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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. KERNS).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 17, 2002.

I hereby appoint the Honorable BRIAN D. KERNS to act as Speaker pro tempore on this day.

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

MESSAGE FROM THE SENATE

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

S. 1777. An act to authorize assistance for individuals with disabilities in foreign countries, including victims of landmines and other victims of civil strife and warfare, and for other purposes.

MORNING HOUR DEBATES

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

The Chair recognizes the gentleman from Michigan (Mr. SMITH) for 5 minutes.

TARIFFS ON STEEL IMPORTS

Mr. SMITH of Michigan. Mr. Speaker, I am going to make some comments on the tariff on steel imports. President Bush approved the new tariffs on steel imports, I think to help give the steel industry and our American steelworkers a chance to make changes so that they might compete in the long term. I suspect the President, who as a young man did physical work in the oil fields, wanted to give a chance to save some of the jobs of the people that do the hard physical work in the steel industry.

However, the high tariff restrictions on steel imports have turned out to be a mistake with a potential of losing more jobs than they save. The price of steel in the United States has risen since March by 30 to 50 percent. In addition to the large price increases, there has been a reduction in the amount of steel available. This has made it impossible for many steel-consuming industries to find sufficient supplies of steel. Domestic steel producers have in many cases reneged on long-term contracts now that the steel prices have leaped, with the result that the consuming industries have been forced to pay higher than agreed-on prices or have been forced into the volatile spot market for steel.

This has harmed American workers in a number of ways. First, some American producers lose out because they are now competing with foreign companies that have access to cheaper steel. Their products become relatively more expensive because the steel in them costs our American producers more.

Second, many American firms have had trouble securing supplies of steel sufficient in quantity to keep that factory operating. I have had layoffs in my district because plants have closed for lack of steel.

Third, it gives American firms a powerful incentive to move production out of the United States to foreign plants where steel is available at the lower world market price. This is so that they can compete, so that they can survive as a company.

There are 57 workers employed in steel-using companies for every one worker in the steel-making industry. Steel-using industries account for more than 13 percent of gross domestic product, while the steel industry accounts for about one half of 1 percent. Thus, the steel tariff has threatened many more jobs than it has protected.

The Bush administration has recognized some of the distress that the steel tariffs are causing. It has issued rulings that exclude 727 products from the tariff. And, of course, this has set off a frenzy of lobbying as some of the steel-using companies angle for exemptions. This causes distortions not only in the price of domestic and foreign producers but between competing domestic producers as well.

Finally, the steel tariff encourages retaliation from our trading partners. The European Commission is now threatening retaliatory tariffs of 100 percent on a 22-page list of goods ranging from rice to grapefruit to shoes, brassieres, nuts, bib overalls, billiard tables, ballpoint pens, et cetera. The Japanese are also drawing up their steel payback list. Steel-exporting Russia has already retaliated by fencing out U.S. chicken. Hopefully that is going to be resolved.

We can ask if the tariff has done that much for the steel industry. Over the past 30 years, the Federal Government has been implementing policies to keep the steel industry in business despite its inefficiencies. These policies include voluntary quotas, antidumping, countervailing duty measures. Some of the companies have moved up and are now competitive, but much of the industry, instead of resulting in a stronger manufacturing efficiency, these policies have allowed companies to continue with production methods and labor contracts that keep it perpetually at the risk of dissolution.

Standard and Poor, for example, did not seem optimistic with the President's decision and responded to the

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tariffs by refusing to raise the industry's credit ratings.

The steel tariff has turned out to be a mistake that is harming many industries both in my State of Michigan and across the country. It is having the result of losing American jobs. We need to repeal this kind of tariff restriction to allow our steel-using companies to be competitive. We need to start reviewing the kind of overzealous regulations and overzealous taxation that we have put on our steel industry and we need to assist in research and technology to help allow them to be more competitive in an international market.

SPIRALING PRESCRIPTION DRUG COSTS

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

Mr. BROWN of Ohio. Mr. Speaker, I came to the floor today to talk about the high cost of prescription drugs, which I will, but I am moved to respond for a moment to my friend from Michigan. He should visit some of the Northeast Ohio steel mills that have run into incredible problems because of unfair foreign competition and what it has meant to jobs in communities like Lorraine and Cleveland and Warren, Ohio, and other places because of dumped foreign, illegally dumped steel. And while some applauded the President's actions back several months ago, we certainly do not applaud the President selling out the steel industry after making sort of a head-fake in a political way that he is supporting the industry, and now has gone around the world promising other countries and reducing and in many cases revoking some of the tariffs that clearly have made the steel industry put in a more competitive position and in a more level playing field.

Mr. Speaker, industry experts predict that premiums for employer-sponsored health insurance will jump 13 to 24 percent next year, the third straight year of double-digit increases. What is driving the increased premiums? Mostly it is spiraling prescription drug costs.

In response to the public's outrage at astronomical drug prices, the brand name drug industry says, Not to worry, prescription drugs actually save money by reducing health care costs. If they were more reasonably priced, that would be the case. There is no doubt that prescription medicines can reduce disability, prevent illness, and help alleviate the need for other health care services. Unfortunately, drugs are priced so outrageously high that costs associated with their increased use far outstrip any offsetting savings that might accrue. They are priced so high that millions of seniors cannot afford them, and other Americans, too. Even a miracle cure is worthless if people cannot have access to it.

Skyrocketing drug prices are jeopardizing employer-sponsored health insurance, undercutting the financial security of seniors, and absorbing an enormous share of the Federal and State taxes devoted to health care.

Something has to give. The first step is the most obvious. Brand name drug industries exploiting loopholes in the law to block lower-priced generic drugs from even getting into the market, we can stop that. Generic drugs are identical to their brand name counterparts except for price. Generics are typically 70 to 80 percent less expensive than their brand name equivalent.

In some cases the price differential is even greater. The anti-anxiety drug Vasotec sells for $180 per prescription. The generic costs $55, a savings of $125.

Consumers lose millions in potential savings when brand name companies block their competitors from entering the market. As a matter of fact, the Congressional Budget Office estimates consumers would save $60 billion in the next 10 years if Congress would close the legal loopholes that drug companies use to scam the patent system.

Under current law, for instance, FDA suspends generic drug approvals for 2½ years the moment a brand name drug company sues for patent infringement. By attaching new and often unrelated patents to an existing drug right before its original patent expires, brand name companies have been able to repeatedly get a 30-month addition lengthening of their patent.

The drug industry ties up generic drug approvals in the courts by repeatedly challenging the methods the FDA uses to ensure that the generic and the brand product are equivalent. The CBO estimates that consumers will lose $60 billion, as I said, due to these delaying tactics. That is how much consumers will save if Congress and the President do the right thing.

The Federal Trade Commission, the Patent and Trademark Office, and the President have acknowledged the need to address inappropriate delays in access to lower-priced generic products.

The other body passed by an overwhelming margin legislation to close the loopholes and deliver long overdue relief to American consumers. The House of Representatives should pass it, too.

There are three pieces of legislation, each of which would close the loopholes. They are not partisan. They are not radical. And, realistically, they are not a panacea. But any one of them, if passed by this Congress and signed by the President, will force the drug industry to clean up its act, will get generic competition into the marketplace, will save consumers tens of billions of dollars.

I urge Republican leadership, which has stood in the way of this because of their closeness to the drug industry, I urge Republican leadership to give Members the opportunity to debate and vote on one of these bills in time to get a product to the President's desk.

Members of both sides of the aisle recognize that it is time to do something about runaway prescription drug costs. Removing unjustifiable barriers to lower-priced medicines is a logical step. Given the havoc that runaway drug prices are wreaking on this Nation, on all people, but especially on America's seniors, it should be an imperative.

CELEBRATING THE 215th ANNIVERSARY OF THE CONSTITUTION

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

Mr. PENCE. Mr. Speaker, it is Constitution Day in America, which may sound boring for some, their eyes may glaze over, but not for me in my house.

It was on this day, Mr. Speaker, 215 years ago that all 12 State delegations approved at the Constitutional Convention what was to become the Constitution of the United States. Think about that, 215 years ago. If we reckon a life is 75 years, Mr. Speaker, it was scarcely 3 lifetimes ago which this awesome document which begins with words that have now rung through generations, through history, to inspire not only the American people, to inspire the world, were crafted and adopted. Words that begin with ''We the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, to ordain and establish this Constitution.''

It would take until June 21 of 1788 that the Constitution would become effective, Mr. Speaker, when ratified by the ninth State, New Hampshire. And then in the Spring of 1789, the government would first convene in the first Congress in Federal Hall in New York City where the 107th Congress, of which I am privileged to be a part, gathered just 10 days ago, the second time only that we have met since those very first days.

□ 1245

Three short lifetimes ago, the Federal convention convened and created a document which John Marshall, the Chief Justice of the U.S. Supreme Court, appointed by our second President, John Adams, would describe thusly: ''A Constitution intended to endure for ages to come, and consequently, to be adapted to the various crises of human affairs.'' There have been crises in those three lifetimes, Mr. Speaker.

Think of it. Seventy-five years to the day after this document was ratified, Americans would find themselves locked in the bloodiest battle in American history. September 17, 1862, outside Sharpsburg, Maryland, would be the battle of Antietam on this very

day; and there, as much as anything, they were fighting over this document. They were fighting over a vision of a Union that would be preserved.

Seventy-five years from that day it would be September 17, 1937, and war was gathering in Europe, a dictator unchecked expanding his borders, violating international convention, and 75 years would pass and those experiences resonate with our experiences today.

Three short lifetimes ago, our founders bequeathed to us a document that has been the inspiration of the world, written most assuredly, Mr. Speaker, by the hand of man, men with feet of clay, very human in every sense of the word, but as we embrace the realities of these 215 years and how this great Republic, this great representative democracy has inspired the world, we can be certain of this, that while it was written by the hand of men, they were most certainly guided by providence to offer this gift to their posterity and to the entire world.

So I thought it imperative today, Mr. Speaker, that we gather to remember the accomplishment of three short lifetimes ago, the Constitution of the United States of America, and may it be said as equally as it is today when four short lifetimes have passed that we will gather in this same place, that we will celebrate the liberties ensconced in the Constitution and in the Bill of Rights; and may it be our prayer in our lifetimes to pass along this great document and these great traditions as adequately and as ably as our forebears have passed it onto us on this Constitution Day, 2002.

PRESCRIPTION DRUGS

The SPEAKER pro tempore (Mr. KERNS). Pursuant to the order of the House of January 23, 2002, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized during morning hour debates for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, there is a consensus among Members of Congress, in fact, I think there is a consensus among the American people, as well as the President also says, that Medicare beneficiaries should indeed receive prescription assistance. The Congressional Budget Office has projected that the cost of providing prescription drugs to seniors will certainly be high, and it is unpredictable as to how high it will go; but they have said to how the estimate has been made in the last year, that by the year 2010 we will be 23 percent higher than what we predicted it to be, and already it is too high. Already seniors cannot afford that.

This increases the sense of reality that we cannot make long-term predictions nor can we make short-term predictions with accuracy. With that reality, what we know with the combined fact that more baby boomers are retiring among them, are retiring now, more than ever before, they are going to live longer and need more health care; and yet their reliance on Medicaid does not give them any assurance for that.

We must ensure that our seniors have the peace and security that they need to have access to affordable prescription drugs for maintenance of a quality of life.

We must also work to make sure that they do not deplete their savings and what low income they have from their retirement and their Social Security in order to provide prescription drugs. My colleagues have heard that seniors now have to make the awful election, whether they feed themselves or pay the rent or buy prescriptions that they just really need for their health; and some of them are making the decision, which is harmful to their health, of dividing their daily dosage and spreading it so it can go further.

Our seniors deserve better than that. They are the people who have worked to make our country as robust as it is. They have served our Nation in a variety of ways, have served on the military to make sure we are secure. Certainly, it is not because we do not have the technology. It is because we have not found the political will to do this.

In my district, the First Congressional District, our population of seniors continues to increase. Consider this: from 1980 through the eighties and through the nineties, from the ages of 65 to 84 increased by 31 percent. From the 1990s to 2000, there was an additional increase of some 16 percent added to that 31 percent. So we are living longer, those from the ages of 65 to 84, and also, the mean income is approximately $26,800 in my district. That does not allow a lot of flexibility of maintaining a quality of life and increasing the cost for prescription drugs and other health care.

In 1996, the average out-of-pocket costs for prescription drugs for seniors living below the poverty line was $368 for an average cost then; but now in 2000 that same index would be 2,000, $386 from 1996 to 2,000. My colleagues say, well, that is not a lot of money. That is a lot of money when the income has not gone up; and when a person retires their income is going down, not up, and the increase we give for a Social Security benefit certainly does not go into the cost of senior citizens. So we need far more money because seniors indeed are not able to have the income security to protect them. $463 is the equivalent of a mortgage payment that seniors would have to pay. They can no longer afford that.

We need to find ways in which we can help provide for them, and many adults are now having to reach back and provide for their senior parents as they are also providing for their children because their income, the retirement and the Social Security, is not sufficient.

The very least that Congress could do is to work towards bringing a prescription drug benefit that would be part of our Medicare benefit. Most elderly receive their primary health assistance through Medicare, and I would gather today if we were doing Medicare all over again we would make sure there would be a prescription drug provision. Yet Medicare does not provide any coverage for any senior's outpatient prescription drugs. We almost have to go to the hospital to be there and most seniors now have conditions that can be maintained by not doing it.

Mr. Speaker, we have an opportunity, in fact, we have an obligation, Mr. Speaker, to make sure we have a prescription drug program that works for our seniors and not put up these artificial programs that we say that the companies are going to give some rebate. They need something they can rely on. To do less would be unworthy of us as a great Nation.

PAYING FOR PRESCRIPTION DRUGS

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

Mr. PALLONE. Mr. Speaker, I would like to follow up on my two colleagues. The gentlewoman from North Carolina talked in great detail about why we need a prescription drug benefit for seniors and why it should be under Medicare as an expansion of Medicare, and my colleague from Ohio talked about the cost of prescription drugs and how the brand-name drug companies essentially have put on a program, a lobbying campaign, a very effective one to try to prevent any kind of changes in the law that would allow for generic drugs or other kinds of measures that would reduce costs, not only for seniors but for all Americans; and I think those two discussions by my colleagues really are at the heart of the issue.

When it comes to prescription drugs, we need a benefit program under Medicare for senior citizens and those eligible for Medicare; and at the same time, we need to address the issue of costs and bring down costs for all Americans because increasingly more and more people cannot afford to pay for prescription drugs and go without. And I also add, the real problem here is the brand-name drug companies. They are artificially keeping the price of prescription drugs high in order to make even more profit than they would normally make.

Let me say, the Democrats in the House of Representatives, my colleagues on the Democratic side, have proposed an answer to both of these problems, both to the benefit and to the costs. At the time when the Republicans and the Republican leadership were trying to move a prescription drug bill that would simply privatize the program and say, well, we will give people some money, senior citizens, and maybe they can go out and buy a prescription drug policy in the private sector.

The Democrats were saying that would not work, and we came up with a prescription drug program under Medicare. We basically said that just like under Medicare now, they can pay so much per month in a premium to get their doctor bills paid. Most seniors pay a premium, so much per month under what is called part B of Medicare; and after the first $100 deductible, 80 percent of the costs of their doctor bills are paid for by the Federal Government. We propose, as Democrats, doing the same thing with prescription drugs. A senior would pay about a $25 per-month premium. They would have a $100 deductible for the first $100 in drugs; and after that, 80 percent of the costs would be paid for by the Federal Government for all the prescription drug needs up to $2,500 a year, at which time everything would be paid for at 100 percent by the Federal Government.

What we did in our Medicare benefit program in our proposal, by contrast to the Republicans, is we said the Secretary of Health and Human Services would be mandated to negotiate lower prices for all the seniors that were in the Medicare program, about 30 to 40 million seniors. Following up on what the Federal Government does with the Veterans Administration or with the military, we said the Secretary of Health and Human Services would be mandated to bring down costs for prescription drugs in the Medicare program because he would have the power to negotiate. We estimate that would bring down the cost of prescription drugs maybe 30, 40 percent over what they are now.

The Republicans totally rejected the idea of expanding Medicare to include prescription drugs. They just want people to go out and buy their own private health insurance, and they put in their bill which passed the House of Representatives that the head of the Medicare program or the head of the prescription drug program that they were proposing would not have any authority to negotiate price reductions, in fact, would be forbidden from doing so.

Why are they doing this? They are doing this because they do not want anything to negatively impact the drug companies. What the drug companies have been doing in this House of Representatives is very clear. From the very beginning they were giving huge amounts of money to the Republicans. They had a big fund raiser for them one night a couple of months ago when we were actually having these bills in committee being marked up, when they wrote the bill, the Republican bill, to make sure it was not an expansion of Medicare and did not impact costs in any way for drugs; and then they started putting up ads on TV where they promoted the Republican candidates for Congress or the Republican incumbents who voted for their own drug bill and said that people should vote for them because they are doing a very good job and providing people with a prescription drug benefit, which is simply not true.

We heard that this year United Seniors, which is basically a front for PHARMA, for the prescription name drug industry has pumped another 10, or I do not know how many, millions of dollars into an ad campaign. The bottom line is that the drug companies are going to do whatever they can with their Republican allies in Congress to make sure the issue of price is not addressed.

What are the Democrats saying about price? We heard my colleague from Ohio. He has introduced a bill similar to what passed the Senate that basically tries to encourage generic drugs by eliminating some of the barriers that the name-brand drug companies have put in place that make it more difficult under the patent system for generic drugs to come to market.

□ 1300

Mr. Speaker, we can address this in so many ways, but we have to get to the cost issue; otherwise we are not going to get to the problem.

RECESS

The SPEAKER pro tempore (Mr. KERNS). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 1 minute 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. BOOZMAN) at 2 p.m.

PRAYER

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

Lord, You are our light and our salvation. In Your hands is the faith of this Nation, for we place all our trust in You.

You claim the hearts of the powerful. Bestow Your wisdom upon the Members of the House of Representatives, that they may draw from the foundation of Your counsel and place You in all their thoughts and deeds.

The many talents of these women and men in government reflect Your splendor and manifest the diversity of this Nation. May their work today give the world hope and joy. For You are Lord of all and work through all, both now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Maryland (Mrs. MORELLA) come forward and lead the House in the Pledge of Allegiance.

Mrs. MORELLA 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.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Private Calendar. The Clerk will call the first individual bill on the Private Calendar.

NANCY B. WILSON

The Clerk called the bill (H.R. 392) for the relief of Nancy B. Wilson.

Mr. COBLE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

JAMES D. BENOIT AND WAN SOOK BENOIT

The Clerk called the Senate bill (S. 1834) for the relief of retired Sergeant First Class James D. Benoit and Wan Sook Benoit.

There being no objection, the Clerk read the Senate bill as follows:

S. 1834

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

SECTION 1. REQUIREMENT TO PAY CLAIMS.

(a) PAYMENT REQUIRED.—The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James D. Benoit and Wan Sook Benoit, jointly, the sum of $415,000, in full satisfaction of all claims described in subsection (b), such amount having been determined by the United States Court of Federal Claims as being equitably due the said James D. Benoit and Wan Sook Benoit pursuant to a referral of the matter to that court by Senate Resolution 129, 105th Congress, 1st session, for action in accordance with sections 1492 and 2509 of title 28, United States Code.

(b) COVERED CLAIMS.—Subsection (a) applies with respect to all claims of the said James D. Benoit, Wan Sook Benoit, and the estate of David Benoit against the United States for compensation and damages for the wrongful death of David Benoit, the minor child of the said James D. Benoit and Wan Sook Benoit, pain and suffering of the said David Benoit, loss of the love and companionship of the said David Benoit by the said James D. Benoit and Wan Sook Benoit, and the wrongful retention of remains of the said David Benoit, all resulting from a fall sustained by the said David Benoit, on June 28, 1983, from an upper level window while occupying military family housing supplied by the Army in Seoul, Korea.

SEC. 2. LIMITATION ON USE OF FUNDS FOR ATTORNEYS' FEES.

No part of the amount appropriated by section 1 in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, any contract to the contrary notwithstanding. Violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANISHA GOVEAS FOTI

The Clerk called the bill (H.R. 2245) for the relief of Anisha Goveas Foti.

There being no objection, the Clerk read the bill as follows:

H.R. 2245

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

SECTION 1. PERMANENT RESIDENT STATUS FOR ANISHA GOVEAS FOTI.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Anisha Goveas Foti shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Anisha Goveas Foti enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Anisha Goveas Foti, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

THE NIH SECURITY ACT

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

Mrs. MORELLA. Mr. Speaker, today I am introducing the critically important National Institutes of Health Security Act.

After September 11, Congress authorized a 322-acre biomedical research facility to bolster its security by doubling its police ranks from 64 officers to 108. This decision was made by U.S. intelligence experts who determined that the NIH campus is vulnerable and a potential target for terrorist attack, infiltration or theft of protected materials and research. Unfortunately, the force has never come close to reaching those numbers due to the current pay and retirement system.

NIH police are one of the lowest paid in the Washington metropolitan area. Making matters worse, NIH police are not classified as Federal ''law enforcement officers,'' and are thereby denied the superior retirement benefits that distinction affords. The result is in low retention of officers, difficulty with recruitment. Without retirements included, there exists a 77 percent attrition rate at NIH yearly.

Due to the severity of the situation and the resources that NIH protects, I am introducing legislation that would allow NIH to bolster its security force. This bill would add no additional cost to the Federal Government. It would simply allow some long overdue flexibility to be used by NIH.

Without these changes, we are undoubtedly allowing a prime target to remain vulnerable to terrorists.

I want to recognize NIH law enforcement personnel, specifically Clyde Bartz and the Fraternal Order of Police, for raising my awareness of this issue.

HONORING ENLACE AND GUILLERMINA GARCIA FOR THEIR CONTRIBUTIONS TO EDUCATION

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

Ms. SANCHEZ. Mr. Speaker, I rise today to commend the parents and volunteers who participated in the first Annual Walk for Success, sponsored by ENLACE, to raise the awareness of the importance of registering for school.

I would especially like to honor one mother in particular, Guillermina Garcia, for her dedication to her family and to the community. Like many Americans, Guillermina dreams of sending her children to college, and she wants her friends and neighbors to aspire to this lofty goal also.

Despite the many hardships that she faces, Mrs. Garcia finds the time to walk throughout her community door to door and to talk with parents about becoming more involved in their children's education.

Mrs. Garcia also finds time to attend a weekly math class which teaches her how to play games with her children to help them with math. Through her actions she has proven herself to be a role model for her children and for our community.

I would like to congratulate Mrs. Guillermina Garcia and the ENLACE organization for working to educate Orange County residents about educational opportunities.

PASS H.R. 5272 TO LOWER DRUG PRICES

(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, according to industry experts, health insurance premiums will jump 13 to 24 percent next year. What is driving this increase? Mostly the cost of prescription drugs.

To deflect attention from these remarkably high prices, the drug industry argues that prescription medicines actually save money by reducing health care costs. If they were more reasonably priced, that might be true. There is no doubt that medicine helps alleviate the need for other health care services. But prescription drugs are priced so outrageously high that their inflationary impact far outstrips any savings. Skyrocket insurance premiums simply do not lie.

There is no excuse for the drug industry's pricing practices. There is no excuse for the tactics drug makers use to block lower-priced generic drugs from the market. There is no excuse for the drug makers' lobbying tactics to try to kill our legislation.

This body must act on H.R. 5272, legislation that will stop the gaming and deliver lower drug prices to the American people, an estimated $60 billion in savings.

I urge House Republican leadership, all too often too close to the drug industry, to bring this consumer savings bill up for a vote before Columbus Day.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 13, 2002.

Hon. J. DENNIS HASTERT,
The Speaker, U.S. 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 September 13, 2002 at 4:43 p.m.

That the Senate passed without amendment H.R. 5157.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair

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

Any record votes on postponed motions will be taken after debate has concluded on all motions to suspend the rules, but not before 6:30 p.m. today.

WOMEN'S HEALTH OFFICE ACT OF 2002

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1784) to establish an Office on Women's Health within the Department of Health and Human Services, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1784

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 ''Women's Health Office Act of 2002''.

SEC. 2. HEALTH AND HUMAN SERVICES OFFICE ON WOMEN'S HEALTH.

(a) ESTABLISHMENT.—Part A of title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by adding at the end the following:

''HEALTH AND HUMAN SERVICES OFFICE ON WOMEN'S HEALTH

''SEC. 229. (a) ESTABLISHMENT OF OFFICE.—The Secretary shall establish through the last date for which appropriations are authorized under subsection (e), within the Office of the Secretary, an Office on Women's Health (referred to in this section as the 'Office'). The Office shall be headed by a Deputy Assistant Secretary for Women's Health.

''(b) DUTIES.—The Secretary, acting through the Office, with respect to the health concerns of women, shall—

''(1) establish short-range and long-range goals and objectives within the Department of Health and Human Services and, as relevant and appropriate, coordinate with other appropriate offices on activities within the Department that relate to disease prevention, health promotion, service delivery, research, and public and health care professional education, for issues of particular concern to women;

''(2) provide expert advice and consultation to the Secretary concerning scientific, legal, ethical, and policy issues relating to women's health;

''(3) monitor the Department of Health and Human Services' offices, agencies, and regional activities regarding women's health and stimulate activities and facilitate coordination of such departmental and agency offices on women's health;

''(4) establish a Department of Health and Human Services Coordinating Committee on Women's Health, which shall be chaired by the Deputy Assistant Secretary for Women's Health and composed of senior level representatives from each of the agencies and offices of the Department of Health and Human Services;

''(5) establish a National Women's Health Information Center to—

''(A) facilitate the exchange of information regarding matters relating to health information, health promotion, preventive health services, research advances, and education in the appropriate use of health care;

''(B) facilitate access to such information;

''(C) assist in the analysis of issues and problems relating to the matters described in this paragraph; and

''(D) provide technical assistance with respect to the exchange of information (including facilitating the development of materials for such technical assistance);

''(6) coordinate efforts to promote women's health programs and policies with the private sector; and

''(7) through publications and any other means appropriate, provide for the exchange of information between the Office and recipients of grants, contracts, and agreements under subsection (c), and between the Office and health professionals and the general public.

''(c) GRANTS AND CONTRACTS REGARDING DUTIES.—

''(1) AUTHORITY.—In carrying out subsection (b), the Secretary may make grants to, and enter into cooperative agreements, contracts, and interagency agreements with, public and private entities, agencies, and organizations.

''(2) EVALUATION AND DISSEMINATION.—The Secretary shall directly or through contracts with public and private entities, agencies, and organizations, provide for evaluations of projects carried out with financial assistance provided under paragraph (1) and for the dissemination of information developed as a result of such projects.

''(d) REPORTS.—Not later than January 31, 2003, and January 31 of each second year thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report describing the activities carried out under this section during the period for which the report is being prepared.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007.''.

(b) TRANSFER OF FUNCTIONS.—There are transferred to the Office on Women's Health (established under section 229 of the Public Health Service Act, as added by this section), all functions exercised by the Office on Women's Health of the Public Health Service prior to the date of enactment of this section, including all personnel and compensation authority, all delegation and assignment authority, and all remaining appropriations. All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions that—

(1) have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions transferred under this subsection; and

(2) are in effect at the time this section takes effect, or were final before the date of enactment of this section and are to become effective on or after such date;

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, or other authorized official, a court of competent jurisdiction, or by operation of law.

SEC. 3. CENTERS FOR DISEASE CONTROL AND PREVENTION OFFICE OF WOMEN'S HEALTH.

Part A of title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

''CENTERS FOR DISEASE CONTROL AND PREVENTION OFFICE OF WOMEN'S HEALTH

''SEC. 310A. (a) ESTABLISHMENT.—The Secretary shall establish through the last date for which appropriations are authorized under subsection (f), within the Office of the Director of the Centers for Disease Control and Prevention, an office to be known as the Office of Women's Health (referred to in this section as the 'Office'). The Office shall be headed by a director who shall be appointed by the Director of such Centers.

''(b) PURPOSE.—The Director of the Office shall—

''(1) report to the Director of the Centers for Disease Control and Prevention on the current level of the Centers' activity regarding women's health conditions across, where appropriate, age, biological, and sociocultural contexts, in all aspects of the Centers' work, including prevention programs, public and professional education, services, and treatment;

''(2) establish short-range and long-range goals and objectives within the Centers for women's health and, as relevant and appropriate, coordinate with other appropriate offices on activities within the Centers that relate to prevention, research, education and training, service delivery, and policy development, for issues of particular concern to women;

''(3) identify projects in women's health that should be conducted or supported by the Centers;

''(4) consult with health professionals, nongovernmental organizations, consumer organizations, women's health professionals, and other individuals and groups, as appropriate, on the policy of the Centers with regard to women; and

''(5) serve as a member of the Department of Health and Human Services Coordinating Committee on Women's Health (established under section 229(b)(4)).

''(c) COORDINATING COMMITTEE.—

''(1) ESTABLISHMENT.—In carrying out subsection (b), the Director of the Office shall establish a committee to be known as the Coordinating Committee on Research on Women's Health (referred to in this subsection as the 'Coordinating Committee').

''(2) COMPOSITION.—The Coordinating Committee shall be composed of the directors of the national centers and other appropriate officials of the Centers for Disease Control and Prevention.

''(3) CHAIRPERSON.—The Director of the Office shall serve as the Chairperson of the Coordinating Committee.

''(4) DUTIES.—With respect to women's health, the Coordinating Committee shall assist the Director of the Office in—

''(A) identifying the need for programs and activities that focus on women's health;

''(B) identifying needs regarding the coordination of activities, including intramural and extramural multidisciplinary activities; and

''(C) making recommendations to the Director of the Centers for Disease Control and Prevention concerning findings made under subparagraphs (A) and (B).

''(d) REPORTS.—Not later than January 31, 2003, and January 31 of each second year thereafter, the Director of the Office shall prepare and submit to the appropriate committees of Congress a report describing the activities carried out under this section during the period for which the report is being prepared.

''(e) DEFINITION.—As used in this section, the term 'women's health conditions', with respect to women of all age, ethnic, and racial groups, means diseases, disorders, and conditions—

''(1) unique to, significantly more serious for, or significantly more prevalent in women; and

''(2) for which the factors of medical risk or type of medical intervention are different for women.

''(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007.''.

SEC. 4. AGENCY FOR HEALTHCARE RESEARCH AND QUALITY ACTIVITIES REGARDING WOMEN'S HEALTH.

Part C of title IX of the Public Health Service Act (42 U.S.C. 299c et seq.) is amended—

(1) by redesignating sections 927 and 928 as sections 928 and 929, respectively;

(2) by inserting after section 926 the following:

''SEC. 927. ACTIVITIES REGARDING WOMEN'S HEALTH.

''(a) ESTABLISHMENT.—The Director shall designate an official of the Office of Priority Populations to carry out, through the last date for which appropriations are authorized under section 928(e), the responsibilities described in this section for such official.

''(b) PURPOSE.—The official designated under subsection (a) shall—

''(1) report to the Director on the current Agency level of activity regarding women's health, across, where appropriate, age, biological, and sociocultural contexts, in all aspects of Agency work, including the development of evidence reports and clinical practice protocols and the conduct of research into patient outcomes, delivery of health care services, quality of care, and access to health care;

''(2) establish short-range and long-range goals and objectives within the Agency for research important to women's health and, as relevant and appropriate, coordinate with other appropriate offices on activities within the Agency that relate to health services and medical effectiveness research, for issues of particular concern to women;

''(3) identify projects in women's health that should be conducted or supported by the Agency;

''(4) consult with health professionals, nongovernmental organizations, consumer organizations, women's health professionals, and other individuals and groups, as appropriate, on Agency policy with regard to women; and

''(5) serve as a member of the Department of Health and Human Services Coordinating Committee on Women's Health (established under section 229(b)(4)).

''(c) COORDINATING COMMITTEE.—

''(1) ESTABLISHMENT.—In carrying out subsection (b), the official designated under subsection (a) shall establish a committee to be known as the Coordinating Committee on Research on Women's Health (referred to in this subsection as the 'Coordinating Committee').

''(2) COMPOSITION.—The Coordinating Committee shall be composed of the official designated under subsection (a) and the directors of the centers and offices of the Agency.

''(3) CHAIRPERSON.—The official designated under subsection (a) shall serve as the Chairperson of the Coordinating Committee.

''(4) DUTIES.—With respect to research on women's health, the Coordinating Committee shall assist the official designated under subsection (a) in—

''(A) identifying the need for such research, and making an estimate each fiscal year of the funds needed to adequately support the research;

''(B) identifying needs regarding the coordination of research activities, including intramural and extramural multidisciplinary activities; and

''(C) making recommendations to the Director of the Agency concerning findings made under subparagraphs (A) and (B).

''(d) REPORTS.—Not later than January 31, 2003, and January 31 of each second year thereafter, the official designated under subsection (a) shall prepare and submit to the appropriate committees of Congress a report describing the activities carried out under this section during the period for which the report is being prepared.''; and

(3) by adding at the end of section 928 (as redesignated by paragraph (1)) the following:

''(e) WOMEN'S HEALTH.—For the purpose of carrying out section 927 regarding women's health, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007.''.

SEC. 5. HEALTH RESOURCES AND SERVICES ADMINISTRATION OFFICE OF WOMEN'S HEALTH.

Title VII of the Social Security Act (42 U.S.C. 901 et seq.) is amended by adding at the end the following:

''OFFICE OF WOMEN'S HEALTH

''SEC. 713. (a) ESTABLISHMENT.—The Secretary shall establish through the last date for which appropriations are authorized under subsection (f), within the Office of the Administrator of the Health Resources and Services Administration, an office to be known as the Office of Women's Health. The Office shall be headed by a director who shall be appointed by the Administrator.

''(b) PURPOSE.—The Director of the Office shall—

''(1) report to the Administrator on the current Administration level of activity regarding women's health across, where appropriate, age, biological, and sociocultural contexts;

''(2) establish short-range and long-range goals and objectives within the Health Resources and Services Administration for women's health and, as relevant and appropriate, coordinate with other appropriate offices on activities within the Administration that relate to health care provider training, health service delivery, research, and demonstration projects, for issues of particular concern to women;

''(3) identify projects in women's health that should be conducted or supported by the bureaus of the Administration;

''(4) consult with health professionals, nongovernmental organizations, consumer organizations, women's health professionals, and other individuals and groups, as appropriate, on Administration policy with regard to women; and

''(5) serve as a member of the Department of Health and Human Services Coordinating Committee on Women's Health (established under section 229(b)(4) of the Public Health Service Act).

''(c) COORDINATING COMMITTEE.—

''(1) ESTABLISHMENT.—In carrying out subsection (b), the Director of the Office shall establish a committee to be known as the Coordinating Committee on Research on Women's Health (referred to in this subsection as the 'Coordinating Committee').

''(2) COMPOSITION.—The Coordinating Committee shall be composed of the directors of the bureaus of the Administration.

''(3) CHAIRPERSON.—The Director of the Office shall serve as the Chairperson of the Coordinating Committee.

''(4) DUTIES.—With respect to research on women's health, the Coordinating Committee shall assist the Director of the Office in—

''(A) identifying the need for programs and activities that focus on women's health;

''(B) identifying needs regarding the coordination of activities, including intramural and extramural multidisciplinary activities; and

''(C) making recommendations to the Administrator concerning findings made under subparagraphs (A) and (B).

''(d) REPORTS.—Not later than January 31, 2003, and January 31 of each second year thereafter, the Director of the Office shall prepare and submit to the appropriate committees of Congress a report describing the activities carried out under this section during the period for which the report is being prepared.

''(e) DEFINITIONS.—For purposes of this section:

''(1) ADMINISTRATION.—The term 'Administration' means the Health Resources and Services Administration.

''(2) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Health Resources and Services Administration.

''(3) OFFICE.—The term 'Office' means the Office of Women's Health established under this section in the Administration.

''(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007.''.

SEC. 6. FOOD AND DRUG ADMINISTRATION OFFICE OF WOMEN'S HEALTH.

Chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

''SEC. 908. OFFICE OF WOMEN'S HEALTH.

''(a) ESTABLISHMENT.—The Secretary shall establish through the last date for which appropriations are authorized under subsection (e), within the Office of the Commissioner, an office to be known as the Office of Women's Health (referred to in this section as the 'Office'). The Office shall be headed by a director who shall be appointed by the Commissioner of Food and Drugs.

''(b) PURPOSE.—The Director of the Office shall—

''(1) report to the Commissioner of Food and Drugs on current Food and Drug Administration (referred to in this section as the 'Administration') levels of activity regarding women's participation in clinical trials and the analysis of data by sex in the testing of drugs, medical devices, and biological products across, where appropriate, age, biological, and sociocultural contexts;

''(2) establish short-range and long-range goals and objectives within the Administration for issues of particular concern to women's health within the jurisdiction of the Administration, including, where relevant and appropriate, adequate inclusion of women and analysis of data by sex in Administration protocols and policies;

''(3) provide information to women and health care providers on those areas in which differences between men and women exist;

''(4) consult with pharmaceutical, biologics, and device manufacturers, health professionals with expertise in women's issues, consumer organizations, and women's health professionals on Administration policy with regard to women;

''(5) make annual estimates of funds needed to monitor clinical trials and analysis of data by sex in accordance with needs that are identified; and

''(6) serve as a member of the Department of Health and Human Services Coordinating Committee on Women's Health (established under section 229(b)(4) of the Public Health Service Act).

''(c) COORDINATING COMMITTEE.—

''(1) ESTABLISHMENT.—In carrying out subsection (b), the Director of the Office shall establish a committee to be known as the Coordinating Committee on Women's Health (referred to in this subsection as the 'Coordinating Committee').

''(2) COMPOSITION.—The Coordinating Committee shall be composed of the directors of the centers of the Administration.

''(3) CHAIRPERSON.—The Director of the Office shall serve as the Chairperson of the Coordinating Committee.

''(4) DUTIES.—With respect to studies on women's health, the Coordinating Committee shall assist the Director of the Office in—

''(A) identifying whether there is a need for further studies and, if so, developing strategies to foster such studies;

''(B) identifying issues in specific areas of women's health that fall within the mission of the Administration;

''(C) identifying whether any need exists for the coordination of Administration activities, including internal and external activities;

''(D) maintaining the Administration's focus in areas of importance to women;

''(E) supporting the development of methodologies to determine how to obtain data specific to women (including data relating to the age of women and the membership of women in ethnic or racial groups); and

''(F) supporting the development and expansion of clinical trials of treatments and therapies for which obtaining such data has been determined to be an appropriate function.

''(d) REPORTS.—Not later than January 31, 2003, and January 31 of each second year thereafter, the Director of the Office shall prepare and submit to the appropriate committees of Congress a report describing the activities carried out under this section during the period for which the report is being prepared.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007.''.

SEC. 7. NO NEW REGULATORY AUTHORITY.

Nothing in this Act and the amendments made by this Act may be construed as establishing regulatory authority or modifying any existing regulatory authority.

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 and include extraneous material on H.R. 1784.

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 the House will consider H.R. 1784, the Women's Health Office Act of 2002. I would like to take a moment to sincerely thank our colleague, the gentlewoman from Maryland (Mrs. MORELLA), for her tireless, tireless support of this bill, which ensures that our key public health agencies continue working together, and that is greatly to be emphasized, continue working together, to address the unique health needs of women.

President George H.W. Bush created the Office of Women's Health at the Department of Health and Human Services to improve the health of American women by advancing and coordinating a comprehensive women's health agenda throughout the department.

The Office of Women's Health, OWH, is the government's champion and focal point for women's health issues, and works to address inequities in research, health care services and education. Furthermore, the Office of Women's Health encourages women to take personal responsibility for their own health and wellness. H.R. 1784 provides statutory authority for this office.

This legislation, Mr. Speaker, also authorizes four additional offices of women's health at the Centers for Disease Control and Prevention, at the Agency for Healthcare Research and Quality, at the Health Resources and Services Administration, and at the Food and Drug Administration. A coordinating committee will be created within each of these offices to identify the need for programs, activities and research that focus on women's health.

Congress can and should play an active role in promoting women's health research and prevention measures. This measure will create an infrastructure within HHS that will help the department better focus its energies on women's health, and I urge all Members to join me in supporting passage of this important legislation. H.R. 1784 will improve the health of all women.

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, I begin by thanking my friend, the gentleman from Florida (Mr. BILIRAKIS), for his support and interest in this legislation. I am pleased we are considering the Women's Health Office Act passed out of our subcommittee and then passed the full committee also. I applaud the gentlewoman from Maryland (Mrs. MORELLA) and the gentlewoman from New York (Mrs. MALONEY) for their involvement in this issue.

Certain diseases and conditions, as we know, as we finally address, exclusively affect women, are more prevalent in women, or affect women differently. While research in women's health has traditionally been far too limited, development of a number of women's health offices in the past few years has begun to shrink that disparity.

□ 1415

The Women's Health Office Act would statutorily create offices of women's health in the Department of Health and Human Services, the Agency for Health Care Research and Quality, Health Resource and Services Administration, the Centers for Disease Control in Atlanta, and the Food and Drug Administration. These offices have committed themselves to promoting women's health. This bill will help ensure that the needs and gaps in research, policy programs, education, and training in women's health will continue to be addressed in a concerted way. I recommend, Mr. Speaker, that my colleagues support it.

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

Mr. BILIRAKIS. Mr. Speaker, I yield such time as she might consume to the gentlewoman from Maryland (Mrs. MORELLA), who is the author of this legislation and who did not just sit back, but kept pushing and pushing every time certainly she saw me in the hallways or here in this Chamber.

Mrs. MORELLA. Mr. Speaker, as the lead sponsor of this bill, H.R. 1784, the Women's Health Office Act of 2002, I must say I am delighted to be here today. I am here today with this bill with great thanks to the subcommittee chairman, the gentleman from Florida (Mr. BILIRAKIS), and the gentleman from Ohio (Mr. BROWN), the ranking member. Also, I would like to thank the chairman of the committee, the gentleman from Louisiana (Mr. TAUZIN), and the ranking member, the gentleman from Michigan (Mr. DINGELL).

But it is true what the gentleman from Florida has said: I have bugged him indefatigably, and I very much appreciate this important piece of legislation coming before us. I also want to thank the 96 cosponsors and the gentlewoman from New York (Mrs. MALONEY) for joining with me on this legislation. I also wanted to thank all of the hardworking organizations, the nonprofits and individuals, for their unity in working together to advance women's health and to help to bring this bill to the House floor for a vote.

Mr. Speaker, the Women's Health Office Act of 2002 will provide for permanent authorization for offices of women's health in four Federal agencies: the Department of Health and Human Services, the Centers for Disease Control and Prevention, the Health Resources and Services Administration, and the Food and Drug Administration.

In the Agency for Health Care Research and Quality, the bill requires the director of the agency to designate an official of the Office of Priority Populations to report to the director on activities regarding women's health.

As many of my colleagues probably know, for years our Nation's medical research community actually ignored the health concerns of women. For example, in 1989, the Congressional Caucus for Women's Issues asked the General Accounting Office to investigate the National Institutes of Health, their policy regarding the inclusion of women in clinical trials and protocols. Back then, women were routinely excluded from critically important studies on heart disease, cancer, HIV and AIDS; and it was found that diseases primarily affecting women were severely underfunded.

In its report, the GAO found that NIH had made little progress in implementing a policy that encourages the inclusion of women in research populations. So the women's caucus then introduced the Women's Health Equity Act which, among its provisions, called for the establishment of an Office of Women's Health at NIH and a requirement that women and minorities be included whenever appropriate in research studies funded by NIH.

That fall, on the very day that Senator MIKULSKI, then Congresswoman Pat Schroeder, and I went to NIH to discuss these inequities, NIH announced that it had created an Office of Research of Women's Health. This office would ensure that greater resources were devoted to diseases primarily affecting women and ensure that women would be included in clinical trials. We in Congress subsequently codified that, and the office was signed into law by President Bush the First.

Since then, funding for breast and ovarian cancer at NCI, which is the National Cancer Institute, has more than quadrupled, and funding for osteoporosis has grown from only two osteoporosis-specific grants in the entire country in the early 1980s to more than $80 million in osteoporosis-specific grants today. Despite great strides on women's health research, we

still have to be vigilant and we still must address issues that are not receiving the public attention and the research priority that they deserve.

For example, we do not understand why an estimated 75 percent of autoimmune diseases occur in women, most frequently during the child-bearing years. Hormones are thought to play a role, because some autoimmune illnesses occur more frequently after menopause; others suddenly improve during pregnancy with flare-ups occurring after delivery, while still others will get worse during pregnancy. We do not understand why more than 90 percent of those with eating disorders are women. Further, the number of American women affected by these illnesses has doubled to at least 5 million in the past 3 decades. In fact, we do not even understand why more girls are affected by autism than boys. This list continues with heart and stroke, cancer, and many more diseases.

Mr. Speaker, another area of women's health where I would like to see more efforts is this area of microbicides. Microbicides are a potential new class of products that women can use to prevent HIV infection as well as other sexually transmitted diseases. Today, the United States has the highest incidence of sexually transmitted diseases in the industrialized world. Mr. Speaker, 15.4 million Americans acquired an STD in 1999 alone. STDs cause serious, costly, even deadly, conditions for women and their children, including infertility, pregnancy complications, cervical cancer, infant mortality, and a higher risk of contracting HIV. Microbicides have the potential to save billions in health care costs. The total cost to the U.S. economy of STDs, excluding HIV infection, was approximately $8.4 billion in 1999 alone. When the cost of sexually transmitted HIV infection is included, that total rises to $20 billion.

Microbicide research and development receives less than 2 percent of the Federal AIDS research budget, and best estimates show that less than half of this amount is dedicated directly to product development. Clearly, this is not nearly enough to keep pace with the growing STD and HIV epidemics.

Mr. Speaker, it is my hope that, with passage of this bill, it will bring us closer to the day when women will no longer have to fear getting HIV and STDs.

Well, H.R. 1783 is a simple, clean bill. All it does is it provides statutory authority for offices that are already in place. These offices and programs have a very good track record. For example, heart disease is the number one killer of American women. AHRQ has funded studies to develop tools to improve diagnostic accuracy in emergency rooms and dramatically increase the timely use of clot-busting drugs in women.

AHRQ is also working to reduce the impact of breast cancer, another disease which takes a heavy toll on women. The agency is currently conducting outreach to poor and minority women who are less likely to get mammograms to ensure that they receive this critical preventive health care.

Providing statutory authorization for Federal women's health offices, as we do today, is a critical step in ensuring that women's health research continues to receive the attention that it requires in this 21st century.

So concluding, Mr. Speaker, I can say without exaggeration that women working together as patients, lawyers, advocates, medical researchers, and Members of Congress have been a powerful catalyst for the advances that we have made in the research and treatment of breast, ovarian, cervical cancer, osteoporosis and heart disease. The men have been there for us, bringing forward this bill and others that do help with the focus on health for women, as well as men and all.

So I urge my colleagues to support this legislation and programs to address the health needs of all of our citizens and the fundamental challenges posed by our Nation's health care system.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me this time, and I appreciate the work of the distinguished chairman and the distinguished ranking member and the bipartisan effort that has brought this bill to the floor.

I rise in strong support of the Women's Health Office Act. Anyone trying to keep track of women's health issues today is literally on a merry-go-round. The best recent example is the hormone replacement treatment quagmire, HRT. Here we had a major drug, progesterone, where a study has just shown serious health consequences for a drug that was being administered to millions of women to promote serious health benefits. I mean, that is just how complicated it is. But that is the nature of the women's health beast. And we do not need to make it more complicated than it already is. Having multiple offices that do not relate one to another with no statutory imprimatur makes it more complicated than it really is.

Speaking of complications, what I think these offices help us to do is to face the fact that females are a particularly complicated organism. Throughout her life, a woman emerges as diametrically opposed to what she once was. A woman of child-bearing age is the opposite of the menopausal woman she shall become.

Now, I have not even got to the differences between women and men. If we are dealing with these kinds of complications in a single human being, we have to figure out ways to make sure that what happens to her health is as good as it gets, or as good as we can get it.

Because of such complications, the bipartisan women's caucus successfully fought, for example, to have medical and scientific studies that included women and not only men, because not including women had terrible consequences for us. That is one of the reasons that the average American woman today does not know that heart disease is the number one killer of women, because these studies, this information, has not been out there, because we have not paid the kind of close and coordinated attention to women's health that this bill will help to promote. It has been very important to test women differently from men when putting drugs on the market, because let us face it, women have very different chemistry.

Mr. Speaker, a year ago I signed on to a bipartisan letter asking HHS Secretary Tommy Thompson to help authorize the multiple women's offices, only one of which was statutorily authorized. The best way to do it is the permanent authorization embodied in this bill, and I strongly support it; and I ask for the support of Members of this House.

Mr. BILIRAKIS. Mr. Speaker, I have no further requests for time, but I will reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from Houston, Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member; and I thank the distinguished chairman for being a leader on these issues. The chemistry between the ranking member and the chairman has presented a lot of good initiatives on this floor; and I thank them for that, because health care is American. It involves all of us. I thank the gentlewoman from Maryland (Mrs. MORELLA), and of course my colleague, the gentlewoman from New York (Mrs. MALONEY); and I announce as well that I was very pleased to be one of the original cosponsors of this legislation.

It is important to delineate what this legislation actually does. It codifies and provides statutory authority for a women's health center in four very vital health agencies of this government, and that is, of course, the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the Food and Drug Administration, and the Office of Priority Populations within the Agency for Health Care Research and Quality, the lead agency for women's research.

□ 1430

But the Centers for Disease Control certainly is the key as it relates to the fighting of diseases here in the United States.

I think something else is important, as well, as we look at this legislation, that all of these agencies will be brought to bear on the complexity of women's health and will be required to identify projects in women's health that should be conducted by the particular centers.

In addition, they will be brought to bear to consult with health professionals, nongovernmental organizations, consumer organizations, women's health professionals, and other individuals and groups as appropriate on the policy of the centers' work as it is regarding women.

I heard my friend and colleague, the gentleman from Ohio (Mr. BROWN), mention just a few moments ago or sometime before on the need for a guaranteed drug benefit under Medicare. I see my seniors, in particular women, as I visit with them in my district needing to have this kind of legislation.

This legislation that we are debating on the floor of the House will go a long way in helping the health of women of all ages, including those in puberty and young women of child-bearing age, now that we find that women can have children a longer period of time; and minority women in particular, who we find have the highest percentage of infections of HIV/AIDS in the United States of America.

A lot of this research, as well, can help our friends around the world, particularly developing nations, where we use now more women in clinical testing; and we can get more of the data that can be utilized by our friends around the world, particularly in our work with the United Nations.

So this is a historic occasion to begin to understand that the study of women's health should be focused. We should get one science, one consistent science, so that when there are prescriptions on certain hormone treatment, that we can have the research and the science to make sure that what we are suggesting or treating women with is the right direction to go. I applaud this legislation.

In conclusion, let me say that I have filed legislation dealing with cultural competence. It relates to this issue, and I look forward to working with the committees on this issue.

I rise in support of H.R. 1784, the Women's Health Office Act of 2002.

In the last century, the life expectancy of American women has increased by 30 years. Now we face the challenge of keeping women alive and healthy. American in the new millennium faces increasingly complex public health challenges. I stand here today, ashamed to say that thus far our nation has not taken advantage of the opportunities and advancements in medical technology to meet the goal of improved health for all Americans.

The Women's Health Office Act of 2002 amends the Public Health Services Act to establish within the Office of the Secretary of Health and Human Services an office on Women's Health, headed by a Deputy Assistant Secretary for Women's Health. In addition, the Women's Health Act requires the establishment of a Department of Health and Human Services Coordinating Committee, a National Women's Health Information Center, and requires biennial reports to Congress.

Research has established that the existence of persistent racial and socioeconomic disparities in women's health in the United States. We know that coronary disease is the leading cause of dealth for both men and women. But, nearly twice as many women in the U.S. die of heart disease and stroke every year as die from all types of cancer. Yet, multiple studies have shown that women are less likely than men to be referred for invasive cardiac procedures.

While the life expectancy of women in the United States has risen, as a group, African American women have a shorter life expectancy and experience earlier onset of such chronic conditions such as diabetes and hypertension. If we look at the death rates for diseases of the heart, African American women are clearly at risk with 147 deaths per 100,000. When we look at cervical cancer, we see that the incidence rate of invasive cervical cancer is higher among Asian-American women. Yet, we cannot explain the causes of these higher rates.

Disparities are perhaps most alarming when we look at HIV/AIDS. Twenty-two percent of Americans currently living with HIV are women, and 77 percent of those are African American or Hispanic. Many people are shocked to know that AIDS is the second leading cause of death among African American women age 25 to 44.

There are nearly 40 million women in America who are members of racial and ethnic minority groups. These women suffer disproportionately from premature death, disease, and disabilities. Many also face tremendous barriers to optimal health. This is a growing challenge in our nation.

The challenge is even greater when we consider the aging population. By the year 2050, nearly 1 in 4 adult women will be 65 years old or older, and an astonishing 1 in 17 will be 85 years old or older. We must ensure that our Federal agencies are in the forefront working to find solutions to the challenges our nation faces in caring for the health of our women.

The ''Women's Health office Act of 2002'' provides permanent authorization for offices of women's health in five federal agencies: the Department of Health and Human Services (HHS); the Centers for Disease Control and Prevention (CDC); the Agency for Health Care Research and Quality (AHRQ); the Health Resources and Services Administration; and the Food and Drug Administration (FDA).

Mr. Speaker, behind each impersonal statistic is a woman whose life is potentially at risk because of health disparities and a family that will be devastated by the loss of a mother or sister. The Women's Health Act of 2002 would be a tremendous step toward eliminating health disparities. In the last century we made improvements that expanded the lifespan of women. In this century we have the challenge of meeting the health care needs and improving the quality of life for all women.

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

I, too, thank the gentleman from Ohio (Mr. BROWN) for his cooperation, Mr. Speaker. Yes, even though we disagree on matters of philosophy, we do have a chemistry that works well for the legislation that is up before this House.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume, just to say that I feel the same way, to be sure.

Mrs. CHRISTENSEN. Mr. Speaker, in good conscience, I rise in support of H.R. 1784. The Women's Health Office Act of 2002 amends the Public Health Service Act to establish within the Office of the Secretary of Health and Human Services (HHS) an Office on Women's Health, headed by a Deputy Assistant Secretary for Women's Health, requires the establishment of a Department of Health and Human Services Coordinating Committee and a National Women's Health Information Center, requires biennial reports to Congress and authorizes appropriations for FY 2003 through 2007.

Women make up the largest number of Americans afflicted by so many of today's leading illness—many of which are preventable if steps are taken earlier in life through routine care and a balanced and healthy lifestyle.

Heart disease is the number one killer of American women. Although the incidence of HIV/AIDS is decreasing in white males, it has become the third leading cause of death among women ages 25 to 44 and the leading cause of death among African American women in this age group. Even more alarming is the younger ages at which infection is occurring.

As we carry out our myriad responsibilities, we have too often forsaken not only our physical health, but our mental health as well. We make up 12 percent of the U.S. population suffering from mental illness. Nearly 4.1 million women in this country currently use illicit drugs, and over 1.2 million misuse prescription drugs for nonmedical reasons.

Currently, minority women receive fewer preventive health interventions than white women. 55 percent of Asian American women, 43 percent of Hispanic women and 37 percent of African American women did not have a Pap test within the past year.

54 percent of Asian American women, 52 percent of African American women, and 51 percent of Hispanic women did not have a mammogram within the past two years. 74 percent of Hispanic women and 73 percent of Asian American women did not have a blood pressure screening within the past year; and stroke occurs at a higher rate among African American and Hispanic women compared with white women.

We in the Congressional Black Caucus, who work to close the gaps in health care and raise the health status for African Americans and People of Color, are committed to improving the health of women and all Americans.

Mr. Speaker, this bill directs the Secretary of HHS to establish within the Office of the Director of the Centers for Disease Control and Prevention the Office of Women's Health, headed by a Director, requires the director to establish the Coordinating Committee on Research on Women's Health and requires biennial reports to Congress.

Mr. Speaker, in efforts to eliminate health disparities I am proud to support my colleague on the other side of the aisle in this campaign to give all women health information and to guide them in making the choices which will enable them to embark on a path to good health.

Mr. BLUMENAUER. Mr. Speaker, I am pleased that the House is debating and voting today on H.R. 1784, the Women's Health Office Act, a bill that I support and have cosponsored. This measure will provide the tools necessary for successful coordination of women's health efforts in the federal government. Passage of this bill will bring needed attention and

coordination to federal efforts to prevent, treat and research women's health needs.

Streamlined federal communication regarding women's health issues is vital. This bill will also prevent attempts, like those made last year, to eliminate the offices of women's health throughout federal health agencies. Specific statutory authorization, as provided under this bill, will allow the women's health offices to carry out their tasks without fear that their programs or funding will be cut.

It is essential that we provide stable funding and statutory support for the good work these programs do to promote women's health, study diseases that affect women and promote the inclusion of women in research studies. I urge the speedy adoption of this important measure.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in support of H.R. 1784, the Women's Health Office Act. By establishing Offices of Women's Health throughout different agencies in the Department of Health and Human Services, this legislation recognizes the ongoing need to focus attention on various health issues particularly related to women. Women make up over half the adult population of this country and it is critical that we make women's health a top priority.

For years, almost all medical research was conducted from a male perspective, while women's medical needs were ignored. Today there is a need for more research on breast, cervical, and ovarian cancer, hormone replacement therapy, and how various ailments such as osteoporosis and heart disease specifically affect women. It is important that we conduct this research, not as an afterthought, but as primary research important to everyone's well-being.

There is also a need to ensure that all women in the U.S. have access to health care coverage, including comprehensive reproductive health care, prenatal care, preventative care, and coverage throughout menopause and old age. Too many poor and low-income women in this country have little or no access to health care. This is particularly harmful and unacceptable for pregnant women and women suffering from ongoing ailments.

I also expect the new Offices of Women's Health within the various agencies to focus on domestic violence and sexual assault as serious threats to both women's health and public health in general. Violence against women is the leading cause of injury to women in America between the ages of 15 and 54. Not only does this violence leave victims with visible injuries, but it can lead to other physical problems and emotional distress. It is critical that we look at violence against women from a medical perspective, as well as examine its social consequences, in order to recognize it, address it, and work to end it.

I am pleased that the House of Representatives is addressing the issue of women's health today and I urge my colleagues to vote for H.R. 1784, the Women's Health Office Act.

Ms. SLAUGHTER. Mr. Speaker, I rise in strong support of H.R. 1784, the Women's Health Office Act.

As an original cosponsor and vocal advocate of this legislation, I am delighted that it is finally being considered by the House. Congress has delayed far too long in addressing the second-class status of the various offices of women's health throughout the Department of Health and Human Services (HHS).

As other speakers have attested, only two of the HHS offices of women's health are currently established in statute: the Office of Research on Women's Health at the National Institutes of Health, and the women's health associate administrator at the Substance Abuse and Mental Health Services Administration. While offices of women's health exist at a number of other agencies, they can be moved, altered, or eliminated at the discretion of the agency director. This lack of permanence is extremely detrimental to long-term planning and multi-year efforts. It also sends a message to our nation's women that we are not firmly committed to improving their health.

Women's health is not a passing fancy or a fad that will go out of fashion. It is a serious discipline that will require the attention of doctors, scientists, and health care providers far into the future. The offices of women's health should not be an afterthought. H.R. 1784 is a vital step in permanently integrating women's health into the structure of our health care system. I look forward to voting for this important initiative, and I urge my colleagues to do the same.

Mr. WU. Mr. Speaker, for too long, women's health needs have been ignored or excluded in federal medical research. For instance, one federally funded study examined the ability of aspirin to prevent heart attacks in 20,000 medical doctors, all of whom were men, despite the fact that heart disease is a leading cause of death among women. Another study on breast cancer examined hundreds of men.

Fortunately, this attitude has changed. Today, medical researchers and health care providers know and understand the importance of distinguishing women's health. I strongly support these efforts, but I realize that more needs to be done. Last May, the GAO released a report on the status of women's research at NIH. Although noting that much progress has been made, the report stated that the Institute had made less progress in implementing the requirement that certain clinical trials be designed and carried out to permit valid analysis by sex, which could reveal whether interventions affect women and men differently. It also found that NIH researchers, even though they would include women in their trials, would either do no analysis on the basis of sex, or would not publish the sex-based results if no difference was found.

This must change. We need to continue to eliminate this health care gender gap and improve women's access to affordable, quality health services. The bill before us today, by Women's Health Office Act, will bring us one step closer to eliminating this gap by providing permanent authorization for Offices of Women's Health in five Federal agencies: the Department of Health and Human Services (HHS); the Centers for Disease Control and Prevention (CDC); the Agency for Health Care Research and Quality (AHRQ); the Health Resources and Services Administration (HRSA); and the Food and Drug Administration (FDA). Currently, only two women's health offices in the Federal Government have statutory authorization: the Office of Research on Women's Health at the National Institutes of Health, and the Office for Women's Services within the Substance Abuse and Mental Health Services Administration (SAMHSA).

Offices of Women's Health across the Public Health Service are charged with coordinating women's health activities and monitoring progress on women's health issues within their respective agencies, and they have been successful in making Federal programs and policies more responsive to women's health issues. Unfortunately, all of the good work these offices are doing is not guaranteed in Public Health Service authorizing law. Providing statutory authorization for federal women's health offices is a critical step in ensuring that women's health research will continue to receive the attention it requires in future years.

I urge my colleagues to join me in support of this important legislation.

Mrs. MALONEY of New York. Mr. Speaker, I am delighted to have the opportunity to speak on the floor in favor of H.R. 1784, The Women's Health Office Act. Congresswoman MORELLA and I have worked on this bill for a number of years and I want to thank the Congresswoman for her leadership on this issue.

In addition, I want to thank the Energy & Commerce committee, Chairman TAUZIN, Congressman DINGELL, Chairman BILIRAKIS, and Congressman SHERROD BROWN for moving this bill forward and for their dedication to women's health.

The other body has also taken action on this issue. I am pleased to see that this legislation was included in the Senate's ''Women's Health Act,'' S. 2328, that passed out of the Senate Committee on Health, Education, Labor, and Pensions earlier this month.

By permanently establishing offices for women's health within the Department of Health and Human Services, the Agency for Health Care Research and Quality, the Health Resources and Services Administration, the Centers for Disease Control and Prevention, and the Food and Drug Administration, the Women's Health Office Act will provide the much needed statutory authority to further develop women's health research.

H.R. 1784 is endorsed by 50 advocacy organizations who represent women, health care professionals and consumers, including the Society for Women's Health Research, the Women's Research and Education Institute, and the YWCA of the U.S.A.

H.R. 1784 is grounded in a basic premise: only through good science and research do we find better treatments and cures. Women and girls should benefit equitably in the advances made in health care and medical research.

Women around the United States need and deserve to have their health protected and not overlooked. Yet, various health differences between men and women have long gone unnoticed and not studied. Just last spring, the GAO reported that 8 out of 10 drugs pulled off the market were more harmful to women than to men. These were drugs that underwent extensive clinical trials and were approved by the FDA. Yet, once on the market these drugs caused serious health hazards for the women they were prescribed to.

Obviously, there is still much work to be done in the area of women's health. Congress, Federal health agencies, and the scientific community are working to ensure that women's health is made a priority. This legislation is another important step towards equity in health.

I support this legislation. Women need this legislation. Let's work to improve the lives and health of women in this country. Support H.R. 1784, The Women's Health Office Act.

I'm honored to be the lead Democrat on this bill.

Mr. DINGELL. Mr. Speaker, I rise in strong support for this bill. The General Accounting Office released a report in 1990 that exposed the historical pattern of neglect of women in health research. As a result of this report, there was a significant increase in government initiatives in women's health research and the creation of women's health offices, advisors, and coordinators in many governmental institutions.

But that was just a beginning. We must now work to ensure that these highly beneficial institutions remain funded and operational into the future.

Currently, there are only two agencies which have federally authorized women's health offices: the Office of Research on Women's Health in the National Institutes of Health, and the Office for Women's Services in the Substance Abuse and Mental Health Services Administration. Since these two agencies are the only women's health offices established under statute, these are the only two women's health offices that are federally authorized and protected by law. The women's health offices, advisors, and coordinators of other government agencies face the possibility that future administrations will not continue to support them, or that future funding will be insufficient to meet their needs.

H.R. 1784 would provide permanent authorization for women's health offices in the Department of Health and Human Services, the Agency for Health Care Research and Quality, the Health Resource and Service Administration, the Centers for Disease Control and Prevention, and the Food and Drug Administration. It will ensure that these women's health offices will continue under statute and carry on the important work to improve the health of women through ongoing evaluation in the areas of education, prevention, treatment, research, and delivery of services.

I want to note the outstanding leadership on this legislation of my friend and colleague, Representative CAROLYN MALONEY. I urge my colleagues to join me in support of this important and beneficial piece of legislation.

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

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 1784, 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.

CANDACE NEWMAKER RESOLUTION OF 2002

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 435) expressing the sense of the Congress that the therapeutic technique known as rebirthing is a dangerous and harmful practice and should be prohibited.

The Clerk read as follows:

H. CON. RES. 435

Whereas ''rebirthing'' is a form of ''attachment therapy'', which is used to try to forge new bonds between adoptive parents and their adopted children;

Whereas Candace Newmaker, a child from North Carolina, died from the rebirthing technique, and four other children have died from other forms of attachment therapy;

Whereas the American Psychological Association does not recognize rebirthing as proper treatment; and

Whereas many States have enacted or are considering legislation to prohibit this technique: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. SHORT TITLE.

This concurrent resolution may be cited as the ''Candace Newmaker Resolution of 2002''.

SEC. 2. SENSE OF CONGRESS REGARDING THERAPEUTIC TECHNIQUE KNOWN AS REBIRTHING.

(a) IN GENERAL.—It is the sense of the Congress that the therapeutic technique known as rebirthing is dangerous and harmful, and the Congress encourages each State to enact a law that prohibits such technique.

(b) DEFINITION.—In this resolution, the term ''rebirthing'' means a therapy to reenact the birthing process in a manner that includes restraint and creates a situation in which a patient may suffer physical injury or death.

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 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, today I rise in support of House Concurrent Resolution 435, which does express the sense of the Congress that the therapeutic technique known as rebirthing is a dangerous and harmful practice that should be prohibited.

Now, Mr. Speaker, a terrible story: in Colorado, a 10-year-old girl named Candace Newmaker died during a rebirthing session. Rebirthing is supposed to forge new bonds between adoptive parents and their children, and it involves wrapping the child in a sheet and covering him or her with pillows, often for more than an hour, to simulate the birthing process.

During the procedure, Candace, who had been diagnosed with attachment disorder, told her therapist several times that she could not breathe. However, her therapist did not unwrap her, but told her to push harder to get out. Candace was rushed to a local hospital where she died the next day.

Unfortunately, Mr. Speaker, Candace is not the only child to die and suffer from this practice. Four other children have died as a result of rebirthing therapy.

The American Psychological Association does not recognize rebirthing as proper treatment for attachment disorders, and many States, including Colorado, have enacted legislation which makes it illegal to practice rebirthing therapy if restraints are involved or there is a risk of physical injury. Many other States have enacted or are considering legislation to prohibit this technique, as well.

The Committee on Energy and Commerce unanimously approved the resolution before us on September 5; and we are very, very grateful to the gentlewoman from North Carolina (Mrs. MYRICK) for introducing this resolution. It does encourage each State to enact a law that prohibits this potentially very deadly practice.

Mr. Speaker, I urge my colleagues to support this important resolution, and I reserve the balance of my time.

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

Mr. Speaker, the gentlewoman from North Carolina (Mrs. MYRICK) has introduced legislation inspired by the tragic death of the 10-year-old that the gentleman from Florida (Chairman Bilirakis) referred to as a result of what is commonly known as rebirthing therapy. This resolution expresses congressional opposition to this dangerous and deadly practice.

This radical therapy has been used by some therapists to treat attachment disorder, most commonly seen in adopted children. The American Psychological Association and the National Council for Adoption and other organizations condemn this practice as fraudulent and as dangerous. In addition to the risk of death by asphyxiation, psychologists say it can further damage already-troubled children.

Our committee, the Committee on Energy and Commerce, supported this important resolution. I urge my colleagues to do the same today.

Mr. Speaker, this body brings a variety of resolutions to the floor coming out of the Subcommittee on Health, almost all of which I support, almost all of which are positive.

I wish, however, Mr. Speaker, that we would do a little bit more in terms of trying to rein in prescription drug prices. I look at legislation like this, which is important; but we should be using this time on the floor also to pass legislation like that which the gentlewoman from Missouri (Mrs. EMERSON), a Republican, and I, a Democrat, have introduced, which is the GAAP bill, H.R. 1862.

I have introduced similar legislation with the gentleman from California, H.R. 5272, to deal with the problem of drug pricing. It is a bill the other body has passed. It would stop the gaming of the patent system by the drug companies whereby they have been able to extend their patents by cutting deals

with generics, by in some cases using private lawsuits, using the court system.

Our legislation would save $60 million to consumers over the next 10 years. It is something that our committee should do and that this body should do.

While the chairman, the gentleman from Florida (Mr. BILIRAKIS), has always been so helpful in bipartisanly working on a lot of these issues, the Republican leadership has not been so helpful. I would hope that as we work on these resolutions, as on the resolution of the gentlewoman from North Carolina (Mrs. MYRICK), which I support, House Concurrent Resolution 435, that we would also work on legislation like H.R. 5272, which has bipartisan sponsors, but on which, because of the opposition of the drug industry, Republican leadership, who are much too close to the drug industry, much too aligned to the drug industry with drug industry contributions and political support, has failed to step forward.

I would hope as we pass this bill today that perhaps tomorrow we can work on such legislation, on which we are going to do a discharge petition, I would add parenthetically, this week, Mr. Speaker, and pass legislation to stop the gaming of the patent system, as we pass legislation like we are today.

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

Mr. BILIRAKIS. Mr. Speaker, to stay on the point of the legislation before us now, I yield such time as she may consume to the gentlewoman from North Carolina (Mrs. MYRICK), the author of the legislation.

Mrs. MYRICK. Mr. Speaker, I thank the gentleman for yielding me this time and for bringing this bill forward today.

I do come in support of H. Con. Res. 435, the Candace Newmaker Resolution of 2002. I introduced this resolution in July to honor a little girl from North Carolina who lost her life tragically because of voodoo science called rebirthing. She was a beautiful 10-year-old girl, her whole life ahead of her; and she died tragically in April of 2000 because she was forced to take part in a rebirthing therapy session. Candace had been adopted out of the foster care system by a single woman; and like any child would, she missed her parents and her siblings, and her adoptive mother claimed that she and Candace were not ''bonding'' properly.

While searching the Internet for help, Candace's adoptive mother discovered ''reactive attachment therapy.'' It is a disorder treatment, a clinical term for what folks see as a child's ability to bond with new adoptive parents.

A therapist, who never even met Candace, diagnosed her with this disorder; and her mother took her to Colorado for treatment. A radical attachment-disorder therapist was paid $7,000 for a 2-week course of treatment for Candace. This was not a licensed psychiatrist or a licensed psychologist. The supposed therapist's highest degree was a master's in social work.

After a few days of other attachment therapy, the therapist thought that Candace was ready for the rebirthing therapy. This was supposed to simulate Candace's trip through the birth canal and would symbolically deliver her to her adoptive mother and erase her natural birth 10 years ago.

The therapist and her assistant, along with two other helpers, wrapped Candace tightly in a flannel blanket and covered her with eight cushions. Then the four adults put their combined weight of 673 pounds on Candace's 70-pound body, bounced on her and squeezed her to simulate contractions. During the 70-minute procedure, the adults taunted Candace to try to fight her way out of the cocoon. Ten minutes into the procedure, Candace begged to be let out because she could not breathe. Her sobs and her pleas were ignored, and she was even told to go ahead and die by the therapist. Candace continued to cry for her life for 30 more minutes.

Forty minutes into the procedure, she spoke her last word, ''no.'' The adults continued to sit on her and taunt her for 30 more minutes. When they finally unwrapped Candace, she was dead. Her adoptive mother had witnessed the entire episode, and the therapist had even videotaped the procedure which was used against her in a court of law. She and her assistant were convicted of reckless child abuse resulting in death and were sentenced to 16 years each.

Colorado has since passed a law to outlaw this horrendous practice; and other States, including my State of North Carolina, will hopefully do so soon. The resolution I introduced, H. Con. Res. 435, would express the sense of Congress that this ''rebirthing'' therapy is dangerous and should be prohibited. This therapeutic technique is not recognized by any professional psychological groups, and many have specifically denounced the practice, including the American Psychological Association, the American Psychiatric Association, the Judge David Bazelon Center for Mental Health, and the National Council for Adoption. I encourage all States to outlaw this voodoo science and prevent another tragedy from happening.

Candace's grandparents, David and Mary Davis, who are my constituents and who are here today, have been tireless advocates for outlawing this procedure. They do not want their granddaughter to have died in vain.

I ask my colleagues to join me in passing this resolution to ensure States to outlaw this procedure.

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. 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. 435.

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. BILIRAKIS. 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.

ROLLAN D. MELTON POST OFFICE BUILDING

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4102) to designate the facility of the United States Postal Service located at 120 North Maine Street in Fallon, Nevada, as the ''Rollan D. Melton Post Office Building.''

The Clerk read as follows:

H.R. 4102

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

SECTION 1. ROLLAN D. MELTON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 120 North Maine Street in Fallon, Nevada, shall be known and designated as the ''Rollan D. Melton 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 Rollan D. Melton Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Massachusetts (Mr. TIERNEY) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. CANNON).

□ 1445

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration, H.R. 4102.

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

There was no objection.

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

Mr. Speaker, H.R. 4102, introduced by our distinguished colleague from Nevada (Mr. GIBBONS) designates the facility of the United States Postal Service in Fallon, Nevada, as the Rollan D. Melton Post Office Building. All Members of the House delegation from the State of Nevada are cosponsors of this legislation.

Mr. Speaker, Rollan Melton was a credit to the field of journalism and a

devoted resident of the town of Fallon in the gentleman from Nevada's (Mr. GIBBONS) district. At this time, Mr. Speaker, the sponsor of the legislation, the gentleman from Nevada (Mr. GIBBONS), has asked me to read a statement on his behalf because he regrets that he is unable to be here today.

''It is only fitting that this post office, which is an integral part of the Fallon community, be named after the man who dedicated his life to the town, its people, and the goal of keeping small communities like Fallon connected to the world through their local newspaper.

''A prominent resident of Fallon, Nevada, Rollan Melton established a remarkable career in journalism and never forgot his hometown roots.

''Born July 21, 1931, in Boise, Idaho, Rollan Melton moved to Fallon as a young boy. He played football for the Fallon High School and went on to the University of Nevada on a Harold's Club scholarship. He always appreciated his Fallon years and would later endow a scholarship at Fallon's Churchill County High School to celebrate the help he had from his high school teachers and coaches.

''As a young man, Melton quickly embarked on a career of journalism. He would write for the London Observer, the Wall Street Journal and several New York City papers. Yet, Melton loved his home State of Nevada and in 1957, he joined the Reno Evening Gazette where he could write about his hometown and the surrounding communities.

''He would hold various positions at the paper including reporter, sports editor, telegraph editor, promotion manager, and, finally, editor and publisher of the paper which would become known as the Reno Gazette-Journal.

''Throughout his newspaper career, he remained active in numerous philanthropic organizations. He served as a trustee and officer of the Jon Ben Snow Trust based at Syracuse, New York. The trust gives about $300,000 in grants each year in Nevada.

''Melton was also a member of the Nevada Board of Regents, earning the designation of a Distinguished Nevadan.

''Of all his positions, the one he loved the most was columnist, and he wrote frequently about Fallon and its people. On November 30, 2001, Melton was inducted into the Nevada Writers Hall of Fame. He was also named to the Nevada Newspaper Hall of Fame.

''Melton completed 23 years of column writing in October 2001. His first book, Nevadans, was published in 1988. His second, an autobiography entitled Sonny's Story, was published by the University of Nevada in 1988. And the third book, 101 Nevada Columns, was published on his 70th birthday on 2001.

''As a distinguished writer, Rollan Melton found his inspiration in the people of Nevada. Naming the Fallon Post Office in his honor would be a great tribute to his work and commitment to the Silver State and to the town he loved so much, Fallon, Nevada.''

Mr. Speaker, this concludes the statement from the gentleman from Nevada (Mr. GIBBONS).

Mr. Speaker, I urge adoption of H.R. 4102.

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

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

Mr. Speaker, I thank my colleague who, as usual, is doing a great job on this for his colleague and for the entire delegation over there.

Mr. Speaker, I am a member of the House Committee on Government Reform and I am pleased to join the gentleman in the consideration of H.R. 4102 which names that post office in Fallon, Nevada, for the late Rollan D. Melton.

Mr. Speaker, As a member of the House Committee on Government Reform, I am pleased to join my colleagues in the consideration of H.R. 4102, which names a post office in Fallon, Nevada, after the late Rollon D. Melton, H.R. 4102, which enjoys the support and cosponsorship of the entire Nevada delegation, was introduced by the gentleman from Nevada (Mr. GIBBONS (R–NV)) on April 9, 2002.

Mr. Rollon Melton graduated from the University of Nevada in 1955. A journalism major, Rollon served as the sports editor of the campus paper, ''Sagebrush'' and worked as the city editor of a Nevada weekly. In 1957, he joined the Reno Evening Gazette as a reporter, eventually rising to the position of editor and publisher.

As Chairman and CEO of Speidel Newspapers, Mr. Melton negotiated the Speidel merger with Gannett in 1977, and served on the Gannett board for two years. In 1979, he was chosen as a Distinguished Nevadan.

An avid supporter of a sound college education, Mr. Melton served as an interim dean of the Reynolds School of Journalism. He was also a member of the advisory board for the Reynolds School of Journalism, Sigma Delta Chi Journalism Society and the College of Arts and Science.

Active in fine arts and educational programs, Mr. Melton continued to remain a columnist for the Reno Gazette-Journal until his death on January 13, 2002.

Mr. Speaker, I comment the gentleman from Nevada (Mr. GIBBONS) for seeking to honor Rollon D. Melton by naming a post office after him in his adopted city of Fallon, Nevada and urge the swift passage of this bill.

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

Mr. CANNON. Mr. Speaker, I urge the adoption of this measure.

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 Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 4102.

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. CANNON. 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.

JOSEPH D. EARLY POST OFFICE BUILDING

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5333) to designate the facility of the United States Postal Service located at 4 East Central Street in Worcester, Massachusetts, as the ''Joseph D. Early Post Office Building.''

The Clerk read as follows:

H.R. 5333

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

SECTION 1. JOSEPH D. EARLY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 4 East Central Street in Worcester, Massachusetts, shall be known and designated as the ''Joseph D. Early 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 Joseph D. Early Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Massachusetts (Mr. TIERNEY) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. CANNON).

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration, H.R. 5333.

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

There was no objection.

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

Mr. Speaker, H.R. 5333, sponsored by our distinguished colleague from Massachusetts (Mr. MCGOVERN), designates the facility of the United States Postal Service in Worcester, Massachusetts as the Joseph D. Early Post Office Building. All Members of the House delegation from the Commonwealth of Massachusetts are cosponsors of this legislation.

Mr. Speaker, with this legislation we honor a man who has been a fixture in Massachusetts politics for over 40 years.

Joseph Early was born and raised in Worcester and attended the College of Holy Cross. Early was the captain of the Holy Cross Crusaders basketball squad that won the 1954 National Invitational Tournament, at that time the

major tournament in America, I might point out.

After college he served in the United States Navy before returning to Worcester to teach and coach basketball. Early began his long career of service to the people of Worcester in 1962 when he was elected to the Massachusetts State House. He served until his election to the U.S. House of Representatives in 1974. He served in this body until 1993.

Here in the House Mr. Early sat on the Committee on Appropriations and tirelessly but quietly advocated the causes important to himself and to his constituents. His stewardship of the National Institutes of Health is especially noteworthy and undoubtedly resulted in many medical advances.

Mr. Speaker, I urge the adoption of H.R. 5333.

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

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

Mr. Speaker, this is, in fact, a bill that was presented by the gentleman from Massachusetts (Mr. MCGOVERN) and cosponsored by all of the Members from that delegation.

Mr. Early has, in fact, served a distinguished career in Massachusetts. It was mentioned by my colleague from Utah (Mr. CANNON), he was a Worcester, Massachusetts native, born in 1933. He went through the schools in Worcester and the College of the Holy Cross. He graduated from there in 1955. He served in the United States Navy and after that was a teacher and a coach. He has been a member of the Massachusetts House. He was a staunch Democrat. He was also a delegate to many conventions and elected to this House in the 94th Congress and served in eight successive Congresses after that.

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

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman for yielding me time, and I want to also thank him for his assistance in moving this measure forward. As well, I want to thank the gentleman from Utah (Mr. CANNON) for his kind words.

Mr. Speaker, today citizens across the Commonwealth of Massachusetts are going to the polls to cast their votes in the State's primary election. It is certainly fitting that on this same day, the House of Representatives votes to honor one of Massachusetts' long-serving and distinguished Members of Congress, Joseph D. Early.

I am proud to be joined by the entire Massachusetts delegation in expressing unanimous support for H.R. 5333, a bill to designate a facility of the U.S. Postal Service in Worcester, Massachusetts, as the Joseph D. Early Post Office Building.

As both a predecessor of mine in Congress and as a cherished friend, I am proud to have sponsored this legislation which will properly honor Joe Early with a Federal building to bear his name.

Mr. Speaker, Joe Early is undeniably one of the City of Worcester's favorite sons. Long before the Jesse Burkett Little League team of this year, Joe Early brought national prominence to the City of Worcester as cocaptain of the Holy Cross College basketball team that won the 1954 National Invitational Tournament. The same tenacity Joe regularly demonstrated on the hardwood later proved to be the hallmark of a remarkable career in public service.

First elected to the Massachusetts House of Representatives in 1962, Joe rose through the ranks to ultimately become Vice Chairman of the House Ways and Means Committee. In the legislature, Joe earned a reputation as a forceful advocate for social programs and a staunch supporter of organized labor. This unwaivering commitment to New Deal principles remained firmly intact when Joe Early arrived as a newly elected Member of Congress in 1975.

As a Member of the House Committee on Appropriations, Joe continued to fight doggedly for funding for education, health care and social services. Senior citizens, most notably the frail elderly, never had a more loyal friend or passionate ally in their struggle to retain health care benefits in the late 1980s than Joe Early. In an era of shrinking domestic spending, Joe repeatedly cautioned his colleagues to not forsake our priorities at home.

He was the guardian at the gate for medical research funding, and the National Institutes of Health in particular benefitted greatly from his vigilance on the Subcommittee on Labor, Health and Human Services and Education of the Committee on Appropriations.

Many of the recent advances in the treatment of chronic disease can be attributed in no small measure to Joe's steadfast support of the NIH. Today, people here and around the world live healthier lives because of Joe Early; and while he may not be a household name, he will forever be remembered within the medical research community as a true champion of their cause.

Joe's persistent work in his committee was rivaled only by a fierce devotion to his constituents at home. There are countless untold stories of the assistance performed by Joe on behalf of a family in need. No problem was too big and no person was too small to receive the personal attention and intervention of Congressman Early.

Joe's constituent service was renowned as was his relentless pursuit of funding for the Third District of Massachusetts. The University of Massachusetts Medical School stands as only one shining example of Joe Early's tireless efforts to ensure his district receive its fair share.

Mr. Speaker, in our business there are show horses and there are work horses. Joe Early was the consummate work horse. He never sought the glory of the spotlight or rushed to grab a headline. Joe was content to let others receive the credit while he worked quietly and effectively on the issues and for the constituents he cared so deeply about. In that respect, Joe Early is very much like the district he represented for 18 years. In fact, it has been said that Joe Early did not represent his beloved City of Worcester as much as he personified its three-decker homes and blue-collar work ethic.

Mr. Speaker, in that spirit, we shall pass this legislation to name a post office building in Worcester for Congressman Joseph D. Early as a small tribute to a great man who humbly and selflessly has given so much of his life in service to others.

Mr. Speaker, I want to thank my colleague from Massachusetts (Mr. TIERNEY) for his generosity in yielding me time and for his leadership on this issue.

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

Mr. CANNON. Mr. Speaker, I urge the adoption of this measure.

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 Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 5333.

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. CANNON. 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.

□ 1500

DEPARTMENT OF VETERANS AFFAIRS EMERGENCY PREPAREDNESS ACT OF 2002

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 526) providing for the concurrence by the House with an amendment in the amendments of the Senate to H.R. 3253.

The Clerk read as follows:

H. RES. 526

Resolved, That, upon the adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill H.R. 3253, with the Senate amendments thereto, and to have concurred in the Senate amendment to the title of the bill and to have concurred in the Senate amendment to the text of the bill with the following amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Department of Veterans Affairs Emergency Preparedness Act of 2002''.

SEC. 2. ESTABLISHMENT OF MEDICAL EMERGENCY PREPAREDNESS CENTERS AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 7325. Medical emergency preparedness centers

''(a) ESTABLISHMENT OF CENTERS.—(1) The Secretary shall establish four medical emergency preparedness centers in accordance with this section. Each such center shall be established at a Department medical center and shall be staffed by Department employees.

''(2) The Under Secretary for Health shall be responsible for supervising the operation of the centers established under this section. The Under Secretary shall provide for ongoing evaluation of the centers and their compliance with the requirements of this section.

''(3) The Under Secretary shall carry out the Under Secretary's functions under paragraph (2) in consultation with the Assistant Secretary of Veterans Affairs with responsibility for operations, preparedness, security, and law enforcement functions.

''(b) MISSION.—The mission of the centers shall be as follows:

''(1) To carry out research on, and to develop methods of detection, diagnosis, prevention, and treatment of injuries, diseases, and illnesses arising from the use of chemical, biological, radiological, incendiary or other explosive weapons or devices posing threats to the public health and safety.

''(2) To provide education, training, and advice to health care professionals, including health care professionals outside the Veterans Health Administration, through the National Disaster Medical System established pursuant to section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh–11(b)) or through interagency agreements entered into by the Secretary for that purpose.

''(3) In the event of a disaster or emergency referred to in section 1785(b) of this title, to provide such laboratory, epidemiological, medical, or other assistance as the Secretary considers appropriate to Federal, State, and local health care agencies and personnel involved in or responding to the disaster or emergency.

''(c) SELECTION OF CENTERS.—(1) The Secretary shall select the sites for the centers on the basis of a competitive selection process. The Secretary may not designate a site as a location for a center under this section unless the Secretary makes a finding under paragraph (2) with respect to the proposal for the designation of such site. To the maximum extent practicable, the Secretary shall ensure the geographic dispersal of the sites throughout the United States. Any such center may be a consortium of efforts of more than one medical center.

''(2) A finding by the Secretary referred to in paragraph (1) with respect to a proposal for designation of a site as a location of a center under this section is a finding by the Secretary, upon the recommendations of the Under Secretary for Health and the Assistant Secretary with responsibility for operations, preparedness, security, and law enforcement functions, that the facility or facilities submitting the proposal have developed (or may reasonably be anticipated to develop) each of the following:

''(A) An arrangement with a qualifying medical school and a qualifying school of public health (or a consortium of such schools) under which physicians and other persons in the health field receive education and training through the participating Department medical facilities so as to provide those persons with training in the detection, diagnosis, prevention, and treatment of injuries, diseases, and illnesses induced by exposures to chemical and biological substances, radiation, and incendiary or other explosive weapons or devices.

''(B) An arrangement with a graduate school specializing in epidemiology under which students receive education and training in epidemiology through the participating Department facilities so as to provide such students with training in the epidemiology of contagious and infectious diseases and chemical and radiation poisoning in an exposed population.

''(C) An arrangement under which nursing, social work, counseling, or allied health personnel and students receive training and education in recognizing and caring for conditions associated with exposures to toxins through the participating Department facilities.

''(D) The ability to attract scientists who have made significant contributions to the development of innovative approaches to the detection, diagnosis, prevention, or treatment of injuries, diseases, and illnesses arising from the use of chemical, biological, radiological, incendiary or other explosive weapons or devices posing threats to the public health and safety.

''(3) For purposes of paragraph (2)(A)—

''(A) a qualifying medical school is an accredited medical school that provides education and training in toxicology and environmental health hazards and with which one or more of the participating Department medical centers is affiliated; and

''(B) a qualifying school of public health is an accredited school of public health that provides education and training in toxicology and environmental health hazards and with which one or more of the participating Department medical centers is affiliated.

''(d) RESEARCH ACTIVITIES.—Each center shall conduct research on improved medical preparedness to protect the Nation from threats in the area of that center's expertise. Each center may seek research funds from public and private sources for such purpose.

''(e) DISSEMINATION OF RESEARCH PRODUCTS.—(1) The Under Secretary for Health and the Assistant Secretary with responsibility for operations, preparedness, security, and law enforcement functions shall ensure that information produced by the research, education and training, and clinical activities of centers established under this section is made available, as appropriate, to healthcare providers in the United States. Dissemination of such information shall be made through publications, through programs of continuing medical and related education provided through regional medical education centers under subchapter VI of chapter 74 of this title, and through other means. Such programs of continuing medical education shall receive priority in the award of funding.

''(2) The Secretary shall ensure that the work of the centers is conducted in close coordination with other Federal departments and agencies and that research products or other information of the centers shall be coordinated and shared with other Federal departments and agencies.

''(f) COORDINATION OF ACTIVITIES.—The Secretary shall take appropriate actions to ensure that the work of each center is carried out—

''(1) in close coordination with the Department of Defense, the Department of Health and Human Services, and other departments, agencies, and elements of the Government charged with coordination of plans for United States homeland security; and

''(2) after taking into consideration applicable recommendations of the working group on the prevention, preparedness, and response to bioterrorism and other public health emergencies established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d–6(a)) or any other joint interagency advisory group or committee designated by the President or the President's designee to coordinate Federal research on weapons of mass destruction.

''(g) ASSISTANCE TO OTHER AGENCIES.—The Secretary may provide assistance requested by appropriate Federal, State, and local civil and criminal authorities in investigations, inquiries, and data analyses as necessary to protect the public safety and prevent or obviate biological, chemical, or radiological threats.

''(h) DETAIL OF EMPLOYEES FROM OTHER AGENCIES.—Upon approval by the Secretary, the Director of a center may request the temporary assignment or detail to the center, on a nonreimbursable basis, of employees from other departments and agencies of the United States who have expertise that would further the mission of the center. Any such employee may be so assigned or detailed on a nonreimbursable basis pursuant to such a request.

''(i) FUNDING.—(1) Amounts appropriated for the activities of the centers under this section shall be appropriated separately from amounts appropriated for the Department for medical care.

''(2) In addition to funds appropriated for a fiscal year specifically for the activities of the centers pursuant to paragraph (1), the Under Secretary for Health shall allocate to such centers from other funds appropriated for that fiscal year generally for the Department medical care account and the Department medical and prosthetics research account such amounts as the Under Secretary determines appropriate to carry out the purposes of this section. Any determination by the Under Secretary under the preceding sentence shall be made in consultation with the Assistant Secretary with responsibility for operations, preparedness, security, and law enforcement functions.

''(3) There are authorized to be appropriated for the centers under this section $20,000,000 for each of fiscal years 2003 through 2007.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7324 the following new item:

''7325. Medical emergency preparedness centers.''.

(b) PEER REVIEW FOR DESIGNATION OF CENTERS.—(1) In order to assist the Secretary of Veterans Affairs and the Under Secretary of Veterans Affairs for Health in selecting sites for centers under section 7325 of title 38, United States Code, as added by subsection (a), the Under Secretary shall establish a peer review panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the designation of such centers. The peer review panel shall be established in consultation with the Assistant Secretary of Veterans Affairs with responsibility for operations, preparedness, security, and law enforcement functions.

(2) The peer review panel shall include experts in the fields of toxicological research, infectious diseases, radiology, clinical care of patients exposed to such hazards, and other persons as determined appropriate by the Secretary. Members of the panel shall serve as consultants to the Department of Veterans Affairs.

(3) The panel shall review each proposal submitted to the panel by the officials referred to in paragraph (1) and shall submit to

the Under Secretary for Health its views on the relative scientific and clinical merit of each such proposal. The panel shall specifically determine with respect to each such proposal whether that proposal is among those proposals which have met the highest competitive standards of scientific and clinical merit.

(4) The panel shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 3. EDUCATION AND TRAINING PROGRAMS ON MEDICAL RESPONSES TO CONSEQUENCES OF TERRORIST ACTIVITIES.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 of title 38, United States Code, is amended by adding after section 7325, as added by section 2(a)(1), the following new section:

"§ 7326. Education and training programs on medical response to consequences of terrorist activities

''(a) EDUCATION PROGRAM.—The Secretary shall carry out a program to develop and disseminate a series of model education and training programs on the medical responses to the consequences of terrorist activities.

''(b) IMPLEMENTING OFFICIAL.—The program shall be carried out through the Under Secretary for Health, in consultation with the Assistant Secretary of Veterans Affairs with responsibility for operations, preparedness, security, and law enforcement functions.

''(c) CONTENT OF PROGRAMS.—The education and training programs developed under the program shall be modelled after programs established at the F. Edward Hebért School of Medicine of the Uniformed Services University of the Health Sciences and shall include, at a minimum, training for health care professionals in the following:

''(1) Recognition of chemical, biological, radiological, incendiary, or other explosive agents, weapons, or devices that may be used in terrorist activities.

''(2) Identification of the potential symptoms of exposure to those agents.

''(3) Understanding of the potential long-term health consequences, including psychological effects, resulting from exposure to those agents, weapons, or devices.

''(4) Emergency treatment for exposure to those agents, weapons, or devices.

''(5) An appropriate course of followup treatment, supportive care, and referral.

''(6) Actions that can be taken while providing care for exposure to those agents, weapons, or devices to protect against contamination, injury, or other hazards from such exposure.

''(7) Information on how to seek consultative support and to report suspected or actual use of those agents.

''(d) POTENTIAL TRAINEES.—In designing the education and training programs under this section, the Secretary shall ensure that different programs are designed for healthcare professionals in Department medical centers. The programs shall be designed to be disseminated to health professions students, graduate health and medical education trainees, and health practitioners in a variety of fields.

''(e) CONSULTATION.—In establishing education and training programs under this section, the Secretary shall consult with appropriate representatives of accrediting, certifying, and coordinating organizations in the field of health professions education.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7325, as added by section 2(a)(2), the following new item:

''7326. Education and training programs on medical response to consequences of terrorist activities.''.

(b) EFFECTIVE DATE.—The Secretary of Veterans Affairs shall implement section 7326 of title 38, United States Code, as added by subsection (a), not later than the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 4. AUTHORITY TO FURNISH HEALTH CARE DURING MAJOR DISASTERS AND MEDICAL EMERGENCIES.

(a) IN GENERAL.—(1) Subchapter VIII of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 1785. Care and services during certain disasters and emergencies

''(a) AUTHORITY TO PROVIDE HOSPITAL CARE AND MEDICAL SERVICES.—During and immediately following a disaster or emergency referred to in subsection (b), the Secretary may furnish hospital care and medical services to individuals responding to, involved in, or otherwise affected by that disaster or emergency.

''(b) COVERED DISASTERS AND EMERGENCIES.—A disaster or emergency referred to in this subsection is any disaster or emergency as follows:

''(1) A major disaster or emergency declared by the President under the Robert B. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

''(2) A disaster or emergency in which the National Disaster Medical System established pursuant to section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh–11(b)) is activated by the Secretary of Health and Human Services under paragraph (3)(A) of that section or as otherwise authorized by law.

''(c) APPLICABILITY TO ELIGIBLE INDIVIDUALS WHO ARE VETERANS.—The Secretary may furnish care and services under this section to an individual described in subsection (a) who is a veteran without regard to whether that individual is enrolled in the system of patient enrollment under section 1705 of this title.

''(d) REIMBURSEMENT FROM OTHER FEDERAL DEPARTMENTS AND AGENCIES.—(1) The cost of any care or services furnished under this section to an officer or employee of a department or agency of the United States other than the Department or to a member of the Armed Forces shall be reimbursed at such rates as may be agreed upon by the Secretary and the head of such department or agency or the Secretary concerned, in the case of a member of the Armed Forces, based on the cost of the care or service furnished.

''(2) Amounts received by the Department under this subsection shall be credited to the Medical Care Collections Fund under section 1729A of this title.

''(e) REPORT TO CONGRESSIONAL COMMITTEES.—Within 60 days of the commencement of a disaster or emergency referred to in subsection (b) in which the Secretary furnishes care and services under this section (or as soon thereafter as is practicable), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the Secretary's allocation of facilities and personnel in order to furnish such care and services.

''(f) REGULATIONS.—The Secretary shall prescribe regulations governing the exercise of the authority of the Secretary under this section.''.

(2) The table of sections at the beginning of that chapter is amended by adding at the end the following new item:

''1785. Care and services during certain disasters and emergencies.''.

(b) MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY.—Section 8111A(a) of such title is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) by designating the second sentence of paragraph (1) as paragraph (3); and

(3) by inserting between paragraph (1) and paragraph (3), as designated by paragraph (2) of this subsection, the following new paragraph:

''(2)(A) During and immediately following a disaster or emergency referred to in subparagraph (B), the Secretary may furnish hospital care and medical services to members of the Armed Forces on active duty responding to or involved in that disaster or emergency.

''(B) A disaster or emergency referred to in this subparagraph is any disaster or emergency as follows:

''(i) A major disaster or emergency declared by the President under the Robert B. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

''(ii) A disaster or emergency in which the National Disaster Medical System established pursuant to section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh–11(b)) is activated by the Secretary of Health and Human Services under paragraph (3)(A) of that section or as otherwise authorized by law.''.

SEC. 5. 10-YEAR EXTENSION OF EXPIRED AUTHORITY.

Effective September 30, 2002, subsection (d) of section 1722A of title 38, United States Code, is amended by striking ''September 30, 2002'' and inserting ''September 30, 2012''.

SEC. 6. INCREASE IN NUMBER OF ASSISTANT SECRETARIES OF VETERANS AFFAIRS.

(a) INCREASE.—Subsection (a) of section 308 of title 38, United States Code, is amended by striking ''six'' in the first sentence and inserting ''seven''.

(b) FUNCTIONS.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

''(11) Operations, preparedness, security, and law enforcement functions.''.

(c) NUMBER OF DEPUTY ASSISTANT SECRETARIES.—Subsection (d)(1) of such section is amended by striking ''18'' and inserting ''19''.

(d) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by striking ''(6)'' after ''Assistant Secretaries, Department of Veterans Affairs'' and inserting ''(7)''.

SEC. 7. CODIFICATION OF DUTIES OF SECRETARY OF VETERANS AFFAIRS RELATING TO EMERGENCY PREPAREDNESS.

(a) IN GENERAL.—(1) Subchapter I of chapter 81 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 8117. Emergency preparedness

''(a) READINESS OF DEPARTMENT MEDICAL CENTERS.—(1) The Secretary shall take appropriate actions to provide for the readiness of Department medical centers to protect the patients and staff of such centers from chemical or biological attack or otherwise to respond to such an attack so as to enable such centers to fulfill their obligations as part of the Federal response to public health emergencies.

''(2) Actions under paragraph (1) shall include—

''(A) the provision of decontamination equipment and personal protection equipment at Department medical centers; and

''(B) the provision of training in the use of such equipment to staff of such centers.

''(b) SECURITY AT DEPARTMENT MEDICAL AND RESEARCH FACILITIES.—(1) The Secretary shall take appropriate actions to provide for

the security of Department medical centers and research facilities, including staff and patients at such centers and facilities.

''(2) In taking actions under paragraph (1), the Secretary shall take into account the results of the evaluation of the security needs at Department medical centers and research facilities required by section 154(b)(1) of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188; 116 Stat. 631), including the results of such evaluation relating to the following needs:

''(A) Needs for the protection of patients and medical staff during emergencies, including a chemical or biological attack or other terrorist attack.

''(B) Needs, if any, for screening personnel engaged in research relating to biological pathogens or agents, including work associated with such research.

''(C) Needs for securing laboratories or other facilities engaged in research relating to biological pathogens or agents.

''(c) TRACKING OF PHARMACEUTICALS AND MEDICAL SUPPLIES AND EQUIPMENT.—The Secretary shall develop and maintain a centralized system for tracking the current location and availability of pharmaceuticals, medical supplies, and medical equipment throughout the Department health care system in order to permit the ready identification and utilization of such pharmaceuticals, supplies, and equipment for a variety of purposes, including response to a chemical or biological attack or other terrorist attack.

''(d) TRAINING.—The Secretary shall ensure that the Department medical centers, in consultation with the accredited medical school affiliates of such medical centers, develop and implement curricula to train resident physicians and health care personnel in medical matters relating to biological, chemical, or radiological attacks or attacks from an incendiary or other explosive weapon.

''(e) PARTICIPATION IN NATIONAL DISASTER MEDICAL SYSTEM.—(1) The Secretary shall establish and maintain a training program to facilitate the participation of the staff of Department medical centers, and of the community partners of such centers, in the National Disaster Medical System established pursuant to section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh–11(b)).

''(2) The Secretary shall establish and maintain the training program under paragraph (1) in accordance with the recommendations of the working group on the prevention, preparedness, and response to bioterrorism and other public health emergencies established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d–6(a)).

''(3) The Secretary shall establish and maintain the training program under paragraph (1) in consultation with the following:

''(A) The Secretary of Defense.

''(B) The Secretary of Health and Human Services.

''(C) The Director of the Federal Emergency Management Agency.

''(f) MENTAL HEALTH COUNSELING.—(1) With respect to activities conducted by personnel serving at Department medical centers, the Secretary shall develop and maintain various strategies for providing mental health counseling and assistance, including counseling and assistance for post-traumatic stress disorder, following a bioterrorist attack or other public health emergency to the following persons:

''(A) Veterans.

''(B) Local and community emergency response providers.

''(C) Active duty military personnel.

''(D) Individuals seeking care at Department medical centers.

''(2) The strategies under paragraph (1) shall include the following:

''(A) Training and certification of providers of mental health counseling and assistance.

''(B) Mechanisms for coordinating the provision of mental health counseling and assistance to emergency response providers referred to in paragraph (1).

''(3) The Secretary shall develop and maintain the strategies under paragraph (1) in consultation with the Secretary of Health and Human Services, the American Red Cross, and the working group referred to in subsection (e)(2).''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8116 the following new item:

''8117. Emergency preparedness.''.

(b) REPEAL OF CODIFIED PROVISIONS.—Subsections (a), (b)(2), (c), (d), (e), and (f) of section 154 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188; 38 U.S.C. note prec. 8101) are repealed.

(c) CONFORMING AMENDMENTS.—Subsection (g) of such section is amended—

(1) in paragraph (1), by inserting ''of section 8117 of title 38, United States Code'' after ''subsection (a)''; and

(2) in paragraph (2), by striking ''subsections (b) through (f)'' and inserting ''subsection (b)(1) of this section and subsections (b) through (f) of section 8117 of title 38, United States Code''.

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased to bring to the floor legislation that I introduced almost a year ago to respond to the diabolical terrorist attacks of September 11 and the anthrax attacks that followed.

The legislation, H.R. 3253, as amended, the Department of Veterans Affairs Emergency Preparedness Act of 2002, provides the Federal Government with another tool to prevent or, if necessary, respond to future acts of terrorism against the United States. This legislation is designed to mobilize the underappreciated strength of the VA health care infrastructure in defending our Nation against future acts of terrorism.

Although it may come as a surprise to many, the Department of Veterans Affairs operates our Nation's largest integrated health care network, with over 200,000 health care practitioners, 163 medical centers, more than 800 outpatient clinics, 115 medical research programs, affiliations with over 100 schools of medicine, and a $25 billion annual budget including over $1 billion for research programs.

The VA health care system must, Madam Speaker, be an integral component of any homeland security strategy. In fact, the VA already does have defined roles in both the National Disaster Medical System and the Federal Response Plan in the event of national emergencies.

Among the VA's current specialized duties are, one, conducting and evaluating disaster and terrorist attack simulation exercises; second, managing the Nation's stockpile of drugs to counter the effects of chemical and biological poisons; third, maintaining a rapid response team for radioactive releases; and, fourth, training public and private NDMS medical center personnel around the country in properly responding to biological, chemical, or radiological disasters.

H.R. 3253 was developed in order to apply the existing experience and expertise in the VA's health care research programs as a defensive tool in the war on terrorism.

Madam Speaker, I know from my own experience with the anthrax attacks last October, which hit my own district and hit it hard in central New Jersey in Hamilton Township, putting thousands of dedicated postal workers and the public as well at risk, that we need to move very quickly, develop new tests and new treatments for anthrax and scores of other biological and dangerous chemical agents and radiological weapons that might be employed by terrorists.

When anthrax was discovered in the Hamilton Post Office, I was astounded to discover that there were no existing protocols to test, quarantine, or treat victims. The confusion that emanated, the fog, if my colleagues will, that followed the discovery of anthrax made a bad situation even worse. I saw it over and over again, well-intentioned experts from the departments of health, State and Federal, CDC and the like were flying by the seat of their collective pants. Far too many pertinent questions were not answered and were not answered with scientific or any kind of precision.

It was during that crisis, frankly, that I thought that we needed to develop a new policy that would establish protocols which would try to deal with the details before the unthinkable, which now had become thinkable, actually happened; and that was the genesis of this legislation.

H.R. 3253, we believe, will marshal some of our Nation's best and brightest scientists in a focused effort to develop new protocols for testing, vaccinating, and treating our citizens who may be victims of biological, chemical, or radiological terrorism.

Madam Speaker, the House previously approved H.R. 3253, as amended, on May 20. I am very grateful that the Senate passed an amended bill on August 1. The bill before us today represents the compromise language agreed to after discussions and negotiations between the House and the Senate Committees on Veterans' Affairs.

As amended, H.R. 3253 will authorize the VA to establish four National Medical Preparedness Centers. These centers would undertake research and develop new protocols for detecting, diagnosing, vaccinating, and treating potential victims of terrorism. In particular, the centers would focus on

ways to prevent and treat victims of biological, chemical, and radiological or explosive terrorist acts.

The new centers would conduct direct research and coordinate ongoing and promising new research with affiliated universities and other government agencies. These centers would serve as training resources for thousands of community hospital staffs; hazardous materials, HAZMAT teams; emergency medical technicians, EMTs; and firefighters and police officers, who must be the first medical responders in the event of terrorist attacks.

The emergency preparedness centers would also be charged with establishing state-of-the-art laboratories to help local health officials detect the presence of dangerous biological and chemical poisons.

The funding to support these centers would come from the additional funds provided for combating terrorism and would not use or otherwise reduce funding for veterans' health care.

Under the compromise agreement reached with the Senate, VA's authority to provide emergency medical treatment would be expanded to include first responders, other Federal agencies, veterans not enrolled in the VA health care system, active duty service members, and others receiving VA care in declared domestic emergencies. Reimbursements collected for the cost of care, whether coming from FEMA, the Department of Defense, or an insurance company, would be credited to the VA's Medical Care Collections Fund, the same as in other VA collection efforts.

In addition, a new Assistant Secretary for preparedness security and law enforcement would be established at the VA.

Finally, Madam Speaker, the compromise bill would codify in title 38 of the U.S. Code various provisions from Public Law 107–188, the ''Public Health Security and Bioterrorism Preparedness and Response Act of 2002,'' that pertain to the Department of Veterans Affairs.

Madam Speaker, as we pass the 1-year anniversary of 9–11 and the subsequent anthrax attacks, we are all thankful that no additional acts of terror have been carried out against the United States. However, there can be no doubt that serious dangers and threats remain. Our government must remain vigilant in defending and protecting our citizens from every threat, of any kind, and H.R. 3253 is another step towards homeland security. I urge all Members to support this legislation.

The House amendment to the Senate amendments to H.R. 3253 reflects a Compromise Agreement that the House and Senate Committees on Veterans' Affairs have reached on H.R. 3253 and S. 2132. H.R. 3253 (hereinafter known as the ''House bill'') passed the House on May 20, 2002. The Senate considered S. 2132 (hereinafter known as the ''Senate bill'') on August 1, 2002. This measure was incorporated in H.R. 3253 as an amendment and passed the Senate by unanimous consent on August 1, 2002.

The House and Senate Committees on Veterans' Affairs have prepared the following explanations of H.R. 3253, as amended (hereinafter referred to as the ''Compromise Agreement''). Differences between the preparedness provisions contained in the Compromise Agreement and the related provisions of H.R. 3253 and S. 2132 are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

SHORT TITLE

CURRENT LAW—Public Law 105–368, the ''Veterans Programs Enhancement Act of 1998,'' charged Department of Veterans Affairs (VA) to investigate potential long-term health effects of biological and chemical warfare agents. Under current law, the VA does not possess specific authority to establish centers dedicated to research, education, and training activities related to managing the health consequences of terrorist use of weapons of mass destruction.

HOUSE BILL—Section 1 of H.R. 3253 provides that the short title of the bill is the ''Department of Veterans Affairs Emergency Preparedness Research, Education, and Bio-Terrorism Prevention Act of 2002''.

SENATE BILL—Section 1 of S. 2132 provides that the short title of the bill is the ''Department of Veterans Affairs Emergency Preparedness Act of 2002''.

COMPROMISE AGREEMENT—Section 1 of the Compromise Agreement would adopt the Senate language.

ESTABLISHMENT OF MEDICAL EMERGENCY PREPAREDNESS RESEARCH CENTERS AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS

CURRENT LAW—No provision.

HOUSE BILL—Section 2(a) of H.R. 3253 would amend Chapter 73 of title 38, United States Code, by establishing a new section 7325.

Subsection (a) of section 7325 of title 38, United States Code, would require the Secretary of Veterans Affairs to establish at least four national medical emergency preparedness centers at existing VA medical centers, to be staffed with department employees. The Under Secretary for Health, in consultation with the assistant secretary for operations, preparedness, and security, would be responsible for supervising and evaluating the operation of these centers.

Proposed section 7325(b) of title 38, United States Code, would define the centers' threefold mission as follows: (1) to a conduct research and development into ''detection, diagnosis, vaccination, protection, and treatment for chemical, biological and radiological threats;'' (2) to provide education, training, and expert advice to department and community health-care practitioners; and (3) to provide ''contingent rapid response laboratory assistance'' to local health-care authorities during national emergencies. The House bill would specify that at least one center concentrate solely on biological threats, one on chemical threats, and one on radiological threats to public health and safety.

