The House met at 10 a.m.
Dr. Calvin C. Turpin, National Chaplain, The American Legion, Hollister, California, offered the following prayer:

Our Father and our God, ruler of all nations, recognizing that this is a day that Thou hast made, we rejoice in the blessing it brings. We thank thee for giving us this great and good land for our heritage, Bless America with noble industry and successful business, productive educational institutions, and kind and gentle manners.

Spare us from violence, discord, and confusion. Grant to us the ability to preserve the liberties that come from Thee. Make of us one united people, with justice and fairness that prevails without question; that there be peace among all nations and all people. Bless President Bush. Guide those who legislate, and grant wisdom to those who judge. Help America become the great Nation she is capable of becoming. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day’s proceedings and announces to the House the Speak- er’s approval thereof.

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Pennsylvania (Mr. PLATTS) come forward and lead the House in the Pledge of Allegiance.

Mr. PLATTS led the House in 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.

WELCOME TO DR. CALVIN C. TURPIN

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

Mr. FARR of California. Mr. Speaker, I am honored and privileged today to introduce Dr. Calvin Turpin, who just gave us our prayer. Dr. Turpin hails from my district, from the city of Hollister, which is one of California’s oldest counties. Actually, Hollister is the earthquake capital of the world. Even though it is a small county and a county seat, it has very powerful people.

Dr. Turpin is truly a citizen of the world. He has traveled the world over, inspiring service men and women to maintain their faith in God and country, even during the darkest hours of battle. He is a servant to all who have served their country in good times and bad, and looked for the comfort of a counselor.

Currently Dr. Turpin fulfills his mission to God as the national chaplain of the American Legion. He does us all proud in this role. But it is I who am proudest today to say that Dr. Turpin shares his wisdom and his grace with us, fresh from my district. I thank him for being here and for bringing a solid sense of duty and integrity to this Chamber.

Mr. Speaker, I include a biography of Dr. Turpin to be printed in the Extension of Remarks section of the Record.

WGAL TV OF LANCASTER, PENNSYLVANIA

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

Mr. PITTS. Mr. Speaker, today I recognize WGAL TV based in Lancaster, Pennsylvania. For years, WGAL has done a great job of providing local news and community programming for Lancaster and all of central Pennsylvania. Radio and TV stations air public service announcements from time to time as a service to their communities.

I learned this week that WGAL donated a total of 1,982 spots of valuable air time to Ad Council public service announcements. That is about three a day, just for Ad Council.

I want to congratulate WGAL on its dedication to its community. Around Lancaster, Channel 8 is known as the hometown station. They have that reputation by caring for our community, doing their part to make the world a better place.

On behalf of Lancaster and central Pennsylvania, I want to say thank you to all the good people at WGAL TV, Channel 8, in Lancaster.

PRESIDENT BUSH’S TAX CUT

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

Mr. PASCRELL. Mr. Speaker, the President’s tax cut plan is not only contrary to the goals and the needs of the American people, but it actually flies in the face of the facts of the promises we made here in the 106th Congress.

The fiscal year 2000 budget resolution, do Members remember that? It passed the House 221 to 208 on an almost entirely party-line vote. This budget resolution specifically promised that tax cuts would focus on “the lower- and middle-income taxpayers.” The Republican majority promised that Congress will not approve “any tax legislation” that would provide substantially more benefits to the top 10 percent of the taxpayers than to the remaining 90 percent. That is right in the budget resolution.

What happened to the promise? The tax plan offers substantially more benefits, 60 percent of the President’s tax
refund, to the top 10 percent of the American taxpayers. In fact, this tax cut returns 43 percent, nearly half of its benefits, to the top 1 percent of the earners.

Why are my Republican colleagues now abandoning the promise that they made to the low- and middle-class folks of America?

EDDIE TIMANUS DEMONSTRATES HOW ENDURANCE AND TENACITY CAN ALLOW US TO REALIZE OUR GOALS

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

Mr. RYUN of Kansas. Mr. Speaker, today I rise to share a story about a friend of mine who has overcome great adversity. His name is Eddie Timanus.

Eddie has been completely blind since he was a toddler, but he has chosen not to let this disability stop him from realizing his goals.

Eddie has dreamed of being a contestant on the TV game show Jeopardy. After years of trying to make the cut, he was selected in 1996. The producers of Jeopardy agreed to make accommodations for him, namely, giving Eddie a list of the categories in Braille.

Eddie went on to win five, count that, five episodes of Jeopardy, and nearly $70,000. I know how much tenacity it has taken to accomplish these kinds of dreams in spite of the hardships. Eddie deserves our admiration, not just because he is a Jeopardy grand champion, but because he is a testament to the principle that enduring trials produces endurance, which helps people bring the best out of themselves.

I want to thank Eddie for showing us what people who are visually impaired can do, and actually each one of us can do, when given the opportunity.

TIME TO STOP THE GRAVY TRAIN TO COMMUNISTS

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

Mr. TRAFICANT. Mr. Speaker, news reports say China and Russia will sign a treaty opposing U.S. policy. China and Russia, Mr. Speaker, I quote: “America is too powerful and we must stymie their missile shield.”

Now, if that is not enough to spike our vodka, we give Russia billions of dollars a year in aid. China now takes at least $10 billion a month out of the American trade surplus. Some experts say it is as high as $20 billion a month.

Mr. Speaker, we have a trade deficit of $40 billion a month. Think about it. It is time to stop this gravy train to those Communist pimps, so help me; half a trillion dollars a year, and they have missiles pointed at us.

I yield back the fact that America, with a half a trillion dollars in trade deficit, is an America looking at a financial disaster.

CONGRATULATING HEBREW HOMES HEALTH NETWORK, UNITED FOUNDATION FOR AIDS, AND SOUTH SHORE HOSPITAL FOR HELPING FROSENE SONDERLING CREATE THE JACKSON PLAZA CENTER

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

Ms. ROS-LEHTINEN. Mr. Speaker, Frosene Sonderling’s wish came to fruition in my hometown of Miami when Hebrew Homes Health Network and United Foundation for AIDS opened the Jackson Plaza Nursing and Rehabilitation Center.

The center is dedicated to persons battling diabetes, Alzheimer’s, cancer, and especially those who live with HIV/AIDS.

In association with South Shore Hospital, the beneficiaries of the Jackson Plaza Center will now have access to direct patient care, to housing, to community service, and to education. The center is becoming a home to many in our community in helping to preserve the quality of so many lives.

Mr. Speaker, today I congratulate Hebrew Homes Health Network, United Foundation for AIDS, and the South Shore Hospital for championing this cause in our South Florida community, and for making Frosene Sonderling’s dream a reality.

Frosene was a former constituent of mine who worked tirelessly to raise funds for AIDS research. She was a noted contributor to organizations that help people infected with HIV, and she harbored her selfless passion to help this infirm population. Her donations benefited medical research for AIDS treatment; and before her death, Frosene shared a dream of a state-of-the-art facility. We are now very proud that it is in our midst.

THE BUSH TAX CUT IS TOO BIG

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

Mr. GEORGE MILLER of California. Mr. Speaker, it is becoming very clear that whether one is old or young, the priorities of this Nation are understood the priorities of this Nation; and Frosene’s wish came to fruition in my hometown of Miami when Hebrew Homes Health Network and United Foundation for AIDS opened the Jackson Plaza Nursing and Rehabilitation Center.

cons holocaust survivors, cancer, and AIDS. The center is dedicated to persons battling diabetes, Alzheimer’s, cancer, and especially those who live with HIV/AIDS.

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THE BUSH TAX CUT IS TOO BIG

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

Mr. GEORGE MILLER of California. Mr. Speaker, it is becoming very clear that whether one is old or young, the Bush tax cut is too big and will not allow us to meet the priorities of this Nation.

For those parents who want a decent education, a first-class education for their children, who want quality teachers in every classroom, who want modern schools, who want to make sure that in fact we can reduce class sizes because we now know that children learn better in smaller classes, the Bush tax cut is expending that out.

For the elderly, the Washington Post points out today that the Bush tax cut is a raid on the Medicare trust fund, that Medicare is being raid for the purposes of paying for the tax cut. So both the young, who we seek to provide educational reforms for and a quality program, and the elderly, who we seek prescription drug benefits for, who seek to have their health care coverage taken care of, now being raided for the Bush tax cut.

We should not allow it. We should understand the priorities of this Nation; and the priorities of this Nation are that we want Social Security and Medicare protected, and they want a first-class education system for America’s children.

We cannot have that if we have the Bush tax cut.

AMERICA MUST BE ON GUARD AGAINST RUSSIA AND ROGUE NATIONS

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

Mr. STEARNS. Mr. Speaker, the President of Russia recently concluded an agreement with the Ayatollah of Iran. Russia has been helping Iran in the development of a nuclear power plant, and that cooperation will continue.

It is curious why a nation such as Iran, a major petroleum producer, would need nuclear power. I fear that the answer is found elsewhere. This agreement with Russia is also a major arms pact. Iran is seeking advanced military equipment from the Russian government.

Global stability depends on isolating rogue nations, such as Iran, North Korea, Libya, and Syria. The Russians are providing arms and technical assistance to a terrorist state which intends to expand its reach throughout that vital region.

The recent espionage case involving a top FBI official underscores the fact that Russia’s intentions towards the United States are not benign. We still live in a dangerous world and the Russian government is making that world less secure. We must be on our guard.

BROKEN PROMISES BY PRESIDENT BUSH

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

Mr. INSLEE. Mr. Speaker, that wrenching sound we heard from Pennsylvania Avenue yesterday was President George Bush breaking a promise to the American people. Last September President Bush promised the American people he would work to reduce carbon dioxide pollution from generating plants. Yesterday he broke that promise.

Despite the fact that since last September the evidence has accumulated rapidly, the global climate change is
announced that the reason he did this is that he is worried about an energy crisis, we find that laughable in the West, because for the last 2 months we have been asking the President of the United States to do something about energy prices, to impose a short-term carbon cap, and he has refused to even consider it.

We are going to urge him to reconsider that, because I can promise the Members this, this President broke his promise. It has not broken our spirit to bring Americans clean energy at a reasonable price.

THE QUALITY CHEESE ACT OF 2001
(Ms. BALDWIN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BALDWIN. Mr. Speaker, today I will introduce the bipartisan Quality Cheese Act of 2001, a bill that will prohibit the interstate sale of dairy products that are made with old power plants and to get control of climate change carbon dioxide, which is threatening this country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MILLENER). Pursuant to clause 8 of rule XX, the Chair announces that he has postponed further proceedings on each motion to suspend the rules today on each motion to suspend the rules on which a recorded vote or the request for a rollover of the vote has been made. The House will postpone further proceedings on all pending motions to suspend the rules.

Mr. STEARNS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 725) to establish a toll free number to register products made in America.

The Speaker reads as follows:

H.R. 725
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 “Made in America Information Act”.

SEC. 2. ESTABLISHMENT OF TOLL-FREE TELEPHONE NUMBER PILOT PROGRAM. (a) ESTABLISHMENT.—If the Secretary of Commerce determines, on the basis of comments submitted in the rulemaking under section 3, that the interest among manufacturers is sufficient to warrant the establishment of a 3-year toll-free telephone number pilot program, and the registration of products is warranted, the Secretary shall promulgate such regulation.

(b) REGISTRATION FEE.— (1) IN GENERAL.—Manufacturers of products included in information provided under section 2 shall be subject to a fee imposed by the Secretary of Commerce to pay the cost of registering products and including them in the information provided under subsection (a).

(2) AMOUNT.—The amount of fees imposed under subsection (1) shall be an amount equal to the amount specified in section 3(c)(1). (A) IN GENERAL.—Fees collected for a fiscal year pursuant to paragraph (1) shall be credited to the appropriation account for salaries and expenses of the Secretary of Commerce.

(B) RECEIPTS AND APPROPRIABILITY OF FEES.— (A) IN GENERAL.—Fees collected for a fiscal year pursuant to paragraph (1) shall be credited to the appropriation account for salaries and expenses of the Secretary of Commerce, and shall be available in accordance with appropriation Acts until expended without fiscal year limitation.

(B) COLLECTIONS AND APPROPRIATION ACTS.— (1) shall be collected in each fiscal year in an amount equal to the amount specified in appropriation Acts for such fiscal year; and

(2) shall only be collected and available for the costs described in paragraph (2).

SEC. 4. PENALTY. (a) PENALTY.—If the Secretary determines that a registered product is not made in America, the Secretary shall require the manufacturer of the product to register the product as a fraud.

