torture at the hands of Communists would recognize these kinds of forced statements immediately as a pathetic farce. We might never know what kinds of terrible things were done to Ms. Teng and her family to get her to make these kinds of statements under duress. This is just one example of how China uses its state controlled media to inundate the public with anti-Falun Gong propaganda.

As my colleagues know, a sizable number of Falun Gong practitioners reside here in the United States. They attempt to raise awareness about the horrors their fellow believers are subject to through meeting with government officials and through holding peaceful protests. Just this past weekend Falun Gong members gathered on the Mall to pass out literature and inform Americans of the great suffering those in their faith are enduring. When Jiang Zemin and other state leaders responsible for this purge are visiting foreign countries, Falun Gong members travel overseas to protest and raise awareness of the brutal persecution.

In response, China's persecution against the Falun Gong has moved outside of China's own borders. A few weeks ago, Falun Gong practitioners—U.S. citizens—were denied visas to travel to Iceland during Jiang Zemin's visit to that country. An Icelandic newspaper known as ''The Morgunblad'' wrote that it ''has reliable sources that Chinese authorities have demanded from the Icelanders that Falun Gong members not be in the country during the visit.'' They even reportedly demanded that no Falun Gong protesters be seen from the Saga Hotel where Jiang Zemin was staying.

Persecution of Falun Gong in China is horrific enough itself. The fact that China is now exporting its repression to weaker foreign nations under the guise of ''safety'' and ''public order'' is even worse. We must not forget that Iceland has been a strong democratic ally of the United States and a founding member of NATO. The fact that peaceful American citizens attempting to travel to a fellow NATO nation were detained and harassed, had their names placed on an Icelandic government ''blacklist'' and their tickets revoked, presumably at the behest of thugs in Beijing, is an outrage and must not be tolerated. The cancer of China's repression is spreading all over the world. The PRC is not content to beat and torture and silence those inside its own borders. Now it is seeking to bully other nations into doing its bidding. When will this country wake up and stand up to this kind of nonsense?

I call upon all members of this body to support H. Con. Res. 188. I call on the administration to step up its efforts to speak up for the Falun Gong and out against the actions of the Chinese government immediately.

TENG CHUNYAN: I AM PLEASED TO SHAKE OFF THE SPIRITUAL SHACKLE OF THE FALUN GONG CULT (11/20/01)

''I hope that my experience help transform those obsessed Falun Gong followers,'' said Teng Chunyan on November 20 surrounded by media at a Beijing-based re-education center. With her short hair neatly combed and eyebrows noticeably trimmed, the confident 38-year-old woman looked at least ten years younger than her age.

''The reeducation center is more comfortable than my home and I am gaining weight here,'' said Teng smiling shyly. The beaming Teng, who has received systematic training in Chinese herbal medicine, cannot be compared with the Falun Gong devotee she once was.

Teng came to China from the U.S. many times between February and May of last year to collect information on the Chinese Government's handling of Falun Gong issues for Beijing branches of foreign news agencies and introduced Falun Gong followers to foreign reporters. Teng was born in Harbin, capital of northeast China's Heilongjiang Province and went to the United States in 1990. She was detained by police when she tried to enter China via the Luohu Port in Shenzhen in May 2000 and was sentenced to a 3-year term of imprisonment according to Chinese law.

Her belief in the Falun Gong cult began to waver after she was sent to a Beijing-based re-education center in June 2000. Recalling her former devotion to Falun Gong, Teng said that persuasion from family members and friends could not lessen her blind enthusiasm for the cult. ''I completely rejected contacts with the outside world and only believed in the Falun Gong cult and its propaganda which is flooded on the cult web site,'' Teng said.

Teng started to doubt the credibility and motives of the cult web site when she found that her re-education center roommate Yao Jie, who was reported dead by the web site because of her conversion, was actually living a normal life. ''What helped to change your belief in Falun Gong?'' asked a reporter. ''Truth can never be concealed for long. I saw with my own eyes police patiently helping educate Falun Gong followers and trying their best to save lives of believers who tried to commit suicide,'' said Teng.

Teng has also talked with many former Falun Gong followers and was deeply impressed with their experiences. ''My personal experiences made me reconsider the so-called facts published by the cult and I completely changed my mind,'' said Teng. When asked about her conversion process, Teng said: ''true belief conversion can never be forced.'' ''I am pleased to shake off the spiritual shackle of the Falun Gong cult and return to a normal life.''

Teng Chunyan is now an active member of the re-education center dancing troupe and

is busy preparing for an upcoming art performance organized by the center. ''I have never been abused since my detention and have not seen any sign of beating or admonishment here. Police in the center are very polite and kind,'' said Teng.

Jin Hua, vice director of the re-education center, said that police in the center are required to treat every Falun Gong follower in the center equally, and discrimination is absolutely forbidden. Jin said: ''We encourage Falun Gong followers to communicate with their family members. ''They can write to or call their family members as well as meet with relatives once a month.''

The 75-year-old father of Teng Chunyan came from Heilongjiang Province last week to visit her and was relieved to see his daughter regaining energy and vigor. ''I am happy now,'' Teng said. ''Justice will finally defeat evil.''

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STATEMENT OF TRACY ZHAO FALUN GONG PRACTITIONER AND FORMER DETAINEE IN CHINA MARCH 2, 2000

HEARING ON ''HUMAN RIGHTS IN CHINA AND TIBET''

Good afternoon everyone. I would like to thank the members of this committee for the opportunity to speak at this hearing today. I hope that my testimony will help shed some light on what is happening right now in China regarding the suppression of Falun Gong and the persecution of innocent Chinese citizens.

Before I begin, I would like to briefly introduce myself. My name is Tracy Zhao. I was born and raised in Beijing, China. Currently, I am an American citizen residing in Queens, New York. I am 30 years old and work as a flight attendant. I am also a Falun Gong practitioner.

Falun Gong, also known as Falun Dafa, is a spiritual practice based on ancient Chinese principles. It has five sets of traditional exercises and teaches practitioners to follow the universal virtues of ''Truth, Compassion, and Tolerance.'' It has attracted millions of people all over the world, because of the positive effects it has on people's overall health and well-being.

In early February of this year, I traveled to Beijing with a number of other practitioners. I was interested to see what it was like for Falun Gong practitioners in China. I had heard stories through news reports and friends, but I wanted to get a first-hand look at what was really going on. I had no intention of participating in any protests, nor was I there to cause trouble. I simply wished to observe the situation first-hand.

Shortly before midnight on February 4th, which was the night before the Chinese New Year, I arrived at Tiananmen Square. I saw many policemen beating and kicking Falun Dafa practitioners, and dragging them into police vans. Many policemen were without coats and were sweating profusely from beating people. The practitioners were trying to peacefully practice their meditative exercises as a way to appeal to the government to allow them their constitutional right to freedom of belief, assembly, and speech.

I quickly took out a camera to take a picture. The flash caught the attention of the police and three of them immediately pushed me into the police van without asking me any questions. We were all taken to the nearby police station. There were hundreds of practitioners being held there. Some were bleeding in the face; others had bruises or black eyes. There were children in detention, too.

These Falun Gong practitioners had not committed any criminal acts but had only been exercising their constitutional rights. The Chinese government claims it is a country ruled by law, but it often violates its own laws. In the early hours of February 5th, around 1,200 practitioners, including myself, were taken to the Dong Cheng detention center on the outskirts of Beijing. For 24 hours there was no water or heat. Each of us received only two pieces of Chinese bread for food. And we were not allowed to use the bathroom.

After 24 hours, the police questioned me and I told them I was an American citizen. They did not believe me and sent me to a prison cell. There were 15 other people there. Six of them were practitioners and they told me they had been secretly tried and had been sentenced for up a year. All they had done was go to the government office of appeals to offer their personal testimony to the government on how Falun Gong had improved their health and made them better people. They were arrested the moment they got there.

The Premier of China has recently urged the Government Offices of Appeals to improve their operating procedures, so that the offices would become better places for citizens to voice their concerns without fear of retribution. But for Falun Gong practitioners, walking into these offices is more like walking directly into prison.

Every practitioner in my cell had been abused at some point by the prison guards and policemen. In prison, we were given two meals a day, and it was always two pieces of Chinese bread with cabbage soup. At night all of us slept on one big wooden platform, with one blanket for two people and no pillows. It was very crowded. In the entire time I was there, we weren't allowed to take any showers. None of the practitioners were allowed any contact with the outside, nor were family or relatives allowed to visit. And the families usually also faced huge fines.

In one instance a female practitioner was trying to do the meditative exercises. But each time she started, a prison guard kicked her to the ground. This scene repeated itself many times until she had been kicked into a corner. The guard finally left her alone, and she finished her exercises.

While I was in prison, the police interrogated me and threatened that if I didn't answer all their questions I would be kept in prison forever. Finally, with the assistance of the U.S. Embassy and reports made by the international media, I was released and deported on February 12th, the eighth day of my detainment. I was not allowed to make any contact with anyone the entire time.

Since the ban on Falun Gong was announced on July 20th, 1999, the brutality with which this ''ban'' has been enforced has continued to escalate. It is reported that more than 5,000 practitioners, including the elderly, pregnant women, and young children have been sent to labor camps without proper legal procedures—without trial, legal representation, or due process.

In addition, more than 300 practitioners have been tried in secret and jailed with sentences of up to 18 years. In November, an internal government report stated that in Beijing alone, more than 35,000 practitioners have been detained, with many being under extremely inhumane conditions. So far, 11 people are know to have died while in police custody, while countless others remain unaccounted for.

Unfortunately, as I mentioned before, the scope and severity of this persecution continues to escalate. For example, in January of this year the Hong Kong-based Information Center of Human Rights and Democratic Movement in China discovered that some Falun Gong practitioners were now being held in mental hospitals where they were being injected with various drugs and were subject to other tortures. This situation has been reported in the world news by CNN, AP, and Agency France Press, to name a few. All this is ironic in light of the fact that The People's Daily, the state-owned paper, published a report just last May stating that Falun Gong is a 'beneficial practice' with no political motives that can help people improve their health. This was prior to the current crackdown.

Other television programs drew similar conclusions back then as well. Despite the overwhelming brutality currently happening in China, I would like to make it clear that Falun Gong practitioners are not against the Chinese government, nor do they seek any particular political change or reform. What they ask is that they regain the basic human rights to freedom of assembly and freedom of belief, which are protected under China's own constitution as well as under the UN Declaration of Human Rights that China has signed.

In short, we seek your help to open a dialogue with the Chinese government so as to peacefully resolve this crisis. On behalf of tens of millions of Falun Gong practitioners around the world, we want to thank Congressman Chris Smith for introducing House Resolution 218 that condemns China's brutal persecution of Falun Gong practitioners in China. This House Resolution 218 was unanimously passed on November 18, 1999. I would like to personally thank the United States government for the many steps it has taken thus far to encourage the Chinese government to end this persecution, and I hope you will continue to support a peaceful resolution. Thank you.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PLATTS). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 188, 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.

Ms. ROS-LEHTINEN. 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.

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## PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO SIERRA LEONE AND LIBERIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–249)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

*To the Congress of the United States:*

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I am providing

herewith a 6-month periodic report prepared by my Administration on the national emergency with respect to Sierra Leone and Liberia that was declared in Executive Order 13194 of January 18, 2001, and expanded in scope in Executive Order 13213 of May 22, 2001.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 22, 2002*.

## OVARIAN CANCER RESEARCH FUNDING AND NURSE REINVESTMENT ACT PASSED IN HOUSE

(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, two very important legislative initiatives passed today, and I would like to acknowledge the importance of H. Con. Res. 385. This bill expresses the Congress that the Secretary of Health and Human Services should conduct research on certain tests to screen for ovarian cancer. Out of the work of the gentleman from New York (Mr. ISRAEL) and the great leadership of the gentlewoman from Connecticut (Ms. DELAURO), a survivor of this cancer, it is very important for women who suffer from this, as well as those not yet diagnosed, to realize this legislation will help, I believe, in bringing down the numbers of those who are not able to survive with this disease.

Experts estimate that more than 23,000 cases of ovarian cancer will be diagnosed this year with an estimated 13,000 dying. This legislation will help us focus on research for ovarian cancer, and I believe it is an important initiative.

Mr. Speaker, I would like to add my applause for the Nurse Reinvestment Act for 2002 sponsored by the gentlewoman from California (Mrs. CAPPS) for the important resources it will bring to improving the professional development of nurses around the Nation, but also recruiting nurses. In my community as we speak, the Black Nurses Association will be meeting in Houston, Texas. They have been on the forefront of increasing the professional development of nurses, and providing opportunities for recruiting nurses, compensation for nurses, and the respect for nurses. The Nurses Reinvestment Act will give us the opportunity to increase the nursing population, or those who are seeking to train as nurses, increasing the professionalism of nurses, and thank them for providing good health care in America.

□ 2100

## GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the subject of the DeLay and the Leach Special Orders today.

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

There was no objection.

## SPECIAL ORDERS

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

## ACKNOWLEDGING THE INVALUABLE CONTRIBUTIONS OF SUSAN B. HIRSCHMANN

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

Mr. DELAY. Mr. Speaker, this evening I'm taking the opportunity to speak for a few moments about someone very special to me and the whole Whip Team.

I want to speak about the enormous contribution my Chief-of-Staff Susan Hirschmann has made by building the most effective staff on Capitol Hill, assisting the leadership of our House Republican Majority, and struggling tremendously hard day after day to advance our conservative, constitutional principles.

As a Member of Congress, I've found that one of the most critical factors determining our ability to effect the political process is determined by the qualities and convictions held by the men and women we hire.

Fortunately, in Susan, I found a leader with the courage to stand firm for our principles, the vision and creativity to develop effective solutions, and the heart and humor to hold together my committed and boisterous staff.

Different observers bring different interpretations about what, precisely, it is that constitutes true leadership but I know it when I see it and this much I know; only a strong leader can command the Whip Team. I've been truly fortunate to have Susan as my right hand for the past five years.

Over the years, we've won a lot of battles, we've lost a few battles, but I can't think of single occasion when be backed down from a struggle involving our core principles with a chance for victory still within site.

That's a testament to Susan's passion, determination, and strategic vision. I'm gratified to have shared so many close votes with her and pleased that our team has been able to prevail so many times.

So, Mr. Speaker, let me close by reiterating the extent of my gratitude for all the sacrifices that Susan Hirschmann made for me, our party, and our country.

We've accomplished some amazing things for the American people.

And I'm deeply grateful for everything that she's given up to build my staff into the most determined, passionate, and effective organization in Washington. We'll all miss her laughter, her wisdom, and her leadership. We'll send her off with every good wish for future happiness, success and fulfillment.

Mr. HILLEARY. Susan B. Hirschmann is known throughout official Washington, D.C. and beyond as an intelligent, hard charging, political powerhouse who has made a tremendous contribution to the Republic through her work on Capitol Hill to influence and steer federal public policy in a conservative direction. Her reputation is well deserved.

In seven and a half years as a Member of the House of Representatives, I have met no one for whom I have more respect and admiration than Susan Hirschmann. I am proud and honored to be able to call her my friend. She will be sorely missed by all of us who work with her in the House, but we all wish her well as she seeks new challenges.

I had the great fortune to hire Susan Hirschmann to serve as my Chief of Staff during my first term in office. She was, and is, the best of the best. Because of her I was the envy of my 1994 freshman class. The question most frequently asked of me by my colleagues in Congress during my first term was, ''How did you get Susan Hirschmann to be your Chief of Staff?'' I knew I needed someone with ample knowledge of Washington to supplement my lack of D.C. experience. Susan not only met that need, she was also the most talented person around. On behalf of myself, and the approximately 600,000 good folks who live in the 4th Congressional District of Tennessee, I thank you for the time you gave us.

As anyone on Capitol Hill knows, Susan went on to become Majority Whip TOM DELAY'S Chief of Staff. In that position, she has played no small role in helping TOM to become the most effective Whip the House has ever seen.

Susan embodies a rare combination of wit, wisdom, tenacious work ethic and political savvy, along with a personal touch. She is loyal to her friends and a formidable and feared foe to her enemies. With regard to her personal touch, she has shown tremendous kindness to me and so many others over the years, the most notable of which for me was an introduction several years ago to my future wife, Meredith.

Thank you, Susan, for your warm friendship and for the service you have rendered to our nation, the Congress and to so many of us individually. May God's blessings be with you and your husband, David, wherever life takes you.

Mr. CANTOR. Mr. Speaker, I rise tonight to pay tribute to a great American, and a great leader. Susan Hirschman is an unsung hero here in these hallowed halls of Congress.

Susan has dedicated her life to common sense conservative principles upon which America was founded. Like other great leaders, Susan is a principled and determined advocate, seemingly never missing an opportunity to advance her cause.

I met Susan shortly before being sworn into office, and since then, I have benefited often from her wise counsel on a myriad of topics.

Anyone spending just a short time here in Washington knows what an important role staff plays in facilitating the work of this House. As Chief of Staff to the Majority Whip, Susan takes her responsibilities seriously. She has ensured an effective Whip operation, and I know she will be sorely missed by leadership.

Susan also took a keen interest in the success of the Freshman class. Frankly, I believe her guidance and input has contributed greatly to the development of countless members of our class. And we too will feel the loss of her departure.

I know that Susan Hirschman and her husband David are one of a kind—a dynamic duo made for success. They are natural born leaders, and I am proud to call them friends.

I wish Susan and David the best of luck as Susan prepares to enter the next chapter of her career. God bless.

Ms. PRYCE of Ohio. Mr. Speaker, I rise tonight to pay tribute to Susan Hirschmann—an amazing member of the Majority Whip's staff who is leaving the House of Representatives after serving the public and this institution for 10 years.

It is difficult to sum up who Susan Hirschmann is or to overstate her impact on this institution.

Susan is many things to many people, and she is always there for Members whatever their need. Whether you are in need of a meal, a sounding board, or a project for your district—Susan is there and she delivers!

There's no doubt in my mind that Susan's savvy and intellect is at the foundation of most successes of our Republican majority. She is not just a leadership staffer, she is a leader. And, for women who want to be power brokers in Washington, I can't think of a better role model.

While Susan's credentials as a conservative Republican are sterling, she doesn't discriminate on ideology. For one, she knows that every Member represents a vote. But, she is more than a vote counter. She respects the House as an institution and she's always looking out for the team, and that means understanding and caring about the Members.

I want to take this opportunity to thank Susan: for listening—even when the message is tough to hear, for offering her sage advice, for telling it like it is, for getting the job done—no matter the obstacles, for being an inspiration to women, and most importantly, for her friendship.

Mr. CHAMBLISS. Mr. Speaker, I rise tonight to say thank you to Susan Hirschmann for her tremendous leadership and her service to their institution. She has been an asset to this House and to the Majority Whip's Office now for 10 years.

As a freshman member in 1994 Susan was a guide to this member who was still learning the rules! Susan has continued to provide counsel and guidance on the many occasions that I have gone to her in my 8 years in the House.

Susan, you will be missed by the institution and by me, personally. Best wishes to you and David in all future endeavors.

Mr. TIAHRT. Mr. Speaker, it is with great reluctance that I wish Susan Hirschmann farewell. We all know how important staff is to the legislative process. As the Majority Whip's Chief of Staff Susan has not only served Mr. DELAY but the House and the American people as well. Her drive has helped us pass many important pieces of legislation. Her dedication to the work we do here led her to stay much longer than she wanted. Susan had planned to leave before this year, but after the events of September 11th, realized that she needed to stay to help guide the House through a crucial period in our nation's history. Susan was and is the ''go to'' person. Whether it was advice, counsel or moving legislation, she was consistently effective.

I thank her husband David for the long hours she has put into serving Majority Whip DELAY and the House.

Thank you Susan. Best wishes in your future endeavors. We're going to miss you.

## EXCHANGE OF SPECIAL ORDER TIME

Mr. LEACH. Mr. Speaker, I ask unanimous consent to speak in his lieu.

The SPEAKER pro tempore. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

## HONORING JOHN B. ANDERSON

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

Mr. LEACH. Mr. Speaker, I rise today to join my colleagues in honoring an icon of American politics, John B. Anderson. John is someone about whom the traditional appellation we apply to one another here could not ring more true. He is indeed a ''gentleman from Illinois.''

A member of what commentators are calling ''the greatest generation'' of Americans, John was born in Rockford and, after graduating from the University of Illinois, began his public service as did so many of that generation by enlisting in the field artillery during World War II. As part of democracy's greatest Army, he saw extensive combat in France and Germany.

After the war, John joined many of his comrades in returning to school, receiving his JD from the University of Illinois and an LLM from Harvard. A member of the Foreign Service from 1952 to 1955, he served on the staff of the United States High Commissioner for Germany. John's first elective office was that of State's attorney for Winnebago County, Illinois. In 1960, John was elected to Congress, where he represented Illinois' 16th Congressional District with great distinction and signal independence for 10 terms. While a Member of the House, he served on the Rules Committee and, indicative of the esteem in which he was held by his colleagues, for a decade as chairman of the House Republican Conference.

While in Congress, John was an unabashed progressive, championing civil rights legislation, advocating open housing and nondiscrimination measures, and promoting campaign finance reform. With Mo Udall, a colleague John and many of us admired greatly, John helped secure passage by the House of the landmark conservation measure setting aside 125 million acres in Alaska, 67 million dedicated to wilderness.

In 1980, John challenged the political establishment by running as an independent for President. He ran a spirited, issue-oriented campaign, which in the end garnered over 6 million votes. Since leaving public office, John has taught political science as a visiting professor at some of the Nation's most prestigious colleges and universities and for the past 16 years has taught courses in the electoral process and constitutional law at Nova-Southeastern University Law School in Fort Lauderdale, Florida.

True to form, John remains an active challenger to the political status quo. He is a frequent lecturer and commentator on issues of electoral reform, United Nations reform, foreign affairs and American politics. He currently chairs the Center for Voting and Democracy.

In February, John turned 80. Keke, his wife of almost 50 years, whose Greek spontaneity provides such a warm complement to John's Scandinavian reserve, their five children and nine grandchildren, along with friends and admirers from across the country, celebrated that milestone and the wonderful career it encompasses last week here in Washington.

A soldier, a diplomat, a legislator, a teacher, a big ''R'' Republican and small ''d'' democrat, John Anderson epitomizes the very best in the American political tradition. His congressional career stands as an ornament to the House he served with such progressive vision. His Presidential race remains a model of decency and commitment, a beacon of reasoned positiveness in an era of social division. His service to the public provides the younger generations he continues to instruct living proof of the value of a principled life.

It is a privilege to honor John B. Anderson. This gentleman from Illinois is an inspiration to us all.

Mr. LAFALCE. Mr. Speaker, I had the honor to serve in the House of Representatives for six years with John Anderson, from my arrival in the House in 1975 thru the end of his tenth term in 1981.

John Anderson is probably best known for his 1980 run for President as an independent candidate. he garnered 5.7 million votes in his candidacy. While that campaign marked the end of his electoral career, he has remained active in the political arena.

Even though he ran for the Presidency more than 20 years ago, he is still recognized by many, including persons who were too young to vote in 1980. When people tell him that he looks like the John Anderson who ran for President, he tells them ''that's what my wife tells me every morning.'' John has been married to his wife Keke for almost 50 years, so she should know.

Mr. Anderson, who turned 80 this year, is active with the Center for Voting and Democracy and the World Federalist Association. He is a distinguished visiting professor at Nova-Southeastern University Law School in Fort Lauderdale, Florida. Students there benefit from his insights in courses in the electoral process and constitutional law. He has previously taught political science as a visiting professor at numerous universities, including Bryn Mawr College, Brandeis University, Stanford University, Oregon State University and the University of Illinois.

It is not surprising that teaching law comes naturally to John Anderson. He received a J.D. degree from the University of Illinois, a LL.M. degree from Harvard University and honorary doctorates of law from Wheaton College and Trinity College. In addition, he served as the State's Attorney for Winnebago County, Illinois from 1956 to 1960, prior to his election to Congress.

As a Member who will be leaving Congress at the end of this session, I look forward to staying active in the public policy arena. John Anderson, with his nearly quarter of a century

of activity following his departure from the House of Representatives, provides me with a shining example of what can be accomplished after leaving this House.

Mr. UDALL of New Mexico. Mr. Speaker, first, I want to thank my colleague and friend, Mr. LEACH of Iowa, for organizing this fitting tribute to a true American legend. I am proud to rise today to add my voice in paying tribute to one of the visionary leaders of the people's House. John Anderson never lost sight of who he represented in Congress and his approach to his duties is something we all can learn from.

John Anderson has been a lot of things. He has been a Republican. He has been an Independent. He has been a distinguished member of this body for 20 years, a Presidential candidate, and a respected law professor. He has fought for electoral reform, U.N. reform and human rights. He has been a friend: to my uncle, Mo Udall, to many other former and current Members of Congress, and to the people of Illinois and the entire United States.

But there are some things John Anderson has never been. He has never been one to blindly accept the status quo. He has never been a man who got stuck in the rigidity of party politics. Perhaps most importantly, he has never been a man to give up; and today, John Anderson is still fighting for what he believes in and teaching a new generation of leaders to do the same.

I remember John Anderson as the man who stood with my uncle to put millions of acres of pristine Alaskan wilderness under federal protection. It's a sad irony that as we celebrate his 80th birthday, many in this Congress want to open up this national treasure to oil exploration. I'm quite certain that had John Anderson's voice been heard here in Congress we might have had a different result.

I remember him as the brave fighter for campaign finance reform who could not reconcile the tremendous power of wealthy special interests with his vision of this republic. I am happy that we have finally passed meaningful campaign finance reform legislation this year, and that John Anderson was able to celebrate with us.

Even when he was in the House, John always put principle ahead of party. He did so when he supported partial public financing of elections; he did so when he became one of the first Congressmen to call for a balanced national energy policy; and he did so again when he publicly questioned the Nixon Administration's illegal expansion of the war in Southeast Asia.

I particularly want to draw attention to John's strong support of campaign finance reform. For me, that's the issue where John showed real courage and leadership. Not only was John's work on this issue a break from party politics, it laid the groundwork for later, more successful efforts to try to get money out of politics. The important work done in this Congress to reform the Nation's election laws was made possible in large party by the brave stand taken by John Anderson and those like him decades ago.

John once said that when big money rules, ordinary voters get left in the cold. And he saw the fight against money in politics as no less than a crusade to purify and strengthen the institution of government so that ordinary people could once again have their voices heard by those who represent them. But John didn't just talk about reform; John crossed party lines to support the Mo Udall Public Financing bill and other reform proposals during this tenure in the House.

Today, John is still working to reform our system of elections. While he is now calling for more dramatic changes in the way we elect our officials, he has never lost sight of the need to free our system of the pernicious influence of money.

Again, I am proud to be here to honor John Anderson. He was—and still is today—a true American leader. All of us here in this body owe him our admiration and gratitude for his years of public service—both in elected politics and in his private life. Thank you John Anderson.

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

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

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## AFRICAN FOOD CRISIS

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

Ms. WATERS. Mr. Speaker, last week I was here on this floor for an hour speaking of the crisis in southern Africa, speaking about the famine, speaking about southern Africa's plight. Approximately 13 million people in southern Africa are in danger of starvation. Last week, I talked about the fact that people were resorting to eating whatever they could find, dirt, bugs, weeds, whatever could fill their stomachs. I talked about the depiction of this famine on ABC last week. I raised the question of why it has taken us so long to respond to what is now impending death in these six nations. I have asked over and over again for this issue to be addressed in the Congress of the United States.

On July 18, the Secretary-General of the United Nations launched the consolidated national appeals for the humanitarian crisis in southern Africa. The United Nations is requesting $611 million for immediate food, medicine, and other emergency assistance to respond to this crisis. This assistance is needed within the next 2 months. It cannot wait until next year.

In the midst of this crisis, the administration is proposing to cut total funding for food assistance programs by 18 percent. This would reduce food assistance funds from over $2 billion in fiscal year 2002 to less than $1.7 billion in fiscal year 2003. This lower level of funding would have to provide for the continuing needs of Afghanistan as well as the emerging famine in southern Africa.

On June 20, 2002, I sent a letter to the conferees on H.R. 4775, the Supplemental Appropriations Act for Fiscal Year 2002, asking them to provide an emergency supplemental appropriation of $200 million to respond to the food crisis in southern Africa. This letter explained that an emergency appropriation is essential to enable the United States Government to provide desperately needed assistance to millions of starving people. Sixty-two Members of Congress signed my letter. Unfortunately, the conference committee reported the conference report for the supplemental appropriations act last Friday and provided not one dime, no additional assistance, for southern Africa. This conference report is scheduled to come to the House floor tomorrow. I urge my colleagues to recommit this conference report to the conference committee with instructions to add at least $200 million for famine relief for southern Africa.

According to Mr. Kenzo Oshima, the United Nations Under Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, there still is an opportunity to avert famine and save lives, but this window is closing rapidly. We cannot afford to wait until fiscal year 2003. We cannot even wait until Congress returns in September. We must recommit the conference report with instructions to add immediate funding for famine relief. The people of southern Africa need our help now.

Mr. Speaker, today's Wall Street Journal includes an article on the United Nations' appeal for humanitarian assistance for the people of southern Africa. I submit this article for the CONGRESSIONAL RECORD.

Mr. Speaker, we can wait and wait and wait and then all feel very sorry when we see dying people in southern Africa depicted on television in the next few months. Or we can do something about it now. I would ask my colleagues to please join me and recommit the conference report so that we can add the needed $200 million to avoid this devastation, this famine in southern Africa.

### U.N. WARNS WEST TO ACT TO HELP SOUTHERN AFRICA AVOID FAMINE

(BY MICHAEL M. PHILLIPS)

WASHINGTON.—Nearly 13 million people in southern Africa face imminent starvation unless the U.S. and other wealthy nations contribute more than $600 million in food, medicine and other emergency assistance over the next two months, the United Nations warned.

Drought conditions have left six nations struggling to meet their food needs, but a bad situation has been turned into an impending disaster by the repressive policies of Zimbabwean President Robert Mugabe, the U.N. said.

''It is not inevitable that people should die in substantial numbers,'' said Ross Mountain, the U.N.'s assistant emergency-relief coordinator.

So far, donor nations have pledged roughly $170 million of the $611 million the U.N. says it needs by September if a famine is to be averted in Malawi, Mozambique, Lesotho, Swaziland, Zambia and Zimbabwe. The U.S. has pledged $98 million of that for food aid, and Mr. Mountain was in Washington to plead for more in meetings with the U.S. Agency for International Development and the National Security Council.

The brewing famine is the worst the region has seen since a drought 10 years ago threatened 18 million people, the U.N. said. But today's situation may prove even more disastrous. One difference, the U.N. said, is that now the working populations of the countries involved have been gutted by AIDS. In Zimbabwe, for instance, HIV infects 35% of pregnant women, and many households are now headed by children or grandparents.

Zimbabwe's government has pushed the region closer to the edge of catastrophe through policies that have devastated local food production and prevented private food aid from entering the country, the U.N. said. Mr. Mugabe, who kept power through an election widely criticized as rigged, has distributed white-owned commercial farms among his supporters—a politically popular but economically disastrous move in the view of the U.S., U.N., and other foreign entities. The government has barred food imports that don't go through official channels, the U.N. said.

The crisis ''is very much complicated in the case of Zimbabwe by a number of policy decisions that have turned that country from one of the grain baskets of Africa into one of the basket cases of Africa,'' Mr. Mountain said.

Zimbabwe needs about half of the assistance the U.N. is requesting.

Sign Chavbonga, press counselor at the Zimbabwean Embassy in Washington, said the food situation is serious, but denied that government policies have worsened the effects of the drought. He said World Food Program aid is starting to reach drought-stricken areas.

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

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

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## THE HIGH COST OF PRESCRIPTION DRUGS

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

Mr. GUTKNECHT. Mr. Speaker, I rise once again to talk about the high cost of prescription drugs, more importantly, the price that Americans pay versus what people in most of the rest of the industrialized world pay for exactly the same drugs.

This particular chart is one that I have used many times here on the House floor and at town hall meetings back in my district. They are beginning to get dated and a little bit frayed, but I want to talk about some of the prices that Americans pay, and what we have listed here is roughly about a dozen of the most commonly prescribed drugs.

One that we have learned an awful lot about last fall when we had the anthrax scare here in Washington, and unfortunately four of our postal workers lost their lives to anthrax, we learned a lot about Cipro. Cipro is a drug made by a German drug manufacturer called Bayer. We in the United States know it as a company that became famous making aspirin, Bayer Aspirin; but it is a German company, and they make a lot of other pharmaceuticals. But I wanted to point out to my colleagues what we pay for a 30-day supply on average for Cipro is about $88. It is $87.99 to be exact. That same drug in Europe sells for an average of about $40.75, less than half the price for exactly the same drug.

I will say that Tommy Thompson, our Secretary of Health and Human Services, did a good job; he negotiated a very good price on the millions of capsules that we bought at the time that we were concerned about anthrax, and we still are concerned about anthrax, and he got a much better price than that, but this is what the average consumer would pay. A drug like Claritin, which is a very commonly prescribed drug this time of year for allergies that people have, in the United States the average price is $89. That same drug on average sells in Europe for $18.75. A drug that my father uses, my 84-year-old, soon to be 85-year-old, father takes a drug called Coumadin. Many seniors take Coumadin. It is a blood thinner and one of the most commonly prescribed drugs. A 30-day supply if you have to go down to your local pharmacy and pay for it yourself sells for about $64.88. That exact same drug made in the same plant under the same FDA approval sells in Europe for about $15.80. And so the list goes.

I am not here tonight to beat up on the pharmaceutical industry. It is really not so much shame on them, because they are only doing what any free market company would do and, that is, to exploit a market opportunity that they have.

□ 2115

So it is not shame on them. They have done a great job of developing many drugs that not only save lives but improve the quality of lives not only for Americans but for people around the world. The problem is that the way we have set this system up, because we do not require competition, we have created a monster and the monster is that we are paying literally all of the costs for the research for the rest of the world.

More importantly, there are estimates that at least 60 percent of the drug companies' profits come at the expense of American consumers.

I happen to believe that Americans ought to pay their fair share for prescription drugs. We are a very wealthy country. God has blessed this country. We are the most productive country in the world, and therefore we probably should pay more than the developing countries in Europe, but I do not think that American consumers should have to subsidize the starving Swiss. Let me say too, Mr. Speaker, these are not my prices. I did not make up this chart. These are from a group called the Life Extension Foundation which for more than a decade has been studying the differences between what Americans pay for prescription drugs and what the rest of the world pays. I also want to point out a chart, because what we are seeing is an incredible inflation rate in the cost of prescription drugs, and what you see here from the latest estimates we have for 2001, prescription drugs went up in the United States about 19 percent. The average Social Security cost-of-living adjustment was a little less than 3½ percent. One does not have to have a degree in statistics to realize that this is unsustainable. We cannot live with this system. So some of us have come together and tried to put together a program that we think will work, and what we are going to be introducing is a bill here in the next several days that will make it very clear that Americans do have access to these drugs at world market prices and it is a simple bill that simply says if it is an FDA-approved drug made in an FDA-approved facility that both consumers and their pharmacists can import those drugs or reimport those drugs into American markets.

And how much can we save? Let me give you an idea. We estimate that you can save at least 35 percent on the drugs coming in, the same drugs made in the same FDA-approved facilities as opposed to what you will pay for them here in the United States. And to put a pencil to that, our own accounting experts, the people at the Congressional Budget Office, estimate that seniors alone over the next 10 years will spend over $2 trillion on prescription drugs. Two trillion dollars times 35 percent is $700 billion that we can save.

I hope my colleagues will join me in supporting this very important legislation which will give Americans access to world market drugs at world market prices.

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The SPEAKER pro tempore (Mr. PLATTS). Under a previous order of the House, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

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

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

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

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

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

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

(Mr. ROGERS of Michigan addressed the House. His remarks will appear

hereafter in the Extensions of Remarks.)

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

(Mr. FOLEY 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 Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

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

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

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

## TRIBUTE TO U.S. MARINE LANCE CORPORAL PETER ORLANDO

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

Mr. MEEHAN. Mr. Speaker, I rise to pay tribute to my friend, 20-year-old United States Marine Lance Corporal Peter Orlando, who died on Saturday in service to our country. Peter Orlando was a lifelong resident of my hometown of Lowell, Massachusetts, who joined the United States Marine Corps 2 years ago. He valiantly served his country as part of our forces of Operation Enduring Freedom, deployed on a supply ship off the coast of Bahrain in the Persian Gulf. Peter was currently training at Camp Lejeune in North Carolina in preparation for continuing desert warfare training later this month in California.

Peter was a member of the 3rd Battalion 2nd Marines, 2nd Marine division, since December of 2000 after graduating from boot camp at Parris Island. Peter was assigned to the battalion's combined antiarmor platoon within the weapons company. He served as a machine gunner.

In June of this year, Peter had returned to the United States after a 6-month deployment in Okinawa. While deployed to Okinawa, Peter had further deployed to Bahrain from January to April of this year. There he participated at shipboard security operations in support of Operation Southern Watch and Enduring Freedom.

Peter was an expert rifleman and was a recipient of the Armed Forces Expeditionary Medal, the Sea Service Deployment Ribbon, and the National Service Medal. Peter's death during a military training exercise was a tragic and devastating loss to his loving family, to his community, and to his country. His death touched me personally as well. I got to know Peter when he was 9 or 10 years old. He became involved in my first campaign for Congress in 1992. I remember Peter walking the mile or so from his home in the Centerville area of Lowell to our campaign headquarters. I remember his useful enthusiasm as a volunteer, his constant zeal. He was always campaigning, no matter where he was. Over the decade that followed, I kept in touch with Peter and was proud that from time to time he would call me for advice or my view on something that he was doing. Every Saturday when I would go to the Double Tree Hotel in Lowell for breakfast with community leaders, I would meet his mother and she would tell me how Peter was doing and where Peter was, wherever he was around the world.

He was a 2000 graduate of Lowell High School, after which Peter enlisted in the armed services, a career that I was very, very proud of him for entering. I remember one time he said to me ''I am going to enter the service, which do you think I should enter?'' I said, ''Well, I hear the Marines is the toughest.'' He said, ''Yeah, that is the one for me. I have brothers who are also Marines.''

And I was extremely proud to hear of his plans to reenlist for another 4 years, his resolve, like that of our Nation, strengthened by the cowardly attacks on our country on September 11.

Peter is survived by his loving mother, Audrey, and 10 siblings: Lisa, Karyn, Christine, Heidi, Allyson, Gino, Anthony, Joseph, Maria, and Sara, as well as of many nieces and nephews. Yes, Peter was a United States Marine, but first and foremost he was a loving son, brother, uncle, a young man who was committed to his family, a legacy where he will always be remembered by not only his family but to those he touched and to those who loved him from his hometown of Lowell.

Peter Orlando served his family, his community, and his country proudly and faithfully, and I salute him today in the United States House of Representatives and say to you, Peter Orlando, today, thank you for your service to our country, and tonight from the floor of the House, Peter, you are my hero.

## FOOD CRISES IN SOUTHERN AFRICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I want to share with my colleagues and put into the RECORD a continuous issue that I have been trying to bring before the Congress and others, as you have heard the gentlewoman from California (Ms. WATERS) as well speak of. The issue is Southern Africa, and many of those countries have reached proportion of their citizens suffering from hunger and malnutrition to the extent of being a famine. Whether it is in Malawi or Swaziland or Zambia or Zimbabwe, Lesotho, all of those countries now suffer for one reason or another in terms of having food insecurity. It is either the drought that is there or mismanagement of their government or conflict in the area. It is currently said, and I have some figures up here, that right now we know more than 7 million people now are starving. Hunger is over a long period of time, and as people call it a slow burn, if we do not see them dying in the streets, we do not get the impression that they are suffering. Right now we know they are dying from it. It is a slow death. We do not feel the urgency but it is an urgency. What makes this a travesty is that it is an urgency, an emergency that we can do something about. We can actually intervene and make a difference. We can provide food and stop the starvation and possibly stop the death, but if we do nothing, we allow the starvation to continue and we allow other issues to develop. Indeed, if we do nothing right now, rather than in Zimbabwe having 6,000 people who are now starving, you will have more than 7,000 people who are. In other words, right now we could intervene and make a difference. In that region, more than 7 million people right now. We could intervene and move that from starvation to maybe food insecurity, but if we do nothing, we can be assured that it is our cavalier attitude or our disregard that it is not our problem but their problem.

I want to suggest to you that our security is in fact dependent on others having a sense of humanity and a state of living because it does threaten our security when free regions of the world are so destabilized that they care nothing about their lives or anyone else's life, that indeed threatens their security. So there is something we can do. We certainly can intervene and provide some food. Let me suggest that the United States is indeed doing some things. The World Food Program, which this country funds, is involved in there. Right at the bottom there it tells the number of families that are being fed now because the program that we support is providing that, but they would say that we need to do a lot more if we are going to make a difference in that program.

So we get a sense of the region. It shows on the map, the darker shading of the map is an indication where more than 100,000 people are right now suffering. And so we see that whole region, the deepness of the orange and the yellow indicates the severity. The light yellow is less than 10,000 people are suffering. The dark brown is where you have more than 100,000 people.

That whole region is again for many reasons but mainly drought. They are not producing as much maize as they usually do. So the immediate response is to provide the food.

We will be considering a supplementary budget and usually supplementary budgets are to respond to emergencies here in the United States or abroad as it is related to our vested interest. I submit that supporting people who live in Africa or any part of this world that are suffering from malnutrition or starving from lack of food is in the Nation's self-interest. Why is that? One of the reasons we do that is because part of our foreign policy is to ensure there is a civility and a stable market in a region that adds to the democratization of that country. You cannot have a country with democratization when, indeed, kids are starving. I think that picture says it all, that we have an opportunity to make a difference. We do not want to see kids actually dead in the street. There should be enough of our conscience to know that people are hungry.

Mr. Speaker, I submit into the RECORD the overview from the FAO which describes in detail the situations in all six of the countries in Southern Africa which speaks to the severity.

HIGHLIGHTS

In southern Africa, a food crisis looms over several countries following sharp falls in maize production in 2001 and unfavourable harvest prospects this year. Acute food shortages have emerged in Malawi, Zimbabwe and Zambia, where food reserves have been depleted and food prices have soared, undermining access to food for large sections of their populations. In Malawi, maize production declined by over 33 percent last year mainly due to excessive rains and floods, coupled with reduced and late delivery of agricultural inputs. The strategic grain reserve has been depleted and importation of maize is seriously constrained by transport bottlenecks. As a result, maize prices have risen by over 300 percent since July last year. The Government has declared a state of emergency and appealed to the international community for food assistance. In Zimbabwe, maize production in 2001 dropped by 28 percent compared to the previous year and was well below average, due to a combination of reduced plantings, dry spells and excessive rains. Maize stocks have been depleted and imports are severely constrained by a shortage of foreign exchange. The Government has appealed for international assistance. In Zambia, maize production in 2001 declined by a quarter from the previous year mainly due to excessive rains and flooding, coupled with drought in southern parts. As in Malawi, importation of maize is seriously constrained by transport bottlenecks. The Government has also appealed for assistance. The food situation is also serious in the southern provinces of Mozambique, and for vulnerable rural populations in Lesotho, Swaziland and Namibia affected by poor harvests last year. The situation is set to worsen in several countries in 2002/03 due to anticipated further falls in production this year.

In eastern Africa, the overall food supply situation has improved considerably compared to last year mainly due to favourable weather conditions. Grain surpluses in many areas have resulted in record low prices, severely affecting farm incomes and raising concerns over possible reductions in plantings next season. Nevertheless, acute food shortage persist in most pastoral areas of Somalia, Kenya and Ethiopia due to continuing drought conditions. In Eritrea, despite an improved harvest, large numbers of internally displaced people and refugees returning from Sudan depend on food assistance. For the subregions as a whole, nearly 11 million people affected by drought and/or conflict continue to depend on food assistance.

In the Great Lakes region, civil strife continues to undermine the food security of millions of people. In the Democratic Republic of Congo, the food situation of over 2 million internally displaced people continues to be of serious concern. Access to this population remains problematic, particularly in rebel-held areas where provision of relief assistance is hampered by insecurity. Elsewhere in the Great Lakes region, the food supply situation has significantly improved in Rwanda and Burundi following two successive good harvests. However, in the latter country the security situation remains volatile in some provinces, with frequent surges in violence displacing rural populations and disrupting food production.

In western Africa, the food outlook for 2002 is generally favourable, following above-average to record harvests in the Sahelian countries and satisfactory crops elsewhere. However, the food supply situation is tight in Mauritania where the harvest was below average. The situation was worsened by unseasonable heavy rains and floods last January that left hundreds of people homeless and killed an estimated 120,000 livestock. In Liberia, a resurgence of civil strife has led to fresh population displacements, with thousands of people fleeing their homes to seek elsewhere in the country or in neighboring countries. In Sierra Leone, despite an improvement in the security situation, full recovery in food production is unlikely in the immediate term. These two countries will continue to rely on international food assistance for some time to come.

Sub-Saharan Africa's cereal import requirements are set to remain high in 2002, reflecting mainly the anticipated sharp drop in cereal production in southern Africa. For 2001/02, cereal import requirements of sub-Saharan Africa have been estimated at 15.9 million tonnes, including 1.7 million tonnes of food aid.

PART I: OVERVIEW

The food outlook for sub-Saharan Africa in 2002 is generally mixed. In eastern and western Africa better cereal harvests have improved the overall food outlook, while in southern Africa the outlook is bleak due to a sharp drop in the 2001 maize harvests coupled with anticipated falls in this year's cereal production in nearly all the countries of the sub-region.

SEVERE FOOD SHORTAGES EMERGE IN SOUTHERN AFRICA

The tight food supply situation in most countries of southern Africa, following sharp falls in cereal production in 2001 due to prolonged dry spells, floods and disruption of farming activities, is set to deteriorate with the anticipated fall in cereal production for the second year running. In February 2002, FAO's Global Information and Early Warning System issued a Special Alert warning of impending serious food shortages threatening the lives of some 4 million people in the sub-region.

In Zimbabwe, the food supply situation is extremely tight as a result of the poor cereal harvest last year, delays in importing maize and the general economic and financial crisis prevailing in the country. Against Government plans since November 2001 to import 200,000 tonnes of maize, only 80,000 tonnes had arrived in the country by late March, mainly due to the country's severe shortage of foreign exchange. The Government has appealed for international food assistance. WFP has pledged close to US$60 million to provide 94,000 tonnes of cereals to some 558,000 rural and urban people facing acute food shortages until November 2002. However, by late March pledges covered 30 percent of the requirement and only 5,000 tonnes had arrived to the country.

The outlook for the country's food security is bleak. The 2002 maize harvest is expected to be poor as last year due to reduced plantings and severe dry weather. The depletion of official maize reserves and the continuing deterioration of the economic situation point to a looming food security crisis in 2002/03. An FAO/WFP Crop and Food Supply Assessment Mission is scheduled to visit the country from 23 April to 11 May 2002 to assess the food situation and estimate food import requirements, including food aid needs, for 2002/03 marketing year (April/March).

In Malawi, the Government has declared a state of emergency in the country and has appealed to the international community for food assistance to avert famine. This is the result of a poor harvest in 2001, the depletion of the strategic grain reserve and late planting of maize imports. Deaths by starvation and acute nutritional problems have been reported. Against planned maize imports by the Government of 150,000 tonnes only 83,000 tonnes had arrived in the country by the end of March, mainly due to transport constraints. Prices of maize have increased several fold, curtailing access to food for large sections of the population. WFP is distributing relief food to the most affected households.

Prospects for this year's cereal harvest have deteriorated following a prolonged dry spell, with maize production likely to be reduced for the second consecutive year. Widespread consumption of maize in green form due to severe hunger will also reduce domestic maize supply in 2002/03 marketing year (April/March). An FAO/WFP Crop and Food Supply Assessment Mission will visit the country from 22 April to 10 May 2002 for the same purpose as for Zimbabwe.

In Zambia, the food supply situation is also extremely tight as a result of a poor cereal crop last season and delays in importing maize. Out of planned imports of 150,000 tons of maize, only about 60 percent is expected to have arrived in the country by the end of April, the close of the current marketing year. Prices of maize meal are at extremely high levels, seriously restricting access to food for large sections of the population. The Government has appealed for international food assistance for 2 million people in districts declared to be in a state of emergency. WFP started relief food distribution in late January, and pledges until the end of March covered 60 percent of the requirement. However, only some 20,000 tonnes are expected to be distributed before the next harvest.

Prospects for this year's cereal harvest are poor. A prolonged dry spell in the southern parts since late January is reckoned to have seriously reduced yields over large growing areas. An FAO/WFP Crop and Food Supply Assessment Mission is scheduled to visit the country from 6 to 24 May 2002.

In Mozambique, the food situation continues to be serious in the southern provinces of Maputo, Gaza and Inhambane, where the 2001 cereal harvest was significantly reduced. Emergency food assistance is being provided to 172,000 vulnerable people in these provinces. Recent estimates indicate that as a result of a severe dry spell, 40,000 households have lost over 60 percent of the expected production. This will be the third consecutive reduced harvest for these provinces.

An FAO/WFP Crop and Food Supply Assessment Mission is scheduled to visit the country from 22 April to 10 May 2002.

In Lesotho, the food supply situation is also tight due to reduced cereal production in 2001 and commercial imports falling short of requirements. Food reserves are at a minimum and food shortages are being experienced by vulnerable households affected by last year's poor harvest. Relief agencies are distributing food to 36,000 most affected people. The situation is likely to worsen with the deterioration of prospects for the 2002 cereal harvest, following persistent heavy rains in recent months. Production is forecast to be below average for the third consecutive year. An FAO/WFP Crop and Food Supply Assessment Mission is scheduled to visit the country from 25 April to 4 May 2002.

In Swaziland, prospects for this year's cereal harvest have deteriorated as a result of a severe mid-season dry spell that adversely affected yields. This would be the third consecutive year of a below-average harvest. The food supply situation is very tight, reflecting last year's poor harvest and imports falling short of requirements. The Government is providing some food relief to vulnerable households most affected by successive poor harvests. An FAO/WFP Crop and Food Supply Assessment Mission is scheduled to visit the country from 15 to 24 April 2002.

Elsewhere in the sub-region, the food situation remains precarious in Angola, due to the long-running civil conflict, and in Namibia due to a reduced harvest last year. In Madagascar, marketing of food and non-food commodities is being adversely affected by the current political crisis. By contrast, prospects for the 2002 maize crop in South Africa, the largest producer and exporter in the sub-region, are favourable and production is anticipated from last year's below average level.

IMPROVED FOOD SUPPLY SITUATION IN EASTERN AFRICA BUT DIFFICULTIES PERSIST IN PARTS

Despite improved cereal harvests in 2001/02 in most parts in eastern Africa, the effects of recent devastating droughts and past or ongoing conflicts continue to undermine the food security of an estimated 11 million people.

In Eritrea, despite a strong recovery in grain production during the 2001 main cropping season, the food situation of large numbers of people affected by the recent war with neighbouring Ethiopia and drought remains precarious. Overall, nearly 1.3 million people continue to depend on emergency food assistance. Continuing drought conditions in parts of Anseba, Debub, Northern Red Sea, and Southern Red Sea zones, are also cause for concern.

In Ethiopia, a bumper main season grain harvest late last year preceded by a favourable short rains (''belg'') crop have significantly improved the food supply outlook for 2002. An FAO/WFP Crop and Food Supply Assessment Mission in December 2001 forecast a main season (''meher'') cereal and pulse harvest of 12.3 million tonnes, about 9 percent above the average for the previous five years. Consequently, cereal market prices have fallen sharply in main producing areas, resulting in severe financial difficulties for farmers. However, despite the satisfactory harvest, an estimated 5.2 million people face severe food shortages and need food assistance. Unseasonable migration of people and livestock is reported in the pastoral areas in the south-eastern parts due to persistent drought.

In Kenya, overall food supply has improved considerably following favourable rains in major cereal producing areas. However, a sharp decline in maize prices is negatively impacting on farmers' incomes. In northern and eastern areas, hopes of recovery for pastoralists from the effects of the recent devastating drought have once again been dashed by insufficient rains during the current season.

In Somalia, despite the recently harvested better than expected secondary (''Deyr'') season cereal crop, up to 500,000 people are threatened by severe food shortages. Poor 2001 main (''Gu'') season crops coupled with slow recovery from a succession of droughts in recent years and long-term effects of years of insecurity have undermined households' ability to withstand shocks. The continuing ban on livestock imports from eastern Africa by countries along the Arabian Peninsula has sharply reduced foreign exchange earnings and severely curtailed the country's import capacity.

In Sudan, food supply is generally adequate following a good 2001 main season cereal crop in both southern and northern parts of the country. Bumper harvests in central and north-eastern parts have led to a sharp decline in prices, adversely affecting farmers. By contrast, several zones in southern Sudan, particularly in Western and Eastern Eqatoria and Bahr el Ghazal, face severe food shortages mainly due to population displacement and insecurity. In addition, parts of Greater Darfur and Kordofan in western Sudan have suffered crop failures due to erratic rainfall. Large numbers of people in these areas are expected to depend on emergency food assistance until the next harvest.

In Tanzania, the food supply situation is generally stable. However, prices of maize continue to rise in the south due to increased, largely informal, exports to neighbouring countries (Malawi, Zambia, Democratic Republic of Congo) which are facing serious food shortages. Price increases are also observed in the east coast and northern parts due to reduced ''vuli'' season harvests.

In Uganda, the overall food supply situation is favourable following recent good harvests and improved pastures. However, food difficulties persist in parts of Katakwi and Moroto Districts, due to localised drought conditions and/or insecurity.

FOOD SITUATION IN DRC REMAINS PRECARIOUS WHILE OUTLOOK IMPROVES ELSEWHERE IN THE GREAT LAKES REGION

In the Democratic Republic of Congo, economic and agricultural activities continue to be disrupted by the persistent civil war and consequent population displacements. The food and nutritional situation of over 2 million internally displaced people, particularly in north-eastern parts, and of over 330,000 refugees from neighbouring countries, is cause for serious concern. It has been estimated that about 64 percent of the people in the eastern provinces are undernourished. Overall, poverty is reported to have reached very high levels, with 16 million people or one-third of the country's population estimated to be seriously food insecure. While access to government-controlled regions has improved as a result of simplification of procedures, for international agencies, distribution of humanitarian assistance in rebel-held areas remains constrained by insecurity and violence.

In Burundi, the overall food situation has improved following a satisfactory 2002 first season harvest, particularly of non-cereal crops. This reflects a relatively better security situation in most of the country and generally favourable weather during the growing season. Prices of staples in the main provincial markets have declined significantly compared to their levels a year ago. However, production was constrained by insecurity in eastern provinces and parts of Bujumbura Rural.

Despite the peace agreement reached in mid-2000, the security situation remains volatile in these provinces. Heavy fighting between government forces and rebel groups in March resulted in the displacement of large numbers of people, and it is estimated that as many as 80,000 civilians have been displaced since January 2002.

In Rwanda, the overall food supply situation has improved significantly as a result of a one-third increase in the 2002 first season harvests. Markets are well supplied with food staples.

Food prices, which were at their lowest levels since 1994, declined further with the arrival of the new harvest into the markets last January and have since then stabilized. Nevertheless, despite the satisfactory food supply situation, many households remain food insecure, particularly in the provinces of Gikongoro, Butare and Gisenyi.

OVERALL FOOD SUPPLY SITUATION SATISFACTORY IN WESTERN AFRICA BUT DIFFICULTIES PERSIST IN PARTS

In the nine Sahellan countries, the 2001 aggregate cereal production has been estimated at a record 11.7 million tonnes, some 26 percent higher than in 2000 and about 20 percent above the average of the previous five years. Records crops were harvested in Burkina Faso, Gambia and Niger, while Chad, Mali and Senagal harvested above average crops. Production in Cape Verdi was lower than in the previous year but above average. However, in early January, unseasonably heavy rains and cold weather affected parts of the subregion, causing some loss of life and leaving thousands of people homeless, especially in Senegal and Mauritania.

Following the good harvests, the food outlook for 2002 is generally favourable. Households are expected to replenish their stocks, which had been depleted in some countries. However, access to food for some sections of the population may be difficult as above-normal grain in prices have been reported in some countries due to flooding or drought. In Mauritania, a joint FAO/CILSS Crop Assessment Mission in October 2001 estimated aggregate cereal production in 2001 at some 160,000 tonnes, lower than the previous year and below average. This decrease was mostly due to inadequate availability of irrigation water. The resulting tight food supply situation has been worsened by the unseasonably heavy rains and cold weather in January which affected the regions of Brakna, Trarza and Corgol, causing casualties and leaving thousands of people homeless and more than 120,000 head of livestock dead. Prices of cereals, which were already higher than a year ago, have risen considerably in most local markets.

In Liberia, the 2001 paddy crop is estimated slightly above the 144,000 tonnes produced in the previous year, reflecting generally favourable weather. However, the general security situation has deteriorated in recent months compelling the Government to declare a state of emergency on 8 February 2002. About 60,000 IDPs have been reported around Monrovia and in Bong County nearby, while at least 12,000 Liberian refugees have been registered at the Sierra Leone border town of Jendema. With frequent eruptions of violence and resulting displacement of the farming population, Liberia will continue to depend on international food assistance for the foreseeable future. WFP is currently assisting 75,000 IDPs throughout the country.

In Sierra Leone, cereal production in 2001 has been estimated at 348,000 tonnes, higher than the previous year, reflecting increased plantings by returning refugees and farmers previously displaced, as well as improved

conditions for the distribution of agricultural inputs. The security situation is reported to be relatively clam. Over 47,000 excombatants, including hundreds of child soldiers, have handed in their weapons, and on 18 January the President declared the end of the disarmament process. However, Sierra Leone will continue to depend on international food assistance for some time until full recovery in food production can be realized.

In Guinea, the overall food supply situation is favourable following satisfactory harvests in 2000 and 2001. Aggregate 2001 cereal production is officially estimated at 1,026,000 tonnes, slightly lower than in the previous year but above average. Markets are well supplied, except in the south-east where recurrent rebel incursions from Sierra Leone continue to disrupt agricultural activities. The presence of a large refugee population and the persistent instability in neighbouring countries have exacted a heavy toll on the country. Armed clashes in and around the country have resulted in increasing numbers of internally displaced people. A UN Consolidated Inter-Agency Appeal was launched on 26 November 2001 to assist the country cope with the serious humanitarian situation.

Elsewhere in western Africa, the food supply situation is satisfactory, notwithstanding localized food deficits, such as in northern Ghana.

UPDATE ON FOOD AID PLEDGES AND DELIVERIES

With improved cereal harvests in parts, cereal import requirements in Sub-Saharan Africa in 2001/02 are expected to be lower than last year but still remain high. This reflects mainly the anticipated poor crop in southern Africa in 2002 coupled with last year's significantly reduced crop. GIEWS latest estimates of 2001 cereal production and 2001/02 import and food aid reuirqements are summarized in Table 1. Total food aid requirement is estimated at 1.7 million tonnes, about some 36 percent less than in 2000/01. Cereal food aid pledges for 2001/02, including those carried over from 2000/01, amount to 0.9 million tonnes of which 0.8 million tonnes have so fare been delivered.

AREAS OF PRIORITY ACTION

The serious food supply situation in several countries of southern Africa gives cause for serious concern. Food production is anticipated to decline for the second consecutive year, mainly due to adverse weather. In eastern Africa, despite improved food supply prospects, the effects of recent severe droughts, coupled with conflicts in parts, are still being felt, with nearly 11 million people in need of food assistant. Furthermore, civil strife continues to disrupt food production in Angola, Burundi, Democratic Republic of Congo, Guinea, Liberia, Sierra Leone, Somolia and Sudan, necessitating good assistance for the affected populations.

Against this background, the attention of the international community is drawn to the following priority areas requiring action:

First, high priority should be given to food assistance for southern African countries facing a looming food crisis, particularly Malawi, Zambia and Zimbabwe, but also Mozambique, Lesotho and Swaziland.

Second, continued food assistance is needed for populations in several countries of Sub-Saharan Africa affected by conflict and adverse weather, including Angola, Burundi, DR Congo, Eritea, Ethiopia, Kenya, Guinea, Liberia, and Sierra Leone, Somalia and Sudan.

Third, donors are urged to give priority to local purchases and triangular transactions wherever possible for their food aid programmes in Sub-Saharan Africa in order to support domestic food production.

□ 2130

NATIONAL DNA DATABASE LEGISLATION

The SPEAKER pro tempore (Mr. PLATTS). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I appreciate the time that I have to address a very important matter. It can be classified similar to a movie that got the attention of many Americans some years ago called Network. One of the principal actors took to a tall building and raised its window and shouted, ''I can't take it anymore.'' For some reason, that struck a chord in America. Whatever that issue was, it may not have been what the movie was discussing, but it raised the level of one's ability to protest: ''I can't take it anymore.''

Mr. Speaker, I cannot take the murderous acts that are being perpetrated on our children, one after another. Some, of course, we do not know their end and we hope that our prayers will bring them home. But we realize that we have a crisis of sorts. Even though we can find evidence that the numbers of missing children, exploited children may be going down, one child is one too many. I share with my colleagues just a picture of a loving mother and her baby. It could be a loving father, a loving grandmother, a loving grandfather, but it shows the vulnerability of a child.

We have in this country become maybe jaded. One child after another, Samantha Runnion being the last, most vicious and violent exhibition of the lowest grade of individual, a 5-year-old playing with her friend in front of her house being snatched away, snatched away screaming and kicking and pleading for her life. Then, to find this child's nude body only a day later, knowing that she had been sexually assaulted and strangled. I cannot take it anymore, and none of us in this Congress and none of us in this land should take this abuse of our children.

Elizabeth Smart, Laura Ayala in my own community, a 13-year-old just trying to get a newspaper for her homework, maybe less than 50 feet away from a store and being snatched away, newspaper scattered, sandals left in place, no sign of her. Mother grieving, family grieving; the vulnerability of our children. Danielle Van Dam, Rilya Wilson, 5 years old, missing for a year before the children's protective services in Florida even wanted to say anything. Danielle Van Dam's trial going on now with all kinds of circus defenses by the defendant. They have every right to have their day in court.

But, Mr. Speaker, we have a crisis, I believe. In a 1999 report authored about children as victims, it states, ''Although the U.S. violent crime rate has been decreasing since 1994, homicide remains a leading cause of death for young people. Juveniles are twice as likely as adults to be victims of serious violent crimes and 3 times as likely to be victims of assault. Many of these victims are quite young. Law enforcement data indicates that 1 in 18 victims of violent crime is under the age of 12. In one-third of the sexual assaults reported to law enforcement, the victim is under the age of 12. In most cases involving serious violent crime, juvenile victims know the perpetrator, who is not the stereotypical stranger, but a family member or acquaintance.''

But, there are strangers, because in the case dealing with some of these victims, the perpetrator said, particularly in the Danielle Van Dam case, ''I am looking for my dog.'' Children are vulnerable. They are caring, they are loving.

We must find a way, yes, to penalize those who come before the system, but we also have to express our outrage that anyone with such vial behavior would be accepted by society, and we must provide resources so that these individuals can be caught quickly. It is important to know that the average victim of abduction and exploitation is an 11-year-old girl who meets her abductor within a quarter of a mile from home, like Laura Ayala going to get a newspaper.

Only 22 States sex offender registries collect and maintain DNA samples as part of the registration. Only 22 States have a DNA registry that can be utilized for sex offenders. Research on sex offenders found that over a 4- to 5-year period, 13.4 percent recidivated with another sexual offense, and 12.2 percent recidivated with a nonsexual offense, violent offense, and 36.6 percent recidivated with any other offense. One offense is one too many for me. A long-term follow-up on a study of child molesters in Canada found that 42 percent were reconvicted of a sexual or violent crime during the 15- to 30-year follow-up period.

Mr. Speaker, it is important that we do something. This week, I am going to file legislation to instruct the Attorney General to establish a national DNA database only for sex offenders and violent offenders against children. It was noted at the scene where Samantha Runnion lost her life that a lot of DNA evidence was there. I can imagine that this happens in crime scene after crime scene. With only 22 States even bothering to have a collection of DNA data, this legislation is needed, Mr. Speaker.

I am sorry to express this outrage as I close, but it is because of the loving relationship and the love we have for our children that outrage is befitting and we must legislatively do something. The Attorney General must establish this national database of DNA samples to be able to help find these horrible people, these sex offenders who would do harm to our children, now and immediately.

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

(Mr. TIAHRT 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. MILLER) is recognized for 5 minutes.

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

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

(Mr. CAMP 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 Texas (Mr. EDWARDS) is recognized for 5 minutes.

(Mr. EDWARDS 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 Virginia (Mr. CANTOR) is recognized for 5 minutes.

(Mr. CANTOR 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 Oregon (Ms. HOOLEY) is recognized for 5 minutes.

(Ms. HOOLEY 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 Florida (Mr. CRENSHAW) is recognized for 5 minutes.

(Mr. CRENSHAW 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 Hawaii (Mrs. MINK) is recognized for 5 minutes.

(Mrs. MINK of Hawaii 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 Georgia (Mr. KINGSTON) is recognized for 5 minutes.

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

## DYING FROM DEBT

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

Mr. TAYLOR of Mississippi. Mr. Speaker, in newspapers all across this great Nation today, the headline ran that yet another company had declared bankruptcy. This time it was WorldCom, and this time it was the largest bankruptcy in American history. Just a month ago it was Enron. A little time before that, it was Global Crossing. But in every instance, there was a common pattern, and that is little folks lost everything they owned because the big shots at the top lied to them about how broke their companies were.

I say this because I think the same thing is happening with our Nation in that the little folks, the average Joes like the great young marine whom the gentleman from Massachusetts (Mr. MEEHAN) just told us about who lost his life in training at Camp Lejuene. The folks who serve us in the Coast Guard, the Navy, the Army, the folks who serve us every day, I think they are being cheated because the big shots are lying to them about just how broke this country is and just how broke their policies are making us.

The gentleman from Illinois (Mr. HASTERT) became the Speaker of the House on January 6 of 1999. On that day, our Nation's debt was $5,615,428,551,461.33. He has been Speaker now for about 1,300 days, and in that 1,300 days, we have voted to take care of rhinoceroses, we have named no telling how many post offices after great Americans, we honored the great Lindy Boggs today. But the Speaker somehow could not find time for this body to vote on what I think is the most important rule of all, and that is that one generation does not burden another generation with its bills. That is precisely what has been going on in this country, particularly since 1988.

Mr. Speaker, prior to that time, we went all the way from when George Washington was President to 1988 and the Nation borrowed about $1 trillion. That got us through American revolution, the War of 1812, the Spanish American War, the Civil War, the war with Mexico, World War I, World War II, Korea and Vietnam, and it borrowed about $1 trillion. The debt payment on that was fairly low, the amount of interest payment on that.

Something changed during 1988. Somehow the mentality that says we are going to lower taxes, we are going to spend more money and we are going to stick our kids with the bill, and as long as they do not know about it; it is sort of like those little folks who own stock, only this time the little folks own stock in America and the big shots are bankrupting their country.

Mr. Speaker, in the 1,300 days that you would not give us a vote on a Balanced Budget Amendment, our debt has increased by $511,040,208,939. Now, what does that mean? I mean some people say well, big debt is okay, because that means that is taxes I did not have to pay. Wrong. This is the equivalent of one generation going out and buying a car and saying, I do not care how much it costs because my kid is going to pay for it when they get to be 30 or 40, plus interest, so I do not care.

I am going to go find the fanciest house in my home county and I do not care how much it costs because I am going to stick my grandkids with the bill. It is wrong. No parent would do that, no grandparent would do that, yet it is precisely what the political leadership of this country has been doing and, in the past 12 months, they made it worse. Because just like the folks at Enron and Global Crossing, they looked the American people in the eye and they lied to them about just how broke this country is.

Remember the quote from the President of the United States, from the Speaker, from the gentleman from California (Mr. THOMAS): ''We are awash in money.'' No, we were not. We were awash in debt. Because a year ago right now when those three people were saying that our Nation was $5,726,814,835,287 in debt. Just like anybody else who borrows money, we have to pay interest on that debt. And the biggest expense of this Nation is not defense, it is not health care, it is not taking care of veterans, it is not educating kids, and it is not building highways; it is squandering money on interest on the debt. We get nothing for it, and it costs us $1 billion a day down the rathole, and it is only getting worse.

Not only are they stealing from the average Joe, but they are taking from the Social Security Trust Fund. We now owe the citizens of this great country $1,300,000,000,000 of Social Security that has been taken from the Social Security Trust Fund and used for other purposes. There is not a penny there. There is no lock box. From the Medicare trust fund they have stolen another $271 billion, that is a thousand times a thousand times a thousand times 271. Yet, they had the nerve to look us in the eye and say, Washington is awash in money.

For my military retirees, we owe them $168 billion, a thousand times a thousand times a thousand times 168. For our Nation's civil service, the Capitol Hill policemen who are guarding this building right now, the FBI agents, the Customs agents, people who go out and protect our children, people who are looking for our children who have been kidnapped, they pay out of their own pockets into their retirement fund. It is supposed to be set aside for their retirement. We owe them $540 billion.

Mr. Speaker, it is time that this body got a chance to vote on a Balanced Budget Amendment to the Constitution so that these shenanigans come to an end before this country dies the way Enron and Global Crossing and now WorldCom did, that the country dies from its own debts.

□ 2145

CORPORATE GREED

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

Mr. MCINNIS. Mr. Speaker, I intend this evening to spend a little time with you talking about a subject which, of course, is on the minds of many people across this country, and I want to look into it in some depth tonight so we can have an idea of where the problem rests, with what individuals the problem rests, and I intend to name these individuals by name, and what are some of the solutions.

I think as Members of Congress, when we are elected to public office, we have an obligation not only to discuss the problems, but really our primary purpose in being elected back here is to try to come up with some solutions. It is always easy, always easy to determine about what the problem is. Sometimes it is easier than others. But what is more difficult is to come up with a solution. When we have tough problems back here, it requires that we cross the aisle. It requires that we take a nonpartisan approach, that we be as bipartisan as we can to come up with a solution that works for the American people.

My topic this evening is corporate greed. And I can tell you that on one side of the aisle, and this is the last point that I will be as pointed here as I am going to be right now, but on the Democratic side of the aisle, including the minority leader, the gentleman from Missouri (Mr. GEPHARDT), says they are looking at this corporate greed as an opportunity to gain 40 seats. That is what they say. We are going to take 40 seats as a result of this corporate greed. What I am urging the gentleman and his followers over there to do is quit talking about the type of political gain you can get out of this. Do not talk about that while the house is burning. What I suggest you do is work with us, all of us together, seize upon this problem, and work out a solution before this begins to spin out of control.

We have a stock market out there that is in trouble. And if you look at the fundamentals of that stock market, that stock market should not be in trouble. We have inventories that are down. We have corporate profits that are coming up. Our unemployment rate is staying low. Our inflation rate is staying low. There is a lot of good, promising signs that our recovery in this economy is forthcoming, that it is in progress. But we can shoot ourselves in the foot, and that is exactly what is happening when the likes of the gentleman from Missouri (Mr. GEPHARDT) come out here and say this is our opportunity to use it to our political advantage to gain 40 seats.

But that talk aside, the problem that is happening to the retired people out there that were depending upon their retirement from some of these corrupt corporations, the employees that have lost their jobs out there by the tens of thousands because of corrupt CEOs, that is what the issue is. The American people, not for one moment the gentleman from Missouri (Mr. GEPHARDT) believes that the issue here should be a decision between what we are going to do in November with political congressional seats. They do not want that. They want to figure out how they are going to keep their jobs and what is going to happen to the rascals, and rascals is only a friendly word to use for these CEOs that have allowed corporate greed to overtake their ethics and moral standards of this country.

These people are worse than bank robbers. Remember, a bank robber is generally a poor person robbing from a rich institution. The case I will talk about this evening are rich individuals in rich institutions robbing from the poor people. That is worse than a bank robber; and yet the gentleman from Missouri (Mr. GEPHARDT) and the Democrats decide that instead of trying to solve this problem and go after these people, to go after the Republican House seats.