Proposed section 7325(c) of title 38, United States Code, would define qualifications for center directors, and section 7325(d) would direct the Secretary to designate sites through a competitive selection process. Proposed section 7325(g) would establish a consulting peer-review panel, including experts in relevant fields, to assist the Under Secretary for Health in evaluating the scientific and clinical merits to proposals and offering recommendations concerning site designations for the four centers.

Paragraph 2 of proposed section 7325(d) of title 38, United States Code, would require that a candidate site demonstrate the ability to attract qualified scientists; develop arrangements with at least one accredited, affiliated school of medicine and school of public health; be affiliated with a graduate program in epidemiology; and offer training and education programs for nursing, social work, counseling, and/or other allied health personnel.

Subsection (e) of the proposed section 7325 of title 38, United States Code, would authorize to be appropriated $20 million for each of fiscal years 2003–2007, and would authorize the Under Secretary for Health to expend Medical Care funds as appropriate for the support of such centers, in coordination with the assistant secretary with responsibility for operations, preparedness, and security. Subsection (f) of the proposed section 7325 would authorize each center to seek other public or private research funds to fulfill its research mission.

Proposed section 7325(h) of title 38, United States Code, would require that VA make the centers' findings available to health-care providers in the United States through publications and medical education programs, and that research programs be coordinated and shared with other Federal departments and agencies. The House bill would authorize the Department to assist Federal, State, and local civil and criminal authorities upon request to deal with biological, chemical, or radiological threats. Proposed subsection (j) of section 7325 would authorize details on a non-reimbursable basis of other Federal employees to assist the centers in accomplishing center missions.

SENATE BILL—Section 101 in the Senate bill would add section 7320A to title 38, United States Code.

Proposed section 7320A in the Senate bill would establish four centers to carry out research on ''the detection, diagnosis, prevention, and treatment of injuries, diseases, and illnesses arising from the use of chemical, biological, radiological, or incendiary or other explosive weapons or devices.'' This section would require that centers provide education and training to VA health-care professionals, and to non-VA professionals at the direction of the Secretary through the National Disaster Medical System (hereinafter ''NDMS'') or other interagency agreements. This section would also authorize the Secretary to provide appropriate ''laboratory, epidemiological, medical, or other assistance'' to Federal, State, and local health-care agencies and personnel involved in or responding to a national emergency. The Senate bill would not assign specific areas of research to single centers.

The Senate bill would require that the Secretary designate centers after peer review of competitive proposals submitted by existing qualified VA medical centers. The Senate bill would require the same qualifications as the House bill, but would require geographic dispersal ''to the maximum extent practicable.''

The Senate bill would require the offices responsible for directing research and medical emergency preparedness to administer the centers. This section would require those offices to work in close coordination with the Departments of Defense and Health and Human Services, the Office of Homeland Security, and other agencies, interagency working groups, or committees charged with coordinating Federal research into the response to casualties caused by terrorist use of weapons of mass destruction.

Subsection (e) of proposed section 7320A would require that centers be staffed by VA employees or employees detailed from other Federal agencies, on a non-reimbursable basis.

Proposed section (f) section 7320A would authorize the Secretary to provide assistance to Federal, State, and local agencies engaged in investigations or inquiries to protect against threats posed by terrorist use of weapons of mass destruction. Proposed section 7320A(g) would authorize the centers to seek grants from outside sources, and would authorize to be appropriated $20 million for each of fiscal years 2003–2007.

COMPROMISE AGREEMENT—The Compromise Agreement would incorporate the Senate provisions in proposed section 7325 of title 38, United States Code, authorizing a total of four medical emergency preparedness centers, dispersed geographically to the maximum extent practicable. The Committees intend for VA to select sites based upon the strength of existing resources and scientific merit of the proposals; although regional distribution of these centers would be encouraged, predicted research productivity should be paramount in designating sites.

The proposed section 7325(a) of title 38, United States Code, would follow the House bill assigning responsibility for operation and supervision of the centers to the Under Secretary for Health, in consultation with the assistant secretary with responsibility for operations, preparedness, security, and law enforcement. The Compromise Agreement would not include House language defining qualifications for center directors. The centers would be situated organizationally within the Veterans Health Administration (VHA) and would report to the Under Secretary for Health. Nevertheless, the research products and educational tools arising from the work of the centers would link directly to the mission and function that the compromise Agreement would assign to the assistant secretary responsible for operations, preparedness, security and law enforcement. Thus, there would be a clearly defined line of accountability and coordination among the centers and the responsible departmental officials. This need is clearly acknowledged in the Compromise Agreement by the requirement to link the Under Secretary's decisions with regard to the operations of the centers to the work of the assistant secretary.

Proposed section 7325(b)(1) of title 38, United States Code, in the Compromise Agreement would follow the Senate language by substituting ''prevention'' for ''vaccination and protection,'' and adding to the list of potential threats incendiary and other explosive sources. The Committees agree that contingency planning would include an all-hazards approach and acknowledge that strategies for mass casualty management overlap, irrespective of the particular nature of a terrorist attack or source of other mass-casualty disaster. The Compromise Agreement would not require individual centers to be dedicated to specific fields of study. Nevertheless, the Compromise Agreement would allow the Department to pursue multiple approaches to the medical management of mass casualties. In exercising the authority, the Department could designate any, some, or none of the centers as lead agent for developing subject matter expertise in a particular focused research area dealing with bioterrorism.

Proposed section 7325(b)(2) of title 38, United States Code, would require centers to provide education, training, and advice to health-care professionals within VHA as proposed in both bills, but would follow the Senate language to specify that such training be provided to outside professionals and practitioners through the NDMS as authorized by Public Law 107–188, the ''Public Health Security and bioterrorism Preparedness and Response Act of 2002,'' or through specific interagency agreements executed for the purpose. The committees intend that VA take steps to ensure that potentially valuable research findings and educational developments in medical emergency preparedness be translated from the centers into clinical practice as quickly as practicable, but that VA accomplish this task through channels established as part of VA's role in existing federal response partnerships and the evolving U.S. national homeland security policy.

Proposed section 7325(b)(3) of title 38, United States Code, would adapt language from both bills authorizing centers to provide such laboratory, epidemiological, medical, or other assistance as the Secretary considers appropriate to Federal, State, and local health-care agencies and personnel in the event of a disaster or emergency.

Proposed section 7325(c) of title 38, United States Code, would direct the Secretary to select sites for centers as delineated in language shared by both bills, following the House language that would require proposals for the designation of centers be coordinated between the United Secretary for Health and the assistant secretary for operations, preparedness, and security, and be subject to a scientific peer-review process. The Compromise Agreement would follow House language describing the composition of the peer-review panel, but would replace the term ''bio-hazards management education and training'' with the term ''infectious diseases,'' in describing the types of expertise called for in such peer-review panel participation. The Compromise Agreement would also follow House language requiring that to be qualified, centers would need to develop an arrangement under which nursing, social work, counseling, or allied health personnel would receive training and education from the centers, in addition to other provisions shared by both bills.

Sections 7325(d) and (e) of title 38, United States Code, would adopt the House language on research activities and dissemination of research products. Section 7325(f) would follow the Senate language requiring that research be coordinated with departments, agencies, and working groups charged with coordinating Federal research into responses to weapons of mass destruction.

Proposed section 7325(i) of title 38, United States Code, in the Compromise Agreement, would follow House language on the authorization of appropriations to support the efforts of these centers.

EDUCATION AND TRAINING PROGRAMS ON MEDICAL RESPONSES TO CONSEQUENCES OF TERRORIST ACTIVITIES

HOUSE BILL—Section 3(a) of the House bill would amend chapter 73 of title 38, United States Code, by adding a new section 7326.

Section 7326(a), of title 38, United States Code, would require the Secretary of Veterans Affairs to develop and disseminate programs to educate and train health-care professionals to respond to the consequences of terrorist activities.

Proposed section 7326(b), of title 38, United States Code, would designate the Under Secretary for Health, in consultation with the assistance secretary responsible for operations, preparedness and security, as the implementing officials or entity.

Under section 7326(c), of title 38, United States Code, the education and training programs currently established at the F. Edward Hebert School of Medicine of the Uniformed Services University of the Health Sciences would provide baseline national curriculum and clinical protocols for training health-care professionals.

Section 7326(d), of title 38, United States Code, would require the education and training programs to cover the needs of health-care professionals at every level of learning and in a variety of fields.

Under section 7326(e), of title 38, United States Code, the Secretary would be required to consult with the accrediting, certifying and coordinating bodies representing the various fields of health professions' education.

Section 3(b), of the House bill would require the Secretaries to implement this section within 90 days of enactment.

SENATE BILL—The Senate bill contains no comparable provisions.

COMPROMISE AGREEMENT—Section 3 of the Compromise Agreement would follow the House language with one amendment requiring that programs be designed for health-care professionals ''in Department medical centers.''

AUTHORITY TO FURNISH HEALTH CARE DURING MAJOR DISASTERS AND MEDICAL EMERGENCIES

CURRENT LAW—Section 8111A of title 38, United States Code, authorizes VA to serve as a supportive contingency health-care system to the Department of Defense, requiring VA to furnish hospital care, nursing home care, and medical services to members of the Armed Forces on active duty during and following a period of foreign war. This provision addresses the potential needs of post-deployment forces following an armed conflict abroad, when active-duty military casualties might quickly overwhelm available military treatment facility resources. Under section 1784 of title 38, United States Code, the Secretary is authorized to ''furnish hospital care or medical services as a humanitarian service in emergency cases, but the Secretary shall charge for such care and services at rates prescribed by the Secretary.'' The authority of section 1784 addresses humanitarian care provided by the Department to non-veterans.

Neither provision authorizes VA to care for active-duty military casualties following a domestic disaster or conflict, a possibility that must be acknowledged following the terrorist attacks in New York and Washington on September 11, 2001. In addition, current law does not recognize VA's already considerable commitment to providing emergency care during disasters as part of the Federal Response Plan established under Executive Orders 12148 and 12656.

HOUSE BILL—The House bill contains no comparable provisions.

SENATE BILL—Section 301(a) of the Senate bill would add a new section 1785 to title 38, United States Code, to authorize the Secretary to furnish hospital care and medical services to individuals responding to, involved in, or otherwise affected by a declared major disaster or emergency, or following activation of the NDMS. Proposed section 1785(c) of title 38, United States Code, would allow VA to care for veterans during such a disaster without regard to enrollment required under section 1705 of title 38, United States Code. Proposed section 1785(d) of title 38, United States Code, would authorize the Secretary to give higher priority to furnishing care to individuals affected by disasters than to anyone except service-connected veterans and members of the Armed Forces receiving care under section 8111A of title 38, United States Code. Proposed section 1785(e)(1) of title 38, United States Code, would authorize VA to be reimbursed for care furnished to an officer or employee of another Federal department or agency, with amounts credited in the Medical Care Collections Fund to the facility providing care. Under proposed section 1785(f) of title 38, United States Code, the Secretary would be required to report to the House and Senate Committees on Veterans' Affairs the volume of care furnished by VA under these provisions.

Section 301(b) of the Senate bill would amend title 38 of the United States Code,

section 1784, to provide an exception to the requirement that VA charge individuals for emergency care during a covered disaster or emergency.

Finally, the Senate bill would amend section 8111A of title 38, United States Code, to authorize the Secretary to furnish hospital care or medical services to members of the Armed Forces on active duty in this country, whose need for care is related to their response to a covered disaster or national emergency.

COMPROMISE AGREEMENT—Section 4 of the compromise Agreement would follow the Senate language, but would amend it by striking references to priorities for furnishing care. Also, the Compromise Agreement would delete language that would have suspended VA charges for emergency care under section 1784 of title 38, United States Code, during disasters.

INCREASE IN NUMBER OF ASSISTANT SECRETARIES OF VETERANS AFFAIRS

CURRENT LAW—Section 308 of title 38, United States Code, currently authorizes six assistant secretaries of the Department of Veterans Affairs and 18 deputy assistant secretaries.

HOUSE BILL—Section 4 of the House bill would amend section 308 of title 38, United States Code, by increasing the number of authorized assistant secretaries to ''seven'' and would amend subsection (b) of that section by adding ''operations, preparedness, security, and law enforcement functions'' to currently authorized functions.

SENATE BILL—Section 201 of the Senate bill is identical to section 4 of the House bill. Section 202 of the Senate bill would amend section 308(d)(1) of title 38, United States Code, by increasing the number of authorized deputy assistant secretaries from 18 to 20.

COMPROMISE AGREEMENT—Sections 6(a) and (b) of the Compromise Agreement would follow identical provisions from both bills. Section 6(c) of the Compromise Agreement would increase the number of deputy assistant secretaries from 18 to 19. The Committees urge the Secretary to examine the deployment of existing deputy assistant secretaries to ensure that the Department is properly staffed with deputy assistant secretaries to fulfill its various functions and missions.

CODIFICATION OF DUTIES OF SECRETARY OF VETERANS AFFAIRS RELATING TO EMERGENCY PREPAREDNESS

CURRENT LAW—Section 154 of Public Law 107–188, the ''Public Health Security and Bioterrorism Preparedness and Response Act of 2002,'' enacted on June 12, 2002, mandated a series of responsibilities for the Secretary of Veterans Affairs related to bioterrorism and other emergency preparedness functions.

HOUSE BILL—The House bill contains no comparable provisions.

SENATE BILL—The Senate bill contains no comparable provisions.

COMPROMISE AGREEMENT—The compromise Agreement is intended to codify authorities related to the Secretary's emergency preparedness duties, enacted in Public Law 107–188 into chapter 81 of title 38, United States Code.

The Compromise Agreement would add a new section 8117 to title 38, United States Code. Proposed section 8117(a) codifies the requirement that the Secretary provide for the readiness of VA medical centers against chemical or biological attacks in order to protect patients and staff and to fulfill other emergency response missions. Proposed section 8117(a)(2) codifies the requirement that these preparations include provision and training in the use of decontamination and personal protection equipment.

Proposed section 8117(b) of title 38, United States Code, would codify the requirement that the Secretary provide for the security of VA medical and research facilities, taking into account the security evaluation required by section 154(b)(1) of Public Law 107–188.

Proposed section 8117(c) of title 38, United States Code, would codify the requirement that the Secretary develop and maintain a centralized system for tracking the location and availability of pharmaceuticals, medical supplies, and medical equipment throughout the VA's health-care system so that these items might be accessed quickly during disasters.

Proposed section 8117(d) of title 38, United States Code, would codify the requirement that the Secretary ensure that VA medical centers, in consultation with affiliated medical schools, take steps to train resident physicians and other health-care personnel in the potential medical consequences of a terrorist attack.

Proposed section 8117(e) of title 38, United States Code, would codify the requirement that the Secretary establish and maintain a training program for VA health-care professionals and their community partners in the NDMS, in accordance with recommendations of the bioterrorism preparedness working group established in title 42, United States Code, and in consultation with the other NDMS Federal partners.

Proposed section 8117(f) of title 38, United States Code, would codify the requirement that the Secretary develop and maintain strategies that would allow VA expert personnel to provide mental health assistance, including counseling and assistance for posttraumatic stress disorder, following a terrorist attack or other public health emergency. Such a strategy would be developed in consultation with the Secretary of Health and Human Services, the American Red Cross and the bioterrorism preparedness working group established in title 42, United States Code. The Secretary would be responsible for training and coordinating VA providers in the treatment of veterans, emergency responders, active-duty military personnel, or others seeking care at a VA medical center.

Madam Speaker, I reserve the balance of my time.

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

I rise in strong support of the Veterans Affairs Emergency Preparedness Act, as amended. After the tragic events of September 11 last year, our chairman, the gentleman from New Jersey (Mr. SMITH), again demonstrated his leadership. Chairman SMITH introduced legislation authorizing an important role for the Department of the VA in our Nation's fight against terrorism. That is the primary purpose of this measure today.

It provides medical care to millions of veterans each year and conducts groundbreaking health care research, and it also provides educational opportunities to many of our Nation's health care providers.

The VA is truly an unparalleled national resource. This legislation provides the structure and the authority for the VA to leverage its expertise to combat terrorism. For the VA to achieve this goal, it must have adequate resources.

Today, the Veterans Affairs does not have enough resources. That is not my judgment, but it is the judgment of the Task Force to Improve Health Care Delivery to Veterans established by President Bush. I call on the President to fully fund the VA. I ask him to provide all funding the VA needs to deliver timely, quality care to our veterans, today and tomorrow; provide the resources the VA needs to combat terrorism. And I thank the chairman once again for his leadership.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. MORAN), the distinguished chairman of the Subcommittee on Health.

Mr. MORAN of Kansas. Madam Speaker, since September 11, our Nation has been made to reevaluate every action we undertake. A year after the attacks on New York and in Washington and the plane crash in Pennsylvania, we are still at a heightened state of alert. What we once considered a safe Nation has now become a people concerned about security. The citizens of America are looking now, more than ever, to Congress and to the President for answers.

The legislation before us, H.R. 3253, would use the assets and expertise of the Department of Veterans Affairs to help protect the people of the United States from terrorists. Our government must be proactive in preparing the United States for future terrorist attacks. As Vice President CHENEY cautioned earlier this year, ''The prospects of a future attack against the United States are almost certain.'' We must respond in a timely, effective and comprehensive manner to protect the American people when an attack occurs. This bill would help do just that.

Under this bill, four geographically separated National Medical Emergency Preparedness centers would be established. Each center would study and work toward solutions to health consequences that arise from exposure to chemical, biological, explosive, and nuclear substances used as weapons of mass destruction.

The VA is prepared to handle this new and important mission. In addition to its medical care mission to care for millions of American veterans, the veterans health care system is the Nation's largest health care provider of graduate medical education and a major contributor to biomedical and other scientific research. Because of this widely dispersed, integrated health care system, the VA can be, and has been in the past, an essential asset in responding to national emergencies.

Not only would the four special centers conduct research and develop methods of detection, diagnosis, prevention, and treatment; but they would also be charged with the dissemination of the latest information to other public and private health care providers, to improve the quality of care for patients who may be exposed to deadly chemicals, radiation, or other terrorist weapons of mass destruction.

This bill would also require the Secretary of Veterans Affairs to carry out a program to develop and disseminate model education and training programs on the medical responses to terrorist activities. The VA's infrastructure, which includes affiliation with over 107 medical schools, and other schools of health professions, would enable current and future medical professionals in this country to be knowledgeable and medically competent in the treatment of casualties from terrorist attacks. Our bill provides the VA a formal role in the national disaster medical system and authorizes the VA to treat first responders, active duty forces, firefighters, police officers and members of the general public that may be victims of terrorism or other mass casualty disasters.

With this bill, the VA health care professionals will be properly armed with information and education on bioterrorism response. Mechanisms will be put in place to study the likely avenues and methods of chemical, biological, and radiological poisoning; and the VA will be part of the rapid response by Federal, State, and local officials in types of emergencies that only a year ago we could scarcely imagine.

H.R. 3253 is a bipartisan and bicameral compromise; and, Madam Speaker, I urge my colleagues to support this effort in America's war on terrorism.

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

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume, and I just want to begin by thanking my very good friend and colleague, the gentleman from Illinois (Mr. EVANS), for his work on this legislation. We have served together on the Committee on Veterans' Affairs for longer than 20 years; and he as been a true advocate for veterans, and on this legislation, like on the others, has been a great friend and ally as we work in tandem to try to bring good, solid pieces of legislation to the floor. So I want to thank the gentleman from Illinois (Mr. EVANS) for that good work.

I want to thank Michael Durishin and Susan Edgerton, who are two of his top staffers, who again worked very, very tirelessly with our own staff here on the majority side; and again, these bills, the details of which are very much worked over and vetted, would not happen without that kind of cooperation. So I do want to thank them as well.

The gentleman from Kansas (Mr. MORAN), who just spoke, and the gentleman from California (Mr. FILNER), the chairman and the ranking member of the Subcommittee on Health, and the gentleman from Indiana (Mr. BUYER) also, the chairman of the Subcommittee on Oversight and Investigations, worked on this legislation as well; and I want to thank them.

I want to thank our own staff, Pat Ryan, Kingston Smith, Jeannie McNally, Peter Dickinson, Kathleen Greve and John Bradley, who all had input into this legislation, and, we have held hearings on it. One of them was one of those day-long hearings. We had four panels. We heard from experts, and again, I think we all were astonished at the lack of response when it came to these capabilities.

As I alluded to earlier in my comments, I thought when I sat in those meetings in Trenton and Hamilton and Mercer County, where there was this befuddled look on the part of very well-meaning experts in the field about what do we do about anthrax, has it been spread through cross-contamination, what are the risks, how often and how long and to whom should Cipro or Doxycycline be administered.

There were a million and one questions and very few answers because those questions had not been considered in advance; and that is what this legislation is all about, to establish centers of excellence that seek to find out, if this kind of event happens, what is prescribed, what is the consequence. Just today in The Washington Times, there was an excellent op-ed piece by a doctor who heads up the emergency room physicians, pointing out that the first responders, as they rush in to help in a situation, smallpox, anthrax, sarin, just name it, will not have a clue what it is they need to do to prepare themselves, to protect themselves and preclude contamination.

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So it is very important that these details be worked out in advance, coordinating with other agencies of the government. The VA has shown in the past it has a unique perspective and an expertise to bring to bear on this.

Madam Speaker, I also thank our Senate colleagues. Senator ROCKEFELLER worked on this and got legislation passed. It was a very cooperative effort. They added some very meaningful language to the bill, so we ended up with a very good hybrid that will go to the President for signature. I also thank Senator SPECTER, the ranking member. In addition, I appreciate the efforts of the Senate staff, Bill Tuerk and Kim Lipsky, David Goetz and Bill Cahill, and I especially thank Julie Fischer, who has been Senator ROCKEFELLER's top aide, who worked with the other side of the aisle to craft a good bill. This bill has been endorsed by the administration. Now we will work on getting this bill signed, implemented, and then we will do oversight on its implementation.

Mr. RODRIGUEZ. Madam Speaker, I rise in support of the amended version of H.R. 3253, the Emergency Preparedness Act. As an original co-sponsor of H.r. 3253, I recognize the significant role the Department of Veterans Affairs (VA) can play in our quest as a nation to restore a sense of security following the horrific events of September 11, 2001 and the subsequent anthrax attacks. This measure would authorize the VA to become a full partner in our defense efforts through the establishment of four ''Medical Emergency Preparedness Centers'' at VA hospitals throughout the nation.

These centers would be charged with conducting medical research, and developing health care responses for chemical, biological, radiological, incendiary and explosive threats to the public. The centers would also provide education, training, and advice to VA and outside doctors, and other health care professionals on how to diagnose and treat illnesses caused by exposure to chemical, biological and radioactive materials. Especially important is the role the proposed centers would play in providing rapid response assistance and other aid to local health care authorities in the event of a national emergency.

This legislation recognizes the critical role the VA can play in our homeland security efforts. The VA operates the nation's largest integrated health care network with over 20,000 health care professionals, 163 medical centers, 800 outpatient clinics, 115 medical research centers, and has affiliations with more than 100 medical schools. Several VA facilities have already initiated efforts to serve our country in this effort. For example, the Audie Murphy Memorial Hospital in San Antonio, has developed relationships and shared teaching and research arrangements with various medical school sin Texas and the county hospital system. Audie Murphy also works closely with several military medical missions with expertise in chemical, biological and radiological hazards.

The collaborative efforts of veterans health care providers, like Audie Murphy Hospital, not only help veterans, but our nation as a whole. Further, it puts the VA in a critical position to attract high level scientists in fields relevant to bio-chemical and radiological threats. I believe that through the development of National Emergency Preparedness Centers, the VA can become an important partner in our nation's homeland defense efforts.

Mr. SMITH of New Jersey. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 526.

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.

NATIONAL CONSTRUCTION SAFETY TEAM ACT

Mr. BOEHLERT. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 4687) to provide for the establishment of investigative teams to assess building performance and the 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.

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 ''National Construction Safety Team Act''.

SEC. 2. NATIONAL CONSTRUCTION SAFETY TEAMS.

(a) ESTABLISHMENT.—The Director of the National Institute of Standards and Technology (in this Act referred to as the ''Director'') is authorized to establish National Construction Safety Teams (in this Act referred to as a ''Team'') for deployment after events causing the failure of a building or buildings that has resulted in substantial loss of life or that posed significant potential for substantial loss of life. To the maximum extent practicable, the Director shall establish and deploy a Team within 48 hours after such an event. The Director shall promptly publish in the Federal Register notice of the establishment of each Team.

(b) PURPOSE OF INVESTIGATION; DUTIES.—

(1) PURPOSE.—The purpose of investigations by Teams is to improve the safety and structural integrity of buildings in the United States.

(2) DUTIES.—A Team shall—

(A) establish the likely technical cause or causes of the building failure;

(B) evaluate the technical aspects of evacuation and emergency response procedures;

(C) recommend, as necessary, specific improvements to building standards, codes, and practices based on the findings made pursuant to subparagraphs (A) and (B); and

(D) recommend any research and other appropriate actions needed to improve the structural safety of buildings, and improve evacuation and emergency response procedures, based on the findings of the investigation.

(c) PROCEDURES.—

(1) DEVELOPMENT.—Not later than 3 months after the date of the enactment of this Act, the Director, in consultation with the United States Fire Administration and other appropriate Federal agencies, shall develop procedures for the establishment and deployment of Teams. The Director shall update such procedures as appropriate. Such procedures shall include provisions—

(A) regarding conflicts of interest related to service on the Team;

(B) defining the circumstances under which the Director will establish and deploy a Team;

(C) prescribing the appropriate size of Teams;

(D) guiding the disclosure of information under section 8;

(E) guiding the conduct of investigations under this Act, including procedures for providing written notice of inspection authority under section 4(a) and for ensuring compliance with any other applicable law;

(F) identifying and prescribing appropriate conditions for the provision by the Director of additional resources and services Teams may need;

(G) to ensure that investigations under this Act do not impede and are coordinated with any search and rescue efforts being undertaken at the site of the building failure;

(H) for regular briefings of the public on the status of the investigative proceedings and findings;

(I) guiding the Teams in moving and preserving evidence as described in section 4 (a)(4), (b)(2), and (d)(4);

(J) providing for coordination with Federal, State, and local entities that may sponsor research or investigations of building failures, including research conducted under the Earthquake Hazards Reduction Act of 1977; and

(K) regarding such other issues as the Director considers appropriate.

(2) PUBLICATION.—The Director shall publish promptly in the Federal Register final procedures, and subsequent updates thereof, developed under paragraph (1).

SEC. 3. COMPOSITION OF TEAMS.

Each Team shall be composed of individuals selected by the Director and led by an individual designated by the Director. Team members shall include at least 1 employee of the National Institute of Standards and Technology and shall include other experts who are not employees of the National Institute of Standards and Technology, who may include private sector experts, university experts, representatives of professional organizations with appropriate expertise, and appropriate Federal, State, or local officials. Team members who are not Federal employees shall be considered Federal Government contractors.

SEC. 4. AUTHORITIES.

(a) ENTRY AND INSPECTION.—In investigating a building failure under this Act, members of a Team, and any other person authorized by the Director to support a Team, on display of appropriate credentials provided by the Director and written notice of inspection authority, may—

(1) enter property where a building failure being investigated has occurred, or where building components, materials, and artifacts with respect to the building failure are located, and take action necessary, appropriate, and reasonable in light of the nature of the property to be inspected to carry out the duties of the Team under section 2(b)(2) (A) and (B);

(2) during reasonable hours, inspect any record (including any design, construction, or maintenance record), process, or facility related to the investigation;

(3) inspect and test any building components, materials, and artifacts related to the building failure; and

(4) move such records, components, materials, and artifacts as provided by the procedures developed under section 2(c)(1).

(b) AVOIDING UNNECESSARY INTERFERENCE AND PRESERVING EVIDENCE.—An inspection, test, or other action taken by a Team under this section shall be conducted in a way that—

(1) does not interfere unnecessarily with services provided by the owner or operator of the building components, materials, or artifacts, property, records, process, or facility; and

(2) to the maximum extent feasible, preserves evidence related to the building failure, consistent with the ongoing needs of the investigation.

(c) COORDINATION.—

(1) WITH SEARCH AND RESCUE EFFORTS.—A Team shall not impede, and shall coordinate its investigation with, any search and rescue efforts being undertaken at the site of the building failure.

(2) WITH OTHER RESEARCH.—A Team shall coordinate its investigation, to the extent practicable, with qualified researchers who are conducting engineering or scientific (including social science) research relating to the building failure.

(3) MEMORANDA OF UNDERSTANDING.—The National Institute of Standards and Technology shall enter into a memorandum of understanding with each Federal agency that may conduct or sponsor a related investigation, providing for coordination of investigations.

(4) WITH STATE AND LOCAL AUTHORITIES.—A Team shall cooperate with State and local authorities carrying out any activities related to a Team's investigation.

(d) INTERAGENCY PRIORITIES.—

(1) IN GENERAL.—Except as provided in paragraph (2) or (3), a Team investigation shall have priority over any other investigation of any other Federal agency.

(2) NATIONAL TRANSPORTATION SAFETY BOARD.—If the National Transportation Safety Board is conducting an investigation related to an investigation of a Team, the National Transportation Safety Board investigation shall have priority over the Team investigation. Such priority shall not otherwise affect the authority of the Team to continue its investigation under this Act.

(3) CRIMINAL ACTS.—If the Attorney General, in consultation with the Director, determines, and notifies the Director, that circumstances reasonably indicate that the building failure being investigated by a Team may have been caused by a criminal act, the Team shall relinquish investigative priority to the appropriate law enforcement agency. The relinquishment of investigative priority by the Team shall not otherwise affect the authority of the Team to continue its investigation under this Act.

(4) PRESERVATION OF EVIDENCE.—If a Federal law enforcement agency suspects and notifies the Director that a building failure being investigated by a Team under this Act may have been caused by a criminal act, the Team, in consultation with the Federal law enforcement agency, shall take necessary actions to ensure that evidence of the criminal act is preserved.

SEC. 5. BRIEFINGS, HEARINGS, WITNESSES, AND SUBPOENAS.

(a) GENERAL AUTHORITY.—The Director or his designee, on behalf of a Team, may conduct hearings, administer oaths, and require, by subpoena (pursuant to subsection (e)) and otherwise, necessary witnesses and evidence as necessary to carry out this Act.

(b) BRIEFINGS.—The Director or his designee (who may be the leader or a member of a Team), on behalf of a Team, shall hold regular public briefings on the status of investigative proceedings and findings, including a final briefing after the report required by section 8 is issued.

(c) PUBLIC HEARINGS.—During the course of an investigation by a Team, the National Institute of Standards and Technology may, if the Director considers it to be in the public interest, hold a public hearing for the purposes of—

(1) gathering testimony from witnesses; and

(2) informing the public on the progress of the investigation.

(d) PRODUCTION OF WITNESSES.—A witness or evidence in an investigation under this Act may be summoned or required to be produced from any place in the United States. A witness summoned under this subsection is entitled to the same fee and mileage the witness would have been paid in a court of the United States.

(e) ISSUANCE OF SUBPOENAS.—A subpoena shall be issued only under the signature of the Director but may be served by any person designated by the Director.

(f) FAILURE TO OBEY SUBPOENA.—If a person disobeys a subpoena issued by the Director under this Act, the Attorney General, acting on behalf of the Director, may bring a civil action in a district court of the United States to enforce the subpoena. An action under this subsection may be brought in the judicial district in which the person against whom the action is brought resides, is found, or does business. The court may punish a failure to obey an order of the court to comply with the subpoena as a contempt of court.

SEC. 6. ADDITIONAL POWERS.

In order to support Teams in carrying out this Act, the Director may—

(1) procure the temporary or intermittent services of experts or consultants under section 3109 of title 5, United States Code;

(2) request the use, when appropriate, of available services, equipment, personnel, and facilities of a department, agency, or instrumentality of the United States Government on a reimbursable or other basis;

(3) confer with employees and request the use of services, records, and facilities of State and local governmental authorities;

(4) accept voluntary and uncompensated services;

(5) accept and use gifts of money and other property, to the extent provided in advance in appropriations Acts;

(6) make contracts with nonprofit entities to carry out studies related to purpose, functions, and authorities of the Teams; and

(7) provide nongovernmental members of the Team reasonable compensation for time spent carrying out activities under this Act.

SEC. 7. DISCLOSURE OF INFORMATION.

(a) GENERAL RULE.—Except as otherwise provided in this section, a copy of a record, information, or investigation submitted or received by a Team shall be made available to the public on request and at reasonable cost.

(b) EXCEPTIONS.—Subsection (a) does not require the release of—

(1) information described by section 552(b) of title 5, United States Code, or protected from disclosure by any other law of the United States; or

(2) information described in subsection (a) by the National Institute of Standards and Technology or by a Team until the report required by section 8 is issued.

(c) PROTECTION OF VOLUNTARY SUBMISSION OF INFORMATION.—Notwithstanding any other provision of law, a Team, the National Institute of Standards and Technology, and any agency receiving information from a Team or the National Institute of Standards and Technology, shall not disclose voluntarily provided safety-related information if that information is not directly related to the building failure being investigated and the Director finds that the disclosure of the information would inhibit the voluntary provision of that type of information.

(d) PUBLIC SAFETY INFORMATION.—A Team and the National Institute of Standards and Technology shall not publicly release any information it receives in the course of an investigation under this Act if the Director finds that the disclosure of that information might jeopardize public safety.

SEC. 8. NATIONAL CONSTRUCTION SAFETY TEAM REPORT.

Not later than 90 days after completing an investigation, a Team shall issue a public report which includes—

(1) an analysis of the likely technical cause or causes of the building failure investigated;

(2) any technical recommendations for changes to or the establishment of evacuation and emergency response procedures;

(3) any recommended specific improvements to building standards, codes, and practices; and

(4) recommendations for research and other appropriate actions needed to help prevent future building failures.

SEC. 9. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACTIONS.

After the issuance of a public report under section 8, the National Institute of Standards and Technology shall comprehensively review the report and, working with the United States Fire Administration and other appropriate Federal and non-Federal agencies and organizations—

(1) conduct, or enable or encourage the conducting of, appropriate research recommended by the Team; and

(2) promote (consistent with existing procedures for the establishment of building standards, codes, and practices) the appropriate adoption by the Federal Government, and encourage the appropriate adoption by other agencies and organizations, of the recommendations of the Team with respect to—

(A) technical aspects of evacuation and emergency response procedures;

(B) specific improvements to building standards, codes, and practices; and

(C) other actions needed to help prevent future building failures.

SEC. 10. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ANNUAL REPORT.

Not later than February 15 of each year, the Director shall transmit to the Committee on Science of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report that includes—

(1) a summary of the investigations conducted by Teams during the prior fiscal year;

(2) a summary of recommendations made by the Teams in reports issued under section 8 during the prior fiscal year and a description of the extent to which those recommendations have been implemented; and

(3) a description of the actions taken to improve building safety and structural integrity by the National Institute of Standards and Technology during the prior fiscal year in response to reports issued under section 8.

SEC. 11. ADVISORY COMMITTEE.

(a) ESTABLISHMENT AND FUNCTIONS.—The Director, in consultation with the United States Fire Administration and other appropriate Federal agencies, shall establish an advisory committee to advise the Director on carrying out this Act and to review the procedures developed under section 2(c)(1) and the reports issued under section 8.

(b) ANNUAL REPORT.—On January 1 of each year, the advisory committee shall transmit to the Committee on Science of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report that includes—

(1) an evaluation of Team activities, along with recommendations to improve the operation and effectiveness of Teams; and

(2) an assessment of the implementation of the recommendations of Teams and of the advisory committee.

(c) DURATION OF ADVISORY COMMITTEE.—Section 14 of the Federal Advisory Committee Act shall not apply to the advisory committee established under this section.

SEC. 12. ADDITIONAL APPLICABILITY.

The authorities and restrictions applicable under this Act to the Director and to Teams shall apply to the activities of the National Institute of Standards and Technology in response to the attacks of September 11, 2001.

SEC. 13. AMENDMENT.

Section 7 of the National Bureau of Standards Authorization Act for Fiscal Year 1986 (15 U.S.C. 281a) is amended by inserting ''', or from an investigation under the National Construction Safety Team Act,'' after ''from such investigation''.

SEC. 14. CONSTRUCTION.

Nothing in this Act shall be construed to confer any authority on the National Institute of Standards and Technology to require the adoption of building standards, codes, or practices.

SEC. 15. AUTHORIZATION OF APPROPRIATIONS.

The National Institute of Standards and Technology is authorized to use funds otherwise authorized by law to carry out this Act.

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

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

GENERAL LEAVE

Mr. BOEHLERT. Madam 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. 4687.

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

There was no objection.

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

Madam Speaker, I am honored to bring this bill back to the House so we can pass it and send it on to the President for his signature. Last week the Members of the House, like citizens throughout our Nation, set aside time to remember the events and heroes and victims of last September 11. We re-experienced the shock and horror of that day, and we gave thanks for our liberties and the way our Nation spontaneously came together to provide emergency, emotional and financial support to those people and places that needed it.

But that is not enough. Our responses to September 11 cannot be limited to sentiment. We have to learn from what happened that day, and apply those lessons. Most of the lessons, of course, relate to foreign policy and domestic security, and it is often difficult to discern exactly what those lessons ought to be once one goes beyond enhanced vigilance, but there are also lessons related to building safety, and at least the immediate lessons in that area are crystal clear.

The collapse of the Twin Towers, and especially the emergency response and evacuation procedures in response to the attack on the Towers, indicates that we need to know more about skyscraper safety. The government study that followed the collapse showed that we need to have better procedures in place to study building failures, from whatever cause, if we are going to save lives in the future.

The attack on the World Trade Center is, we hope, unique. But the collapse of those two seemingly immovable objects has lessons for a wide variety of buildings facing a wide variety of relatively common circumstances.

H.R. 4687, which I introduced along with the gentleman from New York (Mr. WEINER), will ensure that we are able to learn and apply those lessons, not only in the case of the World Trade Center, but in future cases as well.

The bill simply and precisely remedies each and every failing that hindered the investigation of the World Trade Center collapse. The bill gives clear responsibility and authority, including subpoena power, to the National Institute of Standards and Technology to use its longstanding expertise, and that of outside experts, to investigate failures of structures and evacuation procedures, and to make specific recommendations to prevent their recurrence. The bill ensures that NIST's response will be swift and thorough.

This bill has already passed the House overwhelmingly, and we have negotiated clarifying changes with the Senate. The bill is ready for the President, and it will be a fitting memorial to those who perished last year at this time.

Madam Speaker, I thank the families of those who died at the Trade Center, especially those who have formed the Skyscraper Safety Campaign, for all their hard work in helping to bring this measure to fruition. We are working together to ensure that no other families will ever have to experience their particular pain.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I want to add a couple of points of explanation to what the gentleman from New York (Mr. BOEHLERT) has said.

First of all, it is clear that no one in this body, no one on the Committee on Science, no one could have anticipated that dreadful act, that shameful act of cowardice that led to the collapse of the World Trade Center. In fact, nothing that we do today should negate the fact that the way those buildings were built, with such strength and such great craftsmanship, they stood for over an hour, even after they were hit with the most horrific forces any building has had to withstand. What is the result, today over 25,000 families are together with their surviving member because they were able to get out alive. It was the largest urban rescue in history, and it would not have been possible had it not been for the fortitude of those buildings.

But we also would be remiss if we did not recognize that the investigation that ensued after the September 11 building collapse was a disaster. There was miscommunication between different agencies. There was infighting with agencies. To give Members an idea, 80 percent of the steel from those buildings was taken away and recycled before any expert could take a look at them to try to determine if there were flaws that could be avoided in the future.

The electrical switches that could have provided so many telltale signs for investigators were taken away. There were even fights over whether investigators had the right to see the blueprints to the building. In fact, the way I put it, it was a crime scene, and not only was there no smoking gun found, but there was no weapon found. In truth, there was not even a detective assigned to the case. That is what we are trying to address today.

I should point out this is not just idle Monday morning quarterbacking. There are real things that we will be able to learn from this investigation and others to come, although we all hope that this agency is never used. We could learn things that we learned already in the preliminary investigation of the World Trade Center, that perhaps having exit stairwells so close together makes it possible that they can all be knocked out through one horrific event, such as happened in Tower One where three of the stairwells were completely knocked out, preventing egress to the top.

We can learn something that hopefully we would have learned in the 1993 bombing of the World Trade Center, that we need to hard-wire repeaters into these buildings. Repeaters allow firefighters on the ground to talk to firefighters almost a quarter of a mile up without interference on the radio. The most haunting thing that came from so many of the revelations that we have seen since September 11 is that firefighters, the most heroic imaginable, were climbing the stairs up, not hearing the calls from their comrades below that it was time to evacuate. Mayday calls that should have been assigned to firefighters to get out were never heard by the firefighters because the hard-wiring in the building was not sufficient to install repeaters.

Finally, we may need to learn something about roof access to these buildings. Who knows what might have been possible. We know that hundreds of people perished that day because they went up to the roof seeking a way out. As a matter of fact, early on there were reports that some of the dispatchers who were getting the calls were advising people to do that, all of the things we may learn for future investigations.

But there is one other fact we must not forget, and the gentleman from New York (Mr. BOEHLERT) pointed it out, that this bill would not have happened, simply put, would not have happened had it not been for families of victims and interested Americans coming to us and saying in the midst of all of the difficult things that we have to do as a Congress and efforts to secure our homeland, let us not forget that we need to do an investigation about why those buildings came down.

Frankly, it was the impetus of the Skyscraper Safety Campaign that made this bill a reality. It would not have become a reality had the gentleman from New York (Mr. BOEHLERT) not taken it up, and not taken it up with such dignity and speed, and his staff had not been so proficient in doing it, including Mike Quear on our side of the aisle, Geoffrey Hockert and Lamar Robertson on my staff. Frankly, the gentleman from New York (Mr. BOEHLERT) has shown us the way to get this stuff done. Many of us are standing here after September 11 and wondering why so many of the obvious things are taking longer than we thought. Perhaps if the gentleman from New York (Chairman BOEHLERT) was the chairman of all of the committees, and I am not sure that I would wish that on the gentleman, but perhaps it would move quicker.

Secondly, it is undeniably a fact that if we did not have the NTSB as a model, this would have taken a lot longer. The NTSB has shown us the way in the way that they investigate airline crashes, the way they sequester information, and take control of a scene as if it were a crime scene. They always get their man. They have virtually 100 percent success rate of coming to conclusions about why planes crash. We use that as a model to help this bill.

Madam Speaker, I strongly urge the President to give this the attention it deserves by having a ceremony when he signs this bill. I thank Senator SCHUMER and Senator CLINTON for being so expeditious in their consideration. This is legislation that hopefully we will never see put into place. There should never again be, God willing, the type of catastrophic building collapse as we saw in New York on the morning of September 11; but if there is, we should learn from it. And, as importantly, we hope with this legislation we give the tools to investigators to learn everything possible to learn about the causes of the September 11 collapse.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, the gentleman from New York (Mr. WEINER) points out something very important. We get things done in this institution by working on a bipartisan basis. We get things done in this Congress by working on a bicameral basis. That is why we have succeeded in getting to this point.

Madam Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS), someone who has been very instrumental in fashioning this bill and bringing us to the point where we are right now.

Mr. SHAYS. Madam Speaker, I thank the gentleman from New York (Mr. BOEHLERT) and the gentleman from New York (Mr. WEINER) for this legislation, for their perseverance, and for listening to their constituents and the people who suffered from September 11 who helped design this bill.

When we had the first hearing on H.R. 4687, the National Construction Safety Team Act, I thought, ''what am I really going to learn.'' Two large airplanes filled with fuel crashed into two buildings, and the buildings came down; end of story.

Well, as soon as the hearing began, I learned there was so much more to the story. First, who was in charge. What happened to the evidence, not like it was a crime, this was a terrorist act, but what happened to the materials that would help us understand how these buildings collapsed and how it might have been prevented.

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As others have pointed out, where the location of the stairs were. I have a constituent who spoke to her loved one, her husband, for almost an hour as he went to the top of the building, went down to the fire, tried to find a way to get out, asked for her help as she looked at the building on the cameras, on the TV, to see if she saw any opportunity. That was the last time she spoke with her husband, trying to help him deal with this catastrophe.

We have a good model in the NTSB. We know that we have the ability when there are airplane crashes to look at the NTSB and see what they do. They take control. They have subpoena power. They have the ability to look at every aspect of the disaster, the people involved, what they did, what they did not do, the materials involved, what happened. With this legislation, NIST has the same authority, with all the

same powers. When there is a major catastrophe, when there is loss of life, they are going to step in.

I was particularly intrigued by the fact that not only were we talking about these two incredibly large buildings, but we are talking about a 40-story building that caught on fire and there was no way to put that fire out, no water, no ability to put it out, so it was allowed to burn for nearly 7 hours, this 40-story structure. Think of all that we could have learned about building material. Think what we will learn in the future and just think of how important it is for those who have lost loved ones to know that there is an organization like NIST that will take charge just like the NTSB takes charge in the disaster of an air flight. We are at war with terrorists. They are going to use conventional, biological, and possibly chemical weapons. Heaven forbid that they will someday have access to nuclear weapons and try to use them. We know that we cannot always prevent a disaster, but when there is one, we need to learn from it.

Again, I want to just thank both the chairman of the Committee on Science, who has brought science to the discovery of why things happen, and the gentleman from New York (Mr. WEINER) for his incredible help. I appreciate the work of both of them.

Mr. BOEHLERT. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. GRUCCI) who has been there right from the beginning, at every hearing, meeting with the skyscraper safety campaign committee, meeting with the professional staff, working very hard to produce the product that we are proud to present to the House today.

Mr. GRUCCI. Madam Speaker, I would first like to take a moment to thank the gentleman from New York (Mr. BOEHLERT) and the gentleman from New York (Mr. WEINER) for their steadfast leadership and my colleagues on the Committee on Science for working together on this incredibly important piece of legislation. The tragedy of September 11 was one that no one could ever predict or even fathom. The extent to which our Nation was affected may never be completely understood. America sat with fear and awe, our eyes captivated by the sight of these once great majestic towers, reduced to a pile of smoldering ruins. But as the hallowed ground of lower Manhattan is cleared of the rubble and America attempts to heal from the horror of September 11, we continue to work together to find what answers we can muster from this tragedy and ask the critically important questions to find out how these towers failed.

Madam Speaker, my congressional district lies just 45 miles from what is now known as Ground Zero. My constituents were some of the first responders, opening up their emergency rooms and volunteering their rescue services to help the mothers and fathers, brothers and sisters, friends and even strangers, all that were trapped in that rubble in the World Trade Center on the morning of September 11.

This legislation, the National Construction Safety Team Act, will give the National Institute of Standards and Technology clear authority and responsibility as well as the necessary legal tools to investigate building failures. Other Federal agencies, such as the National Transportation Safety Board, have the authority to obtain evidence and investigate transportation calamities. In the collapse at Ground Zero, there was no clear mandate to what Federal agency would lead an investigation into the building's failure. This confusion can never happen again.

H.R. 4687 clarifies the process and makes certain that NIST has the authority to study building collapses. It is crucial that we extend this authority to building engineers and protect all Americans from future danger or tragedy. I am proud to be an original cosponsor of this legislation and place my full support behind the bill. I urge my colleagues to join me once again in supporting final passage of this critical legislation before the close of the 107th Congress.

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

I just want to make one concluding thought. One of the things that has been suggested in some quarters, and we are having a great deal of discussion in New York about how to redevelop lower Manhattan is, ''Well, maybe we shouldn't build big buildings anymore.'' I think this legislation is a recognition of just the opposite. Big buildings have always been, as E.B. White described it, built out of our desire to reach for the heavens. In New York City, frankly, we do not have big wide open spaces, so we are not going to build out to the sides. We are going to be building high-rise.

There is another absolute fact I can say going forward: We are always going to have firefighters who are going to run into those buildings to save people on the high floors. Those are two almost immutable facts of life in New York and probably in the United States of America.

This legislation is a sign that we are not retreating from that idea. What we are doing is trying to learn from our experiences, to try to make both the people who work in those buildings, firefighters and emergency workers who may someday, God forbid, have to rush into those buildings, make them both safer. But let no one see this legislation being passed and say, well, we are getting a little bit weak in the knees about whether or not we should be living up to our greatest ambitions as Americans and as New Yorkers. Neither one is true. In fact, this is recognition that we are going to be building big buildings, we are going to be making them safer, we are going to be making them such that emergency workers can get in and out of them with ease and make them, frankly, never terror-proof, they are never going to be earthquake-proof, they are never going to be bomb-proof, but we are going to try to learn the tragic lessons of September 11. That should be the legacy of those 2,801 people that were lost that day.

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

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

Our unending quest must be to fill gaps in our knowledge base. With this legislation, we are doing just that. This is a proud moment for the House. I want to thank particularly the gentleman from New York (Mr. WEINER) but also others who cannot be here today because of conflicts. The gentleman from New York (Mr. ISRAEL) was very helpful. The gentlewoman from Maryland (Mrs. MORELLA) was there right from the beginning and worked very hard.

I want to comment on the high degree of professionalism of the staff on the Committee on Science. On our side, Cameron Wilson and Diane Jones and Dr. John Mimikakis and our staff director David Goldston. But it was not just a Republican staff and a Republican bill or a Democrat staff and a Democrat bill. This is a bill for America developed by concerned Americans who want to protect us as much as humanly possible for the future.

Mrs. MORELLA. Madam Speaker, I rise today in strong support of H.R. 4687, The National Construction Safety Team Act of 2002. I want to thank Chairman BOEHLERT for his outstanding leadership on this legislation, and for helping to bring this important issue to our attention. This bill has been strongly supported here in Congress, and also by the Administration.

We are all imminently aware of the tremendous challenges America faced on September 11. In an effort to find answers to some of our questions, the Science Committee heard disturbing testimony about the investigations into the reasons for the catastrophic building failure at the World Trade Center. As a result of that testimony, we have learned that there was no federal agency with clear authority over the investigation. This bill helps remedy that problem by giving the construction safety teams and the National Institute of Standards and Technology comprehensive investigation authorities similar to those of the National Transportation Safety Board. We are firmly establishing who is in charge of future investigations with clear mandates for action, without impeding search and rescue operations. The legislation will allow the teams to carry out critical functions such as: accessing the site of a build disaster, accessing key building records and documents, and retrieving and preserving evidence. We have also learned through testimony that the public was often kept in the dark, leading to confusion and resentment among victims and families. This bill establishes clear lines of communication, ensuring that the public will be informed throughout the investigation, with regular briefings and public hearings.

Additionally, we are supporting much needed research by NIST into the technical causes

of the World Trade Center collapse, and other fire safety issues, in an attempt to provide the necessary research for future building safety codes. NIST is the premier federal laboratory for research in building design and safety, and is uniquely positioned to fully understand the World Trade Center disaster and thereby prevent future collapses.

While I applaud my colleagues for their efforts on moving this important bill, I also caution them that our work may not be done. As the investigations continue, NIST may uncover more questions about the deficiencies of our building designs. They may also discover gaps in our knowledge. New studies and new facilities may be necessary to fill these voids, and thereby may require a new commitment from us. Passage of H.R. 4687 is a very important step toward greater knowledge and better understanding of the events that changed all our lives. I urge your support of this legislation.

Ms. JACKSON-LEE of Texas. Madam Speaker, I strongly support H.R. 4687, The National Construction Safety Team Act of 2002. I am pleased with the outcome of our work on the Science Committee in addressing in a timely fashion, a problem highlighted in the wake of the events of last 9/11. In just a year we already have before us a piece of legislation that will greatly enhance the safety of the next generation of buildings, and save many lives.

Every experience, no matter how horrific, presents an opportunity to learn. Many lives were lost last year, the two moments that jets crashed into the World Trade Center Buildings 1 and 2. However, much of the devastation occurred over the next hour, as people became trapped in the building, exposed to fire and smoke, and eventually as the buildings collapsed. Although, our first responders made heroic efforts, and did an excellent job at rising to the challenge of this unprecedented attack—there is always room for improvement. Also, although the World Trade Center was an architectural marvel, perhaps there were design changes that could have been incorporated that would have saved lives.

Even as the healing is taking place, we must look back carefully and objectively at the events that took place, and look forward to implement plans which might prevent such catastrophic loss from occurring again.

The National Construction Safety Team Act gives responsibility to the National Institute of Standards and Technology (NIST) to dispatch teams of experts within 48 hours after major building disasters. The team will determine the likely technical cause of building failures. They will also evaluate procedures used for evacuation and emergency responses. Then, the team will recommend specific changes to building codes, standards and practices, and to emergency response and evacuation procedures. The team will make regular briefings to the public during ongoing investigations, to keep the public apprised of developments. Implementation of the final recommendations will make our nation's buildings safer and people more secure.

The bill strikes an excellent balance between allowing the team to be efficient and effective—to access the site, subpoena evidence, etc.—and the need to stay out of the way of search and rescue attempts that may also be ongoing.

Obviously, the first implementation of this bill would be a comprehensive review of the World Trade Center collapse. NIST has already started its follow-on investigation, with $16 million transferred from FEMA. This bill (H.R. 4687) will provide NIST with the ability to subpoena data, if necessary, to augment its current investigation. The citizens of New York deserve such a deep and thoughtful approach.

But this bill is not only a ''World Trade Center Bill.'' Teams will be organized and prepared to respond within 48 hours of any major building failure that involves significant loss of lives, or the danger of such loss. I hope that such a system could also help us learn from, and better prepare for natural disasters as we saw in Houston during Tropical Storm Allison in 2001. Flooding led to the destruction of thousands of homes and buildings, and the loss of 41 lives nationwide. Hospitals, such as that at Baylor College of Medicine, suffered millions of dollars in damages, setting research back years.

One young woman who died in Houston, Kristie Tautenhahn, was in a building that was rapidly flooding. A voice came over the intercom, informing employees that the underground garage was filling up with water, and people should go down and move their cars. Kristie, a 42-year old proofreader in a law firm got trapped in an elevator on her way down to the garage, and drowned soon after.

Tragic events, like the death of Ms. Tautenhahn or the flood damage of Baylor probably would not trigger the kind of investigations that this bill provides for. However, it seems that the work of investigative teams created by this bill, could provide valuable information which may bring about smarter building codes, to prevent such failures, and better strategies of getting the appropriate warnings and evacuation information to potential victims of disaster.

H.R. 4687 is a great strike toward a more comprehensive national strategy for predicting, preventing, and mitigating damage due to disasters of all sorts. It is a proactive, preemptive type strategy that could save lives and money. I am pleased with the Science Committee's leadership on such issues. It compliments well other legislation emerging from the Science Committee, such as the Inland Flooding Bill that I worked on with my colleague from North Carolina BOB ETHERIDGE, which will help predict and prevent damage from cyclone-related flooding. We are turning away from just putting out fires, and toward understanding our vulnerabilities, and trying prevention. It is the right way to go.

I urge my colleagues to support the National Construction Safety Team Act 2002.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from New York (Mr. BOEHLERT) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 4687.

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.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 3 o'clock and 38 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DUNCAN) at 6 o'clock and 30 minutes p.m.

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 each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H. Con. Res. 435, by the yeas and nays;

H. R. 4102, by the yeas and nays; and

H.R. 5333, by the yeas and nays.

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

CANDACE NEWMAKER RESOLUTION OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 435.

The Clerk read the title of the concurrent resolution.

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. 435, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 397, nays 0, not voting 35, as follows:

[Roll No. 388]

YEAS—397

Abercrombie	Biggert	Camp
Ackerman	Bilirakis	Cannon
Aderholt	Bishop	Cantor
Akin	Blumenauer	Capito
Allen	Blunt	Capps
Andrews	Boehlert	Capuano
Armey	Boehner	Cardin
Baca	Bonilla	Carson (IN)
Bachus	Bonior	Carson (OK)
Baker	Bono	Castle
Baldacci	Boozman	Chabot
Baldwin	Borski	Chambliss
Ballenger	Boswell	Clay
Barcia	Boucher	Clayton
Barrett	Boyd	Clement
Bartlett	Brady (PA)	Clyburn
Barton	Brady (TX)	Coble
Bass	Brown (OH)	Condit
Becerra	Brown (SC)	Conyers
Bentsen	Bryant	Cooksey
Bereuter	Burton	Costello
Berkley	Buyer	Cox
Berman	Callahan	Coyne
Berry	Calvert	Cramer

Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
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
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—35

Baird
Barr
Blagojevich
Brown (FL)
Burr
Collins
Combest
Davis (FL)
DeLay
Dooley
Ehrlich
Ganske
Gekas
Hansen
Hilleary
Hulshof
LaTourette
Lipinski
Lynch
Mascara
McKinney
Miller, George
Mink
Nadler
Nethercutt
Ney
Phelps
Riley
Roukema
Royce
Schaffer
Stark
Stump
Watson (CA)
Watts (OK)

□ 1853

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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DUNCAN). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each motion to suspend the rules on which the Chair has postponed further proceedings.

ROLLAN D. MELTON POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4102.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 4102, 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 398, nays 0, not voting 34, as follows:

[Roll No. 389]

YEAS—398

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
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
Riley
Rivers
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Sessions
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
Stearns
Stenholm
Strickland
Stupak
Sullivan

Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—34

Baird
Barr
Blagojevich
Brown (FL)
Burr
Collins
Combest
DeLay
Dooley
Ehrlich
Ganske
Gekas
Hansen
Hilleary
Hulshof
LaTourette
Lipinski
Lynch
Mascara
McKinney
Miller, George
Mink
Nadler
Nethercutt
Pelosi
Phelps
Roemer
Roukema
Schaffer
Serrano
Stark
Stump
Watson (CA)
Watts (OK)

□ 1902

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

JOSEPH D. EARLY POST OFFICE BUILDING

The SPEAKER pro tempore (Mr. DUNCAN). The pending business is the question of suspending the rules and passing the bill, H.R. 5333.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 5333, 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 397, nays 0, not voting 35, as follows:

[Roll No. 390]

YEAS—397

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
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Hefley
Herger
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Hilliard
Hinchey
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Hobson
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Holden
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Hooley
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Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
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
Riley
Rivers
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—35

Baird
Barr
Blagojevich
Brown (FL)
Burr
Collins
Combest
Cummings
DeLay
Dooley
Doyle
Ehrlich
Ganske
Hansen
Hilleary
Hulshof
John
LaTourette
Lipinski
Lynch
Mascara
McKinney
Miller, George
Mink
Nadler
Nethercutt
Pelosi
Phelps
Roemer
Roukema
Schaffer
Stark
Stump
Watson (CA)
Watts (OK)

□ 1910

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ROEMER. Mr. Speaker, I regret that as a result of an important, previously scheduled personal commitment, I was not able to be present in the House of Representatives to cast two votes on Tuesday, September 17, 2002. Had I been present in the chamber, I would have voted "yea on rollcall No. 389 on H.R. 4102—The Rollan D. Melton Post Office Designation Act, and "yea" on rollcall No. 390 on H.R. 5333—The Joseph D. Early Post Office Designation Act.

PERSONAL EXPLANATION

Mr. WATTS of Oklahoma. Mr. Speaker, I was unavoidably detained in my district and missed Recorded Votes on Tuesday, September 17, 2002. I would like the RECORD to reflect that, had I been present, I would have cast the following votes: on Passage of H. Con. Res. 435, I would have voted "yea"; on Passage of H.R. 4102, I would have voted "yea"; on Passage of H.R. 5333, I would have voted "yea".

MESSAGE FROM THE PRESIDENT

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

MAKING IN ORDER MOTIONS TO SUSPEND THE RULES ON WEDNESDAY, SEPTEMBER 18, 2002

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that it be in order at any time on the legislative day of Wednesday, September 18, 2002, for the Speaker to entertain motions that the House suspend the rules relating to the following measures: H. Res. 523 and H. Con. Res. 337.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 524, SENSE OF HOUSE THAT CONGRESS SHOULD COMPLETE ACTION ON PERMANENT DEATH TAX REPEAL ACT OF 2002, AND HOUSE RESOLUTION 525, SENSE OF HOUSE THAT CONGRESS SHOULD COMPLETE ACTION ON LEGISLATION EXTENDING AND STRENGTHENING SUCCESSFUL 1996 WELFARE REFORMS

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 107–660) on the resolution (H. Res. 527) providing for consideration of the resolution (H. Res. 524) expressing the sense of the House that Congress should complete action on the Permanent Death Tax Repeal Act of 2002, and for consideration of the resolution (H. Res. 525) expressing the sense of the House of Representatives that the 107th Congress should complete action on and present to the President, before September 30, 2002, legislation extending and strengthening the successful 1996 welfare reforms, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1701, CONSUMER RENTAL PURCHASE AGREEMENT ACT

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 107–661) on the resolution (H. Res. 528) providing for consideration of the bill (H.R. 1701) to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 3295, HELP AMERICA VOTE ACT OF 2001

Ms. WATERS. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 3295 tomorrow.

The form of the motion is as follows:

Ms. WATERS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 3295 be instructed to take such actions as may be appropriate to ensure that a conference report is filed on the bill prior to October 1, 2002.

□ 1915

AUTHORIZING USE OF CAPITOL ROTUNDA TO PRESENT CONGRESSIONAL GOLD MEDAL TO GENERAL HENRY H. SHELTON

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 469) authorizing the Rotunda of the Capitol to be used on September 19, 2002, for a ceremony to present the Congressional Gold Medal to General Henry H. Shelton (USA, Ret.), and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 469

Resolved by the House of Representatives (the Senate concurring), That the Rotunda of the Capitol is authorized to be used on September 19, 2002, for a ceremony to present the Congressional Gold Medal to General Henry H. Shelton (USA, Ret.). Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EHLERS. 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. 469.

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

There was no objection.

COMMUNICATION FROM STAFF DIRECTOR AND CHIEF COUNSEL, SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES, COMMITTEE ON GOVERNMENT REFORM

The SPEAKER pro tempore laid before the House the following communication from Christopher Donesa, Staff Director and Chief Counsel, Subcommittee on Criminal Justice, Drug Policy and Human Resources, Committee on Government Reform:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, September 10, 2002.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony before a general court martial of the United States.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

CHRISTOPHER DONESA,
Staff Director and Chief Counsel, Subcommittee on Criminal Justice, Drug Policy and Human Resources.

COMMUNICATION FROM PROFESSIONAL STAFF MEMBER, SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES, COMMITTEE ON GOVERNMENT REFORM

The SPEAKER pro tempore laid before the House the following communication from Kevin Long, Professional Staff Member, Subcommittee on Criminal Justice, Drug Policy and Human Resources, Committee on Government Reform:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, September 10, 2002.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony before a general court martial of the United States.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

KEVIN LONG,
Professional Staff Member.

COMMUNICATION FROM PROFESSIONAL STAFF MEMBER, SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES, COMMITTEE ON GOVERNMENT REFORM

The SPEAKER pro tempore laid before the House the following communication from Scott Feeney, Professional Staff Member, Subcommittee on Criminal Justice, Drug Policy and Human Resources, Committee on Government Reform:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 10, 2002.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony before a general court martial of the United States.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

SCOTT FEENEY,
Professional Staff Member.

COMMUNICATION FROM MINORITY COUNSEL, SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES, COMMITTEE ON GOVERNMENT REFORM

The SPEAKER pro tempore laid before the House the following communication from Julian A. Haywood, Minority Counsel, Subcommittee on Criminal Justice, Drug Policy and Human Resources, Committee on Government Reform:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, September 16, 2002.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony before a general court martial of the United States.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

JULIAN A. HAYWOOD,
Minority Counsel.

SEMIANNUAL REPORT DETAILING TELECOMMUNICATIONS PAYMENTS MADE TO CUBA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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:

To the Congress of the United States:

As required by section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, 22 U.S.C. 6004(e)(6), I transmit herewith a semiannual report prepared by my Administration detailing payments made to Cuba by United States persons as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 17, 2002.*

SPECIAL ORDERS

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

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

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

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

RECORD INCREASE IN PUBLIC 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, last week the President of the United States went to Ohio and mentioned repeatedly that what this Congress needed was a budget. I agree. I wish he had included one more word in that, what this Congress needs is a ''balanced'' budget.

See, Mr. Speaker, last year this Congress, when there was still a Republican majority in the other body and a Republican majority in this body, gave the President his budget and gave the President his tax breaks. They passed both bodies by a fairly narrow margin, but they did indeed become law and the President signed them into law.

As a result of that budget, our Nation's debt has increased by $440,605,894,921 in the past 12 months. To put that into perspective, our Nation is now $6,210,481,675,956 in debt.

What is particularly disturbing about that is that as our President ponders sending the young men and women in uniform off to fight, most of whom are 23 years old or younger, I think it is particularly significant that in the lifetime of those soldiers and sailors who are 23 years of age or younger, our Nation's debt has increased by over $5 trillion. What is particularly bad about that is, just like any individual who has a credit card, as long as we owe that money, we have to pay interest on it. The single largest expenditure of this Nation is not welfare, it is not food stamps, it is not veterans' health care, it is not building highways, it is not defending the Nation. It is squandered on interest on the national debt. We squander $1 billion a day. That is 1,000 times 1,000 times 1,000 every day is squandered on the national debt.

Mr. Bush, I know that all of us are our fathers' sons. All of us are proud of our dads, and you should be particularly proud of your dad. After all, he was the President of the United States. One of the things your dad did not do well was controlling the deficit when he was President. As a matter of fact, the largest deficit in our Nation's history took place during the fiscal year of 1991, when your dad was President. In that year, our Nation borrowed $432 billion. That is 1,000 times 1,000 times 1,000 times 432 to make ends meet.

I regret to tell you, Mr. Bush, that you are on the way to breaking your dad's record; that in all probability, at the end of this year, you will have borrowed, with your budget passed through a Republican Senate and Republican House, more than that $432 billion. So as you go to Ohio and tell folks that we need a balanced budget, I would only ask as one of 435 Members of this House that you include the word ''balanced'' budget.

Why do you not use your incredible popularity to ask the American people to get their Congressmen to support a constitutional amendment to balance the budget, so that this generation does not burden the next generation with our bills? After all, no mom or dad would go buy a house and say, ''I don't care what it costs, because I am going to stick my child with that bill when they hit 40 years of age, when they reach the maximum income years.''

None of us would go out and buy a fancy car, and say, ''By the way, bill it to my grandchildren, whether they are born or not.''

That is precisely what this Nation has been doing, particularly for the last 23 years, when it borrowed $5 trillion.

On an aside, Mr. Bush, you made a very compelling case to the UN last Thursday, and I am in agreement; you have now convinced me that our Nation will be at war unless the Iraqis back down. If that is the case, then I must insist as a Member of Congress that the wise thing for our Nation to do would be to call up the Guard and Reserve. Over one-half of the force of the United States of America is in the Guard and Reserve.

If there is going to be a war, then I subscribe to former General and now Secretary of State Colin Powell's theory of the overwhelming use of force, and we cannot have the overwhelming use of force if the Guard and Reserve is not called up.

If we are going to do this, let us do this right. The best way to minimize American casualties is to use overwhelming force, and that has to include the calling up of the Guard and Reserves. If this is going to be a war, then it is going to be everybody's war, and the way you make it everyone's war is including the National Guard and the various branches of the Reserves in the effort.

I would also hope that this body has an opportunity to vote on it. But, prior to that vote, I would highly recommend that the Guard and Reserve be called up, because the Iraqis watch

Cable News Network also, and I think as an American people, we should expect attacks on American soil through acts of terror from the minute that that vote is taken, and we should be prepared for that as a Nation. The only way to be prepared for that as a Nation is to have the Guard and Reserve called up.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are reminded that their remarks in debate should be addressed to the Chair. It is not in order to direct remarks directly to the President of the United States.

BALANCING THE BUDGET

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

Mr. STENHOLM. Mr. Speaker, I want to continue on the general thesis of the concern that many of us have on this side of the aisle, that we seemingly have forgotten about budgets and balanced budgets and we seem to not be willing to talk about the deficits that are now occurring. That is very alarming.

As you know, last year this body passed a budget, an economic game plan. There seems to be a great reluctance to change that plan, which means that we are now willingly going to be endorsing deficits as far as the eye can see.

We on this side on the Blue Dog Caucus have repeatedly offered to work in a bipartisan way with our friends on the other side of the aisle and with the administration to come up with a new budget plan. But there seems to be no desire whatsoever to do so.

We now are very concerned, because at the end of this month the few remaining budget rules that have worked fairly good over the most recent period of time when we did achieve a balanced budget, pay-go, simply saying if you are going to increase spending you have got to find some cut somewhere else, expire. If you are going to cut taxes, you have got to find somewhere else to pay for it. It has worked pretty good, when the spirit of this body was behind it.

Now, Mr. Speaker, there seems to be no willingness of the leadership of this House to pass these budget enforcement rules so that they might at least be enforced, and some would say so they can be ignored, which is basically what we have been doing in this body all year. The rules we have, we ignore them and we pass a rule over the objection of the minority.

The Committee for a Responsible Federal Budget makes a very compelling argument that we should stop blaming the other body for what they are not doing and just us do our job. It would seem that it would make a lot more sense to all of us in this body if we passed all 13 appropriation bills. Then we would have something to be concerned about, whether the Senate does or does not pass a budget.

□ 1930

But we seemingly are not going to be able to pass the 13 appropriation bills, but some of us seem perfectly willing to find somebody to blame. I was reminded a long time ago when you are pointing the finger of blame at someone else, there are always three pointing back at you; and we need to be reminded and we are going to take to the floor quite often over the next several days and remind everyone of the multitude of budget votes, lockbox votes that we voted in this body almost unanimously that no one was going to touch the Social Security surplus. We are. And as far as the eye can see, we are going to be doing it again.

Running up debt, we increased our Nation's debt by $450 billion in a vote last year. We are going to have to do it again early next year because, as the gentleman from Mississippi (Mr. TAYLOR) pointed out, our public debt outstanding has now gone to $6.210 trillion. That is an increase of $440 billion, and I said increase because seemingly when you read the press and you read the rhetoric of what we are attempting to be told that it is not that bad, it is that bad. It is a serious problem, and it goes far beyond the war on terrorism.

CBO says the impact of September 11 represents only about 11 percent of the total deterioration of the surplus since last year, and now we are being told that we are going to possibly be in another war, that the estimated cost now ranges somewhere between 100 and $200 billion. We should spend some time, instead of doing what we seem to be doing here this week, very few votes of substance, very few discussions, no bills being proposed to put the pay-go rules and putting some budget discipline back into our budget, no one talking about a budget, no one talking about a new budget, which means that somebody ought to come on this floor and defend the budget that we are now under.

Come on this floor and honestly talk about the fact that we have borrowed in the last 12 months $440 billion; $440 billion that we have borrowed. We owe the Social Security trust fund $1.3 trillion. We owe Medicare $263 billion. We owe the military retirement fund $164 billion. We owe the civil service retirement and disability fund $535 billion, and we are increasing that. I do not think that is the kind of a budget confidence vote that the markets are looking at or that anyone is looking at today.

I would conclude my remarks by saying Congress and the President need to come up with a new budget and economic game plan to deal with the changes in our budgetary outlook and deal with the new circumstances facing this country. To do otherwise is fiscally irresponsible.

IMPLEMENTING A LONG-TERM BUDGET PLAN

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

Mr. BOYD. Mr. Speaker, I want to follow up on the themes that were developed by the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from Texas (Mr. STENHOLM).

Mr. Speaker, we are less than 2 weeks away from the end of the fiscal year, and it is rapidly becoming very clear that the leadership of the House, this House of Representatives, has painted itself into a corner. How do we implement a responsible long-term budget plan? How do we extend the current budget enforcement rules that help control discretionary spending and require offsets for mandatory spending and new tax cuts? These budget enforcement rules are set to expire on October 1. How do we enact the 13 annual appropriations bills in regular order?

All of these questions must be answered by the House leadership if we are going to stem the flow of red ink and put the Federal budget back on the path to balance. Unfortunately, the only solution that the House leadership seems to have is to pretend that these deadlines do not exist. This is not a workable solution.

The Blue Dog Coalition has offered to work with the Republican leadership to develop bipartisan answers to these questions by establishing a viable long-term budget, extending the budget enforcement rules to control both the tax side and the spending side of the Federal budget, and to develop a road map to enact the appropriations bills in a fiscally responsible manner. We have offered in the past to work with the leadership, and we do that again this week.

First, Congress and the President need to make tough choices to address the changes in the budget outlook. The President has an obligation to lead in proposing a game plan to deal with the changed circumstances and to put the budget back on a path to balance without using the Social Security surplus. Right now under the President's budget, we will be borrowing from the Social Security trust fund until at least 2009. Given that the House of Representatives has voted seven times since I have been in this House in 5½ years to protect the Social Security trust fund by placing it in a lockbox, it is simply unacceptable to borrow the Social Security trust fund for the next 8 years to operate the general revenue side of the government. This is why we must sit down in a bipartisan manner and develop realistic tax and spending levels that will put us back on the glide path to a balanced budget.

Next, we must extend the budget caps which are set to expire, the provisions of the Budget Enforcement Act of 1990, which were adopted on a bipartisan basis expire, as I said earlier, on October 1. Unless we renew our budget

discipline, Congress will continue to find ways to pass more legislation that puts still more red ink on the national ledger. Even Alan Greenspan and the Concord Coalition agree that steps must be taken to answer these questions in such a way that we balance the budget. Chairman Greenspan stated, and I quote, ''Failing to preserve (budget enforcement rules) would be a grave mistake . . .'' The Concord Coalition warned that allowing budget enforcement rules to expire is ''an open invitation to fiscal chaos.''

Finally, we must work together to develop a bipartisan proposal to finish the 13 appropriations bills.

Mr. Speaker, our fiscal year ends in about 2 weeks. Over the past few years, when Congress and the President have not been able to finish the 13 appropriations bills, spending has far exceeded the levels that were recommended in the budget resolution earlier in the year. This year, we have not sent one of the 13, not one of the 13 appropriations bills to the President for his signature. As a matter of fact, the House, the House of Representatives has passed only three of the 13 regular appropriations bills off of the House floor; and again, the fiscal year ends in 2 weeks. There have been none that have been voted on on this House floor, or none scheduled since Labor Day, since we returned to our work from the August recess.

Mr. Speaker, it is vital, if we are going to put the budget back on the path to a balanced budget, that we work together to control the discretionary spending on these 13 bills. Working together in a bipartisan basis, we can balance the budget, just like we did in the Balanced Budget Act of 1997. This is why I urge and call upon the President and the Republican congressional leadership to work with us to develop bipartisan proposals that will ensure that we have a fiscally responsible government.

SUPPORT H.R. 3612, THE MEDICAID COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS ACT

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

Mr. DAVIS of Illinois. Mr. Speaker, I rise to request support for H.R. 3612, the Medicaid Community-based Attendant Services and Supports Act, also known as MiCASSA. This bill will enable our older Americans and citizens with disabilities who qualify for long-term care services under the Medicaid program to receive the non-institutional community support service options they are entitled to under the Americans With Disabilities Act.

The Americans With Disabilities Act, signed into law by President Bush in 1990, ushered in a new era of promise for a segment of our population whose talents and rights as American citizens have been too long ignored. It promised a new social compact to end the paternalistic patterns of the past that took away our rights if we become disabled. It says that people with disabilities have the right to be active participants integrated into the everyday life of society. This premise, however, cannot become a reality until we roll up our sleeves and do the work necessary to eliminate the barriers that still hinder its full implementation.

In its 1999 Olmstead ruling, the Supreme Court said that States violate the Americans With Disabilities Act when they unnecessarily put people with disabilities in institutions. The problem is that our Federal-State Medicaid program has not been updated and has a built-in bias that results in the unnecessary isolation and segregation of many of our senior citizens and younger adults in institutions.

Too often, decisions relating to the provision of long-term services and supports are influenced by what is reimbursable under Federal and State Medicaid policy rather than by what individuals need and deserve. Research has revealed a significant bias in the Medicaid program towards reimbursing services provided in institutions over services provided in home and community settings. The only option currently guaranteed by Federal law in every State is nursing home care. Other options have existed for decades, but their spread has been fiscally choked off by the fact that 75 percent of our long-term care dollars go into institutional settings, in spite of the fact that studies show that many people do better in home and community settings.

Only 27 States have adopted the benefit option of providing personal care services under the Medicaid program. Although every State has chosen to provide certain services under home and community-based waivers, these services are unevenly distributed, have long waiting lists, and reach just a small percentage of eligible individuals.

Governor Howard Dean is a physician and Vermont's Chief Executive. He recently testified on Capitol Hill on behalf of the National Governors Association and asked Congress to give the States the tools they need to grow home and community-based service. In his testimony he said, ''We can provide a higher quality of life by avoiding institutional services whenever possible. Some people insist we will need more nursing homes. They are wrong. Baby boomers today are looking for alternatives for their parents. We can't afford to protect the status quo. We need to listen to people and act boldly to develop those services they want and are, in fact, affordable.''

So I ask, Mr. Speaker, all Members of this honorable body to be in support of services for individuals in home-based settings so that they too can realize the assurance of living as they choose and as they see fit. Support MiCASSA.

DOMESTIC POLICY AND INTERNATIONAL POLICY

The SPEAKER pro tempore (Mr. OSBORNE). 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, there are two subjects that I want to address this evening, and both are of critical importance to us. One involves domestic policy, and one of them involves international policy. Obviously, we can guess what the international policy would be: dealing with Iraq, dealing with our war on terror, dealing with the United Nations resolutions. But before I get into the international discussion that I want to have this evening with my colleagues, I want to discuss the domestic situation involving a subject a long ways away from the al Qaeda or from Afghanistan or from Iraq or from the United Nations resolutions. I want to talk for a few minutes about the national forests, especially the national forests on public lands.

Now, public lands are lands that are owned by the government. It could be a local government, it could be a State government, or it could be Federal Government. The largest owner of land in the United States obviously is the United States Federal Government. They own millions and millions and millions of acres of land in this country.

Now, when this country was first developed, our population was primarily on the east coast, and the government wanted to grow our big country. As our country began to make land acquisitions, for example, the Louisiana Purchase and things like that, they knew that in order to expand the country, we not only had to buy the land, but we had to occupy the land. We had to put people on the land.

□ 1945

We had to have the people willing to protect the land. The best way to do that was not to give them a deed that said, Here is some land out in the West. Obviously, to grow our country we needed to move it west. We needed to move the population west. West in the early days was West Virginia. People did not have to go very far west to find out that they were in wilderness areas.

To do this, the Federal Government knew that they could not just give a piece of paper that said someone owned a piece of property out in the State of Kansas or Missouri or up in the Colorado mountains. They knew they could not do just that.

Today, it is a little different. Today, one can actually have a piece of property in Colorado, and one can live in Florida, and their rights as a private property owner are respected. They do not have to worry about squatters or about people taking over their land when they were not there.

But in the early days of the country, that was not true. That is not what the

situation was. In the early days, one had to possess or be on the property; and frankly, they had to have a six-shooter strapped to their sides. That, in fact, is where the saying ''possession is nine-tenths of the law,'' that is where that saying came from; that is, that to hold that land, they needed to go out there and be on it.

The government wanted to expand. They had to figure out, how do we encourage people to leave the comforts of the East Coast? How do we encourage our population on the East Coast to move inward, to move west? How do we do this?

They came up with an idea. In the Revolutionary War, our government bribed the soldiers, the British soldiers. We bribed the soldiers in such a way that we offered them free land, free land if they would defect from the British troops and join the American troops in our efforts against the Brits.

So they decided to follow the same type of philosophy or the same strategy. That strategy is to offer free land to people if they would go out and settle on the new land that the government had acquired. If they would agree to do that, the government would give them land. That is where we had the act like the Homestead Act take place, where the government would give people, if they would go out and work the land for a period of time, 3 to 5 years, they would give 160 acres or 320 acres.

People bought into that concept. It really did begin the movement of taking this country to the West, the opportunity of free land. Then we combine that with other things that we began to do in the mid-1860s, for example, the continental railroad, the completion of the continental railroad; and the ability for a merchant to be able to ship merchandise from one store that he or she owned to another store he or she owned; and time zones in the country. There were a lot of things that were changing with the Industrial Revolution. We saw this huge movement to the West. We were able to possess the lands that the United States as a government purchased; so we had that possession. That possession is nine-tenths of the law. We were able to accomplish that.

But what happened was when these settlers hit the Rocky Mountains, when they hit the western part of the United States, which is different than the eastern part of the United States geographically and in water measurements, because, for example, in the East in a typical year, and this is not a typical year, but in a typical year when our Nation is not suffering from a drought, we have lots of water in the East. In fact, the situation in the East usually is, how do we get rid of the water, or shove it over on our neighbor's property?

In the West, it is a very arid region. It is the arid region of the country. In fact, almost half the country has about 14 percent of the water. That is the West: the Rocky Mountains, the Utahs, the Nevadas, the Californias; and Montana, Wyoming, States like that. This is a very arid place.

What happened when our country was attempting to get people to possess that land? They would not do it, because 160 acres was not enough. See, even in eastern Colorado, and, now, my district consists of the mountains of western Colorado, but in eastern Colorado, with 160 acres in a typical year one could support a family in those early days. But once one hits the mountains of Colorado or hit western Colorado, or the Rocky Mountains in Montana, or the mountain ranges in New Mexico or places like that, 160 acres would not even feed a cow; would not even feed a cow. So they had to come up with something different.

What was happening was people were moving to the West, going to the West; but as soon as they hit those Rocky Mountain regions, as soon as they hit the arid areas, they went around them. They went around to the fertile valleys in the State of California, or they went to other places; or settled out in Nebraska or Kansas or Missouri or Arkansas, places like that where the land was much more fertile, the water was much more plentiful.

So word got back to Washington: Look, this strategy of ours, this strategy of giving land for people to possess so we have people on the land to grow our Nation, our great Nation, is working fine except when we hit the arid States of the West.

Somebody said, well, what shall we do? Shall we give them a proportionate amount of land, like 3,000 acres, which would be the equivalent of, say, 160 acres as far as what one could grow on it? It is proportionate to what one could grow on it. The answer was, Wow, we have gotten a lot of political heat here in Washington, D.C. simply because we gave so much land to the railroads.

As we know, there were a lot of robber barons. It sounds kind of familiar with some of the times we are facing right now. There was a lot of political heat because of the robber barons and the railroads, so the decision was very consciously made: Do not give them ownership of the land, these people, but let them use the land, to avoid the political heat. Let us go ahead and keep the property in the government's name, although originally all along it was intended to go to private hands; but to avoid the political heat, let us go ahead and keep the title to the land, and let the people use the land.

That was the birth of a concept called multiple use, many uses. That is where the concept of multiple use on Federal lands was conceived. When I grew up, for example, and I guess this is the best way to define multiple use, when I grew up and people went to the Federal lands, which in my district, there are probably 120 communities in my district, and actually, geographically, my district is larger than the State of Florida, but in my district, the Federal lands encircle every community except one. So of the approximately 120 communities in my district, 119 of them are completely circled by this land owned by the government.

Now, up until about the 1970s it was not a problem, because the land, under this concept of multiple use, was utilized and best described by a sign when one entered the forest that said, for example, ''Welcome to the White River National Forest, a land of many uses.'' It was a land of many uses.

Well, it was not long before we had people in the East, while they were the beneficiaries of private land, and if we take a look at a map of the United States of America, we will find it very interesting. I know it is hard to see my pen here, but let me see if I can demonstrate quickly the differences between private ownership and government ownership as it relates to the United States and the geography of our country.

Now, obviously, Mr. Speaker, I am not an artist, so I am not trying to be an artist. I will just do a basic form, give or take, of the United States. My pen, unfortunately, is not working very well. Here is the eastern United States. Here is New York, Florida, places like that.

Basically, where my point is right here, right where I cross right here on the chart, to my left here, in the western United States, there are vast amounts of public land. That is where the majority, the great majority of the public land in the United States is located, in the western part of this country.

In the eastern part of the country we have a couple of large holdings, not huge, but large holdings of Federal land. We have the Everglades down in Florida, we have the Appalachians, and we have a little up here in the Northeast. Other than that, if we were to apply the color red to this poster board I have here, and this were the western United States, it would be almost all red. On the eastern side we would see little blotches of red, but very, very little of red in proportion to the West.

So the problem that happens is that we have a lot of people in the eastern United States that have very little experience with public lands. Their lands are owned by their neighbors, or they own the lands; they are not owned by the Federal Government. If we go to Pennsylvania or out to Missouri or some of these States, or even eastern Colorado, and when we have a planning and zoning meeting, that planning and zoning meeting is held at the local county courthouse or the local city hall. When we go to the West where the land is still owned by the government, those meetings are held in Washington, D.C. That is who does the planning and zoning out there for those Federal lands.

So it has always been a little pet peeve with those of us in the West that people in the East, with all due respect, have very little experience with public

lands. They do not have the water issues that we do in the West, but they like to tell us in the West what is best for us in the West.

That is what happened many years ago in regard to our forests. Keep in mind that the majority of the forests in the eastern United States are privately owned. Whether we go down to the Carolinas, if we go to Florida, places like that, Minnesota, these forests are owned privately, the big majority of them.

In the West, our forests are primarily on public lands; so what we see, what we tend to see, is private forests usually produce better, and private forests generally are managed better. Why is that? Because in the West we have many, many different hands and fingers in the management of it because it is public lands.

Now, I think with public lands we have a pretty high fiduciary duty to manage those public lands, and we have to take care of those lands, because they do belong to all of us; although I think some precedent should be given to people who have to survive and live on those lands, that are completely surrounded by those lands, that depend for their water from those lands, that depend on their highways being able to come across those lands, that depend upon the power lines and the cellular phone towers. I could go on and on about how dependent in the West we are on public lands, a dependency not recognized nor necessitated in the East.

What happened? In the West we began to suffer, and actually not just in the West but throughout this country we have suffered massive forest fires. In the 1930s, society did not really accept fires as a natural course of a forest collapsing itself, so we decided that because the fires were such a threat to the human population and to wildlife populations and to watersheds and so on, that we would begin a very aggressive effort to fight the forest fires. Instead of letting them burn, we would fight them.

In the early days, around the turn of the century, we would have between 40 and 50 million acres a year on fire, 40 to 50 million acres a year that were on fire. What happened as a result of very effective work, frankly, by the American people and the Forest Service and the different fire agencies, we were able to restrain or restrict those fires from 30 or 40 or 50 million acres a year to 2 or 3 million acres a year, maybe 4 million acres a year, because we became very efficient with public relations: Smokey, the bear: Be careful, put your campfire out completely, pour water on it, et cetera, et cetera.

What happened through the evolution of time, a very short evolution of time, through the last 3 or 4 decades or so, man became very good at controlling fire. Unfortunately, we begin to see these forests, forests that would have, say, 20 trees per acre, all of a sudden begin to get 30 trees per acre, which was not the natural course of that acreage; then, pretty soon, 30 or 40 or 50 trees per acre.

Now,many of those acres out there that nature had always had by economics and balances, as nature does it, instead of having maybe 20 or 30 or 40 trees per acre, we now have 600 or 700 or 800 trees per acre. It has become a tinderbox. It has become gunpowder.

What has happened is that we had some terrible abuses by lumber companies in the '30s and '40s and '50s and '60s. These lumber companies would go in and they would use the concept of clear-cutting, where they cut everything in sight. They would leave a mess behind. They did not take into consideration the watersheds.

Frankly, there were a lot of scientific things that they did not know at that time that we know today that did a lot of harm back then when they carried out those policies of cutting lumber in those forests.

So thank goodness we begin to recognize some of that. We begin to get a tighter control, especially on public forests; because, after all, those do belong to the people. We begin to get a tighter grip on what was going on out there. We begin to apply more science to our forests. We had some very wholesome environmental movements to help us protect those forests.

□ 2000

But as is typical in our country, we wait for something to get to a crisis, which is exactly what happened on many of our forests, one, through our own forest management policies, and, two, through really unmonitored forest timbering, taking the lumber out of the forest, unmonitored. That is the extreme.

We realize and we see the damage that has happened. And as is a typical government response, it overresponds. So we come over here and at first solid environmental organizations came forward and conscientious conservatives came in and said, We need to conserve. We need to have more conservation in this area. We need to use better policies, and we were in hopes that we could bring that into balance.

But what has happened over the last 15 years in large part is as a result of radical environmental organizations, and not all environmental organizations are radical and I am not professing that up here. But I am telling you the Earth First, the Wilderness Society, the National Sierra Club, they operate on the Earth First strategy, and that is take the radical approach. And the approach that they have used in these public forests, primarily in the West, is preventing us, preventing us from going in and doing carefully monitored thinning and treating of these forests. You have got to manage these forests and we are not being allowed to do it. Lawsuit after lawsuit after lawsuit. Litigation for 3, 4, 5, 6 years into the future in order for you to go in and treat under a carefully monitored program, under the direction of the forest scientists, under the science of the forest, to go in and treat this forest.

What happens? Well, over time these forests get more and more trees per acre, and pretty soon some of those trees begin the national evolution. They die off and they fall on the forest floor. And pretty soon the forest floor begins to build up what we call fuel, dead leaves, dead trees. They are not being cleaned out. They are not being cleaned naturally as they were 100 years ago by fire. Instead, they are being controlled by, one, by controlled fire. We are learning more about that as we go on. And, two, we have organizations out there that would like to, every time you talk about going and treating a forest, they like to spin it, they like to spin it into lumber. You are helping some big lumber company. You will clear-cut. You will cut all of the big trees out of there.

It is a bunch of hype. It is a bunch of spin. And, unfortunately, they are so good with public relations, they spend so much money on advertising and commercials on TV, it is easy for them to convince the public that you should have hands-off on the forest or that the only place you should go and look at the forests is where it abuts up against the home.

They completely ignore watersheds. What are watersheds? In the mountains, for example, the water for a community usually is many, many miles away from that community; and it is up on the top of the mountain or side of the mountain and it is called the watershed, where the waters accumulate from the high snows.

My district is the highest elevation on the continent. So up at high altitudes of 10, 12, 13, 14,000 feet we have accumulation of water, watersheds, and those watersheds make their way down the mountains into the communities. We need to manage these forests. We need to protect those watersheds. And what has happened is over the years, in part, not totally, because the drought was a major contributing factor to the major forest fires we had this year; but in part we had people whose sole intent was to obstruct the process of the science of the forest. And once again today we are seeing it happen over again.

This summer has been a devastating summer in regards to forest fires. Take a look at the State of Oregon. How many hundreds of thousands of acres in the largest fire in that State's history. Take a look at the State of Arizona, hundreds of thousands of acres on fire in the largest fire in the history of that State. Take a look at my own home State, the State of Colorado, the Haymen fire, hundreds of thousands of acres in that State, in the State of Colorado, the largest fire in its history.

We have had massive fires this year. You cannot allow a forest, whether it is right next to what is called the urban interface, which means right next to the communities, whether it is

right next to the communities or whether it is deep into the forests, you cannot allow those forests to accumulate the kind of growth that they have accumulated. You have got to manage those forests. And just by common sense we cannot let fire run wild. We still have to control fire. Controlled fires are one of the tools that we can help to treat and thin forests, but it is by no means the only tool, and it is by no means a major tool. Because, frankly, one out of every 20 controlled fires we have we lose control of them. That is what happened down in Mexico. That is what happened in the great Yellowstone fire a few years ago. We lost control of a controlled burn.

We have to go in there and manage these forests. The best people to manage those forests are not the public relations or political strategists for Earth First, the Wilderness Society and the National Sierra Club. Those are not the people that should be managing our forests. Nor should the Congressmen be managing our forests.

The people that ought to manage our forests are the people who are educated about forest science from some of the best universities in the country. Colorado State University, for example. From the people who have their hands in the forest soil every day of the week. From the experts on forest policy, on trees, how to grow trees, what is the proper amount of balance in that ecosystem that we have out there. Those are the people whose opinions should primarily drive forest fire policy and forest health policy in this country.

Now, I am chairman of the Subcommittee on Forests and Forest Health of the Committee on Resources, and that committee has oversight responsibility on all the forests in the Nation. And I am telling you, under my direction on that committee, our committee is determined to try and get management of the forests back to the scientists of the forests. But it is no easy task. I can tell you that the Wilderness Society, the National Sierra Club and their cohorts, the Earth First and some of these other organizations, they do not want to give up that territory. They have enjoyed the power of being able to control the management of America's forests through emotional arguments, through political, strategized, public relations campaigns; and you can pick up and see advertisements about it; and what has happened, I will tell you that some of the people in some of these organizations are well intended. But what we are running into right now is obstructionism. The radical organizations are trying to litigate, paralysis by analysis, and every time that you talk about the necessity to go into a forest and help thin it out for the forest's health, to help prevent fires, and whether there is a fire or not, just for the health of the forest in general because the scientists say that is the thing to do, do you know what happens? Right away we get some of the radical organizations, many of which do not even live near that forest, start filing actions and appeals in the courtroom. Our litigation today runs 3 to 5 to 10 years on some of these treatment projects.

Now, I have proposed a bill and it is a bill with bipartisan support. It is a bill that we have bipartisan working groups on. It is the most promising bill we have in the U.S. House of Representatives for a bipartisan compromise to help us go in and treat these forests. And guess what happens? We have not even got off first base. We have just come up with the idea, hey, let us stay within the environmental laws but let us stop this paralysis by analysis. Let us stop these organizations, from Earth First, for example, or the Wilderness Society from being able to litigate this from here as far as time can see, from one court to the next court to the next court. Let us put aside the spin that every time we want to clean out a forest that there must be some under-the-table deal with some lumber company out there.

What we are attempting to do with our bill to keep the environmental regulations that we have, keep public input, this is the forest of the public and the input of the public is absolutely crucial; but the public input should not go on and on and on. At some point you must make a decision. At some point we need to move on these forests.

Right now we have 175 million acres of forest property; 175 million acres that has not been treated; 75 million acres of that property is ready to explode, especially when we have a summer like the summer we just got through with serious droughts in many of these States and we saw what happened. Just a simple cigarette in Durango, Colorado, a simple cigarette that was thrown out a window blew up a fire that burned tens and tens and tens of thousands of acres, destroyed homes. And after it destroyed the homes, it brings the mudslides that destroy more homes.

Some of this can be prevented through proper management of our forests; and not only just the fires, our wildlife needs proper management in the forests. Good wildlife habitat has meadows in it. You have better wildlife habitat on an average piece of land, let us say an average acre of land, you have better wildlife habitat, better plant habitat, better habitat for the entire ecosystem all around if you just have 20 or 30 trees per acre instead of 4, 5, 600 trees per acre, where the sun cannot get in; where if there is a fire it goes from canopy to canopy; where it burns so intense that it sterilizes the soil.

We are not just talking about forest fires. We are talking about wildlife. We are talking about forest fires. We are talking about the plants and the other things that are important for the whole system to balance out there. But we are having a very difficult time being able to let the scientists come back in and manage the forests. And in large part it is because of a very aggressive political campaign which involves buying advertising in newspaper, radio ads and so on by different organizations. I think Earth First is in there. The Wilderness Society is in there. Of course, the National Sierra Club is in there. Greenpeace, some of these organizations, they are doing everything they can to make sure that we do not bring science into the forests.

That is not what has happened here on the House floor. That is not what is happening here with my colleagues.

My colleagues on both sides of the aisle have finally said, Look, enough is enough. We have got to do something about the management of this forest. I have got people like the gentleman from Oregon (Mr. DEFAZIO), a very driven, very focused and very recognized environmentalist in the United States Congress. I have got the gentleman from California (Mr. GEORGE MILLER). He and I have clashed from the entire time I have been up here. He is very ardent on his issues on the environment, a very strong proponent of the environment. I have the gentleman from Oregon (Mr. WALDEN), from the logging areas up in Oregon, who is a very strong proponent of the environment. Lumber is an important industry up in his district. He understands it. I have got myself. I have got other Members, Democrat and Republican, who have come together to try and structure a bill that keeps us within the environmental laws, that gives us the protection of environmental laws, that gives us public input, but allows this process to go forward. It stops paralysis by analysis. It does not allow these decisions to be made simply because you are able to stall it out through litigation, because some wealthy organization can file lawsuit after lawsuit after lawsuit after lawsuit.

And many of the mechanical treatment projects, about half the mechanical treatment projects we had lately, half of them were appealed. Half of them get into this paralysis by analysis. Now, not all of them were appealed by environmental organizations, and that is to their credit. And not all environmental organizations are being obstructionists in regards to what we are trying to do. We have some moderate, good, level-headed people out there that want something done with the forests.

So when I address the group, I am really addressing the most radical segment of an environmental community. And I am begging that segment, we have called them on the phone. We have begged them to come to the table; not to come to the table to fight, not to come to the table carrying protest signs, not to come to the table threatening more litigation; to come to the table just like we did with the Great Sand Dunes in my bill in Colorado; like

we did with the Spanish Peaks, my bill in Colorado; like we did with the Black Canyon Park, the Campbell bill in Colorado. We were able to get local people, local environmental communities together and we were able to customize. And that is what this bill does.

This allows our local environmental communities to come together with our local timber industries' representatives, for example, or the people that recreate or the wildlife experts. The wildlife people have a big opinion here because, as I said earlier, a healthy forest is very, very important for good healthy wildlife.

□ 2015

This bill will allow decisions to be made with public input, with judicial input. We just do not allow it to go on forever and ever and ever. This bill has been endorsed by newspapers as a reasonable approach.

What are we seeing? We are seeing the national organizations, primarily located in Washington, D.C., or primarily located outside the public lands, pooling large sums of money to run commercials. That is how threatened they are by the fact that science might come back to the forest, to run commercials by full-page newspaper advertising, talking about how bad this bill is; and they have never even seen the bill, to the best of my knowledge.

My point here tonight is we have got forests that are in real trouble. We have got wildlife out there that is in real trouble. We have an environment out there that is in real trouble, and a lot of it is because of the fact that we are not allowing the people who know best, our forest scientists, our wildlife experts, our water and aquatic life experts, we are not allowing them to manage the forest based on science. Instead, we are seeing the forests managed by litigation that stalls and stalls and stalls and by radical environmental organizations that fund political campaigns as if they are running somebody for office, running public relation campaigns which, by the way, they cannot put as newspaper articles because newspaper articles have to be at least a little bit factually correct. Their newspaper advertisements do not have to be. So they run it as paid advertisements throughout the public lands area.

Our young people, it is amazing, in our schools are not being given the education they need to understand that the science of the forest is a very complicated issue; and we need to let the scientists do it, not the elected office people, although they should set the policy, with input from the people that elect them, with input from the public, and we should not let these forests be run by Earth First.

I do not think Earth First or Greenpeace or the Wilderness Society or the National Sierra Club, and the National Sierra Club up until this summer's firefighting and the same with the Wilderness Society were not proponents of going in and treating a forest and thinning out. Now all of the sudden they have changed their leaf, and they are in favor of it, but only as it faces the city, as if none of these problems with wildlife, too many trees per acre, too much foliage or other problems occur anywhere but on the front of the forest. It does not occur in the middle of the forest, on our watersheds and so on, according to some of these people.

My committee is bound and determined to come up with a fair, commonsense policy. It is not our intent to shortcut anybody from public input. It is not the intent to do anything except allow the forest service experts, the wildlife experts and so on to get their opportunity to come in and manage the forests as they ought to be managed.

These forests are absolutely critical for the health of this country; and they are absolutely, they are eminently important for those of us who live out in the forests, who are completely surrounded by the forests, who are completely surrounded by public lands. We want good public land policy; and we want the people who live in those public lands, regardless of what side of the issue they are on, we want people who live within the borders of those public lands to have input as to what goes on with those public lands.

It is my intent to continue to pursue on a bipartisan basis, which I think is very important, and I intend to pursue in good faith discussions with people such as the gentleman from California (Mr. GEORGE MILLER), the gentleman from Oregon (Mr. DEFAZIO), the gentleman from Oregon (Mr. WALDEN), and a number of others out here, the gentleman from Virginia (Mr. GOODLATTE), to pursue good sound forest health policies. That is our goal and it is our target.

Let me shift gears very quickly and spend my remaining time talking about an issue far afield from forest health and forest management. I want to speak this evening about the situation with President Bush and Iraq.

I have a couple of posters I would like to start the conversation out with. This is a quote to my left here, and I would like my colleagues to read along with me. This is from President Bill Clinton. This quote is 4 or 5 years ago. This is what Bill Clinton said about Saddam Hussein. What if Saddam Hussein fails to comply, they are talking about inspections, and the disarmament, to disarm the weapons that we know Saddam Hussein is building, has or soon will be in the possession of, so what if Saddam Hussein fails to comply, and we fail to act, or we take some ambiguous third route?

Keep in mind what the former President is saying here, if we fail to act or if we take an ambiguous third route. What he means by ''ambiguous third route'' is that Saddam Hussein comes out and puts some type of condition on inspections or tries to come up with some type of alternative other than inspections that would allow him to hide the weapons or would allow him to develop the weapons, without intrusion by the rest of the world or if we take some ambiguous third route, which gives him yet more opportunities to develop his program of weapons of mass destruction, and continue to press for the release of the sanctions and continue to ignore the solemn commitments that he made. Solemn commitments that he, Saddam Hussein, made and I am going to go through those commitments with my colleagues. Well, he, speaking about Saddam Hussein, will conclude that the international community has lost its will.

He will then conclude, here in the red, he will then conclude that he can go right on and do more to rebuild an arsenal of devastating destruction.

Let us take a look. As my colleagues remember, Iraq is the country that invaded, without cause, without cause, without retribution, invaded a smaller country, the country of Kuwait in the early 1990s. In the process of that invasion, they caused massive, massive human fatalities. They killed thousands and thousands, tens of thousands of Kuwaitis, men, women and children. They killed without discrimination.

It was only because of the United States of America and the coalition that it built with its European partners, and their partners throughout the world which also included, frankly, some cooperation from Russia and cooperation from China on the U.N. Security Council and so on. The rest of the world decided through a coalition led by the United States that they would not allow this to stand, that Saddam Hussein would not be allowed to ravagely and savagely go into a small country, devastate its population, destroy its economy and occupy its lands. So we did Desert Storm. We led the fight.

We bent back and we liberated Kuwait. Iraq, by the way, their famous Right Guard or whatever, their fighting force, their supreme fighting force, they ran. This huge powerful war machine of Iraq collapsed within days to the fire power and to the strength of the United States of America and to the world coalition that followed.

Iraq made certain promises. Specifically, Iraq through Saddam Hussein, he made them, he made commitments to the United Nations. He made commitments to the rest of the world, and he promised to live with those commitments as long as his country existed. He has broken the commitments that he made, and the commitments that he made he broke 16 times, at least 16 times.

He kicked out the inspectors and then he went out and solicited by saying that his people were starving to death. By the way, he diverted money, instead of going to the people, his people, he put the money into his palaces. He has 14 massive palaces, like 14 Pepsi centers. That is how big these palaces are. They are great big stadium-types

of homes. He put the money into that and the military, and he allowed his people to starve, and he tried to put a guilt feeling, a guilt complex on the rest of the world, saying that he picked on me and how soon some of the world forgot how savagely he killed those people in Kuwait, as savagely as Hitler killed people in his invasions.

Do not make any mistake about it. This man is crazy. Crazy is almost a complimentary word. He is a sick, destructive killer. He killed in Kuwait. He even attempted to assassinate our President, George Bush, Senior, our former President, George Bush, Senior. He went and gased his own people and some of the Kurds. He gased entire villages, and there is no doubt about that. There is no question. He admitted to it. He took some pride in it.

The United Nations came up with some resolutions; and they said we will stop the invasion of Iraq, the coalition invasion of Iraq if you comply. Will you comply? And Saddam Hussein says, yes, I will comply. He signed the documents. He swore to the documents, and over the last 9 years, he swore to the documents. Year after year he swore to the documents. Year after year he swore to the documents. Year after year he swore to the documents. Year after year he said I do not have weapons of mass destruction; bring in the inspectors. Time after time after time after time he blocked the inspections in his country.

We can actually realize a great victory. President Bush, despite the diplomatic pressure that has been put against him by some in the world, despite some of the pressure, and unfortunately by some of our Democratic leadership within this Congress, despite the pressure that his approach was the wrong approach, he has at least cornered Saddam Hussein; and thanks to President Bush, Saddam Hussein, at least at this point, has come back and said he will allow inspections, unconditional inspections in his country. That was not Saddam Hussein's position when President Clinton was there, and I am not trying to be partisan. I am just telling my colleagues this is a position of noninspection that he has been locked in for some time.

President Bush has forced Saddam to play his hand, and his hand right now is to allow inspections; and the President and the administration and this Congress ought to take him up on that offer, and we ought to send inspectors in there by the plane-load, and we ought to inspect everything. We ought to look at every palace. We ought to look in every closet. We ought to look under every street. We ought to look at their nuclear facilities, their power plants; and when we find weapons, we should demand that they be disarmed, and if they are not disarmed, the coalition should go in there and disarm them. This man has a history of lying and deception. Let me give my colleagues an example.

U.N. Security Resolution 678, Iraq must comply with the resolution in regards to the illegal invasion of Kuwait. They broke it.

U.N. Resolution 688, Iraq must release prisoners detained during the civil war. They broke it. Same, 688, Iraq must return Kuwaiti property seized during the Gulf War. They did not do it.

U.N. Resolution 687, April 3, 1991, Iraq must not use, develop, construct or acquire any weapons of mass destruction. They have. They have defied this, but they have acquired the weapons they are not supposed to acquire. Iraq must not commit or support terrorism or allow terrorist organizations to operate in Iraq. They allow terrorist organizations in Iraq; and by the way, these are the kind of organizations that we are speaking about in Iraq.

Take a look at this poster. If this does not give my colleagues a sobering moment, I do not know what will. Follow me to the left by looking at the poster: ''We are emerging stronger and will hit America's shopping malls, stadiums and kindergartens. This is our promise.'' The al Qaeda. This quote is from last week. This quote to my left, look at that, kindergartens. They fully intend to kill every man, woman and child in America they can get their hands on. Iraq is not supposed to have anything to do with these kind of organizations; but they do, in violation of the U.N. resolutions.

U.N. Resolution 707, Iraq must cease attempts to conceal and move weapons of mass destruction and related materials. They broke it. Iraq must make a full and final and complete disclosure of its weapons of mass destruction. They broke that commitment.

U.N. Resolution 715, October 1991, Iraq must fully cooperate with the United Nations and the inspectors. They broke it.

U.N. Resolution 949, October 15, 1994, Iraq must not utilize its military and other forces in a hostile manner. They fire at the United States and British and coalition aircraft every day of the week we are in the air. They broke it.

□ 2030

Iraq must fully cooperate with the inspectors. They broke it.

U.N. Resolution 1051, Iraq must fully cooperate with the U.N. and allow immediate, unconditional, unrestricted access. They broke it.

U.N. Resolution 1060, they must cooperate with the weapons inspectors and allow requested access. They broke it.

U.N. Resolution 1115, June 21, they must give further requirements in regards to inspections. They broke that one.

U.N. Resolution 1134, they must give unrestricted access, another access issue. They broke that.

U.N. Resolution 1137 condemns the continued violations of Iraq of previous resolutions, reaffirms their responsibility, reaffirms the responsibility of Iraq to carry out their commitments. They broke it.

They broke 1194, 1204, 1205, and 1284. Resolution after resolution after resolution after resolution, the Iraqi leadership has lied, been deceitful, and broken resolutions one after another.

In fact, I am not sure there is one United Nations resolution out there where Iraq has kept its word, that relates to their invasion of Kuwait or access to their weapons of mass destruction, or that relates to their helping train terrorists.

My congratulations to President Bush. President Bush and his team, Mr. Powell, Mr. Rumsfeld and Ms. Rice, have forced Saddam to at least say he will allow inspections again. And for his own good health, I think it would be beneficial for him this time, instead of lying about it, that he follow through with exactly what he was supposed to do for the last 10 years, and that is to allow full, complete inspections of the facilities anywhere in his country those inspectors intend to visit.

This President has done something that no other government in the world has been able to do with Iraq. In a period of 2 or 3 months, by directly making it clear that Iraq will not continue to flagrantly violate the conditions of the United Nations agreements that they agreed to and they knew about and we agreed to and we knew about, this President has drawn the line in the sand.

Guess what got results? We only get results out of countries like Iraq by forcing it. We have got to use a force play. There is no negotiating with this guy. There is no loving and hugging and telling him let us have some soft talk, some warm, fuzzy discussions, and promise us that you are going to comply and not poison your people any more, not kill innocent men, women and children any more, and have some type of freedom in your country, have some kind of respect for rights of women in your country.

The only way to get it is to force it, and this President has forced. This is just the opening stage, the first step in bringing Iraq back in with the world community, in bringing Iraq back in line with what we hope would be a contribution to peace in this world.

President Bush is exactly where he needs to be. He is right on track. He has, without the firing of a single shot, forced the world's madman to open his country to inspections.

Now, if this madman fails to do that, I think President Bush will successfully put a coalition through United Nation resolution to fire a shot if necessary to force Iraq to come back in with the world community and to stop building weapons of mass destruction, weapons that would make September 11 look small in proportion to the type of devastation that they could do.

President Bush, since September 11, has found a more focused purpose and has exercised good leadership. I have to

tell Members, our colleagues on the other side of the aisle and the Democrat leadership have stalled. They have criticized the President. Look at what has happened in the last few days. The President is accomplishing what we want to accomplish. So in a bipartisan effort, we should pass a resolution in this House supporting the President. We should pass a resolution supporting the President in a way that he continues down the path that he is headed, and that is a path that so far just in the past couple of weeks, his strong movements, his very directed comments as to what was going to happen and his directed action, has forced Iraq to play their first hand. They threw down their hand, and they are allowing inspections.

It may not work, but you better not mess around with this country and with the U.N. coalition. This country, under the direction of President Bush, is not going through this exercise in futility. President Bush does not consider this an exercise. He considers this, and this Nation considers this, and the United Nations Security Council should consider this and do consider it, a very serious matter which will be followed through with.

We intend to follow through and disarm Iraq from weapons of mass destruction. We will accomplish that goal, and we will accomplish that goal under the leadership of President Bush. To this point we have done pretty well so far. It is just the beginning. But so far the President has had tremendous success.

Mr. Speaker, I urge the Democratic leadership, I am begging the Democratic leadership, put aside your partisanship and your objections on the Sunday talk shows and help our President help our effort here. Just in the opening stage, we are going to be able to get inspectors into Iraq. If the going gets tough, stick with us. It is time.