(b) PENALTY.—If the Secretary has issued a notice of violation, the Secretary shall require the manufacturer of the product to pay a fine of $1,000 per day for each day the product continues to be sold.
(1) shall be subject to a civil penalty of not more than $7500 which the Secretary of Commerce may assess and collect, and
(2) shall not offer such product for purchase in the Federal Government.

SEC. 5. DEFINITIONS.
For purposes of this Act:

(1) MADE IN AMERICA.—The term “Made in America” means an unqualified “Made in U.S.A.” or “Made in America” claims for purposes of laws administered by the Federal Trade Commission.

(2) Product.—The term “product” means a product with a retail value of at least $250.

SEC. 6. RULE OF CONSTRUCTION.
Nothing in this Act or in any regulation promulgated under this Act shall be construed to alter, amend, modify, or otherwise affect in any way, the Federal Trade Commission Act or the opinions, decisions, rules, or any guidance issued by the Federal Trade Commission regarding the use of unqualified “Made in U.S.A.” or “Made in America” claims in labels on products introduced, delivered for introduction, sold, advertised, or offered for sale in commerce.

Amend the title so as to read: “A bill to direct the Secretary of Commerce to provide for the establishment of a toll-free telephone number to assist consumers in determining whether products are American-made.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. STEARNS) and the gentlewoman from New York (Mrs. CAPPS) each will control 20 minutes.

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

Mr. STEARNS. Mr. Speaker, I ask unanimous consent that all Members may have 5 days within which to revise and extend their remarks and include therein extraneous material on H.R. 725, as amended.

The SPEAKER pro tempore. Is there objection?

There was no objection.

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

Mr. Speaker, we are constantly reminded by the people we serve that knowledge is power. Under H.R. 725, the American consumer has the power to determine if a product is indeed “Made in America.” This bill, introduced by the gentleman from Ohio (Mr. TRAFICANT), my friend, will make “Made in America” product information more readily accessible to the consumer and without cost to the Federal Government.

Currently, my colleagues, there is no central repository for lists of American-made products. H.R. 725 establishes a 3-year pilot program creating such a repository entirely funded by fees assessed to manufacturers that choose to voluntarily list their products in this database.

Mr. Speaker, I urge under this pilot program, a toll-free telephone number is established to facilitate consumer access to the database. It is important to note that participation in the program is voluntary and that the operation and maintenance of the toll-free number and database shall be contracted out to a third party by the Department of Commerce.

American consumers are increasingly sensitive as to whether a product is “Made in America.” Such sensitivity has certainly applied to the U.S. government procurement process. Since 1942, the so-called Berry amendment has prevented the use of any funds appropriated by the Department of Defense to be used to purchase an item of food or clothing not produced in the United States.

The Defense Logistics Agency can issue a waiver of the Berry amendment upon a determination of a nonavailability, meaning there is no available domestic producer. The Defense Logistics Agency decided to waive the Berry amendment requirement recently in order to procure 1.3 million berets for the Army at a cost of $26 million based on nonavailability.

The rationale for the waiver, we are told, is that Americans suppliers would not be able to supply the Army’s needs to have the berets in time for its 225th anniversary. We are also told that American suppliers, even if given adequate time, if they are given adequate time, can meet the orders’ requirements.

Personally, I believe that if a universal binary beret is going to serve as a symbol for the United States Army in the 21st Century, it should not be made in China. Fortunately, the Pentagon decided yesterday to revisit this issue.

Early in the history of this country, we have had high tariffs to protect our industries. Now we have low tariffs and are part of a global economy. We must strike a balance, my colleagues, if we are to preserve American jobs and industry, while also enjoying the benefits of world trade.

Americans have seen a proliferation of products from other countries. My colleagues, this simple bill gives Americans the knowledge to make an educated choice in the purchase of American-made goods.

Let me close my statement by commending the gentleman from Ohio (Mr. TRAFICANT) for his persistence and tenacious promotion of this bill and for introducing this bill so that we have this opportunity this morning.

Last Congress, the House passed this legislation almost identical to H.R. 725, so I do not believe we will have any trouble today, but I think it is important and particularly in light of what has happened in the Defense Department and reading in the paper their decision to stop the procurement of the berets being manufactured in China.

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

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

Mr. Speaker, I urge my colleagues to support H.R. 725, the Made in America Information Act. I commend the leadership of the gentleman from Florida (Mr. STEARNS) and my colleague, for this time on the floor.

Mr. Speaker, I also commend the persistence of the gentleman from Ohio (Mr. TRAFICANT), my colleague, on this topic that we are dealing with today.

H.R. 725 provides for the Secretary of Commerce to establish a toll-free number to help consumers identify which products are “Made in America.” This new program would operate under a pilot program and would not cost taxpayers anything. It would be paid for entirely out of fees collected for manufacturers who wish to register their products as “Made in America.”

This legislation, proposed on one side for determination and relief, that consumers will choose to buy products made right here in the United States by American workers, if they are given that opportunity.

In a 1997 rulemaking, the Federal Trade Commission reported that 84 percent of the respondents to a National Consumers League survey said that they were more likely to buy an item that was made in the USA than to buy an equivalent foreign-made product.

Mr. Speaker, I want to cite the same example that my colleague did in pointing out that, out of respect and honor both for American workers as well as those who serve our country in uniform, Congress and the military have stated that the military uniforms to be “Made in the USA” for the past 50 years, except in times of crisis. That is why, Mr. Speaker, I was also shocked to learn that the Pentagon has recently awarded $26 million in contracts mostly to foreign producers for 2½ million black berets that are now to become the official new headgear of all of the Army troops. According to the Army, these new berets will be made in plants in China, Romania, and Sri Lanka, among other foreign countries.

I was also disturbed by press accounts that cited that awarding this contract to these foreign firms could even be more expensive for American taxpayers. It has been reported that the overseas beret is nearly twice as expensive as one which could be “Made in America” but could not be ready in time for the deadline that was imposed.

For the first time, most American men and women serving in the Army would soon see a “Made in China”, for example, or other such label when they take off their berets, rather than a “Made in the USA” label.

This decision will harm U.S. companies and American workers and may, in fact, waste taxpayer dollars.

That is why the gentleman from California (Mr. HUNTER), my colleague, and I have been circulating a letter to the President asking that this short-sighted decision be reconsidered.

Congress also long ago recognized that made in the USA label is both meaningful and important.

Mr. Speaker, we are constantly reminded by the people we serve that knowledge is power. Under H.R. 725, the American consumer has the power to determine if a product is indeed “Made in America.” This bill, introduced by the gentleman from Ohio (Mr. TRAFICANT), my friend, will make “Made in America” product information more readily accessible to the consumer and without cost to the Federal Government.

Currently, my colleagues, there is no central repository for lists of American-made products. H.R. 725 establishes a 3-year pilot program creating such a repository entirely funded by fees assessed to manufacturers that choose to voluntarily list their products in this database.

Mr. Speaker, I urge under this pilot program, a toll-free telephone number is established to facilitate consumer access to the database. It is important to note that participation in the program is voluntary and that the operation and maintenance of the toll-free number and database shall be contracted out to a third party by the Department of Commerce.
Mr. Speaker, I urge my colleagues to support this legislation.

Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from Ohio (Mr. Traficant).

Mr. Traficant. Mr. Speaker, I want to thank the gentleman from Louisiana (Mr. Tauzin), the gentleman from Michigan (Mr. Dingell), the gentleman from Connecticut (Mr. Upton), the gentleman from Massachusetts (Mr. Markey), certainly the gentleman from Florida (Mr. Stearns), my good friend, and the gentlewoman from California (Mrs. Capps) for bringing this resolution and bill out early in the session.

Mr. Speaker, I took to the floor several years ago when the Air Force was buying military boots made in China. The Pentagon was embarrassed, and that was stopped.

But I want my colleagues to understand, the prestigious elite Army Ranger force to remove their beret and to have a fellow tax-paying American seeing a “Made in China” label in it? One thing America does not need is protectionism. We need fair trade policies for sure.

And remember this, for every billion dollars worth of trade deficit, we lose 20,000 jobs; and I would like the gentlewoman from Florida to realize that, last quarter, America’s trade deficit was $119 billion. It is approaching $40 billion a month. Times that by 20,000 jobs, and they are not burger flippers, we have got a crisis. No one is really looking at this crisis; and my little bill simply says, look, I believe the American consumer will buy an American product if it is competitively priced.

The Traficant bill would work this way: A couple in Chicago setting up homekeeping in trying to buy a refrigerator, stove, washer and dryer. They can call the 1-800 number and say, yes, I would like to buy an American product. What American products are made in refrigerators, in washers and dryers? And could I please have a list of them?

My God, what is wrong with us? I am asking House leadership to now help with the Senate to get beyond this guise of protectionism and, for God’s sake, look at America and our working people and our consumer habits and practices.

This is simply a very modest bill. There will be no more Federal workers needed to be hired. Any cost will be borne by American companies who will be proud to say, Yes, my product is American-made. Come see it.

Now, one will see more foreign manufacturers moving to America so they can say “Our product is made in America.” If that Japanese company moves to America and makes it in America, it will be seen on the first-time register of American-made products.

Mr. Speaker, this is a good common sense American bill. I ask for an overwhelming vote, and I certainly ask this chairman to do all he can in promoting it with the other body.

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

Mr. Speaker, I have a few comments before I yield back my time. Obviously, years from now little will be remembered about this debate this morning. But in many ways, as my colleagues know, Mr. Speaker, there is a time and a moment when there is a sense of good will and a feeling in the House when we are doing something that makes all Americans feel patriotic. I think this bill that the gentleman from Ohio (Mr. Traficant) is offering does just that.

I am so glad the Army, who is going to celebrate their 225th anniversary, has decided to hold off procuring the berets overseas and having them manufactured in China. I hope they will sense this feeling that we have this morning, that this bill does not cost anything and is important for the welfare of all Americans. I urge its adoption.

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

Mrs. Capps. Mr. Speaker, I would comment also that I join my colleague in agreeing that this is a very timely topic to be discussing right now.

Ms. Jackson Lee of Texas. Mr. Speaker, I rise today in support of H.R. 725, the Made in America Information Act. The measure does not mean that the product contains 100 percent of American-made. Under the measure, this hotline determines which consumer products are American-made. Under the measure, this hotline serves our strong support to make sure the American worker can compete fairly with any competitor.

This bill requires the Commerce Department, if sufficient industry interest exists, to establish and operate for 3 years a toll-free telephone number to help U.S. consumers determine which consumer products are American-made. Under the measure, this hotline would be operated through a private contractor at no cost to the government, with the cost of operations to be paid for by fees from these manufacturers who voluntarily register their products with this hotline.

The measure allows only American-made products having a retail value of approximately $250 or more to be registered. Consumers calling the hotline would have to be informed that registration of a product on the hotline does not mean that the product contains 100 percent U.S.-made content, that the government does not endorse the product, and that the Federal Government has not conducted an investigation to confirm the definition of “American-made.” Manufacturers who knowingly register a product that is not American-made would be subject to civil penalties, and the product in question could not be purchased by any unit of the Federal Government.

Passage of this legislation sends an important message to our workers. U.S. workers should not be shortchanged as they seek to compete in the global marketplace. Accordingly, I urge my colleagues to support the legislation.

Mrs. Capps. I have no further speakers, Mr. Speaker; 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. Stearns) that the House suspend the rules and pass the bill, H.R. 725, as amended.

The question was taken.

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

Mr. Stearns. 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.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. Frost. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H.R. 88) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 88
Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

Committee on Agriculture: to rank immediately after Mr. Phelps of Illinois, Mr. Lucas of Kentucky; to rank immediately after Mr. Acevedo-Villa of Puerto Rico, Mr. Kind of Wisconsin and Mr. Shows of Mississippi;

Committee on the Budget: Mr. Matheson of Utah.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MARGERY WILLIAMS SCRIVENS POST OFFICE

Mr. Platts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 364) to designate the facility of the United States Postal Service located at 5927 Southwest 70th Street in Miami, Florida, as the “Marjory Williams Scrivens Post Office.”

The Clerk read as follows:

H. RES. 364
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the facility of the United States Postal Service located at 5927 Southwest 70th Street in Miami, Florida, shall be known and designated as the “Marjory Williams Scrivens Post Office.”

SEC. 2. REFERENCES.
Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the Marjory Williams Scrivens Post Office.

The Speaker pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. Platts) and the gentleman from Florida (Mrs. Meeke) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. Platts).
Mrs. Scrivens was motivated for public service. She wanted a challenge. She kept dropping by the Federal building to check on government jobs. This was when there was, perhaps, no woman in that county who had ever worked for the post office. So she started dropping by.