I am asking you to put it aside for a minute and join us as a team, all of us as a team, Democrats and Republicans, unaffiliated. As a team we need to address the corporate greed that has overtaken some of our chief executive officers. There are solutions out there, and there are solutions that can occur with bipartisan support. This House, under the leadership of the Speaker of the House, and, frankly, under the demands of the President of the United States will this week in my opinion, pass legislation that will be effective to help address this problem. But we can only do it if the gentleman from Missouri (Mr. GEPHARDT) and the more radical Democrats put aside their partisanship and work towards the solution of getting our hands on these corporate CEOs and these corporations that are making their money by misleading, by breaching their fiduciary duties to the people that are really their owners.

I think it is helpful, and some of you have heard my comments in the last couple of weeks on the same topic, I do not mean to be repetitive, but I think it is important that we repeat some of the basics of corporations in this country so we have an idea, an understanding of what we are dealing with today.

Remember that corporations are not a body in themselves. They are not a human body, obviously. They are a structure that we made up in this country under our system. And corporations are a systemic model, so to speak, of how to carry out business that represents the interests of numerous individuals.

Keep in mind that not all corporations are bad. In fact, most corporations do a pretty good job. We have a lot of wonderful products in this country that are the results of corporations, both small corporations and big corporations. The mainstay of this economy is not the big corporations like the Enrons or the Global Crossings or the Adelphia Cable Company or the Tycos or the K-Marts. The mainstay is small business and there are a lot of small businesses in this country that are corporations. You can go down town anywhere USA and you will find them that have incorporated, and they have the local drug store on the corner or they have a little taxi cab service and they have incorporated or maybe a little airport charter store and they have incorporated. It would be a mistake, you cannot throw all corporations into the same net as the Enron Corporation. But you have to take the Enrons and the Worldcoms and the Tycos and the K-Marts and the corporations like that that have done bad and do something about it. You have to march them to jail. You have to bring discipline into the process.

Corporate structure in this country will only work as long as you have integrity as a part of the foundation. Of course, you have to have the other fundamentals. You have to have a legal structure. You have to have profit. But you have to have that integrity, and that integrity is a part of checks and balances that makes sure that the corporations, as Adam Smith would say, do not get out of hand; that we do not end up with a monolithic society where monopolies control everything.

Let us talk about the corporate structure and what responsibilities there are for the various people involved in the corporate structure. Now, this little diagram I put together, this probably would not pass in a classroom setting in Harvard Business School, but it is something I think we can all work with. And I think it is something that we can understand as I go through my discussion this evening.

The corporation. Remember, the very basic part of the corporation are the owners of the corporation, the owners of the business and that is what it is. It is a business, and it does not have to be a lots of owners. My wife, for example, her family are ranchers and they have a small ranch. And they probably have, I do not know, maybe 10 shareholders, maybe eight shareholders in their corporation. So we are not necessarily talking about large corporations. But for the benefit of this evening's discussion, let us talk about this structure. Here are your shareholders.

Now, a corporation like Enron or a good corporation that seems to be viable, IBM or Coke or some of these others, General Electric, General Motors, they have millions of shareholders. They have millions of owners. And, obviously, because even the largest owner, for example, of General Motors may only own a fraction of 1 percent, what these shareholders have done is

they are you and I, there are more people in America today that are shareholders than at any time in the history of this country. And that is good. That is real good.

The problem is that if we do not reinstill the high level of standards of integrity and moral character in these corporations, we will see this large number of everyday Americans who are shareholders begin to reduce itself, and that hurts the system.

The more people we can get involved in the investment and in the business of our country, the better it is for the country. The better it is for the business. The better it is for the individuals. So shareholders are really the foundation in the corporation. They pool their money together so that they can build a business. And that is exactly what has happened.

Now, the shareholders are represented by a number of different people and different people have different duties to the shareholders. Again, keep in mind the shareholders are the owners. For example, here, the shareholders elect a board of directors.

Now, what is a board of directors? A lot of people will tell you that the chief executive officer, which in the old days was called the president of the corporation, that the president of the corporation was really the person who ran that corporation. That is not true. The chief executive officer and, remember, that president and chief executive officer, for the purpose of my discussion this evening, these terms are synonymous. You can trade them off. So we will talk CEOs.

The CEO of that corporation is not the top individual of that corporation. He or she answers to the board of directors and answers to the shareholders. And here in this particular case, this is the fundamental structure, you have the shareholders who elect the board of directors. This is an election year; and they elect these board of directors to represent their interests, the interests of the shareholders. They do not elect this board of directors to represent the interests of the chief executive officer. The chief executive officer is simply a tool in the operation of this corporation.

Now, this sounds a little mundane; but you have to have a pretty good understanding of this to figure out where this fraud is taking place, why the checks and balances in our corporate structure in this country have broken down, what we need to do to bring back solutions.

Let us talk about some of those checks and balances. We know that the shareholders elect a board of directors to represent the shareholders, to help provide a vision. And a lot of times the board of directors, you have two different types of boards, you have two different types of board members. You have an inside director on the board. An inside director is somebody who is employed with the company, and in almost all of the companies that I am aware of, the chief executive officer is also a member of the board of directors. But because the chief executive officer is employed by the corporation, he or she is considered to be an inside director.

An outside director is someone who is not employed by the corporation, but, rather, has some type of business, theoretically, some type of business expertise outside the corporation that can bring that expertise to the corporation to benefit the corporation in guidance and to represent the shareholders.

So, first of all, you have the shareholders. They elect the board of directors to represent them and then the board of directors to run the corporation hires the chief executive officer, and that is this box right here. Now, the chief executive officer represents, runs the day-to-day operations of the corporation. And, remember, the chief executive officer is not the top official in the company. The chief executive officer has to answer to a board of directors. The board of directors has a responsibility to be sure that the chief executive officer is carrying out his or her duties.

On top of that, the board of directors has a fiduciary duty to the shareholders to be sure that their chief executive officer meets the kinds of standards and is able to run the corporation.

Now, the CEO, we have a little box right here to my left that I call ''insiders.'' You hear a lot lately, and we will go over some of the corporations, you hear a lot lately about insiders, people inside the corporation who get special knowledge, who know when the stock is going to go up or down; and they have a special advantage, and they have an advantage over somebody outside the corporation, especially on a publicly traded corporation.

Well, we know that, and the Security Exchange Commission, and in this country it has been the law for a long time, there are certain rules that insiders have to follow. They cannot deal stock, for example. Generally, they cannot buy or sell stock based on inside knowledge on a public corporation. They have got to be able to disclose that kind of thing. It is very obvious that fraud has been committed.

Take the example of ImClone. ImClone is the one that you probably better know as the corporation matter that is involving Martha Stewart. There you have insiders of the corporation who know that a particular drug was not going to receive approval by the Federal Drug Administration. They also knew that as soon as word got out to the shareholders, to the people for whom they worked, that as soon as word got out the value of that share would collapse. So what did the insiders do? They went and sold their stock, and they called their buddies like Martha Stewart and others and made sure they could also sell their stock before the general knowledge within the corporation became known. That is what is called inside knowledge.

The same thing with K-Mart Corporation. The same thing with Adelphia Cable. The same thing with TYCO. The same thing with Enron Corporation. That is an example we have had around for several months. WorldCom. Scott Sullivan who, by the way, has a $19 million home down in Florida that he is living in, a lot of it is based on insider knowledge. The same thing with Global Crossing. Gary Winnick out in Bel Air, California, building a $90 million home.

These people are robber barons. They were trading on inside knowledge because they are insiders. And, unfortunately, in many of those cases, the board of directors, who had a fiduciary responsibility to oversee these people, in many cases did not oversee them. They joined the robber barons. They help rob the shareholders of value.

□ 2200

Not just the shareholders, but the responsibility to the public at large, and instead of coming out with a better product, like a good toothpaste or a better car, instead of doing that, they decided that in the short run, it would be better to cheat the people, cheat the shareholders. I can tell my colleagues anytime we have a chief executive officer like Gary Winnick with Global Crossing, like the Adelphia Cable Company and the Regis family there, or the Enron corporation with Andrew Fastow, who paid himself $30 million, where was the board of directors? Take a look at Kmart, the Charles Conaway, Bernie Ebbers, I have got a bunch of names I can give my colleagues here. Conseco, Steve Hilbert.

Any time we see a problem with the chief executive officer of whether they are overpaid or whether they are improperly using inside knowledge, whether they have improperly disclosed inside knowledge, we will find two things. One, they are doing it for their own self-enrichment, to make themselves wealthier, as demonstrated by the Scott Sullivans of Florida, by the way he is protected from bankruptcy by a $20 million home, or Gary Winnick with a 90-million-plus home in Bel Air, California. We will see, number one, it is self-enrichment, and two, we will find negligence on the board of directors.

Can my colleagues tell me that the board of directors for Enron Corporation, for example, were carrying out their fiduciary duties in representing the shareholders and allowed Andrew Fastow to go out there and create several satellite companies? And just to be a little sarcastic, I guess, or a little smartie, he named them after Star Wars characters, and then paid himself $30- or $40- or $50 million on top of the money that he paid to his buddies.

I mean anytime we find a bad CEO, we are going to find generally a bad board of directors. I am not talking about a bad CEO who misreads the market. I am talking about a CEO that has got a problem with morality, that

has got a problem with honesty, that fudges the figures, like Scott Sullivan or Bernie Ebbers, that moves expenses, capitalizes them instead of expenses, and I know that is kind of an accounting term, but these kind of things are fundamental to a board of directors. They know what is going on. If they do not know what is going on, they are breaching their duties.

Let us go on. So this is what we would call basically the insiders of the corporation, the board of directors, the CEO and so on. They reach outside the corporation generally for two separate functions. One of them is outside auditing. A good chief executive officer looks at the outside auditor, and of anybody they want to be honest with them, if they are a good chief executive officer, the one group of people they especially want to be straightforward with them and not hide anything are the outside auditors because they are the ones who can tell them whether their strategy is working or not. They are the ones who can tell them, hey, the company, the business is going in the wrong direction; hey, our productivity is down; hey, you have got too much expense over here, you are not expensing properly over here. The auditors should be noncompromised.

We have seen what has happened over time and, of course, the perfect example there is Arthur Andersen Corporation. It is an auditing firm, and what happens? Unfortunately, there were a lot of good employees with Arthur Andersen and there were a lot of people who retired from that company who saw their entire retirements eliminated because of the misbehavior by a few of the employees of this corporation, but those particular employees, the auditors, the accountants, they got too cozy with the management.

What happened in Enron's case? They had their auditors who are supposed to be at arm's length, are supposed to give an honest assessment of the status of the corporation, and we can look at it. It happened in Global Crossing. It happened with Kmart. It happened with Sunbeam. It happened with ImClone, Xerox Corporation, where the auditors who were supposed to give an independent and frank assessment of the corporation, they did not do it, and then Enron Corporation, what happened is the auditors, they were auditors by day, consultants by night.

What do I mean by that? Arthur Andersen Corporation, for example, with Enron would collect maybe $14 million a year to do auditing, but they also collected $40 or $50 or $60 million a year to do consulting. Do my colleagues think that when they give the CEO bad news that they are going to want to give him the bad news if they have a consulting arm of their corporation that makes a lot more money off him? Too cozy.

There is a solution to that, and that is we require auditors to stick to the business that they are there for. They are not in the consulting business. They are not there to self-enrich themselves at the expense of the shareholders or at the expense of the employees, and of anybody, any classification on my chart that is the most unfortunate group of people, it is the employees. They are the ones who got hit the hardest. They are the ones who risked their jobs. In many cases, tens of thousands lost their jobs, and it is pretty upsetting when we see people who did not have meager retirements, had those retirements wiped out, while Gary Winnick of Global Crossing lives in a $90 million mansion in Bel Air or Andrew Fastow in Dallas today, as I am speaking right now, sitting in a multimillion dollar home, or Scott Sullivan down there with the WorldCom, Scott Sullivan. He is still building his $20 million home.

These people have betrayed not just the shareholders but they have also betrayed the very people that worked so hard for them, and this is where accountability comes in. These people should have been revealed very early on. None of these little cooking-the-book maneuvers, none of this fraud that took place, none of this deceit to the board of directors or even with the board of directors to the shareholders, none of this should have occurred had the auditors been on their toes, had the auditors done what they were supposed to be doing.

In the case, for example, of Enron, Arthur Andersen did not do what they were supposed to be doing. In fact, they cozied up to the management because they could self-enrich themselves. That is what we are seeing happening here.

By the way, we are not seeing poor people, hardworking poor people that are enriched by this. We are seeing in a lot of cases people that are already wealthy and have to become wealthier. We see these people, the wealthiest people of the company, robbing the least fortunate people of the company. Let me continue on here.

We have got to fix the auditing and, of course, the most obvious thing for auditing is to draw what they call a Chinese wall. We draw a wall between the auditing aspect of a company and the consulting. There is a need for consulting, corporate consulting, but in my opinion, it should not have anything at all to do with the auditing branch. Audits should be separate. The auditor should not be allowed to have any type of conflict of interest with the corporation. They should not be allowed to own stock in the corporation that they are auditing. They should not even get a free cup of coffee from the corporation that they are auditing. They should not announce their arrival. They should go in, they should do their work, they should summarize their results outside the corporate offices.

Arthur Andersen actually had offices set up in the Enron office building. They mingled, had coffee, ate lunch, played golf, went to the theater and did investments with the very people they were supposed to keep an eye on. There is a saying, when the cat is away, the mice will play, and that is exactly what happened.

One of our checks-and-balances on these corporations were bad, and let me say, again, not all of them were bad. We have a lot of good companies out there that produce a lot of good products that treat their employees right, and we have a lot of people who have jobs and we want to preserve their jobs. Jobs are very important, but the fact is, here, the cat, the auditor, went away and what happened? The mice did play. So we have got to work on that.

Legal counsel, we have got legal counsel out there. I used to practice law. I know what they have to do. I know what the code of ethics is. That attorney with Tyco, and I can give my colleagues his name, general counsel, Mark Belnick, gave himself a $20 or $30 million bonus. Every corporation has to give public reports if they are public corporations, and these are supposed to be readable. They are supposed to be honest. And what did the attorney with Tyco Corporation do, Mark Belnick? He is an attorney. He has certain standards he is expected to meet to pass the bar, to be allowed to enter the bar of the State in which he was working.

What did he do? He paid himself a $20 or $30 million bonus, of course, at the expense of the employees, and by the way, at the expense of the retired employees who have now had their pensions wiped out, and the shareholders. Not only did he do that, he made sure it was broken up in such a way it did not have to show up in the public report. Why this person still has a license to practice law is beyond me. I think he resides in New York State. Why New York State, their bar in that State, has not already called him in front of the bar to yank his license, I do not know.

Those are the things that our society, those are the things that we have got to get serious about, and it requires a bipartisan effort. We have got to hit this corruption hard and quick. The corruption is not widespread. The perception is that the corruption is widespread out there, and it will become very widespread if we allow it to continue without punishment.

These chief executive officers, these lawyers, these auditors that are not performing to the standards that are expected of them, need to be punished very quickly. We cannot allow them to go unscathed. We cannot allow the Scott Sullivan in Florida to go ahead and finish his $20 million home or Gary Winnick with Global Crossing who now lives in a $90 million, can my colleagues imagine a $90 million dollar home? Do we think he got that $90 million because he figured out a cure for cancer? Do we think he made his $90 million house because he invented a new seat belt? Do we think he got $90 million because he came up with a drug that would cure the common cold? Do we think he lives in a $90 million house

because he came up with a textbook that would help our students in elementary school or some type of computer programming that would help our young people learn better? No, he did not get it that way. He got it because he breached the trust of his corporation. He breached the trust of his employees. Gary Winnick paid himself out of Global Crossing. I think he walked away with $790 million. Show me anybody in our society worth $790 million.

Or take a look at Kmart Corporation, what those guys did, the executives of Kmart Corporation and Charles Conaway.

Charles Conaway, the chief executive officer, they made themselves loans from Kmart. Kmart is not a bank. I do not think I have to tell anybody in here Kmart is not a bank, but these chief executive officers treated it like their own bank, and Conaway, for example, loaned himself from the corporation money and then a week before he took the corporation into bankruptcy, he went ahead and had the loan forgiven, had the loan forgiven, and we see that incident time and time and time again.

I have a whole packet here of the names of these individuals, and I am going to go through a couple of examples, for example, of inside knowledge here in a moment. The point is that we have to have auditors to do their jobs and we have to have attorneys who are legal counsel, that attorney, who know what their role is. Their role is not self-enrichment in the corporation. Sure, they should be paid for their services, but they were not brought into that corporation to make themselves millionaires.

This is exactly what happened in Tyco, for example. Tyco, of course, was tied in with Dennis Kozlowski, and my colleagues may remember Dennis. He is the guy that is worth three or $400 million and decided to cheat the State of New York by not paying sales tax on a few art pictures. Not much money relative to how much money he was worth.

So what happens? I tell my colleagues, whenever we see this kind of cancer, whenever we see this in a corporation, it spreads. When we have the Dennis right here and the legal counsel in that particular case, both of them corrupt, what happens? Take a look. We better look at the books of that corporation real carefully.

Let me go on here for a few moments. The management team. The management team. How could a management team at Enron Corporation that in any way whatsoever was looking out for the interest of the shareholders or living up to its civic responsibilities in the community, oh, sure they went out and put their name on the football stadium, and, sure, they went out and donated to charities, and, sure, they paid their board of directors a lot of money, but the way they did that was through fraud. It is very simple. It is not a complicated case. Do not let them tell you that this brings up the debate of whether or not this fraud should or should not occur.

The reality is we do not allow somebody like Andy Fastow to go out and pay himself $30 million to live in multimillion dollar homes to run these corporations that the board of directors now claims they did not know anything about. We do not care whether they knew about it or not. It was their job to know about it and they are responsible at any one of these levels, at the management team, at the CEO, at the board of directors, at the auditing, at the legal counsel. That is where the buck ought to stop.

□ 2215

The buck stops here. Any one of those you could put that plaque on their desk.

Well, let us talk now about the bottom bracket I have here, the employees. In all this corporate fraud that we have heard about and these chief executives, like Ken Lay, and Sam Waksal, or Frank Walsh, or Charles Conaway, or Bernie Ebbers, or Scott Sullivan, in all of this the attention is focused on them. You know where the attention should be focused? You know what we should do with that $90 million house of Gary Winneck's in Bel Air? We ought to take that house and make it into apartments and let the employees at WorldCom live there for free that had their retirements wiped out.

And Enron Corporation. Now, you may say, wait a minute, Enron was not that old, or WorldCom was not that old, so how could people lose their retirement; how could people have been working for that company for so long? Well, what happens is WorldCom bought other companies, smaller companies that had employees who had worked there for a long time. They merged these companies together. Do you think any of these retired employees are living in a house like that right now? Do you think they got a square deal?

This home is Scott Sullivan's home. If you want to see it, you can see it down in Florida. Why is it built in Florida? Because he can exempt it from the bankruptcy law. I hate to tell Mr. Sullivan this, but it is not going to be exempt from criminal indictments. I hope the U.S. Attorney and the IRS and the INS, and all the people that have jurisdiction over this matter, look at this very carefully. This home ought to be given to the retired people of WorldCom who have lost their entire retirement. Even if it only gives them back a few cents on the dollar, at least there is some equity in that.

Where is the equity in a home like that for an individual who has run a corporation into the ground not because they misjudged the product, not because the economy went south on them, but because they committed fraud, because they wanted to enrich themselves.

Take a look at Gary Winneck's home. This is a $20 million home. Gary Winneck of Global Crossing has a $90 million home, five times the size of that home. That is what we ought to do with these homes, take them back. We need to grab those assets that were taken improperly from the corporation and return them to the people of the corporation, to the shareholders. Most importantly to try to provide some justice to the retired employees and the employees that lost their jobs.

Over the weekend, WorldCom Corporation went into bankruptcy. How many people do you think today working for WorldCom, that still have their job today, are sitting around relaxed in their front room tonight, wondering about their job security? You think they are relaxed about that? They are probably sick at their stomachs. Will I have my job tomorrow?

They would have their jobs tomorrow, and I hope they do have their jobs tomorrow, if we had had some integrity in the board room, if we would have had some integrity in the management. WorldCom is an excellent example. Tens of thousands of people, current employees, are worried whether they are going to have a job tomorrow. The head of it, Bernie Ebbers, made sure before the corporation went into a bankruptcy he got a $408 million loan from the board of directors. Now, tell me those board of directors are watching with the fiduciary responsibility on behalf of the employees by loaning Bernie Ebbers, the chief executive officer, $408 million.

All of these people that are losing their jobs, these are jobs that did not need to be lost. These are people they were not engaged in the fraud. They were not engaged in self-enrichment. They showed up at work every day at 8, went home at 5, 6, 7. A lot of them put their heart and soul into the company. And a lot of the retired employees cannot rebuild. They are in their 60s. They cannot rebuild. Who is speaking for those people?

That is what we have to keep in mind when we take this legislation through. When these individuals are prosecuted, like the Rigas family, with Adelphia Cable, the Rigas family bought their own professional sports team, they took $3.5 billion out of the corporation. We have to make sure that we reach back out and pull that back in, if for no other reason than to help the employees and the retired employees of that company. They deserve more than they have gotten.

Well, let me go on. I want to talk jump back up here, because I think it is a good time to go over an inside deal. What I am talking about, when I talk about an inside deal is, remember that I said earlier an inside deal is where you have people inside the corporation, inside the house, so to speak, who have information that people outside the house do not have. Well, the people outside the house are supposed to get it on somewhat of an equal basis so that

you have a square deal, so that you have an equal playing field.

Here is a good example of a corporation that did a lot of inside dealing, and I think the facts are going to bear out that it involves an awful lot of people, including one well-known individual by the name of Martha Stewart. December 4. Let us look at this. Here is the company, ImClone Systems, Incorporated. What did ImClone do? ImClone's stock went through the roof because ImClone, the President and CEO of ImClone came out and said they thought they had a cure for cancer. The president was Sam Waksal. The president came out, or the CEO, and led people to believe they had a cure for cancer. They thought they did when they went to the FDA, the Federal Drug Administration.

They also buddied up with the stock broker, the analyst that was figuring out whether this was a good buy for the buying public. An analyst is supposed to be an outside person. In several of these cases, including WorldCom, you will find out that the outside analyst, a guy named Grubman, and by the way there is an article on the front page of the Wall Street Journal about him today, is supposed to be an outside consultant, but he was actually attending board meetings, yet he was supposed to give some kind of independent analysis.

Well, what happened here is the stock was hot because they thought they had a drug that could cure cancer. Well, around December 4, 2001, the Food and Drug Administration officials informed ImClone that the drug was not going to get certified; that they did not believe that the trial tests indicated that the drug really was effective as a treatment against cancer.

Now, what do you think is going to happen to the value of the stock when word gets out on the street that the drug is not going to work. Of course the stock is going to good through the floor. But the chief executive officer, the CEO and the other top executives of this company, they found out 2 or 3 days, in fact, several days, they got the hint around December 4 that this drug may not be approved.

Now look what happens from September 6 to the 11. All of a sudden the executive officials, as if they got some kind of hunch that fell out of the air, as if they are brilliant strategists, instead of sharing that information with the general public, instead of sharing that information with their employees who had worked so hard for them, instead of following the Securities and Exchange Commission regulations of how this information is disseminated out there, they start selling their stock.

From December 6 through December 11, they unload over $5 million in stock. Now, they would like you to think it was a coincidence. December 26, the CEO finds out that, in fact, the FDA is not going to approve the drug and they are going to make the announcement on December 27 or December 28, 2 days later. He immediately transfers $5 million in stock to his daughter. Then what happens? On December 27, he contacts his daughter and she starts selling the stock, because they know the announcement is coming the next day.

Then her broker, who is in all of this, happens to also be Martha Stewart's broker, and he contacts Martha Stewart. There is a message that is left for Martha Stewart, and that message is right here: ImClone is going to start trading downward. Now, this broker's name is a guy named Peter Bacanovic, B-A-C-A-N-O-V-I-C, and Bacanovic, it seems, would be the pronunciation, but Peter, we will call him. Peter would like us to think he had this instinct the stock was going to go down.

Now, Peter, by the way, was a very close friend and used to work for this corporation and was very tight with the CEO. In other words, every angle you look at any large sale of stock during that period of time by the chief executive officers or the broker or the Martha Stewart, every one of them smacks of inside information. Every one of them.

The conflicts are overwhelming in what happened in this particular company. And who got cheated here? The people that got cheated here are the people that did not know. And under our system of corporate governance, we are supposed to have an equal playing field. We are supposed to have a square deal. But that is not what happened. That is a result of inside information. Inside trading information.

That is why we here in Congress, on a bipartisan basis, and not following the focus of the gentleman from Missouri (Mr. GEPHARDT), whose primary focus is to gain 40 seats from the Republicans, our primary focus should be to save these jobs. My primary focus here is to stop this inside trading. My primary focus here is to restore corporate governance credibility. We have lots of people in this country that are shareholders and they are shareholders because they have some faith that these kind of deals should not go on, like what went on with ImClone.

And they are not alone. It went on in Global Crossing, it went on in Enron, obviously, it went on with Kmart, Xerox, WorldCom, Sunbeam, Conseco. These shareholders want to know that there is something to clean it up if it goes on and that there is checks and balances, like an independent auditor, unlike the demonstration of Arthur Andersen, that can go in there and tell you it is not happening; that the standards and the credibility of the corporation are intact. That is why I am calling upon my colleagues to act swiftly and firmly to stop this before it spins out of control.

As I said earlier in my comments, this is not typical of the average business in this country. Remember, most corporations in this country, by and large, are small businesses, and these small businesses are mom and pop operations and they run good businesses. And the American economic machine is dependent on these businesses. So we cannot just throw out all business. And it would be wrong for us to say all business is bad. It would be like saying all Catholic priests are bad because you have to get rid of a few bad apples.

But the fact is if you have a bad apple in the bushel, you better find out where that apple is and you better get rid of it because it ruins the other apples in the bushel over time. This is the opportunity we are presented with today. Our opportunity today is to take these corporations and ensure that we go back to where we are supposed to go. We have plenty of examples, and I want to show a few of them.

Here are a few examples. Commonly known names. These companies have bad apples in the bushels. They have bushels of apples that we have to go through and get rid of the bad apples. Let us start with Tyco. That is where the chief executive officer tried to cheat New York State out of sales tax on a few pieces of art and paid himself hundreds of millions of dollars from the corporation.

His lawyer, who was supposed to be kind of a check and balance here, his lawyer paid himself $30 million. And this lawyer's name was Mark Belnick. Mark paid himself $30 million in this corporation and then he structured the payments from that corporation in such a way that it would be concealed from the reports that they gave to the public. In other words, he kept two sets of books, one set to enrich himself, the other set for the public to take a look at.

Now, WorldCom. We know all about WorldCom.

□ 2230

It declared bankruptcy this weekend. How many thousands have lost their jobs? And what is happening to the chief executive officers there?

Bernie Ebbers made sure before he resigned, he made sure they agreed to pay him $1.5 million a year for the rest of his life. That is on top of the $408 million loan. The board of directors of that corporation, theoretically representing the interests of the shareholders and the interests of the employees, gave Bernie Ebbers a $408 million loan. How many corporations in the world have ever loaned their chief executive officer anything close to that?

K-Mart's chief executive officer was Charles Conaway before they took that company into bankruptcy, and a lot of Members have been in K-Mart. There are a lot of hard-working people, and they do not make big wages. Those people barely get by on the wages that they make. But at the top, that is not the case. Those executives enriched themselves by giving themselves loans from the corporation. But these loans were a little peculiar. The chief executive officer knew what the definition of

a loan was, and that is what you pay it. But they wanted to keep the money. So right before they took K-Mart into bankruptcy, they passed a board proclamation forgiving the loans.

Xerox Corporation, they overstate their earnings. They cook the books.

Arthur Andersen, these are supposed to be the CPAs. That is supposed to be the check and balance in the system. They end up cozying up to the chief executive officer and getting a share of the deal, and it compromises them. It compromises them to the point that things that should have been caught and avoided a long time ago by the auditors were not.

We always deal with greed. It is human nature. I do not care what country, what religion it is, you always deal with greed as a fact of human nature. As a check and balance we know that, we know that. That is why we have auditors. I can tell Members, we are going to get people like the Andy Fastows or the Scott Sullivans of WorldCom, but we expect the auditors to catch that.

As I look back at these corporate problems, which as I said earlier are limited in nature, but it can spread very, very quickly. If I were to look at one place, the first fire call that came in, the first fire truck that should have picked up the problem, I keep looking at the auditors. I am severely and deeply disappointed by the auditing industry in general, by the accounting industry in general. Remember, Arthur Andersen is not the lone one. In Enron, Waste Management, WorldCom, Sunbeam, Adelphia, Conseco, every one had different auditing firms.

The auditing and the accounting industry has got to clean house, and they have to do it themselves and do it quickly. I do not think that auditors should be consultants. I do not think consultants should be the auditors. We have to have that separation. But the fact that the first people that should have picked this up were the auditors and it did not happen, that is an important check and balance. That is Arthur Andersen.

Enron is pretty self-explanatory: self-enrichment. A board of directors that has conflicts as far as the eye can see. We have private, secret companies that are paying $30 million to people like Andrew Fastow over a 6-month period, and his buddies made 5 to $10 million a month in little side deals he feeds them. Where does that money come from? Not because Enron figured out a better way to deliver electricity or natural resources for minerals or developed a better product or mouse trap, as the old saying goes, because Enron allowed this fraud to go on; and they were abetted in the fraud by legal counsel and Arthur Andersen.

What happens to these people? This is how we solve that problem. They go to jail and when they go past go, they do not collect their money. That is the only way we are going to get this message across. There are other solutions, and I have mentioned a couple.

One, the auditors should not be allowed to consult and the consultants should not be allowed to be doing the auditing. But there are some others. We have to look at the board of directors and what kind of conflicts of interest the board has with the company. Enron is a good example, or WorldCom.

We have a director at WorldCom who uses a corporate jet. Let me tell Members about a corporate jet. If it is a jet of medium size, let us say it seats 8 to 10 passengers, that jet probably costs $15 million to $20 million, probably costs the corporation, even if it is just sitting, the expenses probably run $100,000 a month; so on a 15 to $20 million jet, it is probably around a million dollars a year.

WorldCom on its board of directors makes a deal with one of the board members. We will rent this jet to you, and we have to be fair because that jet does not belong to me, Bernie Ebbers; it belongs to the corporation and that jet is used to move people around. So we cannot just let you use the jet. We are going to lease you the jet. The board of director, just to make it convenient, we will park the jet on a full-time basis at an airport closest to where you live. It costs about $100,000 a month to have this jet; we will lease it to you for $1 a year. That is what happened at WorldCom.

Mr. Speaker, we have to have some different standards for our board of directors. Board of directors should not have things that the common sense, the prudent man, the reasonable-man standard would say look, that smells. That is not ethical. Common sense would say it is just not right.

I would assume that today in corporate boards throughout America, probably throughout the free world, as well as the executive officers, are probably taking a pretty harsh look at how they handle these issues.

I can tell Members there was an interesting editorial the other day in the Denver Business Journal. They wrote about me saying a staunch Republican standing up on business discussing WorldCom and the comments I make.

Mr. Speaker, I used to be a police officer, and there used to be a saying out in the police business. The worst thing for good cops is a bad cop, and it is the same thing here. The worst thing for good business is a corrupt business person, somebody who cheats. That is the worst thing we can get. The worse thing for a sport is somebody who cheats. In the short run, your favorite team wins because somebody cheated; but over the long run it hurts the sport and the people participating in it and the people who have participated in it like the retired employees.

What else can we do. Clearly, our board meetings should not be open to the stock analysts. The stock analysts, and we can take a look at the stock analysts with WorldCom. We can look at Grubman that is on the front page of today's Wall Street Journal, or the stock analysts which worked with ImClone, that is the one that Martha Stewart is involved with, those people were like they were brothers and sisters with the corporate board. They were like they were hatched in the CEO's office. Those people are supposed to be independent.

We heard about some of them. They stand in front of the TV and say, What a wonderful stock. I will give you a little advice, buying public. If you want to ensure your retirement and retire early, buy this stock on its way up. Off the TV camera, they have them sending e-mails, this stock is a sucker. Boy, does this stock stink. Corporations across the country have to move quickly to put a stop to that kind of thing.

Does more regulation help? Generally, I am not too sold on more regulation, but I think this has taught us in the government some lessons. We have to tighten up some areas. We should require that options are expensed. Right now, stock options are not. We should require, I think, for example, that auditing and consulting should not be done by the auditing firm. There should be a separation.

But the regulation, the loopholes we can close, and we will close a number of them this week thanks to the leadership, and help from both Democrats and Republicans and President Bush, we are going to close some of those loopholes this week. But that is only part of the formula. The other two things for this to work is the industry itself. Business itself, whether it is a mom and pop or a Xerox, they have got to have a self-cleansing. They have to get that bad apple out of the bushel, and they have to do it now.

The third thing we have to do, and I will conclude with this, but the third thing that we have got to do is we have got to punish those who have enriched themselves at the expense of others. We cannot allow, for example, Gary Winnick to live in his $90 million home after he took $790 million out of the company. We should not allow Scott Sullivan to bathe in his private pool at his $20 million home he is right now building at the expense of WorldCom employees, at the expense of WorldCom investors and mutual funds across the country.

We should take the ill-gotten gains, and that is the buzz word. We must act. Our U.S. Attorney's office should act. The IRS should act. The Security and Exchange Commission should act, and I am confident that they all are; but they must act with haste. They must move quickly, firmly, and constitutionally. I am not saying that we infringe on legal rights.

But look at ImClone. There is so much evidence that we need to punish the people. We cannot have a repeat sequence of this. We have to let people know if you are going to lie to the employees and cheat them out of their retirements and cook the books, if you are going to misuse corporate assets and self-enrich yourself, it is not tolerable. We need to go after that kind of behavior.

Mr. Speaker, I know that some of my comments appear repetitive, but I am worried about this. There is no reason that our stock market should be dropping like it is. The fundamentals are pretty solid. Our recovery will not be a big boom economy because the recession was not that deep of a recession. The techie stuff, the telecom, that bubble burst; but we are still on the way to a recovery. This market is overselling right now, and one of the factors why it is overselling is because we have to figure out the integrity on corporate governance. It is not the kind of thing that is going to be solved by the gentleman from Missouri (Mr. GEPHARDT) claiming that he is going to take 40 seats from the Republicans, and that is why they love this issue and why they are going to focus on it.

It is going to be solved by a bipartisan effort from both sides of the aisle along with the Senate and the President by saying here are the regulatory things that need to take place; business, here is what we expect you to do in order to restore credibility to the market. That is what will help stabilize our stock market. In the end, an honest business person is a winner for everybody. We have to remember that because the backbone of our economy is small business and most of what we deal with is small business, not the ones that I just talked about. Let us get rid of the big bad apples in the bushel so the rest of the apples are as good as we know they can be.

□ 2245

## MARKET DIVE AND ITS EFFECT ON THE ECONOMY

The SPEAKER pro tempore (Mr. OSBORNE). Under the Speaker's announced policy of January 3, 2001, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 60 minutes as the designee of the minority leader.

Ms. NORTON. Mr. Speaker, I listened attentively to the remarks of the gentleman from Colorado. I was certainly in agreement with much of what he had to say. What amazed me was how much of his remarks were devoted to things that the Congress cannot do anything about. You can preach to the board of directors and you can talk about bad apples all you want to, but this is the Congress of the United States. We are empowered to take action against the fraud and abuse that is driving our market down. Only near the end of his remarks did the gentleman even mention pending legislation. If a Member of the House gets up on the floor, you would think he would discuss what it is we are going to do about it. Most of the remarks of the gentleman were devoted to some awfully bad apples, some folks who the President has said should go to jail, Democrats have said should go to jail, Republicans have said should go to jail. But if this problem was only about locking up a few crooks, the market would not be responding the way it is. It is about corporate greed, to be sure, and the gentleman was very correct in focusing on the manifestation of that greed. But there are some questions that the public, far more pointed questions that the public is asking the Congress now.

Where was the Congress when Arthur Levitt tried to bar consultants from auditing the companies that paid them to consult? The gentleman railed about this matter, but did not tell you that it was Congress that kept Arthur Levitt from, in fact, going forward with a regulation that would have barred precisely that problem which has led to so much of the abuses we are seeing now.

Where was Congress when President Clinton vetoed H.R. 2491, a veto that was overridden by the Republican Congress allowing corporations to raid workers' pension funds by significantly lowering the safeguards that were put in place in 1990 by the Democratic Congress?

What can Congress do? Congress can look at, and correct, the aura of corporate deregulation of the 1990s led by the Republicans in the House. In 1995, the Private Securities Litigation Reform Act, that is a fancy name for a provision, a law, which makes it harder for shareholders to bring securities fraud suits. In the name of reining in the lawyers, what the Republicans did in 1995 was to rein in the shareholders who now have a harder time going to court to sue for the very abuses that are driving the market down as I speak.

So if we are going to talk about what is happening out there, by all means let us call out names for the bad apples that are running all around corporate America today, but let us be clear that this problem is far more systemic than a bad CEO here or a terrible accountant there.

Today, of course, WorldCom went where everybody knew it was going, down and out, and it took a lot of good folks with them, meaning a lot of average Americans, a lot of workers. I know about the workers because here in the Washington area is perhaps the largest number of WorldCom workers in any one spot, 6,000 workers, lots of whom will not have jobs much longer. Some of them will because some of these businesses are, in fact, going to stay up and running and WorldCom at some point will stabilize. The market was down 235 points. We should be grateful for small favors. It was 400 points on Friday. But in a real sense, my friends, the instability is worse than the dive. What is panicking investors is the sense that this thing has gone wild and is out of control, out of control of us, yes, and that we do not know how to stabilize and restore confidence in our economy.

There is only one way to do it. If we deregulated too much, did not regulate enough, there is a bill pending before us, not the weak sister passed by the House, but the Sarbanes bill which the President has said he would sign which passed the Senate of the United States, listen to me, 97-to-nothing. The gentleman talked about bipartisanship. That, my friend, is bipartisanship. A bill that passes by that margin is not about to give in when it comes over to this part of the House. The American people want us to put this matter to rest before we march out of this Chamber at the end of this week for August recess. The biggest bankruptcy in history surely should be enough to make us do just that. Bigger than Enron. Twice as big as Enron.

But, Mr. Speaker, I do not conceive the problems we have in quite the same way as is being discussed by the pundits and, for that matter, by the gentleman who preceded me. It is not about corporate misconduct alone. It is not about income restatements alone, even though the combination of the corporate misconduct and the restatements of earnings, meaning that the earnings are not nearly what we said they were when we put out our last statement, those two factors, the restatements, the misconduct, seem to be in the driver's seat of the economy now, driving it as productivity is not driving it, driving it as nothing else is driving it. But the market decline is so serious and is so unpredictable that it could take us into a longer recession if we do not get a grip. One way to get a grip is to pass the Sarbanes bill out of here before the end of the week.

I want to focus this evening on the effect on the national economy in a number of different ways of the market dive, of the instability on the average American. I suspect that all over America, these cable shows, these news reports about the market are bringing two reactions, confusion and panic. I want to do what I can to help break this down, at least as I see it. We had best be very careful. The latest measure shows that most Americans have now switched to saying that the country is on the wrong track. On the wrong track is not your usual kind of poll: Are you for it or against it? Is it doing right or doing wrong? It is used to measure such things as confidence in the economy, and when people check off the box saying that the country is on the wrong track, they are checking off several different other boxes as well. They are checking off the box that says I'm going to stop spending; this, even though the economy is growing. I'm going to stop spending. I'm going to go away for a while. I'm going to flee the market. This is serious. Because the economy we have experienced over the last dozen or more years, to the extent that it was a good economy was driven by consumer spending. Consumer spending drives, what is it, two-thirds of a good economy in this country. So when people say it is on the wrong track, we have got to work together. Here is where I am at one with the gentleman from Colorado. We have got to work together to restore this confidence and

not bickering over whether the Senate bill, a very strong bill, supported across this country in most press reports, or the House bill which, to be fair, came out very quickly before this market had turned down as badly as it has. There is every reason for Republicans to say, look, it has gotten worse, I now know why the Senate bill which was passed later in the midst of this problem is stronger. Let's wipe this thing away. Let's follow what the gentleman says and use bipartisanship in the name of true recovery of the market and of the economy.

This is no longer a story, however, about the market. It is a story about what is happening to the American economy. It is no longer even a story about restoring confidence in the market, as important an element of the story as that is. It is a story now also about the dollar, which has dropped. It is a story about the loss of confidence in corporate governance itself, those who stand above and are supposed to see that the corporation does right, many of whom are supposed to come from the outside of the corporation. It is a story about phony accounting practices. It is also a story about the growth of the deficit. We got another shock last week when the deficit figures came out 56 percent above what had been projected. That is not a matter of miscalculation or mistake. There is something terribly wrong here. The reason for this huge rise in the deficit is that we are experiencing the sharpest decline in receipts by our government since 1955. Today, the deficit is $165.5 billion. Last year it was a $124 billion surplus. When you see that kind of turn-on-its-head phenomenon from surplus to deficit, it is time to start paying attention. This is all part of the same picture, my friends, the same economy, the same problem.

The causes of this deficit, of course, are not alone what has happened recently here with the market. The deficit comes from spending for the war, from spending for recession, it comes from corporate and market decline. But those who can count agree that the greatest cause was the $1.35 trillion tax cut. That is all in the same equation I have just enumerated.

We are focused today on corporate fraud and abuse as part of the problem, because it is so clearly a part of the problem that Congress can fix. Mere mortals cannot fix market economies. They do have minds of their own. But there are certain things you can do to help correct flaws that are there because men and women have put them there, and abuse is an example of such a flaw. Anytime we see the nouveau companies like Enron and WorldCom, on the one hand, and the old giants like Johnson & Johnson and Xerox on the other, we know that we have an across-the-board problem, we have a culture that has accepted certain practices as normal when the average person would regard them as abusive. That is why to characterize this as just some rich guys buying houses is to greatly detract from what at least the Congress can do. I cannot go out and get all of these guys now. Most of them will not go to jail. We are only now changing the law that might put some of them in jail. But I can do something about the system that gave them a license to steal. That is our job as Members of Congress.

I want to focus on who is losing. There has been too little talk about who exactly is losing. If hundreds of companies have done, quote, restatements of earnings, what that means is that your profits in your 401(k) have been erased. What your earnings were as stated 6 months ago turn out to be far greater on paper than the company now comes forward and says they are. Last year, investors lost $30 billion, that is billion with a ''B,'' because of restatements of financial statements alone. Erased. As I speak, there are people sitting down with their 401(k) looking at the result of corporations cutting corners, hyping profits, now restating and downgrading people's portfolios.

□ 2300

What we have got to ask ourselves is what does this mean to the average person? And let us indicate who the average person is. At one point we would say the average person is a worker. Today the average person is a worker and an investor. The average person, average person, is in the market. The average person has lost by what has happened in the last several weeks because more than 93 percent of stocks have lost value. Forty percent of the market are simply mutual fund investors. That is pension funds. When an average Joe out there reads that the drop in the NASDAQ is the worst since the Great Depression, what he is hearing is that the average person has lost money, and a lot of money. Every time the market precipitously drops or goes up and down and back as it did today, it went wild today and ended way down, every time that happens, part of somebody's pension or life savings is gone.

The ultimate insult is those who lose their jobs and their savings, like folks at Enron who lost their job and had invested in their company and so lost their savings as well. The Sarbanes bill would help to get at that unjust enrichment if the conferees over here listen. I cannot help but wonder where Mr. and Mrs. America would be if they had privatized Social Security. I mean if they were sitting with a privatized Social Security account today, where in the world would they be? It is one thing to have invested some of their disposable income in the market that goes down. It is another thing to have been encouraged by the President and the Republican Congress to invest part of their Social Security and be left without that, the ultimate fail-safe. If this episode does not kill privatization of Social Security, then it is immortal.

The value of the average stock dropped 11 percent during the last quarter. That means that the average person probably lost at least that much. Do not look at the 401(k) before going to bed at night. This thing is going to get better. I support entirely what the President is doing to try to encourage people to match up an economy that is growing with what they hear about what is happening to individual stocks and to believe in the American economy. So the whole notion of thinking that this economy is going south and is going to stay there for a long time is, I think, tragically mistaken. One thing we do not want to do is to panic ourselves down and panic ourselves needlessly. We want to understand what is happening, do not want to soft-pedal it. Most people cannot just run out of the market now. If they run out of the market now, they often do not have any other place to go. We take our losses. I think the advice that most analysts are giving, which is stay in there for the long haul if one possibly can, is something most people should do.

So I have not lost my faith in the American economy, but I know good and well that the only way to restore the faith of the American people in the American economy is for this body to do what it can to help restore that confidence. So far we have not done that.

Look at what is happening at the top of corporate America while the investors, the workers, are being wiped out at the bottom. Twenty years ago corporate executives received 40 times what employees earned. Today it is 500 times what employees earn. I mean they can lose a lot of money and still be in good shape compared with somebody with a pension fund or a 401(k). I must say that I think this reflects in part on the decline in union membership. I think that if the average worker had a union leader who could sit there and say, look, your salary is 500 times what this worker's salary is, there would be less of a disparity between workers and CEOs, and we have the greatest disparity in the world. We also have the greatest disparity not coincidentally between the rich and the poor. Some of them have golden parachutes. They are routine in corporate America, but what has really gotten the average person, the average investor who turns out to be an average worker, outraged is that one can get these golden parachutes when one leaves the company, regardless of the condition of many companies. These are the same executives who are responsible for the accounting tricks and the aggressive accounting, as it is called, that has led one former Republican chair of the SEC to predict that there will be hundreds upon hundreds of companies that will do corporate restatements. That means everybody should get ready to understand that there is less in our little old portfolio than we thought. Some of these executives have been particularly brazen, hiding debt, as

with Enron, to make profits look greater.

I know a little bit about corporate governance. Before I came to Congress, I served on the boards of three Fortune 500 companies, proudly so. I must say that in each of them, usually the only inside member of the board was a CEO. These were companies which just as a matter of good corporate governance almost exclusively relied on outside members for their boards. One would think that that would be one thing a CEO would want. They would want somebody on the inside to pull their coattail if things were looking a little strange. Very often we cannot see this from the inside. We get too ensconced with it. Virtually all of the board members were outside board members. I was not on an audit committee. We met almost every month. There were a couple of months in the summer where we did not meet. I came to Congress, elected in 1990. Of course I had to give up all corporate boards, but I was on corporate boards during the flamboyant 1980s which in their own way reflected some of what is happening today. These were very conservative companies in the way they were governed.

I have seen it from the inside. It does not have to be this way. It does not have to be the way it has been in the last couple of years.

So here I stand, a Member of Congress. I think the average investor, the average worker I have been talking about has a right to say to me so what are you going to do about it? I dissent from the view that this has been about corporate greed alone. As I have said when I began these remarks, that would be easy to deal with. If somebody steals my pocketbook and I catch him, I lock him up. My pocketbook is going to be in better shape the next time. This is about corporate greed. Corporate greed was given a license to steal because nobody was watching the store in the way they should have been, and we of the Congress of the United States are deeply implicated in that problem. Inadequate regulation, inadequate laws, repeal and relaxing of many regulations and laws in the 1990s, some at the direction of the Congress of the United States.

□ 2310

So we better fix it, because we are part of why it is broken.

I will not go line by line down the bill, the strong bill that has been passed in the Senate; but let me give some illustrations of what it would do that I think the average American in a second would want us to do. It extends the statute of limitations so that defrauded investors can seek redress before all the cash is gone. The House bill does not do that; it would eliminate that provision. It requires corporate wrongdoers, the abusers themselves, to give up their ill-gotten gains. That is not in the House bill. You walk out on the street in any city and tell folks that that is not in the House bill, they will tell you to get back in Congress until it gets in there. Even with it in the bill, billions of dollars of lost savings are gone forever; at least we ought to make sure that it never happens again.

Another favorite of mine is a whole new loophole that would be opened if we went with the House bill instead of the Senate bill. Do we really want to permit foreign accounting firms to be exempted from the oversight board, the Oversight Accounting Board? Would that not be a loophole that one could drive a Mack truck through, since this is one world?

Not only are corporations global, so are accounting firms global. We certainly do not want a U.S. accounting firm to do business through foreign operations and, therefore, avoid all of the regulations and the law that we are putting in place. That is what will happen if the House version rather than the Senate version becomes law. If we cannot fix the economy, we can fix some of the abuses. We can fix those abuses if the Sarbanes bill becomes the bill of the Congress of the United States.

Mr. Speaker, as I have been speaking about the average worker who is today the average investor, because one way or another, the average worker is in this market, either through their pension or through their 401(k), one has to be awfully poor and jobless not to be in the market one way or the other.

But there are people who are wondering whether or not the effect that this period of abuse has had on markets has now also affected jobs. People are beginning to use the words again, words that we heard about a decade ago, ''jobless recovery.'' The words ''jobless recovery'' ought to be an oxymoron. I thought recovery was all about getting people employed again. But that is not what is happening, and that is what is scary.

We now are seeing, for example, in June, the long-term jobless rate rose for the third month in a row. We are told that the unemployment rate is 5.7 percent, that is 8.4 million people. But the true jobless rate is more than 9 percent in May, if we count 1.5 million people who are marginally attached or discouraged because they have looked for so long for jobs; they have just given up.

Now, some of the reason we are told for the unemployment is that employers are doing more work through greater productivity. They are using machines; they are using computers. We have a wonderfully productive economy. I agree. This is not all due to the failure of the economy to recover. But I do know this: we are not sharing the gains in productivity with workers, and the reason I know this is I have looked at the average hourly earnings and found that they are still 5 percent below the rate workers earned in 1973. We are talking 25 years ago. So no matter how we look at it, workers are getting the short end, and that is something which, when paired with what has happened to these same workers as investors, is dangerous for the economy and is dangerous for this Congress.

The analysts have looked at the recessions in recent years, in 1982, in 1980, in 1975 and noted that if we looked at the first year of recovery from those recessions, job development and increase was 2.4 million. They count March 2001 as the beginning of this recession, and there is no analyst that thinks we will get to 2 million jobs in the first year after this recession. That is why at least some are saying it is a jobless recovery. I step forward to say I hope that is not the case. This is what I care most about. I think the only thing as bad as losing your savings is losing your job.

Most people will not believe that there is a recovery at all unless they see that their neighbor, who lost their job, got their job back. They did not lose theirs, but as long as their neighbor is still out of work or going back only on a temporary job, they are not going to go out and spend any money. That, of course, feeds on itself and keeps the market down. That does not help anything, and that does not help anybody; and we have to help change that in this Congress, yes, by working together. The way to work together is a bill on the table. Let us pick it up off of the table and pass it and see if we do not get an immediate reaction from the market.

We are on track, according to all of the figures, to recover at below the average employment rate. Now, one does not have to be an economist to know that employment is a lagging indicator. From the point of view of the employer, one can understand that. He does several things as he sees the economy recovering, and about the last thing he does is to hire back his workers. He uses all kinds of other ways to get his work out, including the encouragement to improve your own productivity so you need fewer workers. But ultimately, the test of a recovery, the test of a good economy is that people are working. There is no way to get around that test. We can talk like an economist and say oh, it is fine, the economy is doing just great; but if people are out of work, we will never convince them of that; and we should not be able to.

We have to get people back to work. If unemployment is 5.7 percent for the population at large, do understand that that it is twice that for people of color, because that is the way it goes in this country; and over 10 percent unemployment is crisis in minority communities. Jobs count, and yet we hear so little about jobs. Jobs are not unrelated to the market, and the market can recover all it wants to; but if there is joblessness, there is no recovery.

When we had the booming 1990s, there were both jobs and a market; yes, an overvalued market, but by no means was it simply overvalued. It was a time

of great innovation, the birth of the Internet and the spread of computers, so there was a very good reason why there were jobs and why there was a good market at the same time.

Consumer spending is the engine of this economy. People do not spend money when they do not have jobs or when their neighbors do not have jobs, or when they think there is still high unemployment, which is a signal to them: it may get you, so do not spend money. That stops the economy, at least an economy like ours, two-thirds of which is driven by spending by consumers.

□ 2320

I am discouraged by the payroll increases in the last month, couple of months, a paltry 60,000. We need a 150,000 to 200,000 payroll increases per month to bring unemployment down. It will not be helped by the WorldCom layoffs and the IBM layoffs and the layoffs we have been seeing left and right just to compound the matter and make things worse.

We have a horrific situation that Congress has not even paid the least attention to and that is the state of unemployment insurance. Unemployment is just that, insurance. When you have insurance that means you have to pay your premium. So a worker has to pay into the unemployment insurance funds. And the employer better pay into the unemployment insurance funds, or they both are in grave trouble. But only 40 percent of workers actually receive benefits from unemployment insurance even though they paid into the funds. How would you like those apples? You lost your job, no fault of our own. XYZ is doing layoffs because of restatements. Got to let some workers go to get back to some sense of stability, and you say, well, goodness, while I am looking at least I have unemployment. You better watch out. Lots of folks do not get unemployment.

There is a huge change that Congress has failed to update, a change in your economy, a change in who goes to work. Many people are part-time workers, especially women who have small children. They cannot get unemployment insurance in many States, yet the family bought a house last year precisely because that mother could go to work part time because her children are now in elementary school. Some States do not count recent earnings but have to go back a quarter or two. And you have got to meet the earnings threshold as of that quarter in order to get unemployment insurance. Where does this come from?

It made perfect sense in the 1950's when it was normal for there to be a mother at home and at that point half of the unemployed got benefits. But what has happened since is that you have got changes that the unemployment laws simply have not accommodated, at least the changes have not accommodated at least to the changes we are seeing in the workforce itself. There are more single parents working, more two-income couples who structure their work day around children and child care. But all of that may mean that if you lose your job, you cannot get unemployment insurance.

I bet many did not know that if you cannot work nights or weekends because you have children at home, you cannot get unemployment insurance in ten States. What is this? Is the family-oriented Congress going to let this stand? How much longer? What are we going to do with TANF workers, former welfare recipients who took these low-wage part-time jobs to get off of welfare are now going to be the very first to go and cannot get unemployment benefits? Why are we not giving some priorities to straightening out this antiquated system that is causing so much hardship?

I want to call out the name of some of the States that are worse on unemployment insurance, have obsolete requirements that nobody in even a 20th-century or late-20th-century economy would abide. These are folks that need to change their own unemployment laws; and we, of course, need to make changes that only we can make. Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, South Carolina, Tennessee, Texas, Virginia. I have not counted them, but it is getting to be almost half the States have unemployment insurance laws that unfairly, unfairly hurt working families who have paid into the unemployment insurance fund. That is a crime, particularly when we consider what is happening to the market today.

More than 2 million unemployed workers are likely to exhaust their unemployment benefits in the first 6 months of this very year. That is a pending crisis that needs immediate attention. Mr. Speaker, I am concerned at the effects that the market crash is having across the board on our economy, and I have tried to speak to that profound spreading infectious effect.

I note that the market is marvelous in its capacity for self-correction. The problem is it overcorrects or undercorrects very often. You see some correction from companies themselves. There are companies that are stepping forward, for example, to expense their own stock options, Coca-Cola, the Washington Post right here in the District of Columbia. But we have a problem that cannot be blinked. When you have a double-digit decline in stocks, traditionally, there is almost a formula that is been at work and the first 6 months, normally recovery there is a double-digit increase. We are not having that increase.

All of this speaks to the need to pass a bill before we leave here. When you see an old-line company that no one has said has been engaged in any malfeasance, like GE, posts a 14 percent increase, and yet the stock shows only a minor increase itself, less than 4 percent, you know that there is no confidence in the market, that people do not know whether even a company with that reputation can be believed. We have got to put something behind such companies so that when people read those statements they say, I think those statements are probably right because the Congress has passed a bill that makes them sign on the dotted line and is going to send people to jail if they are not right, because the Congress has shored up all the loopholes.

So I think now I can look at those statements and understand that that is probably more or less what is in my portfolio. I can begin gradually to reinvest in the markets. We can do that much. We cannot make people invest. We cannot tell people what to do. I do not know what to tell people to do, and I do not know any analysts that are telling people what to do except the same old thing that they tell us, do not run from the market; stay the course. That is having no effect on investors. They are running as fast as they can.

□ 2330

The President asked people to stay the course. That is his job, and he is doing his job by saying to people do not run, stay put, and they are running, anyway. So what is missing? What is missing is something to back that up. We and we alone can back that up. There is nobody in power to do it under the law. There is no other body that can do it. We cannot do it State by State. It can only be done by the Congress of the United States.

No, I do not think this is a matter of bad apples alone. I do not spend much time on the President and whether he sold stock or bought stock in ways that, at least today, we say should not be done. I just do not spend a lot of time on that, on whether he borrowed money. I do not even spend a lot of time on the Vice President's problem with Halliburton. I do not think this is the problem.

I think the problem is systemic. I do not think the problem is the President and what he did, which probably was not illegal, or Halliburton and the Vice President, and I certainly do not think he intended to do anything illegal. I just do not think that is the problem.

I think the problem is that we have taken the covers off of corporate America and found that they were doing anything they wanted to do because nobody was acting like the cop. Somebody has to be the cop. It was not the auditors, it was not the board of directors, and it was not the Congress of the United States. We do not have to be a bad cop. We do not have to engage in police brutality, but somebody has got to stand up there and say what is wrong and what is right, and say if a person does not do what is right, then there is a sanction. If the auditors do

not do it, if the board of directors does not do it, then the law will make that person do it.

That, Mr. Speaker, is all I think the public has a right to. It is what we have not given them yet. This is Monday. There is still time. We are rushing with homeland security. Important as that is, I do have no hesitation to say, it is not nearly as important to meet the deadline of Friday for the Sarbanes bill. That is what is important. If we get away from here on Friday, that market continues to do what it is doing today and there is nobody here to do anything about it, there is a price we ought all to pay if we get away from here and it continues to be out of control, then at least we can say we have done all we can do.

Capitalism and marketing economies have their own mind. They work in mysterious ways, and they are not subject to the command of man or woman all of the time.

So I say to my good friends and colleagues that I have come to the floor today because I did not believe it was appropriate to discuss this matter only as one of the individuals without understanding where this greed comes from, that the culture of greed comes because we have allowed it to grow. We cannot stand away from our own responsibility here. We have got to pass laws that say that we at least have shored up the system and instructed it to do right by putting in place laws that put a person at risk if they do not do right.

When I go home, I go up the street. When my colleagues go home, they will be going far away. I ask my colleagues not to go one step away from this place without leaving our economy in order to the best of their ability. Pass the bill that is before us. Pass the Sarbanes bill. Let us not quibble about the details. If we make mistakes with the bill in one fashion or another, there will be time to correct them. There will be no time to correct what happens to the economy if we leave this place and the economy, with a mind of its own, goes its own way and its own way turns out to be a way not in keeping with what is best for the people we represent.

I believe that the signs and the message from the market have been clear. I ask only that we reply in a way that is appropriate to the moment.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) for today on account of personal reasons.

Ms. KILPATRICK (at the request of Mr. GEPHARDT) for today on account of official business in the district.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WATERS) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mr. ISRAEL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. MEEHAN, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

Ms. HOOLEY of Oregon, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. TAYLOR of Mississippi, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

(The following Members (at the request of Mr. LEACH) to revise and extend their remarks and include extraneous material:)

Mr. CAMP, for 5 minutes, today.

Mr. CANTOR, for 5 minutes, today.

Mr. CRENSHAW, for 5 minutes, today.

Mr. WOLF, for 5 minutes, July 27.

Mr. KINGSTON, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. LEACH, for 5 minutes, today.

## ADJOURNMENT

Ms. NORTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 36 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 23, 2002, at 9 a.m., for morning hour debates.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8105. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Hazelnuts Grown in Oregon and Washington; Establishment of Interim Final and Final Free and Restricted Percentages for the 2001–2002 Marketing Year [Docket No. FV02–982–1 FIR] received July 9, 2002; to the Committee on Agriculture.

8106. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Rules of Practice and Procedure Governing Proceedings Under Research, Promotion, and Education Programs [FV–02–709] received July 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8107. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Oxadixyl; Tolerance Revocations [OPP–2002–0047; FRL–7180–4] received July 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8108. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Subcontract Commerciality Determinations [DFARS Case 2000–D028] received July 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8109. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Ocean Transportation by U.S.-Flag Vessels [DFARS Case 2000–D014] received July 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8110. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's report to Congress on Physician participation in TRICARE in rural states; to the Committee on Armed Services.

8111. A letter from the Director, Defense Procurement, Department or Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Utilization of Indian Organizations and Indian-Owned Economic Enterprises [DFARS Case 2000–D024] received July 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8112. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's semiannual Monetary Policy Report, pursuant to P.L. 106–569; to the Committee on Financial Services.

8113. A letter from the Vice Chairman, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Grand Duchy of Luxembourg pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8114. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting copy of the Corporation's Annual Report for calendar year 2001, pursuant to 12 U.S.C. 1827(a); to the Committee on Financial Services.

8115. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Assessments on Security Futures Transactions and Fees on Sales of Securities Resulting from Physical Settlement of Security Futures Pursuant to Section 31 of the Exchange Act [Release No. 34–46169; File No. S7–14–02] (RIN: 3235–AI49) received July 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8116. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Sunscreen Drug Products for Over-the-Counter Human Use; Final Monograph; Technical Amendment [Docket No. 78N–0038] (RIN: 0910–AA01) received July 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8117. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District [CA 264–0354a; FRL–7234–5] received July 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8118. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Santa Barbara County Air Pollution Control District, El Dorado County Air Pollution Control District [CA247-033a; FRL-7220-8] received July 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8119. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment for the Carbon Monoxide National Ambient Air Quality Standard for Fairbanks

Carbon Monoxide Nonattainment Area, Alaska [Docket No: AK-02-003; FRL-7240-8] received July 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8120. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Finding of State Implementation Plan Inadequacy; Arizona — Salt River Monitoring Site; Metropolitan Phoenix PM-10 Nonattainment Area [AZ-076-SIP; FRL-7238-8] received July 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8121. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Georgia: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7241-4] received July 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8122. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry [FRL-7240-5] (RIN: 2060-AE78) received July 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8123. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to the United Arab Emirates for defense articles and services (Transmittal No. 02-30), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8124. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Israel for defense articles and services (Transmittal No. 02-38), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8125. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Oman for defense articles and services (Transmittal No. 02-34), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8126. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Singapore for defense articles and services (Transmittal No. 02-32), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8127. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to the Netherlands for defense articles and services (Transmittal No. 02-42), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8128. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to The Republic of Korea for defense articles and services (Transmittal No. 02-43), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8129. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Australia for defense articles and services (Transmittal No. 02-45), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8130. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to the Czech Republic for defense articles and services (Transmittal No. 02-48), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8131. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Poland for defense articles and services (Transmittal No. 02-49), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8132. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to Spain for defense articles and services (Transmittal No. 02-50), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8133. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

8134. A letter from the Chief Executive Officer, Corporation for National and Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8135. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report on activities of the Inspector General for the period October 1, 2001, through March 31, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8136. A letter from the Deputy Archivist, National Archives and Records Administration, transmitting the Administration's final rule — Debt Collection (RIN: 3095-AA77) received July 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8137. A letter from the Deputy Archivist, National Archives and Records Administration, transmitting the Administration's final rule — Nixion Presidential Materials; Reproduction (RIN: 3095-AB07) received July 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8138. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period April 1, 2002 through June 30, 2002 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 107—247); to the Committee on House Administration and ordered to be printed.

8139. A letter from the Principal Deputy Director, Office of Hearings and Appeals, Department of the Interior, transmitting the Department's final rule — Rules Applicable Indian Affairs Hearings and Appeals (RIN: 1090-AA70) received July 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8140. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Closure for the Mothership Sector [Docket No. 020402077-2077-01; I.D. 052802F] received July 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8141. A letter from the Deputy Assistant Administratorfor Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery [Docket No. 020409080-2134-03; I.D. 052402C] (RIN: 0648-AP78) received July 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8142. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustment #1-Commercial and Recreational Inseason Adjustments From Cape Falcon to Humbug Mountain, OR [Docket No. 010502110-1110-01; I.D. 040902H] received July 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8143. A letter from the Secretary, Department of Transportation, transmitting the Department's bill entitled, ''To help the National Railroad Passenger Corporation continue operations through Fiscal Year 2002''; to the Committee on Transportation and Infrastructure.

8144. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Ocean Dumping; Site Designation [FRL-7241-2] received July 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8145. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Allocation of Fiscal Year 2002 Youth and the Environment Training and Employment Program Funds — received July 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8146. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency's, transmitting the Agency's final rule — Supplemental Allocation of Fiscal Year 2002 Operator Training Grants for Wastewater Security — received July 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8147. A letter from the Clerk of the House of Representatives, transmitting the annual compilation of personal financial disclosure statements and amendments thereto filed with the Clerk of the House of Representatives, pursuant to Rule XXVII, clause 1, of the House Rules; (H. Doc. No. 107—248); to the Committee on Standards of Official Conduct and ordered to be printed.

8148. A letter from the Acting Director, Financial Management and Assurance, General Accounting Office, transmitting a report entitled, ''Congressional Award Foundation's Fiscal Years 2001 and 2000 Financial Statements,'' pursuant to 2 U.S.C. section 807(a); jointly to the Committees on Education and the Workforce and Government Reform.

8149. A letter from the Comptroller General, General Accounting Office, transmitting the financial audit of the Federal Deposit Insurance Corporation Funds' 2001 and 2000 Financial Statements, pursuant to 12 U.S.C. 1827; jointly to the Committees on Government Reform and Financial Services.

8150. A letter from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's report entitled ''Annual Report on the Federal Work Force FY 2000,'' pursuant to 42 U.S.C. 2000e—4(e); jointly to the Committees on Government Reform and Education and the Workforce.

8151. A letter from the Acting Director, Financial Management and Assurance, General Accounting Office, transmitting a report entitled, ''Financial Audit: Capitol Preservation Fund's Fiscal Years 2001 and 2000 Financial Statements,'' pursuant to 40 U.S.C. 188a—3; jointly to the Committees on House Administration 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:

*[Pursuant to the order of the House on July 18, 2002 the following reports were filed on July 19, 2002]*

Mr. YOUNG of Florida: Committee of Conference. Conference report on H.R. 4775. A bill making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107–593). Ordered to be printed.

Mr. HEFLEY: Committee on Standards of Official Conduct. House Resolution 495. Resolution in the Matter of James A. Traficant, Jr. (Rept. 107–594). Referred to the House Calendar.

*[Filed on July 19, 2002]*

Mr. SENSENBRENNER: Committee on the Judiciary. Senate Joint Resolution 13. An act conferring honorary citizenship of the United States on Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette; with amendments (Rept. 107–595). Referred to the Committee of the Whole House on the State of the Union.

*[Filed on July 22, 2002]*

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3951. A bill to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes; with amendments (Rept. 107–516 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4558. A bill to extend the Irish Peace Process Cultural and Training Program (Rept. 107–596 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 3917. A bill 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 for other purposes; with an amendment (Rept. 107–597). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. House Concurrent Resolution 419. Resolution 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 (Rept. 107–598). Referred to the House Calendar.

Mr. HANSEN: Committee on Resources S. 356. An act to establish a National Commission on the Bicentennial of the Louisiana Purchase (Rept. 107–599). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 3645. A bill to amend title 38, United States Code, to provide for improved procurement practices by the Department of Veterans Affairs in procuring health-care items; with an amendment (Rept. 107–600). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 4888. A bill to reauthorize the Mammography Quality Standards Act, and for other purposes, with amendments (Rept. 107–601). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Ways and Means. House Joint Resolution 101. Resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam, adversely; (Rept. 107–602). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

*[The following action occurred on July 19, 2002]*

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration. H.R. 1462 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on Energy and Commerce discharged from further consideration. H.R. 3215 referred to the Committee of the Whole House on the State of the Union.

*[The following action occurred on July 22, 2002]*

Pursuant to clause 2 of rule XII the Committee on International Relations discharged from further consideration. H.R. 4558 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 4558. Referral to the Committee on International Relations extended for a period ending not later than July 22, 2002.

## 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. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. DUNCAN, and Mr. DEFAZIO):

H.R. 5169. A bill to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 5170. A bill to amend title XVIII of the Social Security Act to require home health agencies participating in the Medicare Program to conduct criminal background checks for all applicants for employment as patient care providers; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 5171. A bill to amend title XVIII of the Social Security Act to require the preparation of audit reports based upon the financial auditing of MedicareChoice organizations and to make such reports available to the public; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAIRD:

H.R. 5172. A bill to designate a portion of the White Salmon River as a component of the National Wild and Scenic Rivers System; to the Committee on Resources.

By Mr. CAMP:

H.R. 5173. A bill to amend title 38, United States Code, to provide for certain servicemembers to become eligible for educational assistance under the Montgomery GI Bill; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DUNN (for herself, Mr. NEAL of Massachusetts, and Mrs. THURMAN):

H.R. 5174. A bill to amend the Internal Revenue Code of 1986 to provide incentives to small businesses to provide health insurance to their employees; to the Committee on Ways and Means.

By Mr. FATTAH (for himself and Mr. BRADY of Pennsylvania):

H.R. 5175. A bill to designate the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the ''Robert A. Borski Post Office Building''; to the Committee on Government Reform.

By Mr. GIBBONS (for himself and Mr. CANNON):

H.R. 5176. A bill to provide an amnesty period during which veterans and their family members can register certain firearms in the National Firearms Registration and Transfer Record, and for other purposes; to the Committee on the Judiciary, 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. HAYWORTH:

H.R. 5177. A bill to provide for the use and distribution of the funds awarded to the Gila River Pima-Maricopa Indian Community under United States Court of Federal claims Docket Nos. 236-C, 236-D, 236-N, and 228, and for other purposes; to the Committee on Resources.

By Mr. SHOWS (for himself and Mr. KANJORSKI):

H.R. 5178. A bill to amend section 507(a) title 11 of the United States Code to increase, with respect to priority of payment, the aggregate amount of the claims of employees for compensation and benefits; to the Committee on the Judiciary.

By Mrs. JOHNSON of Connecticut (for herself, Mr. OSBORNE, Mr. WATTS of Oklahoma, Mr. KIND, Mr. SIMMONS, Mr. FOLEY, Mr. ISRAEL, Mr. CAMP, Mr. HOLDEN, Mr. GEKAS, Mr. CULBERSON, Mr. MCINNIS, Mr. HOUGHTON, Mr. BOSWELL, Mr. BOEHLERT, Mr. CASTLE, and Ms. PRYCE of Ohio):

H. Res. 496. A resolution expressing the sense of the House of Representatives that Major League Baseball and the Major League Baseball Players Association should implement a mandatory steroid testing program; to the Committee on Energy and Commerce. considered and agreed to.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. LUCAS of Oklahoma.