I have to say, Members, a lot of Democrats not in leadership are supporting this and are supporting the President. But the leadership needs to quit playing politics and come on board with us. This matter is much too serious for partisanship. I invite them on the team. The President has done a good job so far, and so has his team.

PRESCRIPTION DRUG BENEFIT FOR SENIORS

The SPEAKER pro tempore (Mr. SHUSTER). Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, this evening, and it is certainly not the first time, I am coming to the floor to talk about the need for a prescription drug benefit under Medicare, and also to deal with the rising costs for prescription drugs. I think this Congress has an obligation before we adjourn in another month or so to address both issues because the bottom line is that not only more senior, more Americans are facing rising prescription drug costs, and I think it is primarily due to the fact that the brand name drug industry is trying to control prices in a way to make sure they receive maximum profits and influence the United States Congress both in terms of political contributions, influence the public with TV ads, all of which make it very difficult to address the issue and the need for a Medicare prescription drug benefit and some sort of effort to control prices or at least bring prices down because of the impact that it is having on our health care system.

Mr. Speaker, I do not need to tell any American about the rising cost of prescription drugs. As the cost goes up, more and more Americans are not able to afford their medicine. That has an impact because, as we know, certainly in the last 20 years, certainly in the last generation, prescription drug medications have become a preventive measure. In other words, if you are able to take certain prescription drugs, you do not need to be hospitalized or go to a nursing home or have some sort of radical medical procedures. Prescription drugs essentially are a form of prevention, a more serious interference in terms of medical care.

I just think that it is very unfortunate that we do not address the problem of rising cost and what it means for the average American, particularly for the average senior.

I wanted to start out this evening by giving some information about the level of price increases. This is an analysis that was done by Families U.S.A. just a couple of months ago in June of this year. It says that the prices of the 50 most prescribed drugs rose on average by nearly 3 times the rate of inflation last year.

The study analyzed price increases for the 50 most commonly prescribed drugs for seniors for the last year, and that is January 2001 through January 2002, and then for the past 5 years and before that the last 10 years. The report found that nearly three-quarters, 36 out of 50, of these drugs rose at least 1.5 times the rate of inflation, while one-third, 8 out of 50, rose 3 more times the rate of inflation.

The drugs that experienced the largest price increases were the following, and I am not going to get into all of the details, but it gives some incredible examples. Demadex and Premarin rose nearly 7 times the rate of inflation. Plavix rose more than 6 times the rate of inflation. Zestril, Lipitor, and Combivent rose more than 5 times the rate of inflation.

The interesting thing about it is that if we compare price increases of generic versions of these same brand name drugs, and this is what the report did, the report showed that the brand name drugs rose 4.5 times faster than the rate of price increases for generic drugs, 8.1 percent versus 1.8 percent, and 10 of the 50 most prescribed drugs for seniors are generic, and the average annual price for those drugs was $375. Nine of these 10 drugs did not increase in price at all.

The point that that makes, and I think it is particularly important in light of the Democrats making a push in the next few days to try to get a bill brought up in committee that seeks to encourage more generic drugs, is that the brand name drug prices were increasing rapidly, whereas generic drugs were not.

When we talk about generic drugs, a lot of people are familiar with generics and understand what it means, but a lot of people are not. What we have found repeatedly is that if we can bring a generic drug to market, in other words, if the patent for the brand name drug expires and you can have a number of companies selling a generic drug in lieu of the patent drug, that will significantly bring down costs. Generics are one way of bringing down costs, and that also needs to be addressed by this Congress.

What are the Republicans and the Democrats doing about this problem? We know we have a problem of price increases with prescription drugs. We know that Medicare right now does not include any kind of prescription drug benefit unless you happen to be in an HMO, and many of the HMOs have dropped seniors in the last couple of years.

So what is the Congress doing about it? Well, the Democrats have really come up with a very simple solution. The Democrats have proposed basically expanding Medicare to provide a prescription drug benefit. Those Members who are familiar with Medicare know that under part B of Medicare, which takes care of the doctors' bills, basically what seniors do, and 99 percent of the seniors do this when they participate in Medicare, they pay a monthly premium, so much a month. It is usually $45–50 a month, and they pay a deductible of $100 for their first doctor bill. But after that, 80 percent of the doctors' bills are paid for by the Federal Government under Medicare, and they pay 20 percent up to a certain amount when the government pays 100 percent.

The Democrats proposed and we have legislation that would accomplish the same goal and do it in the same way, provide a prescription drug benefit under Medicare that was guaranteed, that was universal, that all seniors and everyone eligible for Medicare would take advantage of, and essentially you would pay $25 a month premium, you would have a deductible of $100, and after that 80 percent of your prescription drug costs would be paid for by Medicare by the Federal Government. There would be a 20 percent copay.

□ 2045

And after someone had shelled out $2,500 out of pocket, if that were the case in paying the 20 percent, then all of their prescription drug bills would

be paid for 100 percent, modeled after what we do now for doctor bills.

It makes sense. It is very simple. Medicare has been a very successful program. Given that more and more seniors do not have access or have problems paying for prescription drugs, this would seem to be a logical solution. It is certainly logical, certainly reasonable; but the problem is that the Republican leadership in the House, because they are so much in the pockets of the brand-name drug companies, would not even consider something like that. When the Democrats tried to bring it up as a substitute to the Republican bill, they ruled it out of order. They would not let it come up.

What have the Republicans proposed instead of a simple expansion of Medicare to include prescription drugs? They have talked about the need for privatization. In the same way that President Bush has talked for privatizing Medicare as a whole, the Republican leadership in the House has moved a bill and passed a bill, because they have the majority, they have the votes, to simply provide private health insurance or try to encourage seniors to seek out private health insurance that would cover their prescription drugs, basically give seniors a certain amount of money like a voucher so that they could go shop around and see if they could find a private insurance plan that would pay for prescription drugs.

I would venture to suggest to my colleagues that this is the most absurd idea; and the reason I say that is because if the private sector was able to effectively provide prescription drug benefits in the same way that people thought that maybe the private sector would be able to provide for health insurance for seniors in general, then we would not need a government program.

The reason that we have Medicare in general to pay for hospital bills, to pay for doctor bills, is because when seniors prior to Medicare, 30, 40 years ago, tried to go out to buy private health insurance to pay for their medical bills, they could not find it because they were too high risk. They were using too much health care. They could not find a health insurance policy that would provide the coverage. And so that is why we started Medicare as a government program. Not because we were socialists and wanted a government program; but because, practically speaking, seniors could not find health insurance, they could not buy it. It was not available.

So now why would we want to do the same thing, why would we want to suggest to seniors that they go out and try to buy health insurance privately that just covers prescription drugs? That is even less likely to be available because most seniors use prescription drugs and anybody who knows the way insurance operates, the private sector knows, that private insurance companies only want to provide insurance to low-risk individuals. They do not want to provide insurance where everybody who is covered by the policy is going to take advantage of the benefit and need the prescription drugs, because they cannot make any money if they sell insurance that provides that kind of a benefit. So the Republican proposal is essentially absurd from the get-go because it will never work, because if there was private insurance available, seniors would just go out and buy it and they cannot buy it because it is not available.

I would venture to say to my colleagues that what is really going on here is that the Republicans are doing the bidding of the brand-name drug companies. The brand-name drug companies do not want a Medicare benefit, and they do not want anything that would interfere in the rising price and cost and profits that they make from selling prescription drugs. Even if it means selling it to fewer and fewer people, they are making more and more of a profit.

In case anyone doubts what I say, I just wanted to point out very briefly this evening, and I have done this before, some of the things that are going on with the brand-name drug companies to accomplish their goal of preventing a real prescription drug benefit that would be meaningful to seniors. On the day when the Republican bill that I talked about, the privatization bill, was brought up and considered in the Committee on Energy and Commerce, which has jurisdiction over prescription drugs and that I am a member of, there was a fundraiser for the Republican National Committee the same night; and because the drug companies were so involved in the fundraiser for the Republican National Committee, the committee actually broke at 5 o'clock and carried over its business to the next day because all the Republicans had to go to this fundraiser where they would get money from the prescription drug industry.

This is an article from The Washington Post on that day in June, and the headline says: ''Drug Firms Among Big Donors at GOP Event.''

''Pharmaceutical companies are among 21 donors paying $250,000 each for red-carpet treatment at tonight's GOP fundraising gala starring President Bush, two days after Republicans unveiled a prescription drug plan the industry is backing, according to GOP officials.

''Drug companies, in particular, have made a rich investment at tonight's event.'' It goes on to describe all the money that they were giving, but the article further on says that ''every company giving money to the event has business before Congress. But the juxtaposition of the prescription drug debate on Capitol Hill and drug companies helping underwrite a major fundraiser highlights the tight relationship lawmakers have with groups seeking to influence the work before them.

''A senior House GOP leadership aide said yesterday that Republicans are working hard behind the scenes on behalf of PhRMA,'' that is the pharmaceutical company trade group, ''to make sure that the party's prescription drug plan for the elderly suits drug companies.''

What was going on here was that the big drug companies were not only giving to the Republican campaign coffers, they were writing the bill. They wanted to make sure that the bill that was written by the Republicans that came out of committee and came to the floor was a bill that suited them and suited them because either it would not work because it was the privatization proposal that does not work or at least would guarantee that there was no effort to reduce or have any influence over prices. And if anyone doubts that, I will read a little section from the Republican prescription drug bill that is entitled ''Noninterference.''

Basically what it says is that the administrator of their program, of their prescription drug program, could not in any way try to reduce prices. I will just read you some sections. This is the actual bill.

It says that ''the administrator of the program may not require a particular formulary or institute a price structure for the reimbursement of covered outpatient care; two, interfere in any way with negotiations between PDP sponsors and Medicare+Choice organizations and drug manufacturers, wholesalers or other suppliers of covered outpatient drugs; and, three, and this is most important, otherwise interfere with the competitive nature of providing such coverage through such sponsors and organizations.''

So what they did with this noninterference clause in their bill, and I know it is a little bureaucratic there, but the bottom line is it says that you cannot interfere in anything that would deal with pricing, with price structure. Remember, I mentioned before that the Democratic bill expands Medicare to include a prescription drug benefit. It does not operate with the private sector. It simply expands Medicare to include a prescription drug benefit. We do the opposite with regard to the cost issue. In the Democratic bill we say that the Secretary of Health and Human Services must, is mandated, to negotiate and reduce prices, because the idea now is that there are going to be 30 or 40 million seniors in the Medicare program who now have this prescription drug benefit; and if the Secretary of Health and Human Services negotiates for them, he can bring down prices maybe 30, 40 percent because he now has the power to negotiate for all these 30, 40 million senior citizens.

This is what happens now with the VA. The Veterans' Administration does this. They negotiate for the veterans in order to bring down prices. The military does this, the Army, Navy. They all negotiate on behalf of the military personnel to bring down prices so they get a really good price for their prescription drugs. That is what the Democrats do in their bill.

The Republicans say, You cannot do that. We do not want you to do that. Not only did the drug companies give all this money to the Republicans, not only did they write the bill to make sure that they were protected in the sense that there would be no effort to reduce price, but also they started running ads almost immediately after the Republican bill passed the House of Representatives touting the fact that certain Republicans who were running in tough races this November to be reelected, that those Republicans had voted for the Republican bill and how wonderful they were and how wonderful they were to their senior constituents because they voted for this bill. Amazingly, if you think about it, you give money to prevent the good bill from coming up, you make sure that your bill is the one that is written, and then you go out on the airwaves and you pay for advertisers who tell the American public that the person who voted for this pharmaceutical boondoggle is doing the right thing and in some way is some sort of a hero. But this is exactly what was done.

There is a report that I have, and this was actually done by Public Citizen, another nonprofit group. They pointed out in the report issued in July of this year that United Seniors Association, which is the group that is running these ads telling you how wonderful the Congressmen are that voted for the Republican bill, is basically nothing but a front group for the drug industry. Drug companies gave that organization that runs these ads and pretends to be sort of neutral $10 million initially to push the drug bill favored by the industry.

In fact, the information I have, which is really new information, this week, says that not only has this alleged senior group that is being underwritten or financed by PhRMA, by the drug companies, not only did they start running the ads in June or July after the Republican bill passed here, but they have continued to run ads and now as of, I guess this is dated yesterday, September 16, which I am going to read you now, they are just pumping even more money into these ads. This is a ''Daily Health Report'' from the Kaiser Network, the Henry J. Kaiser Family Foundation, Kaiser Network. It says that the Pharmaceutical Research and Manufacturers Association, that is PhRMA, the drug companies' trade group, has contributed millions of dollars in recent months for political ads in several States with tight congressional races.

For example, the industry group has provided the United Seniors Association, which runs the ads, with more than $8 million for ads promoting about two dozen House candidates who support the House-passed GOP drug bill which includes the prescription drug benefit. The commercials began running last week in about 20 regions where Republicans face tough races this fall. The ads are tailored to each race, stating that the candidate understands the need to assist seniors with health care costs and supports adding meaningful drug coverage for all seniors. The ads end by encouraging viewers to call their respective Congressman and urge him to keep fighting for his bill. The association's campaign, which also includes Internet and direct mailing efforts, is supported by a general education grant from PhRMA.

In addition, another group, the 60 Plus Association, has been running radio and newspaper advertising in selected States backing the GOP-backed drug bill. The National Journal reports that both groups are helping Republican candidates and drug companies by promoting industry-backed legislation.

I do not want to keep going on, but the other thing that we found is that not only are the drug companies financing these ads telling people to support candidates that support their bill but now they are also putting pressure on companies to not support an alternative bill which the Democrats are pushing in particular this week that would make it easier for generics to come to market. This is from the same report, from the Kaiser Network.

It says that in other prescription drug news, pressure from the pharmaceutical industry has forced several companies to drop their support of a Senate-passed bill, S. 812, that would ease market entry of generic drugs, according to a Washington Post editorial from yesterday.

Earlier this month, Georgia-Pacific and Verizon Communications left or reduced their roles in Business for Affordable Medicine, a coalition lobbying for easier access to generic drugs, after brand-name drug makers threatened to end contracts with the companies. Georgia-Pacific asked to not be listed on the coalition's Web site after receiving pressure from Eli Lilly, and Verizon left the coalition recently after being pressed by Wyeth. Since then, Marriott International quit the coalition and UPS has asked to be removed from the Web site. ''Given that all these companies stand to benefit from lower drug prices, it's a fair guess that drug company pressure had something to do with their decisions,'' The Washington Post stated, concluding that it is a ''worrying sign'' that the ''eminently reasonable reform'' passed by the Senate ''faces tough sledding in the House, whose Members now have to choose between affordable medicines and placating the drug lobby.''

Let me explain a little bit what this generic drug bill is that the Democrats are pushing now, again in an effort to try to reduce costs. What basically has been happening is that brand-name companies get a patent for a particular drug, a prescription drug when they develop it, when they do the research and they develop it. They are able to seek a patent and gain a patent where they have so many years where they exclusively can sell the drug because they produced it, or they researched and developed it. The reason that that patent is given is because it is basically incentive for a company or an individual to develop a new miracle drug.

But after so many years when this exclusivity runs out, the theory is that the drug companies benefited greatly and made a lot of profit on the drug, then generic companies, basically any company can come in and produce a similar generic drug which obviously is sold for significantly less and is one way of trying to reduce costs for prescription drugs.

□ 2100

But the problem is that over the years the brand name drug companies have tried to come up with all kinds of ways of getting around the end of their patent, by renewing it, or playing some kind of games or gimmicks, if you will, to try to get the patent extended or get a new patent that is similar to the old one so you cannot bring generics to market.

I do not want to get into all the details of this, but I want to give one example. Under current law, when a generic drug seeks FDA approval and a brand company's drug is patented, the brand company can sue the generic for patent infringement. But under the current law, which is called Hatch-Waxman, it forbids the FDA from approving the generic application for 30 months.

Basically what they are saying is if the patent has expired and a generic wants to come in and produce the same drug, but the company that has the patent feels that somehow the patent is going to be infringed, the FDA basically gives a stay for 30 months, if you will, before the generic can come to market. What the brand companies have done is they have used this provision by dragging out lawsuits and by obtaining a series of 30-month delays through the last-minute filing of new and sometimes frivolous patents.

I do not want to get into all the details of this, but the bottom line is they can keep running the period when the patent is exclusive, essentially, and force the situation where the generic drug does not come to market. There are all kinds of examples like this.

Some of my colleagues, on a bipartisan basis, the gentleman from Ohio (Mr. BROWN), a Democrat, and the gentlewoman from Missouri (Mrs. EMERSON), a Republican, introduced a bill called the Prescription Drug Fair Competition Act, H.R. 5272, that seeks to basically get rid of a lot of these loopholes so that the generics can easily come to market and these patent abuses cannot continue.

This bill actually passed in the Senate, I am sorry, Mr. Speaker, by the other body, but so far our efforts, primarily by the Democrats, to bring this bill up in this House and have it passed here so it can go to the President and be signed into law have achieved nothing. The Republican leadership refuses

to have a hearing in committee, refuses to allow a vote to bring it out of committee, refuses to let it come to the floor of the House.

Now, this is only one way of trying to reduce costs, but a very effective way. Essentially what we have been seeing in the House under the Republican leadership is that every effort that has been made, either by the Democrats or on a bipartisan basis as this generic bill was, to try to come up with formulas that would reduce costs, the Republican leadership just will not allow it to come up.

As I mentioned before, in their own benefit bill, their prescription drug benefit bill, the privatization bill, they have this non-interference clause that says you cannot negotiate price reduction. The Democrats mandate in their bill that prices are reduced. The Democrats in the other body, they actually passed a bill that would plug up these generic loopholes. The Republicans in the House refused to bring it up.

There are many other examples. We have bills that would allow reimportation from Canada. As I think many of my colleagues know, if you compare the United States and the price of drugs in the United States to almost every other developed country, you take like the top 5 or 6 countries by gross national product, Britain, France, or even smaller countries like Canada or Italy, whatever, Western Europe, other developed countries, you will find that prescription drug prices are significantly less, sometimes 30 or 40 percent of the cost of what you would pay in the United States. So one of my colleagues, the gentleman from Maine (Mr. ALLEN), proposed a bill that said that the cost that companies charge for prescription drugs in the United States has to be comparable to what citizens in these other countries pay.

Well, of course, we cannot get that bill posted by the Republicans. They will not allow that to be posted.

We have also tried to, as I said, pass a bill that would allow you to reimport a drug. In other words, you could apply to a drugstore in Canada, for example, over the Internet, or even physically go to Canada and bring the drugs back into the United States. Legislation has been introduced by my colleague, the gentleman from Vermont (Mr. SANDERS), that would allow reimportation from Canada. Republicans will not let that bill come up. That has not come to the floor.

The list goes on and on. Probably one of the worst examples is that right now, when the brand name drug companies advertise for certain drugs on TV and encourage you to use a brand name as opposed to a generic for a particular drug, the advertising costs are actually underwritten by the taxpayers. They get a tax credit or deduction for that kind of advertising. That actually encourages you as the consumer to pay higher prices for the brand name drug.

So all of these things, we have legislation on the Democratic side that would eliminate the tax subsidy or the deduction or the tax credit for that kind of advertising by the pharmaceutical companies. We cannot bring that up either. They will not allow it.

The Republican leadership does not want us in any way to address the issue of cost and trying to reduce costs for prescription drugs, because basically the drug industry is behind the Republican efforts, paying for the Republican efforts, paying for the ads for their candidates, and they are basically in the pockets of the brand name drug industry.

I do not mention this because I am trying to be evil or trying to say that all Republicans are bad or anything of that nature, but the problem is that the leadership very much does whatever the brand name drug industry wants, and that is the main reason why we are not able to get any kind of effort to reduce prices, and it is another reason why we are not able to get any kind of expansion of Medicare to include prescription drugs.

Mr. Speaker, I just would like to take a little more time, and then I am going to conclude this evening, to talk about the benefit.

My constituents in New Jersey over the last 2 or 3 years since the Medicare+Choice, the HMO programs effectively tried to sign up a lot of seniors under Medicare on the theory that if you signed up for an HMO you would get your prescription drug coverage, because Medicare does not normally cover it, but some of the HMOs that were offering Medicare policies in New Jersey were offering a prescription drug plan as part of their HMO Medicare policy.

But what we found is that more and more of the HMOs after 6 months or a year would pull out of the Medicare program and would not give seniors the option, if you will, of joining an HMO and getting their prescription drug benefits.

There was an article just last week in the New York Times dated September 10 entitled ''HMOs for 200,000 Pulling Out of Medicare'' by Robert Pear. It says, ''Health maintenance organizations serving 200,000 elderly and disabled people said they will pull out of Medicare next year, raising to 2.4 million the number of beneficiaries that have been dropped by HMOs since 1998.''

Again, if you talk about a privatization plan for prescription drugs, we already have the example with HMOs which were offering prescription drugs to seniors and increasingly have dropped them because they cannot afford to provide the benefit. It seems to me that that goes far to explain why a privatization program for seniors to provide seniors with a prescription drug will not work, and that is why you have to simply expand Medicare along the lines of what the Democrats have talked about in order to provide a decent benefit.

Mr. Speaker, I will conclude with that, but I want to say that I am going to be here many times, many nights, over the next 3, 4, 5 weeks before we adjourn, and I know I am going to be joined by a lot of my colleagues on the Democratic side, saying that before we adjourn we need a Medicare prescription drug benefit that covers all seniors and everyone under Medicare and that is affordable, and, secondly, that we need to address the issue of price and rising costs for prescription drugs, pass the generic bill, provide some kind of reimportation, provide some sort of process whereby the agency that administers the Medicare program can negotiate cheaper drug prices. All these things have to be done.

If any of my colleagues on either side of the aisle doubt that this is an important issue for the average American, whether they are a senior or not, they just should spend a couple of days at a forum or talking to their constituents on the street, and they will find that they are crying out for this Congress to address this prescription drug issue in an effective way.

ENSURING FREEDOM OF SPEECH IN AMERICA

The SPEAKER pro tempore (Mr. SHUSTER). Under the Speaker's announced policy of January 3, 2001, the gentleman from North Carolina (Mr. JONES) is recognized for 60 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I can assure you and the staff that I will not take that much time. That might be the best news I can give.

Mr. Speaker, I am pleased to have a few minutes of this hour to talk about an issue that I think, as my friend from New Jersey feels that the issue he is talking about, prescription drugs, is important, and I would agree it is important, but I want to talk about freedom of speech.

I think that there is nothing except the Bible that is more sacred to the American people than the Constitution. It is second only, again, to the Bible.

Tonight I want to talk a little bit about H.R. 2357. This is a bill that I introduced about 2 years ago. I actually have 130 sponsors, and I believe you, Mr. Speaker tonight in the Chair, are a cosponsor of this also.

In this country we have our men and women in uniform that right now are overseas in Afghanistan, and they could be called on to be in other parts of the world to defend the national security of this country, and the national security of this country includes our constitutional rights and our freedoms, the things that we cherish. We really appreciate those who have given their life for this country in the past and what they have done to ensure that we would have the freedoms that we enjoy in this great, great Nation, blessed by God Almighty.

I would like to give a little bit of the history of this bill that I put in. If this was 1953, Mr. Speaker, I would not even be on the floor, because there would be

no issue. In 1953, the churches, synagogues and other houses of worship had no restriction on what they might say in their church. But in 1954, Lyndon Baines Johnson, the United States Senator from Texas and the majority leader, was very offended that there was a 501(c)3 group that was opposed to his reelection by the name of the H.L. Hunt family. These were not churches. These were think tanks, as we know them today, and they were opposed to his reelection.

So what Lyndon Johnson did, he put an amendment on a revenue bill going through the Senate in 1954 that was never debated. There was no debate at all. The Republican minority accepted what they call a UC, a unanimous consent, so therefore it became the law. It gave the authority to the Internal Revenue Service that the Internal Revenue service would be able to, if you will, evaluate what could and could not be said in a church, synagogue or mosque.

Mr. Speaker, I am of the firm belief that those men who came to this country along with their wives years and years and years ago came to this country for religious freedom. They came here to build a new nation, a nation that would be and still is blessed by God Almighty.

Mr. Speaker, my problem is, and the reason I introduced H.R. 2357, that I believe that spiritual leaders of this country must have the freedom to talk about the issues of the day, whether they be about political issues of the day or whether they be about the moral issues of the day, and sometimes those sermons in those churches have to touch on the political issues of the day.

I will give an example of that, because it happened in my district. A very dear friend of mine who happens to be a Catholic down in New Bern, North Carolina, whose name is Jerry Shield, Jerry asked his priest, Father Rudy at St. Paul's Catholic Church in New Bern, in the year 2000 to just make one little comment the Sunday before the Tuesday election. He said, ''Father, how about just saying that George Bush, who is a candidate for President of the United States, is pro-life?''

Believe this or not, Mr. Speaker, the priest said, ''Jerry, I cannot say that. If I do, I will violate the 501(c)3 status of this church and we might lose that status.''

Mr. Speaker, I am going to tell you that I am offended that any clergy in this country, our spiritual leaders that talk about morality, that talk about the political issues of the day as they see fit to talk about those issues, that they should have any restriction at all on them.

What I wanted to do tonight, I was on the floor last week and I talked about a few of the national leaders who are supportive. Again I want to say we have 130 cosponsors of this bill. I am pleased to tell you that in the last couple of weeks we have picked up three additional Democrats. I want to pick up more.

I am reaching out to my friends on both sides of the aisle to ask them to please look at this as nothing more. It is not a political issue, it is not a party issue, it is just an issue of freedom of speech, because, again, I cannot say it too much, that if this was 1953, I would not be on the floor.

□ 2115

There was no restriction. I have researched this issue and when the churches qualified by the law to become 501(c) status, there is no, no restriction of what they could or could not say.

I want tonight to again just mention a few of the spiritual leaders of this country who support this legislation. Richard Land, the Southern Baptist Convention; James Dobson, we all know is the president of Focus on the Family; David Barton, director of the Wallbuilders. He has been such a strong supporter of this legislation. James Martin, president of the 60 Plus Association; Tim and Beverly LaHaye, the Concerned Women for America; Kent Synder, executive director for the Liberty Principle; Connie Mackey; William Murray, the chairman of the Religious Freedom Coalition; David Keene, chairman of the American Conservative Union; D. James Kennedy, President of Coral Ridge Ministries; and Ray Flynn, Mr. Speaker, the former ambassador to the Vatican is a strong supporter of this legislation, H.R. 2357, to return the freedom of speech to our churches and synagogues. In addition, Rabbi Daniel Lapin, and I have had the pleasure of talking to him twice now. What a wonderful man of God he is and he is a real inspiration to all of us who love God, there is no question about it. And James Bopp, the constitutional lawyer for the James Madison Center for Free Speech.

Mr. Speaker, in addition to that, I am very pleased to tell my colleagues tonight that a former Member of the United States House of Representatives, a man that was here my first session in the United States Congress, I had great respect for. I did not really get to know him, I wish I had. But he was a real leader on the Democratic side. His name is Floyd Flake. Dr. Flake is a minister, a former Member of Congress, and he is the pastor of the Greater Allen Cathedral in New York; and he wrote a very strong letter of support for this legislation.

Mr. Speaker, in addition to that, they held a hearing on this issue on May 14, and I am very pleased to tell my colleagues that Dr. D. James Kennedy came up from Florida to testify on behalf of this legislation. In addition, I am pleased to tell my colleagues that another former Member of the House, a Democrat, Walter Fauntroy, Pastor Walter Fauntroy came to testify on behalf of this legislation. Let me read the last paragraph of Dr. Flake's letter.

It says: ''I am pleased to offer my wholehearted support with sincere prayer for passage of this important and liberating legislation.'' That is the key: liberating legislation. Our men and women of faith who are spiritual leaders should have every right they choose to talk about the issues of the day. I know that when Al Gore was running for the Presidency in the year 2000, he was in Dr. Flake's church and after Mr. Gore spoke, the minister said, Dr. Flake said, ''I think this is the right man to lead this Nation.'' Well, then he got a letter of reprimand from the IRS. Well, Mr. Speaker, if that is what Dr. Flake felt and wanted to say that to his congregation, there should not have been any Federal Government overseeing what he said in that church.

Then I gave the example earlier of my friend, Jerry Shield, down in New Bern to ask the priest just to say that George Bush is pro-life, let us support George Bush. These are the things that if this was 1953, they would be able to do it without any reservation at all. But Lyndon Johnson, who was an arrogant Member of the Senate at the time, and later became a President that I do not have much respect for his Presidency, quite frankly; but anyway, he put in an amendment without any debate, as I said earlier, that pretty much stifled the churches and synagogues of this country. They did hold a hearing on this legislation, and I want to thank the gentleman from New York (Mr. HOUGHTON), the chairman of the committee, for holding that hearing, because what it did, it gave us a chance to talk about this issue.

I want to read just a couple of comments, Mr. Speaker, because they had two representatives of the IRS to come talk about their authority given again by Lyndon Johnson to stifle the speech of the churches and synagogues in this country. I am not going to read all of the testimony, but I am going to read just a couple of minutes for the RECORD, if I could. Let me use for an example that one of the comments was of the gentleman from Georgia (Mr. LEWIS), who asked Mr. Miller, who represents the Internal Revenue Service at the hearing, and Mr. LEWIS said, ''As a rule,'' again, to the IRS, ''do you monitor the activities of churches during the political season?'' The IRS representative, Mr. Miller says, ''We do monitor churches. We are limited in how we do that by reason of section 7611 and because of the lack of information in the area, because there is no annual filing.''

But, Mr. Speaker, this is the point I want to make. He additionally said, ''So our monitoring is mostly receipt of information from third parties who are looking.''

Well, I think that is a sad commentary on this great Nation that we have to have our churches and synagogues having a third party to look in to see what they are saying, because then that third party, if they believe they have violated the Johnson amendment, can report them to the Internal Revenue Service. Mr. Speaker, that is

not what this great Nation is about. That is not what these great men and women in uniform are willing to give their life for. They are willing to give their life for the national security of this country and the freedom of this Nation. But that is what Mr. Miller said: we are dependent on a third party to report the church for violating the Johnson amendment for speaking freely on the political and moral issues of the day.

Then there is another question that Mr. LEWIS asked and I want to read this for the RECORD: ''Do you have the ability or the capacity as an agency to monitor the activities of churches and other religious institutions?'' Mr. Miller with the Internal Revenue Service says, ''The only thing we can rely upon again is who would be in that audience to report it.''

Mr. Speaker, I think that is so tragic. We have a law in the land of this country that restricts freedom of speech in our churches and synagogues, and we have to depend on a third party to be there to report that to the Internal Revenue Service. That again is not what should be in this country. The spiritual leaders of this great Nation should have the right to choose whatever they feel that they must say from their heart and their God to their members who are in that congregation. But again, Mr. Miller has been very honest on the committee on May 14, and he acknowledged we are dependent on a third party to report churches and synagogues who might violate the law of the land. Well, my point there is that how in the world, with all of the churches and synagogues and mosques in this country, can we enforce this law? The law is unjustified, it is unneeded, and should never have been adopted. It was done in 1954 at night without any debate. We should pass H.R. 2357 and return the freedom of speech to our churches and synagogues.

Just one more point on this, Mr. Speaker, and then I am going to work toward a close. Let me read this letter, and this is what really bothers me more than anything. This might better explain to the Congress what we are trying to say. The gentleman from Illinois (Mr. WELLER) was also on that committee that I mentioned that the gentleman from Georgia (Mr. LEWIS) served on, the oversight committee chaired by the gentleman from New York (Mr. HOUGHTON). The gentleman from Illinois (Mr. WELLER) asked this question: ''So just to follow up on that, say you have a candidate who is a guest speaker, was in a church speaking from the pulpit, concludes his or her remarks, and the minister walks up, puts his hands or arms around the particular candidate and says, this is the right candidate; I urge you to support this candidate. Is that allowable under current law?'' That is the gentleman from Illinois (Mr. WELLER) to Mr. Hopkins, who represents the Internal Revenue Service, and he says, ''No, that would not be allowable under law. That would clearly be political campaign activity. It would be protected, however, under the two bills that are specifically the subject of this hearing,'' a bill introduced by the gentleman from Illinois (Mr. CRANE) and myself, Congressman JONES, H.R. 2357.

Mr. Speaker, I came to this floor last week, and I am going to come a couple times this week and a couple of times next week, because I hope that the leadership of the House will bring this to the floor of the Congress to vote on. I believe sincerely that if this country is going to have a great future, and we are a Nation who cannot forget that this Nation has been blessed by God; if we are going to have a strong Nation, then our preachers, our priests, and our rabbis must have a right to talk about the issues of the day. And sometimes those moral issues of the day become political issues. I think that our ministers must have the right to talk about those issues of the day if this country is going to remain morally strong.

Let me start closing by reading a letter; it will not take but just a couple of minutes. This is a minister who is an African American minister down in Raleigh, North Carolina, and I know him, I have talked to him by phone; and I have a great deal of respect for him. He is a strong man of God. I had read an article in a Raleigh paper; all the liberal press, Mr. Speaker, they just cannot understand this legislation. The liberals just cannot understand it. I guess they forget that they are protected by the Constitution and so should the ministers and priests and rabbis, as far as I am concerned.

Let me read this. It is from Marian B. Robinson, minister of the St. Matthew AME Church in Raleigh, North Carolina, and it will not take but a moment.

''Dear Congressman Jones: I read with interest an article printed in Raleigh News and Observer as it pertained to H.R. 2157, the Houses of Worship Political Speech Protection Act. Thank you for introducing a bill that will give free speech to houses of worship on issues of moral and political significance without the fear of losing their tax exempt status. If the churches cannot do it, then who can?''

Second paragraph: ''Secondly, the black church has always been a platform and forum to get the message out to our people since we have no other institution or places to go or turn to. The church continues to be the mouthpiece for informing and directing our people on most things. Part of our job consists of trying to keep families strong and together by instilling morals and values and the teachings of Christ. We need freedom of speech from the pulpits without fear of reprisals. This will help us carry out our tasks in a manner pleasing to God and meaningful to the people.''

Mr. Speaker, the reason I wanted to read that letter is because this support is across the board. It is from people of faith, whether they be African American, whether they be Muslim, whether they be Catholic, Jew, or Protestant. They support this legislation because they fully understand, as I understand, that the strength of this country is the fact that our spiritual leaders have the freedom to talk about these issues.

I must say that as Pastor Robinson asked me in this letter of support, Mr. Speaker, if they are not going to have the right to talk about these issues, then who is going to talk about them? What I say to the liberal press is, I do not have much respect for the liberal press. When it suits their needs, they support it; when it does not suit their needs, then they do not support it. But I will tell my colleagues that I never saw in 1953, and I have had my staff to do a lot of research, I never saw any editorial or any news article that took the churches to task for what they might have said of a political nature in 1953. None.

So, Mr. Speaker, tonight as I close, I do want to mention this. The IRS also has what they call code words. They do not just have to say to the minister that just because you say that you want to support myself, Congressman JONES, or as the minister mentioned earlier, another candidate, that that would be a violation. That would be a violation was the answer to the gentleman from Illinois (Mr. WELLER). But this is what I want to start closing with tonight, Mr. Speaker, is that they print a publication that is called ''Election Year Issues,'' and they give an example of code words, C-O-D-E, code words. And these code words can, if used, can bring the IRS into looking into that church's activity.

Let me just give an example of code words: liberal, pro-life, pro-choice, anti-choice, Republican, Democrat, and there are others.

□ 2130

These are code words that the IRS can use if they think that there is a violation. They do not mention the candidate; but they might mention a code word, and the IRS can come in and threaten a church.

Mr. Speaker, tonight as I close, and again, I am like many Members of Congress on both sides of this aisle, I have great faith in God. This is the greatest Nation in the world because we are a Nation that understands that we are blessed by God almighty.

I just think and I hope that in the next couple of weeks that the leadership will give the Congress a chance to debate this issue, to vote on this legislation; and I hope the majority of the Members of this House will vote to pass this legislation.

Again, I close by reminding the House that in 1953, and up to 1953, there were no restrictions on the churches and synagogues in this country. So let us return the freedom of speech to the spiritual leaders of this country so that they can do their job for our God.

Mr. Speaker, I close this way because I have three military bases in my district: Cherry Point Marine Air Station,

Camp Lejeune Marine Base, and Seymour Johnson Air Force Base. Every time I speak, and I spoke Monday night at the Christian Coalition banquet down in my district, and I was pleased to say that the Republican candidate for the United States Senate, Elizabeth Dole, was there and did a fantastic job of giving her testimony, I close this way, and I have ever since September 11.

I first ask God to please bless our men and women in uniform, I ask God to please bless the families of our men and women in uniform, and I ask God to please bless the President of the United States as he leads this Nation. I ask God to please bless the men and women who serve in the House and Senate.

I ask God, and I say it three times, please God, please God, please God, continue to bless America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MASCARA (at the request of Mr. GEPHARDT) for today on account of personal reasons.

Mr. GEORGE MILLER of California (at the request of Mr. GEPHARDT) for today and the balance of the week on account of illness.

Mrs. MINK of Hawaii (at the request of Mr. GEPHARDT) for today and the balance of the week on account of illness.

Mrs. ROUKEMA (at the request of Mr. ARMEY) for today and the balance of the week on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TAYLOR of Mississippi) to revise and extend their remarks and include extraneous material:)

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. PHELPS, for 5 minutes, today.

Mr. TAYLOR of Mississippi, for 5 minutes, today.

Mr. STENHOLM, for 5 minutes, today.

Mr. BOYD, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 12, 2002 he presented to the President of the United States, for his approval, the following bills.

H.R. 3287. To redesignate the facility of the United States Postal Service located at 900 Brentwood Road, NE, in Washington, D.C., as the ''Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center''.

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.

H.R. 5207. To designate the facility of the United States Postal Service located at 6101 West Old Shakopee Road in Bloomington, Minnesota, as the ''Thomas E. Burnett, Jr. Post Office Building''.

ADJOURNMENT

Mr. JONES of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 32 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 18, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9175. A letter from the Principal Deputy Associate Adminstrator, Environmental Protection Agency, transmitting the Agency's final rule — Thiophanate-methyl; Pesticide Tolerances for Emergency Exemptions [OPP-2002-0226; FRL-7196-5] received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9176. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Objections to Tolerances Established for Certain Pesticide Chemicals; Additional Extension of Comment Period [OPP-2002-0057; FRL-7275-3] received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9177. A communication from the President of the United States, transmitting his requests for FY 2003 budget amendments for the Departments of Agriculture, Energy, Interior, and Transportation; International Assistance Programs; and the National Capital Planning Commission; (H. Doc. No. 107—262); to the Committee on Appropriations and ordered to be printed.

9178. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 99-06, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

9179. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 00-02, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

9180. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 99-06, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

9181. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 98-04, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

9182. A letter from the Deputy Secretary, Department of Defense, transmitting the report to Congress for Department of Defense purchases from foreign entities in fiscal year 2001, pursuant to Public Law 104—201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

9183. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's report on the Summary of amounts for Cooperative Threat Reduction (CTR) Programs in the Former Soviet Union; to the Committee on Armed Services.

9184. A letter from the Vice President, Export-Import Bank of the United States, transmitting a report involving U.S. exports to China, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

9185. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Confirmation Requirements for Transactions of Security Futures Products Effected in Future Accounts [Release No. 34-46471; File No. S7-19-02] (RIN: 3235-AI50) received Septemebr 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9186. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Applicability of CFTC and SEC Customer Protection, Recordkeeping, Reporting, and Bankruptcy Rules and the Securities Investor Protection Act of 1970 to Accounts Holding Security Futures Products [Release No. 34-46473; File No. S7-17-01] (RIN: 3235-AI32) received September 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9187. A letter from the Principal Deputy Associate Administrator, Environmemtal Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, El Dorado County Air Pollution Control District [CA 270-0366a; FRL-7272-4] received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9188. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [CA247-0361 FRL-7272-6] received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9189. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [CA 0264-0365; FRL-7266-2] received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9190. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to Clarify the Scope of Sufficiency Monitoring Requirements for Federal and State Operating Permits Programs [FRL-7374-6] received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9191. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emmission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production [FRL-7375-9] (RIN: 2060-AJ34) received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9192. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval of the Clean Air Act, Section 112(1), Authority for Hazardous Air Pollutants: Perchloroethylene Air Emmission Standards for Dry Cleaning Facilities: Commonwealth of Massachusetts Department of Environmental Protection [FRL-7271-1] received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9193. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans North Carolina: Approval of Miscellaneous Revisions to The Mecklenburg County Local Implementation Plan [NC 98-200237a; FRL-7377-8] received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9194. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Presidential Determination on Waiver of Restrictions on Assistance to Russia under the Cooperative Threat Reduction Act of 1993 and Title V of the FREEDOM Support Act, pursuant to 22 U.S.C. 5952; to the Committee on International Relations.

9195. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's 2001 report on U.S. Representation in UN agencies and efforts made to employ U.S. citizens, pursuant to 22 U.S.C. 276c—4; to the Committee on International Relations.

9196. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Report for 2001 on International Atomic Energy Agency Activities in Countries Described in Section 307 (a) of the Foreign Assistance Act; to the Committee on International Relations.

9197. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Justification for a Drawdown under section 506(a)(1) of the Foreign Assistance Act of 1961, as amended to support the Philippines; to the Committee on International Relations.

9198. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's ''Major'' finalrule — Migratory Bird Hunting; Final Frameworks for Late-Season Migratory Bird Hunting Regulations (RIN: 1018-AI30) received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9199. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's ''Major'' final rule — Migratory Bird Hunting; Late Seasons and Bag Possession Limits for Certain Migratory Game Birds (RIN: 1018-AI30) received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9200. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's ''Major'' final rule — Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2002-03 Late Season (RIN: 1018-AI30) received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9201. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Prospective Payment System for Inpatient Services in Psychiatric Hospitals and Exempt Units''; to the Committee on Ways and Means.

9202. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Revision of Rev. Proc. 88-10 (Rev. Proc. 2002-48, 2002-38) received September 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9203. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Memorandum of Justification under Section 610 of the Foreign Assistance Act of 1961 regarding determination to transfer FY 2002 funds appropriated for International Organizations and Programs (IO&P) to the Child Survival and Health Programs Funds, pursuant to 22 U.S.C. 5952 nt; jointly to the Committees on International Relations and Appropriations.

9204. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's budget request for fiscal year 2004, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

9205. A letter from the Board Members, Railroad Retirement Board, transmitting the budget request for the Office of Inspector General, Railroad Retirement Board, for fiscal year 2004, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Ways and Means, and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 3995. A bill to amend and extend certain laws relating to housing and community opportunity, and for other purposes; with an amendment (Rept. 107–640 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4864. A bill to combat terrorism and defend the Nation against terrorist acts, and for other purposes; with an amendment (Rept. 107–658). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. S. 2690. An act to reaffirm the reference to one Nation under God in the Pledge of Allegiance; with an amendment (Rept. 107–659). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 527. Resolution providing for consideration of the resolution (H. Res. 524) expressing the sense of the House that Congress should complete action on the Permanent Death Tax Repeal Act of 2002, and for consideration of the resolution (H. Res. 525) expressing the sense of the House of Representatives that the 107th Congress should complete action on and present to the President, before September 30, 2002, legislation extending and strengthening the successful 1996 welfare reforms (Rept. 107–660). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 528. Resolution providing for consideration of the bill (H.R. 1701) to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes (Rept. 107–661). Referred to the House Calendar.

COMMITTEE DISCHARGE AND TIME LIMITATION PURSUANT TO RULE XII

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on September 13, 2002]

H.R. 5259. The Committee on the Budget discharged. Referral to the Committees on Ways and Means, Rules, and Government Reform extended for a period ending not later than October 4, 2002.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CRANE:

H.R. 5385. A bill to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 5386. A bill to prohibit the discharge of a firearm within 1,000 feet of any Federal land or facility; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. FRANK, Mr. BERMAN, Ms. JACKSON-LEE of Texas, Mr. MEEHAN, Mr. DELAHUNT, Mr. KUCINICH, Mr. BLUMENAUER, Mr. DAVIS of Illinois, Mr. EVANS, and Ms. SCHAKOWSKY):

H.R. 5387. A bill to make needed reforms in the Federal Bureau of Investigation, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, 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. JOHNSON of Illinois:

H.R. 5388. A bill to authorize the disinterment from the Luxembourg American Cemetery and Memorial in Luxembourg of the remains of Private Ray A. Morgan of Paris, Illinois, who died in combat in January 1945 in the Battle of the Bulge, and to authorize the transfer of his remains to the custody of his next of kin; to the Committee on Veterans' Affairs.

By Mr. LAMPSON (for himself and Mr. FOLEY):

H.R. 5389. A bill to amend title 18, United States Code, to provide forensic and investigative support of missing and exploited children; to the Committee on the Judiciary.

By Mr. MORAN of Kansas:

H.R. 5390. A bill to amend the Farm Security and Rural Investment Act of 2002 to clarify the rates applicable to marketing assistance loans and loan deficiency payments for certain oilseeds; to the Committee on Agriculture.

By Mrs. MORELLA (for herself, Mr. EHRLICH, Mr. GILCHREST, and Ms. NORTON):

H.R. 5391. A bill to provide for the establishment of the National Institutes of Health Police, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself and Mr. EVANS):

H.R. 5392. A bill to amend title 38, United States Code, to enable the Department of

Veterans Affairs to recover costs of medical care from third parties in the same manner as if the health care system of the Department were a preferred provider organization; to the Committee on Veterans' Affairs.

By Mr. STUPAK:

H.R. 5393. A bill to extend the time period prior to the need for workers for the filing of applications for temporary labor certification in the processing of alien labor certification applications; to the Committee on the Judiciary.

By Mr. WEINER (for himself, Mr. CONYERS, and Mrs. MALONEY of New York):

H.R. 5394. A bill to assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence; to the Committee on the Judiciary.

By Mr. ETHERIDGE:

H. Con. Res. 469. Concurrent resolution authorizing the Rotunda of the Capitol to be used on September 19, 2002, for a ceremony to present the Congressional Gold Medal to General Henry H. Shelton (USA, Ret.); to the Committee on House Administration. considered and agreed to.

By Mr. ROGERS of Michigan:

H. Con. Res. 470. Concurrent resolution supporting the goals and ideals of College Savings Month; to the Committee on Government Reform.

By Mr. NUSSLE (for himself, Mr. BROWN of South Carolina, Mr. BONILLA, Mr. SCHAFFER, Mr. BALLENGER, Mr. WATTS of Oklahoma, Mrs. BONO, Mr. TOM DAVIS of Virginia, Mr. BARR of Georgia, Mr. LATOURETTE, Mr. JENKINS, Mr. HAYES, Mr. DAN MILLER of Florida, Mr. AKIN, Mr. GEKAS, Mr. ISSA, Mr. BOOZMAN, Mr. SHADEGG, Mr. HOBSON, Mr. SHIMKUS, Mr. KERNS, Mr. FOSSELLA, Mr. SCHROCK, Mr. ROYCE, Mr. FRELINGHUYSEN, Mr. ENGLISH, Mr. CHAMBLISS, Mr. TERRY, Mr. RYAN of Wisconsin, Mr. HASTINGS of Washington, Mr. BOEHLERT, Mr. THUNE, Ms. HART, Mr. UPTON, Mr. BRADY of Texas, Mr. BURTON of Indiana, Mr. KENNEDY of Minnesota, Mr. SOUDER, Mr. GRAVES, Mr. LATHAM, Mr. HASTERT, Mr. SHAW, Mr. PITTS, Mr. GIBBONS, Mr. FORBES, Mr. JEFF MILLER of Florida, Mr. PUTNAM, Mr. KINGSTON, Mr. HAYWORTH, Mr. TAUZIN, Mr. CAMP, Ms. PRYCE of Ohio, Mr. FLETCHER, Mr. MCINNIS, Mr. SIMMONS, Mrs. BIGGERT, Ms. DUNN, Mr. EVERETT, Mr. ROGERS of Michigan, Mr. OTTER, Mr. CUNNINGHAM, Mr. CANTOR, Mr. BOEHNER, Mrs. NORTHUP, Mr. WATKINS, Mr. BAKER, Mr. VITTER, Mr. FOLEY, Mr. SUNUNU, Mr. ROGERS of Kentucky, Mr. PENCE, Mr. DUNCAN, Mrs. ROUKEMA, Mr. SESSIONS, Mrs. CUBIN, Mrs. WILSON of New Mexico, Mr. DIAZ-BALART, Mr. NORWOOD, Mr. GRUCCI, Mr. GUTKNECHT, and Mr. WOLF):

H. Res. 524. A resolution expressing the sense of the House that Congress should complete action on the Permanent Death Tax Repeal Act of 2002; to the Committee on Ways and Means.

By Mrs. NORTHUP (for herself, Mrs. JOHNSON of Connecticut, Mr. HASTERT, Mr. SHAW, Mr. PITTS, Mr. GIBBONS, Mr. FORBES, Mr. JEFF MILLER of Florida, Mr. PUTNAM, Mr. KINGSTON, Ms. PRYCE of Ohio, Mr. FLETCHER, Mr. HAYWORTH, Mr. TAUZIN, Mr. MCINNIS, Mr. CAMP, Mr. KENNEDY of Minnesota, Mr. ENGLISH, Mrs. BIGGERT, Mr. PENCE, Mr. DUNCAN, Mrs. ROUKEMA, Mr. BOEHNER, Mr. SESSIONS, Ms. DUNN, Mr. ROGERS of Michigan, Mr. CUNNINGHAM, Mr. CANTOR, Mr. MCKEON, Mrs. CUBIN, Mrs. WILSON of New Mexico, Mr. NORWOOD, Mr. GRUCCI, Mr. WATKINS, Mr. GUTKNECHT, Mr. WOLF, Mr. GREENWOOD, Mr. BAKER, Mr. VITTER, Mr. FOLEY, Mr. BALLENGER, Mr. WATTS of Oklahoma, Mr. BROWN of South Carolina, Mr. BONILLA, Mrs. BONO, Mr. LATOURETTE, Mr. TOM DAVIS of Virginia, Mr. BARR of Georgia, Mr. DAN MILLER of Florida, Mr. AKIN, Mr. JENKINS, Mr. HOBSON, Mr. BOOZMAN, Mr. SHADEGG, Mr. GEKAS, Mr. ISSA, Mr. EVERETT, Mr. SCHROCK, Mr. PETRI, Mr. FRELINGHUYSEN, Mr. ROYCE, Mr. SHIMKUS, Mr. CHAMBLISS, Mr. RYAN of Wisconsin, Mr. HASTINGS of Washington, Mr. TERRY, Mr. THUNE, Mr. UPTON, Ms. HART, Mr. BRADY of Texas, Mr. BURTON of Indiana, Mr. SOUDER, Mr. LEWIS of Kentucky, Mr. SHAYS, Mr. HAYES, Mr. GRAVES, Mr. WILSON of South Carolina, Mr. DELAY, and Mr. REYNOLDS):

H. Res. 525. A resolution expressing the sense of the House of Representatives that the 107th Congress should complete action on and present to the President, before September 30, 2002, legislation extending and strengthening the successful 1996 welfare reforms; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and the Workforce, Agriculture, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey:

H. Res. 526. A resolution providing for the concurrence by the House with an amendment in the amendments of the Senate to H.R. 3253; considered and agreed to.

By Mr. OBERSTAR:

H. Res. 529. A resolution congratulating Martin Strel of the Republic of Slovenia for his historic athletic achievement as the first person to swim the length of the Mississippi River; to the Committee on International Relations.

By Mr. OSE (for himself, Ms. LEE, Mr. POMBO, Mrs. TAUSCHER, Mr. MATSUI, Mr. STARK, Mrs. NAPOLITANO, Mr. HERGER, Mr. SHERMAN, Mr. THOMPSON of California, Mr. THOMAS, Mr. CALVERT, and Mr. RADANOVICH):

H. Res. 530. A resolution congratulating the players, management, staff, and fans of the Oakland Athletics organization for setting the Major League Baseball record for the longest winning streak by an American League baseball team; to the Committee on Government Reform.

By Mr. ROHRABACHER (for himself and Mr. FRANK):

H. Res. 531. A resolution amending the Rules of the House of Representatives to permit Members to characterize action in the Senate in the same manner that they may characterize action in the House; to the Committee on Rules.

By Ms. WATERS:

H. Res. 532. A resolution commending the Los Angeles Sparks basketball team for winning the 2002 Women's National Basketball Association championship; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII,

362. The SPEAKER presented a memorial of the General Assembly of the State of North Carolina, relative to House Resolution No. 1780 memorializing the United States Congress and the President to enact legislation to establish a federal/state partnership to use local county veterans service officers to assist the United States Department of Veterans Affairs in eliminating the veterans claims processing backlog; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 122: Mr. PUTNAM.
H.R. 257: Mr. WOLF and Mr. HEFLEY.
H.R. 267: Ms. WOOLSEY, Mr. KIND, Ms. HOOLEY of Oregon, Mr. JEFFERSON, and Mr. CRAMER.
H.R. 285: Mr. HONDA.
H.R. 397: Mr. GRUCCI.
H.R. 415: Mr. EVANS.
H.R. 438: Mr. TAYLOR of Mississippi.
H.R. 638: Mr. PAYNE.
H.R. 792: Ms. NORTON and Mr. EVANS.
H.R. 848: Mr. MANZULLO.
H.R. 854: Mr. RANGEL, Mr. SERRANO, and Mrs. MALONEY of New York.
H.R. 914: Ms. DUNN.
H.R. 959: Mr. POMBO.
H.R. 1111: Mr. CLEMENT.
H.R. 1182: Mr. TIERNEY.
H.R. 1295: Mr. EVANS.
H.R. 1309: Mr. RAMSTAD and Mr. GRUCCI.
H.R. 1310: Ms. WOOLSEY.
H.R. 1368: Mr. SHAYS and Mr. SESSIONS.
H.R. 1525: Mr. SCHIFF.
H.R. 1786: Mr. KLECZKA and Mr. SANDLIN.
H.R. 1911: Mr. STUPAK.
H.R. 1918: Mr. BECERRA.
H.R. 1957: Mrs. JO ANN DAVIS of Virginia.
H.R. 2037: Mr. TIBERI and Mr. LARSEN of Washington.
H.R. 2098: Mr. CLEMENT and Ms. BERKLEY.
H.R. 2144: Mr. WU.
H.R. 2161: Mr. SPRATT.
H.R. 2220: Mr. TURNER and Ms. SANCHEZ.
H.R. 2290: Mr. GONZALEZ.
H.R. 2582: Mr. ANDREWS.
H.R. 2638: Mr. MCHUGH, Mr. ROYCE, Ms. HOOLEY of Oregon, and Mr. MANZULLO.
H.R. 2874: Mr. THOMPSON of California and Mr. NEAL of Massachusetts.
H.R. 3062: Mr. COX.
H.R. 3110: Mr. ENGEL.
H.R. 3278: Mr. YOUNG of Alaska.
H.R. 3320: Mr. HOUGHTON.
H.R. 3388: Mrs. MCCARTHY of New York.
H.R. 3414: Mr. MASCARA, Mr. POMEROY, and Mr. SCOTT.
H.R. 3422: Ms. SLAUGHTER.
H.R. 3612: Mr. EVANS.
H.R. 3624: Mr. NORWOOD.
H.R. 3741: Mr. PLATTS.
H.R. 3831: Mr. ACEVEDO-VILA.
H.R. 3992: Mr. LOBIONDO.
H.R. 3995: Mr. GOODLATTE, Mr. BERRY, Mr. HONDA, Mr. PLATTS, and Mr. MCINTYRE.
H.R. 4011: Mr. STRICKLAND.
H.R. 4032: Mr. HINCHEY.
H.R. 4483: Mr. GRAHAM.
H.R. 4524: Mr. CLAY.
H.R. 4531: Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ARMEY, Mr. BACA, Ms. BALDWIN, Mr. BECERRA, Mr. BEREUTER, Ms. BERKLEY, Mr. BERMAN Mrs. BIGGERT, Mr. BISHOP Mr. BLAGOJEVICH, Mr. BLUMENAUER, Mrs. BONO, Mr. BOYD, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. CAMP, Mrs. CAPPS, Ms. CARSON of Indiana, Mr. CARSON of Oklahoma, Mr. CLAY, Mrs. CLAYTON, Mr. CLEMENT, Mr. CLYBURN, Mr. CONDIT, Mr. CONYERS, Mr. COSTELLO, Mr. CRAMER, Mr. CROWLEY, Mrs. CUBIN, Mr. CUMMINGS, Mrs. DAVIS of California, Mr. DAVIS of Florida, Ms. DEGETTE, Ms. DELAURO, Mr. DEUTSCH, Mr. DINGELL, Mr. DOGGETT, Ms. DUNN, Mr. EDWARDS, Mr. ETHERIDGE, Mr. FARR of California, Mr. FATTAH, Mr. FRANK, Mr. FROST, Mr. GEPHARDT, Mr. GORDON, Mr. GREEN of Texas, Mr.

GUTKNECHT, Ms. HART, Mr. HASTINGS of Florida, Mr. HEFLEY, Mr. HILLIARD, Mr. HOLDEN, Ms. HOOLEY of Oregon, Mr. HOYER, Mr. HYDE, Mr. INSLEE, Mr. JEFFERSON, Ms. KAPTUR, Ms. KILPATRICK, Mr. LANTOS, Ms. LEE, Mr. LEWIS of Georgia, Mr. LEWIS of California, Mrs. MALONEY of New York, Mr. MATHESON, Mr. MATSUI, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCDERMOTT, Ms. MCKINNEY, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Mrs. MINK of Hawaii, Mr. MOORE, Mrs. MORELLA, Mrs. NAPOLITANO, Mr. OLVER, Mr. OWENS, Mr. PASTOR, Mr. PAYNE, Ms. PELOSI, Mr. PETRI, Mr. PHELPS, Mr. RANGEL, Mr. REYES, Ms. RIVERS, Mr. ROGERS of Michigan, Mr. ROHRABACHER, Mr. ROYBAL-ALLARD, Mr. ROYCE, Mr. RUSH, Ms. SANCHEZ, Mr. SANDERS, Mr. SANDLIN, Ms. SCHAKOWSKY, Mr. SCOTT, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SMITH of Washington, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mr. TURNER, Ms. VELAZQUEZ, Mr. WALDEN of Oregon, Ms. WATERS, Mr. WATT of North Carolina, Mr. WEINER, Mr. WELDON of Pennsylvania, Mr. WELLER, Mr. WEXLER, Mr. WILSON of South Carolina, Ms. WOOLSEY, Mr. WU, Mr. BALDACCI, Mr. BONIOR, Mr. BORSKI, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Mrs. CAPITO, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mrs. EMERSON, Ms. ESHOO, Mr. HALL of Texas, Mr. HINCHEY, Mr. HOEFFEL, Mr. HOLT, Mr. HONDA, Mr. ISSA, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mr. JONES of North Carolina, Mr. PASCRELL, Mr. JACKSON of Illinois, Mr. FORD, Mrs. KELLY, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KUCINICH, Mr. LARSON of Connecticut, Ms. JACKSON-LEE of Texas, Ms. ROS-LEHTINEN, Mr. LEVIN, Mr. LIPINSKI, Mr. LYNCH, Ms. MILLENDER-MCDONALD, Mr. MCGOVERN, Mr. MCNULTY, Mrs. MEEK of Florida, Mr. MOLLOHAN, Mr. MORAN of Virginia, Ms. NORTON, Mr. OBERSTAR, Mr. PRICE of North Carolina, Mr. ROTHMAN, Mr. SCHIFF, Ms. SOLIS, Mr. STENHOLM, Mrs. THURMAN, Mr. WATTS of Oklahoma, Mr. WAXMAN, and Mr. WYNN.

H.R. 4574: Mr. EHRLICH.

H.R. 4600: Mr. FOSSELLA.

H.R. 4604: Mr. EVANS.

H.R. 4639: Mr. LANTOS.

H.R. 4646: Mr. BERMAN, Mr. SCOTT, Mr. CONDIT, and Mr. BECERRA.

H.R. 4704: Mr. LANGEVIN.

H.R. 4707: Mr. BLAGOJEVICH, Mr. HINCHEY, Mr. GUTIERREZ, and Mr. OLVER.

H.R. 4738: Mr. FRANK.

H.R. 4760: Mr. MICA.

H.R. 4790: Mr. LATOURETTE.

H.R. 4810: Mr. DOGGETT.

H.R. 4872: Mr. BALLENGER.

H.R. 4916: Mr. TOWNS, Mr. HINCHEY, and Mr. LYNCH.

H.R. 4939: Mr. BONIOR.

H.R. 4948: Ms. HARMAN and Ms. WATERS.

H.R. 4967: Ms. SCHAKOWSKY and Mr. BONIOR.

H.R. 5031: Mr. ROSS, Mr. FRELINGHUYSEN, Mr. SCHROCK, and Mr. REYES.

H.R. 5052: Mr. TURNER and Mr. GOODLATTE.

H.R. 5057: Mr. FRANK.

H.R. 5060: Mr. CLEMENT, Ms. HARMAN, Ms. BERKLEY, Mr. GUTIERREZ, Ms. SANCHEZ, Mr. PUTNAM, and Mr. PLATTS.

H.R. 5073: Mr. CROWLEY.

H.R. 5085: Mr. STRICKLAND and Mr. WALSH.

H.R. 5089: Mr. MCINTYRE.

H.R. 5113: Mr. REHBERG.

H.R. 5119: Mr. PUTNAM and Ms. DELAURO.

H.R. 5131: Mr. GREEN of Wisconsin.

H.R. 5196: Mr. PLATTS and Mr. SAXTON.

H.R. 5197: Mrs. CUBIN and Mr. TURNER.

H.R. 5213: Mr. PETRI, Ms. WATSON, Mr. FRANK, Mrs. MORELLA, Mr. GEORGE MILLER of California, and Mr. STARK.

H.R. 5250: Mr. SANDERS and Mr. NEAL of Massachusetts.

H.R. 5267: Mr. GILMAN, Mr. TOWNS and Mr. MCDERMOTT.

H.R. 5268: Mr. KILDEE, Mr. WEXLER, Ms. WOOLSEY, Mr. PRICE of North Carolina, Mr. SWEENEY, Mr. UDALL of Colorado, Mr. NEAL of Massachusetts, Mr. BONIOR, Ms. DELAURO, Mr. GRUCCI, and Ms. LEE.

H.R. 5272: Mr. OLVER, Mr. ROSS, and Mr. WEXLER.

H.R. 5280: Mr. SHERWOOD, Mr. SHUSTER, and Mr. ENGLISH.

H.R. 5289: Mr. ENGLISH and Ms. SCHAKOWSKY.

H.R. 5293: Ms. SCHAKOWSKY, Mr. KLECZKA, Mr. LANTOS, Mr. DOOLEY of California, Mr. LEVIN, and Mr. OLVER.

H.R. 5294: Ms. SCHAKOWSKY.

H.R. 5311: Mr. BARTLETT of Maryland, Mrs. BONO, Mr. ROSS and Mr. LATOURETTE.

H.R. 5316: Mr. COOKSEY.

H.R. 5317: Mr. SIMMONS, Mrs. MORELLA, Mr. GUTIERREZ, Mr. PLATTS, Mr. GORDON, Mr. BAKER, Mr. ISAKSON, Mr. HYDE, and Mr. LATOURETTE.

H.R. 5322: Mr. SCHROCK, Mr. BALLENGER, Mr. ENGLISH, Mr. GOODLATTE, Mr. KINGSTON, and Mrs. CUBIN.

H.R. 5326: Mr. MASCARA, Mr. HALL of Texas, Mr. BARTON of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. INSLEE, Ms. SCHAKOWSKY, Mr. MCINTYRE, Mr. CANNON, Mr. KUCINICH, Mr. RILEY, Mr. WATKINS, and Ms. NORTON.

H.R. 5334: Ms. HART and Mr. WOLF.

H.R. 5344: Mr. WEXLER, Ms. ROYBAL-ALLARD, and Mr. NADLER.

H.R. 5346: Mr. SCOTT, Mr. KUCINICH, Mr. KANJORSKI, Mr. HOLT, Mr. HOLDEN, Ms. SANCHEZ, Mr. PASTOR, Mr. MCGOVERN, Mr. MASCARA, Mr. SERRANO, Mr. FARR of California, Mr. OLVER, Mr. PRICE of North Carolina, Mrs. JONES of Ohio, and Mr. HINCHEY.

H.R. 5348: Ms. NORTON and Ms. MILLENDER-MCDONALD.

H.R. 5358: Mr. BROWN of Ohio, Mr. BALDACCI, Mr. RANGEL, Mr. KILDEE, Ms. DELAURO, and Mr. UDALL of Colorado.

H.R. 5359: Mr. SANDERS, Mr. SHOWS, Mr. BALLENGER, Ms. NORTON, Mr. HASTINGS of Florida, Mr. HOLDEN, Mr. RANGEL, Mr. MURTHA, and Ms. MILLENDER-MCDONALD.023

H.R. 5378: Mr. FRANK.

H.R. 5383: Mr. THUNE and Mr. POMEROY.

H.J. Res. 93: Mr. PENCE and Mr. WAMP.

H.J. Res. 105: Mr. FRANK.

H.J. Res. 108: Mr. SOUDER, Mr. PHELPS, Mr. MCNULTY, and Mr. ISAKSON.

H.J. Res. 109: Mr. PAYNE and Mr. BONIOR.

H. Con. Res. 164: Mr. SESSIONS.

H. Con. Res. 238: Mr. CROWLEY and Ms. SCHAKOWSKY.

H. Con. Res. 345: Mr. YOUNG of Florida.

H. Con. Res. 351: Mr. WEXLER, Ms. BERKLEY, Mr. INSLEE, and Mr. FROST.

H. Con. Res. 382: Mr. TIERNEY and Mr. SANDERS.

H. Con. Res. 406: Mr. ROGERS of Michigan.

H. Con. Res. 445: Mr. SHOWS, Mr. Forbes, Mr. WILSON of South Carolina, Mr. KERNS, Mr. GOODE, Mr. SHADEGG, Mr. FOLEY, Mr. GUTKNECHT, Mr. BOOZMAN, Mr. GRAHAM, Mr. PLATTS, Mr. RILEY, Mr. SHIMKUS, and Mr. TANCREDO.

H. Con. Res. 458: Mr. GOODLATTE, Mr. TOM DAVIS of Virginia, Mr. DREIER, and Mr. SHAYS.

H. Con. Res. 462: Mr. KILDEE, Mr. SANDERS, Mr. GEKAS, Mr. OTTER, Mr. MCINNIS, Mr. LAHOOD, and Mrs. CUBIN.

H. Con. Res. 468: Mr. FROST, Mr. NADLER, and Mr. LEWIS of Georgia.

H. Res. 190: Ms. SCHAKOWSKY.

H. Res. 253: Mr. TOWNS.

H. Res. 454: Mr. DOYLE.

H. Res. 484: Mr. PASTOR.

H. Res. 499: Mr. ACKERMAN, Mr. DEUTSCH, Ms. SCHAKOWSKY, and Mr. SCHIFF.

H. Res. 518: Mr. SKELTON and Mr. RILEY.

H. Res. 523: Mr. HOEKSTRA, Mr. EHRLICH, Mr. MCKEON, Mr. HOLT, Mr. ANDREWS, Mr. SCOTT, Mr. BOEHNER, Mr. GRAHAM, Mr. KILDEE, Mr. HINOJOSA, Mr. GEORGE MILLER of California, Mr. TIERNEY, Mr. WILSON of South Carolina, and Mr. RILEY.

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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious, loving God, who taught us to give thanks for all things, to dread nothing but the loss of closeness with You, and to cast all our cares on You, set us free from timidity when it comes to living the absolutes of Your commandments and speaking with the authority of Your truth. We are living in a time of moral confusion. There is a great deal of talk about values, but our society often loses its grip on Your standards. We affirm the basics of honesty, integrity, and trustworthiness. We want to be authentic people rather than professional caricatures of character. Free us from capricious dissimulations, covered duality, and covert duplicity. Instead of manipulating with power games, help us to motivate with patriotism. Grant us the passion we knew when we first heard Your call to political leadership, the idealism we had when we were driven by a cause greater than ourselves, and the inspiration we knew when Your Spirit was our only source of strength. May this be a day to recapture our first love for You and our first priority of glorifying You by serving our Nation. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER (Ms. STABENOW). The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 17, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DEBBIE STABENOW, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. STABENOW thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Madam President, there will be a period of morning business until 10:30 a.m. The first half of the time will be under the control of Senator DASCHLE or his designee. The second half of the time will be under the control of Senator LOTT or his designee.

We will resume consideration of the Interior appropriations bill at 10:30 a.m. The Senate will recess from 12:30 p.m. to 2:15 p.m. for the weekly party conferences. At 2:15 p.m., the Senate will resume consideration of the homeland security bill.

At 4:15 p.m. today, the Senate will resume consideration of the Interior appropriations bill, with 60 minutes of debate, equally divided, between the chairman and ranking member of the Subcommittee on Interior of the Appropriations Committee, Senator BYRD and Senator BURNS. The cloture vote on the Byrd amendment to the Interior appropriations bill will occur at approximately 5:15 p.m. today. Senators have until 1 p.m. today to file first-degree amendments and until 4:15 p.m. today to file second-degree amendments to the Interior appropriations bill.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes. Under the previous order, the first half of the time shall be under the control of the majority leader or his designee.

The Senator from North Dakota.

LET'S HAVE AN ECONOMIC SUMMIT

Mr. DORGAN. Madam President, several weeks ago I wrote to President Bush and suggested it is time—perhaps past the time—to have an economic summit in this country to talk about the challenges we are facing with this American economy.

It is interesting, if you look at what has happened. We had gone through a

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period of almost unprecedented growth and opportunity. The 1990s was a period in which people were working. We had increases in the number of jobs available, home ownership, personal income, and the stock market was moving up. The economy was growing.

It solves a lot of problems in a country when you have an economy that is growing. There is no social program that is as good as a good job that pays well, and people who are trained and skilled and able to assume those jobs.

But in recent years—the last year and a half, 2 years—we have hit some rough water here, and the economy is not doing well. We have a series of things that have happened.

Early in the President's term, he proposed a fiscal policy with a $1.7 trillion tax cut, the bulk of which goes to the upper income folks in the country. And he said: Well, we are going to have surpluses for 10 straight years.

I was on this floor and said—I am the conservative on this—I don't think you ought to predict, with any precision, what is going to happen 10 years from now. We don't know what is going to happen 3 months from now or 3 years from now, let alone 10 years from now.

The President, and others here, insisted: No. We are going to have all these surpluses, and this money belongs to the American people. Let's give it back. Let's lock it in, and do it now.

In a matter of months, we had a war on terrorism, the terrible and tragic attack on this country of September 11. We have a recession that occurs shortly after this new fiscal policy is developed, which probably was occurring even as it was being developed. And then we have a series of corporate scandals, scandals unlike any we have seen in our lifetime, certainly, and perhaps in a century or so. In addition to that, we see a stock market that begins to collapse.

So all of these things, coming together, have dramatically changed what is happening in Government. Big budget surpluses have now turned to big budget deficits. And it is as if nothing has happened. We have the administration, the President, and others acting as if: Well, nothing has really changed. There is no need to be talking about these things.

Of course there is a need for us to be talking about them. Things have changed in a dramatic way. As a result of that, I think we ought to come together and have an economic summit of some type with the President, to talk about what kind of fiscal policy can put this country's economy back on track, so that those who are out of work can find work, so that those whose life savings in their 401(k)s, that have been dissipated, can begin to see them grow once again, so that the economy produces opportunity and jobs once again.

This isn't going to happen just by accident. It is going to happen if we take a look at what is not working and what are the potential solutions to make it work.

I understand the discussion in the last few weeks has been all Iraq all the time. I am not suggesting it is not important. That is a very important matter, a serious and deadly issue for this country. It is also the case, however, as the newspaper tells us this morning, that the President is out 2 days a week campaigning across the country and fundraising and so on. He has a right to do that as well. But if he has the time to do that, then he also has the time to work with us to construct a fiscal policy that relates to what we face today.

Today we face an economy in trouble. We face a war on terror. We face budget surpluses that have turned to budget deficits. We face a stock market in great turmoil. We face a a circumstance of well over 6 percent of our population out of work, unable to find jobs. It is time for us to stop, take stock, and evaluate what works and what doesn't. How do we put together a plan that moves this country toward economic opportunity and economic growth once again? I understand why some want to ignore it, but it is not the right thing for this country.

I have been chairing hearings for the last 8 or 10 months on the subject of corporate scandals. That is an important issue. It has also played a role in injuring the feelings of people and the confidence they have in the economy. There is a difference in how we view those issues.

For example, I was trying to offer an amendment to the corporate responsibility bill that passed the Senate. I was blocked by the Republican side. Regrettably, that amendment is not now law. The rest of the bill is law. The amendment is very simple. It says, if you are a corporate executive and you are taking a company into bankruptcy, the 12 months before you run that company into the ground, if you are getting bonus payments and incentive payments, we have a right to recapture them and force a disgorgement of those payments. You should not get incentives and bonuses when you run a company into the ground.

Since I was blocked from offering that and it is not now law—I will continue to try—the Financial Times came out with an analysis. They said that the 25 largest bankruptcies in America occurred in the last year and a half; 208 corporate executives took $3.3 billion in compensation out of those corporations before those corporations were run into the ground. I will hold a hearing on that in the next couple weeks.

There is something fundamentally wrong with what is going on in those areas. We have people who don't want to talk about it. The administration doesn't want to talk about it. That is not the issue they want to bring to the floor and have a debate on. But that is what we should have a debate on. How do you establish confidence in this economy if you don't clear up those kinds of problems?

So whether it is corporate scandals, a troubled economy, a recession, a war on terrorism, a stock market that acts like a yo-yo, we need to put the pieces of this puzzle together again. It is not going to get put together by people just ignoring the issue.

One of the significant issues facing our country at this moment is an economy that is in very serious trouble. It does no service to our country to deny that. Let's try to find a way to fix it. There may not be a way where one party says, we have all the answers, or the other side says, we have all the answers. Maybe the answers are the best of what both have to offer, instead of getting the worst of what each has to offer. In order to get there, you have to sit down and talk about it.

I urge the President to respond to these requests for an economic summit, to sit down with us and talk about what is wrong with the economy and how you put this back together towards an economy and a future of economic growth and opportunity once again.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

NATIONAL AND DOMESTIC SECURITY

Mr. DURBIN. Madam President, I thank my colleague from North Dakota for raising what I think is an important and timely issue; that is, what are we going to focus on, what will be our interest, what will be the real objective and issue we will make the centerpiece for our discussion over the next 7 weeks before the election on November 5.

It is very clear what the President wants to focus on. He wants to focus, it appears, exclusively on the issue of Iraq. Of course, we all concede that national security is our No. 1 priority. I happen to believe, as most do, that Democrats and Republicans have stood together since September 11 of 2001. We have provided the President the resources with the authority, and we have told him we will stand shoulder to shoulder with him in fighting a war on terrorism.

There is little disagreement on Saddam Hussein and Iraq. I haven't heard a single Member of Congress from either party in either Chamber stand to defend Saddam Hussein. This man is a thug. He has been a threat to his own people, to the region, and certainly, if he is developing weapons of mass destruction, then they could be a threat way beyond that region of the world.

We have to take it very seriously, as we have. I thought we made real progress last week. There was a time in early August when voices from the White House were telling us: We are just going to have to go it alone. The United States will have to take on Saddam Hussein by itself. Incidentally, we don't need congressional approval. We have father Bush's war approval which

will be good enough for son Bush as President.

I disagree with that, but that was an argument being made out of the White House. There was also a suggestion that the President and the United States need not go to the United Nations to talk about inspections; that we would just, frankly, achieve regime change on our own.

Thank goodness cooler heads prevailed. Thank goodness, last week, the President not only acknowledged that he would come to Congress for any approval before we would go to war, he also went to the United Nations in New York on September 12 and made a historic speech, calling on the United Nations to live up to its responsibility, its mandate, in terms of the power and weaponry of Iraq, and basically said to the United Nations: It is time for us to prove this organization has a future.

Good news followed. This morning's paper suggests that Iraq got the message, a message delivered not just by the United Nations but by a lot of nations that historically had been at least friendly with Iraq and have now said they have no choice, they have to reopen their country to meaningful inspections. If the press reports are accurate, Saddam Hussein has said he will allow U.N. inspections on an unconditional basis now. That is a dramatic mark of progress. I hope the White House will take yes for an answer. I hope the White House will realize that we can seize a historic opportunity to send inspection teams in to find out exactly what is going on in Iraq.

If it is threatening to us, to anyone in the region, or to the people of Iraq, we have to use the authority of the United Nations to make certain that it becomes a peaceful situation. I think progress has been made. I will tip my hat to the President and to those in the White House for that fact.

But mark my words, there are some who will not take yes for an answer. They won't be satisfied that the U.N. is living up to its responsibility if it sends in inspectors. They will not be satisfied that Saddam Hussein has said: We are opening our borders. They will say: We can't trust him. It will never work. Let's prepare to invade.

That makes a mockery of the President's visit to New York last week, to the United Nations. He has called on the United Nations to act. Now it is time to give them an opportunity to act. We should respond accordingly. If it is successful, if we can bring Iraq under control through this fashion, without a war, without the loss of innocent life, then thank goodness we can consider that alternative, and we should pursue it. If not, of course, there is another day for us to consider the options that may be at our disposal.

That is the issue of national security. I have to tell you, as I travel around the State of Illinois, there are people who want to talk about other issues of security; for example, health care security.

The Presiding Officer, the Senator from Michigan, has been a leader on the issue of prescription drugs. As I go about the State of Illinois, people are interested in Iraq, but I still run into people, senior citizens in particular but ordinary families as well, who talk about the fact that they cannot afford to buy the prescriptions they need to keep themselves and their children healthy. I don't see the kind of fervor and desire coming out of the Republican side when it comes to health care security as there is for national security.

When it comes to health care security, the cost of health insurance, I went yesterday to speak to the Illinois State Chamber of Commerce. The members who were gathered there of the major corporations in Illinois agree with the major unions in Illinois that the cost of health insurance is bankrupting our system. Businesses cannot afford to buy insurance for the owners of the business, let alone for the employees. The premiums go up 25, 35 percent a year. Labor unions are seeing every increasing dollar amount on an hourly basis eaten up completely by the cost of health insurance increases.

Have we heard a word from this administration about health care security, about the cost of health insurance? Of course not.

Mr. REID. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield.

Mr. REID. I also heard the Senator from North Dakota speak this morning. It appears that I am hearing the fact that we can talk about Iraq and, at the same time, we can deal with some of these economic issues with this staggering economy. Is that what the Senator is saying?

Mr. DURBIN. That is exactly right. I say this to the people at the White House who make up the schedule: Can you give us 4 hours a week on the economy? Pick the 4 hours and let's talk about it in realistic terms. Let's talk about health security 1 hour a week. Can we do that? Can the White House find time in the busy schedule of dealing with national security and making campaign trips to raise money for candidates to give us 1 hour a week to talk about health care? I don't think that is too much to ask. And I think Congress ought to reciprocate. We ought to be answering in terms of what we can do to try to lift the burden, whether it is the cost of prescription drugs or the cost of health insurance for businesses and families across America.

Mr. REID. Will the Senator yield for another question?

Mr. DURBIN. I am happy to yield.

Mr. REID. The Senator served in the House of Representatives. Is the Senator aware that this administration—a Republican administration—has significant control and direction that it can give to the House of Representatives, which is led by the Republicans?

Mr. DURBIN. Absolutely. The Speaker of the House almost has unilateral power to set the business for the House, now controlled by the President's party.

Mr. REID. Would the Senator acknowledge that the House basically has been doing nothing? We have appropriations bills that we are waiting for them to do. I have not heard the President say one word about the inaction of the House. Has the Senator?

Mr. DURBIN. I have not. The Senator is aware of the fact that we have the Patients' Bill of Rights that has gone nowhere in conference with the House and Senate, and there are issues we have tried to raise time and again—energy, for example—and all of these things have died in conference.

Mr. REID. Would the Senator also acknowledge that this bill, which is very important to constituencies all over America, on terrorism insurance—and the President went to Pennsylvania a couple weeks ago and said: I am for hardhats, not for trial lawyers. Does the Senator realize that is lost because the Republican House will not let us even hold a meeting on this bill?

Mr. DURBIN. I am aware of that. I say to the Senator from Nevada that I heard from not only businesses and developers and unions but from ordinary people about terrorism insurance. There is a fear—legitimate fear—if we don't pass something soon, it is going to have a dramatic negative impact on employment.

We are already losing jobs. That is another issue the White House won't discuss. I have talked about national security and health care security. There is an income security thing, as well—not only the loss of jobs in this country but terrorism insurance plays right into this. What is the President doing? What is Congress doing? Can the President give us 1 hour a week on the economy, 1 hour a week on income security, to talk about what we can do to increase the number of jobs? A meeting in Waco, TX, in August for a day is not enough. It takes a bipartisan, honest effort and to engage the Congress in doing something. Let's pass the terrorism bill. Let's have the President call on Democrats and Republicans to get it done this week. We should do it this week. If we do not, we are not meeting our responsibility.

Mr. REID. If the Senator will further yield, the Senator is aware that the newspapers in Washington indicate that the President has been in Iowa, over the period of a year, I think 11 times. The Senator is aware that Iowa is where the first primary is held. The Senator from Illinois is aware that Iowa is where there are close elections.

I would like the Senator to respond, isn't it necessary that the President be more engaged in what is going on in domestic issues rather than politicking around the country?

Mr. DURBIN. That is the very point I am making. I concede that the President is the leader of his party, and every President has spent time trying to help his party and its candidates. I

don't begrudge any President doing that as we come close to an election. As I travel in my State, the people are more focused on the problems that families are running into when it comes to the basic necessities of life than on the next election. They are hoping this President and all candidates will address issues as basic as income security, health care security, and, may I add, pension security.

This is something that has become a devastating issue for families in Illinois. Former steelworkers worked a lifetime and paid in religiously, week after week, month after month, year after year, with the promise that when they retired, they would have a pension and health care. They now find themselves high and dry with bankrupt companies. I haven't heard a word from the administration about pension security. This really hits a lot of people close to home.

I grew up in an area in Illinois that had a lot of steel mills. I used to apply there for jobs in the summer and hope that I could get one of those great-paying jobs. I have gone to meet with displaced steelworkers. I see tough men, muscular people, who worked hard their whole lives, who just don't take much foolishness at all, break down and cry in front of me because at age 59 they have lost all their health insurance protection. These are retirees who really followed the rules and did what they were supposed to do in America. Can we ask the President for 1 hour a week to talk about pension security—Just 1 hour? I think that would be an indication the President is listening to the people across America in terms of the economic issues.

Mr. REID. Will the Senator yield?

Mr. DURBIN. Yes.

Mr. REID. It has been discussed on the floor that we have held up in the other body, which has the ability to move very quickly, terrorism insurance, Patients' Bill of Rights, election reform, energy policies for this country, bankruptcy reform. So we know things are held up there.

Now, I say to my friend from Illinois, I am kind of a hawk. I was the first Democrat to support President Bush when he wanted to go into Iraq the first time. I consider myself a hawk rather than a dove. I am looking very closely at Iraq and I think we need to do that. But in doing that, is the Senator aware that Lawrence Lindsey, the President's chief economic adviser, indicated in the Wall Street Journal yesterday that the war in Iraq will cost this country about $200 billion? Is the Senator also aware that I had a conversation with the chief executive officers of the airlines last Thursday in my office? The first thing the spokesperson, the chief executive officer of one of the largest airlines in the world, told me was: If there is a war in Iraq, we all go broke.

That was told to me in my office last week: If there is a war in Iraq, we all go broke, all the major airlines in America.

So the Senator is aware we not only need to focus on Iraq—the military aspects of it—but also what it does to the domestic policy, which the President is ignoring. Is the Senator aware we need to also consider that?

Mr. DURBIN. That is a very important point, not to mention the most basic concern, of course. If we go to war, lives of Americans will be lost. Innocent people will die. War should be the last decision we make, the last option we take. Thank goodness, we now have movement through the United Nations. I am asking that the President and the White House, now that progress is being made, spend some small portion of their time focusing on the economic issues the Senator from Nevada raises. I have talked about health care security, income security, pension security. I will add a fourth one—Social Security.

We realize the President's tax package of last year is going to take $2 trillion out of the Social Security trust fund over the next 10 years—$2 trillion—with no promise to repay any of it at a time when the baby boomers, by the millions, will start arriving and asking for Social Security. Social Security is our contract with America—our real contract—the one that comes from the heart. We have had it since the days of Franklin Roosevelt. Is it too much to ask this administration to give us an hour a week to focus on Social Security and its future, and Medicare, talk about the reimbursement for health care for senior citizens and hospitals and providers across America? These are real issues. I certainly have hospitals in rural areas and hospitals in the inner city struggling to survive at this point in time.

When you talk about the issues on which we should be focusing, national security is important, and I think it ought to be No. 1 on the agenda; but, for goodness' sake, don't ignore the rest of America and the lives we have to lead and the impact that our failure to act is going to have. That is why I look at 7 weeks before the next election and say to the President and the White House: Give us an hour a week at least to talk about the economy in this country, about the need to breathe life back into this economy.

It is only 2 years ago we were doing so well. We had all of this accumulation of wealth. People saw their retirement plans growing. They were making plans to leave their jobs early and enjoy a comfortable life with their families.

People were seeing their stock portfolios improving to the point where they were considering options. They knew they had money to send their kids to college. Now look what we are up against, and not a word from the White House. One little meeting in Waco, TX, does not make economic policy for America.

Where is this administration? Where is this President? Where is the economic leadership this country needs?

Mr. REID. Will the Senator yield for another question?

Mr. DURBIN. I will be happy to yield.

Mr. REID. Las Vegas, Clark County, has the sixth largest school district in America. About 250,000 students go to school in the Las Vegas area in one school district. Chicago, I am sure, is larger than that; is that not true?

(Mr. CARPER assumed the Chair.)

Mr. DURBIN. That is true.

Mr. REID. Has the Senator heard coming from the White House during the past 2 months, 3 months, a single word about education?

Mr. DURBIN. No, I have not. I say to the Senator from Nevada, he joined me and Democrats and Republicans in passing the No Child Left Behind legislation the President asked for to put more resources in education. The Senator from Nevada is just as aware as I am that when the President's budget came up, he did not fund his own programs. He did not put the money into the schools as he promised.

As I go across my State—and I bet the State of Nevada is in the same situation—we have seen a downturn in State revenues, cutbacks in State budgets, schools are suffering. They are saying: Where is that Federal money President Bush promised us? It is not there, and this administration does not want to talk about that. They do not want to talk about education security for this country. They want to talk only about national security. They do not want to talk about income security, pension security, health care security, Social Security, or doing something to make our schools more secure.

One has to ask oneself: Is that as good as it gets? Is that the best we can hope for from this White House, to focus exclusively on Iraq and the Middle East? I think it is a mistake.

We have made progress. I tip my hat to the President. Let's use the United Nations. Let's bring Saddam Hussein under control, but for goodness' sake, let's get our economy under control, too. It is really out of hand. People across the country—families, small businesses, family farmers—are suffering as a result.

Ms. STABENOW. Will my friend from Illinois yield?

Mr. DURBIN. I will be happy to yield.

Ms. STABENOW. Having had the opportunity to preside and listen to the discussion, I thank him for putting into perspective what our challenge is, not only on the national security front; I thank him for focusing on the fact we are together and stand for safety and security, but also the fact we need to be focused on our economic security as well.

Mr. President, I wonder, also, if the Senator might add to his list—I know he is aware of the fact we have passed a very important prescription drug bill. We had two focuses in the Senate: One, to add Medicare coverage and, two, to lower prices for everyone.

The point the Senator from Illinois made this morning about the high

price of health care for businesses, for our farmers, for everybody is also very much a part of what we passed to lower prices by getting more competition with generic drugs, opening the border to Canada to bring lower prices, giving States more flexibility.

I wonder if the Senator will comment on the fact that the Senate has passed this very important bill, sent it to the House, and it has received no action this fall. We have nothing yet in committee. We have not seen the President speaking out about the fact we passed a bill that will actually lower prices, bring more competition, address the fact that our seniors and our families are having to struggle right now—in fact, right now, as we are here, there are people who are watching C–SPAN 2 saying: Do I eat today or buy my medicine?

We had a bill which passed the Senate. We would greatly appreciate the President's leadership in encouraging the House of Representatives to pass this bill this fall. We could dramatically lower prices immediately with the passage of that bill.

Mr. DURBIN. I say to the Senator from Michigan, first, let me acknowledge—and I am sure my colleagues know as well—Senator STABENOW has been a leader on the issue of prescription drugs. She has been tenacious. Thank goodness she has been. She took a bus trip to Canada.

The PRESIDING OFFICER. The time of the majority leader has expired. Twenty-eight minutes remain on the other side.

Mr. REID. Mr. President, I ask unanimous consent that until someone comes from the other side, we be allowed to use that time. The minute someone's head pops in that door, we will quit. In the meantime, there seems to be no need to have the Senate voiceless.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I thank the Chair. I thank the Senator from Nevada.

The point the Senator from Michigan makes is an important one. We did pass a prescription drug bill. It was not what we wanted. We wanted a voluntary program under Medicare which would be universal and available for all Americans so they could get the benefits of Medicare when it came to prescription drugs.

We could not convince our Republican friends to go along with us on that, but we did pass a bill in terms of generic drugs to reduce costs for all families across America, to let States come up with their own plans so they could find ways to reduce costs for all the citizens in their State, as well as the safe reimportation of drugs from countries that have much lower costs. Those are three good issues, but do not forget the fourth.

Senator ROCKEFELLER's amendment provides that $6 billion, on an emergency basis, will be given for Medicaid to States facing high unemployment. These States have cut back in reimbursements to providers and hospitals. My State is one of them—I bet the State of Michigan is too—and that $6 billion would come back to the States right now. It would help them keep hospitals open and provide basic health care.

We cannot get the House of Representatives to consider that legislation. Now they are talking about dropping everything and coming up with a resolution on Iraq. Why is it they can drop everything for a resolution on Iraq, but cannot drop everything, when it comes to prescription drugs, to move the issue forward?

Our bill is there. It is pending. It would be a help to all families across America, not just the families of senior citizens.

I say to the Senator from Michigan, we have to keep reminding the President and the Republican leadership that there are many issues in this country, not the least of which is good quality health care for everyone.

Ms. STABENOW. Absolutely.

Mr. DURBIN. Mr. President, I yield the floor.

Mr. REID. Mr. President, before the Senator yields, may I ask one more question?

Mr. DURBIN. Of course.

Mr. REID. What the Senator said is we can focus on Iraq and that there are many issues the President can help us on: Getting appropriations bills passed in the House would help us; doing something on election reform—we had another debacle in Florida 2 years after the original debacle; we passed a bill and are waiting to get that out of conference. We have the energy bill we need to get out of conference with the House. There is terrorism insurance, bankruptcy—am I missing anything?—generic drugs. That is one issue about which the Senator from Illinois and I did not talk.

Mr. DURBIN. Patients' Bill of Rights.

Mr. REID. Patients' Bill of Rights. There are so many issues with which we need to deal in the Congress that the President can help us with if we were not on the one track of Iraq.

It seems to me—and one can read about this in the editorial pages every day—that the President could be doing this to divert attention from these domestic issues. Has the Senator read some of those comments, I say to my friend from Illinois?

Mr. DURBIN. I have read the speculation. I do not buy it. I do not believe it, but the point I am trying to make in the course of this—and I think we all are—is that the President has made progress. The United Nations is moving forward. Inspections are going to be ordered. Saddam Hussein has agreed to them. That is real progress. I salute the President for that progress.

What I am now saying is, let's focus on America and some of the things we need to do to win the economic war in this country. I am asking for a very small pledge of time from the White House to focus on these economic issues that face our country. We can do both. The United States can defend itself, fight a war on terrorism, keep a watchful eye on Iraq and still be worried about the issues that American families in Nevada, Illinois, and Delaware think about every day: What about my job? What about my pension? How am I going to pay for that health insurance? Can we pay for these prescription drugs? Is Social Security really in good shape for years to come?

These are real gut-wrenching issues for real families. I think it is a responsibility of the White House to get beyond the agenda they have focused on for the last several weeks and open it up to new issues and new concerns that are universal across America.

We talked about education. Kids are back in school, and there is a lot of concern about whether our schools have the quality teachers they need, whether the kids are going to get the education they deserve. We have to put money back in education. We have to focus on making certain we have afterschool programs for kids who need a special helping hand, smaller class sizes—something we pushed for in the past—make sure teachers are paid as the professionals they are. These are real needs.

When we talk about filling real needs, I do not want to overlook in health care a shortage in nursing. I would like the White House to give us 15 minutes this week or next week with an idea for the agenda of having more nurses in America. This is a serious shortcoming in health care in the United States. Hospitals have reduced their number of beds; nursing and convalescent homes, the same, for one simple reason: There are not enough nurses.

We need an initiative, a national leadership. I hope the President will not ignore this. When you listen to the agenda we could be considering, it is substantial, but it gets to the heart of the real issues about which Americans are concerned. I sincerely hope we move on that and move on it quickly. We owe it to the American people.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DOING THE SENATE'S WORK

Mr. DASCHLE. Mr. President, I know Senators are just getting back into town from the Jewish holiday yesterday. And I hope we can make the most of this week. We have a lot to do, on the Interior appropriations bill as well as on the issue of homeland security.

As our colleagues are aware, this afternoon we will have a cloture vote on the Byrd amendment. I reluctantly filed that cloture vote last week because we are now in the third week of debate on the Interior appropriations bill as well as on homeland security. With all of the work that must be done and with all of the issues we must address, we simply cannot prolong this debate indefinitely.

Seventy-nine Senators a couple of weeks ago voted for an amendment offered by the distinguished Senator from Montana, myself, and others responding to the crisis we now face in drought-stricken parts of the country. The regions of the country which are experiencing drought are growing—the Southeast, the Midwest, and the far West—areas throughout the country that have experienced drought conditions, and in some cases it is unprecedented.

We also have a very serious situation with regard to firefighting, so serious that this administration changed its position from one which said we will not provide any new resources for firefighting—that all firefighting moneys that ought to be dedicated to firefighting this fall be taken from the Forest Service budget. They changed from that position to say, we now recognize how serious this situation is, and we will commit $850 million and ask the Congress to support it.

You have two very important priorities in dealing with disaster and crisis: One with the Forest Service and firefighting needs. This is urgent. This is extraordinarily important to the ongoing effort to fight fires throughout the country, especially again in the West. And, second, as I noted, the drought.

We have voted for this legislation. We have gone on record on a bipartisan basis in support of this legislation. I know there are those who still would like to work out other compromises relating to other issues, and if that can be done, I certainly will welcome it.

But we simply cannot go on week after week after week without more notable progress, without more of a tangible way with which to address these needs, and, secondly, without a way to recognize that we have a lot of work to do in a very short period of time. We have what amounts to about 15 legislative days left prior to the time we adjourn for the year. I am troubled, to say the least, by the extraordinary list of items that have to be addressed and the very minimal amount of time legislatively we have to address them.

I come to the floor this morning urging colleagues on both sides of the aisle to recognize the need, to recognize the urgency, to recognize the shortness of legislative time available, and to recognize how important it is that we move on to accomplish as much as we possibly can in a very short period of time.

I can only hope we will get a good vote this afternoon—I would like it to be unanimous—on cloture, so at least on this particular amendment we have the opportunity to move on to other issues, and hopefully to a time for final passage on the Interior appropriations bill.

I will have more to say about homeland security later on in the day, but I must say, this is something that just begs our support, recognizing the prioritization it deserves as we consider the schedule and the need that is so clearly a recognition around the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, the majority leader makes a very good point. I am struck by what we are debating off the floor, which is timber health. At the heart of that is how we deal with judicial appeals, which has brought a new dynamic to that debate on forest health and how we manage our public lands; that is, not a denial of judicial appeals, but also in the area of timber restraining orders.

People can file appeals—we do not want to deny that—but also how we deal with the decision-rendering process, which does cause some concern with folks using timber restraining orders as a tool in the process to get their way. Basically, that is what we have here.

We are on a time line, if we go off this. Those who do not want to see anything move press us into a time line, and then we go on home knowing there is a timeframe on that debate.

Given the time we have and the leader's decision to double-track these two issues in order to facilitate and deal with these issues in a short time line, we have to take a look at that. I know the leader is. I congratulate him for his push on this and to make it a reality. But so far, it hasn't come to be and does not get us to where I think we want to be before we go home in October. We want to move forward as fast as we can.

But also there is lingering debate out there that a lot of folks are concerned about—especially on our forests. I want to bolster the leader's contention that drought relief and disaster relief in farm and ranch country are still with us. Just on Sunday past—here we are in the middle of September with football in the air—it was 92 degrees in Billings, MT. The Yellowstone River is as low as I have ever seen it. Above the Bighorn River where it spills into the Yellowstone, you can walk across that river just about anywhere and not get your knees wet. We still have that concern.

The leader is right. It passed this body overwhelmingly. It should be allowed to move forward with the apparatus in front of us in which to get that relief out to our people who are suffering at this time. I appreciate his leadership on that.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 5093, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5093) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

Pending:

Byrd amendment No. 4472, in the nature of a substitute.

Byrd amendment No. 4480 (to amendment No. 4472), to provide funds to repay accounts from which funds were borrowed for emergency wildfire suppression.

Craig/Domenici amendment No. 4518 (to amendment No. 4480), to reduce hazardous fuels on our national forests.

Dodd amendment No. 4522 (to amendment No. 4472), to prohibit the expenditure of funds to recognize Indian tribes and tribal nations until the date of implementation of certain administrative procedures.

Byrd/Stevens amendment No. 4532 (to amendment No. 4472), to provide for critical emergency supplemental appropriations.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I would like to speak directly to the issues raised both by the majority leader and the Senator from Montana; specifically, with respect to how we are going to resolve issues related to the health of our forests.

I know the discussion has greatly focused on fires and the catastrophic results of fires this year. I am going to talk about that to a great extent. But I would like to make a point at the very beginning which I hope we don't lose sight of; that is, fire is merely one component of the problem we have to deal with. What we are really talking about is the health of our forests, both for the protection of people from catastrophic wildfires and also for the ecological benefits that a healthy forest provides. It provides wonderful recreation for our citizens. It provides habitat for all of the flora and fauna we not only like to visit and like to see but to understand that it is very important for ecological balance in our country. It protects endangered species. It provides a home for all of the other fish, insects, birds, mammals, and reptiles we would like to protect, whether they are endangered or not.

In order to have this kind of healthy forest, we have come to a conclusion, I think pretty much unanimously in this country, that we are going to have to manage the forest differently than we have in the past.

What the debate is all about is how the Congress is going to respond to this emergency, not just from the catastrophic wildfires but from the other

devastation of our forests that has created such an unhealthy condition that it literally threatens the health of probably somewhere between 30 and 70 million acres of forest land in the United States.

The administration has come forth with a far-reaching proposal that will begin to enable us to treat these forests in a sensible way. We have legislation pending before us—an amendment by the Senator from Idaho—that was put in place as a means of being able to discuss this. And we have been trying, over the course of the last week or so, to negotiate among ourselves in the Senate to be able to come to some conclusion about what amendment it might be possible to adopt as part of the Interior appropriations bill so that it will be easier for us to go in and manage these forests.

I am sad to say that so far our efforts at negotiation have not borne fruit. I think, therefore, it is necessary today to begin to recognize that unless we are able to reach agreement pretty soon, we are going to have to press forward with the kind of management approach that I believe will enable us to create healthy forests again.

Let me go back over some of the ground that has been discussed but perhaps put a little different face on it in talking about my own State of Arizona.

Some people may not think of the State of Arizona as containing forests. They may think of it as a desert State. The reality is, a great deal of my State is covered with some of the most beautiful forests in the entire United States—the entire world, for that matter. We have the largest Ponderosa pine forest in the United States. Ponderosa pines are enormous, beautiful trees, with yellowing bark. It is not uncommon at all for them to have a girth of 24 inches and above in a healthy forest. They are a little bit like if you want to think of the sequoia trees in California—not quite as big but coming close to that kind of magnificent tree.

One hundred years ago, the ponderosa pine forests in Arizona were healthy. These trees were huge. They were beautiful. There were not very many per acre; and that, frankly, was what enabled them to grow so well. They were not competing with a lot of small underbrush or small trees for the nutrients in the soil, the Sun, the water, which is relatively scarce in Arizona, and they grew to magnificent heights.

Several things happened to begin to change the circumstances. First of all, loggers came in and, seeing an opportunity, cut a lot of these magnificent trees. Secondly, grazing came in, and all of the grasses that grew because of the meadow-like conditions in which this forest existed were nibbled right down to the base in some cases. A lot of small trees, therefore, began to crop up and crowd out the grasses, and pretty soon there was not any grass. There was simply a dense undergrowth of little trees that began to crowd out what was left of the bigger trees, as well.

Then came the fires because these little trees were so prone to burning. It is a dry climate. They are crowded together. Instead of having maybe 200 trees per acre, for example, you might have 2,000 trees per acre or more. But they are all little, tiny diameter trees that are very susceptible to fire. And the big trees that are left, of course, are susceptible to fire as well because when the lightning strikes, it sets the small trees on fire, which then quickly crown up to the larger trees, creating a ladder effect, going right on up to the top of the very biggest trees. It explodes in fire, as you have seen on television. That kind of environment is what we are faced with today.

The old growth has come back. We have some magnificent, big trees, but they are being crowded out by all of these very small-diameter trees and other brush and other fuel that has accumulated on the forest floor. So what happens when there is a fire—whether man set or lightning created—is that the fuel begins to burn. It burns quickly just like a Christmas tree, if you can imagine, if you have ever seen a Christmas tree burn. It quickly burns the smaller trees and underbrush, and then catches the branches, the lower branches of the bigger trees, and then crowns out, and then you have a big fire.

What is the result of the big fires in Arizona this year?

First of all, we can talk about the size of the fires. We can talk about the size of the Rodeo-Chediski fire in Arizona. It was about 60 percent the size of Rhode Island. This is simply one fire. You can see from this map the size of the Rodeo-Chediski fire. Here is the size of the State of Rhode Island. If you add in other fires that have occurred in Arizona this year, you have a size that exceeds the size of Rhode Island. That is in my State. That is how much has burned in my State—about 622,000 acres in this fire alone.

Let me show you what it looks like after that burn. And I have been there. I have walked it. I have driven through it. I have seen it from the air by helicopter. It is a devastating sight. Here it is, as shown in this photograph.

The ground is gray. It burned so hot that it created a silicone-like glaze over the soil. And, of course, it just absolutely takes all the pine needles and branches off the trees, so all you have are these sticks left standing. Some of these, by the way, are pretty good size trees. And there is salvageable timber in here if we are permitted to go in and do that salvaging.

But because of the glaze over the soil, the report from the experts in the field is that when the rains finally began to come, it did not soak into the soil; it ran off. And what you now find throughout the central and eastern part of Arizona is massive mud flow into the streams. It kills the fish. It makes the water unpalatable. It devastates the free flow of the water, so it creates new channels and erodes the soil. It goes around bridges, and there is one bridge that was very much in danger.

It flows into the largest lake in the State, Lake Roosevelt. And Roosevelt Lake is the biggest surface water source of water for the city of Phoenix and the other valley cities. There has been great concern that mud flow will affect the water quality and the water taste, as well as damaging the environment for the aquatic life in the lake and in the other streams.

There are some other sad things about this fire. Just to mention some of the devastation, the total of this fire was about 468,000 acres burned. The total in Arizona is about 622,000 acres. The structures burned in Arizona were about 423, the majority of which were homes and some commercial structures.

In the United States, this year alone, we have lost 21 lives as a result of the wildfires, and over 3,000 structures. The impacts on our forests in Arizona, the old growth trees will take 300 to 400 years to regenerate—300 to 400 years. To have a tree of any good size takes at least 100, 150 years.

We have endangered species in our forests, the Mexican spotted owl, for example. The fire burned through 20 of their protected active centers. So I think those who claim to be environmentalists, who want to protect a forest by keeping everybody out of it, and rendering it subject to this kind of wildfire have a lot of explaining to do when 20 of these protected centers for the Mexican spotted owls were ruined, devastated, burned up in this fire. The recovery time for this habitat is 300 to 400 years as well.

Twenty-five goshawk areas—this is another one of our protected species—and postfledging areas were impacted or destroyed. Wildlife mortalities—and these are just those that were actually documented—46 elks, 2 bears, and 1 bear cub, and, of course, countless other small critters.

I think it is interesting that air quality is something that is frequently overlooked when you think of these fires. I was up there. I know because I had to breathe it. But just one interesting statistic is that the greenhouse gases from the Rodeo fire emitted during 1 day—just 1 day of the fire; and this thing burned for 2 to 3 weeks in a big way, and then longer than that in a smaller way—but 1 day's emissions of greenhouse gases from the Rodeo fire surpassed all of the carbon dioxide emissions of all passenger cars operating in the United States on that same day.

So if we are really concerned about greenhouse gases, just stop and think, all of the emissions from all of the cars in the United States did not equal 1 day's worth of emissions from this one fire. Of course, there were a lot of other fires burning in the country as well.

Let me try to put this in perspective in terms of the amount of area of Arizona that is subject to this kind of fire.

We have about 4 million acres of forest in Arizona that is classified as condition 3. That is about one-third of all the forests in Arizona. Condition 3 is the area that is in the most danger of catastrophic wildfire. Here is a State map of Arizona. And the area in yellow is pretty much the forested area of our State, with the area depicted in red the class 3 area.

So you can see that a great deal of our ponderosa pine forest here is in very dire condition and needs to be treated as soon as possible.

The Grand Canyon is right here. You can see on the north rim, there are significant areas that need to be treated. Over here, near the Navaho Indian Reservation, there are areas that need to be treated. Flagstaff is here; you can see the mountains that rise over 12,000 feet just north of Flagstaff. Those areas are very much in danger. You have the Prescott National Forest, Coconino National Forest, the Tonto National Forest. The Apache Indian Reservation is probably the largest. This area is the watershed for Phoenix, the Gila River and its tributaries. It provides a great deal of the surface water for the city of Phoenix and surrounding areas.

These are beautiful mountain areas with a base elevation of over 7,000 feet. This area over here is 9,000 feet. The mountains rise over 11,000 feet, covered with ponderosa pines, spruce, fir, aspen, and others trees. All of this area is in grave danger of beetle kill disease, mistletoe, wildfire, and being weakened and dying from insufficient nutrients and water because of the condition of the forest.

It is a very matted, tightly packed forest with all of the little diameter trees literally squeezing out the big trees that we all want to save. It is called a dog hair thicket. It is so thick that a dog can't even run through it without leaving some of his hair behind.

Let me show you an example of what the forest used to look like and how it looks today. On the top you see a photograph of 1909. You can see these beautiful big ponderosa pine trees. There are some smaller ones back here. You have different age growths, and that is the way you like to have a forest so as the big ones grow older and die, there are others to take their place. You see a great deal of grass, sunshine, open space. You can imagine this is a very healthy forest because you don't have too much competition for what the trees need to grow. It is also a wonderful environment for elk and deer and butterflies and birds. It is open. You have plenty of grass for forage and so on.

This is the same area in the year 1992. This is the way much of our forests look today—absolutely dense, crowded. I am not sure if the chart is observable here, but you can see that the forest is now very crowded. Here you have beautiful, large ponderosa pines, a couple more back here, but they are being squeezed out by all of the smaller diameter trees.

What we are talking about in management is not cutting the big trees, not logging the forest. We are talking about taking out the bulk of these smaller diameter trees that are not doing anybody or anything any good and are clogging up the forests, preventing the grass from growing. They are ruining the habitat for other animals and creating conditions for insects, disease, and catastrophic wildfire.

For those who say we don't want to go back to logging, nobody is talking about that. We are talking about saving these big trees, not cutting them down.

The problem is, a lot of the environmental community is in total concert with this general management. But you have a very loud, activist, radical minority that is so afraid commercial businesses will want to cut large trees, that they want to destroy any commercial industry. In the State of Arizona, there is essentially no logging industry left. We have two very small mills, and the Apache Indian Reservation has two mills. The Apache Reservation I will get to in a moment because that is where the Rodeo-Chediski fire occurred.

What we are talking about here is having well-designed projects, after consultation with all of the so-called stakeholders, with the Forest Service having gone through all of the environmental planning and designating projects, stewardship projects with enhanced value so that they can go to these commercial businesses and say: Can you go into this forest and clean all of this out and make it look like this? Whatever you take out of here that we mark for you to be able to take out, you can sell that. You can turn it into chipboard, fiberboard. You can turn it into biodegradable products for burning and creating electricity. You can perhaps take some of the medium-size trees and get some boards out of them, maybe some two-by-fours. Can you make enough of a profit to do this for us because there is not enough money for us to appropriate to treat 30 or 40 or 50 million acres?

We are talking about a lot of money we simply don't have. You have to rely upon the commercial businesses to do that. Some of the radicals are so concerned that when they are doing this job for us, they will say: We don't have anything more to do; we want to take the big trees. And they are concerned that we won't have the ability to tell them no. Therefore, they are going to prevent us from cleaning up the forest for making it healthy again. They will create a condition that results in the catastrophic wildfires I was talking about; in effect, cutting off our nose to spite our face.

We are not going to do what everybody recognizes needs to be done because maybe when that is all done, 40 years from now, somebody will say: We want to go after the big trees.

Does anybody believe the political environment in that setting is going to permit us to do that? None of us are going to agree to that. I don't agree to it today.

Let me tell you a story. Former Secretary of Interior Bruce Babbitt is a very strong supporter of what we are talking about. An area he used to hike in when he was young is called the Mt. Trumbull area on the north rim of the Grand Canyon north of Flagstaff. As Secretary of Interior, being BLM land under the jurisdiction of the Department of Interior, he was able to do the rules and regulations that enabled us to go in and do the clearing. So they hired a couple of brothers that had a small business. They brought some pieces of equipment down from Oregon. One of them was a very small caterpillar thing that could snip all these small diameter trees. They cleaned out a fairly good size area. They made enough money to be in business, and isn't that fine. What they left was a forest that looked more like this.