Finally, she saw a clerk-carrier listed; and she took the test and passed. She was not afraid to work.

So today, Mr. Speaker, it is fitting that we honor Marjory Williams Scrivens not only because of who she was, but for all that she did. I am very pleased that the Florida delegation has cosponsored this bill and the leadership has seen fit to put it on the calendar.

This effort has very wide community support, including endorsements from the South Florida Letter Carriers Association, the Mount Olive Missionary Baptist Church, Miami Times newspaper, and more than 1,200 signatures on more than 63 pages.

Mr. Speaker, I am pleased to support the naming of the United States Post Office in South Miami as the Marjory Williams Scrivens Post Office.

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

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

A motion to reconsider was laid on the table.

W. JOE TROGDON POST OFFICE BUILDING

Mr. PLATTS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 821) to designate the facility of the United States Postal Service located at 1030 South Church Street in Asheboro, North Carolina, as the “W. Joe Trogdon Post Office Building”.

The Clerk read as follows:

H.R. 821

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

SECTION 1. W. JOE TROGDON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1030 South Church Street in Asheboro, North Carolina, shall be known and designated as the “W. Joe Trogdon 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 W. Joe Trogdon Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. PLATTS) and the gentlewoman from Florida (Mrs. MEEK) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PLATTS)
Mr. COBLE. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time.

Mr. Speaker, I may repeat some that has already been said, but this is important to the people of Asheboro, and has already been said, but this is important to the people of Asheboro, and has already been said, but this is important to the people of Asheboro, and has already been said, but this is important to the people of Asheboro.

Mr. Speaker, I want to thank the gentleman from Indiana (Mr. BURTON), the Republican leadership, and the Members of the North Carolina congressional delegation for their assistance in bringing this legislation to the floor in such a timely manner.

On March 1 of this year, Mr. Speaker, I introduced H.R. 821, a bill to designate the new post office at Asheboro, North Carolina, as the W. Joe Trogdon Post Office Building.

Several years ago, it became apparent to me that the former postal facilities in Asheboro were not adequate. In fact, the building was literally falling down. Condemnation of the original post office in 1997 expedited the need for a new building in the area.

During this process, Mayor Joe Trogdon was instrumental in coordinating the wishes of his community with the requirements of the United States Postal Service. He encouraged the people of Asheboro to actively voice their views regarding the location of the new post office to ensure that this new facility would be built where it would best serve Asheboro and Randolph County.

Mr. Speaker, I do not know how many of my colleagues have been involved in building or in relocating post office buildings, but it involves an eternal maze. For many years, the citizens of Asheboro have been inconvenienced by the poor accessibility, insufficient parking, and hectic traffic patterns surrounding the old post office.

After searching for a potential site for the new building, negotiating and renegotiating with the U.S. Postal Service and various landowners in the area, was finally completed. This tremendous new asset to the community will have its official grand opening on Sunday, April 1.

Although it has been a long and, at times, a tenuous process, the community, under the leadership of Mayor Trogdon, was able to work through the many frustrations and disappointments and now has seen its goal of a gleaming new postal facility become a reality.

Once the location for the new post office building has been determined, the omnibus task of picking the perfect name still remains. In my opinion, the name of the building should reflect a constant presence in the community, a person who has given of his time, heart and spirit, not only in the creation of this post office, but to the growth and prosperity of the city of Asheboro.

That being said, I can think of no one more qualified who exemplifies that description than Mayor Joe Trogdon. He is a hometown boy, as the gentleman from Pennsylvania pointed out. He grew up in the town of Asheboro. Joe received his college diploma from North Carolina State University in Raleigh. Joe honorably served in the United States Army in Germany; 6 years in the U.S. Army Reserve; and followed this tour of duty in Germany, Joe returned to his boyhood home to begin work in the family business. But that was not enough for Joe Trogdon. Nearly 4 decades ago, Joe started his public service career in Asheboro. He has served on the Asheboro Planning Board, the City Council, the Piedmont Triad Council of Governments, the North Carolina League of Municipalities, and since 1983, as Mayor of Asheboro.

Joe also gives of his time and talent to civic groups and associations such as the Asheboro Jaycees, the Asheboro Kiwanis Club, the Asheboro Rotary Club, and the East Hog-eye Yacht Club. Joe is also on the board of trustees of the First United Methodist Church in Asheboro. What you can say about this man is that Joe Trogdon does not believe in sitting idly on the sidelines. When work needs to be done, Joe is the first one to pitch in and help. Through his many years of dedication to the community, Joe has always put the needs and views of his constituents first and foremost, and for that reason he has gained the respect and support of the people he represents.

Mr. Speaker, I alone in my desire to honor Joe Trogdon. We have heard from a number of groups in the area encouraging us to introduce legislation to name the Post Office in Asheboro in honor of Joe. Included on this list is the Asheboro City Council, the Randolph County Board of Commissioners, the Home Builders Association of Asheboro and Randolph County, the American Legion Post 45 of Asheboro, the Randolph County Senior Adults Association and the Asheboro/Randolph County Chamber of Commerce.

Additionally, private citizens sent letters of support to our office to endorse this proposal, including my good friend, North Carolina State Representative Arlie Culp. Mr. Speaker, for the benefit of my colleagues, one of my constituents did contact me and expressed his opposition to the naming of this building, not because it was being named to honor Joe Trogdon, but he expressed his concern that Federal buildings should not bear the name of people still living. I explained that rules governing the naming of Federal buildings do not prohibit the naming of buildings for people alive, and I do not think anybody is interested in accelerating Joe Trogdon’s death to make him eligible to have his name put on the post office building, so I hope that gentleman’s discomfort will be assuaged somewhat after he reconsidered it.

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

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

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 821.

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

A motion to reconsider was laid on the table.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the following bills:


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

There was no objection.
ANTITRUST TECHNICAL CORRECTIONS ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 809) to make technical corrections to various antitrust laws and to references to such laws. The Clerk read as follows:

H.R. 809

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 “Antitrust Technical Corrections Act of 2001”.

SEC. 2. AMENDMENTS.

(a) ACT OF MARCH 3, 1913.—The Act of March 3, 1913 (chapter 114, 37 Stat. 731; 15 U.S.C. 3(b) is amended by inserting a period after “failure.”

(b) PANAMA CANAL ACT.—Section 11 of the Panama Canal Act (37 Stat. 566; 15 U.S.C. 31) is amended by striking the undesignated Section 405(a) of the Packers and Stockyards Act (48 U.S.C. 2135) is amended by inserting “seventy-seven” and inserting “sixty.”

(d) DEEP SEABED HARD MINERAL RESOURCES ACT.—Section 103(d)(7) of the Deep Seabed Hard Mineral Resources Act (30 U.S.C. 1413(7)) is amended by striking “77” and inserting “76.”

(e) CLAYTON ACT.—The first section 27 of the Clayton Act (15 U.S.C. 12(a) is amended by striking “seventy-seven” and inserting “seventy-six.”

(f) FEDERAL TRADE COMMISSION ACT.—Section 4 of the Federal Trade Commission Act (15 U.S.C. 4) is amended by striking “77” and inserting “76.”

(g) PACKERS AND STOCKYARDS ACT, 1912.—Section 405(a) of the Packers and Stockyards Act, 1912 (7 U.S.C. 225(a) is amended by striking “77” and inserting “76.”

(h) ATOMIC ENERGY ACT OF 1954.—(A) by striking “77” and inserting “76.”

(i) DEEP SEABED HARD MINERAL RESOURCES ACT.—Section 103(d)(7) of the Deep Seabed Hard Mineral Resources Act (30 U.S.C. 1413(7)) is amended by striking “77” and inserting “76.”

(j) CLAYTON ACT.—The first section 27 of the Clayton Act (15 U.S.C. 27) is redesignated as section 28 and is transferred so as to appear at the end of the Act.

(k) YEAR 2000 INFORMATION AND READINESS DISCLOSURE ACT.—Section 5(a)(2) of the Year 2000 Information and Readiness Disclosure Act (Public Law 106-271) is amended by inserting a period after “failure.”

SEC. 3. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION TO CASES.—(1) Section 2(a) shall apply to cases pending on or after the date of the enactment of this Act.

(2) The amendments made by subsections (b), (c), and (d) of section 2 shall apply only with respect to cases commenced on or after the date of this Act.

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

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER). Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 809, the Antitrust Technical Corrections Act of 2001, which I have introduced. The committee’s ranking member, the gentleman from Michigan (Mr. CONyers) and the gentleman from Illinois (Mr. HYDE).

This bill makes six separate technical corrections to our antitrust laws. These three corrections repeal outdated provisions of the law. One clarifies a long existing ambiguity relating to the application of the law to the District of Columbia and the territories, and two correct typographical errors in recent laws.

This bill is identical to a bill which the House passed by a voice vote last year, except that two typographical corrections have been added. The committee has informally consulted with the antitrust enforcement agencies, the Antitrust Division of the Department of Justice and the Bureau of Competition of the Federal Trade Commission, and the agencies indicate that they do not object to any of these changes.

In response to written questions following the committee’s November 5, 1997 oversight hearing on the antitrust enforcement agencies, the Department of Justice recommended two of the repeals and the clarification contained in this bill. First, H.R. 809 repeals the Act of March 3, 1913. That act requires all depositions taken in Sherman Act cases brought by the government be compiled. In early days, the courts conducted such cases by deposition without any formal trial proceeding. Thus, Congress required that the depositions be open as a trial would be. Under the modern practice of broad discovery, depositions are generally taken in private and then made public if they are used at trial.

Under our system, section 30 causes three problems: First, it maintains a special rule for a narrow class of cases when the justification for that rule has disappeared.

Second, it makes it hard for a court to protect proprietary information that may be at issue in an antitrust case.

And, third, it can create a circus atmosphere in the deposition of a high profile figure. In an appeal in the Microsoft case, the U.S. Court of Appeals for the District of Columbia Circuit invited Congress to repeal this law.

Second, H.R. 809 repeals the antitrust provision in the Panama Canal Act. Section 11 of the Panama Canal Act provides no vessel owned by someone who is violating the antitrust laws may pass through the Panama canal.

The committee has not been able to determine why this provision was added to the act as it has never been used. However, with the return of the canal to Panamanian sovereignty at the end of 1999, it is appropriate to repeal this outdated provision.

The House Committee on Armed Services has jurisdiction over the Panama Canal Act, and I appreciate the willingness of that committee’s chairman, the gentleman from Arizona (Mr. STUMP), to expedite this noncontroversial bill.

Third, H.R. 809 clarifies that section 2 of the Sherman Act applies to the District of Columbia and its territories. Two of the primary provisions of antitrust law are section 1 and section 2 of the Sherman Act. Section 1 prohibits conspiracies in restraint of trade, and section 2 prohibits monopolization.

Section 3 of the Sherman Act was intended to apply these provisions to the District and the various territories of the United States. Unfortunately, however, the ambiguous drafting in section 3 leaves it unclear whether section 2 applies to these areas. The committee is aware of at least one instance in which the Department of Justice declined to bring an otherwise meritorious section 2 claim in a Virgin Islands case because of this ambiguity.

This bill clarifies both section 1 and section 2 apply to the District and the Territories. All of the congressional representatives of the District and the Territories are cosponsors of this bill.

Finally, H.R. 809 repeals a redundant antitrust jurisdictionality provision in section 77 of the Wilson Tariff Act. In 1955, Congress modernized the jurisdictional and venue provisions relating to antitrust suits by amending section 4 of the Clayton Act. At that time it repealed the redundant jurisdictional provision in section 4 of the Clayton Act but not the one in section 77 of the Wilson Tariff Act. It appears this was an oversight, because section 77 was never codified and has been rarely used.

Removing section 77 will not diminish any jurisdiction or venue rights because section 4 of the Clayton Act provides any potential plaintiff with broader jurisdiction and venue rights in section 77. Rather, the repeal simply cleans up the law of conflicting, redundant, and little-used provision.

Finally, the bill corrects an erroneous section number designation in
the Curt Flood Act passed in 1998, and it inserts an inadvertently omitted period in the Year 2000 Information and Readiness Disclosure Act. Neither of these corrections makes any substantive change.

I believe all of these provisions are noncontroversial and they will help clean up some underbrush in the antitrust laws and recommend that the House suspend the rules and pass the bill.

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

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

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

Mr. CONYERS. Mr. Speaker, I am pleased to join the chairman of the committee, the gentleman from Wisconsin (Mr. SENSENBRENNER) in support of these technical corrections to antitrust law.