H.R. 97: Mr. JONES of North Carolina, Mr. HILLEARY, and Mr. JENKINS.
H.R. 152: Mr. PAUL.
H.R. 267: Ms. SLAUGHTER.
H.R. 285: Mr. KILDEE.
H.R. 326: Mr. HONDA.
H.R. 536: Mr. HOLT.
H.R. 633: Mr. FATTAH, Mr. ETHERIDGE, Mr. STARK, and Mr. LARSEN of Washington.
H.R. 781: Mr. CARSON of Oklahoma.
H.R. 854: Mr. LATHAM and Ms. KILPATRICK.
H.R. 898: Ms. WOOLSEY.
H.R. 1144: Ms. MCKINNEY.
H.R. 1177: Mr. STUPAK.
H.R. 1184: Ms. ROS-LEHTINEN, Mr. BERRY, Mr. HASTINGS of Florida, Mr. STARK, Mr. BALDACCI, Mr. WELDON of Pennsylvania, and Mr. BRADY of Pennsylvania.
H.R. 1452: Mr. SERRANO.
H.R. 1604: Mr. LATHAM.
H.R. 1808: Mr. SERRANO.
H.R. 1841: Mrs. JO ANN DAVIS of Virginia, Mr. MOLLOHAN, Ms. SLAUGHTER, Mr. DICKS, Mr. MALONEY of Connecticut, Mr. PHELPS, Ms. LEE, Ms. MCCARTHY of Missouri, Mr. UDALL of New Mexico, and Mr. MOORE.
H.R. 1862: Mr. KENNEDY of Rhode Island and Mr. ROSS.
H.R. 1904: Mr. SERRANO.
H.R. 2057: Mr. DEUTSCH.
H.R. 2098: Mr. BERMAN and Ms. ROS-LEHTINEN.
H.R. 2117: Mr. REYES and Mr. MOLLOHAN.
H.R. 2160: Mr. FROST and Mr. OBERSTAR.
H.R. 2161: Mr. ROSS.
H.R. 2287: Mr. FILNER.
H.R. 2349: Mr. DOGGETT.
H.R. 2588: Mr. TOWNS.
H.R. 2622: Mr. LINDER.
H.R. 2692: Mr. SCOTT.
H.R. 2874: Mrs. THURMAN.
H.R. 3154: Ms. SCHAKOWSKY.
H.R. 3337: Mrs. MCCARTHY of New York and Ms. LOFGREN.
H.R. 3368: Mr. PHELPS, Mr. BROWN of Ohio, and Ms. LOFGREN.
H.R. 3413: Mr. LEVIN.
H.R. 3414: Mr. TIERNEY.
H.R. 3430: Mr. BALDACCI and Mr. PAUL.
H.R. 3569: Mr. MATHESON.
H.R. 3670: Mr. CONYERS.
H.R. 3710: Mr. DEUTSCH, Mrs. MALONEY of New York, Ms. BERKLEY, Mr. FROST, Mr. RAMSTAD, and Mr. SESSIONS.
H.R. 3729: Mr. BENTSEN.
H.R. 3814: Ms. ROYBAL-ALLARD.
H.R. 3831: Mr. LAMPSON
H.R. 3834: Mr. SKELTON.
H.R. 3884: Ms. WATERS, Mr. HILLIARD, Mr. BRADY of Pennsylvania, Mr. DAVIS of Florida, Mr. BLAGOJEVICH, Mr. DICKS, Mr. WEINER, Ms. SANCHEZ, Ms. KILPATRICK, Mr. ANDREWS, and Mr. SPRATT.
H.R. 3897: Mr. WILSON of South Carolina, Mr. GREEN of Texas, and Ms. BALDWIN.
H.R. 3912: Mrs. MEEK of Florida.
H.R. 3974: Ms. ROYBAL-ALLARD.
H.R. 4011: Mr. NADLER and Mr. PAYNE.
H.R. 4018: Mr. OBEY and Mr. HILLEARY.
H.R. 4026: Mr. PAYNE.
H.R. 4037: Mr. SIMMONS.
H.R. 4075: Mr. FROST and Mr. PASCRELL.
H.R. 4643: Mr. HONDA.
H.R. 4658: Mr. MCINNIS.
H.R. 4720: Mr. TAYLOR of North Carolina.
H.R. 4738: Mr. NORWOOD, Mr. GANSKE, and Mr. BASS.
H.R. 4760: Mr. ROSS.
H.R. 4777: Mr. KUCINICH and Ms. LEE.
H.R. 4785: Mr. PAYNE.
H.R. 4798: Mr. UNDERWOOD.
H.R. 4799: Ms. SLAUGHTER and Mr. HONDA.
H.R. 4852: Mr. MICA.
H.R. 4872: Mr. WILSON of South Carolina.
H.R. 4888: Mr. OBERSTAR.
H.R. 4902: Mr. LEACH.
H.R. 4904: Mr. PAYNE.
H.R. 4965: Mr. NUSSLE and Mr. WOLF.
H.R. 4967: Mr. BALDACCI and Mr. RODRIGUEZ.
H.R. 5022: Mr. DEFAZIO, Mr. RAMSTAD, Mr. PETERSON of Minnesota, Mr. HINCHEY, and Mr. OSBORNE.
H.R. 5029: Mrs. BONO, Mr. TOWNS, Ms. MCKINNEY, Mr. MCGOVERN, and Ms. SCHAKOWSKY.
H.R. 5030: Mr. JONES of North Carolina.
H.R. 5033: Mr. DELAY.
H.R. 5035: Mr. BRYANT and Mr. GORDON.
H.R. 5078: Mr. PAYNE and Ms. KILPATRICK.
H.R. 5091: Mr. EVANS.
H.R. 5102: Mr. PETERSON of Pennsylvania.
H.R. 5107: Mr. THOMPSON of California, Mrs. DAVIS of California, and Mr. MARKEY.
H.R. 5111: Mr. PICKERING.
H.R. 5132: Mr. MCHUGH and Mr. SNYDER.
H.R. 5137: Mr. ABERCROMBIE.
H.R. 5166: Mr. COOKSEY and Mr. OTTER.
H.J. Res. 92: Mr. HORN.
H. Con. Res. 238: Mr. COBLE.
H. Con. Res. 287: Mr. HASTINGS of Florida.
H. Con. Res. 385: Mr. NEAL of Massachusetts.
H. Con. Res. 406: Mr. GILMAN, Ms. LOFGREN, Mr. KIND, Mr. HERGER, and Mr. CUNNINGHAM.
H. Con. Res. 411: Mr. GOODE and Mr. SCHROCK.
H. Con. Res. 437: Ms. HARMAN, Mr. ADERHOLT, and Mr. FORD.
H. Con. Res. 438: Mr. MEEHAN, Ms. NORTON, and Mr. FROST.
H. Con. Res. 439: Mr. UDALL of New Mexico, Mr. CARDIN, Mr. DINGELL, Mr. PICKERING, Ms. SLAUGHTER, Mr. SABO, Mrs. NORTHUP, Mr. OWENS, Mr. FRANK, Mr. OBEY, Mr. FROST, Mr. NEY, Ms. KILPATRICK, Mrs. CAPPS, Mr. FOLEY, Mrs. MYRICK, Mrs. MCCARTHY of New York, Mrs. CLAYTON, Mrs. JOHNSON of Connecticut, and Mr. KLECZKA.
H. Res. 410: Ms. SCHAKOWSKY and Mr. ALLEN.
H. Res. 478: Mr. GUTKNECHT.
H. Res. 484: Mr. LEVIN, Mr. PRICE of North Carolina, and Mr. GORDON.
H. Res. 487: Mr. SKELTON, Mr. MCGOVERN, Mr. SAXTON, Ms. NORTON, Mr. FROST, Ms. MCKINNEY, Mr. MCKEON, Mr. RANGEL, Mr. HANSEN, Mrs. TAUSCHER, Mr. WILSON of South Carolina, Mr. DEMINT, Mr. KINGSTON, and Ms. WOOLSEY.
H. Res. 492: Mr. WALSH, Mrs. LOWEY, Mr. SWEENEY, Mr. MEEKS of New York, and Mr. MCNULTY.
H. Res. 494: Mr. UDALL of Colorado.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4628

OFFERED BY: MR. ROEMER

AMENDMENT NO. 1: At the end of title III (page 21, after line 11), insert the following new section:

**SEC. 311. REPORT ON ESTABLISHMENT OF A CIVILIAN LINGUIST RESERVE CORPS.**

(a) REPORT.—The Secretary of Defense, acting through the Director of the National Security Education Program, shall prepare a report on the feasibility of establishing a Civilian Linguist Reserve Corps comprised of individuals with advanced levels of proficiency in foreign languages who are United States citizens who would be available upon a call of the President to perform such service or duties with respect to such foreign languages in the Federal Government as the President may specify. In preparing the report, the Secretary shall consult with such organizations having expertise in training in foreign languages as the Secretary determines appropriate.

(b) MATTERS CONSIDERED.—

(1) IN GENERAL.—In conducting the study, the Secretary shall develop a proposal for the structure and operations of the Civilian Linguist Reserve Corps. The proposal shall establish requirements for performance of duties and levels of proficiency in foreign languages of the members of the Civilian Linguist Reserve Corps, including maintenance of language skills and specific training required for performance of duties as a linguist of the Federal Government, and shall include recommendations on such other matters as the Secretary determines appropriate.

(2) CONSIDERATION OF USE OF DEFENSE LANGUAGE INSTITUTE AND LANGUAGE REGISTRIES.—In developing the proposal under paragraph (1), the Secretary shall consider the appropriateness of using—

(A) the Defense Language Institute to conduct testing for language skills proficiency and performance, and to provide language refresher courses; and

(B) foreign language skill registries of the Department of Defense or of other agencies or departments of the United States to identify individuals with sufficient proficiency in foreign languages.

(3) CONSIDERATION OF THE MODEL OF THE RESERVE COMPONENTS OF THE ARMED FORCES.—In developing the proposal under paragraph (1), the Secretary shall consider the provisions of title 10, United States Code, establishing and governing service in the Reserve Components of the Armed Forces, as a model for the Civilian Linguist Reserve Corps.

(c) COMPLETION OF REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress the report prepared under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Defense $300,000 to carry out this section.

H.R. 4628

OFFERED BY: MR. ROEMER

AMENDMENT NO. 2: At the end (page 30, after line 7), add the following new title:

**TITLE VI—NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES.**

**SEC. 601. ESTABLISHMENT OF COMMISSION.**

There is established the National Commission on Terrorist Attacks Upon the United States (in this title referred to as the ''Commission'').

**SEC. 602. PURPOSES.**

The purposes of the Commission are to—

(1) examine and report upon the facts and causes relating to the terrorist attacks against the United States that occurred on September 11, 2001;

(2) ascertain, evaluate, and report on the evidence developed by all relevant governmental agencies regarding the facts and circumstances surrounding the attacks;

(3) make a full and complete accounting of the circumstances surrounding the attacks, and the extent of the United States' preparedness for, and response to, the attacks; and

(4) investigate and report to the President and Congress on its findings, conclusions, and recommendations for corrective measures that can be taken to prevent acts of terrorism.

**SEC. 603. COMPOSITION OF THE COMMISSION.**

(a) MEMBERS.—Subject to the requirements of subsection (b), the Commission shall be composed of 10 members, of whom—

(1) 3 members shall be appointed by the majority leader of the Senate;

(2) 3 members shall be appointed by the Speaker of the House of Representatives;

(3) 2 members shall be appointed by the minority leader of the Senate; and

(4) 2 members shall be appointed by the minority leader of the House of Representatives.

(b) QUALIFICATIONS.—

(1) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.

(2) NONGOVERNMENTAL APPOINTEES.—No member of the Commission shall be an officer or employee of the Federal Government or any State or local government.

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as governmental service, law enforcement, the armed services, legal practice, public administration, intelligence gathering, commerce, including aviation matters, and foreign affairs.

(c) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—Subject to the requirement of paragraph (2), the Chairperson and Vice Chairperson of the Commission shall be elected by the members.

(2) POLITICAL PARTY AFFILIATION.—The Chairperson and Vice Chairperson shall not be from the same political party.

(d) INITIAL MEETING.—If 60 days after the date of enactment of this Act, 6 or more members of the Commission have been appointed, those members who have been appointed may meet and, if necessary, select a temporary Chairperson and Vice Chairperson, who may begin the operations of the Commission, including the hiring of staff.

(e) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the Chairperson or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

**SEC. 604. FUNCTIONS OF THE COMMISSION.**

(a) IN GENERAL.—The functions of the Commission are to—

(1) investigate the relevant facts and circumstances relating to the terrorist attacks of September 11, 2001, including any relevant legislation, Executive order, regulation, plan, policy, practice, or procedure;

(2) identify, review, and evaluate the lessons learned from the terrorist attacks of September 11, 2001, regarding the structure, coordination, management policies, and procedures of the Federal Government, and, if appropriate, State and local governments and nongovernmental entities, relative to detecting, preventing, and responding to such terrorist attacks; and

(3) submit to the President and Congress such reports as are required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

(b) SCOPE OF INVESTIGATION.—For purposes of subsection (a)(1), the term ''facts and circumstances'' includes facts and circumstances relating to—

(1) intelligence agencies;

(2) law enforcement agencies;

(3) diplomacy;

(4) immigration, nonimmigrant visas, and border control;

(5) the flow of assets to terrorist organizations;

(6) commercial aviation; and

(7) other areas of the public and private sectors determined relevant by the Commission for its inquiry.

**SEC. 605. POWERS OF THE COMMISSION.**

(a) HEARINGS AND EVIDENCE.—The Commission may, for purposes of carrying out this title—

(1) hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths; and

(2) require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, papers, and documents.

(b) SUBPOENAS.—

(1) SERVICE.—Subpoenas issued under subsection (a)(2) may be served by any person designated by the Commission.

(2) ENFORCEMENT.—

(A) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subsection (a)(2), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(B) ADDITIONAL ENFORCEMENT.—Sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section.

(c) CLOSED MEETINGS.—Notwithstanding any other provision of law which would require meetings of the Commission to be open to the public, any portion of a meeting of the Commission may be closed to the public if the President determines that such portion is likely to disclose matters that could endanger national security.

(d) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(e) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any department, agency, or instrumentality of the United States any information related to any inquiry of the Commission conducted under this title. Each such department, agency, or instrumentality shall, to the extent authorized by law, furnish such information directly to the Commission upon request.

(f) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(g) GIFTS.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, accept, use, and dispose of gifts or donations of services or property.

(h) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(i) POWERS OF SUBCOMMITTEES, MEMBERS, AND AGENTS.—Any subcommittee, member, or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

**SEC. 606. STAFF OF THE COMMISSION.**

(a) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Chairperson and the Vice Chairperson, acting jointly.

(b) STAFF.—The Chairperson, in consultation with the Vice Chairperson, may appoint additional personnel as may be necessary to enable the Commission to carry out its functions.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code. Any individual appointed under subsection (a) or (b) shall be treated as an employee for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(d) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(e) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

**SEC. 607. COMPENSATION AND TRAVEL EXPENSES.**

(a) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

**SEC. 608. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.**

The appropriate executive departments and agencies shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances in a manner consistent with existing procedures and requirements, except that no person shall be provided with access to classified information under this section who would not otherwise qualify for such security clearance.

**SEC. 609. REPORTS OF THE COMMISSION; TERMINATION.**

(a) INITIAL REPORT.—Not later than 1 year after the date of the first meeting of the Commission, the Commission shall submit to the President and Congress an initial report containing—

(1) such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members; and

(2) such findings, conclusions, and recommendations regarding the scope of jurisdiction of, and the allocation of jurisdiction

among, the committees of Congress with oversight responsibilities related to the scope of the investigation of the Commission as have been agreed to by a majority of Commission members.

(b) FINAL REPORT.—Not later than 6 months after the submission of the initial report of the Commission, the Commission shall submit to the President and Congress a final report containing such updated findings, conclusions, and recommendations described in paragraphs (1) and (2) of subsection (a) as have been agreed to by a majority of Commission members.

(c) NONINTERFERENCE WITH CONGRESSIONAL JOINT INQUIRY.—Notwithstanding subsection (a), the Commission shall not submit any report of the Commission until a reasonable period after the conclusion of the Joint Inquiry of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives regarding the terrorist attacks against the United States which occurred on September 11, 2001.

(d) TERMINATION.—

(1) IN GENERAL.—The Commission, and all the authorities of this title, shall terminate 60 days after the date on which the final report is submitted under subsection (b).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the second report.

**SEC. 610. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Commission to carry out this title $3,000,000, to remain available until expended.

H.R. 5120

OFFERED BY: MR. WAMP

AMENDMENT NO. 22: Page 19, line 1, after the aggregate dollar amount insert ''(decreased by $10,000,000)''.

Page 19, line 19, after the aggregate dollar amount insert ''(increased by $10,000,000)''.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148 WASHINGTON, MONDAY, JULY 22, 2002 No. 100

# Senate

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. BYRD).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Your Presence surrounds us, Your love affirms us, Your strength sustains us, Your courage empowers us, Your guidance directs us, and Your joy uplifts us. Thank You for this new day in which we can love You by serving our Nation in the U.S. Senate. Give us a renewed conviction that we are here by Your appointment. As You have placed us in positions of responsibility, You will provide us with exactly what we need in each hour this day. We commit the day to You and look expectantly for Your interventions and inspiration. You are the source of our vision, hope, and perseverance. Bless the Senators and all of us who work with and for them. Remind us that we are all working for You and for Your best for our Nation. You are our Lord and Saviour. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable ROBERT C. BYRD 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.

## RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada, the Democratic whip, is recognized.

## SCHEDULE

Mr. REID. Mr. President, the time until 6 p.m. will be divided between the two managers. There will be no rollcall votes today. We will, however, vote tomorrow morning, at 10:45, on a nomination from the White House.

## GREATER ACCESS TO AFFORDABLE PHARMACEUTICALS ACT

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 812, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 812) to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals.

Pending:

Reid (for Dorgan) amendment No. 4299, to permit commercial importation of prescription drugs from Canada.

Graham amendment No. 4309, to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the Medicare program.

Hatch (for Grassley) amendment No. 4310, to amend title XVIII of the Social Security Act to provide for a Medicare voluntary prescription drug delivery program under the Medicare program, and to modernize the Medicare program.

The PRESIDENT pro tempore. Under the previous order, the time until 6 p.m. shall be equally divided between the two managers or their designees.

## NURSE REINVESTMENT ACT

Mr. REID. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 306, H.R. 3487.

The PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

The bill (H.R. 3487) to amend the Public Health Service Act with respect to health professions programs regarding the field of nursing.

There being no objection, the Senate proceeded to consider the bill.

Ms. MIKULSKI. Mr. President, I am proud to rise in support of final passage of the Nurse Reinvestment Act. This bill addresses the critical nursing shortage in our country by getting behind the nurses who take care of us every day. It provides incentives to encourage people to enter the nursing profession and make it a career. This legislation is based on the Nurse Reinvestment Act, S. 1864, that I sponsored with Senators TIM HUTCHINSON, JOHN KERRY, and JIM JEFFORDS.

Since the Senate passed the Nurse Reinvestment Act in December of last year, there is new information showing that the nursing shortage has become even more severe. In Maryland, almost 16 percent of nursing jobs are unfilled, up from 3.3 percent in 1997. There are over 2,000 registered nurse vacancies in Maryland hospitals. Since the average age of a Maryland nurse is 47 years, we face the possibility that the shortage will soon get worse if young nurses do not enter and stay in the profession.

The nursing shortage is not unique to Maryland. It is nationwide. In 2001, the average American hospital vacancy rate was 13 percent for registered nurses. The average age of an American nurse is 44 years, with many retiring in their fifties or working part time due to the physical demands of the job. At the same time, the labor force is shrinking and baby boomers will soon retire and place additional demands on our health care system.

The nursing shortage can have grave consequences on patient care. A recent study published in the New England Journal of Medicine found that nursing shortages in hospitals are associated with a higher risk of complications and even death. It is our duty to take steps to make sure our health care system is staffed with enough qualified nurses.

Nurses care for Americans from the cradle to the grave. We depend on them to care for our parents, our children,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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our siblings and sometimes ourselves. We turn to them in hospitals, nursing homes, community health centers, hospices, and for home health. These organizations truly could not exist without nurses.

This bill is a significant step in addressing the nursing shortage. It helps men and women obtain the education they need to become nurses, provides training and career ladder programs to help nurses advance in the profession, and helps ensure that there are enough nursing faculty to teach more nursing students. Highlights of this bill include:

National Nurse Service Corps To Serve in Areas With Critical Nurse Shortages:

The bill creates a scholarship program, which provides scholarships for nursing education in exchange for at least two years of full time service, or the equivalent amount of part time service, in a facility with a critical shortage of nurses; and

The bill extends the Loan Repayment Program for nurses: nurses have their nursing education loans paid back in exchange serving as a nurse for at least two years in a facility with a critical shortage of nurses.

Public Service Announcements To Recruit Nurses and Promote Nursing:

The legislation creates State and national public service announcements to promote nursing, encourage people to enter the nursing profession, and inform the public of financial assistance for nursing education programs.

Building Career Ladders and Retaining Quality Nurses:

The bill provides grants to improve nurse education, practice, and retention including:

Career ladder programs with schools of nursing and health care facilities to encourage individuals to pursue additional education and training to enter and advance within the nursing profession, including certified nurse assistants, CNAs;

Internship and residency programs that encourage mentoring and the development of specialties;

Retention programs that enhance collaboration among nurses and other health care professionals and promote nurse involvement in organizational and clinical decisionmaking.

Geriatric Education To Train Individuals To Care for the Elderly:

The bill creates a program to award grants to train and educate individuals in providing geriatric care to the elderly.

Financial Help to Recruit Faculty To Teach in Nursing Schools:

The legislation provides loans for graduate-level education in nursing—cancels up to 85 percent of the loan and interest, in exchange for teaching at a school of nursing, to help ensure that we have enough faculty at our nursing schools.

This bill is about nursing education, but it is also about empowerment. We can empower people to improve their lives and go into a career that saves lives.

The bill will empower the single mom stuck in a dead end retail job to get a nursing degree at the local community college to forge a better life for herself and her family. She can receive a scholarship that enables her to work around the needs of her family by going to nursing school either full or part-time. She would also have the opportunity to receive additional training or assistance in getting her bachelor's degree in nursing. A mentoring program could help her advance in her profession and help keep her in the profession. She could even get a master's degree and teach nursing at her local community college, while most of her loans for her advanced degree are cancelled.

This bill also addresses the health care needs of a growing population in our country: the elderly. This bill provides training for individuals involved in caring for the elderly by funding schools of nursing, health care facilities, programs leading to CNA certification, and partnerships of these to provide education and training in geriatric care for the elderly. Our population is aging—more than 70 million Americans will be over age 65 by 2030. Their care will be improved by nurses and other health care professionals who are specifically trained to care for the unique health needs of older Americans.

As a senior member of the Appropriations Committee, I will fight for funding for the Nurse Reinvestment Act. We are putting these important programs on our law books to address the nursing shortage. We must put these same priorities in our federal checkbook.

This bill gets behind our Nation's nurses. It will improve patient care by bringing more nurses to communities across the country. I thank my colleagues for their support of this important legislation. I also want to acknowledge and thank Senators KENNEDY, GREGG, HUTCHINSON, KERRY, JEFFORDS, FRIST, and CLINTON for their hard work in moving this legislation. I ask unanimous consent that the accompanying statement of managers be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The following is a statement of congressional intent with respect to the Nurse Reinvestment Act.

I. FUNDING METHODOLOGY

During the last reauthorization of Title VIII in 1998, Congress required the Secretary of Health and Human Services to determine a funding methodology to be used for fiscal year 2003 and thereafter to determine the appropriate amounts to be allocated to three important programs within the Nursing Workforce Development activities—advanced nursing education, workforce diversity, and nurse education and practice. In developing this methodology, Congress outlined a series of factors that should be considered and required a report describing the new methodology as well as the effects of the new methodology on the current allocations between those three important programs.

Given that the new funding methodology was to take effect in fiscal year 2003, Congress requested that the contract for the funding methodology be completed by February 1, 2002, and that the report to Congress regarding that methodology arrive no later than 30 days after the completion of the development of the methodology. Although Congress has not yet received the report, George Mason University has been working on this contract, and they have described the new funding methodology on their website. This methodology states that advanced nursing education should receive 31.5 percent of the funds (a 46 percent decrease from fiscal year 2001 allocations), workforce diversity should receive 31.5 percent of the funds (a 25% increase over fiscal year 2001 allocations), and nurse education and practice should receive 37 percent of the funds (a 20 percent increase over fiscal year 2001 allocations).

Because Congress expected the funding methodology to be completed by the beginning of fiscal year 2003, current law does not state how the funds should be allocated if no funding methodology was available. Therefore, the discretion is left to the Secretary. Due to that discretion, it is the Congress' intent that the Secretary allocate funds in a manner that would most appropriately address any current or impending nursing shortage while minimizing disruption and report such allocations to the appropriate committees of Congress, along with a justification for those allocations. Further, given that Congress has requested a new funding methodology for fiscal year 2003, the Secretary is now requested to provide an update on the development of that methodology and the expected timeline for implementation.

II. AUTHORIZATIONS UNDER THE NURSE REINVESTMENT ACT

Throughout the bill, the legislation authorizes the appropriation of such sums as may be necessary to accomplish the objective of the legislation. It is Congress' belief that the current nursing shortage is a significant national problem that has a major negative impact on the delivery of high-quality health care in the United States. It is Congress' belief that funds should be appropriated for the initiatives authorized by this legislation at a lever that is commensurate with the significance of this problem.

The legislation authorizes the appropriation of such sums as may be necessary in order to accomplish the objectives of the legislation to allow flexibility in providing funding to respond to the ongoing needs of the programs authorized by the legislation. Although the legislation does not authorize the appropriation of specific dollar amounts, it is Congress' belief that the investment of significant new resources, beyond those already provided under Title VIII of the Public Health Service Act, will be required in order to alleviate the current nursing shortage.

III. LOAN REPAYMENT AND SCHOLARSHIPS

The Congress intends that nurses fulfilling their service requirement under the Loan Repayment Program or the Scholarship Program under section 846 be able to fulfill their service requirement in a nurse-managed health center with a critical shortage of nurses.

The Congress further intends that, in determining the placement of nurses under section 103 of the bill, the Health Resources and Services Administration is not expected to follow the placement requirements outlined under the National Health Service Corps.

IV. NURSE EDUCATION, PRACTICE, AND RETENTION GRANTS

*A. Intent of Legislation*

The legislation adds a number of new programs to section 831, and it is Congress' intent to ensure that these programs are actually funded and implemented. Therefore, Congress expects that the Secretary will seek to fund worthy applications received under the Section 831 authorities that have been added, while assuring the existing priorities indicated under section 831 also continue.

Congress anticipates that the use of funds under 831(c)(2) will directly affect nurses in their workplaces and will be monitored for demonstrable improvement in the areas of nurse retention and patient care.

*B. Background*

In authorizing section 831(c)(2), Congress did so with the evidence of the efficacy of magnet hospitals in mind. The concept of magnet hospitals dates back to the country's last nursing shortage in the 1980's. At the time, nursing professional organizations and other experts noticed that despite the nationwide nurse shortage, certain hospitals were able to successfully attract and retain professional nurses, behaving as nursing ''magnets.'' A study of these hospitals showed that they shared a number of characteristics, each of which contributed to making these ''magnet hospitals'' attractive workplaces for nurses. Many of these attributes have been mentioned in section 831(c)(2). Currently hospitals can receive a magnet designation from the American Nurse Credentialing Center, and extensive research on magnet-designated facilities shows that nurses in these hospitals show an average length of employment twice that of nurses in non-magnet hospitals, and magnet hospital nurses consistently report greater job satisfaction. Research has demonstrated that magnet hospitals also show lower mortality rates, shorter lengths of stay, and higher patient satisfaction.

V. NURSE FACULTY LOAN PROGRAM

The purpose of the nurse faculty loan program is to encourage individuals to pursue a master's or doctoral degree to teach at a school of nursing in exchange for cancellation of educational loans to these individuals.

Michael Bilirakis, Lois Capps, Billy J. Tauzin, John D. Dingell, Richard Burr, Sherrod Brown, Ed Whitfield, Eliot L. Engel, Robert L. Ehrlich, Henry A. Waxman, Barbara A. Mikulski, Tim Hutchinson, John F. Kerry, James M. Jeffords, Judd Gregg, Bill Frist, M.D., Edward M. Kennedy, Susan M. Collins, Hilliary Rodham Clinton.

Mr. KENNEDY. Mr. President, today the Senate considers long-needed legislation to address the worsening crisis in nursing care across the country. We all know the importance of nurses in delivering good health care. A nurse is often the first person that patients see after waking in the morning and the last person they see at night. Nurses are the backbone of an effective health care system—yet the nation now faces a crisis in nursing due to the shortages of trained nurses. The Nurse Reinvestment Act we are considering today takes significant steps to address the shortage by improving nurse training, reducing the barriers to a nursing education through loan repayment programs and scholarships, and improving working conditions.

The bill we consider today owes much to the skill and dedication of many of our colleagues on both sides of the aisle and on both sides of the Capitol. The legislation contains major provisions to improve nurse training sponsored by our colleague from Maryland, Senator MIKULSKI, who has been tireless in her support for nurses. Her energy and skill were indispensable in the Senate's approval of this important legislation earlier this year. She is a champion for nurses, and this bill is a fitting tribute to her dedication.

The legislation we consider today also owes a great deal to the commitment of our colleagues, Senator KERRY and Senator JEFFORDS. In the legislation they introduced in the Senate last year, they outlined a vision for a National Nurse Service Corps to serve in areas with a nursing shortage. This proposal is part of the legislation we are considering today. The provisions on the National Nurse Service Corps will provide scholarships and loan repayment agreements for nursing students who agree to practice nursing in areas with a critical shortage of nurses. This corps of nurses can be effective in easing the most critical shortages that exist in so many communities.

The challenge we face is clear. It is becoming increasingly difficult for hospitals and other health facilities to obtain the nurses they need to properly care for patients. Today, about 125,000 nurse positions remain vacant. This shortage will become more severe in the years ahead as nurses reach retirement and as the demand for nursing care increases because of the nation's aging population. A major part of the problem is that nurses often leave the practice of nursing because of poor working conditions.

Senator CLINTON has sponsored important provisions in the bill to improve working conditions for nurses and improve the retention of trained nurses. Her proposals will provide effective incentives for hospitals to involve nurses in clinical decision-making and to improve communication among nurses and other health professionals. A clear example of the benefits of these programs is shown by the success of hospitals designated as ''magnets'' for quality nurses. These leading institutions provide higher quality patient care because they are successful in retaining trained nurses. The source of their success is very clear—they value the professional role of nurses in patient care.

I also commend the distinguished ranking member of our committee, Senator GREGG, and the distinguished ranking member of our subcommittee, Senator FRIST, as well as many other members of our committee for their contributions to this legislation. This legislation will also attract more students to the practice of nursing through public service announcements, advertisements and outreach programs to demonstrate the value of a career in nursing to young persons in all parts of the country.

Nurses have an indispensable role in our health care system. They are the ones who provide much of the direct care to patients and monitor how patients are recovering. Studies confirm that nursing care is critical to improving patient outcomes, and that a shortage of nurses can hurt patient care.

We cannot have a quality health care system without quality care by nurses. The legislation the Senate considers today will alleviate the severe shortage the nation faces in trained nurses. It will improve the quality of care for millions of patients in communities throughout the Nation. I thank my colleagues for their dedication to this important issue, and I urge the Senate to approve this needed legislation.

Mr. KERRY. Mr. President, I am extremely pleased that the Senate is considering final passage of the Nurse Reinvestment Act, a bill I originally introduced with my colleague, Senator JEFFORDS, in April of 2001. I commend the chairman of the Senate Health, Education, Labor and Pensions Committee, my colleague from Massachusetts, Senator KENNEDY, for his efforts in seeing this legislation through the Senate. In addition, I wish to recognize the invaluable contributions Senators MIKULSKI, HUTCHINSON, FRIST, GREGG and CLINTON made to the final version of the legislation that is before us today. This legislation is important for nurses and patients, and essential to ensuring that our health care system can function at its best. Upon passage, the Nurse Reinvestment Act will increase the number of nurses in our country, and also ensure that every nurse in the field has the skills he or she needs to provide the quality care patients deserve. I congratulate all of my colleagues for their work on this measure and for the contribution it will inevitably make to the health our nation.

The Nurse Reinvestment Act is long overdue. Our country is facing a severe nursing workforce shortage. Every type of community—urban, suburban and rural—is touched by it. No sector of our health care system is immune to it. Across the country, hospitals, nursing homes, home health care agencies and hospices are struggling to find nurses to care for their patients. Patients seeking care have been denied admission to facilities and told that there were ''no beds'' for them. Often there are beds, just not the nurses to care for the patients who would occupy them.

Our nation has suffered from nursing shortages in the past. However, this shortage is particularly severe because we are losing nurses at both ends of the pipeline. Over the past five years, enrollment in entry-level nursing programs has declined by 20 percent. Lured to the lucrative jobs of the new economy, high school graduates are not pursuing careers in nursing in the numbers they once had. Consequently, nurses under the age of 30 represent only 10 percent of the current workforce. By 2010, 40 percent of the nursing

workforce will be over the age of 50, and nearing retirement. If these trends are not reversed, we stand to lose vast numbers of nurses at the same time that they will be needed to care for the millions of baby boomers enrolling in Medicare.

The Nurse Reinvestment Act will support the recruitment of new students into America's nursing programs by funding national and local public service announcements to enhance the profile of the nursing profession and encourage students to commit to a career in nursing. In addition to recruiting new nurses, our legislation will reinvest in nurses who are already practicing by providing them with education and training at every step of the career ladder and at every health care facility in which they work. It will ensure that nurses can obtain advanced degrees, from a B.S. in Nursing to a PhD in Nursing. It will place nurses in internships and residencies where they can receive the specialized clinical training they need to respond to the complex health care needs of today's patients. Our bill will also help train nurses in geriatrics to ensure that our health care providers are prepared to care for the needs of our nation's growing senior population.

Finally, the Nurse Reinvestment Act will create, for the first time in history, a National Nurse Service Corps. Like the National Health Service Corps, the NNSC will administer scholarships to and repay the loans of students who commit to working in a health care facility that is experiencing a shortage of nurses. In urban, suburban and rural communities across the country, where facilities turn away patients due to staff shortages, the NNSC will send qualified nurses to serve and provide the care that patients deserve.

Our country boasts the best health care system in the world. But, that health care system is being jeopardized by the shortage plaguing our nursing workforce. Indeed, state-of-the-art medical facilities are no use if their beds go unfilled and their floors remain empty because the nurses needed to staff them are not available. The Nurse Reinvestment Act will not only increase the numbers of new nurses in our country, but also ensure that every nurse has the skills he or she needs to provide the high quality care that makes our health care system the best in the world. I urge my colleagues to join me and the bill's cosponsors in supporting final passage of this important legislation.

I thank the Chair.

Mr. JEFFORDS. Mr. President, I am especially pleased on this day that we are considering final passage of a long-awaited Nurse Reinvestment Act. When we pass this measure, it will represent a good day for the future of the nursing profession in America and an equally good day for the future of quality patient care. I want to take this opportunity to speak about this legislation, and to congratulate and complement my fellow Members of Congress who worked so hard to see this effort through. Back in April of 2001, together with my good friend from Massachusetts, Senator KERRY, I was proud to sponsor the innovative set of solutions to the nursing shortage set out in our Nurse Reinvestment Act. Since that time, with extraordinary contributions on behalf of Senator HUTCHINSON and Senator MIKULSKI, as well as the cooperative spirit of our colleagues in the House, I believe that we have produced a piece of legislation that we can all be proud of. Today we have before us a measure that represents a truly bipartisan and bicameral effort to address a very serious nursing shortage in the United States.

As I have stated before, we are facing a looming crisis in this country. The size of our nursing workforce remains stagnant, while the average age of the American nurse is on the rise. Over the past 5 years, enrollment in entry-level nursing programs has declined by 20 percent. Nurses under the age of 30 represent only 10 percent of the current workforce. By 2010, 40 percent of the nursing workforce will be over the age of 50, and nearing retirement. In Vermont, we are facing an even greater crisis. Only 28 percent of nurses are under the age of 40 and Vermont schools and colleges are producing 31 percent fewer nurses today than they did just 5 years ago.

We have a compelling need to encourage more Americans to enter the nursing profession and to strengthen it so that more nurses choose to stay in the profession. All facets of the health care system will have a role to play in ensuring a strong nursing workforce. Nurses, physicians, hospitals, nursing homes, academia, community organizations and State and Federal Governments all must accept responsibility and work towards a solution. Part of the responsibility to launch that effort begins with us today as we vote affirmatively for this legislation.

The Nurse Reinvestment Act expands and improves the Federal Government's support of ''pipeline'' programs, which will maintain a strong talent pool and develop a nursing workforce that can address the increasingly diverse needs of America's population. The Nurse Reinvestment Act provides for a comprehensive public awareness and education campaign on a national, State and local level. The campaign will help to bolster the image of the profession and highlight the advantages and rewards of nursing, attract more nurses to the workforce, and lead current nurses to take advantage of career development opportunities.

This legislation creates a National Nursing Service Corps Scholarship Program that will provide scholarships to individuals to attend schools of nursing in exchange for a commitment to serve 2 years in a health care facility determined to have a critical shortage of nurses. This scholarship program is designed to recruit both full-time and part-time nursing students, and to complement the existing loan repayment program.

The Nurse Reinvestment Act also provides for nurse education, practice, and retention grants. Specifically, the grants will be focused on internship and residency programs that encourage mentoring, development of specialties, and increased education in the area of new technologies like distance learning. It provides for career ladder grants to promote advancement for nursing personnel, including professional nurses, advanced education nurses, licensed practical nurses, certified nurse assistants, and home health aides. In addition, these grants aim to improve retention by enhancing collaboration among nurses and other health care professionals and by promoting nurse involvement in organizational and clinical decision-making.

The legislation before us today goes even further by emphasizing preparation for the aging baby boomer population. With this legislation, we create a new program that provides for grants to train and educate individuals in providing geriatric care for the elderly. We also create a nurse faculty loan program in order to ensure that we have enough faculty to teach the nurses that we will so direly need in the years to come. The faculty loan program will allow for up to 85 percent loan cancellation for students in advanced degree programs who agree to serve as a faculty member at a school of nursing.

Once again, I want to applaud my colleagues Senator KERRY, Senator MIKULSKI and Senator HUTCHINSON for their tireless work on the Nurse Reinvestment Act and for the work of their staffs. In particular, I want to recognize the efforts of Kelly Bovio in Senator KERRY's office, Kate Hull in Senator HUTCHINSON's office and Rhonda Richards with Senator MIKULSKI. This effort was also advanced with the help of Sarah Bianchi, Jackie Gran, Brian Hickey, and David Bowen who are members of Senator KENNEDY's staff, Christina Ho of Senator CLINTON's staff, Steve Irizarry with Senator GREGG and Shana Christrup with Senator FRIST. Finally, in my own office, I want to note the efforts of Philo Hall, Angela Mattie, Eric Silva and Sean Donohue for their work throughout this process.

Adequate health care services cannot survive any further diminishing of the nursing workforce. Today, we are taking a positive step forward to address the problem before us. I urge my colleagues to join me and the bill's cosponsors in support of this measure, and I trust that this Nurse Reinvestment Act will be given top priority when it comes time to adequately fund the programs set out in it.

Thank you, Mr. President.

Mr. HUTCHINSON. Mr. President, today is a day of great significance and a turning point for the future of nursing in our country. We are about to

pass the final version of the Nurse Reinvestment Act, after months of negotiations between the House of Representatives and the Senate. Eighteen months ago, I held the first hearings in the Senate examining the severity of the nursing shortage and its impact on our health care delivery system. I subsequently worked with Senator MIKULSKI to introduce S. 721, the Nurse Education and Employment Development Act, which served as a basis for the legislation the Senate is about to pass today.

Nurses are the foundation of our Nation's health care system. Our nation has one of the best health care systems in the world the quality of health care that we have come to expect is a direct result of the hard work and commitment of nurses. However, the profession as a whole is shrinking. Nurses and nurse faculty are retiring or leaving the profession, perhaps for a better paying job, and fewer new nurses are there to replace them. According to recent surveys, working nurses are on average 45 years old. Less than 10 percent of the nurse workforce is under age 30, and just about 5 percent of the workforce consists of men.

The Bureau of Labor Statistics predicts that over 560,000 new nursing jobs will be created in the next decade due to continued demand for health care services and the retirement of the Baby Boomers. During this same time period, over 440,000 nursing jobs will open due to nurses retiring from the profession. Despite this incredible need, overall enrollments in Registered Nurse programs reached a high of nearly 270,000 in 1993, and have declined by over 50,000 by 1999. In Arkansas, nursing enrollments have declined by over 40 percent over the last decade. Unless this trend is reversed by encouraging more people to enter the field of nursing and developing a diverse workforce, studies indicate that by the year 2020, 20 percent of nursing needs will go unmet.

The provisions of the Nurse Reinvestment Act, all of which reflect those contained in the original legislation introduced by Senator MIKULSKI and myself, aim to attract and retain more nurses and to ensure quality care.

First, the legislation establishes a National Nurse Service Corps, which consists of scholarships and expanded loan repayments for nurses who agree to serve for at least two years in a health care facility with a critical shortage of nurses. Hospitals, nursing homes, home health agencies, and health centers are all experiencing shortages of qualified health care personnel. Up to 168,000 hospital positions are unfilled today, and 75 percent, or 126,000, of those vacancies are Registered Nurse positions. Of the 106,982 direct care nursing positions now vacant in nursing homes, 16,196 are Registered Nurse jobs. The goal of the National Nurse Service Corps is to inspire individuals to obtain nursing education at all levels and to fill the need.

Compassion, intellect and courage are all terms that come to mind when I think of the nursing profession. Unfortunately, negative stereotypes, that nursing is only for women, or that nursing just involves changing bedpans, have invaded our culture. The Nurse Reinvestment Act provides for a national awareness campaign, through public service announcements, to show all Americans, men, women, and young children, how rewarding and noble a career in nursing can be and about opportunities for assistance in obtaining a nursing education.

In the areas of training and recruitment, the Nurse Reinvestment Act compromise retains the Senate provision relating to geriatric training for nurses, a critical provision in light of the growing number of older patients with complex medical histories and multiple chronic conditions. Provisions to encourage mentoring and specialty training through internships and residencies, career ladder programs to encourage nursing professionals of all levels to seek further education and professional development, and grants for nurse retention activities, all have been incorporated into the existing structure of Title VIII in the Public Health Service Act.

With all of the new measures in the Nurse Reinvestment Act to recruit and train nurses, it is essential to have adequate nurse faculty to teach these students. The shortage of nurse faculty is especially evident in my home state of Arkansas and the surrounding southern region. In 1999, 153 eligible nursing students in Arkansas were turned away because of inadequate faculty to teach them. Eighty-six schools of nursing in the southern region have reported insufficient faculty. Compounding this problem is the increasing number of nurse faculty retirements. In the 2000, 2001 academic year, 144 nurse educators retired in the southern region alone, 784 more nurse educators are expected to retire in this region between 2002 and 2006.

Our schools of nursing must have the capacity to teach new nurses in order to overcome the nursing shortage. I am therefore extremely pleased that the Nurse Reinvestment Act final compromise includes a modified nurse faculty development provision which provides loans to nurses pursuing their masters and doctoral degrees and provides for loan cancellation up to 85 percent upon service as a nurse educator at a school of nursing.

In all, the Nurse Reinvestment Act is a solid step forward in addressing the nursing shortage in our country. I urge my colleagues to support this legislation, so we can send it to President Bush for signature.

Mr. FRIST. Mr. President, I rise today to applaud the passage of the ''Nurse Reinvestment Act''—the culmination of work to directly address the nursing shortage. This bill, which has combined portions of S. 726—the ''Nursing Employment and Education Development, NEED, Act'' and S. 706—the ''Nurse Reinvestment Act'' outlines a comprehensive approach to the nursing shortage by focusing on recruitment, education and retention of nurses. I want to thank Senators HUTCHINSON, KERRY, JEFFORDS, and MIKULSKI for their leadership in this issue.

This crucial legislation provides for public service announcements at both the State and Federal level to educate the public about the advantages and rewards of nursing. Additionally, this important legislation assists us with training future nurses and future nursing needs by establishing a focus on geriatric nursing, establishing a faculty loan program, and focusing on nursing mobility through the development of career ladders. Finally, this bill focus as new resources on retaining nurses to the profession by establishing a National Nurse Service Corps and by increasing the emphasis on retention within basic nurse education grants.

We are in the midst of a nursing shortage. Not only are fewer people entering and staying in the nursing profession, but we are losing experienced nurses at a time of growing need. Today, nurses are needed in a greater number of settings, such as nursing homes, extended care facilities, community and public health centers, professional education, and ambulatory care centers. Nationwide, health care providers, ranging from hospitals and nursing homes to home health agencies and public health departments, are struggling to find qualified nurses to provide safe, efficient, quality care for their patients.

Though we have faced nursing shortages in the past, this looming shortage is particularly troublesome because it reflects two trends that are occurring simultaneously: (1) a shortage of people entering the profession and (2) the retirement of nurses who have been working in the profession for many years. Over the past 5 years, enrollment in entry-level nursing programs has declined by 20 percent, mirroring the declining awareness of the nursing profession among high school graduates. Consequently, nurses under the age of 30 represent only 10% of the current workforce. By 2010, 40 percent of the nursing workforce will be older than 50 and nearing retirement. If these trends are not reversed, we stand to lose vast numbers of nurses at the very time they will be needed to care for the millions of baby boomers reaching retirement age. Therefore, we need to focus on both recruitment to and retention within the nursing profession.

Further, greater efforts must be made to recruit more men and minorities to this noble profession. Currently, only 10 percent of the registered nurses in the United States are from racial or ethnic minority backgrounds, even though these individuals comprise 28 percent of the total United States population. In 2000, only 5.9 percent of the registered nurses were men. We must

work to promote diversity in the workforce, not only to increase the number of individuals within the profession, but also to promote culturally competent and relevant care.

Even if nursing schools could recruit more students to deal with the shortage, many schools could not accommodate higher enrollments because of faculty shortages. There are nearly 400 faculty vacancies at nursing schools in this country. And, an even greater faculty shortage looms in the next 10–15 years as many current nursing faculty approach retirement and fewer nursing students pursue academic careers. Therefore, the faculty develop piece within this legislation is crucial to dealing with this shortage.

Further, in examining any nursing shortage, we must recognize the potential effects of this looming shortage on patient outcomes. A recent study by Jack Needleman, Peter Buerhaus, and others, found a direct link between nurse staffing levels and five inpatient outcomes—urinary tract infections, pneumonia, length of stay, upper gastrointestinal bleeding, and shock. To provide an appropriate emphasis on patient outcomes, we have increased the emphasis on examining patient outcomes within this legislation.

Additionally, shortages of nurse aides parallel the trends seen in relationship to nurses. Nurse aides are primarily employed in nursing home settings, and some studies have suggested that the average turnover rate for nurse aides is 100 percent. This high turnover rate directly affects both health care costs and patient care quality. Provider costs related to high turnover include recruitment, selection, and training of new staff; use of temporary staff; overtime for current staff; initial reduction of efficiency of new staff; and decrease in nurse aide moral and group productivity. A recent report from the Centers for Medicare and Medicaid Services found a direct relationship between nurse aid staffing levels and quality of resident care. To ensure the appropriate emphasis on nurse aides, we ensured that, where feasible, these facilities and providers were covered within the bill.

It has been an honor and a pleasure to work closely with my distinguished colleagues in both the House and Senate, and I look forward to continuing to working with them as we advocate for funding for these particular provisions and ensure that they are appropriately implemented.

Mrs. CLINTON. Mr. President, I am proud that the House and the Senate have worked out the differences between the two versions of the Nurse Reinvestment Act that we passed last year. I am also proud that today, the Senate will pass this agreed-upon legislation with unanimous support, and I look forward to subsequent action by the House so that this bill can be swiftly signed into law. I thank Senators MIKULSKI, HUTCHINSON, KERRY, JEFFORDS, and KENNEDY for their leadership. Many on the House side have also worked hard on this legislation, including Representatives BILIRAKIS, CAPPS, and others.

We have all heard a great deal about the workforce shortage from nurses in New York and across the Nation. Around the country, nurses are facing an emergency of their own.

The number of undergraduate nursing program graduates in New York State has dropped each academic year since 1996, and this pattern is evident everywhere.

The Nurse Reinvestment Act we are passing today contains scholarships, public service announcements, and other provisions to encourage people to enter the profession, as well as nurse faculty provisions too, so that colleges of nursing have the personnel equipped to help train new nurses entering the pipeline.

But the current nursing shortage problem exists not only because fewer individuals are entering the nursing profession, but also because the healthcare industry is having trouble retaining the nurses already on staff. Fifty percent of nurses say that they have recently considered leaving their jobs for reasons other than retirement, and approximately half a million licenses nurses are not currently practicing nursing. Many of the nurses who have considered leaving the profession cite their low level of overall job satisfaction.

But there are some health care facilities that are taking action and having an effect on retention and nurse satisfaction.

During the last nursing shortage, researchers found some hospitals experienced low turnover and low vacancies. They found these hospitals shared certain characteristics. They were structured along participatory, collaborative, and patient-centered lines and, as a result, act as ''magnets'' that attract and retain nurses.

The American Nurse Credentialing Center developed a credentialing program to designate facilities as magnet facilities if they met certain criteria. And over the years, these magnet facilities have continued to demonstrate results. The average length of employment for registered nurses in magnet hospitals is 8.35 years, which is twice the length of employment in hospitals generally, and magnet hospital nurses consistently report greater job satisfaction, fewer needlestick injuries, and lower burnout rates than other nurses.

But the beneficiaries of this legislation are not just hospitals and nurses, but patients as well. Magnet hospitals report lower mortality rates, higher patient satisfaction, and greater cost-efficiency, with patients experiencing shorter stays in hospitals and intensive care units.

That is why last year I introduced the bipartisan Nurse Retention and Quality Care Act with my colleague, Senator GORDON SMITH of Oregon, to provides grants to health care organizations to implement these magnet hospital principles that improve nurse retention.

The Nurse Reinvestment Act, which we are passing today, adds for the first time some recognition of the importance of retention in addressing nursing issues, as well, and specifically mentions the magnet principles of collaboration, nurse involvement in decisionmaking, and orientation toward patient outcomes. I look forward to action by the House and the President to assure that this bill becomes law.

On September 11, and since, our nurses have been on the front lines of the battle against terrorism and bioterrorism. Today, they continue to defend America. I am pleased to be celebrating our work together to help hospitals, nurses, and patients, through this bill, which we will work together to fund.

Mr. REID. Senators MIKULSKI, HUTCHINSON of Arkansas, and others have a substitute amendment at the desk, and I ask that the amendment be considered and agreed to; the motion to reconsider be laid upon the table; the bill, as amended, be read the third time and passed; the motion to reconsider be laid upon the table; and that any statements be printed in the RECORD, with no intervening action or debate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 4312) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (H.R. 3487), as amended, was read the third time and passed.

## CORPORATE AMERICA

Mr. REID. Mr. President, flying back here last night from Nevada, I spoke with two flight attendants. Usually they talk to me about working conditions, air marshals, or something dealing with their job. But they were concerned about corporate America. They talked to me two separate times. In effect, they said: This is a disgrace. I hope, Senator, you are doing something about it.

This morning when I was at the doctor's office, I had another conversation about the problems in corporate America. Because of my light complexion and having been raised in the desert sun, I on occasion have had a dermatologist take little things off my face, and today was one of those occasions. While I was waiting for the physician, a nurse approached me, and said: Senator, I hope you do something about what is going on in America today. These scandals in the corporations are outrageous.

Everyone in America is concerned. I was in Nevada this weekend, and five or six different people came to me on different occasions, talking not about the things I would normally expect upon returning to Nevada, but about corporate America and what is going on.

We are debating a bill that directly deals significantly with corporate America: Pharmaceutical companies. We have been told in the debate the average CEO of a pharmaceutical company in America makes $27 million a year. Pretty good change.

This debate deals with generics, it deals with prescription drugs, it deals with patents on medicines, but it also deals with corporate America.

In response to the crisis of confidence that has plagued American investors, the Senate has responded forcefully. The majority, the Democrats, have led the way by drafting important legislation to close loopholes and bring about more corporate accountability. The Senate unanimously passed an accounting reform bill that protects investors and punishes corporate criminals. The Republican leadership in the House led an effort to pass a watered-down version that does not go nearly far enough. I am encouraged by reports that many in the House support the stronger policies the Senate passed, and I hope the legislation that comes out of the conference is one that has the Senate's mark on it. I am looking for the President to come forward and support our position.

Over the weekend, again, he said, please, give us a bill before the August recess. What bill does he want? Does he want the nothing bill the House has, or is he willing to come forward and talk about the Sarbanes version of the legislation, which is strong legislation, which would restore confidence, so that flight attendants and nurses are not worried about corporate America?

Nevadans are significantly impacted by the downturn in the financial markets. People in Nevada count on their investments to help meet their current daily expenses and plan for the future. That is the way it is all over America. Nevada's high quality of life has attracted many retirees. But many have seen their life savings evaporate as stock prices fall. As accounts have dwindled in the last 4 or 5 days we have heard people saying they wished they had never gone into the stock market. They are checking out. Nevada workers nearing retirement face uncertainty about their ability to stop working because they no longer can afford to do so.

We have seen the cartoons around the country asking why this person is working so long, and the cartoons indicate: I invested in the stock market, and I have to work until I'm in my nineties.

College plans for students in Nevada are now in jeopardy because family savings have disappeared.

The collapse of Enron—taking just that one scandal, because there are many others—has had a ripple effect that has caused economic difficulties and threatened the health of Nevada generally. The State public employees retirement pension fund lost almost $23 million invested in Enron. That is a lot of money for a small State such as Nevada. Thousands of Nevada's dedicated public servants who worked hard and saved and invested responsibly have seen their investments erode to satisfy the greed of corporate fat cats.

In addition, look at the trauma center at the University Medical Center in Las Vegas. Las Vegas is now a major metropolitan area. About 1.5 million or 1.6 million people live and work in that area. The one trauma center where they took care of the accident cases and took care of the indigent patients, basically, in Nevada—it serves a huge number of people; it is one of the busiest in the country—has been forced to close temporarily and faces a very unsure future.

Why? Because of corporate America. This is linked to the Enron scandal because the Medical Center's insurer, St. Paul, lost $108 million invested in Enron. That is five times as much as the total cost for medical malpractice payouts in Nevada. As a result, St. Paul has raised premiums for malpractice insurance to such an extent that many doctors have elected simply to leave the State.

We have one physician who is going into long-haul truck driving. And many doctors have elected not to work at the trauma center.

Going to a little different subject, it is hard to comprehend that these insurance companies get away with as much as they do. There is no other business in America that can meet—not secretly—and fix prices. Because of the McCarran-Fergusson legislation passed during the Depression, insurance companies are not bound by the Sherman Antitrust Act. They can meet to set prices to run people out of business. It is not against the law, civilly or criminally.

I am deeply concerned about the problems caused by scandals in corporate America and their far-reaching effects. I want to make sure the President responds appropriately, or tries to. Unfortunately, the administration so far has not provided the reassurance the public seeks. It fails to demonstrate leadership on this issue.

Let me be clear, the crisis in investor confidence is in danger of spreading. I don't know what is going to happen today, but I saw an hour ago the Dow was down 258 points again today. Maybe it will have a rally in the next hour or 2 and be fine, but that is what I saw.

The crisis in investor confidence is in danger of spreading, potentially crushing consumer confidence and reducing consumer spending, and that is all we have going. If we reduce consumer spending, that would be devastating in the country. The climate of scandal is linked to the administration in this way. I think how the President responds also is important. I do not think he has responded appropriately.

He has given a speech. You could see the stock market dropping as he was speaking. That is what the TV stations did. As he is speaking about consumer confidence, the stock market is reeling backwards.

Among the steps the President must take to resolve the crisis in the financial markets and to restore confidence is to replace, in my opinion, key members of his administrative team who cannot be effective in bringing about necessary changes. In Government, we not only have to do what is right but what looks right. We have to not only do what is right, but what appears to be right.

The Securities and Exchange Commission is the main regulator of America's financial markets. The President chose Harvey Pitt, who aggressively defended the big accounting firms and corporate America and represented the lobbying group for the big accounting firms, while he being confirmed as Chairman of the SEC, the agency that is charged with investigating the same accounting firms involved in the scandals that rocked the stock market and hurt millions of America's investors. It is trite, but it seems to me it is installing the fox to protect the hen house.

Mr. Pitt set the wrong tone from the beginning, suggesting he would have the SEC be ''kinder and gentler.'' Kinder and gentler? One of his former clients is Arthur Andersen, a firm implicated in so many unfolding scandals that major magazines have reported they no longer have anyone working there.

Is Mr. Pitt really the right person to investigate Andersen, implement charges, oversee them and enforce regulations? Those flight attendants I met last night, and the nurse today, I think would say: He wants a kinder, more gentle SEC? I don't think so.

He has already had to recuse himself from more than two dozen SEC investigations, but he did not see anything wrong with meeting privately with the incoming chairman of KPMG, another former client, when his firm was under investigation for its accounting work with Xerox.

The SEC needs a new leader, somebody free from conflict of interest, who recognizes how damaging even the appearance of conflict of interest is at this sensitive time for America's financial well-being. Neither the American public nor responsible business leaders have confidence in Mr. Pitt's ability to serve effectively.

The Wall Street Journal, among other respected voices in the financial community, has expressed the need for a replacement. You cannot say the Wall Street Journal is some left-leaning, left-wing organization opposed to business. Quite the contrary. But they say he should be replaced.

A growing number of my colleagues in Congress, both Democrats and Republicans, have indicated it is time for him to go. So I join with them in calling on Mr. Pitt to resign or for President Bush to replace him. It would send a strong message to Wall Street, to the people who work for the corporations in Wall Street, the people who

earn a living making that stock as valuable as it is.

I am also troubled by the Secretary of the Army, Thomas White, who testified before the Commerce Committee last week about his role as vice chairman of Enron Energy Services. Those who observed his testimony can only be disturbed by his performance. Memos written by Enron lawyers in the year 2000 suggest that the division of Enron led by Secretary White at the time overstated the demand for power so that another division could benefit from artificially higher prices. As a result, Enron raked in obscene profits while consumers paid billions of dollars in excess.

It was all phony accounting, a manipulation, by an organization led by the Secretary of the Army.

Enron's manipulation of California's energy markets affected the entire western United States. It affected Nevada adversely, driving Nevada's utilities to the brink of bankruptcy and forcing consumers to pay skyrocketing rates.

Secretary White received approximately $50 million while at Enron—he, personally—and he made an additional $12 million after he joined the Bush administration by selling Enron stock following 77 phone calls to his former colleagues at the company.

During the questioning by Senator BOXER and others he claimed: Well, I was just seeing how my friends were doing.

He made $12 million, made 77 phone calls. It just doesn't look right.

The New York Times reported that last December the Army, which of course reports to Secretary White, granted a sweetheart deal to KBR, a division of Vice President CHENEY's former employer Halliburton, ''despite being a reputed bill-padder and the target of a criminal investigation.''

I don't know what Secretary White's total involvement in these dealings might be. I hope neither he nor any of the administration officials being investigated is guilty of any criminal wrongdoing. But it is obvious that he cannot be an effective leader if he doesn't have the confidence of the American public, the airline steward or stewardess or the nurse. It would be in the best interests of our country and the administration if he resigned.

We in Government not only have to avoid what is wrong but also what looks wrong. With the Secretary of Army it looks wrong. With the head of the SEC, Harvey Pitt, it just doesn't look right.

The PRESIDENT pro tempore. The senior Senator from Utah, Mr. HATCH, is recognized.

THE ECONOMY

Mr. HATCH. Mr. President, I have been listening to the assistant majority leader. I was very interested in his remarks. This President has been in office less than a year and a half. It does seem to me that the problems we have in America are problems for everybody—not one party and not one President. They are problems for all of us.

I have to say I think this President is doing everything he possibly can to try to stabilize this economy and get us through these difficulties. Certainly the economy is doing well. We have 3-percent productivity growth, which is better than the whole time between 1980 and 1995. There are a number of other things which show that we have a strong economy.

But this underlying illness that afflicts the stock market is hurting everybody. I suspect part of that comes from what has gone on over the last 10 years or so and not just in the last year and a half. There has been a lack of confidence in our business community because of those who have been committing these heinous acts of misrepresentation and fraud in some of these major corporations in America. There have been relatively few. And I see that other corporations are scrupulously going over their books to make sure they are toeing the line in meeting the needs of the American stock market.

I suspect we are going to come through this within the next couple of weeks, and when people start to realize that our economy is good and that we are going to come through this, we will be OK. But I think it may be a little unfair to suggest that it is basically all this President's fault or that it is all one party's fault. We all have things we could have done better. We all have some responsibility.

I believe our current President is doing an excellent job. As everybody knows, I stood up for the prior President when I thought he was right.

## GREATER ACCESS TO AFFORDABLE PHARMACEUTICALS ACT—Continued

Mr. HATCH. Mr. President, today we are discussing the Medicare prescription drug bill, which is basically the two bills we will be voting on tomorrow.

I rise this afternoon to take the opportunity to share my thoughts on Medicare drug coverage. Today and tomorrow, we will be debating two Medicare prescription drug bills—the Medicare Outpatient Prescription Drug Act of 2002, introduced by Senators GRAHAM, MILLER, KENNEDY and CORZINE, and the 21st Century Medicare Act introduced by the Senate tripartisan group which includes Senators GRASSLEY, JEFFORDS, BREAUX, SNOWE, and myself.

There is no question that all of us have the same goal in mind—to provide beneficiaries with Medicare prescription drug coverage, this year. But, unfortunately, we do not agree on how this coverage should be provided. Senators GRAHAM and MILLER believe it should be provided through the Federal Government. On the other hand, the Senate tripartisan members believe drug coverage should be provided through the private market.

During the next day and a half, you will hear about the merits of both bills. You will also hear criticisms of both bills. While these matters certainly need to be debated by the Senate, both of these bills, which will impact the lives of millions of Americans, should have been considered by the Senate Finance Committee before being debated on the Senate floor. I have heard my colleagues on the other side of the aisle saying that the Senate Finance Committee has debated this issue for the last 5 years and the American people are tired of waiting for the Senate Finance Committee to act. I take issue with that argument. Actually, we have had 37 years to fix Medicare. We just celebrated its 37th birthday. And don't forget what happened when we passed a Medicare prescription drug benefit the last time. We repealed it the very next year. So we need to proceed with caution and consider any prescription drug bill very carefully before passing such a measure by the U.S. Senate. We do not want to make the same mistake twice.

Let me just say that making any changes to the Medicare program is not an easy task. I have been in the Senate for over 26 years and I find the Medicare program to be one of the most complicated programs in the Federal Government. There was a recent quote by former Secretary of State Madeleine Albright in the Washington Post, July 20, 2002, where she said, ''being Secretary of State is the best job in the world. Better than being President, because you don't have to deal with Medicare.''

I think she may have hit the nail right on the head.

The point I am trying to make is simple. We need to spend quality time drafting and debating a Medicare prescription drug benefit. We should not be considering such important legislation on the Senate floor without the Senate Finance Committee having a mark-up. That is just not right and it is downright irresponsible.

We should have let the Finance Committee do its job. But as I said all last week, politics is dictating policy. So here we are, debating one of the most important issues of the 107th Congress without even a Finance Committee hearing on the legislation being considered by the Senate today and tomorrow.

I am extremely disappointed in the way this has been handled by the Democratic leadership. I believe that the Finance Committee members could have approved a bill out in the Committee. It just wasn't the bill that the Democratic leadership wanted to have passed out of Committee.

On that point, I truly believe that we could have reached a consensus in the Finance Committee if we had been given a chance. When Senator KENNEDY and I authored the Children's Health Insurance Program in 1997, there were not more different Members of the Congress. But we did it, and we got the bill

through the Congress and had our CHIP bill signed into law in 1997 as part of the Balanced Budget Act.

In fact, it was the glue that held the first balanced budget act in over 40 years. It was the glue that got that CHIP bill signed into law as part of that particular act.

Senator KENNEDY and I reached consensus. Where there is a will, there is a way.

The same thing could happen with the Medicare prescription drug legislation. But there must be a willingness to get something done this year. And I am sensing that there is a lot of political game playing on this issue which says to me that there is not a willingness to get something signed into law this year.

Our tripartisan bill has the votes to pass both the Senate Finance Committee and the Senate. But we will not be given the opportunity to bring our bill before the Senate Finance Committee because, in my opinion, the majority leader does not want our bill to pass the Senate Finance Committee. Again, that is just a shame that we have to resort to such political game playing on an issue so important to our seniors and to our country. We finally have a bill that can be approved by the Committee and the majority leader refuses to have it go through the proper channels. Let me just say that I am extremely disappointed by his decision. I, for one, am still willing to do the work to get a Medicare prescription drug bill signed into law this year. I only hope that the majority leader is willing to work with us.

We have talked a lot about both bills in the last week and, at this time, I would like to talk about the tripartisan Medicare prescription bill. It is the only bill with support of both Democrats and Republicans being considered in the Senate. It provides Medicare beneficiaries three key elements—affordable drug coverage, choice in health coverage, and quality health care. All three elements are important and all three elements are included in this bill.

According to CBO, spending on drugs for seniors over the next decade will grow at an astronomical rate. CBO says that the only way to contain the cost of a drug benefit is to ensure that drugs are delivered efficiently. In turn, CBO says that the only way to have drugs delivered efficiently is to have true competition.

True competition, according to CBO, requires two things:

No. 1. Private plans that assume at least a limited degree of risk—that is, if they are efficient, they will make money, and if not, they will lose money.

No. 2. That those plans be able to compete by varying the premium they charge, and varying the benefits they offer. The tripartisan bill allows plans to vary both premiums and benefits.

CBO says that if all plans offer the same premium and same benefits, as under the Democratic leadership bill, that is simply not true competition. Accordingly, the CBO score of any such approach will be extraordinarily high.

Some have suggested a dual system, with competitive and non-competitive plans operating side-by-side. Unfortunately, CBO has made it clear that it would give such dual systems the same high score as a totally non-competitive system, because all plans would choose to be non-competitive. A dual system simply doesn't achieve cost containment and is also flawed because it is government run.

Our tripartisan drug plan is a voluntary and permanent program. It does not sunset like the Graham bill. In addition, all Medicare beneficiaries may participate—those in traditional Medicare, Medicare+Choice or the new enhanced Medicare fee-for-service program.

The monthly premiums are $24 per month, which is the lowest premium amount of any drug plan that has been introduced in the Congress, and one that I think would be more acceptable to our people out there rather than causing us to run into the difficulties we had when we had to repeal the catastrophic bill a number of years ago.

The deductible will be $250 and the beneficiary coinsurance, except for the low-income seniors, is 50 percent once they reach the deductible and up to $3450 in drug expenditures. Our drug plans are based on actuarial equivalence, which means that we permit Medicare drug coverage to respond to consumers' demands. These actuarial equivalent plans will meet consumers' needs. The Government will determine which plans are actuarially equivalent, and, CBO has determined that the five standards that the plans must meet in order to be actuarial equivalent reduces a lot of variation between the standard benefit.

The five standards for actuarial equivalence are:

No. 1, the Medicare benefits administrator must approve any actuarially equivalent coverage, and may terminate or disapprove any benefit design intended to discourage enrollment of high risk individuals.

No. 2, the actuarial coverage value of the total alternate coverage for the entire benefit must be equal to the standard benefit.

No. 3, the unsubsidized value of alternate coverage must equal the unsubsidized value—that is, 35 percent which is subsidized—of the standard coverage.

No. 4, the alternate coverage must be based on actuarially representative patterns of utilization to provide payment, with respect to costs incurred that are equal to the initial coverage limit under the standard benefit.

No. 5, catastrophic protection must equal the precise dollar amount, which is $3,700, the same as the standard benefit package.

So the arguments that our bill allows plans to raise the deductible to $500 or that our premium would be significantly higher than $24 per month are just wrong.

In 2005, when the drug plan is first established, Medicare beneficiaries have a 7-month open enrollment period from April 1 through November 30.

Every senior would have a choice between two prescription drug plans, and that includes rural areas across the country. This is required by the legislation, and the Congressional Budget Office agrees that there will be two plans in each coverage area. These coverage areas could be nationwide but they must be, at minimum, at least the size of a State. Before being offered to seniors, the drug plans must be certified by the Department of Health and Human Services. Seniors will receive information about the available prescription drug plans each year before selecting their coverage.

The drug benefit begins in January 2005. CBO estimates that 93 percent of Medicare beneficiaries will participate in the Medicare prescription drug program, 6 percent will keep their current prescription drug coverage and 1 percent will not be eligible because they do not participate in Medicare Part A and/or Part B.

An actuarially sound penalty would be imposed on seniors who decide to participate in the drug plan once the enrollment period is over. This is almost identical to Senator BOB GRAHAM's late enrollment penalty.

The Government will be covering 75 percent of the value of the Medicare drug benefit equaling $340 billion over the next 10 years, providing a tremendous incentive for plans to participate. The tripartisan bill allows private sources of drug coverage to supplement the new Government coverage by providing a strong base benefit—50 percent drug coverage after a $250 deductible up to $3,450 and price discounts on all drug purchases. The result is that 80 percent of beneficiaries in 2005 will not have drug spending beyond that basic benefit.

We also include low-income protections in our legislation by providing low-income seniors with additional subsidies so they, too, can afford to pay for their drugs. The tripartisan group's goal was to put an end to people having to choose between buying food and buying their medicine by providing additional help to those seniors who need it.

For example, the 10 million beneficiaries with incomes below 135 percent of poverty will have 80 to 95 percent of their prescription drug costs covered by this plan with no monthly premiums. These seniors are exempt from the deductible and will pay well under $5 for their brand name prescriptions and/or their generic prescriptions. And beneficiaries at this income level who reach the catastrophic coverage limit will have full protection against all drug costs with no coinsurance.

The 11.7 million lower income beneficiaries with incomes below 150 percent of the poverty level are also exempt from the $3,450 benefit limit. Those beneficiaries between 135 percent and 150 percent of the Federal poverty level will also receive a more generous Federal subsidy that, on average, lowers their monthly premium to anywhere between zero and $24 a month on a sliding scale. This also reduces their annual drug expenses by more than half.

All other Medicare beneficiaries will have access to discounted prescriptions after reaching the $3,450 benefit limit, and the critically important $3,700 catastrophic benefit, which protects seniors from high, out-of-pocket drug costs.

I now want to take some time to discuss the Medicare coverage provisions in the tripartisan legislation.

Under our bill, we offer two choices for Medicare coverage, traditional Medicare and a new, enhanced fee-for-service plan which offers benefits similar to those provided in private health insurance. Medicare beneficiaries may choose one or the other. If a beneficiary wishes to remain in traditional Medicare, he or she may do so. If a beneficiary opts for the enhanced fee-for-service plan, then changes his or her mind and wants to go back to traditional Medicare, that is fine, too. For the first year, beneficiaries may go back to traditional Medicare without a penalty. Afterward, an actuarially fair penalty will be imposed on them for switching back and forth. This is similar to the penalties for late enrollment into the Medicare Part B program under current law. But no one is stuck in one coverage plan. Beneficiaries may change their minds and switch back to traditional Medicare if they are not happy with the enhanced fee-for-service plan.

Now, I would like to take just a few minutes to discuss the details of the new, enhanced fee-for-service option with my colleagues.

As far as enrollment is concerned, the rules for the enhanced fee-for-service benefit, Medicare Part E, are modeled on current Medicare enrollment policies. Those who are already enrolled in Medicare Part A and Part B as of 2005 will stay in traditional Medicare unless they decide to enroll in the enhanced fee-for-service option. Those who become eligible for Medicare in 2005 or later will automatically be enrolled in the enhanced fee-for-service option unless they indicate that they want to be enrolled in the traditional Medicare program. All beneficiaries will have a 7-month period to make their initial coverage decision. This is similar to Medicare Part B.

In addition, beneficiaries will be given information about the coverage options included under the enhanced fee-for-service option. This information will compare the benefits under the traditional Medicare program to the benefits provided under the enhanced fee-for-service option. That way, Medicare beneficiaries will be able to make a coverage decision that really is best for them.

Benefits covered under the Medicare enhanced fee-for-service option include better hospital inpatient cost-sharing. Instead of the current extremely high Medicare Part A hospital deductible, which will be $920 in the year 2005, and high copayments for long hospital stays, the Medicare enhanced fee-for-service option offers a single hospital copayment of $400 per admission. This is similar to the benefits provided to individuals through private health insurance. In addition, it avoids penalizing those who are ill enough to have long hospital stays. It is also simpler and more rational than the current system and all other plans on the table, including the Graham plan. The enhanced fee-for-service option also replaces the current limits on hospital coverage with 365 days per year, lifetime coverage.

I would like to give you an example of how this would work.

Beneficiaries who are hospitalized have to pay an extraordinarily high Part A deductible of $812 in 2002, rising to $920 in 2005. Unlike private health plans, Medicare today imposes its Part A cost-sharing per spell of illness, not per year. As a result, beneficiaries could be exposed to the deductible, copayments and coverage limits repeatedly in a single year. I just don't think that is fair to the beneficiary who is a victim of frequent hospitalizations within a year.

Under current law, after the Part A deductible, $812 in 2002 per spell of illness, is satisfied, there are copayments for those who have long hospital stays. In 2002, $0 for days 1 through 60; $203 per day for days 61–90; $406 per day for days 91–150 this specific coverage, for days 91 through 150, is available only once per lifetime.