I remember one tree that a BLM person there said: I have to show you this. Here was a tree that looked like a big California sequoia. It was a big ponderosa pine. The boughs came all the way down to the ground. And all around it were these small dog hair thicket kind of trees and brush. He said: We have to get them to clean this out because this tree is very much in danger of burning. If any spark comes within a mile or so, it will just climb up this ladder.

That beautiful tree, that was maybe 200 or 300, 400 years old, is going to go up in flames. That is the kind of tree we are trying to protect. For those who say we want to somehow do logging and so on, I simply say they are wrong; we are not. This is what we are trying to create, not this.

Let's go on to talk about some of the other aspects. In Arizona, there were about 4 million acres classified as condition 3, meaning most subject to catastrophic wildfire. Nationally, there are just under 75 million such class 3 acres. Out of this, the Forest Service identifies about 24 million as the highest risk of catastrophic fires. And this definition means they are so degraded that they require mechanical thinning before fire can be safely reintroduced.

According to the General Accounting Office, we have a very short period of time in which to treat these acres. According to a 1999 study, the GAO says we have 10 to 25 years to treat this 30 plus million acres of class 3 land if we are to prevent unstoppable fires.

This shows you what can be done when you treat the acres. This is full restoration, meaning we have gone in and cut out quite a few of the small diameter trees leaving relatively few, mostly larger trees per acre. This is exactly what this particular acre had on it when the cutting and thinning had

been done, going in and cutting out the small diameter trees.

In Arizona you can introduce fire in prescribed burns during the month of October and November because it is cooler. It is moist, and the fires are not going to get out of control. Fire was introduced here in this area in October, the wet month, and you can see that it is burning along the ground, burning the fuel that has accumulated on the ground. It is not going to go through this tree here or these trees here. It may burn some of the smaller trees, but what is going to be left is a nice environment in which you have grasses that can crop up the next spring and reintroduce a lot of species and habit and protect, as well, from fire.

If lightning were to strike one of these trees and start a fire, it would return along the ground like this. In the hot summer months, once it has been treated, it is likely, with all of the fuel having burned off the previous winter, the fire will move around the ground and it will not crown out to a higher degree of fire.

The reason you cannot treat these forests with fire alone, and you have to mechanically thin and cut out some of the underbrush first, is demonstrated by the next chart. This shows you what happened when we left this many trees per acre. This shows you when you do minimal thinning. They didn't do very much thinning, and they reintroduced fire, and you can see this fire is starting to climb the trunks of these trees and is going to crown out. You see it coming up along the top of this tree. It is going to catch the crowns of a lot of these larger trees. They are at great risk of burning and a fire starting. This is during the wet month of October when you have a lot of moisture. If you don't take out very many trees, a la this particular treatment here, minimal thinning, and you introduce fire, you are going to have a risk of fire in the hot months. It is going to be a very grave risk.

Let's turn to the third chart, which shows what happens when you don't do anything at all, you only burn. This demonstrates why you have to do thinning first. No thinning was done on this particular acre. This is during the cool, wet month of October in Arizona. They introduced fire, and look at what happened. It got out of control and created a crown fire. This is the beginning of what the Rodeo-Chediski fire looked like.

So it is too late in much of our forests to introduce prescribed burning. It will go out of control. You have to go in, as I said, and thin it out first and then, that fall, you set a prescribed burn and you burn all of the fuel on the ground. Thereafter, the grasses grow and everything regenerates and you have a very nice environment.

There is another myth. I talked about cutting old-growth trees. When people talk about saving old growth, we need to be careful because the reality is that a lot of old-growth trees, particularly in Arizona, are not big trees at all. They are not the ones you necessarily want to save. If you have been on the California coast, perhaps you have seen trees over a thousand years old. Some of the oldest ones are gnarled.

Which tree here is the oldest? Interestingly, this smaller tree is 60 years old and this bigger one is 55 years old. This is the younger tree—the big one. This tree was in an area that wasn't competing for a lot of nutrients, water, and sun. It was in a more open area. It grew as you would expect it to—very well, very quickly, and very big.

Obviously, this is a tree we are going to want to preserve. It will get bigger and bigger. But if you have that area in which the trees are crowded together in these very dense thickets, you can have a tree no bigger than this small one after 60 years. In fact, I have another one about the same size that is 88 years old.

Old growth would be something over 120 to 150 years. We have trees not much bigger than this that are designated old growth. We desire to create an environment in which you get these big beautiful trees that grow old and big and create the habitat for all of the fauna I discussed before for which we are trying to preserve the forests. This is an illustration of why you don't want to have arbitrary limits on cutting old-growth trees. The tree you want to save is this big one, not that one, the small one. That makes a much nicer environment and one that is better for the wildlife.

(Mrs. CLINTON assumed the Chair.)

Mr. KYL. Let me now discuss one of the concerns that has cropped up during the discussions about the kind of legislation we want.

There are those organizations in the environmental movement that understand there is too much public opinion in favor of doing something to manage our forests now because of this wildfire season, this catastrophic fire season. They understand they have to make some concessions. They have concluded that the best thing to be for is what they call urban/wild interface management. What that is supposed to mean is that you can go in and thin the areas right around communities and right around people's expensive million-dollar summer homes, and the like, but you cannot go out into the forests themselves.

We will put up the chart that shows the class 3 lands.

The problem is, first of all, it treats very few acres. This will illustrate the point. We don't have very many communities in these forests. There are five or six little towns in this whole area here. To do urban/wild interface management alone, by going out a half mile around the city limits of those little towns, is going to do nothing to enhance the environment in the rest of the forest. It will do nothing to protect the habitat of the endangered species out there. Actually, it does very little to protect the communities themselves.

The Rodeo-Chediski fire—and I will show you the chart later—burned with such ferocity and intensity that the small areas that had been treated provided little or no protection. It was only the areas where there had been a larger area of treatment that were protected as a result of the fire.

I can tell you, while the fire was still burning in the eastern area, we helicoptered up to the Rodeo-Chediski lookout and we drove about another 2 miles on a road that divided between an area that had been treated—that is to say, there had been thinning, and I believe prescribed burning in the area as well, and on the other side of the road it was not treated. The side that was not treated looked like a moonscape. There was no living thing. Every tree had all of the branches and pine needles burned off—nothing but ghostly, ghastly sticks. On the side that was treated, you could hardly see that a fire had gone through there. It laid on the ground, and it burned itself out. It was in a large enough area that it did not burn in that area.

Unfortunately, where you had just a thin, light, little strip of a quarter mile or half mile, the fire jumped right over it. I saw that as well in different areas.

Part of the problem is a phenomenon that exists particularly in the West, where you have dry, hot conditions on the ground. The fire crowns out, as you have seen on television, and these massive spires of flame go 100, 150 feet in the air, which creates a plume of high, hot air, smoke, ashes, cinders, carried upward, and it looks like a mushroom cloud from an atomic kind of explosion because the column of hot air rises like this and it creates a mushroom effect. It gets up into the cooler atmosphere, 15,000, 20,000 feet, and it cannot rise any more because the heat doesn't sustain it. The cool air dampens it down and begins to create condensation. Eventually, the weight of the plume that has risen is greater than the capacity of the hot air to sustain it and it collapses. The firefighters call it a phenomenon of a collapsing plume. What happens then is the whole thing comes crashing down, creating a huge rush of air down on the ground, which pushes out all of the hot cinders, sparks, smoke, and ash out, like this, for 2 or 3 miles.

That happened many times in the Rodeo-Chediski fire. I witnessed the creation of one such plume in an area of Canyon Creek, where I have been hiking and camping. It was devastated by this fire. So it doesn't do you any good to create a bulldozer kind of a firebreak, or a quarter of a mile or half mile of thinning, if the fire can spread with such ferocity. That is what happened over and over in this particular fire.

Let me explain that, notwithstanding the fact that there had been some treatment around some of our communities. Just stop and think about this

for a moment. About 30,000 Arizonans had to pick up everything they had within about a 6-hour—I forget exactly how many hours of warning it was, but it was very few hours. They had to pick up what they could in their pickup trucks and cars and find somewhere else to live for the next 2 weeks. Show Low, AZ, is a town of over 20,000, 25,000 people, and in Pinetop and Lakeside and McNary, a few smaller towns, they had all had to leave. They could not go back in for anything. A few people tried to feed livestock and keep horses and cattle and pets alive, but a lot was lost when these people had to be gone for 2 weeks.

Just think of having to leave your home and not knowing whether it was going to burn or not. Some did burn, but the towns were saved.

Interestingly, one of the reasons Show Low was saved was that a canyon to the southwest had been treated. It had been thinned, and there had been prescribed burning in that area I believe 2 or 3 years before; I have forgotten exactly how long before.

When the fire hit that area, the combination of that plus the backfire they lit in this particular canyon prevented the fire from reaching the outskirts—it reached the outskirts but prevented the fire from burning the town of Show Low.

Think about that. What we need to do is not treat quarter-mile or half-mile or even mile-long strips of property around fancy summer homes or small communities but, rather, treat the forest itself—as much as we can treat, as quickly as we can treat it. Only in that way will we get the environment back to the healthy state it was.

Only by treating large areas of the forest will we be able to return it to the status shown on this chart, where the small mammals will have a place to graze, really small animals will have a place to hide from the hawks, which will have a place to get the small mammals. We will have the birds, the butterflies, and more introduced as a result of this kind of treatment.

I mentioned before the issue of salvage timber. There is objection even to going in and cutting down the trees. I will show a chart of these trees. This is a huge amount of timber that could be salvaged as a result of the fire. In this kind of landscape, we need to cut some of the trees to lay it down and stop some of the erosion which inevitably occurs because of this kind of fire. It will enhance the regrowth of that area. Even seeding and planting does not do any good because the water washes all that material into the streambeds and it does not take.

This is timber that has a huge amount of value if it is able to be removed quickly, but disease will set in and deterioration will occur within a few months. If it is not removed in a 12-to-18 month period, it is lost. This is one way to help pay for what we are trying to do. Rabid, radical environmentalists do not want to even salvage that timber. Why? Again, because it will actually provide some jobs for the commercial timber industry and the mills that would mill the trees into lumber. They do not want them to be in existence because they then pose a threat to the rest of the forest. That is their logic. It is amazing logic.

Most of the Rodeo-Chediski fire was not on Forest Service land. Sixty-some percent was on the White Mountain Apache Indian Reservation. One can see on this chart the area of the fire. The green area is the Apache-Sitgreaves National Forest, and the yellow area is the Fort Apache Indian Reservation.

The White Mountain Apache Tribe relies a great deal on the revenues of its timber operations to sustain its tribal operations. In fact, it is the tribe's biggest source of revenue.

Also significant to the tribe is the revenue it derives from the hunting that it permits on its land. The White Mountain Apache Tribe for decades has been very smart about how they have managed their forests. They understand that if you are going to have wild turkey, if you are going to have bear, if you are going to have wildcat, huge elk that people are willing to pay $10,000 to hunt, if you are going to have that kind of wildlife that will bring in these kinds of trophy hunters who will pay the tribe a lot of money to hunt on the reservation, then you have to do a couple of things. First, you can only take out the number of animals necessary to keep healthy herds, a healthy group of bear or lion, or whatever it might be. So they take out very few of those animals, just enough to keep the forest ecosystem in balance.

Second, you have to have a healthy forest. You have to have a forest that is not all grown over in this dog-hair thicket environment but, rather, the more open forest that I showed before. The reason is that these elk have to have grass on which to graze, as I said. You are not going to have an environment where the lions are going to be able to go after the smaller critters because there will not be any small critters if they do not have places to forage and places to hide.

The White Mountain Apache Tribe has been very smart about the way they have managed the forests. They have not been subject to the same restrictions as has the Forest Service. They have been able to do more prescribed burns. They have been able to do thinning and utilize that small-diameter timber in their mills, and they have taken out modest amounts of medium- and a little bit of larger diameter timber as well.

Some environmentalists say: You cannot do that; there has to be a diameter cap of 20 inches, 16 inches, or some number. The tribe has not been subjected to that. It has asked itself the question—it is the type of question experts, such as Wally Covington from Northern Arizona University, ask: Not to define old growth or diameter cap, but take a look at the area and determine its carrying capacity. What will this particular area carry? What did it carry 100 years ago in terms of the kinds of trees, and other growth, and the number of trees?

When one determines that, then one knows what kind of treatment is called for. In some areas, you are going to cut all but 150 trees, leaving mostly large trees with a few more intermediate-size trees. In other areas, you may cut less. It may be that an area is so full of medium-size growth trees, let's say 20-inch diameter trees—you may be taking several of those out or maybe quite a few of those out. It does not mean you are harming the environment. It means you are reducing the number of stems to the carrying capacity of the land so it can rejuvenate, so it can grow back, and the trees left will be the magnificent trees we are trying to preserve. We will have grass and all the rest that is necessary for healthy flora and fauna.

That is the idea of this treatment. Over the years, the Apache Tribe has done a good job managing their forests. As a result, they have had less of a problem with fire. There are several different areas that have been treated, and in the bear report that followed the devastating fire, there is quite a bit of discussion about the kind of timber that was lost, the areas that were not as heavily damaged, and a discussion of the areas preserved, by and large, because they had been treated in the past.

I find it interesting, by the way, and I am going to digress here—let me make this point. We need to help the Fort Apache Tribe salvage the timber that is salvageable in this area. They do not have the capacity in their mills to do it, but they can mill some of it and then sell some of it to others. They have to get to it right away. They are making plans to do that. They need about $6.7 million to complete this project. I hope we will be able to provide that to them and it will help sustain the reservation.

As to the Forest Service, there are objections already to salvaging the same timber. We do not know where this boundary is when we are on the ground. It is all the same. Why the Apache area can be salvaged but not the Forest Service area I cannot explain. Nobody can rationally explain it. We need to salvage there as well. Yet there are those who object to any opportunity to salvage this timber.

One of the ideas for legislation was to have an opportunity to complete some stewardship projects or enhanced value projects that would in a temporary way—maybe over a 3-year-period of time, for example—treat areas of the forest that have not burned to see how well this kind of management worked.

This has been tried in the past. One of the cases is the so-called Baca timber sale. When we talk about timber sales, some of the more radical environmentalists get all upset because we

are actually going to sell some timber to a mill that can mill it into lumber and build homes and lower the price of homes, by the way, so we do not have to buy all the timber from Canada at higher prices.

This Baca timber sale was proposed in 1994 to reduce hazardous fuels both in the interface and to improve forest health. It followed 5 years of planning and public participation. All the stakeholders were involved. But environmentalists appealed and litigated the case for 3 years.

The Baca timber sale was in this area. When the Rodeo fire went through that area, it burned about 90 percent of the proposed area. An area that could have been treated, that could have been made healthy, that the fire would largely have skipped around, was left to be ravaged by this catastrophic fire. The same environmental groups currently threaten lawsuits that would prevent the restoration of this area, which is why I mention that.

I ask my colleagues, when are we going to say we are no longer going to be jerked around by the radical environmentalists' agenda to destroy the commercial timber industry so they never have to worry about any big trees being cut, in the process permitting the forests to burn, destroying the habitat, endangering lives, burning homes, and burning up the same trees they want to save, as well as the environment for the species?

I mentioned before some of the species. The goshawk is an example. In 1996, the Forest Service proposed a project to thin near the nest of the goshawk, partly to reduce the fire hazards that were presented to the goshawk. These radical environmentalists appealed. That year the fire burned through the forests, including the goshawk nest. That is what happens when irresponsible environmentalists have control.

What does the control result from? It results from the fact we have a legal system that was designed to provide the maximum environmental input into decisions about abuse by some of the radical environmental groups. Let me cite some statistics from a report released in July by the Forest Service that covered the appeal and litigation activities on the mechanical treatment projects during the last 2-year period. Out of 326 Forest Service decisions during this study period, 155 were appealed, more than half; 21 decisions that were administratively appealed ultimately led to Federal lawsuits.

What happens with the lawsuits? You get an injunction which prevents you from moving forward with the project. In many cases either it burns while the project is pending or the Forest Service decided to move on rather than fight the appeal. The appeal, therefore, goes away, the work never having been done.

In the southwestern region of Arizona and New Mexico, 73 percent of all treatment decisions were appealed. Nationwide it was almost half—48 percent of the project decisions in fiscal year 2001 and 2002. Again, 73 percent in our area were appealed.

We cannot operate that way. The Forest Service is spending half of its budget preparing for these projects and fighting them and doing the work in litigation and on appeals to respond to the environmental community activity. About half of their budget is spent directly fighting the appeals, dealing with the injunctions, or preparing the projects in such a way as to be immune from this kind of litigation, which almost inevitably appears anyway.

On administrative appeals alone in 1999 through 2001, in Arizona—just one State—environmental groups filed 287 administrative appeals; 75 of these were filed by two groups that are very active. In litigation in the last 5 years, the Sierra Club and the Center for Biological Diversity litigated 11 projects in Arizona and in 10 years litigated 17 projects, including the Baca timber sale which was 90 percent burned while on appeal because of the litigation that ensued.

This is what has to stop. The administration, President Bush, has visited these areas and has concluded that the best way to try to deal with this problem is to keep the environmental laws in place so there is never any question about the application of the proper standards for the projects that are developed but to make it more difficult for those who are appealing for the sake of delay, to delay projects to the point they are no longer worth proceeding. In other words, move the process along.

The President's idea is you still have to have sales or projects that comply with the NEPA process where there is environmental review by the State holders, but you cannot get a temporary restraining order or preliminary permanent injunction in court unless the court decided the case and imposed a permanent injunction on the sale, but you could not go in advance and get that injunction, which is frequently what happens today.

In addition to that, the administrative appeals would be reduced or eliminated for certain sales. If you want to file suit, you can file suit and go directly to the judge. The hope would be that the judge would decide the case quickly and therefore either the project moves forward or it doesn't, but everyone knows they can move forward with alternative plans if the project cannot move forward. It seems to me on a trial basis, a limited basis, that would make sense.

What we proposed was we limit this proposal to class 3 areas—in my State of Arizona it would be only the red areas—that we limit it in time to maybe a 3-year authorization so we see how it works. If people do not think it works, we do not have to continue it. And that we limit the amount of acres that would be treated—maybe 5, 7, or 10 million acres per year, something like that. That, obviously, could be negotiated. And you would limit the way in which the appeals could be brought and have no temporary restraining order or preliminary injunction to be able to stop a particular sale. There would also be no limitation on the salvage projects I mentioned before.

Now, would these projects be logging? Would they be clearcut, et cetera? Of course not. First, they would have to be pursuant to the plans that have been developed by the forests. All of these regional plans have long ago discarded any kind of clearcut cutting. They have basically adopted the management theory of reducing the small diameter underbrush and small diameter trees, leaving, by and large, the larger older trees that we want to preserve.

Those are the plans in place now. They are the plans that would be proposed. If there is any plan that is not consistent with that, obviously, people could file a lawsuit and they could go to court and say, judge, this is not consistent with what we had in mind. And the court, of course, could say, that is right. If the proper environmental analysis had not been done or was inconsistent with the plan, the project could be stopped. That is what we are proposing.

As I said before, we have been in negotiations with our friends on the other side of the aisle. I mention in particular Senator FEINSTEIN from California has been very helpful in trying to find some middle ground, to craft a plan to permit us, over a very short period of time, to be able to treat a small amount of acreage and see how well it works. If it works well, perhaps we could go on from that. We got to the point of having a 1-year authorization, with 5 or 7 million acres maximum to be treated. It would be limited to this class 3 area. And a high priority would be given to urban wildland interface and to municipal watershed areas. Even that has not been accepted.

The question is whether or not we are going to be able to reach an agreement that permits us to fairly quickly pass an amendment, have it adopted and sent to the other body so we can begin negotiation for a conference report that enables us to send something to the President and begin treating these forests or whether we are basically going to be in a stalemate or gridlock with the two different camps in the Senate, neither one having the votes to prevail, with the result that nothing comes out of this legislative session and we will be left with an opportunity missed, and a heightened risk for the forests that we want to preserve.

That is the choice before the Senate. I call upon my colleagues who have been working on this to try to find a way to enable us to be able to treat some of the acres in good faith, and see how it works, and if it does work well, as we predict it will, to enable us to expand that to the roughly 30 million

acres that the General Accounting Office said we need to treat or else see burned.

Those are the stakes. I call upon my environmental friends, who are mostly concerned about protecting these areas of the forests, to think about the priorities.

Do we want to protect the habitat for those endangered species that we all would like to preserve? Do we want to protect the habitat for all the other flora and fauna? Do we want to have a healthy forest or do we want, in effect, to let it go to seed, risking catastrophic fire, disease, and insect devastation which will not protect the environment but will destroy it for all the purposes I mentioned before?

That is the choice before us. It seems to me there is no better time to act and, in fact, this may be the last opportunity to act this year in order to achieve this result. I urge my colleagues to find this compromise; if not, to support the kind of effort I propose that is a limited project with very tight constraints—in effect, a pilot or demonstration project to see if we can make this kind of forest management work.

I thank my colleagues for their indulgence.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, administration budget requests and congressional appropriations bills are a clear reflection of our priorities as a nation. As was discussed on the floor earlier today, it seems we had, from the administration, a focus on Iraq and nothing else.

I am happy to see a bill just came from the House. I would like very much to see other things coming from the House, not the least of which is the rest of the appropriations bills and the matters that are now in conference. No. 1 on the top of my list is the terrorism insurance bill. We need to have that done.

I think now we have the second debacle in a row in Florida. We have election reform that we have passed. It would be nice to finish that conference report as well as the Patients' Bill of Rights and the generic drug bill that seems lost over there sometimes. We have a lot of things that we need to complete.

And, of course, bankruptcy reform. Senator CARPER came to me this morning, here on the floor, and told me how desperately his constituents feel this is necessary to help many different industries. So there are a lot of things we need to do.

I listened patiently to the very erudite remarks of the Senator from Arizona. I would say it is not an either/or situation. It is not a question of forests burn down or the radical environmentalists caused all this. The fact is, what we are proposing is instead of 70 percent of the money being spent where there are no people, we reverse that and have 70 percent of the money spent in places such as Lake Tahoe, a beautiful lake shared by California and Nevada. We are very concerned about what happens if a fire occurs there.

My friend from Arizona said there are million-dollar homes, that is what we are trying to protect—and I am sure there are, in the Lake Tahoe area, some very expensive homes. But remember, this is also an area of hotels, motels, and ski lodges and the service people who work in those are not millionaires and don't have millionaire homes but they need to be protected. That is what this is all about.

As I said, the administration budget request and appropriations bills are a clear reflection of our priorities as a nation. It is where rhetoric meets reality. In an economic downturn, and that is what we are in now, it is more important to put people first, ahead of—instead of handouts to—corporations.

Unfortunately, I am sorry to say, the Bush administration's so-called healthy forest initiative would add to its already impressive list of corporate giveaways. This proposal is anti-community and anti-environment, plain and simple.

My friend is in a neighboring State, Arizona, and I know they have suffered these devastating fires. We have watched them and feel for them. But the answer is not to bash on radical environmentalists. That is not the cause of these fires. We have a number of people in America who feel very strongly that the proposals made by my friend from Arizona, where you basically take away judicial review of decisions made, is wrong. I do not think there are many who would put the League of Conservation Voters in the camp of radical environmentalists. In fact, I think they are very moderate. They see things the way the American people see things—a way to protect the environment. The League of Conservation Voters will grade all of us, all 100 Senators, on this amendment and on this vote.

I think it would be a shame if, because of the pending Craig amendment, that the minority would vote not to invoke cloture on this most important piece of legislation. We need to move forward with this bill. If cloture is invoked, the Craig amendment falls—no question about that. But we have tried to work something out and we have been unable to work it out.

My good friend from Oregon, Senator WYDEN—who is a consensus builder, who is a longtime legislator—understands the art of legislation is the art of compromise. He has worked for weeks trying to come up with a compromise. If WYDEN can't do it, it cannot be done, because he is someone who understands legislation and how to work out a so-called deal.

The League of Conservation Voters will grade us on this amendment in its annual scorecard. Whoever votes to agree to this amendment will fail, in their eyes, fail to protect the environment. That is what this vote is all about today.

Like the Bush plan, the Republican amendment is championed as a way to address the real fear and suffering of those who live in danger of wildfires. Sadly, this is simply a smokescreen for another corporate handout. This is tragic because wildfires have burned roughly 100,000 acres in Nevada and more than 6.3 million acres nationwide this year. The fire season is already one of the worst in the record. In Nevada, it is past. That doesn't mean we can't still have devastating fires, but this fire season has been bad. The one before it was bad. By December of this year we may have the grim distinction of it being the worst year for wildfires in American history.

Faced with this devastation, what is the administration's plan? It proposes to suspend environmental reviews of timber projects, making it easier for timber companies to harvest large, healthy, fire-resistant and, of course, profitable trees. The Republican plan will suspend the main environmental law applicable to our forest, NEPA, the National Environmental Policy Act. That is the law that forces the Forest Service to ensure its timber sales don't hurt the environment. It is the avenue through which local people and governments review these sales.

It would also prevent any meaningful judicial review of timber company and Forest Service actions. That is what this pending amendment would do. That is because in the Republican plan the issuance of temporary restraining orders and preliminary injunctions is prohibited. That is what restraining orders are all about. If you do not have a restraining order, by the time you get to court the trees are gone. What is the point of judicial review if the trees have already been clearcut by the time you walk through the courthouse door?

The Republican amendment also fails to target funding to the places where forests meet our communities, where people and property are at greatest risk. This is not a situation where there will not be work done in areas outside of municipalities, places where people live. But we are saying let's reverse things. Instead of spending 70 percent of the money where there are no people, let's spend 70 percent of the money where there are people.

The Republican amendment does not require that a certain percentage of funds be spent on wildlife/urban interface. Instead, it gives the Forest Service discretion to carve out big tree timber sales and cast aside community concerns, as they have been doing for such a long time.

There is no hard target to protect our communities because that is not what the Republican plan is about. It is about making it easier for the Administration to sell our forests to their favorite timber companies.

We already have a stack of GAO reports detailing the myriad of ways that our forests are mismanaged by our agencies.

For example, we know that government agencies do not target funding to

the wildland-urban boundary where we can best protect lives and livelihoods.

According to the President's own budget, only one-third of the fuels reduction budget was spent to directly protect people and homes. That report came out in February of this year.

Think about that. The Forest Service has a record of spending most funding out in the forests, away from people. That is not an acceptable record. They support logging of large, profitable—and fire resistant—trees. They place lower value on hazardous fuel reduction projects on forests and rangeland around communities.

Don't just take my word for it. In response to GAO requests, Forest Service officials themselves stated that they tend to ''(1) focus on areas with high-value commercial timber rather than on areas with high fire hazards or (2) include more large, commercially valuable trees in a timber sale than are necessary to reduce accumulated fuels.''

How does the President reward agency mismanagement? By repealing public oversight. The record of agencies in managing our forests demonstrates just how important it is to have that oversight.

When my colleagues vote on the Republican plan, they should ask ''Would it truly help communities threatened by fire?'' The answer is no.

I hope the minority will vote to invoke cloture and have this amendment go down. The Craig amendment should fall.

The big trees that would fall as a result of this amendment aren't the main cause of the wildfires now scorching many states—including mine, the State of Nevada, and of course, all over the West.

The real personal and economic danger facing Americans in the areas where our wildlands meet our communities is being used as the disguise for this latest giveaway to big corporations.

The Administration and the Republican amendment don't focus resources on these areas—a principle embraced in the National Fire Plan and the Western Governors' Association. I don't think they are radical environmentalists.

Instead, they make it easier to squander fire money on projects that are far from communities and that threaten to worsen future fires.

I am sorry that it appears that it is the modus operandi of the Bush Administration—roll back environmental laws, cut the public out of the process, keep people in the dark and turn over a public resource to corporations.

Corporations can handle anything; any problem in America, turned over to corporations. We need oversight of these corporations.

In this case, that choice puts people in harm's way—it diverts taxpayer dollars from public safety and, in many instances, to private plundering. We should instead spend fire money on projects that reduce the risk to communities in forests and rangeland at high risk of wildfire.

Mr. President, Nevada has relatively little commercial timber but we do have a terrible hazardous fuels problem that threatens Nevadans from Caliente to Reno—all over the State. Past practice proves that Congress needs to direct spending these funds to protect communities rather than accepting the President's new proposal.

Protecting people should be our priority today, not paving the way for companies to remove great trees from our public lands.

There could still be work done, and there will be work done in areas that the Senator from Arizona says there should be. What we are saying is all the money shouldn't be spent there. We are also asking: Why not have judicial review? Why not have the ability to look at what is being done by these agencies?

No one wants these fires to occur. They are devastating. But you have to recognize what appeared in, I believe, today's Washington Post—it could have been in yesterday's Washington Post—and what happened in Montana 2 years after the devastating fires. They reviewed in depth what happened there. We know fires have been burning for centuries—forever. You need to have these fires occur on occasion. That is why we have prescribed burning in all of the country. It is too bad we had the serious problem with prescribed burning in New Mexico. But we need prescribed burning. Burning makes for healthier forests. We have to deal with what we are calling for in the amendment that we want to offer; that is, have prescribed burning to make healthier forests. We want to improve forests so we have nature doing what it has to do.

We know pine trees can only germinate if there is a fire. There is new growth of pine trees after fires, which pop the pinecones, and causes the planting. That is something which is extremely important.

We tried to work something out on a compromise basis. We can't do that. The majority leader made the right decision. A cloture motion was filed. We are going to vote on that this evening.

I hope the Craig amendment will fall so we can move forward with this bill and complete this legislation.

I am disappointed we won't be able to offer our amendment. Our amendment would also not be germane. That is too bad because I believe we should focus on what is going to happen in urban centers—in areas where there are people. Hopefully, we can get the mix of money being spent so that more is done there and not out in the middle of nowhere.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Madam President, I cannot sit idly by and not offer some comment on the Senator's statement.

No. 1, the Senator has flopped the money in regard to the President's budget. I might add that at least the president completed a budget. Seventy percent of this money would go to wildland urban interface, and 30 percent goes to the less populated areas, not the other way around as the Senator from Nevada suggested.

In this amendment, we change no environmental law. We deny no one the appeal process. Both administratively and judicially, those things don't change.

What I am asking Senators and this country to consider are environmental laws, NEPA, clean water, clean air, and the Forest Management Act, which has been in effect for some 25 years. We have been operating and managing under those laws for that long without some reform. Look at the track record. I'm asking for proof you are right to deny this; prove us wrong.

For years and years, I have followed football a little. I guess what makes that game great is there is only one rule book, and it is in every State across the Union. If we want to bring some discipline, look at that fact and compare it to what we are doing in our judicial system.

When I look at the appeals process—as the chief of the Forest Service said the other day, if you get 999 people out of 1,000 to agree on a management decision, it can all be stopped by one person. That has been the case ever since these laws were put into effect. We see the result, we get growth, and we burn. We do away with grazing, and we burn. If we do away with active management of a renewable resource, what was there before? We saw younger trees that grew old, matured, died, and regrowth occurred.

Once again, look at the track record of the management we have been under for the last 25 years. We see great regrowth and reforestation even in clearcuts where that management has worked: New trees, new forests, a renewable resource that is in demand by the American public, to carry on into the next generation and the next generation, a renewable resource that can be used by all Americans, all Americans; that is, if housing and the use of lumber appeals to you.

I realize some folks don't worry about the cost of a home or people getting into their first home. The folks on the other side of this issue are less caring about it. The League of Conservation Voters—who are a pretty moderate group, have a little radical group among them that actually makes the policy to carry out their appeals process in this situation.

Make no mistake about it, if they who want to manage the forests differently want us to prove why we think this plan would work, then I ask for the other side to use the same system to prove theirs has worked. For 25 years, those management practices have all but culminated, in the last 4 years, in the destruction of a renewable resource which could have been somewhat prevented.

Yes, there will always be fires. They even slash and burn after harvest is over. Do you know what? They grow back. They are wonderful. They are beautiful. But what I fear is that the way this system is now, people who have never had any dirt under their fingernails are making the management decisions on a resource that should be used for generations to come. It just does not make a lot of sense to me.

Compare the track records. No money goes to corporations. No law is changed. All rights are preserved. We are saying let's put the football at the 50-yard line. Nobody likes to start on their own 20.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, we are attempting to make a very important policy determination on the management of our public lands. Many of us have been on the floor over the last good number of years to talk with some concern about the changing character of our public lands and the impending crisis that might occur under the normal climate cycles across the United States as a result of catastrophic wildfires on our forested public lands.

Tragically enough, many of the alarms we were talking about were based on studies done over several decades, that inactive management of our public lands, in the absence of fire, was allowing a fuel buildup that ultimately could result in catastrophic wildfires.

We are now at that point where it has become obvious to the American public, from watching television this summer, and seeing the fires that have raged across the western forests, that something is wrong out there; that this was not a normal environment; that this was something they were not used to; Why were these beautiful forests now burning?

They were burning, they are burning—they are still burning—and have been since mid-June because of public policy that had largely taken fire out of the ecosystem but had not allowed a comparable activity in the ecosystem of our forested lands that would remove the underbrush and the small trees and maintain the kind of environmental balance that was there prior to European man coming upon the scene a couple hundred years ago, and especially in the last 65 to 70 years when we had become very good at putting out fires in our forests. It is from that perspective that brings us to the floor today.

A few moments ago, my colleague from Arizona was on the floor talking in great detail about the wildfires that swept across his State this summer—the white forests of southwestern Arizona, and the phenomenal damage that occurred there. It nearly wiped out an entire community. It clearly destroyed valuable ecosystems and watersheds and wildlife habitat to a point of ultimate devastation.

It, in fact, has created such an environment that it denies Mother Nature, once she has done this damage, the ability to come back and to create a resilient forest in a reasonably short period of time. By that I mean several decades.

These fires are now so intense, based on the fuel loading on these lands, that it is equivalent to literally tens of thousands of gallons of gasoline per acre in Btu's. The fire burns deep into the soil, soil loaded with organic materials that absorb and hold water and allow plants to flourish, creating what are known as hydrophobic soils. In other words, it caramelizes them; it fuses them; it ultimately destroys the ability of these lands to reproduce for decades.

Of course, because you have denied the ability of the land to absorb water, when the rains come in the fall, massive landslides, erosion, and watershed damage occurs. Right now, in Colorado, with the current rainfall, landslides are occurring as we speak. They are not making the national news that the fires that swept across those lands a couple of months ago did, but they are making the local news because the roads are blocked, people cannot traverse the area, watersheds are being damaged, and, of course, the quality of the water that now flows into the reservoirs that supply the urban areas of Denver and other places is in question—all because of public policy and a perception that has prevailed in public policy for the last several decades that inactive management, no management, man's hand not present in the forest, was, by far, the better way to go.

I am not even questioning the fact that several of the industries that were prevalent in our forests over the last century have lost credibility in the eyes of the American people. I am not even going to argue that forest policy of 30 years ago, based on certain attitudes and certain images, projected by national environmental groups, has not changed attitudes and has caused us to lose the support of the American public on certain aspects of national U.S. forest policy. I believe most of that is true.

But what I also believe is true is that a radical move from one position to the other, and holding the far position on the other side, is just as bad as maybe clear cutting policies of 40 or 50 years ago.

Many will now argue: But we are saving old-growth forests across our country by disallowing the human hand to touch the land. I suggest to those who so argue that this year we have lost over 2½ to 3 million acres of old-growth forest because we were not allowed to go in and take out the underbrush and the small trees that are below these older trees. And as the fires swept across the land, it took everything, including the old growth.

So radicalism or extremism or a fixed policy on one extreme or the other can produce the wrong results. Putting good stewards on the land who understand the science of the land and the science of the forest itself is, by far, the better way to go. But in the last decades, we have decided that the policy was bad. I say, collectively, as a Congress, we have decided that. So we began to micromanage from the floor of the Senate. Every Senator influenced by some of his or her environmental friends decided they were the forest experts. They would legislate the particulars or they would deny certain actions that should be happening on the public lands.

As a result, over the last number of years, we have seen the average number of fires and total number of acres destroyed per year begin to rapidly increase on our public forested lands.

What was once an average burn of 1 million, 1.5 million to 2 million acres a year is now up into the 6 to 7 to 8 million acres a year. And it seems now, if you were to graph it, to be progressively climbing.

This year we have now burned about 6.5 million acres of forested land—not just burned it but destroyed it. There is hardly a tree standing—watersheds destroyed, land hydrophobic, wildlife habitat gone. Mother Nature will not come in there and replace herself for a decade. In the meantime, watersheds will slip and slide off the face of these mountains in landslides, riparian areas destroyed and urban areas at risk.

We are, therefore, going to sit here, as a Congress, and say: This is OK. This is the right thing to do.

The majority leader some months ago knew that in the Black Hills of South Dakota it wasn't the right thing to do, and he was able to work with groups and accomplish for South Dakota some of what we would like to accomplish for the rest of the forested States of our country: an active form of management that brings groups together, creates local public interest, understands the dynamics of good stewardship, and allows some degree of active management.

So for the last several weeks we have worked very closely with a variety of Senators from both sides of the aisle to see if there was not a bipartisan way of accomplishing this. Tragically, some interest groups have some of our colleagues so locked into a single position that they can find no flexibility in their vote.

My colleague from Oregon, RON WYDEN, and Senator DIANNE FEINSTEIN of California have worked closely with us to try to make some of these changes. They have come a long way. I, too, have come a long way in trying to craft a middle ground that will allow active management on a select number of acres of land to prove to the American public that what we can do can be done right not only in improving forest health but, at the same time, not damaging the environment and, in a very short time, allowing that land to rapidly improve as wildlife habitat and watershed quality land and also be productive for additional tree production

for the housing industry and for the American consumer that would like to own a stick-built home.

Last week, Senator DOMENICI of New Mexico and I offered an amendment that we thought was a comprehensive effort to come to the middle ground, to a position that both sides could support. We took the advice of the western Governors who met with the Secretary of the Interior and the Secretary of Agriculture some months ago to express the very concern I and other Western colleagues have expressed about the state of at least the western forests and to try to arrive at a collaborative process that would allow both sides to come together.

In our amendment, what we have offered is basically allowing a collaborative process to go forward at the State levels to select those lands most critically in need of active management for the kind of thinning and cleaning that would be most desirable under these areas and, at the same time, to recognize the clear protection that would come as a result of existing forest plans, to not override forest plans that most of our States have on a forest-by-forest basis, but to recognize that those are appropriate planning processes, that the efforts we would recommend to improve forest health would be consistent with the resource management plans and other applicable agency plans.

We would establish a limited priority of action, and that limited priority would be in the wildland/urban interface areas. This year, we have lost over 2,100 human dwellings while we have lost 6.5 million acres of wildlife dwellings. So the human, in this instance, is experiencing phenomenal damage to his or her dwelling, just as is wildlife. As a result of that, we recognize the most critical need of trying to resolve the wildland/urban interface.

I see my colleague from West Virginia on the floor at the moment. He was very willing to put additional money into firefighting this year. It is part of this amendment on the floor now.

Why? Not only do we need it, but now the Forest Service spends most of its time protecting houses instead of protecting trees and wildlife habitat and watershed. Why? Because over the last 25 years in the West, every piece of non-Federal land that is in the timbered areas has found it to be a place where people like to live. They have built beautiful homes out there. As a result, we now have a conflict that we did not have 25 years or 30 years ago when fire became an issue on our public lands. So we are dealing with the wildland/urban interface areas.

The other area I mentioned, now very critical in the West, is the municipal watershed area. These are the watersheds that provide the water and the impoundment or where water is collected for our growing urban areas. Many of those were devastated this year. I was on one in Denver, Colorado; now devastated, water that will now flow into the reservoirs that will feed the city of Denver. Much of that water will have the result of an acid base produced by the ashes of the forest fires that destroyed the watersheds of that area.

We also recognize that forested or range land areas affected by disease, insect activity, and what we call wind throw or wind blowdown, those are the areas that are now dead or dying. As a result of that, those are most susceptible to fire. We have recognized the need to get into some of those areas. That would be important to do.

Lastly, areas susceptible to what we call reburn, where the fire flashes across it, largely kills the trees, and then causes those trees to die, making them more susceptible to fire.

We have also said that this approach, while extraordinary, will include only 10 million acres. When I say only 10 million, I am talking about over 300 million forested Federal acres in our Nation under the direction and management of the U.S. Forest Service. These forested public lands encompass a very small amount. This would be showcased over a limited period of time with substantial restrictions. So that would be very important, and the process would have some limitations as it relates to current law: That we would not allow appeals or injunctions, but that there would be a judicial review process on a project-by-project basis. It would allow the filing in a Federal district court for which the Federal lands are located within 7 days after legal notice when a decision to conduct a project under the section is made. In other words, we do provide a legal remedy for those who openly object to any of this activity.

As I and others have said, and the President said over a month ago, we will not lock the courthouse door. While we think it is tremendously important that we begin to deal with forest health, we should not deny the fundamental process in the end. And we would not deny locking the courthouse door so that there could be a review as these actions proceeded.

Those are the fundamentals of what we are proposing to do—a limited nature, 10 million acres, to allow the groups to come together on a State-by-State basis to meet with the Forest Service and examine those acres and the most critical need of action, and to recommend to the Forest Service those areas, to allow a limited environmental review to go forward and, through that recommendation, then move to expedite the process in a way that is commensurate with forest health.

(Mr. JOHNSON assumed the Chair.)

Mr. CRAIG. If we could treat 5, or 6, or 7 million acres a year, and by that, I mean thinning and cleaning, leaving the old growth; our legislation talks about leaving no less than 10 trees per acre of the oldest trees, and more if it fits the landscape, or the species, or the watershed in which this activity would be going on.

But even if we do all of that—if the public would allow us, and this Senate were to vote to become active managers of our lands once again—with all of that, the state of our forests is now in such disrepair from a health, fuel-loading, big-kill standpoint, that in the years to come we are still going to lose 4, 5, 6, 7 million acres a year to wildfire. It is simply a situation of human creation by public policy that has denied active and reasonable management on these lands for several decades now. As a result of that, we have a tragedy in the making.

But if we act, in the course of the next decade we can save 700, 800, or a million acres of old growth and watershed and wildlife habitat, by these actions, that might otherwise be burned by wildfire. That is the scenario and the issue as I see it. It is also the issue that some of our top forest scientists see.

Is it a political issue today? Tragically enough, it has been politicized. There seems to be a loud chorus of people out there who say: Do nothing. The tragedy today is that a do-nothing scenario is, without question, more destructive to the environment than a do-something scenario could ever be, because it would be total destruction instead of limited damage in some areas that we treat, as we move to protect the old trees and guard against entry into the roadless areas at this moment in time, but still allow the thinning, cleaning, and fuel removal to come out of these acreages, as proposed by the Craig-Domenici amendment that is now pending.

So I hope my colleagues will support us and join with us. While the fires have dominantly been in the West this year, this is not just a western issue. We are fortunate to have forested public lands all over our country. Here in the East, similar problems are now happening: Overpopulation of our forests, even in the hard woods, bug kill, fuel loading; and now we are beginning to see more of our forests in the East, along the Allegheny and the Blue Ridge and down into the South, become ripe for burn during certain seasons of the year.

So it is a situation that is now beginning to repeat itself in the East as much as it has since the late 1990s out in the West. So I believe it is a national issue of substantial importance and one that we ought to spend time debating and understanding.

I encourage my colleagues to visit with me, Senator DOMENICI, or others who have offered this amendment, trying to seek a balanced approach to allow the U.S. Forest Service to begin the program of selective, active management of thinning and cleaning, using a comprehensive, collaborative approach on a State-by-State basis, with interest groups from those areas, in a way that will begin to restore the forest health of this Nation.

We may have a cloture vote at about 5:15. I hope my colleagues will not vote for cloture but will give us an opportunity to vote up or down on this amendment, as I think we are entitled, because we believe it is not only good policy but it is a critical and necessary vote for our country.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. How much time does the Senator from New Mexico want for his speech?

Mr. DOMENICI. I didn't know whether we had any time left on our side.

Mr. BYRD. I believe we have until 12:30 overall.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I would ask for 5 minutes at this point.

Mr. BYRD. Mr. President, do I have the floor?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. I ask unanimous consent that I may yield to the distinguished Senator from New Mexico, Mr. DOMENICI, for not to exceed 5 minutes, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I thank the distinguished Senator from West Virginia.

I have heard most of the statement on the floor by my distinguished friend and colleague, Senator CRAIG, with whom I am a cosponsor of a very important amendment. We have a number of Democrats and Republicans who have joined us on this amendment. All I want to do is suggest that if we are going to have cloture this afternoon, I hope that, with reference to a cloture that will take this amendment down, Senators will not do that.

We have not had very much time. It is a very important and easy-to-understand issue. It will be confronted with an opposition amendment, which we have not seen yet, that will be forthcoming by the majority leader and, perhaps, Senator BINGAMAN. Both of them are moving in a direction of modifying the existing environmental laws that don't let us remove certain kinds of trees from our forests that are, by most people, determined to be the kind of trees you should remove. They either result in a burndown, or have the result of what is called a blowdown where whole portions of a forest are blown over, or they have just accumulated and are not growing because there is so much rubbish left over that you cannot get the Sun to do any good. When the fires come, they go from one place to another, right over the top of trees.

We want to set the timeframe within which objection can be made to going in and cleaning up that kind of forest, that it be moved in a very short period of time and not be subject to lengthy court hearings but, rather, that it move expeditiously.

We got our idea from an amendment the distinguished majority leader attached to a previous appropriation bill. The majority leader did this modification of the environmental laws that restrained removal of certain kinds of forests that were no longer needed and that could be used if you took them out of there rather quickly. The majority leader did that in an amendment and made it apply to a certain forest in his State and, thus, in the State of the occupant of the chair.

I don't have any objection to that amendment today. If the majority leader and his fellow Senator who occupies the chair want to do that, that is their business. It is about their State. I didn't come down to talk about changing environmental laws. I waited a couple weeks and suggested that maybe we ought to do the same thing—that we ought to get some movement in our forests rather than leave these kinds of trees there.

There are many other things wrong with the forests that we are going to have to fix. Essentially, over 6 million acres of our forests have burned—more than twice the 10-year average—in the current fire season. Twenty-one people have been killed and 3,000 structures have burned.

It will be more like an experiment. We will take a piece of these forests, and we will go in and clear them out within a reasonable timeframe, rather than the unreasonable timeframe that has become the procedure heretofore which, by using the courts and various actions of the courts, imposing NEPA and all of its requirements, whenever groups do not want any of this clearance, they win, just by delay.

I thought there would be a unification of purpose and we might get all the Senators to understand this was not an effort to defeat the environmentalists. We did not think they ought to necessarily take sides in opposition to this issue. It is a very realistic, commonsense approach.

We will have more time to discuss it in more detail, and we will get to discuss it at our respective policy luncheons. I thank the Senator for yielding me the 5 minutes. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, what is the situation with respect to time?

The PRESIDING OFFICER. There are 10 minutes remaining prior to the recess.

Mr. BYRD. Mr. President, I ask unanimous consent that I may hold the floor beyond the 10 minutes for a reasonably short period of time. I would say perhaps another 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield to the distinguished Senator. He wants 3 minutes for a statement. So I yield 3 minutes to him. I do not know why I am accommodating all these Senators like this, but I yield 3 minutes. I yield to him without losing my right to the floor for a statement only for not to exceed 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Idaho.

Mr. CRAPO. I thank the Chair.

(The remarks of Mr. CRAPO pertaining to the introduction of S. 2942 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, over the course of the last several months, the Senate Appropriations Committee has endeavored to craft 13—13—bipartisan, responsible pieces of legislation which fund every aspect of the Federal Government. The Appropriations Committee accomplished its goal. Each bill was adopted by the committee without a single dissenting vote—not one.

This is the largest committee of any committee in the Senate. It is made up of 29 members—15 Democrats and 14 Republicans. So each bill was adopted by the committee without a single dissenting vote: 13 bills, not a single nay vote. That is true bipartisan cooperation. In fact, if one adds up the rollcall votes for the 13 bills, one would have a tally of 377 aye votes to zero nay votes. That is a record for which committee members should be proud.

As all Senators are aware, the appropriations bills are stuck. They are stuck; the ox is in the ditch. The House Appropriations Committee has not acted on five appropriations bills, and the full House has yet to pass eight of the bills, leaving the next fiscal year in a dangerous position of starting without Congress having completed action on the funding legislation.

Why are we in this predicament? While it would be easy to point the finger at the House of Representatives, the blame basically, truly belongs down the avenue—the other end of the avenue.

The White House's Office of Management and Budget remains wedded to an arbitrary budget figure that undercuts the Congress' ability to complete its work in a responsible fashion. The Senate has passed appropriations bills that total $768 billion. Every Senator on the Appropriations Committee voted for that funding level. Every Senator on that committee voted for that funding level of $768 billion. Every Senator on the Appropriations Committee, Democrat and Republican, recognizes that level of $768 billion is a responsible level that provides for the largest Defense spending bill ever, that provides for a significant increase in homeland security funding, and that accommodates just enough to cover the cost of inflation for domestic priorities—priorities such as veterans health care, education. These are not boondoggle bills. These are responsible pieces of legislation.

The House appropriators would be able to complete work on their bills if

they were able to utilize the same overall figure. I want to say the fault is not with the House Appropriations Committee chairman. That committee would be able to finish its job. But the White House has insisted that the House allocate no more than $759 billion. So the House is stuck $9 billion below the Senate and weeks behind the calendar for completing its work.

The House needs to get its work done, but more importantly, the administration needs to provide some flexibility to help us to finish these bills. We do not need political games. We need to complete action on 13 individual appropriations bills.

I know; I worked closely with the chairman on the other side, Chairman YOUNG, and with the ranking member on the Democrat side, DAVE OBEY. I worked closely with them. Their heart is in the right place. They know the Senate and the House ought to go to the higher, top line figure, $768 billion. But it is the administration that has its feet in concrete and its head in the sand. No, it wants to stay right on the $759 billion. That is why these appropriations bills are stuck.

Just yesterday—listen to this—in an article in the Wall Street Journal, Mr. Lawrence Lindsey, head of the White House's National Economic Council, projected that the military costs for this so-called war in Iraq will be $100 billion to $200 billion. They were talking about billions of dollars this year alone. I will say that again: Just yesterday, in an article in the Wall Street Journal, Mr. Lawrence Lindsey, head of the White House National Economic Council, projected that the military costs for this so-called war in Iraq will be $100 billion to $200 billion this year alone.

Now, I would consider $100 billion to be quite substantial. That is a lot of money, $100 billion. But Mr. Lindsey says it may go from $100 billion to $200 billion this year alone. I consider $100 billion to be quite a substantial figure, and I would consider $200 billion to be doubly substantial.

Mr. Lindsey, when asked about that level, said: That's nothing. That's nothing—$100 billion to $200 billion, that's nothing? If $100 billion is nothing, Mr. Lindsey, what is $9 billion? How can $100 billion be nothing if the White House is willing to put the entire Government on autopilot over $9 billion? That is why we are not getting the appropriations bills done. The administration, through its Office of Management and Budget, says no more than $759 billion, because he has the authority of the President behind him.

I have heard some strange economic plans in my day, but this one takes the cake. How can $100 billion be nothing, as Mr. Lindsey is quoted as saying, if the White House is willing to put the entire Government on autopilot over $9 billion?

The growth of the fiscal year 2003 appropriations bills is not for the domestic program. The additional $9 billion in the Senate bills will fund the President's requested increases in the Department of Defense and homeland security. For the rest of the Government, that $9 billion is the difference between a hard freeze and a 3-percent adjustment for inflation. But those facts do not seem to matter. They do not seem to matter to this administration.

In times such as these, the administration should be working with Congress to complete action on these appropriations bills, not attempting to hamstring Congress at every turn.

Obviously, the Office of Management and Budget has adopted a strategy that places the administration's political goals and rhetoric above the needs of the Nation. The political goals come first, apparently, with this administration. What a shame. What a shame. The Office of Management and Budget has signaled that this year politics wins out over principle, rhetoric wins out over reality.

So much for the new tone the President was going to bring to Washington. All this administration wants to do, apparently, is to play the same old games. The administration seems to believe that the Federal Government is nothing more than a Monopoly board. The President is living on Park Place, but the rest of the country is relegated to Mediterranean Avenue. The administration has asserted that $768 billion is excessive spending for the coming fiscal year, and yet the significant increases within that total are to fund the President's proposal to significantly increase defense spending and homeland security funding.

I am not against doing whatever is needed to meet the Nation's requirements for defense, and the same is true with respect to homeland security. But the Nation should not be forced to cut budgets on health care, on education, on veterans programs, and other priorities here at home just to meet some political goal of the administration. The clock is ticking. We do not have time to play these political games. There is more at stake than a simple roll of the dice.

I ask unanimous consent to have printed in the RECORD the article from the Wall Street Journal published on Monday, September 16, 2002. The title of the article is: ''Bush Economic Aide Says Costs of Iraq War May Top $100 Billion.''

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUSH ECONOMIC AIDE SAYS COST OF IRAQ WAR MAY TOP $100 BILLION

(By Bob Davis)

WASHINGTON.—President Bush's chief economic advisor estimates that the U.S. may have to spend between $100 billion and $200 billion to wage a war in Iraq, but doubts that the hostilities would push the nation into recession or a sustained period of inflation.

Lawrence Lindsey, head of the White House's National Economic Council, projected the ''upper bound'' of war costs at between 1% and 2% of U.S. gross domestic product. With the U.S. GDP at about $10 trillion per year, that translates into a one-time cost of $100 billion to $200 billion. That is considerably higher than a preliminary, private Pentagon estimate of about $50 billion.

In an interview in his White House office, Mr. Lindsey dismissed the economic consequences of such spending, saying it wouldn't have an appreciable effect on interest rates or add much to the federal debt, which is already about $3.6 trillion. ''One year'' of additional spending? he said. ''That's nothing.''

At the same time, he doubted that the additional spending would give the economy much of a lift. ''Government spending tends not to be that stimulative,'' he said. ''Building weapons and expending them isn't the basis of sustained economic growth.''

Administration officials have been unwilling to talk about the specific costs of a war, preferring to discuss the removal of Mr. Hussein in foreign-policy or even moral terms. Discussing the economics of the war could make it seem as if the U.S. were going to war over oil. That could sap support domestically and abroad, especially in the Mideast where critics suspect the U.S. of wanting to seize Arab oil fields.

Mr. Lindsey, who didn't provide a detailed analysis of the costs, drew an analogy between the potential war expenditures with an investment in the removal of a threat to the economy. ''It's hard for me to see how we have sustained economic growth in a world where terrorists with weapons of mass destruction are running around,'' he said. If you weigh the cost of the war against the removal of a ''huge drag on global economic growth for a foreseeable time in the future, there's no comparison.''

Other administration economists say that their main fear is that an Iraq war could lead to a sustained spike in prices. The past four recessions have been preceded by the price of oil jumping to higher than $30 a barrel, according to BCA Research.com in Montreal. But the White House believes that removing Iraqi oil from production during a war—which would likely lead to a short-term rise in prices—would be insufficient to tip the economy into recession. What is worrisome, ecomists say, is if the war widens and another large Middle East supplier stops selling to the U.S., either because of an Iraqi attack or out of solidarity with Saddam Hussein's regime.

Mr. Lindsey said that Mr. Hussein's ouster could actually ease the oil problem by increasing supplies. Iraqi production has been constrained somewhat because of its limited investment and political factors. ''When there is a regime change in Iraq, you could add three million to five million barrels of production to world supply'' each day, Mr. Lindsey estimated. ''The successful prosecution of the war would be good for the economy.''

Currently, Iraq produces 1.7 million barrels of oil daily, according to OPEC figures. Before the Gulf War, Iraq produced around 3.5 million barrels a day.

Mr. Lindsey's cost estimate is higher than the $50 billion number offered privately by the Pentagon in its conversations with Congress. The difference shows the pitfalls of predicting the cost of a military conflict when nobody is sure how difficult or long it will be. Whatever the bottom line, the war's costs would be significant enough to make it harder for the Bush administration to climb out of the budget-deficit hole it faces because of the economic slowdown and expense of the war on terrorism.

Mr. Lindsey didn't spell out the specifics of the spending and didn't make clear whether he was including in his estimate the cost of rebuilding Iraq or installing a new regime. His estimate is roughly in line with the $58

billion cost of the Gulf War, which equaled about 1% of GDP in 1991. During that war, U.S. allies paid $48 billion of the cost, says William Hoagland, chief Republican staffer of the Senate Budget Committee.

This time it is far from clear how much of the cost—if any—America's allies would be willing to bear. Most European allies, apart from Britain, have been trying to dissuade Mr. Bush from launching an attack, at least without a United Nations resolution of approval. But if the U.S. decides to invade, it may be able to get the allies to pick up some of the tab if only to help their companies cash in on the bounty from a post-Saddam Iraq.

Toppling Mr. Hussein could be more expensive than the Persian Gulf War if the U.S. has to keep a large number of troops in the country to stabilize it once Mr. Hussein is removed from power. Despite the Bush administration's aversion to nation building, Gen. Tommy Franks, commander of U.S. troops in the Middle East and Central Asia, recently said that the U.S. troops in Afghanistan likely would remain for years to come. The same is almost certain to be true in Iraq. Keeping the peace among Iraq's fractious ethnic groups almost certainly will require a long-term commitment of U.S. troops.

During the Gulf War, the U.S. fielded 500,000 troops. A far smaller force is anticipated in a new attack on Iraq. But the GOP's Mr. Hoagland said the costs could be higher because of the expense of a new generation of smart missiles and bombs. In addition, the nature of the assault this time is expected to be different. During the Gulf War, U.S. troops bombed from above and sent tank-led troops in for a lightning sweep through the Iraqi desert. A new Iraq war could involve prolonged fighting in Baghdad and other Iraqi cities—even including house-to-house combat.

The Gulf War started with the Iraqi invasion of Kuwait in August 1990, which prompted a brief recession. The U.S. started bombing Iraq on Jan. 16, 1991, and called a halt to the ground offensive at the end of February.

With Iraq's invasion, oil prices spiked and consumer confidence in the U.S. plunged. But Mr. Lindsey said the chance of that happening again is ''small.'' U.S. diplomats have been trying to get assurances from Saudi Arabia, Russia and other oil-producing states that they would make up for any lost Iraqi oil production. In addition, Mr. Lindsey said that the pumping equipment at the nation's Strategic Petroleum Reserve has been improved so oil is easier to tap, if necessary. Both the Bush and Clinton administrations, he said, wanted to ''make sure you can pump oil out quickly.''

On Thursday, Federal Reserve Chairman Alan Greenspan said he doubted a war would lead to recession because of the reduced dependence of the U.S. economy on oil. ''I don't think that . . . the effect of oil as it stands at this particular stage, is large enough to impact the economy unless the hostilities are prolonged,'' Mr. Greenspan told the House Budget Committee. ''If we go through a time frame such as the Gulf War, it is unlikely to have a significant impact on us.''

The U.S. economy also has become less dependent on oil than it was in 1990, said Mark Zandi, chief economist at Economy.com, an economic consulting group in West Chester, Pa. A larger percentage of economic activity comes from services, as compared with energy-intensive manufacturers, he said. Many of those manufacturers also use more energy-efficient machinery.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:40 having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. EDWARDS).

HOMELAND SECURITY ACT OF 2002

The PRESIDING OFFICER. Under the previous order, the hour of 2:15 p.m. having arrived, the Senate will now resume consideration of H.R. 5005, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes.

Pending:

Lieberman amendment No. 4471, in the nature of a substitute.

Thompson/Warner amendment No. 4513 (to amendment No. 4471), to strike title II, establishing the National Office for Combating Terrorism, and title III, developing the National Strategy for Combating Terrorism and Homeland Security Response for detection, prevention, protection, response, and recover to counter terrorist threats.

Lieberman amendment No. 4534 (to amendment No. 4513), to provide for a National Office for Combating Terrorism, and a National Strategy for Combating Terrorism and the Homeland Security Response.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, under an order previously entered, it is my understanding the Senator from West Virginia has the floor; is that right?

The PRESIDING OFFICER. The Senator is correct. Under the previous order, the Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair and I thank the distinguished Democratic whip.

Mr. President, I want to be sure that Senators understand the parliamentary situation in the Senate at this point.

Last Thursday, the Senate voted on a motion to table the Thompson amendment to strike Titles II and III of the Lieberman substitute. Title II would establish a new National Office for Combating Terrorism within the Executive Office of the President whose Director would be confirmed by the Senate and made accountable to the Congress.

That is incredibly important. The National Office for Combating Terrorism was viewed by our good colleague, Senator LIEBERMAN as a central part of his homeland security bill. Title II was carried over from his original bill that was introduced last May, before the White House endorsed the idea of creating a new Department of Homeland Security.

But the motion to table the Thompson amendment to strike Title II failed by a vote of 41–55 last Thursday. Senator LIEBERMAN conceded the victory to Senator THOMPSON, and urged the Senate to accept the ''the next best idea.'' Senator LIEBERMAN offered a scaled down version of Titles II and III as a second degree amendment to the Thompson amendment.

It was at that point that I gained the floor and have held it until today.

So I find myself in a position that I had not intended—and not an easy position. I have often felt, in recent days, as if this 84-year-old man—soon to be 85; within a few days—is the only thing standing between a White House hungry for power and the safeguards in the Constitution. That is not bragging, that is lamenting.

This is not the way it ought to be. This will not go down as one of the Senate's shining moments. Historians will not look back at this debate and say that we fulfilled the role that was envisioned by the Framers.

This Senate should have the wisdom to stand for this institution and the Constitution. It is not our duty to protect the White House. It is our duty to protect the people—those people out there looking through their electronic lenses, the people who come here from day to day, these silent individuals who sit up here in the galleries. They do not have anything to say. They are not allowed to speak under the Senate rules, but they sit and watch us. They are looking over our shoulders, as it were, and they expect us to speak for them. They will help to ensure that the interests and the rights of the American people are protected. That is what these people want. They want us to assure that their interests—the people's interests—and the rights of the American people are protected.

I have been joined by a few voices on this floor in recent days, and I thank them. I feel that at least some Members are beginning to view this legislation as doing much more than merely setting up a new Department of Homeland Security.

I have also heard from citizens across the country who have urged me never to give up. Well, I can assure them that as long as I am privileged to serve in this body I will never give up defending the Constitution.

I heard Condoleezza Rice last Sunday, and I heard Dr. Rice the Sunday before.

I heard Secretary of State Powell last Sunday on television, and I heard him the Sunday before.

I have listened to Secretary Rumsfeld, and I have listened to Vice President CHENEY on television.

I have listened to various and sundry Senators on television. I have listened to various and sundry other spokespersons on television.

I read the op-ed piece of former Secretary of State Shultz in the newspaper Sunday a week ago.

I read the op-ed piece of former Secretary of State James Baker in the paper this past Sunday. And I hear many persons in the media—not everybody but some in the media—who seem to be intent upon galvanizing this and making this country ready for war. Not one of these people have I heard—maybe I missed it—refer to the Constitution. I take an oath, and so does every other Senator, to support and defend the Constitution of the United States against all enemies, foreign and domestic. Nobody says anything about the Constitution in this debate that is raging over the country.

There is a great fervor, and there is a great wave of opinion being created. And some in the media are doing it, or helping to create it. They have their minds made up. We are off to war.

I can hear the bugles, and I can see the flag. I can see the sunlight tinting on the bugles as they pass, and the flag I see going already. I can hear the guns. There is a great fervor here, and I hear the war drums being beaten. It is as though we have our minds made up. It is as though the President is already ready to go. And there is a developing hysteria in this country saying: Let us go to war. We have our minds made up.

Nobody stands up against that. But the Constitution is a barrier—this Constitution which I hold in my hand. This Constitution says Congress shall have the power to declare war. It doesn't say the President shall have power to declare war. It doesn't say the Secretary of State shall have power to declare war. Congress shall have power to declare war. But who is bothering to mention Congress? Who is bothering to mention the Constitution? It has become irrelevant, as far as some of the commentators and columnists and editorial writers are concerned, it seems to me. That is my impression. The Constitution has become just an old piece of paper. It was great 215 years ago but not now. Events have overtaken the Constitution. Nobody mentions it.

I haven't heard Dr. Condoleezza Rice mention it on her television appearances. I haven't heard the Secretary of State mention the Constitution. I haven't heard the Secretary of Defense mention the Constitution. I haven't heard the Vice President of the United States say a word about the Constitution when he discusses the business of going to war.

Has it become irrelevant? Are we to sit supinely by and be swept up in this national fervor that is being developed, that is being created to stampede this country into war? Are we to sit silently by?

Well, I want to assure the people that as long as I am privileged to serve in this body I will never give up defending the Constitution. And the Constitution is front and center to this business that we are discussing—the issue of war and peace. The Constitution is front and center.

Why, there are some who will get on the national television programs—they do not invite me; I don't expect them to mention the Constitution. Why is it? Why is that?

Here is the Vice President, the President of this body right here under the Constitution, who can't address the Senate except by unanimous consent, but when he is on national television on these programs, why doesn't he mention the Constitution? Is this Constitution irrelevant? They take for granted, I suppose, that the United Nations is the chief authorizer of America marching off to war.

I am for what the President did the other day. He went to the United Nations. He has pointed the finger, as it were, at the United Nations, and said the United Nations has been recreant in its duty and recreant in its responsibility to enforce its resolutions. I think he laid down an excellent case in making that point.

But we also have a duty here. We have a duty to uphold this Constitution and what it says about declaration of war and what it says about Congress.

Why, it is as though the Constitution is something that went away with the winds of yesterday—gone.

I can assure the people I will never give up defending this Constitution. It is my sworn duty. At some point, however, I will have to relinquish the floor. And when I do, the Lieberman amendment presumably will be withdrawn and the Senate will vote on the Thompson amendment. That amendment, I presume, would pass, and titles II and III of the Lieberman substitute will be stricken from the bill.

Senator LIEBERMAN may be right that we don't have the votes to defeat the Thompson amendment. But what disturbs me most of all is that such an important element of the Lieberman substitute could be stricken from the bill so easily.

I am talking about the need to confirm the Director of the National Office for Combating Terrorism. So I just refer to that title as the Director.

Now, I don't think we should accept that verdict so easily.

It is unbelievable to me that people are not fighting harder for these proposals, not only in title II and title III, but throughout the entire bill. The issues raised by this legislation are too important to languish without more debate in the Senate.

I know I am not the only Senator who is concerned about this bill, but I have not heard enough voices speaking out on these important matters. There are many, many unanswered questions which Senators need to focus on and explore.

Of course, I can't fight this battle alone.

Meanwhile, the President and the House Republican leadership are already turning up the heat on the Senate to pass this bill quickly. The President even suggests that delaying this bill will endanger the lives of the American people.

That is nice rhetoric, Mr. President, but I doubt whether anyone believes that argument. The people are not endangered by our thorough consideration of this legislation. The mistakes we avoid now are just as important as getting the Department in place quickly. What is not done well, generally, must be done over, and unintended consequences can take years to correct.

Nevertheless, pressures are building to expedite consideration of this bill. But in taking the floor, I hope to draw attention not only to the fallibility of passing this bill without a confirmable White House Homeland Security Director, but to other portions of this bill that should make Senators question the rush to enact this legislation so quickly.

My hope is that Senators will consider the gravity of this legislation before they simply jump on board somehow. This homeland security legislation will have important consequences not only for the lives of all Americans, but for the American way of life as well.

Mr. President, the security of the American people, on American soil, is, and has always been, our Government's most solemn responsibility. September 11 added a new dimension and urgency to that duty.

The bill before the Senate seeks to enhance our Government's ability to protect the American people from the devastation of another terrorist attack by creating a new Department of Homeland Security.

I have been for that. I was for that before President Bush was for it.

That is a very ambitious goal. It is a worthy and honorable goal born of commendable intentions. But if we do not move with great caution—if we do not slow down just a little bit—move with great caution—and deliberation in our work, we will risk undermining the very purpose to which we are dedicated.

My concerns about the proposed legislation are many. They are legion. While we can all embrace the concept of a new Department of Homeland Security, there are many, many pitfalls ahead for such an endeavor in the complicated new atmosphere of what has been called a ''war'' on terrorism.

I have made several comments about the threat that this new Department poses to the civil liberties—hear me now—to the civil liberties of the American people. And that is not just hyperbole.

Twenty-six leaders of conservative organizations across this country released a statement this month urging the Senate to exercise ''restraint, caution, and deeper scrutiny before hastily granting unnecessary powers to a homeland security bureaucracy.''

So, you see, that was not just ROBERT BYRD talking. That was not just an 84-year-old man, soon to be 85, talking.

Let me say that again. Twenty-six leaders of conservative—get that—conservative organizations across America released a statement this month urging the Senate to exercise—and I quote—

''restraint, caution, and deeper scrutiny before hastily granting unnecessary powers to a homeland security bureaucracy.''

They wrote that:

[T]he popular enthusiasm for such a centralization and bureaucratization in the name of homeland security may prove unwise. Proposed legislation not only increases the growth of the federal bureaucracy but establishes an infrastructure, legal and institutional, which, if abused, could lead to serious restrictions on the personal freedoms and civil liberties of all Americans.

In case there are any latecomers to hearing this Senate, just now, I am talking about 26 leaders of conservative organizations across America who released a statement this month urging the Senate to slow down. They wrote—and I quote again:

[T]he popular enthusiasm for such a centralization and bureaucratization in the name of homeland security may prove unwise. Proposed legislation not only increases the growth of the federal bureaucracy but establishes an infrastructure, legal and institutional, which, if abused, could lead to serious restrictions on the personal freedoms and civil liberties of all Americans.

''All Americans.''

September 11 was a shock to this Nation, and the fear, anger, and alarm it engendered have not, as yet, vanished. My concern is that in our zeal to see to it that terrorists never again defile our homeland, we will unwittingly cede some of our precious freedoms and blur the constitutional safeguards that have been the basis for our liberties and the check against an overreaching executive for 215 years, or thereabouts.

Let me make it clear that I am not accusing anyone of deliberately trying to exploit our national tragedy.

Rather, I believe that in our shock and revulsion, our collective determination to prevent further horrific attacks may change our Nation in fundamental ways that will eventually surprise and dismay all of us. How terribly ironic it would be if it were our response to the treachery of al-Qaida which dealt our constitutionally guaranteed freedoms the most devastating blow of them all.

I believe that all of those in Government, those of us in Government who are challenged with confronting the horrible reality of what happened on September 11, have not, even yet, come to grips with certain fundamental realities. We must all begin to face certain truths.

Terrorism is a worldwide force, and our ability to prevent it at home or contain it abroad is limited—is limited—at best.

An enemy in the shadows, living among us and using our own openness and freedoms to attack our infrastructure, and to cripple and kill our citizens, is unlike any enemy we have ever before known.

No Government Department can ever guarantee complete safety from this kind of threat in a world increasingly connected by trade, travel, electronic communication, migrating populations and open borders. But, we can do our best to anticipate vulnerabilities, protect critical infrastructure, and respond to possible devastation or deliberately spread disease.

Yet, we can never be perfectly safe from the scourge of a terrorist attack. That is reality. And handing over our precious liberties and hard-won principles on such topics as worker rights, openness in government, the right to privacy and civil liberties—that is what is involved here—will not change that unfortunate and troubling reality. Such a course, blindly followed in the name of fighting terrorism, would be disastrous. Hear me. It is understandable that this administration, or any administration so consumed with the need to prevent another such horrific attack, might become so zealous and so focused on that mission that important freedoms could be trampled or relegated to a secondary position in our national life. If we are not vigilant, our country could be fundamentally changed before we realize it, in ways which we would all come to deeply regret.

Let me illustrate what I mean. Recent headlines have provided examples of the administration's strong penchant for secrecy, and its refusal to be confined by the law and the Constitution in its attempts to shield its actions from public scrutiny.

Last month, a Federal appeals court in Cincinnati issued a direct rebuke of attempts by the Administration to circumvent the Constitution—there is that magic word—by conducting deportation hearings in secret, whenever the government asserts that the object of the hearings might be linked to terrorism. Writing for the three-judge panel of the 6th Circuit Court of Appeals, Judge Damon J. Keith wrote, ''A government operating in the shadow of secrecy stands in complete opposition to the society envisioned by the framers of our Constitution.''

The Justice Department has already conducted hundreds of these hearings out of sight of the press and the public. In doing so, the administration has been able to decide the fate of each of these individuals without recrimination.

It may be that all of these hearings were conducted properly and fairly, but there is just no way for us to know. Like so many other actions that this administration has taken on behalf of our safety, we have no way of knowing whether what they have done was the right thing to do. Nobody in this administration or anywhere else is all wise. We have no way of knowing whether the steps they have taken have really helped to secure our safety. And we have no way of knowing whether the actions they took may have threatened our own liberties.

The administration argued that secrecy is necessary for these hearings because subjecting them to public scrutiny would compromise its fight against terrorism.

The court's concurring opinion addressed the merits of the government's position, but it pointed out that a reasonable solution to the administration's concerns could be achieved by requiring the Government to demonstrate the need for secrecy in each hearing on a case-by-case basis.

Ultimately, the Court of Appeals saw the Government's argument for what it is; namely, a danger to our liberty. The court took the clear-headed, clear-eyed position that excessive secrecy in matters such as these compromises the very principles of free and open government that the fight against terror is meant to protect.

Even with the best of intentions to justify the Government's actions, our freedoms are easily trampled when officials are allowed to exercise the power of the Government without exposing their actions to the light of day.

As Judge Keith wrote, ''Democracies die behind closed doors.''

We have also seen evidence in the news of what the executive branch is capable of when it is allowed to operate behind closed doors. On August 23, just last month, the front page of the Washington Post brought news of serious abuses of the laws that allow the Justice Department to conduct certain law enforcement activities in secret. Thank providence, thank heaven for a free press. That is what we want to keep. That is what we want to maintain—a free press.

The Washington Post article revealed that on May 17, a secret court that was created to oversee the Government's foreign intelligence activities rejected new rules proposed by the Department of Justice that would have expanded the ability of Federal investigators and prosecutors to operate in secret.

There you have it again—secret.

The Attorney General, John Ashcroft, wanted to tear down the walls between intelligence officials and law enforcement officials in the Department of Justice, allowing broad sharing of secret intelligence information among offices throughout the Department.

Mr. Ashcroft wanted to tear down these walls for a reason. The walls make it harder for his Department to circumvent the constitutional obstacles faced by his investigators in trying to hunt down terrorists. And like others in this administration, Mr. Ashcroft has little patience or concern for the Constitution now that he is a general in the President's ''war on terror.''

I voted for Mr. Ashcroft. I am not one of those who opposed his nomination. I was one of the few on this side of the aisle who voted for Mr. Ashcroft's nomination. I have to say, I am disappointed. But Mr. Ashcroft is not alone. Take a look at this administration.

Haven't you heard of the shadow government? That came to light a while back. All of a sudden, like the prophet's gourd, it just grew up overnight.

Here is this shadow government. I had not been told about it. After all, I am chairman of the Appropriations Committee in the Senate. I am not the top Democrat in the Senate, but I am the senior Democrat in the Senate. I hadn't been told anything about it. I am the President pro tempore of the Senate; in other words, the President, for the time being. If the Vice President is not in the chair, I am the President of the Senate. I hadn't been told anything about a shadow government.

Of course, I said time and time again how this great idea about a Homeland Security Department, at least the administration's great plans, suddenly sprang into existence, like Aphrodite, who sprang from the ocean foam, or like Minerva, who sprang from the forehead of Jove fully armed and fully clothed.

All of this was a secret. We didn't know anything about this thing hatched out of the bosom of the White House—this great plan hatched out by four individuals in the bowels of the White House. So this White House, this administration, has a penchant for secrecy.

I am not going to point the finger just at Mr. Ashcroft. I voted for him. On this side of the aisle, I voted for him. He used to serve in this body. But Mr. Ashcroft wanted to tear down these walls for a reason. I say again, the walls make it harder, as all walls do, to get wherever you are going. The walls make it harder for his Department, Mr. Ashcroft's Department, to circumvent, get around, the constitutional obstacles faced by his investigators in trying to hunt down terrorists.

He and others in this administration apparently have little patience and concern for the Constitution—here it is—now that he is a general in the President's war on terror. Today is September 17, 2002, in the year of Our Lord; this is the day, 215 years ago, when our forefathers signed their names, the framers of the Constitution signed their names on the Constitution. They had completed their work, which had begun back in May 1787, and they signed their names on this Constitution. This is the day. I will have more to say about that shortly.

But this secret court, which was created by Congress under the Foreign Intelligence Surveillance Act, recognized the danger of tearing down these protective walls. The act made it easier for Federal investigators to obtain evidence through wiretaps or physical searches when the evidence will be used for foreign intelligence purposes. Traditional criminal investigations require a higher standard for search warrants and wiretaps, to protect the constitutional rights of American citizens. By trying to tear down the wall between the two, the Attorney General was hoping to lower the bar for obtaining evidence for criminal investigations by expanding access to secret procedures used in foreign intelligence.

The wall between law enforcement and intelligence has always allowed for cooperation in specific instances. In fact, this is the first time in the history of this secret court that an administration's request has been rejected. But this cooperation has previously been allowed to prosecute people such as CIA mole Aldrich Ames, whose crime was inextricably linked to foreign intelligence. If this wall had fallen, the Justice Department would be allowed to secretly investigate almost anyone who made an international phone call.

It is well to remember that the Patriot Act, passed in the aftermath of September 11, already lowered the bar for bypassing due process, privacy, and individual freedom. The Justice Department argues that the Patriot Act also authorizes the elimination of the wall between intelligence and law enforcement.

Couple this momentum with a new Department primed to root out terrorism at home and abroad and a powerful new Secretary of Homeland Security with intelligence powers that cut across traditional lines of authority, and one can easily see the possibility for abuse and for excess. That is why I am standing on the floor—trying to draw the attention of the public, trying to capture the attention of my colleagues, and trying to capture the media's attention. This is what I am talking about.

In reacting to the court's ruling, the Justice Department said:

> We believe that the court's action unnecessarily narrowed the Patriot Act and limited our ability to fully utilize the authority Congress gave us.

Get that. It is the phrase ''fully utilize'' that gives me some special pause. Powers granted to this administration must continue to be checked. Oh, I tell you, they need to be checked. The need for checks on administrative powers is not just hypothetical, it is not just constitutional; I wish more would pay attention to that aspect of it. It has been well documented by recent Executive actions.

The most disturbing part of the secret court opinion is the revelation that the Justice Department has already been abusing this secret process, including 75 specific instances cited by the court in which FBI, or Justice officials, provided false statements in their applications for wiretaps and search orders, including one application signed by then-FBI Director Louis B. Freeh.

The court cited these examples as evidence of the need to keep a close eye on the Department's activities in order to prevent an environment in which cooperation becomes subordinated to the law enforcement agenda of the Attorney General.

While some of the abuses identified by the court occurred during the administration of former President Clinton, rather than President Bush, the need for oversight applies to every administration.

My concerns are not just based on who may be in the White House at a particular moment. My concerns are based in the Constitution. These problems transcend administrations. Administrations may come and go, but the Constitution, like Tennyson's brook, goes on and on forever.

The war on terrorism must not be used by the executive branch—any executive branch. Mr. Bush certainly won't be in office forever. So one should look even beyond this administration, whatever the next administration will be. The war on terrorism must not be used by the executive branch as an excuse to ignore constitutional liberties behind closed doors and to destroy the delicate checks and balances that have made this Nation a great beacon for freedom to the world.

Congress is the leveler when it comes to precipitous actions. The Senate, in particular, is the place intended by the Framers for cooling off. A calm oasis where reason and cooler heads prevail against the heat of passion has always been found on the floor of the United States Senate, and I hope that we in this Chamber will again step up to that traditional calling as we consider this matter in these extraordinary times.

In an election year, all politicians like to claim we have an answer for even the Nation's most intractable problems, but in this case we underestimate the intelligence of the American people if we believe that merely offering them a new Department of Homeland Security will serve as currency to buy our way out of our continuing responsibilities under the Constitution.

The people know that such a Department is no panacea for protection of our homeland. They will never forgive us if we are lax in our duty to safeguard traditional freedoms and American values based on the Constitution as we rush to fashion a new Department, even though that Department is intended to protect the American people from the insidious danger of a virulent attack on our homeland.

In the name of homeland security, Congress must not be persuaded to grant broad authorities to the administration that, given more careful thought, we would not grant. The House has already passed legislation to grant the President the authority to waive worker protections for Federal employees, to place the new Department's inspector general under the thumb of the Homeland Security Secretary, to exempt the new Department from public disclosure laws, and to chip away at congressional control of the power of the purse.

Close examination of the President's plan shows that the administration is seeking more new powers which, unchecked, might be used to compromise the private lives of the American public.

Congress must never act so recklessly as to grant such broad statutory powers to any President, even in the quest for something so vital as protection of our own land. So vital, the war

on terror. We must exercise great caution. We must operate with the clear knowledge that once such powers are granted, they will reside in the White House with future Presidents—Republican and Democrat—and they will not be easily retrieved.

So once such powers are granted, they will not be easily retrieved. They will reside in the White House. And everyone who knows anything about the Constitution and about our experience in the political arena, anybody who knows anything about that, knows that no future President will likely return those powers, likely give up those powers, once they have been granted, and a Presidential veto in the future will be very difficult to overcome, as such a veto is usually difficult to overcome. Once the powers go down that avenue to the other end, they are gone for a long time, and the only way they can be retrieved is by overriding a Presidential veto. And, of course, the Senators and everyone know that will require a two-thirds vote. It will not make a difference whether the President is Democrat, Republican, or Independent; He will want to keep those powers. So be careful about granting them now.

Both the House-passed bill and the Lieberman bill substitute broad new authority to the administration to create this new Department, but neither bill ensures that Congress remain involved. Neither the House bill nor the Lieberman bill ensure that Congress remain involved throughout the implementation of the legislation.

Senator LIEBERMAN's bill takes steps to ensure that Congress is informed as the Department assumes its duties, but under his bill this information comes to us only after the fact. It is not enough just to be told how the administration intends to use these statutory powers. Congress needs to retain some prerogatives so Congress can temper and shape the administration's exercise of these new authorities and so Congress can temper and shape the new Department's exercise of the new authority.

So Congress has the responsibility to make sure we do not grant broad statutory powers to the President and then just simply walk away from the new Department, trusting that the administration will exercise restraint. Congress must remain involved to ensure that the orderly implementation of the Department does not flounder and that important worker rights and civil liberties do not fall into the breach.

Government reorganization is nothing novel. We have had Government reorganization before. And we have from time to time found new agencies created in the spotlight of political pressure and then left to languish and go awry in the twilight of mundane and practical purpose. This could be a mistake.

This administration, since the September 11 attacks, has announced at least three major governmental reorganizations prior to the President's proposal to create a new Homeland Security Department.

Last December, in response to numerous media reports criticizing the Nation's porous borders, the administration proposed the consolidation of the Customs Service and the Immigration and Naturalization Service within the Justice Department.

Last March, following the mailing of two student visas by the Immigration and Naturalization Service to two of the September 11 hijackers 6 months after they crashed planes into the World Trade Center Towers, the administration announced the INS would be reorganized, split into a services bureau on the one hand and a separate enforcement bureau on the other.

Last May, following reports about intelligence failures by the FBI, the administration announced a reorganization of the FBI. These reorganizations have either produced very little or they have been replaced by subsequent additional reorganization proposals. It is as if we are spinning around in circles with little left to show for all of the energy expended but dizziness.

To avoid a similar fate to this new Department, I have an amendment to the Lieberman substitute that would ensure that the Congress continues to play a role. The Byrd amendment would create the superstructure of the new Department as outlined in the Lieberman bill, but would require Congress to pass separate, more detailed legislation to transfer the agencies, functions, and employees to it.

The Byrd amendment would not change the intent of the Lieberman bill. Let me say this, Senator LIEBERMAN is near the floor. I don't necessarily have to keep the floor for the next hour. I can under the order that had been entered. I get first recognition. But there is still an hour in this 2-hour period before the Senate goes back to the Interior appropriations bill. I welcome Mr. LIEBERMAN's questions. I am happy to discuss my amendment with him if he so desires before I give up the floor.

My amendment would immediately create a new Homeland Security Department. There it is. My amendment would create immediately a new Homeland Security Department. My amendment would immediately establish the superstructure of the six directorates outlined by the Governmental Affairs Committee. The Byrd amendment is not designed as an alternative to the Lieberman bill. I refer to it as the Lieberman bill. It is a bill that has been reported by the committee which Senator LIEBERMAN so ably chairs. So I refer to the bill as ''the Lieberman bill.'' Its purpose is to strengthen. The purpose of my amendment is to strengthen the Lieberman bill. Its purpose is to ensure a strong Department capable of protecting our people. But its enactment would also ensure that the guiding hand of Congress would be there to help steer the course and stay the course.

What is more, any legislation submitted pursuant to this act would be referred to the Governmental Affairs Committee in the Senate so that my amendment, the Byrd amendment, would not deprive Senator LIEBERMAN or his committee of their jurisdiction or their expertise as we go about implementing this new Department which will have been created by the Lieberman bill. And, as I say, my amendment also creates that Department. My amendment allows the Department of Homeland Security to be established just as Senator LIEBERMAN envisioned. But the Byrd amendment would give Congress additional opportunities to sift through details concerning worker rights, civil liberties, secrecy, and various duties and functions. Equally important, it would ensure that the agencies and the offices to be transferred into the Department can continue to perform their important work of protecting the homeland while the groundwork is being laid for their move to the new Department.

Just recently we have all noted in the media that—I believe six persons were arrested in New York, in Buffalo, NY. Six persons were arrested. We didn't have any new Department of Homeland Security. There is no Department of Homeland Security that has been established. Yet the work of securing our homeland goes forward by the persons who man—man or woman, I use the word ''man'' to mean both women and men—the persons who are on the borders, who are guarding the ports of entry, who are looking at the huge containers that come into our ports, the persons who—right today and last night at midnight and all through the hours of this day, yesterday, the day before, and tomorrow—will continue to do their work even though there is no Department of Homeland Security. The FBI was on the job. The FBI has been on the job. And so the FBI brought about the arrest of these six persons, and they are being held.

So I say to the President and to anyone else: Nobody is holding up the work of proceeding with the security of our country. The people who will secure this Nation under a Homeland Security Department, if and when one is established, are the same people who are right now, right this day, securing the homeland. These people have been on the job last night, 6 months ago, and they continue to do this work. They have expertise. They have experience. They are trained, and so on. So nobody is holding up the security of the country. Nobody is holding that up. That is going forward, as was seen when the FBI arrested the six persons.

So this is vital. Ongoing reorganizations can foster chaos and destroy worker morale. Orderliness and careful thought while we transition can avoid overlooked vulnerabilities and missed nuances which could signal another disaster.

With the Byrd amendment, the Lieberman bill would transfer agencies

and functions to the Department, one and two directorates at a time, beginning on February 3 of next year. This would then give Congress the opportunity to gauge and to monitor how the new Department is dealing with transition and what additional changes might be necessary. It would provide a means to quickly address the problems that will undoubtedly arise in the early phases of the Department's implementation and to guard against mistakes and missteps.

The Byrd amendment would not delay the implementation of the new Department one whit. It would actually expedite the implementation of the new Department by providing Congress with additional means to solve the quandaries that traditionally plague and delay and disrupt massive reorganizations.

Here we are talking about 170,000 employees. We are talking about 28 agencies and offices—some have said 30. So this is no minor movement. This is a major reorganization.

Moreover, the Congress could act to transfer agencies before the end of next year, roughly the same time period outlined by the Lieberman plan. When I say the Lieberman plan, I am talking about the bill that was adopted by the committee, which Mr. LIEBERMAN ably chaired. And that is the same time period outlined by the House bill. So who is holding up anything? Why shouldn't we stop, look, and listen here and do this thing in an orderly way? Do it right. Not necessarily do it now, do it here, but do it right. The Lieberman plan provides the President with a 1-year transition period, beginning 30 days after the date of enactment, effectively allowing up to 13 months before any agencies are transferred.

By then forcing the administration to come back to us—which the Byrd amendment would do—we can insist on knowing more about the plans of the administration with its penchant for secrecy—plans which are now only hazy outlines. So if Congress passes the Lieberman proposal or if Congress passes the House proposal, Congress will just be turning the thing over to the administration, lock, stock and barrel, and saying: Here it is, Mr. President. You take it. You have 13 months in which to do this, but it is all yours. Congress will just go off to the sidelines. Congress will have muzzled itself.

Whereas in the Byrd plan, the Byrd plan would also transfer these agencies. It would create a Homeland Security Department, and it would provide for the transaction, the movement of these various agencies, their personnel and their assets, into the new Department over the same period, 13 months, but it would do it in an orderly process in an orderly way, phased in, with Congress staying front and center and continuing to conduct oversight in this massive reorganization.

We must insist on assurances that in granting more powers to this administration and to future administrations to investigate terrorism, we are not also granting powers to jeopardize the rights, privacy, or privileges of law-abiding citizens.

We must insist on assurances that the constitutional rights of Americans remain protected. We must insist that the constitutional control of the purse by the Congress is not compromised.

We must insist on assurances that Government reorganization will not be used as a convenient device to dismantle time-honored worker protections.

We must insist on the preservation of our Government's constitutional system of checks and balances and separation of powers. We have a responsibility to do our very best as a nation to get this thing right. If we are going to create a new Department, let's get it right.

We have a responsibility to ourselves and to future generations to ensure that, in our zeal to build a fortress against terrorism, we are not dismantling the fortress of our organic law—our Constitution—our liberties, and our American way of life.

ANNIVERSARY OF THE SIGNING OF THE CONSTITUTION

Madam President, as I stated earlier, today is September 17, the 215th anniversary of the signing of the Constitution in 1787. The Constitution is not noted for its soaring rhetoric or for the emotional power of its language, but it is nonetheless the most important document in our Nation's history.

Bar none, this Constitution that I hold in my hand is the most important document in our Nation's history. And it was meant, according to that eminent jurist John Marshall, to endure for ages—ages. It is not irrelevant. This is relevant. This Constitution is relevant. It is, front and center, relevant to today's issues.

The Declaration of Independence—which is also contained in this little book which I hold in my hand—with its ringing phrases, may have been a turning point in history, having laid out the case for breaking our ties with the Crown and setting us on the path to rebellion and liberty. There is no question in my mind but that it was a turning point.

But the Constitution is the foundation upon which our subsequent history was built. In its plain speech, it forms the blueprint for an entirely new form of government never before seen in history and, to my mind, not yet matched by any other.

I am happy to call attention to this day—to the anniversary of the signing of the Constitution.

As the Senate has been debating the homeland security bill, I have several times raised constitutional concerns about the way the homeland security bill is structured. In doing so, I have often felt like a voice crying out in the wilderness. Like a tree falling with no one to hear it, I have wondered if I was in fact making any progress and wondered if I was making any sound while I was talking. Was I making any sound?

I hope my colleagues and the American people will look at the Constitution, and I hope they will read it and they will study it. It is not long. It is not a huge volume. It doesn't contain many pages, and it isn't difficult to understand. But each time I read it, it seems I always find something new. It is like my reading of the Bible. It is like my reading of Shakespeare. I always find what seems to be something new.

The Constitution is not written in fancy, lawyerlike phrases, or flowery 18th century language. Every citizen was meant to understand it and to participate in the exercise of government—that being the surest defense against tyranny.

It is much like the Magna Carta, which indeed is a taproot, and beyond—a taproot from which liberty sprang and a taproot from which our Constitution sprang—the Magna Carta, a great charter, the charter of the English people, which was signed by King John on June 15, 1215. That was simple, but it was easily understood. It was written for ordinary people to understand, and it has been read and reread by millions through the centuries.

So read the Constitution. Look to history. I believe my concerns will be shared.

Article I of the Constitution outlines the powers of the legislature. It vests with the Congress the power to make laws. There it is. The first section of the first article says that all legislative powers herein are vested in the Congress of the United States, which shall consist of a Senate and a House of Representatives. There it is—the power to make laws, the powers of the legislature.

Also, article I of the Constitution sets forth the qualifications and means of selecting representatives and the basic requirements for congressional operations.

Therein one will find in section 2 where the Constitution sets forth the creation of the House of Representatives, and then section 3 of the Constitution lays down the precepts and terms and the basis for the creation of the Senate.

The Constitution is a user manual for Congress, the operating software of the legislative branch. Article I, section 8, is the critical list of congressional powers, including subsection 18 which grants to Congress the power:

> To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

You heard it here. Powers may be vested by the Constitution in the Government and its Departments or officers. But the Congress must pass the

necessary laws for those powers to be exercised. It is meant to be a cooperative affair, with Congress playing a critical role.

Further, in section 9, subsection 7, of article I, the Constitution states that:

No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

Congress again plays a critical role in providing funds for Government operations, and requires that the public be kept informed about how those funds are spent.

One can trace our Nation's history going back into the centuries and can trace these powers in the colonial governments, in the representative assemblies of the Colonies. The people in the Colonies had faith in their representative assemblies. Going back to the history of England, this has often been referred to as the ''motherland.''

Of course, we all know that the Spanish populated various areas in the South and Southwest, St. Augustine, and New Mexico, and other areas. But the individuals who wrote the Constitution, who met in Philadelphia, were British subjects. Some of them were born in the British Isles. They were English-speaking individuals. They knew about the history of Englishmen, how the English had struggled to secure the rights of the people, the power of the purse, to secure the control of the public purse for Parliament.

They knew that Parliament was created in the early 1300s during the reigns of Edward the First, Second, and Third. And they knew that the power of the purse had been lodged over a long period of centuries in Commons. That was made very clear by the English Bill of Rights which was enacted by Parliament in 1689.

So there it was, the power of the purse, lodged in the hands of the people's elected Representatives in Commons and now in Congress.

So Congress, as I say, plays a critical role in providing funds for Government operations, and the public must be kept informed about how those funds are spent.

Part of that process, as I have indicated, by long tradition, has occurred during the testimony of Government officials before the Congress regarding their budget requests and the manner in which previous appropriations have been spent. In the case of the proposed Department of Homeland Security, with its 170,000 employees and its enormous budget, such openness is equally to be expected, and should be demanded, by the taxpaying public.

Article II of the Constitution concerns the establishment of the Chief Executive, concerns the powers of the President, the qualifications and means of selecting the President, and his oath of office being required. Article II, section 2, subsection 2 notes that the President:

shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law . . .

Well, Madam President, that would seem clearly to include the proposed Director of Homeland Security will be certainly one to whom the provision in the Constitution is addressing, except that the subsection continues:

but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

If the Congress does not wish to provide for accountability or wish to have any voice in the selection of important Government officials, the Congress must take deliberate action to divest itself of its constitutional role in the operations of Government.

The authors of the Constitution clearly foresaw the growth of Government and recognized that the Congress could consume itself in processing the appointments of hundreds of minor officials. However, I sincerely doubt that these wise men would expect that a cabinet level official heading up an enormous department with a mission of grave importance to the Nation would receive less scrutiny and less oversight than so many officials whose positions do not involve the defense of our vital domestic security. That does not make sense. It is not logical. It is ludicrous. The Senate would not provide its advice and consent in the selection of the Director of Homeland Security, while Assistant Secretaries and Deputy Assistant Secretaries in other Departments are subject to confirmation? I cannot believe that the Senate cares less for the Department of Homeland Security and its Director than it does for so many other Government officials with smaller budgets and more narrow portfolios.

No, Madam President, I can only surmise that any willingness on the part of the Senate to abrogate its constitutional responsibilities and powers comes from a lack of attention to the deceptively plain language of the Constitution itself. Perhaps we should gussie it up, wrap it legalistic bells and whistles, enshroud it in ''wheras-es'' and ''let it therefore be resolved'' clauses, so that it receives the respect that it deserves. But, in fact, even Article III, concerning the judicial power of the United States, has no highfaluting lawyer words. Article IV, concerning the powers of the States; Article V, the process by which the Constitution may be amended; Article VI, making the Constitution the supreme law of the land, and Article VII, regarding ratification—none of these short Articles contains any obscure, opaque, misleading, or confusing language. Really, considering how many lawyers were involved in the drafting of the Constitution—a little more than half of the delegates to the Constitutional Convention were lawyers—it is a model of clarity and clean writing.

Indeed, the men who drafted the Constitution were as much heroes as those who signed the Declaration of Independence, making themselves known as traitors and wanted men in England, traitors to the Crown. They were treasonous. They committed treason. And they could have been hunted down and sent off to England and been executed. The Framers of the Constitution undertook a mighty task. They had to preserve the Nation's hard-won freedom by correcting the flaws in the Articles of Confederation that made the Nation weak and vulnerable to attack from without and rebellion from within. Drawing upon the lessons of history and the ideals of the Enlightenment, they set themselves the job of devising a novel form of government that could encompass the great diversity of the new Nation—from the mercantile North to the slaveholding South, from the settled East to the frontier West, with citizens from cultures around the globe.

In Philadelphia, in the hot summer of 1789, after lengthy and contentious debate, after considering and rejecting proposal after proposal, and after nearly 600 separate votes, they produced the miracle that is our Constitution. And so there you have it. In over 200 years, it has been amended 27 times, and 10 of the 27 amendments were ratified early on, by 1791.

In today's computer-minded lexicon, the Constitution is the mother board without which our thinking, evolving, machine of Government could not function. It is the enduring standard operating system, running the complex interactive software of national life. It is our embedded code, and when we overwrite it without careful consideration, we may well be planting the worms of our own destruction.

When the Executive acquires too much power and freedom of action unchecked by the balancing powers and oversight of the legislative branch, our careful system of checks and balances is in danger of being corrupted.

So on this anniversary of the signing of the Constitution, we would do well to revisit this miracle of compromise and foresight. We would do well to marvel at the abilities of the men who crafted this document. We would do well to rededicate ourselves to its careful preservation that it might see us through another two centuries and more.

Our fathers in a wondrous age,
Ere yet the Earth was small,
Ensured to us an heritage,
And doubted not at all

That we, the children of their heart,
Which then did beat so high,
In later time should play like part
For our posterity.

Then fretful murmur not they gave
So great a charge to keep,
Nor dream that awestruck time shall save
Their labour while we sleep.

Dear-bought and clear, a thousand year

Our fathers' title runs.
Make we likewise their sacrifice.
Defrauding not our sons.

I ask unanimous consent that the article from the Washington Post titled ''Secret Court Rebuffs Ashcroft,'' to which I have already referred, and the New York Times op-ed titled ''Secrecy Is Our Enemy,'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 23, 2002]

SECRET COURT REBUFFS ASHCROFT

(By Dan Egen and Susan Schmidt)

The secretive federal court that approves spying on terror suspects in the United States has refused to give the Justice Department broad new powers, saying the government had misused the law and misled the court dozens of times, according to an extraordinary legal ruling released yesterday.

A May 17 opinion by the court that oversees the Foreign Intelligence Surveillance Act (FISA) alleges that Justice Department and FBI officials supplied erroneous information to the court in more than 75 applications for search warrants and wiretaps, including one signed by then-FBI Director Louis J. Freeh.

Authorities also improperly shared intelligence information with agents and prosecutors handling criminal cases in New York on at least four occasions, the judges said.

Given such problems, the court found that new procedures proposed by Attorney General John D. Ashcroft in March would have given prosecutors too much control over counterintelligence investigations and would have effectively allowed the government to misuse intelligence information for criminal cases, according to the ruling.

The dispute between the Justice Department and the FISA court, which has raged behind closed doors until yesterday, strikes at the heart of Ashcroft's attempts since Sept. 11 to allow investigators in terrorism and espionage to share more information with criminal investigators.

Generally, the Justice Department must seek the FISA court's permission to give prosecutors of criminal cases any information gathered by the FBI in an intelligence investigation. Ashcroft had proposed that criminal-case prosecutors be given routine access to such intelligence information, and that they be allowed to direct intelligence investigation as well as criminal investigation.

The FISA court agreed with other proposed rule changes. But Ashcroft filed an appeal yesterday over the rejected procedures that would constitute the first formal challenge to the FISA court in its 23-year history, officials, said.

''We believe the court's action unnecessarily narrowed the Patriot Act and limited our ability to fully utilize the authority Congress gave us,'' the Justice Department said in a statement.

The documents released yesterday also provide a rare glimpse into the workings of the almost entirely secret FISA court, composed of a rotating panel of federal judges from around the United States and, until yesterday, had never jointly approved the release of one of its opinions. Ironically, the Justice Department itself had opposed the release.

Stewart Baker, former general counsel of the National Security Agency, called the opinion a ''a public rebuke.

''The message is you need better quality control,'' Baker said. ''The judges want to ensure they have information they can rely on implicitly.''

A senior Justice Department official said that the FISA court has not curtailed any investigations that involved misrepresented or erroneous information, nor has any court suppressed evidence in any related criminal case. He said that many of the misrepresentations were simply repetitions of earlier errors, because wiretap warrants must be renewed every 90 days. The FISA court approves about 1,000 warrants a year.

The department discovered the misrepresentation and reported them to the FISA court beginning in 2000.

Enacted in the wake of the domestic spying scandals of the Nixon era, the FISA statute created a secret process and secret court to review requests to wiretap phones and conduct searches aimed at spies, terrorists and other U.S. enemies.

FISA warrants have been primarily aimed at intelligence-gathering rather than investigating crimes. But Bush administration officials and many leading lawmakers have complained since Sept. 11 that such limits hampered the ability of officials to investigate suspected terrorists, including alleged hijacking conspirator Zacaris Moussaoui.

The law requires agents to be able to show probable cause that the subject of the search is an agent of a foreign government or terrorist group, and authorizes strict limits on distribution of information because the standards for obtaining FISA warrants are much lower than for traditional criminal warrants.

In Moussaoui's case, the FBI did not seek an FISA warrant to search his laptop computer and other belongings in the weeks prior to the Sept. 11 attacks because some officials believed that they could not adequately show the court Moussaoui's connection to a foreign terrorist group.

The USA Patriot Act, a set of anti-terrorism measures passed last fall, softened the standards for obtaining intelligence warrants, requiring that foreign intelligence be a significant, rather than primary, purpose of the investigation. The FISA court said in its ruling that the new law was not relevant to its decision.

Despite its rebuke, the court left the door open for a possible solution, noting that its decision was based on the existing FISA statute and that lawmakers were free to update the law if they wished.

Members of the Senate Judiciary Committee have indicated their willingness to enact such reforms but have complained about resistance from Ashcroft. Chairman Patrick J. Leahy (D-Vt.) said yesterday's release was a ''ray of sunshine'' compared to a ''lack of cooperation'' from the Bush administration.

Sen. Charles E. Grassley (R-Iowa), another committee member, said the legal opinion will ''help us determine what's wrong with the FISA process, including what went wrong in the Zacarias Moussaoui case. The stakes couldn't be higher for our national security at home and abroad.''

The ruling, signed by the court's previous chief, U.S. District Judge Royce C. Lamberth, was released by the new presiding judge, U.S. District Judge Colleen Kollar-Kotelly.

FBI and Justice Department officials have said that the fear of being rejected by the FISA court, complicated by disputes such as those revealed yesterday, has at times caused both FBI and Justice officials to take a cautious approach to intelligence warrants.

Until the current dispute, the FISA court had approved all but one application sought by the government since the court's inception. Civil libertarians claim that record shows that the court is a rubber stamp for the government; proponents of stronger law enforcement say the record reveals a timid bureaucracy only willing to seek warrants on sure winners.

The opinion itself—and the court's unprecedented decision to release it—suggest that relations between the court and officials at the Justice Department and the FBI have frayed badly.

FISA applications are voluminous documents, containing boilerplate language as well as details specific to each circumstance. The judges did not say the misrepresentations were intended to mislead the court, but said that in addition to erroneous statements, important facts have been omitted from some FISA applications.

In one case, the FISA judges were so angered by inaccuracies in affidavits submitted by FBI agent Michael Resnick that they barred him from ever appearing before the court, according to the ruling and government sources.

Referring to the ''the troubling number of inaccurate FBI affidavits in so many FISA applications,'' the court said in its opinion: ''In virtually every instance, the government's misstatements and omissions in FISA applications and violations of the Court's orders involved information sharing and unauthorized disseminations to criminal investigators and prosecutors.''

The judges were also clearly perturbed at a lack of answers about the problems from the Justice Department, which is still conducting an internal investigation into the lapses.

''How these misrepresentations occurred remains unexplained to the court,'' the opinion said.

[From the New York Times, Sept. 2, 2002]

SECRECY IS OUR ENEMY

(By Bob Herbert)

You want an American hero? A real hero?

I nominate Judge Damon J. Keith of the United States Court of Appeals for the Sixth Circuit.

Judge Keith wrote an opinion, handed down last Monday by a three-judge panel in Cincinnati, that clarified and reaffirmed some crucially important democratic principles that have been in danger of being discarded since the terrorist attacks last Sept. 11.

The opinion was a reflection of true patriotism, a 21st-century echo of a pair of comments made by John Adams nearly two centuries ago. ''Liberty,'' said Adams, ''cannot be preserved without a general knowledge among the people.''

And in a letter to Thomas Jefferson in 1816, Adams said, ''Power must never be trusted without a check.''

Last Monday's opinion declared that it was unlawful for the Bush administration to conduct deportation hearings in secret whenever the government asserted that the people involved might be linked to terrorism.

The Justice Department has conducted hundreds of such hearings, out of sight of the press and the public. In some instances the fact that the hearings were held was kept secret.

The administration argued that opening up the hearings would compromise its fight against terrorism. Judge Keith, and the two concurring judges in the unanimous ruling, took the position that excessive secrecy compromised the very principles of free and open government that the fight against terror is meant to protect.

The opinion was forceful and frequently eloquent.

''Democracies die behind closed doors,'' wrote Judge Keith.

He said the First Amendment and a free press protect the ''people's right to know'' that their government is acting fairly and lawfully. ''When government begins closing doors,'' he said, ''it selectively controls information rightfully belonging to the people. Selective information is misinformation.''

He said, ''A government operating in the shadow of secrecy stands in complete opposition to the society envisioned by the framers of our Constitution.''

The concurring judges were Martha Craig Daughtrey and James G. Carr. The panel acknowledged—and said it even shared—''the government's fear that dangerous information might be disclosed in some of these hearings.'' But the judges said when that possibility arises, the proper procedure for the government would be to explain ''on a case-by-case basis'' why the hearing should be closed.

''Using this stricter standard,'' wrote Judge Keith, ''does not mean that information helpful to terrorists will be disclosed, only that the government must be more targeted and precise in its approach.''

A blanket policy of secrecy, the court said, is unconstitutional.

The case that led to the panel's ruling involved a Muslim clergyman in Ann Arbor, Mich., Rabih Haddad, who overstayed his tourist visa. The ruling is binding on courts in Kentucky, Michigan, Ohio and Tennessee and may serve as a precedent in other jurisdictions.

The attorneys who argued the case against the government represented four Michigan newspapers and Representative John Conyers Jr., a Michigan Democrat. They took no position on whether Mr. Haddad should be deported.

''Secrecy is the evil here,'' said Herschel P. Fink, a lawyer who represented The Detroit Free Press. He said the government ''absolutely'' had an obligation to ''vigorously'' fight terrorism. But excessive secrecy, he said, was intolerable.

''We just want to watch,'' said Mr. Fink.

Judge Keith specifically addressed that issue. The people, he said, had deputized the press ''as the guardians of their liberty.''

The essence of the ruling was the reaffirmation of the importance of our nation's system of checks and balances. While the executive branch has tremendous power and authority with regard to immigration issues and the national defense, it does not have carte blanche.

Lee Gelernt, a lawyer with the American Civil Liberties Union who represented some of the plaintiffs in the case, noted that the administration has been arguing since Sept. 11 that it needs much more authority to act unilaterally and without scrutiny by the public and the courts.

He said last week's ruling was the most recent and, thus far, the most important to assert, ''That's not the way it's done in our system.''

HOMELAND SECURITY ACT OF 2002—Continued

The PRESIDING OFFICER (Mrs. CARNAHAN). The majority leader.

Mr. DASCHLE. Madam President, I will be brief. The President again today admonished the Senate for moving slowly on homeland security. He again told his audience that he was very concerned that we are moving slowly on an issue of great import in terms of his design on homeland security and the need for a recognition of national security through this legislation.

Let me simply say to the President and to anybody else who has question: There is no desire to slow down this legislation. There are Senators who have very significant concerns about various provisions, but there ought to be no question about our desire to continue to work to complete the deliberation of this legislation and send it to conference as quickly as possible.

We have only had an opportunity to debate one amendment and bring it to closure. It would be my hope we could take up Senator BYRD's amendment sometime very soon and we could take up other amendments to the legislation as soon as possible. We have now been on this bill for 3 weeks, and I understand why some would be concerned about the pace with which the Senate is dealing with this legislation.

I discussed the matter with Senator LOTT, and I think he shares my view that we have to move the bill along. I note that if the President had supported homeland security legislation when the Democrats first offered it last summer, we probably would have completed it by now. It took them about 2 months to respond to the actions taken by the Governmental Affairs Committee in the Senate. But that has been done. They have responded, and we have worked with them to come up with a plan of which we are very proud and a product that can be addressed.

Senator BYRD has a good amendment. There are others who have amendments as well, but the time has come to move on. I had originally hoped we could get an agreement that only relevant amendments would be offered. We have not had a case of nonrelevant amendments. We have had a case of no amendments in this process. It is very important for us to demonstrate to the American people, it is very important for us to make as clear as we can that we want to come to closure on this legislation—take up amendments and deal with them effectively, but the amendments ought to be germane and we ought to work within a timeframe.

CLOTURE MOTION

Mr. DASCHLE. Madam President, with respect to the Lieberman substitute amendment to the homeland security bill, I send a cloture motion to the desk.

Mr. BYRD. Madam President, I ask the leader if he will add my name to that cloture motion.

Mr. DASCHLE. I will be happy to add the Senator's name.

Mr. BYRD. Madam President, I give the distinguished majority leader my power of attorney to sign this for me. Everybody in the country knows about my trembling hands. So I hope the majority will sign this for me.

Mr. DASCHLE. Madam President, I ask unanimous consent that I have that right, and we will accommodate the Senator's request. I appreciate very much his support of the cloture motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Lieberman substitute amendment No. 4471 for H.R. 5005, Homeland Security legislation.

Jean Carnahan, Herb Kohl, Jack Reed (RI), Richard J. Durbin, Kent Conrad, Paul Wellstone, Jim Jeffords, Max Baucus, Tom Harkin, Harry Reid (NV), Patrick Leahy, Jeff Bingaman, Barbara Boxer, Byron L. Dorgan, Mark Dayton, Debbie Stabenow, Robert Torricelli, Mary Landrieu, Joseph Lieberman, Robert C. Byrd.