The gentleman has described them adequately. There are six noncontroversial changes. We are in total support and I might add that we have had a very bipartisan experience in the Committee on the Judiciary during the period of time that we have been working on bills together, so I am happy to join with the chairman in support of the measure.

I am pleased to join the gentleman from Wisconsin (Mr. SENSENBRENNER) in support of H.R. 809, the “Antitrust Technical Corrections Act of 2001.” The Chairman and I have worked on this bill, and we have consulted with the Department of Justice Antitrust Division and the Federal Trade Commission Bureau of Competition to ensure that the technical changes made in the bill will improve the efficiency of our antitrust laws.

When the gentleman from Wisconsin and I met at the beginning of this Congress, he spoke about creating a more bi-partisan approach on the Judiciary Committee. I am gratified that his conciliatory words were followed up by deeds, and I hope that this is the kind of cooperative effort that we can look forward to throughout the 107th Congress.

To briefly summarize, H.R. 809 makes six non-controversial changes in our antitrust laws to repeal some out-dated provisions of the law, to clarify that our antitrust laws apply to the District of Columbia and to the Territories, and to make some needed grammatical and organizational changes.

The bill will permit depositions taken in Sherman Act equity cases brought by the government in private—just as they are in all other types of cases. It also repeals a little-known and little-used provision that prohibits vessels from passing through the Panama Canal if the vessel’s owner is violating the antitrust laws. With the return of the Canal to Panama in 1999, it is appropriate to repeal this outdated provision.

H.R. 809 also clarifies that Sherman Act’s prohibitions on restraint of trade and monopolization apply to conduct occurring in the District of Columbia and the various territories of the United States. It also repeals a redundant jurisdictional provision in Section 77 of the Wilson Tariff Act. Finally, the bill makes two minor grammatical and organizational changes to the antitrust laws.

Again, I want to thank the chairman for his bipartisan approach on this legislation, and I urge its passage.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to thank Chairman SENSENBRENNER, and Ranking Member CONYERS for their work on the Antitrust Technical Corrections Act of 2001,” before the House for consideration.

This bill seeks to make six technical corrections to United States antitrust laws. Three of these technical corrections repeal outdated provisions of the law, one clarifies a long-existing ambiguity regarding the application of the law to the District of Columbia and the territories, one is organizational in nature, and one is grammatical. The Committee has informally consulted the antitrust enforcement agencies, the Antitrust Division of the Department of Justice and the Bureau of Competition of the Federal Trade Commission, and the agencies have indicated that they do not object to any of these changes. In response to written questions following the Committee’s November 5, 1997 oversight hearing on the antitrust enforcement agencies, the Department of Justice recommended two of the repeals and the clarification contained in this bill.

Those provisions of the Sherman Antitrust Act, which deal with conspiracies regarding the establishment of monopolies have not been closely directed to the District of Columbia.

The changes being made by this legislation will make it clear that the District of Columbia and other U.S. territories are included under the preview of the Justice Department as it relates to Antitrust Law enforcement in the United States.

Finally, this legislation will repeal the redundant Antitrust Jurisdictional Provision in Section 77 of the Wilson Tariff Act. This repeal will not diminish any substantive rights because Section 4 of the Clayton Act provides any potential plaintiff with broader rights of jurisdiction and venue than does Section 77. This repeal will only rid the existing law of a confusing, redundant, and little used provision.

I am in support of these minor changes to our Nation’s antitrust laws, and urge my colleagues on both sides of the aisle to vote in favor of this legislation.

Ms. NORTON. Mr. Speaker, I rise in strong support of H.R. 809, the Antitrust Technical Corrections Act of 2001. I want to thank Chairman SENSENBRENNER and Ranking Member CONYERS for their leadership in bringing this important corrective measure to the floor so early in the session. Because of the bill’s beneficial impact on the District of Columbia and the territories, I am pleased to be an original cosponsor.

Section 2(c) of the Antitrust Technical Corrections Act would close a potentially dangerous loophole in the nation’s antitrust laws with respect to the District of Columbia and the territories. Two of the most important provisions of the Sherman Act are 15 U.S.C. sections 1 and 2. Section 1 prevents conspiracies in restraint of trade and section 2 prevents monopoly, attempts to create a monopoly and conspiracy to create a monopoly. These provisions form the bedrock of our antitrust laws. However, section 3 of the Sherman Act, which was intended to apply these vital provisions to the District of Columbia and the territories, is ambiguous with respect to whether section 2, prohibiting monopolies, applies to these jurisdictions. Despite the ambiguous language in section 3 of the Sherman Act, we believe that Congress clearly intended the nation’s antitrust laws to apply not only to the states, but to the territories and the District of Columbia as well. This bill would clarify that intent.

The committee has found at least one instance in which the Department of Justice declined to bring a potentially monop- nopoly claim under section 2 of the Sherman Act because of the ambiguous language in section 3. Although this case occurred in the Virgin Islands and not the District, the Antitrust Technical Corrections Act is necessary to safeguard against a similar situation in the District and to ensure the seamless application of our antitrust laws not only throughout the nation but also in the territories and the nation’s capital.

I thank the chairman and ranking member once again for their attention to this important matter and urge my colleagues to support this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 809.

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

A motion to reconsider was laid on the table.

☐ 1100

MADRID PROTOCOL IMPLEMENTATION ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 741) to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions, and for other purposes.

The Clerk read as follows:

H.R. 741

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 “Madrid Protocol Implementation Act.”

SEC. 2. PROVISIONS TO IMPLEMENT THE PROTOCOL RELATING TO THE MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS.

The Act entitled “An Act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946, as amended (15 U.S.C. 1061 and following) (commonly referred to as the “Trademark Act of 1946”) is amended by adding after section 51 the following new title:

TITLIX—THE MADRID PROTOCOL

SEC. 60. DEFINITIONS. For purposes of this title—

(1) MADRID PROTOCOL. The term ‘Madrid Protocol’ means the Protocol Relating to the
(2) Basic Application.—The term ‘basic application’ means an application for an international registration of a mark that has been filed with an Office of a Contracting Party and that constitutes the basis for an application for the international registration of that mark.

(3) Basic Registration.—The term ‘basic registration’ means the registration of a mark that has been granted by an Office of a Contracting Party and that constitutes the basis for an application for the international registration of that mark.

(4) Declaration of Bona Fide Intention to Use the Mark in Commerce.—The term ‘declaration of bona fide intention to use the mark in commerce’ means a declaration that is in accordance with, or held out by, an international registration which is seeking extension of protection of a mark to the United States and that contains a statement that—

(A) the applicant or holder has a bona fide intention to use the mark in commerce;

(B) the person making the declaration believes himself or herself, or the firm, corporation, or association in whose behalf he or she makes the declaration, to be entitled to use the mark in commerce; and

(C) no other person, firm, corporation, or association, to the best of his or her knowledge and belief, has the right to use such mark in commerce in the identical form of the mark or in such near resemblance to the mark as to be likely, when used on or in connection with the goods of such other person, firm, corporation, or association, to cause confusion, or to cause mistake, or to deceive.

(5) Date of Recordal.—The term ‘date of recordal’ means the date on which a request for extension of protection that is filed after an international registration is granted is recorded on the International Register.

(6) Declaration of Bona Fide Intention to Use the Mark in Commerce.—The term ‘declaration of bona fide intention to use the mark in commerce’ means a declaration that is in accordance with, or held out by, an international registration which is seeking extension of protection of a mark to the United States and that contains a statement that—

(A) the applicant or holder has a bona fide intention to use the mark in commerce;

(B) the person making the declaration believes himself or herself, or the firm, corporation, or association in whose behalf he or she makes the declaration, to be entitled to use the mark in commerce; and

(C) no other person, firm, corporation, or association, to the best of his or her knowledge and belief, has the right to use such mark in commerce in the identical form of the mark or in such near resemblance to the mark as to be likely, when used on or in connection with the goods of such other person, firm, corporation, or association, to cause confusion, or to cause mistake, or to deceive.

(7) Extension of Protection.—The term ‘extension of protection’ means the extension resulting from an international registration that extends to a Contracting Party at the request of the holder of the international registration, in accordance with the Madrid Protocol.

(8) Holder of an International Registration.—A ‘holder’ of an international registration means any natural or juridical person in whose name the international registration is recorded on the International Register.

(9) International Application.—The term ‘international application’ means an application for international registration that is filed under the Madrid Protocol.


(11) International Register.—The term ‘International Register’ means the official collection of such data concerning international registrations maintained by the International Bureau that the Madrid Protocol on the registration and protection of industrial property requires or permits to be recorded, regardless of the medium which contains such data.

(12) International Registration.—The term ‘international registration’ means the registration of a mark granted under the Madrid Protocol.

(13) International Registration Date.—The term ‘international registration date’ means the date assigned to the international registration by the International Bureau.
in section 66(a) shall be examined as an application for registration on the Principal Register under this Act, and if on such examination it appears that the applicant is entitled to registration under this title, the Director shall cause the mark to be published in the Official Gazette of the Patent and Trademark Office.

(2) Extensions of subsection (a), a request for extension of protection under this title shall be subject to opposition under section 18. Unless successfully opposed, the request for extension of protection shall not be refused.

(3) Extension of protection shall not be refused on the ground that the mark has not been used in commerce.

(4) Extension of protection shall be refused under this section to any mark not registered on the Principal Register.

(5) Extension of protection under this title shall be subject to opposition to the same extent and in the same manner as a mark not registered in the Patent and Trademark Office under section 32. Unless successfully opposed, the request for extension of protection shall not be refused.

The Speaker pro tempore (Mr. Sensenbrenner). Pursuant to the rule, the gentleman from Wisconsin (Mr. Sensenbrenner) and the gentleman from Michigan (Mr. Conyers) each will control 20 minutes.

The Speaker.

SEC. 71. AFFIDAVITS AND FEES.

(a) Affidavits Required for Affidavit and Fees.—An extension of protection for which a certificate of extension of protection has been issued under section 69 shall remain in force for the term of the international registration if the affidavit of the extension of protection pursuant to the request specified in paragraph (a) of this section (b) together with a fee prescribed by the Director; and

(2) the holder of the international registration shall have the same rights and remedies as the owner of a registration on the Principal Register.

If the international registration and services to which the cancellation applies are owned by the same person, the affidavit under subsection (a) shall be attached to each certificate of extension of protection.

SEC. 72. ASSIGNMENT OF AN EXTENSION OF PROTECTION.

An extension of protection may be assigned, together with the goodwill associated with the mark, only to a person who is a national of, is domiciled in, or has a bona fide and effective industrial or commercial establishment either in a country that is a Contracting Party or is a member of an intergovernmental organization that is a Contracting Party.

SEC. 73. INCONTROLLABILITY.

The period of continuous use prescribed under section 15 for a mark covered by an extension of protection issued under this title may begin no earlier than the date on which the Director issues the certificate of the extension of protection under section 69, except as provided in section 74.

SEC. 74. RIGHTS OF EXTENSION OF PROTECTION.

An extension of protection shall convey the same rights as an existing registration for the same mark, if—

(a) the extension of protection is owned by the same person;

(2) the goods and services listed in the existing registration are also listed in the extension of protection; and

(3) the certificate of extension of protection is issued after the date of the existing registration.

SEC. 75. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date on which the Madrid Protocol (as defined in section 60(1) of the Trademark Act of 1946) enters into force with respect to the United States.

The Speaker pro tempore (Mr. Sensenbrenner). Pursuant to the rule, the gentleman from Wisconsin (Mr. Sensenbrenner) and the gentleman from Michigan (Mr. Conyers) each will control 20 minutes.

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

Mr. Sensenbrenner. Mr. Speaker, I yield myself such time as I may consume.
Mr. Speaker, I rise today in support of H.R. 741, the Madrid Protocol Implementation Act, and urge the House to pass the measure.

H.R. 741 is the implementing legislation for the Protocol Related to the Madrid Agreement Concerning the International Registration of Marks, commonly known as the Madrid Protocol. This bill is identical to legislation introduced in each of the preceding four Congresses and will again send a signal to the international business community, U.S. businesses and trademark owners that the 107th Congress is determined to help our Nation and particularly our small businesses become a part of an inexpensive, efficient system that allows the international registration of marks.

As a practical matter, Mr. Speaker, the ratification of the Protocol and the enactment of H.R. 741 will enable American trademark owners to pay a nominal fee to the U.S. Patent and Trademark Office which will then register the marks in individual countries that comprise the European Union. Currently, American trademark owners must hire attorneys or agents in each individual country to acquire protection. This process is both laborious and expensive and discourages small businesses and individuals from registering their marks in Europe.