In other words, Medicare provides no coverage at all for inpatient care beyond 150 days per spell of illness. And, for additional hospitalizations after the first one per lifetime, inpatient hospital coverage ends after the 90th day. Our enhanced fee for service option would change that, once and for all. The $400 copayment per hospital admission would replace both the Part A per spell of illness deductible and the copayments imposed on beneficiaries after being hospitalized longer than 60 days.

As far as preventive benefits are concerned, for those who choose the enhanced fee-for-service option, preventive benefits would not be subject to any deductibles or coinsurance. Currently, Medicare imposes deductibles and coinsurance, usually around 20 percent, on most preventive benefits. We in the tripartisan group believe that the current Medicare policy on preventive benefits makes beneficiaries reluctant to seek out preventive services that may identify health problems and prevent more expensive care later.

Therefore, the enhanced fee-for-service option eliminates all copayments and deductibles on Medicare preventive benefits.

The enhanced fee-for-service option also includes a unified deductible of $300 per year for all services. Today, in the current Medicare program, the Part A deductible in 2002 is $812 per spell of illness. In 2005, it will be much higher, $920 per spell of illness, while the Medicare Part B deductible will still be only $100 per year.

The enhanced fee-for-service option offers seniors a choice: their current coverage that emphasizes protection against relatively predictable and routine Part B costs, or new coverage that emphasizes protection against unpredictable but potentially devastating Part A costs in the event of serious illness. Seniors would have a choice, which they do not have today.

Medicare's irrational, two-deductible system is unheard of in private insurance. Beneficiaries are used to a single deductible from their prior employer-based plans. It is true that in a given year, relatively few beneficiaries use Part A hospital services.

However, the picture changes if one looks across multiple years. A recent survey found that 17 percent of beneficiaries were hospitalized each year. Over a 6-year period, more than half, 56.4 percent, were hospitalized and 36 percent were hospitalized more than once. These hospitalizations may result in ruinously high out-of-pocket costs for seniors, and the enhanced fee-for-service option offers protection against such costs for those who choose this coverage plan.

In addition, the enhanced fee-for-service option would protect seniors with serious illness. Today, Medicare has no limit on a beneficiary's out-of-pocket expenses in a year, creating the potential for crippling costs in the event of serious illness. Our tripartisan bill would limit beneficiaries' exposure to out-of-pocket costs for Medicare-covered services, other than prescription drugs, to $6000 per year. Beyond $6000, Medicare would pay 100 percent of any costs incurred by the beneficiary.

In a given year, it is estimated that 2 to 3 percent of Medicare beneficiaries may have costs that reach $6000. If beneficiaries want peace of mind that would come from such catastrophic protections included in the enhanced fee-for-service option, they should have that choice.

Contrary to popular belief, Medicare supplemental policies do not offer catastrophic protection. The standardized Medigap plans fill in the cost-sharing in the existing Medicare benefit package, but they do not offer serious illness protection. Since virtually all employer-sponsored health plans offer serious illness protection, it is something that many beneficiaries have come to expect.

In addition to those with serious illnesses, this protection would also benefit those with severe, chronic conditions, which are inadequately covered by Medicare today. All spending by or on behalf of the beneficiary, including by third parties, such as Medicaid, employers, or Medigap plans would count toward the serious illness threshold of $6000. This differs from the drug benefit stop-loss because CBO indicated that counting only a beneficiary's own spending toward the Part E limit would reduce participation in the enhanced fee for service option a concern that CBO did not have about the drug benefit in the tripartisan bill.

As far as home health benefits and skilled nursing facilities are concerned, those who choose the enhanced fee for service option would have to make home health copayments of $10 per visit, on only the first five visits of a 60-day episode. A Medicare beneficiary would only have to pay $300 in home health copayments per year. Home health care is one of the only Medicare benefits for which there is no beneficiary cost-sharing. Medicare's average payment per home health care episode is $2300, so a maximum total copayment of $50 per episode would cover only about 2 percent of the program costs, in contrast to the typical 20 percent cost-sharing on Medicare Part B benefits.

Both CBO and Med PAC indicate that even a modest copayment is critical to making beneficiaries consider cost when deciding whether or not to use home health care. CMS projects a 12 percent growth in home health care spending in 2003, even if the 15 percent cut scheduled in current law takes place. Beneficiaries with serious enough conditions to need more than five visits per episode receive those additional visits without additional cost-sharing. Those who cannot afford these modest copayments are protected, because current law includes cost-sharing protections for the low-income beneficiaries, Medicaid eligible and QMBs are maintained.

For skilled nursing facilities, the enhanced fee for service option would include a copayment of $60 per day for the first 100 days. Under Medicare today, beneficiaries currently pay copayments beginning on day 21 of a skilled nursing facility stay. Medicare imposes no cost-sharing for the early days of a skilled nursing facility stay, days 1 through 20, and then Medicare imposes very high beneficiary cost-sharing for longer stays. In 2005, when our bill goes into effect, those copayments will be $115 per day for days 21 through 100.

As a result, Medicare's current skilled nursing facility cost-sharing unfairly penalizes those who are sick enough to need a longer stay, while allowing those who aren't as sick to have free days of care, with no incentive to consider costs. Influenced by the 20 days of free care, then prohibitive cost-sharing policy, the average length of stay in a skilled nursing facility is approximately 24 to 26 days, according to CMS.

We believe that since skilled nursing facilities already collect copayments beginning on day 21 of the beneficiary's stay, these facilities will already have administrative structures for cost sharing in place.

To be honest, I am not enthusiastic about imposing home health or skilled nursing facilities copayments on Medicare beneficiaries. But, as I said earlier, this legislation required a lot of give and take from all of us. If Medicare beneficiaries do not want to make home health or skilled nursing facility copayments, they may stay in the traditional Medicare program. If they go into the enhanced fee for service option and don't like the coverage because they end up having to make copayments for home health care or skilled nursing facilities, they may switch back to traditional Medicare. It is that simple. We are not imposing copayments on anyone who does not want them. The enhanced fee for service option is just that a coverage option.

These are some of the key elements of the new, Medicare enhanced fee for service option that our bill will provide to Medicare beneficiaries. I hope that my explanation cleared up any questions that my colleagues may have had on this component of the tripartisan bill.

Our tripartisan bill also includes provisions concerning the Medicare+Choice program. In 2005, our legislation takes modest steps to improve Medicare+Choice plan participation by introducing a competitive bidding system under which the plans will compete with each other, but not with the government-run, fee-for-service program, for beneficiaries. This competitive approach to Medicare+Choice payments, based on a bipartisan model supported by the Clinton administration, will result in fairer and more accurate payments to plans. Today's bureaucratic pricing system sets arbitrary and inaccurate rates that discourage plan participation.

At this point, I would like to take a few minutes to rebut some of the arguments my friend and colleague Senator KENNEDY made against our bill last week on the Senate floor. He obviously has not read our bill very carefully. I wish he had taken the time to read the tripartisan legislation before making statements that were not completely true on the Senate floor about our bill. Now, there is some confusion about our bill and I would like to set the record straight, once and for all.

First, Senator KENNEDY criticized our plan's assets test for low-income beneficiaries. Our tripartisan plan provides additional subsidies for low-income seniors which everyone agrees is only fair. I believe I am correct in saying that everyone, on both sides of the aisle, believes that additional subsides for our low-income seniors is completely justified. My good friend is trying to make it appear that we are picking and choosing which seniors would be eligible for this additional assistance. Nothing is further from the truth.

I want to be clear that we have done nothing different on this issue than what has been the accepted practice and policy for many years when it comes to programs that provide assistance to those with lesser means. In fact, the tripartisan bill adopted an assets test similar to the Medicare bill proposed by President Clinton in 1999.

Under current law, Medicaid includes an assets test. States have the flexibility to waive the assets test at their discretion.

Our tripartisan proposal ensures that the flexibility found in current law is retained in the Medicare drug benefit program. The assets test ensures the seniors who need the most assistance are provided with the most protection. We want to provide the most generous assistance to those who truly need it.

Also, let me clarify that current law specifically excludes from the assets test an individual's home and its land; household goods; personal effects, including automobiles; the value of any burial space; and other essential property. So I hope this clarifies any questions that Senators may have had on the tripartisan proposal's assets test. Hopefully, I have made it clear to my colleagues that the tripartisan bill adopted a widely accept and common practice for determining which lower income seniors are eligible for higher subsidy for their prescription drug benefits.

Another issue raised by my good friend, Senator KENNEDY, is the design of the tripartisan proposal's prescription drug benefit. He wanted to know how our prescription drug benefit design permits creation of competitive plans that would provide quality coverage to all Medicare beneficiaries.

Let me explain why we took this approach. First, we believe that Medicare beneficiaries deserve a quality drug benefit that meets their individual needs. The Graham-Miller proposal does not allow any variation in cost-sharing or premiums and is a ''one-size-fits-all'' plan which, in my opinion, will fail to address the individual prescription drug needs of seniors.

So, with that in mind, it is important that Medicare beneficiaries are provided a quality drug benefit at an affordable price. Our tripartisan plan strikes the right balance to give Medicare beneficiaries access to prescription drugs they need at the lowest possible price. Any plan that wants to offer a Medicare drug benefit will be required to receive the approval of HHS according to strict standards specified in law. This approval process will be an interaction between any prospective plan and the Federal Government to ensure that Medicare enrollees receive the best quality coverage possible at an affordable price.

There are five strict standards of actuarial equivalence in our bill which

the CMS Administrator is required to certify that a plan meets before the plan is offered to Medicare beneficiaries. The plans themselves will not be determining what is actuarially equivalent; only the Federal Government will make that determination. If the Government determines that a plan is not equivalent to the standard benefit, its proposal will be rejected and it will not be permitted to participate in the Medicare drug benefit. End of Story. In fact, CBO has told us that our standards of equivalence are strict enough that Medicare Drug Plans will have little room to vary premiums or cost-sharing. That little room to allow some variation, however, is critical to the success of a Medicare prescription drug benefit.

Under the Graham-Miller bill, Medicare drug plans operating in the same area will be forced to charge the same monthly premium and the same cost-sharing. While Senator GRAHAM claims that his proposal includes competition, I do not understand how Medicare plans will compete if they are required to offer identical premiums and identical cost-sharing across the country. If drug plans wanted to lower their cost-sharing or lower their premium in order to attract Medicare enrollees, Congress would have to pass legislation.

On the other hand, the tripartisan bill ensures that the innovation of the private sector is not stifled by a micro-managed, ''one-size-fits-all'' drug benefit run by the Federal Government.

Another issue raised by my friend Senator KENNEDY is whether or not the prescription drug benefit under our proposal guarantees that seniors will have access to benefits. Let me assure you that if this were not true, I would not be standing here today, speaking in favor of this legislation.

Let me clarify that the tripartisan bill guarantees two Medicare prescription drug plans to every Medicare beneficiary. If the beneficiary lives in an area where there are Medicare+Choice plans, then even more choice will be available as the presence of drug coverage under Medicare+Choice does not count as one of the two choices that would be guaranteed in law under our plan.

The Medicare prescription drug plans are not determining their own service areas. The Federal Government will make that determination. And let me emphasize that the service areas must be—at a minimum—the size of a state. The government will be covering 75 percent of the value of the Medicare drug benefit equaling $340 billion over the next 10 years.

The last issue that my good friend from Massachusetts raised is whether or not employers will be encouraged to continue to provide retiree health benefits with prescription drug coverage. I believe that we have worked hard to protect both employers and retirees on this issue. The tripartisan bill provides employers the same full subsidy to offer drug benefits to their retirees as any other qualified provider of prescription drug benefits.

The Graham-Miller legislation provides a disincentive for employers to continue offering retiree health coverage for prescription drugs by giving employers only two-thirds of the value of the government drug benefit to retain their retiree coverage. So in other words, the Graham-Miller plan would encourage employers to end their coverage of prescription drugs in order to encourage their retirees to enroll in the Government plan and receive the full Government subsidy.

I do not understand how my friend can make the argument that our plan is bad for employers. Currently, employers receive no assistance whatsoever in paying for drug costs for their retirees. Employers today are paying the full price and taking all of the risk for covering retiree prescription drug costs.

The subsidy policy in the tripartisan proposal will allow employers who are offering a drug—benefit at least as generous as the standard benefit—to receive the full value of the standard benefit.

Again, our policy targets dollars where they might do the most good, and our employer subsidies recognize the value of employer-sponsored retiree drug coverage.

I would like to take some time to share my thoughts on the Graham-Miller Medicare outpatient prescription drug amendment which was offered at the end of last week.

As I have said throughout this debate, Senator GRAHAM deserves a lot of credit for his hard work and dedication to this issue. His staff, too, has worked long and hard on this issue. Senator GRAHAM, like those of us in the Senate tripartisan group, has the same goal—to pass Medicare prescription drug legislation into law this year.

I have had a chance to review Senator GRAHAM's amendment over the weekend and I would like to raise some issues regarding his new legislation. I understand that the Congressional Budget Office has scored his legislation as costing close to $600 billion over 10 years. While GRAHAM says that any potential saving from the underlying legislation should be counted against the cost of his amendment, I disagree. We do not know whether or not the underlying bill will be approved as proposed, amended or defeated altogether. Therefore, we obviously cannot assume any savings from that bill when discussing either Medicare prescription drug amendment—the Graham amendment or the tripartisan amendment.

Quite honestly, I am still extremely worried about the expense of the Graham-Miller legislation. In fact, I believe that the true 10 year cost of the Graham-Miller drug benefit could be closer to $1 trillion.

Another concern is that this bill is not a permanent program. It sunsets after 2010 and, quite frankly, I believe that having a sunset in such an important bill just to get a decent score from CBO is fiscally irresponsible. The way I read the Graham-Miller bill, it is a temporary benefit, which lasts for 6 years. On page 78 and 79 of the Graham-Miller amendment, it states that ''no obligations shall be incurred . . . and no amounts expended, for expenses incurred for providing coverage of covered outpatient drugs after December 31, 2010.'' That is a mouthful to read. But the translation from Government-speak is simple: no funding at all, zero, for the Medicare drug benefit after 2010.

I also read in the Graham-Miller bill that there is an attempt to provide prescription drug coverage after the Medicare prescription drug program sunsets. On page 79, the amendment states that ''the Secretary shall make payments on or after January 1, 2001, for expenses incurred to the extent such expenses were incurred for providing coverage of covered outpatient drugs prior to such date.''

I think what the sponsor of this legislation is attempting to do, although I am really not sure, is say if there is additional, left-over money from the drug benefit, that money may be used to provide drug coverage after December 31, 2010. That language is very confusing to me. Like I said the other night, it seems more like window dressing to me than an actual extension of the sunset.

I am interested in Senator GRAHAM's comments on this specific provision and the broader issue of why he and his bill cosponsors believe that a sunset is necessary in the first place. I just think it is plain wrong to give Medicare beneficiaries a Medicare drug benefit and then take it away six years later. I cannot believe that the AARP would actually tell its members to call their members of Congress to express support for this bill. I cannot figure out how a temporary Medicare drug benefit helps seniors in the long run.

Another serious concern I have about the Graham-Miller legislation is that the drug benefit is run by the Federal Government. I do not think it is a good idea to let the Government set the price for drugs which is exactly what will happen if the Graham-Miller bill becomes law. And that will be catastrophic, in my opinion.

The Graham-Miller bill has a one-size-fits-all drug plan that is offered to Medicare beneficiaries. That approach will lead us down a dangerous path. I have said this more than once but I am going to say it again, before you know it, the Federal Government, not the private market, will be setting drug prices, mark my words. And I do not believe it is a good idea for the federal government to be making coverage decisions for seniors—I trust senior citizens to make their own decisions about their health coverage. Apparently, the authors of the Graham-Miller bill do not agree and that is why they put the Government in charge.

If you do not believe me, read the language on page 41 of the bill. It states that if only one drug plan meets all the conditions set by the Secretary of Health and Human Services, and the Secretary can set any conditions he pleases, then the Secretary can simply decide that Medicare beneficiaries will get coverage through that one prescription drug plan. Period.

And while there are laws to protect Medicare beneficiaries, and in fact all Americans, against the government doing something that arbitrary, the bill waives all of those laws. Let me summarize for my colleagues what is included in the Graham-Miller legislation on this topic.

Page 42, line 18 through 21 reads as follows:

In awarding contracts under this part, the Secretary may waive conflict of interest laws generally applicable to federal acquisitions * * *

In other words, not only is there no judicial or administrative review of the Secretary's decisions allowed at all, but even the Government's conflict of interest laws are waived.

The other primary difference between the Graham-Miller bill and our tripartisan bill is that we include reforms to the Medicare program and they do not. Keep in mind our bill is $370 billion in contrast to their proposed $600 billion bill. The current Medicare benefit package was established in 1965. While the benefits package has been modified occasionally, it now differs significantly from the benefits offered to those in private health plans.

We need to give seniors choices concerning their health care coverage. It is extremely unfortunate that the Graham-Miller bill does not recognize that the Medicare program needs to be improved so seniors can have similar benefits offered by private health insurance. There is nothing in the Graham-Miller bill to improve the Medicare program. It just tacks on a prescription drug program and ignores the larger problem—the overall Medicare benefits package which is outdated and inefficient. Medicare beneficiaries, in my opinion, deserve better. We do not shove the larger issue under the rug in our bill.

Another serious concern I have about the Graham-Miller legislation is that only two brand-name drugs are covered in each therapeutic drug class, and, plans are permitted to cover just one drug.

For all other drugs, ''the beneficiary shall be responsible for the negotiated price of the treatment'' which means in plain English, no coverage at all.

Let me give an example.

Let's say Bob, a Medicare beneficiary in his early 70s, takes Mevacor to lower his cholesterol. His new Government prescription drug plan only covers Lipitor.

Bob's wife, Bev, takes Celebrex for her arthritis. Her Government drug plan only covers prescription strength Advil.

What happens to Bob and Bev? They are both out of luck because their Government drug plan does not cover the prescription drugs that they have been taking for their chronic health conditions.

Even worse, according to CBO, the Graham bill does not lower drug prices for drugs that are not covered. Unless a beneficiary is awfully lucky to be on the one or at most two brand name drugs that the government plan decides to cover, he or she will get nothing.

I think of people suffering from depression. There are a number of antidepressant drugs, and they all work in just a little bit different way. Where Prozac may not work, Zoloft might, or Paxil might work, or some other antidepressant drug. Why should they be limited to only two drugs when the two they are limited to might not be helpful to them? It just does not make sense to me.

If a Medicare beneficiary believes that he or she needs a specific prescription drug, not the one or two drugs that the Government plan decides to cover, the beneficiary may be able to get coverage if the beneficiary and his or her physician go through a ''medical necessity'' certification process. This certification process is then followed by an internal and external appeals process—and guess what—all run by the Government.

I simply do not believe that Medicare beneficiaries want the Government to make drug coverage decisions for them. Supporters of the Graham-Miller legislation say, ''Don't worry, trust the Government, you will have choices of drug coverage.'' Tell that to Bob and Bev who will not have their prescriptions covered through this Government-run plan or to somebody suffering from depressive illness where the two drugs that are in the Government plan are not the ones that help them. Or in any number of other illustrations where you have a whole variety of drugs but you are limited to two. When the Government says ''trust us,'' it is time to pay attention.

In addition, the way I read the Graham-Miller legislation, the Secretary of HHS is given the authority not only to decide what constitutes therapeutic classes but also the ability to determine when such a drug fits into such a class. I do not understand why the sponsors of this legislation believe the Secretary of HHS should be making such important decisions. In addition, why should the Secretary of HHS, instead of physicians and pharmacists, be given authority to decide what constitutes preferred and non-preferred classes of drugs and, on top of that, determine when a particular brand name drug fits into such a class? It does not make any sense.

Because the Graham-Miller amendment now does not cover non-preferred drugs, at all, I am deeply concerned about the impact this could have on Medicare beneficiaries with cancer or AIDS or other chronic illnesses that require many prescriptions. I have a feeling that people with chronic or terminal illnesses will be getting the short end of the stick if the Graham-Miller bill is signed into law.

Furthermore, how are the doctors, who may know that one drug may be much more beneficial than another drug, protected? How are the doctors protected from medical liability under those circumstances? Already we are finding that obstetricians in Nevada can no longer get insurance coverage for medical malpractice, and that is going to happen all over the country if they do not watch it because litigation is driving these costs higher and higher.

If a doctor cannot prescribe what is necessary for the patient, that doctor is subject to medical liability even though the Government is the one dictating what two drugs should be provided. By the way, that is under the Graham-Miller bill.

These issues that I have raised about the Graham-Miller should have been debated by the Finance Committee. Who knows, maybe we could have come to the same resolution, but I doubt it. We could have come to some resolution and it would be better than what is in the Graham-Miller bill. Maybe the authors of the tripartisan bill and the Graham-Miller bill could have come to the same agreement through the committee markup process. Maybe not. Sadly, we will never know because politics, not policy, is more important.

Last Thursday night, I asked what happened to the bipartisan spirit that we all talked about at the beginning of the Congress. This legislation is not being considered in a bipartisan manner and, in fact, the way this entire debate has been handled has really created some hard feelings, especially among members of the Senate Finance Committee. Why are we on the floor debating a bill that will affect the lives of millions of Medicare beneficiaries and millions of future beneficiaries without a Finance Committee markup? I do not understand why members of the Finance Committee were completely excluded from the process other than whatever little they can do on the Senate floor.

I want to do everything I can to pass a Medicare prescription drug bill into law this year. But it appears that election year politics are more important than passing a well-thought out prescription drug bill.

I stand ready to work with my colleagues, like Senator BOB GRAHAM, so that we pass an affordable prescription drug benefit for our Medicare beneficiaries this year. I think he and Senator MILLER are trying to the best they can, and I have respect for both of them, but I believe their bill falls far short of the tripartisan bill and has a lot less chance of bringing us together than the tripartisan bill does. I truly believe that we can work something out that will be approved by the Senate before we adjourn in the fall. This is an

important issue, too important to politicize so we should stop playing politics, once and for all. Let the Finance Committee do its work so the Senate can pass a Medicare prescription drug bill which can be signed into law this year.

I yield the floor.

THE PRESIDING OFFICER (Mr. JOHNSON). The Senator from Hawaii is recognized.

Mr. AKAKA. I thank the Chair.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 2767 are located in today's RECORD under ''Statements on Introduced bills and Joint Resolutions.'')

Mr. HATCH. I yield 15 minutes to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I rise today to speak in support of the Medicare Prescription Drug Discount and Security Act of 2002, coauthored by myself and Senator HAGEL with the help of Senator GRAMM. This legislation provides an overdue and much needed prescription drug benefit to the Medicare Program.

We are going to be voting on two different bills tomorrow; following that, we will be taking up our legislation. We bring this legislation to the attention of our colleagues. We need to offer a responsible solution to make medicine more affordable for those seniors who need it the most. This offers immediate help to our Nation's seniors in the form of a bill that is voluntary, reliable, and it gives seniors options. It complements, rather than replaces, the private prescription drug coverage that two-thirds of retirees have now.

Many seniors like their current prescription drug plans and should not be forced to abandon them. The cost of prescription drugs is a major concern for many of my constituents, especially those who rely on only their Social Security benefits for their total income.

Let's look at a typical senior. We will call her Mary. Mary has worked hard her entire life, makes $55,000 a year, and is about to retire in 2004—coincidentally, the same time our program goes into effect.

Mary has never been much of a saver, so she will be relying almost solely on her monthly Social Security check to make ends meet. She can expect to get about $1,300 per month in benefits. Mary has diabetes and has to take six different prescription drugs every day to keep her healthy. The total cost of these drugs per month comes to about $475, about one-third of her income. Considering her other expenses, such as rent, food, and other monthly bills, Mary needs some help paying for her prescription drugs. The bottom line is Mary should never have to compromise her health by having to choose between buying prescription drugs or buying food for her table.

Our legislation provides immediate, affordable, and permanent help so that seniors like Mary never have to make that choice. This legislation has two parts:

First, all seniors would be protected from unlimited out-of-pocket drug expenses by instituting caps on their private expenditures. Once those caps are reached, the Federal Government would step in and cover the rest of the cost, minus a small copayment.

Second, all non-Medicaid seniors could enroll in a discount drug card program that would give them access to privately negotiated discounts on prescription drugs.

Let me now focus on the heart of our plan which protects seniors from unlimited out-of-pocket expenses, with the greatest protection going to those who need it most. Negotiated discounts on prescription drugs would be worked out through the private market, while Medicare would pay for drug costs after out-of-pocket expenditure caps have been met. This means, to our friend Mary, saving hundreds, possibly thousands, of dollars every year on prescription drug costs.

In this chart, we see how our plan works as far as the various income categories are concerned. Mary fits in the category below 200 percent of poverty. For an individual who makes less than $17,720 a year, which is about 50 percent of the senior population today, we cap their out-of-pocket expenses at $1,500. After they have paid $1,500 out-of-pocket, the Government will then pay for the rest of their prescription drug expenses.

Now remember, before they even start paying toward that cap, they have the prescription drug discount card. That saves them money, as well, on their prescriptions.

Continuing with the catastrophic coverage, if an individual's income is between 200 percent and 400 percent of poverty, they are capped at $3,500. If their income is between 400 percent and 600 percent of poverty, they are capped at $5,500. For seniors above 600 percent of poverty, individuals would be covered after they pay what is equal to 20 percent of their annual income.

The Hagel-Ensign plan has no monthly premium. It was said earlier that the tripartisan plan has the lowest monthly premium of any of the plans out there. Well, our plan has no monthly premium. What we do require is a $25 annual fee which is waived for those below 200 percent of poverty. Our $25 premium is used strictly for administrative costs.

Additionally, participants would also pay a small copayment of no more than 10% per prescription after they reach their out-of-pocket limit. We believe the copayment system is important because it not only keeps costs low by forcing pharmaceutical benefit managers to compete for business, but more importantly to the consumer, in this case the senior buying prescription drugs, back into the accountability loop.

The second part of our plan, the discount drug card program, works according to practical principles. According to a study conducted by the Lewin Group, one of the country's most respected health care actuaries, this approach would achieve significant discounts from full retail price between 30 percent and 39 percent. Here is how it works:

First of all, the card is completely voluntary, for both seniors and drug manufacturers. Drug manufacturers, through pharmacy benefit managers, would compete for business on the basis of their discounts and services, ultimately offering seniors the lowest price for their prescriptions. Seniors could choose from among any number of competing drug card plans. If they became dissatisfied with their plan, they could enroll in a different plan the following year. The Federal Government would not be fixing or negotiating prices for prescription drugs. The program simply allows seniors, such as Mary, to receive the same kind of privately negotiated discounts on drugs that are available to those enrolled in private health insurance plans.

Our plan also encourages the use of generic drugs whenever possible, in a couple of different ways. It requires the drug discount card issuer to include incentives in its program to use generic drugs whenever possible.

Mr. President, could you remind me when there is about 3 minutes to go?

The PRESIDING OFFICER. The Chair will do so.

Mr. ENSIGN. It also requires that each beneficiary who buys a drug through the discount card program be made aware of generic drug alternatives at the time they purchase the drug.

It is crucial to make prescription drugs affordable for seniors, which our program clearly does. However, it is also important to make sure Medicare's prescription drug program is affordable to the American taxpayer, which our plan also does.

According to actuarial analysis, our proposal would cost approximately $150 billion over ten years. We are waiting for the final score from CBO, but that is where we believe our plan will come in. This is markedly less than any of the other plans out there, even the tripartisan plan. It is less than half of what the tripartisan plan would be.

We must not only enact a responsible outpatient prescription drug program for our seniors, we must also do so without bankrupting the overall Medicare system.

Another reason our program is the best fit for seniors is that it takes effect at the earliest date. Our program takes effect on January 1, 2004, a full year earlier than any of the other plans. Our program is also permanent, unlike some of the other proposals which sunset after a period of time. So, our plan is an immediate step that can be taken to help seniors until comprehensive Medicare reform can be enacted.

I want to now compare our plan to the tripartisan plan and to the major

Democrat plan that Senators MILLER and GRAHAM have proposed. These are real life examples.

James is a 68-year-old, has an income of $16,000 per year, and is being treated for diabetes. He is taking these six different medications. His total monthly costs for these prescription drugs are around $478. His total annual costs are more than $5,700. Under the Graham-Miller approach, James would pay $2,940 out of his pocket. Under the tripartisan plan, he would pay $2,341.65 per year. Under the Hagel-Ensign plan, he would pay about $1,923.65 per year.

As you can see, the Hagel-Ensign proposal would save James over $1,000 annually when compared to the Graham-Miller proposal, and over $400 annually when compared to the tripartisan proposal.

Example No. 2: Doris is a 75-year-old, has an income of $17,000 per year, and is being treated for diabetes, hypertension, and high cholesterol. She takes Lipitor, Glucophage, Insulin, Coumadin, and Monopril every day. Her monthly cost is about $300, or about $3,650 per year.

Under the Graham-Miller proposal, her out-of-pocket expenses would be $2,220.00; under the tripartisan plan, $2,086.36; and under our plan, about $1,714.84.

The Hagel-Ensign proposal would save Doris over $500 annually when compared to the Graham-Miller proposal, and over $300 annually when compared to the tripartisan proposal. For those who are the sickest, who need the help the most, the Hagel-Ensign plan actually benefits them more than any other plan.

In comparing our plan to others—just to point out what other people may point out as a supposed weakness of our plan—for those who pay $1,000 or $1,200 per year for drug costs, the other plans will help them more, and we readily admit that. But for a majority of the senior population who has high drug costs and needs help paying those costs, we think our plan works best.

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. ENSIGN. Betty is 66 years old, has an annual income of $15,500, and is being treated for breast cancer. She is still receiving low-dose radiation therapy and taking the following 6 medications: morphine sulfate, Paxil, Dexamethasone, Aciphex, Trimethobenzamide and Nolvadex. Her total monthly cost comes to around $670 and annually to about $8,000. Once again, to compare the plans with real life examples: under the Graham-Miller approach, she will pay $3,180.00 per year; under the tripartisan plan, she will pay $2,570.00 per year; under our plan, she will pay $2,152.00. So our plan is less, once again, than either of the other two major competing plans.

Under our bill, those who need it the most will get the most help. For those moderate- and low-income seniors, our plan will benefit them the most, and—we cannot emphasize this enough—our plan is the most responsible to the taxpayer. We cannot afford to say to the young people in America, you are going to be paying for this huge prescription drug program that probably will not be there for you in the future, but you have to pay for it anyway. We have to think about the next generation, so we must enact a plan that is fiscally responsible.

Our proposal says that we are going to give seniors—those who truly need it—the help that they need and ultimately deserve. But to the taxpayer, we are also saying we are going to be responsible to you.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time—how much time remains between now and 6 o'clock?

The PRESIDING OFFICER. The majority has 92 minutes, the minority has 50 minutes.

Mr. KENNEDY. We have 90 minutes. I thank the Chair.

Mr. President, tomorrow in the early afternoon the Senate will have an opportunity to vote on which vision is the best vision for our seniors and for others who need prescription drugs. This will be the first opportunity we have had in the Senate to take that vote.

The absence of a prescription drug benefit from the Medicare Program is a glaring failure of the Medicare Program that every family understands in America today. It is not the fact that we have not had prescription drug programs that have been advanced to the Senate—we have. But they have been kept bottled up in the committees over the period of recent years.

I introduced, more than 5 years ago, prescription drug coverage into the committee. It was referred to the Committee on Finance, and it never saw the light of day.

We heard last week, and have heard now that somehow the majority leader has circumvented the Finance Committee and now we have the legislation out here. I applaud his efforts. So should all seniors applaud those efforts. We hear now the committee was prepared to move—but we waited and waited.

Our friends on the other side of the aisle had control of the Senate for 4 of the last 5 years. They controlled the Finance Committee for 4 of the last 5 years, and we never had an opportunity to have a debate on the issue of prescription drugs. Now we do. Now we will have a vote.

I think it is important for the American people to understand that we have been denied that opportunity for the past 5 years. Now we will have that opportunity. It is a tribute to leadership of Senator DASCHLE, who understands the importance of this issue to families in this country. We are enormously grateful to him for his leadership, and we are extremely hopeful that we will have a strong vote tomorrow that will reflect what is in the best interests of our seniors.

I was here in 1965 when we actually passed Medicare. We passed physicians' services and hospitalization but not prescription drugs. Now we all know that if the Medicare Program had been considered on the floor of the U.S. Senate, we would have included prescription drugs. It is as important as physicians' services and hospitalization. It is perhaps even more important in a number of different instances.

The fact remains that this is going to become even more important because we are now in the life sciences century. We are going to see extraordinary breakthroughs. We now see the mapping of the human genome and progress in so many important areas of research. It is virtually unlimited in what we will be able to achieve over a period of years.

It should be important to find ways of taking the progress being made in the labs and getting it to the patients who need it. They need it today. And we have a program that will do it.

I have listened with interest to those who support the Republican proposal, as they outlined at least what they consider to be the advantages of the Republic proposal and the disadvantages of our proposal. I hope in the 50 minutes they have remaining today or in the time prior to the vote tomorrow they will cite at least one, two, three, or four senior citizen groups that support their program. Because there are not any. Do we understand that? There are not any. The senior citizen groups that know the importance of prescription drugs have gone through these various programs in careful detail for those they are representing. And do you know what? They endorse the Graham-Miller proposal. They are behind the Graham-Miller proposal. They support it completely and wholeheartedly.

They appreciate the fact that our Republican friends over here are at least giving lip service to a prescription drug program. But if we are talking about which particular version is best for senior citizens, there is no competition. There is no question about it. You never heard in the earlier claims this afternoon the senior citizen groups that support their program because they are not there. This is one of the key reasons this is so important, and—I am hopeful—what this tomorrow vote is about.

I listened to my friend and colleague from Utah talk about premiums. On page 26 of the Graham-Miller proposal, our premium is listed at $24; for 2005, $25. I searched all weekend to find out where the $24 premium was in their bill that they have been talking about for the past few days. You can't find it in there. It is an estimate.

Ours is printed right here. Every senior citizen knows what that premium is going to be.

Theirs is an estimate. They all say: We have one that is $24—lower than the Miller program. But that is an estimate of what they are going to charge the insurance companies over a period of time. That is the difference.

I want to take just a few minutes to review with our colleagues what this program does not do and why the seniors have been so distressed about their program.

Actually, between 2005 and 2012 the seniors in this country are going to spend $1.6 trillion on prescription drugs. Their program is $330 or $340 billion. It is a lot of money. But if you figure that out, that is only about 20 cents on the dollar.

They are trying to say they are really going to be able to do something for the seniors. It just doesn't measure up.

I want to take a few moments of the Senate's time to go through the facts of the program itself. This chart over here is the Republican program, and this line is the percent of seniors. The next line is the drug costs; beneficiary payments; Medicare benefits; and then the percent of costs paid by the senior citizen. That is what we are concerned about.

The fact is, to address the extraordinary escalation of the costs of prescription drugs, we have an underlying proposal which will create momentum to get a handle on that escalation of prescription drugs—the excellent proposal introduced by our colleagues, Senators SCHUMER and MCCAIN. It was reported out of our committee with bipartisan support, which we welcome.

But 18 percent of seniors spend $250; the beneficiary payments will be $538. That is what they are going to pay in terms of their premium and their deductible in order to sign up for this program. For 18 percent of our senior citizens, they turn out to be losers, because 100 percent is going to be paid by senior citizens.

We take what the premiums are going to be, estimated by the Republicans, and also add the deductibles and the copays. You have another 18 percent that spend $1,000. Again, you add up the premium, deductibles, and copays. It will be $913 and beneficiary payments of $87. The senior citizen, 91 percent—some help and assistance.

Together, 36 percent of all the seniors, and one part of them, are going to pay 100 percent. They are not going to get any help, and the other group will pay 91 percent of the cost.

You come down here to the $2,000. This is where you really begin to get some help. The seniors are still going to spend 71 percent. If you come into the $3,000 to $4,000 range, 23 percent, they are going to be spending 67 percent.

Finally, 7 percent at the very high end. They will still be paying 74 percent.

These are the figures that are the expression of the program advanced by the Republicans. If you are a senior citizen and are hard-pressed today, you will find that your help and assistance in this program is a lot of rhetoric and very little action. That is what the result will be.

This is why, perhaps more than any other reason, seniors do not support the Republican proposal. And there are features in the Republican proposal that we find absolutely extraordinary.

I have heard a great deal from those on the Republican side talking about how this is going to help really the poorest of the poor of the seniors. We know the extraordinary average income is maybe $14,000. You can mention the handful of people who we read about who are billionaires. But the fact is, when you are talking about a group of our fellow citizens, the people who fought in the wars and brought us through the Depression, you are talking about this group here—basically, about $14,000 in income.

What is really in the Republican program are assets tests for the very, very poor. We heard from the other side, well, if they really fall down to 135 percent of poverty, they are going to have their premiums taken care of, and they won't have to worry about anything else. Right? Wrong. Wrong. Wrong. They will get them taken care of, if they don't have anything more than $4,000 in savings because we have an assets test, a pauperization test, for our seniors.

If they have more than $2,000 in furniture and personal property—maybe a wedding ring, an heirloom, something that has been passed on—if it is worth more than $2,000, they are in real trouble. If they have burial assets of more than $1,500, it counts against them, and if they have a car worth more than $4,500.

What do we have for $4,500 for our seniors in our part of the world, the Northeast, where it is cold in the wintertime; or how about in other parts of the country, where it is steaming hot in the summertime? Do we want them to risk their car breaking down, as they are trying to get their prescription drugs?

Go down to most of the car lots and find out what you can get for $4,500 and how dependable that car would be, whether you would want your mother or grandmother riding around in it in the cold of the winter or the heat of the summer, wondering if they can get to their destination.

If there are any more of those values, it adds up. And when it hits $4,000, they are excluded from the program.

Think of the demeaning aspects of this for our senior citizens, who are part of the greatest generation, who fought in World War II and lifted this country out of the Depression. They are in their golden years and have a few bucks—not very many—and they have to go down and fill out that form in order to qualify. It seems to me that is such a demeaning requirement.

I am surprised. I am surprised that our Republican friends have included that—saving the few bucks that it would—in their particular program. I am deeply surprised.

Our seniors deserve much better treatment. There are ways of making an evaluation as to what the assets are. No one is talking about trimming on this. We do not want people to trim—and they should not trim—but there are better ways of doing it than this particular way.

Finally, because of the time, I will mention one other feature that I am very perplexed about. I do not understand why they developed this kind of program. Their program is going to effectively take 3.5 million senior citizens who are now receiving a good drug program through their employers and drop them back to this program, which will provide a lesser benefit than they are now receiving, by and large, from their employers. This aspect of their program is very different from the Graham-Miller which would help and assist the small businesses and the medium-sized businesses continue to fund a good program.

I yield myself 3 more minutes.

The PRESIDING OFFICER. The Senator has that right.

Mr. KENNEDY. According to the CBO—this isn't our estimate; it is a CBO estimate—3.5 million seniors who are getting decent drug coverage through employers will be dropped from the list.

They wonder why the senior groups are not in support of this.

This is an enormously important debate and discussion that we will have. We will have an opportunity to have an expression on the proposal. As Senator GRAHAM and Senator MILLER have pointed out, we have what is called the first-dollar coverage. We do not have the doughnut, the loophole, that exists there. It will be within the ability of our seniors. It will be dependable. It will be affordable. It will be reliable. And it will be built upon existing programs, programs which have the confidence of our seniors and on which they can rely. It will be a very effective program. It will meet the kind of human needs that we believe our seniors need and deserve.

I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, before I yield to Senator DOMENICI, let me say, I do not know where he is getting his figures. But we take care of low-income senior citizens. We have 100 percent of subsidy for those under 135 percent of poverty or less. For those up to 150 percent, that subsidy ranges from 100 percent down to 75 percent. And everybody above 150 percent has a subsidy of 75 percent.

On the assets test, they are not quite accurate. I will not go into the differences right now. But we will go into them later.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. HATCH. No. I yield to the distinguished Senator from New Mexico.

Mr. KENNEDY. He does not choose to yield—on my time—to explain it?

Mr. HATCH. I will be happy to.

First of all, let's take the car benefit of $4,500. If it is necessary for medicine or for daily use or for their job, they could own a Rolls Royce according to our bill. But the fact of the matter is, no car would be taken from them. Now, if it isn't essential for that, then it would be limited to $4,500.

Mr. KENNEDY. We are not talking about taking the car from them. We are talking about disqualifying them for all of the funds over $4,500.

Mr. HATCH. They would not be disqualified.

Mr. KENNEDY. Excuse me, Senator. Excuse me, Senator. For money over the $4,500—up to $4,000—the value of the car and above that, it works to disqualify them from the coverage.

Mr. HATCH. If the car is necessary for daily use, if it is necessary for their job or if it is necessary for a medical purpose——

Mr. KENNEDY. What about personal property?

Mr. HATCH. For personal property, we have——

Mr. KENNEDY. I will go back. You yielded the time. I will go back. And I hope you have read your book because——

Mr. HATCH. I have read it. And you are misrepresenting what is in our bill.

Mr. KENNEDY. You included the assets test. And it is just as I identified it.

Mr. GRAMM. Will the Senator yield? Senator HATCH, will you yield?

Mr. HATCH. Let me——

Mr. GRAMM. Just 1 minute.

Mr. HATCH. One minute.

Mr. GRAMM. I am a little bit perplexed. Senator KENNEDY is going on and on about the assets test for Medicaid, when he helped write the bill.

I would say, Senator, if you are so unhappy about it, why did you write it that way?

Mr. KENNEDY. Senator, I am trying to get it out.

Mr. GRAMM. Hold it. I am on my 1 minute.

Mr. KENNEDY. OK.

Mr. GRAMM. We are not talking about Medicaid here. The Senator is talking about the assets test under Medicaid. I was not here when all that happened. It seems to me that it is an interesting point to make, but to suggest that has something to do with the Republican plan—it is a wonderful speech, and I am sure everybody enjoyed it, but it has little to do with the subject we are talking about. It has little to do with the Senator's plan. I am not for his plan, but I think to try to say that somehow it is responsible for the assets test in Medicaid just doesn't make any sense.

The PRESIDING OFFICER. The Senator has used 1 minute.

Mr. HATCH. Mr. President, it has everything to do with the Social Security Act, which none of us on the floor, except for Senator KENNEDY, I guess, had anything to do with.

Now, it is nice to moan and grown about these figures, but he is wrong.

Mr. KENNEDY. Will the Senator yield on my time?

Mr. HATCH. On your time, I am happy to.

Mr. KENNEDY. If the Senator would refer to page 71, line 14, and I would ask the Senator from Texas to refer to those as well: ''Meets the resource requirements described in 1905.'' That is the assets test, included in the prescription drug program which we will be voting on tomorrow.

Thankfully, we dropped that from the Graham proposal. It is in the Republican proposal, that provision, on page 71, lines 14 and 15.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I can see why some seniors would want a trillion-dollar program—no question about it—as long as they think it is free. But it isn't going to be free. Neither is their program going to be free. We have to face some realities around here. Ours is $370 billion. That is a lot of money. We do more with ours than they do with theirs in their alleged $600 billion price tag. The fact of the matter is, that 75 percent of everybody's prescription drug coverage will be covered by our bill.

I yield 10 minutes to the distinguished Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I thank the Senator. If I can get through sooner, I will.

First, I want to make sure everybody knows what bill I am talking about. I hear the word ''Republican.'' I am for a bill that has as cosponsors Senator BREAUX, who is a Democrat, Senator JEFFORDS, who is an Independent, and Senators SNOWE, HATCH, and GRASSLEY, who are Republicans. That is the bill I am for, and that is the bill I am going to be talking about.

I rise as a cosponsor of the bill that is being called the 21st Century Medicare Act, a bill which will provide our Nation's seniors with a much needed prescription benefit. I believe this bill is the best hope we have for enacting a prescription drug benefit into law this year.

If there are those who do not want a law, because they do not think they are going to get what they want this year, that is another story. Either of the other two might suffice, but it won't become law.

This bill has a chance because it is similar yet less funding than the House bill, similar in the way it is structured and the like. I believe it could get out of conference, and the seniors could have something that would be worthwhile.

It isn't the highest benefit, and certainly, if you are expressing a wish, you would like the highest benefit. But I would like to discuss with you the fact that the seniors of this country are somewhat worried about the young people who are going to be paying the bills for a long time. They are somewhat concerned about whether we can afford at this particular time the benefit that one party is talking about versus another.

If we pass the bill I am talking about, I believe it will reach agreement in conference with the House and we can send it to the President. Then finally, after years of talking, our seniors will get a prescription drug benefit they need.

The tripartisan bill provides a generous prescription drug benefit that will help all of our seniors with their drug costs. It does so in a responsible manner. In the budget resolution I put together with other Members of the Senate last year, the only budget resolution currently in effect in the Senate—in other words, that is the budget resolution that assumes we can afford the things that are enumerated in it, Senators GRASSLEY, SNOWE, GORDON SMITH, and others on that committee called the Committee of the Budget—set aside $300 billion over a 10-year period for Medicare modernization and a prescription drug benefit. This $300 billion was to cover the period from 2002 until 2011.

The tripartisan bill is estimated to cost about $370 billion over a 10-year period from 2003 to 2012.

We are debating a prescription drug amendment with costs based on the Congressional Budget Office current projections. Yet we are enforcing points of order from a budget resolution that is based on the Congressional Budget Office projections for last year.

Now, as we are all aware, the budget situation has changed dramatically over the past year. As a matter of fact, when we said it will be prudent and good for America to spend $300 billion, we were in the black. It was one of those years when we actually had money in the bank, were applying money to the debt, and it looked as if the American economy and our fiscal policy would be sound and strong.

As I stand here and speak, we have gone from that position to a debt in the budget of $165 billion. It will be there for anywhere from 3 to 5—maximum 8 or 9 years—if we do things right.

The attacks on our Nation, the war on terror, the economic slowdown have all resulted in a reduction of these surplus projections. Yet the Senate leadership has been unwilling or unable to produce a budget resolution for this year; that is, the Democrats will have us operate, including passing a Medicare Program, without a budget.

We don't know, with an official stamp of approval, what the budget is going to look like for the next 8 or 10 years, but here we are passing a Medicare Program that in one instance is two and a half times the amount we said was fiscally prudent for all Americans, not just the seniors, just 2 years ago when we were running a budget that was in the black.

An updated budget resolution could have an update on our spending estimates, and we would be debating these prescription drug amendments to the current Medicare Program in a more honest and transparent way.

Last year during the debate on the budget resolution, every Senator in this Chamber voted for funding of either $300 billion or $311 billion over 10 years. Those were the two chances to vote. They voted on them, every single one. They said, with a better American fiscal policy, they were more concerned about the future than they are now with a debt, and they all voted on between 300 and 311. The Democrat proposal, I believe, is up around $600 billion.

I don't believe, had we been voting on a budget instead of saying we don't need a budget, let's don't vote on one, had we been voting on one, the Senate would have put a budget before us on Medicare that would have been far less than $600 billion, if you are required to get a majority of the Senators as you would on a budget.

Here again, it has worked to the American people's disadvantage. By not having a budget resolution, we are probably going to overspend or we are going to kill the chance to get a Medicare prescription drug benefit package out of both Houses and before the President to sign.

From my standpoint, we can continue to argue and make like we are going to give the seniors the best program; that is, the most costly one, not the middle of the road one which we can really afford, and then we say, of course, the seniors want it. But if you presented to the seniors of America all the other problems we have in the next decade and asked them which they would want—do you want to say the one just for us or do you want to say one that would be good for everybody, I believe the triparty one before us will be good for everyone. But most importantly, from the practical, not political standpoint, you will get a prescription drug benefit program this year, effective next year, under the plan that is before you that is called triparty. You won't, if you proceed with the idea that the Democrats have the best plan and the bipartisan, triparty one should not be considered because it doesn't provide as much money.

I believe the seniors of this country want a plan that will pass, that can become law now. I believe they want one that is good for America, not just good for them. I believe they want one that is fiscally sound.

We are all worried about the American economy. The man who knows most about it says the one thing we ought to be frightened about is spending too much money while we are in this rather fragile situation. Yet we are here arguing that the plan we ought to vote on is the one that spends the most money. It seems to me that the House will stand in the way of that program. The President won't have to pass on it, and we will get nothing. We will have a vote. Those who are for the Democratic plan can go home and say: We voted for the most expensive one, the one we think will give the seniors the most. Whether it ever becomes law or not, we voted for it. We will put that up on a television screen. We voted for it.

Somebody is going to be asking: What happened to the law? Well, it never passed. Why didn't it pass? Because the House wouldn't approve it, because many Republicans and some Democrats wouldn't approve it. You got nothing.

That is what I think the end product is going to be—nothing. We ought to sit down and think about which plan would be adequate and which plan might, in fact, become law this coming year for the seniors.

Mr. HATCH. Mr. President, I yield 10 minutes to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I thank the Senator for yielding.

I remind my colleagues that the best chance we have had to give prescription drug benefits to seniors occurred on March 16, 1999. We had a Bipartisan Commission on Medicare. JOHN BREAUX was the chairman of that Commission. We had set the Commission up by law. The leadership in the House and the Senate appointed members, and President Clinton appointed members. We met that day to vote on a plan that would have reformed Medicare.

One of the incentives to induce people to move out of the current Medicare system, where there are no incentives to contain cost, where Medicare pays for a walker three times as much as the Veterans Administration pays—not an agency especially noted for its efficiency, was to give them prescription drugs.

When the roll was called, the four Clinton appointees—Altman, Tyson, Vladeck, and Watson—all voted no. And while we had a majority, 10 of 17, to make an official recommendation, we had to have 11. On that day, March 16, our chance of modernizing Medicare and providing prescription drugs died on a straight vote, where every Clinton appointee voted no.

Then we started a process of bidding. I really believe much of this is more about the next election than it is about Medicare and the next generation. I want to remind people of this bidding. I say to Senator HATCH that the bill he supports would have outbid the Democrats last year, but it will not outbid them this year.

In 1999, Bill Clinton said that if you gave him $168 billion, he would provide a Medicare prescription drug program second to none. Then, in the year 2000, Senator Robb's bill bid that up to $242 billion, and last year, the Baucus amendment to the budget called for $311 billion. I have quotes that go on for 4 pages, where every member of the Democrat leadership says: If you will give us $311 billion, we can provide a fine prescription drug benefit. Now, this year, they are saying that $370 billion—which we do not have—will not do it and that what is being offered by this tripartisan group is chintzy, when, in fact, it provides more money than the Democrats were asking for last year.

This year, the Democrat's budget proposal provided $500 billion, and the Graham-Kennedy plan—which doesn't start until 2004 and ends 7 years later to try to hold down costs—costs up to $600 million. If you funded it for the whole 10 years, it would almost certainly cost a trillion dollars.

How did this cost explode? Well, it exploded because each year the two political parties bid against each other for votes, and the Democrats are never outbid. As Senator KENNEDY said, groups are for his plan because whatever it takes to get them to be for it is what he is going to offer. The current offer, on a 10-year basis, is really about a trillion dollars. There is only one problem: We don't have any money.

Let me say this about the plan that has been offered by the Democrats. Let me make it clear that this is Graham from Florida, not Gramm from Texas. Currently, we are spending about 2 percent of gross domestic product on Medicare. Because we have not reformed and modernized Medicare and because its costs are exploding, by 2030 that number is going to be 4 percent. Under current law, we will have to double the payroll tax, from 15 percent of income to 30 percent of income in 2030, to pay for Medicare and Social Security.

The Graham-Kennedy plan, which Senator KENNEDY was talking about, would raise that to 6 percent of gross domestic product and raise that payroll tax to a figure approaching 45 cents out of every dollar earned by every working American making a moderate income level. Does anybody really believe that people can pay those taxes? I don't think so. But when Senator KENNEDY is touting endorsements, those are not endorsements from people who are going to be paying for the program; they are from organized groups that claim to represent people who are going to be benefitting from the program.

The Kennedy bill, when you have it for 10 years, is a trillion dollars. We don't have a penny, much less a trillion dollars, in terms of funding this new benefit. We are going to have to double the payroll tax to pay for the program we have right now. The tripartisan plan is superior to that program because the Kennedy plan relies on the same inefficient Medicare Program run by a bureaucracy that tries to hold down cost with Government regulation. At least the tripartisan plan tries to bring in competition and efficiency.

The problem is, when you fill up this so-called donut in the tripartisan plan—where the government provides a

benefit up to a point, and then there is a gap where you pay $1,850 alone, before you get the Government benefit again. When you fill all that up, the tripartisan bill costs somewhere between $700 billion and $800 billion over a 10-year period. I think, in the end, that is unaffordable.

I am supporting the Hagel-Ensign bill for two reasons: One, we can afford it. It is within the budget we have, which is $300 billion. It is the only plan that is going to be offered where a budget point of order cannot be raised against it because it spends too much money. On the other two plans, a budget point of order can and will be raised.

There is another point of order because it didn't come through the Finance Committee, but that was a decision made by the Democrat leadership to not bring it through the Finance Committee.

The second advantage of the Hagel-Ensign plan is it is efficient. It helps the people who need the help most; that is, people with moderate incomes and very high drug bills. What the Hagel-Ensign bill basically says is, after you spend roughly $100 a month, and you have a moderate income, you are going to get Government help in buying your pharmaceuticals, and you are going to then pay only a very nominal copayment. That is help that people can understand. It doesn't start in 2005; it starts sooner in 2004 and doesn't end in 2012, it goes on forever.

As your income goes up and you are able to pay more for pharmaceuticals, the amount you have to spend before you get Government assistance goes up. That is a perfectly rational policy because what is a crisis to one family is not a crisis to another.

Finally, immediately, under the Hagel-Ensign plan, you have a choice among companies with which you will contract that will go out and try to buy your pharmaceuticals at the lowest possible cost. Estimates have been made by outside groups that this, by itself, could cut prescription drug costs by as much as 40 percent.

So under the Hagel-Ensign plan, you have a plan that, A, is within budget, costing less than $300 billion; and B, gives a lot of help to low or moderate income people who have high drug bills. If you have higher income and low drug bills, you don't get any help.

Senator KENNEDY would say: But it doesn't help all Americans. That is true, it doesn't; it doesn't help all Americans. It will not help Gates or Perot, but they don't need help. It will help people with moderate incomes and very high drug bills, and those are the people we need to help.

Is the Chair telling me my time is up?

The PRESIDING OFFICER (Mr. KENNEDY). Regrettably.

Mr. GRAMM. We are going to be in session next year, and we can build on this beginning. I urge my colleagues, if the Kennedy bill does not get the budget point of order waived, and if the tripartisan bill doesn't get the budget point of order waived, please look at the Hagel-Ensign bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I rise in support of the Graham-Miller legislation that is on the floor today. I note that Senator DASCHLE deserves great credit. For years, many of us have been trying to bring a prescription drug bill to the floor of the Senate, and we have been blocked. We would be blocked year after year if Senator DASCHLE had not become majority leader in the Senate this past year. We have an opportunity for a bipartisan debate and hopefully the successful passage of legislation will at last break the blockade that has been imposed against us for so long relative to providing prescription drugs under Medicare.

I believe the contrast is absolutely stark between what we have an opportunity to pass in the Graham-Miller legislation versus what our friends on the Republican side have been proposing as an alternative.

I think it profoundly says a great deal when we find out who are the supporters of the legislation on our side versus who supports the legislation of the other side of the aisle.

We are talking about an expansion of Medicare. We are not talking on our side about some form of privatization of the Medicare Program, some form of taxpayer subsidy to the insurance industry in the hopes that somehow the insurance industry will come up with stand-alone prescription drug policies which they will then offer and somehow people will find ways, then, to buy those policies.

We are talking about an actual strengthening of the Medicare system, an effort that is supported by AARP, by the National Committee for the Preservation of Social Security and Medicare, and by Families USA. Senior citizen groups across the board are in support of our legislation.

Who supports the alternative? The pharmaceutical industry. What does that tell you? What does that tell you about price control? What does that tell you about who is going to benefit by these alternative pieces of legislation?

On our side, we are talking about a Medicare prescription drug coverage with a defined benefit. Every American of Medicare eligibility age will know precisely what the premium is in a voluntary program. If they choose to undertake this program—they certainly do not have to, but if they choose to take this program, they will know precisely what the premium is, they will know precisely what the benefit is, they will know precisely how the program works, and it will not depend on whether they live in Sioux Falls, SD, or Los Angeles or New York or anywhere else.

Every American will have the same program, and it will not be dependent upon whether the insurance industry happened to decide to come into their State or into their community. In my home State of South Dakota, the insurance companies increasingly are leaving the State and leaving people in very rural areas with too few options. That is not where we want to be with prescription drugs.

Every American deserves to have a strong Medicare Program, and I know there are those on the other side who have ideological qualms. They do not like the idea of more Government, so they would rather privatize Medicare and rather go in the direction of taxpayer subsidies to the insurance industry to the applause of the pharmaceutical industry but not to the applause of American seniors who want a stronger Medicare Program as the underlying basis for prescription drug coverage.

We talk about whether this would contain prescription drug costs. In our underlying bill, we have the generic incentives and promotion which will be enormously helpful. We have also passed by a large margin a very closely monitored and controlled reimportation provision. Also within the underlying Graham-Miller bill under Medicare, there would be opportunities to negotiate and use the leverage of that huge population base for negotiated prices, keeping in mind that the citizens of no other industrialized nation pay anything close to what American citizens pay for the cost of prescription drugs.

If you go to Canada, Mexico, Britain, France, Scandinavia, or Germany, it does not matter, you pay less than half what American citizens are expected to pay.

It is long overdue that we have a component in this prescription drug bill that not only affords every Medicare-eligible individual a cost-effective, efficient way of gaining prescription drugs, but it holds those costs down and that, in fact, is why the pharmaceutical industry has objected so much to what we are trying to do and is so supportive of what the other side is trying to do because they know that the effective way of cutting costs, which indeed comes from massive profiteering that has been going on in recent years, will take place in our version. It will not take place in the version coming from the other side.

It always stuns me somewhat, I have to say, that those who talk about the cost of these programs and who preach the loudest about fiscal responsibility when it comes time to figure out how we can best serve the Medicare-eligible citizens of our nation in the most effective and efficient way, do not seem to be bothered when it comes time to propose follow-on tax cuts, primarily for the billionaires of this society, to cost in excess of what we are talking about for a Medicare drug coverage program.

It seems to me we have some priorities we need to sort out in this institution. We need to talk about how to effectively make sure that every senior gets the drugs they need.

I talk to many, far too many, people as I go across my State of South Dakota—one of the lowest per capita income States in the America—who literally are choosing between groceries and prescription drugs. They are cutting pills in half and not renewing their prescriptions, and then they show up in emergency rooms with an acute illness and the taxpayer picks up the cost.

How much better for the long-term cost, how much better for the dignity of these people to keep them healthy in the first place with a prescription drug regime that they and their physician have chosen which can be secured through Medicare and not at the whim of the insurance industry and not to the applause of the pharmaceutical industry but to the applause of the senior citizens organizations. How much better would it be to follow that road in terms of the reforms we need to be doing this week.

I know this is going to be a difficult debate because of the parliamentary rules that may require 60 votes to pass legislation. I do not know if we have the 60 votes or not. It is certainly my hope that we will because the problems this Nation faces, the problems that my senior citizens in South Dakota face are not Republican or Democrat problems. They transcend that. They are the problems of our entire society in my State and across this Nation. They deserve to be dealt with aggressively and effectively, and we have that opportunity with the Graham-Miller legislation and the underlying generic legislation before the Senate today.

Mr. President, there will be few more important votes in terms of domestic policy that this Senate will take anytime during the 107th Congress. It is my hope that politics can be laid aside, that ideological qualms about opposition to Medicare and Social Security that some have can be set aside, and recognize that Medicare is, indeed, the commonsense vehicle for trying to address cost containment and access to prescription drugs in a uniform, consistent way across this Nation; that opposition can be set aside, and we will, in fact, have the bipartisan support this legislation deserves to have and that at long last the gridlock, the obstructionism that has gone on for so many years can be broken and we can go home to our respective States at the conclusion of this debate knowing that we have done the right thing; we have done the good thing.

I have always believed the best politics is good government; that is, doing the right thing for people. If this body supports this underlying legislation, it will be a cause of great celebration. Everyone can get whatever credit they choose to have, but it will be the right thing for America and the right thing for our seniors.

I thank the Chair.

The PRESIDING OFFICER. Who yields time? The Senator from Utah.

Mr. HATCH. Mr. President, I have been listening to the comments of the distinguished Senator from Massachusetts earlier and the distinguished Senator from South Dakota. I mentioned in the early debate, on the first day of debating these matters, the book ''The System,'' written by Haynes Johnson and David S. Broder. It is a failure of the Clinton health care program in part.

It is very interesting what they say in this book. Neither Haynes Johnson nor David Broder would be considered leading conservative spokespeople.

The PRESIDING OFFICER. Is the Senator yielding himself time?

Mr. HATCH. Yes, I am.

The PRESIDING OFFICER. Such time as he may consume?

Mr. HATCH. I am.

Neither of them would be considered conservative journalists. This is what they wrote on page 90 of ''The System,'' which was published in 1996:

> In the campaign period, Fried recalled, Clinton's political advisers focused mainly on the message that for ''the plain folks, it's greed—greedy hospitals, greedy doctors, greedy insurance companies. It was an us-versus-them issue, which Clinton was extremely good at exploiting.''
>
> Clinton's political consultants, Carville, Begala, Grunwald, Greenberg, all thought ''there had to be villains.'' Anne Wexler remembered, ''It was a very alarming prospect for those of us looking long term at how to deal with this issue. But at that point, the insurance companies and the pharmaceutical companies became the enemy.

That is what is being done here today.

The main difference between the two programs is that ours lives within at least some budget constraints. It is more than what the Democrats would have taken last year, $311 billion. This is $370 billion. No. 2, we provide some element of private sector competition so there will be competition in this matter. That is driving costs down. No. 3, we provide there will be a system that will work because one can have more than one program instead of a one-size-fits-all program. No. 4, we are not going to get to price controls by the Federal Government, which would destabilize research and development of pharmaceuticals in this country. To hear some people on the other side, it is the big bad pharmaceutical companies that are causing these problems.

Actually, I think if we look at our system, both the generic and the pioneer companies, the research companies, we have a pretty great system that is producing the greatest therapeutic drugs in the world today. The reason we do is that we do not have price controls.

Where is the pharmaceutical system in Canada? Where is it in many other parts of the world where they have price controls? They do not have it. We do. We have the greatest system in the world.

I think Haynes Johnson and David Broder are right on: ''When you cannot win the debate, start knocking the big companies; speak for ''the little people,'' as they have said. And this has been the tenor of this debate so far.

I frankly think we ought to talk about living within the budget, doing the best we can, having a system that works, that has some element of competition in it, that does not set price controls over drugs so that it ruins our domestic companies and research and development plans, so we can ultimately get drugs into generic form so that we can save money. That is what is really involved.

I yield such time as she may consume to the distinguished Senator from Maine, Ms. SNOWE.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. How much time is remaining, Mr. President, on our side?

The PRESIDING OFFICER. Twenty-two and a half minutes.

Ms. SNOWE. Mr. President, first, I express my appreciation to the Senator from Utah, who has done a yeoman's effort on behalf of this legislation, working in this past year to develop what has been known as the tripartisan legislation to develop a prescription drug benefit program.

I am pleased we are able to finally begin the debate on this most critical issue. It is obviously a significant issue to seniors. I hope everybody understands that we, in attempts to draft this tripartisan legislation, had hoped to avoid developing a polarizing and politicizing of this issue before the Senate. I regret that the regular process of the committee has been bypassed because I think in so doing there was an obvious attempt to try to avoid building the consensus that is essential to passing this kind of legislation.

Obviously, through the disruption of this process, we are here today, and I hope this process does not give anybody the excuse or the rationale to vote against a prescription drug bill because I think in the final analysis each of us will be accountable for our failure to do so in this institution.

We have a chance—just maybe this is our year—to pass a Medicare prescription drug benefit after all. There is only one plan thus far that has bipartisan and tripartisan support. Senator BREAUX, Senator JEFFORDS, Senator GRASSLEY, Senator HATCH, members of the Finance Committee, and I began this effort more than a year ago in an attempt to draft a compromise proposal that bridges the differences between two sides in this debate, hoping to avoid the kind of scenario that has now unfolded on the floor. That is why we undertook this effort to craft this tripartisan solution, when partisan differences threaten to undermine any possibility of enacting a prescription drug benefit. We believed then, as we do now, that as seniors cannot afford to put off their illnesses, we cannot put off a solution to this problem. So we

crossed the political divide to develop an innovative program that could become the basis for action.

As I said, we had hoped we could start that process within the committee that could give us the best hope for developing and forging a consensus on this issue. We worked closely with the Congressional Budget Office for forecasting an accurate estimate of the cost of our legislation, working hand in hand with them up until the final days in introducing this legislation, to ensure that we had a stable, efficient, competitive program that would provide choices to the seniors in this country and at the same time give them the maximum benefits under any kind of prescription drug benefit that we could include as part of the Medicare Program.

I have personally been working on this issue for the last 4 or 5 years, imploring Members of this Senate to pass a prescription drug benefit. It has been 4 long years. We have made some progress certainly in terms of estimating the cost and providing the type of appropriations that would be essential to supporting a generous prescription drug benefit.

In 1999, as a member of the Senate Budget Committee, I worked with Senator DOMENICI, Senator WYDEN, and Senator SMITH of Oregon to include a reserve fund. At that time, then-President Clinton provided $28 billion in his budget. We went further and provided $40 billion to set aside for a prescription drug benefit over 5 years. Then we decided last year we would go to $300 billion because the prescription drug costs go up each and every year, as we well know. So on both sides of the political aisle, there was agreement again and the Budget Committee set aside $300 billion for a reserve fund. It was also acknowledged time and again in floor debate that $300 billion was where we needed to be to provide strong coverage for seniors in Medicare for a prescription drug benefit.

So now we are at the stage of $370 billion, the tripartisan proposal, and approximately $600 billion in the proposal offered by Senator GRAHAM from Florida.

Everybody recognizes we need to enact a prescription drug program as part of Medicare. It is long overdue. Frankly, I do not think there is any difficulty in developing the policy, if there is the political will to do it. That is the big question—whether we have the desire to enact this kind of coverage for seniors in this country.

We have two competing plans. I hope we can avoid a process that is designed to create a political showdown. I hope we are not going to go down that path this week, irrespective of the fact we have two votes tomorrow, one on each plan. Is that where it is going to end or is that where it is going to begin?

I hope this is not about this election. I hope it is for the determination to do what we ought to do, and that is to design a program for prescription drug benefit coverage. It will not happen without bipartisanship and tripartisanship. That is what we did through the legislation we introduced and have been working on for more than a year.

I would rather not spend my time talking about process. The process becomes important when we bypass the conventional means of consideration: Draft and amend legislation in order to create a consensus on a bill before it reaches the floor; at least it attempts to do what was done on the tax bill last year. No one could have predicted what the outcome would be in the committee, let alone on the floor, but it was through the amendment process, through debate and deliberation that we finally reached a consensus that yielded the 62–38 vote.

We are in danger of not completing prescription drugs because of the process of cloaking political motives. We are looking at the procedural gymnastics that have occurred in this legislation. We could almost write the headlines: The Senate fails to muster 60 votes for a prescription drug plan; issue put off for another year.

Is that what Members want? I do not want the Senate described in those terms. I do not want this issue put off another year. We have been putting it off year after year after year. I want to make headway, not headlines. That is why it is important people understand what is going on. I am the last person who wants to talk about inside the beltway gobbledygook, about the process. I am interested in talking about the truth and what deserves our attention in terms of policy differences, not designing the next political stroke.

It is a disservice to the more than 40 million Medicare beneficiaries that see their prescription drug costs rise every year to the tune of 17 and 18 percent in annual costs just over the last 4 years. That is why we try to work on developing a middle ground approach and analyzing what could be the best plan, under the circumstances, to maximize the benefit, particularly those in the low-income scale, from all ranges of the political spectrum that could offer a comprehensive drug benefit that is affordable, comprehensive and available to all seniors, that provides the most in terms of benefits to low-income seniors and those especially without drug coverage.

It must be a fully funded, permanent part of Medicare that does not threaten the stability or the solvency of the Medicare Program for future generations. We offer in our plan the lowest premium of any plan introduced, $24 a month. It provides a 75 percent Federal subsidy. That is more than Federal employees have under their current health care coverage. That yields $340 billion in Federal support over the next 10 years.

People suggest the private sector will not be engaged in this process when the Federal Government provides an overall 75 percent Federal subsidy.

Seniors above 150 percent will see an annual savings on their prescription drugs of more than $1,600, which is a 53 percent savings. Those below 135 percent will see 98 percent savings on their prescription drugs. Ninety-nine percent of Medicare beneficiaries will be covered under our program; 93 percent estimated by CBO will participate in this program, and 6 percent will remain with their current coverage. That is extraordinary. Eighty percent will not even hit our benefit limit of $3,450.

We eliminate the so-called doughnut, the gap in coverage between the $3,450 benefit limit and catastrophic coverage of $3,700; 11.7 million beneficiaries with incomes below 150 percent are exempt from the benefit limit of $3,450. There are 10 million Medicare beneficiaries with incomes under 135 percent who will see 80 to 98 percent of prescription drug costs covered by this plan with no monthly premium, no deductible, and have average coinsurance of $1 to $2 per prescription and will have no cost beyond the catastrophic level. All other enrollees above 150 percent of the income level will have access to discounted prescription drugs after reaching the $3,450 benefit limit.

Everybody under Medicare will be protected against catastrophic costs. The drug benefit will be offered by the private drug plans. They accept part of the risk for managing this prescription drug program with the Federal Government accepting most of the risk. Seniors will have clout. They can vote with their feet. If they do not like the plan, they can select another plan. We believe, and CBO agrees, that the real competition will hold down drug costs and make this benefit more affordable for seniors and taxpayers.

Creating a new prescription drug benefit is absolutely essential to be part of our Medicare Program. AARP said in their testimony before the Senate Finance Committee, we need to have a dependable drug plan. That is exactly what we are providing. It is permanent and it is fully funded. That is a big difference from a plan that is sunsetted. I do not know how you explain to seniors in this country that the good news is you will have a prescription drug program starting in 2005, but the bad news is it expires in 2010. That is exactly the scenario established by the Graham-Daschle-Kennedy bill, which simply rides off into the sunset. It certainly will not be a happy new year on December 31, 2010 for any senior citizen who uses prescription drug coverage to learn their benefit has disappeared over the horizon—it is gone.

Is that the kind of stability, certainty, and predictability we want to give our seniors when it comes to one of the most vital benefits we could provide and need to provide?

You might wonder why it sunsets under the Graham legislation in 2010. That is a very good question. The answer is because they ran out of money. They knew if they continued, the sticker shock of their plan and the impact of their program, already facing

serious financial concerns, would cause more than a few to raise strenuous objections because of the ultimate impact it could have on the solvency of the Medicare Program.

Seniors have said they have two major priorities. One, they want to make sure the program is universal; two, it has the lowest monthly premium and at the same time it does not affect the financial stability of the future for Medicare.

That is a question about the choice we have tomorrow. Are we serious about providing a prescription drug benefit to seniors that will be sunsetted in 2010? That is a significant question that each Member must address in casting his or her vote in the Senate with the two competing plans. The plan we have offered was consistent with the priorities of seniors in this country, indeed the priorities of AARP, the major representative of seniors in America, that they wanted a dependable prescription drug benefit as part of Medicare. We offer it. It is fully funded, and it is part of Medicare in perpetuity.

There are other problems we have to address when we are looking at the Graham proposal. One is the issue of the nonpreferred drugs. In the original plan that was offered by Senator GRAHAM, there were the preferred drugs and the nonpreferred drugs. In fact, the copayments are lower under our plan. For the top 50 preferred drugs, we have lower copays under 39.

To put it the other way around the Graham proposal is higher on all but 11 of the top 50 preferred drugs—higher in copayments.

In the original Graham plan, there were the nonpreferred drugs. Again, we were lower in copayments in all categories except 1 out of the top 50.

Now, under the newly revised plan, none of the nonpreferred drugs is even covered—none, not one.