Mr. DASCHLE. Madam President, we now have two cloture motions before the Senate. The first one ripens this afternoon at 5:15. That is on the amendment offered by Senator BYRD to the Interior appropriations bill.

We cannot get to the rest of the business before us unless that cloture motion is agreed to. There can be no excuse, there can be no reason, after all this debate, after all the meetings, that we cannot at least bring closure to that amendment.

Senators still have a right to offer amendments to the bill, but we have to move on. I cannot imagine that there would be a Senator who would want to extend debate beyond the 3 weeks we have now debated Interior and the Byrd amendment. The same could be said of homeland security. If we want to respond to the President, who again today said the time for the Senate to act is now, let's respond on a bipartisan basis and let's vote for cloture on the Lieberman substitute and let's move this legislation along.

I yield the floor.

Mr. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

Mr. SPECTER. Madam President, I have sought recognition to comment briefly about the upcoming cloture vote and also about the status of our progress on the homeland security bill and the progress of the Senate on its fundamental responsibility to have a budget or make appropriations.

I would have thought that on September 17, the day the Constitution was ratified, there would be more regard for the constitutional responsibility of the Senate. We have the power of appropriation, but we are not handling our duties. Much as I dislike saying so, I believe the Senate is dysfunctional. Harsh, perhaps, but true, certainly. We are simply not getting the job done.

I am a little surprised to see a cloture motion filed on an amendment to an appropriations bill. If there were protracted debate, if there were an effort to stall, if there were some attempt made to delay the proceedings of

the Senate, perhaps so. But there are Senators who want to vote on an important issue relating to the forests, especially in the West, and the dangers of fire. They have been seeking a vote but have not been able to get one.

I intend to vote against cloture, to give Senators a chance to present their amendment. That is not to say I will support the amendment, but I believe the Senators ought to have an opportunity to present their amendment.

Cloture has now been filed on the homeland security bill. We are now in our third week after returning from the August recess, and the Senate has done virtually nothing during that period of time. We have had prolonged speeches on generalizations which have, in fact, impeded the progress of the homeland security bill. We were in a position to vote on the amendment by the distinguished Senator from Connecticut last Thursday, but it could not get a vote because the time was consumed with speechmaking. Now, I like speechmaking as much as the next Senator, but there has to be some balance as to what is being done. And again this afternoon—I had not known unanimous consent was granted—more lengthy speeches, without really getting to the substance of what the Senate ought to be doing.

We have not passed any appropriations bill among the 13 we are charged with passing. Now, this is September 17, 13 days away from the end of the fiscal year, with only a few working days left. The Department of Defense appropriations bill lies dormant. It has been passed by both bodies, but there hasn't been a conference. The military construction appropriations bill lies dormant. Again, it has been passed by both bodies but there hasn't been a conference.

We are fighting a war at the present time. We are cleaning up the remnants of other wars, in Kosovo and in Bosnia, and our troops are in Afghanistan. We will be called upon soon to vote on a resolution which may send us to war against Iraq.

Now, what are we doing for the Department of Defense? We have a very substantial increase in defense funding, but the way it looks now, we are going to be having a continuing resolution. What the House has said ought to be adopted and what the Senate has said ought to be adopted will be curtailed very drastically if we have a continuing resolution. So we are simply not doing our job.

Then we have 11 other appropriations bills. I have the responsibility, as ranking member of the Subcommittee on Labor, Health and Human Services, and Education, to prepare a very major bill which funds the Department of Education, the major capital investment of America, the Department of Health and Human Services, which is very important, and the Department of Labor on worker safety. But we are not moving to pass the bill.

The National Institutes of Health, probably the best investment this Congress makes, the crown jewel of the Federal Government—perhaps the only jewel of the Federal Government—has an increase of $3.5 billion in this year's appropriations bill. But as of this reading, it is unlikely to comment on its operation because we are not going to pass the bill.

We are told that the Department of Defense appropriations bill is being held up because we have not established the allocations. Why haven't we established allocations? We haven't established allocations because there is no budget. The Budget Act was passed in 1974, and this is the first year there hasn't been a budget passed.

As I am approaching the end of my 22nd year in this body, not an inconsiderable period of time, I have not seen the Senate in such disarray as we are at the present time.

We had a vote several weeks ago on what was the equivalent of deeming. That is legal jargon, Senate jargon, for making out as if we had passed a budget to establish a figure. It required 60 votes to have this amendment passed—I was sorely tempted to vote for it—which would have established the Senate budget $9 billion above the House budget. I do believe we need a budget, because if we do not, we are going to be passing appropriations bills which far exceed the purported allocations.

It is customary, on the attractive education proposals and the attractive health proposals, to get into the high fifties. With a 60-vote requirement, those amendments are not passed, but they are very tempting amendments. When I responded to the rollcall, with 59 Senators having voted aye on the deeming resolution, I just was not going to do it, notwithstanding my deep commitment to the appropriations process and notwithstanding my knowledge that it was fairly important to have a budget figure.

But if we are going to use a shortcut, if we are going to use a substitute, what is the point of having a budget resolution? If the Budget Committee knows it can be derelict in its duty and be bailed out by 60 Senators who will say, awe, shucks, let's go ahead and do it anyway, what is the point to have the Budget Committee do its job next year or any year?

The previous chairman of the Budget Committee told me—the distinguished senior Senator from New Mexico is sitting in front of me—that he will be chairman next year. If I was sure of that, I would have voted for deeming. But I am not sure of much of anything on the current posture.

So it is my hope that we will move ahead and have votes and let there be a vote on this issue on the course. But let us proceed to vote on the homeland security issues which are very important.

One of the critical issues on homeland security, in my judgment, is to have the analysis of all the agencies—FBI, CIA, NSA—under one umbrella.

Had that been done prior to September 11, 2001, I think that catastrophe might have been avoided. There were lots of danger signals. There were lots of dots on the board.

There was the July FBI Phoenix memorandum about a man taking flight training and two al-Qaida men in Kuala Lumpur, known to the CIA, who later turned out to be pilots on the hijacked planes. The CIA didn't bother to tell the FBI or INS.

You had the NSA warning on September 10 that something was going to happen the next day. But nobody bothered to translate it until September 12.

Then you had the matter of Zacarias Moussaoui, a much celebrated personality today with the litigation in the Federal court. But had the FBI obtained a warrant under the Foreign Intelligence Surveillance Act, there was a treasure trove of information linking Moussaoui to al-Qaida. And there was a virtual blueprint, had all the dots been put together.

After September 11, I opposed the creation of an independent commission because it seemed to me the Intelligence Committees could do the job. I understood that they couldn't move ahead immediately with hearings in closed session and then in open session in order to give the intelligence community an opportunity to regroup. But that time has long passed, and now we find the Intelligence Committees are embroiled in another investigation; that is, an investigation by the FBI against the Intelligence Committees.

It is very difficult to understand how the Intelligence Committees can be investigating the FBI and the CIA and other intelligence agencies, and then, having a leak of classified material, to have the FBI investigate the intelligence committees. I wrote to the chairmen and vice chairmen of both the House and Senate, strongly urging them not to do that—that you simply can't have investigators being investigated by those who are under investigation.

Then you have the issue of separation of powers. If the FBI is going to be able to investigate the Congress, what independence does the Congress have in our oversight function?

So the Intelligence Committees have not moved ahead for that job. The only alternative now is an independent commission. I worked as one of the younger lawyers on the Warren Commission staff many years ago. I say ''younger lawyer'' because I am still a young lawyer. And, while the Warren Commission has received a fair amount of critical analysis over the years, the essential conclusions have held up—that Oswald was the sole assassin, or the single bullet that went through both the President and Governor Connolly and the President was struck by a later bullet which killed him. So I have now come to conclude that we need an independent commission.

But most of all we need a Senate which will move ahead in its duties and obligations. This is a good day, September 17. September 17, 1787, was the

day the Constitution was signed. So, 215 years later, that ought to be a hallmark for us to move ahead and discharge our duties.

I yield the floor.

Mr. DOMENICI. Madam President, I was en route here and was watching and saw the Senator from Pennsylvania speaking. I got here as fast as I could because I was wondering when somebody would say what he has said. Frankly, I am sorry the distinguished President pro tempore is not here, or I would ask him the same question: When do we intend? When would he let us vote on this very important, new Cabinet position and the Cabinet organization that goes with it?

I heard much of what he wants to say. I know he wants to win. But I believe it is important that when we are at war, we proceed with some dispatch to give the President what he wants. If the distinguished Senator is going to lose, we all lose sometimes. If he is going to win, maybe he will win sooner than he thinks. But it is taking a long time and getting nowhere. And I think we know the issues on that new piece, that new Department of our Federal Government. I think he ought to let us proceed with it.

My further observation has to do with appropriations. You know, we are all tied in knots because we didn't get a budget resolution, and every time we say it, somebody should be here on our side of the aisle because it is not our fault. It is not me as ranking member. It is not my fault. And it is not my fault in any other capacity. I have been on that committee for 25 years, and never did I not get a budget resolution when I was chairman. One way or another, we got a budget resolution.

Now we don't know which appropriations numbers to follow, the bigger number in the House or the Senate or vice versa. At least that much would be resolved with a budget resolution. I hope we learn from it and we get on to our business today.

Mr. SARBANES. Madam, President, my amendment, No. 4554, would establish an Office of National Capital Region Coordination within a newly-created Department of Homeland Security. Joining me in offering this amendment are Senators WARNER, MIKULSKI, and ALLEN.

The September 11, 2001 terrorist attack on the Pentagon underscored the unique challenges the National Capital Region faces in emergency preparedness. A recent editorial in the Washington Post perhaps described the problem best:

> Sept. 11 laid bare the truth about the national capital region's preparedness for a major terrorist attack. That fateful day revealed that the area's 5 million residents, the federal government's far-flung operations and the varied state and local jurisdictions were ill-prepared for the kind of emergencies that could result from bioterrorism or other murderous terrorist strikes . . . . It will be no easy feat, converting a region containing three branches of the federal government, two states, and the District of Columbia, each with separate police forces and emergency plans—but all using the same roads and bridges—into a well-coordinated governmental operating complex . . .

In no other area of the country must vital decisionmaking and coordination occur between an independent city, two States, seventeen distinct local and regional authorities, including more than a dozen local police and Federal protective forces, and numerous Federal agencies.

In hearings before the Senate Appropriations Subcommittee on the District of Columbia, Senator MARY LANDRIEU, the Distinguished Chair of the Subcommittee, and virtually every witness highlighted the region's high risk for terrorism and the critical need for coordinated and timely communication between the Federal Government and the surrounding State and local jurisdictions. I want to commend Senator LANDRIEU for her leadership on this very important issue and for working to address the emergency preparedness funding needs of the District of Columbia and the Washington Metro system.

Over the past year significant progress has been made on the State and local levels in emergency response protocols. The Metropolitan Washington Council of Governments, COG, the association representing the 17 major cities and counties in the region, should be commended for the strong partnerships and initiatives they have nurtured over the past twelve months, including the creation of the COG Ad Hoc Task Force on Homeland Security and the development of a Regional Emergency Response Plan.

Similarly, at a summit meeting convened last month, the mayor of the District of Columbia and the Governors of Maryland and Virginia took a major step forward with the signing of an eight-point ''Commitments to Action'' to improve coordination. Unfortunately, the Office of Homeland Security, which helped convene the summit, is not a party to the agreement.

What is still lacking, however, is the integration of the Federal Government's many and diverse protocols in the region with those of State and local authorities. This past August, a plan known as the Federal Emergency Decision and Notification Protocol was announced by the Administration, giving the directors of the Office of Personnel Management, the Federal Emergency Management Agency, and the General Services Administration the authority to release Federal employees in the area and around the country. However, as an August 17, 2002 article in the Washington Post notes, ''[left unclear by the plan is how Federal agencies execute the evacuation. Congress and the courts are independent of the President. Even Cabinet secretaries and senior agency directors have autonomy over their employees and buildings . . . .''

I commend to my colleagues the September 10, 2002 edition of the Washington Post which featured a story detailing the status of emergency planning in the area, noting the work yet to be done by the Federal Government.

The unique and dominant Federal presence in this region obligates the Federal Government to become a fully cooperative partner in the region's efforts at emergency planning and preparedness.

One of the key goals of a new Department of Homeland Security is to consolidate the components of the Federal Government playing an integral role in the protection of the homeland, both existing and yet-to-be-created, into one single entity whose purpose is to coordinate these components and facilitate their individual missions.

In the National Capital Region, the many branches and agencies of the Federal Government similarly necessitate a single voice to aid and encourage the significant efforts already being undertaken by State, local, and regional authorities. It is with this goal in mind that my amendment proposes the creation of an office within a Department of Homeland Security that would provide such a voice.

The Office of National Capital Region Coordination would establish a single Federal point of contact within a new Department of Homeland Security. This office would not only coordinate the activities of the Department affecting the Nation's Capital, but also act as a one-stop shop through which State, local, and regional authorities can look for meaningful access to the plans and preparedness activities of the numerous other Federal agencies and entities in the region. Likewise, this new office would become the vehicle used by the multitude of Federal entities in the area to receive vital information and input from the state, local, and regional level in the development of the Federal Government's planning efforts.

In short, the Office of National Capital Region Coordination would ensure that the Federal Government takes a place at the table as this region makes unprecedented attempts to coordinate the work of its many State, local, and regional authorities.

The need for such an office has been expressed and supported by many of the most important participants and stakeholders in the area's terrorism preparedness activities, including COG, WMATA, the Greater Washington Board of Trade, and the Potomac Electric Power Company, PEPCO. I ask that letters of support from these groups be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SARBANES. A year has passed since the horrific attacks of September 11th, and as we debate the shape and form of a new Department of Homeland Security, the time has come for the Federal Government to fulfill its obligations to the National Capital Region

and those dedicated to preserving its safety. I would urge my colleagues to support this important amendment.

PEPCO HOLDINGS, INC.,
Washington, DC, September 10, 2002.

Hon. JOSEPH LIEBERMAN,
Chairman, Senate Committee on Government Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LIEBERMAN: As Chief Executive Officer of Pepco Holdings Inc., I am writing to express my strong and unequivocal support for Senator Paul Sarbanes' amendment to the National Homeland Security and Combating Terrorism Act of 2002.

The proposed amendment would create within the Department of Homeland Security a National Capital Region Coordination Office. This office would have the responsibility of coordinating the response activities of the Federal, State, and local governments with that of the general public and the private sector.

The District of Columbia is truly in a unique situation when it comes to Homeland Security. As our Nation's Capital, the District is home to more than 370,000 Federal workers and draws over 18 million visitors annually. At the same time, given the multijurisdictional nature of the Greater Washington Metropolitan area and the enormous Federal presence, there are distinct challenges facing this region's efforts to have a comprehensive and coordinated response to terrorism.

For example, there are over a dozen separate local police departments in the greater Washington area. Overlaying this, there are another dozen Federal law enforcement agencies, each with their own jurisdiction and mandate. These departments have their own procedures and are developing their own contingency plans. Coordinating these efforts will not be an easy task and will require a dedicated office within the Department of Homeland Security.

Unfortunately on September 11 we saw what can happen if the region fails to coordinate its response. On the afternoon of the attack the Federal government sent home its entire workforce early without notifying anyone on the local level. At the same time the Federal government was releasing hundreds of thousands of Federal employees and contractors to already grid-locked roads and packed Metro stations, Federal agencies were erecting security zones and blocking off streets around their facilities making the evacuation of the District even more difficult.

Thankfully, there was no secondary attack after the Pentagon. But had there been one, this lack of coordination could have had disastrous results and I believe illustrated the need for a dedicated office within the Department.

As the major provider of electricity to the District of Columbia as well as Prince George's and Montgomery counties in Maryland, Pepco has spent a significant amount of time and effort on security issues since September 11. The more I look at the unique challenges we face in this new environment, both as Chief Executive and a Washingtonian, the more I believe in the need for Senator Sarbanes' proposal.

Thank you for your leadership on homeland security issues, and I trust that you will give the National Capital Region Coordination Office provision every consideration.

Sincerely,

JOHN M. DERRICK,
Chairman, Chief Executive Officer.

WASHINGTON AREA TRANSIT AUTHORITY,
Washington, DC, September 5, 2002.

Hon. JOSEPH LIEBERMAN,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LIEBERMAN: On behalf of the Washington Metropolitan Area Transit Authority, I would like to express our great appreciation and strong support for your efforts to enhance security in the national capital region. We urge you to offer an amendment to S. 2452, the ''National Homeland Security and Combating Terrorism Act of 2002'' in order to address the specific needs of the National Capital Region, perhaps the area of greatest potential risk in the country.

Importantly, there is not central point of coordination for the many Federal entities in the region, including various executive branch agencies, the Office of Homeland Security, the Military District of Washington, the U.S. Congress, and the judicial branch. Effective coordination within the Federal government is absolutely critical in the National Capital Region in light of the fact that the Federal government is the region's largest employer. The recent Regional Summit on Security, convened by Governor Ridge, also pointed out the continuing need for effective coordination among all levels of government in the National Capital Region.

The other matter of concern is the enormous challenge this region faces in working constructively with the Administration as it formulates security budget proposals. While the Congress, through the appropriations process, has generally been quite receptive to funding requirements for security measures, it has been extremely difficult and cumbersome to present our case to the Administration for the resources needed to carry out the national strategy for combating terrorism and other homeland security activities, due to the highly decentralized nature of the Executive Branch budget development process. The proposed amendment provides a mechanism for a review of the funding resources required for the region to implement the national strategy for combating terrorism.

We greatly appreciate your attention and diligence in assisting the region in addressing these important issues. We are all facing challenges that previously seemed unthinkable. We owe you a great debt of gratitude for your leadership in assisting the National Capital Region in preparing to meet these challenges.

Sincerely,

CHRISTOPHER ZIMMERMAN,
Chairman, Board of Directors.

GREATER WASHINGTON BOARD OF TRADE,
Washington, DC, August 23, 2002.

Hon. JOSEPH LIEBERMAN,
Chairman, Senate Committee on Government Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LIEBERMAN: Thank you for your leadership on building a strong and thoughtful Department of Homeland Security. As you prepare your final mark on S. 2452 we urge you to include an amendment that calls for a separate office for the National Capital Region within the Department. The proposal is supported by many of your colleagues including Senators Warner, Allen, Sarbanes and Mikulski, as well as Senator Landrieu, ranking member of the District of Columbia Appropriations Subcommittee and Mayor Anthony Williams.

The National Capital Region is perhaps the area of greatest potential risk in the country to future terrorist attack. It is the seat of government, the location of many symbolic and historic structures, the venue for many high profile public events attended by large numbers of people, a key tourism destination that draws 18 million visitors annually and home to 370,000 federal workers and hundreds of lawmakers.

The area is unique in that it has dozens of federal agencies that have been mandated to have their own emergency preparedness plans. Most of these agencies have not coordinated their plans with local governments or private sector concerns that own and operate critical infrastructure like power, telecommunications and transportation, which the agencies are dependent. The region also has more than a dozen separate and distinct police forces representing seventeen jurisdictions and more than a dozen federal protective forces that need better coordination.

S. 2452 does not currently require the federal government to coordinate with the region or intradepartmentally, leaving the region and the nation's capital vulnerable. While coordination efforts are improving, there clearly needs to be an institutional structure in place to bring coordination to the level necessary in this complex environment.

We urge you to support the amendment to S. 2452 that will create a single point of contract within the Department of Homeland Security for coordination in the National Capital Region. The purpose is not to supercede any planning or action currently being undertaken, but only to serve as a coordinator of information, a point of contact for planning with the regional public and private sectors.

Sincerely,

ROBERT A. PECK,
President.

METROPOLITAN WASHINGTON
COUNCIL OF GOVERNMENTS,
Washington, DC, August 22, 2002.

Hon. JOSEPH LIEBERMAN,
Chairman, Senate Committee on Government Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LIEBERMAN: The Metropolitan Washington Council of Governments (COG) is appreciative of your efforts in strengthening the provisions of S. 2452, the National Homeland Security and Combating Terrorism Act of 2002, as it impacts the National Capital Region. In particular we endorse your efforts in insuring that federal terrorism preparedness and emergency response activities in the Washington, DC area are coordinated in consultation with those of the Region's sub-federal governments, private and non-profit entities, and the public generally.

As you are aware, COG is completing a year-long effort involving hundreds of public officials and public and private experts in the development of coordination and communications protocols for use by state and local governments, private and non-profit agencies, and other ''stakeholders'' concerned about preparation for and management of terrorist and other emergencies in the National Capital Region. Having a single contact point for coordinating these efforts with existing and proposed Federal response capacities is necessary for the effective and timely protection of life and property in the region.

The proposed amendment creates a function within the Department of Homeland Security which will be such a contact point, allowing full communication among the Federal and sub-federal entities dedicated to protection of this region and its citizens and coordination of their potentially supportive but disparate functions without impeding the planning or actions of either group.

Additionally, the creation of such a function recognizes the unique status of this region, with its strong presence of the Federal government as employer, policy-initiator, and potential target, as worthy of specific future Federal support.

The COG Ad Hoc Task Force on Homeland Security has considered the concepts and purposes contained in this proposed amendment and supports its enactment.

On behalf of my colleagues on the Task Force, I am pleased to endorse this proposed

amendment and urge you to support its passage.

Sincerely,

CAROL SCHWARTZ,
Chairman.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will now continue with the consideration of H.R. 5093, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5093) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 5:15 will be equally divided between the chairman and the ranking member of the subcommittee or their designees prior to a vote on the cloture motion on the Byrd amendment No. 4480.

The Senator from Nevada.

Mr. REID. Madam President, Senator BYRD and Senator BURNS are not here. The Chair has already decreed that we will divide the time. But there have been a number of people waiting: Senator CRAPO, Senator DOMENICI, Senator CRAIG. Just for expedition purposes, if they would like to speak now, that is fine. We would wait until they finish. I do not know in what order they wish to go, so why don't we announce that so people aren't waiting around.

Mr. DOMENICI. How much time are we going to have?

Mr. REID. Half of 40 minutes, 20 minutes.

The PRESIDING OFFICER. Twenty minutes.

Mr. DOMENICI. If you want to let Senator CRAPO go first?

Mr. CRAIG. That will be fine.

Mr. REID. May we have an order?

You are going to use your time probably, now, and then a little over here or what do you want to do?

Mr. CRAIG. Madam President, Senator REID, I assume we would retain the last 5 minutes for closing purposes.

Mr. REID. Because it is your amendment.

Mr. CRAIG. Yes, because it is our amendment. We would want that.

Mr. REID. That is really no problem. It is our cloture motion, but if you want the last 5 minutes, that is fine. So we ask that consent. In the meantime, you use whatever time you need. So you have 15 minutes now.

Mr. CRAIG. I yield the Senator from Idaho 5 minutes.

Mr. CRAPO. Madam President, I rise in support of the efforts to address the serious and devastating impacts of fires that are currently raging throughout the West and to impress upon my colleagues the need for immediate action to reduce this threat in the future.

I thank my colleague from Idaho, Senator CRAIG, for his tireless efforts to try to find a path forward on a collaborative basis and to build the consensus necessary to address this difficult issue. The Senator from New Mexico as well has been very closely involved in developing these proposals. I commend him for his efforts.

As I begin, I offer my gratitude to the brave men and women who are fighting these fires. Wildland firefighting is a dangerous and exhausting job, and I can't thank them enough for their efforts. Already this year, 6.3 million acres have been burned, and this level of destruction puts us on pace to meet the catastrophic fire season of 2000, when 8.4 million acres burned, with more than a million of those acres in Idaho.

Idaho has been relatively lucky this year. However, with outbreaks of Douglas fir beetles and mountain pine beetles throughout Idaho, it is clear we are poised for another dangerous fire season.

Not all fire is bad. In fact, fire can be beneficial. However, many of the fires we face today are fueled by unnatural fuels and burn with an intensity and size that makes them undesirable in our natural ecology. Additionally, insect and disease outbreaks are often naturally occurring agents of change, yet some outbreaks are enhanced by our past actions and inactions and occur in scopes that are damaging and unnatural.

As a result of the previous fire seasons, Congress acted with an immediate and bipartisan response.

We came forward with funding and direction for a national fire plan. Yet, to date, this plan has not been implemented effectively enough to address the risks facing our communities.

I do not think we should be pointing fingers or making excuses about why or how these fires occurred. We need to look forward and address the problem. We need to do so quickly. I do not want to see another million acres burning in Idaho next year.

In his Healthy Forests Initiative, the President outlined actions that will effectively address the risk of catastrophic wildfires. In the Fiscal Year 2002 supplemental appropriations bill, our majority leader identified a way to effectively reduce the risks in the Black Hills National Forest. Clearly, we all want to protect our forests.

Our forests are an important part of our heritage and have great impacts on local economies and recreational opportunities for local residents and visitors alike. They provide our drinking water and wildlife habitat. In short, healthy forests are vital to all Americans.

The Forest Service has identified 70 million acres of Condition Class III lands. These lands are at catastrophic risk of wildfire and subject to insect and disease infestations, windthrow, and other health risks. It is important to address risks on these lands, but it must be noted that today we are not debating action in all of these areas.

As I said, many of these threats are natural and we may choose to let them occur naturally. However, we must act—and act quickly—to protect our high value forest areas. We must act to protect homes, property, and livelihood, maintain the quality of our watersheds, and take steps to ensure that burned areas are quickly rehabilitated rather than face the dangerous risks of reburn.

Again, the amendments we are discussing do not include the entire 196 million acre National Forest System or 74.5 million acres of condition class III areas, but instead address areas where we cannot allow endless delays. We do so without eliminating public recourse. There has also been speculation the language will do what Senator DASCHLE did and limit all appeals and judicial review. This is not true.

Critics also contend the amendment suspends environmental laws. That is also false. The amendment requires that projects be consistent with the applicable forest plans or resource management plans. I can tell you from experience that these site-specific plans take years of work with widespread public involvement and compliance with all of our environmental laws.

Protecting our environment and the opportunity for public involvement is a vital part of any actions on our public lands. Reducing the risk of fire is no exception. However, the imminent threat demands we act quickly and move past stalling tactics and countless delays.

Damage to our environment from these fires is acute. The harm to local economies is felt in many ways. It is clear our forests have deteriorated to the point were active management is a necessity. I hope my colleagues recognize that and will support the efforts of member's whose goal is to protect their communities and environment.

I encourage all of the Senators to vote against the cloture motion.

Mr. CRAIG. Madam President, I thank my colleague from Idaho for his very thoughtful presentation and his true expression of the real conditions on our forest lands.

I yield 5 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Madam President, I thank my colleague, Senator CRAIG, who has spoken to the broader issue of the problem we face, and the firefighters. And Senator CRAPO elaborated on that some.

Let me speak for a moment about why I support the Craig-Domenici amendment from a local standpoint. It certainly provides a critical tool in doing the job that we know needs to be done. We know there are counterproposals floating around. From my perspective, that does not accomplish what we need to have done.

Let me speak a couple of minutes about what happened near the town of Durango, CO. I live about 18 miles from

there. In fact, during the Missionary Ridge fire, we watched it with great anticipation from our porch at our ranch.

Durango is a very scenic town in Colorado, home of one of only 13 gold medal trout streams in the whole country, and has some of the finest mountain biking areas in the West.

Two months ago, there was a fire called the Missionary Ridge fire, declared under control on July 28, but only after we had lost over 70,000 acres of forest, 56 homes, 27 adjoining buildings, and the collective cost of $40.6 million to fight that fire. More importantly, large areas around the Lemon and Vallecito Reservoirs burned so intensely that the soil had become hydrophobic and unable to keep water back. Downstream, the La Plata, Aimas, Los Pinos, and Florida Rivers were now all at risk.

When I was home this past weekend, I was reading in the local newspaper about several homes that were washed off their foundations by the mud slides as a result of that loose soil caused by the fire and the burning of all of the underbrush and trees.

That $40.6 million lost, to put it in context, is more than double the amount of funding allocated for recreation for all of the 11 forests in Region II, which is Colorado, Wyoming, South Dakota, and Nebraska. It is four times the amount of funding for wildlife for all 11 forests in Region II for fiscal year 2002. It is nearly double the amount of money allocated to the region for hazardous fuels reduction work for fiscal year 2002. So in a little over 1½ months, we spent more allowing that area to be destroyed by fire than we would have spent on wildlife habitat management on all 11 forests over 4 years.

Speaking of wildlife, when the Missionary Ridge fire was at its highest level of intensity, I happened to have a chance to talk to one of the firefighters who had been on the front line. He told me he estimated the fire to be moving at about 50 miles an hour—literally out of control—and actually saw birds being burned out of the sky because they were unable to outfly that fire, and that a number of small animals literally burned alive because they could not outrun that fire. There are just terrible stories about what happened.

I ask unanimous consent to have printed in the RECORD some excerpts of stories in the local newspapers in Durango of September 8, 10, 13, and 14.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 8, 2002

The Valley Fire began on June 25th and quickly consumed 10 homes and 378 acres, about 160 acres were burned on private land.

Fall Creek Ranch residents hired a logging company to help remove logs and place other logs around areas where waters tend to flow heavily. The residents have poured $26,000 into mitigation so far.

Just under an inch of rain in less than an hour created mud and water flows that cover Florida Road, County Road 501, and County Road 245. About 700 customers at the Bar D Chuckwagon restaurant were trapped until about 10 p.m.

SEPTEMBER 10, 2002

The City of Durango's turbidity went from 2 NTU's (a measure of the number of small particles that are suspended in a water sample) or practically colorless, on Friday, to 440 NTU's, a chocolate brown by Monday.

A waive of ash, mud and debris cascaded down from Missionary Ridge burn area late Wednesday, flooding fields and roads and temporarily stranded some residents north and east of Durango.

SEPTEMBER 13, 2002

Only about a quarter-inch of rain fell, but it was enough to close roads, flood houses and clog culverts.

LaPine County has spend about $100,000 keeping roads and drainage structures clear of mudslides.

''There are homes out there that never expected to be influenced by flooding that are getting a hell of a surprise,'' said Doyle Viller La Plata County director of road maintenance.

Dead fish are littering the banks of the Animas River after recent mudslides in the Animas Valley, and there could be hundreds more beneath the murky water.

The mud is so thick that they (the fish) can't breath in the water said Mike Japhet, State of Colorado Division of Wildlife.

He received one report that the fish were ''gasping for air and trying to swim out of the water onto the bank'' near 32nd Street in Durango on Sunday.

All the fish around the 32nd Street Bridge, appear to be dead, Japhet said, and the death zone could extend north for several miles to where the mud entered the water.

SEPTEMBER 14, 2002

The county estimates that more than $100,000 has been spent on clearing roads and ditches near Lemon and Vallecito Reservoirs, and there has been more than $1 million in personal property damage from flash flooding.

OCTOBER 2002 BICYCLING MAGAZINE ARTICLE—RUSSELL ZIMMERMAN, DURANGO BICYCLE SHOP OWNER

''The last time I rode here, the forest was so dense you could see no more than 100 feet ahead. There is nothing left today, no living thing within a mile to interrupt the barren landscape. No fallen trees, no bushes, no grass.

''The bottom of my wheels disappear into the three-inch-deep layer of ash. The route is the same, but the trail is different. Roots are gone, burned away. Some of the rocks have even been vaporized.''

''My tires kick up a fine dust that covers the bike, and me. No one could follow me; they'd choke.'' Before the fire, I'd spot a porcupine every ride. Or a deer, or elk or bear. Not this time.''

Mr. CAMPBELL. Madam President, the result now, of course, is that on the Animas River, which goes through the town of Durango, dead fish are littering the banks because so much mud has come into the water.

Mike Japhet of the Colorado Division of Wildlife said that in some places fish are actually trying to get out of the water because they cannot breath. He received one report that fish were actually ''gasping for air'' as they tried to stay alive.

The local county has spent over $100,000 just clearing mud from roads and ditches near the Lemon and Vallecito Reservoirs that were affected by this fire.

I want to add my voice to the Craig-Domenici amendment. I just want to point out from a local point of view the catastrophic results.

Our little town of Durango in fact relies heavily on tourism. An old train takes tourists through the mountains. They had 28,000 cancellations in just 2 weeks because of that fire. Those cancellations, of course, result in money lost to the local community. The estimated loss of revenue during the month after that fire in the town of Durango was estimated to be about 40 percent from the normal resources they would have been able to rely on from tourists who stay in motels and who eat in the restaurants.

The facts are clear: unnaturally dense forests result in unnaturally hot burning and fast moving fires, like we experienced in Colorado.

Our proposal would address the problem in a balanced way—even providing greater review of projects than the majority leader's plan that takes care of his own state that he managed to attach to the emergency supplemental bill.

We know what needs to be done, but now opponents are opposing our bill and offering counterproposals that will do absolutely nothing to help forest managers thin these forests to reduce the risk of these catastrophic fires, nor allow for any salvage operations to help pay for the rehabilitation of these areas.

What does the counterproposal do? Their proposal does nothing more than sell the public a false bag of goods—it does nothing but create false expectations in the public.

My state of Colorado has experienced enough from prior bad policies. I am offended that some would now suggest new ones.

Since my friends on the other side know what needs to be done, why are they proposing such ineffective policy?

Because we are in an election year and some politically-active environmental groups are drafting the policy. It is not a secret. They say there is a lot of campaign money at stake—television and radio ads that could be poured into your State if you oppose doing the right thing.

It is time to do the right thing. It is time for these environmental groups to start looking at policies that benefit the environment rather than maintaining the political hammerlock they have on the Forest Service and BLM.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

If no one yields time, time will be charged equally to both sides.

The Senator from New Mexico.

Mr. DOMENICI. Madam President, how much time do we have?

The PRESIDING OFFICER. Seven minutes.

Mr. DOMENICI. Madam President, I yield 3 minutes to the distinguished

Senator on our side, and then I will be glad to offer the remainder to Senator BYRD.

Mr. REID. Madam President, that wouldn't give the Senator the last 5 minutes.

Mr. DOMENICI. Madam President, fellow Senators, I come today to the floor because there is a very important amendment that is attached to the Interior appropriations bill, and it is a second-degree amendment attached to the Byrd amendment.

The only thing I would like to say today, since cloture has been called for on the Byrd amendment, is that if in fact cloture is invoked, our amendment will disappear. We believe our amendment is a good amendment and it deserves an up-or-down vote.

We have not been delaying things. We have been waiting for an opportunity to have a vote. We would like an up-or-down vote on our amendment, which is an effort by a number of Senators on both sides of the aisle to permit the Forest Service and the BLM of the United States to go into our forest lands that desperately need cleanup and to look at just four types of properties that belong to our Federal Government: those that have blown over and are there, and where they are unable to do anything—the trees are, in fact, dormant—forests that have been bitten and eaten so that the bugs have infested them, so they are useless, but we leave them there instead of removing them, and removing all of the substance that is there with them. And there are two other kinds similar to that, and we address them.

All we try to do is say: Can't we expedite the removal of that substance I have just described which causes fires? Because once any of that starts, you cannot stop it, and it goes like wildfire. And since our forests are not maintained properly, it burns thousands and, in some instances—like this year—millions of acres.

As I see it, it is time we do something practical. Our amendment is commonsense cleanup for the forests that are being destroyed. I do not believe the amendment—that will be offered later on, if we lose—does that in a proper manner. I believe it makes it just as difficult, if not more difficult, to remove this kindling, this buildup that is permitting our forests to burn.

We are not delaying any bill. We are asking for a chance to vote. Whenever it is possible in the Senate, we want a vote. That is all we ask. We will have more time then to explain it in detail.

It is common sense. It is not anti-environment. It is a rational, reasonable way to clean four kinds of forests that none of us would like to leave in their current situation so that they will become the essence of the next firestorms of the West.

If I have not used all my time, I yield the remainder of it to Senator CRAIG for his allocation or use. I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from West Virginia.

Mr. BYRD. Madam President, how much time remains?

The PRESIDING OFFICER. Nineteen minutes.

Mr. BYRD. How much of that time—

The PRESIDING OFFICER. I am sorry, 19 minutes remain for the Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Madam President, the underlying first-degree amendment, which is the subject of the cloture vote this afternoon, provides $825 million in emergency funds to the Forest Service and the Bureau of Land Management. That money will be used to repay the extraordinary fire suppression costs incurred by those agencies over the past several months.

As many of our colleagues know, particularly those who represent Western States, 2002 is turning out to be one of the most devastating fire seasons on record. Over the past 10 years, the average number of acres burned by fire between January 1 and September 16 has been 3.4 million acres. This year, however, the comparable number of acres burned is 6.4 million; almost twice the 10-year average.

But this problem is much more than just the numbers of acres burned. The devastation and destruction resulting from these fires is almost too much to comprehend. Fire suppression costs will exceed $1.5 billion. Nearly 3,000 structures have been destroyed, including 1,313 homes. And, most tragic of all, 21 citizens have lost their lives fighting these treacherous fires.

Clearly, Madam President, this situation amounts to a domestic emergency of historic proportions.

That is why Senator BURNS and I proposed this amendment and why so many of our colleagues have joined us in this endeavor. Indeed, even the President has come to appreciate the need for this assistance, as evidenced by his August 28 funding request to Congress.

Madam President, it is of the utmost importance that we move forward on this matter, and that we do so in a timely manner. In fact, I would remind my colleagues that the authority to designate such funds as an emergency expires on September 30. Consequently, if this bill is not signed into law by the end of the month, there is a very real possibility that these funds will not be made available. I urge my colleagues to support the cloture motion, and help us in our effort to help our firefighters.

Madam President, I yield the floor.

How much time does the distinguished Senator from North Dakota wish?

Mr. CONRAD. Five minutes.

Mr. BYRD. I yield 5 minutes to the distinguished Senator from North Dakota, Mr. CONRAD.

The PRESIDING OFFICER (Mr. MILLER). The Senator from North Dakota.

Mr. CONRAD. Mr. President, I understand certain comments were made about the slowness of the appropriations process and the assertion that not having a budget resolution pass the floor is the reason for that.

I do not think that is supported by the facts. The appropriations process is moving slowly for reasons that have no relationship to a budget resolution or having one or not having one.

The fact is, the appropriators agreed to an amount for a budget that was what was recommended in the resolution that went through the Budget Committee. The appropriators agreed unanimously—Democrats and Republicans—to adopt the budget amount for this year that the committee recommended.

So there is nothing to prevent appropriations bills from coming to the floor in an orderly process. The appropriators gave to each of the committees an allocation that added up to the amount of money that was provided for in the recommendation by the Budget Committee. So that is not the problem here.

No. 2, I think it should be pointed out that we had an opportunity on the floor to pass a budget for this year and got 59 votes. We got 59 votes. Now, it required 60 votes. But we had a bipartisan supermajority in the Senate for a budget amount for this year—not a budget resolution but a budget amount for this year. We fell one vote short of getting that amount approved.

Frankly, all of this misses the larger point. The reason we are in deep financial trouble now has nothing to do with the budget resolution for this year at all. The real problem is the budget resolution that passed last year. The budget resolution that passed last year put us on the course of a 10-year plan that has contributed to the most dramatic reversal in our fiscal fortunes in our Nation's history.

It was the budget resolution that passed last year that contained a massive and unaffordable tax cut that has undermined the fiscal strength of this country for years to come.

Last year, we were told we would have $5.6 trillion of budget surplus over the next decade—$5.6 trillion. Now, if we look at the Congressional Budget Office's new report, what we see is no surpluses; the money is all gone.

If we just adopt the President's recommendation on spending and taxes for the next 10 years—no additional spending by Congress, not a dime—if we just adopt his proposals, we will be $400 billion in the red. That is after being told last year we had $5.6 trillion of surpluses over the next decade. Now we are $400 billion in the hole. That is a $6 trillion turn.

And what are the reasons for it? The No. 1 reason is the tax cuts that were in last year's budget, pushed by the President, passed by the Congress. That accounts for over a third of the disappearance of the surplus.

The next biggest reason: technical considerations that apply to revenue not meeting the estimates. That is the second biggest reason—not related to

the tax cut, but it is the second biggest reason.

The third biggest reason is the increased costs because of the attack on the United States.

I am talking now about, over the 10 years of the President's budget plan, what are the contributing factors to the disappearance of the surplus. The biggest reason—over a third—is the tax cut, 34 percent. The second biggest reason: revenue not meeting expectations, apart from the tax cut; that is 29 percent. Twenty-two percent is increased costs associated with the attack on the country. And the last, and smallest, part of the problem is the economic slowdown, representing 14 or 15 percent of the disappearance of the surplus.

That is the reality. The appropriations process not moving forward has nothing to do with the budget resolution being passed or not passed. The simple fact is, the appropriators agreed to the amount that was in the budget proposal that passed the Budget Committee. They did so on a unanimous basis, and they proceeded to stay within that amount. That is the reality.

The bigger truth, the larger reality is that we have fiscal problems because of the budget that passed last year. That put us on a course that does not add up, never has added up, and will require serious work in the future, if we are going to get back on track.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG. Mr. President, I have the 5 remaining minutes prior to the vote reserved. We have no more time to allocate on our side. The assistant leader said we could use time if there were no speakers from the other side. Senator BYRD is here.

Mr. BYRD. How much time do I have remaining?

The PRESIDING OFFICER. Ten minutes.

Mr. BYRD. Mr. President, does the Senator want more than 5 minutes? Do you need more?

Mr. CRAIG. I think our colleague from Oklahoma would like to speak for 5, and then if I could use 5 to close it out, then we could advance the vote.

Mr. BYRD. It is fine with me if the Senator closes. The Senator wants 5 minutes over there. How much time does the Senator need?

Mr. BURNS. Two. That is all I need.

Mr. BYRD. I yield 2 minutes to the ranking member and I will yield 5 minutes to the distinguished Senator. I am always very accommodating, most always, to Senators from the other side of the aisle. Then will I have any more time left?

The PRESIDING OFFICER. If the Senator yields 10 minutes, that would exhaust his time.

Mr. BYRD. I thank the Chair. I won't need it.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank my colleague and friend from West Virginia for his yielding a couple minutes. I will be brief.

I urge my colleagues to vote no on cloture. I say that knowing my friend and colleague from West Virginia, I guess, is going to support it. But he is chairman of the Appropriations Committee. I have been on the committee. I have been in the Senate for a long time. It is a very bad idea to start filing cloture on any amendment that you don't like on appropriations bills. It is a bad idea for a couple reasons. One, it won't work. You are not going to be able to take a cloture vote and say, ''We will have a fire amendment and it is going to spend several hundred million dollars on fire, but we will not have any other amendment dealing with this issue,'' because it won't work.

The Senator from Idaho is entitled to his amendment. Even if cloture is invoked, we can still get a vote on the Senator's amendment, or some other Senator can offer a similar amendment.

I will, first, tell my colleague from West Virginia, I don't like cloture. To me, it should be used very sparingly. It is becoming far too prevalent in the Senate where somebody says: We will just file cloture.

Someone told me: We will file cloture on homeland security. We will wrap that up.

Of course, that would deny us the opportunity to offer the President's bill on homeland security. They may file it, but they will not get cloture. The President is entitled to have a vote on his homeland security proposal, and we are going to get it, just as the Senator from Idaho is entitled to have his vote on fire control. Other Senators have ideas.

My point is, you can waste days on cloture. We wasted 3 days. No one on this side of the aisle was filibustering the Interior bill or filibustering homeland security, nor should they, in my opinion. I hope we don't have filibusters ever, frankly, on appropriations bills. We need to decide how much we are going to spend and how we will do it.

Maybe if somebody came up with an amendment that is so offensive, so intrusive, so anti an individual State that they would filibuster, that might be unique, but I haven't found that yet in my Senate career on an appropriations bill. I can't remember filibusters on appropriations bills. I have only been here 22 years—not nearly as long as my friend from West Virginia. It is a terrible idea if somebody says: I don't like that amendment so we will file cloture on it and hope it goes away. If cloture is adopted, the Craig-Domenici amendment will disappear.

I am telling my colleagues, it will not disappear, even if cloture is invoked. And if it is, I might tell my friends, we could spread out, we could waste another couple days. I don't think anybody wants to do that because we have no interest in filibustering anything.

My colleague from New Mexico is a very good legislator, and he has a couple ideas on fire management, and so does my colleague from Idaho. I know the other Senator from Idaho and other Senators have ideas, and they are entitled to have their amendments considered. And they will be considered at some point.

I urge my colleagues, let's not get in the habit of going the route of cloture if an amendment appears and we say we don't really like it. That process will not work. We only have a week from Monday to complete action on the appropriations bills, if we are going to have them done by the end of the fiscal year. That is only 13 days. We have already spent a week and a half on the Interior bill and we are not even getting close.

We have basically had an amendment on drought, and we were precluded from offering another drought amendment. And now we have a fire amendment, appropriating money for fire, and my colleague is trying to be denied a vote.

This side is going to find a way to get some votes on this bill. We can spend weeks doing it or we can spend days. We can spend an hour. I heard my colleague from Idaho said he is willing to have a time limit. He is willing to have a side by side. I know the Senator from New Mexico has a fire amendment. Great. Senator BINGAMAN, I think, that is a different fire amendment, and I think that is fine. Let's vote on those amendments.

I appreciate my colleague from West Virginia yielding. I urge my colleagues to vote no on cloture.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. I thank the Chair. I thank my chairman of the Appropriations Committee.

Mr. REID. Mr. President, how much time does he have? How much time is left on the other side?

The PRESIDING OFFICER. The Senator from Montana has 4 minutes 20 seconds; the Senator from Idaho, 4 minutes 10 seconds.

Mr. BURNS. I will take the first 4 minutes. I thank my good friend from West Virginia also for allocating the time.

As he believes very much in the Constitution of the United States, I also believe in some of the rulings of the Senate. And I think I would be remiss as ranking member on this committee and a comanager on this bill if I did not fight for the rights of the rest of the Members in this body to have a vote. I think it is what it is all about. That is for debate.

I haven't heard anybody come down here and talk against the merits of this second-degree amendment. It will not go away. And silence tells me that maybe the case has already been made and hard to defend of what we are trying to do as far as forest health is concerned. Twenty years, 25 years is a track record, a known track record.

And now we see the culmination of those management practices over that many years in the growth of the forest and what it can lead to if we allow folks who probably don't have all the experience in the world, on the ground management of a renewable resource, what that brings us to.

So I would hope that we would support cloture or deny cloture so this issue can be talked out because it will not go away. I am not real sure it is not the shortest way to arrive at a vote and settlement of the issue.

I thank my good friend from West Virginia.

Mr. BYRD. Mr. President, why do we want to vote down cloture? There are other appropriations bills coming to the floor. I am supporting the Senator's amendment. I never said a word against his amendment. I would be very supportive of it. I am not filibustering it, and I haven't filibustered anything else. I haven't filibustered the homeland security bill, either. I have heard some intimations this afternoon that I have filibustered. My Lord, some people around here wouldn't recognize a filibuster if they met it on the way home. I know what a filibuster is. But I am not against this amendment. Why would we want to vote against this cloture?

Mr. NICKLES. Will the Senator yield?

Mr. BYRD. Yes.

Mr. NICKLES. Correct me if I am wrong. If cloture is invoked, the amendment of our friend from Idaho would no longer be germane and it would fall. We would like our colleague to have the right to offer his amendment.

Mr. BYRD. Mr. President, there are other appropriations bills coming. Why not vote for this bill and do some of the good things that are being done with this bill, and the Senator can come back another day with his amendment? I am not opposed to his amendment. Why do we want to penalize other parts of the country and other Senators for good things that are in the bill because some Senators don't want to vote for cloture on this?

This is an appropriations bill. Those advocating voting against cloture, in many instances, are Senators who are on the Appropriations Committee. Why? We need to get on with this. Let's vote cloture on this and the Senator will have another day, another opportunity on another appropriations bill.

I am for his amendment. I think he has made a good statement in support of it. I cannot understand why we want to cut off our nose to spite our face on this bill.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Mr. President, I will use my leader time to make a couple final remarks before I leave the floor for another event I need to attend.

The Senator from West Virginia just now said it so well. There is an ongoing filibuster on this amendment, but not on this side. It is not on this side. There is no question that, on controversial issues, this Senate must acquire 60 votes to pass an amendment. The Senator from Idaho has offered an amendment that does not have the requisite 60 votes. The Senator from New Mexico and others on our side have offered an alternative that we acknowledge does not have 60 votes. Over the course of the last several weeks, we have attempted to find common ground and, at least to date, have failed. In fact, I recall vividly last week on the floor the Senator from Idaho indicated they were going to make another effort yesterday to attempt to reach that common ground. That has not happened.

So it is fair to say that both sides have failed to reach the Senate requisite for controversial amendments, which is 60 votes. We had offered a procedural compromise since we could not find a substantive one. That compromise would be to have side-by-side votes, to indicate that there is support, but not the level of support required under Senate rules. That, too, failed.

So the bottom line is that we have an amendment pending that 1 week ago today generated 79 votes; 79 people went on record—Republican and Democrat—supporting drought assistance on an amendment that supports firefighting assistance. The President and others have said the firefighting money is urgent. I would like to reread the speeches made last week about the urgency of getting something done on drought assistance, about how important it is to get out there and provide this help now.

Well, in the next 5 minutes we will have a chance to provide this help now. The Senator from Idaho is not precluded from reoffering this amendment to the Interior appropriations bill. He can do that. So to say it is now or never for them is just not correct. There is nothing to preclude them from going back and offering this amendment to the underlying bill—nothing. So if they vote against cloture, they are voting against firefighting assistance, against drought assistance, and there can be no other conclusion.

Don't tell me you have to do it on this amendment or you cannot do it at all. That is not right. So let's get real and be honest here. There is a game being played here that I think ought to be shown for what it is—a game that, for whatever reason, is denying this amendment passage today, even though the debate and consultation and the continued cooperative effort to see if common ground can be achieved. I just talked, moments ago, to Senator BINGAMAN. He said he has another meeting scheduled—I think it is this afternoon—with Senators on both sides of the aisle to see if they can reach common ground. If they can, it can be offered to the bill.

For the life of me, I don't understand why anybody can say, on one hand, how urgent it is to get firefighter assistance, drought assistance—by the way, I ask unanimous consent that the votes of those Senators who supported that amendment a week ago be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE ROLLCALL VOTES, 107TH CONGRESS—2ND SESSION (2002)

(As compiled through Senate LIS by the Senate Bill Clerk under the direction of the Secretary of the Senate)

VOTE SUMMARY

Vote Number: 212.

Vote Date: September 10, 2002, 10:45 a.m.

Question: On the Motion (Motion to Wave CBA RE: Daschle Amdt. No. 4481).

Required for Majority: 3/5.

Vote Result: Motion Agreed to.

Amendment Number: S. Amdt. 4481.

Statement of Purpose: To provide emergency disaster assistance to agricultural producers.

Vote Counts: Yeas 79; Nays 16; Not Voting 5.

ALPHABETICAL BY SENATOR NAME

Akaka (D–HI), Not Voting
Allard (R–CO), Yea
Allen (R–VA), Yea
Baucus (D–MT), Yea
Bayh (D–IN), Yea
Bennett (R–UT), Yea
Biden (D–DE), Yea
Bingaman (D–NM), Yea
Bond (R–MO), Yea
Boxer (D–CA), Yea
Breaux (D–LA), Yea
Brownback (R–KS), Yea
Bunning (R–KY), Yea
Burns (R–MT), Yea
Byrd (D–WV), Yea
Campbell (R–CO), Yea
Cantwell (D–WA), Yea
Carnahan (D–MO), Yea
Carper (D–DE), Yea
Chafee (R–RI), Nay
Cleland (D–GA), Yea
Clinton (D–NY), Yea
Cochran (R–MS), Yea
Collins (R–ME), Yea
Conrad (D–ND), Yea
Corzine (D–NJ), Yea
Craig (R–ID), Yea
Crapo (R–ID), Yea
Daschle (D–SD), Yea
Dayton (D–MN), Yea
DeWine (R–OH), Yea
Dodd (D–CT), Yea
Domenici (R–NM), Yea
Dorgan (D–ND), Yea
Durbin (D–IL), Yea
Edwards (D–NC), Yea
Ensign (R–NV), Nay
Enzi (R–WY), Yea
Feingold (D–WI), Nay
Feinstein (D–CA), Yea
Fitzgerald (R–IL), Nay
Frist (R–TN), Nay
Graham (D–FL), Yea
Gramm (R–TX), Nay
Grassley (R–IA), Yea
Gregg (R–NH), Not Voting
Hagel (R–NE), Yea
Harkin (D–IA), Yea
Hatch (R–UT), Yea
Helms (R–NC), Not Voting
Hollings (D–SC), Yea
Hutchinson (R–AR), Yea
Hutchison (R–TX), Nay
Inhofe (R–OK), Yea
Inouye (D–HI), Yea
Jeffords (I–VT), Yea
Johnson (D–SD), Yea
Kennedy (D–MA), Yea

Kerry (D–MA), Yea
Kohl (D–WI), Yea
Kyl (R–AZ), Nay
Landrieu (D–LA), Yea
Leahy (D–VT), Yea
Levin (D–MI), Yea
Lieberman (D–CT), Yea
Lincoln (D–AR), Yea
Lott (R–MS), Nay
Lugar (R–IN), Nay
McCain (R–AZ), Yea
McConnell (R–KY), Yea
Mikulski (D–MD), Yea
Miller (D–GA), Yea
Murkowski (R–AK), Yea
Murray (D–WA), Yea
Nelson (D–FL), Yea
Nelson (D–NE), Yea
Nickles (R–OK), Nay
Reed (D–RI), Yea
Reid (D–NV), Yea
Roberts (R–KS), Yea
Rockefeller (D–WV), Yea
Santorum (R–PA), Nay
Sarbanes (D–MD), Yea
Schumer (D–NY), Yea
Sessions (R–AL), Nay
Shelby (R–AL), Nay
Smith (R–NH), Not Voting
Smith (R–OR), Yea
Snowe (R–ME), Nay
Specter (R–PA), Yea
Stabenow (D–MI), Yea
Stevens (R–AK), Yea
Thomas (R–WY), Yea
Thompson (R–TN), Nay
Thurmond (R–SC), Yea
Torricelli (D–NJ), Not Voting
Voinovich (R–OH), Yea
Warner (R–VA), Yea
Wellstone (D–MN), Yea
Wyden (D–OR), Yea

Mr. DASCHLE. Mr. President, there can be no doubt. If we are serious about moving this legislation forward and providing this assistance, we take care of this amendment and move on to other issues. We have been on this bill now for 3 weeks. We will be on it for another couple weeks, the way it looks. There comes a time when we just have to move on and when we have to recognize that, under Senate rules, we either have to accommodate the rules, or reach some compromise, or drop the amendment. We have those three options.

We cannot accommodate the rules today because neither side has 60 votes. Let's recognize it for what it is. This is a delay. Until we get over this delay, we cannot provide the kind of assistance to firefighters and farmers and ranchers that is absolutely critical across the country. And the very speeches we made last week are just as real and important and urgent today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, for the life of me, I must tell the majority leader, I cannot understand what you speak of. There has been no filibuster on this bill, and a second-degree amendment is not extraordinary nor does it require 60 votes. You know the rules as well as I do. The chairman of the Appropriations Committee just came to the floor and made the right speech, talking about the urgency of his amendment and firefighting money. I support it totally.

If we don't deal with his amendment and deal with my amendment in concept as a new public policy for this country, he as chairman, or another chairman, will be coming to the floor every year and asking for $1.5 billion to $2 billion of taxpayer money to fight the wildfires of the West, across the Alleghenies, and down to the Blue Ridge. That is the reality of a misguided public policy that has put our national treasures at risk, the U.S. forestlands.

This year, we burned over 6.5 million acres; the chairman spoke to that. We lost 2,100 homes; the chairman spoke to that. We lost 21 lives; the chairman spoke to that, too. This is a tactic to stall? Not at all. No, the majority leader, in my opinion, misspoke. There has been no filibuster. I have kept him and the assistant leader in full consultation as we have tried to resolve and bring, in a bipartisan way, a clear new adjustment in public policy. We cannot arrive at that. It is my amendment that is now up as a second degree, and appropriately so.

I ask for a vote on it, an up-or-down vote, as it is entitled to. I would accept a side-by-side debate with Senator BINGAMAN's alternative but not a 60-vote, no—51 or 50. Majority rules here, except under the rules that require a 60 vote. In this instance, it is not required.

I hope my colleagues will join with us this afternoon and say no to cloture, and maybe then we can move expeditiously because we have lost days when this could have been resolved very quickly.

I don't blame the Senator from West Virginia for being frustrated. He is chairman of the Interior Subcommittee. He brought a bill to the floor that most of us want. The majority leader knows I supported the aid to farmers and ranchers that have experienced catastrophic drought. It is not my intention, nor anyone else's, to hold up that money. But it is our intention, it is our purpose, and we will have a vote, to deal with national forest policy that will slightly adjust our ability to get active on the land, to remove the fuel, to improve the forest health, to save the watershed, to save the wildlife habitat, and, also, to save homes and people's lives and the beautiful landscapes of the public forests of these United States.

Shame on us for failing to address a policy that, this year, has allowed the burning of 6.5 million acres of public land, and the fires will continue year after year into the future until the public stands up and says: Congress, United States Senate, change your ways. Your policy isn't working. Your policy is not working, and our forests are burning and our forests are being lost because of public policy.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. CRAIG. I will be happy to respond to a question.

Mr. DOMENICI. Mr. President, I say to the Senator, did I hear the majority leader say that if we lose and we are knocked down by cloture, we can offer this legislation later?

Mr. CRAIG. The Senator did hear that.

Mr. DOMENICI. I wonder how we could be delaying the bill then.

Mr. CRAIG. We are not.

Mr. DOMENICI. How could we be delaying it? If we have a chance to do it later, wouldn't we be delaying it then, too?

Mr. CRAIG. It is not our intention to delay. We have never intended to delay the bill.

Mr. BYRD. Will the Senator yield?

Mr. CRAIG. I will be happy to yield if I have time remaining.

Mr. BYRD. Why won't Senators vote for cloture? There are many other needs being addressed by this bill. I have said I will support the Senator on another bill later.

The PRESIDING OFFICER. The time required for the cloture vote—

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I am trying to salvage a bill.

Mr. DOMENICI. Which bill is the Senator referring to, our amendment or the big bill?

Mr. BYRD. Why vote down cloture on this amendment? What is wrong with it?

Mr. DOMENICI. It is an amendment properly to the Interior bill. Why would we knock it down? It is germane. It is relevant. And put it where? Where would we put it? The Senator said put it on another bill. Where? It is a very important subject matter. It is just as important as the burning amendment.

Mr. BYRD. If they intend to bring it up later, why not vote for cloture here? Senators can always bring up something later.

Mr. DOMENICI. I say to the Senator from West Virginia, this is the most appropriate bill for it to be on.

Mr. BYRD. Of course it is, but if you cannot get it on one bill, you try on another.

Mr. DOMENICI. Why does the Senator want us to vote to take it off the bill? Those who have worked hard on this issue want it on the bill.

Mr. BYRD. I have not opposed that. I tried to be very understanding with the Senator. We cannot have everything the way we want it. I have lost a few amendments in my time that were of interest to my part of the country, too.

Mr. DOMENICI. The majority leader is even wrong in saying this amendment needs 60 votes. It does not need 60 votes, even with a budget resolution. It is just an authorization bill. It is implementing what you put in the bill, the $825 million. It is not subject to 60 votes, which means—why not have cloture; they both need 60 votes anyway. That is not so. Our bill does not need 60 votes, nor does Senator BINGAMAN's amendment need 60 votes. Pure and

simple: 51 votes on a bill on which they belong. So why would we, who have struggled with it, vote to kill it? We want it alive. We want it to go to conference with the Senator when we all go to conference.

Mr. BYRD. Why don't Senators help me get this bill to conference? That is what I am asking. Why don't Senators help me get this bill to conference?

Mr. DOMENICI. We are going to help with the Interior bill—both bills.

Mr. BYRD. I hope so.

Mr. DOMENICI. This is the only measure in which we are interested. We have gotten together for hours in the offices of five different Senators because it is important. And then somebody comes along and says: Let's have a cloture vote and kill the bill.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Senator BYRD's amendment No. 4480.

Joseph Lieberman, Harry Reid, Jean Carnahan, Daniel K. Inouye, Christopher Dodd, Herb Kohl, Jack Reed, Richard J. Durbin, Kent Conrad, Paul Wellstone, Patrick Leahy, Jeff Bingaman, Barbara Boxer, Byron L. Dorgan, Mark Dayton, Debbie Stabenow, Jim Jeffords, Robert Torricelli.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the Byrd amendment No. 4480 to H.R. 5093, the Department of Interior and Related Agencies Appropriations Act, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. SCHUMER) is absent because of a death in the family.

The yeas and nays resulted—yeas 50, nays 49, as follows:

[Rollcall Vote No. 217 Leg.]

YEAS—50

Akaka	Dodd	Levin
Allard	Dorgan	Lieberman
Baucus	Durbin	Lincoln
Bayh	Edwards	Mikulski
Biden	Feingold	Miller
Bingaman	Feinstein	Murray
Boxer	Graham	Nelson (FL)
Breaux	Harkin	Nelson (NE)
Byrd	Hollings	Reed
Cantwell	Inouye	Reid
Carnahan	Jeffords	Rockefeller
Carper	Johnson	Sarbanes
Cleland	Kennedy	Stabenow
Clinton	Kerry	Torricelli
Conrad	Kohl	Wellstone
Corzine	Landrieu	Wyden
Dayton	Leahy	

NAYS—49

Allen	Bond	Bunning
Bennett	Brownback	Burns
Campbell	Gregg	Santorum
Chafee	Hagel	Sessions
Cochran	Hatch	Shelby
Collins	Helms	Smith (NH)
Craig	Hutchinson	Smith (OR)
Crapo	Hutchison	Snowe
Daschle	Inhofe	Specter
DeWine	Kyl	Stevens
Domenici	Lott	Thomas
Ensign	Lugar	Thompson
Enzi	McCain	Thurmond
Fitzgerald	McConnell	Voinovich
Frist	Murkowski	Warner
Gramm	Nickles	
Grassley	Roberts	

NOT VOTING—1

Schumer

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. DASCHLE. I enter a motion to reconsider the vote by which cloture was not invoked on amendment No. 4480.

The PRESIDING OFFICER. The motion is entered.

Mr. DASCHLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, shortly we will dispose of the Lieberman and Thompson amendments.

Mr. STEVENS. May we have order, Mr. President.

The PRESIDING OFFICER. The Senate will be in order.

Mr. DASCHLE. If I could just restate: We will dispose of the Lieberman and Thompson amendments. It is my understanding, once that has occurred, Senator BYRD will offer his amendment. It is my understanding that debate will take place tonight, and of course tomorrow.

With that understanding, there will be no more rollcall votes this evening.

I yield the floor.

Mr. SPECTER. Mr. President, I seek recognition first to thank Senator BYRD, the Chairman of the Senate Appropriations Committee and its Interior Subcommittee and the Subcommittee Ranking Republican, Senator BURNS, for their efforts in drafting the fiscal year 2003 spending plan for the agencies under their jurisdiction. Also, I want to call attention in particular to two competitively awarded initiatives that, unfortunately, the annual Department of Energy, DOE, budget submission routinely underfunds and expects Congress to correct.

First, Air Products and Chemicals, Inc. and its partners, DOE, Ceramatec, ChevronTexaco, Eltron Research, McDermott Technology and Concepts NREC, are developing a unique, oxygen-producing technology based on high-temperature, ion transport membranes, ITM. The technology, ITM Oxygen, would be combined with an Integrated Gasification Combined Cycle, IGCC, system to produce oxygen and electric power for the iron/steel, nonferrous metals, glass, pulp and paper, cogeneration, and chemicals and refining industries. The ITM Oxygen project is a cornerstone project in DOE's Vision 21 efforts and has the potential to significantly reduce the cost of tonnage oxygen plants for IGCC systems.

The DOE fiscal year 2003 cost-share requirement is $6.5 million from the Fossil Energy Research and Development, Coal and other Power Systems, President's Coal Research Initiative, Advanced Systems budget under IGCC, Vision 21. Unfortunately, DOE requested only $3.5 million for the ITM Oxygen project. Underfunding ITM Oxygen in fiscal year 2003 by $3 million would result in a delay of the program, by at least one year and I am advised it would add approximately $10 million to the program's costs.

Second, DOE's ITM Syngas program is developing a ceramic membrane reactor able to separate oxygen from air and partially oxidize methane to produce synthesis gas in a single step. Development of this technology will lead to numerous applications including clean transportation fuels, hydrogen for fuel cell applications, and chemical feedstocks. A critical application is gas-to-liquids, GTL, conversion where ITM Syngas technology will significantly improve the overall economics of GTL and permit the economical recovery of more than 37 trillion cubic feet of stranded Alaska North Slope gas.

Air Products and Chemicals, Inc. is leading a research team comprising Pacific Northwest National Laboratories, McDermott Technology, Ceramatec, ChevronTexaco, Eltron Research, Norsk Hydro, the University of Alaska-Fairbanks, the University of Pennsylvania, and Pennsylvania State University.

The DOE fiscal year 2003 cost share requirement is $5.5 million from the Fossil Energy Research and Development, Coal and Other Power Systems, President's Coal Research Initiative, Fuels, Transportation Fuels and Chemicals program. DOE's fiscal year 2003 budget request of $5.0 million for the Fossil Energy Research and Development, Coal and Other Power Systems, President's Coal Research Initiative, Fuels, Transportation Fuels and Chemicals program budget includes just $2.4 million to continue the ITM Syngas/Hydrogen project. Underfunding ITM Syngas in fiscal year 2003 would result in stretching out the program and increasing overall program costs.

I want to thank the Senators from West Virginia and Montana for having supported in the past both the ITM Oxygen and Syngas programs. Because of their attention, both development efforts have remained on cost, on schedule and promise to be true success stories. Now I want to thank them again,

for adding $6 million to the DOE's request for IGCC programs and $15 million for transportation fuels and chemicals programs. This additional funding will ensure that ongoing programs like the ITM Oxygen and ITM Syngas are fully funded in fiscal year 2003. I look forward to working with both the Senator from West Virginia and the Senator from Montana as they conference with our colleagues in the House of Representative to ensure that $6.5 million is provided for ITM Oxygen and ITM Syngas is funded at $5.5 million.

HOMELAND SECURITY ACT OF 2002—Continued

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 4534 WITHDRAWN

Mr. LIEBERMAN. Mr. President, on behalf of the Senator from Florida and myself, I withdraw the pending amendment to the Thompson amendment.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

The Senator from Tennessee is recognized.

AMENDMENT NO. 4513

Mr. THOMPSON. I urge the adoption of the pending Thompson amendment, No. 4513.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 4513) was agreed to.

Mr. THOMPSON. Mr. President, I move to reconsider the vote.

Mr. LIEBERMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. It is my understanding, under the order previously entered, the Senator from West Virginia is now in order to offer an amendment; is that the order?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, I ask the Senator from West Virginia if he intends to do that tonight or tomorrow.

Mr. BYRD. Mr. President, I would rather not do it tonight.

Mr. REID. I say to the two managers of the bill, Senator BYRD, who has been involved in the Interior bill all day, indicated he would rather that he lay it down in the morning, when we get back on the bill tomorrow.

I ask the two managers, is that appropriate?

Mr. LIEBERMAN. Mr. President, I have no objection whatsoever. We will look forward to a good, hearty debate on Senator BYRD's amendment tomorrow.

Mr. THOMPSON. I have no objection, Mr. President.

Mr. REID. Mr. President, I suggest the absence of a quorum—I withhold that request.

Mr. BYRD. Mr. President, I thank both Senators.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I also need to get home. My wife is recuperating from an appendectomy and doing very well. I think I need to go home. I thank both Senators for their understanding and consideration.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business until 7 o'clock with Senators allowed to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we are in morning business until 7 o'clock; is that right?

The PRESIDING OFFICER. The Senator is correct.

TRIBUTE TO VICE ADMIRAL NORBERT ROBERT RYAN, JR.

Mr. LOTT. Mr. President, I rise today to honor Vice Admiral Norbert Robert Ryan, Jr., United States Navy, who will retire on Sunday, December 1, 2002, after 35-years of faithful service to our Nation.

Hailing from Mountainhome, PA, Vice Admiral Ryan graduated from the U.S. Naval Academy in 1967. Following graduation he attended flight training and was designated a Naval Aviator in 1968. After completing additional technical training, he spent three years with Patrol Squadron EIGHT conducting antisubmarine warfare patrols during the height of the Cold War.

Returning to the Naval Academy from 1972 to 1975, Vice Admiral Ryan helped shape future Navy leaders while serving as a Company Officer and Midshipman Personnel Officer. While at the Academy he concurrently attended graduate school, earning a Master of Science degree in Personnel Administration from George Washington University.

In 1975, Vice Admiral Ryan returned to the fleet, commencing a period of nine straight years of sea-duty assignments in which he served on a Carrier Group Commander's staff and flew P–3 Orion aircraft in three different Patrol Squadrons, including service as the Commanding Officer of Patrol Squadron FIVE. From 1984 to 1986, he was assigned as the Operations Officer on the staff of Commander, Patrol Wing ELEVEN and then as Force Operations Officer for Commander, Patrol Wings, Atlantic.

After serving two years as the Administrative Assistant to the Chief of Naval Operations, Vice Admiral Ryan completed studies at the John F. Kennedy School of Government, Senior Officer National Security Program, enroute to command of Patrol Wing TWO.

From 1991 to 1993, Vice Admiral Ryan served as Executive Assistant to the Vice Chairman, Joint Chiefs of Staff. During the period of 1993–1995, he was assigned to the Bureau of Naval Personnel, first as Director for Total Force Programming and then as Director for Distribution.

Vice Admiral Ryan returned to the fleet as Commander Patrol Wings Pacific/Commander Task Force 12 and then to the Pentagon where he performed superbly as the Navy's Chief of Legislative Affairs, serving in that important post from 1996 to 1999.

In November 1999, Vice Admiral Ryan assumed duties as Chief of Naval Personnel/Deputy Chief of Naval Operations, Manpower and Personnel. In this position, he distinguished himself through exceptionally meritorious service as he expertly developed and executed a visionary Navy personnel strategy, dynamic assignment system placement improvements, intelligent manpower allocations and many carefully crafted quality of life initiatives. His relentless efforts directly provided an unprecedented level of personnel readiness throughout the Navy.

A leader by example, Vice Admiral Ryan fostered creative concepts for taking care of people by applying focused mentoring and one-on-one leadership with the individual Sailor foremost in mind. He was the driving force that positioned the Navy's human resource organization for optimum support of the Service's needs. A true visionary, he supported manpower reform, new Fleet personnel requirements, and innovation in personnel management and manpower preparation for new operational platforms and weapons systems.

During his tenure as Chief of Naval Personnel, Vice Admiral Ryan oversaw unprecedented success in quality of life enhancements for all Navy men and

women and their families. These enhancements included the establishment and improvement of cost-efficient and extremely effective recruiting and reenlistment incentives, implementation of the Thrift Savings Plan, expansion of life insurance benefits to active duty family members and improvements to the process by which Sailors receive housing allowances. His actions maintained sensitivity to Fleet requirements while being ever mindful of our most vital asset - the Sailor.

Vice Admiral Ryan's leadership, intelligent stewardship and exceptional commitment to all naval personnel stand to ensure the success of our Navy well into the 21st Century. He is an individual of uncommon character and his professionalism will be sincerely missed. I ask my colleagues on both side of the aisle to rise with me to thank Vice Admiral Norb Ryan for his honorable service in the United States Navy, and to wish him and his family fair winds and following seas as he closes his distinguished military career. We also wish Norb Ryan and his wife, Judy, success, happiness, and good health as he takes the helm as President of The Retired Officer's Association.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, last week, the Senate confirmed the 74th, 75th, 76th, and 77th judicial nominations from President George W. Bush. We have confirmed more of President Bush's nominees in less than 15 months than were confirmed in the last 30 months that a Republican majority controlled the Senate and the pace of judicial confirmations. We have done more in half the time. We have also already confirmed more of President George W. Bush's judicial nominations since July 2001, than were confirmed in the first two full years of the term of his father President George H.W. Bush.

We are recognizing Hispanic Heritage Month and this week I understand that the Congressional Hispanic Caucus has a number of meetings and events planned. It seems a good time to take stock of where we are with regard to judicial nominees who are Hispanic.

I am informed that out of all of President George W. Bush's judicial nominations less than 10 are Hispanic or Latino; indeed, the percentage of nominees who are Hispanic is approximately 6 percent, which is, or course, less than half of the percentage of Hispanics in the population of the United States. Earlier this year the Puerto Rican Legal Defense and Education Fund issued a report ''Opening the Courthouse Doors: The Need for More Hispanic-American Judges.'' The report urged the President to take action to address the persistent problem of Hispanic under-representation in Federal judgeships by nominating ''qualified Hispanic candidates who have also had a demonstrated interest and a meaningful involvement in the work and activities of the Hispanic community.'' I regret that the President has not heeded this recommendation.

President Clinton nominated more than 30 Hispanic candidates for judicial vacancies. Unfortunately, some of them were denied hearings and votes during the years in which a Republican majority controlled the Senate process. Qualified, mainstream Hispanic nominees such as Christine Arguello of Colorado, Enrique Moreno of Texas, and Jorge Rangel also of Texas, who were nominated to circuit courts and Anabelle Rodriquez of Puerto Rico and Ricardo Morado of Texas, who were nominated to district courts, were defeated without a hearing or a vote. Others, such as Judges Rosemary Barkett of Florida, Sonia Sotomayor of New York, Carlos Lucero of Colorado, Jose Cabranes of Connecticut, Kim Wardlaw of California, Fortunado Benavides of Texas, and Richard Paez of California who were nominated to the circuit courts were eventually confirmed, many after lengthy delays by Republicans and Republicans' efforts to vote down their nominations.

For example, three of President Clinton's first 14 judicial nominees were Hispanic. One of them, Judge Barkett of Florida, who was nominated to the Eleventh Circuit, was targeted by Republicans for defeat based on their claims about her judicial philosophy or ideology. Despite numerous procedural efforts by Republicans, then in the minority, to delay and defeat her nomination, Judge Barkett was eventually confirmed. Although she had received a unanimous ''Well Qualified'' rating from the ABA, 36 Republicans voted against her confirmation.

Once Republicans took over the Senate in 1995, they slowed down the confirmation process dramatically, especially for circuit court nominees. They delayed the confirmation of Judge Sotomayor to the Second Circuit and tried to defeat her nomination because the Republican leadership feared she could be elevated to the Supreme Court. Even though Judge Sotomayor, like Judge Barkett, received a unanimous ''Well Qualified'' rating from the ABA, 29 Republicans voted against her confirmation on grounds of judicial philosophy or ideology. Republicans also delayed the confirmation of Judge Richard Paez for over 1,500 days, and after numerous procedural efforts to defeat his nomination through delay, Republicans mustered 39 votes against his confirmation.

Others Hispanic nominees, like Judge Fuentes who was nominated to the Third Circuit, had to wait a year to be confirmed. This was not because Republicans were busy confirming other circuit court nominees. In the 15 months after he was nominated, Republicans allowed only seven circuit court nominees to be confirmed. In contrast, the Democratic-led Senate has confirmed 13 of this President's circuit court nominees in less than 15 months, and two others are awaiting a vote on the floor.

President Clinton also appointed Judge Ricardo Urbino to the District Court in D.C., Judges Daniel Dominguez, Salvador Casellas, and Jay Garcia Gregory to the District Court in Puerto Rico, Judge Victor Marrero to the District Court in the Southern District of New York, Judges David Briones, Orlando Garcia, and Hilda Tagle to the District Courts in Texas, Judges Mary Murguia and Frank Zapata to the District Courts in Arizona, Judge Carlos Murguia to the District Court in Kansas, and Judge Adalberto Jordan to the District Court in Miami. Republicans delayed on a number of Hispanic nominees to the District Courts, including Judge Tagle who waited more than 30 months to be confirmed while Ms. Rodriguez waited more than 30 months to never be confirmed during the period of Republican control of the Senate.

In contrast, rather than reflecting the growing Hispanic population and increasing numbers of qualified Hispanic lawyers who are potentially judicial nominees, the Bush Administration's nominations have resulted in very few Hispanic judicial nominees compared to the Clinton Administration. President Bush has chosen only 8 Hispanics out of the 128 judicial nominations he has made. That is most regrettable.

Since the change in majority, we have moved quickly on the few Hispanic nominees who have been forwarded by this White House. Judge Christina Armijo was confirmed in May, 2001. Judge Phillip Martinez was confirmed last September. Judge Randy Crane was confirmed in March. Judge Jose Martinez was confirmed last week. Magistrate Judge Alia Ludlum, who was nominated in July and whose ABA peer review was recently received, is participating in a confirmation hearing this week. Unfortunately, because the White House nominated Judge James Otero and Jose Linares in July and August and has changed the 50-year tradition regarding ABA peer reviews, the ABA peer reviews on these recent nominees have not been received or they, too, would have had hearings. Each of the other Hispanic nominees to federal trial courts participated in a confirmation hearing within 60 days of having a completed file. In addition, I am planning another confirmation hearing to include Miguel Estrada.

Thus, Democrats will have held hearings on every Hispanic judicial nominee submitted by the President who has a completed file. The Democratic majority has proceeded to vote to confirm every Hispanic district court nominee who has had a hearing. Moreover, we have proceeded without the years of delay that used to accompany consideration of minority judicial nominees.

In ''Justice Held Hostage,'' the bipartisan Task Force of Federal Judicial Selection of the Citizens for Independent Courts, co-chaired by Mickey

Edwards and Lloyd Cutler, reported that during the period of Republican control of the Senate judicial nominees who were ethnic minorities or women took longer to get considered by the Senate, were less likely to be voted on and less likely to be confirmed—if they were considered at all by the Republican-controlled Senate Judiciary Committee.

I recall all too well the months and years it took for the Republican-controlled Senate to confirm Hispanic judicial nominees like Judge Sotomayor, Judge Paez, and Judge Tagle, in addition to other women or minorities like Judge Margaret Morrow, Judge Marsha Berzon, Judge Ann Aiken, Judge Margaret McKeown, and Judge Susan Oki Mollway. I also recall the numerous women and people of color who were nominated to the federal bench by President Clinton but who were never given hearings by the Republicans, like Judge Roger Gregory, Judge Helene White, Jorge Rangel, Enrique Moreno, and Kathleen McCree Lewis. Judge White of the Michigan Court of Appeals waited over 1,500 days but was never given a hearing or a vote. Still others, like Bonnie Campbell, were given a hearing but never given a vote on their nominations. These are just a few of the women and minorities whose confirmations were delayed or defeated through delay.

President Clinton worked hard to increase the diversity of the federal bench and 12 percent of his appointments to the circuit courts were Latino. It would have been closer to 16 percent if all of his Hispanic nominees to the circuit courts had been accorded hearings and votes. By contrast, President Bush has nominated only one Hispanic to the dozens of circuit court vacancies that have existed during his term. Thus, as of today, 3 percent of this President's circuit court nominees are Hispanic. Between the circuit vacancies that were blocked by Republicans and the new ones that have arisen during the past 15 months, President Bush has had the opportunity to choose nominees for 41 vacancies on the circuit courts—13 of these have already been confirmed. This President has chosen only one Hispanic to fill any of these 41 vacancies, and none to any of the following vacancies: the four vacancies in the Tenth Circuit, which includes Colorado and New Mexico, among other States; the three vacancies on the Fifth Circuit, which includes Texas; the six vacancies on the Ninth Circuit, which includes California and Arizona, among other States; none to the three vacancies in the Second Circuit, which includes New York; and none to the three vacancies on the Third Circuit, which includes New Jersey and Pennsylvania.

If this White House had looked a little harder and were not so focused on packing the circuit court bench with a narrow ideology, it could have found many qualified nominees, like Enrique Moreno, Jorge Rangel, Christina Arguello and others to fill these vacancies. Instead, President Bush did not choose to re-nominate these individuals who had been unfairly blocked by members of his party, and he also withdrew the nomination of Enrique Moreno to the Fifth Circuit, a nomination that the ABA had rated ''Well Qualified.''

So when Republicans try to take credit for President Clinton's Hispanic nominees and try to blame Democrats for the lack of Hispanic nominees by President Bush, they should be confronted with the facts and asked why they opposed so many of President Clinton's qualified Hispanic nominees and why so many of them voted against Judge Paez and Judge Sotomayor and Judge Barkett, and why so many Hispanic nominees were delayed for years and why so many were never given hearings or votes. Of course the facts have not prevented unfounded accusations by critics of the Democratic majority. The Republican press conference accusing Senate Democrats of being anti-Hispanic was an example of such inflammatory and baseless accusations.

As the Congressional Hispanic Caucus meets this week with Hispanic leaders from across the country, I welcome their views on the few Hispanic judicial nominees sent to the Senate by the President and their help in encouraging this White House to work more closely with Senators from both political parties to nominate qualified, mainstream Hispanic nominees to the federal bench.

Our diversity is one of the great strengths of our Nation, and that diversity of background should be reflected in our federal courts. Race or ethnicity and gender are, of course, not substitutes for the wisdom, experience, fairness and impartiality that qualify someone to be a federal judge entrusted with lifetime appointments to the federal bench. White men should get no presumption of competence or entitlement. Hispanic and African American men and women should not be presumed to be incompetent. All nominees should be treated fairly, but no one is entitled to a lifetime appointment to preside over the claims of American citizens and immigrants in our federal courts. We must, of course, carefully examine the records of all nominees to such high offices, but we know well the benefits of diversity and how it contributes to achieving and improving justice in America.

VOTE EXPLANATION

Mr. BUNNING. Mr. President I was necessarily absent for the vote in executive session on September 9, 2002. Therefore, I did not formally vote on the nomination of Kenneth A. Marra, of Florida, to be United States District Judge for the Southern District of Florida. Had I been present for that vote, I would have voted ''yea'' to confirm Mr. Marra for this position.

CBO COST ESTIMATE—S. 1971

Mr. BAUCUS. Mr. President, the Committee on Finance filed a report on S. 1971 without the Congressional Budget Office cost estimate. I ask unanimous consent that the CBO cost estimate be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 1971—National Employee Savings and Trust Equity Guarantee Act

Summary: S. 1971 would make several changes to both the Internal Revenue Code and the Employee Retirement Income Security Act of 1974 (ERISA) that would affect the operations and taxation of private pension plans. These include changing the requirements for diversification options, providing information to assist participants in making investment decisions, and changing the premiums paid to the Pension Benefit Guaranty Corporation (PBGC). In addition, S. 1971 would modify the tax treatment of certain executive compensation and make other changes.

The Joint Committee on Taxation (JCT) estimates that the bill would increase governmental receipts by $437 million over the 2003–2007 period, and by $221 million over the 2003–2012 period. Most of the revenue increase would occur in 2003 ($578 million), and the bill would result in a loss of revenue from 2005 through 2010.

CBO estimates that the bill would increase direct spending by $36 million over the 2003–2007 period and by $89 million over the 2003–2012 period. Discretionary spending would also increase by $4 million over the 2003–2007 period, assuming appropriation of the necessary amounts. Because S. 1971 would affect revenues and direct spending, pay-as-you-go procedures would apply.

JCT has determined that the revenue provisions of the bill do not contain any mandates. CBO has determined that the other provisions contain no intergovernmental mandates, but they do contain several mandates on sponsors, administrators, and fiduciaries of private pension plans. CBO estimates that the direct cost of those new requirements on private-sector entities would exceed the annual threshold specified in the Unfunded Mandates Reform Act ($115 million in 2002, adjusted annually for inflation).

Estimated cost to the Federal Government: The estimated budgetary impact of the bill is shown in the following table.

	By fiscal year, in millions of dollars—				
	2003	2004	2005	2006	2007
CHANGES IN REVENUES					
Executive compensation provisions	182	95	68	40	19
Change in interest rate for calculating plans' funding requirement	397	−54	−119	−97	−65
Voluntary early retirement incentive plans	−1	−4	−7	−10	−10

	By fiscal year, in millions of dollars—				
	2003	2004	2005	2006	2007
Total revenues	578	37	−57	−66	−55
CHANGES IN DIRECT SPENDING					
Flat-rate PBGC premiums	(1)	(1)	1	1	1
Variable-rate PBGC premiums	0	3	4	5	6
Interest rate range for funding overpayment	9	−3	−3	−2	−1
Payment of interest on overpayments of PBGC premiums	3	3	3	3	3
Total direct spending	12	3	5	7	9
TOTAL CHANGES IN DIRECT SPENDING AND REVENUES					
Net increase or decrease (−) in the budget deficit	−566	−34	62	73	64
SPENDING SUBJECT TO APPROPRIATIONS					
Studies by PBGC, Treasury, and Labor:					
Estimated authorization level	4	0	0	0	0
Estimated outlays	3	1	0	0	0

[1] less than $500,000.

Notes.—Components may not sum to totals because of rounding.

Sources: CBO and the Joint Committee on Taxation.

Basis of estimate

This estimate assumes that S. 1971 will be enacted around October 1, 2002.

Revenues

All estimates of the revenue proposals of the bill were provided by JCT. The provisions relating to executive compensation would tax without deferral certain compensation provided through offshore trusts, and require wage withholding at the top marginal tax rate for certain supplemental wage payments in excess of $1 million. Those provisions would increase revenues by $182 million in 2003, by $402 million over the 2003–2007 period, and by $496 million over the 2003–2012 period. The pension-related provision with the largest revenue effect would alter the allowable interest rates used to calculate pension funding requirements (see discussion below). That provision would increase revenues by $62 million over the 2003–2007 period and reduce revenues by $199 million over the 2003–2012 period. Other pension provisions would reduce revenues by $1 million in 2003, by $32 million over the 2003–2007 period, and by $82 million over the 2003–2012 period.

Direct spending

Reduced Flat-Rate Premiums Paid to PBGC—Under current law, defined benefit pension plans operated by a single employer pay two types of annual premiums to the Pension Benefit Guaranty Corporation. All covered plans are subject to a flat-rate premium of $19 per participant. In addition, underfunded plans must also pay a variable-rate premium that depends on the amount by which the plan's liabilities exceed its assets.

The bill would reduce the flat-rate premium from $19 to $5 per participant for plans established by employers with 100 or fewer employees during the first five years of the plans' operations. According to information obtained from the PBGC, approximately 7,500 plans would eventually qualify for this reduction. Those plans cover an average of 10 participants each. CBO estimates that the change would reduce the PBGC's premium income by less than $500,000 in 2003 and by $8 million over the 2003–2012 period. Since PBGC premiums are offsetting collections to a mandatory spending account, reductions in premium receipts are reflected as increases in direct spending.

Changes in Variable Premiums Paid to the PBGC.—S. 1971 would make several changes affecting the variable-rate premium paid by underfunded plans. CBO estimates, in total, this section will decrease receipts from those premiums by $9 million in 2003 and $51 million over the 2003–2012 period.

First, for all new plans that are underfunded, the bill would phase in the variable-rate premium. In the first year, the plans would pay nothing. In the succeeding four years, they would pay 20 percent, 40 percent, 60 percent, and 80 percent, respectively, of the full amount. In the sixth and later years, they would pay the full variable-rate premium determined by their funding status. On the basis of information from the PBGC, CBO estimates that this change would affect the premiums of approximately 250 plans each year. It would reduce the PBGC's total premium receipts by about $2 million in 2004 and by $41 million from 2004 through 2012.

Second, the bill would reduce the variable-rate premium paid by all underfunded plans (not just new plans) established by employers with 25 or fewer employees. Under the bill, the variable-rate premium per participant paid by those plans would not exceed $5 multiplied by the number of participants in the plan. CBO estimates that approximately 2,500 plans would have their premium payments to the PBGC reduced by this provision beginning in 2004. As a result, premium receipts would decline by $1 million in 2004 and by $10 million over the 2004–2012 period.

Finally, the bill would alter the allowable interest rates used to calculate pension funding requirements contained in ERISA and the Internal Revenue Code, which would allow plans to become more underfunded in plan year 2001 without subjecting them to tax and other penalties. Even though most plan-year 2001 accounts will be finalized in September 2002, the new interest rate requirement would give some plans credits that may be used in plan-year 2002, which would affect premiums paid in fiscal year 2003. JCT estimates that this provision initially would cause employers to reduce pension plan contributions, but later increase these contributions until fund returns to baseline levels. Some plans subsequently would have to pay higher premiums because their reduced contributions would further increase their level of underfunding. Other plans, however, would qualify for a special exemption and not be required to pay the variable premium for plan-year 2001. Based on information from the PBGC, CBO estimates the net effect would be a decrease of $9 million in premium receipts in 2003. From 2004 through 2007, premium income would then increase, resulting in a net change in receipts of less than $500,000 over the 2003–2007 period.

Authorization for the PBGC to Pay Interest on Refunds of Premium Overpayments.—The legislation would authorize the PBGC to pay interest to plan sponsors on premium overpayments. Interest paid on overpayments would be calculated at the same rate as interest charged on premium underpayments. On average, the PBGC receives $19 million per year in premium overpayments, charges an interest rate of 8 percent on underpayments, and experiences a two-year lag between the receipt of payments and the issuance of refunds. Based on this information, CBO estimates that direct spending would increase by $3 million annually.

Substantial Owner Benefits in Terminated Plans.—S. 1971 would simplify the rules by which the PBGC pays benefits to substantial owners (those with an ownership interest of at least 10 percent) of terminated pensions plans. Only about one-third of the plans taken over by the PBGC involve substantial owners, and the change in benefits paid to owners-employees under this provision would be less than $500,000 annually.

Discretionary spending

Studies. S. 1971 would direct the PBGC, the Department of Labor, and the Department of the Treasury to undertake four studies: one regarding establishing an insurance system for individual retirement plans, one on the fees charged by individual retirement plans, one on ways to revitalize defined benefits pension plans, and one on floor-offset employee stock ownership plans. Based on the costs of studies with comparable requirements, CBO estimates these studies would cost about $4 million over the 2003–2012 period, assuming the availability of appropriated funds.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The net changes in governmental receipts that are subject to pay-as-you-go procedures are shown in the following table. For the purpose of enforcing pay-as-you-go procedures, only the effects through 2006 are counted.

	By fiscal year, in millions of dollars—									
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Changes in receipts	578	37	−57	−66	−55	−97	−94	−50	4	21
Changes in outlays	12	3	5	7	9	10	10	11	11	11

Estimated impact on state, local, and tribal governments: JCT has determined that the revenue provisions of S. 1971 contain no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA).

CBO reviewed the non-revenue provisions of S. 1971 and has determined that they contain no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimated impact on the private sector: With only limited exceptions, private employers who provide pension plans for their workers must follow rules specified in ERISA. Therefore, CBO considers changes in ERISA that expand those rules to be private-sector mandates under UMRA. The nonrevenue provisions of S. 1971 would make several such changes to ERISA that would affect sponsors, administrators, and fiduciaries of pension plans. CBO estimates that the direct cost to affected entities of the new requirements in the bill would exceed the annual threshold specified in UMRA ($115 million in 2002, adjusted annually for inflation). JCT has determined that the revenue provisions of S. 1971 do not contain any private-sector mandates.

Title I of the bill would impose restrictions on individual-account (that is, defined contribution) plans regarding assets held in the plans in the form of securities issued by the plan's sponsor. The bill would require affected plans to allow participants to immediately sell those securities that have been acquired through the employee's contributions, and to allow participants to sell certain securities acquired through the employer's contributions after three years of service with the firm. The latter requirement would be phased in over three years. CBO estimates that the added administrative and record-keeping costs of this provision would be approximately $20 million annually, with larger amounts in the first year.

Title I also would require plans to offer a range of investment options. This requirements would add little to plans' costs because many plans now abide by a safe harbor provision in ERISA that has similar requirements.

Title II of the bill would impose restrictions on plan administrators during transaction suspension periods. (Transaction suspension periods are periods of time when participants are unable to direct the investment of assets in their accounts—for example, when a plan is changing recordkeepers.) To avoid financial liability during those time periods, fiduciaries would be required to abide by certain conditions. The bill also would increase the maximum bond required to be held by fiduciaries from $500,000 to $1 million. CBO estimates that the direct cost of these provisions to plan sponsors and fiduciaries would be small.

Title III of the bill would impose a number of requirements on plans regarding information they must provide to their participants. Administrators of defined contribution plans would be required to provide quarterly statements to participants. Those statements would have to contain several items, including the amount of accrued benefits and bested accrued benefits, the value of investments held in the form of securities of the employing firm, and an explanation of any limitations or restrictions on the right of the individual to direct the investments. Currently, plans must provide more limited statements to participants upon request. CBO estimates that, while many plans now provide pension statements on a quarterly basis, about 30 million participants would begin to receive quarterly statements as a result of this bill. The added cost of this requirement would be about $100 million annually.

Title III also would require administrators of private defined-benefit pension plans to provide vested participants currently employed by the sponsor with a benefit statement at least once every three years, or to provide notice to participants of the availability of benefit statements on an annual basis. CBO estimates that the cost of this provision would be less than $5 million annually.

In addition, Title III would require plans to provide participants with basic investment guidelines and information on option forms of benefits, as well as information that plan sponsors must provide to other investors under securities laws. Plans also would have to make available on a web site any disclosures required of officers and directors of the plan's sponsor by the Securities and Exchange Commission. CBO estimates that the cost of these provisions would exceed $25 million annually.

Previous CBO estimates: CBO has prepared cost estimates for three other bills that contain provisions similar to those in S. 1971. These are:

H.R. 3669, the Employee Retirement Savings Bill of Rights, as reported by the House Committee on Ways and Means on March 14, 2002 (CBO estimate dated March 20, 2002),

H.R. 3762, the Pension Security Act of 2002, as ordered reported by the House Committee on Education and the Workforce on March 20, 2002 (CBO estimate dated April 4, 2002), and

S. 1992, the Protecting America's Pensions Act of 2002, as ordered reported by the Senate Committee on Health, Education, Labor, and Pensions on March 21, 2002 (CBO estimate dated May 7, 2002).

The major budgetary effects of H.R. 3669, like S. 1971, pertain to revenue provisions that relate to pension plan funding. (H.R. 3669 also included a provision excluding certain stock options from wages.) H.R. 3669's provisions affecting pension would produce an estimated revenue loss of $1.2 billion over the 2002–2012 period, compared with the $277 million revenue loss projected for the pension provisions of S. 1971 over the 2003–2012 period.

Like S. 1971, both H.R. 3669 and H.R. 3762 would make several changes to ERISA affecting premiums collected by the PBGC. CBO estimated that H.R. 3669 would increase direct spending by $104 million over from 2003–2012 and H.R. 3762 would increase direct spending by $185 million over the same period. Unlike S. 1971, H.R. 3762 included a provision amending the underlying formula used to determine variable rate-premiums for plan-year 2003. Also, one of the changes made by H.R. 3762 would first apply to plan-year 2002, while that provision in S. 1971 would start with plan-year 2003. Both bills also contained somewhat different language than S. 1971 affecting the interest rates used to calculate variable-rate premiums in the plan-year 2001.

S. 1992 did not have any estimated impact on either revenues or direct spending.

Estimate prepared by: Federal revenues: Annie Bartsch; Federal spending: Geoff Gerhardt; impact on state, local and tribal governments: Leo Lex; impact on the private sector: Bruce Vavrichek.

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis; G. Thomas Woodward, Assistant Director for Tax Analysis.

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 March 26, 2002 in Denver, CO. A lesbian, April Mora, 17, was brutally attacked by three men. The attackers punched and kicked her in the stomach, then held her down and carved the words ''dyke'' and ''RIP'' into her flesh with a razor.

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.

CHALLENGES IN RURAL HEALTH CARE

• Mr. DORGAN. Mr. President, I wanted to take a few minutes to describe some of the challenges facing rural health care systems and why I feel it is critical for the Senate to act now to reduce the inequities in Medicare funding between rural and urban providers.

Rural America depends on its small town hospitals, physicians and nurses, nursing homes, those who provide emergency ambulance services, and other members of our rural health care system. And because of past and proposed cuts in Medicare reimbursement, plus historical unfairness in Medicare payments, these vital services are in jeopardy.

Like most of my Senate colleagues, I supported the Balanced Budget Act, BBA, of 1997 when it was enacted by Congress with strong bipartisan support. Prior to the passage of this law, Medicare was projected to be insolvent by 2001, so it was imperative that we took action to extend Medicare's financial health and to constrain its rate of growth to a more sustainable level.

We later found that the Balanced Budget Act worked to reduce Medicare program costs, but many health care providers were adversely affected by payment reductions that were larger than intended. To address these concerns, Congress in 1999 made adjustments in the Balanced Budget Refinement Act, BBRA, followed in 2000 by the Medicare Beneficiary Improvement and Protection Act, BIPA. Without these needed changes, frankly, as many as a dozen of North Dakota's hospitals might be closed today.

But, additional legislation is still needed to improve Medicare reimbursement for health care providers in order to stabilize the Medicare program and ensure that beneficiaries, especially in rural areas, will continue to have access to their local hospitals, physicians, nursing homes, home health, and other services. Many small rural hospitals in particular serve as the anchor

for the full range of health care services in their communities, from ambulatory to long-term care. Medicare is the single most significant payer for services at these hospitals, and as such, it has an impact on the whole community.

Part of the problem in North Dakota is simply demographics: North Dakota's population is the second oldest in the Nation, and our population is shrinking daily. In fact, in 13 of North Dakota's counties, there were 20 or fewer births for the entire county last year. Admissions to rural hospitals have dropped by a drastic 60 percent in the last two decades, and those patients who do remain tend to be older, poorer, and sicker. This means that rural hospitals tend to be disproportionately dependent upon Medicare reimbursement, to the extent that Medicare accounts for 85 percent of their revenue. Obviously, given this reality, changes in Medicare reimbursement have a major impact on the financial health of rural hospitals.

Another part of the problem is that Medicare has historically reimbursed urban health care providers at a much higher rate than their rural counterparts. Of course, some of this difference can be explained by regional differences in the cost of health care and variations in the health status of older Americans. But this is not the whole explanation. Even after adjusting for these factors, a recent report by health care economists found that, for example, Medicare's per beneficiary spending was about $8,000 in Miami, but only $3,500 in Minneapolis. When average Medicare payments for the same procedure are compared, the disparities in payment in different areas of the country are dramatic. The table below compares payments for two of the most common procedures in North Dakota: hospitalization for heart failure and shock, and hospitalization for treatment of pneumonia.

Location in U.S.	Heart Failure and Shock	Simple pneumonia
North Dakota	$3,079	$3,383
California	4,774	5,153
New York	4,471	5,237
District of Columbia	6,168	6,588

As you can see, the average payment for these same hospital procedures, in larger and more urbanized States like New York and California, is 150 percent of the Medicare payment for the same procedure in North Dakota. The average Medicare payment for these same procedures is twice as high in the District of Columbia. In my opinion, the difference is largely explained by a Medicare reimbursement system that is skewed in favor of urban area, and past legislation has done little to address that concern, despite efforts by some of us to do so.

I have cosponsored legislation in the Senate, the Area Wage and Base Payment Improvement Act, S. 885, that would address the rural inequity in Medicare reimbursement in two ways. First, this bill would equalize the ''standardized payment'' which forms the basis for Medicare's reimbursement to hospitals. You would think something called the ''standardized payment'' would already be standard, but the fact is that hospitals in rural and small urban areas, including all of North Dakota, receive a smaller standardized payment than large urban hospitals. This bill would raise all hospitals up to the same standardized payment.

Second, S. 885 would increase the wage index for most of North Dakota's hospitals. This is a major area of concern that I hear about from North Dakota hospital administrators. The current wage index, which is an important factor in a hospital's total Medicare reimbursement, is based on an antiquated theory that it costs more to hire hospital staff in urban areas than it does in rural areas. That may have been true once, but it is no longer true today. Today, hospitals in North Dakota are competing with hospitals in Minnesota, Chicago and elsewhere for the same doctors and nurses, and they have to pay competitive wages in order to recruit staff.

I am also a cosponsor of the Rural Health Care Improvement Act of 2001, S. 1030. This legislation introduced by Senator Conrad would, among other things, provide for a new ''low volume'' adjustment payment for hospitals with a smaller number of patients and establish a revolving loan fund to help rural health care facilities make much-needed capital improvements.

I also want to mention a positive impact of the Balanced Budget Act of 1997. That legislation created the Critical Access Hospital program, which has proven to be critically important to the survival of North Dakota's smallest and most rural hospitals. Twenty-eight of North Dakota's rural hospitals, serving about 181,000 North Dakotans, have now converted to Critical Access Hospital status, which allows them to receive cost-based reimbursement from Medicare. I strongly support continuing this program and making some modest changes to strengthen the program. We also need to reauthorize the Rural Hospital Flexibility program, which provides grants to states to assist small rural hospitals in making the switch to Critical Access Hospitals.

In addition, Congress also must make some other changes to Medicare reimbursement to head off some upcoming reductions in payments. For instance, Medicare reimbursement to physicians and allied health providers is scheduled to be reduced by 12 percent over the next three years because of problems with the payment formula. In addition, reimbursement to home health agencies is scheduled to be cut by 15 percent on October 1, and a 10 percent payment boost for rural home health agencies expires at the end of this year. And skilled nursing homes will be facing a 10 percent reduction in their Medicare payment rates in 2003 and a 19 percent cut in 2004 unless Congress acts to avert this ''cliff'' in funding. I support making changes in all of these areas to help address these concerns.

In closing, I think we as a Nation need to acknowledge that a strong health care system is an important part of our rural infrastructure. Over the years, we have determined that rural electric service, rural telephone service, an interstate highway system through rural areas, and rural mail delivery, to name a few services, make us a better, more unified Nation. We need to make the same determination in support of our rural health care system, and I will be fighting for policies that reflect rural health care as a strong national priority.●

ON CONSTITUTION DAY, THE WORK OF THE SENATE, AND BALANCING THE BUDGET

Mr. CRAIG. Mr. President, I rise to note an interesting coincidence of things that are happening, and not happening, today.

Many Americans are celebrating today as Constitution Day. At 4 p.m. eastern time, on September 17, 1787, the Framers of the U.S. Constitution adjourned the Constitutional Convention in Philadelphia. The Constitution they proposed, after deep debates and tortured compromise, was then submitted to the several States for ratification, and for the judgment of history.

According to the nonpartisan, nonprofit organization, Constitution Day, Inc., at 4 p.m. today, ''schools across America will be led in the recitation of the Preamble to the US Constitution on a national teleconferencing call conducted by Sprint . . . churches across America will be led in the ringing of their bells to honor the First Amendment, Freedom of Religion . . .'' and there will be commemorations from Valley Forge, PA, to a replica of Independence Hall at Knott's Berry Farm, CA.

Little can be said, that has not been said before, about the profound wisdom, foresight, and faith that the Framers of our Constitution brought to constructing the foundational document of our Nation's system of government and laws.

President Coolidge said of the Constitution, in 1929, ''The more I study it, the more I have come to admire it, realizing that no other document devised by the hand of man ever brought so much progress and happiness to humanity.''

I rise to acknowledge this special day of celebrating our Constitution and I join all Americans in paying tribute to the patriots who produced it.

For many Americans, one of the signs of our deep respect for the Constitution is our acknowledgment that, in exceptional cases, a problem rises to such a level that it can be adequately addressed only in the Constitution, by way of a Constitutional amendment.

Yesterday, President Bush spoke forcefully about the Senate's failure to pass a budget resolution for the fiscal year that starts in just 14 days. He called upon us to do what was needed, urgent, and responsible, and to do it promptly, by sending him this year's defense appropriation and the homeland security bill. And in all this, the need to maintain fiscal discipline becomes evident, as we see a return to deficit spending.

For 4 years in a row, a modern record, the first time since the 1920s, Republican Congresses balanced the Federal Budget. The first Republican Congresses in 40 years made balancing the budget their top priority, and did what was necessary to run the kind of surpluses we need to pay down the national debt and safeguard the future of Social Security.

Today, the Federal budget is again written in red ink. The Congressional Budget Office's recently released budget update projects a $157 billion deficit for fiscal year 2002, the year about to end. If you don't count the Social Security surplus, the rest of the government will run a $317 billion deficit.

Under current policies, CBO says the deficit will be about the same next year, in fiscal year 2003. But we don't know today what war against terrorism will demand next year. And, unfortunately, we do know that too many in Congress and too many interest groups are demanding large increases in spending for other purposes.

This year's budget deficit was caused by an economic recession and a war begun by a terrorist attack. Even before taking office, President Bush correctly foresaw the coming recession and prescribed the right medicine, the bipartisan Tax Relief Act of 2001, that has bolstered the economy and prevented a far worse recession.

We will rebound from the recent economic slowdown. And we must do whatever it takes to win the war, that's a matter of survival and of protecting the safety and security of the American people. Beyond that, we must keep all other federal spending under control, so that we return, as soon as possible, to balancing the budget.

Even in the heady days of budget surpluses, I always maintained the only way to guarantee that the Federal Government would stay fiscally responsible was to add a Balanced Budget Amendment to the Constitution. Before we balanced the budget in 1998, the government was deficit spending for 28 years in a row and for 59 out of 67 years. The basic law of politics, to just say ''yes'' was not repealed in 1998, but only restrained some, when we came together and briefly faced up to the grave threat to the future posed by decades of debt.

The Government is back to borrowing. And for some, a return to deficit spending seems to have been liberating, as the demands for new spending only seem to be multiplying again.

That is why, on Constitution Day, it is important to me to be a cosponsor of S.J. Res. 2, and to call again for Congress to adopt a Balanced Budget Amendment to the Constitution and send it to the states for ratification. I also stress that this amendment would not count the Social Security surplus in its calculation of a balanced budget. Those annual surpluses would be set aside exclusively to meet the future needs of Social Security beneficiaries.

On Constitution Day, I call on the Senate to do today's work: Send the President a Defense appropriations bill, send the President a homeland security bill, and pass a budget that holds the line on new spending. And, on Constitution Day, I call on the Senate to safeguard the future, by again taking up a balanced budget amendment to the Constitution.

ADDITIONAL STATEMENTS

HONORING FREEDOM SERVICE DOGS

• Mr. ALLARD. Mr. President, I wish to honor the Freedom Service Dogs on the occasion of its 15th anniversary of serving people with mobility impairments by providing them with service dogs.

Freedom Service Dogs was founded by Mike Roche, a Colorado paramedic, and P.J. Roche, a dog trainer. They started the service to help Colorado citizens be more mobile by training dogs to open doors, turn on lights, pull wheelchairs, pick up dropped items, tug clothing on and off, and alert for help when needed.

Not only does Freedom Service Dogs provide people with increased confidence and social acceptance, it also saves the lives of hundreds of good dogs abandoned in animal shelters by training them to help those impaired.

Freedom Service Dogs is a charitable organization that relies on the support of the community to provide free services to those in need.

I congratulate Freedom Service Dogs for 15 years of service and commend this group and the communities that support them for creating a model organization that serves the needs of mobility impaired Coloradans.•

TRIBUTE TO TIM MONTGOMERY

• Mr. HOLLINGS. Mr. President, the people of South Carolina could not have been more proud of Gaffney, SC, native Tim Montgomery this past week. He set a world record in the 100 meters at the IAAF Grand Prix Final in Paris with a time of 9.78 seconds, one-hundredth of a second faster than the old record.

It may surprise some of my colleagues in this body that South Carolina could produce the fastest runner in the world. They look at the races for Senate that Senator THURMOND and I have been involved with, and have probably concluded our state produces only marathoners.

But the new generation of South Carolinians excel in speed. Mr. Montgomery has demonstrated great talent as a sprinter, as the 2001 USA Outdoor champion and a gold medalist in the 2000 Olympic 4x100 relay. No question, his hard work culminated in his perfect run this past week, making him the best of the world's best.

I know every track fan in our nation joins those of us in South Carolina in congratulating Mr. Montgomery and wishing him continued success in the future.•

IN REMEMBRANCE OF THE VICTIMS OF THE KATYN FOREST MASSACRE

• Mr. TORRICELLI. Mr. President, I rise today to honor the memory of the victims of the Katyn Forest Massacre in 1940.

On September 17, 1939, Soviet troops invaded Poland in accordance with the German-Soviet agreement. While Polish troops fought bravely, they ultimately were overwhelmed by the Soviet forces.

In an effort to eliminate potential threats to Soviet control of Poland, Soviet troops, under Stalin's orders, committed what some have called one of the most heinous war crimes in history. Over 15,000 Polish soldiers, officers, intellectual leaders, prisoners of war and other Polish citizens were executed. Between four and five thousand Polish bodies were buried in a mass grave in the Katyn Forest. There were no trials, no justice for these innocent victims.

While the Soviet government denied complicity, on February 19, 1989 it finally released documents confirming their role in this massacre. However, an admission of complicity does not ease the pain of a nation whose entire population was affected by this horrible event.

I am hopeful that as more people learn of the Katyn Forest Massacre, we will be able to come to terms with this tragedy and the pain that it has caused so many. We must continue to honor the memories of those who were lost that day, so that we will not be destined to repeat this century the horrors which so often affected the last.•

TRIBUTE TO STORAGETEK

• Mr. ALLARD. Mr. President, I wish to recognize the outstanding achievements of StorageTek, A Colorado technology firm recently named ''Company of the Year'' by ColoradoBiz Magazine.

StorageTek, headquartered in Louisville, CO, is an innovator and frontrunner in virtual storage solutions for tape automation, disk storage systems, and storage networking. With 22,000 customer locations in forty countries, StorageTek employs more than 7800 people worldwide. Their customers include finance, insurance, and telecommunications leaders, as well as

government agencies such as the Department of Defense, Central Intelligence Agency, and Congress.

ColoradoBiz magazine rewards companies demonstrating exceptional achievement in financial performance, community involvement, marketing innovation, operational efficiency and research and development. StorageTek is specifically cited for its reduction of customer order processing time by twenty five percent, reducing inventory by $100 million, and reducing facility space by fifty percent.

Additionally, the company is lauded for contributing more than nine million dollars to charitable causes, with emphasis on education, arts, health, and human services. Through a program called Volunteers in Partnership with the Community, VIP.COM, StorageTek also rewards and encourages employee volunteers with a monetary gift to an employee's chosen organization when that employee volunteers 100 hours or more.