A final comment on an issue peripheral to this bill, Mr. Speaker. While there is no opposition to the bill, I note that two companies, Bacardi and Pernod, are in the process of attempting to settle a dispute over rights to a mark which each wishes to market. At least one of these companies believes that the implementing language should be amended to reflect its position on the matter. It is also my understanding that talks between the two companies are fluid and ongoing and that a resolution to this problem may be forthcoming in the near future.

I urge my colleagues to pass this legislation today and to allow these talks to continue. Once a compromise is reached I am confident that the other body will shortly ratify the Protocol and pass the implementing language.

Mr. Speaker, H.R. 741 is an important and noncontroversial bill that will greatly help those American businesses and other individuals who need to register their trademarks overseas in a quick and cost-effective manner. I urge the House to support this measure.

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

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

I support the bill. It has been described very adequately by the chairman of the Committee on the Judiciary.

I might remind our colleagues that we passed the bill by voice vote twice under suspension of the rules. It is an important improvement because it implements the provisions of the 1989 Madrid Protocol, which creates a low-cost and efficient system for registering marks internationally. The most important aspect of the Protocol is that it allows entities to file for mark protection with all member countries through one fee and one application. And so this international concept is an important one as we expand the understanding of the proprietary nature of trademarks, and patent law around the world. I am very happy to join in support with the chairman of the committee.

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

Mr. SENSENBRERNNER. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. COBLE).

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

The gentleman from Wisconsin and the gentleman from Michigan have pretty clearly laid out what this entails, Mr. Speaker. The World Intellectual Property Organization, WIPO, administers the Protocol, which in turn operates an international mechanism for the registration of trademarks. This system would assist our businesses in protecting their proprietary names and brand name goods while saving cost, time and effort. This is especially important to our small businesses which may only be able to afford worldwide protection for their marks through a low-cost international registration system.

Unfortunately, and as the gentleman from Wisconsin alluded to in his remarks, passage of the Protocol language were derailed the last term as a result of a private dispute over a mark between Bacardi, the rum distiller, and Pernod, a French concern which formed a joint venture with the Cuban government. Although negotiations to develop an acceptable compromise failed, it is my understanding that the Senate and trademark community will redouble their efforts to resolve this problem during the present term.

Mr. Speaker, it is important to move this legislation forward as a way of encouraging all parties involved in the Bacardi dispute to intensify their negotiations. Passage of the Protocol will also assure American trademark holders that the United States stands ready to benefit imminently from its ratification. As the chairman pointed out and as the gentleman from Michigan pointed out, this measure has been before this House, and I think we have approved it three times before.

Mr. CONYERS. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California (Mr. BERNARD), ranking member of the Subcommittee on Courts and Intellectual Property.

Mr. BERNARD. Mr. Speaker, I thank the gentleman from Michigan for yielding me the time.

H.R. 741 is an important piece of legislation because it implements the Protocol to the Madrid Agreement Concerning the International Registration of Marks. It will allow U.S. businesses and trademark owners to become part of a low-cost, efficient system to internationally register trademarks. U.S. membership in the Protocol would assist American businesses in protecting their proprietary brand name goods while saving money, time and effort. That is especially critical to small businesses that may otherwise lack the resources to acquire worldwide protection for their trademark.

As with many intellectual property rights, these international agreements relating to the registration and protection of trademarks, since 1891, the Madrid Agreement Concerning the International Registration of Marks ("Madrid Agreement") has provided an international registration system operated under the auspices of the International Bureau of the World Intellectual Property Organization (WIPO). The United States has never been a signatory to the Madrid Agreement.

On June 27, 1989, at a Diplomatic Conference in Madrid, Spain, the parties to the Agreement signed the Madrid Protocol. The United States was an observer and advisor to these talks. Practically speaking, there have been revisions to the original Madrid Agreement, in many respects by conforming its texts to existing provisions in U.S. law. H.R. 741 represents implementing legislation for the Protocol. It is virtually identical to measures passed by the Congress over the past four Congresses, including H.R. 769, which was passed by voice vote under suspension of the rules and reported favorably by the Judiciary Committee on March 24, 1999. In fact, the Clinton administration forwarded the treaty to the Senate for the ratification, thereby allowing the United States to become a member of the Protocol. The fourth detail is that the Protocol will also assist American businesses in protecting their proprietary names and brand names while saving money, time, and effort. This is important for small businesses which may otherwise lack the resources to acquire worldwide protection for...
their trademarks. Mr. Speaker, we must do everything we can to encourage small business to grow in this New Economy.

I urge my colleagues to support the legislation.

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

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

The motion to reconsider was laid on the table.

A motion to reconsider was laid on the table.

MULTIDISTRICT LITIGATION

MULTIPARTY, MULTIFORUM TRIAL JURISDICTION ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 860) to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and to provide for Federal jurisdiction of certain multidistrict, multiforum civil actions, as amended.

The Clerk read as follows:

H.R. 860

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 “Multidistrict, Multiparty, Multiforum Trial Jurisdiction Act of 2001.”

SEC. 2. MULTIDISTRICT LITIGATION

Section 1407 of title 28, United States Code, is amended—

(1) in the third sentence of subsection (a), by inserting “transferred to the transferee or other district under subsection (1)” after “terminated”; and

(2) by adding at the end the following new subsection:

“(1) Subject to paragraph (2) and except as provided in subsection (j), any action transferred under this section may be transferred for trial purposes, by the judge or judges of the transferee district to whom the action was assigned, to the transferee or other district in the interest of justice and for the convenience of the parties and witnesses.

(2) Any action transferred for trial purposes under this section may be transferred by the panel for the determination of compensatory damages to the district court from which it was transferred, unless the court to which the action has been transferred for trial purposes finds, for the convenience of the parties and witnesses and in the interests of justice, that the action should be retained for the determination of compensatory damages.”.

SEC. 3. MULTIPARTY, MULTIFORUM JURISDICTION ACT OF DISTRICT COURTS.

(a) BASIS OF JURISDICTION—

(1) In general.—Chapter 85 of title 28, United States Code, is amended by adding at the end the following new section:

“§ 1309. Multiparty, multiforum jurisdiction

“(a) In general.—The district courts shall have original jurisdiction of any civil action involving minimal diversity between adverse parties that arises from a single accident, where at least 25 natural persons have either died or incurred injury in the accident at a place in any State in which an action was or could have been brought....

(b) Venue.—Section 1301 of title 28, United States Code, is amended by adding at the end the following new item:

“(g) A civil action in which jurisdiction of the district court is based upon section 1399 of this title may be brought in any district court of the United States in which any accident or in which any substantial part of the accident giving rise to the action took place.”.
“(2) Whenever an action is removed under this subsection and the district court to which it is removed or transferred under section 1407(f) has made a liability determination at a pretrial proceeding or at trial involving the cause of action, the district court shall remand the action to the State court from which it had been removed for the determination of damages.

“(3) Any remand under paragraph (2) shall not be effective until 60 days after the district court has issued an order determining liability and has certified its intention to remand. In such a remand action for the determination of damages. An appeal with respect to the liability determination of the district court may be taken during that 60-day period to the court of appeals with appellate jurisdiction over the district court. In the event a party files such an appeal, the remand shall not be effective until the appeal has been finally disposed of. Once the remand has become effective, the liability determination shall not be subject to further review by appeal or otherwise.

“(4) A party under this subsection concerning remand for the determination of damages shall not be reviewable by appeal or otherwise.

“(5) An action removed under this subsection shall be deemed to be an action under section 1398 and an action in which jurisdiction is removed under section 1398 of this title for purposes of this section and sections 1407, 1497, and 1785 of this title.

“(6) Nothing in this subsection shall restrict the authority of the district court to transfer or dismiss an action on the ground of inconvenience of forum.

“(e) SERVICE OF PROCESS.

(1) Chapter 117 of Title 28, United States Code, is amended by adding at the end the following new section:

“§ 1197. Service in multiparty, multipurpose actions

“When the jurisdiction of the district court is based in whole or in part upon section 1398 of this title, process, other than subpoenas, may be served at any place within the United States, or anywhere outside the United States if otherwise permitted by law.

“(B) The table of sections at the beginning of chapter 117 of title 28, United States Code, is amended by adding at the end the following new item:

“1197. Service in multiparty, multipurpose actions.”

(2) SERVICE OF SUBPOENAS.—(A) Chapter 117 of title 28, United States Code, is amended, by adding at the end the following new section:

“§ 1785. Subpoenas in multiparty, multipurpose actions

“When the jurisdiction of the district court is based in whole or in part upon section 1398 of this title, a subpoena for attendance at a hearing or trial may, if authorized by the court upon motion for good cause shown, and upon such terms and conditions as the court may impose, be served at any place within the United States, or anywhere outside the United States if otherwise permitted by law.

“(B) The table of sections at the beginning of chapter 117 of title 28, United States Code, is amended, by adding at the end the following new item:

“1785. Subpoenas in multiparty, multipurpose actions.”

SEC. 4. EFFECTIVE DATE.

(a) SECTION 2.—The amendments made by section 2 shall apply to any civil action pending on or brought on or after the date of the enactment of this Act.

(b) SECTION 3.—The amendments made by section 3 shall apply to a civil action if the accident giving rise to the cause of action occurred on or after the 90th day after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. CONYERS) and the gentleman from Michigan (Mr. SENSENBERGER) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBERGER). Mr. Speaker, I yield myself such time as I may consume.

As the author of H.R. 860, I am grateful for the opportunity to consider it on the floor today. The bill before us has had a long legislative life, having been considered in one form or another since the 101st Congress in 1991.

This legislation addresses two important issues in the world of complex multidistrict litigation. Section 2 of the bill would do away with the effect of the 1998 Supreme Court decision in the so-called Lexecon case. It would simply amend the multidistrict litigation statute by explicitly allowing a transfer of a case to retain jurisdiction over litigation of individual claims for the purpose of determining liability and punitive damages or refer them to other districts as it sees fit. In fact, section 2 only codifies what had constituted ongoing judicial practice for nearly 30 years prior to the Lexecon decision.

Section 3 of the bill would provide a particular species of complex litigation, so-called disaster cases, such as those involving airline accidents. The language set forth in my bill is a revised version of a concept which, beginning in the 101st Congress, has been supported by the Department of Justice, the Administrative Office of the U.S. Courts, two previous Democratic Congresses, and one previous Republican Congress.

Section 3 addresses a particular species of complex litigation costs as well as the likelihood of forum shopping in single-accident mass tort cases. All plaintiffs in these cases would ordinarily be situated identically, making the case for consolidation of their actions especially compelling. These types of disasters, having their hundreds or thousands of plaintiffs and numerous defendants, have the potential to impair the orderly administration of justice in Federal courts for an extended period of time. This concern is even more compelling since the full House unanimously passed the precursor to H.R. 860 last term. During eleven-hour negotiations with the other body, I offered to make three changes in an effort to generate greater support for the bill. As a show of good faith, I have incorporated those changes into the bill we are considering today. They consist of the following:

First, a plaintiff must allege at least $150,000 in damages, up from $75,000, to file in U.S. district court.

Second, an exception to the minimum diversity rule is created. A U.S. district court may not hear a case in which a substantial majority of plaintiffs and the primary defendants are citizens of the same State and in which the claims asserted are governed primarily by the laws of that same State. In other words, only State courts may have such cases.

Third, the choice-of-law section is stricken. Upon further reflection, I believe it confers too much discretionary authority on a Federal judge to select the relevant law that will apply in a given case.

In sum, this legislation speaks to process, fairness, and judicial efficiency. It will not interfere with jury verdicts or compensation rates for litigants. I therefore urge my colleagues to join me in a bipartisan effort to support the Multidistrict, Multiparty, Multiforum Trial Jurisdiction Act of 2001.

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

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

I rise in support of the bill. I am willing to support the bill as described by the gentleman from Wisconsin with the understanding that section 3 pertaining to disaster litigation would expand Federal court jurisdiction in a very narrowly defined category of cases in order to improve the manageability of complex litigation.

My support of the bill does not in any way serve as a precedent for support of broader expansion of diversity jurisdiction that can be found in the class action reform bill which I do not support. Section 3 of the bill would expand Federal court jurisdiction for single accidents involving at least 25 people having damages in excess of $150,000 per claim and establishes new Federal procedures in these narrowly defined cases for selection of venue, service of process and issuance of subpoenas. I agree and thank the gentleman from Wisconsin for making the kinds of concessions that have made this measure more palatable.