You might ask, what does that mean? That means it won't be available for seniors. That means, by virtue of the fact that the nonpreferred drugs are not covered under the Graham-Daschle-Kennedy plan, they are not going to be available to seniors. They will not have choices in the types of plans that include both the preferred and the nonpreferred. It means if your doctor prescribes a different brand prescription and it is not on the preferred list, you are out of luck because under Senator GRAHAM's proposal they will cover generics and only two brand names in every therapeutic category.

So here are a few examples of how the Government's strict limits on drug coverage under the Graham-Daschle-Kennedy plan would interfere with the drugs your doctor prescribes. The examples are taken from drug classes in the ''Physicians Desk Reference'' explicitly described in the bill as a model for determining the therapeutic classes in which only one or, at most, two drugs will be covered.

Let's take high cholesterol as an example. If you take Advicor, Baycol, Colestid, Lipitor, Mevacor, Pravachol, Tricor, WelChol, Zocor, or other drugs to lower cholesterol, and the Government plan says Lescol, you get no coverage at all. And even if you take Lescol XL, the more convenient extended-release form, then you get no coverage at all.

What about treatment for arthritis? Well, if you take Bextra, Cataflam, Celebrex, Clinoril, Feldene, Lodine, Lodine XL, Relafen, Tolectin, Tolectin SR, Trilisate, Vioxx, Voltaren, or Voltaren-SR for your arthritis, and the Government plan covers prescription-strength Advil, then you get no coverage at all, none.

You have high blood pressure? Well, if you take Accupril, Adalat, Aldoclor, Aldomet, Altace, Captopril, Cardizem, Cardura, Catapres, Corzide, Cozaar, Diovan, Diuril, Hyzaar, Lotensin, Maxzide, Minipress, Norvasc, Procardia, Tenormin, Toprol-XL, Univasc, Vasotec, Zebeta, Zestril, or any of dozens of other effective medications for high blood pressure that work best for you, and the Government plan covers Accuretic, then you get no coverage at all.

So it is far more restrictive than what the private sector offers today. Most private sector plans and the Federal employees plan would never consider being so restrictive as to provide no coverage at all for nonpreferred or off-formulary drugs. Moreover, to restrict covered drugs to no more than two in each class of drugs—generally these plans do the opposite, by providing some coverage for off-formulary drugs through tiered copays or off-formulary incentives.

What happens if I really need it? What happens if the doctor thinks that is the only option, the only drug that is going to be best for your treatment? It would require an explicit review and approval from the Secretary of Health and Human Services, right here in the plan that is offered by Senator GRAHAM, in order for the Government plan to offer a lower copayment or to provide coverage on additional drugs. Beyond these strict limits, the Secretary must determine that it will not result in an increase in expenditures by the Government.

Since when do we essentially decide we would rather have the Secretary of Health and Human Services writing prescriptions for American seniors? But that is what this comes down to.

Mr. HATCH. Will the Senator yield on that point?

Ms. SNOWE. I am delighted to yield to the Senator from Utah.

Mr. HATCH. Is the Senator saying that they claim for $600 billion, even in a bill that is sunsetted so they can keep the cost that low, that all of those drugs indicated on your chart in red letters ''not covered'' are drugs they do not cover?

Ms. SNOWE. That is correct.

Mr. HATCH. Yet in this $370 billion program that we have devised, all of those in yellow are covered?

Ms. SNOWE. That is correct. In fact, in our copays, on those that are covered, the top 50, we are lower or, the converse, in Senator GRAHAM's legislation their copays will be higher in 39 out of the 50 categories in terms of copayments. Then in the nonpreferred drugs, they are not even covered, and they are covered under our legislation because plans will be designed to include choices.

Mr. HATCH. I take it they are spending $600 billion or more—almost double what we spend—and not getting nearly the delivery of the drug as in the system we would give to the seniors. It seems to me it is pretty tough to be for the $600 billion program under those circumstances.

Ms. SNOWE. I would say to the Senator, that is correct. Obviously, the Government is going to make the determinations in terms of the types of drugs to be used, but the legislation already starts off in a very restrictive fashion. As a result, it will deny seniors their choices—not to mention that the whole program sunsets in 2010.

The PRESIDING OFFICER. The time of the Senator has expired.

Ms. SNOWE. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I want to take a moment this afternoon to share a part of a letter I received from an 84-year-old gentleman in my home State of Washington. He writes to me:

> My income is limited to Social Security and a small amount of interest generated from the proceeds of the sale of my home. That doesn't leave much for anything but the basics. The highest of my monthly bills is for prescription drugs, the cost of which has skyrocketed for the past few years. Because Medicare provides nothing towards the exorbitant cost of these drugs—which are mostly for my heart—I pay upwards of $250 a month out of pocket.
>
> If Congress does nothing else this coming session, please let it be relief from the expense of the drugs I have to take to survive.

That is why I rise today in support of Medicare prescription drug benefits. This is an issue that Congress has talked about for years. It is a major challenge for seniors and the disabled every time they have to fill a prescription. And everyone agrees that we need to do something about it.

We have a bill that will address this problem in a responsible way, and I am in the Chamber today to help move it forward. I am very proud to be a cosponsor of the Graham-Miller-Kennedy bill, the Medicare Outpatient Prescription Drug Act of 2002.

This is not a new issue for me or for the people of my home State of Washington. Over the years, I have held many roundtable discussions in my home State where I have listened to doctors, seniors, the disabled, industry leaders, and health care providers. Like many people in my State, I am frustrated that it has taken us this long to finally reach this point in this critical debate.

Unfortunately, as we all know, the attacks of September 11 and the problems in our economy have delayed this critical discussion until now. During my time in the Senate, I have been very proud to work on prescription drug coverage, from helping to draft the MEND Act in the 106th Congress to working on the Budget Committee over the past 3 years to provide funding for prescription drugs.

In this Congress, I have been very proud to work with my Democratic colleagues to help ensure that the Graham-Miller-Kennedy bill meets our priorities of providing an affordable, voluntary, comprehensive, reliable benefit that is part of Medicare.

Health care has changed dramatically since Medicare was created, and it is time we update the Medicare Program to meet today's needs.

Decades ago, there was no big prescription drug issue. Back then, it was because prescription drugs played much less of a role in our health care. Today, prescription drugs are a key part of our health care. They help to prevent disease, and they help patients live longer.

As a result of these changes in health care, seniors now rely on prescription drugs more than ever. The average Medicare beneficiary fills 19 to 24 prescriptions each year.

Clearly, prescription drugs are more effective—and coverage is more needed—than ever before.

Unfortunately, it is getting more expensive—and more difficult—for seniors to get the medicine they need. Some seniors have drug coverage through their employers, but that number is shrinking. As costs rise, employers are cutting back on coverage.

In 1994, 40 percent of firms offered health benefits to their retirees. But by 2001, only 23 percent offered health benefits to their retirees.

Of those on Medicare, 38 percent have no drug coverage throughout the year. And even those seniors who are lucky enough to have coverage have seen increased premiums, deductibles, co-pays and greater restrictions. For those on Medicare, out-of-pocket payments for prescriptions—in just a two-year period from 2000–2002—have grown from an average of $813 to more than $1,000.

The lack of coverage—and the growing costs—are impacting health care today. Right now, an estimated 10–13 million seniors not have any prescription drug coverage.

To meet this need it has become critical that we update the program that seniors and the disabled rely on for their medical care. Updating Medicare is something we need to do very carefully. Back in 1997—when I first joined the Senate's HELP Committee—we faced the challenge of reforming and revitalizing the Food and Drug Administration's drug and device approval process. There were several competing demands we had to balance. On one hand, patients want new drugs and devices approved and available as soon as possible. On the other hand, the FDA has a responsibility to protect the public's health. We had to balance those two competing demands. And I am pleased that in the end—after months of debate—we passed a good bill that struck the right balance.

I mention that example to remind us that there are several competing demands when it comes to prescription drugs for seniors.

The first consideration is affordability. We can have the best prescription drugs in the world, but if seniors can't afford them, they are of little use. So affordability is key. But price is not the only consideration.

A second concern is safety and effectiveness.

We have worked hard over the years to make sure that our drug supply is safe. It is one of the FDA's most important responsibilities. I am proud of the way generic drugs have lowered the cost and improved access for so many Americans. But I also recognize that, if the drug isn't safe, or if it's not the medicine a patient needs, the cost savings are meaningless.

Another concern is innovation. Here in the United States, we have access to the most innovative, cutting-edge medicines. We don't want artificial limits on drug distribution that would delay innovations.

Finally, I believe that a prescription drug benefit must be a seamless part of Medicare. Just like care from a doctor or a hospital visit, prescription drugs are one of the key ways we provide health care today, and it should be treated like that under Medicare.

With all those considerations in mind, I am proud to support the Graham-Miller-Kennedy bill. It is the only plan that strikes the right balance. It is the only plan that delivers on the promise of a real prescription drug benefit for everyone on Medicare. It provides a comprehensive, affordable, and reliable prescription drug benefit. It provides coverage for every prescription without any deductible or coverage gap. It offers predictable, affordable co-payments, and it protects seniors from catastrophic expenses.

Second, it's affordable. It has a fixed monthly premium of just $25. It covers all drug expenses after a senior has spent $4,000 in out-of-pocket expenses. And because there is no deductible, it will help seniors with their very first prescription.

I am also proud that this bill goes to great lengths to help those with low incomes. For example, there is no premium or cost-sharing for beneficiaries with incomes below 135 percent of poverty. For those between 135–150 percent of poverty, there are reduced premiums. That will make a difference for the 168,000 Washington seniors who are below 150 percent of poverty.

Finally, this drug benefit is reliable. It will give seniors the security that comes from knowing that they can get the medicine they need. Seniors will know they are getting the same coverage—for the same price—no matter how sick they are, and no matter where they live.

The Graham-Miller-Kennedy bill is comprehensive, affordable and reliable. The other bills would leave a lot of Washington State seniors behind. Low-income seniors would in fact do far worse under the House and Senate Republican bills.

The Senate Republican bill has a $250 deductible. Our bill has no deductible. Under the Senate Republican bill, there is a big ''benefit hole'' for seniors who spend—out of their own pocket—between $3,451 to $5,300 on prescription drugs.

In Washington State, 212,000 people will fall into that benefit hole—paying premiums and high drug costs—without receiving any benefits. Under the House Republican plan, that benefit hole affects even more people—340,000 in Washington state alone.

There are many other problems with the House and Senate Republican bills—from the very limited stop-loss to the asset tests. And both these plans rely on private insurance companies to provide the benefit. If private insurance companies are not willing to participate, there is no coverage.

Those of us in Washington state have seen the private insurance market shrink in recent years, so that does not give us a lot of confidence in trusting the private sector to solve the problem.

Before I close, I want to mention that we have other parts of Medicare we need to fix. Over the past few months, I have worked with a number of my colleagues to address the regional inequities in Medicare. Even though all seniors pay the same rate into the Medicare system, their access to health care depends on where they live. If they live in Washington state, they have fare less access to healthcare. That is because Washington state ranks 42nd in the Nation in Medicare reimbursements per beneficiary. I have been working with leaders in my state on the issue, and I'm continuing to raise the ideas and the MediFair proposal with my colleagues here in the Senate.

I am proud that the Graham-Miller-Kennedy bill does not base benefits on the same flawed formula that has created regional inequities in Medicare reimbursements. I hope we can move forward on both issues—addressing the fairness sin Medicare payments and providing prescription drugs.

Today, we have the opportunity to help the more than 700,000 people in Washington state whoa re enrolled in Medicare. We know that prescription drugs are more effective—and more important for good health care—than ever before. But seniors don't have access to them because of rising costs and shrinking coverage.

The Graham-Miller-Kennedy bill will provide a prescription drug benefit that's part of Medicare and that is comprehensive, affordable and reliable. I urge my colleagues to help us pass this critical legislation.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise this afternoon to join my colleagues and the growing chorus requesting that the Senate move expeditiously to pass a universal, voluntary, and affordable prescription benefit plan under Medicare.

I am a proud cosponsor of the Graham-Miller-Kennedy proposal, which I think is the right approach to provide a voluntary, universal, and affordable prescription drug benefit for our seniors.

In 1964, Congress took the bold step to enact a health insurance program that guaranteed coverage for all seniors and disabled persons in the country. That boldness has been justified over the last decade because it has improved materially the health of seniors, and, indeed, this development has improved their economic standing as well. But it is time for their Congress to bring that Medicare Program into the 21st century.

Back in 1964, the key elements of health care for seniors and for all Americans was access to hospitals and access to doctors. Medicare provided for both.

Today, there is a third critical element. That element is pharmaceutical benefits. Thus, we must bring the Medicare Program that has served us so well over these last several decades into this new century by providing a prescription drug benefit for our seniors.

Today, Medicare beneficiaries account for 14 percent of the population, but they account for 43 percent of the Nation's spending on prescription drugs.

You can see that the population most affected by the use of pharmaceuticals and the rising costs of pharmaceuticals is seniors. Another reason why we have to move quickly and expeditiously to provide assistance under the Medicare Program.

Today, the Medicare Program covers approximately 39 million Americans, about 170,000 of my fellow Rhode Islanders. It is a program that is integral to the health and economic security of our seniors and to all of our families. For this system to go forward, it has to be strengthened by pharmaceutical benefits.

I would like to talk briefly about some of the trends we have seen with respect to prescription drug benefits, to highlight the strengths of the Graham-Miller-Kennedy proposal, and to contrast this proposal with competing proposals: the House version and the tripartite package that is before us in the Senate.

Before I do that, I want to commend majority leader DASCHLE for bringing this matter to the floor. This is an issue which every senior and every family in this country is acutely aware of and who have called for our attention to it for many, many years.

This is not something new. There was at least rhetorical consensus in the last election when both sides claimed they were for the inclusion of a prescription drug benefit under Medicare. We have reached the point where words have led to action on this floor. I thank the majority leader for forging that action as we debate this issue today.

I think it is also appropriate that this legislation has been brought together with another bill, the Schumer-McCain legislation that was modified in the HELP Committee by Senators COLLINS and EDWARDS, which provides benefits, we hope, to the entire population of this country when they purchase pharmaceuticals, because it will hasten the introduction of generic drugs into the marketplace while preserving the integrity of our intellectual property system.

These two bills together—a prescription drug benefit for seniors from the Medicare system, and strengthening and speeding access to generic drugs in the country—I think are appropriate responses to the legitimate, persistent, and long-standing demands of the American public.

Last year—if we look at the spending on pharmaceuticals—out-of-pocket spending on prescription drugs was estimated to be $848 a year among Medicare beneficiaries. Nine percent of them, however, spent more than $2,500 a year. This is an extraordinary amount of money for people who are living on fixed incomes. You do not have to talk to too many seniors before you hear their legitimate complaints, that they often have to choose between buying their prescriptions or paying their rent.

Today, we had an event in Providence, RI, where we had seniors and physicians talk about that issue. A physician who joined us was very eloquent on this subject, pointing out that often his patients will tell him the choice they face is either filling their prescriptions or paying the telephone bill that month. That is a choice many seniors have to make. Frankly, many of them will choose to have the telephone—for an emergency, for a lifeline, for communication with their families—and they will forgo the prescriptions.

The doctor spoke of one case—one among many—where he was treating an elderly person, a woman, for high blood pressure, and she could not afford the full range of drugs he prescribed. So he tried to make do with whatever was in his supply cabinet: the samples he got from pharmaceutical companies. This caused, of course, a situation where they were frequently changing prescriptions; and even then she could not fill all the prescriptions because of her economic circumstances.

The high blood pressure was treated on an ad hoc basis. Sometimes she could take her medicine because she could afford it; sometimes she could not. And what happened? The lady suffered a devastating stroke. Ironically, today that doctor can prescribe and ensure she gets the full complement of pharmaceuticals because she is disabled and her health care is paid for through the Medicaid Program as a disabled citizen. That is not right, and it does not make any sense. If that woman had been covered by the provisions of the Graham-Miller-Kennedy bill, she could have purchased those medicines that would have, hopefully, prevented her stroke.

That is just one example, but we see it time and time again. Seniors are under tremendous financial and economic strain, as prescription drug costs go up and up and up.

I spoke to another senior this morning: 70 years old, still working, and working primarily to pay for her prescriptions. She said she went back to a druggist the other day and was told her drug cost over $100. She cannot afford it.

These are the realities that seniors face throughout the country. The bill Senators GRAHAM, MILLER and their colleagues have proposed—and one I proudly support—will address those concerns. They will provide a prescription drug benefit that is voluntary, a benefit that will require a $25 monthly premium, and no deductible. It will require the senior to pay $10 for generic prescriptions, $40 for a preferred brand name prescription, and $60 for a nonpreferred brand name prescription—simple, direct, well defined, the essence of what I believe we should do to help seniors.

The bill sets forth a clearly defined framework for what a Medicare recipient would expect to receive in benefits. The assistance is there from the very first prescription. There is no deductible. There are no gaps or limits in coverage. There is a catastrophic cap on out-of-pocket expenditures above $4,000. And there are additional subsidies for individuals with incomes below 150 percent of poverty—simple, direct, well defined, the essence of what we should do.

It is a program that will not be administered at the discretion of private health insurance. It will be a Medicare program, available to every American, no matter where they live, something I think should be inherent in any drug proposal we make here on the floor of the Senate.

In contrast, the House bill and other Senate proposals do not provide reliable drug coverage as part of Medicare's defined benefit package. These alternative bills have no defined benefit, no guaranteed premiums, no standard copayments or cost-sharing. And because the plans rely on private insurance companies and HMOs, the actual benefit a person receives could vary, depending on where that person lives.

As we have experienced with the Medigap and the Medicare HMO market, private insurers are not capable, often, of providing stable, predictable coverage that older Americans and the disabled need and deserve. I hear regularly from constituents who are confused and upset by the constant

changes in premiums, copayments, and benefits under these plans. And I suspect the same confusion will result if these pharmaceutical plans are administered exclusively by private insurers.

So I believe we should move forward, very deliberately and very quickly, to adopt the version proposed by my colleague from Florida, Senator GRAHAM.

Again, in contrast to the Graham bill, the House-passed bill would require a monthly premium of $34, but the first $250 in drug costs must be assumed entirely by the beneficiary. You would be paying a premium, and yet you would be getting nothing for the first $250 in costs.

For the next level, from $251 to $1,000, you would only pay 20 percent. But then, if you went over $1,000, you, the beneficiary, would have to pay 50 percent of the cost. And what, to me, is the most astounding aspect of this House proposal is, once a patient spends up above $2,000, they would have to pay the entire cost of their prescriptions until $4,800. Just at the point where these pharmaceutical costs were accumulating, a beneficiary would have to pay all of the costs and still the premium.

This bill and its counterpart, the tripartisan bill in the Senate, I think, are not sufficient to meet the task before us. I urge my colleagues—all of my colleagues—to support strenuously the Graham-Miller-Kennedy bill and provide seniors and the disabled with a real pharmaceutical benefit.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I will ask that we have a brief quorum call and that the time not be charged to either side. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MURRAY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Madam President, if I could inquire about the parliamentary situation or the time situation, how much time is left on this side of the aisle on this debate?

The PRESIDING OFFICER. No time remains on that side.

Mr. LOTT. How much time on the other side?

The PRESIDING OFFICER. Forty-two minutes.

Mr. LOTT. Madam President, I yield myself time that I might need under leader time. But for the information of the Senators who are here, I don't believe it will exceed more than about 10 minutes or so.

The PRESIDING OFFICER. The Senator has that right.

Mr. LOTT. Madam President, I know there has already been a good debate on this very important issue today. I do sincerely hope that we can produce a result that will provide prescription drug coverage for our low-income elderly, sick people who need this help. Certainly, from personal experience, I know of low-income elderly who need the help. My concern, though, is we do it in such a way that the costs are not so extreme that they wind up causing serious problems with our Medicare funds. In short, we don't want to blow a hole in the Medicare fund and cause all kinds of problems as a result of our good intentions. That is my first concern with the Graham-Kennedy proposal.

I know it has been difficult to get a cost analysis. I am still not quite sure exactly what the cost has been estimated on this proposal, although I understand it is in the range of $600 billion over a 10-year period. I understand the plan perhaps may be defined as only covering 8 years, which doesn't begin until 2004, so it is pretty hard to match apples and apples. But over a 10-year period, I think it would probably wind up being at least $600 billion.

The cost factor is something we have to be aware of in all these different plans.

The other thing that bothers me is the universal coverage aspects. Regardless of income, you are going to get subsidized prescription drugs if you are, I guess, in a certain age category. That is my understanding. That is one of the fundamental differences. I have always said we should target sick low-income elderly or certainly, low-income elderly. But even using those three words produces a different number of people. We would have to think about that very carefully.

But the idea that we would be providing subsidized prescription drugs to people who have income in retirement of $50,000, $60,000, I guess any amount, is a major concern I have.

I am also disturbed about new revelations that I have discovered in the Graham-Kennedy amendment over the weekend. We had an earlier version that has been changed. Everybody is entitled to do that up until the time the different proposals were offered. But there are some critical changes that have been made, I presume, to reduce, at least to some degree, the cost estimates on this proposal. There are some details embedded in this plan that will have critical repercussions on the lives and health of 40 million seniors if the amendment were ever to become law.

There are two critical differences that I want to point out today between the Graham-Kennedy amendment and Senator GRAHAM's original bill, S. 2625. When you look at what those two apparently small changes actually mean in the operation of the prescription drug benefit, I believe you will want to oppose the Graham amendment in its current form.

In the first change, which is on page 30 of the amendment, it has to do with copayments for brand name drugs that are not on the health plan's approved list. First, it would help if we review the original language in the Graham bill and what it had to say about the copayments. The original Graham bill said if you used a generic drug, you would face a copayment of $10 per prescription; that is, if you use a generic drug.

If you use a brand name drug that was part of the so-called formulary—I will call it the approved list—you would face a copayment of $40 per prescription. And if you used, under diagnosis by a doctor, a brand name drug that was not part of your plan's formulary or approved list, you would face a copayment of $60 per prescription. So we had copayments for prescriptions of $10, $40, and $60.

The current language, which has been changed in the Graham-Kennedy amendment, changes the last part. It changes the copayment for the brand name drug, which is not part of your health plan's approved list. The amendment now says that your prescription drug plan will not cover any brand name drug that is not on your health plan's approved list. In that case, you have to pay the full price of the drug. Here is the key language on page 30 of the amendment. We have it blown up here so Members can see it, even though they don't have it available to them to read out of the bill:

Beneficiary responsible for negotiated price of nonformulary drugs: In the case of a covered outpatient drug that is dispensed to an eligible beneficiary and that is not included in the formulary established by the eligible entity for the plan, the beneficiary shall be responsible for negotiated price for the drug.

Now, you got it right. The new plan does not cover brand name drugs, unless they are on your drug plan's approved list. You, the Medicare recipient, would have to pay for the drug out of your own pocket. Well, you might say that should not be too big a problem. But let's get into it a little deeper and you will see what is a further change in the bill and how the two of them tie together and cause problems.

The other shoe drops on pages 61 and 62 of the Graham-Kennedy amendment. Let's look at the legislative language in this case:

The eligible entity (health plan) shall include at least one, but not more than 2, brand name covered outpatient drugs for each therapeutic class as a preferred brand name drug in the formulary [or the approved list].

That means that under the current plan in the Democrat proposal, your health plan cannot include more than two name brand drugs for arthritis. Your plan cannot include more than two brand name broad antibiotic drugs, or not more than two brand name narcotic pain killers, or antiseizure drugs, or diabetic drugs, or hypertension drugs. In any case, it is no more than two.

So look at what happens when you combine what you see on page 30 with what you see on page 62. If you need a name brand drug and if that brand name drug is not on the list of two on your approved list, then you are out of luck. Your new wonder drug plan here from the Democrats doesn't cover that drug. You would have to pay the full cost out of your pocket. So here is what that would lead to. Suppose you use an antihistamine every day and your health plan chooses to cover Allegra or Zyrtec, but not Claritin because it is limited to only two brand name antihistamine drugs. If you prefer Claritin because it clears up your symptoms better—just today, I was talking to an elderly person who was having problems, and I asked that person what they were taking because it obviously wasn't working. They told me it was one of the two that I mentioned here. I suggested maybe he try a Claritin D, since it seems to work better for me; certain drugs may work differently on different people, and doctors prescribe different brand name drugs. If the one you need the most is Claritin, which is not on the list, but these other two are—and you also have the Claritin reditabs—then you would have to pay $68 more per prescription to get the drug that has been prescribed to you, which is your choice, or the one you need.

Now, that, of course, is a concern if you are in that category. It gets even worse if you look at other examples. For instance, antiarthritics. Suppose you need Celebrex but your health plan, limited to only two drugs, chooses Vioxx or Enbrel. As many seniors with arthritis know, arthritis drugs are very particular. What works for one senior citizen doesn't necessarily work for another. The Graham amendment limits your health plan to two of these four drugs. So if you need Celebrex, you could be out of luck, and you would then have to pay about $90 per prescription out of your pocket in order to get this particular arthritis drug.

And then it can go into other areas, too; for instance, antidepressants. Under the Graham amendment, only two antidepressants would be covered. If you needed one not on the list, you would have to pay the cost out of your own pocket. It could be—in the case of Prozac—$110 to get the particular drug that you might need.

Madam President, that is the plan we have before us. One thing that bothers me about it, too, is who decides exactly what two would be on this approved list? Is it going to be a board? What would be the criteria in deciding what two drugs would be on the list? This is a solution that I think causes a real problem. Some people say just take a generic. Substitute in a different brand name drug, they will argue. But sometimes you just cannot do it. Many times, drugs have specific effects on different people. So I think this is a major flaw that has been created by limiting or dropping out the $60 copayment per prescription, and then coming up with the two-drug limit.

I was going over this information this afternoon and I wanted Senators to know about this change. I know that everybody is trying to work toward the right end result and with good intentions. But I do think that what is happening is you have limited choices and you guarantee that many seniors who need these specific drugs—Prozac is as good an example as you are going to find, where you would have to come up with a significant cost—$110—for the drugs.

Before you vote tomorrow afternoon, I urge my colleagues to look at the changes that have been made. I presume they were made because of the cost impact. But you need to also look at what the medical impact is—the result of the decision that has been made. I urge my colleagues to vote against it on this basis, as well as on many others.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Madam President, I yield 30 minutes to the Senator from Florida, and I think I still have 12 minutes or so remaining?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Florida is recognized.

Mr. GRAHAM. Madam President, I hope the minority leader might be able to stay on the floor so he would not run the risk of being unable to sleep tonight, as he tosses and turns, concerned about the fact that we have provided, as almost every private health care plan does provide, for a specific formulary as to what will get the benefit of the preferred $40 deductibles.

At an appropriate time in my remarks, I am going to go into this in more detail, and I will also direct the Senator's attention to other language in the pages from which he was quoting, which indicates that we are sensitive to exactly the concerns he has expressed; we have, in fact, provided a means by which other drugs that are found to be clinically necessary would be added to the list of those which could be secured at the $40 copayment level.

I think the Senator from Mississippi will find many of the remarks I am about to make to be informative, insightful, possibly requiring a reassessment of position and hopefully tomorrow at 2:30 p.m. to see him march proudly to the front of the Chamber and cast a vote in favor of the Graham-Miller-Kennedy bill. We would be honored to have that vote and would even keep the list of potential cosponsors open for his possible signature.

One of our colleagues has specifically asked that I request unanimous consent that he be added as a cosponsor: Senator AKAKA. I make such a request on his behalf.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. I thank the Chair.

Last Thursday, the 18th of July, Senators KENNEDY, MILLER, CORZINE, and I offered this amendment to provide affordable, comprehensive, and reliable prescription drug coverage for the 39 million older Americans and disabled citizens who are currently covered by Medicare.

I have an interest in all Americans who will benefit by the adoption of this proposal. I have a particular interest in the 2,750,000 of these Americans who call their home Florida.

I do not wish to repeat the remarks I made last Thursday, so let me just recap some of the principles that we think are important and should be the touchstone in evaluating any plan that is proposed for prescription drugs.

We believe these principles include: a modernization of the Medicare Program; providing beneficiaries with real benefit; giving to the beneficiaries real choices; using a delivery system that seniors can rely upon and is affordable for the beneficiaries; and a program which is fiscally prudent.

I also outlined last Thursday our specific proposal and indicated how it complied with those principles of a prescription drug program for Medicare.

What does our proposal provide? We guarantee a universal benefit to all seniors, no matter where they live; that if they determine it is in their interest to voluntarily elect to participate in the prescription drug plan, they would pay $25 per month for that participation. Having done so, assistance would begin with the very first prescription. There is no deductible. They would pay a predictable copayment. For the year 2005, the first year that this program would be operational, the seniors would never pay more than $10 for a generic drug and $40 for a medically necessary brand-name drug.

Medicare beneficiaries can also rest easy knowing that they would never pay more than $4,000 in a year for their prescriptions. Seniors with incomes below $13,290 for an individual and for couples below $17,910 annual, if that is your income, then you would receive additional assistance, including the waiver of copayments for those who are below 135 percent of poverty.

We would also be able to guarantee that this benefit would be available to all seniors because we use a system to deliver the drug benefit that is as tried and true as the 37-year-old Medicare Program itself. It is the same system that you and I and all Members of the U.S. Congress use to receive their prescription drugs through the Federal Employees Health Benefits Program.

We rely on pharmacy benefit managers, or PBMs, to deliver and manage our drug benefit. PBMs are private commercial companies that negotiate with the pharmaceutical companies to get discounted prices. These companies are currently providing drug benefits through public and private employer plans in every zip code in America, and they would work as well for our seniors

as they do for Federal employees, private sector employees, and Members of Congress.

What I wish to do this afternoon is focus first on what I think are some of the key concerns raised by the Republican plan and then respond to some of the questions which have been raised, such as the questions raised by the Senator from Maine, who is in the Chamber now, and the Senator from Mississippi.

These key problems raised about the Republican plan include its reliance on a yet-to-be-created delivery system, the gaps in coverage, and their test of beneficiaries' assets, which will make it difficult, if not impossible, for many of our low-income seniors to get the drugs they need because even though they will qualify for special assistance based on their income, they will be rejected because they have too many assets.

Let me discuss each of these principal flaws in some detail.

Our Republican colleagues have criticized our proposal for being an integral part of the Medicare Program. Instead, they would use the prescription drug benefit to begin privatizing the Medicare Program; they would give the important task of delivering prescription drugs to private drug HMOs.

I have grave doubts about the private insurance model for prescription drugs for the very basic reason that it has never been done this way. There is no place we can turn to say: How has a private insurance subsidized plan for only prescription drugs worked? If there is such a plan, if there is someplace that we can turn to inform our judgment on this, I would ask for the name of the company, its address, and its telephone number so we might call and ask some of the questions that concern us about how such a plan would work.

I am afraid we will find there is no name, there is no address, and there is no telephone number. Private insurance plans have had every opportunity to offer drug-only insurance plans, and yet not one has stepped forward to do so.

Private insurers simply have no interest in providing drug-only benefits. Why are they not interested in drug-only benefits? Let me use an analogy to the private insurance market as it relates to casualty insurance.

Most of us who own a home have insurance on that home to cover risks, such as fire or windstorm damage. You can call State Farm and ask whether it would offer a kitchen-only casualty insurance policy, or would it offer a policy that would only cover that back room which is next door to an old and frail tree that might blow over in a storm and fall on the rear of the house. The answer to that is obviously no. State Farm and any other casualty insurance company would consider insuring your whole house, but they are not going to insure a specific room and particularly a room that is probably more vulnerable than other parts of the house.

This is exactly what is being asked of insurance companies as it relates to offering a prescription drug-only plan. Prescription drugs happen to be the fastest growing segment of total health care costs in America. When Medicare was established in 1965, the average older American spent $65 on prescription drugs. I am not talking about $65 a week or $65 a month. I am saying $65 a year was the average amount that seniors spent on prescription drugs.

That number has increased by a factor of 35 in the history of Medicare, the fastest growing segment of health care in America. That is why insurance companies have been unwilling to offer a prescription drug-only private insurance policy.

This is what we are going to require as the model for delivery under the Republican proposal.

About a year ago, I invited a group of chief executive officers of pharmaceutical companies to come into my office to talk about the various plans and specifically the method of distributing prescription drugs. I asked these executives a fairly simple question: How do your employees get their prescription drugs? Do they get them through a drug-only private insurance plan? Do you rely on drug HMOs for your employees, for you and your family to get these drug benefits?

The answer from each of the CEOs was the same. No.

Why not, I asked.

The answer was: No such plan exists.

So I asked this question: Why do we want to impose this untried system on our Nation's seniors? Why should they be the guinea pigs in some vast theoretical laboratory experiment of a plan that has never been tried?

I am particularly concerned about how the Republican HMO drug plan will work in rural areas of which, in my State, in the State of the Presiding Officer, in virtually every State, is a significant amount of our population. We have to look no further than the Medicare+Choice system—these are the full Medicare HMOs—to see how rural areas would likely fair.

According to the Congressional Research Service, 94 percent of Medicare beneficiaries in rural areas have no access to Medicare HMOs. Why is this the case? In significant part, it is because rural beneficiaries on the whole tend to be older and sicker than other senior Americans. Therefore, it is more difficult for a private insurance plan to spread its risk. Most of the beneficiaries served in rural areas are considered high-risk beneficiaries. A likely result of the prescription drug model that relies on drug HMOs is that seniors in rural areas will pay higher premiums than beneficiaries in urban areas, if they are able to get any coverage at all.

In addition to questioning whether a drug benefit would actually be available if we rely on drug HMOs as proposed by our Republican colleagues, I have great doubts about the affordability of any benefit that is offered. Why is that? Because the drug HMOs get all the choices when it comes to the benefit they would offer.

We cannot tell our seniors what the Republican prescription drug benefit is. No place in their bill does it tell us what premium the seniors will be charged. It does not say what the deductibles and coinsurance levels will be. They are only ''suggestions.''

My Republican colleagues talk about providing choices. What they do not tell us is they give all the choices to the private insurance companies. Under the Republican plan, our seniors will pay different premiums depending on where they live. Under the Republican plan, the drug HMOs determine what the premiums will be, not the Medicare Program.

If it is not troubling enough that the insurance industry would be making these choices about what the premium is, what the deductible is, what the cost sharing will be, consider this: The Republican plan would spend precious resources to lure private insurers into the market. Instead of using these resources, Federal dollars, Federal taxpayer dollars, to ensure an affordable drug benefit for all seniors, they would use them to induce private drug HMOs to participate in the system.

My concerns about the Republican plan are not based on speculation but on lessons learned in Nevada, which began offering seniors a drug benefit. The Nevada plan, while it has significant differences, is the closest example we have to the Republican plan that will be voted on tomorrow. We know from Nevada's experience that what seniors want is an affordable drug benefit, not a requirement that they analyze multiple and confusing plans with different premiums, deductibles, and cost sharing.

Let me give this piece of history: When the State of Nevada originally offered seniors a multiple choice plan of drug benefits, how many seniors in Nevada signed up for the plan? The answer is 124. That was the total number of seniors in a relatively large State in our Nation who wanted to sign up for this multiple benefit plan. When the program was restructured and seniors were given one defined benefit plan, when they knew what they were going to get, how many people enrolled? Over 6,000.

We also know from Nevada's experience that private insurers will not participate in the Republican model unless there are high profits to be made, dollars that could have been used to make the benefit more comprehensive or more affordable. In order to get a private insurer to participate, the State of Nevada had to pay the plan $106.54 per member per month, even though the member's actual drug cost averaged only $37.64 per month. That is a difference of nearly $69 per member per month, $69 that could have been

used to offer a better benefit, cover more seniors, give an earlier catastrophic benefit.

Even after adjusting for administrative and other costs, the State calculated that the private plan had a profit of $1 million over a 6-month period to serve a mere 3,000 beneficiaries.

My Republican colleagues would repeat this mistake but on a massive scale. Rather than assuring that the money is spent on a drug benefit and is used to maximize drug coverage for seniors, the Republican bill would allow the money to be siphoned off to induce insurance companies to participate when they have indicated by their past behavior they do not want to participate.

I also have grave doubts that seniors would get the drugs they need if they were to adopt the Republican proposal. Under their approach, the fewer drugs used by seniors, the higher the profits for private insurers.

We hear a lot about the idea of transferring risk, insurance risk, to the private insurance companies, and because they will be responsible for this risk, therefore they will be more aggressive in containing costs. I find it a little disingenuous that this plan, which is supported by almost all the major pharmaceutical companies, has as one of its recommendations to be adopted that it is going to be more effective in containing costs.

We have all heard the argument of the fox in the chicken coup. I think we have an example of that with the pharmaceutical company saying they support the plan with the principal benefit being its capacity to reduce pharmaceutical costs.

Private insurance companies, in my judgment, have exactly the opposite goal. They are likely to want to restrict the drugs that the senior wants and needs because that is the way they can maximize their own profits. We need to listen to what our seniors have to say about privatizing Medicare before we go down this path.

In 2001, a senior lady from Cincinnati, speaking before one of our major senior groups, said the problem with privatizing Medicare is these insurance companies will make the rules and you will live by the rules. You will not have any representative if you go to an insurance company and tell them you do not like the way they are doing something. Do you think they are really going to care?

It is not just the delivery model, however, which worries me. It is also the benefit design in the Republican plan. In fact, the phrase ''truth in advertising'' should apply. If we are going to pass the Republican bill, we better be prepared to tell the truth. We better be prepared to tell seniors that they will face an enormous gap in the benefit, a gap which some people have referred to as the doughnut hole.

This is Freda and Coleman Moss of Tampa, Florida. Freda is 80 years old. Coleman is 84. Freda has had serious health problems. She spends, on average, $7,800 on prescription drugs every year. Under the Republican plan, from about mid-June until the end of September, roughly a third of the year, she will be getting no help at all. The reason is that the Republican plan has this gaping gap in coverage. During that period when she is getting no benefits at all, however, her monthly premiums are not suspended; she continues to write that check out every month for monthly premiums. But while she is in the gap, the doughnut hole, she will get no benefit. How could this be?

The Republicans insist the doughnut hole is so small, they would like to call it a bagel hole. Let's call it what it is: It is a gimmick. It is a gimmick which helps to lower the cost of their bill at the expense of seniors getting the drugs they need.

It is important to understand what is really going on in the gap. They say this little bagel hole of a gap is only between $3,450 and $3,700, or $250. Is that really the size of the gap?

Madam President, we will now talk a little arithmetic. If anyone would like to settle back and relax, this is a good time. Let's look at how the Republican plan works.

Beneficiaries have to reach a point where the total spending—the spending of you, as the beneficiary, the Federal Government, and any other source—reaches a level of $3,450. Once you reach that point, you receive no assistance for your prescription drugs until you spend, out of your own pocket, $3,700.

How does the math work? To get to the $3,450 level, the out-of-pocket expenditures by the beneficiary will be, first, a $250 deductible. You have to pay that before you get any assistance. Then, between $250 and $3,450, you pay half and the Federal Government pays half. You pay $1,600 and the Federal Government also pays $1,600. By the time the combined expenditures reach $3,450, you pay $1,850 out of your pocket—the deductible plus the $1,600.

In order to get out of this doughnut hole, you have to have total expenditures out of your pocket of $3,700 or an additional $1,850 beyond the $1,600 you already paid. So you will have to pay a total of $3,700 before you escape what is not a bagel hole, what is not even a doughnut hole, what is really a Grand Canyon of a gap. That is devastating.

Let us consider the case of Freda. After spending $250 for the deductible, she would pay 50 percent for each prescription drug prescription until the total drug cost was $3,450. Freda would spend $1,600 in addition to the deductible, for a total of $1,850 from her own pocket. Freda already spent a lot of money. But guess what is coming. While she is in the gap, she pays 100 percent for every prescription to get her from a total of $1,850 that she has already spent to the $3,700 she needs to get to cross the Grand Canyon and remove herself from the gap. That means she will have to spend $1,850.

During this period of time, she is paying for all of her prescription drug costs, paying her monthly premiums. The gap is confusing. But one thing is certain: It is no small amount. Most years, Freda would pay 50 percent of her prescription until about June 15. This is out of the $7,800 which is her average annual prescription drug cost. Then for 3 months—assuming she could, in fact, afford to pay 100 percent for the drugs she needs and would not have to cut down on prescription drugs in order to afford food, rent, and the other necessities of life—she would be paying that next $1,850 out of her pocket. It is a big assumption that she will be able to do that.

Freda and Coleman Moss have a monthly income of $1,038. Freda would have to spend 65 percent of the total income she and her husband share during these 3 months she is in the gap in order to pay for prescription drugs alone. It is not hard to imagine Freda would not be able to get the drugs she needed during the time she was in the gap.

This gap is bad medicine for Freda Moss. It is bad medicine for America's seniors. The gap is a gimmick that lowers the cost of the Republican plan at Freda Moss's expense. I am not going to inflict this gap on Freda Moss, on Coleman Moss, or any of the other 816,000 Floridians who would fall every year into this benefit gap.

To my colleagues on the other side of the aisle, I say, let's be truthful about what we are doing to our seniors. If you think it is too expensive to offer the plan you are offering, be honest. Raise the monthly premiums. Increase the $250 deductible. Increase the percentage of coinsurance that the senior has to pay. But do not hide it in the middle of the benefit program to tell Freda Moss: From June 15 until the end of September, you have to pay 100 percent of your prescription drug costs. The fact is, she cannot afford to pay 100 percent of her prescription drug costs.

The third key fault in the Republican plan is the assets test.

I ask Senator KENNEDY for an additional 10 minutes.

Mr. KENNEDY. We will do 20 minutes evenly divided.

Mr. GRAHAM. Senator KENNEDY has talked extensively about the assets test, so I mention it briefly.

It is a mirage to tell low-income seniors they are going to get access to the benefits of reduced or, in some cases, no copayments because of their limited income when we then impose, for the first time in the history of Medicare, an assets test that says if you own something as basic as a $1,500 burial fund, so she might be buried next to your loving spouse, that makes you ineligible to get any of the low-income benefits.

It has been estimated that one-third of the 11 million seniors who would otherwise qualify for some special assistance because of their low income

would be denied that assistance because they would not comply with the assets test.

I will briefly touch on some of the criticisms the Republicans have made about our plan: First, the plan is too costly; that we cannot in our rich society afford to provide to our older citizens what is now a fundamental part of a comprehensive health care program. I do not believe that is the America we live in today.

The Republicans have thrown around some numbers as to what our bill will cost. Let me say that we have a CBO number, a Congressional Budget Office number, which they do not have in their plan. It is that, assuming that the underlying generic drug bill is passed, which will encourage generic drug use, our plan for the first 8 years will cost $407 billion and for the full 10 years will cost $576 billion. Is this a cheap proposal? The answer is: No. A cheap proposal means meager benefits, less than universal coverage, less than comprehensive coverage. That will not do for America's seniors.

But rather than looking at the cost of our drug proposal in isolation, let's put it in context. What are we currently paying? What percentage of the cost are we paying for all the other health care benefits that seniors receive through Medicare? The answer is approximately 77 percent. That is what we are paying for doctor care, hospitalization, all the things that Medicare covers. If we were to cover 77 percent of prescription drugs, this plan would not be costing $594 billion over the next 10 years. It would cost more than $1 trillion over the next 10 years.

We also maybe should look at ourselves. We are all participants in the Federal Employees Health Benefits Plan. If we were to give seniors the same benefits that we get as Members of the Senate, with an average income that is 10 times what the average income of senior Americans is today, this plan would cost $750 billion. We are talking about, over 10 years, $596 billion.

The reality is that the benefits of prescription drugs do not come cheap. The cost of prescription drugs is the fastest growing component of every health care plan, the private sector, the public sector, and it will be a significant part of any decent Medicare prescription drug benefit. That is what the debate that we had last week was all about.

Are we going to pass generic drug, patent reform, reimportation, State group purchasing—all of which are designed to give to all Americans, including senior Americans, greater access and affordability to a very expensive part of our national budget today, prescription drugs? The reality is the plan that our Republican colleagues have offered will cover less than 25 percent of seniors' drug costs. That is based on the latest estimate that their plan will cost, in the range for prescription drugs, of $330 billion to $340 billion. And the total drug expenditures by seniors over the next 10 years will be $1.3 trillion.

Our plan would provide almost twice the amount of coverage as the Republican proposal. It would provide $594 billion of the $1.3 trillion that seniors are going to spend on prescription drugs in the next 10 years.

In my opinion, as costly as this is, it is not an extravagant benefit. It is far less than the 77 percent that we are covering for other medical services, and it will provide critical assistance to our seniors.

It has been argued that seniors would pay more in copayments. The reality is seniors prefer to have their drugs acquired through a known amount per prescription, rather than through the unknown of a percentage of an unknown actual amount.

If seniors go to the doctor and get a prescription, they are unlikely to know what that prescription is going to cost. But they do know if it is a generic drug it is going to cost them $10, and if it is a brand drug it will cost them $40. They like that degree of reliability and security.

It has been said that this is a Government-run price control system. This is not a new argument. It is not an argument about prescription drugs through Medicare. This goes to the heart of whether America should have a Medicare Program at all. This debate was ongoing before Medicare was adopted. It was an argument which kept Medicare from being adopted for many years. And it has been an argument that has continued since Medicare was established in 1965. We should not forget that Republicans voted against the creation of the Medicare Program in 1965, and they have made their thoughts about Medicare very clear since then.

Just listen to some quotes by prominent Republican leaders. In 1995, then-majority leader of the Senate, Senator Bob Dole, said:

> I was there fighting the fight, voting against Medicare in 1965 because we knew it wouldn't work.

Former Republican Speaker Newt Gingrich, speaking on Medicare in 1995, said:

> Now we didn't get rid of it in round 1 because we don't think that it's politically smart and we don't think that's the right way to go through a transition. But we believe it is going to wither on the vine because we think people are voluntarily going to leave it.

Republican House majority leader DICK ARMY said Medicare was ''a program I would have no part of in a free world.''

He deeply resents the fact that ''when I am 65 I must enroll in Medicare.''

Somebody should tell him that Part B of Medicare, as well as this drug benefit, are voluntary. If he chooses not to enroll, that is his election.

I have news for my Republican colleagues. The Medicare program, as it is administered, has worked. Let me tell you a few of the successes.

Since its creation, Medicare has provided health care coverage for more than 93 million elderly and disabled. Medicare has made a dramatic difference in the number of seniors with health insurance. In 1964, the year before Medicare, half the seniors were uninsured.

Today, 97 percent of seniors have health insurance. Medicare has lifted countless seniors out of poverty, has expanded access to high-quality care for minority seniors, has improved the quality of life for seniors by providing access to procedures such as cataract surgery, hip replacement, cardiac bypass surgery, and organ transplant.

We have the Medicare Program in part to thank for increasing the average life expectancy available to Americans. A 65-year-old woman who is entering Medicare today will live 20 percent longer than her counterpart who became 65 in 1960.

It is Medicaid, making the miracles of modern medicine accessible and affordable, not private insurance, that made these advances possible. It wasn't private insurance plans that stepped to the plate in 1965 to provide health insurance coverage for seniors. In fact, they didn't want to cover seniors. That was why Medicare was established.

I wish I had time to go into more detail on some of the reactions of seniors toward these plans and why virtually every major senior group has supported our plan. I wish I had greater opportunity to respond specifically to the concerns of the Senator from Mississippi, and hope I will have such an opportunity before we vote. But let me just conclude.

This debate is not about programs. This is not about charts. This plan is about human beings, our parents and our grandparents. It is about working Americans who are paying the cost for their elderly family members' prescription.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRAHAM. Mr. President, I appreciate your indulgence and my colleagues' indulgence. I hope tomorrow we will grasp the rare opportunity we have to give greater security and comfort to our senior citizens by their knowledge that they will now have affordable and accessible opportunities to experience the miracles that prescription drugs make available, and that they will be there for them in a reliable manner, in a manner with which they are familiar—tried, tested, and assured.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I believe I have 12 minutes remaining. I welcome the opportunity to inquire of my friend and colleague. I have a question or two about the legislation and some of the points that were raised earlier this evening.

I believe all of us who have listened to the Senator from Florida commend him for a superb presentation. I particularly welcome the final comments he made with regard to what this debate is really all about: It is about real people. It is about a great generation. It is about seniors who have made a difference in building this Nation, who fought in the wars, who fought in World War II, who brought us out of the Depression, and who really made this country great. The Senator brought us back to that element. I certainly welcome it.

All of us will be voting tomorrow, and hopefully we will keep that in mind.

We heard earlier in the debate and the discussion that the proposal of the Senators from Florida and Georgia misleads the seniors of this country because it is going to sunset in several years. Therefore, we are misleading our seniors by promising them one thing today that after a period of years, by 2010, will not be available to them.

I am wondering if the Senator would agree with me that if we had an authorization on Medicare back in 1965—say it was 6 or 7 years, and we came back to debate that—we certainly would have gotten a prescription drug benefit for seniors in this country much earlier than we are now able to, if we hopefully can get this passed. Does the Senator not agree with me that we would have assured some action? Will the Senator not agree with me that in 7 or 8 years we will have the opportunity to find out what needs to be done with this program to make it fairer and more effective for the seniors, and that this would be a welcome opportunity to do so?

We should embrace this concept rather than retreat from it. I would be interested in the Senator's reaction.

Mr. GRAHAM. Mr. President, one of the enigmas about Medicare and why it has fallen so far behind other major health care plans, such as the one that the Senator and the Senator from Maine and I participate in, along with Federal employees—one of the reasons is the system was established in 1965 and has not been forced to defend itself by making those changes which are required to continue to be a modern health care system.

It is not only the absence of prescription drugs but the whole array of preventive measures. You would be shocked and appalled to know that, for instance, illnesses such as prostate and various forms of cancer for females, as well as colon cancer, have only in the last few years been added to the list of preventive services available through Medicare, and that a long, long list of items continue to be uncovered.

If we had had a requirement that forced us to periodically look at this program as we, for instance, are now looking at Welfare to Work, which in 1996 said after 6 years it had to be reexamined and reauthorized—we are going to do so, and I think it will be a better program because it wasn't on autopilot. It had some real thoughtful considerations, analyses and improvements.

Mr. KENNEDY. I couldn't agree with the Senator more.

Let me get to the issue of cost of the program. I have listened with great interest to the debate from the other side about their $24 monthly premium. Yet, I have great difficulty in reviewing their proposal and finding where that $24 is even mentioned. Of course, it is not mentioned, because it is an estimate, as they indicated. But the premium is written right into the law on page 26 of the Senator's bill. Then on page 28, the cost of generics, $10, is listed and then the cost for the preferred, $40, is listed. It is written right into that bill.

Has the Senator, in his examination of the alternative, seen any statement or indication of that kind of precision reflected in the Republican bill?

Mr. GRAHAM. The answer is no. It is because they start from a fundamentally different position. Our bill is what would be described as a ''defined benefit.'' You know what you are going to get, and you can rely on it.

The Republican bill is a defined contribution. The Federal Government will subsidize private insurance companies, if some can be found that would be willing to provide a prescription drug-only benefit. Therefore, it is going to be up to the insurance companies to say what the monthly premium and the deductible will be.

This is a chart which talks about what the costs would be for some of the major brand-name drugs. We can tell you with precision what they will be under our plan. A whole period of question marks are under the Republican plan because the insurance company can say we may cover 50 percent of the cost, or we may only cover 40 percent of the cost, or we may only cover 25 percent of the cost. It is up to the insurance plan.

Mr. KENNEDY. So they have no idea today. It will be left up to the insurance companies. They will make that decision.

This is an estimate—and a favorable estimate—that they are making on this side; whereas under the Graham proposal, it is explicit.

I would like to move on to another area that was talked about by the Senator from Mississippi and others regarding the formulary issue.

Let me see if I understand what is in the Graham proposal. In the Graham proposal, it says that all generics included in the therapeutic class must be on the formulary, and at least one brand-name drug but no more than two in the therapeutic class must be in the formulary. It is designed, obviously, to obtain the deepest discounts. That is obvious. But if you need a drug that is not in the therapeutic class, you can still get it at a formulary price, as I read on page 29 of the Graham bill.

I thought the Senator from Mississippi missed this element. It says: The eligible entity shall treat a nonformulary drug as a preferred brand-name drug, if such nonformulary drug is determined to be medically necessary. The cost of that drug would then be $40. If it is medically necessary under the Graham proposal, seniors will be able to get it.

This is what was missing from the debate and discussion with our friend from Mississippi earlier.

Mr. GRAHAM. There are two rates. One is what I would call the retail rate, and the second is the wholesale rate. Insofar as the overall expenditures for individuals, if it is determined that individual requires a specific drug, which is not on the formulary, and it is medically necessary for that individual, then that particular drug will be treated as a preferred drug. Therefore, the maximum amount of copayment would be $40.

But, on the wholesale level, if you would turn to page 62 of our legislation, it says that at least one but no more than two brand-name drugs shall be included for each therapeutic class unless—this is line 2 through 4—the Secretary of the Department of Health and Human Services determines that such limitation is clinically inappropriate for a given therapeutic class.

If the Secretary of HHS determines that, let us say in the area of antidepressants, there needs to be more than two in order to be clinically appropriate, he or she has the authority to order that there will be whatever number of drugs within that therapeutic class are required.

Let me point out, as the Senator already knows, that because of the defined contribution nature of the Republican plan, there is no assurance that even two drugs in any therapeutic class will be offered under their plan. As I understand it, the insurance companies, rather than the Department of Health and Human Services, will determine what the therapeutic classes will be.

So one insurance company may say, we will use a very broad definition of therapeutic class, another may use a narrower definition, and, therefore, affect the number of drugs that are realistically available.

Mr. KENNEDY. Does the Senator agree with me that there is no requirement for a generic formulary in their proposal whatsoever?

Mr. GRAHAM. Again, it is a leap of faith as to what you are going to have, whereas ours is a defined benefit.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. We had additional time.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. Both times? I had 22 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. May I have 2 more minutes, just on this point. I ask unanimous consent for that, and the same additional time for the other side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Just so we understand this, on page 37 of the tripartisan bill, in the formulary determinations, they say:

An individual who is enrolled in a Medicare Prescription Drug plan offered by an eligible entity may appeal to obtain coverage for a covered drug that is not on a formulary of the eligible entity if the prescribing physician determines that the formulary drug for treatment of the same condition is not as effective for the individual or has adverse effects for the individual.

But there is no price limit on this, as I understand it. There is no price mentioned in here, in contrast to the Senator's provisions that have been included in his legislation.

His legislation provides what is medically necessary and then goes on to indicate what the costs will be, to ensure that they are reasonable. In the other bill, seniors may have the ability to get what is medically necessary, but there is no indication about what the cost would be, as I understand it.

Mr. GRAHAM. That is true, I say to the Senator. What you have just said contributes to a recent poll, done by the Kaiser Family Foundation in May of this year, which asked Americans: Which kind of plan did they want?

For Republicans in America, 58 percent said they wanted a defined benefit plan; only 33 percent wanted the Republican plan as is offered today. Among Democrats, 71 percent wanted a defined benefit and 23 percent preferred the Republican plan. Among Independents, 72 percent—even more than Democrats—wanted to have a defined benefit plan delivered by Medicare as a means by which they would get their prescription drug benefit.

Mr. KENNEDY. I thank the Senator.

That is why I agree with the Senator.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. That is why we have such strong support from seniors and why it is justified.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. I thank my friend and colleague from Maine.

Mr. President, I ask that she be entitled to whatever additional time she needs.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine.

Ms. SNOWE. Mr. President, I just want to make several comments in response to some of the issues we have discussed today regarding the two competing plans.

What is most important about this debate is that we have the ability to discuss the programmatic differences in policies that each of our approaches have taken with respect to delivering this prescription drug benefit plan.

First and foremost, I should say that the plan we are offering is a tripartisan plan. It was crafted by Senators BREAUX, JEFFORDS, HATCH, GRASSLEY, and myself as members of the Senate Finance Committee, primarily designed to overcome many of the partisan differences that might exist on this issue and, hopefully, to bridge the gap so that we have the opportunity to pass a prescription drug benefit this year.

I heard mention the issue about a doughnut that exists in our bill; that is, the gap between the benefit limit of $3,450 and $3,700.

First of all, 80 percent of those seniors who would be participating in this program—80 percent of the Medicare beneficiaries—would not even reach the benefit limit of $3,450.

In fact, I recall back in 1999, President Clinton proposed a drug benefit that provided for an initial benefit of $2,000. We are at $3,450. He had a much greater gap in coverage between that initial coverage of $2,000 and a catastrophic benefit, which was about a $3,000 gap. We are talking about $3,450, and a catastrophic benefit threshold of $3,700. But what could be a greater gap than having this most critical benefit to seniors sunset in the year 2010? In 2010 it expires. According to the legislation: No obligation shall be incurred, no amounts shall be appropriated, no amounts expended for expenses incurred for providing coverage of covered outpatient drugs after December 31, 2010.

The legislation goes on to say, provided, of course, the actual spending does not incur, so there is leftover you can use for a prescription drug benefit or the program itself results in lower expenditures. Nevertheless, it would require, in order to extend that most important benefit of prescription drug coverage, additional action by the Congress, obviously, to provide for the funding of that program. So it expires.

The second gap in coverage provided in this legislation offered by Senator GRAHAM is the fact there is a major omission of coverage for brand-name prescription drugs. There are more than 2,400 that exist. The Senator's legislation is limiting to, at most, two brand-name drugs in each therapeutic class.

So it is going to be very limiting at best because it will deny a senior the ability to have access to an alternative medication if it is not called for under this legislation. It either has to be generic or one of the two prescribed brand names.

As I mentioned earlier, there are many alternatives in a brand name category. Whether it is for arthritis or cholesterol or blood pressure, there are many options.

I heard it suggested, if it is defined as medically necessary, then it goes through a major process. It has to go through the Secretary of Health and Human Services. There has to be an internal/external appeals process, so there will be a review process underway.

I can imagine there would be quite a lineup if there were a number of views that would be required of the Secretary to make exceptions to this legislation.

So there will be a whole process that would be required in order to allow somebody to take a prescribed medication that has not already been stipulated under law, according to this legislation. That is very explicit in this particular proposal. I think we want to provide coverage similar to what Members of Congress and Federal employees currently enjoy: options, choices, competition, variation.

Frankly, the preference of variation is important because it then allows a plan, for example, to use innovation, providing for a certain type of drug or all generics, providing lower premiums than what we stipulate into law.

In our proposal we do have a standard benefit package described.

But what we also say is, we allow flexibility to design plans that can offer even a lower deductible than $250, even a lower premium than $24 a month. We want to vest that type of flexibility into the design of a plan that could provide the maximum amount of benefits to those seniors who need this type of coverage. There is no such thing as a one-size-fits-all.

The point is, in the proposal we have crafted, there is a standard benefit. In fact, the Congressional Budget Office has indicated that our standards of equivalence are strict enough that the Medicare drug plans will have very little room to vary from premiums of cost sharing. But they have the flexibility to design an even lower benefit in terms of deductibles or premiums. And don't we want to allow seniors to have the benefit of that reduced price? That is a result of competition.

That is why the Congressional Budget Office has indicated that prices for prescription drugs could actually increase under the Graham proposal, upwards of as much as 8 percent, if not higher, because there is no competition. As a result, there is no drive, no incentive to allowing for lower cost, because there are no competing plans. In a sense, the Government is delivering the plan through a pharmacy benefit manager, so restrictive that it does not allow for competing prices, and there is no incentive for keeping the prices of prescription drugs down. That is a major difference between our two plans. We want to offer the most choices, the most comprehensive, because we have preferred and nonpreferred drugs, lower copays in most all of the categories.

We have the lowest premium per month. We have the maximum amount of benefits to low-income seniors. We cover the donor for under 150 percent of the poverty level or below for seniors. We provide catastrophic at $3,700 a month. It is a permanent, fully funded part of the Medicare Program.

I hope Members of the Senate will consider very carefully the policy and programmatic differences that do exist between our two plans. They are very distinct.

I know it has been suggested that our system is untried. That is not true. We benefit from a system that is comparable to what we have designed in the tripartisan proposal, and it offers the maximum choices to our seniors. We think it is important to create as a permanent part of the Medicare Program.

To provide for any limitation of that type is doing a disservice to our seniors. It is giving them a false hope to say that your benefit expires in 7 years, unless, of course, future Congresses decide to make a change. So we are predicating their future, their health care, on whether or not a future Congress might decide to extend that program. I really don't think that is the type of precedent we want to take. We have never created a temporary benefit under the Medicare Program—never. We have never created a temporary benefit, and we should not start now.

I know there has been some question about the assets test included in the tripartisan proposal. First of all, this assets test was not something that was newly created. It is included in the Medicaid Program. Yes, this assets test is used for some Medicare beneficiaries, the dual eligibles, the qualified Medicare beneficiaries, QMBs, and specified low-income Medicare beneficiaries. So an assets test was included in our legislation that is the equivalent of the assets test in the Medicaid Program that was supported by this Senate back in 1987 and 1986 with overwhelming support. So this is not unprecedented. It is not unusual. It includes the same type of waivers that are included in the current Medicaid Program.

I welcome the debate that has developed between the two competing proposals regarding prescription drugs. It is my sincere hope that we will have the ability to work through our differences beyond the threshold of tomorrow, the 60 votes. I hope, again, that this system and this process are not designed for failure, that neither side gets the 60 votes and, therefore, we move on to other issues and we defer this to another year. It has happened far too often.

This benefit is long overdue for our Nation's seniors. We negotiated this compromise in good faith, in the hopes that we could have worked through with our colleague from Florida, who I know has worked very hard, who is very genuine in his interest in developing a prescription drug benefit for Medicare beneficiaries—I would have hoped we could have worked through the process in committee, but that was not to be. So we are at a point now of whether we can reconcile our differences to move beyond the 60 votes and be able to work through the various amendments and reach a conclusion.

The seniors of this country deserve that. I honestly don't understand why we can't at this point in time agree to pass a prescription drug benefit program for Medicare beneficiaries. Our compromise wasn't designed to be an all or nothing or lines drawn in the sand. It was really an attempt in good faith, in the spirit of consensus building and compromise, because you can't do it without the other side of the aisle; there is no way you can possibly do it. That is why we started more than a year ago to develop this tripartisan proposal with the hope that we could have made this a reality for our Nation's seniors.

I urge my colleagues to give very serious consideration to what we have provided in this particular proposal for our seniors. Hopefully, we can come together and pass this legislation that is such an urgent need for the more than 44 million Medicare beneficiaries.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business, with Senators permitted to speak therein for a period not to exceed 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

### THE KETCHIKAN VENEER PLANT

• Mr. MURKOWSKI. Mr. President, today I offer my congratulations and state my full support for the actions taken this week by the Ketchikan Gateway Borough in acquiring the idle veneer plant at Ward Cove. At a time when the regional economy is reeling from a long series of blows that go back to 1993 when the first pulp mill closed, the Ketchikan Borough showed exceptional leadership by stepping to the plate to retain this vital manufacturing facility in the community.

The importance of encouraging an increase in healthy wood products manufacturing facilities in Southeast Alaska cannot be overemphasized. Such plants are vital necessities for Southeast Alaska to have good, year-round, family wage jobs providing the economic backbone to its communities. Proof of this is readily seen in the current jobs picture. As a consequence of the Clinton Administration's actions, Alaska's 2 pulp mills and several sawmills were forced to cease operation, costing the region more than 3,500 direct timber jobs in the last 10 years. Add to that the loss of countless indirect jobs and you have a formula for economic disaster.

With Ketchikan's action, we now enter a new era. Its leadership will help Southeast Alaska embark on a much-needed recovery phase in which real jobs for real people can bring new life back to litigation-weary communities. I congratulate Ketchikan and pledge to help in any way I can.

A critical component of making the veneer plant a viable operation will be economic timber supply. A spate of lawsuits by environmental groups has artificially driven down the supply of timber and has even stopped timber sale planning on the Tongass. As quickly as possible, the Borough needs to conclude an agreement with a company to operate the veneer mill and together we must address the supply issue with the U.S. Forest Service.

To that end, I am calling today for the Alaska Regional Forester, Denny Bschor, to meet in a timely manner with Borough officials to reach an agreement to ensure a stable and sufficient supply of economic timber to enable the veneer plant and the sawmills of Southeast Alaska to succeed. The new Bush Administration owes Ketchikan a commitment to bargain in good faith to help the community succeed in rejuvenating its economy.

The Regional Forester has the statutory authority to offer timber under 10 year contracts, and I urge the Forest Service to conclude agreements using that authority. Furthermore, I call on all Alaskans to join me in supporting a 10 year sale for Ketchikan in recognition of the community's substantial leadership in restoring the regional economy.

The biggest impediment to making timber available is the plethora of lawsuits that have been systematically leveled against the agency. Those lawsuits, if not resolved soon, will result in more mill closures and further unemployment. The recent court injunctions on timber sales that have already passed environmental review highlight the need for longer term agreements.

The Tongass National Forest is fully capable of supporting the level of harvest needed to supply the region's mills without affecting the other legitimate uses of the forest. Less than 400,000 acres, only 2.4 percent of the Tongass, have been harvested since industrial harvest began in the 1950s. Moreover, each year about 800 million board feet of timber is lost to natural tree mortality on the Tongass. That is nearly 4 times the maximum annual harvest under the current management plan and 16 times the amount cut last year.

Under the Tongass plan, an average of less than one-half of 1 percent of the Tongass can be harvested in any given year. If offered in economic packages, that small part of the available resource can be sufficient for the needs of the existing industry. There is simply no reason the Forest Service should not make sufficient economic volume available to run a veneer mill and provide logs to the sawmills of South East Alaska. This action is essential to the

operation of the veneer mill and sawmills, providing jobs and protecting families.●

## RECOGNIZING MONTANA'S LOCAL BROADCASTERS

● Mr. BURNS. Mr. President, I rise today to recognize the important role that Montana's local broadcast stations play in informing and serving their communities.

Local broadcast stations across the country serve their communities in as many different ways as there are communities. A recent study by the National Association of Broadcasters found that American local broadcast stations gave almost 10 billion dollars in community service last year. In Montana, it is estimated that local radio and television stations contributed 78 million dollars. These impressive numbers represented stations' Public Service Announcements, donated airtime, money raised for local and national charities and non-profits, and other community work. Montanans are fortunate to be served by stations that are so dedicated to their communities.

Today, I would like to recognize two of those stations for their outstanding service.

In Helena, KMTX–FM provided more than $15,000 to the Federal Emergency Management Agency's ''Project Impact.'' This program works to promote local, grassroots initiatives that make American communities more disaster resistant. KMTX was so supportive that the station's general manager, Kevin Shaalure, was awarded the Outstanding Project Impact Media Individual. The local manager for Project Impact said, and I quote: ''Kevin and KMTX embraced Project Impact from the start, working to give preparedness a high profile.''

Montanans have a long tradition of helping those who are less fortunate and Montana broadcast stations exemplify this effort. KDBM–AM in Dillon, MT, collected 600 coats for area students in 2001 through its annual Coats for Kids drive. With collection boxes placed throughout Dillon and in neighboring Twin Bridges, the station encouraged its listeners to drop off coats, gloves, hats, and anything else to help keep local children warm. The coats were then distributed by school teachers to students and by the local Women's Resource Center, the Pioneer Youth Home and the food pantry.

I am proud of my local Montana stations. The United States system of free, over-the-air local broadcasting is the envy of the world and these stations show why. To them I offer my sincere congratulations.●

## TRIBUTE TO COL. GERARD W. SCHWARTZ

● Mr. HATCH. Mr. President, I wish to recognize and pay tribute to Col. Gerard W. Schwartz, former Chief of Staff of the Army Review Board Agency, who will retire on October 1. Colonel Schwartz's career spans three decades in which he distinguished himself as an outstanding soldier and leader.

A Utah native, Colonel Schwartz graduated from Weber State College and began his career in the Army as an enlisted soldier. Working his way up through the ranks, he earned his commission as a lieutenant of the Ordnance Corps through Officer Candidate School. During his career, he served in positions of increasingly greater responsibility, from battalion level through the Secretary of the Army. He has successfully trained and led America's soldiers at home and overseas.

Colonel Schwartz served in the Army during our operations in Grenada, Panama, Somalia, Haiti, Iraq and Afghanistan. His contributions during this period contributed immeasurably to the successes achieved by our forces and will have a lasting effect on the Army in the years to come. Most recently, he served the Secretary of the Army as the Director of the Military Review Board that administers a number of boards available to current and former members of the Army. He made sure that each board was administered with justice, equity and compassion as expected by the Congress. His character, mature judgment, wisdom, and amiable demeanor have earned him the respect and confidence of his subordinates, fellow officers and the General Officers he served with during his illustrious career.

Throughout his career, Col. Gerard Schwartz has demonstrated his profound commitment to our nation, his selfless service to the Army, a deep concern for soldiers and their families, and a relentless commitment to excellence. Colonel Schwartz is a consummate professional whose performance, in over three decades of service, has exemplified the courage, competency, and integrity that our nation expects from its Army officers.

I ask my Colleagues to join me in thanking Colonel Schwartz for his honorable service to the people and the U.S. Army. We wish the Colonel and his family Godspeed and all the best in the future.●

## CONGRATULATIONS ODYSSEY OF THE MIND FROM YARDLEY, PA

● Mr. SANTORUM. Mr. President, I rise today to recognize the accomplishments of a very bright and focused group of students: the William Penn Middle School Odyssey of the Mind Team from Yardley, PA. This team of seven children has returned from competition boasting first place out of nearly 700 teams from across the country and around the world. Their perfect score reflects their top performance in all categories of competition, and their exhibition of exceptional creativity has earned them the Ranatra Fusca Award for which the team's name will be placed on a trophy at the Smithsonian Institute.

Odyssey of the Mind is a creative problem-solving program for children of all ages, from kindergarten through college. Through regional, State, country, and international competition, participant groups spend the better part of a year working on a solution to one of five problems as devised by the program. Contestants compete with students of similar age and must meet a number of criteria which include: limiting expenses to a strict budget, building mechanical creations to accomplish specific tasks, writing and staging an original performance, and earning points from the judges based on their solution to the problem they have chosen, style in solving the problem, and their ability to spontaneously answer a problem on the day of competition.

Recycling trash and other discarded materials to build a set and costumes for their performance and to engineer a vaccuuming contraption and a water quality enhancer, the Yardley team focused on the issue of environmental preservation. With a theme based on ''The Wizard of Oz,'' the characters of the team's sketch worked on cleaning up an imaginary environment found under a child's bed. The vision of Katie Barberides, Colleen Considine, Andrew Ettenger, Jamie Hale, Greg Plumb, Brianna Pollock, and Evan Verdini was awarded a perfect score from the judges on the three scored fronts. These seven critical thinkers clinched first place at the World Finals in their division, participants under 15 years of age.

I invite my Senate colleagues to join me in congratulating these young intellectuals on their enthusiasm for creative learning and the hard work they put into this problem-solving program. They represent the American spirit of ingenuity and should be very proud of their individual and team accomplishments. I wish them the best of luck in their future endeavors, and I hope they continue to enjoy learning skills through other innovative opportunities.●

## 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 August 23, 1993 in Brooklyn, NY. An Irish Gay and Lesbian Organization leader was stabbed. The assailant, a minor, yelled an anti-gay slur during the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe

that by passing this legislation and changing current law, we can change hearts and minds as well.●

## CYPRUS 28 YEARS OF OCCUPATION

● Mr. REED. Mr. President, I rise to call attention to the 28th anniversary of the Turkish invasion and occupation in the Republic of Cyprus.

In 1974, the Turkish Government sent 35,000 Turkish troops in two separate actions into Cyprus, obstensibly to put down a coup attempt against Cyprus President Makarios and to protect Turkish Cypriots. However, after taking over 36 percent of the northern part of the island, Turkish troops remained. This led to the Turkish Cypriots declaring their own government, the Turkish Republic of Northern Cyprus; a government only Turkey recognizes.