I congratulate StorageTek for receiving ''Company of the Year,'' and commend them for setting the standard in business and the community.●

HONORING RICHARD H. JETT

● Mr. BUNNING. Mr. President, today I wish to recognize Mr. Richard H. Jett of Campton, KY. This weekend, Mr. Jett will be honored as Kentucky's Outstanding Older Worker for 2002 at an awards ceremony hosted by Experience Works.

Mr. Jett's life is an example of selfless devotion to community improvement. He was an educator, high school principal and superintendent of schools in Kentucky until his retirement in 1982. However, Mr. Jett's idea of retirement is certainly not traditional.

Currently, the city of Campton, KY, has the privilege of calling Mr. Jett its mayor. Along with community development, the improvement and beautification of Campton is always in the forefront of his mind. One will often find Mr. Jett sweeping sidewalks or tending to the landscape, showing his pride for Campton and Kentucky. As in all areas of his life, Mr. Jett leads by example, never resting on his laurels.

Aside from his service in the public sector, Mr. Jett operates a tour company, he organized the East Kentucky Talent Project to help young musicians, and he has taught square dancing, western dancing and clogging for the past 40 years at the Natural Bridge State Park. His active lifestyle does not show signs of slowing, even after being diagnosed with cancer in 1998, and undergoing knee replacement surgery.

At a time when civic pride is not only desirable, but essential, Mr. Jett's life is an example of how we should treat our city, state, nation and fellow citizens: with upmost respect, compassion and dedication. He is truly an American Hero to the lives he touches daily. Please join me in honoring the distinguished career of Mr. Richard H. Jett.●

TRIBUTE TO JOHNNY UNITAS

● Mr. MCCONNELL. Mr. President, today I pay tribute to a legend in the world of professional football, the late Johnny ''Golden Arm'' Unitas. I would also like to extend my most heartfelt condolences to his wife Sandy, his daughters Paige and Janice Ann, and his sons John, Kenneth, Robert, Christopher, Joe and Chad. I know my colleagues join me in expressing our gratitude for Johnny's many contributions.

Revered as the greatest quarterback of all time, Johnny was a man of incredible integrity and was a hero to many, both on and off the field. After graduating from St. Justin's High School in Pittsburgh, PA, where he got his start playing football as a sophomore, Johnny began to set his sights on college football. He found his niche at the University of Louisville. As quarterback for the university's football team, Johnny's skills and leadership demanded the attention of national recruiters. He was signed by the Baltimore Colts in 1956, and proved to be one of the team's greatest assets for 17 seasons.

His impressive accomplishments include throwing touchdown passes in a record 47 consecutive games and being the first quarterback in the NFL to pass a total of 40,000 yards. During his celebrated career in the NFL, Johnny received many of the game's highest awards. He was named Player of the Year in 1959, 1964 and 1967, was named Player of the Decade for the 1960s. On July 28, 1979, Johnny was enshrined into the Pro Football Hall of Fame. He was also named the Greatest Player in the First 50 years of Pro Football, was named to the NFLs 75th Anniversary Team, and had his number, 19, retired by the Baltimore Colts.

Indeed, Johnny Unitas will forever be considered one of the greatest football players in history. But his legacy doesn't end there. He was a down-to-earth role model who cherished interaction with teammates and younger players. In 1987, the Johnny Unitas Golden Arm Award was established in his name to honor the top senior quarterback in college football each year. Additionally, after completing his reign in the NFL, Unitas continued to visit Louisville to help his alma mater with anything he could.

I am certain that the legacy of excellence that Johnny Unitas has left will continue on, and will inspire others. On behalf of myself and my colleagues in the Senate, I offer my deepest condolences to Johnny's friends and loved ones, and express my gratitude for all he contributed to the University of Louisville, the National Football League and to our great Nation.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PERIODIC REPORT ON TELECOMMUNICATIONS PAYMENTS MADE TO CUBA PURSUANT TO TREASURY DEPARTMENT SPECIFIC LICENSES—PM 108

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 Foreign Relations:

To the Congress of the United States:

As required by section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, 22 U.S.C. 6004(e)(6), I transmit herewith a semiannual report prepared by my Administration detailing payments made to Cuba by United States persons as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 17, 2002*.

MESSAGE FROM THE HOUSE

At 11:30 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that pursuant to section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106–170), the Minority Leader reappoints the following individual to the Ticket to Work and Incentives Advisory Panel: Ms. Frances Gracechild of California to a 4-year term.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1646) to authorize appropriations for the Department of State for fiscal years 2002 and 2003, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two houses; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on International Relations, for consideration of the House bill and the Senate amendment, and modifications committed to Conference: Mr. HYDE, Mr. SMITH of New Jersey, Ms. ROS-LEHTINEN, Mr. LANTOS, and Mr. BERMAN.

From the Committee on the Judiciary, for consideration of sections 234,

236, 709, 710, and 844 and section 404 of the Senate amendment, and modification committed to conference: Mr. SENSENBRENNER, Mr. SMITH of Texas, and Mr. CONYERS.

ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed on September 12, 2002, by the President pro tempore (Mr. BYRD).

H.R. 3287. An act to redesignate the facility of the United States Postal Service located at 900 Brentwood Road, NE, in Washington, D.C., as the ''Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center''.

H.R. 3917. An act 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.

H.R. 5207. An act to designate the facility of the United States Postal Service located at 6101 West Old Shakopee Road in Bloomington, Minnesota, as the ''Thomas E. Burnett, Jr. Post Office Building''.

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–9008. A communication from the Congressional Liaison Officer, United States Trade and Development Agency, transmitting, pursuant to law, a special notification under Section 520 of the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 2002; to the Committee on Appropriations.

EC–9009. A communication from the Assistant Secretary, Land and Minerals Management, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Outer Continental Shelf Oil and Gas Leasing—Clarifying Amendments'' (RIN1010–AC94) received on September 10, 2002; to the Committee on Energy and Natural Resources.

EC–9010. A communication from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting , pursuant to law, the report of a nomination for the position of Controller, Office of Federal Financial Management, received on September 10, 2002; to the Committee on Governmental Affairs.

EC–9011. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to International Waters, Pacific Ocean or French Guiana; to the Committee on Foreign Relations.

EC–9012. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the monthly status on the status of its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–9013. A communication from the Administrator, Office of Workforce Security, Employment and Training Administration, Office of Workforce Security, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Training and Employment Guidance Letter 18–01—Reed Act Distribution'' received on July 23, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–9014. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual reports for Fiscal Year 1998 and 1999 describing the activities and accomplishments of the state programs operated under the authority of the Act; to the Committee on Health, Education, Labor, and Pensions.

EC–9015. 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 ''Notice Permitting Earlier Use of Rev. Proc. 2002–41'' (Notice 2002–55) received on September 10, 2002; to the Committee on Finance.

EC–9016. 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 ''2002 National Pool'' (Rev. Proc. 2002–56) received on September 10, 2002; to the Committee on Finance.

EC–9017. 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 ''Designated IRS Officer or Employee Under Section 7602(a)(2) of the Internal Revenue Code'' (RIN1545–BA98) received on September 10, 2002; to the Committee on Finance.

EC–9018. A communication from the Assistant Secretary of the Navy, Installations and Environment, transmitting, pursuant to law, a notification to study certain functions performed by military and civilian personnel in the Department of the Navy for possible performance by private contractors; to the Committee on Armed Services.

EC–9019. A communication from the Assistant Secretary of Defense, International Security Policy, transmitting, pursuant to law, the report on options for assisting Russia in the development of alternative energy sources for Seversk and Zheleznogorsk to facilitate cessation of weapons-grade plutonium production; to the Committee on Armed Services.

EC–9020. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Performance of Security Functions'' (DFARS Case 2001–D018) received on September 10, 2002; to the Committee on Armed Services.

EC–9021. A communication from the Deputy Secretary, Division of Market Regulation, United States Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Applicability of CFTC and SEC Customer Protection, Recordkeeping, Reporting, and Bankruptcy Rules and the Securities Investor Protection Act of 1970 to Accounts Holding Security Futures Products'' (RIN3235–AI32) received on September 10, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–9022. A communication from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Confirmation Requirements for Transactions of Security Futures Products Effected in Futures Accounts'' (RIN3235–AI50) received on September 10, 2002; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 198: A bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land. (Rept. No. 107–281).

S. 1846: A bill to prohibit oil and gas drilling in Finger Lakes National Forest in the State of New York. (Rept. No. 107–282).

By Mr. BAUCUS, from the Committee on Finance, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 5063: A bill to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services. (Rept. No. 107–283).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 1883: A bill to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon, and for other purposes. (Rept. No. 107–284).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2018: A bill to establish the T'uf Shur Bien Preservation Trust Area within the Cibola National Forest in the State of New Mexico to resolve a land claim involving the Sandia Mountain Wilderness, and for other purposes. (Rept. No. 107–285).

H.R. 695: A bill to establish the Oil Region National Heritage Area. (Rept. No. 107–286).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 706: A bill to direct the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, New Mexico. (Rept. No. 107–287).

H.R. 2115: A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the Lakehaven Utility District, Washington. (Rept. No. 107–288).

H.R. 2828: To authorize payments to certain Klamath Project water distribution entities for amounts assessed by the entities for operation and maintenance of the Project's transferred works for 2001, to authorize refunds to such entities of amounts collected by the Bureau of Reclamation for reserved works for 2001, and for other purposes. (Rept. No. 107–289).

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute and an amendment to the title:

S. 2328: A bill to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to ensure a safe pregnancy for all women in the United States, to reduce the rate of maternal morbidity and mortality, to eliminate racial and ethnic disparities in maternal health outcomes, to reduce pre-term, labor, to examine the impact of

pregnancy on the short and long term health of women, to expand knowledge about the safety and dosing of drugs to treat pregnant women with chronic conditions and women who become sick during pregnancy, to expand public health prevention, education and outreach, and to develop improved and more accurate data collection related to maternal morbidity and mortality.

Under the authority of the order of the Senate of July 29, 2002, the following reports of committees were submitted on September 17, 2002:

By Mr. SARBANES, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 1210: A bill to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SARBANES for the Committee on Banking, Housing, and Urban Affairs.

*Wayne Abernathy, of Virginia, to be an Assistant Secretary of the Treasury.

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Maj. Gen. George P. Taylor, Jr.

Air Force nomination of Col. Mark R. Zamzow.

Air Force nomination of Brig. Gen. Peter U. Sutton.

Air Force nomination of Lt. Gen. Norton A. Schwartz.

Air Force nomination of Lt. Gen. Ronald E. Keys.

Air Force nomination of Maj. Gen. Carrol H. Chandler.

Army nomination of Colonel James A. Hasbargen.

Army nomination of Brig. Gen. Timothy M. Haake.

Marine Corps nominations beginning Col. George J. Flynn and ending Col. Richard T. Tryon, which nominations were received by the Senate and appeared in the Congressional Record on December 18, 2001.

Marine Corps nominations beginning Brig. Gen. Emerson N. Gardner, Jr. and ending Brig. Gen. Joseph F. Weber, which nominations were received by the Senate and appeared in the Congressional Record on December 18, 2001.

Navy nominations beginning Rear Adm. (lh) Duret S. Smith and ending Rear Adm. (lh) Jerry D. West, which nominations were received by the Senate and appeared in the Congressional Record on January 29, 2002.

Navy nominations beginning Rear Adm. (lh) Robert M. Clark and ending Rear Adm. (lh) Noel G. Preston, which nominations were received by the Senate and appeared in the Congressional Record on February 11, 2002.

Navy nomination of Rear Adm. (lh) Linda J. Bird.

Navy nominations beginning Rear Adm. (lh) Richard E. Brooks and ending Rear Adm. (lh) James M. Zortman, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2002.

Navy nomination of Capt. William D. Masters, Jr.

Navy nomination of Capt. David L. Maserang.

Navy nominations beginning Capt. Mark D. Harnitchek and ending Capt. Michael S. Roesner, which nominations were received by the Senate and appeared in the Congressional Record on April 9, 2002.

Navy nominations beginning Captain Robert J. Cox and ending Captain James A. Winnefeld, Jr., which nominations were received by the Senate and appeared in the Congressional Record on April 29, 2002.

Navy nomination of Rear Adm. Kevin P. Green.

Navy nomination of Capt. James E. McPherson.

Army nomination of Maj. Gen. Charles C. Campbell.

Army nominations beginning Colonel Clinton T. Anderson and ending Colonel Scott G. West, which nominations were received by the Senate and appeared in the Congressional Record on June 11, 2002.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning Joseph J. Balas and ending Mark C. Wrobel, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2002.

Air Force nominations beginning Mary S. Armour and ending Sharon B. Wright, which nominations were received by the Senate and appeared in the Congressional Record on March 6, 2002.

Air Force nominations beginning Kevin D. Baron and ending Brian J. Welsh, which nominations were received by the Senate and appeared in the Congressional Record on March 6, 2002.

Marine Corps nominations beginning A. D. King, Jr. and ending Richard A. Ratliff, which nominations were received by the Senate and appeared in the Congressional Record on April 16, 2002.

Marine Corps nomination of Mark A. Knowles.

Marine Corps nomination of Gerald M. Foreman II.

Air Force nominations beginning Susan S. Baker and ending Gilmer G. Weston III, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2002.

Army nominations beginning Ralf C Beilhardt and ending Richard L. Williams, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2002.

Army nominations beginning Michael P Abel and ending Wesley G Zeger, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2002.

Navy nominations beginning Vanessa P Ambers and ending Douglas M Zander, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2002.

Navy nominations beginning Amado F Abaya and ending Mark T Zwolski, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2002.

Air Force nominations beginning Debra A. * Adams and ending Julie F. * Zwies, which nominations were received by the Senate and appeared in the Congressional Record on July 31, 2002.

Air Force nominations beginning Nicola S. * Adams and ending Tambra L. * Yates, which nominations were received by the Senate and appeared in the Congressional Record on July 31, 2002.

Army nomination of Kenneth S. Azarow.

Army nominations beginning Oscar T * Arauco and ending John C * Wheatley, which nominations were received by the Senate and appeared in the Congressional Record on July 31, 2002.

Navy nomination of Paul T. Camardella.

Army nomination of Richard A. Redd.

Army nomination of Mary C. Casey.

Army nominations beginning David P Acevedo and ending Edward W Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2002.

Army nominations beginning Joseph M Adams and ending James A Worm, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2002.

Army nominations beginning Kim J Anglesey and ending Robert J Zoppa, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2002.

Army nominations beginning Anthony J Abati and ending X167, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2002.

Marine Corps nomination of Leon M. Dudenhefer.

Navy nomination of Bradley J. Smith.

Navy nomination of Theresa M. Everette.

Navy nomination of Anthony D. Weber.

Air Force nominations beginning Donald C. Alfano and ending Daniel M. Fleming, which nominations were received by the Senate and appeared in the Congressional Record on September 3, 2002.

Air Force nominations beginning Robert W. Bishop and ending Steven K. Young, which nominations were received by the Senate and appeared in the Congressional Record on September 3, 2002.

Air Force nominations beginning Mathew J. Brakora and ending Stephen D. Winegardner, which nominations were received by the Senate and appeared in the Congressional Record on September 3, 2002.

Air Force nominations beginning Timothy P. Destigter and ending Sheldon R. Omi, which nominations were received by the Senate and appeared in the Congressional Record on September 3, 2002.

Air Force nomination of William R. Charbonneau.

Air Force nominations beginning Margaret H. Bair and ending Paul E. Maguire, which nominations were received by the Senate and appeared in the Congressional Record on September 3, 2002.

Army nominations beginning William C. Devires and ending Peter P. Mckeown, which nominations were received by the Senate and appeared in the Congressional Record on September 3, 2002.

Marine Corps nomination of Samuel B. Grove.

Air Force nominations beginning James P. Acly and ending James R. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on September 4, 2002.

Navy nominations beginning Guerry H Hagins and ending Matthew A Wright, which nominations were received by the Senate and appeared in the Congressional Record on September 4, 2002.

Navy nominations beginning Scott A Anderson and ending Gwendolyn Willis, which nominations were received by the Senate and appeared in the Congressional Record on September 4, 2002.

Navy nominations beginning Douglas P Barber, Jr. and ending Douglas R Velvel, which nominations were received by the Senate and appeared in the Congressional Record on September 4, 2002.

Navy nominations beginning Phillip M Adriano and ending Neil A Zlatniski, which nominations were received by the Senate and appeared in the Congressional Record on September 4, 2002.

Navy nominations beginning Kristin Acquavella and ending William B Zabicki, Jr., which nominations were received by the Senate and appeared in the Congressional Record on September 4, 2002.

Navy nominations beginning Sue A Adamson and ending George A Zangaro, which nominations were received by the Senate and appeared in the Congressional Record on September 4, 2002.

Navy nominations beginning Christopher G Adams and ending Ra Yoeun, which nominations were received by the Senate and appeared in the Congressional Record on September 4, 2002.

Navy nominations beginning Rufus S Abernethy III and ending Joan M Zitterkopf, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2002.

Navy nominations beginning Michael L Blount and ending Robert P Walden, which nominations were received by the Senate and appeared in the Congressional Record on June 5, 2002.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. SNOWE:

S. 2938. A bill to require the entry of information on visa denials into the electronic data system, to require a study on use of foreign national personnel in visa processing, and for other purposes; to the Committee on the Judiciary.

By Mr. BREAUX (for himself and Mr. ROBERTS):

S. 2939. A bill to amend title 5, United States Code, to provide for appropriate overtime pay for National Weather Service forecasters performing essential services during severe weather events, and to limit Sunday premium pay for employees of the National Weather Service to hours of service actually performed on Sunday; to the Committee on Governmental Affairs.

By Ms. SNOWE:

S. 2940. A bill to establish a system of Interagency Homeland Security Fusion Centers, to require that budget requests for the Coast Guard for non-homeland security missions are not reduced, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CAMPBELL:

S. 2941. A bill to authorize grants for the establishment of quasi-judicial campus drug courts at colleges and universities modeled after State drug courts programs; to the Committee on the Judiciary.

By Mr. CRAPO (for himself, Mr. BAYH, Mr. SPECTER, Mr. MILLER, Mr. MCCAIN, and Mr. BUNNING):

S. 2942. A bill to amend title II of the Social Security Act to eliminate the five-month waiting period in the disability insurance program, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. LEAHY, and Mr. ENZI):

S. 2943. A bill to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts; to the Committee on the Judiciary.

By Mr. BAUCUS:

S. 2944. A bill to amend the Internal Revenue Code of 1986 to extend Superfund, oil spill liability, and leaking underground storage tank taxes; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. LIEBERMAN, Mr. ALLEN, Ms. LANDRIEU, and Mrs. CLINTON):

S. 2945. To authorize appropriations for nanoscience, nanoengineering, and nanotechnology research, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DORGAN (for himself and Mr. HOLLINGS):

S. 2946. A bill to reauthorize the Federal Trade Commission for fiscal years 2003, 2004, and 2005, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. LANDRIEU (for herself, Mrs. HUTCHISON, Mr. MILLER, Mr. BUNNING, Mr. CLELAND, Mr. BREAUX, Mr. SHELBY, Mrs. LINCOLN, and Mr. CONRAD):

S. 2947. A bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. HUTCHISON:

S. 2948. A bill to authorize the President to agree to certain amendments to the Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank; to the Committee on Foreign Relations.

By Mr. HOLLINGS (for himself, Mr. ROCKEFELLER, Mrs. HUTCHISON, and Mrs. BOXER):

S. 2949. A bill to provide for enhanced aviation security, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HOLLINGS (for himself, Mr. MCCAIN, Mr. ROCKEFELLER, Mrs. HUTCHISON, Mr. BREAUX, and Mr. SMITH of Oregon):

S. 2950. A bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003, 2004, and 2005, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, Mr. HOLLINGS, and Mr. MCCAIN):

S. 2951. A bill to authorize appropriations for the Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA (for himself and Mr. INOUYE):

S.J. Res. 44. A joint resolution to consent to amendments to the Hawaii Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TORRICELLI:

S. Con. Res. 139. A concurrent resolution expressing the sense of Congress that there should be established a National Minority Health and Health Disparities Month, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 155

At the request of Mr. BINGAMAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 155, a bill to amend title 5, United States Code, to eliminate an inequity in the applicability of early retirement eligibility requirements to military reserve technicians.

S. 1022

At the request of Mr. WARNER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1112

At the request of Mr. DURBIN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1112, a bill to provide Federal Perkins Loan cancellation for public defenders.

S. 1278

At the request of Mrs. LINCOLN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1278, a bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit.

S. 1291

At the request of Mr. HATCH, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 1291, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien college-bound students who are long term United States residents.

S. 1523

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1523, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 1678

At the request of Mr. MCCAIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1678, a bill to amend the Internal Revenue Code of 1986 to provide that a

member of the uniformed services or the Foreign Service shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 1712

At the request of Mr. GRASSLEY, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1712, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 2084

At the request of Mr. BOND, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2084, a bill to amend the Internal Revenue Code of 1986 to clarify the exemption from tax for small property and casualty insurance companies.

S. 2122

At the request of Mrs. CARNAHAN, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 2122, a bill to provide for an increase in funding for research on uterine fibroids through the National Institutes of Health, and to provide for a program to provide information and education to the public on such fibroids.

S. 2181

At the request of Mr. MCCAIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2181, a bill to review, reform, and terminate unnecessary and inequitable Federal subsidies.

S. 2268

At the request of Mr. MILLER, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 2268, a bill to amend the Act establishing the Department of Commerce to protect manufacturers and sellers in the firearms and ammunition industry from restrictions on interstate or foreign commerce.

S. 2513

At the request of Mr. BIDEN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2513, a bill to asses the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence.

S. 2569

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2569, a bill to award a congressional gold medal to Dr. Dorothy Height, in recognition of her many contributions to the Nation.

S. 2663

At the request of Mr. CHAFEE, his name was added as a cosponsor of S. 2663, a bill to permit the designation of Israeli-Turkish qualifying industrial zones.

S. 2663

At the request of Mr. BREAUX, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2663, supra.

S. 2683

At the request of Mr. HUTCHINSON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2683, a bill to amend the Internal Revenue Code of 1986 to clarify that church employees are eligible for the exclusion for qualified tuition reduction programs of charitable educational organizations.

S. 2718

At the request of Mr. BURNS, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 2718, a bill to redesignate the position of the Secretary of the Navy as Secretary of the Navy and Marine Corps, and for other purposes.

S. 2770

At the request of Mr. DODD, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of 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.

S. 2790

At the request of Ms. CANTWELL, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2790, a bill to provide lasting protection for inventoried roadless areas within the National Forest System.

S. 2869

At the request of Mr. KERRY, the names of the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. REID), the Senator from Louisiana (Ms. LANDRIEU), the Senator from California (Mrs. BOXER) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 2869, a bill to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

S. 2892

At the request of Mr. KENNEDY, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 2892, a bill to provide economic security for America's workers.

S. 2903

At the request of Mr. JOHNSON, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2903, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care.

S. 2906

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2906, a bill to amend title 23, United States Code, to establish a program to make allocations to States for projects to expand 2-lane highways in rural areas to 4-lane highways.

S. 2908

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2908, a bill to require the Secretary of Defense to establish at least one Weapons of Mass Destruction Civil Support Team in each States, and for other purposes.

S. 2926

At the request of Mr. SANTORUM, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2926, a bill to name the Department of Veterans Affairs outpatient clinic in Horhsam, Pennsylvania, as the ''Victor J. Saracini Department of Veterans Affairs Outpatient Clinic''.

S. 2935

At the request of Ms. LANDRIEU, the names of the Senator from Louisiana (Mr. BREAUX), the Senator from New Hampshire (Mr. GREGG) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 2935, a bill to amend the Public Health Service Act to provide grants for the operation of mosquito control programs to prevent and control mosquito-borne diseases.

S.J.RES. 2

At the request of Mr. CRAIG, his name was added as a cosponsor of S.J.Res. 2, A joint resolution to provide for a Balanced Budget Constitutional Amendment that prohibits the use of Social Security surpluses to achieve compliance.

AMENDMENT NO. 4508

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 4508 intended to be proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 4509

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 4509 intended to be proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 4518

At the request of Mr. CRAIG, the names of the Senator from Wyoming (Mr. THOMAS) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 4518 proposed to H.R. 5093, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL:

S. 2941. A bill to authorize grants for the establishment of quasi-judicial

campus drug courts at colleges and universities modeled after State drug courts programs; to the Committee on the Judiciary.

Mr. CAMPBELL. Mr. President, today I introduce the ''Campus Classmate Offenders in Rehabilitation and Treatment Act.''

The Campus Classmate Offenders in Rehabilitation and Treatment Act, which can also be referred to as the ''Campus CORT Act,'' directs the Department of Justice to establish a demonstration program to provide grants and training to help our Nation's universities and colleges establish new quasi-judicial systems. These systems aim at countering the serious drug and substance abuse related problems that are taking such a heavy toll on our institutions of higher learning and the students who attend them. The demonstration program, which would be administered by the Department of Justice's Office of Justice Programs, would be based on the valuable lessons and successes we have garnered from our Nation's innovative and expanding drug court system.

Specifically, this demonstration program legislation would authorize the establishment of up to five Campus CORTs each year for Fiscal Years 2003 through 2006. The bill authorizes the Office of Justice Programs to provide $2,000,000 in Federal funding during each of those years to help get five Campus CORTs well trained, soundly established and up and running. This new program's approach should be similar to how the Office of Justice Programs currently runs the ongoing drug court grant-making program, including providing an Internet-based application process.

There are plenty of good reasons to take the next step and establish a Campus CORTs program based on the drug court model. Since they first appeared in 1989, drug courts have rapidly spread all across the Nation. Rather than simply locking-up nonviolent drug offenders in prison along side violent criminals, drug courts provide the alternative of court-supervised treatment. Instead of simply punishing, drug courts help get people clean.

Drug courts' many successes are underscored both by the bipartisan support they have received in Congress and by the Bush Administration. For example, during a national conference hosted this last April by the National Association of Drug Court Professionals, both Office of National Drug Control Policy Director John Walters, our Nation's ''Drug Czar,'' and Drug Enforcement Agency Director Asa Hutchinson gave speeches in support of drug courts.

According to the latest statistics as reported by the Department of Justice's Office of Justice Programs, there are nearly 700 Drug Courts in operation all across the United States. This includes 483 Adult Drug Courts, 167 Juvenile Drug Courts, and 37 Family Drug Courts. An additional 400-plus new Drug Courts are in the planning process. The report goes on to state that approximately 220,000 adults and 9,000 juveniles have been enrolled in the drug court system and of those, 73,000 adults and 1,500 juveniles have graduated.

The merits of the drug court system are well documented. Nationwide, the drug courts have helped more than 1,000 to be born drug free, more than 3,500 parents to regain custody of their children, and 4,500 parents to resume making their child-support payments. The retention rate is over 70 percent, with 73 percent of the participants managing to keep their jobs or successfully find new work. These are encouraging successes, and not just for the individuals involved, but for society as a whole.

These are the kind of successes we should be able to see once the drug court model is customized and applied through Campus CORTs as we work together to respond to the alcohol, drug and other substance abuse challenges facing our Nation's colleges and universities.

Our Nation's drug courts use a carrot and stick approach where offenders can either live at home and remain free to work under court supervised treatment or face the very real threat of hard jail time. Similarly, Campus CORTs will give troubled students the chance to get supervised treatment and stay clean or get kicked out of school and watch their futures get squandered away.

Instead of simply booting students with substance abuse problems directly out of school, as is currently happening at many universities and colleges all across the country, I believe we should instead help provide institutions of higher learning with new tools they can use to help students get and stay clean. Of course, just like it is with the existing drug courts, there will be some students who simply do not respond to Campus CORTs. While those students will have to face the fact that they may well be expelled from school, at least we will have been able to give them the opportunity to clean-up their act.

Since the new Campus CORTs would be established at colleges and universities, the legislation calls on the Office of Justice Programs, or OJP, to establish new ''quasi-judicial standards and procedures for disciplinary cases'' for institutions of higher learning that wish to participate in the new Federal program.

Today, I am pleased to highlight that one of the leading institutions of higher learning in my home State, Colorado State University, CSU, has already broken new ground as the Nation's first university to apply the drug court concept in a campus setting. The ''Day IV'' program, as it is known at CSU, has racked-up a successful record in helping keep students clean and in school.

Under the pioneering leadership of Cheryl Asmus, the drug court inspired program helped 26 out of 30 students who would have otherwise been kicked out of school stay there during the last spring semester alone. As I understand it, two of the four were dismissed from school for not meeting the Day IV program's treatment requirements and the other two left school for other reasons.

In any case, a success rate approaching 90 percent is a wonderful accomplishment, both for the university and especially for the 26 students who have managed to pull themselves back from potential disaster.

Our drug court system is making a difference all across our Nation. In fact, a 2002 report issued by Columbia University's prestigious National Center on Addiction and Substance Abuse states that ''drug courts provide closer, more comprehensive supervision and much more frequent drug testing and monitoring during the program, than other forms of community supervision.'' The report underscores that ''drug use and criminal behavior are substantially reduced while offenders are participating in drug court'' and that ''criminal behavior is lower after participation, especially for graduates.''

Far too many of our Nation's college students are falling by the wayside as they get sidetracked by crippling drug and alcohol abuse problems. Not only are academic careers being impacted and ended, entire lives are being thrown into limbo.

Our Nation's drug court system is a good example of a viable and productive partnership between the Federal Government, our State governments and local jurisdictions. Their collaboration is making a positive impact all across our country. I want to take this moment to thank the people of the OJP, the experts at the National Association of Drug Court Professionals and the State and local judges, prosecutors, law enforcement officers and other officials who have done so much to establish, build upon and continually improve our Nation's drug court system.

I also want to take a moment to thank Judge Karen Freeman Wilson, Chief Executive Officer of the National Association of Drug Court Professionals, Stuart VanMeveren, District Attorney for Colorado's Eighth Judicial District, and Colorado State University President Albert Yates for their letters of support for the Campus CORT legislation I am introducing today. Their support for this bill is appreciated.

I ask unanimous consent that the three letters of support and the text of the bill be printed in the RECORD.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

S. 2941

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 ''Campus Classmate Offenders in Rehabilitation and Treatment Act'' or the ''Campus CORT Act''.

SEC. 2. ESTABLISHMENT OF CAMPUS DRUG COURTS.

(a) IN GENERAL.—The Attorney General, acting through the Office of Justice Programs, is authorized to make demonstration grants to accredited universities and colleges to establish not to exceed 5 campus classmate offenders in rehabilitation and treatment programs (referred to as ''Campus CORTS'') each fiscal year modeled after the statewide local drug court programs throughout the United States.

(b) CAMPUS CORTS.—Campus CORTS shall—

(1) be established at accredited colleges or universities;

(2) have jurisdiction over substance abuse related disciplinary cases involving students that may or may not be criminal in nature, including illegal drug use, abuse of prescription drugs, alcohol abuse, and other issues, but no student who is deemed to be a danger to the community may be involved;

(3) pursuant to regulations promulgated by the Attorney General, establish appropriate quasi-judicial standards and procedures for disciplinary cases; and

(4) impose as the ultimate sanction expulsion from school.

(c) CONSULTATION.—The Attorney General shall consult with the National Association of Drug Court Professionals, d.b.a., the National Drug Court Institute, universities and colleges, including the Campus Drug Court program at Colorado State University, and other experts in establishing quasi-judicial standards required by this Act.

(d) ASSISTANCE.—The Attorney General shall make grants to qualified universities and colleges, the National Association of Drug Court Professionals, d.b.a., the National Drug Court Institute, and other associations and experts to assist in establishing campus drug courts and provide training and technical assistance in support of the program.

(e) GRANT MAKING CONSIDERATIONS.—In awarding grants to qualified colleges or universities, the Office of Justice Programs should—

(1) endeavor to include colleges and universities of different sizes across the United States; and

(2) enable colleges and universities to apply for grants through the Internet site of the Office of Justice Programs.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $2,000,000 for each of the fiscal years 2003 through 2006 to carry out this Act.

AUGUST 23, 2002.

Senator BEN NIGHTHORSE CAMPBELL,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CAMPBELL: As the representative of the National Association of Drug Court Professionals (NADCP) and of the drug court professionals throughout the country I am writing this letter of support for your bill for the ''Campus Classmate Offenders in Rehabilitation and Treatment Act'' or the ''Campus CORT Act.'' Modeled after the ''campus drug court'' at Colorado State University, campus drug courts nationwide are the exciting next step in the drug court arena. I truly appreciate your commitment to making them a reality.

All of the drug court professionals across America laud the depth of your knowledge about substance abuse and its concomitant crime and appreciate your steadfast support of stopping the revolving door of drug addiction and crime in our criminal justice system. With the alarming news about drug use and binge drinking on college campuses, the Campus CORT Act will face the campus drug and alcohol use and abuse problem head on, preventing accidents and crimes at colleges and universities throughout the nation.

Taking the drug court concept to this next level, to college campuses, is the logical way to further the fight against substance abuse and criminal behavior. As you know, Columbia University's prestigious National Center on Addiction and Substance Abuse (CASA) report from 2001 states that drug courts provide closer, more comprehensive supervision and much more frequent drug testing and monitoring during the program, than other forms of community supervision. In addition, it found that drug use and criminal behavior are substantially reduced while offenders are participating in drug court.

Again, thank you for introducing the ''Campus CORT Act'' and for your continuing support of drug courts. I look forward to continuing to work with you and your staff in the future.

Very truly yours,

Judge KAREN FREEMAN WILSON (ret.),
Chief Executive Officer.

OFFICE OF THE DISTRICT ATTORNEY,
EIGHTH JUDICIAL DISTRICT, STATE OF COLORADO,
Fort Collins, CO, August 28, 2002.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate,
Fort Collins, CO.

DEAR SENATOR CAMPBELL: I wholeheartedly support your proposed ''Campus CORT Act.''.

As you know, Colorado State University, through the work of Dr. Cheryl Asmus and others, has developed a Campus Drug Court that is now in full operation. Prior to the implementation of the CSU Campus Drug Court, many bright, promising college students lost their opportunity to obtain their college degree because of being dismissed from school as a result of a drug or alcohol addiction. This new pilot program provides students who have drug or alcohol problems a process in which they can address their usage problem while staying in school. Colorado State University's project has proven very successful. Very few students in the program have failed to abide by the program requirements. Most participants have been able to abstain from usage. This success is due to the very strong impetus for students to ''stay clean'' by allowing them to continue to have access to grants and loans, as well as remain at the university so long as they abide by drug court requirements.

Federal legislation that creates funding to expand the campus drug court program is an excellent proposal. This program helps promising young people, who have chosen to improve their lives through a college education, succeed when alcohol and drugs may be the one obstacle that stands in their way. They are given the opportunity to stay in school, graduate, and become contributing members of society. That success is insured by addressing a drug or alcohol addiction problem that very well would have a negative affect on their families and their ability to succeed professionally.

The availability of federal funds to assist in starting these programs across the country has the promise of spawning very successful drug and alcohol programs nationwide. The traditional Drug Court concept has been very successful. The Campus CORT Act can provide the resources that will result in the same success opportunity for students at our colleges and universities.

We wish you every success in your efforts to pass this legislation. If there is anything I can do to assist, please do not hesitate to contact me.

Sincerely,

STUART A. VANMEVEREN,
District Attorney.

COLORADO STATE UNIVERSITY,
Fort Collins, CO, September 4, 2002.

Hon. BEN NIGHTHORSE CAMPBELL,
Russell Senate Office Building,
Washington DC.

DEAR SENATOR CAMPBELL: This letter serves as strong support for the bill you are proposing to introduce to the United States Senate that will authorize the appropriation of funds to establish ''drug courts'' at other colleges and universities. These drug courts will be modeled after the Drug Courts Program, and the Colorado State University (CSU) campus drug court. I understand that CSU will play a critical role as consultant to the Attorney General of the United States in this effort, and we are committed to working in any capacity in this effort. As the first, and only university with a campus drug court to date, we are in a unique position to provide first-hand experience and advice.

In late 1999, the Family and Youth Institute at Colorado State University set up several meetings with the CSU Office of Judicial Affairs and Colorado's Eighth Judicial District Drug Court. The result of these meetings spawned an effort to apply for support to establish a ''campus drug court.'' In mid-2001, the Family and Youth Institute was awarded two years of support for the drug court from the U.S. Department of Education. Currently, a cross-disciplinary team meets weekly to staff the drug court students. After one semester in operation, all but four (one school dropout, two expelled from program, one positive breathalyzer) of approximately 20 students remain trouble and AOD free. So far, we have three drug court graduates and recorded improvements in the other participants in terms of grades, employment, family situations, attitudes, and behaviors.

As a Carnegie Class I research institution, CSU is poised to lead the field in determining what factors of a drug court influence their success. I am aware of the current debates across the nation of the true impacts of the 1000 plus drug courts. I am confident that by introducing the model into the world of academia, inevitably it will inevitably spur research that will result in research-based evidence to concretely address these debates and concerns.

We have found the model to be easily adaptable to our campus setting and have listed as one of our four goals to assist other campuses in developing their own campus drug courts. We are extremely grateful and appreciative you have decided to assist us in this goal. It is not an accident that Colorado State University, and Colorado, will lead in this effort. You have long championed drug courts and, in particular, the Eighth Judicial District's Juvenile Drug Court, our mentor.

A key strategy of Colorado State University is civic education renewal. A part of this strategy is to focus on initiatives and programs that assist students in developing into people of integrity and strong values. We are also dedicated to the ability to graduate students in four years who are prepared to enter the world as contributing citizens. Using dismissal or expulsion as a consequence for someone with a substance abuse problem is a quick fix for our campus, but not for the individual or the community at large. As a land-grand institution, valuing service to our society, we believe the integration of drug court's goal of using treatment with strong interventions into the disciplinary system, as an alternative to dismissal or expulsion directly supports the mission of Colorado State University.

Sincerely,

ALBERT C. YATES,
President.

By Mr. CRAPO (for himself, Mr. BAYH, Mr. SPECTER, Mr. MILLER, Mr. MCCAIN, and Mr. BUNNING)

S. 2942. A bill to amend title II of the Social Security Act to eliminate the five-month waiting period in the disability insurance program, and for other purposes; to the Committee on Finance.

Mr. CRAPO. Mr. President, I rise today to introduce important legislation that will correct a serious flaw in the Social Security Disability Insurance program, which currently forces many Americans who are diagnosed with a terminal illness to live out their final days in poverty.

Under current law, any eligible individual applying for SSDI benefits must wait 5 full months before he or she can begin receiving benefits. I appreciate the support of Senator BAYH, Senator SPECTER, Senator MCCAIN, and Senator MILLER for this bill that will eliminate the waiting period for those individuals with terminal illnesses.

Far too often, I have had terminally ill constituents contact me through my State offices with horror stories about their personal experiences. These people are healthy, hard-working members of our society. Suddenly, they are told by their doctor that they have a terminal illness and that it would be best if they stop working and go on disability as soon as possible to maintain their strength. However, because of the waiting period, before they know it, these people are several months behind in their bills. Others, unfortunately, do not even live through the full waiting period.

I am sure that if any of my colleagues were to contact their State offices and speak to their staff that handle these disability cases, they would find that their constituents have faced similar difficulties with this waiting period. Like every other hard-working American, these terminally ill individuals have all paid into the Social Security system throughout their working lives, with the expectation that future benefits would be there to supplement lost income should a disability or serious illness ensue.

I am please that this legislation has the support of the National Association for the Terminally Ill. This organization's primary mission is to assist individuals diagnosed with a terminal illness, whose life expectancy is two years or less. They have told me of the many individuals that have come to them for assistance, faced with no income, while waiting through those 5 months before receiving disability benefits. Frequently, the association is contacted by people who are forced to sell furniture, cars, family heirlooms, and even their homes, just to pay expenses for daily living.

Two years ago, this Congress did the right thing by waiving the 24-month waiting period for Medicare coverage for individuals diagnosed with Lou Gehrig's Disease. The time has now come for Congress to take the appropriate action to relieve part of what is already an unthinkable burden on all terminally ill individuals.

I invite my colleagues to join us in this effort and I hope the Senate will proceed expeditiously with this important legislation that will provide relief for tens of thousands of working Americans. 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. 2942

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 ''Social Security Act Improvements for the Terminally Ill Act''.

SEC. 2. ELIMINATION OF TITLE II WAITING PERIOD FOR TERMINALLY ILL INDIVIDUALS.

Section 223(a) of the Social Security Act (42 U.S.C. 423(a)) is amended—

(1) in paragraph (1), by inserting ''he meets the requirements of paragraph (3), or'' after ''but only if''; and

(2) by adding at the end the following new paragraph:

''(3)(A) For purposes of paragraph (1), an individual meets the requirements of this paragraph if—

''(i) the impairment underlying a finding that the individual is under a disability results in his death prior to the end of the applicable period described in subparagraph (B), or

''(ii)(I) in the case where such finding is made before the end of the applicable period, the Commissioner determines that, at the time such finding is made, such impairment is expected to result in the individual's death prior to the end of such period, or

''(II) in the case where such finding is made after the end of the applicable period, the Commissioner determines that, at any time during such period, such impairment was expected to result in the individual's death prior to the end of such period.

''(B) For the purposes of subparagraph (A), the 'applicable period' is the period of the first six consecutive calendar months throughout which such individual is under a disability by reason of such impairment which begins not earlier than the first day of the period described in subsection (c)(2)(B).''.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect with respect to applications filed after the date of the enactment of this Act.

By Mr. FEINGOLD (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. LEAHY, and Mr. ENZI):

S. 2943. A bill to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, I rise today with my friend from Iowa to introduce legislation to give farmers options in identifying a forum to resolve disputes with agribusinesses.

This legislation is based on our amendment to the Senate-passed Farm Bill that was unfortunately stripped in the conference committee. Our amendment passed by a vote of 64–31, yet it was ultimately taken out due to objections by large agribusiness companies in the backroom negotiations.

While our effort then was not successful, I am hopeful that we will be able to pass this legislation and begin to give farmers a fair shot in the marketplace.

I am deeply concerned that the concentration of power in the hands of a few large agribusiness firms, companies that can raise a billion dollars on Wall Street at the drop of a hat, is forcing farmers and ranchers to be placed at a competitive disadvantage in the marketplace.

These large corporations are using their market power to force independent producers into a position of weakness through unfair contracts and other uses of market leverage.

In some cases, the domestic marketplace has become almost noncompetitive for the family farmer. Farmers have fewer buyers and suppliers than ever before. One indication of this dominance is one-sided contracts that favor agribusinesses at the expense of farmers and ranchers.

It is of paramount importance that we help restore competition in rural America. One way to promote competition is to ensure that farmers have a choice of forums to resolve disputes with agribusinesses.

While alternative methods of dispute resolution such as arbitration can serve a useful purpose in resolving disputes between parties, I am extremely concerned about the increasing trend of stronger parties to a contract forcing weaker parties to waive their legal rights and agree to arbitrate any future disputes that may arise.

It recently came to my attention that large agribusiness companies often present producers with ''take it or leave it'' contracts, which increasingly include mandatory and binding arbitration clauses. This practice forces farmers to submit their disputes with packers and processors to arbitration.

As a result, farmers are required to waive access to judicial or administrative forums, substantive contract rights, and statutorily provided protections. In short, this practice violates the farmers' fundamental due process rights and runs directly counter to basic principles of fairness.

Arbitration is billed as an inexpensive alternative to civil lawsuits. The opposite, however, is often the case. Filing fees and other expenses in arbitration result in much higher costs for the parties than civil actions. Attorney fees, whether hourly or contingency, are similar regardless of forum.

For example, in a recent Mississippi case, filing fees for a poultry grower to begin an arbitration proceeding were $11,000. This is far more than the $150 to $250 cost of filing in civil court. It makes no sense for a farmer to seek payment for wrongdoing when he or she has lost $10,000, when it costs

$11,000 just to get the case before an arbitrator.

The practical result of these mandatory arbitration clauses is that farmers have no forum in which to bring their dispute against the company. Arbitration clauses require farmers to waive their right to a jury trial and bring a dispute only in a forum that my be cost-prohibitive. Farmers, who likely have substantial debts due to low prices and large mortgages on their farms, are often left without any recourse even in a case where the agribusiness has plainly acted illegally.

With the litigation option taken away by contract and the arbitration forum taken away by economics, the grower has no forum in which to bring his or her dispute against the company. The net result of these mandatory arbitration clauses is that the farmer always loses.

If poultry farmers lose their farms as a result of a mis-weighed animal, they should have the right to hold the company accountable. When farmers are hurt because they have received bad feed, we must ensure that they are able to choose the forum through which they can resole their concerns.

If farmers believe they have been provided diseased animals from an agribusiness, they should at least have a forum in which to voice their concerns.

In short, we must give farmers a fair choice that both parties to an agricultural contract may willingly and knowingly select. This legislation therefore does not prohibit arbitration. It simply ensures that the decision to arbitrate is truly voluntary and that the rights and remedies provided for by our judicial system are not waived under coercion.

I urge my colleagues to join me in this legislation and give farmers options to resolve disputes in the agriculture marketplace.

There being no objection, the bill was ordered printed in the RECORD, as follows:

S. 2943

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 ''Fair Contracts for Growers Act of 2002''.

SEC. 2. ELECTION OF ARBITRATION.

(a) IN GENERAL.—Chapter 1 of title 9, United States Code, is amended by adding at the end the following:

''§ 17. Livestock and poultry contracts

''(a) DEFINITIONS.—In this section:

''(1) LIVESTOCK.—The term 'livestock' has the meaning given the term in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)).

''(2) LIVESTOCK OR POULTRY CONTRACT.—The term 'livestock or poultry contract' means any growout contract, marketing agreement, or other arrangement under which a livestock or poultry grower raises and cares for livestock or poultry.

''(3) LIVESTOCK OR POULTRY GROWER.—The term 'livestock or poultry grower' means any person engaged in the business of raising and caring for livestock or poultry in accordance with a livestock or poultry contract, whether the livestock or poultry is owned by the person or by another person.

''(4) POULTRY.—The term 'poultry' has the meaning given the term in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)).

''(b) CONSENT TO ARBITRATION.—If a livestock or poultry contract provides for the use of arbitration to resolve a controversy under the livestock or poultry contract, arbitration may be used to settle the controversy only if, after the controversy arises, both parties consent in writing to use arbitration to settle the controversy.

''(c) EXPLANATION OF BASIS FOR AWARDS.—If arbitration is elected to settle a dispute under a livestock or poultry contract, the arbitrator shall provide to the parties to the contract a written explanation of the factual and legal basis for the award.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 9, United States Code, is amended by adding at the end the following:

''17. Livestock and poultry contracts.''.

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply to a contract entered into, amended, altered, modified, renewed, or extended after the date of enactment of this Act.

By Mr. WYDEN (for himself, Mr. LIEBERMAN, Mr. ALLEN, Ms. LANDRIEU, and Mrs. CLINTON):

S. 2945. To authorize appropriations for nanoscience, nanoengineering, and nanotechnology research, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, today I am introducing the 21st Century Nanotechnology Act. This bill would authorize a coordinated interagency program that will support long-term nanoscale research and development leading to potential breakthroughs in areas such as materials and manufacturing, nanoelectronics, medicine and healthcare, environment, energy, chemicals, biotechnology, agriculture, information technology, and national and homeland security. Building on the National Nanotechnology Initiative, the bill would authorize appropriations for research throughout the government while providing tools for better cross-agency management and coordination

Nanotechnology is the science and technology of building electronic circuits and devices from single atoms and molecules on a scale of one one-billionth of a meter. It will one day change the way Americans live.

I am convinced that this so-called ''small science'' is the next big thing'' in technology. The world is on the cusp of a nanotechnology revolution that will change our lives on a scale equal to, if not greater than, the computer revolution. The United States could miss that revolution if our nanotechnology work remains uncoordinated and scattered across a half-dozen Federal agencies. That would be tragic on several levels, from scientific to social to economic.

I am determined that the United States will not miss, but will mine the opportunities of nanotechnology. To do this, I want America to marshal its various nanotechnology efforts into one driving force to remain the world's leader in this burgeoning field. And I believe Federal support is essential to achieving that goal.

The legislation I am pleased to be introducing today with Senator LIEBERMAN will provide a smart, accelerated, and coordinated approach to nanotechnology research, development, and education. In my view, there are three major steps America must take to ensure the highest success for its nanotechnology efforts.

First, a National Nanotechnology Research Program should be established to coordinate long-term fundamental nanoscience and engineering research. The program's goals will be to ensure America's leadership and economic competitiveness in nanotechnology, and to make sure ethical and social concerns are taken into account alongside the development of this discipline.

Second, the Federal Government should support nanoscience through a program of research grants, and also through the establishment of nanotechnology research centers. These centers would serve as key components of a national research infrastructure, bringing together experts from the various disciplines that must intersect for nanoscale projects to succeed. As these research efforts take shape, educational opportunities will be the key to their long-term success. As chairman of the Commerce Committee's Science, Technology, and Space Subcommittee, I have already laid out a challenge to triple the number of people graduating with math, science and technology degrees. Today, I commit to helping students who would enter the field of nanotechnology. This discipline requires multiple areas of expertise. Students with the drive and the talent to tackle physics, chemistry, and the material sciences simultaneously deserve all the support we can offer.

Third, the government should create connections across its agencies to aid in the coordination of nanotechnology efforts. These could include a national coordination office, and a Presidential Nanotechnology Advisory Committee, modeled on the President's Information Technology Advisory Committee.

I also believe that at these organizational support structures are put into place, rigorous evaluation must take place to ensure the maximum efficiency of our efforts. The bill would call for an annual review of America's nanotechnology efforts from the Presidential Advisory Committee, and a periodic review from the National Academy of Sciences. In addition to monitoring our own progress, the U.S. should keep abreast of the world's nanotechnology efforts through a series of benchmarking studies.

If the Federal Government fails to get behind nanotechnology now with organized, goal-oriented support, this nation runs the risk of falling behind others in the world who recognize the

potential of this discipline. Nanotechnology is already making pants more stain-resistant, making windows self-washing and making car parts stronger with tiny particles of clay. What America risks missing is the next generation of nanotechnology. In the next wave, nanoparticles and nanodevices will become the building blocks of our health care, agriculture, manufacturing, environmental cleanup, and even national security.

America risks missing a revolution in electronics, where a device the size of a sugar cube could hold all of the information in the Library of Congress. Today's silicon-based technologies can only shrink so small. Eventually, nanotechnologies will grow devices from the molecular level up. Small though they may be, their capabilities and their impact will be enormous. Spacecraft could be the size of mere molecules.

America risks missing a revolution in health care. In my home State, Oregon State University researchers are working on the microscale to create lapel-pin-sized biosensors that use the color-changing cells of the Siamese fighting fish to provide instant visual warnings when a biotoxin is present. An antimicrobial dressing for battlefield wounds is already available today, containing silver nanocrystals that prevent infection and reduce inflammation. The health care possibilities for nanotechnology are limitless. Eventually, nanoscale particles will travel through human bodies to detect and cure disease. Chemotherapy could attack individual cancer cells and leave healthy cells intact. Tiny bulldozers could unclog blocked arteries. Human disease will be fought cell by cell, molecule by molecule, and nanotechnology will provide victories over disease that we can't even conceive today.

America risks missing a host of beneficial breakthroughs. American scientists could be the first to create nanomaterials for manufacturing and design that are stronger, lighter, harder, self-repairing, and safest. Nanoscale devices could scrub automobile pollution out of the air as it is produced. Nanoparticles could cover armor to make American soldiers almost invisible to enemies and even tend their wounds. Nanotechnology could grow steel stronger than what's made today, with little or no waste to pollute the environment.

Moreover—and this is key—America risks missing an economic revolution based on nanotechnology. With much of nanotechnology existing in a research milieu, venture capitalists are already investing $1 billion in American nanotech interests this year alone. It's estimated that nanotechnology will become a trillion-dollar industry over the next ten years. As nanotechnology grows, the ranks of skilled workers needed to discover and apply its capabilities must grow too. In the nanotechnology revolution, areas of high unemployment could become magnets for domestic production, engineering and research for nanotechnology applications—but only if government doesn't miss the boat.

The Federal Government is already making some efforts with regard to nanotechnology. The U.S. does have a National Nanotechnology Initiative. This nation has already committed substantial funds to nanotechnology research and development in the coming years. But here's my bottom line. It is essential to build on this foundation of funding with a framework for sound science over the long term. That is the reason for the legislation I am issuing today. On the framework it provides, of national coordination and strategic planning, scientists will be able to meet the grand challenges of nanotechnology. Over the long term, with Federal support, they will be able to plumb the depths of its capability, and scale the heights of its potential.

In 1944 the visionary President Franklin Delano Roosevelt requested a leading American scientist's opinion on advancing the United States' scientific efforts to benefit the world. Dr. Vannevar Bush offered his reply to President Harry S Truman the next year, following FDR's death. In his report to the President, Dr. Bush wrote, ''The Government should accept new responsibilities for promoting the flow of new scientific knowledge and the development of scientific talent in our youth. These responsibilities are the proper concern of the Government, for they vitally affect our health, our jobs, and our national security. It is in keeping also with basic United States policy that the Government should foster the opening of new frontiers and this is the modern way to do it.''

Those principles, so true nearly sixty years ago, are truer still today. With the 21st Century Nanotechnology Research and Development Act, I propose that the government now accept new responsibilities in promoting and developing nanotechnology. I hope that the Senate can act swiftly on this legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2945

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 ''21st Century Nanotechnology Research and Development Act''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The emerging fields of nanoscience and nanoengineering (collectively, ''nanotechnology''), in which matter is manipulated at the atomic level (i.e., atom-by- atom or molecule-by-molecule) in order to build materials, machines, and devices with novel properties or functions, are leading to unprecedented scientific and technological opportunities that will benefit society by changing the way many things are designed and made.

(2) Long-term nanoscale research and development leading to potential breakthroughs in areas such as materials and manufacturing, electronics, medicine and healthcare, environment, energy, chemicals, biotechnology, agriculture, information technology, and national security could be as significant as the combined influences of microelectronics, biotechnology, and information technology on the 20th century. Nanotechnology could lead to things such as—

(A) new generations of electronics where the entire collection of the Library of Congress is stored on devices the size of a sugar cube;

(B) manufacturing that requires less material, pollutes less, and is embedded with sophisticated sensors that will internally detect signs of weakness and automatically respond by releasing chemicals that will prevent damage;

(C) prosthetic and medical implants whose surfaces are molecularly designed to interact with the cells of the body;

(D) materials with an unprecedented combination of strength, toughness, and lightness that will enable land, sea, air, and space vehicles to become lighter and more fuel efficient;

(E) selective membranes that can fish out specific toxic or valuable particles from industrial waste or that can inexpensively desalinate sea water; and

(F) tiny robotic spacecraft that will cost less, consume very little power, adapt to unexpected environments, change its capabilities as needed, and be completely autonomous.

(3) Long-term, high-risk research is necessary to create breakthroughs in technology. Such research requires government funding since the benefits are too distant or uncertain for industry alone to support. Current Federal investments in nanotechnology research and development are not grounded in any specifically authorized statutory foundation. As a result, there is a risk that future funding for long-term, innovative research will be tentative and subject to instability which could threaten to hinder future Untied States technological and economic growth.

(4) The Federal government can play an important role in the development of nanotechnology, as this science is still in its infancy, and it will take many years of sustained investment for this field to achieve maturity.

(5) Many foreign countries, companies and scientists believe that nanotechnology will be the leading technology of the 21st century and are investing heavily into its research. According to a study of international nanotechnology research efforts sponsored by the National Science and Technology Council, the United States is at risk of falling behind its international competitors, including Japan, South Korea, and Europe if it fails to sustain broad based funding in nanotechnology. The United States cannot afford to fall behind our competitors if we want to maintain our economic strength.

(6) Advances in nanotechnology stemming from Federal investments in fundamental research and subsequent private sector development likely will create technologies that support the work and improve the efficiency of the Federal government, and contribute significantly to the efforts of the government's mission agencies.

(7) According to various estimates, including those of the National Science Foundation, the market for nanotech products and services in the United States alone could reach over $1 trillion later this century.

(8) Nanotechnology will evolve from modern advances in chemical, physical, biological, engineering, medical, and materials research, and will contribute to cross-disciplinary training of the 21st century science and technology workforce.

(9) Mastering nanotechnology will require a unique skill set for scientists and engineers that combine chemistry, physics, material science, and information science. Funding in these critical areas has been flat for many years and as a result fewer young people are electing to go into these areas in graduate schools throughout the United States. This will have to reverse if we hope to develop the next generation of skilled workers with multi-disciplinary perspectives necessary for the development of nanotechnology.

(10) Research on nanotechnology creates unprecedented capabilities to alter ourselves and our environment and will give rise to a host of novel social, ethical, philosophical, and legal issues. To appropriately address these issues will require wide reflection and guidance that are responsive to the realities of the science, as well as additional research to predict, understand, and alleviate anticipated problems.

(11) Nanotechnology will provide structures to enable the revolutionary concept of quantum computing, which uses quantum mechanical properties to do calculation. Quantum computing permits a small number of atoms to potentially store and process enormous amounts of information. Just 300 interacting atoms in a quantum computer could store as much information as a classical electronic computer that uses all the particles in the universe, and today's complex encryption algorithms, which would take today's best super computer 20 billion years, could be cracked in 30 minutes.

(12) The Executive Branch has previously established a National Nanotechnology Initiative to coordinate Federal nanotechnology research and development programs. This initiative has contributed significantly to the development of nanotechnology. Authorizing legislation can serve to establish new technology goals and research directions, improve agency coordination and oversight mechanisms, help ensure optimal returns to investment, and simplify reporting, budgeting, and planning processes for the Executive Branch and the Congress.

(13) The the private sector technology innovations that grow from fundamental nanotechnology research are dependent on a haphazard, expensive, and generally inefficient technology transition path. Strategies for accelerating the transition of fundamental knowledge and innovations in commercial products or to support mission agencies should be explored, developed, and when appropriate, executed.

(14) Existing data on the societal, ethical, educational, legal, and workforce implications and issues related to nanotechnology are lacking. To help decision-makers and affected parties better anticipate issues likely to arise with the onset and maturation of nanotechnology, research and studies on these issues must be conducted and disseminated.

SEC. 3. PURPOSE.

It is the purpose of this Act to authorize a coordinated inter-agency program that will support long-term nanoscale research and development leading to potential breakthroughs in areas such as materials and manufacturing, nanoelectronics, medicine and healthcare, environment, energy, chemicals, biotechnology, agriculture, information technology, and national and homeland security.

SEC. 4. NATIONAL NANOTECHNOLOGY RESEARCH PROGRAM.

(a) NATIONAL NANOTECHNOLOGY RESEARCH PROGRAM.—The President shall establish a National Nanotechnology Research Program. Through appropriate agencies, councils, and the National Coordination Office, the program shall—

(1) establish the goals, priorities, grand challenges, and metrics for evaluation for Federal nanotechnology research, development, and other activities;

(2) invest in Federal research and development programs in nanotechnology and related sciences to achieve those goals; and

(3) provide for interagency coordination of Federal nanotechnology research, development, and other activities undertaken pursuant to the program.

(b) GOALS OF THE NATIONAL NANOTECHNOLOGY RESEARCH PROGRAM.—The goals of the program are as follows:

(1) The coordination of long-term fundamental nanoscience and engineering research to build a fundamental understanding of matter enabling control and manipulation at the nanoscale.

(2) The assurance of continued United States global leadership in nanotechnology to meet national goals and to support national economic, health, national security, educational, and scientific interests.

(3) The advancement of United States productivity and industrial competitiveness through stable, consistent, and coordinated investments in long-term scientific and engineering research in nanotechnology.

(4) The development of a network of shared academic facilities and technology centers that will play a critical role in accomplishing the other goals of the program, foster partnerships, and develop and utilize next generation scientific tools.

(5) The development of enabling infrastructural technologies that United States industry can use to commercialize new discoveries and innovations in nanoscience.

(6) The acceleration of the deployment and transition of advanced and experimental nanotechnology and concepts into the private sector.

(7) The establishment of a program designed to provide effective education and training for the next generation of researchers and professionals skilled in the multi disciplinary perspectives necessary for nanotechnology.

(8) To ensure that philosophical, ethical, and other societial concerns will be considered alongside the development of nanotechnology.

(c) RESEARCH AND DEVELOPMENT AREAS.—Through its participating agencies, the Nanotechnology Research and Development Program shall develop, fund, and manage Federal research programs in the following areas:

(1) LONG-TERM FUNDAMENTAL RESEARCH.—The program shall undertake long-term basic nanoscience and engineering research that focuses on fundamental understanding and synthesis of nanometer-size building blocks with potential for breakthroughs in areas such as materials and manufacturing, nanoelectronics, medicine and healthcare, environment, energy, chemical and pharmaceuticals industries, biotechnology and agriculture, computation and information technology, and national security. Funds made available from the appropriate agencies under this paragraph shall be used—

(A) to provide awards of less than $1,000,000 each to single investigators and small groups to provide sustained support to individual investigators and small groups conducting fundamental, innovative research; and

(B) to fund fundamental research and the development of university-industry-laboratory and interagency partnerships.

(2) GRAND CHALLENGES.—The program shall support grand challenges that are essential for the advancement of the field and interdisciplinary research and education teams, including multidisciplinary nanotechnology research centers, that work on major long-term objectives. This funding area will fund, through participatig agencies, interdisciplinary research and education teams that aim to achieve major, long-term objectives, such as the following:

(A) Nanomaterials by design which are stronger, lighter, harder, self-repairing, and safer.

(B) Nanoelectronics, optoelectronics, and magnetics.

(C) Healthcare applications.

(D) Nanoscale processes and environment.

(E) Energy and energy conservation.

(F) Microspacecraft.

(G) Bio-nanodevices for detection and mitigation of biothreats to humans.

(H) Economical, efficient, and safe transportation.

(I) National security.

(J) Other appropriate challenges.

(3) INTERDISCIPLINARY NANOTECHNOLOGY RESEARCH CENTERS.—The appropriate agencies shall fund 10 new centers in the range of $3,000,000 to $5,000,000 per year each for 5 years. A grant under this paragraph to a center may be renewed for 1 5-year term on the basis of that center's performance, determined after a review. The program, through its participating agencies, shall encourage research networking among centers and researchers and require access to facilities to both academia and industry. The centers shall assist in reaching other initiative priorities, including fundamental research, grand challenges, education, development and utilization of specific research tools, and promoting partnerships with industry. To the greatest extent possible, agencies participating in the program shall establish geographically diverse centers including at least one center in a State participating in the National Science Foundation's (NSF) Experimental Program, to Stimulate Competitive Research (EPSCoR), established under section 113 of the NSF Authorization Act of 1988 (42 U.S.C. 1862(g)).

(4) RESEARCH INFRASTRUCTURE.—The program, through its participating agencies, shall ensure adequate research infrastructure and equipment for rapid progress on program goals, including the employment of underutilized manufacturing facilities in areas of high unemployment as production engineering and research testbeds for micron-scale technologies. Major research equipment and instrumentation shall be an eligible funding purpose under the program.

(5) SOCIETAL, ETHICAL, EDUCATIONAL, LEGAL, AND WORKFORCE ISSUES RELATED TO NANOTECHNOLOGY.—The Director of the National Science Foundation shall establish a new Center for Ethical, Societal, Educational, Legal, and Workforce Issues Related to Nanotechnology at $5,000,000 per year to encourage, conduct, coordinate, commission, collect, and disseminate research on the societal, ethical, educational, legal, and workforce issues related to nanotechnology. The Center shall also conduct studies and provide input and assistance to the Director of the National Science Foundation in completing the annual report required under paragraph 7(b)(3) of this Act.

(6) TRANSITION OF TECHNOLOGY.—The program, through its participating agencies, shall ensure cooperation and collaboration with United States industry in all relevant research efforts and develop mechanisms to assure prompt technology transition.

SEC. 5. PROGRAM COORDINATION AND MANAGEMENT.

(a) IN GENERAL.—The National Science and Technology Council shall oversee the planning, management, and coordination of the Federal nanotechnology research and development program. The Council, itself or through an appropriate subgroup it designates or establishes, shall—

(1) establish a set of broad applications of nanotechnology research and development, or grand challenges, to be met by the results and activities of the program, based on national needs;

(2) submit to the Congress through the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Science, an annual report, along with the President's annual budget request, describing the implementation of the program under section 4;

(3) provide for interagency coordination of the program, including with the Department of Defense;

(4) coordinate the budget requests of each of the agencies involved in the program with the Office of Management and Budget to ensure that a balanced research portfolio is maintained in order to ensure the appropriate level of research effort;

(5) provide guidance each year to the participating departments and agencies concerning the preparation of appropriations requests for activities related to the program;

(6) consult with academic, industry, State and local government, and other appropriate groups conducting research on and using nanotechnology;

(7) establish an Information Services and Applications Council to promote access to and early application of the technologies, innovations, and expertise derived from nanotechnology research and development program activities to agency missions and systems across the Federal government, and to United States industry;

(8) in cooperation with the Advisory Panel established under subsection (b), develop and apply measurements using appropriate metrics for evaluating program performance and progress toward goals; and

(9) identify research areas which are not being adequately addressed by the agencies' current research programs.

(b) PRESIDENT'S NANOTECHNOLOGY ADVISORY PANEL.—

(1) ESTABLISHMENT.—The President shall establish a National Nanotechnology Advisory Panel.

(2) SELECTION PROCEDURES.—The President shall establish procedures for the selection of individuals not employed by the Federal government who are qualified in the science of nanotechnology and other appropriate fields and may, pursuant to such procedures, select up to 20 individuals, one of whom shall be designated Chairman, to serve on the Advisory Panel. Selection of individuals for the Advisory Panel shall be based solely on established records of distinguished fundamental and applied scientific service, and the panel shall contain a reasonable crosssection of views and expertise, including those regarding the societal, ethical, educational, legal, and workforce issues related to nanotechnology. In selecting individuals to serve on the Advisory Panel, the President shall seek and give due consideration to recommendations from the Congress, industry, the scientific community (including the National Academy of Sciences), scientific professional societies, academia, the defense community, the education community, State and local governments, and other appropriate organizations.

(3) MEETINGS.—The Advisory Panel shall meet no less than twice annually, at such times and places as may be designated by the Chairman in consultation with the National Nanotechnology Coordination Office established under subsection 5(c) of this Act.

(4) DUTIES.—The Advisory Panel shall advise the President and the National Science and Technology Council, and inform the Congress, on matters relating to the National Nanotechnology Program, including goals, roles, and objectives within the program, its capabilities and research needs, guidance on achieving major objectives, and establishing and measuring performance goals using appropriate metrics. The Advisory Panel shall issue an annual report, containing the information required by subsection (d) of this section, to the President, the Council, the heads of each agency involved in the program, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Science, on or before September 30 of each year.

(c) NATIONAL NANOTECHNOLOGY COORDINATION OFFICE.—The President shall establish a National Nanotechnology Coordination Office, with full-time staff, to provide day-today technical and administrative support to the Council and the Advisory Panel, and to be the point of contact on Federal nanotechnology activities for government organizations, academia, industry, professional societies, and others to exchange technical and programmatic information. The Office shall assure full coordination of research efforts between agencies, scientific disciplines, and United States industry.

(d) PROGRAM PLANS AND REPORTS.—

(1) ANNUAL EVALUATION OF NANOTECHNOLOGY RESEARCH DEVELOPMENT PROGRAM.—The report by the Advisory Panel, required pursuant to subsection (b)(4), shall include—

(A) a review of the program's technical success in achieving the stated goals and grand challenges according to the metrics established by the program and Advisory Panel;

(B) a review of the program's management and coordination;

(C) a review of the funding levels by each agency for the program's activities and their ability to achieve the program's stated goals and grand challenges;

(D) a review of the balance in the program's portfolio and components across agencies and disciplines;

(E) an assessment of the degree of participation in the program by minority serving institutions and institutions located in States participating in NSF's EPSCoR program.

(F) a review of policy issues resulting from advancements in nanotechnology and its effects on the scientific enterprise, commerce, workforce, competitiveness, national security, medicine, and government operations;

(G) recommendations for new program goals and grand challenges;

(H) recommendations for new research areas, partnerships, coordination and management mechanisms, or programs to be established to achieve the program's stated goals and grand challenges;

(I) recommendations for new investments by each participating agency in each program funding area for the 5-year period following the delivery of the report;

(J) reviews and recommendations regarding other issues deemed pertinent or specified by the panel; and

(K) a technology transition study which includes an evaluation of the Federal nanotechnology research and development program's success in transitioning its research, technologies, and concepts into commercial and military products, including—

(i) examples of successful transition of research, technologies, and concepts from the Federal nanotechnology research and development program into commercial and military products;

(ii) best practices of universities, government, and industry in promoting efficient and rapid technology transition in the nanotechnology sector;

(iii) barriers to efficient technology transition in the nanotechnology sector, including, but not limited to, standards, pace of technological change, qualification and testing of research products, intellectual property issues, and Federal funding; and

(iv) recommendations for government sponsored activities to promote rapid technology transition in the nanotechnology sector.

(2) OFFICE OF MANAGEMENT AND BUDGET REPORT.—

(A) BUDGET REQUEST REPORT.—Each Federal agency and department participating in the program shall, as part of its annual request for appropriations, submit a report to the Office of Management and Budget which—

(i) identifies each element of its nanotechnology research and development activities that contributes directly to the program or benefits from the program;

(ii) states the portion of its request for appropriations that is allocated to each such element; and

(iii) states the portion of its request for appropriations that is allocated to each program funding area.

(B) OMB REVIEW AND ALLOCATION STATEMENT.—The Office of Management and Budget shall review each report in light of the goals, priorities, grand challenges, and agency and departmental responsibilities set forth in the annual report of the Council under paragraph (3), and shall include in the President's annual budget estimate, a statement delineating the amount and portion of each appropriate agency's or department's annual budget estimate relating to its activities undertaken pursuant to the program.

(3) ANNUAL NSTC REPORT TO CONGRESS ON THE NANOTECHNOLOGY RESEARCH DEVELOPMENT PROGRAM.—The National Science and Technology Council shall submit an annual report to the Congress that—

(A) includes a detailed description of the goals, grand challenges, and program funding areas established by the President for the program;

(B) sets forth the relevant programs and activities, for the fiscal year with respect to which the budget submission applies, of each Federal agency and department, participating in the program, as well as such other agencies and departments as the President or the Director considers appropriate;

(C) describes the levels of Federal funding for the fiscal year during which such report is submitted, and the levels proposed for the fiscal year with respect to which the budget submission applies, for each of the program funding areas of the program;

(D) describes the levels of Federal funding for each agency and department participating in the program and each program funding area for the fiscal year during which such report is submitted, and the levels proposed for the fiscal year with respect to which the budget submission applies, and compare these levels to the most recent recommendations of the Advisory Panel and the external review of the program;

(E) describes coordination and partnership activities with State, local, international, and private sector efforts in nanotechnology research and development, and how they support the goals of the program;

(F) describes mechanisms and efforts used by the program to assist in the transition of innovative concepts and technologies from

Federally funded programs into the commercial sector, and successes in these transition activities;

(G) describes coordination between the military and civilian portions, as well as the life science and non-life science portions, of the program in technology development, supporting the goals of the program, and supporting the mission needs of the departments and agencies involved;

(H) analyzes the progress made toward achieving the goals, priorities, and grand challenges designated for the program according the metrics established by the program and the Advisory Panel; and

(I) recommends new mechanisms of coordination, program funding areas, partnerships, or activities necessary to achieve the goals, priorities and, grand challenges established for the program.

(4) TRIENNIAL EXTERNAL REVIEW OF NANOTECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.—

(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Director of the National Science Foundation shall enter into an arrangement with the National Research Council of the National Academy of Sciences to conduct a triennial evaluation of the Federal nanotechnology research and development program, including—

(i) a review of the technical success of the program in achieving the stated goals and grand challenges under the metrics established by the program and the nanotechnology Advisory Panel, and under other appropriate measurements;

(ii) a review of the program's management and coordination across agencies and disciplines;

(iii) a review of the funding levels by each agency for the program's activities and their ability with such funding to achieve the program's stated goals and grand challenges;

(iv) recommendations for new or revised program goals and grand challenges;

(v) recommendations for new research areas, partnerships, coordination and management mechanisms, or programs to be established to achieve the program's stated goals and grand challenges;

(vi) recommendations for investment levels in light of goals by each participating agency in each program funding area for the 5-year period following the delivery of the report;

(vii) recommendations on policy, program, and budget changes with respect to nanotechnology research and development activities;

(viii) recommendations for improved metrics to evaluate the success of the program in accomplishing its stated goals; and

(ix) a review the performance of the Information Services and Applications Council and its efforts to promote access to and early application of the technologies, innovations, and expertise derived from program activities to agency missions and systems across the Federal government and to United States industry.

(B) EVALUATION TO BE TRANSMITTED TO CONGRESS.—The Director of the National Science Foundation shall transmit the results of any evaluation for which it made arrangements under subparagraph (A) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science upon receipt. The first such evaluation shall be transmitted no later than 12 months after the date of the enactment of this Act, with subsequent evaluations transmitted to the Committees every 3 years thereafter.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL SCIENCE FOUNDATION.—

(1) GENERAL AUTHORIZATION.—There are authorized to be appropriated to the Director of the National Science Foundation to carry out the Director's responsibilities under this Act—

(A) $221,000,000 for fiscal year 2003; and

(B) $254,150,000 for fiscal year 2004.

(2) SPECIFIC ALLOCATIONS.—

(A) INTERDISCIPLINARY NANOTECHNOLOGY RESEARCH CENTERS.—Of the amounts described in paragraph (1), $40,000,000 for fiscal year 2003, $50,000,000 for fiscal year 2004, shall be available for grants of up to $5,000,000 each for multidisciplinary nanotechnology research centers.

(B) CENTER FOR SOCIETAL, ETHICAL, EDUCATIONAL, LEGAL, AND WORKFORCE ISSUES RELATED TO NANOTECHNOLOGY.—Of the sums authorized for the National Science Foundation each fiscal year, $5,000,000 shall be used to establish a university-based Center for Societal, Ethical, Educational, Legal, and Workforce Issues Related to Nanotechnology.

(C) NATIONAL NANOTECHNOLOGY COORDINATION OFFICE.—Of the sums authorized for the National Science Foundation each fiscal year, $5,000,000 shall be used for the activities of the Nanotechnology Coordination Office.

(D) GAP FUNDING THROUGH THE SCIENCE AND TECHNOLOGY POLICY INSTITUTE.—Of the sums authorized for the National Science Foundation each fiscal year, $5 million shall be for the Science and Technology Policy Institute, in consultation with the Office of Science and Technology Policy, for use in competitive grants to address research areas identified by the council under section 5(a)(9) of this Act. Such grants may be made to government or non-government awardees.

(b) DEPARTMENT OF ENERGY.—There are authorized to be appropriated to the Secretary of Energy to carry out the Secretary's responsibilities under this Act—

(1) $139,300,000 for fiscal year 2003; and

(2) $160,195,000 for fiscal year 2004.

(c) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.—There are authorized to be appropriated to the Administrator of the National Aeronautics and Space Administration to carry out the Administrator's responsibilities under this Act—

(1) $22,000,000 for fiscal year 2003; and

(2) $25,300,000 for fiscal year 2004.

(d) NATIONAL INSTITUTES OF HEALTH.—There are authorized to be appropriated to the Director of the National Institutes to carry out the Director's responsibilities under this Act—

(1) $43,200,000 for fiscal year 2003; and

(2) $49,680,000 for fiscal year 2004.

(e) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—There are authorized to be appropriated to the Director of the National Institute of Standards and Technology to carry out the Director's responsibilities under this Act—

(1) $44,000,000 for fiscal year 2003; and

(2) $50,600,000 for fiscal year 2004;

(f) ENVIRONMENTAL PROTECTION AGENCY.—There are authorized to be appropriated to the Administrator of the Environmental Protection Agency to carry out the Administrator's responsibilities under this Act—

(1) $5,000,000 for fiscal year 2003; and

(2) $5,750,000 for fiscal year 2004.

(g) DEPARTMENT OF JUSTICE.—There are authorized to be appropriated to the Director of the National Institute of Justice to carry out the Director's responsibilities under this Act—

(1) $1,400,000 for fiscal year 2003; and

(2) $1,610,000 for fiscal year 2004.

SEC. 7. ADDITIONAL REPORTS, STUDIES, AND PLANS.

(a) INTERNATIONAL BENCHMARKING STUDIES.—

(1) UNITED STATES STANDING TO BE MONITORED.—In order to maintain world leadership in nanotechnology, the program established under section 4(a) shall monitor the United States' standing in the key research fields that support technological innovation.

(2) BIENNIAL NSTC STUDY OF RELATIVE UNITED STATES POSITION.—Not later than 3 months after the date of enactment of this Act, the President, through the Council, shall enter into an arrangement with the National Research Council of the National Academy of Sciences to conduct a biennial study of the relative position of United States compared to other nations with respect to nanotechnology research and development.

(3) ISSUES TO BE ADDRESSED.—The study required by paragraph (2) shall address, among other issues—

(A) the current and likely future relative position of United States private sector, academic, and government research in nanotechnology relative to other nations;

(B) niche nanotechnology research areas where the United States is trailing other nations;

(C) critical research areas where the United States should be the world leader to best achieve the goals of the Federal nanotechnology research and development program;

(D) key factors influencing relative United States performance in this field; and

(E) institutional, funding, and human-resource factors that are critical to maintaining leadership status in this field.

(4) ACTION PLAN.—Not less than 6 months after receipt of each study, the Council shall develop a plan for addressing the issues raised in the study. The plan shall include—

(A) investment strategies for addressing the issues raised in the report;

(B) strategies for promoting international research cooperation to leverage international niches of excellence identified by the report; and

(C) institutional and human-resource changes to be made to achieve or maintain leadership status in this field.

(5) TRANSMITTAL TO CONGRESS.—The Council shall submit the study required by paragraph (2) and the plan required by paragraph (4) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science, not later than 18 months after the date of enactment of this Act and every 2 years thereafter.

(b) SOCIETAL, ETHICAL, EDUCATION, LEGAL, AND WORKFORCE ISSUES RELATED TO NANOTECHNOLOGY.—

(1) STUDIES.—The Director of the National Science Foundation shall encourage, conduct, coordinate, commission, collect, and disseminate studies on the societal, ethical, educational, and workforce implications of nanotechnology through the Center for Societal, Ethical, Educational, and Workforce Issues established under section 4(c)(5). The studies shall identify anticipated issues and problems, as well as provide recommendations for preventing or addressing such issues and problems.

(2) DATA COLLECTION.—The Director of the National Science Foundation shall collect data on the size of the anticipated nanotechnology workforce need by detailed occupation, industry, and firm characteristics, and assess the adequacy of the trained talent pool in the United States to fill such workforce needs.

(3) ANNUAL REPORT.—The Director of the National Science Foundation shall compile the studies required by paragraph (2) and, with the assistance of the Center for Ethical, Societal, Educational, Legal,and Workforce

Issues Related to Nanotechnology established by paragraph 4(c)(5) if this Act, shall complete a report that includes a description of the Center's activities, which shall be submitted to the President, the Council, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Science not later than 18 months after the date of enactment of this Act.

SEC. 8. DEFINITIONS.

In this Act:

(1) ADVISORY PANEL.—The term ''Advisory Panel'' means the President's National Nanotechnology Panel.

(2) FUNDAMENTAL RESEARCH.—The term ''fundamental research'' means research that builds a fundamental understanding and leads to discoveries of the phenomena, processes, and tools necessary to control and manipulate matter at the nanoscale.

(3) GRAND CHALLENGE.—The term ''grand challenge'' means a fundamental problem in science or engineering, with broad economic and scientific impact, whose solution will require the application of nanotechnology.

(4) INTERDISCIPLINARY NANOTECHNOLOGY RESEARCH CENTER.—The term ''interdisciplinary nanotechnology research center'' means a group of 6 or more researchers collaborating across scientific and engineering disciplines on large-scale long-term research projects that will significantly advance the science supporting the development of nanotechnology or the use of nanotechnology in addressing scientific issues of national importance, consistent with the goals set forth in section 4(b).

(5) NANOTECHNOLOGY.—The term ''nanotechnology'' means the ability to work at the molecular level, atom-by-atom, to create large structures with fundamentally new molecular organization.

(6) PROGRAM.—The term ''program'' means the national nanotechnology research program established under section 4.

(7) RESEARCH INFRASTRUCTURE.—The term ''research infrastructure'' means the measurement science, instrumentation, modeling and simulation, and user facilities needed to develop a flexible and enabling infrastructure so that United States industry can rapidly commercialize new discoveries in nanotechnology.

Mr. LIEBERMAN. Mr. President, our Nation has long prided itself on being the world's premier innovator of new ideas. Over the last two and a half centuries, the uniquely American willingness to experiment with novel concepts and to chart bold directions has placed us at the forefront of scientific and technological progress. Our ability to engage in scientific exploration and to marry research findings with the development of practical applications has, in turn, enabled us to set the benchmark on virtually every indicator of human progress, from longer lifespans, to higher standards of living, to unparalleled economic productivity.

However, while past accomplishments may confer a present competitive advantage, it does not guarantee future success. We cannot afford to rest on our laurels in a world that is becoming increasingly characterized by the speed with which scientific paradigms shift and technological revolutions occur. In a global economy in which ideas and technology are the new currency, every new breakthrough represents an opportunity to claim, or, in our case, lose, global leadership.

The emerging field of nanotechnology constitutes such an opportunity. It is not just any opportunity, however, but one whose magnitude and significance locates it on the scale of harnessing electricity, creating antibiotics, building computers, or wiring up the Internet. It is, in short, a new frontier in science and technology that has the potential to transform every aspect of our lives. Nanotechnology, in fact, may have even greater potential to affect the way we live since it has such broad prospective applications in so many different areas, from medicine, to electronics, to energy. Nanotechnology is what scientists and technologists often call an ''enabling'' technology, a tool that opens the door to new possibilities constrained only by physics and the limits of our imaginations.

Yet, despite the enormous potential that nanotechnology offers, it is not an area in which we have assumed uncontested leadership. From an international prospective, the United States faces the danger of falling behind its Asian and European counterparts in supporting the pace of nanotechnological innovation. Other nations have grasped the fact that the first players to fully capitalize on the promise of nanotechnology have the potential to leap frog in productivity and precipitate a reshuffling in the economic, and perhaps aspects of the military, pecking order. Accordingly, they have undertaken substantial efforts to invest in nanotechnology research, and to accelerate technology transfer and commercialization. While our Nation certainly possesses the raw resources and talent to lead the world in developing this technology, it is also clear that a long-term focus and sustained commitment, as well as new collaborations between government, academia, and industry, will be needed to ensure our place at the head of the nanotechnological universe.

This is why I am so proud today to join my colleague, Senator RON WYDEN of Oregon, in introducing the 21st Century Nanotechnology Research and Development Act. This Act will build on the efforts of the National Nanotechnology Initiative, NNI, which was started under President Clinton and has received continued support under President Bush, to establish a comprehensive, intelligently coordinated program for addressing the full spectrum of challenges confronting a successful national science and technology effort, including those related to funding, coordination, infrastructure development, technology transition, and social issues.

I feel it is appropriate at this point to give credit to President Clinton for having the prescience and initiative of creating the NNI, and to applaud President Bush for expanding support for nanotechnology R&D from $270 million in FY 2000 to the $710 million targeted in his budget request for FY 2003. The NNI has been a key driver of nanotechnology in this country by bringing coherence and organization to what had previously been a scattered set of research programs within the federal government. It has, in no small part through the efforts of its spokespersons. Dr. Mike Roco and Dr. Jim Murday, achieved a higher profile for nanotechnology both within and outside the government, and gathered national attention to the importance of this field.

The time is now ripe to elevate the U.S. nanotechnology efforts beyond the level of an Executive initiative. Funding for nanotechnology will soon reach $1 billion a year, and the NNI currently attempts to coordinate programs across a wide range of Federal agencies and departments. This level of funding and the coordination challenges that arise with so many diverse participants strongly recommend having a program based in statute, provided with greater support and coordination mechanisms, afforded a higher profile, and subjected to constructive Congressional oversight and support.

Our bill closely tracks the recommendations of the National Research Council, NRC, which completed a thorough review of the NNI this past June. The NRC report stated how impressed the reviewers were with the leadership and multi-agency involvement of the NNI. Specifically, it commended the Nanoscale Science, Engineering, and Technology, NSET, subcommittee, which is the primary coordinating mechanisms of the NNI, as playing a key role in establishing research priorities, identifying Grand Challenges, and involving the U.S. scientific community in the NNI. To improve the NNI above its current level of success, the NRC made a number of recommendations. These recommendations have largely been incorporated into our bill, including establishing an independent advisory panel; emphasizing long-term goals; striking a balance between long-term and short-term research; supporting the development of research facilities, equipment, and instrumentation; creating special funding to support research that falls in the breach between agency missions and programs; promoting interdisciplinary research and research groups; facilitating technology transition and outreach to industry; conducting studies on the societal implications of nanotechnology, including those related to ethical, educational, legal, and workforce issues; and the development of metrics for measuring progress toward program goals. This legislation will also complement the provision that I authored in this year's Senate defense authorization bill, S. 2514, establishing a nanotechnology research and development program in the Department of Defense. If this provision is supported in conference, we will have matching pieces of legislation that will encompass and coordinate both civilian and defense nanotechnology programs, establishing a truly nationwide effort

that leverages the expertise residing in every corner of our government.

If history teaches us anything, it is that once the wheels of innovation have stopped and stagnation has set in, mediocrity will soon follow. Nowhere in the world are those wheels of innovation spinning more rapidly than in the area of nanotechnology. This legislation provides a strong foundation and comprehensive framework that elicits contributions from all three sectors of our society in pushing nanotechnology research and development to the next level. I look forward to supporting Senator WYDEN in getting this important bill through the Congress, and encourage my colleagues to join us in setting the stage for U.S. economic growth over the next century.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 139—EXPRESSSING THE SENSE OF CONGRESS THAT THERE SHOULD BE ESTABLISHED A NATIONAL MINORITY HEALTH AND HEALTH DISPARITIES MONTH, AND FOR OTHER PURPOSES

Mr. TORRICELLI submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 139

Whereas in 2000, the Surgeon General announced a goal of eliminating, by 2010, health disparities experienced by racial and ethnic minorities in health access and outcome in 6 areas: infant mortality, cancer screening, cardiovascular disease, diabetes, acquired immunodeficiency syndrome and human immunodeficiency virus infection, and immunizations;

Whereas despite notable progress in the overall health of the Nation there are continuing health disparities in the burden of illness and death experienced by African-Americans, Hispanics, Native Americans, Alaska Natives, Asians, and Pacific Islanders, compared to the population of the United States as a whole;

Whereas minorities are more likely to die from cancer, cardiovascular disease, stroke, chemical dependency, diabetes, infant mortality, violence, and, in recent years, acquired immunodeficiency syndrome than nonminorities suffering from those same illnesses;

Whereas there is a national need for scientists in the fields of biomedical, clinical, behavioral, and health services research to focus on how best to eliminate health disparities between minorities and the population of the United States as a whole;

Whereas the diverse health needs of minorities are more effectively addressed when there are minorities in the health care workforce; and

Whereas behavioral and social sciences research has increased awareness and understanding of factors associated with health care utilization and access, patient attitudes toward health services, and behaviors that affect health and illness, and these factors have the potential to be modified to help close the health disparities gap that effects minority populations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) a National Minority Health and Health Disparities Month should be established to promote educational efforts on the health problems currently facing minorities and other populations experiencing health disparities;

(2) the Secretary of Health and Human Services should, as authorized by the Minority Health and Health Disparities Research and Education Act of 2000, present public service announcements on health promotion and disease prevention that target minorities and other populations experiencing health disparities in the United States and educate the public and health care professionals about health disparities;

(3) the President should issue a proclamation recognizing the immediate need to reduce health disparities in the United States and encouraging all health organizations and Americans to conduct appropriate programs and activities to promote healthfulness in minority and other communities experiencing health disparities;

(4) Federal, State, and local governments should work in concert with the private and nonprofit sector to recruit and retain qualified individuals from racial, ethnic, and gender groups that are currently underrepresented in health care professions;

(5) the Agency for Healthcare Research and Quality should continue to collect and report data on health care access and utilization on patients by race, ethnicity, socioeconomic status, and where possible, primary language, as authorized by the Minority Health and Health Disparities Research and Education Act of 2000, to monitor the Nation's progress toward the elimination of health care disparities; and

(6) the information gained from research about factors associated with health care utilization and access, patient attitudes toward health services, and risk and protective behaviors that affect health and illness, should be disseminated to all health care professionals so that they may better communicate with all patients, regardless of race or ethnicity, without bias or prejudice.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4537. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

SA 4538. Mr. GRAHAM (for himself, Mr. SARBANES, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4539. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4540. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4541. Mr. CRAIG (for himself, Mr. DOMENICI, and Mr. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4542. Mr. SANTORUM submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4543. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4544. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4545. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4546. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4547. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4548. Mr. SARBANES submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4549. Mr. TORRICELLI submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4550. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

SA 4551. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4532 proposed by Mr. BYRD (for himself and Mr. STEVENS) to the amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4552. Mrs. CLINTON (for herself and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4553. Mr. BAUCUS (for himself and Mr. BURNS) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

SA 4554. Mr. SARBANES (for himself, Mr. WARNER, Ms. MIKULSKI, and Mr. ALLEN) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4555. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4556. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4557. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4558. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4559. Mr. CRAIG (for himself and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

SA 4560. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4561. Mr. COCHRAN (for himself, Mr. FRIST, and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

SA 4562. Mr. BINGAMAN (for himself and Mr. DASCHLE) submitted an amendment intended to be proposed by him to the bill H.R. 5093, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4537. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 64, between lines 15 and 16, insert the following:

SEC. 1___. EFFECT OF CERTAIN PROVISIONS ON DECISION AND INDIAN LAND.

(a) IN GENERAL.—Nothing in section 134 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (115 Stat. 443) affects the decision of the United States Court of Appeals for the 10th Circuit in Sac and Fox Nation v. Norton, 240 F.3d 1250 (2001).

(b) USE OF CERTAIN INDIAN LAND.—Nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 944), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.

SA 4538. Mr. GRAHAM (for himself, Mr. SARBANES, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 64, between 15 and 16, insert the following:

SEC. 1 . REPORT ON ALTERNATIVE TRANSPORTATION SYSTEMS FOR UNITS OF THE NATIONAL PARK SYSTEM.

(a) REPORT.—Not later than February 1, 2003, the Director of the National Park Service shall submit to the Committee on Environment and Public Works, the Committee on Energy and Natural Resources, and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on traffic and congestion problems and alternative transportation solutions within units of the National Park System.

(b) REQUIREMENTS.—The report submitted under subsection (a) shall—

(1) describe the need for alternative transportation solutions within units of the National Park System, including data on visitation to the units of the National Park System during calendar years 1999, 2000, and 2001 in relation to the capacity of the units;

(2) include recommendations on the best methods for implementing alternative transportation systems for units of the National Park System, which shall—

(A) be based on the findings of the Federal Lands Alternative Transportation Systems Study completed under section 3039 of Transportation Equity Act for the 21st Century (23 U.S.C. 138 note; Public Law 105–178) and the National Bicycling and Walking Study completed under the FY 1991 Transportation Appropriations Act, and

(B) consider both motorized and non-motorized land transportation systems and maritime transportation systems; and

(3) develop options for implementation of the recommendations of the two reports referenced in subparagraph (2)(A), taking into account any additional needs identified since completion of those reports.

SA 4539. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 3___. NATIONAL FOREST LAND MANAGEMENT IN THE STATE OF FLORIDA.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term ''map'' means the map entitled ''Florida Land Dispositions'' and dated March 31, 2002.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(3) STATE.—The term ''State'' means the State of Florida.

(b) SALE OR EXCHANGE OF LAND.—

(1) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any right, title, and interest of the United States in and to the parcels of Federal land in the State described in paragraph (2).

(2) DESCRIPTION OF LAND.—The parcels of Federal land in the State referred to in paragraph (1) consist of—

(A) tract A–942a, East Bay, Santa Rosa County, consisting of approximately 61 acres, and more particularly described as T. 1 S., R. 27 W., Sec. 31, W½ of SW¼;

(B) tract A–942b, East Bay, Santa Rosa County, consisting of approximately 40 acres, and more particularly described as T. 1 S., R. 27 W., Sec. 38;

(C) tract A–942c, Ft. Walton, Okaloosa County, located southeast of the intersection of and adjacent to State Road 86 and Mooney Road, consisting of approximately 0.59 acres, and more particularly described as T. 1 S., R. 24 W., Sec. 26;

(D) tract A–942d, located southeast of Crestview, Okaloosa County, consisting of approximately 79.90 acres, and more particularly described as T. 2 N., R. 23 W., Sec. 2, NW¼ NE¼ and NE¼ NW¼;

(E) tract A–943, Okaloosa County Fairgrounds, Ft. Walton, Okaloosa County, consisting of approximately 30.14 acres, and more particularly described as T. 1 S., R. 24 W., Sec. 26, S½;

(F) tract A–944, City Ball Park—Ft. Walton, Okaloosa County, consisting of approximately 12.43 acres, and more particularly described as T. 1 S., R. 24 W., Sec. 26, S½;

(G) tract A–945, Landfill-Golf Course Driving Range, located southeast of Crestview, Okaloosa County, consisting of approximately 40.85 acres, and more particularly described as T. 2 N., R. 23 W., Sec. 4, NW¼ NE¼;

(H) tract A–959, 2 vacant lots on the north side of Micheaux Road in Bristol, Liberty County, consisting of approximately 0.5 acres, and more particularly described as T. 1 S., R. 7 W., Sec. 6;

(I) tract C–3m–d, located southwest of Astor in Lake County, consisting of approximately 15.0 acres, and more particularly described as T. 15 S., R. 28 E., Sec. 37;

(J) tract C–691, Lake County, consisting of the subsurface rights to approximately 40.76 acres of land, and more particularly described as T. 17 S., R. 29 E., Sec. 25, SE¼ NW¼;

(K) tract C–2208b, Lake County, consisting of approximately 39.99 acres, and more particularly described as T. 17 S., R. 28 E., Sec. 28, NW¼ SE¼;

(L) tract C–2209, Lake County, consisting of approximately 127.2 acres, as depicted on the map, and more particularly described as T. 17 S., R. 28 E., Sec. 21, NE¼ SW¼, SE¼ NW¼, and SE¼ NE¼;

(M) tract C–2209b, Lake County, consisting of approximately 39.41 acres, and more particularly described as T. 17 S., R. 29 E., Sec. 32, NE¼ SE¼;

(N) tract C–2209c, Lake County, consisting of approximately 40.09 acres, and more particularly described as T. 18 S., R. 28 E., Sec. 14, SE¼ SW¼;

(O) tract C–2209d, Lake County, consisting of approximately 79.58 acres, and more particularly described as T. 18 S., R. 29 E., Sec. 5, SE¼ NW¼, NE¼ SW¼;

(P) tract C–2210, government lot 1, 20 recreational residential lots, and adjacent land on Lake Kerr, Marion County, consisting of approximately 30 acres, and more particularly described as T. 13 S., R. 25 E., Sec. 22;

(Q) tract C–2213, located in the F.M. Arrendondo grant, East of Ocala, Marion County, and including a portion of the land located east of the western right-of-way of State Highway 19, consisting of approximately 15.0 acres, and more particularly described as T. 14 and 15 S., R. 26 E., Sec. 36, 38, and 40; and

(R) all improvements on the parcels described in subparagraphs (A) through (Q).

(3) MAP AND LEGAL DESCRIPTION.—

(A) AVAILABILITY.—The map shall be on file and available for public inspection in the office of the Chief of the Forest Service.

(B) MODIFICATIONS.—The Secretary may—

(i) correct minor errors in the map; and

(ii) for the purposes of soliciting offers for the sale or exchange of land under paragraph (4), modify the descriptions of land specified in paragraph (2) based on—

(I) a survey; or

(II) a determination by the Secretary that the modification would be in the best interest of the public.

(4) SOLICITATIONS OF OFFERS.—

(A) IN GENERAL.—Subject to such terms and conditions as the Secretary may prescribe, the Secretary may solicit offers for the sale or exchange of land described in paragraph (2).

(B) REJECTION OF OFFERS.—The Secretary may reject any offer received under this section if the Secretary determines that the offer—

(i) is not adequate; or

(ii) is not in the public interest.

(5) METHODS OF SALE.—The Secretary may sell the land described in paragraph (2) at public or private sale (including at auction), in accordance with any terms, conditions, and procedures that the Secretary determines to be appropriate.

(6) BROKERS.—In any sale or exchange of land described in paragraph (2), the Secretary may—

(A) use a real estate broker; and

(B) pay the real estate broker a commission in an amount that is comparable to the amounts of commission generally paid for real estate transactions in the area.

(7) CONCURRENCE OF THE SECRETARY OF THE AIR FORCE.—A parcel of land described in subparagraphs (A) through (G) of paragraph (2) shall not be sold or exchanged by the Secretary without the concurrence of the Secretary of the Air Force.

(8) CASH EQUALIZATION.—Notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), if the value of non-Federal land for which Federal land is exchanged under this section is less than the value of the Federal land exchanged, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of the Federal land.

(9) DISPOSITION OF PROCEEDS.—

(A) IN GENERAL.—The net proceeds derived from any sale or exchange under this section shall be deposited in the fund established by Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a).

(B) USE.—Amounts deposited under subparagraph (A) shall be available to the Secretary for expenditure, without further appropriation, for—

(i) acquisition of land and interests in land for inclusion as units of the National Forest System in the State; and

(ii) reimbursement of costs incurred by the Secretary in carrying out land sales and exchanges under this section, including the payment of real estate broker commissions under paragraph (6).

(c) ADMINISTRATION.—

(1) IN GENERAL.—Land acquired by the United States under this section shall be—

(A) subject to the Act of March 1, 1911 (commonly known as the ''Weeks Act'') (16 U.S.C. 480 et seq.); and

(B) administered in accordance with laws (including regulations) applicable to the National Forest System.

(2) APPLICABLE LAW.—The land described in subsection (b)(2) shall not be subject to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(3) WITHDRAWAL.—Subject to valid existing rights, the land described in subsection (b)(2) is withdrawn from location, entry, and patent under the public land laws, mining laws, and mineral leasing laws (including geothermal leasing laws).

SA 4540. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to b4e proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. ___. (a) PAYMENT TO HARRIET TUBMAN HOME, AUBURN, NEW YORK, AUTHORIZED.—(1) The Secretary of the Interior may, using amounts appropriated or otherwise made available by this title, make a payment to the Harriet Tubman Home in Auburn, New York, in the amount of $11,750.

(2) The amount specified in paragraph (1) is the amount of widow's pension that Harriet Tubman should have received from January 1899 to March 1913 under various laws authorizing pension for the death of her husband, Nelson Davis, a deceased veteran of the Civil War, but did not receive, adjusted for inflation since March 1913.

(b) USE OF AMOUNTS.—The Harriet Tubman Home shall use any amounts received paid under subsection (a) for purposes of—

(1) preserving and maintaining the Harriet Tubman Home; and

(2) honoring the memory of Harriet Tubman.

SA 4541. Mr. CRAIG (for himself, Mr. DOMENICI, and Mr. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place add the following—

SEC. . EMERGENCY HAZARDOUS FUELS REDUCTION PLAN.

(a) IN GENERAL.—Subject to subsection (c) and notwithstanding the National Environmental policy Act of 1969, the Secretaries of Agriculture and the Interior shall conduct immediately and to completion, projects consistent with the Implementation Plan for the 10-year Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, May 2002 developed pursuant to the Conference Report to the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106–646) to reduce hazardous fuels within any areas of federal land under the jurisdiction of the Secretary of Agriculture or the Secretary of the Interior that are outside of Congressionally designated Wilderness Areas and that the appropriate Secretary determines qualifies as a fire risk condition class three area. Any project carried out under this section shall be consistent with the applicable forest plan, resource management plan, or other applicable agency plans.

(b) PRIORITY.—In implementing projects under this section, the Secretaries of Agriculture and the Interior shall give highest priority to—

(1) wildland urban interface areas;

(2) municipal watersheds;

(3) forested or rangeland areas affected by disease, insect activity, or wind throw; or

(4) areas susceptible to a reburn.

(c) LIMITATIONS.—In implementing this section, the Secretaries of Agriculture and the Interior shall treat an aggregate area of not more than 10 million acres of federal land, maintain not less than 10 of the largest trees per acre in any treatment area authorized under this section. The Secretaries shall construct no new, permanent roads in RARE II Roadless Area and shall rehabilitate any temporary access or skid trails.

(d) PROCESS.—The Secretaries of Agriculture and the Interior shall jointly develop—

(1) notwithstanding the Federal Advisory Committee Act, a collaborative process with interested parties consistent with the Implementation Plan described in subsection (a) for the selection of projects carried out under this section consistent with subsection (b); and

(2) in cooperation with the Secretary of Commerce, expedited consultation procedures for threatened or endangered species.

(e) ADMINISTRATIVE PROCESS.—

(1) REVIEW.—Projects conducted under this section shall not be subject to—

(A) administrative review by the Department of the Interior Office of Hearings and Appeals; or

(B) the Forest Service appeals process and regulations.

(2) Regulations.—

(A) In general.—The Secretaries of Agriculture and the Interior, as appropriate, may promulgate such regulations as are necessary to implement this section.

(f) JUDICIAL REVIEW.—

(1) Process review.—The processes developed under subsection (d) shall not be subject to judicial review.

(2) Review of projects.—Judicial review of a project implemented under this section shall—

(A) be filed in the Federal District Court for which the Federal lands are located within 7 days after legal notice of the decision to conduct a project under this section is made to the public in a manner as determined by the appropriate Secretary;

(B) be completed not later than 360 days from the date such request for review is filed with the appropriate court unless the District Court determines that a longer time is needed to satisfy the Constitution;

(C) not provide for the issuance of a temporary restraining order or a preliminary injunction; and

(D) be limited to a determination as to whether the selection of the project, based on a review of the record, was arbitrary and capricious.

(g) RELATION TO OTHER LAWS.—The authorities provided to the Secretaries of Agriculture and the Interior in this section are in addition to the authorities provided in any other provision, of law, including section 706 of Public Law 107–206 with respect to Beaver Park Area and the Norbeck Wildlife Preserve within the Black Hills National Forest.

SEC. . QUINCY LIBRARY INITIATIVE.

(a) Congress reaffirms its original intent that the Herger-Feinstein Quincy Library Group Forest Recovery Act of 1998 be implemented. Congress finds that delays and obstacles to implementation of the Act have occurred as a result of the Sierra Nevada Forest Plan Amendment decision January 2001.

(b) Congress hereby extends the expiration of the Act by five years.

SA 4542. Mr. SANTORUM submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 3___. ACTIONS TO REDUCE FIRE HAZARDS AND INSECT INFESTATION ON NATIONAL FOREST SYSTEM LAND.

(a) FINDINGS.—Congress finds that—

(1) forest health conditions on National Forest System land are deteriorating, and it is in the public interest to take immediate action to treat the land;

(2) pending litigation prevents timely action by the Secretary of Agriculture to reduce the risk of wildfire on National Forest System land using existing administrative and legal processes;

(3) State and local governments, local industry users, and several environmental

groups support immediate action by the Secretary of Agriculture to address the risk of fire danger in an environmentally responsible manner; and

(4) the Forest Service and State and local fire officials should be encouraged to take any actions necessary to create a defensible fuel zone within State-owned land adjacent to National Forest System land.

(b) FIRE AND INSECT RISK REDUCTION IN EXISTING TIMBER SALE ANALYSIS AREAS.—

(1) IN GENERAL.—Subject to paragraph (3), the Secretary of Agriculture (referred to in this section as the ''Secretary'') may, as necessary to reduce insect infestation or fire hazards on National Forest System land, treat additional timber—

(A) inside or outside of the existing cutting units for National Forest System timber sales; and

(B) in the analysis areas for those sales.

(2) TIMBER SALE CONTRACTS.—In carrying out additional timber treatments under paragraph (1), the Secretary may modify timber sale contracts currently in effect if—

(A) the purchaser agrees to the modification; or

(B) the Secretary offers additional timber sales in the timber sale analysis areas.

(3) PRIORITY.—In carrying out additional timber treatments under paragraph (1), the Secretary shall give preference (in order of priority) to—

(A) areas that are located not more than ¼ mile from private properties on which the owner has taken or is taking actions to treat the timber on the private property;

(B) stands that—

(i) are a fire hazard or insect infested; and

(ii) are in close proximity to—

(I) private land; or

(II) communities;

(C) areas that have the highest concentration of insect infestation that has the potential to spread to other areas;

(D) stands that—

(i) are a fire hazard or insect infested; and

(ii) are in close proximity to areas of high resource value in which retaining green trees is important, such as wildlife habitats, sensitive landscapes, recreation areas, and developments;

(E) stands that—

(i) are a high fire hazard or insect infested; and

(ii) are within skidding distance of existing roads;

(F) concentrations of insect-infested trees or areas that are high fire hazards; and

(G) high-density stands that—

(i) are most susceptible to insect attack; and

(ii) are in close proximity to insect-infested trees.

(c) TIMING.—Notwithstanding any other provision of law (including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.)), the Secretary shall immediately carry out any actions authorized by this section.

(d) EXEMPTION FROM APPLICABLE LAW.—Any action authorized by this section shall not be subject to the notice, comment, and appeal requirements of section 322 of Public Law 102–381 (16 U.S.C. 1612 note).

(e) JUDICIAL REVIEW.—Any action determined by the Secretary to be authorized by this section and the determination by the Secretary shall not be subject to judicial review by any court of the United States.

(f) ROADLESS CHARACTER.—The actions authorized by this section shall not affect the determination of the wilderness capability, wilderness suitability, or roadless character of any National Forest System land.

(g) REPORT.—The Secretary shall submit to Congress a report on the implementation of this section not later than—

(1) November 30, 2002;

(2) June 30, 2003; and

(3) November 30, 2003.

SA 4543. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, line 12, strike ''restoration:'' and insert the following: ''restoration; of which $3,000,000 is available for the United States Geological Survey National Wildlife Health Center to provide research, training, and technical assistance to States relating to the prevention, diagnosis, and management of chronic wasting disease:''.

SA 4544. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, line 12, strike ''restoration:'' and insert the following: ''restoration; of which $4,000,000 is available for the United States Geological Survey National Wildlife Health Center to provide research, training, and technical assistance to States relating to the prevention, diagnosis, and management of chronic wasting disease:''.

SA 4545. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, line 12, strike ''restoration:'' and insert the following: ''restoration; of which $3,000,000 is available to provide research, training, and technical assistance to States relating to the prevention, diagnosis, and management of chronic wasting disease:''.

SA 4546. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, line 12, strike ''restoration:'' and insert the following: ''restoration; of which $4,000,000 is available to provide research, training, and technical assistance to States relating to the prevention, diagnosis, and management of chronic wasting disease:''.

SA 4547. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, lines 13 and 14, strike ''$348,252,000, to remain available until expended'' and insert ''$350,252,000, to remain available until expended, of which $2,000,000 shall be made available for the rehabilitation and construction of the Wind River Irrigation Project (to be derived by transfer of that amount from the amount made available for tribally controlled community colleges under the heading 'OPERATION OF INDIAN PROGRAMS')''.

SA 4548. Mr. SARBANES submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 3___. REPORT ON AVIAN MORTAILITY AT COMMUNICATIONS TOWERS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the United States Fish and Wildlife Service, in cooperation with the Chairman of the Federal Communications Commission and the Administrator of the Federal Aviation Administration, shall submit to the Committee on Appropriations, the Committee on Environment and Public Works, and the Committee on Commerce, Science, and Transportation of the Senate a report on avian mortality at communications towers in the United States.

(b) CONTENTS.—The report submitted under subsection (a) shall include—

(1) an estimate of the number of birds that collide with communication towers;

(2) a description of the causes of those collisions; and

(3) recommendations on how to prevent those collisions.

SA 4549. Mr. TORRICELLI submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, between lines 5 and 6, insert the following:

(c) PRIVACY AUDIT.—

(1) IN GENERAL.—The Privacy Officer shall conduct an audit of the Department to—

(A) evaluate the privacy practices of the Department, including compliance with provisions under section 552a of title 5, United States Code; and

(B) recommend strategies to improve the management of personal information.

(2) ISSUES TO BE STUDIED.—The audit shall include—

(A) a detailed review of the on-line and off-line privacy management policies and practices of the Department with respect to the collection, retention, use, and disclosure of personal information; and

(B) a detailed report of the privacy practices of the Department and recommendations for their improvement.

(3) COMPLETION DATE.—

(A) INITIAL AUDIT.—The initial audit under this subsection shall be completed not later than 24 months after the effective date of this division.

(B) SUBSEQUENT AUDITS.—Subsequent audits under this subsection shall be completed not later than 3 years after the submission of the previous audit report.

(4) REPORT.—Upon the completion of each audit under this subsection, the Privacy Officer shall submit a report to Congress that contains—

(A) the results of the audit; and

(B) recommendations for improvement of the management of personal information by the Department.

SA 4540. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

CHAPTER—

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount to enable the Federal Aviation Administrator to compensate air carriers for the direct costs associated with the strengthening of flight deck doors and locks on aircraft required by section 104(a)(1)(B) of the Aviation and Transportation Security Act, notwithstanding any other provision of law, $100,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 4551. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4532 proposed by Mr. BYRD (for himself and Mr. STEVENS) to the amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

In the text of the provision captioned Chapter 8, strike ''expended:'' and insert ''expended, and for an additional amount to enable the Federal Aviation Administrator to compensate air carriers for the direct costs associated with the strengthening of flight deck doors and locks on aircraft required by section 104(a)(1)(B) of the Aviation and Transportation Security Act, notwithstanding any other provision of law, $100,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended:''.

SA 4552. Mrs. CLINTON (for herself and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 67, insert between lines 15 and 16 the following:

In this subsection, the term ''key resources'' includes National Park Service sites identified by the Secretary of the Interior that are so universally recognized as symbols of the United States and so heavily visited by the American and international public that such sites would likely be identified as targets of terrorist attacks, including the Statue of Liberty, Independence Hall and the Liberty Bell, the Arch in St. Louis, Missouri, the Golden Gate Bridge, Mt. Rushmore, and memorials and monuments in Washington, D.C.