As introduced in the Congress, this bill includes an additional safeguard to the limited expansion of Federal court jurisdiction. A United States District Court may not hear any case in which a "substantial majority" of plaintiffs and the primary defendants are all citizens of the same State and in which the claims asserted are governed primarily by the laws of that same State, another provision that the gentleman from Wisconsin provided us that we agreed to.

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It is my understanding that under the bill, mass tort injuries that involve the serious injury or over dose again like asbestos cases, breast implant cases, would be excluded, and that the type of cases that would be included would be plane, train, bus, boat accidents, environmental spills, many of these cases may already be brought in Federal court.

So while I have traditionally opposed having Federal courts decide State tort
Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. BERMAN), pleased to yield 3 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), and the distinguished gentleman from Michigan (Mr. CONyers) have very adequately explained this bill, Mr. Speaker, so I will be brief.

I have endorsed this bill during the preceding two Congresses, and I welcome the opportunity to voice my support for it today. I will not repeat what has already been said about it; but I would note, Mr. Speaker, that the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the committee, did add three additional features to the bill: (1) a rule for mass torts arising from a single incident, (2) one provision of the bill allows a transferor court in multidi- strict litigation to retain jurisdiction over all of the consolidated cases with the presumption that compensatory damages will be remanded to the transfer court. It also expands Federal court jurisdiction by requiring adequate diversity for all civil actions arising out of a single accident that resulted in death or injury to at least 25 persons where damages exceed $150,000 per claim and minimal diversity exists. While the bill contains a number of details, I am reassured that this bill would not apply to mass torts arising from a single incident, such as asbestos or breast implants. This issue has been of real concern to me, having worked on these issues over the last couple of Congresses.

In this sense, H.R. 860 is a sharp distinction from the Interstate Class Action Jurisdiction Act of 1999. Unlike H.R. 860, the class-action bills require only minimal diversity for all civil actions brought as class actions in Federal court, regardless of the individual amounts in controversy, the number of separate incidents or injuries that may give rise to a class action or the state-based nature of the claim. Rather than providing a reasonable, limited modification to diversity jurisdiction, the class action bill, which I strongly oppose, represents a radical rewrite of the class-action rules and would ban most forms of State class actions. Not the bill today.

Mr. Speaker, in closing, let me say I know that this legislation is not a radical rewrite of existing law. It is in my sincere hope that H.R. 860 will permit a genuine commitment to provide meaningful access to the courts as all Americans need and justice is simply the right thing to happen for everyone in America.

Mr. Speaker, I rise today in support of H.R. 860, the “Multidistrict, Multiparty, Multiforum Jurisdiction Act of 1999.” I supported the legislation in a Judiciary Committee markup last week, with a few observations.

Clearly, consideration of H.R. 860 comes at a time where court dockets continue to rise yet pay salaries for federal judges appear inadequate to deal with the important questions we face. I am concerned, however, that this bill would not apply to mass torts arising from a single incident that resulted in death or injury and would have. Access to our courts and justice is simply the right thing to happen for everyone in America.

There are a few parts of the legislation which merit attention. One provision of the bill allows a transferee court in multidistrict litigation to retain jurisdiction over all of the consolidated cases with the presumption that compensatory damages will be remanded to the transfer court. It also expands Federal court jurisdiction by requiring adequate diversity for all civil actions arising out of a single accident that resulted in death or injury to at least 25 persons where damages exceed $150,000 per claim and minimal diversity exists. While the bill contains a number of details, I am reassured that this bill would not apply to mass torts arising from a single incident, such as asbestos or breast implants. This issue has been of real concern to me, having worked on these issues over the last couple of Congresses.

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Mr. Speaker, in closing, let me say I know that this legislation is not a radical rewrite of existing law. It is in my sincere hope that H.R. 860 will permit a genuine commitment to provide meaningful access to the courts as all Americans need and justice is simply the right thing to happen for everyone in America.
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CONGRESSIONAL RECORD — HOUSE
March 14, 2001

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

Mr. Speaker, I disagree with the arguments made by my friend, the gentleman from North Carolina (Mr. Watt), because I think that the purpose of this bill is to make the process of adjudicating a common disaster lawsuit, such as one arising from a plane crash or a train wreck, more convenient to all of the litigants concerned.

What provides for the consolidation of these cases in a manner that has been described for determining liability and punitive damages, but not for determining compensatory damages. That is what this bill will do. It makes the system fairer for all litigants, although it may make the system a bit inconvenient to some litigants. So I think that we have a balancing effect here.

I am just concerned about a common disaster case having a huge plethora of lawsuits that would be filed in courts all over the country. Given where the plaintiff would live who were injured or killed in the plane crash, or where the airline was located, the crash occurred manufacturer of the plane, and its component parts were situated, we could have lawsuits on the same disaster going on in every court.

Sooner or later there would be appeals which would be expensive, that would have to be consolidated so there would be a single law that would be applicable to everybody.

We can short-circuit that problem by the type of consolidation that is being proposed in this bill. The administrative office of the U.S. courts and the multidistrict litigation panel of the federal conference of the United States have supported this bill. They do not like to see an expansion of federal jurisdiction, but they see this as necessary for the streamlining of the adjudication of these claims.

Someone said, "Justice delayed is justice denied." We do not have a complex case like this, there are delays that are in and of the nature of the litigation. But I believe that this will speed up the final resolution in bringing to closure any litigation that may arise as a result of one of these disasters. I would hope that the bill would be passed for that reason.

Mr. Speaker, I include for the RECORD two letters related to this matter.

The letters referred to are as follows: JUDICIAL CONFERENCE OF THE UNITED STATES, Washington, DC, March 13, 2001. Hon. F. JAMES SENSENBRENNER, JR., Chairman, Committee on the Judiciary, House of Representatives, Rayburn House Office Building, Washington, DC. DEAR MR. CHAIRMAN: On behalf of the Judicial Conference of the United States, I write to express the support of the federal judiciary, for H.R. 860, the Multidistrict Litigation Act of 2001." This bill was reported favorably on March 8, 2001, by the Committee you chair, H.R. 860 would consolidate a number of claims by citizens and improve the administration of justice.
Section 2 of the bill amends 28 U.S.C. §1407, the multidistrict litigation statute, to allow a judge with a transferred case to retain it for trial or to transfer it to another district. Presently, (a) authorizes the Judicial Panel on Multidistrict Litigation to transfer civil actions pending in multiple federal judicial districts with common questions or issues of fact to one court for pretrial proceedings. It also authorizes the Judicial Panel to remand any such action to the district court in which the action was pending before the conclusion of such pretrial proceedings, unless the action is terminated before then in the transferee court. Although the federal courts had for nearly 30 years followed the practice of allowing a transferee court to invoke the venue transfer provisions of 28 U.S.C. §1407(a) and transfer a case to itself for trial purposes, the Supreme Court in Lexene v. Milberg Weiss Bershad Hynes & Lerach, 523 U.S. 26 (1998), held that statutory authority did not exist for a district judge conducting pretrial proceedings to transfer a case to itself for trial. The Court noted that the proper venue for reserving the desirability of such a transfer is “the floor of Congress.” A proposal to amend section 1407 in response to the Court’s decision was approved by the Judicial Conference at its September 1998 session and is supported by the Judicial Panel on Multidistrict Litigation. As experience has shown, there is wisdom in permitting the judge who is familiar with the facts and parties to pretrial proceedings of a transferred case to retain the case for trial. Also, as with most federal civil actions, multidistrict litigation cases are typically resolved through settlement. Allowing the transferee judge to sit a firm trial date promotes the resolution of these cases.

Section 3 of H.R. 860 adds a new section 1399 to title 28, United States Code, entitled “multidistrict, multijurisdictional.” It essentially provides that the United States district courts shall have jurisdiction over any civil action that arises from a single accident or event in which at least 25 persons have died or been injured at a particular location, where any such injuries result in alleged damages exceeding $150,000 by each plaintiff and which involves minimal diversity by parties. The legislation also requires that one defendant must reside in a state that is different from the location of the accident or the residence of any defendant whose substantive part of the event took place in different states. The transferee court would be authorized to determine issues of liability and punitive damages and would remand cases to the transferee for determinations of compensatory damages, unless the court finds, for the specific parties and witnesses, a vested interest in the justice of, that the action should be retained for the determination of damages. The district court, however, must abstain from hearing any action under this bill if a substantial majority of all plaintiffs are citizens of a single state of which the primary defendants are also citizens and the claims asserted will be governed primarily by the laws of that state.

Upon consideration of related proposals during the 106th Congress, the Judicial Conference in March approved in principle the creation of federal jurisdiction that would rely on minimal diversity to consolidate multiple litigation in state and federal courts in the event of personal injury or property damage and arising out of a single event. The Conference endorsed the idea of redirecting diversity jurisdiction to serve a purpose which is not served to serve, namely to facilitate the consolidation of scattered actions arising out of the same accident or event and thereby “to promote more expeditious and economical disposition of such litigation.”

Today, the Judicial Panel on Multidistrict Litigation has authority to order a judge for pretrial proceedings those cases involving common questions of fact that are pending in federal courts throughout the country. 28 U.S.C. §1407 would expand federal jurisdiction by allowing state courts arising from a single event (such as a plane crash or hotel fire) to be brought into such process as a vehicle for removal, or intervention. Section 3 of the bill would avoid multiple trials on common issues, minimize litigation costs, and ensure that litigants are treated consistently and fairly. Thus, this legislation will promote the resolution of litigants’ claims in these unique and related cases.

Thank you for taking prompt action on this important and necessary legislation. If you or your staff have any questions, please contact Mike Blommer, Assistant Director, Office of Legislative Affairs (202-522-1700).

Sincerely,

Léonidas Ralph Mecham
Secretary
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION


Hon. F. James Sensenbrenner, Jr., Chairman, Committee on the Judiciary, House of Representatives, Rayburn House Office Building, Washington, DC.

Dear Mr. Chairman: On behalf of the Judicial Panel on Multidistrict Litigation, I am writing to urge support of H.R. 860, the Multidistrict, Multijurisdictional Trial Jurisdiction Act of 2001. As you know, my predecessor as Chairman of the Panel, Judge John F. Nangle, testified in favor of the previous version of this legislation on June 16, 1999, before the House Committee on Courts and Intellectual Property.

Section 2 of this legislation, to restore the options available to the litigants and the federal judiciary prior to the 1998 Supreme Court Lexene decision, passed unanimously word-for-word in both the House of Representatives and the Senate in the last Congress. The previous version of Section 3 of the legislation, aimed at streamlining adjudication of single accident litigation, has passed the House in bipartisan fashion on four prior occasions—twice when the Democrats were in the majority in the 101st and 102nd Congresses, and twice when the Republicans were in the majority in the 106th and 107th Congresses. Surely the time has come to enact this clearly beneficial legislation for the reasons stated in Judge Nangle’s testimony. Your continued leadership in this area is highly valued and appreciated.

Sincerely,

Wm. Terrell Hodges, Chairman.

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

Mr. CONYERS. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. BERMAN).

Mr. SENSENBERN. Mr. Speaker, I yield the gentleman from California 1 minute.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from California (Mr. BERMAN) is recognized for 6 minutes.

Mr. BERMAN. Mr. Speaker, I thank the ranking member and the gentleman from Wisconsin for their generous yielding of time to me.

Mr. Speaker, I just want to make a few comments in response to the gentleman from North Carolina, because he makes legitimate and accurate points about this legislation. But in response, I would make a few points.

In a practical sense, the circumstances which this bill applies to are so narrow and unique, and because so many civil actions which arise out of a single action are already subject to Federal jurisdiction, there really are in a practical sense only a few plaintiffs who will find themselves in a Federal court who would not have already been there. But even if they do, this bill has protection, because the bill preserves the ability of the transferee court, the Federal court to which this multi-party litigation has been assigned, it preserves the ability of that court to transfer back or dismiss an action on the ground of an inconvenient forum.

So that plaintiff has the ability to make his case that even though it is a result of that single accident, even though I am alleging $150,000, in my particular situation, notwithstanding the circumstances that justify a single trial, for purposes of liability and other issues, we should go back to the State court.

The gentleman from North Carolina says, but he has to get to that court in order to make that request. That is true.

Mr. WATT of North Carolina. Mr. Speaker, will the gentleman yield? Mr. BERMAN. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Speaker, I appreciate the gentleman yielding. I appreciate him taking seriously the comments that I am making. I would just point out to him two things. Yes, this bill will make the system more efficient, but from 22 years of the practice of law, I will tell the gentleman that every single case is a unique case for the parties in that case.

In this bill, as we say in H.R. 860, only to a small number of cases, the gentleman is absolutely right. I do not argue that. But for that individual plaintiff who is coming into court, we ought to make the courts as conveniently available to that individual as we can.