Since then, the United Nations has maintained a buffer zone between the two land areas. The U.N. Secretary General has called Cyprus ''one of the most militarized regions of the world.'' Despite the U.N.'s presence and numerous attempts at settlement, there have been many tragic results of the Turkish intervention: nearly 200,000 Greek Cypriots have been displaced, over 1,000 Greek Cypriots and 4 Americans remain unaccounted for, over 400 Greek Cypriots remain enclaved in the occupied area, and the Turkish troop presence continues. For this and other reasons, I was proud to cosponsor S.C.R. 28, calling for a U.S. effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

We should be heartened that it appears that the settlement process may be making some progress. Talks between Cyprus President Clerides and Turkish Cypriot Leader Denktash began in January of 2002 under the auspices of the U.N., and although they missed the June deadline for settlement, they have continued their dialog.

The U.S. must remain committed to the settlement process. A durable, comprehensive settlement that addresses the legitimate concerns of both sides and promotes regional stability would benefit Cypress, the region, and U.S. interests. Cypress is an important partner and friend of the U.S. Most recently Cypress has cooperated in the fight against terrorism since September 11 and was of enormous help when it agreed to allow the 13 Palestians in Bethlehem to stopover temporarily on their final destination in the EU.

On the anniversary of the day Cyprus was divided we must renew our efforts to promote measures aimed at reunification and designed to reduce tensions and promote peace between the two communities.●

## TRIBUTE TO ALPHA COMPANY, 1ST BATTALION, 141ST INFANTRY

● Mr. HUTCHINSON. Mr. President, it is my distinct honor and privilege to recognize the Texans from San Antonio. Alpha Company, 1st Battalion, 141st Infantry, commanded by CPT Scott M. Mac Leod, distinguished themselves as a premier force protection unit in providing flawless security for one of the U.S. Army's chemical munitions stockpiles. Captain Mac Leod's Texas Army National Guard Unit was federalized in October 2001 and has provided force protection to a homeland security mission at Pine Bluff Arsenal, the only active Army installation within the State of Arkansas.

Soldiers of Alpha Company, 1st Battalion, 141st Infantry headquartered in San Antonio, TX, along with other elements of the 141st Infantry Brigade were mobilized as part of President Bush's homeland defense initiative and the war on terrorism. Under the professional and effective leadership of CPT Scott Mac Leod, First Lieutenant Joaquin Campos and First Sergeant Jose Villarreal, the Chemical Site Defense Force surpassed their mission requirements from predeployment, through deployment, to postdeployment. During predeployment, these citizens quickly and selflessly assumed their role as full-time soldiers, and while deployed these soldiers braved the elements 24 hours a day, 7 days a week. All the while, the unit's morale remained high, and after 1 year, several soldiers volunteered for another year. This impressive accomplishment is particularly noteworthy since these citizen-soldiers were given a critical and extremely grueling assignment that kept them away from home for an entire year. When called on by their Commander in Chief, this proud group of Texans came to Arkansas, carved out defensive positions in the Arkansas wilderness, and put forth an inexhaustible effort toward the defense of our homeland. They literally have lived up to their motto, ''Remember the Alamo.''

It is with great pride that I have risen today to pay tribute to the more than 130 soldiers who make up the Texans from the Alamo. They have selflessly put their private lives on hold to answer the call of duty. Their presence at the Pine Bluff Arsenal has been a powerful deterrent to domestic terrorism and contributed immeasurably toward the domestic assurance of peace. The people of Arkansas are grateful for each soldier's dedication, and we are extremely proud to have had these great Americans as guests in our State over the last year. Alpha Company's remarkable performance in this critically important mission reflects great credit on the State of Texas and the U.S. Army.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

## PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO SIERRA LEONE AND LIBERIA FROM JANUARY 18, THROUGH JULY 17, 2002—PM 105

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I am providing herewith a 6-month periodic report prepared by my Administration on the national emergency with respect to Sierra Leone and Liberia that was declared in Executive Order 13194 of January 18, 2001, and expanded in scope in Executive Order 13213 of May 22, 2001.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 22, 2002*.

## MESSAGE FROM THE HOUSE

At 4:31 p.m. a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 1209) to amend the Immigration and Nationality Act to determine whether an alien is a child, for purposes of classification as an immediate relative, based on the age of the alien on the date the classification petition with respect to the alien is filed, and for other purposes.

## MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 4687. An act 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.

## 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–8070. A communication from the General Counsel, General Accounting Office, transmitting, pursuant to law, the Counsel's opinion of July 10, 2002 concluding that the Office of Management and Budget and the Air Transportation Safety Board violated the Antideficiency Act in January 2002 relative to apportionment of Budget Authority for America West Airlines; to the Committee on Appropriations.

EC–8071. A communication from the Acting Chief of Staff, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled ''Minimum Internal Control Standards'' (RIN3141–AA24) received on July 18, 2002; to the Committee on Indian Affairs.

EC–8072. A communication from the Director, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the Proposed Final Outer Continental Shelf Oil and Gas Leasing Program for 2002–2007; to the Committee on Energy and Natural Resources.

EC–8073. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Registration and Reregistration Application Fees'' (RIN117–AA34) received on July 18, 2002; to the Committee on the Judiciary.

EC–8074. A communication from the President, American Academy of Arts and Letters, transmitting, pursuant to law, the report of activities during calendar year 2001; to the Committee on the Judiciary.

EC–8075. 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 ''Untreated Citrus from Mexico Transiting the United States'' (Doc. No. 01–073–2) received on July 18, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8076. 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 Israel Because of BSE'' (Doc. No. 02–072–1) received on July 18, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8077. A communication from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Food Stamp Program: Work Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 and Food Stamp Provisions of the Balanced Budget Act of 1997'' (RIN0584–AC45) received on July 18, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8078. 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 ''Obstetric and Gynecology Devices; Effective Date of Requirement for Premarket Approval for Glans Sheath Devices'' (Doc. No. 99N–0922

EC–8079. A communication from the Director, Office of Safety Standards, Office of Maritime Safety Standards, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Occupational Safety and Health Standards for Shipyard Employment, Technical Amendments'' received on July 17, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8080. A communication from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Persons Aging with Hearing and Vision Loss and Evaluation for the Changing Universe of Disability and Systems Change Activities'' received on July 18, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8081. A communication from the Associate General Counsel, Central Intelligence Agency, transmitting, pursuant to law, the report of a nomination and a nomination confirmed for the position of Inspector General, received on July 16, 2002; to the Select Committee on Intelligence.

EC–8082. A communication from the Associate General Counsel, Central Intelligence Agency, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Acting General Counsel, received on July 16, 2002; to the Select Committee on Intelligence.

EC–8083. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Subcontract Commerciality Determinations'' (DFARS Case 2000–D028) received on July 7, 2002; to the Committee on Armed Services.

EC–8084. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report relative to a cost comparison to reduce the cost of the Aircraft Maintenance and Supply function at Eglin Air Force Base (AFB), Florida; to the Committee on Armed Services.

EC–8085. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Board's report under the Government in the Sunshine Act for calendar year 2001; to the Committee on Governmental Affairs.

EC–8086. A communication from the Chairman of the Tennessee Valley Authority, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 2001; to the Committee on Governmental Affairs.

EC–8087. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2001, through March 31, 2002; to the Committee on Governmental Affairs.

EC–8088. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC–8089. A communication from the Chairman of the Counsel of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–412, ''Cable Television Reform Amendment Act of 2002''; to the Committee on Governmental Affairs.

EC–8090. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–411, ''Approval of the Franchise of Comcast Cablevision of the District to Provide Cable Service in the District of Columbia Act of 2002''; to the Committee on Governmental Affairs.

EC–8091. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to the rule entitled ''10 CFR Parts 20, 32, and 35, RIN 3150–AF74, Medical Use of Byproduct Material''; to the Committee on Environment and Public Works.

EC–8092. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Section 112(1) Program of Delegation; Minnesota'' (FRL7248–9) received on July 17, 2002; to the Committee on Environment and Public Works.

EC–8093. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; VOC RACT Order and Regulation'' (FRL7243–2) received on July 17, 2002; to the Committee on Environment and Public Works.

EC–8094. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Arizona—Maricopa County PM–10 Nonattainment Areas; Serious Area Plan for Attainment of the PM–10 Standards'' (FRL7141–3) received on July 17, 2002; to the Committee on Environment and Public Works.

EC–8095. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Beach Guidance and Required Performance Criteria for Grants'' received on July 17, 2002; to the Committee on Environment and Public Works.

EC–8096. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Listing of Substitutes in the Foam Sector'' (FRL7247–5) received on July 17, 2002; to the Committee on Environment and Public Works.

EC–8097. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Underground Injection Control Program Revision; Aquifer Exemption Determination for Portions of the Lance Formation Aquifer in Wyoming'' (FRL7247–7) received on July 17, 2002; to the Committee on Environment and Public Works.

EC–8098. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District'' (FRL7247–8) received on July 17, 2002; to the Committee on Environment and Public Works.

EC–8099. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Zinc Fertilizers Made from Recycled Hazardous Secondary Materials'' (FRL8248–3) received on July 17, 2002; to the Committee on Environment and Public Works.

EC–8100. A communication from the Inspector General of the Environmental Protection Agency, transmitting, pursuant to law, the Annual Superfund Report for Fiscal Year 2001; to the Committee on Environment and Public Works.

EC–8101. A communication from the Chairman of the Medicare Payment Advisory Commission, transmitting, pursuant to law, a report on conducting Medicare demonstrations relative to Medicare's potential use of consumer coalitions—community-based, non-profit coalitions that provide information or negotiate on behalf of Medicare beneficiaries; to the Committee on Finance.

EC–8102. A communication from the Chief of the Regulations Unit, Internal Revenue

Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Real Estate Mortgage Investment Conduits'' (RIN1545–AW98; TD9004) received on July 18, 2002; to the Committee on Finance.

EC–8103. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Appeals Settlement Guidelines: Utilities—Investment Credit on Transition Property'' (UIL 49.05–10) received on July 18, 2002; to the Committee on Finance.

EC–8104. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Internet Corporation and Subs. v. Commissioner'' received on July 18, 2002; to the Committee on Finance.

EC–8105. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—August 2002'' (Rev. Rul. 2002–48) received on July 18, 2002; to the Committee on Finance.

EC–8106. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Relief from Joint and Several Liability'' (RIN1545–AW64) received on July 18, 2002; to the Committee on Finance.

EC–8107. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–8108. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed Manufacturing License Agreement with Germany and Turkey; to the Committee on Foreign Relations.

EC–8109. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to Pakistan; to the Committee on Foreign Relations.

EC–8110. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to Pakistan; to the Committee on Foreign Relations.

EC–8111. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to Pakistan; to the Committee on Foreign Relations.

EC–8112. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to Pakistan; to the Committee on Foreign Relations.

EC–8113. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for India; to the Committee on Foreign Relations.

EC–8114. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to Pakistan; to the Committee on Foreign Relations.

EC–8115. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–8116. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–8117. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to Pakistan; to the Committee on Foreign Relations.

EC–8118. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–8119. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to Pakistan; to the Committee on Foreign Relations.

EC–8120. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to Pakistan; to the Committee on Foreign Relations.

EC–8121. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–8122. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–8123. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–8124. A communication from the Chief for Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; North Pacific Ocean, Gulf of the Farallones, Offshore of San Francisco, CA'' ((RIN2115–AA97)(2002–0126)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8125. A communication from the Chief for Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Captain of the Port Houston-Galveston Zone'' ((RIN2115–AA97)(2002–0128)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8126. A communication from the Chief for Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Lower Mississippi River, Southwest Pass Sea Buoy to Mile Marker 96.0, New Orleans, LA'' ((RIN2115–AA97)(2002–0129)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8127. A communication from the Chief for Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Passaic River, NJ'' ((RIN2115–AE47)(2002–0062)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8128. A communication from the Chief for Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Three Mile Creek, Alabama'' ((RIN2115–AE47)(2002–0060)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8129. A communication from the Chief for Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Right to Appeal; Director, Great Lakes Pilotage'' ((RIN2115–AG11)(2002–0002)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8130. A communication from the Chief for Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Hampton River, NH'' ((RIN2115–AE47)(2002–0064)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8131. A communication from the Chief for Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Atlantic Intracoastal Waterway, Mile 1074.0 at Hallandale Beach, Broward County, FL'' ((RIN2115–AE47)(2002–0063)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8132. A communication from the Chief for Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Eastchester Greek, NY'' ((RIN2115–AE47)(2002–0065)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8133. A communication from the Chief for Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Temporary Requirements for Notification of Arrival in U.S. Port'' ((RIN2115–AG24)(2002–0002)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8134. A communication from the Chief for Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Lake Erie, Perry, Ohio'' ((RIN2115–AA97)(2002–0130)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8135. A communication from the Chief for Regulations and Administrative Law, United States Coast Guard, Department of

Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Carquinez Strait, Vallejo and Crockett, CA'' ((RIN2115–AA97)(2002–0123)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8136. A communication from the Chief for Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Portland Harbor, Oilrig Construction Project'' ((RIN2115–AA97)(2002–0122)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8137. A communication from the Chief for Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Swimming Across San Juan Harbor, San Juan, Puerto Rico'' ((RIN2115–AA97)(2002–0120)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8138. A communication from the Chief for Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Bonfouca Bayou, LA'' ((RIN2115–AE47)(2002–0061)) received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8139. A communication from the Chairman, Commission on the Future of the United States Aerospace Industry, transmitting, pursuant to law, a interim report that provides preliminary findings and recommendations on three issues the Commission believes require immediate Administration and Congressional attention; to the Committee on Commerce, Science, and Transportation.

EC–8140. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; Pelagic Longline Gear Restrictions, Seasonal Area Closure, and Other Sea Turtle Take Mitigation Measures'' (RIN0648–AN75) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8141. A communication from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Notice of Open Meeting: Science Advisory Board (SAB) July 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8142. A communication from the Chief for Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of Fishery for Loligo Squid'' received on July 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8143. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna; Retention Limit Adjustments'' (I.D. 053102B) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8144. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement a Charter Vessel/Headboat Permit Moratorium Amending the Reef Fish Fishery Management Plan of the Gulf of Mexico (Amendment 20) and Coastal Migratory Pelagic Fishery Management Plan of the South Atlantic and Gulf of Mexico (Amendment 14)'' (RIN0648–AO62) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8145. A communication from the Attorney/Adviser, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Fifth Percentile Female Test Dummy; Response to Petitions for Reconsideration'' (RIN2127–AI01) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8146. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to the Wendell H. Ford Aviation and Investment Reform Act for the 21st Century, the report of a study of recent changes in flight patterns of aircraft using the Sky Harbor Airport in Phoenix, Arizona; to the Committee on Commerce, Science, and Transportation.

EC–8147. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfishery; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Trip Limit Adjustment; Pacific Halibut Fisheries; CORRECTION'' received on July 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8148. A communication from the Chairman, Federal Maritime Commission, Bureau of Consumer Complaints and Licensing, transmitting, pursuant to law, the report of a rule entitled ''Financial Responsibility Requirements for Nonperformance of Transportation—Discontinuance of Self-Insurance and the Sliding Scale, and Guarantor Limitations'' (FMC Doc. No. 02–07) received on July 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8149. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Office of Sustainable Fisheries, Domestic Fisheries Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustment #1-Commercial and Recreational Inseason Adjustment From Cape Falcon to Humug Mountain, OR'' (I.D. 040902H) received on July 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8150. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Financial Assistance for Research and Development Projects to Assess the Potential Suitability of Non-native Oysters in Chesapeake Bay'' (RIN0648–ZB19) received on July 18, 2002; to the Committee on Commerce , Science, and Transportation.

EC–8151. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Closure for the Mothership Sector'' received on July 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8152. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson Act Provisions; Foreign Fishing; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures'' (RIN0648–AN82) received on July 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8153. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Protection of Naval Vessels'' (RIN2115–AG33) received on July 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8154. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Frequency of Inspection, Hull Examination Alternative for Certain Passenger Vessels, and Underwater Surveys for Passenger Vessels'' ((RIN2115–AF73)(2002–0001)) received on July 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8155. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Basic Rates and Charges on Lake Erie and the Navigable Waters from Southeast Shoal to Port Huron, MI'' (RIN2115–AG46) received on July 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8156. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Areas; Savannah River, GA'' ((RIN2115–AE84)(2002–0010)) received on July 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8157. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Temporary Requirements for Notification of Arrival in U.S. Port'' ((RIN2115–AG24)(2002–0003)) received on July 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8158. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Limited Service Domestic Voyage Load Lines for River Barges on Lake Michigan'' ((RIN2115–AF38)(2002–0002)) received on July 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8159. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Commercial Driver's License Standards, Requirements and Penalties; Commercial Driver's License Program Improvements and Noncommercial Motor Vehicle Violations'' (RIN2126–AA60) received on July 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8160. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the

report of a rule entitled ''Hybrid III Type 6-Year-Old Size Test Dummy; Final Rule; Response to Petitions for Reconsideration'' (RIN2127–AI00) received on July 18, 2002; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Indian Affairs, with amendments:

S. 434: A bill to provide equitable compensation to the Yankton Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska for the loss of value of certain lands. (Rept. No. 107–214).

By Mr. ROCKEFELLER, from the Committee on Veterans' Affairs, with amendments:

S. 2074: A bill to increase, effective as of December 1, 2002, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans. (Rept. No. 107–215).

By Mr. HARKIN, from the Committee on Appropriations, without amendment:

S. 2766: An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies for the fiscal year ending September 30, 2003, and for other purposes. (Rept. No. 107–216).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VOINOVICH:

S. 2765. A bill to amend chapter 55 of title 5, United States Code, to exclude availability pay for certain Federal law enforcement officers from the limitation on premium pay, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HARKIN:

S. 2766. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies for the fiscal year ending September 30, 2003, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. AKAKA:

S. 2767. A bill to enhance agricultural biosecurity in the United States through increased prevention, preparation, and response planning; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HAGEL (for himself and Mr. ENZI):

S. 2768. A bill to provide to agricultural producers emergency livestock assistance and assistance for control of grasshoppers and Mormon crickets, with offsets; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HARKIN (for himself and Ms. STABENOW):

S. 2769. A bill to amend the Internal Revenue Code of 1986 to prevent the continued use of renouncing United States citizenship as a device for avoiding United States taxes; to the Committee on Finance.

By Mr. DODD (for himself, Mr. WARNER, Mr. LIEBERMAN, Mr. SCHUMER, Mr. BIDEN, Mr. TORRICELLI, Mr. GRASSLEY, Mr. DAYTON, Mr. DURBIN, and Mrs. CLINTON):

S. 2770. A bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas; to the Committee on Governmental Affairs.

By Mr. JEFFORDS:

S. 2771. A bill to amend the John F. Kennedy Center Act to authorize the Secretary of Transportation to carry out a project for construction of a plaza adjacent to the John F. Kennedy Center for the Performing Arts, and for other purposes; 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. CRAPO:

S. Con. Res. 129. A concurrent resolution expressing the sense of Congress regarding the establishment of the month of November each year as ''Chronic Obstructive Pulmonary Disease Awareness Month''; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 233

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 233, a bill to place a moratorium on executions by the Federal Government and urge the States to do the same, while a National Commission on the Death Penalty reviews the fairness of the imposition of the death penalty.

S. 486

At the request of Mr. LEAHY, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 486, a bill to reduce the risk that innocent persons may be executed, and for other purposes.

S. 611

At the request of Ms. MIKULSKI, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 611, a bill to amend title II of the Social Security Act to provide that the reduction in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 999

At the request of Mr. BINGAMAN, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1339

At the request of Mr. HOLLINGS, his name was added as a cosponsor of S. 1339, a bill to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

S. 1377

At the request of Mr. SMITH of Oregon, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1377, a bill to require the Attorney General to establish an office in the Department of Justice to monitor acts of inter-national terrorism alleged to have been committed by Palestinian individuals or individuals acting on behalf of Palestinian organizations and to carry out certain other related activities.

S. 1785

At the request of Mr. CLELAND, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Alabama (Mr. SESSIONS), the Senator from North Dakota (Mr. CONRAD), and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1785, a bill to urge the President to establish the White House Commission on National Military Appreciation Month, and for other purposes.

S. 1806

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1806, a bill to amend the Public Health Service Act with respect to health professions programs regarding the practice of pharmacy.

S. 2059

At the request of Ms. MIKULSKI, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2059, a bill to amend the Public Health Service Act to provide for Alzheimer's disease research and demonstration grants.

S. 2215

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) 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. 2480

At the request of Mr. LEAHY, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2480, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns.

S. 2490

At the request of Mr. TORRICELLI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2490, a bill to amend title XVIII of the Social Security Act to ensure the quality of, and access to, skilled nursing facility services under the medicare program.

S. 2528

At the request of Mr. DOMENICI, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2528, a bill to establish a National Drought Council within the Federal Emergency Management Agency, to improve national drought preparedness, mitigation, and response efforts, and for other purposes.

S. 2544

At the request of Mr. LEVIN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 2544, a bill to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to make grants for remediation of sediment contamination in areas of concern, to authorize assistance for research and development of innovative technologies for such remediation, and for other purposes.

S. 2554

At the request of Mr. SMITH of New Hampshire, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 2554, a bill to amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes.

S. 2602

At the request of Mrs. CLINTON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2602, a bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a veteran after age 55 shall not result in termination of dependency and indemnity compensation.

S. 2613

At the request of Mr. LIEBERMAN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2613, a bill to amend section 507 of the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations for historically black colleges and universities, to decrease the cost-sharing requirement relating to the additional appropriations, and for other purposes.

S. 2672

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2672, a bill to provide opportunities for collaborative restoration projects on National Forest System and other public domain lands, and for other purposes.

S. 2712

At the request of Mr. HAGEL, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of 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.

S. 2727

At the request of Mr. AKAKA, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2727, a bill to provide for the protection of paleontological resources on Federal lands, and for other purposes.

S. 2729

At the request of Mr. GRASSLEY, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2729, a bill to amend title XVIII of the Social Security Act to provide for a medicare voluntary prescription drug delivery program under the medicare program, to modernize the medicare program, and for other purposes.

S. 2734

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2734, a bill to provide emergency assistance to non-farm small business concerns that have suffered economic harm from the devastating effects of drought.

S. 2742

At the request of Mrs. HUTCHISON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2742, a bill to establish new nonimmigrant classes for border commuter students.

S. RES. 242

At the request of Mr. THURMOND, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Georgia (Mr. CLELAND), the Senator from South Carolina (Mr. HOLLINGS), the Senator from North Carolina (Mr. EDWARDS), the Senator from New Mexico (Mr. DOMENICI), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Wisconsin (Mr. KOHL), the Senator from West Virginia (Mr. BYRD), the Senator from Maryland (Mr. SARBANES), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Georgia (Mr. MILLER), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. Res. 242, a resolution designating August 16, 2002, as ''National Airborne Day''.

AMENDMENT NO. 4308

At the request of Mr. TORRICELLI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 4308 intended to be proposed to S. 812, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals.

AMENDMENT NO. 4309

At the request of Mr. GRAHAM, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of amendment No. 4309 proposed to S. 812, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself and Mr. HARKIN):

S.J. RES. 41. A joint resolution calling for Congress to consider and vote on a resolution for the use of force by the United States Armed Forces against Iraq before such force is deployed; to the Committee on Foreign Relations.

Mr. SPECTER. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

JOINT RESOLUTION

CALLING FOR CONGRESS TO CONSIDER AND VOTE ON A RESOLUTION FOR THE USE OF FORCE BY THE UNITED STATES ARMED FORCES AGAINST IRAQ BEFORE SUCH FORCE IS DEPLOYED

Whereas Iraq has consistently breached its cease-fire agreement between Iraq and the United States, entered into on March 3, 1991, by failing to dismantle its weapons of mass destruction program, and refusing to permit monitoring and verification by United Nations inspections;

Whereas Iraq has developed weapons of mass destruction, including chemical and biological capabilities, and has made positive progress toward developing nuclear weapons capabilities;

Whereas in his January 29, 2002 ''State of the Union'' address the President characterized Iraq, Iran and North Korea as an ''axis of evil'';

Whereas the Secretary of State distinguished Iraq from Iran and North Korea in his testimony before the Senate Budget Committee on February 12, 2002, stating that ''for several years now [it has been] a policy of the United States government that a regime change would be in the best interest of the region, [and] the best interest of the Iraqi people'';

Whereas in his February 12, 2002 testimony, the Secretary of State specifically stated, ''With respect to Iran and with respect to North Korea, there is no plan to start a war with these nations'', raising the implication that the United States had a plan to start a war with Iraq;

Whereas, there have been repeated reports in the news media on U.S. plans to use force against Iraq and statements by the President and the Vice President on the intention of the United States to use force against Iraq:

(a) The *New York Times* February 16, 2002, quoting Vice President Cheney saying, ''The President is determined to press on and stop Iraq . . . from continuing to develop weapons of mass destruction'' and intends to use ''the means at our disposal—including military, diplomatic and intelligence to address these concerns'';

(b) *New York Times* on July 9, 2002 quoting President Bush on Iraq: ''It's the stated policy of this government to have regime change and it hasn't changed. And we'll use all tools at our disposal to do so.''

Whereas Congress has the exclusive authority to declare war under Article I, Section 8 of the United States Constitution;

Whereas, the President has authority under Article II, Section 2, of the United States Constitution as Commander-in-Chief, which authorizes him to take military action in an emergency when Congress does not have time to deliberate and decide on a declaration of war or the equivalent authorization for the use of force;

Whereas, within the past half century, Presidents have unilaterally initiated military actions in Korea, Vietnam, Grenada, Lebanon, Panama, Somalia and Kosovo;

Whereas, President George H.W. Bush, although initially stating publicly that he did not need congressional action, ultimately requested authorization from Congress, which was granted in January 1991, to use force against Iraq under circumstances similar to the present situation;

Whereas, there is adequate time for the Congress to deliberate and decide on the authorization to initiate military action against Iraq;

Whereas, if Congress takes no action in the current situation where there is adequate time to deliberate and decide, there will be a significant further, if not virtually complete, erosion of congressional authority under Article I, Section 8 of the United States Constitution.

Whereas, this resolution takes no position on whether such authorization should or should not be granted by Congress;

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That Congress consider and vote on a Resolution authorizing the use of force by the United States Armed Forces against Iraq before such force is deployed against Iraq.

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By Mr. VOINOVICH:

S. 2765. A bill to amend chapter 55 of title 5, United States Code, to exclude availability pay for certain Federal law enforcement officers from the limitation on premium pay, and for other purposes; to the Committee on Governmental Affairs.

Mr. VOINOVICH. 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. 2765

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Federal Law Enforcement Officers Pay Equity and Reform Act of 2002''.

**SEC. 2. LIMITATION ON PREMIUM PAY.**

(a) IN GENERAL.—Section 5547 of title 5, United States Code, is amended—

(1) in subsection (a), by striking ''5545a,'';

(2) in subsection (c), by striking ''or 5545a''; and

(3) in subsection (d), by striking the period and inserting ''or a criminal investigator who is paid availability pay under section 5545a.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 1114 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1239).

**SEC. 3. SEPARATE PAY, EVALUATION, AND PROMOTION SYSTEM FOR FEDERAL LAW ENFORCEMENT OFFICERS.**

(a) STUDY.—Not later than 6 months after the date of the enactment of this Act, the Office of Personnel Management shall study and submit to Congress a report which shall contain its findings and recommendations regarding the need for, and the potential benefits to be derived from, the establishment of a separate pay, evaluation, and promotion system for Federal law enforcement officers. In carrying out this subsection, the Office of Personnel Management shall take into account the findings and recommendations contained in the September 1993 report of the Office entitled ''A Plan to Establish a New Pay and Job Evaluation System for Federal Law Enforcement Officers''.

(b) DEMONSTRATION PROJECT.—

(1) IN GENERAL.—If, after completing its report under subsection (a), the Office of Personnel Management considers it to be appropriate, the Office shall implement, within 12 months after the date of the enactment of this Act, a demonstration project to determine whether a separate system for Federal law enforcement officers (as described in subsection (a)) would result in improved Federal personnel management.

(2) APPLICABLE PROVISIONS.—Any demonstration project under this subsection shall be conducted in accordance with the provisions of chapter 47 of title 5, United States Code, except that a project under this subsection shall not be taken into account for purposes of the numerical limitation under section 4703(d)(2) of such title.

(3) PERMANENT CHANGES.—Not later than 6 months before the demonstration project's scheduled termination date, the Office of Personnel Management shall submit to Congress—

(A) its evaluation of the system tested under the demonstration project; and

(B) recommendations as to whether or not that system (or any aspects of that system) should be continued or extended to other Federal law enforcement officers.

(c) FEDERAL LAW ENFORCEMENT OFFICER DEFINED.—For purposes of this section, the term ''Federal law enforcement officer'' means a law enforcement officer as defined by section 8331 or 8401 of title 5, United States Code.

**SEC. 4. REPORT ON FEDERAL LAW ENFORCEMENT OFFICERS.**

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Office of Personnel Management shall submit a report to Congress on the definition of a Federal law enforcement officer for purposes of pay and benefits under the provisions of title 5, United States Code.

(b) RECOMMENDATIONS.—The report under subsection (a) shall include recommendations of applying pay and benefit provisions (including retirement under chapters 83 and 84 of title 5, United States Code, and premium pay under subchapter V of chapter 55 of that title) to Federal employees who are not defined as law enforcement officers under those provisions.

**SEC. 5. EMPLOYEE EXCHANGE PROGRAM BETWEEN DEPARTMENT EMPLOYEES AND EMPLOYEES OF STATE AND LOCAL GOVERNMENTS.**

(a) DEFINITIONS.—In this section:

(1) EMPLOYING AGENCY.—The term ''employing agency'' means the Federal, State, or local government agency with which the participating employee was employed before an assignment under the Program.

(2) PARTICIPATING EMPLOYEE.—The term ''participating employee'' means an employee who is participating in the Program.

(3) PROGRAM.—The term ''Program'' means the employee exchange program established under subsection (b).

(b) ESTABLISHMENT.—The President shall establish an employee exchange program between Federal agencies that perform law enforcement functions and agencies of State and local governments that perform law enforcement functions.

(c) CONDUCT OF PROGRAM.—The Program shall be conducted in accordance with subchapter VI of chapter 33 of title 5, United States Code.

(d) QUALIFICATIONS.—An employee of an employing agency who performs law enforcement functions may be selected to participate in the Program if the employee—

(1) has been employed by that employing agency for a period of more than 3 years;

(2) has had appropriate training or experience to perform the work required by the assignment;

(3) has had an overall rating of satisfactory or higher on performance appraisals from the employing agency during the 3-year period before being assigned to another agency under this section; and

(4) agrees to return to the employing agency after completing the assignment for a period not less than the length of the assignment.

(d) WRITTEN AGREEMENT.—An employee shall enter into a written agreement regarding the terms and conditions of the assignment before beginning the assignment with another agency.

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By Mr. AKAKA:

S. 2767. A bill to enhance agricultural biosecurity in the United States through increased prevention, preparation, and response planning; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. AKAKA. Mr. President, I rise today to address the threat of bioterrorist attacks on American agriculture. Agricultural activity accounts for approximately 13 percent of the U.S. gross domestic product and nearly 17 percent of domestic employment.

Agriculture is vital to the health and well-being of citizens in Hawaii and every State of the Union. Hawaii generates more than $1.9 billion in agricultural sales, and agriculture directly or indirectly employs 38,000 people who provide Hawaiian agricultural products to domestic and foreign markets, especially to our trading partners in Canada and Japan.

While Hawaii's agricultural economy was once dominated by sugarcane and pineapple, Hawaiian exports now include specialty exotic fruits, coffee macadamia nuts, vegetables, flowers, and nursery products. Virtually all of these crops are vulnerable to pests and diseases that are difficult to control when they are accidentally introduced to the islands.

I am no stranger to the need to protect American agriculture from the menace of alien pests and diseases. Throughout my tenure on the House Agriculture Appropriations Subcommittee, I was proud to support important U.S. Department of Agriculture, USDA, programs such as the Animal and Plant Health Inspection Service, APHIS. APHIS serves as an agricultural disease watchdog at our borders and around our farms and plays a vital role in preventing the introduction of agricultural pests and diseases to Hawaii. As a Member of the Senate, my appreciation of these programs continues.

A single outbreak of a highly contagious livestock illness such as foot and mouth disease, FMD, could cost the U.S. economy over $10 billion. The 2001 FMD outbreak in Great Britain cost over $7 billion. In 2000, the Banana Bunchy Top Virus threatened the Island of Hawaii's $10 million banana industry. More recently, the state has

seen an outbreak of the Papaya Ringspot Virus, which threatens a commodity that earned $16 million in 2000. An outbreak of FMD in Hawaii would threaten a $28 million milk industry and nearly $25 million worth of cattle and hogs.

These figures do not take into account the indirect effects on Hawaii's economy if harsh restrictions were placed on travel in rural areas. During the 2001 outbreak of FMD in the United Kingdom, such travel restrictions were imposed to stop the spread of the disease. The cost to businesses directly affected by tourism was nearly as high as the cost to agriculture and the food chain. Clearly, the potential for disruption of our food supply and our economy would be devastating.

My concerns are not unique to Hawaii. We must protect all of American agriculture, which is why I am introducing the Agriculture Security Preparedness Act of 2002. Federal agencies today are not as well prepared as they should be to respond to an agricultural disease emergency.

My bill provides the USDA with the resource and the response mechanisms to protect American farmers, ranchers, and consumers from agroterrorism. An agricultural disease outbreak, whether of natural or deliberate origin, will require coordinated efforts by the USDA, the Federal Emergency Management Agency, FEMA, the Environmental Protection Agency, EPA, and the Departments of Health and Human Services, HHS, Transportation, DOT, and Justice, DOJ. This measure would give the USDA the needed authority and resources to cooperate and coordinate efforts with other federal agencies that have a stake in a rapid and effective response to agricultural disease events.

My legislation improves the government's preparedness and response to outbreaks of foreign and emerging agricultural diseases by: Improving coordination between USDA and FEMA on preparedness and mitigation planning for agricultural disease emergencies; improving coordination between the USDA and the DOJ to review whether state and local laws might impede the rapid and effective implementation of emergency response measures; improving coordination between the USDA, and EPA, and regional and local disaster preparedness officials, to consider the potential environmental impacts of agricultural emergency response measures; establishing a public health liaison within the HHS to coordinate emergency response efforts with the USDA and the animal health and emergency management communities; and establishing clear guidelines for the DOT and USDA to enforce restrictions on interstate transportation in the event of an agricultural disease outbreak.

The National Research Council report ''Making the Nation Safer: the Role of Science and Technology in Countering Terrorism,'' released in June, mirrors several other key provisions in my legislation. It calls for: Stronger ties to the intelligence community to identify specific threats to American agriculture; increased laboratory capacity for rapidly processing large volumes of clinical samples; development of rapid and sensitive disease diagnostic tools; development of improved livestock vaccines; the use of statisticians and computer models to understand the transmission of agricultural diseases during outbreaks; addressing environmental concerns for the disposal of contaminated crops and livestock; methods and standards for decontaminating areas where agricultural disease outbreaks occur; and communication and public awareness campaigns about the importance of research for protecting American agriculture.

My legislation complements P.L. 107–188, the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, which was signed into law on June 12, by increasing the USDA's ability to develop the resources and response mechanisms to contain and eradicate agricultural diseases when they are discovered on U.S. soil.

By enacting this bill, we can help safeguard American consumers and American agriculture against threats to our food supply and economy. The money and effort spent on protection from agroterrorism should be viewed as a general investment against the routine threats of disease agents and pests that infest crops and livestock. I urge my colleagues to support this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2767

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Agriculture Security Preparedness Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
TITLE I—PREVENTION
Sec. 101. Inclusion of agroterrorism in terrorist acts involving weapons of mass destruction.
Sec. 102. Legal framework for agroterrorism.
Sec. 103. Study on feasibility of establishing a national agroterrorism and ecoterrorism incident clearinghouse.
Sec. 104. International agricultural disease surveillance.
Sec. 105. Agricultural inspections.
Sec. 106. On-farm and on-ranch biosecurity.
TITLE II—PREPAREDNESS AND MITIGATION
Sec. 201. Interagency coordination.
Sec. 202. Planning.
Sec. 203. Exercises and training.
Sec. 204. Communication with the public.
Sec. 205. Vaccine development and disease research.
Sec. 206. Diagnostic and laboratory capacity.
TITLE III—RESPONSE AND RECOVERY
Sec. 301. Implementation of Federal, State, and local response plans.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) AGRICULTURAL DISEASE EMERGENCY.—The term ''agricultural disease emergency'' means a plant or animal disease outbreak that requires prompt action in order to prevent injury or damage to people, plants, livestock, property, the economy, or the environment, as determined by the Secretary pursuant to section 415 of the Plant Protection Act (7 U.S.C. 7715) or section 10407(b) of the Animal Health Protection Act (7 U.S.C. 8306(b)).

(3) AGRICULTURE.—The term ''agriculture'' includes the science and practice of activity relating to food, feed, and fiber production, processing, marketing, distribution, use, and trade, and also includes family and consumer sciences, nutrition, food science and engineering, agricultural economics and other social sciences, forestry, wildlife, fisheries, aquaculture, floraculture, veterinary medicine, and other environmental and natural resource sciences.

(4) AGROTERRORISM.—The term ''agroterrorism'' means the commission of an agroterrorist act.

(5) AGROTERRORIST ACT.—The term ''agroterrorist act'' means a criminal act to cause or attempt to cause damage to or destruction or contamination of a crop, livestock, farm or ranch equipment, material, or other property, or a person engaged in agricultural activity, committed with the intent to intimidate or coerce a civilian population or to influence the policy of a government by intimidation or coercion.

(6) BIOSECURITY.—The term ''biosecurity'' means protection from the risks posed by biological, chemical, or radiological agents to plant and animal health, the agricultural economy, the environment, and human health, including the exclusion, eradication, and control of biological agents that cause agricultural diseases.

(7) DEPARTMENT.—The term ''Department'' means the Department of Agriculture.

(8) ECOTERRORISM.—The term ''ecoterrorism'' means the use of force or violence against a person or property to intimidate or coerce all or part of a government or the civilian population, in furtherance of a social goal in the name of an environmental cause.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(10) ZOONOTIC AGENT.—The term ''zoonotic agent'' means any bacterium, virus, parasite, or other biological entity that is naturally transmissible from animals to humans.

**TITLE I—PREVENTION**

**SEC. 101. INCLUSION OF AGROTERRORISM IN TERRORIST ACTS INVOLVING WEAPONS OF MASS DESTRUCTION.**

It is the sense of Congress that, to formulate and encourage international consensus regarding intentional acts against agriculture and to facilitate disarmament negotiations and international sanctions against weapons of mass destruction, the United Nations Security Council should include agroterrorism in the definition of a terrorist act involving a weapon of mass destruction.

**SEC. 102. LEGAL FRAMEWORK FOR AGROTERRORISM.**

Section 2332a(a) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the comma at the end and inserting ''; or''; and

(3) by inserting after paragraph (3) the following:

''(4) against private property, including property used for agricultural or livestock operations.''.

**SEC. 103. STUDY ON FEASIBILITY OF ESTABLISHING A NATIONAL AGROTERRORISM AND ECOTERRORISM INCIDENT CLEARINGHOUSE.**

Not later than 240 days after the date of enactment of this Act, the Attorney General, in conjunction with the Secretary, shall submit to Congress a report on the feasibility and estimated cost of establishing and maintaining a national agroterrorism incident clearinghouse to gather information for use in coordinating and assisting investigations on incidents of—

(1) agroterrorism committed against or directed at—

(A) any animal or plant enterprise; or

(B) any person, because of any actual or perceived connection of the person with, or support by the person of, agriculture; and

(2) ecoterrorism.

**SEC. 104. INTERNATIONAL AGRICULTURAL DISEASE SURVEILLANCE.**

Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, shall submit to the appropriate committees of Congress a report on measures taken by the Secretary to—

(1) streamline the process of notification by the Secretary to Federal agencies in the event of outbreaks of agricultural diseases in foreign countries; and

(2) cooperate with representatives of foreign countries, international organizations, and industry to devise and implement methods of sharing information on international plant and animal disease outbreaks and unusual agricultural activities.

**SEC. 105. AGRICULTURAL INSPECTIONS.**

The Secretary shall—

(1) cooperate with appropriate Federal intelligence officials to improve the ability of the Department to identify agricultural products, livestock, and other goods imported from suspect locations recognized by the intelligence community as having—

(A) experienced agricultural terrorist activities or unusual agricultural disease outbreaks; or

(B) harbored agroterrorists;

(2) use the information collected under paragraph (1) to establish inspection priorities;

(3) not later than 240 days after the date of enactment of this Act, develop a plan to increase the laboratory capacity of the Department and the effectiveness of the Department in detecting the presence of pathogens and disease in agricultural products; and

(4) not later than 1 year after the date of enactment of this Act, submit to the appropriate committees of Congress a report that provides a description, and an estimate of the costs, of the plan developed under paragraph (3).

**SEC. 106. ON-FARM AND ON-RANCH BIOSECURITY.**

(a) BIOSECURITY GUIDELINES.—

(1) IN GENERAL.—Not later than 240 days after the date of enactment of this Act, in consultation with associations of agricultural producers and taking into consideration the research conducted under subtitle N of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3351 et seq.), the Secretary shall—

(A) develop guidelines—

(i) to improve monitoring of vehicles and materials entering or departing farm or ranch operations; and

(ii) to control human traffic onto farm or ranch operations; and

(B) disseminate the guidelines to agricultural producers through agricultural educational seminars and biosecurity training sessions.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to carry out this subsection—

(i) $5,000,000 for fiscal year 2003; and

(ii) such sums as are necessary for each fiscal year thereafter.

(B) EDUCATION PROGRAM.—Of the amounts made available under subparagraph (A), the Secretary may use such sums as are necessary to establish in each State an education program to distribute the biosecurity guidelines developed under paragraph (1).

(b) BIOSECURITY GRANT PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 240 days after the date of enactment of this Act, the Secretary shall develop a pilot program to provide incentives, in the form of grants or low-interest loans, in an amount not to exceed $10,000, for agricultural producers to restructure farm and ranch operations (based on the biosecurity guidelines developed under subsection (a)(1)) to—

(A) control access to farms or ranch property by persons intending to commit an agroterrorist act;

(B) prevent the introduction and spread of agricultural diseases; and

(C) take other measures to ensure biosecurity.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that—

(A) describes the implementation of the program; and

(B) makes recommendations on expansion of the program.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

(A) $5,000,000 for fiscal year 2003; and

(B) such sums as are necessary for each of fiscal years 2004 through 2007.

## TITLE II—PREPAREDNESS AND MITIGATION

**SEC. 201. INTERAGENCY COORDINATION.**

(a) AGRICULTURAL DISEASE EMERGENCY MANAGEMENT LIAISON.—The Director of the Federal Emergency Management Agency shall establish a senior level position to serve, as a primary responsibility, as a liaison for agricultural disease emergency management between—

(1) the Federal Emergency Management Agency;

(2) the Department;

(3) the emergency management community; and

(4) the affected industries.

(b) TRANSPORTATION.—The Secretary of Transportation, in consultation with the Secretary of Agriculture and the Director of the Federal Emergency Management Agency, shall—

(1) publish in the Federal Register proposed guidelines for restrictions on interstate transportation of an agricultural commodity or product in response to an agricultural disease emergency created by a foreign or emerging disease affecting the agricultural commodity or product;

(2) provide for a comment period for the proposed guidelines of not less than 90 days;

(3) establish the final guidelines, taking into consideration any comments received under paragraph (2); and

(4) provide the guidelines to officers and employees of—

(A) the Department;

(B) the Department of Transportation; and

(C) the Federal Emergency Management Agency.

(c) ANIMAL HEALTH CARE LIAISON.—The Secretary of Health and Human Services shall establish within the Department of Health and Human Services a senior level position to serve, as a primary responsibility, as a liaison between the Department of Health and Human Services, the Department of Agriculture, the animal health community, the emergency management community, and industry.

(d) REGIONAL, STATE, AND COUNTY PREPARATION.—The Administrator, in consultation with the Secretary, shall cooperate with regional, State, and local disaster preparedness officials to include consideration of potential environmental impacts of response activities when planning responses to agricultural disease emergencies.

**SEC. 202. PLANNING.**

(a) FEDERAL RESPONSE PLAN.—Not later than 180 days after the date of enactment of this Act, the Director of the Federal Emergency Management Agency, in consultation with the Secretary, shall examine, and revise as necessary, the Emergency Support Functions of the Federal Response Plan, to include the economic, environmental, and medical impacts of naturally-occurring agricultural disease outbreaks and agroterrorist acts in emergency response planning activities.

(b) LOCAL RESPONSE PLANNING.—The Secretary shall cooperate with State agriculture officials, State and local emergency managers, representatives from State land grant colleges, research universities, agricultural producers, and agricultural trade associations to establish local response plans for foreign or emerging agricultural disease emergencies.

(c) ANIMAL CARE.—

(1) IN GENERAL.—The Director of the Federal Emergency Management Agency, in consultation with the Secretary, shall establish a program to provide grants to small communities to facilitate the participation of State and local animal health care officials in community emergency planning efforts.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for fiscal year 2003.

(d) MODELING AND STATISTICAL ANALYSES.—

(1) IN GENERAL.—In consultation with the Steering Committee of the National Animal Health Emergency Management Systems and other stakeholders, the Secretary shall conduct a study—

(A) to determine the best use of epidemiologists, computer modelers, and statisticians as members of the emergency response task forces that handle foreign or emerging agricultural disease emergencies; and

(B) to identify the types of data that are not collected but that would be necessary for proper modeling and analysis of agricultural disease emergencies.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report that describes the results of the study to—

(A) the Director of the Federal Emergency Management Agency; and

(B) the heads of other appropriate governmental agencies involved in agricultural disease emergency response planning.

(e) GEOGRAPHIC INFORMATION SYSTEM GRANTS.—

(1) IN GENERAL.—The Secretary shall establish a program to provide grants to States to

develop capabilities to use geographic information systems and statistical models for epidemiological assessments in the event of agricultural disease emergencies.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

(A) $2,500,000 for fiscal year 2003; and

(B) such sums as are necessary for each fiscal year thereafter.

**SEC. 203. EXERCISES AND TRAINING.**

(a) BEST PRACTICES.—The Director of the Federal Emergency Management Agency, in consultation with the Secretary, shall—

(1) establish a task force, consisting of agricultural producers and State and local emergency response officials, to identify best practices for State regional agricultural disaster exercise programs; and

(2) distribute to States and localities a report that describes the best practices.

(b) EXERCISES.—On the basis of the identified best practices, the Secretary shall design and distribute packages of exercises for training, in the form of printed materials and electronic media, for distribution to State and local emergency managers and State agriculture officials.

**SEC. 204. COMMUNICATION WITH THE PUBLIC.**

(a) EDUCATION.—The Secretary, in consultation with agricultural producers and trade associations, shall develop a national education campaign—

(1) to demonstrate the contribution of agriculture to the well-being of people and economic prosperity of the United States;

(2) to improve the public image of agriculture in the United States;

(3) to increase public awareness about the potential for negative economic and social effects that could result from foreign or emerging agricultural diseases; and

(4) to increase public awareness of the benefits of animal and plant health research for preventing and responding to agroterrorism.

(b) OUTREACH.—The Secretary, in consultation with the Director of the Federal Emergency Management Agency and the Secretary of Health and Human Services, shall establish, as part of agroterrorism preparedness efforts, a program to encourage regional emergency management planners to—

(1) develop cooperative relationships with agricultural producers, trade associations, and local groups that promote plant and animal health issues to explain to the public the nature of potential agroterrorist threats and the reasons why certain response measures need to be taken; and

(2) prepare information in the form of brochures, pamphlets, literature packets, CD ROMs, or other similar forms, for distribution to the public in the event of a foreign or emerging agricultural disease emergency.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary for fiscal year 2004 and each fiscal year thereafter to carry out this section.

**SEC. 205. VACCINE DEVELOPMENT AND DISEASE RESEARCH.**

(a) IN GENERAL.—In carrying out the foreign or emerging diseases and pests program of the Department, the Secretary shall establish a program to provide grants to colleges and universities to identify and develop—

(1) rapid diagnostic tests to identify plant and animal diseases;

(2) improved vaccines for animal diseases;

(3) new diagnostic techniques to be used in distinguishing between animals that test positive for exposure to an infectious foreign or emerging animal disease as a result of vaccination and those that test positive as a result of having contracted the disease; and

(4) techniques to disinfect areas where outbreaks of plant or animal diseases occur.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $20,000,000 for fiscal year 2003; and

(2) such sums as are necessary for each fiscal year thereafter.

**SEC. 206. DIAGNOSTIC AND LABORATORY CAPACITY.**

(a) RESEARCH ON DISEASE DIAGNOSTIC KITS.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of State, the Administrator of the United States Agency for International Development, and representatives of foreign countries, shall seek collaborative agricultural research opportunities in foreign countries in which foreign or emerging agricultural diseases are endemic, to test the performance of disease diagnostic kits and disinfection techniques that, because of low or no known incidence of those agricultural diseases in the United States, have not been adequately tested.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to expand overseas research collaboration activities of the Department, including research on foreign and emerging plant and animal diseases—

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

(B) such sums as are necessary for each fiscal year thereafter.

(b) ANIMAL DISEASE DIAGNOSTIC LABORATORIES.—The Secretary of Health and Human Services shall include animal disease diagnostic laboratories in the Laboratory Response Network of the Centers for Disease Control and Prevention.

(c) CLINICAL SAMPLE SCREENING.—Not later than 180 days after the date of enactment of this Act, the Secretary and the Secretary of Health and Human Services shall jointly—

(1) conduct a study to identify means of expanding laboratory capabilities to screen and handle large quantities of veterinary and human clinical samples for foreign or emerging zoonotic agents in the event of an agricultural emergency; and

(2) submit to the appropriate committees of Congress a report on the results of the study.

(d) STUDY ON FEASIBILITY OF ESTABLISHING A NATIONAL PLANT DISEASE LABORATORY.—Not later than 270 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the feasibility of establishing a national plant disease laboratory, based on the model of the Centers for Disease Control and Prevention, with the primary task of—

(1) integrating and coordinating a nationwide system of independent plant disease diagnostic laboratories, including existing plant clinics maintained by land grant colleges and universities; and

(2) increasing the capacity, technical infrastructure, and information sharing capabilities of laboratories described in paragraph (1).

## TITLE III—RESPONSE AND RECOVERY

**SEC. 301. IMPLEMENTATION OF FEDERAL, STATE, AND LOCAL RESPONSE PLANS.**

(a) GRANT PROGRAM.—

(1) IN GENERAL.—Not later than 240 days after the date of enactment of this Act, the Secretary, in consultation with the Director of the Federal Emergency Management Agency, shall establish a grant program to facilitate the establishment of regional agricultural emergency response networks.

(2) DUTIES.—The regional networks established under paragraph (1) shall serve as the basis for coordination by Federal, State, and local officials and industry representatives in the event of a foreign or emerging agricultural disease emergency.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

(A) $50,000,000 for fiscal year 2003; and

(B) such sums as are necessary for each fiscal year thereafter.

(b) REVIEW OF LEGAL AUTHORITY.—

(1) IN GENERAL.—The Attorney General, in consultation with the Secretary, shall conduct a review of State and local laws relating to agroterrorism and biosecurity to determine—

(A) the extent to which those laws facilitate or impede the implementation of current or proposed response plans with respect to agricultural emergencies;

(B) whether an injunction issued by a State court could—

(i) delay the implementation of a Federal response plan; or

(ii) affect the extent to which an infectious plant or animal disease spreads; and

(C) the types and extent of legal evidence that may be required by State courts before a response plan may be implemented.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to the appropriate committees of Congress a report that describes the results of the review conducted under paragraph (1) (including any recommendations of the Attorney General).

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By Mr. HAGEL (for himself and Mr. ENZI):

S. 2788. A bill to provide to agricultural producers emergency livestock assistance and assistance for control of grasshoppers and Mormon crickets, with offsets; to the Committee on Agriculture, Nutrition, and Forestry.

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. 2768

*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 ''Emergency Livestock Assistance Act of 2002''.

**SEC. 2. ASSISTANCE FOR LIVESTOCK PRODUCERS.**

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation in an amount equal to $620,000,000 to make and administer payments for livestock losses using the criteria established to carry out the 1999 Livestock Assistance Program (except for application of the national percentage reduction factor) to producers for 2001 and 2002 losses in a county that has received an emergency designation by the President or the Secretary in calendar year 2001 or 2002.

(b) PREVENTION OF DOUBLE PAYMENTS.—If a producer is on a farm located in a county that received an emergency designation described in subsection (a) in each of calendar years 2001 and 2002, the producer may receive payments under this section for losses associated with the declaration in either calendar year 2001 or calendar year 2002, but not both.

**SEC. 3. CONTROL OF GRASSHOPPERS AND MORMON CRICKETS.**

(a) IN GENERAL.—The Secretary shall use $14,000,000 of the funds of the Commodity Credit Corporation to control grasshoppers and Mormon crickets on Federal, State, and private land during fiscal years 2002 and 2003,

in accordance with section 417 of the Plant Protection Act (7 U.S.C. 7717).

(b) FEDERAL COST SHARE OF TREATMENT.—Section 417(d) of the Plant Protection Act (7 U.S.C. 7717(d)) is amended—

(1) in paragraph (2), by inserting ''(or, in the case of costs incurred during fiscal years 2002 and 2003, 66.67 percent)'' after ''50 percent''; and

(2) in paragraph (3), by inserting ''(or, in the case of costs incurred during fiscal years 2002 and 2003, 66.67 percent)'' after ''33.3 percent''.

**SEC. 4. OFFSETS.**

(a) LOAN RATES.—Section 1202 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7932) is amended—

(1) in subsection (a), by striking ''2002 AND 2003 CROP YEARS.—For purposes of the 2002 and 2003 crop years,'' and inserting ''2002 CROP YEAR.—For purposes of the 2002 crop year,''; and

(2) in subsection (b), by striking ''2004 THROUGH 2007 CROP YEARS.—For purposes of the 2004 through 2007 crop years,'' and inserting ''2003 THROUGH 2007 CROP YEARS.—For purposes of the 2003 through 2007 crop years,''.

(b) ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.—

(1) ALLOCATION OF FUNDING.—Section 1240B(g) of the Food Security Act of 1985 (16 U.S.C. 3839aa–2(g)) is amended by striking ''For each of fiscal years 2002 through 2007, 60 percent'' and inserting ''For fiscal year 2002 and each of fiscal years 2004 through 2007, 60 percent, and for fiscal year 2003, 100 percent,''.

(2) FISCAL YEAR 2003 FUNDING.—Section 1241(a)(6)(B) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(6)(B)) is amended by striking ''$700,000,000'' and inserting ''$420,000,000''.

(c) DESERT TERMINAL LAKES.—

(1) IN GENERAL.—Section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171) is repealed.

(2) RESCISSION.—Funds transferred under that section (as in effect before the amendment made by paragraph (1)) are rescinded.

**SEC. 5. REGULATIONS.**

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this Act and the amendments made by this Act.

(b) PROCEDURE.—The promulgation of the regulations and administration of this Act and the amendments made by this Act shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

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By Mr. DODD (for himself, Mr. WARNER, Mr. LIEBERMAN, Mr. SCHUMER, Mr. BIDEN, Mr. TORRICELLI, Mr. GRASSLEY, Mr. DAYTON, Mr. DURBIN, and Mrs. CLINTON):

S. 2770. A bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas; to the Committee on Governmental Affairs.

Mr. DODD. Mr. President, I rise today to introduce legislation that is important to Federal law enforcement officers and the people they protect across America. I am joined today by Senator WARNER, Senator LIEBERMAN, Senator SCHUMER, Senator BIDEN, Senator TORRICELLI, Senator GRASSLEY, Senator DAYTON, Senator DURBIN, and Senator CLINTON.

The legislation that we are offering will amend the Federal Law Enforcement Pay Reform Act of 1990 to ensure that the government treats Federal law enforcement officers fairly. This bill will partially increase the locality pay adjustments paid to Federal agents in certain high cost areas. These areas have pay disparities so high they are negatively affecting our Federal law enforcement officers, since locality pay adjustments have either not been increased since 1990, or have been increased negligibly.

All over America, Federal law enforcement personnel are enduring tremendous stress associated with our Nation's effort to protect citizens from the threat of terrorism. Unfortunately, that stress has been compounded by ongoing pressing concerns among many such personnel about their pay. I have heard from officers who have described long commutes, high personal debts, and in some cases, almost all-consuming concerns about financial insecurity. Many of these problems occur when agents or officers are transferred from low-cost parts of the country to high-cost areas. I have been told that some federal officers are forced to separate from their families and rent rooms in the cities to which they have been transferred because they cannot afford to rent or buy homes large enough for a family.

An agent in the San Francisco area recently wrote to me to explain how hard it is to live on the wages currently paid to federal officers in that area. This agent, a military veteran who continues to serve the public, wrote: ''I have been with the federal government for 15 years now and never thought that I would be forced to live in a trailer park.'' This agent further explained that she and her husband, who is still in the military, cannot afford to buy even a small condominium on their government salaries. They can only barely afford to pay the mortgage on the trailer they purchased for $255,000.

Unfortunately, the raise in the cost of living in many cities across America has outstripped our Federal pay system. I recognize that this is a problem for other Federal employees and I am prepared to work with my colleagues to address this larger issue. The cost of living has also had a very negative impact on non-federal employees as well and I have consistently worked to ensure that all working Americans enjoy a truly livable wage. The legislation that we are introducing today in no way suggests that the needs of other workers should be ignored, but it acknowledges that as we continue to ask federal law enforcement personnel to put in long hours and remain on heightened alert, we must provide them with a salary sufficient to allow them to focus on their vital work without nagging worries about how to provide their families with the essentials of food, clothing, and shelter.

The Federal Law Enforcement Officers Association, representing more than 19,000 Federal agents, along with the Fraternal Order of Police, National Association of Police Organizations, National Troopers Coalition, National Organization of Black Law Enforcement Executives, International Brotherhood of Police Organization, and the Police Executive Research Forum have endorsed this legislative proposal. The proposed legislation will increase the pay of federal law enforcement personnel in the following metropolitan areas by the following percentages:

| | *Percentage* |
|---|---|
| San Francisco—Oakland—San Jose | 14.02 |
| San Diego, CA | 9.58 |
| Houston—Galveston—Brazoria | 12.94 |
| Miami—Ft. Lauderdale | 9.34 |
| LA—Riverside—Orange Cty | 11.14 |
| Cincinnati—NO KY—IN | 8.76 |
| NYC—NO NJ—SO CT | 10.44 |
| Seattle—Tacoma—Bremerton | 8.90 |
| Chicago—Gary—Kenosha | 10.76 |
| Philadelphia—Wilmington—SO NJ | 9.03 |
| Detroit—Ann Arbor—Flint | 10.57 |
| Portland—Salem | 9.26 |
| Hartford, CT | 9.67 |
| Minneapolis—St. Paul | 8.65 |
| Boston (MA–NJ–ME–CT–RI) | 8.43 |
| Sacramento—Yolo | 8.42 |
| Denver—Boulder—Greeley | 9.74 |
| Washington—Baltimore | 8.53 |

In these difficult time we must remain committed to recruiting, hiring, and retaining law enforcement officers of the highest caliber. However, we must also recognize that the federal government is in competition with State and local police departments that often pay more and provide better standards of living.

I urge all of my colleagues to join us in this effort. I hope that we can quickly pass this important legislation because it will improve the lives of the men and women who are dedicated to protecting and in so doing it will improve the nation's domestic security.

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By Mr. JEFFORDS:

S. 2771. A bill to amend the John F. Kennedy Center Act to authorize the Secretary of Transportation to carry out a project for construction of a plaza adjacent to the John F. Kennedy Center for the Performing Arts, and for other purposes; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2771

*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 ''John F. Kennedy Center Plaza Authorization Act of 2002''.

**SEC. 2. JOHN F. KENNEDY CENTER PLAZA.**

The John F. Kennedy Center Act (20 U.S.C. 76h et seq.) is amended—

(1) by redesignating sections 12 and 13 as sections 13 and 14, respectively; and

(2) by inserting after section 11 the following:

**''SEC. 12. JOHN F. KENNEDY CENTER PLAZA.**

''(a) DEFINITIONS.—In this section:

''(1) AIR RIGHT.—The term 'air right' means a real property interest conveyed by deed, lease, or permit for the use of space between streets and alleys within the boundaries of the Project.

''(2) CENTER.—The term 'Center' means the John F. Kennedy Center for the Performing Arts.

''(3) GREEN SPACE.—The term 'green space' means an area within the boundaries of the Project or affected by the Project that is covered by grass, trees, or other vegetation.

''(4) PLAZA.—The term 'Plaza' means improvements to the area surrounding the John F. Kennedy Center building that are—

''(A) carried out under the Project; and

''(B) comprised of—

''(i) transportation elements (including roadways, sidewalks, and bicycle lanes); and

''(ii) nontransportation elements (including landscaping, green space, open public space, and water, sewer, and utility connections).

''(5) PROJECT.—

''(A) IN GENERAL.—The term 'Project' means the Plaza project, as described in the TEA–21 report, providing for—

''(i) construction of the Plaza; and

''(ii) improved bicycle, pedestrian, and vehicular access to and around the Center.

''(B) INCLUSIONS.—The term 'Project'—

''(i) includes—

''(I) planning, design, engineering, and construction of the Plaza;

''(II) buildings to be constructed on the Plaza; and

''(III) related transportation improvements; and

''(ii) may include any other element of the Project identified in the TEA–21 report.

''(6) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(7) TEA–21 REPORT.—The term 'TEA–21 report' means the report of the Secretary submitted to Congress under section 1214 of the Transportation Equity Act for the 21st Century (20 U.S.C. 76j note; 112 Stat. 204).

''(b) RESPONSIBILITIES OF THE SECRETARY.—

''(1) IN GENERAL.—The Secretary shall be responsible for the Project and may carry out such activities as are necessary to construct the Project, other than buildings to be constructed on the Plaza, substantially as described in the TEA–21 report.

''(2) PLANNING, DESIGN, ENGINEERING, AND CONSTRUCTION.—The Secretary shall be responsible for the planning, design, engineering, and construction of the Project, other than buildings to be constructed on the Plaza.

''(3) AGREEMENTS WITH THE BOARD AND OTHER AGENCIES.—The Secretary shall enter into memoranda of agreement with the Board and any appropriate Federal or other governmental agency to facilitate the planning, design, engineering, and construction of the Project.

''(4) CONSULTATION WITH THE BOARD.—The Secretary shall consult with the Board to maximize efficiencies in planning and executing the Project, including the construction of any buildings on the Plaza.

''(5) CONTRACTS.—Subject to the approval of the Board, the Secretary may enter into contracts on behalf of the Center relating to the planning, design, engineering, and construction of the Project.

''(c) RESPONSIBILITIES OF THE BOARD.—

''(1) IN GENERAL.—The Board may carry out such activities as are necessary to construct buildings on the Plaza for the Project.

''(2) RECEIPT OF TRANSFERS OF AIR RIGHTS.—The Board may receive from the District of Columbia such transfers of air rights as are necessary for the planning, design, engineering, and construction of the Project.

''(3) CONSTRUCTION OF BUILDINGS.—The Board—

''(A) may construct, with nonappropriated funds, buildings on the Plaza for the Project; and

''(B) shall be responsible for the planning, design, engineering, and construction of the buildings.

''(4) ACKNOWLEDGMENT OF CONTRIBUTIONS.—

''(A) IN GENERAL.—The Board may acknowledge private contributions used in the construction of buildings on the Plaza for the Project in the interior of the buildings, but may not acknowledge private contributions on the exterior of the buildings.

''(B) APPLICABILITY OF OTHER REQUIREMENTS.—Any acknowledgement of private contributions under this paragraph shall be consistent with the requirements of section 4(b).

''(d) RESPONSIBILITIES OF THE DISTRICT OF COLUMBIA.—

''(1) MODIFICATION OF HIGHWAY SYSTEM.—Notwithstanding any State or local law, the Mayor of the District of Columbia, in consultation with the National Capital Planning Commission and the Secretary, shall have exclusive authority, as necessary to meet the requirements and needs of the Project, to amend or modify the permanent system of highways of the District of Columbia.

''(2) CONVEYANCES.—

''(A) AUTHORITY.—Notwithstanding any State or local law, the Mayor of the District of Columbia shall have exclusive authority, as necessary to meet the requirements and needs of the Project, to convey or dispose of any interests in real estate (including air rights and air space (as that term is defined by District of Columbia law)) owned or controlled by the District of Columbia.

''(B) CONVEYANCE TO THE BOARD.—Not later than 90 days after the date of receipt of notification from the Secretary of the requirements and needs of the Project, the Mayor of the District of Columbia shall convey or dispose of to the Board, without compensation, interests in real estate described in subparagraph (A).

''(3) AGREEMENTS WITH THE BOARD.—The Mayor of the District of Columbia shall have the authority to enter into memoranda of agreement with the Board and any Federal or other governmental agency to facilitate the planning, design, engineering, and construction of the Project.

''(e) OWNERSHIP.—

''(1) ROADWAYS AND SIDEWALKS.—Upon completion of the Project, responsibility for maintenance and oversight of roadways and sidewalks modified or improved for the Project shall remain with the owner of the affected roadways and sidewalks.

''(2) MAINTENANCE OF GREEN SPACES.—Subject to paragraph (3), upon completion of the Project, responsibility for maintenance and oversight of any green spaces modified or improved for the Project shall remain with the owner of the affected green spaces.

''(3) BUILDINGS AND GREEN SPACES ON THE PLAZA.—Upon completion of the Project, the Board shall own, operate, and maintain the buildings and green spaces established on the Plaza for the Project.

''(f) NATIONAL HIGHWAY BOUNDARIES.—

''(1) REALIGNMENT OF BOUNDARIES.—The Secretary may realign national highways related to proposed changes to the North and South Interchanges and the E Street approach recommended in the TEA–21 report in order to facilitate the flow of traffic in the vicinity of the Center.

''(2) ACCESS TO CENTER FROM I–66.—The Secretary may improve direct access and egress between Interstate Route 66 and the Center, including the garages of the Center.''.

**SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

Section 13 of the John F. Kennedy Center Act (as redesignated by section 2) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) JOHN F. KENNEDY CENTER PLAZA.—There is authorized to be appropriated to the Secretary of Transportation for capital costs incurred in the planning, design, engineering, and construction of the project authorized by section 12 (including roadway improvements related to the North and South Interchanges and construction of the John F. Kennedy Center Plaza, but not including construction of any buildings on the plaza) $400,000,000 for the period of fiscal years 2003 through 2010, to remain available until expended.''.

**SEC. 4. CONFORMING AMENDMENTS.**

(a) SELECTION OF CONTRACTORS.—Section 4(a)(2) of the John F. Kennedy Center Act (20 U.S.C 76j(a)(2)) is amended by striking subparagraph (D) and inserting the following:

''(D) SELECTION OF CONTRACTORS.—In carrying out the duties of the Board under this Act, the Board may—

''(i) negotiate, with selected contractors, any contract—

''(I) for planning, design, engineering, or construction of buildings to be erected on the John F. Kennedy Center Plaza under section 12 and for landscaping and other improvements to the Plaza; or

''(II) for an environmental system for, a protection system for, or a repair to, maintenance of, or restoration of the John F. Kennedy Center for the Performing Arts; and

''(ii) award the contract on the basis of contractor qualifications as well as price.''.

(b) ADMINISTRATION.—Section 6(d) of the John F. Kennedy Center Act (20 U.S.C. 76*l*(d)) is amended in the first sentence by striking ''section 12'' and inserting ''section 14''.

(c) DEFINITIONS.—Section 14 of the John F. Kennedy Center Act (as redesignated by section 2) is amended by adding at the end the following: ''Upon completion of the project for establishment of the John F. Kennedy Center Plaza authorized by section 12, the Board, in consultation with the Secretary of Transportation, shall amend the map that is on file and available for public inspection under the preceding sentence.''.

## SUBMITTED RESOLUTIONS

### SENATE CONCURRENT RESOLUTION 129—EXPRESSING THE SENSE OF CONGRESS REGARDING THE ESTABLISHMENT OF THE MONTH OF NOVEMBER EACH YEAR AS ''CHRONIC OBSTRUCTIVE PULMONARY DISEASE AWARENESS MONTH''

Mr. CRAPO submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. Con. Res. 129

Whereas chronic obstructive pulmonary disease (referred to in this concurrent resolution as ''COPD'') is primarily associated with emphysema and chronic bronchitis, conditions with which 3,000,000 and 9,000,000 people in the United States, respectively, have been diagnosed;

Whereas COPD is progressive and irreversible;

Whereas as COPD progresses, the airways and alveoli in the lungs lose elasticity and the airway walls collapse, closing off smaller airways and narrowing larger ones;

Whereas symptoms of COPD include chronic coughing, chest tightness, shortness of breath, increased effort to breathe, increased mucus production, and frequent clearing of the throat;

Whereas risk factors for COPD include long-term smoking, a family history of COPD, exposure to air pollution or secondhand smoke, and a history of childhood respiratory infections;

Whereas more than half of all people who suffer from COPD report that their condition limits their ability to work, sleep, and participate in social and physical activities;

Whereas more than half of all people who suffer from COPD feel they are not in control of their breathing, panic when they cannot catch their breath, and expect their condition to worsen;

Whereas 16,000,000 people in the United States have been diagnosed with some form of COPD and an estimated 16,000,000 people in the United States with COPD are undiagnosed;

Whereas nearly 107,000 people died in the United States of COPD in 1998, making COPD the fourth leading cause of death in the United States;

Whereas COPD accounted for 13,400,000 office visits to doctors in 1997 and 668,362 hospitalizations in 1998;

Whereas COPD costs the economy of the United States an estimated $30,400,000,000 a year;

Whereas in 1997, 24 States experienced death rates from COPD which were between 41 and 61 deaths per 100,000 people; and

Whereas too many people with COPD are not diagnosed or are not receiving adequate treatment: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That it is the sense of Congress that—

(1) November of each year should be established as ''Chronic Obstructive Pulmonary Disease Awareness Month'' to raise public awareness about the prevalence of chronic obstructive pulmonary disease and the serious problems associated with the disease; and

(2) the President should issue a proclamation calling on the people of the United States to observe the month with appropriate programs and activities.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 4312. Mr. REID (for Ms. MIKULSKI (for himself, Mr. HUTCHINSON, Mr. KERRY, Mr. JEFFORDS, Mr. GREGG, Mr. FRIST, Mr. KENNEDY, Ms. COLLINS, Mrs. CLINTON, Mr. ROBERTS, Mr. WELLSTONE, Mr. ENZI, Mr. BIDEN, Mr. WARNER, Mr. CORZINE, Mr. LUGAR, Mr. LEAHY, Mr. GRAHAM, Ms. CANTWELL, Mrs. LINCOLN, Mr. BAUCUS, Mr. JOHNSON, Mr. HARKIN, Mr. LEVIN, Mr. INOUYE, Mr. TORRICELLI, Mr. DOMENICI, Mrs. MURRAY, Mr. DODD, Mr. DASCHLE, Mrs. CARNAHAN, Mr. SMITH of Oregon, Mr. REED, Mr. BREAUX, Mr. BOND, Mr. DAYTON, Mr. DEWINE, Mr. SARBANES, Mr. ALLEN, Mr. CHAFEE, Mr. HAGEL, Mr. SANTORUM, Mr. BAYH, Mr. ROCKEFELLER, Mr. CLELAND, Mr. SMITH, of New Hampshire, and Mr. INHOFE)) proposed an amendment to the bill H.R. 3487, to amend the Public Health Service Act with respect to health professions programs regarding the field of nursing.

## TEXT OF AMENDMENTS

**SA 4312.** Mr. REID (for Ms. MIKULSKI (for himself, Mr. HUTCHINSON, Mr. KERRY, Mr. JEFFORDS, Mr. GREGG, Mr. FRIST, Mr. KENNEDY, Ms. COLLINS, Mrs. CLINTON, Mr. ROBERTS, Mr. WELLSTONE, Mr. ENZI, Mr. BIDEN, Mr. WARNER, Mr. CORZINE, Mr. LUGAR, Mr. LEAHY, Mr. GRAHAM, Ms. CANTWELL, Mrs. LINCOLN, Mr. BAUCUS, Mr. JOHNSON, Mr. HARKIN, Mr. LEVIN, Mr. INOUYE, Mr. TORRICELLI, Mr. DOMENICI, Mrs. MURRAY, Mr. DODD, Mr. DASCHLE, Mrs. CARNAHAN, Mr. SMITH of Oregon, Mr. REED, Mr. BREAUX, Mr. BOND, Mr. DAYTON, Mr. DEWINE, Mr. SARBANES, Mr. ALLEN, Mr. CHAFEE, Mr. HAGEL, Mr. SANTORUM, Mr. BAYH, Mr. ROCKEFELLER, Mr. CLELAND, Mr. SMITH of New Hampshire, and Mr. INHOFE)) proposed an amendment to the bill H.R. 3487, to amend the Public Health Service Act with respect to health professions program.