SA 4553. Mr. BAUCUS (for himself and Mr. Burns) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 123, lines 12 through 15, strike ''28 contracts'' and all that follows through ''Region 1'' and insert ''30 contracts subject to the same terms and conditions as provided in this section: *Provided*, That of the additional contracts authorized by this section at least 11 shall be allocated to Region 1, of which at least 2 contracts shall be allocated to the Kootenai National Forest because of special circumstances there.''

SA 4554. Mr. SARBANES (for himself and Mr. WARNER, Ms. MIKULSKI, and Mr. ALLEN) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, between lines 20 and 21, insert the following:

SEC. 141. OFFICE FOR NATIONAL CAPITAL REGION COORDINATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Office of the Secretary the Office of National Capital Region Coordination, to oversee and coordinate Federal programs for and relationships with State, local, and regional authorities in the National Capital Region, as defined under section 2674(f)(2) of title 10, United States Code.

(2) DIRECTOR.—The Office established under paragraph (1) shall be headed by a Director, who shall be appointed by the Secretary.

(3) COOPERATION.—The Secretary shall cooperate with the Mayor of the District of Columbia, the Governors of Maryland and Virginia, and other State, local, and regional officers in the National Capital Region to integrate the District of Columbia, Maryland, and Virginia into the planning, coordination, and execution of the activities of the Federal Government for the enhancement of domestic preparedness against the consequences of terrorist attacks.

(b) RESPONSIBILITIES.—The Office established under subsection (a)(1) shall—

(1) coordinate the activities of the Department relating to the National Capital Region, including cooperation with the Homeland Security Liaison Officers for Maryland, Virginia, and the District of Columbia within the Office for State and Local Government Coordination;

(2) assess, and advocate for, the resources needed by State, local, and regional authorities in the National Capital Region to implement efforts to secure the homeland;

(3) provide State, local, and regional authorities in the National Capital Region with regular information, research, and technical support to assist the efforts of State, local, and regional authorities in the National Capital Region in securing the homeland;

(4) develop a process for receiving meaningful input from State, local, and regional authorities and the private sector in the National Capital Region to assist in the development of the homeland security plans and activities of the Federal Government;

(5) coordinate with Federal agencies in the National Capital Region on terrorism preparedness, to ensure adequate planning, information sharing, training, and execution of the Federal role in domestic preparedness activities;

(6) coordinate with Federal, State, local, and regional agencies, and the private sector in the National Capital Region on terrorism preparedness to ensure adequate planning, information sharing, training, and execution of domestic preparedness activities among these agencies and entities; and

(7) serve as a liaison between the Federal Government and State, local, and regional authorities, and private sector entities in the National Capital Region to facilitate access to Federal grants and other programs.

(c) ANNUAL REPORT.—The Office established under subsection (a) shall submit an annual report to Congress that includes—

(1) the identification of the resources required to fully implement homeland security efforts in the National Capital Region;

(2) an assessment of the progress made by the National Capital Region in implementing homeland security efforts; and

(3) recommendations to Congress regarding the additional resources needed to fully implement homeland security efforts in the National Capital Region.

(d) LIMITATION.—Nothing contained in this section shall be construed as limiting the power of State and local governments.

SA 4555. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. 164. USE OF NATIONAL PRIVATE SECTOR NETWORKS IN EMERGENCY RESPONSE.

To the maximum extent practicable, the Secretary shall use national private sector networks and infrastructure for emergency response to chemical, biological, radiological, nuclear, or explosive disasters, and other major disasters.

SA 4556. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, insert between lines 13 and 14 the following:

(c) ADDITIONAL DUTIES.—

(1) DEFINED TERM.—In this section, the term ''geospatial information'' means collecting, storing, retrieving, or disseminating graphical or digital data depicting natural or manmade physical features, phenomena or boundaries of the earth and any information related thereto, including surveys, maps, charts, satellite and airborne remote sensing data, images, and services, with services performed by professionals such as surveyors, photogrammetrists, hydrographers, geodesists, cartographers, and other such services of an architectural or engineering nature.

(2) COORDINATION OF GEOSPATIAL INFORMATION.—The Chief Information Officer shall establish and carry out a program to provide for the efficient use of geospatial information, which shall include—

(A) providing such geospatial information as may be necessary to implement the comprehensive national infrastructure plan under section 133(b)(3); and

(B) providing leadership in meeting the requirements of, and populate the databases used by, those responsible for planning, prevention, mitigation, assessment and response to emergencies, critical infrastructure and other Department functions, and to assure the interoperability of, and prevent unnecessary duplication of, geospatial information among all users.

(3) RESPONSIBILITIES.—In carrying out paragraph (2), the responsibilities of the Chief Information Officer shall include—

(A) managing the geospatial information needs and activities of the Department;

(B) establishing such standards as are necessary to assure the interoperability of geospatial information pertaining to Homeland Security among all users of such information within—

(i) the Department;

(ii) other agencies;

(iii) State and local government; and

(iv) the private sector;

(C) coordinating with and providing liaison to the Federal Geographic Data Committee and carrying out the Department's responsibilities pursuant to Office of Management and Budget Circular A–16 and Executive Order 12906;

(D) assisting and encouraging the Undersecretary for Emergency Preparedness in providing grants—

(i) to fund the creation and procurement of geospatial information systems and data; and

(ii) to execute information sharing agreements with State, local, and tribal governments; and

(E) to the maximum extent possible, ensuring that the Department utilizes commercial geospatial data and services available by awarding contracts to entities in the private sector.

(4) PRECAUTIONS.—The Secretary shall ensure that the proper precautions are observed regarding public access to data which may be of critical importance regarding national or homeland security.

On page 72, after line 8, insert the following:

(15) With the assistance of the Chief Information Officer and, where appropriate, in consultation with the Under Secretary for Critical Infrastructure Protection, providing grants regarding geospatial information, as described in section 108(c)(1)—

(A) to fund creation and procurement of geospatial information systems and data; and

(B) to execute information sharing agreements with State, local, and tribal governments.

SA 4557. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 211, strike lines 10 and 11, and insert the following:

TITLE VI—IDENTITY THEFT

SEC. 601. SHORT TITLE.

This title may be cited as the ''Identity Theft Victims Assistance Act of 2002''.

SEC. 602. TREATMENT OF IDENTITY THEFT MITIGATION.

(a) IN GENERAL.—Chapter 47 title 18, United States Code, is amended by adding after section 1028 the following:

''§ 1028A. Treatment of identity theft mitigation

''(a) DEFINITIONS.—As used in this section—

''(1) the term 'business entity' means any corporation, trust, partnership, sole proprietorship, or unincorporated association, including any financial service provider, financial information repository, creditor (as that term is defined in section 103 of the Truth in Lending Act (15 U.S.C. 1602)), telecommunications, utilities, or other service provider;

''(2) the term 'consumer' means an individual;

''(3) the term 'financial information' means information identifiable as relating to an individual consumer that concerns the amount and conditions of the assets, liabilities, or credit of the consumer, including—

''(A) account numbers and balances;

''(B) nonpublic personal information, as that term is defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809); and

''(C) codes, passwords, social security numbers, tax identification numbers, State identifier numbers issued by a State department of licensing, and other information used for the purpose of account access or transaction initiation;

''(4) the term 'financial information repository' means a person engaged in the business of providing services to consumers who have a credit, deposit, trust, stock, or other financial services account or relationship with that person;

''(5) the term 'identity theft' means an actual or potential violation of section 1028 or any other similar provision of Federal or State law;

''(6) the term 'means of identification' has the same meaning given the term in section 1028; and

''(7) the term 'victim' means a consumer whose means of identification or financial information has been used or transferred (or has been alleged to have been used or transferred) without the authority of that consumer with the intent to commit, or to aid or abet, identity theft or any other violation of law.

''(b) INFORMATION AVAILABLE TO VICTIMS.—

''(1) IN GENERAL.—A business entity that possesses information relating to an alleged identity theft, or that has entered into a commercial transaction, provided credit, provided, for consideration, products, goods, or services, accepted payment, or otherwise done business for consideration with a person that has made unauthorized use of the means of identification of the victim, shall, not later than 20 days after the receipt of a written request by the victim, meeting the requirements of subsection (c), and in compliance with subsection (d), provide, without charge, a copy of all application and business transaction information related to the transaction being alleged as an identity theft to—

''(A) the victim;

''(B) any Federal, State, or local governing law enforcement agency or officer specified by the victim; or

''(C) any law enforcement agency investigating the identity theft and authorized by the victim to take receipt of records provided under this section.

''(2) RULE OF CONSTRUCTION.—

''(A) IN GENERAL.—No provision of Federal or State law prohibiting the disclosure of financial information by a business entity to third parties shall be used to deny disclosure of information to the victim under this section.

''(B) LIMITATION.—Except as provided in subparagraph (A), nothing in this section requires a business entity to disclose information that the business entity is otherwise prohibited from disclosing under any other provision of Federal or State law.

''(c) VERIFICATION OF IDENTITY AND CLAIM.—Unless a business entity, at its discretion, is otherwise able to verify the identity of a victim making a request under subsection (b)(1), the victim shall provide to the business entity—

''(1) as proof of positive identification, at the election of the business entity—

''(A) the presentation of a government-issued identification card;

''(B) if providing proof by mail, a copy of a government-issued identification card;

''(C) personally identifying information of the same type as was provided to the business entity by the unauthorized person; or

''(D) personally identifying information that the business entity typically requests from new applicants or for new transactions at the time of the victim's request for information; and

''(2) as proof of a claim of identity theft, at the election of the business entity—

''(A) a copy of a police report evidencing the claim of the victim of identity theft;

''(B) a copy of a standardized affidavit of identity theft developed and made available by the Federal Trade Commission; or

''(C) any affidavit of fact that is acceptable to the business entity for that purpose.

''(d) VERIFICATION STANDARD.—Prior to releasing records pursuant to subsection (b), a business entity shall take reasonable steps to verify the identity of the victim requesting such records.

''(e) LIMITATION ON LIABILITY.—No business entity may be held liable for a disclosure, made in good faith and reasonable judgment, to provide information under this section with respect to an individual in connection with an identity theft to other business entities, law enforcement authorities, victims, or any person alleging to be a victim, if—

''(1) the business entity complies with subsection (c); and

''(2) such disclosure was made—

''(A) for the purpose of detection, investigation, or prosecution of identity theft; or

''(B) to assist a victim in recovery of fines, restitution, rehabilitation of the credit of the victim, or such other relief as may be appropriate.

''(f) AUTHORITY TO DECLINE TO PROVIDE INFORMATION.—A business entity may decline to provide information under subsection (b) if, in the exercise of good faith and reasonable judgment, the business entity believes that—

''(1) this section does not require disclosure of the information;

''(2) the request for the information is based on a misrepresentation of fact by the victim relevant to the request for information; or

''(3) the information requested is Internet navigational data or similar information about a person's visit to a website or online service.

''(g) NO NEW RECORDKEEPING OBLIGATION.—Nothing in this section creates an obligation on the part of a business entity to obtain, retain, or maintain information or records that are not otherwise required to be obtained, retained, or maintained in the ordinary course of its business or under other applicable law.

''(h) ENFORCEMENT.—

''(1) CIVIL ACTIONS.—

''(A) IN GENERAL.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been, or is threatened to be, adversely affected by a violation of this section by any business entity, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to—

''(i) enjoin that practice;

''(ii) enforce compliance of this section;

''(iii) obtain damages—

''(I) in the sum of actual damages, restitution, and other compensation on behalf of the residents of the State; and

''(II) punitive damages, if the violation is willful or intentional; and

''(iv) obtain such other equitable relief as the court may consider to be appropriate.

''(B) NOTICE.—Before bringing an action under subparagraph (A), the attorney general of the State involved shall provide to the Attorney General of the United States—

''(i) written notice of the action; and

''(ii) a copy of the complaint for the action.

''(C) AFFIRMATIVE DEFENSE.—In any civil action brought to enforce this section, it is an affirmative defense (which the defendant must establish by a preponderance of the evidence) for a business entity to file an affidavit or answer stating that—

''(i) the business entity has made a reasonably diligent search of its available business records; and

''(ii) the records requested under this section do not exist or are not available.

''(D) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be construed to provide a private right of action or claim for relief.

''(2) INTERVENTION.—

''(A) IN GENERAL.—On receiving notice of an action under paragraph (1)(B), the Attorney General of the United States shall have the right to intervene in that action.

''(B) EFFECT OF INTERVENTION.—If the Attorney General of the United States intervenes in an action under this subsection, the Attorney General shall have the right to be heard with respect to any matter that arises in that action.

''(C) SERVICE OF PROCESS.—Upon request of the Attorney General of the United States, the attorney general of a State that has filed an action under this subsection shall, pursuant to Rule 4(d)(4) of the Federal Rules of Civil Procedure, serve the Government with—

''(i) a copy of the complaint; and

''(ii) written disclosure of substantially all material evidence and information in the possession of the attorney general of the State.

''(3) CONSTRUCTION.—For purposes of bringing any civil action under this subsection, nothing in this section shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State—

''(A) to conduct investigations;

''(B) to administer oaths or affirmations; or

''(C) to compel the attendance of witnesses or the production of documentary and other evidence.

''(4) ACTIONS BY THE ATTORNEY GENERAL OF THE UNITED STATES.—In any case in which an action is instituted by or on behalf of the Attorney General of the United States for a violation of this section, no State may, during the pendency of that action, institute an action under this subsection against any defendant named in the complaint in that action for violation of that practice.

''(5) VENUE; SERVICE OF PROCESS.—

''(A) VENUE.—Any action brought under this subsection may be brought in the district court of the United States—

''(i) where the defendant resides;

''(ii) where the defendant is doing business; or

''(iii) that meets applicable requirements relating to venue under section 1391 of title 28.

''(B) SERVICE OF PROCESS.—In an action brought under this subsection, process may be served in any district in which the defendant—

''(i) resides;

''(ii) is doing business; or

''(iii) may be found.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1028 the following new item:

''1028A. Treatment of identity theft mitigation.''.

SEC. 603. AMENDMENTS TO THE FAIR CREDIT REPORTING ACT.

(a) CONSUMER REPORTING AGENCY BLOCKING OF INFORMATION RESULTING FROM IDENTITY THEFT.—Section 611 of the Fair Credit Reporting Act (15 U.S.C. 1681*i*) is amended by adding at the end the following:

''(e) BLOCK OF INFORMATION RESULTING FROM IDENTITY THEFT.—

''(1) BLOCK.—Except as provided in paragraphs (4) and (5) and not later than 30 days after the date of receipt of proof of the identity of a consumer and an official copy of a police report evidencing the claim of the consumer of identity theft, a consumer reporting agency shall block the reporting of any information identified by the consumer in the file of the consumer resulting from the identity theft, so that the information cannot be reported.

''(2) REINVESTIGATION.—A consumer reporting agency shall reinvestigate any information that a consumer has requested to be blocked under paragraph (1) in accordance with the requirements of subsections (a) through (d).

''(3) NOTIFICATION.—A consumer reporting agency shall, within the time period specified in subsection (a)(2)(A)—

''(A) provide the furnisher of the information identified by the consumer under paragraph (1) with the information described in subsection (a)(2); and

''(B) notify the furnisher—

''(i) that the information may be a result of identity theft;

''(ii) that a police report has been filed;

''(iii) that a block has been requested under this subsection; and

''(iv) of the effective date of the block.

''(4) AUTHORITY TO DECLINE OR RESCIND.—

''(A) IN GENERAL.—A consumer reporting agency may at any time decline to block, or may rescind any block, of consumer information under this subsection if—

''(i) in the exercise of good faith and reasonable judgment, the consumer reporting agency finds that—

''(I) the block was issued, or the request for a block was made, based on a misrepresentation of fact by the consumer relevant to the request to block; or

''(II) the consumer knowingly obtained possession of goods, services, or moneys as a result of the blocked transaction or transactions, or the consumer should have known that the consumer obtained possession of goods, services, or moneys as a result of the blocked transaction or transactions;

''(ii) the consumer agrees that the blocked information or portions of the blocked information were blocked in error; or

''(iii) the consumer reporting agency determines—

''(I) that the consumer's dispute is frivolous or irrelevant in accordance with subsection (a)(3); or

''(II) after completion of its reinvestigation under subsection (a)(1), that the information disputed by the consumer is accurate, complete, and verifiable in accordance with subsection (a)(5).

''(B) NOTIFICATION TO CONSUMER.—If the block of information is declined or rescinded under this paragraph, the affected consumer shall be notified, in the same manner and within the same time period as consumers are notified of the reinsertion of information under subsection (a)(5)(B).

''(C) SIGNIFICANCE OF BLOCK.—For purposes of this paragraph, if a consumer reporting agency rescinds a block, the presence of information in the file of a consumer prior to the blocking of such information is not evidence of whether the consumer knew or should have known that the consumer obtained possession of any goods, services, or monies as a result of the block.

''(5) EXCEPTIONS.—

''(A) NEGATIVE INFORMATION DATA.—A consumer reporting agency shall not be required to comply with this subsection when such agency is issuing information for authorizations, for the purpose of approving or processing negotiable instruments, electronic funds transfers, or similar methods of payment, based solely on negative information, including—

''(i) dishonored checks;

''(ii) accounts closed for cause;

''(iii) substantial overdrafts;

''(iv) abuse of automated teller machines; or

''(v) other information which indicates a risk of fraud occurring.

''(B) RESELLERS.—The provisions of this subsection do not apply to a consumer reporting agency if the consumer reporting agency—

''(i) does not maintain a file on the consumer from which consumer reports are produced;

''(ii) is not, at the time of the request of the consumer under paragraph (1), otherwise furnishing or reselling a consumer report concerning the information identified by the consumer; and

''(iii) informs the consumer, by any means, that the consumer may report the identity theft to the Federal Trade Commission to obtain consumer information regarding identity theft.''.

(b) FALSE CLAIMS.—Section 1028 of title 18, United States Code, is amended by adding at the end the following:

''(j) Any person who knowingly falsely claims to be a victim of identity theft for the purpose of obtaining the blocking of information by a consumer reporting agency under section 611(e)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681*i*(e)(1)) shall be fined under this title, imprisoned not more than 3 years, or both.''.

(c) STATUTE OF LIMITATIONS.—Section 618 of the Fair Credit Reporting Act (15 U.S.C. 1681p) is amended to read as follows:

''SEC. 618. JURISDICTION OF COURTS; LIMITATION ON ACTIONS.

''(a) IN GENERAL.—Except as provided in subsections (b) and (c), an action to enforce any liability created under this title may be brought in any appropriate United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, not later than 2 years from the date of the defendant's violation of any requirement under this title.

''(b) WILLFUL MISREPRESENTATION.—In any case in which the defendant has materially and willfully misrepresented any information required to be disclosed to an individual under this title, and the information misrepresented is material to the establishment of the liability of the defendant to that individual under this title, an action to enforce a liability created under this title may be brought at any time within 2 years after the date of discovery by the individual of the misrepresentation.

''(c) IDENTITY THEFT.—An action to enforce a liability created under this title may be brought not later than 4 years from the date of the defendant's violation if—

''(1) the plaintiff is the victim of an identity theft; or

''(2) the plaintiff—

''(A) has reasonable grounds to believe that the plaintiff is the victim of an identity theft; and

''(B) has not materially and willfully misrepresented such a claim.''.

SEC. 604. COORDINATING COMMITTEE STUDY OF COORDINATION BETWEEN FEDERAL, STATE, AND LOCAL AUTHORITIES IN ENFORCING IDENTITY THEFT LAWS.

(a) MEMBERSHIP; TERM.—Section 2 of the Internet False Identification Prevention Act of 2000 (18 U.S.C. 1028 note) is amended—

(1) in subsection (b), by striking ''and the Commissioner of Immigration and Naturalization'' and inserting ''the Commissioner

of Immigration and Naturalization, the Chairman of the Federal Trade Commission, the Postmaster General, and the Commissioner of the United States Customs Service,''; and

(2) in subsection (c), by striking ''2 years after the effective date of this Act.'' and inserting ''on December 28, 2004.''.

(b) CONSULTATION.—Section 2 of the Internet False Identification Prevention Act of 2000 (18 U.S.C. 1028 note) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

''(d) CONSULTATION.—In discharging its duties, the coordinating committee shall consult with interested parties, including State and local law enforcement agencies, State attorneys general, representatives of business entities (as that term is defined in section 603 of the Identity Theft Victims Assistance Act of 2002), including telecommunications and utility companies, and organizations representing consumers.''.

(c) REPORT DISTRIBUTION AND CONTENTS.—Section 2(e) of the Internet False Identification Prevention Act of 2000 (18 U.S.C. 1028 note) (as redesignated by subsection (b)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The Attorney General and the Secretary of the Treasury, at the end of each year of the existence of the coordinating committee, shall report on the activities of the coordinating committee to—

''(A) the Committee on the Judiciary of the Senate;

''(B) the Committee on the Judiciary of the House of Representatives;

''(C) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

''(D) the Committee on Financial Services of the House of Representatives.'';

(2) in subparagraph (E), by striking ''and'' at the end; and

(3) by striking subparagraph (F) and inserting the following:

''(F) a comprehensive description of Federal assistance provided to State and local law enforcement agencies to address identity theft;

''(G) a comprehensive description of coordination activities between Federal, State, and local law enforcement agencies that address identity theft;

''(H) a comprehensive description of how the Federal Government can best provide State and local law enforcement agencies with timely and current information regarding terrorists or terrorist activity where such information specifically relates to identity theft; and

''(I) recommendations in the discretion of the President, if any, for legislative or administrative changes that would—

''(i) facilitate more effective investigation and prosecution of cases involving—

''(I) identity theft; and

''(II) the creation and distribution of false identification documents;

''(ii) improve the effectiveness of Federal assistance to State and local law enforcement agencies and coordination between Federal, State, and local law enforcement agencies; and

''(iii) simplify efforts by a person necessary to rectify the harm that results from the theft of the identity of such person.''.

TITLE VII—EFFECTIVE DATE

SEC. 701. EFFECTIVE DATE.

SA 4558. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, lines 14–15

Strike ''not later than 4 years'' and insert ''not later than 5 years''.

SA 4559. Mr. CRAIG (for himself and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

In the appropriate place, insert the following:

SEC. . LEWIS AND CLARK BICENTENNIAL CORPS OF DISCOVERY II TRAVELING EDUCATION CENTER.

The National Park Service, using funds made available by this act, shall provide $2 million toward equipping and operating the Lewis and Clark Bicentennial Corps of Discovery II Traveling Education Center.

SA 4560. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MODIFICATIONS TO AVIATION AND TRANSPORTATION SECURITY ACT.

(a) SECURITY SCREENING OPT-OUT PROGRAM.—Section 44919(d) of title 49, United States Code, is amended—

(1) by striking ''not more than 1 airport from each of the 5 airport security risk categories'' and inserting ''up to 40 airports equally distributed among the 5 airport security risk categories''; and

(2) by adding at the end the following: ''The Under Secretary shall encourage large and medium hub airports to participate in the program''.

(b) EXTENSION OF DEADLINE.—Section 110(c)(2) of the Aviation and Transportation Security Act is amended by striking ''1 year after the date of enactment of this Act'' and inserting ''December 31, 2002''.

SA 4561. Mr. COCHRAN (for himself, Mr. FRIST, and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

TITLE ___—VOLUNTARY SEPARATION INCENTIVE PAYMENTS FOR EMPLOYEES OF THE SMITHSONIAN INSTITUTION

SECTION ___01. SHORT TITLE.

This title may be cited as the ''Smithsonian Personnel Flexibility Act of 2002''.

SEC. ___02. DEFINITIONS.

In this title:

(1) EMPLOYEE.—

(A) IN GENERAL.—The term ''employee'' means a civil service employee of the Institution who—

(i) is serving under an appointment without time limitation; and

(ii) has been employed by the Institution as a civil service employee for a continuous period of at least 3 years.

(B) EXCLUSIONS.—The term ''employee'' does not include—

(i) a reemployed annuitant under—

(I) subchapter III of chapter 83 or chapter 84 of title 5, United States Code; or

(II) another retirement system for employees of the Federal Government;

(ii) an employee with a disability for which the employee is or would be eligible for disability retirement under—

(I) subchapter III of chapter 83 or chapter 84 of title 5, United States Code; or

(II) another retirement system for employees of the Federal Government;

(iii) an employee who has received a decision notice of involuntary separation for misconduct or unacceptable performance;

(iv) an employee who has previously received an incentive payment from the Federal Government under this title or any other authority;

(v) an employee who—

(I) is covered by statutory reemployment rights; and

(II) is on transfer employment with another organization; or

(vi) an employee who—

(I) during the 24-month period preceding the date of separation of the employee, received and did not repay a recruitment or relocation bonus under section 5753 of title 5, United States Code;

(II) during the 12-month period preceding the date of separation of the employee, received and did not repay a retention allowance under section 5754 of title 5, United States Code; or

(III) during the 36-month period preceding the date of separation of the employee, did not repay funds provided for student loan repayment under section 5379 of title 5, United States Code, unless the paying agency has waived the right to recover those funds.

(2) EXECUTIVE BRANCH EMPLOYEE.—The term ''executive branch employee'' means an employee of an Executive agency (as defined in section 105 of title 5, United States Code), other than the United States Postal Service or the Postal Rate Commission, who is employed under section ___05.

(3) INCENTIVE PAYMENT.—The term ''incentive payment'' means a voluntary separation incentive payment authorized under section ___04(a).

(4) INSTITUTION.—The term ''Institution'' means the Smithsonian Institution.

(5) JUDICIAL BRANCH EMPLOYEE.—The term ''judicial branch employee'' means an employee of the judicial branch of the Federal Government employed under section ___05.

(6) PLAN.—The term ''plan'' means the voluntary separation incentive plan for the Institution completed under section ___03(a).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Smithsonian Institution.

SEC. ___03. VOLUNTARY SEPARATION INCENTIVE PAYMENT PLAN.

(a) IN GENERAL.—Before obligating any funds of the Institution for incentive payments, the Secretary shall complete a voluntary separation incentive payment plan for the Institution that—

(1) describes the intended use of the incentive payments; and

(2) provides a proposed organizational chart for the Institution describing the organization of the Institution after the incentive payments have been completed.

(b) CONTENTS.—The plan shall include—

(1) the specific positions and functions to be reduced or eliminated;

(2) a description of which categories of employees will be offered incentive payments;

(3) the time period during which incentive payments shall be paid;

(4) the number and amounts of incentive payments to be offered; and

(5) a description of how the Institution will operate without the eliminated positions and functions.

(c) IMPLEMENTATION.—Before implementing the plan, the Secretary shall consult with the Director of the Office of Management and Budget.

SEC. ___04. AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) IN GENERAL.—The Secretary may make an incentive payment to any employee who voluntarily separates within the 3-year period beginning on the date of enactment of this Act in accordance with this title and the plan.

(b) REQUIREMENTS.—An incentive payment—

(1) shall be offered to employees on the basis of—

(A) organizational unit;

(B) occupational series or level;

(C) geographic location;

(D) specific periods during which employees may elect an incentive payment;

(E) skills, knowledge, or other job-related factors; or

(F) a combination of the factors described in subparagraphs (A) through (E);

(2) shall be paid in a lump sum after the separation of the employee;

(3) shall be equal to the lesser of—

(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code (without adjustment for any previous payment made); or

(B) an amount determined by the Secretary, not to exceed $25,000;

(4) may be made only in the case of an employee who voluntarily separates, by retirement or resignation, under this title;

(5) shall not be a basis for payment, or included in the computation, of any other type of benefit of the Federal Government;

(6) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, from any other separation; and

(7) shall be paid from funds available for the payment of the basic pay of the employee.

SEC. ___05. EFFECT OF SUBSEQUENT EMPLOYMENT BY THE FEDERAL GOVERNMENT.

(a) IN GENERAL.—Except as provided in subsection (b), if, within the 5-year period beginning on the date of separation of the employee under this title, an employee who has received a voluntary separation incentive payment under this title accepts employment for compensation with the Federal Government (other than the legislative branch) (including, with respect to any employee other than an executive branch employee or a judicial branch employee, employment under a personal services contract), the employee shall, before the first day of employment with the Federal Government, pay to the Institution the entire amount of the incentive payment.

(b) EXCEPTIONS.—

(1) EXECUTIVE BRANCH EMPLOYEE.—If an employee described in subsection (a) is an executive branch employee, the Director of the Office of Personnel Management may, at the request of the head of the employing agency, waive repayment under subsection (a) if—

(A) the executive branch employee possesses unique abilities; or

(B) in the case of an emergency involving a direct threat to life or property, the executive branch employee—

(i) has skills directly related to resolving the emergency; and

(ii) shall be employed only until such time as the emergency is resolved.

(2) JUDICIAL BRANCH EMPLOYEE.—If an employee described in subsection (a) is a judicial branch employee, the Director of the Administrative Office of the United States Courts may waive repayment under subsection (a) if the employee—

(A) possesses unique abilities; and

(B) is the only qualified applicant available for the position.

SA 4562. Mr. BINGAMAN (for himself and Mr. DASCHLE) submitted an amendment intended to be proposed by him to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

"SEC. ___.

''(a) FINDINGS.—Congress finds that:

''(1) In 2002 approximately six and one half million acres of forest lands in the United States have burned, 21 people have lost their lives, and 3,079 structures have been destroyed. The Forest Service and the Bureau of Land Management have spent more than $1 billion fighting these fires.

''(2) 73 million acres of public lands are classified as class 3 fire risks. This includes 23 million acres that are in strategic areas designated by the Forest Service and the Department of the Interior for emergency treatment to withstand catastrophic fire.

''(3) The forest management policy of fire suppression has resulted in an accumulation of fuel loads, dead and dying trees, and nonnative species that creates fuel ladders which allow fires to reach the crowns of large old trees and cause catastrophic fire.

''(4) The Forest Service and the Department of the Interior should immediately undertake an emergency forest grooming program to reduce the risk of catastrophic fire.

''(b) IN GENERAL.—The Secretary of Agriculture and the Secretary of the Interior shall conduct immediately and to completion projects consistent with the Implementation Plan for the 10-year Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, developed pursuant to the Conference Report to the Department of the Interior and Related Agencies Appropriations Act, FY 2001 (H. Rept. 106–646) to reduce hazardous fuels. Any project carried out pursuant to this section shall be consistent with the applicable forest plan, resource management plan, or other applicable agency plans.

''(c) PRIORITY.—In implementing projects under this section, the Secretary of Agriculture and the Secretary of the Interior shall give highest priority to—

''(1) wild and urban interface areas;

''(2) municipal watersheds; or

''(3) forested or rangeland areas affected by disease, insect activity, wind throw, or areas subject to catastrophic reburn.

''(d) ACREAGE LIMITATION.—In implementing this section, the Secretary of Agriculture and the Secretary of the Interior shall treat an aggregate area of not more than 2.5 million acres of federal land. This amount is in addition to the existing hazardous fuels reduction program that treats approximately 2.5 million acres each year.

''(e) PROCESS.—The Secretary of Agriculture and the Secretary of the Interior shall jointly develop a collaborative process with interested parties consistent with the Implementation Plan described in subjection (a) for the selection of projects carried out under this section consistent with subsection (b). Such collaborative process may be the process set forth in title II of the Secure Rural Schools and Community Self-Determination Act, Public Law 106–393.

''(f) ADMINISTRATIVE PROCESS.—

''(1) REVIEW.—Projects implemented pursuant to subsection (g) shall not be subject to the appeal requirements of the Appeals Reform Act (section 322 of Public Law 102–381) or review by the Department of the Interior Board of Land Appeals. Nothing in this section affects projects for which scoping has begun prior to enactment of this Act.

''(2) REGULATIONS.—The Secretary of Agriculture and the Secretary of the Interior, as appropriate, may promulgate such regulations as are necessary to implement this section.

''(g) CONCLUSIVE PRESUMPTION.—Within one-half mile of any community, unless there are extraordinary circumstances, hazardous fuels reduction actions authorized by subsection (g) are conclusively determined to be categorically excluded from further analysis under the National Environmental Policy Act, and the Secretary of Agriculture or the Secretary of the Interior, as appropriate, need not make any findings as to whether the projects individually or cumulatively have a significant effect on the human environment. This conclusive determination shall apply in any judicial proceeding brought to enforce the National Environmental Policy Act pursuant to this section.

''(h) CATEGORICAL EXCLUSIONS.—(1) Subject to paragraph (2), until September 30, 2003, the Secretary of Agriculture and the Secretary of the Interior may categorically exclude a proposed hazardous fuels reduction action, including prescribed fire, from documentation in an environmental impact statement or environmental assessment if the proposed hazardous fuels reduction action is located on lands identified as condition class 3 as determined by the Secretary of Agriculture and the Secretary of the Interior and pursuant to scientific mapping surveys and removes no more than 250,000 board feet of merchantable wood products or removes as salvage 1,000,000 board feet or less of merchantable wood products and assures regeneration of harvested or salvaged areas.

''(2) Scoping is required on all actions proposed pursuant to this subsection.

''(i) EXTRAORDINARY CIRCUMSTANCES.—For all projects implemented pursuant to this section, if there are extraordinary circumstances, the Secretary of Agriculture and the Secretary of the Interior shall follow agency procedures related to categorical exclusions and extraordinary circumstances.

''(j) REDUCE FIRE RISK.—In order to ensure that the agencies are implementing projects that reduce the risk of unnaturally intense wildfires, the Secretary of Agriculture and the Secretary of the Interior—

''(1) shall not construct new roads in any inventoried roadless areas part of any project implemented pursuant to this section;

''(2) shall, at their discretion, maintain an ecologically sufficient number of old and large trees appropriate for each ecosystem type and shall focus on thinning from below for all projects implemented pursuant to this section;

''(3) for projects involving key municipal watersheds, must protect or enhance water quality or water quantity available in the area; and

''(4) must deposit in the Treasury of the United States all revenues and receipts generated from projects implemented pursuant to this section.

''(k) HAZARDOUS FUELS REDUCTION FUNDING FOCUS.—In order to focus hazardous fuels reduction activities on the highest priority areas where critical issues of human safety and property loss are the most serious and within key municipal watersheds identified in forest plans, the Secretary of Agriculture and the Secretary of the Interior shall expend all of the hazardous fuels operations funds provided in this Act only on projects in areas identified as condition class 3 as defined in subsection (g) and at least seventy percent of the hazardous fuels operations funds provided in this Act only on projects within one-half mile of any community or within key municipal watersheds identified in forest plans. Nothing in this subsection will affect projects for which scoping has begun prior to enactment of this Act.

''(l) COMMUNITIES.—At least ten percent of the hazardous fuels operations funds provided in this Act shall be spent on projects that benefit small businesses that uses hazardous fuels and are located in small, economically disadvantaged communities.

''(m) MONITORING.—(1) The Secretary of Agriculture and the Secretary of the Interior shall establish a multiparty monitoring process in order to assess a representative sampling of the projects implemented pursuant to this section.

''(2) Funds to implement this subsection shall be derived from hazardous fuels reduction funds.''

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, September 18, 2002, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on H.R. 2880, a bill to amend laws relating to the lands of the enrollees and lineal descendants of enrollees whose names appear on the final Indian rolls of the Muscogee (Creek), Seminole, Cherokee, Chickasaw, and Choctaw Nations, and for other purposes.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to conduct a hearing during the session of the Senate at 10:00 a.m., on Tuesday, September 17, 2002. The purpose of this hearing will be to discuss implementation of the 2002 farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, September 17, 2002, at 9:30 a.m., in closed session to receive testimony on Iraq.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, September 17, 2002, at 10:30 a.m., to conduct an oversight hearing on ''The Tennessee Valley Authority and Financial Disclosure.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a Hearing during the session of the Senate on Tuesday, September 17, 2002, at 9:30 a.m. in SD–106. The purpose of the hearing is to receive testimony on the Federal Energy Regulatory Commission's Notice of Proposed Rulemaking, ''Remedying Under Discrimination through Open Access Transmission Service and Standard Electricity Market Design,'' issued July 31.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Public Health, be authorized to meet for a hearing on Losing Momentum: Are Childhood Vaccine Supplies Adequate? during the session of the Senate on Tuesday, September 17, 2002, at 2:30 p..m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, September 17, 2002, at 10:00 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 1392, a bill to establish procedures for the Bureau of Indian Affairs of the Department of the Interior with respect to tribal recognition, and on S. 1393, a bill to provide grants to ensure full and fair participation in certain decision-making process at the Bureau of Indian Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, September 17, 2002 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Subcommittee on Aviation be authorized to meet on Tuesday, September 17, 2002, at 10:30 a.m. on Aviation Cargo Security. This will be a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space be authorized to meet on Tuesday, September 17, 2002, at 2:30 p.m. on Nanotechnology.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIVE AMERICAN COMMERCIAL DRIVING TRAINING AND TECHNICAL ASSISTANCE ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 557, S. 1344.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1344) to provide training and technical assistance to Native Americans who are interested in commercial vehicle driving careers.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

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 ''Native American Commercial Driving Training and Technical Assistance Act''.

[SEC. 2. FINDINGS AND PURPOSES.

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

[(1) Despite the availability of abundant natural resources on Indian lands and a rich cultural legacy that accords great value to self-determination, self-reliance, and independence, Native Americans suffer higher rates of unemployment, poverty, poor health, substandard housing, and associated social ills than those of any other group in the United States.

[(2) The United States has an obligation to assist Indian tribes with the creation of appropriate economic and political conditions.

[(3) The economic success and material well-being of Native American communities depends on the combined efforts of the Federal Government, tribal governments, the private sector, and individuals.

[(4) Two tribally controlled community colleges, D–Q University in the State of California and Fort Peck Community College in the State of Montana, currently offer commercial vehicle driving programs.

[(5) The American Trucking Association reports that at least until the year 2005, the trucking industry will need to hire 403,000 truck drivers each year to fill empty positions.

[(6) According to the Federal Government Occupational Handbook the commercial driving industry is expected to increase about as fast as the average for all occupations through the year 2008 as the economy grows and the amount of freight carried by trucks increases.

[(7) A career in commercial vehicle driving offers a competitive salary, employment benefits, job security, and a profession.

[(b) PURPOSE.—It is the purpose of this Act—

[(1) to foster and promote job creation and economic opportunities for Native Americans; and

[(2) to provide education, technical, and training assistance to Native Americans who are interested in a commercial vehicle driving career.

[SEC. 3. DEFINITIONS.

[In this Act:

[(1) COMMERCIAL VEHICLE DRIVING.—The term ''commercial vehicle driving'' means the driving of a vehicle which is a tractor-trailer truck.

[(2) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

[SEC. 4. COMMERCIAL VEHICLE DRIVING TRAINING PROGRAM.

[(a) GRANTS.—The Secretary may award 4 grants, on a competitive basis, to eligible entities to support programs providing training and certificates leading to the professional development of individuals with respect to commercial vehicle driving.

[(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

[(1) be a tribally-controlled community college or university (as defined in section 2 of the Tribally-Controlled Community College or University Assistance Act of 1978 (25 U.S.C. 1801)); and

[(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

[(c) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to—

[(1) grant applications that propose training that exceeds the United States Department of Transportation's Proposed Minimum Standards for Training Tractor-Trailer Drivers; and

[(2) grant applications that propose training that exceeds the entry level truck driver certification standards set by the Professional Truck Driver Institute.

[(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the Act.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Native American Commercial Driving Training and Technical Assistance Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) despite the availability of abundant natural resources on land under the jurisdiction of Indian tribes and the existence of a rich cultural legacy that accords great value to self-determination, self-reliance, and independence, Native Americans suffer higher rates of unemployment, poverty, poor health, substandard housing, and associated social problems than any other group in the United States;

(2) the United States has an obligation to assist Native American communities in the establishment of appropriate economic and political conditions;

(3) the economic success and material well-being of Indian communities depend on the combined efforts of the Federal Government, tribal governments, the private sector, and individuals;

(4) commercial vehicle driving programs are currently offered at several tribal colleges and universities;

(5) the American Trucking Association reports that at least until 2005, the trucking industry will need to hire 403,000 truck drivers each year to fill vacant positions;

(6) according to the Federal Government Occupational Handbook, the commercial vehicle driving industry is expected to expand at the average rate of expansion for all occupations through the year 2008 because of economic growth and an increase in the quantity of freight carried by trucks; and

(7) a career in commercial vehicle driving offers a competitive salary, employment benefits, job security, and a profession.

(b) PURPOSES.—The purposes of this Act are—

(1) to foster and promote job creation and economic opportunities for Native Americans; and

(2) to provide education, technical, and training assistance to Native Americans who are interested in commercial vehicle driving careers.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMERCIAL VEHICLE DRIVING.—The term ''commercial vehicle driving'' means the driving of—

(A) a vehicle that is a tractor-trailer truck; or

(B) any other vehicle (such as a bus or a vehicle used for the purpose of construction) the driving of which requires a commercial license.

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) NATIVE AMERICAN.—The term ''Native American'' means an individual who is a member of—

(A) an Indian tribe; or

(B) any people or culture that is indigenous to the United States, as determined by the Secretary.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

SEC. 4. COMMERCIAL VEHICLE DRIVING TRAINING PROGRAM.

(a) GRANTS.—The Secretary may provide grants, on a competitive basis, to entities described in subsection (b) to support programs providing training and certificates leading to the licensing of Native Americans with respect to commercial vehicle driving.

(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

(1) be a tribal college or university (as defined in section 316(b)(3) of the Higher Education Act (20 U.S.C. 1059(b)(3)); and

(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) PRIORITY.—In providing grants under subsection (a), the Secretary shall give priority to grant applications that—

(1) propose training that exceeds proposed minimum standards for training tractor-trailer drivers of the Department of Transportation;

(2) propose training that exceeds the entry level truck driver certification standards set by the Professional Truck Driver Institute; and

(3) propose an education partnership with a private trucking firm, trucking association, or similar entity in order to ensure the effectiveness of the grant program under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. REID. Mr. President, I ask unanimous consent that the Senate agree to the committee substitute amendment; that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

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

The bill (S. 1344), as amended, was read the third time and passed.

INDIAN FINANCING AMENDMENTS ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 558, S. 2017.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2017) to amend the Indian Financing Act of 1974 to improve the effectiveness of the Indian loan guarantee and insurance program.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

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 ''Indian Financing Act Amendments of 2002''.

[SEC. 2. FINDINGS AND PURPOSE.

[(a) FINDINGS.—Congress finds that—

[(1) the Indian Financing Act of 1974 (25 U.S.C. 1451 et seq.) was intended to provide Native American borrowers with access to commercial capital sources that, but for that Act, would not be available through loans guaranteed by the Secretary of the Interior;

[(2) although the Secretary of the Interior has made loan guarantees available, acceptance of loan guarantees by lenders to benefit Native American business borrowers has been limited;

[(3) 27 years after enactment of the Act, the promotion and development of Native American-owned business remains an essential foundation for growth of economic and social stability of Native Americans;

[(4) acceptance by lenders of the loan guarantees may be limited by liquidity and other capital market-driven concerns; and

[(5) it is in the best interest of the guaranteed loan program to—

[(A) encourage the orderly development and expansion of a secondary market for loans guaranteed by the Secretary; and

[(B) expand the number of lenders originating loans under that Act.

[(b) PURPOSES.—The purposes of this Act are—

[(1) to stimulate the use by lenders of secondary market investors for loans guaranteed by the Secretary of the Interior;

[(2) to preserve the authority of the Secretary to administer the program and regulate lenders;

[(3) to clarify that a good faith investor in loans guaranteed by the Secretary will receive appropriate payments;

[(4) to provide for the appointment by the Secretary of a qualified fiscal transfer agent to administer a system for the orderly transfer of the loans;

[(5) to authorize the Secretary to—

[(A) promulgate regulations to encourage and expand a secondary market program for loans guaranteed by the Secretary; and

[(B) allow the pooling of the loans as the secondary market develops; and

[(6) to authorize the Secretary to establish a schedule for assessing lenders and investors for the necessary costs of the fiscal transfer agent and system.

[SEC. 3. LOAN GUARANTEES.

[Section 205 of the Indian Financing Act of 1974 (25 U.S.C. 1485) is amended—

[(1) by inserting ''(a) IN GENERAL.—'' before ''Any loan''; and

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

[''(b) TRANSFER OF LOANS AND UNGUARANTEED PORTIONS OF LOANS.—

[''(1) TRANSFER.—

[''(A) IN GENERAL.—The lender of a loan guaranteed under this title may transfer to any person—

[''(i) all of the rights and obligations of the lender under the loan, or in an unguaranteed portion of the loan; and

[''(ii) the security given for the loan or unguaranteed portion.

[''(B) REGULATIONS.—A transfer under subparagraph (A) shall be consistent with such regulations as the Secretary shall promulgate under subsection (g).

[''(C) NOTICE.—A lender that completes a transfer under subparagraph (A) shall give notice of the transfer to the Secretary (or a designee of the Secretary).

[''(2) EFFECT OF TRANSFER.—On any transfer under this subsection, the transferee shall—

[''(A) be considered to be the lender under this title;

[''(B) become the secured party of record; and

[''(C) be responsible for—

[''(i) performing the duties of the lender; and

[''(ii) servicing the loan or portion of the loan, as appropriate, in accordance with the terms of guarantee of the Secretary of the loan or portion of the loan.

[''(c) TRANSFER OF GUARANTEED PORTIONS OF LOANS.—

[''(1) TRANSFER.—

[''(A) IN GENERAL.—The lender of a loan guaranteed under this title, and any subsequent transferee of all or part of the guaranteed portion of the loan, may transfer to any person—

[''(i) all or part of the guaranteed portion of the loan; and

[''(ii) the security given for the guaranteed portion transferred.

[''(B) REGULATIONS.—A transfer under subparagraph (A) shall be consistent with such regulations as the Secretary shall promulgate under subsection (g).

[''(C) NOTICE.—A lender that completes a transfer under subparagraph (A) shall give notice of the transfer to the Secretary (or a designee of the Secretary).

[''(D) ACKNOWLEDGEMENT.—On receipt of notice of a transfer under subparagraph (C), the Secretary (or a designee of the Secretary) shall issue to the transferee the acknowledgement of the Secretary of—

[''(i) the transfer; and

[''(ii) the interest of the transferee in the guaranteed portion of a loan that was transferred.

[''(2) EFFECT.—Notwithstanding any other provision of law, with respect to any transfer under this subsection, the lender shall—

[''(A) remain obligated under the guarantee agreement between the lender and the Secretary;

[''(B) continue to be responsible for servicing the loan in a manner consistent with the guarantee agreement; and

[''(C) remain the secured creditor of record.

[''(d) FULL FAITH AND CREDIT.—

[''(1) IN GENERAL.—The full faith and credit of the United States is pledged to the payment of all loan guarantees made under this title.

[''(2) VALIDITY.—

[''(A) IN GENERAL.—Except as provided in subparagraph (B), the validity of a guarantee of a loan under this title shall be incontestable if the guarantee is held by a transferee of a guaranteed obligation whose interest in a guaranteed loan has been acknowledged by the Secretary (or a designee of the Secretary) under subsection (c)(1)(D).

[''(B) FRAUD OR MISREPRESENTATION.—Subparagraph (A) shall not apply in a case in which the Secretary determines that a transferee of a loan or portion of a loan transferred under this section has actual knowledge of fraud or misrepresentation, or participates in or condones fraud or misrepresentation, in connection with the loan.

[''(e) DAMAGES.—The Secretary may recover from a lender any damages suffered by the Secretary as a result of a material breach of an obligation of the lender under the guarantee of the loan.

[''(f) FEE.—The Secretary may collect a fee for any loan or guaranteed portion of a loan transferred in accordance with subsection (b) or (c).

[''(g) REGULATIONS.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall promulgate such regulations as are necessary to facilitate, administer, and promote the transfer of loans and guaranteed portions of loans under this section.

[''(h) CENTRAL REGISTRATION.—On promulgation of final regulations under subsection (g), the Secretary shall—

[''(1) provide for the central registration of all loans and portions of loans transferred under this section; and

[''(2) contract with a fiscal transfer agent—

[''(A) to act as a designee of the Secretary; and

[''(B) on behalf of the Secretary—

[''(i) to carry out the central registration and paying agent functions; and

[''(ii) to issue acknowledgements of the Secretary under subsection (c)(1)(D).

[''(i) POOLING.—

[''(1) IN GENERAL.—Nothing in this title prohibits the pooling of whole loans, or portions of loans, transferred under this section.

[''(2) REGULATIONS.—The Secretary may promulgate regulations to effect orderly and efficient pooling procedures under this title.''.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Indian Financing Amendments Act of 2002''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Indian Financing Act of 1974 (25 U.S.C. 1451 et seq.) was intended to provide Native American borrowers with access to commercial sources of capital that otherwise would not be available through the guarantee or insurance of loans by the Secretary of the Interior;

(2) although the Secretary of the Interior has made loan guarantees and insurance available, use of those guarantees and that insurance by lenders to benefit Native American business borrowers has been limited;

(3) 27 years after the date of enactment of the Indian Financing Act of 1974 (25 U.S.C. 1451 et seq.), the promotion and development of Native American-owned business remains an essential foundation for growth of economic and social stability of Native Americans;

(4) use by commercial lenders of the available loan insurance and guarantees may be limited by liquidity and other capital market-driven concerns; and

(5) it is in the best interest of the insured and guaranteed loan program of the Department of the Interior—

(A) to encourage the orderly development and expansion of a secondary market for loans guaranteed or insured by the Secretary of the Interior; and

(B) to expand the number of lenders originating loans under the Indian Financing Act of 1974 (25 U.S.C. 1451 et seq.).

(b) PURPOSE.—The purpose of this Act is to reform and clarify the Indian Financing Act of 1974 (25 U.S.C. 1451 et seq.) in order to—

(1) stimulate the use by lenders of secondary market investors for loans guaranteed or insured under a program administered by the Secretary of the Interior;

(2) preserve the authority of the Secretary to administer the program and regulate lenders;

(3) clarify that a good faith investor in loans insured or guaranteed by the Secretary will receive appropriate payments;

(4) provide for the appointment by the Secretary of a qualified fiscal transfer agent to establish and administer a system for the orderly transfer of those loans; and

(5)(A) authorize the Secretary to promulgate regulations to encourage and expand a secondary market program for loans guaranteed or insured by the Secretary; and

(B) allow the pooling of those loans as the secondary market develops.

SEC. 3. AMENDMENTS TO INDIAN FINANCING ACT.

(a) LIMITATION ON LOAN AMOUNTS WITHOUT PRIOR APPROVAL.—Section 204 of the Indian Financing Act of 1974 (25 U.S.C. 1484) is amended in the last sentence by striking ''$100,000'' and inserting ''$250,000''.

(b) SALE OR ASSIGNMENT OF LOANS AND UNDERLYING SECURITY.—Section 205 of the Indian Financing Act of 1974 (25 U.S.C. 1485) is amended—

(1) by striking ''Any loan guaranteed'' and inserting the following:

''(a) IN GENERAL.—Any loan guaranteed or insured''; and

(2) by adding at the end the following:

''(b) INITIAL TRANSFERS.—

''(1) IN GENERAL.—The lender of a loan guaranteed or insured under this title may transfer to any individual or legal entity—

''(A) all rights and obligations of the lender in the loan or in the unguaranteed or uninsured portion of the loan; and

''(B) any security given for the loan.

''(2) ADDITIONAL REQUIREMENTS.—With respect to a transfer described in paragraph (1)—

''(A) the transfer shall be consistent with such regulations as the Secretary shall promulgate under subsection (i); and

''(B) the lender shall give notice of the transfer to the Secretary.

''(3) RESPONSIBILITIES OF TRANSFEREE.—On any transfer under paragraph (1), the transferee shall—

''(A) be deemed to be the lender for the purpose of this title;

''(B) become the secured party of record; and

''(C) be responsible for—

''(i) performing the duties of the lender; and

''(ii) servicing the loan in accordance with the terms of the guarantee by the Secretary of the loan.

''(c) SECONDARY TRANSFERS.—

''(1) IN GENERAL.—Any transferee under subsection (b) of a loan guaranteed or insured under this title may transfer to any individual or legal entity—

''(A) all rights and obligations of the transferee in the loan or in the unguaranteed or uninsured portion of the loan; and

''(B) any security given for the loan.

''(2) ADDITIONAL REQUIREMENTS.—With respect to a transfer described in paragraph (1)—

''(A) the transfer shall be consistent with such regulations as the Secretary shall promulgate under subsection (i); and

''(B) the transferor shall give notice of the transfer to the Secretary.

''(3) ACKNOWLEDGMENT BY SECRETARY.—On receipt of a notice of a transfer under paragraph (2)(B), the Secretary shall issue to the transferee an acknowledgement by the Secretary of—

''(A) the transfer; and

''(B) the interest of the transferee in the guaranteed or insured portion of the loan.

''(4) RESPONSIBILITIES OF LENDER.—Notwithstanding any transfer permitted by this subsection, the lender shall—

''(A) remain obligated on the guarantee agreement or insurance agreement between the lender and the Secretary;

''(B) continue to be responsible for servicing the loan in a manner consistent with that guarantee agreement or insurance agreement; and

''(C) remain the secured creditor of record.

''(d) FULL FAITH AND CREDIT.—

''(1) IN GENERAL.—The full faith and credit of the United States is pledged to the payment of all loan guarantees and loan insurance made under this title after the date of enactment of this subsection.

''(2) VALIDITY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the validity of a guarantee or insurance of a loan under this title shall be incontestable if the obligations of the guarantee or insurance held by a transferee have been acknowledged under subsection (c)(3).

''(B) EXCEPTION FOR FRAUD OR MISREPRESENTATION.—Subparagraph (A) shall not apply in a case in which a transferee has actual knowledge of fraud or misrepresentation, or participates in or condones fraud or misrepresentation, in connection with a loan.

''(e) DAMAGES.—Notwithstanding section 3302 of title 31, United States Code, the Secretary may recover from a lender of a loan under this title any damages suffered by the Secretary as a result of a material breach of the obligations of the lender with respect to a guarantee or insurance by the Secretary of the loan.

''(f) FEES.—The Secretary may collect a fee for any loan or guaranteed or insured portion of a loan that is transferred in accordance with this section.

''(g) CENTRAL REGISTRATION OF LOANS.—On promulgation of final regulations under subsection (i), the Secretary shall—

''(1) provide for a central registration of all guaranteed or insured loans transferred under this section; and

''(2) enter into 1 or more contracts with a fiscal transfer agent—

''(A) to act as the designee of the Secretary under this section; and

''(B) to carry out on behalf of the Secretary the central registration and fiscal transfer agent functions, and issuance of acknowledgements, under this section.

''(h) POOLING OF LOANS.—

''(1) IN GENERAL.—Nothing in this title prohibits the pooling of whole loans or interests in loans transferred under this section.

''(2) REGULATIONS.—In promulgating regulations under subsection (i), the Secretary may include such regulations to effect orderly and efficient pooling procedures as the Secretary determines to be necessary.

''(i) REGULATIONS.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall develop such procedures and promulgate such regulations as are necessary to facilitate, administer, and promote transfers of loans and guaranteed and insured portions of loans under this section.''.

Mr. REID. Mr. President, I ask unanimous consent that the Senate agree to the committee substitute amendment; that the bill, as amended, be read the third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

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

The bill (S. 2017), as amended, was read the third time and passed.

NATIVE AMERICAN ALCOHOL AND SUBSTANCE ABUSE PROGRAM CONSOLIDATION ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 560, S. 210.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 210) to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

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 ''Native American Alcohol and Substance Abuse Program Consolidation Act of 2001''.

[SEC. 2. STATEMENT OF PURPOSE.

[The purposes of this Act are—

[(1) to enable Indian tribes to consolidate and integrate alcohol and other substance abuse prevention, diagnosis and treatment programs, and mental health and related programs, to provide unified and more effective and efficient services to Native Americans afflicted with alcohol and other substance abuse problems; and

[(2) to recognize that Indian tribes can best determine the goals and methods for establishing and implementing prevention, diagnosis and treatment programs for their communities, consistent with the policy of self-determination.

[SEC. 3. DEFINITIONS.

[(a) IN GENERAL.—In this Act:

[(1) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given the term ''agency'' in section 551(1) of title 5, United States Code.

[(2) INDIAN.—The term ''Indian'' has the meaning given that term in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d)).

[(3) INDIAN TRIBE.—The terms ''Indian tribe'' and ''tribe'' have the meaning given the term ''Indian tribe'' in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) and shall include entities as provided for in subsection (b)(2).

[(4) SECRETARY.—Except where otherwise provided, the term ''Secretary'' means the Secretary of Health and Human Services.

[(5) SUBSTANCE ABUSE.—The term ''substance abuse'' includes the illegal use or abuse of a drug, the abuse of an inhalant, or the abuse of tobacco or related products.

[(b) INDIAN TRIBE.—

[(1) IN GENERAL.—In any case in which an Indian tribe has authorized another Indian tribe, an inter-tribal consortium, or a tribal organization to plan for or carry out programs, services, functions, or activities (or portions thereof) on its behalf under this Act, the authorized Indian tribe, inter-tribal consortium, or tribal organization shall have the rights and responsibilities of the authorizing Indian tribe (except as otherwise provided in the authorizing resolution or in this Act).

[(2) INCLUSION OF OTHER ENTITIES.—In a case described in paragraph (1), the term ''Indian tribe'', as defined in subsection (a)(2), shall include the additional authorized Indian tribe, inter-tribal consortium, or tribal organization.

[SEC. 4. INTEGRATION OF SERVICES AUTHORIZED.

[The Secretary, in cooperation with the Secretary of Labor, the Secretary of the Interior, the Secretary of Education, the Secretary of Housing and Urban Development, the United States Attorney General, and the Secretary of Transportation, as appropriate, shall, upon the receipt of a plan acceptable to the Secretary that is submitted by an Indian tribe, authorize the tribe to coordinate, in accordance with such plan, its federally funded alcohol and substance abuse and mental health programs in a manner that integrates the program services involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.

[SEC. 5. PROGRAMS AFFECTED.

[The programs that may be integrated in a demonstration project under any plan referred to in section 4 shall include—

[(1) any program under which an Indian tribe is eligible for the receipt of funds under a statutory or administrative formula for the purposes of prevention, diagnosis, or treatment of alcohol and other substance abuse problems and disorders, or mental health problems and disorders, or any program designed to enhance the ability to treat, diagnose, or prevent alcohol and other substance abuse and related problems and disorders, or mental health problems or disorders;

[(2) any program under which an Indian tribe is eligible for receipt of funds though a competitive or other grant program for the purposes of prevention, diagnosis, or treatment of alcohol and other substance abuse problems and disorders, or mental health problems and disorders, or treatment, diagnosis, or prevention of related problems and disorders, or any program designed to enhance the ability to treat, diagnose, or prevent alcohol and other substance abuse and related problems and disorders, or mental health problems or disorders, if—

[(A) the Indian tribe has provided notice to the appropriate agency regarding the intentions of the tribe to include the grant program in the plan it submits to the Secretary, and the affected agency has consented to the inclusion of the grant in the plan; or

[(B) the Indian tribe has elected to include the grant program in its plan, and the administrative requirements contained in the plan are essentially the same as the administrative requirements under the grant program; and

[(3) any program under which an Indian tribe is eligible for receipt of funds under any other funding scheme for the purposes of prevention, diagnosis, or treatment of alcohol and other substance abuse problems and disorders, or mental health problems and disorders, or treatment, diagnosis, or prevention of related problems and disorders, or any program designed to enhance the ability to treat, diagnose, or prevent alcohol and other substance abuse and related problems and disorders, or mental health problems or disorders.

[SEC. 6. PLAN REQUIREMENTS.

[For a plan to be acceptable under section 4, the plan shall—

[(1) identify the programs to be integrated;

[(2) be consistent with the purposes of this Act authorizing the services to be integrated into the project;

[(3) describe a comprehensive strategy that identifies the full range of existing and potential alcohol and substance abuse and

mental health treatment and prevention programs available on and near the tribe's service area;

[(4) describe the manner in which services are to be integrated and delivered and the results expected under the plan;

[(5) identify the projected expenditures under the plan in a single budget;

[(6) identify the agency or agencies in the tribe to be involved in the delivery of the services integrated under the plan;

[(7) identify any statutory provisions, regulations, policies, or procedures that the tribe believes need to be waived in order to implement its plan; and

[(8) be approved by the governing body of the tribe.

[SEC. 7. PLAN REVIEW.

[(a) CONSULTATION.—Upon receipt of a plan from an Indian tribe under section 4, the Secretary shall consult with the head of each Federal agency providing funds to be used to implement the plan, and with the tribe submitting the plan.

[(b) IDENTIFICATION OF WAIVERS.—The parties consulting on the implementation of the plan under subsection (a) shall identify any waivers of statutory requirements or of Federal agency regulations, policies, or procedures necessary to enable the tribal government to implement its plan.

[(c) WAIVERS.—Notwithstanding any other provision of law, the head of the affected Federal agency shall have the authority to waive any statutory requirement, regulation, policy, or procedure promulgated by the Federal agency that has been identified by the tribe or the Federal agency under subsection (b) unless the head of the affected Federal agency determines that such a waiver is inconsistent with the purposes of this Act or with those provisions of the Act that authorizes the program involved which are specifically applicable to Indian programs.

[SEC. 8. PLAN APPROVAL.

[(a) IN GENERAL.—Not later than 90 days after the receipt by the Secretary of a tribe's plan under section 4, the Secretary shall inform the tribe, in writing, of the Secretary's approval or disapproval of the plan, including any request for a waiver that is made as part of the plan.

[(b) DISAPPROVAL.—If a plan is disapproved under subsection (a), the Secretary shall inform the tribal government, in writing, of the reasons for the disapproval and shall give the tribe an opportunity to amend its plan or to petition the Secretary to reconsider such disapproval, including reconsidering the disapproval of any waiver requested by the Indian tribe.

[SEC. 9. FEDERAL RESPONSIBILITIES.

[(a) RESPONSIBILITIES OF THE INDIAN HEALTH SERVICE.—

[(1) MEMORANDUM OF UNDERSTANDING.—Not later than 180 days after the date of enactment of this Act, the Secretary, the Secretary of the Interior, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the United States Attorney General, and the Secretary of Transportation shall enter into an interdepartmental memorandum of agreement providing for the implementation of the plans authorized under this Act.

[(2) LEAD AGENCY.—The lead agency under this Act shall be the Indian Health Service.

[(3) RESPONSIBILITIES.—The responsibilities of the lead agency under this Act shall include—

[(A) the development of a single reporting format related to the plan for the individual project which shall be used by a tribe to report on the activities carried out under the plan;

[(B) the development of a single reporting format related to the projected expenditures for the individual plan which shall be used by a tribe to report on all plan expenditures;

[(C) the development of a single system of Federal oversight for the plan, which shall be implemented by the lead agency;

[(D) the provision of technical assistance to a tribe appropriate to the plan, delivered under an arrangement subject to the approval of the tribe participating in the project, except that a tribe shall have the authority to accept or reject the plan for providing the technical assistance and the technical assistance provider; and

[(E) the convening by an appropriate official of the lead agency (whose appointment is subject to the confirmation of the Senate) and a representative of the Indian tribes that carry out projects under this Act, in consultation with each of the Indian tribes that participate in projects under this Act, of a meeting not less than 2 times during each fiscal year for the purpose of providing an opportunity for all Indian tribes that carry out projects under this Act to discuss issues relating to the implementation of this Act with officials of each agency specified in paragraph (1).

[(b) REPORT REQUIREMENTS.—The single reporting format shall be developed by the Secretary under subsection (a)(3), consistent with the requirements of this Act. Such reporting format, together with records maintained on the consolidated program at the tribal level shall contain such information as will—

[(1) allow a determination that the tribe has complied with the requirements incorporated in its approved plan; and

[(2) provide assurances to the Secretary that the tribe has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements which have not been waived.

[SEC. 10. NO REDUCTION IN AMOUNTS.

[In no case shall the amount of Federal funds available to a participating tribe involved in any project be reduced as a result of the enactment of this Act.

[SEC. 11. INTERAGENCY FUND TRANSFERS AUTHORIZED.

[The Secretary, the Secretary of the Interior, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the United States Attorney General, or the Secretary of Transportation, as appropriate, is authorized to take such action as may be necessary to provide for the interagency transfer of funds otherwise available to a tribe in order to further the purposes of this Act.

[SEC. 12. ADMINISTRATION OF FUNDS AND OVERAGE.

[(a) ADMINISTRATION OF FUNDS.—

[(1) IN GENERAL.—Program funds shall be administered under this Act in such a manner as to allow for a determination that funds from specific programs (or an amount equal to the amount utilized from each program) are expended on activities authorized under such program.

[(2) SEPARATE RECORDS NOT REQUIRED.—Nothing in this section shall be construed as requiring a tribe to maintain separate records tracing any services or activities conducted under its approved plan under section 4 to the individual programs under which funds were authorized, nor shall the tribe be required to allocate expenditures among individual programs.

[(b) OVERAGE.—All administrative costs under a plan under this Act may be commingled, and participating Indian tribes shall be entitled to the full amount of such costs (under each program or department's regulations), and no overage shall be counted for Federal audit purposes so long as the overage is used for the purposes provided for under this Act.

[SEC. 13. FISCAL ACCOUNTABILITY.

[Nothing in this Act shall be construed to interfere with the ability of the Secretary or the lead agency to fulfill the responsibilities for the safeguarding of Federal funds pursuant to chapter 75 of title 31, United States Code.

[SEC. 14. REPORT ON STATUTORY AND OTHER BARRIERS TO INTEGRATION.

[(a) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the implementation of the program authorized under this Act.

[(b) FINAL REPORT.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the results of the implementation of the program authorized under this Act. The report shall identify statutory barriers to the ability of tribes to integrate more effectively their alcohol and substance abuse services in a manner consistent with the purposes of this Act.

[SEC. 15. ASSIGNMENT OF FEDERAL PERSONNEL TO STATE INDIAN ALCOHOL AND DRUG TREATMENT OR MENTAL HEALTH PROGRAMS.

[Any State with an alcohol and substance abuse or mental health program targeted to Indian tribes shall be eligible to receive, at no cost to the State, such Federal personnel assignments as the Secretary, in accordance with the applicable provisions of subchapter IV of chapter 33 of title 5, United States Code, may deem appropriate to help insure the success of such program.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Native American Alcohol and Substance Abuse Program Consolidation Act of 2002''.

SEC. 2. STATEMENT OF PURPOSE.

The purposes of this Act are—

(1) to enable Indian tribes to consolidate and integrate alcohol and other substance abuse prevention, diagnosis, and treatment programs, and mental health and related programs, to provide unified and more effective and efficient services to Indians afflicted with alcohol and other substance abuse problems;

(2) to recognize that Indian tribes can best determine the goals and methods for establishing and implementing prevention, diagnosis, and treatment programs for their communities, consistent with the policy of self-determination;

(3) to encourage and facilitate the implementation of an automated clinical information system to complement the Indian health care delivery system;

(4) to authorize the use of Federal funds to purchase, lease, license, or provide training for, technology for an automated clinical information system that incorporates clinical, as well as financial and reporting, capabilities for Indian behavioral health care programs;

(5) to encourage quality assurance policies and procedures, and empower Indian tribes through training and use of technology, to significantly enhance the delivery of, and treatment results from, Indian behavioral health care programs;

(6) to assist Indian tribes in maximizing use of public, tribal, human, and financial resources in developing effective, understandable, and meaningful practices under Indian behavioral health care programs; and

(7) to encourage and facilitate timely and effective analysis and evaluation of Indian behavioral health care programs.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—In this Act:

(1) AUTOMATED CLINICAL INFORMATION SYSTEM.—The term ''automated clinical information

system'' means an automated computer software system that can be used to manage clinical, financial, and reporting information for Indian behavioral health care programs.

(2) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given the term ''agency'' in section 551 of title 5, United States Code.

(3) INDIAN.—The term ''Indian'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(4) INDIAN BEHAVIORAL HEALTH CARE PROGRAM.—The term ''Indian behavioral health care program'' means a federally funded program, for the benefit of Indians, to prevent, diagnose, or treat, or enhance the ability to prevent, diagnose, or treat—

(A) mental health problems; or

(B) alcohol or other substance abuse problems.

(5) INDIAN TRIBE.—The terms ''Indian tribe'' and ''tribe'' have the meaning given the term ''Indian tribe'' in section 4 of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450b) and include entities as provided for in subsection (b)(2).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(7) SUBSTANCE ABUSE.—The term ''substance abuse'' includes—

(A) the illegal use or abuse of a drug or an inhalant; and

(B) the abuse of tobacco or a related product.

(b) INDIAN TRIBE.—

(1) IN GENERAL.—In any case in which an Indian tribe has authorized another Indian tribe, an intertribal consortium, a tribal organization, or an Indian health center to plan for or carry out programs, services, functions, or activities (or portions thereof) on its behalf under this Act, the authorized Indian tribe, intertribal consortium, tribal organization, or Indian health center shall have the rights and responsibilities of the authorizing Indian tribe (except as otherwise provided in the authorizing resolution or in this Act).

(2) INCLUSION OF OTHER ENTITIES.—In a case described in paragraph (1), the term ''Indian tribe'', as defined in subsection (a)(3), shall include the additional authorized Indian tribe, intertribal consortium, tribal organization, or Indian health center.

SEC. 4. INTEGRATION OF SERVICES AUTHORIZED.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Labor, the Secretary of the Interior, the Secretary of Education, the Secretary of Housing and Urban Development, the Attorney General, and the Secretary of Transportation, as appropriate, shall, upon receipt of a plan acceptable to the Secretary that is submitted by an Indian tribe, authorize the tribe to carry out a demonstration project to coordinate, in accordance with the plan, the Indian behavioral health care programs of the tribe in a manner that integrates the program services involved into a single, coordinated, comprehensive program that uses, to the extent necessary, an automated clinical information system to better manage administrative and clinical services, costs, and reporting requirements through the consolidation and integration of administrative and clinical functions.

(b) USE OF FUNDS FOR TECHNOLOGY.—Notwithstanding any requirement applicable to an Indian behavioral health care program of an Indian tribe that is integrated under a demonstration project carried out under subsection (a), the Indian tribe may use funds made available under the program to purchase, lease, license, or provide training for, technology for an automated clinical information system.

SEC. 5. PROGRAMS AFFECTED.

The programs that may be integrated in a demonstration project under a plan submitted under section 4 are—

(1) any Indian behavioral health care program under which an Indian tribe is eligible for the receipt of funds under a statutory or administrative formula;

(2) any Indian behavioral health care program under which an Indian tribe is eligible for receipt of funds through competitive or other grants, if—

(A)(i) the Indian tribe has provided notice to the appropriate agency regarding the intentions of the tribe to include the Indian behavioral health care program in the plan that the tribe submits to the Secretary; and

(ii) the affected agency has consented to the inclusion of the grant in the plan; or

(B)(i) the Indian tribe has elected to include the Indian behavioral health care program in its plan; and

(ii) the administrative requirements contained in the plan are essentially the same as the administrative requirements applicable to a grant under the Indian behavioral health care program; and

(3) any Indian behavioral health care program under which an Indian tribe is eligible for receipt of funds under any other funding scheme.

SEC. 6. PLAN REQUIREMENTS.

A plan of an Indian tribe submitted under section 4 shall—

(1) identify the programs to be integrated;

(2) be consistent with the purposes of this Act authorizing the services to be integrated into the demonstration project;

(3) describe a comprehensive strategy that—

(A) identifies the full range of existing and potential alcohol and substance abuse and mental health treatment and prevention programs available on and near the tribe's service area; and

(B) may include site and technology assessments and any necessary computer hardware installation and support;

(4) describe the manner in which services are to be integrated and delivered and the results expected under the plan, including, if implemented, the manner and expected results of implementation of an automated clinical information system;

(5) identify the projected expenditures under the plan in a single budget;

(6) identify the agency or agencies in the tribe to be involved in the delivery of the services integrated under the plan;

(7) identify any statutory provisions, regulations, policies, or procedures that the tribe believes need to be waived in order to implement its plan; and

(8) be approved by the governing body of the tribe.

SEC. 7. PLAN REVIEW.

(a) CONSULTATION.—Upon receipt of a plan from an Indian tribe under section 4, the Secretary shall consult with—

(1) the head of each Federal agency providing funds to be used to implement the plan; and

(2) the tribe submitting the plan.

(b) IDENTIFICATION OF WAIVERS.—The parties consulting on the implementation of the plan under subsection (a) shall identify any waivers of statutory requirements or of Federal agency regulations, policies, or procedures necessary to enable the tribal government to implement its plan.

(c) WAIVERS.—Notwithstanding any other provision of law, the head of the affected Federal agency shall have the authority to waive any statutory requirement, regulation, policy, or procedure promulgated by the Federal agency that has been identified by the tribe or the Federal agency under subsection (b) unless the head of the affected Federal agency determines that such a waiver is inconsistent with—

(1) the purposes of this Act; or

(2) any statutory requirement applicable to the program to be integrated under the plan that is specifically applicable to Indian programs.

SEC. 8. PLAN APPROVAL.

(a) IN GENERAL.—Not later than 90 days after the receipt by the Secretary of a tribe's plan under section 4, the Secretary shall inform the tribe, in writing, of the Secretary's approval or disapproval of the plan, including any request for a waiver that is made as part of the plan.

(b) DISAPPROVAL.—If a plan is disapproved under subsection (a), the Secretary shall inform the tribal government, in writing, of the reasons for the disapproval and shall give the tribe an opportunity to amend its plan or to petition the Secretary to reconsider such disapproval, including reconsidering the disapproval of any waiver requested by the Indian tribe.

SEC. 9. FEDERAL RESPONSIBILITIES.

(a) RESPONSIBILITIES OF THE INDIAN HEALTH SERVICE.—

(1) MEMORANDUM OF UNDERSTANDING.—Not later than 180 days after the date of enactment of this Act, the Secretary, the Secretary of the Interior, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Attorney General, and the Secretary of Transportation shall enter into an interdepartmental memorandum of agreement providing for the implementation of the plans authorized under this Act.

(2) LEAD AGENCY.—The lead agency under this Act shall be the Indian Health Service.

(3) RESPONSIBILITIES.—The responsibilities of the lead agency under this Act shall include—

(A) the development of a single reporting format related to each plan for a demonstration project, which shall be used by a tribe to report on the activities carried out under the plan;

(B) the development of a single reporting format related to the projected expenditures for the individual plan, which shall be used by a tribe to report on all plan expenditures;

(C) the development of a single system of Federal oversight for the plan, which shall be implemented by the lead agency;

(D) the provision of, or arrangement for provision of, technical assistance to a tribe appropriate to support and implement the plan, delivered under an arrangement subject to the approval of the tribe participating in the project, except that a tribe shall have the authority to accept or reject the plan for providing the technical assistance and the technical assistance provider; and

(E) the convening by an appropriate official of the lead agency (whose appointment is subject to the confirmation of the Senate) and a representative of the Indian tribes that carry out projects under this Act, in consultation with each of the Indian tribes that participate in projects under this Act, of a meeting not less than twice during each fiscal year for the purpose of providing an opportunity for all Indian tribes that carry out projects under this Act to discuss issues relating to the implementation of this Act with officials of each agency specified in paragraph (1).

(b) REPORT REQUIREMENTS.—The single reporting format shall be developed by the Secretary under subsection (a)(3), consistent with the requirements of this Act. Such reporting format, together with records maintained on the consolidated program at the tribal level shall contain such information as will—

(1) allow a determination that the tribe has complied with the requirements incorporated in its approved plan; and

(2) provide assurances to the Secretary that the tribe has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements that have not been waived.

SEC. 10. NO REDUCTION IN AMOUNTS.

In no case shall the amount of Federal funds available to a participating tribe involved in any project be reduced as a result of the enactment of this Act.

SEC. 11. INTERAGENCY FUND TRANSFERS AUTHORIZED.

The Secretary, the Secretary of the Interior, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Attorney General, or the Secretary of Transportation, as appropriate, is authorized to take such action as may be necessary to provide for the interagency transfer of funds otherwise available to a tribe in order to further the purposes of this Act.

SEC. 12. ADMINISTRATION OF FUNDS AND OVERAGE.

(a) ADMINISTRATION OF FUNDS.—

(1) IN GENERAL.—Program funds shall be administered under this Act in such a manner as to allow for a determination that funds from specific programs (or an amount equal to the amount used from each program) are expended on activities authorized under such program.

(2) SEPARATE RECORDS NOT REQUIRED.—Nothing in this section shall be construed as requiring a tribe to maintain separate records tracing any services or activities conducted under its approved plan under section 4 to the individual programs under which funds were authorized, nor shall the tribe be required to allocate expenditures among individual programs.

(b) OVERAGE.—All administrative costs under a plan under this Act may be commingled, and participating Indian tribes shall be entitled to the full amount of such costs (under each program or department's regulations), and no overage shall be counted for Federal audit purposes so long as the overage is used for the purposes provided for under this Act.

SEC. 13. FISCAL ACCOUNTABILITY.

Nothing in this Act shall be construed to interfere with the ability of the Secretary or the lead agency to fulfill the responsibilities for the safeguarding of Federal funds pursuant to chapter 75 of title 31, United States Code.

SEC. 14. REPORT ON STATUTORY AND OTHER BARRIERS TO INTEGRATION.

(a) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the implementation of the program authorized under this Act.

(b) FINAL REPORT.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the results of the implementation of the program authorized under this Act. The report shall identify statutory barriers to the ability of tribes to integrate more effectively their alcohol and substance abuse services in a manner consistent with the purposes of this Act.

SEC. 15. ASSIGNMENT OF FEDERAL PERSONNEL TO STATE INDIAN ALCOHOL AND DRUG TREATMENT OR MENTAL HEALTH PROGRAMS.

Any State with an alcohol and substance abuse or mental health program targeted to Indian tribes shall be eligible to receive, at no cost to the State, such Federal personnel assignments as the Secretary, in accordance with the applicable provisions of subchapter IV of chapter 33 of title 5, United States Code, may determine appropriate to help ensure the success of such program.

Mr. REID. Mr. President, I ask unanimous consent that the Senate agree to the committee substitute amendment; that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

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

The bill (S. 210), as amended, was read the third time and passed.

ORDERS FOR WEDNESDAY, SEPTEMBER 18, 2002

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Wednesday, September 18; that following the prayer and the pledge, the morning hour be deemed 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 resume consideration of H.R. 5093, the Interior Appropriations Act; that at 11:30, there be a period for morning business until 12:30, with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the majority leader or his designee and the second half under the control of the Republican leader or his designee; that at 12:30, the Senate resume consideration of H.R. 5005, Homeland security, under the previous order; further, that the live quorum with respect to the cloture motion filed earlier today be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, cloture was filed on the Lieberman substitute amendment to the Homeland Security Act. Because of that, all first-degree amendments must be filed tomorrow prior to 1 p.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, I ask unanimous consent that the Senate now stand in adjournment under the previous order.

There being no objection, the Senate, at 6:51 p.m., adjourned until Wednesday, September 18, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 17, 2002:

DEPARTMENT OF STATE

PETER DESHAZO, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING TENURE OF SERVICE AS DEPUTY PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION OF AMERICAN STATES.

OVERSEAS PRIVATE INVESTMENT CORPORATION

JOHN L. MORRISON, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2004, VICE JOHN J. PIKARSKI, JR., TERM EXPIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. JODY A. BRECKENRIDGE, 0000
CAPT. JOHN E. CROWLEY, 0000
CAPT. LARRY L. HERETH, 0000
CAPT. RICHARD R. HOUCK, 0000
CAPT. CLIFFORD I. PEARSON, 0000
CAPT. JAMES C. VAN SICE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

CHRISTINE D BALBONI, 0000
LANCE L BARDO, 0000
CAROL C BENNETT, 0000
DENNIS D BLACKALL, 0000
MATTHEW M BLIZARD, 0000
TERRENCE W CARTER, 0000
THOMAS D CRIMAN, 0000
NORMAN L CUSTARD, 0000
KURT W DEVOE, 0000
MARK R DEVRIES, 0000
GAIL A DONNELLY, 0000
STEPHEN C DUCA, 0000
DANE S EGLI, 0000
ROBERT A FARMER, 0000
MICHAEL P FARRELL, 0000
EKUNDAYO G FAUX, 0000
GARY E FELICETTI, 0000
KENNETH D FORSLUND, 0000
SCOT S GRAHAM, 0000
MARK S GUILLORY, 0000
KURTIS J GUTH, 0000
WARREN L HASKOVEC, 0000
DAVID L HILL, 0000
VIRGINIA K HOLTZMANBELL, 0000
JAMES C HOWE, 0000
JAMES T HUBBARD, 0000
RICHARD M KASER, 0000
JONATHAN S KEENE, 0000
JUDITH E KEENE, 0000
FREDERICK J KENNEY, 0000
DANIEL A LALIBERTE, 0000
WILLIAM D LEE, 0000
DAVID L LERSCH, 0000
MARSHALL B LYTLE, 0000
JAY G MANIK, 0000
BRET K MCGOUGH, 0000
BRADLEY R MOZEE, 0000
PETER V NEFFENGER, 0000
DAVALEE G NORTON, 0000
ROBERT R OBRIEN, 0000
STEPHEN J OHNSTAD, 0000
KEVIN G QUIGLEY, 0000
ADOLFO D RAMIREZ, 0000
MICHAEL P RAND, 0000
RICHARD A RENDON, 0000
DANIEL N RIEHM, 0000
JOSEPH F RODRIGUEZ, 0000
GEORGE A RUSSELL, 0000
DAVID L SCOTT, 0000
BARRY P SMITH, 0000
CURTIS A SPRINGER, 0000
RICHARD A STANCHI, 0000
PHILIP H SULLIVAN, 0000
GERALD M SWANSON, 0000
KEITH A TAYLOR, 0000
PATRICK B TRAPP, 0000
JAMES E TUNSTALL, 0000
GEORGE P VANCE, 0000
STEVEN E VANDERPLAS, 0000

THE FOLLOWING NAMED OFFICER OF THE UNITED STATES COAST GUARD TO BE A MEMBER OF THE PERMANENT COMMISSIONED TEACHING STAFF OF THE COAST GUARD ACADEMY IN THE GRADE INDICATED UNDER SECTION 188, TITLE 14, U.S. CODE:

To be lieutenant

DAVID C. CLIPPINGER, 0000

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. GEORGE W. KEEFE, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 531 AND 624:

To be major

MAURICE L. MCDOUGALD, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOHN R. HINSON, 0000
BRUCE A. OLSON, 0000
CLARICE J. PETERS, 0000
JOSEPH M. SCATURO, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

CATHI A. KIGER, 0000
BARRY L. RICHMOND, 0000
PAUL A. STEVES, 0000
TIMOTHY R. WARRICK, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO

THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JAY F. DALEY, 0000
DENNIS L. FRALEY, 0000
TED H. FRANDSEN, 0000
KEVIN W. JENKINS, 0000
JAMES A. JOYCE JR., 0000
THOMAS G. KNIGHT, 0000
PAMELA J. RODRIGUEZ, 0000
RONNIE D. STUCKEY, 0000
DONNA S. WOODBY, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

PAUL M. AMALFITANO, 0000
LYNN C. HAGUE, 0000
JAMES S. HOGGARD, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

STEPHEN M. BLOOMER, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

THEODORE A. MICKEVICIUS, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

HUGO E. SALAZAR, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DAVID A. SUGGS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

CHANDLER P. SEAGRAVES, 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 lieutenant commander

ARTHUR R. STIFFEL IV, 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

JEFFREY BALL, 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

ENEIN Y H ABOUL, 0000
ERIC M ACOBA, 0000
BARRY D ADAMS, 0000
HEATHER W AGUSTINES, 0000
DENNIS A ALBA JR., 0000
PAUL A ANDRE, 0000
ARTHUR C ANTHONY, 0000
WILLIAM C ASHBY, 0000
DAVID L BAILEY, 0000
FELIX A BIGBY, 0000
TRUPTI N BRAHMBHATT, 0000
ERIC H CONDEVALENTIN, 0000
ROSANNE Y CONWAY, 0000
GREGORY W COOK, 0000
CANDACE A CORNETT, 0000
CEDRIC M CORPUZ, 0000
MICHAEL F CRIQUI, 0000
WILLIAM M DENISTON, 0000
MICHAEL J DUSZYNSKI, 0000
STEPHEN C ELGIN, 0000
DAVID A ELLENBECKER, 0000
WALDO F FERRERAS, 0000
JIMMY E FRANCIS, 0000
RUTH E GOLDBERG, 0000
FRANCIS E HANLEY, 0000
JOHN E HANNON IV, 0000
DANIEL J HARDT, 0000
WILLIAM J HARTMANN, 0000
KATY M HAWKINS, 0000
BEULAH I HENDERSON, 0000
JAMES HERBST, 0000
LEE D HOEY, 0000
DENISE N HOLDRIDGE, 0000
RACELI C HULETT, 0000
MARY M HUPP, 0000
BRIAN E HUTCHISON, 0000
BRIAN T IVEY, 0000
TINA M JANGEL, 0000
SUSAN M JAY, 0000
GERALD H KAFORSKI JR., 0000
JASON R KELTNER, 0000
LISA K KENNEMUR, 0000
MICHAEL N LANE, 0000
ROBERT J LESLIE, 0000
MARC C LEWIS, 0000
JAMIE M LINDLY, 0000
LOUKIA D LOUKOPOULOS, 0000
MICHAEL G LUTTE, 0000
JAMES J LYNCH, 0000
RALPH J MARRO, 0000
DAVID M MARTIN, 0000
PAUL C MILLER, 0000
KRISTEN L MOE, 0000
MICHAEL M MONTOYA, 0000
SHEILA J MOSELEY, 0000
SARAH M NEILL, 0000
KELLEY A NEWMAN, 0000
RONALD J NORRA, 0000
CHRISTOPHER J ODONNELL, 0000
CHARLES E OLSON, 0000
RANDALL R OWENS, 0000
RENE A PACHUTA, 0000
HAE A PARK, 0000
JAMES E PATREY, 0000
DAN K PATTERSON, 0000
ELENA M PREZIOSO, 0000
SHUSMITA H RAHMAN, 0000
TIMOTHY R RICHARDSON, 0000
ALAN M ROSS, 0000
JULIE L RUDDY, 0000
JERRY N SANDERS JR., 0000
MARK A SCHIFFNER, 0000
BERET A SKROCH, 0000
JASON E SPENCER, 0000
ROHINI SURAJ, 0000
MARK A SWEARNGIN, 0000
ERIC R TIMMENS, 0000
JOY E TIMMENS, 0000
CONNIE L TODD, 0000
BRIAN G TOLBERT, 0000
SHANE A VATH, 0000
JUDITH M WALKER, 0000
HERLENA O WASHINGTON, 0000
LAURA L V WEGEMANN, 0000
DEBORAH D WHITE, 0000
MICHAEL WHITECAR, 0000
BYRON C WIGGINS, 0000
GERARD J WOELKERS, 0000
DEBRA L YNIGUEZ, 0000
KIMBERLY A ZUZELSKI, 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

CHRISTOPHER H BERKERS, 0000
ROBIN T BINGHAM, 0000
MARK R BOONE, 0000
STEVEN A BROFSKY, 0000
MICHAEL C CABASSA, 0000
LEWIS T CARPENTER, 0000
DAVID F CHACON, 0000
TERENCE CHAN, 0000
LOUIS H DELAGARZA, 0000
MADELYN GAMBREL, 0000
TODD C GRAMBAU, 0000
STEPHENIE L HEDSTROM, 0000
ROBERT S HEMPERLY, 0000
DAVID JIN, 0000
GRACE L KEY, 0000
IVETTA M MACLIN, 0000
TODD D MILLER, 0000
TROY R NAPIER, 0000
MATTHEW C NEUMANN, 0000
SHAWN P OBANNON, 0000
VICTOR R ORAMAS, 0000
LAMAR C ORTON, 0000
JOSE G PEDROZA, 0000
SUZANNE D RIMMER, 0000
KOICHI SAITO, 0000
MARTHA L SIRUS, 0000
COURTNEY L STAADECKER, 0000
BUFFY STORM, 0000
TRENEICE L WICKS, 0000
KIMBERLY A WILLIAMS, 0000
RICHARD L ZIMMERMANN, 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

DAVID R BROWN, 0000
CARL H FARMER, 0000
ROBERT J FITKIN, 0000
STANLEY W FORNEA, 0000
JEFFREY T HAN, 0000
DEAN L HOELZ, 0000
DWIGHT A HORN, 0000
CARL P KOCH, 0000
JOHN S KROENER, 0000
PATRICK J LAUTENBACH, 0000
MARCUS E LAWRENCE, 0000
MARC A MCDOWELL, 0000
GEORGE J MENDES, 0000
WILLIAM E MIDDLETON, 0000
VINSON W MILLER, 0000
JEFFREY S MILNE, 0000
JAMES H PITTMAN, 0000
TIMOTHY B POWELL, 0000
JASON L RIGGS, 0000
DAVID D SCHILLING, 0000
GREG T SCHLUTER, 0000
ANDREW P SHOLTES, 0000
STEVEN L SOUDERS, 0000
WILLIAM D STALLARD, 0000
LOFTEN C THORNTON, 0000
ROBERT J VANCE, 0000
ANDREW A WADE, 0000
DARRELL J WESLEY, 0000
TIMOTHY R WHITE, 0000
GEORGE B YOUNGER, 0000

WITHDRAWAL

Executive message transmitted by the President to the Senate on September 17, 2002, withdrawing from further Senate consideration the following nomination:

JOHN RODERICK DAVIS, OF ALABAMA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HENRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2005, VICE E. GORDON GEE, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON MAY 6, 2002.

EXTENSIONS OF REMARKS

IN RECOGNITION OF ILLINOIS STATE REPRESENTATIVE MARY LOU COWLISHAW

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. HASTERT. Mr. Speaker, I rise today to recognize the invaluable contributions of State Representative Mary Lou Cowlishaw over her nearly 20 years of service to the people of Illinois as a member of the Illinois General Assembly. Moreover, I am proud to have served alongside her during her first four years of service.

As a parent and former public school teacher, I would like to commend Representative Cowlishaw for her strong commitment to improving educational opportunities for the young people of Illinois. As the Ranking Member of the Illinois House Elementary and Secondary Education Committee and as a board member of the Lisle School District 202 Foundation, Representative Cowlishaw has done an exceptional job of advancing education and thereby securing the well-being and future success of all children in Illinois.

During her tenure in the Illinois General Assembly, Representative Cowlishaw's efforts contributed to the establishment of the Illinois Mathematics and Science Academy located in my congressional district. She has also worked tirelessly to advocate innovative approaches to increase student learning, improve teacher quality, and expand access to teaching in mathematics and science.

And, Representative Cowlishaw's exemplary dedication to the young people of Illinois extends well beyond the walls of the classroom. In fact, this past March, the Illinois Coalition to End Homelessness honored Representative Cowlishaw for her work to improve the educational rights of homeless students across the Nation.

When Representative Cowlishaw retires from the Illinois State House of Representatives at the end of this year, she should carry with her the knowledge that she has made the Illinois General Assembly, and particularly the State of Illinois, a better place.

A PROCLAMATION HONORING MR. AND MRS. HOUSEHOLDER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. NEY. Mr. Speaker, Whereas, Robert and Zema Householder are celebrating 70 years of marriage; and

Whereas, Robert and Zema have demonstrated a firm commitment to each other; and

Whereas, Robert and Zema must be commended for their loyalty and dedication to their family; and

Whereas, Robert and Zema have proven, by their example, to be a model for all married couples; and

Therefore, I join with the residents of the entire 18th Congressional District in congratulating Mr. and Mrs. Householder as they celebrate their 70th Wedding Anniversary.

HONORING DR. RICHARD WARREN

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. McGOVERN. Mr. Speaker, I rise today to join the community of Franklin, Massachusetts in honoring Dr. Richard Warren for his 30 years of outstanding service to the Franklin Public School System and other districts throughout New England.

After receiving his bachelors' degree from Bryant College in 1964, Dr. Warren earned his Masters of Educational Administration and Supervision at Rhode Island College in 1973; his Certificate of Advanced Study at the University of Connecticut in 1978; and his Ph.D. in Education Administration at the University of Connecticut in 1980.

During his 30-plus years of service to public education in Franklin and New England, Dr. Warren has distinguished himself as both an educator and administrator. Whether it be as an elementary school teacher for the public school districts of Tiverton, Rhode Island and Fall River, Massachusetts; Supervising Principal for Scituate Public Schools of Scituate, Rhode Island; or Superintendent of Schools for Franklin, Ayer, Mansfield and Dartmouth School Districts in Massachusetts, Dr. Warren has maintained his life-long commitment to educating the children of our community.

Furthermore, Dr. Warren's passion and dedication to learning has never been confined to the classroom. He has served as Associate Director of the Northeast Community Education Development Center and Research-Associate for the Department of Education Administration at the University of Connecticut; Director of Community Services for Fall River Public Schools in Fall River, Massachusetts; and Coordinator of the Title I Extended School Day program. It is clear that Dr. Warren's passion and enthusiasm for education has rewarded not only the children of our public schools, but also our entire community.

Although Dr. Warren is retiring to spend more time with his wife, Linda; daughters, Lisa and Barbara; and his grandchildren, he intends to be active as an educational consultant. In his personal time. Dr. Warren enjoys music and gardening.

Mr. Speaker, I ask my fellow members of U.S. House of Representatives to join me in congratulating Dr. Warren for all that he has done for the community of Franklin and other communities throughout Massachusetts and New England. He has served us well, and I wish him the best of luck in all future endeavors.

TRIBUTE TO CAPTAIN DAN MARSHALL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. SCHAFFER. Mr. Speaker, I rise to recognize Captain Dan Marshall of Greeley, Colorado. Captain Marshall has demonstrated exemplary leadership at the Air Force's 137th Space Warning Squadron in Greeley. For this, Mr. Speaker, the United States Congress commends Captain Marshall and wishes him the best of luck.

Throughout his career, Captain Marshall has accumulated such honors as being top of his class at USAF Undergraduate Space Training at Vandenburg Air Force Base in 1998 and having top qualifications as MGS Field Commander and Main Operating Base OTC. Captain Marshall is rated ''Highly Qualified'' in Space Operations, which is the best U.S. Space Command rating given by the military. In addition, Dan is a highly skilled pilot having earned his Bachelor of Science degree in Aviation at Metropolitan State College in Denver, Colorado. Dan's continued service is admirable and greatly appreciated by his fellow Coloradans, Americans and me.

The United States military is vital to the future and national security of our great Nation, and the citizens of this country are indebted to Captain Marshall. His rank and educational achievements speak for themselves. Dan is a fine example to the youth of America and to all who share his devotion to our country.

As a citizen of Colorado's Fourth Congressional District, Captain Marshall is truly a positive role model for the youth of America. Dan's community, state and country are proud of him. I ask the House to join me in extending our appreciation and well wishes to Captain Dan Marshall.

IN REMEMBRANCE OF THE VICTIMS OF THE KATYN FOREST MASSACRE AND THE WORLD TRADE CENTER ATTACKS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the victims of senseless and unspeakable atrocities. The New Jersey Division of the Polish American Congress sponsored a memorial service to remember those who lost their lives during the tragic Katyn Forest Massacre sixty-two years ago, and those killed during the attack on America, September 11, 2001. The service was held at the Katyn Monument site in Jersey City, New Jersey, on September 15, 2002.

After Nazi Germany and the Soviet Union maliciously invaded Poland in 1939, the Polish

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

citizenry fought bravely against both adversaries on two fronts. Unfortunately, in the process of valiantly defending their homeland, over fifteen thousand Polish soldiers, officers, intellectual leaders, prisoners of war, and other Polish citizens were brutally murdered. Perhaps one of the most unforgettable acts committed by the Soviet Union against Poland was later uncovered with the discovery of 4,500 bodies found in a single mass grave at the Katyn forest, near Smolensk in the Soviet Union. This horrendous discovery became known as the Katyn Forest Massacre.

And in an egregious attack against humanity, over three thousand Americans and citizens representing more than 80 nationalities were lost at the World Trade Center, the Pentagon, and the fields of Somerset County, Pennsylvania, on September 11, 2001. The heinous attacks on American soil reaffirmed our commitment to Democracy in defense of a free and open society, threatened by evil, injustice, hatred, and tyranny.

Today, I ask my colleagues to join me in honoring the lives lost in these tragedies. We shall never forget these acts of barbarism. And we shall never forget the innocent lives lost as we strive, as a People, to create a peaceful world.

SEPTEMBER 6, 2002: A TIME TO MOURN

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. PENCE. Mr. Speaker, the good book tells us that there is a time for every purpose under heaven. There is a time to weep and a time to mourn. On September 6th I joined some 250 of my colleagues in this body as we traveled to Federal Hall in New York City to do just that.

We gathered at a place in which this Congress met and even adopted the Bill of Rights in 1789. We mourned with those who mourn and we wept with those who weep. The last time I was in New York City was September 21, 2001. I stood in the ashes and on the periphery of the devastation at Ground Zero and I expect tomorrow, as we all do, to be a deeply moving day emotionally.

As we join to pray, Mr. Speaker, let us ever remember that we are also told that there is a time for peace and there is a time for war. As we pray for the bereaved let us also pray for wisdom for our President and our leadership in this institution as we choose the times and the days ahead for war.

A PROCLAMATION RECOGNIZING RAYMOND EDWARD WARNER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. NEY. Mr. Speaker, whereas, Raymond Warner has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Raymond Warner has shared his time and talent with the community in which he resides; and

Whereas, Raymond Warner has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Raymond Warner must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with Troop 212 and the entire 18th Congressional District in congratulating Raymond Edward Warner as he receives the Eagle Scout Award.

HONORING WILFREDO VAZQUEZ-POL

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. McGOVERN. Mr. Speaker, I rise today to recognize Wilfredo Vazquez-Pol of Clinton, Massachusetts who retired on September 3, 2002 from the United States Environmental Protection Agency after many years of dedicated service.

Willie, as his friends and co-workers a affectionately call him, has had a very illustrious career. He served his country by enlisting in the U.S. Navy in 1965 and was stationed in Hawaii and served in Vietnam. He was an auditor with the U.S. Department of Treasury, Office of Inspector General, and for the past 22 years, was a devoted member of the EPA/OIG staff where he was the Audit Manager in the Boston office since 1988. His hard work earned him the bronze Medal, the highest award given by the Inspector General.

Willie has been an outstanding citizen in Clinton and has given much of his personal time to community service. He helps provide translation services to Latino residents who have difficulty transitioning into the community. Willie is a member of the Clinton Lodge of Elks where he served as Exalted Ruler, and is also a member of the Clinton Hospital Board of Directors.

Mr. Speaker, it is a great pleasure to congratulate Willie on an outstanding career. I am certain that the entire U.S. House of Representatives joins me in wishing him many years of good health and happiness in his retirement.

TRIBUTE TO JERRY MORGENSEN

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize Mr. Jerry Morgensen, President and CEO of Hensel Phelps Construction in Greeley, Colorado. After the devastating attack on our Nation last September, Mr. Morgenson and his company were hired to rebuild the scarred west face of the Pentagon. Tonight, he is being awarded the Air Force Association's John R. Alison Award in recognition of his outstanding industrial leadership while renovating and rebuilding the home of our defense department.

Jerry Morgensen is a man who has served his country well during one of its darkest hours. Due to his innovation and leadership, he and a team of dedicated men and women were able to rebuild the Pentagon in less than one year, defying the terrorists and fostering a sense of healing in the citizens who watched the building's dramatic transformation. I am proud of the tremendous work Mr. Morgensen has done, not only to rebuild the Pentagon, but to reinvigorate our national spirit.

A citizen of Colorado's Fourth Congressional District, Jerry Morgensen is truly a great American. I ask the House to join me in extending our sincere thanks and warmest congratulations to Mr. Jerry Morgensen.

IN MEMORY OF STEVEN SNYDER, CHAMPION OF THE PERSECUTED

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. WOLF. Mr. Speaker, on August 27, 2002, one of the leading advocates for the persecuted passed away. His name was Rev. Steven Snyder and I knew him well. Steve cared as much as anyone I know for the persecuted. His efforts and labor on behalf of the voiceless and the persecuted, raised awareness of cases and problems in far away places that few would have known without his voice. Mr. Speaker, I will insert following these remarks an article from the Washington Times which describes how Steve made such a difference with his life.

Steven was the founder and president of International Christian concern, an organization dedicated to raise awareness of and to advocate for the plight of persecuted Christians around the world. Prior to founding International Christian Concern, Steve was the director of Christian Solidarity International, where he also was a strong and vocal advocate for the persecuted.

Steve was a pioneer in exposing to the world the horrible persecution and brutality that is occurring to people just because of their religious beliefs. Steve's efforts and his voice resounded in the halls of power throughout the world. His advocacy and speaking out on the persecuted, influenced Members of Congress and government officials from around the world to intervene and become involved in what would have otherwise been unknown issues.

In order to see and learn first-hand of persecution, Steve risked his life many times by personally traveling to very dangerous parts of the world, where he not only was a witness to human rights abuses, but where he also brought hope and love to the suffering.

Steve was a remarkable man who did incredible things in his 53 years for the suffering all over the world. Steve will be sorely missed. He deserves the words from Matthew 25, ''Well done, good and faithful servant.''

We send our condolences to his wife Connie and four children Sarah de Vuyst, Lori Slaubaugh, Joshua Snyder and Sean Snyder.

[From the Washington Times, Aug. 29, 2002]

SNYDER DIES AT 53; ADVOCATED CHRISTIAN FREEDOM ABROAD

(By Larry Witham)

The Rev. Steven L. Snyder, a tireless global traveler and advocate for voiceless Christians abroad who faced religious persecution under communist and Islamic regimes, died Monday night of an infection. He was 53.

The evangelical minister, a native of the San Diego area, began his advocacy work as the U.S. director of Christian Solidarity International, which in the 1980s focused on persecution under communism. In 1995, he founded International Christian Concern to extend the work to Islamic countries.

The Silver Spring resident and father of four was acknowledged yesterday as a pioneer voice on the topic of Christian persecution when it was not high on Washington's human rights agenda.

Mr. Snyder also took risks to penetrate such countries as Sudan, Vietnam, Cuba, Saudi Arabia, Indonesia, China and Pakistan to bring out accurate information, documents and video footage of underground churches or persecuted minorities.

''He was a faithful servant of people persecuted for their faith,'' said U.S. Ambassador at Large for Religious Liberty John V. Hanford III, who had met and worked with Mr. Snyder in 1985. ''He stayed with it despite the constant discouragement that comes with human rights work.''

''Steven labored in this vineyard long before the movement against persecution captured the imagination of evangelicals,'' said the Rev. Richard Cizik, Washington director of the National Association of Evangelicals. ''What a faithful friend he was of the persecuted.''

Friends and human-rights workers who knew Mr. Snyder noted his on-the-ground work, desire to highlight those who suffered rather than himself, and a kind of perpetual sad look in his eyes from seeing such grim events abroad—and so little interest at home.

''When not many people cared about this issue, he worked at it faithfully and strenuously,'' said Paul Marshall, a scholar of religion with Freedom House. ''He didn't just report, he went to dangerous places. He did his research with his boots on.''

Dr. David Harding, a family physician who is on the six-member board of International Christian Concern, traveled to Indonesia with Mr. Snyder in November to provide medical aid to Christians being persecuted by Muslims on the island of Sulawesi.

''Steven is going to be very difficult to replace,'' Dr. Harding said. ''He made every effort to get the facts right, and he had a way of finding all the right people and getting at the truth of a situation.''

Pat Bradley, a St. Louis businessman who first met Mr. Snyder in 1999, recalls their two-week fact-finding tip to Sudan in February 2000.

''For two days we drove into the south from Uganda on what we thought was the bumpiest road in the world, until we got to Sudan's roads,'' Mr. Bradley said. ''Between us we had seen bad places, but by far this was the worst.''

It was 105-degree bush country, he said. ''These people had literally nothing. No food or clothing. They were victims of a scorched-earth policy, and some were tortured.''

On return from Sudan in 2000, Mr. Snyder drafted a detailed report for Capitol Hill and the State Department, and made it available to news organizations.

During a trip to China in 1999, Mr. Snyder brought in Bibles and met with leaders of the underground church. Some of the people who went to hear his presentations remember the vivid images and footage he brought back of nighttime river baptisms.

Staff at the State Department yesterday also took the news with sorrow. One staffer asked a reporter whether Mr. Snyder had worked at State because everybody knew him.

''Steve was a foot soldier for religious freedom,'' said Tom Phar, director of international religious liberty at the State Department. ''He traveled the world working on behalf of people being persecuted for their faith. He was an effective advocate and a good friend.''

On Monday afternoon, Mr. Snyder was rushed to the Holy Cross Hospital emergency room with a high fever, and friends recall that because the diagnosis was severe he asked them to ''pray for a miracle.'' He did about 7:45 p.m.

Mr. Snyder lost his spleen in an operation six years ago, and doctors said that weakened his ability to fight the infection, which rapidly taxed his entire system.

He is survived by his wife, Connie Snyder of Silver Spring, and four children: Sarah de Vuyst of Ukraine; Lori Slaubaugh of Rollin, N.D.; Joshua Snyder of Boulder, Colo.; and Sean, 16.

Visitations may be made tomorrow from 2 to 4 p.m. and from 7 to 9 p.m. at Collins Funeral Home at 500 University Blvd. W. in Silver Spring. A funeral service will be held 10 a.m. Saturday at Immanuel's Church at 16819 New Hampshire Ave. in Silver Spring.

In lieu of flowers, the family asked that donations ''to help the persecuted church'' be sent to International Christian Concern, 2020 Pennsylvania Ave. NW, Box 941, Washington, DC 20006–1846.

A PROCLAMATION HONORING ANITA ADAMS

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. NEY. Mr. Speaker, whereas, Anita Adams, Auditor of Muskingum County, has for the tenth straight year, earned the Certificate of Achievement for Excellence in Financial Reporting; and,

Whereas, this award from the Government Finance Officers Association (GFOA) is an honor given to local governments that publish comprehensive financial reports meeting the standards on the GFOA; and,

Whereas, Anita has shown continuous dedication to the people of Muskingum County;

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in applauding Anita Adams for receiving the Certificate of Achievement for Excellence in Financial Reporting.

IN RECOGNITION OF FAIRLAWN REHABILITATION HOSPITAL

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. McGOVERN. Mr. Speaker, I rise today in recognition of Fairlawn Rehabilitation Hospital in my hometown of Worcester, Massachusetts. In 1987, Fairlawn served as a small acute community hospital. However, over a period of time it has evolved into the first facility in the United States to fully convert into a rehabilitation provider. Currently, an average of 100 inpatients and 100 outpatients are treated everyday to help people reach their fullest potential to make for a joyful and productive life.

Fairlawn Rehabilitation Hospital is in joint collaboration with the Fallon Clinic, UMASS Memorial Health Center, and HEALTHSOUTH Corporation. Fairlawn Rehabilitation Hospital specializes in many rehab programs: brain injury, orthopedics, geriatrics, stroke, spinal cord injury, pulmonary, amputee, neurological cardiac, and burns are included. The incredible care and dedication to the patients' of Fairlawn Rehabilitation Hospital is to be commended.

Mr. Speaker, on Thursday, September 19, 2002, Fairlawn Rehabilitation Hospital celebrates its Fifteenth Anniversary. It is fitting that this facility is recognized for its efforts in improving the lives of people with disabilities in Central Massachusetts. I am confident that the entire U.S. House of Representatives joins me in thanking the employees of Fairlawn Rehabilitation Hospital for their dedication and service to the people of Central Massachusetts.

IN MEMORY OF ADEL A. ZAKHARY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to remember Adel A. Zakhary, a friend and neighbor to many, who lost his life in the World Trade Center tragedy on September 11, 2001. A memorial service took place in his honor on Saturday, September 14, 2002, at Saint George Catholic Orthodox Church in Jersey City.

An immigrant from Egypt, Adel lived the American dream, making America his home with his wife, Nagat, son, George, and daughter, Mariam. He was dedicated and tireless in his work, and in providing for his family. On September 11, he went to work on the 92nd floor of Tower One of the World Trade Center, as he had done for 18 years.

In one of the most unforgivable acts against humanity, over three thousand people were lost at the World Trade Center, the Pentagon, and the fields of Somerset County, Pennsylvania, on September 11, 2001. Adel was among those individuals who were tragically lost. The horrific attacks have strengthened us in our resolve to fight evil and intolerance in pursuit of freedom, justice, and democracy.

Today, I ask my colleagues to join me in remembering Adel A. Zakhary, a loving husband and father, who will never be forgotten. Let us join together not only to grieve this tremendous loss, but also to celebrate the remarkable accomplishments in his life. I extend my deepest sympathies to the family and friends of Adel.

SEPTEMBER 11, 2002: TRIBUTE TO FREEDOM

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. PENCE. Mr. Speaker, the United States of America is founded on the fundamental principle that all citizens have the inalienable right to life, liberty and the pursuit of happiness.

The United States of America stands as a beacon of freedom and opportunity for everyone regardless of race, creed or religious belief.

The strength and vitality of the United States of America is in the diversity of its people, the diversity of its ideas, the freedom to express those ideas and the opportunity to achieve one's potential and direct one's destiny.

Mr. Speaker, these ideals and principles are absolute and will not be surrendered or weakened by the cowardly acts of terrorists who fear the sunshine of freedom and the responsibility it brings.

Let us forever remember that the date September 11 reaffirms the principles for which the United States of America was founded and that on this day each year freedom shall ring from every community in this great land and the Voice of America will be heard around the world.

A PROCLAMATION HONORING MR. AND MRS. DILLON

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. NEY. Mr. Speaker, whereas, Matt and Joy Dillon were united in marriage July 31, 1977 and are celebrating 25 years of marriage this year; and

Whereas, Matt and Joy Dillon have demonstrated a firm commitment to each other; and

Whereas, Matt and Joy Dillon must be commended for their loyalty and dedication to their family; and

Whereas, Matt and Joy Dillon have proven, by their example, to be a model for all married couples; and

Therefore, I join with the residents of the entire 18th Congressional District in congratulating Mr. and Mrs. Dillon as they celebrate their 25th Wedding Anniversary.

HONORING MARTHA EZELL ''MAMA'' TUNE FOR A LIFETIME OF ACHIEVEMENT

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. CLEMENT. Mr. Speaker, I rise today to honor Martha Ezell Tune, ''Mama Tune,'' of Antioch, Tennessee, for a lifetime of devotion to family, faith, and community.