The gentleman says that this person can show up in the Federal court, make a motion to move it back, but here he is making the statement that there are 150,000 plaintiffs who say, Please do not move this case. All I am saying is, that person ought to be allowed to go and litigate their case in a forum that is convenient to them, not have their case and the placement of it decided on the basis of some major political decision.

I understand efficiency of the court. I understand why the Judicial Conference would favor this. But in the interest of individual plaintiffs, I think it Mr. Speaker, I am making an exception to this bill, and it would be used so infrequently that it would not be an imposition. It could be done very easily in the context of this bill.
Mr. BERMAN. Reclaiming my time, Mr. Speaker, this is not just about efficiency. This is also about convenience of the parties. We had a horrible accident recently with a private plane taking the Oklahoma football team. That may not be applicable, because this requires 25 people. But think of a similar situation where a huge number of those passengers are from one State. The defendant is from some other State. The multi-party committee, the panel that decides these multi-district multi-party cases where they should be tried, to consider the convenience of the plaintiffs in this kind of a case, not simply the question of efficiency. So there are some real positive benefits from this legislation, as well.

Moreover, on the issue of damages, which can be particularly a matter to be determined by local communities and peers in the community where that plaintiff resides. This is a huge number of those plaintiffs to find themselves in Federal court because of efficiency. So there are some real positive benefits from this legislation, as well.

And I might just add in the remaining seconds I have that from what I understand that the chairman said earlier, we have to draw a balance. Having the very complicated and complex issue of liability tried in one place makes sense.

As we balance these things, Mr. Speaker, I come down on the side of having the complicated, expensive, and controversial issue litigated in one court.

And I might just add in the remaining seconds I have that from what I understand that the chairman said earlier, we have to draw a balance. Having the very complicated and complex issue of liability tried in one place makes sense.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 860, 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.

INTELLECTUAL PROPERTY AND HIGH TECHNOLOGY TECHNICAL AMENDMENTS ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 320) to make technical corrections in patent, copyright, and trademark laws, as amended.

The Clerk read as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intellectual Property and High Technology Technical Amendments Act of 2001".

SEC. 2. OFFICERS AND EMPLOYEES.

(a) RENAMING OF OFFICERS.--(1)(A) Except as provided in subparagraph (B), title 35, United States Code, other than section 218(d), is amended—

(i) by striking "Director" each place it appears and inserting "Commissioner"; and

(ii) by striking "Director's" each place it appears and inserting "Commissioner's".

(B) Section 3(b)(5) of title 35, United States Code, is amended by striking "Director" the first place it appears and inserting "Commissioner".

(C) Section 3(a) of title 35, United States Code, is amended in the subsection heading, by striking "DIRECTOR" and inserting "COMMISSIONER".

(D) Section 3(b)(1) of title 35, United States Code, is amended in the paragraph heading, by striking "DIRECTOR" and inserting "COMMISSIONER".

(2) The Act of July 5, 1946 (commonly referred to as the "Patent Act of 1946"; 15 U.S.C. 1051 et seq.) is amended by striking "Director" each place it appears and inserting "Commissioner".

(D) The Act of July 5, 1946 (commonly referred to as the "Patent Act of 1946"; 15 U.S.C. 1051 et seq.) is amended by striking "Director" each place it appears and inserting "Commissioner".

(E) Section 313 of title 35, United States Code, is amended in the subsection heading, by striking "Commissioner for Patents" and inserting "Assistant Commissioner for Patents".

(F) Section 313 of title 35, United States Code, is amended in the subsection heading, by striking "Commissioner for Trademarks" and inserting "Assistant Commissioner for Trademarks".

(G) Section 297 of title 35, United States Code, is amended by striking "Commissioner of Patents" and inserting "Assistant Commissioner for Patents".


(I) by striking "Commissioner of Patents" and inserting "Assistant Commissioner for Patents".

(J) Section 1744 of title 28, United States Code, is amended by striking "Commissioner of Patents" and inserting "Assistant Commissioner for Patents".

(K) Section 13 of title 35, United States Code, is amended--

(i) by striking "Commissioner of Patents" each place it appears and inserting "Assistant Commissioner for Patents"; and

(ii) by striking "Commissioners" each place it appears and inserting "Assistant Commissioners".

(L) Section 13 of title 35, United States Code, is amended by striking "Commissioners for Trademarks" each place it appears and inserting "Assistant Commissioners for Trademarks".

(M) Section 314 of title 5, United States Code, is amended by striking "Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office." and inserting "Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office."

(N) Section 315 of title 5, United States Code, is amended by striking "Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office." and inserting "Deputy Under Secretary of Commerce for Intellectual Property and Deputy Commissioner of the United States Patent and Trademark Office.".

(6)(A) Sections 303 and 304 of title 35, United States Code, are each amended in the section headings by striking "Director" and inserting "Commissioner".

(B) The items relating to sections 303 and 304 in the table of sections for chapter 31 of title 35, United States Code, are each amended by striking "Director" and inserting "Commissioner".

(7)(A) Sections 312 and 313 of title 35, United States Code, are each amended in the section headings by striking "Director" and inserting "Commissioner".

(B) The items relating to sections 312 and 313 in the table of sections for chapter 31 of title 35, United States Code, are each amended by striking "Director" and inserting "Commissioner".

(C) Section 17(b) of the Trademark Act of 1946 (15 U.S.C. 1057) is amended by striking "Commissioner for Patents, the Commissioner for Trademarks and inserting "Assistant Commissioner for Trademarks".


(E) Section 9(p)(1)(B) of the Small Business Act (15 U.S.C. 638(p)(1)(B)).

(F) Section 19 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 837).

(G) Section 182(b)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2242(b)(2)(A)).

(H) Section 302(b)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2412(b)(2)(D)).

(I) Section 702(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372(d)).

(J) Section 1295(a)(4)(B) of title 28, United States Code.

(K) Section 1744 of title 28, United States Code.


(J) Section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457).
(K) Section 12(a) of the Solar Heating and Cooling Demonstration Act of 1974 (42 U.S.C. 5510(a)(9)).
(L) Section 10(i) of the Trading with the enemy Act (50 U.S.C. App. 10(i)).
(M) Sections 4203, 4506, 4606, and 4804(d)(2) of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106-113.

The item relating to section 374 in the table of contents for chapter 37 of title 35, United States Code, is amended to read as follows:

"374. Publication of international application..."

(3) Section 4508 is amended to read as follows:

"SEC. 4508. EFFECTIVE DATE.

"Except as otherwise provided in this section, sections 4502 through 4507, and the amendments made by such sections, shall be effective as of November 29, 2000, and shall apply only to applications (including international applications designating the United States) filed on or after that date.

The amendments made by sections 4504 and 4505 shall additionally apply to any pending application filed before November 29, 2000, if such pending application is published pursuant to a request of the applicant under such procedures as may be established by the Commissioner. If an application is filed on or after November 29, 2000, or is published pursuant to a request from the applicant, and the application claims the benefit of one or more prior-filed applications under section 119(e), 120, or 366 of title 35, United States Code, then the amendment made by section 4503 shall apply to the prior-filed application in determining the filling date in the United States of the application."

SEC. 7. MISCELLANEOUS CLERICAL AMENDMENTS.

(a) AMENDMENTS TO TITLE 35—The following provisons of title 35, United States Code, are amended:

(1) Section 2(b) is amended in paragraphs (B) and (D), by striking "United States Code;"

(2) Section 3 is amended—

(A) in subsection (a)(2), by striking "United States Code;"

(B) in subsection (b)(2)—

(i) in the first sentence of subparagraph (A), by striking "United States Code;" and

(ii) by striking "United States Code;"

(C) in paragraph (C), by striking "United States Code;" and

(D) by striking "United States Code;"

(ii) in the second sentence of subparagraph (B) —

(i) by striking "United States Code;" and

(ii) by striking "United States Code;"

(3) Section 5 is amended in subsections (c) and (g), by striking "United States Code;" each place it appears.

(4) The table of chapters for part I is amended in the item relating to chapter 3, by striking "before" and inserting "before".

The item relating to section 21 in the table of contents for chapter 2 is amended to read as follows:

"21. Filing date and day for taking action."

(5) The item relating to chapter 12 in the table of chapters for part II is amended to read as follows:

"12. Examination of Application ........ 131".

(7) The item relating to section 116 in the table of contents for chapter 11 is amended to read as follows:

"116. Inventors."

(8) Section 154(h)(4) is amended by striking "United States Code;"

(9) Section 156 is amended—
(A) in subsection (b)(2)(B), by striking “paragraph” and inserting “paragraphs”;
(B) in subsection (d)(2)(B)(i), by striking “below the office” and inserting “below the Office”;
(C) in subsection (g)(6)(B)(iii), by striking “submitted” and inserting “submitted”;
(10) The item relating to section 183 in the table of contents for chapter 25 is amended by striking “of” and inserting “to”.
(11) Section 185 is amended by striking the second period at the end of the section.
(12) Section 203 is amended—
(A) by striking “United States Code,”; and
(B) by striking “5, United States Code,” and inserting “the United States Code”.
(13) Section 202 is amended—
(A) in subsection (b)(4), by striking “last paragraph of section 203(2)” and inserting “section 203(2)”;
(B) in section (c)—
(i) in paragraph (4), by striking “rights;” and inserting “rights;” and
(ii) in paragraph (5), by striking “of the United States Code”.
(14) Section 203 is amended—
(A) in paragraph (2)—
(i) by striking “or” and inserting “and”;
(ii) by striking the quotation marks and comma before “as appropriate”; and
(iii) by striking paragraphs (a) and (c) and inserting paragraphs (1) and (3) of subsection (a);
(B) in the first paragraph—
(i) by striking “(a),” “(b),” “(c),” “(d),” and inserting “(1),” “(2),” “(3),” and “(4),” respectively; and
(ii) by striking “(i)” and inserting “(a)”.
(15) Section 209 is amended in subsections (b) and (f), by striking “of the United States Code”.
(16) Section 210 is amended—
(A) in subsection (a)—
(i) by striking “United States Patent and Trademark Office” and inserting “the name and address of a person resident in the United States Patent and Trademark Office”;
(ii) in paragraph (2), by striking “5901” and inserting “5908”;
and
(iii) in paragraph (20) by striking “178(e)” and inserting “178(e)”;
and
(B) in subsection (c), by striking “paragraph 202(c)(4)” and inserting “section 202(c)(4)”;
and
(C) by striking “title...” and inserting “title.”;
(17) The item relating to chapter 29 in the table of chapters for part III is amended by inserting a comma after “Patent”.
(18) The item relating to section 256 in the table of contents for chapter 25 is amended to read as follows:
“256. Correction of named inventor.”
(19) Section 294 is amended—
(A) in subsection (b), by striking “United States Code,”; and
(B) in subsection (c), in the second sentence by striking “court to” and inserting “court of”.
(20) Section 371(b) is amended by adding at the end of the period—
(21) Section 371(d) is amended by adding at the end a period.
(22) Paragraphs (1), (2), and (3) of section 376(a) are each amended by striking the semi-colon and inserting a period.
(2) OTHER AMENDMENTS.—
(1) Section 4732(a) of the Intellectual Property and Cooperation Omnibus Reform Act of 1999 is amended—
(A) in paragraph (9)(A)(ii), by inserting “in subsection (b),” “after” “(ii),” and
(B) in paragraph (9)(A)(ii), by inserting after “title 35, United States Code,” the following:
“other than sections 1 through 6 (as amended by chapter 1 of this subtitle),”;
(2) Section 4820 of that Act is amended by inserting “to” before “citizens’”.
(3) Section 4804 of that Act is amended—
(A) in subsection (b), by striking “11(a)” and inserting “11(a)”;
and
(B) in subsection (c), by striking “13” and inserting “13”.
(4) Section 4402(b)(1) of that Act is amended by striking “in the fourth paragraph”.
SEC. 8. TECHNICAL CORRECTIONS IN TRADEMARK LAW.
(a) AWARDFEE OF ENFORCEMENT RIGHTS.—Section 35(a) of the Act of July 5, 1946 (commonly referred to as the “Trademark Act of 1946”) (15 U.S.C. 1117(a)), is amended by striking “a violation under section 35(a) (15 U.S.C. 1117(a))” and inserting “a violation under section 43(a) or (d)”; and
(b) ADDITIONAL TECHNICAL AMENDMENTS.—The Trademark Act of 1946 is further amended as follows:
(1) Section 1(d)(1) (15 U.S.C. 1051(d)(1)) is amended in the first sentence by striking “specifying the applicant’s first use” and inserting “that all that follows through the end of the sentence and inserting “specifying the date of the applicant’s first use of the mark in commerce and those goods or services specified in the notice of allowance on or in connection with which the mark is used in commerce.”;
(2) Section 1(e) (15 U.S.C. 1051(e)) is amended to read as follows:
“(e) If the applicant is not domiciled in the United States the applicant may designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, or if the registrant does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Commissioner.”;
(3) Section 8(f)(1) (15 U.S.C. 1058(f)(1)) is amended to read as follows:
“(f) If the registrant is not domiciled in the United States, the registrant may designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, or if the registrant does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Commissioner.”;
(4) Section 9(c) (15 U.S.C. 1059(c)) is amended to read as follows:
“(c) If the registrant is not domiciled in the United States, the registrant may designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, or if the registrant does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Commissioner.”;
(5) An assignee not domiciled in the United States may designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, or if the assignee does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Commissioner.”;
(6) Section 23(c) (15 U.S.C. 1091(c)) is amended by striking the second comma after “numerical”.
(7) Section 33(b)(4) (15 U.S.C. 1115(b)(4)) is amended by aligning the text with paragraph (7).
(10) Section 34(d)(1)(I) is amended by striking “6621 of the Internal Revenue Code of 1954” and inserting “6621 of the Internal Revenue Code of 1986”;
(11) Section 35(b) (15 U.S.C. 1171(b)) is amended—
(A) by striking “section 110” and all that follows through “36 (36 U.S.C. 380)” and inserting “section 220506 of title 36, United States Code,”; and
(B) by striking “6621 of the Internal Revenue Code of 1954” and inserting “6621 of the Internal Revenue Code of 1986.”
(12) Section 44(e) (15 U.S.C. 1126(e)) is amended by striking “a certification” and inserting “a true copy, a photocopy, a certification.”.