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Nurse Reinvestment Act''.

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—NURSE RECRUITMENT

Sec. 101. Definitions.
Sec. 102. Public service announcements regarding the nursing profession.
Sec. 103. National Nurse Service Corps.

TITLE II—NURSE RETENTION

Sec. 201. Building career ladders and retaining quality nurses.
Sec. 202. Comprehensive geriatric education.
Sec. 203. Nurse faculty loan program.
Sec. 204. Reports by General Accounting Office.

### TITLE I—NURSE RECRUITMENT

**SEC. 101. DEFINITIONS.**

Section 801 of the Public Health Service Act (42 U.S.C. 296) is amended by adding at the end the following:

''(9) AMBULATORY SURGICAL CENTER.—The term 'ambulatory surgical center' has the meaning applicable to such term under title XVIII of the Social Security Act.

''(10) FEDERALLY QUALIFIED HEALTH CENTER.—The term 'Federally qualified health center' has the meaning given such term under section 1861(aa)(4) of the Social Security Act.

''(11) HEALTH CARE FACILITY.—The term 'health care facility' means an Indian Health Service health center, a Native Hawaiian health center, a hospital, a Federally qualified health center, a rural health clinic, a nursing home, a home health agency, a hospice program, a public health clinic, a State or local department of public health, a skilled nursing facility, an ambulatory surgical center, or any other facility designated by the Secretary.

''(12) HOME HEALTH AGENCY.—The term 'home health agency' has the meaning given such term in section 1861(o) of the Social Security Act.

''(13) HOSPICE PROGRAM.—The term 'hospice program' has the meaning given such term in section 1861(dd)(2) of the Social Security Act.

''(14) RURAL HEALTH CLINIC.—The term 'rural health clinic' has the meaning given such term in section 1861(aa)(2) of the Social Security Act.

''(15) SKILLED NURSING FACILITY.—The term 'skilled nursing facility' has the meaning given such term in section 1819(a) of the Social Security Act.''.

**SEC. 102. PUBLIC SERVICE ANNOUNCEMENTS REGARDING THE NURSING PROFESSION.**

Title VIII of the Public Health Service Act (42 U.S.C. 296 et seq.) is amended by adding at the end the following:

**''PART H—PUBLIC SERVICE ANNOUNCEMENTS**

**''SEC. 851. PUBLIC SERVICE ANNOUNCEMENTS.**

''(a) IN GENERAL.—The Secretary shall develop and issue public service announcements that advertise and promote the nursing profession, highlight the advantages and rewards of nursing, and encourage individuals to enter the nursing profession.

''(b) METHOD.—The public service announcements described in subsection (a) shall be broadcast through appropriate media outlets, including television or radio, in a manner intended to reach as wide and diverse an audience as possible.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2003 through 2007.

**''SEC. 852. STATE AND LOCAL PUBLIC SERVICE ANNOUNCEMENTS.**

''(a) IN GENERAL.—The Secretary may award grants to eligible entities to support State and local advertising campaigns through appropriate media outlets to promote the nursing profession, highlight the advantages and rewards of nursing, and encourage individuals from disadvantaged backgrounds to enter the nursing profession.

''(b) USE OF FUNDS.—An eligible entity that receives a grant under subsection (a) shall use funds received through such grant to acquire local television and radio time, place advertisements in local newspapers, or post information on billboards or on the Internet in a manner intended to reach as wide and diverse an audience as possible, in order to—

''(1) advertise and promote the nursing profession;

''(2) promote nursing education programs;

''(3) inform the public of financial assistance regarding such education programs;

''(4) highlight individuals in the community who are practicing nursing in order to recruit new nurses; or

''(5) provide any other information to recruit individuals for the nursing profession.

''(c) LIMITATION.—An eligible entity that receives a grant under subsection (a) shall not use funds received through such grant to advertise particular employment opportunities.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2003 through 2007.''.

**SEC. 103. NATIONAL NURSE SERVICE CORPS.**

(a) LOAN REPAYMENT PROGRAM.—Section 846(a) of the Public Health Service Act (42 U.S.C. 297n(a)) is amended—

(1) in paragraph (3), by striking ''in an Indian Health Service health center'' and all that follows to the semicolon and inserting ''at a health care facility with a critical shortage of nurses''; and

(2) by adding at the end the following: ''After fiscal year 2007, the Secretary may

not, pursuant to any agreement entered into under this subsection, assign a nurse to any private entity unless that entity is nonprofit.''.

(b) ESTABLISHMENT OF SCHOLARSHIP PROGRAM.—Section 846 of the Public Health Service Act (42 U.S.C. 297n) is amended—

(1) in the heading for the section, by striking ''LOAN REPAYMENT PROGRAM'' and inserting ''LOAN REPAYMENT AND SCHOLARSHIP PROGRAMS'';

(2) by redesignating subsections (d), (f), (g), and (h) as subsections (f), (h), (i), and (g), respectively;

(3) by transferring subsections (f) and (g) (as so redesignated) from their current placements, by inserting subsection (f) after subsection (e), and by inserting subsection (g) after subsection (f) (as so inserted); and

(4) by inserting after subsection (c) the following subsection:

''(d) SCHOLARSHIP PROGRAM.—

''(1) IN GENERAL.—The Secretary shall (for fiscal years 2003 and 2004) and may (for fiscal years thereafter) carry out a program of entering into contracts with eligible individuals under which such individuals agree to serve as nurses for a period of not less than 2 years at a health care facility with a critical shortage of nurses, in consideration of the Federal Government agreeing to provide to the individuals scholarships for attendance at schools of nursing.

''(2) ELIGIBLE INDIVIDUALS.—In this subsection, the term 'eligible individual' means an individual who is enrolled or accepted for enrollment as a full-time or part-time student in a school of nursing.

''(3) SERVICE REQUIREMENT.—

''(A) IN GENERAL.—The Secretary may not enter into a contract with an eligible individual under this subsection unless the individual agrees to serve as a nurse at a health care facility with a critical shortage of nurses for a period of full-time service of not less than 2 years, or for a period of part-time service in accordance with subparagraph (B).

''(B) PART-TIME SERVICE.—An individual may complete the period of service described in subparagraph (A) on a part-time basis if the individual has a written agreement that—

''(i) is entered into by the facility and the individual and is approved by the Secretary; and

''(ii) provides that the period of obligated service will be extended so that the aggregate amount of service performed will equal the amount of service that would be performed through a period of full-time service of not less than 2 years.

''(4) APPLICABILITY OF CERTAIN PROVISIONS.—The provisions of subpart III of part D of title III shall, except as inconsistent with this section, apply to the program established in paragraph (1) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Scholarship Program established in such subpart.''.

(c) PREFERENCE.—Section 846(e) of the Public Health Service Act (42 U.S.C. 297n(e)) is amended by striking ''under subsection (a)'' and all that follows through the period and inserting ''under subsection (a) or (d), the Secretary shall give preference to qualified applicants with the greatest financial need.''.

(d) REPORTS.—Subsection (h) of section 846 of the Public Health Service Act (42 U.S.C. 297n) (as redesignated by subsection (b)(2)) is amended to read as follows:

''(h) REPORTS.—Not later than 18 months after the date of enactment of the Nurse Reinvestment Act, and annually thereafter, the Secretary shall prepare and submit to the Congress a report describing the programs carried out under this section, including statements regarding—

''(1) the number of enrollees, scholarships, loan repayments, and grant recipients;

''(2) the number of graduates;

''(3) the amount of scholarship payments and loan repayments made;

''(4) which educational institution the recipients attended;

''(5) the number and placement location of the scholarship and loan repayment recipients at health care facilities with a critical shortage of nurses;

''(6) the default rate and actions required;

''(7) the amount of outstanding default funds of both the scholarship and loan repayment programs;

''(8) to the extent that it can be determined, the reason for the default;

''(9) the demographics of the individuals participating in the scholarship and loan repayment programs;

''(10) justification for the allocation of funds between the scholarship and loan repayment programs; and

''(11) an evaluation of the overall costs and benefits of the programs.''.

(e) FUNDING.—Subsection (i) of section 846 of the Public Health Service Act (42 U.S.C. 297n) (as redesignated by subsection (b)(2)) is amended to read as follows:

''(i) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of payments under agreements entered into under subsection (a) or (d), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2003 through 2007.

''(2) ALLOCATIONS.—Of the amounts appropriated under paragraph (1), the Secretary may, as determined appropriate by the Secretary, allocate amounts between the program under subsection (a) and the program under subsection (d).''.

## TITLE II—NURSE RETENTION

### SEC. 201. BUILDING CAREER LADDERS AND RETAINING QUALITY NURSES.

Section 831 of the Public Health Service Act (42 U.S.C. 296p) is amended to read as follows:

### ''SEC. 831. NURSE EDUCATION, PRACTICE, AND RETENTION GRANTS.

''(a) EDUCATION PRIORITY AREAS.—The Secretary may award grants to or enter into contracts with eligible entities for—

''(1) expanding the enrollment in baccalaureate nursing programs;

''(2) developing and implementing internship and residency programs to encourage mentoring and the development of specialties; or

''(3) providing education in new technologies, including distance learning methodologies.

''(b) PRACTICE PRIORITY AREAS.—The Secretary may award grants to or enter into contracts with eligible entities for—

''(1) establishing or expanding nursing practice arrangements in noninstitutional settings to demonstrate methods to improve access to primary health care in medically underserved communities;

''(2) providing care for underserved populations and other high-risk groups such as the elderly, individuals with HIV–AIDS, substance abusers, the homeless, and victims of domestic violence;

''(3) providing managed care, quality improvement, and other skills needed to practice in existing and emerging organized health care systems; or

''(4) developing cultural competencies among nurses.

''(c) RETENTION PRIORITY AREAS.—The Secretary may award grants to and enter into contracts with eligible entities to enhance the nursing workforce by initiating and maintaining nurse retention programs pursuant to paragraph (1) or (2).

''(1) GRANTS FOR CAREER LADDER PROGRAMS.—The Secretary may award grants to and enter into contracts with eligible entities for programs—

''(A) to promote career advancement for nursing personnel in a variety of training settings, cross training or specialty training among diverse population groups, and the advancement of individuals including to become professional nurses, advanced education nurses, licensed practical nurses, certified nurse assistants, and home health aides; and

''(B) to assist individuals in obtaining education and training required to enter the nursing profession and advance within such profession, such as by providing career counseling and mentoring.

''(2) ENHANCING PATIENT CARE DELIVERY SYSTEMS.—

''(A) GRANTS.—The Secretary may award grants to eligible entities to improve the retention of nurses and enhance patient care that is directly related to nursing activities by enhancing collaboration and communication among nurses and other health care professionals, and by promoting nurse involvement in the organizational and clinical decisionmaking processes of a health care facility.

''(B) PREFERENCE.—In making awards of grants under this paragraph, the Secretary shall give a preference to applicants that have not previously received an award under this paragraph.

''(C) CONTINUATION OF AN AWARD.—The Secretary shall make continuation of any award under this paragraph beyond the second year of such award contingent on the recipient of such award having demonstrated to the Secretary measurable and substantive improvement in nurse retention or patient care.

''(d) OTHER PRIORITY AREAS.—The Secretary may award grants to or enter into contracts with eligible entities to address other areas that are of high priority to nurse education, practice, and retention, as determined by the Secretary.

''(e) PREFERENCE.—For purposes of any amount of funds appropriated to carry out this section for fiscal year 2003, 2004, or 2005 that is in excess of the amount of funds appropriated to carry out this section for fiscal year 2002, the Secretary shall give preference to awarding grants or entering into contracts under subsections (a)(2) and (c).

''(f) REPORT.—The Secretary shall submit to the Congress before the end of each fiscal year a report on the grants awarded and the contracts entered into under this section. Each such report shall identify the overall number of such grants and contracts and provide an explanation of why each such grant or contract will meet the priority need of the nursing workforce.

''(g) ELIGIBLE ENTITY.—For purposes of this section, the term 'eligible entity' includes a school of nursing, a health care facility, or a partnership of such a school and facility.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2003 through 2007.''.

### SEC. 202. COMPREHENSIVE GERIATRIC EDUCATION.

(a) COMPREHENSIVE GERIATRIC EDUCATION.—Title VIII of the Public Health Service Act (42 U.S.C. 296 et seq.) (as amended by section 102) is amended by adding at the end the following:

## ''PART I—COMPREHENSIVE GERIATRIC EDUCATION

### ''SEC. 855. COMPREHENSIVE GERIATRIC EDUCATION.

''(a) PROGRAM AUTHORIZED.—The Secretary shall award grants to eligible entities to develop and implement, in coordination with

programs under section 753, programs and initiatives to train and educate individuals in providing geriatric care for the elderly.

''(b) USE OF FUNDS.—An eligible entity that receives a grant under subsection (a) shall use funds under such grant to—

''(1) provide training to individuals who will provide geriatric care for the elderly;

''(2) develop and disseminate curricula relating to the treatment of the health problems of elderly individuals;

''(3) train faculty members in geriatrics; or

''(4) provide continuing education to individuals who provide geriatric care.

''(c) APPLICATION.—An eligible entity desiring a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(d) ELIGIBLE ENTITY.—For purposes of this section, the term 'eligible entity' includes a school of nursing, a health care facility, a program leading to certification as a certified nurse assistant, a partnership of such a school and facility, or a partnership of such a program and facility.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2003 through 2007.''.

(b) TECHNICAL AMENDMENT.—Section 753(a)(1) of the Public Health Service Act (42 U.S.C. 294c) is amended by striking '', and section 853(2),'' and inserting '', and section 801(2),''.

**SEC. 203. NURSE FACULTY LOAN PROGRAM.**

Part E of title VIII of the Public Health Service Act (42 U.S.C. 297a et seq.) is amended by inserting after section 846 the following:

''NURSE FACULTY LOAN PROGRAM

''SEC. 846A. (a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may enter into an agreement with any school of nursing for the establishment and operation of a student loan fund in accordance with this section, to increase the number of qualified nursing faculty.

''(b) AGREEMENTS.—Each agreement entered into under subsection (a) shall—

''(1) provide for the establishment of a student loan fund by the school involved;

''(2) provide for deposit in the fund of—

''(A) the Federal capital contributions to the fund;

''(B) an amount equal to not less than one-ninth of such Federal capital contributions, contributed by such school;

''(C) collections of principal and interest on loans made from the fund; and

''(D) any other earnings of the fund;

''(3) provide that the fund will be used only for loans to students of the school in accordance with subsection (c) and for costs of collection of such loans and interest thereon;

''(4) provide that loans may be made from such fund only to students pursuing a full-time course of study or, at the discretion of the Secretary, a part-time course of study in an advanced degree program described in section 811(b); and

''(5) contain such other provisions as are necessary to protect the financial interests of the United States.

''(c) LOAN PROVISIONS.—Loans from any student loan fund established by a school pursuant to an agreement under subsection (a) shall be made to an individual on such terms and conditions as the school may determine, except that—

''(1) such terms and conditions are subject to any conditions, limitations, and requirements prescribed by the Secretary;

''(2) in the case of any individual, the total of the loans for any academic year made by schools of nursing from loan funds established pursuant to agreements under subsection (a) may not exceed $30,000, plus any amount determined by the Secretary on an annual basis to reflect inflation;

''(3) an amount up to 85 percent of any such loan (plus interest thereon) shall be canceled by the school as follows:

''(A) upon completion by the individual of each of the first, second, and third year of full-time employment, required by the loan agreement entered into under this subsection, as a faculty member in a school of nursing, the school shall cancel 20 percent of the principle of, and the interest on, the amount of such loan unpaid on the first day of such employment; and

''(B) upon completion by the individual of the fourth year of full-time employment, required by the loan agreement entered into under this subsection, as a faculty member in a school of nursing, the school shall cancel 25 percent of the principle of, and the interest on, the amount of such loan unpaid on the first day of such employment;

''(4) such a loan may be used to pay the cost of tuition, fees, books, laboratory expenses, and other reasonable education expenses;

''(5) such a loan shall be repayable in equal or graduated periodic installments (with the right of the borrower to accelerate repayment) over the 10-year period that begins 9 months after the individual ceases to pursue a course of study at a school of nursing; and

''(6) such a loan shall—

''(A) beginning on the date that is 3 months after the individual ceases to pursue a course of study at a school of nursing, bear interest on the unpaid balance of the loan at the rate of 3 percent per annum; or

''(B) subject to subsection (e), if the school of nursing determines that the individual will not complete such course of study or serve as a faculty member as required under the loan agreement under this subsection, bear interest on the unpaid balance of the loan at the prevailing market rate.

''(d) PAYMENT OF PROPORTIONATE SHARE.—Where all or any part of a loan, or interest, is canceled under this section, the Secretary shall pay to the school an amount equal to the school's proportionate share of the canceled portion, as determined by the Secretary.

''(e) REVIEW BY SECRETARY.—At the request of the individual involved, the Secretary may review any determination by a school of nursing under subsection (c)(6)(B).

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2003 through 2007.''.

**SEC. 204. REPORTS BY GENERAL ACCOUNTING OFFICE.**

(a) NATIONAL VARIATIONS.—Not later than 4 years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a survey to determine national variations in the nursing shortage at hospitals, nursing homes, and other health care providers, and submit a report, including recommendations, to the Congress on Federal remedies to ease nursing shortages. The Comptroller General shall submit to the Congress this report describing the findings relating to ownership status and associated remedies.

(b) HIRING DIFFERENCES AMONG CERTAIN PRIVATE ENTITIES.—The Comptroller General of the United States shall conduct a study to determine differences in the hiring of nurses by nonprofit private entities as compared to the hiring of nurses by private entities that are not nonprofit. In carrying out the study, the Comptroller General shall determine the effect of the inclusion of private entities that are not nonprofit in the program under section 846 of the Public Health Service Act. Not later than 4 years after the date of the enactment of this Act, the Comptroller General shall submit to the Congress a report describing the findings of the study.

(c) NURSING SCHOLARSHIPS.—The Comptroller General of the United States shall conduct an evaluation of whether the program carried out under section 846(d) of the Public Health Service Act has demonstrably increased the number of applicants to schools of nursing and, not later than 4 years after the date of the enactment of this Act, submit a report to the Congress on the results of such evaluation.

## NOTICES OF HEARINGS/MEETINGS

### COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, July 24, 2002, at 10 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on S. 1344, a bill to Encourage Training to Native Americans Interested in Commercial Vehicle Driving Careers.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

### COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, July 25, 2002, at 10 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on the July 2, 2002 Report of the U.S. Department of the Interior to the Congress on the Historical Accounting of Individual Indian Money Accounts.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, July 30, 2002, at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to receive testimony on the following bills:

S. 2016, to authorize an exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes;

S. 2565, to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River Valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, and for other purposes;

S. 2587, to establish the Joint Federal and State Navigable Waters Commission for Alaska;

S. 2612, to establish wilderness areas, promote conservation, improve public land, and provide for high quality development in Clark County, Nevada, and for other purposes; and

S. Con. Res. 107, expressing the sense of Congress that Federal land management agencies should fully support the Western Governors Association ''Collaborative 10-year Strategy for Reducing Wildland Fire Risks to Communities and the Environment'', as signed August 2001, to reduce the overabundance of forest fuels that place national resources at high risk of catastrophic wildfire, and prepare a National Prescribed Fire Strategy that minimizes risks of escape.

Becausae of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 312 Dirksen Senate Office building, Washington, DC 20510.

For further information, please contact David Brooks or Kira Finkler of the Committee staff at (202) 224–4103.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, July 31, 2002, at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills:

S. 934, to require the Secretary of the Interior to construct the Rocky Boy's North Central Montana Regional Water System in the State of Montana, to offer to enter into an agreement with the Chippewa Cree Tribe to plan, design, construct, operate, maintain and replace the Rocky Boy's Rural Water System, and to provide assistance to the North Central Montana Regional Water Authority for the planning, design, and construction of the noncore system, and for other purposes;

S. 1577, to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects under that Act, and for other purposes;

S. 1882, to amend the Small Reclamation Projects Act of 1956, and for other purposes;

S. 2556, to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho; and

S. 2696, to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 312 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Patty Beneke at (202) 224–5451 or Mike Connor at (202) 224–5479 of the Committee staff.

## PRIVILEGE OF THE FLOOR

Mr. AKAKA. Mr. President, I ask unanimous consent that privilege of the floor be granted to Peter Dees and Brett Freedman, congressional fellows in my subcommittee office, throughout the duration of my comments on the introduction of the Agriculture Security Preparedness Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

## UNANIMOUS CONSENT REQUEST—H.R. 3210

Mr. REID. Mr. President, I indicated last Thursday that I would return with a unanimous consent request dealing with appointing conferees to the terrorism insurance bill. We fought for weeks to get to the bill. We finally got to the bill, and we passed it. Now we have been working for weeks to try to get a conference.

The President said this bill is important. He said: You have to do something on this bill. We finally passed something. Now we cannot get a conference. This all appears foolish.

Some will remember that Senator DASCHLE said he wanted the ratio on the conference committee to be 3 to 2. The minority said make it 4 to 3. Senator DASCHLE said, OK, we will make it 4 to 3—so we could get it to conference. Still no conference. The last I heard, there were two people who wanted the third slot, so they are fighting over that. I don't know what the reason is. It is very important that we move on with this legislation.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 252, H.R. 3210, the terrorism insurance bill; that all after the enacting clause be stricken and the text of S. 2600, as passed in the Senate, be inserted in lieu thereof; the bill, as amended, be read the third time and passed, and the motion to reconsider be laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with a ratio of 4 to 3, all without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Ms. SNOWE. Mr. President, I object on behalf of the leadership.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, as I said, I will place this in my desk, and I will be back tomorrow to do it again.

This legislation is not good for the country. I hope that we can have cooler heads prevail and that we can go ahead with the conference. I understand the House is going out for the summer recess this Friday. If the President wants this by the August recess, he had better get to it and ask those folks to allow us to proceed with a conference.

## MEASURE READ THE FIRST TIME—H.R. 4687

Mr. REID. Mr. President, it is my understanding that H.R. 4687, just received from the House, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 4687) to provide for the establishment of investigative teams to assess building performance and emergency measured 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.

Mr. REID. Mr. President, I now ask for its second reading but object to my own request on behalf of a number of colleagues.

The PRESIDING OFFICER. Objection is heard.

## ORDERS FOR TUESDAY, JULY 23, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until tomorrow at 9:45 a.m., Tuesday, July 23; that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period of morning business until 10:45 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the first half of the time under the control of the Republican leader or his designee, and the second half of the time under the majority leader or his designees; that following the disposition of the nomination, the Senate resume legislative session and the time until 12:30 p.m. be equally divided between the two leaders or their designees; further, that the Senate recess from 12:30 until 2:15 p.m. for the weekly party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. REID. Mr. President, the Senate will vote on cloture on the Surgeon General nomination at 10:45 tomorrow morning. We expect to complete consideration of the nomination shortly after that vote, and we expect to resume consideration of the prescription drug bill, with the time until 12:30 p.m. equally divided between the managers of the bill.

The Senate will vote in relation to the two pending prescription drug

amendments at approximately 2:45 tomorrow afternoon.

## ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:58 p.m., recessed until Tuesday, July 23, 2002, at 9:45 a.m.

## NOMINATIONS

Executive nominations received by the Senate July 22, 2002:

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE 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. ROBERT R. DIERKER, 0000

### 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. PAUL T. MIKOLASHEK, 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 general*

GEN. JAMES L. JONES JR., 0000

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF NAVAL PERSONNEL, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5141:

*To be vice admiral*

REAR ADM. GERALD L. HOEWING, 0000

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR A REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

*To be lieutenant colonel*

KURT R.L. PETERS, 0000

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

WILLIAM W. CROW, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S. CODE, SECTION 531:

*To be lieutenant*

JOEL C. SMITH, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

JOSEPH R. BECKHAM, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 1211:

*To be lieutenant commander*

MICHAEL E. MOORE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

CHARLES W BROWN, 0000
BRAUNA R CARL, 0000
JOHN M DANIELS, 0000
AMY E DERRICK, 0000
TERRENCE L DUDLEY, 0000
BRADLEY A FAGAN, 0000
CHRISTINA S HAGEN, 0000
KENNETH C MARSHALL, 0000
PATRICK W MCNALLY, 0000
JOHN F SHARPE, 0000
TANYA L WALLACE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

TODD E BARNHILL, 0000
DAVID S BROWN, 0000
JAMES A BUCHANAN, 0000
MARK D BUTLER, 0000
BRUCE W FORD, 0000
CHRISTOPHER L GABRIEL, 0000
PAULA E HILDEBRAND, 0000
JIMMY D HORNE JR., 0000
MATTHEW J MOORE, 0000
TIMOTHY M RAGLIN, 0000
JUSTIN M REEVES, 0000
JOHN W SIMMS, 0000
NEIL T SMITH, 0000
TIMOTHY B SMITH, 0000
VICTORIA L TABER, 0000
DOMINICK A VINCENT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

COLLEEN M BARIBEAU, 0000
STEPHANE C BLAIS, 0000
ROSETTA BUTLER, 0000
SHARON L GRAHAM, 0000
MOLLY A HARRINGTON, 0000
OUDREY HERVEY, 0000
WILLIAM K JAMES, 0000
JOANNE L KINS, 0000
MARY K KORTZ, 0000
HEATHER P MAY, 0000
HELEN L MILLER, 0000
MANUEL C MONTEHERMOSO, 0000
RICHARD OBREGON, 0000
STEVEN R SORCE, 0000
LYNDA M WHITTLE, 0000
KIM C WILLIAMS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

VINCENT A AUGELLI, 0000
WILLIAM M CARTER, 0000
KEVIN P CHRISTIE, 0000
VITTERIO J CRISP, 0000
MARISA A DECILLIS, 0000
CATHERINE W DONALDSON, 0000
MICHELLE L GLENN, 0000
BARBARA J GUTSCH, 0000
WILLIAM K HAM, 0000
WYATTE B JONESCOLEMAN, 0000
GARY C KYTE, 0000
STEVEN M LEDOUX, 0000
ADAM C LYONS, 0000
BRADLEY F MAAS, 0000
SUSAN C MCGOVERN, 0000
RHONDA T ONIANWA, 0000
BRYAN T SCHLOTMAN, 0000
JULIE R SCHUCHMANN, 0000
SATISH SKARIAH, 0000
PETER J SZCZEPANKIEWICZ, 0000
WILLIAM R WAGGONER, 0000
WARREN YU, 0000
REESE K ZOMAR, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

ANGEL BELLIDO, 0000
JOSEPH R BLANK, 0000
ALLEN C BLAXTON, 0000
KENNETH J BROWN JR., 0000
JEFFREY J CHOWN, 0000
WILLIAM F CONROY, 0000
GERALD A COOK, 0000
CHRISTOPHER J COUCH, 0000
DUANE L DECKER, 0000
ALLEN R FORD, 0000
LOUIS P GONCALVES, 0000
TYRONE W GORRICK, 0000
CHRISTOPHER HAMMOND, 0000
JOSEPH A HENRY, 0000
BRIAN J LAUER, 0000
RODOLFO E MARTINEZ, 0000
MICHAEL H MCCURDY, 0000
MARK E NIETO, 0000
JEFFREY J PRONESTI, 0000
DAVID R SCALF, 0000
TIMOTHY G SHINN, 0000
JOEL R TESSIER, 0000
WALTER J WINTERS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

MICHAEL P BANASZEWSKI, 0000
CLAUDIO C BILTOC, 0000
BENJAMIN T BURING, 0000
EUGENE F BUSTAMANTE, 0000
PHILIP N CAMPBELL, 0000
ANTHONY J CHERRY, 0000
ANDREW N COREY, 0000
MATTHEW G DISCH, 0000
ROBERT S FAGAN, 0000
JEFFREY S FREELAND, 0000
VINCENT C GIAMPIETRO, 0000
MELVIN GRIFFIN, 0000
EMILY P HAMPTON, 0000
JASON D HANEY, 0000
BRIAN D HOFFER, 0000
KYLE I HOLSTINE, 0000
MATTHEW F HOPSON, 0000
TRACY E JARVIS, 0000
DONALD R JONES JR., 0000
OTIS L LEAKE, 0000
KEITH W MALY, 0000
PATTI J MOYER, 0000
ELIAS OXENDINE, 0000
EDWARD J PADINSKE, 0000
WILLIAM D J PHARIS, 0000
CHAD E PIACENTI, 0000
ADAM D PORTER, 0000
STEVEN G PRENTISS, 0000
TODD PRUETT, 0000
PAUL P RYNNE, 0000
TROY A SHOULDERS, 0000
MIRIAM K SMYTH, 0000
BENJAMIN A SNELL, 0000
OSCAR TEQUIDA, 0000
MATTHEW A VERICH, 0000
DARREN S WILLIAMS, 0000
THOMAS P WYPYSKI, 0000
BRIAN S ZITO, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

STUART R BLAIR, 0000
ALEXANDER BULLOCK III, 0000
WILLIAM D CARROLL, 0000
KATHERINE M DOLLOFF, 0000
KEVIN R GALLAGHER, 0000
ANDREW S GIBBONS, 0000
LYNN A GISH, 0000
TRENT R GOODING, 0000
CHRISTOPHER J HANSON, 0000
WILLIAM L HARDMAN, 0000
JAMES W HARRELL, 0000
LAURA M HARTMAN, 0000
ANDREW P JOHNSON, 0000
JAY H JOHNSON, 0000
BRIAN L KELLY, 0000
JAMES A KNOLL, 0000
RYAN J KUCHLER, 0000
DANIEL L LANNAMANN, 0000
BRIAN D LAWRENCE, 0000
DAVID W LIDDY, 0000
JOHN L LOWERY, 0000
PETER M LUDWIG, 0000
CHARLES R MARSHALL, 0000
RICHARD J MCCONNELL, 0000
PATRICK M MCDERMOTT, 0000
STEPHEN R MEADE, 0000
BRIAN A METCALF, 0000
RONNIE L MOON, 0000
ELIZABETH S OKANO, 0000
ERIK D OLLER, 0000
JOSEPH R PRISELLA, 0000
JOSEPH PROBST, 0000
JACK S RAMSEY JR., 0000
CHRISTOPHER G RILEY, 0000
JOHN P ROBINSON II, 0000
MICHAEL J ROBISON, 0000
MARIA E SILSDORF, 0000
KEVIN R SMITH, 0000
TIMOTHY C SPICER, 0000
SCOTT W STETSON, 0000
JOHN D STEVENS, 0000
DOUGLAS L SWISHER, 0000
MICHAEL E TAYLOR, 0000
STEPHEN D TOMLIN, 0000
CRAIG A WILGENBUSCH, 0000
JON E WITHEE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

WILLIAM L ABBOTT, 0000
ALLEN D BALABIS, 0000
DAVID R BALLANCE, 0000
ROBERT L BARKSDALE, 0000
DONALD L BARNHART, 0000
DAVID W BIBBS, 0000
MICAL L BINDSCHATEL, 0000
JAMES B BLEAKLEY, 0000
BRIAN L BODOH, 0000
DANNY E BOUCHARD, 0000
ROGER J BROUILLET, 0000
ALEX S BROWN, 0000
DAVID W BROWNELL, 0000
RODNEY J BURLEY, 0000
ROBERT G BYRD, 0000
LAWRENCE C CALLAHAN, 0000
DENNIS L CAMERON, 0000
ROBERT A CARMAN, 0000
TERRY V CARROLL, 0000
COLIN M CASWELL, 0000
DOUGLAS B CHANDLER, 0000
JERRY D CHASE, 0000

DAVID A CHRISTOPHERSON, 0000
CRAIG T COLEMAN, 0000
JON T CORSON, 0000
JAMES D DANNELS JR., 0000
JAMES D DARBY, 0000
GEORGE D DAVIS III, 0000
DAVID A DEARMAN, 0000
JOHN F DEDITIUS, 0000
MARK P DITTIG, 0000
JOHN M DOGGETT, 0000
MATHIS DORF, 0000
ELLEN H DUFFY, 0000
ROBERT A DUNCAN, 0000
DAVID A DYMARCIK, 0000
GREGORY T ECKERT, 0000
WILLIAM C ECKES, 0000
DION J EDON, 0000
ROBERT R FARMER, 0000
ROBIN J FARRIS, 0000
GLENN W FORD, 0000
VINCENT W FRESCHI, 0000
DONALD R GATEWOOD, 0000
RICKY L GILBERT, 0000
CLAY K GLASHEEN, 0000
MICHAEL J GLENN, 0000
HILTON J GLYNN, 0000
HENRY K GREEN, 0000
JEFFERY N HANSON, 0000
WILLIAM B HAYS JR., 0000
DENNIS L HENDRIX, 0000
DENNIS J HENMAN, 0000
EDISON L HENRY, 0000
CARL E HOILMAN, 0000
JOSEF S HORAK, 0000
JEFFREY M HORTON, 0000
BILLY R HYLES, 0000
DERRICK L JACKSON, 0000
WILLIAM R JOHNSON, 0000
BRIAN W JONES, 0000
MICHAEL J JONES, 0000
MARK H JORDEN, 0000
HERBERT G KAATZ, 0000
ARLEN D KEMP, 0000
JAMES E KENNEY JR., 0000
DONALD J KOBIEC, 0000
ERICH F LAH, 0000
MICHAEL D LANTHORN, 0000
MICHAEL LAPRADE, 0000
BRIAN R LEE, 0000
ERIC C LEWIS, 0000
GREGORY P LIED, 0000
ANNE E MACFARLANE, 0000
CRAIG T MAJOR, 0000
ANTHONY J MARINELLI, 0000
GARY D MARTIN, 0000
MARTIN P MCCABE, 0000
DANIEL MCGUINNESS, 0000
ROSARIO D MCWHORTER, 0000
DARRELL E MERON, 0000
MARK A MESKIMEN, 0000
MARK E MILLER, 0000
PHILLIP G MILLER, 0000
WILLIAM F MILLER, 0000
RICHARD J MORAWSKI, 0000
JOHN B MORRISON, 0000
STEVEN B MULESKI, 0000
JIMMIE B NEWTON JR., 0000
STEVEN M NICKERSON, 0000
MARK C NISBETT, 0000
SCOTT E NORR, 0000
KEVIN R OLSON, 0000
VINCENT ORTIZ, 0000
BOBBY W OZLEY, 0000
WILLIAM A PAETZ, 0000
DAVID J PARKS, 0000
JAMES M PARTICKA, 0000
RALPH G PAYTON, 0000
RUSSELL L PEACOCK, 0000
LEONARD J PERRIER JR., 0000
JEFFERY D POST, 0000
DAVID L POWELL, 0000
IAKOPO POYER, 0000
WILLIAM M PRESCOTT, 0000
DUNCAN L PRESTON, 0000
THOMAS PRUSINOWSKI, 0000
HARRY S PUTNAM, 0000
ANTONIO C RAMOS, 0000
KEITH W RANSOM, 0000
LEITH E REGAN, 0000
JAMES D RHOADS, 0000
JAMES A ROBERTS, 0000
MARK H ROBERTSON, 0000
STEPHEN P RODES, 0000
JAMES N ROSENTHAL, 0000
DANIEL M ROSSLER, 0000
DOCE D SALAZAR, 0000
CAROL J SCHRADER, 0000
WILLIAM J SCOGGIN, 0000
MICHAEL A SCOTT, 0000
RICHARD W SHARP, 0000
JAMES D SHAW, 0000
GERALD A SHEALEY, 0000
RICHARD T SHELAR, 0000
SCOTT D SILK, 0000
MICHAEL A SIMMONS, 0000
CAREY J SIMS, 0000
REMBRANDT V SMITH, 0000
ROBERT E SMITHBERGER, 0000
THOMAS G SPANGLER, 0000
CLETUS STRAUSBAUGH, 0000
HILARY STROSE, 0000
MARK G SUCHSLAND, 0000
TIMOTHY J SULLIVAN, 0000
CHARLES D SWILLEY, 0000
GREGORY A TESCHNER, 0000
MCDONALD THOMAS, 0000
EDWARD S THOMPSON, 0000
DENNIS B TROUT, 0000
LAUREN L TROYAN, 0000
JAMES P TURNER, 0000
MATTHEW W VINCENT, 0000
MARY M WADSWORTH, 0000
SCOTT A WALKER, 0000
JOHN A WARDEAN, 0000
DAVID S WARNER, 0000
BRYAN F WATTS, 0000
CARVILLE C WEBB, 0000
CHARLES W WEBB, 0000
RAY R WETMORE JR., 0000
SHAWN T WHALEN, 0000
DONALDSON E WICKENS, 0000
JURGEN H WIESE, 0000
WILLIAM A WILLIAMS, 0000
JEFFREY N WOOD, 0000
ALLEN W WOOTEN, 0000
RYSZARD W ZBIKOWSKI, 0000

# EXTENSIONS OF REMARKS

## CONGRATULATING DETROIT RED WINGS FOR WINNING 2002 STANLEY CUP CHAMPIONSHIP

SPEECH OF

### HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 15, 2002*

Mr. CAMP. Mr. Speaker, today I rise to congratulate the 2002 Detroit Red Wings who have won the most coveted trophy in professional sports.

This legislation, introduced by Representative CAROLYN KILPATRICK, congratulates the Detroit Red Wings for winning the 2002 Stanley Cup Championship. I am pleased to report to my colleagues that I, along with the entire Michigan House delegation, have signed on as an original cosponsor of this measure.

The 2002 Stanley Cup Champion Detroit Red Wings are considered by many to be one of the greatest hockey teams. This Red Wings team was led by nine future Hall of Famers including, the best captain, defenseman, coach and goalie. After dominating the National Hockey League in the 1990s by winning two Stanley Cup Championships and dubbing Detroit ''Hockeytown,'' the Red Wings have captured their third Stanley Cup in 6 years. The championship work ethic and perseverance displayed by the Red Wings reflects the values of the people of Michigan.

The 2002 Red Wings are a symbol of team effort. Comprised of a diverse mix of experienced veterans, inexperienced youth, future Hall of Famers, Olympians, North Americans and Europeans, the Red Wings always put the team and their ultimate goal before individual achievement. The Red Wings, who started the 2001–2002 season with the highest expectations, were led by their selfless captain Steve Yzerman. Yzerman, who always exemplified team unity, led the Red Wings to the Stanley Cup despite being nearly crippled by a knee injury.

Not only have the Red Wings displayed excellence on the ice, but also in their communities, often volunteering their time to make significant contributions to those who are less advantaged. Unlike many professional athletes today, the Red Wings have welcome the time of ''role model.'' The Red Wings are an example of what can be achieved through hard work and team effort. Congratulating them with this Congressional Resolution is just one way we can pay tribute to their accomplishments and I urge support for the bill.

## PERSONAL EXPLANATION

### HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2002*

Mr. FOSSELLA. Mr. Speaker, I am not recorded on rollcall Nos. 319, 320, 321, 322, and 323. I was unavoidably detained and was not present to vote. Had I been present, I would have voted ''yes'' on rollcall Nos. 319, 320, 321, and 323. I would have voted ''no'' on rollcall No. 322.

## TRIBUTE TO NAPOLEON BANK

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2002*

Mr. SKELTON. Mr. Speaker, let me take this means to recognize the 100th anniversary of the Napoleon Bank of Napoleon, MO. This bank has given diligent service to eastern Jackson County and western Lafayette County citizens since 1902.

Napoleon Bank was founded in 1902 by local stockholders who felt that the area in and around Napoleon needed a bank. After the founding of the Napoleon Bank, John Strodtman was named its first president.

Since 1902, Napoleon Bank has outgrown its original placement and has had several additions, including five since 1966.

Mr. Speaker, the citizens of Napoleon can be proud of the 100-year history of the Napoleon Bank. I know the Members of the House will join me in congratulating Napoleon Bank on a century of the fine service.

## IN COMMEMORATION OF THE 28TH ANNIVERSARY OF THE TRAGIC INVASION AND OCCUPATION OF CYPRUS BY TURKISH ARMED FORCES

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2002*

Mr. MENENDEZ. Mr. Speaker, I rise today to join the Cyprus Federation of America, Inc., in remembering the 28th anniversary of the tragic invasion and occupation of Cyprus by Turkish armed forces. To commemorate this anniversary, a concert was held at the Summer Stage in Central Park on Saturday, July 20, 2002, featuring two exemplary artists from Greece, Dionyssios Savopoulos and Alkinoos Ionnides. On Sunday, July 21, 2002, memorial services were held for the victims of the Turkish invasion and occupation of Cyprus at the Cathedral of Holy Trinity in New York City.

On July 20, 1974, Turkey invaded the sovereign Republic of Cyprus and placed 37 percent of its territory under military occupation. Over the past 28 years, hundreds of thousands of Greek Cypriots have been expelled from their homes and forced to live as refugees in a homeland ravaged by ethnic strife and human rights abuses. This illegal occupation persists today, infringing upon principles of national sovereignty and violating the Cypriots' natural right of self-determination.

Today, I ask my colleagues to join me in solemnly commemorating the 28th anniversary of the invasion of Cyprus. I further ask you to stand firmly with the people of Cyprus in their quest to cast aside the chains of oppression and restore their fundamental rights of self-determination and self-government. To our friends engaged in the struggle for freedom in Cyprus, I offer the words of the American patriot Thomas Paine: ''Tyranny, like hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph.'' Let us hope that this anniversary will herald the coming of a glorious triumph for the Cypriot people after decades of injustice and for the cause of freedom throughout the world.

## TRIBUTE TO MR. GILES H. MILLER, JR.

### HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2002*

Mr. CANTOR. Mr. Speaker, I have known few people who represent the terms ''service to others'' and ''good citizenship,'' better than Mr. Giles H. Miller, Jr.

Mr. Miller was born in Lynchburg, VA, July 26, 1903. He was admitted to VMI in August 1920, graduating in June 1924. He received many honors while in attendance there. In more recent years, Mr. Miller has been president of its board of visitors, formed the Miller Basketball Scholarship Program, received its Keydet Board Spirit Award, served as trustee of the VMI Foundation, became an honorary coach, was chairman of the VMI Flying Squadron, and received VMI's Distinguished Service Award. He is presently the senior living alumnus of VMI.

Mr. Miller became a resident of Culpeper, VA in 1930, and has selflessly served that community for over 70 years. He became president of the Culpeper National Bank, as well as it chairman of the board, was elected to the Culpeper Town Council and subsequently received its 20 Year Town Council Award. He assisted in the organization of the Culpeper Host Lions' Club as its first president, represented Culpeper as director of the Maryland and Virginia Milk Coop, served two terms as president of the Culpeper Chamber of Commerce, served on Culpeper's 250th Anniversary Committee, and with the assistance of others, obtained a new weight room at Culpeper County High School, resulting in what is now called the Giles H. Miller, Jr. Training Center, and was honored at ''Miller's Day'' at Broman Field, Culpeper County High School, for his service. Mr. Miller was a Director of the Federal Reserve Bank of Richmond and the chairman of the first board of the Culpeper Memorial Hospital, now Culpeper Regional Hospital, and has acted as chairman of its fund drive. In fact, Mr. Speaker, Mr. Miller was instrumental in bringing the Federal

Reserve to Culpeper, as well as the Culpeper Memorial Hospital. Today, at the entrance of the Emergency Room of the Hospital, hangs a large bronze plaque, depicting Mr. Miller's likeness, which reads ''Giles H. Miller, Jr., Ambulatory Service Center, In Recognition of Outstanding Leadership and Support of Culpeper Memorial Hospital.''

Mr. Miller has received numerous awards, including, but certainly not limited to, Outstanding Citizen of the Year in Culpeper, was honored by resolution of the Virginia General Assembly for his service to VMI, Culpeper and the Commonwealth of Virginia, was presented a certificate as a member of the Culpeper School Board Selection Committee, received the Culpeper Colonel Award from the Board of Supervisors, was honored with a Certificate of Appreciation from Keep Virginia Beautiful, having served as its president, and received the Good Scout Award from the Boy Scouts of America.

Mr. Speaker, these few paragraphs do not begin to relate the accomplishments of this outstanding gentleman, known affectionately as Mr. VMI and Mr. Culpeper. He has been a friend to so many, has supported numerous causes and inspired others his entire life. On the occasion of his 99th birthday, I hope you will join me in recognizing Mr. Miller's positive influence and many contributions to the community of Culpeper, the Seventh District of Virginia and the Commonwealth of Virginia.

## STOP HATE

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2002*

Mr. RANGEL. Mr. Speaker, Dr. Martin Luther King Jr. once said, ''Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.'' Dr. King was referring to the struggles of African Americans to achieve basic civil rights and equality of opportunity in the civil rights movement of the 1960's and this same sentiment is applicable today. I come to the floor of the House of Representatives today in support of H. Res. 393. Concerning the rise in anti-Semitism in Europe because I believe it is time for us to speak out against this rise to expose and combat it.

The rise of anti-Semetic sentiment in Europe over the last 18 months is abominable, and detestable. The attacks on Jewish people and Jewish institutions are upsetting and should be the source of great concern by us all.

Anti-Semitism is just a fancy name for stupidity and ignorance. It is imperative that a goal of the governments in Europe be to eradicate sentiments and expressions of hate against any culture anywhere in their nations.

I stand in support of this bill, H. Res. 393, to express my belief that if we don't stop the spread of anti-Semitism in Europe we as Americans are as accountable as the arsonists who burned down the Or Aviv synagogue in Marseilles, France on March 31, 2002.

Individuals who harbored feelings of hate toward Americans and our way of life attacked the United States of America. That attack, September 11th, has permanently scarred us as a country. I believe that there is a direct correlation between anti-Semitism and terrorism.

It is therefore our duty, as Americans not to stand silent while our brethren across the pond allow for the spread of this form of terrorism.

To quote the great Dr. King again ''Nothing in the world is more dangerous than sincere ignorance and conscientious stupidity.'' It is therefore our responsibility to pressure the European of governments to root out anti-Semitism. I agree with my colleague, Congressman JOSEPH CROWLEY; who authored the resolution ''the governments of Europe should make a concentrated effort to cultivate an atmosphere of cooperation and reconciliation among the Jewish and non-Jewish residents of Europe''.

If we do not stop the spread of anti-Semitism in the streets of Germany, in the stadiums of Italy, in the Cafe in France, then what stops this hate from arriving here in the institutions of the United States of America?

## THE MONTGOMERY GI BILL ENHANCEMENT ACT

### HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2002*

Mr. CAMP. Mr. Speaker, I was recently contacted by one of my constituents who has dedicated his life to defending our Nation. His honorable service covers 19 plus years in the Air Force but he is denied the opportunity to participate in the Montgomery GI bill. Today, I am introducing the Montgomery GI Enhancement Act of 2002 to correct the unfair restrictions that are preventing some of our career servicemembers from using educational opportunities that they deserve.

Education assistance has been a cornerstone of military benefits for over 50 years. Congress recognized that military service often prevented young people from attending school and attaining higher levels of education. In 1944, Congress passed the original education bill for servicemembers, the Servicemen's Readjustment Act. This World War II era legislation provided billion of dollars in education and training incentives for veterans and active duty personnel. The Nation has reaped many times that amount in return investment from a well-trained workforce and a more productive society.

Building on the success of the original GI bill, Congress has passed several other pieces of legislation expending veterans' educational benefits. The Veterans' Educational Assistance Program, VEAP, was enacted in 1976 as a recruitment and retention tool for the post-Vietnam era. This was the first program requiring payment contributions from military personnel while they were on active duty and was available to people who entered active duty between December 31, 1976, and July 1, 1985.

In 1984, Congress passed the All Volunteer Force Educational Assistance Program; more commonly call the Montgomery GI Bill, MGIB. This expanded program provided better benefits that offered under VEAP and last year Congress passed legislation to boost MGIB by a record 46 percent over 2 years. With the enactment of this legislation, an estimated 409,000 veterans and servicemembers will receive assistance under MGIB for education and training in 2003.

In 1996, Congress passed Public Law 104–275, allowing VEAP participants to transfer their education accounts to MGIB and 41,041 veterans and servicepersons took advantage of the opportunity. The opportunity to convert to MGIB is very important because the benefits available are much greater. Unfortunately, those individuals who were on active duty before 1985 and did not participate in VEAP were not eligible to sign-up for MGIB, leaving a gap in available coverage for certain career military personnel. Congress has voted several times in the last decade to allow VEAP participants opportunities to transfer to MGIB, but there has not been an opportunity for those who did not have VEAP accounts to sign up for the new program, excluding them from taking advantage of great educational benefits.

This unjust situation can easily be remedied. My legislation provides a one-year open enrollment period for individuals falling into this gap to attain the benefits that they deserve. This is a matter of equity. We cannot neglect our career military personnel; they have served bravely and honorably for decades and their experiences are crucial to the security of our Nation. Now is the opportunity to ensure that they are provided for and have the same benefits that are available to other members of the Armed Forces.

## COMMENDING JUANITA JOHNSON-CLARK

### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2002*

Mr. ANDREWS. Mr. Speaker, I want to commend Juanita Johnson-Clark as she retires after 25 years of public service in Camden County. While I must be in Washington, DC during a ceremony in her honor, I want to recognize her achievement here in the House of Representatives.

Juanita Johnson-Clark's had work at the Camden County Department of Health and Human Services has benefited scores of people in South Jersey. I especially comment her important work to help people with substance abuse problems. I wish her continued success with whatever she chooses to pursue during this new phase of her life.

## HONORING DR. BRUCE TAUCHER

### HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2002*

Mrs. TAUSCHER. Mr. Speaker, as we mark the end of Dr. C. Bruce Tarter's tenure as the Director of Lawrence Livermore National Laboratory, I would like to take this opportunity to celebrate his career and honor his accomplishments. During his more than 30 years with Livermore Laboratory he has served in capacities that truly span the broadest possible range, beginning with a summer internship as a graduate student, and culminating

with his appointment as Director. During his tenure at the lab, Dr. Tarter has been steadfast in his commitment to apply science and technology to the important problems of our time, as well as establishing strong institutional ties with the University of California.

Dr. Tarter received his bachelor's degree from the Massachusetts Institute of Technology and his Ph.D. from Cornell University. His formal career with Livermore lab began in 1967 as a staff member in the Theoretical Physics Division, where he was widely recognized as a future leader. Within the decade he was promoted to head of Theoretical Physics, where he advanced his belief that Livermore should use world-class science and technology of our national priorities.

It was also during this time that Dr. Tarter became a leader in solidifying the Livermore Laboratory and University of California relationship. Throughout the 1980s Dr. Tarter was a major player in the creation of the Laboratory Institutes, notably the Institute of Geophysics and Planetary Physics, the Center for Accelerator Mass Spectrometry, and the Institute for Scientific Computing Research. These institutes, created under Director Roger Batzel, have become important tools for the laboratory interacting with the university community.

To guarantee the laboratory ability to use science and technology to solve the major problems of our day, Dr. Tarter has long been a champion of building the world's best supercomputers at Livermore. He has worked to ensure that these supercomputers are used for cutting-edge fundamental supercomputing, as well as critical national security computing.

His leadership in these areas and others propelled him to the ranks of senior management in 1989, as associate director physics, during the waning days of the Cold War. Realizing that the political climate demanded a sharpened focus on weapons and space-age technology, he expanded the position to include weapons physics and space technology, leading to the Clementine mission to the moon. He also headed a broadly based environmental program in global climate and other environmental research.

In addition to his work at Livermore Laboratory, Dr. Tarter has served in a number of other outside professional capacities. These include a 6-year-period with the Army Science Board; service as an Adjunct Professor at the University of California at Davis; and membership on the California Council on Science and Technology, the University of California President's Engineering Advisory Council, the Laboratory Operations Board, Pacific Council on International Policy, Nuclear Energy Research Advisory Committee, and the Council on Foreign Relations. He is a fellow of the American Physical Society and received the Roosevelt Gold Medal Award for Science in November 1998.

Since being named director of Lawrence Livermore National Laboratory in 1994, Dr. Tarter has remained dedicated to the themes developed throughout his career and has continued to adapt to changes in both science and the world at large. Under his stewardship the laboratory has been a principal contributor to the Department of Energy's programs to maintain the U.S. nuclear weapons stockpile without testing underground testing and to reduce the international dangers posed by weapons of mass destruction.

Commenting on the Laboratory's mission, Dr. Tarter has said that these efforts have "set the base for major national security program accomplishments in the future." While Dr. Tarter is stepping down as director of Livermore Lab, and his official leadership will be missed, we are grateful that he will remain on staff at Livermore, no doubt continuing to lead in his field. Always forward-looking and full of boundless energy, Bruce would never want me to speculate about his legacy, and I don't need to—his record speaks for itself. Congratulations, Bruce, and on behalf of my colleagues and the American people, thank you.

## LINDH PLEA BARGAIN REASONABLE

**HON. DOUG BEREUTER**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2002*

Mr. BEREUTER. Mr. Speaker, this Member wishes to commend to his colleagues an editorial from the July 17, 2002, edition of the Omaha World Herald entitled "Justice for Lindh."

As the editorial notes, the plea bargain agreement in the case of the "American Taliban" John Walker Lindh is appropriate because it will allow the U.S. Government to shield sensitive information from public release and to perhaps garner additional information through the debriefings in which Lindh has agreed to participate.

Mr. Speaker, this Member does not want to provide false hope that Lindh will be able to provide extensive insights on the operations of the Taliban in Afghanistan. However, this member strongly supports efforts to continue to investigate all available resources in an effort to paint the most complete picture possible of the terrorists' operations.

Furthermore, this Member would commend to his colleagues the editorial from the July 18, 2002, edition of the Lincoln Journal-Star entitled "Lindh's dad just keeps bile flowing." It correctly blasts Frank Lindh's ludicrous statements comparing his son, John Walker Lindh, with South African anti-apartheid leader Nelson Mandela. Clearly, Frank Lindh does not grasp the full scope of his son's decision to take up arms with the Taliban and the consequences of that decision.

[From the Omaha World-Herald, July 17, 2002]

JUSTICE FOR LINDH

The plea bargain arranged between the U.S. government and John Walker Lindh is a reasonable deal for both sides. Moreover, it offers Lindh, the notorious "American Taliban" captured in Afghanistan last November, an opportunity to atone for his crimes against his native land.

Critics will say—and their view-point is entitled to respect—that the punishment isn't harsh enough. Lindh betrayed his country. True enough. But consideration must also be given to how much damage his enlistment with anti-Western forces actually did to America.

By all evidence, it wasn't much. The young Californian wound up as a grunt—a low-level foot soldier—who apparently never fired a shot at anyone. All parties agree that he was never in direct combat against Americans.

However, it is assuredly also true that he was part of a vicious foreign regime that for years lent aid and comfort to al-Qaida. For that alone, we'd be content to see him serve the maximum of 20 years to which he has been sentenced.

This outcome serves U.S. interests well on at least two counts. First, it allows the government to avoid airing sensitive information that might have become public if it had pressed its case vigorously at trial. Second, Lindh has committed himself to cooperate fully, answering truthfully any questions government investigators come up with. He also has agreed to take lie-detector tests to help assure that he stays on the straight and narrow.

How much is his information worth? That's hard to say, and may never become publicly known. His involvement was so far removed from that of the Sept. 11 hijackers that it seems doubtful he can shed much new light on their operation.

Still, he was a low-level operative with the Taliban's de facto government. He may be able to offer names not previously known to investigators. At a minimum, he probable can describe some levels of the organization's decision-making processes, methods of passing along orders and so on. If the Taliban and al-Qaida soldiers being held at the Guantanamo naval base are remaining as tight-lipped as some news reports have suggested, then Lindh's knowledge has real potential to add to the pool of what's known about these thugs.

From Lindh's standpoint, if he serves the whole sentence, he will emerge from prison having endured about as many years behind bars as he spent as a free American. He'll be 41—still young enough to live something like a real life in his remaining years, especially starting from the advantages that probably will be afforded by his family's wealth.

John Walker Lindh knowingly made himself into a turncoat, whether out of studied enmity or sheltered naivete. No matter—his acts were a danger to the land that nurtured him. His punishment will address that. Now he has a chance to make amends. We hope he'll approach that task with contrition and dedication. It's about time he did something right.

[From the Lincoln Journal-Star, July 18, 2002]

LINDH'S DAD JUST KEEPS BILE FLOWING

From an objective perspective, the 20-year sentence and plea bargain for John Walker Lindh may very well be reasonable.

But it would be a lot easier to accept if his father would just shut up.

Frank Lindh said he compared his son to Nelson Mandela, "another good man," who spent 26 years in prison.

John Walker Lindh is no Nelson Mandela.

Mandela is a hero, a political prisoner who courageously stood for freedom and dignity against the apartheid government of South Africa.

Lindh chose to carry an AK–47 and grenades in the service of one of the most repressive regimes on the planet.

Neither is Lindh quite the friend of America that his father tried to portray. "Never, in all the interrogations . . . did John ever say anything against the United States. Not one word. John loves America, and we love America," his father told reporters. "God bless America."

Before Lindh was facing life in prison he had considerable criticism for the United States. "What has America ever done for anybody?" he asked in a February 2000 note to his mother, urging her to move to Britain after his parents separated. Lindh told his mother. "I don't really want to see America again."

In truth, now that the shock of discovering the dirty, bearded American Taliban in Afghanistan has worn off, Lindh seems more pitiable than threatening.

Lindh said he never fired a gun or tossed a grenade. The government had no evidence to the contrary.

Lindh seems more like the ''poor fellow who obviously . . . has been misled'' described by President George W. Bush than Abdul Hamid, the holy warrior whom Lindh aspired to be.

What Lindh—known as Johnny Jihad to would-be humorists—actually might have done or not done while in the service of the Taliban probably will remain a mystery. Facts other than Lindh's own statements are in short supply.

Under the circumstances, putting the 21-year-old behind bars for 20 years arguably fits the crime. The government had some legitimate reasons to accept the agreement. Lindh has agreed to share information about his tour of duty with the Taliban. The agreement also shields the government from having to reveal details about its effort to root out the Taliban in the war against terrorism.

And if Frank Lindh can just keep quiet, some of the anger and bitterness Americans feel toward his son might subside by the time he gets out prison in 2023.

## TRIBUTE TO REX AND ANN THOMAS

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2002*

Mr. JEFF MILLER of Florida. Mr. Speaker, I rise today to recognize the family of Rex and Ann Thomas. For eight generations this farming family has symbolized the tradition of the American family and our community values.

The Thomas family can trace their roots in America back to the early 1700's where their family homestead in North Carolina. The Thomas family remained in North Carolina until the death of William Elias Thomas, who died in the Civil War. His wife, Mary, went south with six of her nine children settling in Alabama. Their grandson, Charles Thomas married Blanche Stevens and moved to Santa Rosa County, FL, to farm new land and raise six children. Upon the retirement of Charles Thomas, he handed the farm over to his two sons, James and John Rex.

Rex Thomas' passions in life were his family and agriculture. Rex farmed from the time of his father's retirement; he also worked in other areas of the agricultural world. This included farm equipment sales, the management of granaries, and the ownership of his farm supply business.

Ann Thomas, with the help of her sons Dale and Richard, farms around 660 acres of row crops and hay while running the farm supply business. John Rex Thomas Jr. lives with his family in Texas, but can be seen helping out around the farm whenever he is home. Lowell, Rex and Ann's second son, can also be seen driving a truck or tractor whenever help is needed.

The Thomas family has been blessed throughout the years by having strong family values. Whether they are watching their grandchildren's T-ball games, enjoying family gatherings or at a local church function, Rex and Ann Thomas like to be surrounded by as many family and friends as possible.

On behalf of the U.S. Congress, I would like to recognize this special family for the example they have set in their community. I offer my sincere thanks for all that they have done for northwest Florida.

## CYPRUS

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2002*

Mrs. MALONEY of New York. Mr. Speaker, we are approaching a solemn time in the calendar of Cypriots. Twenty-eight years ago, on July 20, 1974, the Turkish armed forces invaded Cyprus, in a tragic an brutal disregard for the human rights of Cypriots. Since the devastating attack on Cyprus in 1974, 37 percent of Cyprus has remained under Turkish rule.

This year, PSEKA (the International Coordinating Committee Justice for Cyprus), the Cyprus Federation of America (an umbrella organization representing the Cypriot American Community in the United States), SAE (the World Council of Hellenes Abroad) and the Federation of Hellenic Societies are commemorating the anniversary of the invasion with a series of special events in New York. They have chosen to hold these events in New York City out of respect for the terrible tragedy that occurred here on 9/11 and in support of New York, which bore the brunt of the terrorist attack on America. The largest Hellenic Cypriot community outside of Cyprus is located in the 14th Congressional District of New York, which I am fortunate to represent.

In a spirit of remembrance and commemoration, a concert will be held on July 20, 2002 at the SummerStage in Central Park, New York, with the participation of two exemplary artists from Greece, Dionyssios Savopoulos and Alkinoos Ioannides. These remarkable performers have been strong advocates against the division of Cyprus and the human rights violations perpetrated by the Turkish army in Cyprus.

On July 21, 2002, memorial services will be held for the victims of the Turkish invasion and occupation of Cyprus at the Cathedral of Holy Trinity in Manhattan. His Eminence, Archbishop Demetrios, Primate of the Greek Church of America, will officiate.

The occupation of Cyprus has had a devastating impact on the people of Cyprus. Families have been separated, parents have lost the right to bequeath land that has been in their families for generations, churches have been desecrated and historical sites destroyed. More than 1,500 Greek Cypriots, including four American citizens, were missing after the invasion and we still do not know what happened to many of them. By commemorating the tragic anniversary of the invasion of Cyprus, we keep alive the memory of those who perished and those who have suffered under occupation.

After twenty-eight years of occupation, all Cypriots deserve to live in peace and security, with full enjoyment of their human rights. I am hopeful that their desire for freedom will one day be fulfilled.

In recognition of the spirit of the people of Cyprus, I ask my colleagues to join me in honoring PSEKA, the Cyprus Federation of America, SAE and the Federation of Hellenic Societies and in solemnly commemorating the twenty-eighth anniversary of the invasion of Cyprus. I hope that this anniversary will make the advent of true freedom and peace for Cyprus.

## JAN NOWAK SAYS, ''THANK YOU, AMERICA''

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2002*

Mr. LANTOS. Mr. Speaker, I want to do two things today. First, I want to pay tribute to Jan Nowak, who like me is an American by choice. Second, I want to call to the attention of my colleagues in this House an outstanding article by Mr. Nowak that appeared in The Washington Post earlier this month.

Jan Nowak is a Polish patriot and an American patriot. He was born in Poland, was a Ph.D. student in economics at Poznan University, and was drafted into the Polish army in 1939 as his native land was threatened by Adolf Hitler's Nazi Germany. Jan was captured by German troops, but he successfully escaped from a German prison camp. During World War II, he became a critical link between the underground fighting against the Germans in Poland and the Polish government-in-exile which was forced to flee to London. He recounted his experiences during this time in his autobiography Courier from Warsaw.

Jan was in Poland at the time of the Warsaw Uprising of 1944. In that heroic but tragic battle, the Soviet army stood just east of Warsaw poised to march into the Polish capital, but Stalin did not order his troops to assist the heroic Polish partisans as they fought a losing battle against the Nazi German forces. The city of Warsaw was largely destroyed and much of the partisan movement was killed by the Nazis. This eliminated Polish leadership in Poland and made it much easier for the Soviet Union to impose a communist regime at the end of the war. During the Warsaw Uprising, Nowak ran the radio station ''Lightening'' to keep Poles informed of partisan activities, and he managed to escape from the German forces as they destroyed Warsaw.

Mr. Speaker, in 1951 with Central and Eastern Europe under Soviet dominance, the United Sates established Radio Free Europe (RFE) to provide information and democratic ideas to the peoples of these communist countries. Jan Nowak was asked to direct the Polish Service of RFE. He continued in that key position of responsibility for 25 years—until his retirement in 1976.

Following his retirement from RFE, Jan Nowak came to Washington, where he served as a consultant on Central and Eastern Europe to the National Security Council staff of Presidents Ronald Reagan and George H. W. Bush. He has continued to promote freedom and democracy in Poland, and he has been one of the most visible and vocal leaders of the Polish community in the United States. Certainly one of the highlights of his recent activity in behalf of Polish democracy—and one that Jan most enthusiastically welcomed—was Poland's admission to NATO in 1999. A reflection of his continued vigor and involvement in

Polish-American issues was his attendance at the state dinner last week in connection with the visit to the United States of Polish President Aleksander Kwasniewski.

Jan recently celebrated his 89th birthday, and he has decided to return to Poland—though he will retain his American citizenship. We will certainly miss his wisdom and energy on issues involving Central and Eastern Europe, but we wish him well as he changes his residence.

Mr. Speaker, on the occasion of his departure from the United States and on the occasion of the celebration of American Independence on July 4th, The Washington Post published an article by Jan Nowak—''Thank You, America.'' The Post not only published Jan's article, it editorially commented on his ''Fourth of July thank-you note to the United States for its support of freedom in his native Poland during his nine decades.''

As the Post editorial observed, the consistent and steadfast American commitment to freedom and democracy in Central and Eastern Europe—for which Jan Nowak expresses eloquent thanks to the American people—must continue to be an integral part of our nation's foreign policy. We must pursue democracy and respect for human rights with the same tenacity in Saudi Arabia and Kazakhstan and Indonesia and China in the current century as we did in Poland and Hungary and Czechoslovakia throughout the Cold War of the last century.

Mr. Speaker, I ask that Jan Nowak's excellent article be placed in the RECORD, and I urge my colleagues to join me in thanking Mr. Nowak for his great contribution to democracy and respect for human rights in the United States, in Poland, and throughout the world.

[From the Washington Post, July 3, 2002]

THANK YOU, AMERICA

(By Jan Nowak)

This July 4, many Americans may feel baffled and disappointed by the waves of anti-Americanism sweeping through countries that, not too long ago, were either saved or helped by the United States. Allies such as France and Great Britain and former enemies such as Germany and Japan benefitted greatly from America's generosity and support in their time of need, as did Belgium, Holland, Italy, Russia, Poland, South Korea, the Philippines, Taiwan and others. Without the United States, some of these countries might no longer exist.

Those of us who remember and remain grateful should no longer remain silent. For people like me—and there are millions of us—this Fourth of July is a good opportunity to say, ''Thank you, America.'' My old country, Poland, is a good example. I was born 89 years ago on the eve of World War I in Warsaw, when Poles were forced to live under the despotic rule of the Russian czars. In 1917 Woodrow Wilson made the restoration of Polish independence one of his 14 conditions for peace. If it had not been for Wilson, Poland might have disappeared forever from the map of Europe. The United States did not have any strategic or economic interests in this remote eastern part of the European continent. But thanks to America, the ambitions of the Hohenzollern empire to dominate all of Europe were thwarted.

The war in Poland did not end in 1918, however. For six more years, the wheels of war rolled over the Polish countryside as Poles fought to repel the invasions of the Red Army. The country was left in ruins. Food was scarce. The undernourished population was hit by epidemics of typhoid and Spanish flu.

I belong to the generation of children of this era, the early 1920s, who were saved by the benevolent intervention of the United States, in the person of the future president Herbert Hoover. As a private citizen, Hoover organized the emergency supplies of food, medicine and clothing that saved a starving and sick nation. I still remember the tin boxes inscribed ''American Relief Committee for Poland.''

The Polish state survived, but with no economic resources, no reserves of gold or foreign currencies. Roaring inflation had brought the country to the verge of collapse. The United States came forward once again, providing the Dillon loans, which helped stabilize the Polish economy.

Following the surrender of France in 1940, Hitler was only one step from victory. The United States, by joining Great Britain as it faced alone the greater might of Nazi Germany, and at enormous sacrifice of young American lives, saved European civilization and its values. It is known that Hitler's postwar plans called for elimination of Poland's educated classes, while the rest of the population was to become slave workers.

Once again, the United States saved the lives of millions. I am grateful to have been one of them.

Tragically, the defeat of Nazi Germany did not bring freedom to the nations of east and central Europe. Hitler's tyranny was replaced by Stalin's terror. It was the United States that contained the Soviet Union's drive for domination of Europe. It understood before others that the Cold War would be a struggle for human minds.

One of its major weapons in this war was the skillful use of radio. As a former radio operator with the Polish underground and later a broadcaster with the BBC foreign service, I was recruited in the early 1950s to start the Polish service of Radio Free Europe (RFE). No country but the United States would launch or could have launched such an ambitious undertaking, broadcasting from dawn to midnight.

RFE destroyed the monopoly of the Communist public media and frustrated the efforts of the Soviet Union to isolate the satellite countries from the outside world. Citizens of these countries had only to tune in to the RFE frequency to learn what their governments were attempting to hide from them. People were able to get the information they needed to form their own views, even if they could not speak them. Their minds remained free.

Workers' strikes were banned under communism. So when Polish shipyard workers in Gdansk, led by Lech Walesa, defiantly called a strike in August 1980, the government immediately ordered a news blackout. But within hours, the whole country knew of the workers' resistance and related developments from RFE broadcasts. Because the Communists feared a general strike might follow, they quickly agreed to a compromise settlement with the shipyard workers. Solidarity was born.

The following year, however, the Communist leader, Gen. Wojciech Jaruzelski, sought to destroy the movement by imposing martial law. The United States responded by applying a sophisticated carrot-and-stick policy in which Jaruzelski was never forced into a position where he had nothing to lose and nothing to gain. Economic sanctions were imposed, but economic assistance was promised. The patient and consistent application of this policy over the next eight years resulted in the survival of Solidarity, which emerged triumphant in 1989.

News of this victory spread rapidly to East Berlin, Prague, Budapest, Bucharest and Sofia, as well as Moscow, through the broadcasts of RFE, Radio Liberty, RIAS (Radio in the American Sector, Berlin) and the Voice of America. The overthrow of Poland's Communist dictatorship inspired millions throughout the Soviet orbit, unleashing an avalanche that brought down the Berlin Wall and led to the reunification of Germany, the self-liberation of the nations of east-central Europe and eventually the disintegration of the Soviet Union.

Poland formed the first non-communist government in the former Soviet empire. But the nation's economy remained a disaster area. Again the United States came to the rescue. Poland's first democratic government and the nation's economy were saved by U.S. leadership in proposing and aggressively promoting an emergency international financial assistance package.

In the spring of 1998, I watched from the public gallery of the U.S. Senate as it ratified the admission into NATO of Poland, Hungary and the Czech Republic. For the first time in its history, my old country was not only free but also secure.

Thank you, America.

## CYPRUS

SPEECH OF

### HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 18, 2002*

Mr. ROTHMAN. Mr. Speaker, I rise today in remembrance of the 28th Anniversary of the Turkish Invasion of Cyprus and to commemorate this tragedy for the Greek Cypriot people.

It was over a quarter of a century ago that Turkey illegally invaded the island of Cyprus and created one of the most militarized zones in the world on one-third of the island. This invasion resulted in the death of 5,000 Greek Cypriots, and in the expulsion of 200,000 Greek Cypriots from their homes. More than 1,400 people have been missing and unaccounted for since the invasion, including Americans of Cypriot descent. Today, we moum the deaths of these innocent people and condemn the 28 year occupation of Cyprus by Turkey.

While we honor those who lost their lives in this tragedy, we also must look to the future when the Turkish military forces will withdraw completely and unconditionally from Cyprus, and a bi-zonal and bi-communal republic with respect for sovereignty, independence and territorial integrity can be established. This year marked a turning point in the quest for the independence of Cyprus when both the Greek Cypriot and Turkish Cypriot leadership began direct talks. It is my sincere hope that the division of Cyprus will be rectified by these leaders in the near future.

Nevertheless, it is the obligation of the U.S. Congress to renounce the violence that separated the island nation of Cyprus, and to affirm that the reunification of the island nation is a priority for this Congress and the international community. On this anniversary of the Turkish invasion of Cyprus, we mourn the losses of the past 28 years, and we continue to encourage the restoration of fundamental freedoms to the people of Cyprus.