Mama Tune's contributions to Davidson County, and particularly, the Antioch area, have impacted many. Whether it be her involvement and leadership in civic matters, cooking meals for family and friends, working the polls on election day, writing a history of the Antioch community, or substitute teaching at Antioch High School, Mama Tune is an individual who is an inspiration to us all.

A Tennessee native, Mama Tune graduated from Antioch High School in 1941, alongside her brother, James. That same year she married James Tune. The two enjoyed 50 years together and had two children, Buford and Sam, and three grandchildren. Mama Tune's sons are successful Middle Tennessee business owners.

Tune received her education from Middle Tennessee Teacher's College and the University of Alabama. She taught at Una Elementary School for several years. She has been teaching in the Metropolitan Davidson County School System as a teacher or substitute teacher for fifty years and currently substitutes at Antioch High School on a regular basis. Many times she teaches students whose parents she once taught in school. Her profound influence for the good has shaped many lives over the years.

Mama Tune often touts the accomplishments of the students she taught at Antioch. She pours more than knowledge into their lives: she pours love and they do not ever forget it.

The Clement family has known and appreciated the friendship of the Tune and Ezell families for a number of years. In particular, we have enjoyed many conversations and meals at their home, including such southern delicacies as homemade chocolate pie, cornbread, green beans, fried chicken, and macaroni and cheese. Mama Tune is well known for her cooking and included a number of her best-loved recipes in the book, ''All I Know About Antioch High School, The Town, and My Life.''

Individuals like Mama Tune are those who make this nation great—individuals who are willing to give of themselves and their time for the betterment of the state and the community through acts of kindness and love. Today we honor her for a lifetime of achievement.

EXPRESSING THE SENSE OF CONGRESS ON THE ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

SPEECH OF

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. CAMP. Mr. Speaker, I rise in support of this Joint Resolution and in doing so, I stand in solemn remembrance of the tragic events of a year ago and a pride in America's response.

While the loss of life was immense, and the impact of the terrorist attacks was felt far from New York, Washington, D.C., and Pennsylvania, the terrorists failed. The group of men, and the larger organization they represented, wanted to break the will of a proud and strong country. The world stands in witness to their failure.

Instead of falling apart, our country united. Our brave first responders worked tirelessly to help survivors; we saw ordinary citizens involved in heroic efforts; and all across the country Americans joined together to offer assistance.

The outpouring of support and unity could be seen in every flag that was flown with pride across this country. The United States of America rose to the challenge presented to it with a resolve that was felt around the world.

Now, on our first Patriot Day, when we see our flag at half-mast, let us not only remember the tragic events of a year ago, but also the strength exhibited by all Americans. I urge my colleagues to join me in supporting this resolution, expressing solidarity on this day of remembrance.

PRESCRIPTION DRUGS FOR SENIORS

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. SCHIFF. Mr. Speaker, I rise today on behalf of millions of seniors across our nation who are forced to choose between buying their food, paying their rent, or purchasing their medicine. For too many seniors, this is truly a life or death situation that none of them should have to face.

Unfortunately, this Congress is just weeks away from adjourning for the session and we are still no closer to enacting a Medicare prescription drug benefit.

Over two months ago, we had an opportunity to debate and vote on a bill that would provide a meaningful prescription drug benefit under the Medicare program. The ''Medicare Rx Drug Benefit and Discount Act (H.R. 5019) would add a new ''Part D'' to the Medicare program with voluntary prescription drug coverage for any senior that chooses to enroll. Participating seniors would pay a set $25 per month premium and a $100 a year deductible. In return, Medicare would cover 80% of all drug costs up to $2,000 a year. Once a senior reached the $2,000 out-of-pocket limit, Medicare would then pay for all drug costs beyond that point.

The House leadership refused to allow this bill on the floor. Instead, in the dead of night, while our nation's seniors were fast asleep, a majority in the House passed a bill that might as well have been written by the pharmaceutical industry. No substitute was allowed and no amendments could be offered. There was nothing even remotely bipartisan about that evening.

The bill that passed at 2:30 a.m. on June 28 does not establish a prescription drug plan under Medicare. Instead, it relies on private insurers who are free to design their own plans, charge their own prices, decide which drugs to cover, and tell our seniors what pharmacies they may use. It does nothing to bring down rising drug costs nor does it address the issue of reimportation. Most importantly, the House leadership knows this bill has no chance of passing the Senate. It was a political gesture, not a policy priority.

Where does this leave our nations seniors? They are still being forced to choose between food, shelter, and their medicine. They are still paying exorbitant prices for the same medications that are available in Canada and overseas for a fraction of the cost. They are still waiting for this House to act in a responsible manner.

My House colleagues on both sides of the aisle, we still have time—it is not too late. Let's work together in a bipartisan manner to meet our parties' respective promises to the American people and provide meaningful prescription drug benefits. Together we can bring hope and relief to our nation's seniors and pass a real Medicare prescription drug plan before this Congress adjourns.

PERSONAL EXPLANATION

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. EHRLICH. Mr. Speaker, on Tuesday, September 10, I was unavoidably detained due to my involvement in the Maryland primary. Had I been present, I would have voted in the following manner: ''Aye,'' on rollcall No. 378, on motion to close portions of the conference on H.R. 5010; ''Aye,'' on rollcall No. 379, on motion that the House instruct conferees on H.R, 3210; ''Aye,'' on rollcall No. 380, on agreeing to the Journal; ''Aye,'' on rollcall No. 381, on motion to suspend the rules and agree to the resolution, H. Res. 513; ''Aye,'' on rollcall No. 382, on motion to suspend the rules and agree to the resolution, H.R. 3880; and ''Aye,'' on rollcall No. 383, on motion to suspend the rules and agree to the resolution, H. Con. Res. 320.

STATUE DONATED IN REMEMBRANCE OF SEPTEMBER 11TH

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. ISSA. Mr. Speaker, I rise today to thank the city of Leidschendam-Voorburg in the Netherlands for their act of friendship towards their sister city, Temecula, California.

As a way to express their sentiments of sorrow and sympathy for the events that occurred on September 11th, the citizens of Voorburg have graciously donated the statue ''Singing in the Rain,'' by Frans Kokshoorn to the city of Temecula. The residents of Voorburg donated thousands of dollars to have this statue built and shipped to Temecula for its installation on this day of remembrance.

Mr. Speaker, as we reflect on the events of one year ago, I would like to join the city of Temecula in thanking the city and citizens of Leidschendam-Voorburg for this genuine gesture of kindness during a difficult time for every American.

THE NATIONAL INSTITUTES OF HEALTH SECURITY ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mrs. MORELLA. Mr. Speaker, I rise today to urge support for The National Institutes of Health (NIH) Security Act.

The National Institutes of Health, founded in 1887, is one of the world's foremost medical research centers, and the Federal focal point for medical research in the U.S. Comprised of 27 separate components, mainly Institutes and Centers, NIH has in excess of 75 buildings on more than 300 acres in Bethesda, Maryland.

The research centers at NIH study some of the most infectious diseases in the world, including anthrax, smallpox and West Nile virus, as well as nuclear waste and radioactive material. Unfortunately, because of the work NIH does, they present a prime target for terrorists that wish to do America harm. Therefore, it must be a paramount goal of this Congress to ensure that NIH can protect itself against an attack. Presently, NIH does not have the ability to do so.

After September 11, Congress authorized the 322-acre biomedical research facility to bolster its security by doubling its police ranks from 64 officers to 108. This decision was made by U.S. intelligence experts who determined that the NIH campus is vulnerable and a potential target for terrorist attack and/or infiltration and theft of protected materials and research. Unfortunately, the force has never reached such heights due to its current pay and retirement system.

NIH police are one of the lowest paid in the Washington-Metropolitan area. The minimum salary for NIH police, $26,415, falls thousands short of what's offered by some federal agencies, and even by some local police departments. Making matters worse, NIH police are not classified as federal ''law enforcement officers,'' and are thereby denied the superior retirement benefits that distinction affords. The result is in low retention of officers and difficulty with recruitment. Without retirements included, ther exists a 77 percent attrition rate at NIH yearly. Currently, the force has faced such problems with officer retention and recruitment that by June, its numbers had dwindled to about 50.

Due to the severity of the situation and the resources that NIH protects, I am introducing legislation that would allow NIH to bolster its security force. This bill would add no additional costs to the federal government, it would simply allow some long overdue flexibility to be used by NIH. This would include:

Making NIH Police ''Federal Law Enforcement Officers,'' which allows their officers who are doing the same essential work as other ''law enforcement officers'' to receive commensurate salaries and retirement pay.

Allowing NIH police to carry firearms, serve warrants and subpoenas, and make arrests without warrant for any offense against the U.S.

Conducting investigations within the U.S. for offenses committed on property occupied by NIH.

Without these changes, we are undoubtedly allowing a prime target to remain vulnerable to terrorists. Protecting the 4-million square foot research hospital, the third largest federal building in the world, must be a priority of this Congress and I urge support for this legislation.

A PROCLAMATION RECOGNIZING SHAYNA L. SMITH

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. NEY. Mr. Speaker, whereas, Shayna Smith has devoted herself to education during her enrollment at Wheeling Jesuit University; and

Whereas, Shayna Smith has spent countless hours in the pursuit of academic excellence; and

Whereas, Shayna Smith has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Shayna Smith must be commended for the hard work and dedication she put forth in graduating from Wheeling Jesuit University;

Therefore, I join the entire 18th Congressional District in congratulating Shayna Smith as she receives her Bachelor of Science from Wheeling Jesuit University Scout Award.

TRIBUTE TO MR. BOB STANLEY

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mrs. CAPITO. Mr. Speaker, I rise today in honor of a constituent of mine, Mr. Bob Stanley. I am proud to recognize Mr. Stanley for more than twenty years of devoted service to the trucking industry and the state of West Virginia.

For the last nineteen years, Mr. Stanley has been the Managing Director and President of the West Virginia Motor Truck Association. During his prestigious years as President, Mr. Stanley has built an organization that is financially strong and well respected throughout the state of West Virginia. As a voice for the trucking industry, he is also highly respected and regarded as a true professional and gentleman.

Prior to his employment in the trucking industry, Mr. Stanley served twenty-six years with the West Virginia State Police. In 1979, Bob Stanley retired as Lt. Colonel/Deputy Superintendent.

It is an honor to commend Mr. Stanley on his service to the trucking industry as well as to the state of West Virginia.

HONORING SANTA BARBARA COUNTY SUPERINTENDENT BILL CIRONE

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mrs. CAPPS. Mr. Speaker, today I would like to pay tribute to the Santa Barbara County Superintendent of Schools, Bill Cirone. I have known Bill for many years, dating back to the days when I was a school nurse in the Santa Barbara County schools, and I am very pleased to have the opportunity to honor him today.

On October 3, 2002, the Emmaus of Santa Barbara will present the 2002 Richard Breza Service to Santa Barbara Award to Bill Cirone. I can think of no more deserving person than Bill to receive this award, as he has served Santa Barbara County Schools for the past 20 years in his position as Superintendent. Bill has created the nationally acclaimed Santa Barbara ''Center for Community Education and Citizen Participation'' and has constantly emphasized the importance of community service in our schools. Bill has served on the board of directors or advisory committees for many organizations, including the University of California at Santa Barbara Gevirtz Research Center, the National Association of Partners in

Education, the Santa Barbara Industry Education Council, the Santa Barbara Foundation, the Thomas Jefferson Center for Character Education and the Santa Barbara Grand Opera Association.

Santa Barbara's County Schools are truly a product of Bill's creativity and passion for excellence. He has influenced the lives of thousands of children, their parents, and community members as a whole. It is always refreshing to see Bill at community events, as he serves as an example of someone who cares so deeply about our children's futures. There are so many extraordinary people on California's central coast, but there is no doubt that there is a special place in my heart for Bill Cirone.

Thank you, Mr. Speaker, for allowing me to pay tribute to our wonderful Superintendent on this glorious occasion.

THE PRAIRIE ROSE CHAPTER OF THE DAUGHTERS OF THE AMERICAN REVOLUTION SALUTES CONSTITUTION WEEK

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. MOORE. Mr. Speaker, the week of September 17–23 has been officially designated as Constitution Week under Public Law 105–225. This marks the 215th anniversary of the signing of our Constitution.

The guardian of our liberties, our Constitution established our republic as a self-governing nation dedicated to rule by law. This document is the cornerstone of our freedom. It was written to protect every American from the abuse of power by government. Without that restraint, our founders believed the republic would perish.

The ideals upon which our Constitution is based are reinforced each day by the success of our political system to which it gave birth. The success of our way of government requires an enlightened citizenry.

Constitution Week provides an opportunity for all Americans to recall the achievements of our founders, the nature of limited government, and the rights, privileges and responsibilities of citizenship. It provides the opportunity to be better informed about our rights, freedoms and duties as citizens.

Mr. Speaker, at this time I particularly want to take note of the outstanding work of the Prairie Rose Chapter of the Kansas Society of the Daughters of the American Revolution, which is actively involved in the Third Congressional District in events this week commemorating Constitution Week. The Prairie Rose Chapter has been involved with this effort in our communities for a number of years and I commend them for doing so.

Our Constitution has served us well for over 200 years, but it will continue as a strong, vibrant, and vital foundation for freedom only so long as the American people remain dedicated to the basic principles on which it rests. Thus, as the United States continues into its third century of constitutional democracy, let us renew our commitment to, in the words of our Constitution's preamble: ''form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity . . .'' I know that the Prairie Rose Chapter of the Kansas Society of the Daughters of the American Revolution joins with me in urging all Americans to renew their commitment to, and understanding of, our Constitution, particularly during our current time of crisis, when Americans have been attacked on our own soil by terrorists who do not recognize the rule of human law.

HONORING DAN WILFORD

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. BENTSEN. Mr. Speaker, I rise today to pay tribute to Mr. Dan S. Wilford on the occasion of his retirement as president of Memorial Hermann Healthcare System, based in Houston, Texas. For the past 18 years, Mr. Wilford has served as Chief Executive Officer of Memorial Hermann, with 11 hospitals in the greater Houston area, an outpatient center, two nursing homes, a wellness center, a retirement community and a network of affiliates throughout southeast Texas. Under his leadership, Memorial Hermann has become the largest non-profit health care system in Texas and among the largest in the country.

As a member of University of Mississippi's class of 1962, Mr. Wilford was inducted into the University's Alumni Hall of Fame in 1995. He earned his Master's Degree in Hospital Administration at Washington University in St. Louis in 1966 and completed his residency in hospital administration at Hillcrest Medical Center in Tulsa, Oklahoma. Prior to his arrival at Memorial Hermann, Mr. Wilford served in various administrative capacities for 20 years. He was associated with Hillcrest Medical Center in Tulsa for 10 years in addition to serving as president of North Mississippi Health Services in Tupelo, Mississippi from 1974 to 1984.

Mr. Wilford has proudly served on the board of directors of many professional organizations. He is active in Voluntary Hospitals of America, Texas Hospital Association, American Hospital Association, Hospital Research and Development Institute, American College of Healthcare Executives, Greater Houston Partnership, Houston Area and Fort Bend County Chambers of Commerce, United Way of the Texas Gulf Coast and First United Methodist Church of Sugar Land, Texas. Through his commitment to these organizations, Mr. Wilford has set himself apart as a leader and activist in the health care community.

His dedication to the health care profession has lead many acclaimed institutions to recognize Mr. Wilford's achievements. In 1995, he was the recipient of the Washington University Health Administration Program Distinguished Alumnus Award, received an honorary Doctorate of Laws degree from Houston Baptist University and was named Business Leader of the Year in Fort Bend County, Texas. Two years later, he received the American College of Healthcare Executives Gold Medal Award and was presented with the Earl C. Collier Award by the Texas Hospital Association.

In addition to his many professional achievements and honors, Mr. Wilford is a retired National Football League official who has actively participated in sports throughout his life.

Mr. Speaker, Mr. Wilford has established a legacy by building a health care system with a strong commitment to spiritual values and community-focused care. With his retirement from Memorial Hermann, Mr. Wilford celebrates the conclusion of a stellar 40-year career in hospital management and I congratulate him on his unwavering commitment to health care and inspirational leadership.

HONORING DR. NOEL SMITH OF WACO, TEXAS, A TRUE UNSUNG HERO

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. EDWARDS. Mr. Speaker, I rise today to honor a great Texan, Dr. Noel Smith of Waco, who had the vision for an independent public television station in Central Texas. Earning a Ph.D. in Distance Learning from Texas A&M University, Dr. Smith rose to become the Chair of the Telecommunications Department at Central Texas College in Waco, where he effectively used his talents as teacher, mentor, and counselor to improve the lives of many Texans.

It was at Central Texas College that Dr. Smith became actively involved in his lifelong commitment to KCTF Television. In its early days as a stand-alone station, KCTF experienced more problems than shining moments. But in 1994, when its owners withdrew support for the station, Dr. Smith rallied a committed group of Waco citizens who convinced the Chancellor and Trustees of Central Texas College to sell them the license.

Once Dr. Smith's group bought the license, the hard work began. It was as though everyone at the station was performing on a high wire without a net. Yet somehow, Dr. Smith stayed faithful to the vision of creating a community public television station and, thankfully, his vision became a reality. Brazos Valley Public Broadcasting, as it was now called, was born. KCTF would eventually become KWBU, and KWBU would expand to include public radio. Dr. Smith articulated his vision in the KWBU Mission Statement:

''KWBU shall serve as an essential lifelong resource providing quality public television and radio programs and services for the enrichment of the lives of the residents of McLennan County.''

Mr. Speaker, Not many ideas make it from vision to reality. But this one has because Noel Smith has worked tirelessly to ensure that public television in Central Texas achieves that mission.

In his professional life, Dr. Noel Smith has held many national positions of leadership that have contributed to the growth of public broadcasting. He served with distinction on the board of directors of the Southern Educational Communications Association, now the National Educational Telecommunications Association, and he was a member of the PBS Board of Directors. He has used his leadership to effectively represent the interests of small market licensees.

During the course of his career, Dr. Smith has accomplished a tremendous amount of

good. In addition to leading the growth of KWBU, Dr. Noel Smith is an ordained Baptist minister, and certainly appreciates the many blessings in his life, including a long marriage to his wife Judy, his three wonderful daughters and numerous grandchildren.

This story does not end on the expected happy note. At this writing, Noel is very ill. But something of Noel Smith will always be a part of KWBU and public broadcasting in Central Texas.

I ask all of my colleagues to join me in honoring and celebrating the life and accomplishments of an unsung hero, Dr. Noel Smith of Waco, Texas. The people of my District are better off today because of his commitment to turn his vision for public television into reality.

HONORING FRESNO CITY FIRE DEPARTMENT

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the Fresno City Fire Department for their devotion to protecting the citizens and community of Fresno. The year 2002 marks the 125th Anniversary of the Fresno City Fire Department, which will be celebrated at the 4th Annual Fresno City Firefighters' Chili Cook-Off on September 14th, 2002 at California State University of Fresno.

In 1877, Leopold Gundlefinger and other citizens formed a Hook and Ladder Company in order to protect the city from fires. Unfortunately, in 1882, fire destroyed the original Hook and Ladder Company, but was replaced by dedicated volunteers who were named ''Fresno Alert No. 1.'' The Fresno Fire Department was officially created in 1902 and has protected a large portion of the Central Valley ever since. In 1984, a grant was established to create a community volunteer fire prevention program called ''Burn Aware.'' The goals of the volunteers were to implement and create a wide spread network of fire prevention programs.

In 2002, the Fresno City Fire Department received national praise for its inventive and advanced approach to alternate methods of providing municipal fire protection. This fire protection agency has the highest ideals in providing fire protection service and is a leader in California. The special occasion will include a chili-tasting contest among fire departments from throughout the Valley, live rescue demonstrations, and fun for the entire family.

Mr. Speaker, I wish to honor the Fresno City Fire Department for their dedicated and selfless service to the Central Valley. I urge my colleagues to join me in wishing this organization many more years of continued success.

HONORING LEVITOWN'S 50TH ANNIVERSARY

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. GREENWOOD. Mr. Speaker, it is with great pride that I rise today to commemorate the golden anniversary of a community in my district that revolutionized suburban living in America: Levittown, Pennsylvania. In honor of this anniversary, I would like to submit the following proclamation for the record:

Whereas Levittown, Bucks County, Pennsylvania, was created fifty years ago, beginning with twenty families who moved into their homes on June 23, 1952;

Whereas this benchmark in American housing resulted from the collaboration of attorney Abraham Levitt and his sons, architect Alfred S. Levitt and businessman William J. Levitt;

Whereas William Levitt's innovative mass-production technique resulted in 17,000 affordable homes that were constructed at a record pace;

Whereas these new and vibrant neighborhoods were spread among the Bucks County municipalities of Falls, Middletown, and Bristol Townships, and Tullytown Borough;

Whereas Levitt created not only the prototypical suburban home with its spacious interiors and fully landscaped exteriors, but he also designed entire neighborhoods that grew into coherent communities;

Whereas Levittown became the realization of the American Dream for thousands of families, many of who served their country during the Second World War;

Whereas Levittown has evolved into the quintessential example of America's melting pot middle class, as it houses a diverse population of ethnicities and religious traditions;

Be it resolved, therefore, that the U.S. House of Representatives recognize the fiftieth anniversary of Levittown, an anniversary that marks an epochal achievement in American housing.

HONORING ANTHONY A. LUCIANO WITH HUDSON FALLS ITALIAN-AMERICAN CIVIC CLUB ANNUAL RECOGNITION AWARD

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. SWEENEY. Mr. Speaker, I rise today to recognize a distinguished constituent of the 22nd District of New York; Mr. Anthony A. Luciano. Mr. Luciano's lifelong dedication to his family, his profession and his community have rightly earned him the Hudson Falls Italian-American Civic Club Annual Recognition Award.

Over the past fifty years, as a husband, a father, a teacher, a coach and a mentor, Mr. Luciano has been an exemplary contributor to his community. As a devoted faculty member of the Hudson Falls Central Schools from 1948–1983, he victoriously led the cross country team to four Boys Northern Conference Titles and three Section 2 Class B Championships. In addition to achieving seven Northern Conference Championships with his basketball team, he remains a respected member of the Section 2 Basketball Committee since 1955. His skills and dedication to his players further continued in track. In this sport Mr. Luciano successfully coached his team to fifteen Northern Conference Dual Meet Championships, nine Northern Conference Invitation Meet Championships, seven Section 2 Class B Championships and five Washington County Invitation Championships. I am proud to mention he has since been inducted into both the Glens Falls Heritage Hall of Fame and the New York State Basketball Hall of Fame for his outstanding achievements.

Mr. Luciano has truly set standards for excellence in his profession and service to the community. For forty years, he remained a trusted member of the Washington County Children's Committee, serving two 2-year terms as co-chairperson with his wife, Mary. In 1983, he received the Prestigious Private Sector Initiative Commendation from President Ronald Reagan in recognition of his exemplary community service in the finest American tradition. His extraordinary charity and kindness has not gone unnoticed locally. Mr. Luciano received awards from the Hudson Falls/Kingsbury Chamber of Commerce, Hudson Falls Rotary Club and the Fort Edward Historical Association, to name a few.

Mr. Speaker, it is a great privilege to honor Mr. Luciano's selfless contributions to his community before Congress. He is truly a role model for future generations to emulate and I wish him the very best in all his future endeavors.

PERSONAL EXPLANATION

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Ms. PRYCE of Ohio. Mr. Speaker, I was regrettably absent on June 17, 24, and 25, 2002, and on September 9 and 10, 2002. Consequently, I missed the following recorded votes. Had I been present, I would have voted ''yes'' on roll call votes no. 230, 231, 232, 249, 250, 251, 252, 253, 254, 255, 256, 375, 376, 377, 378, 379, and 380.

HONORING CHESTERFIELD SMITH

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002,

Mr. DEUTSCH. Mr. Speaker, I rise today to pay tribute to a friend and distinguished citizen of Florida, Mr. Chesterfield Smith. Chesterfield Smith's inspiring dedication to our judicial system, social commitment to the legal profession, and remarkable personal and professional accomplishments serve as a model of American achievement. I rise today to congratulate him on his most recent accolade, the 2002 Justice Award from the Judicature Society.

Founded in 1913, the American Judicature Society (AJS) is a prestigious national, nonpartisan organization of judges, lawyers, and non-lawyers dedicated to promoting the effective administration of justice. This award serves as AJS's highest distinction, recognizing a lifetime of dedication to the improvement of the administration of justice at a national level.

Chesterfield Smith's dedication to the legal profession embodies the underlying principles upon which this country was founded with his dedication to justice and his desire to help others, bringing us closer to the ideals outlined in

the U.S. Constitution—justice, equality and true brotherhood. His distinguished career includes service as President of the American Bar Association and the Florida Bar Association. He demonstrated his faithfulness to the legal profession as a fellow of the American College of Trial Lawyers and as a member of the International Academy of Trial Lawyers.

After graduating with honors from the University of Florida College of Law, he went on to become a principal architect of Holland and Knight, LLP, one of the nation's largest and most respected law firms. As chair of the Florida Constitution Revision Commission, he accepted the challenge of revising and redrafting Florida's Constitution for the first time in fifty years.

Mr. Speaker, I come to the House floor today to pay tribute to Chesterfield Smith and his many lifetime achievements. I congratulate him on receiving the distinguished 2002 Justice Award. His remarkable life's work as an accomplished public servant is deserving of such notoriety, and I consider him to be a true leader of the 21st Century.

PERSONAL EXPLANATION

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. SHAYS. Mr. Speaker, on September 11, I was in the 4th Congressional District to honor the heroes and victims of the September 11, 2001 terrorist attacks.

I take my voting responsibility very seriously and would like the CONGRESSIONAL RECORD to reflect that, had I been present, I would have voted ''yea'' on recorded vote number 384.

CELEBRATING THE 85TH ANNIVERSARY OF ST. ELPIS GREEK ORTHODOX CHURCH

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. FORBES. Mr. Speaker, I rise today to congratulate St. Elpis Greek Orthodox Church of Hopewell, Virginia on its 85th anniversary.

In 1914, Dupont Chemicals decided to expand their plant in Hopewell in support of WWI. Consequently, ads were posted throughout Europe to recruit immigrants as laborers and engineers for this plant. About 6000 Greeks responded to this ad with the promise of a new future in America. Upon arrival in Hopewell, these Greeks sought to preserve their heritage and religion by building the first Greek Orthodox Church in Virginia.

The tremendous sacrifice made by these early parishioners to establish St. Elpis was great. Their devotion and commitment to preserving their Greek heritage and religion enabled the parishioners to overcome great obstacles over the years and has enabled the church to continue to thrive. This spirit is as vibrant today as it was 85 years ago.

Mr. Speaker, I congratulate St. Elpis and its parishioners, as they celebrate the 85th anniversary of the founding of their church and I wish them continued success and prosperity in the years to come. It is truly an honor and a privilege to recognize St. Elpis in the United States House of Representatives this day.

TRIBUTE TO THE MITRE CORPORATION IN HUNTSVILLE, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. CRAMER. Mr. Speaker, I rise today to recognize the MITRE Corporation in celebration of twenty years in Huntsville, Alabama. As you know, the MITRE Corporation is a private, independent, not-for-profit organization that provides government agencies with technical support that is not available through the government or contractor community.

For 2 decades, the Army, NASA, and Department of Defense programs headquartered at Redstone Arsenal have relied on the MITRE Corporation's Huntsville Site Office for objective technical expertise. Since the MITRE Corporation cannot manufacture products or compete with the industry, the support it provides Redstone Arsenal is in alignment with the government's objectives and free from competitive pressures.

Mr. Speaker, I commend the MITRE Corporation for 20 years of excellent service to the North Alabama defense and NASA community. In 1982, this Site Office began with one person and now employs a staff of 33. On this milestone anniversary celebration, I send the employees of the MITRE Corporation my thanks and wish them many more years of success in Huntsville, Alabama.

IN RECOGNITION OF LAWRENCE LIVERMORE NATIONAL LABORATORY ON THE OCCASION OF ITS 50TH ANNIVERSARY

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mrs. TAUSCHER. Mr. Speaker, I rise to pay tribute to the Lawrence Livermore National Laboratory and its staff for their outstanding contributions to science and to the security of our Nation throughout the past 50 years.

The Laboratory was established in 1952 to help meet an urgent national security need and has made numerous advances to keep the Nation at peace and secure.

Lawrence Livermore, Los Alamos, and Sandia National Laboratories developed the nuclear weapons that have deterred world wars. The labs are ensuring the continuing safety, security, and reliability of our Nation's nuclear weapons stockpile in the absence of nuclear testing.

Breakthroughs at the Lawrence Livermore National Laboratory led to the development of the high-yield warheads that greatly contributed to strategic deterrence throughout the Cold War.

The Laboratory has provided technical support to arms control negotiations and treaty implementation, including negotiations and treaties to reduce the size of nuclear arsenals, prevent the proliferation of nuclear weapons and technologies, and limit nuclear weapons testing.

The Laboratory has greatly contributed to efforts of the United States intelligence community to understand nuclear weapons-related activities worldwide, and today is using its capabilities to defend our nation against terrorism.

The Laboratory is also a leader in science and has worked on technologies to provide us with long term energy security.

The Laboratory has developed environmental restoration technologies that are being used to rapidly clean up groundwater contamination at Superfund sites and is developing simulation capabilities to better understand changes in the earth's climate.

The Laboratory is identifying the source of genetic diseases and developing improved detectors of biological agents.

Livermore scientists produced work that won a Nobel Prize for Physics in 1998 and numerous advances in astrophysics.

Technology development at the Laboratory has broadly contributed to the Nation's technical prowess and the competitiveness of United States industry, as evidenced by the winning of 85 prestigious R&D 100 awards.

Lastly, the Laboratory contributes broadly to higher education, as well as elementary and secondary educational efforts throughout Northern California and educational outreach directed at minority groups nationwide.

On its 50th anniversary, I would like to congratulate the Laboratory, its staff, and former employees for their dedicated service to our Nation, outstanding contributions to national security, a strong tradition of scientific and technical excellence, and continuing efforts to make the world more secure and a better place to live.

PAYING TRIBUTE TO: SALVADOR A. LOPEZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. McINNIS. Mr. Speaker, it is my distinct privilege to recognize Mr. Salvador A. Lopez of Glade Park, Colorado for the selfless act of courage he displayed last March of 2002. On September 18, Mr. Lopez will be awarded the prestigious Special Carrier Alert Award from the National Association of Letter Carriers, and as he receives his award, I would like to pay tribute to his extraordinary act of courage. Mr. Lopez is a letter carrier for the U.S. Postal Service in Grand Junction, Colorado, where he has worked for the last 28 years. Not too long ago, while he was busy delivering mail along his route, Mr. Lopez noticed a runaway car with a child inside who was too young to take control of the vehicle. Mr. Lopez hurriedly ran alongside of the car, jumped into the car window, and pulled the emergency break. Fortunately, Mr. Lopez was able to stop the vehicle before the car drove into a busy intersection which could have brought certain injury to himself and the child. Due to Mr. Lopez's quick thinking and heroic actions, the child only suffered minor bruises, while Mr. Lopez escaped with three broken ribs. Last April, the Carnegie Hero Fund honored Mr. Lopez with one of its 23 nationally recognized awards for

his heroism. Tomorrow, he will be recognized again by the National Association of Letter Carriers for his courageous actions here in Washington D.C. The true magnitude of his bravery can only be fully illustrated by the fact that the child whom he saved, Nicholas Reyes, will have the opportunity to reach his full potential. Mr. Speaker, it is a distinct honor to recognize Mr. Salvador A. Lopez before this body of Congress and this nation for his bravery and composure in a time of adversity. Mr. Lopez's courage is an example of what all Americans throughout the country are capable of demonstrating when faced with extraordinary circumstances. Congratulations on your achievement, Salvador, and good luck in your future endeavors.

TRIBUTE TO MR. DAVE MANEY

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. CHAMBLISS. Mr. Speaker, I rise today to honor Mr. Dave Maney of Augusta, Georgia. Mr. Maney is Experience Works' 2001 Older Worker of the Year for the State of Georgia.

As a Marketing Representative with the Department of Labor Career Center in Georgia, Mr. Maney changes the downhill direction of the unemployed every day. His job is to motivate, encourage and inspire clients into believing in their ability to find and keep a job. The way Mr. Maney describes his job is . . . ''Most of my clients, and there have been more than 600 this year, seldom set goals, and when they do, they are not high enough. I teach them that goals have to be higher than anything they have ever done.''

His goals in life have been simple. ''The keys to my success and to the life I have had to this point have been a positive attitude, a great wife and wonderful home life, and loving interaction with people.''

That interaction with people, especially those who are labeled non-custodial parents, and food stamp recipients, has added tremendous value to both his life and work. From his first job as a custodian at Montgomery Ward, to his service in the Korean Conflict, raising six children, and surviving cancer, Mr. Maney has had a full and challenging life. ''With all I've been through I would still say that giving people self-worth and hope for a better tomorrow is my proudest accomplishment,'' says Mr. Maney.

Mr. Speaker, due to the events of last September we were not able to honor Mr. Maney for his accomplishments. I hope that you will join me today to do so.

CUBAN POLITICAL PRISONERS INITIATIVE—SENATE OPENING

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. SMITH of New Jersey. Mr. Speaker, today, Americans for a Free Cuba gathered on the Senate steps to officially open the Cuban Political Prisoners Initiative display in the Senate Russell Office Building. They will be storming the halls of the US Senate tomorrow, urging Senators not to vote for lifting the travel ban on Cuba.

The Business and Agricultural communities have used their vast resources to make their case for lifting sanctions on Cuba at a summit here in Washington, but we know that their case is based on their own self-interest. They have failed to acknowledge or fully consider that lifting sanctions would empower Castro to cling to power and continue his reign of terror over millions of suffering people.

The members of the Americans for a Free Cuba have heroically made the case for those Cubans who cannot speak for themselves because of Castro's brutal and restrictive regime through their silent vigil and demonstration. This is a regime that prohibits freedom in almost every way possible while punishing and imprisoning all opposition. The compelling stories of Cuban defectors clearly demonstrate that many will do whatever they can to escape the dreadful conditions brought about by their totalitarian ruler. Both the people and political prisoners in Cuba as well as those who cherish freedom are counting on Americans to stand up to Castro and keep the pressure on through the embargo.

Thankfully, President Bush is behind The Americans for a Free Cuba 100 percent. I commend President Bush for the strong and unwavering stance he has taken against the Castro regime. The President has made it clear that the United States will work with Cuba only after Castro takes concrete measures to improve the abysmal human rights situation in his country. I support the President's demand to Castro that he must free political prisoners, legalize political activity, permit free elections, and cease discriminating against Cuban workers before Congress should even begin to consider lifting economic sanctions. Administration officials have vowed a Presidential veto to any version of the Treasury-Postal Appropriations bill that weakens trade or travel sanctions on Cuba.

The Cuba Political Prisoners Initiative was initially launched in April when over a dozen members of Congress, from both political parties, adopted a dozen political prisoners. These prisoners each have a unique story but all share in a common suffering because of their love of freedom.

While the Cuba Political Prisoners Initiative was launched this Spring, it will not end until every single Cuban political prisoner is free. I am sending out a letter signed by my colleagues who are part of this initiative to Sergio Vielra de Mello, the new UN High Commissioner for Human Rights, urging him to follow through on the resolution this commission adopted in April that called on the Cuban government to improve its record on human, civil, and political rights and allow the UN and other representatives to examine human rights conditions in Cuba.

Twenty former political prisoners were amongst those gathered on the Senate steps today.

They are the heroes for freedom that endured the horrors of Castro's Cuba and lived to tell about it. Also in attendance was Maritza Lugo Fernandez a former Cuban political prisoner joining us today who was jailed more than 30 times before she was exiled by the Castro regime. Her husband, Rafael Ibarra Roque, is still a political prisoner in Cuba and is the prisoner I have adopted.

Before going to prison, where he has been since 1994, Mr. Roque's home was raided by Castro's thugs, who seized virtually everything he owned of value including the family car, the stove, a television, and even his pets. He was arrested and charged with ''sabotage,'' but no credible evidence whatsoever exists that he committed this crime. Those close to the case know his real ''crime'' was having the courage and audacity to speak out against the regime and demand the same freedoms Americans—and other freedom loving people hold to be self-evident and a basic foundation for society.

Mr. Roque has been sentenced to twenty years in the wretched Combinado del Este Prison in Havana where political prisoners are subjected to especially brutal treatment. The State Department's 2001 Human Right's report on Cuba speaks of political prisoners suffering beatings, intimidation, and sexual abuse. These abuses are carried out not only by prison officials but also by state security agents posing as prisoners.

Unfortunately Mr. Roque's case is not an exception but rather the norm for human rights activists in Cuba. Hundreds of others whose only crime is their love of freedom languish in Castro's prisons and the Cuban people on a whole have suffered under the terror of his rule for over 40 years.

The Cuba Political Prisoners Initiative display that we have opened in the Senate Rotunda is somber but will serve as an important reminder of the hundreds of innocent Cubans languishing in Castro's prisons for all Senators, Senate staff, and visitors who pass by it each day. I am confident that when the American people and members of Congress hear the true facts about the great human rights abuses occurring in Cuba, and fully consider the great harm Castro seeks to do our nation through working with terrorist states and harboring fugitives of justice, they will agree that keeping sanctions on Cuba is our only option.

The challenge of fighting for human rights in Cuba remains great. However, we must never give up and we must never, ever forget those who are persecuted for carrying the torch of freedom.

EXPRESSING THE SENSE OF CONGRESS ON THE ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

SPEECH OF

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. LYNCH. Mr. Speaker, I rise today to recognize and pay tribute to the victims of the tragic events of one year ago. Last year on September 11th Americans awoke to a brutal attack on our country on its own soil. Throughout the course of this one tragic day, something that at once seemed inconceivable became a horrific reality. No one feels the pain of this day more acutely than the families and friends of the more the than 3,000 people who

lost their lives at the Pentagon, the World Trade Center and in Shanksville, Pennsylvania. All of these people and their families are in our thoughts and prayers on this somber occasion.

Although there is little that we in Congress can do to ease those families' suffering, by adopting this resolution, we are reaffirming our commitment to honor the memory of the people who were lost that day, while also paying tribute to those individuals who unselfishly risked their own lives to protect others.

Mr. Speaker, September 11th was one of the most difficult days in American history. But in the darkness of that day, an incredible spirit of bravery and hope emerged. Hundreds of emergency rescue personnel descended upon the scene at both the World Trade Center and the Pentagon with the sole purpose of assisting others. At the same time, ordinary people demonstrated amazing courage by trying to help others escape while putting themselves in peril and in fighting back against the terrorists on United Flight 93. It is truly remarkable how many people gave their lives trying to protect others. The bravery and generosity of these people is a lasting mark of September 11th.

In responding to these extraordinarily trying times, the true fabric of American society was illustrated to the world. Americans around the world came together and generously gave of themselves in a myriad of ways. Rescue workers spent countless hours at ground zero searching for survivors and then shuffling through the debris. Construction workers, ironworkers and other personnel tirelessly worked their way through the wreckage in an effort to cleanup the site. Their important task would not be interrupted by exhaustion, injury or inclement weather. However, far away from ground zero, and across the globe, people generously gave their time, energy, money and caring to help support the loved ones of the lost victims. Today, we honor these selfless contributions.

As we gather now, one year later, it is my hope that we never forget the spirit that pervaded this country in the weeks and months following the attacks. As we continue to rebuild and to heal, we will need to draw upon that strength. The American people demonstrated amazing resolve and resilience in the last year, and it is a resolve that we must continue to maintain, day by day, week by week, this year and for many years, that we will preserve our freedoms, protect our families, and work to cleanse the world of the scourge of terrorism.

Mr. Speaker, in the wake of September 11th, Congress rallied in a strong bipartisan manner to quickly pass legislative measures to protect our country. It was this remarkable unity of purpose that most struck me when I was sworn into this body in October of last year. Over time, this unity has dissipated some, but our goal should remain clear. We in Congress owe it to the American people to do all that we can to make sure that the necessary resources are available to protect our country. This is a serious responsibility and not one that should be burdened by partisan debate. In the coming months, we must act responsibly and decisively to ensure that the people of the United States once again feel safe in their own cities and towns. I commend the leadership of both the Republican and Democratic parties for recognizing this important anniversary and for introducing this thoughtful resolution.

PAYING TRIBUTE TO THE TOWN OF LA JARA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. McINNIS. Mr. Speaker, it is my pleasure to honor the town of La Jara, Colorado as a beacon of western spirit and pride for over a century. I am proud to have the pleasure of applauding a growing community that strengthens our society's values. The town is truly an inspirational token, established and sustained through determination and hard work and I am honored to pay tribute to the town today.

La Jara was incorporated on March 11, 1902 with Mayor Austin Valdez as the founding father and trailblazer for the town. La Jara settlers moved into the region to establish a better life and brought with them the vision and the tools to build a thriving community. La Jara's settlers first migrated West following the railroad and its expansionists prospects. The settlers lived in the region with no more than a few brick houses and a water tower and, although the lifestyle for each settler was hard and troublesome, the determination of those early pioneers laid the foundation that has upheld through the ages.

Initial settlement of the town is due in large to the San Luis Valley Company of the 1800s. In 1888, the company orchestrated a large sales campaign and sold numerous plots of land in La Jara. These plots motivated migrants to establish homes and settle the land in the valley, leading to a population boom by the 1890's. Today La Jara exists as an established town with all the essential functions and amenities of a metropolitan city.

Mr. Speaker, I would like to extend my admiration and gratitude to the town and residents of La Jara, Colorado before this body of Congress and this nation. Truly the seeds of success have been planted in La Jara and are bringing forth the best for future generations.

TRIBUTE TO KIM ROAM

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. SKELTON. Mr. Speaker, it has come to my attention that a longtime community leader in eastern Jackson County, MO, will be receiving the Citizen of the Year Award at the Truman Heartland Community Foundation annual benefit dinner. Mr. Kim Roam has demonstrated a strong commitment to the area and has helped to ensure a brighter future for the community.

Mr. Roam began his community activity in the county in 1983 after he joined the law firm Cochran, Oswald, McDonald Roam & Moore, P.C. Since that time he has served as President of the Blue Springs Jaycees, Chairman of the Blue Springs Chamber of Commerce, Grain Valley School District Parent Teacher Support Board Member, the Valley Arts and Beautification Council Member and a member of the Grain Valley Optimist Club.

Mr. Roam has also enjoyed recognition for being spotlighted as Blue Springs' Outstanding Citizen of 1994, as Rotary Citizen of the Year 1995, and as co-recipient of the Commerce Bank William T. Kemper Foundation Blue Springs Community Service Award, which he shared with his spouse, Debbie.

Mr. Kim Roam has distinguished himself as a community leader in eastern Jackson County. He has and continues to make his friends and family proud. I am certain that my colleagues will join me in wishing Kim Roam and his family all the best.

COMMEMORATIVE JOINT MEETING OF THE CONGRESS OF THE UNITED STATES IN REMEMBERANCE OF THE VICTIMS AND HEROES OF SEPTEMBER 11, 2001, AND IN RECOGNITION OF THE COURAGE AND SPIRIT OF THE CITY OF NEW YORK, FEDERAL HALL, NEW YORK, NY, FRIDAY, SEPTEMBER 6, 2002

SPEECH OF

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 6, 2002

Mr. CRANE. Mr. Speaker, I rise today to join my colleagues in the House and Senate in commemorating the victims and heroes of September 11, 2001, during our special session of Congress held in Federal Hall in New York, New York.

On the days following the attacks on September 11th, Americans across the country came together to demonstrate the strength and resiliency of this great country. It is in that same spirit that we stand together today—both Republicans and Democrats—to reaffirm that strength and resiliency by showing a strong bipartisan expression that we are first and foremost Americans and are committed to protecting the freedoms and values that make this country great.

As we go through this week and revisit some of the darkest moments in our nation's history, we must remember that our nation has always been one that has triumphed over adversity. At times of great despair, America has consistently risen to its greatest hours.

In remembrance of those lives lost on September 11th and to heroes that emerged on that fateful day, I would like to close with some words from President Abraham Lincoln's Gettysburg Address:

''that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion . . . that we here highly resolve that these dead shall not have died in vain . . . that this nation, under God, shall have a new birth of freedom . . . and that government of the people . . .by the people . . .for the people . . . shall not perish from the earth.''

May God bless America.

TRIBUTE TO MS. DOROTHY ''DOT'' B. THOMAS

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. CHAMBLISS. Mr. Speaker, I rise today to honor Ms. Dorothy ''Dot'' B. Thomas a Community Developer for Central Savannah River Area Economic Opportunity Authority (EOA) in Augusta, Georgia. Ms. Thomas is the recipient of Experience Works' 2002 Older Worker of the Year award for my home state of Georgia.

Dot Thomas began her career at the EOA in 1971. Beginning first as a Community Developer, she studied and worked her way up to the Coordinator of the Energy Assistance Program. In 1996 she retired, but soon found herself back at EOA volunteering, mentoring new staff, and offering friendly advice based on her many years of experience. She was so valuable to the EOA that when a part-time position became available in 2000, Dot was convinced to come back to work saying . . . ''I so enjoy working, learning new things, and interacting with others that I sometimes wonder why I retired.''

In her current position as Community Developer, Dot works with families in need—assisting them with energy assistance, food, rent, clothing, etc. She says her most important contribution at EOA is giving people hope. ''I want them to feel better about themselves when they leave my office. Many times people come in looking so bad. But when I can say something to make them feel better about themselves and their circumstances, it just makes my day special!'' Lola Johnson, director of the EOA, contributes Ms. Thomas' professional success to the heart and soul she puts into her work. ''Of all the accomplishments Dot has made over her years of service to our agency and the Central Savannah River Area community, probably the most important and long-lasting ones involve the impact she has had on the clients we serve as well as on her co-workers.''

Dot's dedication to improving the quality of people's lives doesn't end with her job. She loves and lends support to her husband of 50+ years, Ernest, and to the rest of her family; she makes a ''joyful noise'' in her church choir; and she volunteers at the local soup kitchen. She has also been an active member of the Georgia Community Action Association for more than 30 years. Ms. Johnson sums it up best, being a human services worker is not what Dot does for a living, ''it's who Dot Thomas is.''

Mr. Speaker, please join me and all Georgians in congratulating Dot Thomas.

PAYING TRIBUTE TO ST. ANTHONY HOSPITALS' FLIGHT FOR LIFE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to an outstanding organization that continuously renders emergency medical aid at a moments notice. The St. Anthony Hospitals' Flight for Life program based in Denver, Colorado has saved thousands of lives since its inception. It is with great pleasure I stand and honor these courageous men and women who are so willingly dedicate their lives to help those in crisis.

Founded in 1972, Flight for Life was the first civilian emergency air ambulance in the nation. Some 200 air ambulance programs all over the world have since patterned their emergency response units after Flight for Life's excellence. This commendable program serves the people of Colorado and eight surrounding states, and its members have registered over 65,000 missions in the first 30 years of service. Over its history, Flight for Life's crews responded to the 1976 gondola accident in Vail, Colorado; the 1985 Keystone Teller Lift collapse; and the Columbine High School shootings in 2000, among the thousands of missions flown. Medical missions have taken them to 40 states as well as Canada, Mexico, and Costa Rica.

In order to meet each challenge, Flight for Life maintains an elite core of medical professionals and pilots; each one with specialized experience and that allows them to react professionally to any life-threatening experience in a variety of environments. To help in that mission, the program also maintains a mountain base outside the Denver Metro area, the highest medical helicopter base in the country, at the Summit Medical Center in Frisco, Colorado. From there, they operate a specialized avalanche rescue team and often help transport search teams to the scene. With so many professions ready to respond to any emergency situation, Flight for Life continues to stand out as a leader in emergency response excellence.

Mr. Speaker, I stand today to pay tribute to the men and women of this organization before this body of Congress and this nation. The Flight for Life program has raised the bar for emergency response throughout the world. These courageous professionals have served the people of this nation with distinction for 30 years and deserve our praise.

IN MEMORY OF SEPTEMBER 11 AND ITS FORGOTTEN VICTIMS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. BURTON of Indiana. Mr. Speaker, we are commemorating the terrible attack on America this past September 11. This was a terrible event in which about 3,000 people lost their lives. A year later, they are in our prayers.

Also in our prayers are the other victims—those who were subjected to violent, unfair attacks in the aftermath of September 11. One of these was Balbir Singh Sodhi, a gasoline station owner from Arizona. He was murdered at his gas station by someone who apparently mistook him for a follower of Osama bin Laden. His brother, Sukhpal Singh Sodhi, a cab driver in the San Francisco Bay area, was recently killed in his taxicab. I am sure that we would all like to extend our sympathies to the Sodhi family.

No one should be killed because of his religion. Even if Mr. Sodhi had been a Muslim and a follower of bin Laden that would not justify murdering him. But what makes this crime even more disturbing is that this perception was a mistake. Mr. Sodhi was a Sikh, not Muslim.

Sikhism is an independent, monotheistic, revealed religion that believes in the equality of all people, including gender equality. It is not part of either Hinduism or Islam, yet because of the turbans they wear, which are required by their religion, Sikhs are sometimes mistaken for Muslim followers of bin Laden.

The violence has mostly ended, but there are still some unrelated violent incidents. Unfortunately, Balbir Singh Sodhi's brother was also killed just a couple of months ago in his taxicab outside San Francisco. I call for an end to all these attacks and for full and prompt prosecution of all the people responsible.

Mr. Speaker, I would like to place the Council of Khalistan's recent press release on the anniversary of September 11 into the RECORD at this time.

IN MEMORY OF THOSE KILLED IN LAST YEAR'S ATTACK ON UNITED STATES

Sikhs Suffered the Most After the Attacks

Council of Khalistan Condemns Attacks, Calls for End to Violence Against Minorities

WASHINGTON, D.C., September 11, 2002.—Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, today remembered the attacks on America a year ago that killed almost 3,000 Americans. He also condemned the violence against Sikh Americans and other minorities that broke out in the wake of the September 11 attacks.

''On behalf of the 21-million strong Sikh Nation and especially on behalf of more than 500,000 Sikh Americans, we remember with sadness and outrage the attacks on America a year ago and offer our prayers and sympathies on this sad anniversary to the people of the United States for the terrible attack on the United States and for the loss of life it entails,'' Dr. Aulakh said. ''We especially pray for the families of those who have departed.''

''America must do what it can to eradicate terrorism from the world,'' Dr. Aulakh said. ''We support all the efforts to do so and we must do our part as American citizens,'' he said. ''This sad anniversary reminds us that we stand together as a nation. We must show unity on this occasion.''

''We also condemn the violence against Sikhs and other minorities that took place last year after the September 11 attacks,'' Dr. Aulakh said. ''Sikhs suffered the most in the post-September 11 violence,'' he said. ''The very first victim of this violence was Balbir Singh Sodhi, a Sikh gasoline station owner from the Phoenix area,'' he noted. Recently, his brother was killed in his taxicab. All this violence must stop,'' Dr. Aulakh said.

''Nobody should be killed for his or her religion, whether Sikh, Muslim, Christian, Jewish, Hindu, or whatever religion one may follow,'' Dr. Aulakh said. ''But it is important to note that Sikhs are not Muslims nor followers of bin Laden. We condemn bin Laden,'' he said. ''Unfortunately, because of the turbans we are required to wear, many people mistake Sikhs for bin Laden followers,'' he said. ''The Sikh religion is an independent, monotheistic, sovereign religion that believes in the equality of the whole human race, including gender equality,'' he said. ''Daily we pray for the well being of the whole human race.''

In the wake of the September 11 attacks, a couple of young Sikhs were attacked in

Brooklyn. Sikh businesses have been stoned and cars have been burned. A Sikh boy was even shot in New York. Many Muslims and other minorities were also subjected to violent attacks.

''We hope that there will not be any more of these incidents in connection with the anniversary of the attacks. ''Violence against innocent people of any religion or ethnicity is unacceptable,'' said Dr. Aulakh. ''It must be condemned and the violence must be ended.''

TRIBUTE TO MR. SAMUEL J. TENENBAUM

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a longtime friend, Mr. Samuel J. Tenenbaum of Lexington, SC. On Wednesday, September 18, 2002, Mr. Tenenbaum will receive the Lifetime Achievement award in the area of philanthropy from the Columbia Urban League Guild.

The Columbia Urban League is a non-profit organization that works for equal opportunity for everyone. The Columbia Urban League Guild is an affiliate and volunteer arm of the Columbia Urban League. The Lifetime Achievement Award is an award given to an individual who has made significant contributions to Columbia, the Midlands region, and the state.

A 1961 graduate of Savannah Country Day School, Mr. Tenenbaum graduated from Emory University with a Bachelor's of Arts degree in History. He went on to do graduate studies in American Studies at the University of Minnesota. In 1967, he went to work in his family business, Chatham Steel Corporation, from which he retired in 2000 as Vice-President.

An outstanding citizen of the State of South Carolina, Mr. Tenenbaum presently serves as chairman of the Alston Wilkes Foundation, trustee of both the Columbia Jewish Foundation and the Columbia Museum of Art, and chairman of the Alumni Advisory Committee to the Institute of Jewish Studies at Emory University. He is also a member of Habitat for Humanity, First Union Bank Advisory Board, The Richard W. Riley Institute of Furman University, and The Kosmos Club.

I have had the pleasure of knowing Sam for longer than either of us care to remember. He has been a driving force behind the scenes in almost every major community initiative affecting the Columbia Metropolitan area. He puts his heart and soul into each and every endeavor whether it is raising money to replace a New York City fire truck lost on September 11th or building bridges between different racial and ethnic groups. Sam Tenenbaum is one of the most dedicated public servants I have ever known who prefers to stay out of the limelight and let his generous spirit speak for itself.

Mr. Speaker, I ask that you and my colleagues join me in commending Mr. Samuel Tenenbaum on his Lifetime Achievement recognition by the Columbia Urban League Guild. I cannot think of anyone more deserving of this honor.

FOSELLA-WATT MOTION TO INSTRUCT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mrs. MALONEY of New York. Mr. Speaker, as we continue our war on terrorism, we must remain vigilant in our efforts to decimate the terrorists that are threatening our very existence and have singled out Americans who represent freedom and democracy, so cherished by our citizens.

I strongly support the Fossella-Watt motion to instruct which will finally allow American victims of international terrorism to receive compensation from blocked assets—judgments they were already awarded.

Last week, we commemorated the anniversary of 9/11. A day that marked the most devastating acts ever committed on U.S. soil.

There may not be another Member of Congress who lost more constituents in the September 11th attacks on the World Trade Center than I did.

I knew countless number of victims and their families and one year later, the pain and hardship go on. No amount of money can bring back our loved ones, but this motion to instruct can work to prevent future tragic acts of terrorism.

It paralyzes the financial resources of those terrorist organizations and increases our ability to go after the sources of funding for these organizations and cells. It sends a message to terrorists that we will not stand for the murder of innocent Americans. And, those who target Americans will be punished.

The United States must use every tool in its arsenal—military, diplomatic, and legal—to protect Americans and other innocent parties against these random acts of terror.

The Fossella-Watt motion to instruct is a tool to weaken the terrorist grip.

I urge my colleagues to retain this provision in the final version of the Terrorism Insurance bill.

TRIBUTE TO DEPUTY UNDER SECRETARY ROGER R. RAPP

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. SMITH of New Jersey. Mr. Speaker, as Chairman of the Committee on Veterans' Affairs, I rise today to pay tribute to Mr. Roger R. Rapp, who on October 3, 2002, will be retiring after serving 30 years at the Department of Veterans Affairs.

Roger personifies the steadfast career civil servant. He began his federal career at the Veterans Health Administration in 1972, advancing through various positions which included field assignments at VA medical centers in Dayton, Ohio, and Washington, DC. Ultimately, Roger moved to the National Cemetery Administration (NCA), where he served as the director of the National Cemetery Area Office in Philadelphia, Pennsylvania. In 1987, Roger was named Director of Field Operations for the NCA. In March of 2000, his title was changed to that which it is today, Deputy Under Secretary for Operations. As the one responsible for operations and construction at NCA, Roger has personally visited each of the 120 VA National Cemeteries.

Roger's dedication to veterans and their families is apparent to all who know him, and he truly is a man with a vision. He has been a leading voice in ensuring the expansion of existing cemeteries, development of new national cemeteries, and expanding the State Cemetery Grants Program. Through his leadership, the number of national cemeteries increased from 103 in 1973 when NCA was formed, to the current 120; five new national cemeteries are currently in the planning stages.

It is said that Roger knows the majority of NCA employees nationwide on a first name basis, and he has devoted his career to helping all VA employees take pride in their jobs and focus on the needs of veterans. Owing to his leadership, NCA scored 93 percent on the American Customer Satisfaction Index, the highest score of any federal government entity. Roger was also instrumental in establishing the Director Training Programs to provide upward mobility and career advancement for VA employees throughout the system. Additionally, he's contributed significantly over the years to Leadership VA, the agency's executive development program.

Mr. Speaker, Roger Rapp is an advocate for veterans and has dedicated 30 years to this advocacy—20 years with the National Cemetery Administration alone. And when the situation called for it, he has done so with humor and selflessness. Indeed, Roger was a lucid and forthright witness when testifying before the House Committee on Veterans' Affairs. Thank you, Roger, for your dedication to America's veterans. You are leaving, a lasting legacy of dedicated federal service.

TRIBUTE TO MICHAEL RICHMOND

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. BRADY of Texas. Mr. Speaker, I rise today to congratulate Mr. Michael Richmond, President and CEO of The Woodlands Operating Company, as he prepares to retire from 30 years of dedication and service to The Woodlands Community.

Michael Richmond is a visionary. He shared in the original vision for The Woodlands almost from the very inception when he joined George Mitchell and his team in 1972.

During these past 30 years, Michael's career moved rapidly within The Woodlands Corporation and then into The Woodlands Operating Company. He became treasurer, then senior financial officer and moved into the operations area as senior vice president of commercial development. In 1985 he was named executive vice president of the company with responsibilities encompassing commercial, The Woodlands Conference Center and Resort, investment properties, apartments, office buildings, industrial development and retail shopping centers. Today, thanks to Michael's leadership, The Woodlands is a model of success.

In his three decades of service and exemplary performance in developing The Woodlands, the new owners Morgan Stanley and

Crescent Operating, Inc. named him president and COO in November 1997. He was named President and CEO on November 1, 1998. Currently, Michael is serving on numerous boards and is affiliated with many community services. When he heard Michael was retiring, George Mitchell stated ''I hate to see it, Mike is a very knowledgeable person. He did a great job of keeping the vision alive.''

Mr. Speaker, please join me and the citizens of The Woodlands, Texas, in thanking and congratulating Michael Richmond on a job well done.

COMMEMORATIVE JOINT MEETING OF THE CONGRESS OF THE UNITED STATES IN REMEMBRANCE OF THE VICTIMS AND HEROES OF SEPTEMBER 11 2001, AND IN RECOGNITION OF THE COURAGE AND SPIRIT OF THE CITY OF NEW YORK, FEDERAL HALL, NEW YORK, NY, FRIDAY, SEPTEMBER 6, 2002

SPEECH OF

HON. BOB ETHERIDGE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 6, 2002

Mr. ETHERIDGE. Mr. Speaker, it's hard to believe that it's been almost a full year since that awful day. On September 11, 2001, all the world saw the very face of evil. And on that day and every day since, we have felt the heartbeat of America.

For me, the most enduring image of 9/11 was the sight of the Pentagon on fire after the terrorists crashed American Airlines Flight 77 into our nation's military headquarters. A thick black smoky cloud oozed from the Pentagon and hung over the banks of the Potomac River. I will never forget seeing with my own eyes that proud building engulfed in flames. Then the whole world watched TV in stunned disbelief as the twin towers of the World Trade Center came crumbling down in a fiery wreck of twisted steel.

On that day, America was changed forever. But, the test in life is not whether or not you ever get knocked down. The true test is whether you have the courage, pride and determination to get back up again. Every day since September 11, the people of this country have gotten back up.

We Americans from all walks of life have pulled together like never before. We have stood united to tell our enemies that the spirit of America will never be broken. We will not rest until we have eliminated Osama bin Laden and his terrorist network.

In the year since 9/11, we have come to treasure the service and sacrifice of ordinary Americans and extraordinarily heroic. The selfless devotion of the firefighters, police, EMS and other public servants in New York City and the Pentagon have given us new appreciation for our hometown heroes whose everyday service does so much to strengthen our communities. The dedicated professionalism of our men and women in uniform renew our pride in our country and make us thankful for our many, many blessings. And the incredible story of the passengers of the hijacked plane who fought back and prevented the tragic events of that day from being even worse inspires us all to take charge and give back to our country.

September 11 taught us anew the immeasurable strength of the uniquely American ideal of ''We, the people.'' As we memorialize the lives lost one year ago, let us also celebrate the renewed spirit of America that has been reinvigorated by the service and sacrifice of so many ordinary citizens and inspirational heroes.

RECOGNIZING OUTSTANDING SERVICE TO OUR NATION

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. ROSS. Mr. Speaker, I rise today to honor and congratulate an outstanding member of our military, and native of my district, whose impressive service in the United States Navy makes our district, our country, and me very proud.

Vince McBeth was born the fourth child of Velma McBeth-Slaughter and the late Manuel M. McBeth in Camden, Arkansas. In 1983, he graduated from Fairview High School, where his impressive athletic and academic performance earned him many honors. He went on to earn a Bachelor of Science Degree in Political Science at the U.S. Naval Academy, where he was Captain of the Navy Football Team as well as an officer on the Brigade Staff.

Upon receiving a commission as an Ensign in the U.S. Navy, McBeth completed division officer tours aboard two guided-missile frigates, USS *Duncan* and USS *John A. Moore*, and a guided-missile cruiser, USS *Antietam*, in Long Beach, California. He then served as Operations Officer aboard the USS *Barry* in Norfolk, Virginia.

At age 30, McBeth became one of the youngest officers to command a warship. As Commanding Officer of the USS *Tempest*, McBeth commanded more than 50 special warfare missions while deployed to the European and Caribbean theaters. After earning a Master's Degree in International Relations from the Fletcher School of Law and Diplomacy at Tufts University, McBeth returned to serve as Executive Officer of the USS *Barry*. He now serves as a Commander in the U.S. Navy and the Administrative Aide to the Secretary of the Navy. McBeth was recently appointed as a White House Fellow.

McBeth's service to our country extends beyond his actions in the military. He has coordinated Adopt-A-School programs in several communities and implemented U.S. Embassy-sponsored community relations projects in numerous countries abroad. His awards include the Legion of Merit, Meritorious Service Medal, two Navy Commendation Medals, and three Navy Achievement Medals.

Throughout his life, McBeth has sought to better himself, his community, and his country. He is a model for today's youth of what is possible through hard work, discipline, and most of all, compassion. I congratulate him on his recent White House appointment, and I wish him luck in what I know will be many more selfless years of service to our great nation.

PERSONAL EXPLANATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. GONZALEZ. Mr. Speaker, on rollcall Nos. 384, 385, and 386, had I been present, I would have voted ''yea''; on rollcall No. 387, ''nay.''

PERSONAL EXPLANATION

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. BARRETT of Wisconsin. Mr. Speaker, because of commitments in my home State of Wisconsin, I was unable to vote on rollcall Nos. 375 through 386. Had I been present, I would have voted:

''Aye,'' on rollcall No. 375; ''Aye,'' on rollcall No. 376; ''Aye,'' on rollcall No. 377; ''Aye,'' on rollcall No. 378; ''Aye,'' on rollcall No. 379; ''Aye,'' on rollcall No. 380; ''Aye,'' on rollcall No. 381; ''Aye,'' on rollcall No. 382; ''Aye,'' on rollcall No. 383; ''Aye,'' on rollcall No. 384; ''Aye,'' on rollcall No. 385; and ''Aye,'' on rollcall No. 386.

PAYING TRIBUTE TO ADAM CURRY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. McINNIS. Mr. Speaker, it is my distinct privilege to recognize Adam Curry of Clifton, Colorado for the recent contribution he has made to the advancement of science. An undergraduate student at Mesa State College and only 18 years old, Adam has invented an earthquake warning system that has received much attention from numerous people throughout the scientific community.

Adam Curry has shown lots of interest and enthusiasm for electronics throughout his life. As a kid, Adam spent afternoons taking apart various appliances around the house to try to understand how they operated. Today, the curiosity of Adam's childhood has developed into an extraordinary talent for electrical engineering. Adam has just recently developed an electronic device that measures minute amounts of electron activity related to earthquakes and uses gravity to create a computer language. The language can then be transmitted through the Internet to warn that an earthquake is coming. The invention is significant because it provides scientists around the world with the ability to measure earthquake activity.

Over the summer, Adam traveled extensively throughout the country and Eastern Europe to enlighten the scientific community to the utility of his new earthquake warning system. He hopes to have his new invention placed in 20 different locations throughout the world. He has met with many scientists from prestigious universities such as the University of Virginia, Harvard University, and the University of St. Petersburg, and from all accounts,

everyone is very excited about the possibilities that his earthquake warning system has to offer. Currently, Adam is in the process of modifying his invention into a smaller, more convenient prototype that can be installed directly into a user's computer.

Mr. Speaker, it is an honor to recognize Mr. Adam Curry before this body of Congress and this nation for his outstanding accomplishment in the fields of science and electronics. It is very satisfying and encouraging to see our upcoming generation of young people committed to the prosperity of knowledge and to the progress of academic achievement. Adam Curry has only begun to reveal the true merits of his potential, and we shall witness many more accomplishments and contributions from him in the years to come. Congratulations on your achievement, Adam, and keep up the good work.

14TH ANNIVERSARY OF THE UPRISING OF THE BURMESE PEOPLE

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. ROHRABACHER. Mr. Speaker, today is the 14th anniversary of the uprising of the Burmese people against the drug dealing military dictatorship that rules their nation. On this solemn occasion we need to ask ourselves what we can do to help those brave people help themselves.

The people of Burma and their elected leaders, Aung San Suu Kyi and members of the National League for Democracy (the NLD), have struggled for over a decade to bring an end to the military dictatorship. In 1991 Daw Aung San Suu Kyi won the Nobel Peace Prize for defying great odds in standing firm against this heinous regime. She has spent years under house arrest and hundreds of members of her political party, the National League for Democracy, have disappeared into Burma's notorious prison system.

Fourteen years ago the Army slaughtered thousands in cold blood on the streets of Rangoon and imprisoned and tortured thousands more.

The people of Burma believe that the people and the government of our great Nation stand strongly behind them. Today some governments in the world are struggling to decide whether or not to support the war against terrorism while they sponsor acts of domestic terrorism against their own citizens. We need to ensure that we keep the friends that we have by not making any deals with such governments as the Burmese junta or Chinese communists. By supporting the people of Burma over the totalitarian regime that is currently in power, we will not only help the people of Burma to help free themselves but we will be creating the good will in the future that will enable us to fight terrorism in that area of the world.

Lately though, I have seen some news about Burma that greatly disturbs me. The military dictators have come knocking on the door of the United States asking for money for what they call humanitarian aid, while simultaneously spending $130 million on MIG fighter planes from the Russians. This is nonsensical. We should not waste American taxpayer money on aid money that encourages the regime to spend more on weapons. We should also not forget who has caused the humanitarian crisis in Burma and why. The regime is entirely responsible for the sufferings of the Burmese people; their lack of good governance—any form of governance—has resulted in a debacle of the public health sector.

Even more disturbing than this, however, I have recently seen evidence that the military regime has sent its scientists to Russia to learn to build a nuclear reactor. The United States must do everything in its power to ensure this does not happen. The Burmese regime has proven repeatedly not only its callous brutality, but complete disregard for international opinion. Nuclear power in the hands of the Burmese dictators that terrorize their own people makes Southeast Asia and the world a more dangerous place.

The United States and the international community ought to inform the Burmese junta that in no uncertain terms it should immediately begin full-scale political talks with the elected leaders of Burma, the National League for Democracy, and ethnic nationalities aimed at speedy transition to democracy. I have met many of the leaders of Burma's struggle for freedom myself and I can tell you they would be outstanding partners for the United States and the world. In the meantime, to ignore the threat posed by an armed, nuclear Burmese military regime would be a serious error.

HONORING THE CAREER OF REDONDO COUNCILMAN KEVIN SULLIVAN

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Ms. HARMAN. Mr. Speaker, I rise today to honor the distinguished career of a constituent and friend—Redondo Beach City Councilman Kevin Sullivan, who resigned from the city council earlier this year.

As a dedicated council member, Kevin served the city of Redondo Beach for more than five years. He was a representative from the Second District of the city, which includes not only my district office but also both a power plant and a beautiful harbor. Kevin knew how to balance the needs of these two potentially competing interests.

In general, Kevin's career was focused on the best interests of the community, from his seat on a local committee against LAX expansion to holding local town meetings for the public. He was a person who could be counted on to take care of the community's needs while making the time to return his constituents' phone calls.

Kevin has always been there for the community. As a union leader for many years, he was thought of as a great negotiator. His skills served the people in his union while gaining him respect from others who watched him fight for causes he thought worthy. He never ducked the tough fights.

I loved Kevin's Boston accent—which fit in particularly well at the Redondo Lobster Festival. He knows everyone, and I have been fortunate over many years to have his strong support and help.

Mr. Speaker, I am sorry that Kevin has decided to leave public service, but I expect he will return one day. Meanwhile, I am certain I will miss his smile, pleasant humor and good deeds. He has added a great deal. Well done, my friend!

OPPOSING THE WAR ON CIVL LIBERTIES

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Ms. SCHAKOWSKY. Mr. Speaker, I remain strongly opposed to the continued efforts by President Bush, Attorney General Ashcroft and the Administration to seriously endanger our country's civil liberties. In the aftermath of the September 11 tragedies, Congress moved quickly to enact sweeping legislation granting additional powers to federal, state and local law enforcement authorities in the name of fighting terrorism. I voted against that measure because I believed, and still believe, that such measures intrude significantly on the important civil liberties that make American democracy invaluable and unique.

The ''anti-terrorism'' legislation contained numerous provisions that had little or nothing to do with the war on terrorist activities. Amongst other things, the law authorized covert searches for any Federal criminal investigation, including the IRS, without restricting those to terrorist activities; provided for unprecedented wiretapping authority; gave access to confidential financial and medical information granted by a secret court; and allowed indefinite detention of immigrants solely on the basis of suspicion.

In a September 10, 2002 editorial, the New York Times outlines the continuing and substantial nature of the assault on our civil liberties. In the wake of September 11, the administration has shown its ''contempt for basic rights in its enthusiasm for military tribunals.''

Today, one year after the events that so tragically shook the nation, our precious civil liberties continue to be endangered in the name of ''anti-terrorism efforts.'' Such a secret, covert and, ultimately un-American agenda serves only to increase paranoia, rouse unnecessary public fear and stifle the protections that are fundamental to freedom, democracy and an open society. Rather than increasing security, such actions serve only to asphyxiate the public trust. Rather than protecting against terrorism, the foundations and principles upon which American democracy exist are slowly being eroded. The 4th Amendment was created for the purpose of ensuring our rights and protecting against the very violations to which our government would now subject us. The war on terror can be fought without surrendering our rights. As so amply stated in the New York Times, ''Fear is no guide to the Constitution. We must fight the enemies abroad without yielding to those at home.''

I urge my colleagues to read the September 10, 2002 New York Times editorial entitled, ''The War on Civil Liberties.''

[From the New York Times, Sept. 10, 2002]

THE WAR ON CIVIL LIBERTIES

It would be easy to dismiss the harm that has been done to our civil liberties in the past year. Most of us do not know anyone

whose rights have been seriously curtailed. The 1,200 detainees rounded up after Sept. 11 and held in secret were mainly Muslim men with immigration problems. So were the people the government tried to deport in closed hearings. The two Americans who were labeled ''enemy combatants,'' hustled off to military brigs and denied the right even to meet with a lawyer, are a Saudi American man captured in Afghanistan and a onetime Chicago gang member.

There is also no denying that the need for effective law enforcement is greater than ever. The Constitution, Justice Arthur Goldberg once noted, is not a suicide pact.

And yet to curtail individual rights, as the Bush administration has done, is to draw exactly the wrong lessons from history. Every time the country has felt threatened and tightened the screws on civil liberties, it later wished it had not done so. In each case—whether the barring of government criticism under the Sedition Act of 1798 and the Espionage Act of 1918, the internment of Japanese-Americans in World War II or the McCarthyite witch hunts of the cold war—profound regrets set in later.

When we are afraid, as we have all been this year, civil liberties can seem abstract. But they are at the core of what separates this country from nearly all others; they are what we are defending when we go to war. To slash away at liberty in order to defend it is not only illogical, it has proved to be a failure. Yet that is what has been happening.

Since last September, the Bush administration has held people in prison indefinitely and refused to tell the public who is being held or even how many detainees there are. No less odious than the administration's secret arrests are its secret trials. The government has barred the public and the press from deportation hearings for immigrants suspected of ties to terrorism.

The administration has also shown contempt for basic rights in its enthusiasm for military tribunals. In November, when President Bush first issued the order setting these up, it seemed the administration wanted to try anyone alleged to have ties to terrorism, even American citizens arrested in the United States, in military courts. Faced with an uproar, the administration backed down, announcing that the tribunals would accord defendants some rights. It then decided to try several prominent terrorism suspects in civilian courts.

This summer the administration unveiled, with great fanfare, the TIPS program (for Terrorism Information and Prevention System), to recruit Americans to spy on their fellow Americans. As originally conceived, TIPS was to include mail carriers, utility workers and others with access to people's homes. Again, after a popular outcry the administration scaled TIPS back.

In times of conflict, the president seeks to increase his power. Congress, sensitive to public fears over safety, cannot always be counted on to stand up to him. That leaves the Judiciary and members of the public to worry about the trampling of rights. This year a number of judges have stood out for their courage. Gladys Kessler, of Federal District Court in Washington, D.C., declared that secret arrests were ''odious to a democratic society,'' and ordered the government to release the names of all detainees. It has not done so. And Judge Robert Doumar of Federal District Court in Norfolk, Va., who is presiding over one of the ''enemy combatant'' cases, recently told prosecutors to submit documents for his review so he could determine if the defendant was in fact an enemy combatant. The Justice Department, disgracefully, defied his order.

As the Bush administration continues down its path, the American people need to make clear that they have learned from history and will not allow their rights to be rolled back. The world has changed since Sept. 11, but the values this country was founded on have not. Fear is no guide to the Constitution. We must fight the enemies of freedom abroad without yielding to those at home.

FIRE ISLAND AND THE WATER RESOURCES DEVELOPMENT ACT

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 2002

Mr. ISRAEL. Mr. Speaker, as the House begins the process of reauthorizing the Water Resources Development Act, I wanted to inform my colleagues of correspondence between myself, the gentleman from New York, Mr. GRUCCI, and the Acting Assistant Secretary of the Army for Civil Works, Les Brownlee.

Mr. GRUCCI and I wrote to the Assistant Secretary in June to note the fact that, in our opinion, the Army Corps of Engineers has not suitably complied with Section 342 of the Water Resources Development Act of 1999. I ask that our letter of June 19, 2002 be printed in the RECORD at this point.

Today my office received a reply from the Assistant Secretary, which I now ask be printed in the RECORD. In his reply, the Assistant Secretary noted that the Army Corps ''deferred all investigations on the Fire Island Interim project in July 2001'' due to the State's desire to focus on the Fire Island Reformulation project, which is slated to end in November 2005.

I bring these letters to the attention of my colleagues to help them in their deliberations on the Water Resources Development Act.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 19, 2002.

Hon. CRAIG MANSON,
Assistant Secretary for Fish & Wildlife and Parks, U.S. Department of the Interior, Washington, DC.

Hon. LES BROWNLEE,
Under Secretary of the Army and Acting Assistant Secretary for Civil Works, U.S. Department of the Army, Washington, DC.

DEAR ASSISTANT SECRETARY MANSON AND UNDER SECRETARY BROWNLEE: In 1999, the Congress passed, and the President signed, the Water Resources Development Act of 1999. Within that legislation was a Section of particular concern to us as Representatives of the South Shore of Suffolk County, New York. Section 342 of that law concerns the Fire Island Interim Project (FIIP), a routine beach nourishment project made necessary by the severe northeast storms of 1991–96. Those storms gravely weakened the barrier island, which protects the communities of the South Shore.

In an effort to resolve differences between the Army Corps of Engineers, the Fish & Wildlife Service and the National Park Service, the statute required your agencies to ''complete all procedures and reviews expeditiously and to adopt and submit to Congress, not later than 120 days after the date of enactment . . . a mutually acceptable shore erosion plan for the Fire Island to Moriches Inlet reach of the project.'' Almost three years have passed, but Congress has yet to receive such a plan. This continued inaction raises serious concerns as to why your agencies could not agree on a plan that would allow this beach preservation effort to go forward.

As you may know, the FIIP is an interim segment of a storm damage reduction and hurricane protection plan authorized by Congress more than 40 years ago. It arose in response to a request by New York State for Corps recommendations in the wake of the storms of the early 1990s. The Corps recommended, and then-Governor Cuomo's Coastal Erosion Task Force endorsed, a project that would serve as a bridge to a final ''refommulated'' plan for protecting Long Island's South Shore. Unfortunately, this important project has been constantly delayed.

This project is fully justified economically on the basis of reduction of storm damage to properties, both on the barrier island and in low-lying areas of the mainland. It is also of vital importance to the region's tourist economy and to the continued health of wildlife habitat, including that of certain endangered species, on the barrier. We are also concerned by the fact that despite a clear legal mandate, your agencies have not given Congress a ''mutually acceptable shore erosion plan for the Fire Island to Moriches Inlet reach of the project.''

Thank you for your attention to this matter. We look forward to hearing a response from your agencies as soon as possible and we hope to work with you in the future to resolve this issue.

Sincerely,

FELIX J. GRUCCI, JR.,
STEVE ISRAEL,
Members of Congress.

DEPARTMENT OF THE ARMY, OFFICE OF THE ASSISTANT SECRETARY, CIVIL WORKS
Washington DC, September 17, 2002.

Hon. STEVEN J. ISRAEL,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN ISRAEL: Thank you for your letter of June 19, 2002, co-signed by Congressman Felix J. Grucci, Jr. concerning the Fire Island Interim project and the Congressional directive contained in Section 342 of the Water Resources Development Act of 1999.

In accordance with the 1999 Partnership Agreement between the Departments of Army and Interior, the New York District prepared a draft decision document for the Fire Island Interim project. This project was a short-term project to reduce the potential for storm damages along the south shore of Long Island until completion and implementation of a more comprehensive plan, which could result from the ongoing reformulation study for Fire Island Inlet to Montauk Point. In a letter dated December 17, 1999, Dr. Joseph Westphal wrote to the Speaker of the House concerning our progress, specifically noting the draft decision document and draft Environmental Impact Statement, and our hope that a mutually acceptable solution would emerge as a result of the public and agency review.

During 2000, the New York District received many comments on the proposed Fire Island Interim project. The Department of Interior and the State of New York shared many concerns. Based on these concerns, the time that had passed to reach agreement on an interim project, and the time remaining to complete the reformulation study, the state decided not to support the proposed interim project. Instead, the State wished to focus on completing the reformulation study. Therefore, the Army Corps of Engineers (Corps) deferred all investigations on the Fire Island Interim project in July 2001.

The Corps has currently scheduled completion of the reformulation study in November

2005. All of the cooperating agencies are working towards developing a comprehensive plan, which would address various concerns noted during the evaluation of the interim project. Upon completion and analysis of the reformulation study, there may be an opportunity to construct initial, or separable increments of the overall project. If the particular concern at that time is construction along the Fire Island barrier island, then we will put our efforts towards achieving that goal.

Thank you for your interest in the Civil Works program. I hope that this letter addresses your concerns. Please do not hesitate to contact me if you need any additional information.

Sincerely,

L. BROWNLEE,
Acting Assistant Secretary of the Army (Civil Works).

COMMEMORATIVE JOINT MEETING OF THE CONGRESS OF THE UNITED STATES IN REMEMBRANCE OF THE VICTIMS AND HEROES OF SEPTEMBER 11, 2001, AND IN RECOGNITION OF THE COURAGE AND SPIRIT OF THE CITY OF NEW YORK, FEDERAL HALL, NEW YORK, NY, FRIDAY, SEPTEMBER 6, 2002

SPEECH OF

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 6, 2002

Mr. BORSKI. Mr. Speaker, and my fellow colleagues of the United States Congress, we are here in the City of New York as representatives of a United States that is bound together as never before. It is a tragic bond, as it came at a cost of immeasurable suffering to the people of this great city, and to those who lost their loved ones in the Pentagon or on flight 93 that ended in Shanksville, PA. Today we are gathered in remembrance of the events that pierced our hearts one year ago.

On September 11th, the terrible and violent acts perpetrated against our homeland took the lives of so many innocents. In the days after the attacks, the courage and strength of our rescue workers lifted the spirits of our nation. In the weeks and months following, an outpouring of generosity from every corner of our nation showed that we stand together. Thousands lined up to give blood in a gesture that Americans would share the essence of life with no regard for whom the recipient might be. The continuing work of the young men and women in our armed forces is a declaration that those responsible for such cowardly acts will not escape justice. Today, one year later, we can say that our wound are healing. Our nation has overcome a great deal, and it is unity that has helped us overcome our grief.

We, as public servants, have come together to realize an even greater responsibility to our nation. These memories are a reminder that we must remain vigilant while we rebuild and that we must never allow our greatest treasure, our liberty, to be vulnerable to the will of our enemies.

We will never forget the innocent victims. We will never forget the heroes. It is with their memory in our hearts that we live each day with a greater sense of purpose and a deeper appreciation for the gifts that we in this nation share.

EXPRESSING THE SENSE OF CONGRESS ON THE ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

SPEECH OF

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. TOWNS. Mr. Speaker, we are commemorating the terrible attack on America on September 11 last year. This was a terrible event in which about 3,000 people lost their lives. A year later, they are in our prayers.

Also in our prayers are the other victims—those who were subjected to violent, unfair attacks in the aftermath of September 11. One of these was Balbir Singh Sodhi, a gasoline station owner from Arizona. He was murdered at his gas station by someone who apparently mistook him for a follower of Osama bin Laden. His brother, Sukhpal Singh Sodhi, a cab driver in the San Francisco Bay area, was recently killed in his taxicab. I am sure that we would all like to extend our sympathies to the Sodhi family.

No one should be killed because of his religion. Even if Mr. Sodhi had been a Muslim and a follower of bin Laden, that would not justify murdering him. But what makes this crime even more disturbing is that this perception was a mistake. Mr. Sodhi was a Sikh, not Muslim.

Sikhism is an independent, monotheistic, revealed religion that believes in the equality of all people, including gender equality. It is not part of either Hinduism or Islam, yet because of the turbans they wear, which are required by their religion, Sikhs are sometimes mistaken for Muslim followers of bin Laden.

The violence has mostly ended, but there are still some unrelated violent incidents. Unfortunately, Balbir Singh Sodhi's brother was also killed just a couple of months ago in his taxicab outside San Francisco. I call for an end to all these attacks and for full and prompt prosecution of all the people responsible.

Mr. Speaker, I would like to place the Council of Khalistan's recent press release on the anniversary of September 11 into the RECORD at this time.

IN MEMORY OF THOSE KILLED IN LAST YEAR'S ATTACK ON UNITED STATES

SIKHS SUFFERED THE MOST AFTER THE ATTACKS; COUNCIL OF KHALISTAN CONDEMNS ATTACKS, CALLS FOR END TO VIOLENCE AGAINST MINORITIES

WASHINGTON, D.C., September 11, 2002.—Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, today remembered the attacks on America a year ago that killed almost 3,000 Americans. He also condemned the violence against Sikh Americans and other minorities that broke out in the wake the September 11 attacks.

''On behalf of the 21-million strong Sikh Nation and especially on behalf of more than 500,000 Sikh Americans, we remember with sadness and outrage the attacks on America a year ago and offer our prayers and sympathies on this sad anniversary to the people of the United States for the terrible attack on the United States and for the loss of life it entails,'' Dr. Aulakh said. ''We especially pray for the families of those who have departed.''

''America must do what it can to eradicate terrorism from the world,'' Dr. Aulakh said. ''We support all the efforts to do so and we must do our part as American citizens,'' he said. ''This sad anniversary reminds us that we stand together as a nation. We must show unity on this occasion.''

''We also condemn the violence against Sikhs and other minorities that took place last year after the September 11 attacks,'' Dr. Aulakh said. ''Sikhs suffered the most in the post-September 11 violence,'' he said. ''The very first victim of this violence was Balbir Singh Sodhi, a Sikh gasoline station owner from the Phoenix area,'' he noted. ''Recently, his brother was killed in his taxicab. All this violence must stop,'' Dr. Aulakh said.

''Nobody should be killed for his or her religion, whether Sikh, Muslim, Christian, Jewish, Hindu, or whatever religion one may follow,'' Dr. Aulakh said. ''But it is important to note that Sikhs are not Muslims nor followers of bin Laden. We condemn bin Laden,'' he said. ''Unfortunately, because of the turbans we are required to wear, many people mistake Sikhs for bin Laden followers,'' he said. ''The Sikh religion is an independent, monotheistic, sovereign religion that believes in the equality of the hole human race, including gender equality,'' he said. ''Daily we pray for the well being of the whole human race.''

In the wake of the September 11 attacks, a couple of young Sikhs were attacked in Brooklyn. Sikh businesses have been stoned and cars have been burned. A Sikh boy was even shot in New York. Many Muslims and other minorities were also subjected to violent attacks.

''We hope that there will not be any more of these incidents in connection with the anniversary of the attacks. ''Violence against innocent people of any religion or ethnicity is unacceptable,'' said Dr. Aulakh. ''It must be condemned and the violence must be ended.''

EXPRESSING THE SENSE OF CONGRESS ON THE ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

SPEECH OF

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Mr. STUPAK. Mr. Speaker, I wish to add my voice to the multitude of Members honoring our Nation and its heroes on September 11, 2002.

Mr. Speaker, although I was back in my district taking part in events commemorating the impact September 11th has had on all of us, I would have voted ''Yes'' on passage of H. Con. Res. 464. Due to a technical mixup, my name was not added as a cosponsor of this worthy bill, and I wish to state my intention here that I fully support this resolution and its sentiments.

As a former law enforcement officer, I know too well the toll such tragedy takes on individuals—their lives, their families, their future,

and I know too well how difficult, yet how necessary it is to ensure like-minded individuals are prevented from carrying out further attacks.

This resolution makes it clear that while the passage of a year has not softened our memories, it has shown that we will not bow down to terrorism.

We must find those responsible for the deaths of so many—including my constituent Army Major Kip Taylor who perished in the Pentagon on that day a year ago—and ensure they face the consequences of their actions.

September 11 brought out the worst in our enemies. Yet it also brought out the best in our citizens. That is what we are honoring today.

Daily Digest
Senate

Chamber Action

Routine Proceedings, pages S8627–S8700

Measures Introduced: Fifteen bills and two resolutions were introduced, as follows: S. 2938–2951, S.J. Res. 44, and S. Con. Res. 139. **Page S8673**

Measures Reported:

S. 198, to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land, with an amendment in the nature of a substitute. (S. Rept. No. 107–281)

S. 1846, to prohibit oil and gas drilling in Finger Lakes National Forest in the State of New York, with an amendment in the nature of a substitute. (S. Rept. No. 107–282)

H.R. 5063, to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, with an amendment in the nature of a substitute. (S. Rept. No. 107–283)

S. 1883, to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon. (S. Rept. No. 107–284)

S. 2018, to establish the T'uf Shur Bien Preservation Trust Area within the Cibola National Forest in the State of New Mexico to resolve a land claim involving the Sandia Mountain Wilderness, with an amendment in the nature of a substitute. (S. Rept. No. 107–285)

H.R. 695, to establish the Oil Region National Heritage Area, with an amendment in the nature of a substitute. (S. Rept. No. 107–286)

H.R. 706, to direct the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, New Mexico. (S. Rept. No. 107–287)

H.R. 2115, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the Lakehaven Utility District, Washington. (S. Rept. No. 107–288)

H.R. 2828, To authorize payments to certain Klamath Project water distribution entities for amounts assessed by the entities for operation and maintenance of the Project's transferred works for 2001, to authorize refunds to such entities of amounts collected by the Bureau of Reclamation for reserved works for 2001. (S. Rept. No. 107–289)

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, with an amendment in the nature of a substitute.

S. 1210, to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996, with an amendment in the nature of a substitute. **Pages S8671–72**

Measures Passed:

Native American Commercial Driving Training and Technical Assistance Act: Senate passed S. 1344, to provide training and technical assistance to Native Americans who are interested in commercial vehicle driving careers, after agreeing to a committee amendment in the nature of a substitute.

Pages S8693–94

Indian Financing Amendments Act: Senate passed S. 2017, to amend the Indian Financing Act of 1974 to improve the effectiveness of the Indian loan guarantee and insurance program, after agreeing to a committee amendment in the nature of a substitute. **Pages S8694–96**

Native American Alcohol and Substance Abuse Program Consolidation Act: Senate passed S. 210,

to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, after agreeing to a committee amendment in the nature of a substitute. **Pages S8696–99**

Department of the Interior Appropriations: Senate resumed consideration of H.R.5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, taking action on the following amendments proposed thereto: **Pages S8632–44, S8656–63**

Pending:

Byrd Amendment No. 4472, in the nature of a substitute. **Pages S8632–44, S8656–63**

Byrd Amendment No. 4480 (to Amendment No. 4472), to provide funds to repay accounts from which funds were borrowed for emergency wildfire suppression. **Page S8632**

Craig/Domenici Amendment No. 4518 (to Amendment No. 4480), to reduce hazardous fuels on our national forests. **Page S8632**

Dodd Amendment No. 4522 (to Amendment No. 4472), to prohibit the expenditure of funds to recognize Indian tribes and tribal nations until the date of implementation of certain administrative procedures. **Page S8632**

Byrd/Stevens Amendment No. 4532 (to Amendment No. 4472), to provide for critical emergency supplemental appropriations. **Page S8632**

Daschle motion to reconsider the vote whereby cloture was not invoked on Byrd Amendment No. 4480 (to Amendment No. 4472). **Page S8662**

During consideration of this measure today, Senate also took the following action:

By 50 yeas to 49 nays (Vote No. 217), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate failed to agree to the motion to close further debate on Byrd Amendment No. 4480 (to Amendment No. 4472), listed above. **Page S8662**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Wednesday, September 18, 2002. **Page S8699**

Homeland Security Act: Senate resumed consideration of H.R. 5005, to establish the Department of Homeland Security, taking action on the following amendments proposed thereto: **Pages S8644–49, S8652–56, S8663**

Adopted:

Thompson/Warner Amendment No. 4513 (to Amendment No. 4471), to strike title II, establishing the National Office for Combating Terrorism, and title III, developing the National Strategy for Combating Terrorism and Homeland Security Response for detection, prevention, protection, response, and recover to counter terrorist threats. **Pages S8644, S8663**

Withdrawn:

Lieberman Amendment No. 4534 (to Amendment No. 4513), to provide for a National Office for Combating Terrorism, and a National Strategy for Combating Terrorism and the Homeland Security Response. **Pages S8644, S8663**

Pending:

Lieberman Amendment No. 4471, in the nature of a substitute. **Pages S8644–49, S8652–56, S8663**

A motion was entered to close further debate on Lieberman Amendment No. 4471, in the nature of a substitute (listed above) and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Thursday, September 19, 2002. **Page S8652**

A unanimous-consent agreement was reached providing for further consideration of the bill at 12:30 p.m., on Wednesday, September 18, 2002. **Page S8699**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the periodic report on telecommunications payments made to Cuba pursuant to Treasury Department specific licenses; to the Committee on Foreign Relations. (PM–108) **Page S8670**

Nominations Received: Senate received the following nominations:

Peter DeShazo, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during tenure of service as Deputy Permanent Representative of the United States of America to the Organization of American States.

John L. Morrison, of Minnesota, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2004.

1 Air Force nomination in the rank of general.

6 Coast Guard nominations in the rank of admiral.

Routine lists in the Army, Coast Guard, Marine Corps, Navy. **Pages S8699–S8700**

Nominations Withdrawn: Senate received notification of withdrawal of the following nominations:

John Roderick Davis, of Alabama, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2005, which was sent to the Senate on May 6, 2002. **Page S8700**

Messages From the House: **Pages S8670–71**

Executive Communications: Page S8671
Executive Reports of Committees: Pages S8672–73
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Statements on Introduced Bills/Resolutions: Pages S8674–84
Additional Statements: Pages S8669–70
Amendments Submitted: Pages S8684–93
Notices of Hearings/Meetings: Page S8693
Authority for Committees to Meet: Page S8693

Record Votes: One record vote was taken today. (Total—217) Page S8662

Adjournment: Senate met at 9:30 a.m., and adjourned at 6:51 p.m., until 9:30 a.m., on Wednesday, September 18, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8699).

Committee Meetings

(Committees not listed did not meet)

2002 FARM BILL

Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearing to examine the implementation of the Farm Security and Rural Investment Act (P.L. 107–171), after receiving testimony from Ann M. Veneman, Secretary of Agriculture, who was accompanied by several of her associates.

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported 4,409 nominations in the Army, Navy, Marine Corps, and Air Force.

IRAQ

Committee on Armed Services: Committee concluded closed hearings to examine the situation in Iraq, after receiving testimony from George J. Tenet, Director, Central Intelligence Agency; and Rear Adm. Lowell E. Jacoby, USN, Acting Director, Defense Intelligence Agency, Department of Defense.

TENNESSEE VALLEY AUTHORITY

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings to examine corporate responsibility, financial disclosure, and oversight at the Tennessee Valley Authority (TVA), including the TVA's implementation of related provisions of H.R. 3763, to protect investors by improving the accuracy and reliability of corporate disclosures made pursuant to the securities laws (P.L. 107–204), after receiving testimony from Skila Harris, Director, Tennessee Valley Authority; Alan L. Beller, Director, Division of Corporate Finance, Securities and Exchange Commission; Craven Crowell, GCW Consulting, Arlington, Virginia, former Chairman, Tennessee Valley Authority; Allan G. Pulsipher, Louisiana State University Center for Energy Studies, Baton Rouge, former Chief Economist, Tennessee Valley Authority; and Daniel T. Gates, Moody's Investors Service, Washington, D.C.

AVIATION CARGO SECURITY

Committee on Commerce, Science, and Transportation: Committee concluded closed hearings to examine aviation cargo security, after receiving testimony from Adm. James M. Loy, USCG (Ret.), Acting Under Secretary of Transportation for Security; and Alexis M. Stefani, Assistant Inspector General for Auditing, Office of Inspector General, Department of Transportation.

NATIONAL NANOTECHNOLOGY INITIATIVE

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space concluded hearings to examine nanotechnology research and development issues, including the status of the National Nanotechnology Initiative, after receiving testimony from Richard M. Russell, Associate Director for Technology, Office of Science and Technology Policy; F. Mark Modzelewski, NanoBusiness Alliance, New York, New York; Samuel I. Stupp, Northwestern University, Institute for Bioengineering and Nanoscience in Advanced Medicine, Evanston, Illinois, on behalf of National Research Council Committee for the Review of the National Nanotechnology Initiative; R. Stanley Williams, Hewlett-Packard Laboratories, Palo Alto, California; and Nathan Swami, Initiative for Nanotechnology in Virginia/University of Virginia Microelectronics Program, Charlottesville.

FERC NOTICE OF PROPOSED RULEMAKING

Committee on Energy and Natural Resources: Committee held oversight hearings to examine the Federal Energy Regulatory Commission's Standard Market Design Notice of Proposed Rulemaking (NOPR), and on such related issues as the capacity of load serving entities to reserve sufficient transmission to meet their contractual and statutory obligations to serve, transmission pricing and other matters dealt within the NOPR, receiving testimony from Patrick Wood III, Chairman, Federal Energy Regulatory Commission, Department of Energy; Kentucky Governor Paul E. Patton, Lexington; Marilyn Showalter, Washington Utilities and Transportation Commission, Olympia; Sandra L. Hochstetter, Arkansas Public Service Commission, Little Rock; Terry S. Harvill, Illinois Commerce Commission, Chicago; Sonny Popowsky, Pennsylvania Office of Consumer

Advocate, Harrisburg; Jeffry E. Sterba, PNM Resources, Inc., Albuquerque, New Mexico, on behalf of the Edison Electric Institute; Roy Thilly, Wisconsin Public Power, Sun Prairie, on behalf of the Transmission Access Policy Study Group; John Tiencken, Jr., South Carolina Public Service Authority, Columbia, on behalf of the Large Public Power Council; and Elizabeth A. Moler, Exelon Corporation, Washington, D.C., on behalf of the Electric Power Supply Association.

Hearings subject to the call.

CHILDHOOD VACCINE SUPPLIES

Committee on Health, Education, Labor, and Pensions: Subcommittee on Public Health concluded hearings to examine the adequacy of childhood vaccine supplies, focusing on the extent that recent shortages have affected immunization policy and programs, what factors have contributed to recent shortages, and what strategies are federal agencies considering to help mitigate the disruptions in supply, after receiving testimony from Janet Heinrich, Director, Health Care-Public Health Issues, General Accounting Office; Tim Doran, Greater Baltimore Medical Center, Baltimore, Maryland, on behalf of the American Academy of Pediatrics; and Wayne Pisano, Aventis Pasteur North America, Swiftwater, Pennsylvania.

TRIBAL RECOGNITION

Committee on Indian Affairs: Committee concluded hearings on S. 1392, to establish procedures for the Bureau of Indian Affairs of the Department of the Interior with respect to tribal recognition, and S. 1393, to provide grants to ensure full and fair participation in certain decision making processes at the Bureau of Indian Affairs, after receiving testimony from Senators Dodd and Lieberman; Aurene M. Martin, Deputy Assistant Secretary of the Interior for Indian Affairs; Barry T. Hill, Director, Natural Resources and Environment, General Accounting Office; Connecticut Attorney General Richard Blumenthal, Hartford; Nicholas H. Mullane II, Town of North Stonington, and Marcia Flowers, Eastern Pequot Indians of Connecticut, both of North Stonington; and Cecile Maxwell-Hansen, Duwamish Tribe, Burien, Washington.

ANDEAN REGION

Senate Caucus on International Narcotics Control: Caucus concluded hearings to examine U.S. policy in the Andean region, focusing on the drug trade and its impact on democracy in Colombia and the Andean region, after receiving testimony from Asa Hutchinson, Administrator, Drug Enforcement Administration, Department of Justice; Richard Armitage, Deputy Secretary of State; and Brig. Gen. Galen B. Jackman, USA, Director of Operations, U.S. Southern Command.

House of Representatives

Chamber Action

Measures Introduced: 10 public bills, H.R. 6496–6405; and 9 resolutions, H. Con. Res. 469–470, and H. Res. 524–526, 529–532, were introduced. **Pages H6302–03**

Reports Filed: Reports were filed today as follows:

H.R. 3995, to amend and extend certain laws relating to housing and community opportunity, amended (H. Rept. 107–640, Pt. 2);

H.R. 4864, to combat terrorism and defend the Nation against terrorist acts, amended (H. Rept. 107–658);

S. 2690, to reaffirm the reference to one Nation under God in the Pledge of Allegiance, amended (H. Rept. 107–659);

H. Res. 527, providing for consideration of H. Res. 524, expressing the sense of the House that Congress should complete action on the Permanent Death Tax Repeal Act of 2002, and for consideration of H. Res. 525, expressing the sense of the House of Representatives that the 107th Congress should complete action on and present to the President, before September 30, 2002, legislation extending and strengthening the successful 1996 welfare reforms (H. Rept. 107–660); and

H. Res. 528, providing for consideration of H.R. 1701, to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements (H. Rept. 107–661). **Page H6302**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Kern to act as Speaker pro tempore for today. **Page H6257**

Recess: The House recessed at 1:01 p.m. and reconvened at 2 p.m. Page H6260

Private Calendar: On the call of the Private Calendar, the House passed over without prejudice: H.R. 392, for the relief of Nancy B. Wilson. The House passed: S. 1834, for the relief of retired Sergeant First Class James D. Benoit and Wan Sook Benoit and H.R. 2245, for the relief of Anisha Goveans Foti. Pages H6260–61

Recess: The House recessed at 3:38 p.m and reconvened at 6:30 p.m. Page H6283

Suspensions: The House agreed to suspend the rules and pass the following measures:

Women's Health Office Act: H.R. 1784, amended, to establish an Office on Women's Health within the Department of Health and Human Services; Pages H6262–68

Urging Prohibition of the Rebirthing Therapeutic Technique: H. Con. Res. 435, expressing the sense of the Congress that the therapeutic technique known as rebirthing is a dangerous and harmful practice and should be prohibited (agreed to by a yea-and-nay vote of 397 yeas with none voting nay, Roll No. 388); Pages H6268–69, H6283–84

Rollan D. Melton Post Office Building, Fallon, Nevada: H.R. 4102, to designate the facility of the United States Postal Service located at 120 North Maine Street in Fallon, Nevada, as the ''Rollan D. Melton Post Office Building'' (agreed to by a yea-and-nay vote of 398 yeas with none voting ''nay'', Roll No. 389); Pages H6269–70, H6284–85

Joseph D. Early Post Office, Worcester, Massachusetts: H.R. 5333, to designate the facility of the United States Postal Service located at 4 East Central Street in Worcester, Massachusetts, as the ''Joseph D. Early Post Office Building'' (agreed to by a yea-and-nay vote of 397 yeas with none voting ''nay'', Roll No. 390); Pages H6270–71, H6285

Department of Veterans Affairs Emergency Preparedness Act: H. Res. 526, providing for the concurrence by the House with an amendment in the amendments of the Senate to H.R. 3253, to amend title 38, United States Code, to provide for the establishment of emergency medical preparedness centers in the Department of Veterans Affairs; and Pages H6271–78

National Construction Safety Team Act: Agreed to the Senate amendment to H.R. 4687, to provide for the establishment of investigative teams to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that posed significant potential of substantial loss of life clearing the measure for the President. Pages H6278–83

Consideration of Suspensions: Agreed that it be in order at any time on the legislative day of Wednesday, September 18 for the Speaker to entertain motions that the House suspend the rules relating to the following measures: H. Res. 523, recognizing the contributions of historically Black colleges and universities and H. Con. Res. 337, recognizing the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to baseball and the Nation. Pages H6285–86

Motion to Instruct Conferees—Help America Vote Act: Representative Waters announced her intention to offer a motion to instruct conferees on H.R. 3295, Help America Vote Act, to take such actions as may be appropriate to ensure that a conference report is filed on the bill prior to October 1, 2002. Page H6286

Congressional Gold Medal Ceremony for General Shelton: The House agreed to H. Con. Res. 469, authorizing the Rotunda of the Capitol to be used on September 19, 2002, for a ceremony to present the Congressional Gold Medal to General Henry H. Shelton (USA, Ret.). Page H6286

Presidential Message—Payments Made to Cuba: Read a message from the President wherein he transmitted a semiannual report detailing payments made to Cuba by United States persons as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses referred to the Committee on International Relations. Page H6287

Senate Message: Message received from the Senate today appears on page H6257.

Referral: S. 1777 was held at the desk.

Quorum Calls Votes: Three yea-and-nay votes developed during the proceedings of the House today and appear on pages H6283–84, H6284–85, and H6285. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 9:32 p.m.

Committee Meetings

HOUSING AND ECONOMIC DEVELOPMENT—TECHNICAL ASSISTANCE AND CAPACITY BUILDING PROGRAMS

Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing on technical assistance and capacity building

programs to promote housing and economic development. Testimony was heard from Representative Jones of Ohio; Thomas McCool, Managing Director, Financial Markets and Community Investment, GAO; and public witnesses.

CONFIDENTIAL INFORMATION PROTECTION AND STATISTICAL EFFICIENCY ACT; HUMAN RIGHTS INFORMATION ACT

Committee on Government Reform: Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations approved for full Committee action, as amended, the following bills: H.R. 5215, Confidential Information Protection and Statistical Efficiency Act of 2002; and H.R. 1152, Human Rights Information Act.

Prior to this action, the Subcommittee held a hearing on H.R. 5215. Testimony was heard from Representative Sawyer; Randall S. Kroszner, member, Council of Economic Advisers; Kathleen B. Cooper, Under Secretary, Economic Affairs, Department of Commerce; Kathleen P. Utgoff, Commissioner, Bureau of Labor Statistics, Department of Labor; and public witnesses.

OVERSIGHT—SUPREME COURT'S SCHOOL CHOICE DECISION—CONGRESS' AUTHORITY TO ENACT CHOICE PROGRAMS

Committee on the Judiciary: Subcommittee on the Constitution held an oversight hearing on the Supreme Court's School Choice Decision and Congress' Authority to Enact Choice Programs.

Testimony was heard from public witnesses.

OVERSIGHT

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans, oversight hearing on Upcoming Issues at the Twelfth Regular Meeting of the Conference of the Parties (COP12) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Testimony was heard from Craig Manson, Assistant Secretary, Fish and Wildlife Parks, Department of the Interior; and William T. Hogarth, Assistant Administrator, Fisheries, National Marine Fisheries Service, NOAA, Department of Commerce.

CONSUMER RENTAL PURCHASE AGREEMENT ACT

Committee on Rules: Granted, by voice vote, a structured rule on H.R. 1701, Consumer Rental Purchase Agreement Act providing one hour of general debate, with 50 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services and 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Financial Services, as amended by the amendment recommended by the Committee on the Judiciary, now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in the report shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Bachus, Jones, and Waters.

SENSE OF HOUSE RESOLUTIONS—COMPLETE ACTION ON PERMANENT DEATH TAX REPEAL ACT AND COMPLETE ACTION ON PERSONAL RESPONSIBILITY, WORK, AND FAMILY PROTECTION ACT

Committee on Rules: Granted, by voice vote, a closed rule providing that H. Res. 524, expressing the sense of the House that Congress should compete action on the Permanent Death Tax Repeal of 2002, shall be debatable in the House for one hour equally divided and controlled by the Chairman and ranking minority member of the Committee on Ways and Means and that the resolution shall be considered as read for amendment. The rule provides that H. Res. 525, expressing the Sense of the House that Congress should complete action on the Personal Responsibility, Work, and Family Promotion Act of 2002, shall be debatable in the House for one hour equally divided among and controlled by the Chairmen and ranking minority members of the Committee on Ways and Means and Education and the Workforce and that the resolution. shall be considered as read for amendment. Testimony was heard from Representative Dunn.

Joint Meetings

9/11 INTELLIGENCE INVESTIGATION

Joint Hearing: Senate Select Committee on Intelligence held joint closed hearings with the House

Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001.

Joint hearings will continue tomorrow.

COMMITTEE MEETINGS FOR WEDNESDAY, SEPTEMBER 18, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing and Transportation, to hold oversight hearings to examine transportation security one year after September 11, 2001, 2:30 p.m., SD–538.

Committee on Energy and Natural Resources: to hold hearings to examine the effectiveness and sustainability of U.S. technology transfer programs for energy efficiency, nuclear, fossil and renewable energy and to identify necessary changes to those programs to support U.S. competitiveness in the global marketplace, 9:30 a.m., SD–366.

Committee on Indian Affairs: to hold hearings to examine H.R. 2880, to amend laws relating to the lands of the enrollees and lineal descendants of enrollees whose names appear on the final Indian rolls of the Muscogee (Creek), Seminole, Cherokee, Chickasaw, and Choctaw Nations (historically referred to as the Five Civilized Tribes), 10 a.m., SR–485.

Select Committee on Intelligence: to resume joint hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 10 a.m., SH–216.

Committee on the Judiciary: to hold hearings to examine pending judicial nominations, 10 a.m., SD–226.

House

Committee on Agriculture, Subcommittee on General Farm Commodities and Risk Management, hearing on implementation of the Federal crop insurance programs, 1 p.m., 1300 Longworth.

Committee on Armed Services, hearing on U.S. Policy towards Iraq, 10 a.m., 2118 Rayburn.

Committee on Education and the Workforce, Subcommittee on Employer-Employer-Employee Relations, to mark up the following bills: H.R. 5373, Informed Union Member Enforcement Act; and H.R. 5374, Informed Union Member Act, 1:30 p.m., 2175 Rayburn.

Committee on Energy and Commerce, to mark up H.R. 4600, Help Efficient, Accessible, Low Cost, Timely Health Care (HEALTH) Act of 2002, 10 a.m., 2123 Rayburn.

Committee on Government Reform, to hold a hearing on "Continuing Oversight hearings on the National Vaccine Injury Compensation Program," 10 a.m., 2154 Rayburn.

Subcommittee on Technology and Procurement Policy, hearing on the following bills: H.R. 2458, E-Government Act of 2001; and S. 803, E-Government Act of 2002, 2 p.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on Africa, hearing on the New Partnership for Africa's Development: An African Initiative, 2 p.m., 2172 Rayburn.

Subcommittee on the Middle East and South Asia, hearing on U.S. Policy Toward Syria and H.R. 4483, Syria Accountability Act of 2002, 10:15 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Immigration, Border Security, and Claims, oversight hearing on the INS's Implementation of the Foreign Student Tracking Program, 10 a.m., 2237 Rayburn.

Committee on Ways and Means, to mark up the following: H.R. 5385, Miscellaneous Trade and Technical Corrections Act of 2002; and H.R. 4889, Patient Safety Improvement Act of 2002, 10:30 a.m., 1100 Longworth.

Joint Meetings

Conference: meeting of conferees on H.R. 1646, to authorize appropriations for the Department of State for fiscal years 2002 and 2003, 2:30 p.m., S–116, Capitol.

Joint Meetings: Senate Select Committee on Intelligence, to resume joint hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 10 a.m., SH–216.

Next Meeting of the **SENATE**

9:30 a.m., Wednesday, September 18, 2002

Senate Chamber

Program for Wednesday: Senate will continue consideration of H.R. 5093, Department of the Interior and Related Agencies Appropriations Act.

At 11:30 a.m., Senate will be in a period of morning business until 12:30 p.m.; following which, Senate will resume consideration of H.R. 5005, Homeland Security Act.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, September 18

House Chamber

Program for Wednesday: Consideration of H.R. 1701, Consumer Rental Purchase Agreement Act (structured rule, one hour of general debate)

Extensions of Remarks, as inserted in this issue

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