## TRIBUTE TO FORMER GUAM SENATOR ELIZABETH PEREZ ARRIOLA

### HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2002*

Mr. UNDERWOOD. Mr. Speaker, the island of Guam bids farewell to an esteemed public servant who has committed her life to the people of Guam. The Honorable Elizabeth Perez Arriola, a member of the 17th through the 22nd Guam Legislatures, passed away on June 26, 2002, at the age of 73.

A woman who earned respect and admiration throughout the region, Senator Arriola represented the best the island of Guam has to offer in terms of the strong but gentle leadership role of women in Chamorro society. Graduating as class salutatorian from George Washington High School in Mangilao, she went on to earn a Bachelor of Arts degree from Rosemont College in Rosemont, Pennsylvania. She later acquired special training through leadership management workshops at Boston University in Massachusetts.

Among the honors she acquired early in her career included election to the Who's Who Among Students in American Colleges and Universities. She was also named Honorary Citizen of Palmetto State, South Carolina, and was selected as the Most Inspirational Woman at a Women's Conference in 1977. Beck was the first chairperson of the Women's Democratic Party of Guam, as well as a Charter member and former Vice President of the American Association of University Women. She also had the honor and privilege of being the first female lector at St. Peter's Basilica in Rome, during the Beatification of Padre Luis Diego de San Vitores in October 1986.

Senator Arriola's career with the Government of Guam began when she was elected to the 17th Guam Legislature. For two consecutive terms, in the 17th and 18th Guam Legislatures, she held the post of legislative secretary. Throughout her twelve years as a senator she held memberships in the Committees on Rules; Education; General Governmental Operations; Welfare and Ecology; Federal, Foreign and Legal Affairs; Ethics and Standards; Economic Development; and Ways and Means. She also chaired the Committee on Youth, Senior Citizens and Cultural Affairs.

It was as a senator that she greatly demonstrated her dedication to the island, her family and, as a devout Roman Catholic, her faith. As the wife and mother of eight children, she relied upon distinctive experiences and abilities as she performed her official responsibilities. She was known for her tough stances against gambling and abortion and introduced legislation addressing a wide range of issues affecting the island and its culture focusing special concern on those affecting women, youth and senior citizens.

Her membership in the Guam Legislature enabled her to bring further prestige for Guam. She served as Vice President of the Association of Pacific Island Legislatures (APIL) and was a member of the Commerce and Labor Committee on the State Federal Assembly of the National Conference of State Legislatures (NCSL). She also served the Health Task Force as well as the Economic Development and International Trade Committee of the Western Legislative Conference (WLC).

Beck Arriola's community and civic affiliations and activities included memberships in Beauty World Guam, Ltd and the Soroptimist International of Guam. She was also a former president of the Kundirana Guam Charity Association and the charter president and executive advisor of St. Dominic's Senior Care Volunteers Association. She was a worthy regent of the Catholic Daughters of America and a board member of the Guam Lytico and Bodig Association. She also served as executive director of the Guam Museum Board of Trustees.

She leaves behind a great legacy of service and accomplishments. She was a well loved role model. She leaves behind not only a husband and family, but a proud and grateful island. I join her husband, former Speaker Joaquin Arriola, her children, Vincent, Franklin, Michael, Joaquin Jr., Anthony, Jacqueline, Anita and Lisa, her many grandchildren, and the people of Guarn in celebrating her life, honoring her achievements and mourning the loss of a wife, mother, community leader, and fellow public servant. Adios, Beck.

## THE SCOURGE OF HUNGER AND MALNUTRITION

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2002*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to call attention to a brewing crisis in southern Africa that threatens the lives of millions of men, women, and children. The scourge of hunger and malnutrition is far too common around the world, yet there is compelling evidence that we should be particularly concerned about what is taking place in six different countries.

The World Food Program reports that many families in the region have resorted to eating such foods as unripe melons and poisonous berries just to have something to fill the stomach. The numbers are staggering—7 million people require immediate assistance, and this number is expected to rise to 13 million by the end of this year. When people are so desperate to eat that they harvest their unripe crops and consume their seed corn, it is time that the world takes notice and lends a hand.

Mr. Speaker, the causes for the worst food crisis in southern Africa in more than a decade are many. Irregular rains and prolonged drought have upset the rhythm of the planting season and destroyed crops. The HIV/AIDS crisis has seriously harmed the productive capacity of many families since in some areas up to 20 percent of the adult population is infected with the virus. The frailty caused by pre-existing malnutrition has exacerbated the effects of hunger and disease. And corrupt governments have sometimes disrupted food production and distribution.

As the breadbasket of the world, it is imperative that United States increase our efforts to provide immediate assistance to the millions of starving people in southern Africa. Mr. Speaker, we also must address the root causes of this crisis. We need to promote more efficient farming methods, such as improved irrigation and new agricultural technologies. We need to encourage good governance and political stability in the region. And we need to address the HIV/AIDS crisis in the region. But for now, we must do what we can in the short term so that we can save as many of these people as possible.

## RECOGNITION OF CAPTURE OF MEMBERS OF NOVEMBER 17 TERRORISTS GROUP

### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2002*

Mr. ANDREWS. Mr. Speaker, I rise today to commend the Greek authorities and the Greek people for their successful apprehension of several members of the November 17 terrorist group, including the group's mastermind Alexandros Yiotopoulos. This terrible organization has group operated with impunity underground for more than a quarter of a century and inflicted egregious harm on both Greek people and the United States. They are behind the killings of 23 people, including Richard Welch, the CIA station chief in Athens in 1975. I understand that three of the captured members have already confessed to the killings, including the murders of military attaches from the United States and Britain. This is just one-step in our march towards victory in the war on terrorism but it is an important step, I applaud the efforts of the Greek authorities and the vigilance of the Greek people.

## PERSONAL EXPLANATION

### HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2002*

Mr. MASCARA. Mr. Speaker, on July 15, 2002, 1 was unavoidably absent for personal reasons and missed rollcall votes numbered 296, 297, and 298. For the record, had I been present I would have voted yea on all three votes.

## A SPECIAL TRIBUTE TO FARMWORKER APPRECIATION DAY

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2002*

Mr. GILLMOR. Mr. Speaker, it is with a great deal of pride that I rise to pay a very special tribute to an outstanding event taking place in my district in Northwest Ohio. On Saturday, August 3, 2002, people from across the district will gather in Fremont to celebrate Farmworker Appreciation Day.

Mr. Speaker, there is no question that farming is the backbone of our nation. From the earliest days of our nation's history, hardworking men and women have taken to the fields to plant and harvest crops and raise livestock in order to feed their families, their neighbors, and their fellow countrymen.

Farming is an honorable profession that takes a great deal of skill, patience, and hard work. Those hardworking men and women

who work on our nation's farms deserve much credit for helping to make our lands productive.

Through the arduous process of working and cultivating the soil, these farmworkers help prepare the ground, plant the crops, and harvest the food we need to live. The life of a farmworker is a tough lifestyle. Like the farmer, the farmworker must endure the ever-changing seasons from the harshest winters to the sun-drying, waterless droughts to rain-soaked days that lead to disastrous floods. Farmworkers watch the fields as thunderous storms race across them damaging the crops from which they make their living. However, through it all, farmworkers continue to the fields to do their work.

Mr. Speaker, agriculture is vitally important to the Fifth District of Ohio as we are home to nineteen percent of all of Ohio's farmland. We know that the economy of our part of Ohio depends on farming and a big factor in our prosperity is due to the tireless efforts of farmworkers who bring in the crops. I can think of no better way to celebrate the contributions of these individuals than to take part in Farmworker Appreciation Day.

Mr. Speaker, I would ask my colleagues to join me in paying special tribute to farmworkers by helping me to proclaim August 3, 2002, as Farmworker Appreciation Day. We thank them for all they have done and wish them the very best for the future.

## IN SUPPORT OF THE FLIGHT 93 NATIONAL MEMORIAL ACT (H.R. 3917) AND THE TRUE AMERICAN HEROES ACT (H.R. 5138)

### HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2002*

Mr. TAUSCHER. Mr. Speaker, I rise in strong support of the Flight 93 National Memorial Act, H.R. 3917; and the True American Heroes Act, H.R. 5138. These two pieces of legislation will serve as the first steps toward finalizing a tribute to our nation's citizens whom, on September 11, 2001, represented the true American spirit through their heroic efforts.

No one will ever forget the events of September 11, 2001 that devastated our nation. Three of the four planes hijacked that unforgettable morning crashed into the World Trade Center and the Pentagon, leaving thousands dead.

Many believe terrorists were going to use the fourth plane as a weapon to crash into the United States Capitol Building. But the passengers and flight crew made the decision to take down the plane that morning in Stonycreek Township, Pennsylvania after learning from cellular phone conversations with loved ones of the fates of the three other hijacked aircraft. As a result, countless innocent lives were saved , including our own, and the fate of our nation's Capitol was changed.

This was the ultimate act of bravery and sacrifice from the passengers and crew of United Flight 93, and those who enter our nation's Capitol each day should cherish their valiance.

Several residents of California, including two of my own constituents—Tom Burnett and Hilda Marcin—were on United Flight 93. Citizens around the country have asked for the United States government to recognize the bravery and sacrifice of these passengers and the others that perished in these tragic events, by awarding a gold medal to a representative on their behalf.

The Congressional Gold Medal is considered the nation's highest civilian award given by Congress to recognize a lifetime contribution or a singular achievement. I believe that everyone on United Flight 93, as well as police officers, emergency workers and other employees at the Pentagon and World Trade Center should be recognized for their efforts and sacrifice to save the lives of so many others. I would like to see all of these extraordinary individuals commemorated for such bravery. This medal is the least we can do in Congress to remember the courage of our fellow citizens.

In the months following the horrific attacks, thousands of people from around the world have remembered the final moments of the heroes of Flight 93 at the crash site itself, in Stonycreek Township, Pennsylvania. Serving as a place where families and friends of the passengers and flight crew can grieve for their loved ones, the symbolism of this area will be etched in the memories of those who visit to pay their tributes. Like Pearl Harbor, Oklahoma City, New York City and Washington, this is another piece of U.S. soil that now bears the markings of our nation's history.

It is time that we ensure protection of the site by placing it under jurisdiction of the National Park System, so that an appropriate memorial can be created, following the recommendations of the Flight 93 Task Force.

There may never be answers for all the questions that surround the events of September 11, 2001 or closure for all of those around the world who suffered the loss of loved ones in this tragedy.

But it is in our power to make sure that we appropriately honor our fellow Americans, who not only saved our lives and so many others, but also protected our nation's symbol of democracy and freedom—our United States Capitol—by passing these landmark pieces of legislation. I urge my colleagues to support these two bills and yield back the balance of my time.

## SPECIAL ORDER ON CYPRUS

SPEECH OF

### HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 18, 2002*

Mr. LANGEVIN. Mr. Speaker, today I join with my colleagues on the Hellenic Caucus to mark the 28th anniversary of the Turkish invasion of Cyprus. I thank Mrs. Maloney and Mr. Bilirakis for their ongoing leadership in the Hellenic Caucus and for organizing events such as today's, which draw much-needed attention to issues of importance to the Hellenic community.

Two days from now will be the 28th anniversary of the invasion. On July 20, 1974, Turkish troops seized control of northern Cyprus, establishing an occupation that exists to this day. The invasion and occupation caused the deaths of 5,000 Cypriots and the expulsion of 200,000 Greek Cypriots from their homes. To add insult to injury, Turkey promoted an independence declaration in the controlled area, drawing the condemnation of the United States and the United Nations Security Council.

Our Nation's top foreign policy priorities must include the reunification of Cyprus. One of my first acts as a Member of Congress was to join many of my colleagues in sending a letter to President Bush requesting that his administration immediately address this matter and work toward a peaceful solution. The United States holds a unique position of trust with both Greece and Turkey, and must use its influence to encourage the Turkish-Cypriots to continue negotiations, so that Cyprus may once again be whole.

This year, the United Nations has redoubled its efforts to encourage unification negotiations between the Republic of Cyprus and the Turkish Cypriots, with Secretary General Kofi Aman visiting the island in May to meet with government leaders. Unfortunately, LTN negotiators, as well as other international observers, have noted that Turkish Cypriot leader Rauf Denktash has shown little interest in negotiating a settlement, while noting that Cypriot President Glafcos Clen'des has shown far more flexibility. The United States must remain engaged in negotiations in Cyprus to promote a lasting settlement to this ongoing problem.

Cyprus, like the United States, shares a commitment to democracy, human fights, and the concept of equal justice under the law. The nation's economic growth and high standard of living make it a prime candidate for membership in the European Union. I am a proud cosponsor of H. Con. Res. 164, which supports the accession of Cyprus to the European Union, as it would greatly contribute to the diversity and shared history of the EU. Membership would provide Cyprus with greater opportunities to contribute to the international community and could also serve as a catalyst for settlement of the unification problem.

On this important anniversary, we mourn those who lost their lives in the Turkish invasion of Cyprus. However, we can also look forward to a time when Cyprus is again unified and able to reach its fullest potential in the international arena. The United States has stood beside her in the past, and we will undoubtedly maintain this strong relationship for years to come.

Again, I thank my colleagues on the Hellenic Caucus for addressing this important matter, and I yield back the balance of my time.

## PERSONAL EXPLANATION

### HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2002*

Mr. MASCARA. Mr. Speaker, on July 16, 2002, I was unavoidably absent for personal reasons and missed rollcall votes numbered 299 through 308. For the record, had I been present I would have voted yea on rollcall votes 299, 300, 301, 302, 304, 306, and 308, and I would have voted nay on rollcall votes 303, 305, and 307.

PERSONAL EXPLANATION

## HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2002*

Mrs. JONES of Ohio. Mr. Speaker, please be advised that I will not be voting on Monday, due to a commitment in my District. Had I been present, the record would reflect that I would have voted on:

(1) H.R. 1209—Child Status Protection Act, ''yea'';

(2) H.R. 4558—To Extend The Irish Peace Process Cultural And Training Program, ''yea'';

(3) S.J. Res. 13—Conferring Honorary Citizenship On the Marquis de Lafayette, ''yea'';

(4) H.R. 3892—Judicial Improvements Act, ''yea'';

(5) H.R. 4870—Mount Naomi Wilderness Boundary Adjustment Act, ''yea'';

(6) H.R. 1401—California Five Mile Regional Learning Center Transfer Act, ''yea'';

(7) H.R. 3048—Russian River Land Act, ''yea'';

(8) H.R. 3258—Reasonable Right-of-Way Fees Act, ''yea'';

(9) H.R. 3917—Flight 93 National Memorial Act, ''yea'';

(10) H.R. 2990—Lower Rio Grande Valley Water Resources Improvement Act, ''yea'';

(11) H.R. 4940—Arlington National Cemetery Burial Eligibility Act, ''yea'';

(12) H.R. 5055—Authorizing The World War II Battle Of The Bulge Memorial, ''yea'';

(13) H.R. 3645—Veterans Health-Care Items Procurement Improvement Act, ''yea'';

(14) H.R. 5138—True American Heroes Act, ''yea'';

(15) H.R. 4901—Keep Monticello On The Nickel Act, ''yea'';

(16) H. Con. Res. 439—Honoring Corinne ''Lindy'' Claiborne Boggs On The Occasion Of The 25th Anniversary Of The Founding Of The Congressional Women's Caucus, ''yea'';

(17) H. Res. 471—Recognizing The Contributions Of Paul Ecke, Jr. To The Poinsettia Industry, ''yea'';

(18) H. Res. 492—Expressing Gratitude For The World Trade Center Cleanup And Recovery Efforts At The Fresh Kills Landfill On Staten Island, NY, Following The Terrorist Attacks Of September 11, 2001, ''yea'';

(19) H.R. 5145—William C. Cramer Post Office Building, ''yea'';

(20) H. Con. Res. 352—Sense Of Congress That Federal Land Management Agencies Should Implement The Western Governor's Association ''Collaborative 10-year Strategy For Reducing Wildland Fire Risks To Communities And The Environment'', ''yea'';

(21) H. Res. ___—Sense Of The House That Major League Baseball And The Players Association Should Implement A Mandatory Steroid Testing Program, ''yea'';

(22) H. Con. Res. 385—Sense Of Congress The Secretary Of Health And Human Services Should Conduct Research On Certain Tests To Screen Ovarian Cancer, ''yea'';

(23) H. Con. Res. 188—Sense Of Congress That The Government Of The People's Republic Of China Should Cease Its Persecution Of Falun Gong Practitioners, ''yea'';

(24) H.R. 3487—Nurse Reinvestment Act, ''yea'';

(25) H.R. 3969—Freedom Promotion Act, ''yea.''

A SPECIAL TRIBUTE TO THE COMMUNITY OF WEST LEIPSIC, OHIO ON THE OCCASION OF ITS SESQUICENTENNIAL ANNIVERSARY CELEBRATION

## HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2002*

Mr. GILLMOR. Mr. Speaker, it is my distinct privilege to stand before my colleagues in the House to pay special tribute to a special community in Ohio's Fifth Congressional District. On August 17 and 18, 2002, the community of West Leipsic, Ohio is celebrating a truly monumental event—its Sesquicentennial Anniversary.

Mr. Speaker, West Leipsic, Ohio is one of a number of wonderful communities in Northwest Ohio. West Leipsic is located in the heart of the Fifth Congressional District in Putnam County. Throughout its long and traditional-filled history, West Leipsic has established itself as a model community.

We, in Ohio's Fifth Congressional District, are blessed to have such warm communities, like West Leipsic. The folks who live in West Leipsic are truly some of the most terrific people. They are good friends and neighbors, colleagues and coworkers, and, together, they form a close-knit family all sharing a common-bond centered around their dedication to their community.

Over the years I have served in elected office, I have had the good fortune to travel to West Leipsic many times. Each time I visit, I am greeted by friendly people who truly know how to make you feel at home. In West Leipsic, and towns all across the Fifth District, being there is just like being at home.

Mr. Speaker, the individuality of the American culture, the freedom of the American spirit, is embodied in West Leipsic, Ohio. The community of West Leipsic, for one-hundred fifty years, has certainly been a model after which other communities can pattern themselves. As we begin this Sesquicentennial Anniversary Celebration of West Leipsic, Ohio, I would urge my colleagues to join me in this special tribute. It is my hope that the next century and a half will be just as joyous as the first.

TRIBUTE TO MR. KONRAD K. DANNENBERG

## HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2002*

Mr. CRAMER. Mr. Speaker, I rise today to recognize a great member of the North Alabama community, Mr. Konrad K. Dannenberg. On August 6th, Mr. Dannenberg will celebrate his 90th birthday. Throughout his ninety years, Mr. Dannenberg has been a leader in our nation's space program, retiring from Marshall Space Flight Center in 1973 as Deputy Director of Program Development's Mission and Payload Planning Office. Today, Mount Hope Elementary School in Mt. Hope, Alabama is honoring Mr. Dannenberg for his service to their school, the North Alabama community, and the nation.

Konrad Dannenberg, born in Weissenfels, Germany, worked with Wernher von Braun in Peenemunde, Germany and came to the United States after World War II under ''Project Paperclip''. He later helped develop and produce the Redstone and Jupiter missile systems for the Army Ballistic Missile Agency at Redstone Arsenal. In 1960, he joined NASA's Marshall Space Flight Center as Deputy Manager of the Saturn program, where he received the NASA Exceptional Service Medal.

Mr. Dannenberg is a Fellow of the American Institute of Aeronautics and Astronautics and was past president of the Alabama/Mississippi Chapter. He was the recipient of the 1960 DURAND Lectureship and the 1995 Hermann Oberth Award. Additionally, the NASA Alumni League, the Hermann Oberth Society of Germany, and the L–5 Society (now the National Space Society) have the benefit of Mr. Dannenberg's membership. In 1992, the Alabama Space and Rocket Center created a scholarship in his name to allow one student to attend a Space Academy session.

Mr. Speaker, as you can tell, during Mr. Dannenberg's career, he was a valuable player in the advancement of our space program and was appreciated by co-workers and important organizations throughout the industry. Following his retirement, he has remained a major influence in the North Alabama community and still serves as a consultant for the Alabama Space and Rocket Center in Huntsville. I want to congratulate Mr. Konrad Dannenberg on his 90th birthday and thank him for the important contributions he has made to our community in North Alabama and the entire United States.

PERSONAL EXPLANATION

## HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2002*

Mr. MASCARA. Mr. Speaker, on July 17, 2002, I was unavoidably absent for personal reasons and missed rollcall votes numbered 309 through 318. For the record, had I been present I would have voted yea on rollcall votes 309, 310, 311, 312, 313, 315, and 318, and would have voted nay on rollcall votes 314, 316, and 317.

PERSONAL EXPLANATION

## HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2002*

Mrs. LOWEY. Mr. Speaker, during an absence last week, I regrettably missed Rollcall votes 319–323. Had I been present, I would have voted in the following manner: Rollcall No. 319: ''nay''; Rollcall No. 320: ''yea''; Rollcall No. 321: ''yea''; Rollcall No. 322: ''yea''; Rollcall No. 323: ''nay''.

## PROTECT CHINA'S WORKERS

### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2002*

Ms. SCHAKOWSKY. Mr. Speaker, I rise to call attention to the suffering of the working class in China. I recently read an article, ''Worked Till They Drop'' by Philip P. Pan, in the Washington Post on May 13th, 2002, and it shocked me. According to the Washington Post, 19-year-old Li Chunmei died due to work exhaustion. She had been on her feet for nearly 16 hours that day, running back and forth carrying toy parts from machine to machine. Later that evening, she had complained that she was very tired and hungry. During the night, her roommates had awakened to the sounds of violent coughing and tracked the source of the sound to find Ms. Chunmei curled-up on the bathroom floor, coughing up blood. They immediately called an ambulance, but she died before it had arrived.

Cases of guolaosi, meaning ''over-work death'', are never documented but many local journalists estimate that dozens occur in the Pearl River Delta area alone, the manufacturing region north of Hong Kong where Ms. Chunmei's factory, Kaiming Industrial, is located. What is sad is that nothing is being done about these horrible deaths. The majority of these workers are young men and women who travel many miles from their poor villages to earn a living in China's factory towns. Many of them never finish school, being taken out by their parents to help work on the farm or in the family business. By the age of 15, most of these youths are urged by their parents to seek employment in a factory to support the family.

These young migrant workers are considered second class citizens in China's industrial cities, receiving less access to the weak courts and trade unions. Many do not even know the Chinese word for labor union! The factories, many of them backed by foreign investment, that they work in are drab, concrete dormitories. Life inside can be compared to the feudal system. An average day begins around 8:00 a.m. and can last until 2 a.m. Breaks are rare. The conditions that these poor souls have to work in are tragic as well. In most of these factories there is no air conditioning, with the temperature climbing above 90 degrees at times, and the air is full of fibers. The average salary for a runner, which was Ms. Chunmei's position, is about 12 cents an hour and, even during the busy season, one might earn as little as $65 a month, with no money received for overtime work. Moreover, benefits are non-existent and managers tend to make deductions from the workers' salaries for items never received. Managers also tend to impose arbitrary fines on the workers, which include penalties for spending more than five minutes in the bathroom and wasting food during meals.

When these young workers try to complain about these conditions to their supervisors or government officials, they are told to return to their jobs or they will be fired or even arrested. Local officials often overlook labor rights and safety violations, eager to take bribes and generate tax revenue. The concept of subcontracting further complicates the situation, as many foreign investors rely on these contractors to carry out their operations. It is due to this complicated web that overseas corporations avoid responsibility for the rights of China's working class.

In the case of Li Chunmei, it took her father 28 days to get someone to take responsibility for what had happened to his daughter. He was lead on a wild goose chase when finally the police concluded that Li Chunmei died because of an illness and that her death was non-work related. Her poor father could do nothing about the ruling and now the family again is struggling to make ends meet, this time with empty hearts that money will never be able fill.

Mr. Speaker, I have attached excerpts from this piece but I strongly urge my colleagues to read this article in its entirety. This is an issue that we can no longer ignore. As China and the U.S. improve trade relations, we must continue to press China to improve its labor, environment, and human rights record in general. Let us do all we can to help these young individuals, before we read of another Li Chunmei.

EXCERPTS FROM: ''WORKED TILL THEY DROP'' BY PHILIP P. PAN, WASHINGTON POST, MAY 13TH 2002

''On the night she died, Li Chunmel must have been exhausted. Co-workers said she had been on her feet for nearly 16 hours, running back and forth inside the Bainan Toy Factory, carrying toy parts from machine to machine. When the quitting bell finally rang shortly after midnight, her young face was covered with sweat.''

''. . . Her roommates had already fallen asleep when Li started coughing up blood. They found her in the bathroom a few hours later, curled up on the floor, moaning softly in the dark, bleeding from her nose and mouth. Someone called an ambulance, but she died before it arrived.''

''The exact cause of Li's death remains unknown. But what happened to her last November in this industrial town in southeastern Guangdon province is described by her family, friends and co-workers as an example of what China's more daring newspapers call guolaosi. The phrase means ''over-work death,'' and usually applies to young workers who suddenly collapse and die after working exceedingly long hours, day after day.''

''These new workers are younger, poorer, and less familiar with the promises of labor rights and job security that once served as the ideological bedrock of the ruling Communist Party. They are more likely to work for private companies, often backed by foreign investment, with no socialist tradition of cradle-to-grave benefits. The young migrants are also second-class citizens, with less access to weak courts and trade unions that sometime temper market forced as China's economy changes from socialist to capitalist. Most of all, they are outsiders, struggling to make a living far away from home.''

''Li was a runner . . . always on her feet . . . 'She had the worst job, and the bosses were always telling her to go faster,' said one worker on Li's assembly line . . . 'There were no breaks, and there was no air conditioning.' He added that the air was full of fibers, and with the heat from the machines, sometimes temperatures climbed above 90 degrees.''

''Runners required no special skills, and were paid the least, about 12 cents per hour, workers said. During the busy season, including extra pay for overtime, Li could cam about $65 a month. But there were deductions. Workers said the company withheld about $12 a month for room and board and charged them for benefits they never received. For example, workers said they paid for the temporary residence permits they needed to live and work in Songgang legally, but never received them. Managers also had the power to impose arbitrary fines, including penalties for spending more than five minutes in the bathroom, wasting food during meals and failing to meet production quotas, workers said.''

Another colleague, Zhang Fayong, recalled that Li once purchased a new dress, then refused to wear it. She said Li was amazed she had spent money on it, and afraid she somehow might ruin it. After her death, her father found the dress among her belongings, folded and wrapped in plastic, he said. He also found a stack of laminated snapshots, taken at local photo parlors for 50 cents apiece . . . They show Li with her friends . . . She looks surprisingly young, just a teenager with long black hair, holding flowers, or saluting, or sitting with an ID tag pinned to her blouse . . . She was smiling in only one picture.''

''Immediately after learning of his daughter's death, Li Zhimin traveled to Songgang. For 28 days, he said, he tried to get someone to take responsibility of what happened . . . Finally, police gave him a letter that said a district medical examiner had concluded Li Chunmel 'suddenly died because of an illness while she was alive.' There were no other details, and the local labor bureau declared her death 'non-work-related' . . . Li said he was unhappy with the finding, but was helpless to do anything about it.''

## A SPECIAL TRIBUTE TO FARMWORKER APPRECIATION DAY

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2002*

Mr. GILLMOR. Mr. Speaker, it is with a great deal of pride that I rise to pay a very special tribute to an outstanding event taking place in my district in Northwest Ohio. On Saturday, August 3, 2002, people from across the district will gather in Liberty Center to celebrate Farmworker Appreciation Day.

Mr. Speaker, there is no question that farming is the backbone of our nation. From the earliest days of our nation's history, hardworking men and women have taken to the fields to plant and harvest crops and raise livestock in order to feed their families, their neighbors, and their fellow countrymen.

Farming is an honorable profession that takes a great deal of skill, patience, and hard work. Those hardworking men and women who work on our nation's farms deserve much credit for helping to make our lands productive.

Through the arduous process of working and cultivating the soil, these farmworkers help prepare the ground, plant the crops, and harvest the food we need to live. The life of a farmworker is a tough lifestyle. Like the farmer, the farmworker must endure the ever-changing seasons from the harshest winters to the sun-drying, waterless droughts to rain-soaked days that lead to disastrous floods. Farmworkers watch the fields as thunderous storms race across them damaging the crops from which they make their living. However, through it all, farmworkers continue to the fields to do their work.

Mr. Speaker, agriculture is vitally important to the Fifth District of Ohio as we are home to

nineteen percent of all of Ohio's farmland. We know that the economy of our part of Ohio depends on farming and a big factor in our prosperity is due to the tireless efforts of farmworkers who bring in the crops. I can think of no better way to celebrate the contributions of these individuals than to take part in Farmworker Appreciation Day.

Mr. Speaker, I would ask my colleagues to join me in paying special tribute to farmworkers by helping me to proclaim August 3, 2002, as Farmworker Appreciation Day. We thank them for all they have done and wish them the very best for the future.

## CONGRATULATING LUIS RAUL AND OLGA CERNA-BACA ON THEIR 50TH WEDDING ANNIVERSARY

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2002*

Mr. GILMAN. Mr. Speaker, I rise today to honor the 50th wedding anniversary of my good friends, loyal patriots, and loving parents and grandparents, Luis Raul and Olga Cerna-Baca. As family and friends gather to celebrate this joyous occasion, I too would like to recognize them at this special time

Fifty years ago, in New Orleans, Louisiana, while studying English, Luis Raul Cerna-Baca, 33, married a lovely young woman of 17, named Olga Augello. Together, they raised five children, Luis Raul, Juan Francisco, Oscar, Maria Cecilia, and Olga, and were blessed with nine grandchildren.

Their life together serves as a reminder to us all of love, family, civic duty, charity, and the determination of the human spirit. Their work on behalf of human rights and justice for the people of Nicaragua has earned them international recognition and the respect of the people of Nicaragua, the United States, and throughout our global community.

Love has flourished between these two hearts, but not without dedication and hard work. Following their hearts throughout their 50-year journey has led to happiness and a loving life together. However, their love story is one that is still in progress and I can attest firsthand that their love for each other has grown even stronger through the years and serves as an inspiration to us all.

This celebration of 50 years is a remarkable accomplishment and is to be commended by all of us. It is a great honor to provide a tribute for a loving couple who have committed themselves to each other for so many years.

Accordingly, on behalf of the Congress of the United States, permit me to rise to extend our congratulations to Luis Raul and Olga Cerna-Baca on their 50th Wedding Anniversary and to wish them many more years of good health and happiness together.

## SALUTING THE LATE VICE-ADMIRAL THOMAS J. KILCLINE

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2002*

Mr. WOLF. Mr. Speaker, I would like to take this opportunity to honor the life of Vice Admiral Thomas J. Kilcline, who passed away on July 11 at the age of 76. He was a resident of McLean in northern Virginia.

Admiral Kilcline was a decorated naval officer who served his country for four decades. After graduating from the Naval Academy in 1949, he quickly became a distinguished naval aviator, flying in Korea and commanding a tactical carrier-based squadron in Vietnam. Rising through the ranks, he became commander of the Naval Base at Subic Bay in the Philippines and later commander of U.S. Naval Forces in the Philippines.

He also spent time as the head of naval officer distribution in the Bureau of Naval Personnel. He managed flight test programs at the Navy's test center at Patuxent River in Maryland and later was the program manager in charge of the acquisition of RA5C aircraft in Washington, D.C. Many members may remember him in his position as the Navy's chief of legislative affairs from 1978–81. Ultimately, he ascended to become the commander of Naval Air Forces in the U.S. Atlantic Fleet.

After retiring from the Navy in August of 1983, Admiral Kilcline served as the national president of The Retired Officers Association for nearly 10 years. At the time of his passing, he was a member of the Board of Directors for Alloy Surfaces, Inc. and Kilgore Flares, two defense-related companies. Additionally, he and his wife were active members of Saint John's Catholic Church in McLean, Virginia, and the Cursillo Movement.

Tom Kilcline and his devoted wife of 52 years, Dornell, were the parents of four children and the grandparents of seven.

Thomas J. Kilcline was a true American patriot who served his country with distinction. On behalf of the entire House, we extend our deepest condolences to his family, to his friends, and to the thousands of Navy personnel who were fortunate enough to have known and worked with him.

## PERSONAL EXPLANATION

### HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2002*

Mr. MASCARA. Mr. Speaker, on July 18, 2002, I was unavoidably absent for personal reasons and missed rollcall votes numbered 319 through 323. For the record, had I been present I would have voted "yea" on rollcall votes 320, 321, and 322, and would have voted nay on rollcall votes 319 and 323.

## CONGRATULATING ELIZABETH MOORE-STUMP

### HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2002*

Mr. FILNER. Mr. Speaker, I rise today to honor Elizabeth Moore-Stump, who has devoted 33 years of her life to public service. Elizabeth is the daughter of the late Elizabeth Thorton Moore and the late great world-boxing champion, Archie Moore.

Elizabeth received her degree in Social Welfare at San Diego State University and used it to help her beloved city. In 1966, Elizabeth began her career in public service working for the State of California Department of Rehabilitation. Her professional career with the City of San Diego included the Regional Youth Employment Program (RYEP), Community Relations and Community Services departments, and culminated with her appointment in 1985 by the City Manager to the newly established Management Assistant position of Equal Opportunity Program Coordinator. Elizabeth left the City of San Diego in 1989 to join the San Diego Unified Port District and establish their first Equal Opportunity Management department. In 1999, she was appointed Senior Director of Administrative Services and the District Clerk.

Besides working as a public servant for San Diego, Elizabeth has also devoted a lot of her time to various community activities. She served from 1976 to 1983 as a board member of the San Diego Urban League. Since 1987, she has been on the board of the Catholic Charities of San Diego, and starting in 1990 has been a member of the San Diego Police Department's Crisis Intervention Team. Beginning in 1998, Elizabeth has been a member of the Airport Minority Advisory Council (AMAC). AMAC is a national aviation trade association established to promote equal opportunities in employment and contracting within the nation's airport system. After serving as AMAC's Secretary and Vice-Chair, she was elected President and Chairperson.

Mr. Speaker, I know Elizabeth will continue to serve her community and I join Elizabeth's friends and family in thanking her for all that she has done for the City of San Diego.

## RECOGNIZING PAM MUICK, EXECUTIVE DIRECTOR, SOLANO LAND TRUST

### HON. MIKE THOMPSON

OF CALIFORNIA

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2002*

Mr. THOMPSON of California. Mr. Speaker, we rise today to recognize Pam Muick who is leaving as Executive Director of the Solano Land Trust after six years of dedicated service to her community.

During her tenure, thousands of acres of farmland and open space have been preserved in Solano County to be enjoyed by people for generations to come. Some of the acquisitions she brokered include:

The 1,500 acre Jepson Prairie Preserve, which has a world-wide reputation as an oasis for native California plants, spring wildflowers, rare and endangered species and vernal pools;

The 1,500 acre Lynch Canyon Preserve, which is a working cattle ranch with hiking trails and panoramic views of Mount St. Helena, the Napa Valley, Mount Tamalpais, San Francisco Bay, Mount Diablo, Suisun Bay and the Sacramento River Delta;

The 1,000 acre King-Sweet Ranch located between the cities of Fairfield, Benicia and Vallejo that will eventually become the cornerstone of a regional park system in Solano County; and

The 4,000 acre McCormack and Perry-Anderson Conservation Easement in the Montezuma Hills.

In addition to these contributions, Dr. Muick has distinguished herself through her contributions to the development of a countywide Agricultural Easement Plan and countywide Open Space Plan for Solano County.

She has also provided invaluable assistance in expanding the docent program at Rush Ranch, which each year gives more than 1,500 school children the opportunity to learn about the customs and lives of the Native Americans who were the original inhabitants of this land.

Mr. Speaker, it is appropriate that we recognize Ms. Muick today for her innumerable contributions to her community and that we wish her well in her new position as Executive Director of the California Native Plant Society.

## CORPORATE FRAUD AND THE ECONOMY, ''LET'S ROLL!''

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2002*

Mr. CONYERS. Mr. Speaker, let's roll!

Earlier today this distinguished body of lawmakers passed H.R. 3917, a measure which acknowledged the bravery of the passengers of Flight 93. As you know, on September 11, 2001, Flight 93 was captured by terrorists who intended to use that aircraft as a weapon of mass destruction. They failed because the American people resisted and said, ''Let's roll!'' The terrorists that took over Flight 93 were selfish individuals acting without morality, accountability, or shame. Their actions attempted to rob Americans of their security and cast a dark cloud over the future. When faced with that crisis, the passengers of Flight 93 declared, ''Let's Roll!''

Well Mr. Speaker, we are once again faced with the actions of selfish individuals that are acting without morality, accountability, or shame. These individuals have managed to rob the American people of their financial security, thereby casting a dark cloud over the future. This time corporate greed, as opposed to an aircraft, is the weapon of mass destruction. We cannot stand by idly while the U.S. economy is robbed for personal gain, American lives are destroyed, investor confidence plummets, and a dark cloud is placed over the retirement plans of millions. Mr. Speaker, let's roll!

Among other things, corporate executives have overstated the profits of their companies by billions of dollars. This fraud has caused stock prices to plummet and wiped out the savings of hardworking Americans that invested in these companies as they prepared for retirement.

Why would a company find it so easy to overstate their profits? How is it possible to tell such a monumental lie and get away with it? If the average citizen were to overstate their income, the Internal Revenue Service would come after them looking for its share; many Americans have discovered that the IRS can be a relentless creditor. That fact alone is enough to keep the average American honest. However, our biggest corporations and corporate executives are not concerned. They have been allowed to self-regulate, thereby evading tax laws and creating a work ethic that is devoid of ethics and thrives on greed.

Big businesses have not been concerned with their overstatement of profits because they were not making the requisite tax payments and did not believe they would be caught. Consequently, they felt free to lie and evade tax laws without shame or remorse. These companies are apparently indifferent to the public needs that tax revenue is needed to support. They do not seem to care if the elderly are not able to receive prescription drugs and good health care; they do not seem to care if roads and sidewalks are poorly maintained; they do not seem to care if highways and bridges are overcrowded; and they do not seem to care if public schools are understaffed and inadequately supplied. One reason they probably do not seem to care is because they have the tacit assistance of key leadership in the Republican party as they short change the national purse and rob the American public.

For example, last year the President urged, and Republicans passed, a so-called tax cut that in reality gave each American a three hundred-dollar advance that had to be repaid on April 15th, but created even more opportunities for corporations to reduce their tax bill thereby pocketing billions of dollars that could have helped to keep the U.S. economy thriving. It is the big corporations that received real reductions. For those that assert that the American people saved a few dollars, you need only check the balance of pension plans nationwide to realize that the public was indeed taxed in a very big way!

Conversely, when faced with the possibility of paying taxes big corporations have been able to merely shift company assets to offshore tax havens where U.S. tax laws do not apply. Democrats in the House have proposed legislation that would put an end to such corporate abuses but the Republican leadership refused to take up these issues. Consequently, Americans get ripped off three times. They are robbed of their pension and retirement funds, and the US economy is robbed of corporate tax revenue and the shortfall is made-up by robbing social security funds.

Well the stuff is hitting the fan. Now that the extent of corporate fraud is coming to light, now that Americans have seen their 401K plans disappear, now that the ''Kenny Boys'' of corporate America have been able to cast a cloud over the future of millions of hardworking Americans, the public is once again ready to resist and declare, ''Let's roll'' . . . Republicans, however, are urging baby steps.

The Senate passed a strong bill, S. 2673 ''The Public Company Accounting Reform and Investor Protection Act'' (the Sarbanes Bill) by a unanimous vote of 97-0. This bill is a bill for those that are tired of being robbed by corporate America and are ready to roll. Among other things, by defining new corporate crimes, creating independent oversight, protecting whistle blowers, banning insider loans, extending the statute of limitations, and holding CEO's personally accountable, the Sarbanes bill sends a clear message to big business that further abuses will not be tolerated. Democrats in the House, including myself have been pushing for similar reforms, but the Republican leadership in the House is afraid to roll.

It's true that Republicans in the House have requested longer criminal penalties, but those penalties apply to a shorter range of crimes. They have not embraced new laws against destroying documents or tampering with evidence; they have not embraced new laws which would extend the statute of limitations for bringing cases of corporate fraud; they have not embraced measures that would end conflicts of interest and require greater accountability; they have not embraced measures that would protect whistle blowers and give honest Americans a chance to come forward without fear of retaliation. All they have done is request more years for a narrow range of crimes and they do this with the knowledge that the Attorney General has not bought any criminal charges, against any CEO involved in any of the numerous fraud cases that have surfaced. Millions have suffered because of corporate fraud and the Attorney General is merely watching from the sidelines.

Mr. Speaker I urge this Congress to raise the bar on corporate accountability, and deal a strong blow against corporate fraud. This is a real crisis, we cannot afford to merely give a superficial finger wag as the ''Kenny Boys'' of corporate America ride off into the sunset with rich indifference. Millions of Americans are struggling to replace their future after being robbed by corporate greed. If my Republican colleagues in the House really want to restore investor confidence and protect the financial security of the American people, the solution is clear, we can not take baby steps . . . Let's roll!

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 23, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 24

9 a.m.

Small Business and Entrepreneurship

Business meeting to markup pending legislation.

SR–428A

9:30 a.m.

Veterans' Affairs

To hold hearings to examine mental health care issues.

SR–418

Health, Education, Labor, and Pensions

Business meeting to consider 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.2394, to amend the Federal Food, Drug, and Cosmetic Act to require labeling containing information applicable to pediatric patients; S.2499, to amend the Federal Food, Drug, and Cosmetic Act to establish labeling requirements regarding allergenic substances in food; S.1998, to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools; proposed legislation authorizing funds for the Child Care and Development Block Grant; and the nominations of Edward J. Fitzmaurice, Jr., of Texas, and Harry R.

Hoglander, of Massachusetts, each to be a Member of the National Mediation Board.

SD–430

Governmental Affairs

Business meeting to reconsider the Committees action of 5/22, with respect to ordering favorably reported, with amendments S.2452, to establish the Department of National Homeland Security and the National Office for Combating Terrorism; and to consider the nominations of James E. Boasberg, to be an Associate Judge of the Superior Court of the District of Columbia; Michael D. Brown, of Colorado, to be Deputy Director of the Federal Emergency Management Agency; and Mark W.

Everson, of Texas, to be Deputy Director for Management, Office of Management and Budget.

SD–342

10 a.m.

Indian Affairs

To hold hearings on S.1344, to provide training and technical assistance to Native Americans who are interested in commercial vehicle driving careers.

SR–485

Appropriations

Business meeting to markup an original bill making appropriations for energy and water development for the fiscal year ending September 30, 2003.

S–128, Capitol

Joint Economic Committee

To hold hearings to examine the measuring of economic change. 311, Cannon Building

10:30 a.m.

Environment and Public Works

Foreign Relations

To hold joint hearings to examine implementation of environmental treaties.

SD–406

2:30 p.m.

Banking, Housing, and Urban Affairs

Housing and Transportation Subcommittee

To hold oversight hearings to examine management challenges of the Department of Housing and Urban Development.

SD–538

Judiciary

Crime and Drugs Subcommittee

To hold hearings to examine corporate responsibility, focusing on criminal sanctions to deter wrong doing.

SD–226

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine women in science and technology.

SR–253

3 p.m.

Energy and Natural Resources

To hold hearings to examine issues surrounding the Federal Energy Regulatory Commission.

SD–366

4 p.m.

Appropriations

Transportation Subcommittee

Business meeting to markup proposed legislation making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2003.

SD–116

JULY 25

9:30 a.m.

Armed Services

To hold hearings to examine the national security implications of the Strategic Offensive Reductions Treaty.

SD–106

Commerce, Science, and Transportation

To hold hearings to examine aviation security transition.

SR–253

10 a.m.

Intelligence

To hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001.

S–407, Capitol

Environment and Public Works

Business meeting to consider S.1602, to help protect the public against the threat of chemical attack; S.1746, to amend the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974 to strengthen security at sensitive nuclear facilities; S.1850, to amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup; proposed legislation authorizing funds for the John F. Kennedy Center Plaza; and the nominations of John S. Bresland, of New Jersey, to be a Member, and Carolyn W. Merritt, of Illinois, to be Chairperson and Member, each of the Chemical Safety and Hazard Investigation Board; and John Peter Suarez, of New Jersey, to be Assistant Administrator for Enforcement and Compliance of the Environmental Protection Agency.

SD–406

Judiciary

To hold oversight hearings to examine the Department of Justice.

SD–226

Indian Affairs

To hold hearings to examine the July 2, 2002 Report of the Department of the Interior to Congress on historical accounting of Individual Indian Money Accounts.

SR–485

Health, Education, Labor, and Pensions

To hold hearings to examine violence against women in the workplace, focusing on the extent of the problem and government and business responses.

SD–430

10:30 a.m.

Foreign Relations

Business meeting to consider the Convention on the Elimination of All Forms of Discrimination Against Women, adopted by the United Nations General Assembly on December 18, 1979, and signed on behalf of the United States of America on July 17, 1980 (Treaty Doc.96-53); Agreement Establishing the South Pacific Regional Environment Programme, done at Apia on June 16, 1993 (Treaty Doc.105-32); Treaty Between the Government of the United States of America and the Government of Niue on the Delimitation of a Maritime Boundary, signed in Wellington, May 13, 1997 (Treaty Doc.105-53); S.Res.296, recognizing the accomplishment of Ignacy Jan Paderewski as a musician, composer, statesman, and philanthropist and recognizing the 10th Anniversary of the return of his remains to Poland; S.Res.300, encouraging the peace process in Sri Lanka; and pending nominations.

SD–419

2 p.m.

Appropriations

Business meeting to markup proposed legislation making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2003; proposed legislation making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2003; proposed legislation

making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2003; and proposed legislation making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2003.

S–128, Capitol

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S.2672, to provide opportunities for collaborative restoration projects on National Forest System and other public domain lands.

SD–366

JULY 26

9:30 a.m.
Armed Services
To hear and consider the nominations of Lt. Gen. James T. Hill, USA, for appointment to the grade of general and assignment as Commander in Chief, United States Southern Command; and Vice Adm.
Edmund P. Giambastiani Jr., USN, for appointment to the grade of admiral and assignment as Commander in Chief, United States Joint Forces Command.

SR–222

10 a.m.
Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold hearings to examine birth defect screening.

SD–430

JULY 29

2:30 p.m.
Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine certain measures to strengthen multilateral nonproliferation regimes.

SD–342

JULY 30

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To resume hearings to examine the role of financial institutions in the collapse of Enron Corporation, focusing on the contribution to Enron's use of complex transactions to make the company look better financially than it actually was.

SD–342

10 a.m.
Indian Affairs
To hold hearings on proposed legislation concerning the Department of the Interior/Tribal Trust Reform Taks Force; and to be followed by S.2212, to establish a direct line of authority for the Office of Trust Reform Implementations and Oversight to oversee the management and reform of Indian trust funds and assets under the jurisdiction of the Department of the Interior, and to advance tribal management of such funds and assets, pursuant to the Indian Self-Determinations Act.

SR–485

JULY 31

10 a.m.
Indian Affairs
To hold oversight hearings to examine the application of criteria by the Department of the Interior/Branch of Acknowledgment.

SR–485

Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia
Subcommittee
To hold hearings to examine consumer safety and weight loss supplements, focusing on the extent of the use of supplements for weight loss purposes, the validity of claims currently being made for and against weight loss supplements, and the structure of the current federal system of oversight and regulation for dietary supplements.

SD–342

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S.934, to require the Secretary of the Interior to construct the Rocky Boy's North Central Montana Regional Water System in the State of Montana, to offer to enter into an agreement with the Chippewa Cree Tribe to plan, design, construct, operate, maintain and replace the Rocky Boy's Rural Water System, and to provide assistance to the North Central Montana Regional Water Authority for the planning, design, and construction of the noncore system; S.1577, to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects under that Act; S.1882, to amend the Small Reclamation Projects Act of 1956; S.2556, to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho; and S.2696, to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project.

SD–366

AUGUST 1

10 a.m.
Indian Affairs
To hold oversight hearings to examine the Secretary of the Interior's Report on the Hoopa Yurok Settlement Act.

SR–485

2 p.m.
Indian Affairs
To hold oversight hearings to examine problems facing Native youth.

SR–485

## CANCELLATIONS

JULY 24

9:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.

SD–366

10 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine competition and the cable industry.

SR–253

## POSTPONEMENTS

JULY 31

9:30 a.m.
Finance
To hold hearings to examine the Report of the President's Commission to Strengthen Social Security.

SD–215

# *Daily Digest*

## HIGHLIGHTS

**The House passed 24 sundry measures under suspension of the rules including H.R. 1209, Child Status Protection Act, agreeing to the Senate amendment and clearing the measure for the President; and H.R. 3487, Nurse Reinvestment Act, agreeing to the Senate amendment and clearing the measure for the President.**

# Senate

## *Chamber Action*

***Routine Proceedings, pages S7127–S7177***

**Measures Introduced:** Seven bills and one resolution were introduced, as follows: S. 2765–2771, and S. Con. Res. 129. **Page S7164**

**Measures Reported:**

S. 434, to provide equitable compensation to the Yankton Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska for the loss of value of certain lands, with amendments. (S. Rept. No. 107–214)

S. 2074, to increase, effective as of December 1, 2002, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, with amendments. (S. Rept. No. 107–215)

S. 2766, making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies for the fiscal year ending September 30, 2003. (S. Rept. No. 107–216) **Page S7164**

**Measures Passed:**

***Nurse Reinvestment Act:*** Senate passed H.R. 3487, to amend the Public Health Service Act with respect to health professions programs regarding the field of nursing, after agreeing to the following amendment proposed thereto: **Pages S7127–32**

Reid (for Mikulski) Amendment No. 4312, in the nature of a substitute. **Page S7132**

**Greater Access to Affordable Pharmaceuticals Act:** Senate resumed consideration of S. 812, to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals, taking action on the following amendments proposed thereto: **Pages S7127, S7134–58**

Pending:

Reid (for Dorgan) Amendment No. 4299, to permit commercial importation of prescription drugs from Canada. **Page S7127**

Graham Amendment No. 4309, to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the Medicare program. **Page S7127**

Hatch (for Grassley) Amendment No. 4310, to amend title XVIII of the Social Security Act to provide for a Medicare voluntary prescription drug delivery program under the Medicare program, and to modernize the Medicare program. **Page S7127**

A unanimous-consent agreement was reached providing for further consideration of the bill on Tuesday, July 23, 2002. Further, that pursuant to the order of July 18, 2002, at 2:45 p.m., Senate will vote on a motion to waive the Budget Act with respect to Graham Amendment No. 4309; followed by a vote on a motion to waive the Budget Act with respect to Hatch (for Grassley) Amendment No. 4310.

**Messages From the President:** Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the Periodic Report on the National Emergency with Respect to Sierra Leone and Liberia from January 18, through July 17, 2002; to the Committee on Banking, Housing, and Urban Affairs. (PM–105) **Page S7160**

**Nominations Received:** Senate received the following nominations:

1 Air Force nomination in the rank of general.

1 Army nomination in the rank of general.

1 Marine Corps nomination in the rank of general.

1 Navy nomination in the rank of admiral.

Routine lists in the Air Force, Navy.

Pages S7176–77

**Messages From the House:** Page S7160

**Measures Read First Time:** Page S7160

**Executive Communications:** Pages S7160–64

**Additional Cosponsors:** Pages S7164–65

**Statements on Introduced Bills/Resolutions:** Pages S7165–72

**Additional Statements:** Pages S7158–60

**Amendments Submitted:** Pages S7172–74

**Notices of Hearings/Meetings:** Pages S7174–75

**Privilege of the Floor:** Page S7175

**Adjournment:** Senate met at 2 p.m., and adjourned at 6:58 p.m., until 9:45 a.m., on Tuesday, July 23, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S7175–76.)

## *Committee Meetings*

*(Committees not listed did not meet)*

### BUSINESS MEETING—ENERGY AND WATER APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Energy and Water Development approved for full committee consideration an original bill making appropriations for energy and water development for the fiscal year ending September 30, 2003.

# House of Representatives

## *Chamber Action*

**Measures Introduced:** 10 public bills, H.R. 5169–5178, and 1 resolution, H. Res. 496, were introduced. Page H5086

**Reports Filed:** Reports were filed today as follows:

Filed on July 19, conference report on H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002 (H. Rept. 107–593);

Filed on July 19, H. Res. 495, in the Matter of James A. Traficant, Jr. (H. Rept. 107–594);

H.R. 3951, to provide regulatory relief and improve productivity for insured depository institutions, amended (H. Rept. 107–516, Pt. 2);

S.J. Res. 13, conferring honorary citizenship of the United States on Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette, amended (H. Rept. 107–595);

H.R. 4558, to extend the Irish Peace Process Cultural and Training Program (H. Rept. 107–596, Pt. 1);

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, amended (H. Rept. 107–597);

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. Rept. 107–598);

S. 356, to establish a National Commission on the Bicentennial of the Louisiana Purchase (H. Rept. 107–599);

H.R. 3645, to amend title 38, United States Code, to provide for improved procurement practices by the Department of Veterans Affairs in procuring health-care items, amended (H. Rept. 107–600);

H.R. 4888, to reauthorize the Mammography Quality Standards Act, amended (H. Rept. 107–601);

H.J. Res. 101, disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam (Adverse, H. Rept. 107–602). Page H5086

**Speaker Pro Tempore:** Read a letter from the Speaker wherein he appointed Representative Culberson to act as Speaker pro tempore for today. Page H4987

**Recess:** The House recessed at 12:31 p.m. and reconvened 2 p.m. Page H4987

**Order of Business—Trade Relations With Vietnam:** Agreed that it may be in order on July 23, 2002, or any day thereafter, to consider in the House H.J. Res. 101, disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam; that the joint resolution be considered as read for amendment; that all points of order against it be waived and that it be debatable for one hour, equally divided and controlled by the Chairman of the Committee on Ways and Means (in opposition to the

joint resolution) and a member in support of the joint resolution. Consistent with sections 152 and 153 of the Trade Act of 1974, the previous question shall be considered as ordered to final passage without intervening motion and the provisions of sections 152 and 153 of the Trade Act of 1974 shall not otherwise apply to any joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam for the remainder of the second session of the One hundred Seventh Congress. **Page H5027**

**Order of Business—Defense and Homeland Security Supplemental Appropriations Conference Report:** Agreed that it may be in order at any time to consider the conference report to accompany H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002; that all points of order against the conference report and against its consideration be waived; and that the conference report be considered as read. **Page H5027**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

***Extension of Irish Training Program:*** H.R. 4558, to extend the Irish Peace Process Cultural and Training Program; **Pages H4988–89**

***Child Status Protection Act:*** Agreed to the Senate amendment to H.R. 1209, to amend the Immigration and Nationality Act to determine whether an alien is a child, for purposes of classification as an immediate relative, based on the age of the alien on the date the classification petition with respect to the alien is filed—clearing the measure for the President; **Pages H4989–92**

***Conferring Honorary Citizenship on the Marquis de Lafayette:*** S.J. Res. 13, amended, conferring honorary citizenship of the United States on Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette. Agreed to amend the title so as to read: "Joint Resolution conferring honorary citizenship of the United States posthumously on Marie Joseph Paul Yves Roche Gilbert du Motier, the Marquis de Lafayette."; **Pages H4992–94**

***Judicial Improvements Act:*** H.R. 3892, amended, to amend title 28, United States Code, to make certain modifications in the judicial discipline procedures; **Pages H4994–98**

***Russian River, Alaska Land Act:*** H.R. 3048, amended, to resolve the claims of Cook Inlet Region, Inc., to lands adjacent to the Russian River in the State of Alaska; **Pages H4998–99**

***Mount Naomi, Utah Wilderness Area Boundary Adjustment:*** H.R. 4870, amended, to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area; **Pages H4999–H5000**

***California Five Mile Regional Learning Center Transfer Act:*** H.R. 3401, amended, to provide for the conveyance of Forest Service facilities and lands comprising the Five Mile Regional Learning Center in the State of California to the Clovis Unified School District, to authorize a new special use permit regarding the continued use of unconveyed lands comprising the Center; **Pages H5000–01**

***Reasonable Right-of-Way Fees Act:*** H.R. 3258, amended, to amend the Federal Lands Policy and Management Act of 1976 to clarify the method by which the Secretary of the Interior and the Secretary of Agriculture determine the fair market value of rights-of-way granted, issued, or renewed under such Act to prevent unreasonable increases in certain costs in connection with the deployment of communications and other critical infrastructure. Agreed to amend the title so as to read: "A bill to amend the Federal Land Policy and Management Act of 1976 and the Mineral Leasing Act to clarify the method by which the Secretary of the Interior and the Secretary of Agriculture determine the fair market value of certain rights-of-way granted, issued, or renewed under these Acts."; **Pages H5001–02**

***Memorial at the September 11, 2001, Crash site of United Airlines Flight 93 in the Stonycreek Township, Somerset County, Pennsylvania:*** H.R. 3917, amended, 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; **Pages H5002–06**

***Lower Rio Grande Valley Water Resources Conservation and Improvement:*** H.R. 2990, amended, to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects under that Act; **Pages H5006–08**

***Improved Procurement Practices by the Department of Veterans Affairs:*** H.R. 3645, amended, to amend title 38, United States Code, to provide for improved procurement practices by the Department of Veterans Affairs in procuring health-care items; **Pages H5008–13**

***Eligibility Requirements for Burial in Arlington National Cemetery:*** H.R. 4940, amended, to amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery; **Pages H5013–17**

***Arlington Monument Honoring Battle of the Bulge Veterans:*** 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; **Pages H5017–19**

***Design of the Nickel:*** H.R. 4903, amended, to amend title 31, United States Code, to specify that the reverse of the 5-cent piece shall bear an image of Monticello. Agreed to amend the title so as to read "To ensure continuity for the design of the 5-cent coin, establish the Coin Design Advisory Committee, and for other purposes."; **Pages H5019–21**

***Congressional Gold Medals for Heroic Actions During the Attacks of September 11, 2001:*** H.R. 5138, amended, to posthumously award congressional gold medals to government workers and others who responded to the attacks on the World Trade Center and the Pentagon and perished and to people aboard United Airlines Flight 93 who helped resist the hijackers and caused the plane to crash and to require the Secretary of the Treasury to mint coins in commemoration of the Spirit of America, recognizing the tragic events of September 11, 2001; **Pages H5021–27**

***Honoring the Contributions of Corinne "Lindy" Claiborne Boggs:*** H. Con. Res. 439, Honoring Corinne "Lindy" Claiborne Boggs on the occasion of the 25th anniversary of the founding of the Congressional Women's Caucus (agreed to by a yea-and-nay vote of 378 yeas with none voting "nay," Roll No. 324); **Pages H5027–33, H5039**

***Honoring the Contributions of Paul Ecke, Jr:*** H. Res. 471, to recognize the significant contributions of Paul Ecke, Jr. and to the poinsettia industry; **Pages H5033–34**

***Gratitude for Recovery Efforts at Fresh Kills Landfill on Staten Island, New York Following the Attacks of September 11:*** H. Res. 492, expressing gratitude for the 10-month-long World Trade Center cleanup and recovery efforts at the Fresh Kills Landfill on Staten Island, New York, following the terrorist attacks of September 11, 2001 (agreed to by a yea-and-nay vote of 375 yeas with none voting "nay", Roll No. 325); **Pages H5034–36, H5039–40**

***William C. Cramer Post Office, St. Petersburg, Florida:*** H.R. 5145, to designate the facility of the United States Postal Service located at 3135 First Avenue North in St. Petersburg, Florida, as the "William C. Cramer Post Office Building"; **Pages H5036–37**

***Urging Implementation of Western Governors Collaborative 10-year Strategy for Reducing Wildland Fire Risks to Communities and the Environment:*** H. Con. Res. 352, amended, expressing the sense of Congress that Federal land management agencies should fully implement the Western Governors Association "Collaborative 10-year Strategy for Reducing Wildland Fire Risks to Communities and the Environment" to reduce the overabundance of forest fuels that place national resources at high risk of catastrophic wildfire, and prepare a National Prescribed Fire Strategy that minimizes risks of escape. Agreed to amend the title so as to read: "Concurrent resolution expressing the sense of Congress that Federal land management agencies should fully support the "Collaborative 10-year Strategy for Reducing Wildland Fire Risks to Communities and the Environment" as prepared by the Western Governors' Association, the Department of Agriculture, the Department of the Interior, and other stakeholders, to reduce the overabundance of forest fuels that place national resources at high risk of catastrophic wildfire, and prepare a national assessment of prescribed burning practices to minimize risks of escape."; **Pages H5037–38**

***Freedom Promotion Act:*** H.R. 3969, amended, to enhance United States public diplomacy and to reorganize United States international broadcasting; **Pages H5040–48**

***Urging Mandatory Steroid Testing in Major League Baseball:*** H. Res. 496, expressing the sense of the House of Representatives that Major League Baseball and the Major League Baseball Players Association should implement a mandatory steroid testing program; **Pages H5048–50**

***Support for Research on Tests to Screen for Ovarian Cancer:*** H. Con. Res. 385, expressing the sense of the Congress that the Secretary of Health and Human Services should conduct or support research on certain tests to screen for ovarian cancer, and Federal health care programs and group and individual health plans should cover the tests if demonstrated to be effective; and **Pages H5050–53**

***Nurse Reinvestment Act:*** Agreed to the Senate amendment to H.R. 3487, to amend the Public Health Service Act with respect to health professions programs regarding the field of nursing—clearing the measure for the President. **Pages H5053–59**

**Suspension Proceedings Postponed—Condemning the Persecution of Falun Gong Practitioners by the Chinese Government:** The House completed debate on the motion to suspend the rules and agree to H. Con. Res. 188, amended, expressing the sense of Congress that the Government of the People's Republic of China should cease its persecution of Falun Gong practitioners. Further proceedings on the motion were postponed. **Pages H5059–64**

**Presidential Message:** Read a message from the President wherein he transmitted a six month periodic report on the National emergency with respect

to Sierra Leone and Liberia referred to the committee on International Relations and ordered printed (H. Doc. 107–249). **Pages H5064–65**

**Senate Messages:** Message received from the Senate today appears on page H4999.

**Referrals:** S. 2037 and S. Con. Res. 128 were held at the desk.

**Amendments:** Amendments ordered printed pursuant to the rule appear on pages H5087–89.

**Quorum Calls—Votes:** Two yea-and-nay votes developed during the proceedings of the House today and appear on pages H5039 and H5039–40. There were no quorum calls.

**Adjournment:** The House met at 12:30 p.m. and adjourned at 11:36 p.m.

# *Committee Meetings*

## CALIFORNIA'S ENERGY MARKET

*Committee on Government Reform:* Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs held a hearing entitled ''California's Energy Market: The Case of Enron and Perot Systems.'' Testimony was heard from public witnesses.

## DAM SAFETY AND SECURITY ACT; GSA CONSTRUCTION AND LEASE PROSPECTUSES

*Committee on Transportation and Infrastructure:* Subcommittee on Economic Development, Public Buildings and Emergency Management approved for full Committee action the following: H.R. 4727, amended, Dam Safety and Security Act of 2002; and 34 GSA Construction and Lease Prospectuses.

# *Joint Meetings*

## CORPORATE AND AUDITING ACCOUNTABILITY, RESPONSIBILITY, AND TRANSPARENCY ACT

*Conferees* on Friday, July 19, met to resolve the differences between the Senate and House passed versions of H.R. 3763, to protect investors by improving the accuracy and reliability of corporate disclosures made pursuant to the securities laws, but did not complete action thereon, and recessed subject to call.

## COMMITTEE MEETINGS FOR TUESDAY, JULY 23, 2002

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Appropriations:* Subcommittee on VA, HUD, and Independent Agencies, business meeting to mark up proposed legislation making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2003, 2:30 p.m., S–128, Capitol.

Subcommittee on District of Columbia, business meeting to mark up proposed legislation making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2003, 2:30 p.m., SD–116.

Subcommittee on Agriculture, Rural Development, and Related Agencies, business meeting to mark up proposed legislation making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2003, 5 p.m., SD–138.

*Committee on Banking, Housing, and Urban Affairs:* to hold hearings on the nominations of Cynthia A. Glassman, of Virginia, and Roel C. Campos, of Texas, each to be a Member of the Securities and Exchange Commission, 10 a.m., SD–538.

*Committee on Commerce, Science, and Transportation:* business meeting to consider the nominations of Steven Robert Blust, of Florida, to be a Federal Maritime Commissioner; Kathie L. Olsen, of Oregon, and Richard M. Russell, of Virginia, each to be an Associate Director of the Office of Science and Technology Policy; Frederick D. Gregory, of Maryland, to be Deputy Administrator of the National Aeronautics and Space Administration; Jonathan Steven Adelstein, of South Dakota, to be a Member of the Federal Communications Commission; and one United States Coast Guard promotion list, 10:45 a.m., S–216, Capitol.

*Committee on Energy and Natural Resources:* Subcommittee on National Parks, to hold hearings on S. 2494, to revise the boundary of the Petrified Forest National Park in the State of Arizona; S. 2598, to enhance the criminal penalties for illegal trafficking of archaeological resources; S. 2727, to provide for the protection of paleontological resources on Federal lands; and H.R. 3954, to designate certain waterways in the Caribbean National Forest in the Commonwealth of Puerto Rico as components of the National Wild and Scenic Rivers System, 2:30 p.m., SD–366.

*Committee on Foreign Relations:* to resume 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), 10:30 a.m., SD–419.

*Committee on Governmental Affairs:* Permanent Subcommittee on Investigations, to hold hearings to examine the role of financial institutions in the collapse of Enron

Corporation, focusing on the contribution to Enron's use of complex transactions to make the company look better financially than it actually was, 9:30 a.m., SD–106.

*Select Committee on Intelligence:* to hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 10 a.m., S–407, Capitol.

*Committee on the Judiciary:* to hold hearings to examine pending nominations, 10 a.m., SR–325.

Full Committee, to hold hearings on S. 2480, 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, 2 p.m., SD–226.

## House

*Committee on Armed Services,* Special Oversight Panel on the Merchant Marine, hearing on commercial shipbuilding in the United States and the Maritime Security Program, 9 a.m., 2212 Rayburn.

*Committee on Education and the Workforce,* hearing on ''What's Next for School Choice?'' 9:45 a.m., 2175 Rayburn.

Subcommittee on Workforce Protections, hearing on ''Compulsory Union Dues and Corporate Campaigns,'' 2 p.m., 2175 Rayburn.

*Committee on Energy and Commerce,* Subcommittee on Health, hearing titled ''Insurance Coverage of Mental Health Benefits,'' 10 a.m., 2123 Rayburn.

*Committee on Financial Services,* Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing regarding the Office of Federal Housing Enterprise Oversight's (OFHEO) risk-based capital stress test for Fannie Mae and Freddie Mac, 2 p.m., 2128 Rayburn.

*Committee on Government Reform,* Subcommittee on National Security, Veterans' Affairs, and International Relations, hearing on Homeland Security: Protecting Strategic Ports, 10 a.m., 2154 Rayburn.

*Committee on International Relations,* Subcommittee on Africa, to mark up the following measures: H. Con. Res. 287, expressing the sense of Congress relating to efforts of the Peace Parks Foundation in the Republic of South Africa to facilitate the establishment and development of transfrontier conservation efforts in southern Africa; and H. Con. Res. 421, recognizing the importance of inheritance rights of women in Africa, 2 p.m., 2172 Rayburn.

Subcommittee on East Asia and the Pacific, hearing on Pacific Island Nations: Current Issues and U.S. Interests, 11 a.m., 2200 Rayburn.

*Committee on the Judiciary,* to mark up the following bills: H.R. 1452, Family Reunification Act of 2001; H.R. 4757, Our Lady of Peace Act; H.R. 3995, Housing Affordability for America Act of 2002; and H.R. 4600, Help Efficient, Accessible, Low Cost, Timely Health Care (HEALTH) Act of 2002, 10 a.m., 2141 Rayburn.

Subcommittee on Courts, the Internet and Intellectual Property, hearing on H.R. 1203, Ninth Circuit Court of Appeals Reorganization Act of 2001, 3 p.m., 2141 Rayburn.

*Committee on Resources,* Subcommittee on Energy and Mineral Resources, oversight hearing on Availability of Bonds to Meet Federal Requirement for Mining, Oil and Gas Projects, 10 a.m., 1334 Longworth.

*Committee on Rules,* to consider the following: H.R. 4628, Intelligence Authorization Act for Fiscal Year 2003; and H.R. 4965, Partial-Birth Abortion Ban Act of 2002, 5 p.m., H–313 Capitol.

*Committee on Small Business,* hearing on ''Unintended Consequences of Increased Steel Tariffs on American Manufacturers,'' 10 a.m., 2360 Rayburn.

*Committee on Transportation and Infrastructure,* Subcommittee on Aviation, hearing on Aviation Security, 10 a.m., and, executive, to continue hearings on Aviation Security, 2 p.m., 2167 Rayburn.

*Committee on Ways and Means,* Subcommittee on Health, hearing on Medicare's Geographic Cost Adjustors, 2 p.m., B–318 Rayburn.

## Joint Meetings

*Joint Meetings:* Senate Select Committee on Intelligence, to hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 10 a.m., S–407, Capitol.

*Next Meeting of the* SENATE

9:45 a.m., Tuesday, July 23

Senate Chamber

**Program for Tuesday:** After the transaction of any morning business (not to extend beyond 10:45 a.m.), Senate will vote on the motion to close further debate on the nomination of Richard H. Carmona, of Arizona, to be Medical Director in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations, and to be Surgeon General of the Public Health Service, Department of Health and Human Services. Following the cloture vote, Senate will continue consideration of S. 812, Greater Access to Affordable Pharmaceuticals Act, and at 2:45 p.m., pursuant to the order of July 18, 2002, vote on a motion to waive the Budget Act with respect to Graham Amendment No. 4309; followed by a vote on a motion to waive the Budget Act with respect to Hatch (for Grassley) Amendment No. 4310.

*(Senate will recess from 12:30 p.m. until 2:15 p.m., for their respective party conferences.)*

*Next Meeting of the* HOUSE OF REPRESENTATIVES

9 a.m., Tuesday, July 23

House Chamber

**Program for Tuesday:** Consideration of H.J. Res. 101, Disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam (unanimous consent, one hour of debate);

Consideration of suspensions:

(1) H.R. 4946, Improving Access to Long-Term Care;

(2) H.R. 3479, National Aviation Capacity Expansion; and

(3) H. Con. Res. 188, Condemning the Persecution of Falun Gong Practitioners by the Chinese Government (rolled vote);

Consideration of the conference report on H.R. 4775, Defense and Homeland Security Supplemental Appropriations Act (unanimous consent, one hour of debate);

Consideration of H.R. 5120, FY 2003 Treasury and Postal Operations Appropriations (open rule, completed consideration).

## Extensions of Remarks, as inserted in this issue

HOUSE

Andrews, Robert E., N.J., E1308, E1312
Bereuter, Doug, Nebr., E1309
Camp, Dave, Mich., E1307, E1308
Cantor, Eric, Va., E1307
Conyers, John, Jr., Mich., E1317
Cramer, Robert E. (Bud), Jr., Ala., E1314
Filner, Bob, Calif., E1316
Fossella, Vito, N.Y., E1307
Gillmor, Paul E., Ohio, E1312, E1314, E1315
Gilman, Benjamin A., N.Y., E1316
Johnson, Eddie Bernice, Tex., E1312
Jones, Stephanie Tubbs, Ohio, E1314
Langevin, James R., R.I., E1313
Lantos, Tom, Calif., E1310
Lowey, Nita M., N.Y., E1314
Maloney, Carolyn B., N.Y., E1310
Mascara, Frank, Pa., E1312, E1313, E1314, E1316
Menendez, Robert, N.J., E1307
Miller, George, Calif., E1316
Miller, Jeff, Fla., E1310
Rangel, Charles B., N.Y., E1308
Rothman, Steven R., N.J., E1311
Schakowsky, Janice D., Ill., E1315
Skelton, Ike, Mo., E1307
Tauscher, Ellen O., Calif., E1308, E1313
Thompson, Mike, Calif., E1316
Underwood, Robert A., Guam, E1312
Wolf, Frank R., Va., E1316

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