SEC. 9. PATENT AND TRADEMARK FEE CLERICAL AMENDMENTS.

The Patent and Trademark Fee Omnibus Reform Act of 1999 (113 Stat. 1537–546 et seq.), as enacted by section 1000(a)(9) of Public Law 106–113, is amended in section 1006(a), by striking “(i)” and inserting “(ii)”.

SEC. 10. COPYRIGHT RELATED CORRECTIONS TO 1999 OMNIBUS REFORM ACT.

Title I of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106–113, is amended as follows:

(1) Section 106(b) is amended—

(A) in (1), by striking “the” and inserting “a”;

(B) in (2), by striking “paragraph (2)” and inserting “paragraph (2)(A)”; and

(C) in (3), by striking “106(e)” and inserting “106(d)”. (2) Section 106(b) is amended by striking “119(b)(1)(B)(ii)” and inserting “119(b)(1)(B)(i)”. (3)(A) Section 1006(a) is amended—

(i) in (1), by adding “and” after the semicolon; and

(ii) by striking paragraph (2); and

(iii) by redesignating paragraph (2) as paragraph (B). (B) The item relating to section 122 in the table of contents for chapter 9 is amended by striking “licensure” and inserting “licensing”.

SEC. 11. AMENDMENTS TO TITLE 17, UNITED STATES CODE.

Title 17, United States Code, is amended as follows:

(1) Section 119(a)(6) is amended by striking “of performance” and inserting “of a performance”. (2)(A) The section heading for section 122 is amended by striking “rights; secondary” and inserting “rights: Secondary”.

(B) The item relating to section 122 in the table of contents for chapter 1 is amended to read as follows:

“122. Limitations on exclusive rights: Secondary transmissions by satellite carriers within local markets.”.

(3)(A) The section heading for section 121 is amended by striking “reproduction” and inserting “Reproduction”.

(B) The item relating to section 121 in the table of contents for chapter 1 is amended by striking “reproduction” and inserting “Reproduction”.

(4)(A) Section 106 is amended by striking “107 through 121” and inserting “107 through 122”. (B) Section 501(c) is amended by striking “106 through 122” and inserting “106 through 122”. (C) Section 511(a) is amended by striking “106 through 121” and inserting “106 through 122”. (D) Section 101 is amended—

(A) by moving the definition of “computer program” so that it appears after the definition of “compilation”; and

(B) by moving the definition of “registration” so that it appears after the definition of “publicly”.

(6) Section 110(4)(B) is amended in the matter preceding clause (i) by striking “conditions,” and inserting “conditions.”; (7) Section 110(b)(1) is amended in the second sentence by striking “to it”;

(8) Section 110(b)(4) is amended—

(A) by striking “transmitting” and inserting “retransmitted”; and

(B) by striking “transmissions” and inserting “retransmissions”.

(9) Section 203(a)(2) is amended—

(A) in subparagraph (A)—

(i) by striking “(A) the” and inserting “(A) the”;

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

(B) in subparagraph (B)—

(i) by striking “(B) the” and inserting “(B) the”;

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

(C) in subparagraph (C), by striking “(C) the” and inserting “(C) The”.

(10) Section 304(c)(2) is amended—

(A) in subparagraph (A)—

(i) by striking “(A) the” and inserting “(A) the”;

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

(C) in subparagraph (C), by striking “(C) the” and inserting “(C) The”. (11) The item relating to section 903 in the table of contents for chapter 9 is amended by striking “licensure” and inserting “licensing”.

SEC. 12. OTHER COPYRIGHT RELATED TECHNICAL AMENDMENTS.

(a) AMENDMENT TO TITLE 18—Section 2319(c)(2) of title 18, United States Code, is amended by striking “107 through 120” and inserting “107 through 122”. (b) STANDARD REFERENCE DATA.—(1) Section 105(f) of Public Law 94–553 is amended by striking “section 290(e) of title 15” and inserting “section 5 of the Standard Reference Data Act (15 U.S.C. 290e)”. (2) Section 5(a) of the Standard Reference Data Act (15 U.S.C. 290a) is amended by striking “Notwithstanding” and all that follows through “United States Code,” and inserting “Notwithstanding the limitations under section 105 of title 17, United States Code.”

(2) The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. CONyers) and the gentleman from Michigan (Mr. COBBLE), each will control 20 minutes. (3) The Chair recognizes the gentleman from Wisconsin (Chairman SENSENBRENNER). (4) Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate bill 320 consists of noncontroversial, technical amendments to the patent, trademark, and copyright laws. They are important improvements.

I want to thank my friend, the distinguished gentleman from California (Mr. BERMAN), the ranking member on the subcommittee, for his work, as well; this bill, both in the 106th Congress and the 107th Congress. I also want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for expeditiously moving this legislation along, because it is important. I urge my colleagues to support S. 320.

Mr. BERMAN. Mr. Speaker, I rise in support of S. 320.

This bill, as amended by the Judiciary Committee last week, is comprised of language from two bills, H.R. 4870 and H.R. 5106, that the House passed by voice vote on suspension last year. As were those bills last year, the current version of S. 320 is wholly noncontroversial and technical. It makes technical changes to patent, trademark, and copyright law and streamlines the operations of the PTO and Copyright Office.

As amended, S. 320 will do such things as change the title of the head of the PTO from “Director” to “Commissioner.” It will also harmonize capitalizations, alphabetize definition sections, and correct punctuation.

I urge my colleagues to vote in favor of his bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 320, as amended.

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

A motion to reconsider was laid on the table.

MAKING TECHNICAL AMENDMENTS TO SECTION 10 OF TITLE 9, UNITED STATES CODE

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill [H.R. 861] to make technical amendments to section 10 of title 9, United States Code.

The Clerk read as follows:
This bill has been passed by each of the past two Congresses, only to be held hostage by unrelated issues in the other body.

To my colleagues here and on the other side of the Capitol who have previously loaded up this bill with unrelated legislation, I urge my colleagues to pass H.R. 861.

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

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

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

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

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.

Votes will be taken in the following order:

H.R. 725, by the yeas and nays; and
H.R. 861, by the yeas and nays.

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

MADE IN AMERICA INFORMATION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 725, as amended.

The Clerk reads the title of the bill.

This bill is a companion to the bill previously introduced by the gentleman from Florida (Mr. STEARNS) that the House suspend the rules and pass the bill, H.R. 725, as amended, on which the yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 407, nays 3, not voting 22, as follows:

Abrahamovic
Aderhold
Akin
Andrews
Armey
Bachus
Baker
Baldacci
Balderer
Barcia
Barrett
Bartlett
Barton
Bates
Beatty
Behnke
Berman
Berry
Bilirakis
Bishop
Bingaman
Binken
Bilott
Boehner
Bomila
Bono
Boozman
Bowser
Boucher
Bradley
Bradley (TX)
Brown (OR)
Brown (SC)
Brady
Brady (PA)
Brady (TX)
Brow (CA)
Bryant
Burke
Burr
Buyer
Byrd (MD)
Calvert
Camp
Canter
Capito
Capp
Capuano
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clay
Clement
 Clyburn
Cole
Collins
Combett
Congress
Cooksey
Costello
Cox
Coyne
Cramer
Crawford
Crescenz
Crowley
Cubin
Cullerton
Cunning
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
DeLauro
DeMint
Deutsch
DeLauro
DelBello
Dicks
Doggett

[Roll No. 48]

YEAS—407

Abercrombie
Aderhold
Akin
Andrews
Armey
Bachus
Baker
Baldacci
Balderer
Barcia
Barrett
Bartlett
Barton
Bates
Beatty
Behnke
Berman
Berry
Bilirakis
Bishop
Bingaman
Binken
Bilott
Boehner
Bomila
Bono
Boozman
Bowser
Boucher
Bradley
Brady
Brady (TX)
Brown (OR)
Brown (SC)
Brady
Brady (PA)
Brown (SC)
Bryant
Burke
Burr
Buyer
Byrd (MD)
Calvert
Camp
Canter
Capito
Capp
Capuano
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clay
Clement
 Clyburn
Cole
Collins
Combett
Congress
Cooksey
Costello
Cox
Coyne
Cramer
Crawford
Crescenz
Crowley
Cubin
Cullerton
Cunning
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
DeLauro
DeMint
Deutsch
DeLauro
DelBello
Dicks
Doggett

[Roll No. 48]

YEAS—407

Dooley
Doolittle
Doyle
Breier
Duncan
Dunn
Dyers
Ehrlich
Engel
English
Eskridge
Evans
Elliott
Farr
Fattah
Filer
Fleischman
Foley
Ford
Fossella
Frank
Frost
Gallegly
Ganske
Gekker
Gephardt
Gibbons
Gibrest
Gillum
Gonzalez
Goode
Gosar
Graham
Granger
Graves
Green (TX)
Green (W)
Greenwood
Griggs
Gutierrez
Hagedorn
Hall (MD)
Hall (TX)
Hansen
Harms
Hart
Hastings (FL)
Hastings (WA)
Hays
Hayworth
Himes
Himes
Hilbert
Hillard
Hinchey
Hinojosa
Hobson
Hoeft
Hokestra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Israel
Isera
Istoek
Jackson (IL)
Jackson-Leavitt
Jenkins
Jenkins
Jobs
Johnson (CT)
Johnson (FL)
Johnson (GA)
Johnson
Jones (NC)
Jones (NJ)
Jones
Kanjorski
Kaptur
Kelley
Kennedy
Kennedy
Kerns

[Roll No. 48]

YEAS—407

Kildee
Kilpatrick
Kinder
Kingston
Kirk
Kleiner
Knollenberg
Kolbe
Kucinich
LaFalce
Lahann
Larson
Largent
Larsen (WA)
Larsen (FL)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lobiondo
Logren
Lowey
Lucas (KY)
Lucas (OK)
Luter
Maize
Maize (NY)
Mammano
Goss
Markley
Mason
Mashenko
Matai
McCarthy
McCarthy
McCollum
McCrory
McDermott
McGovern
McHale
McInnis
McIntyre
McKean
McKinney
McNulty
McNulty
Meeks (NY)
Menendez
Mica
Milleler
Milan
Miller
Miller (FL)
Miller (NY)
Miller (CA)
Millard
Millard
Ming
Miolohan
Moore
Moran (KS)
Moran (VA)
Morrison
Moss
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Nussle
Pelosi
Pelosi
Pence
Peterson
Peterson
Pfingelter
Mr. JONES of North Carolina changed his vote from "nay" to "yea".

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

The result of the vote was announced above recorded.

The title of the bill was amended so as to read: "A bill to direct the Secretary of Commerce to provide for the establishment of a toll-free telephone number to assist consumers in determining whether products are American-made.".

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule X, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

MAKING TECHNICAL AMENDMENTS TO SECTION 10 OF TITLE 9, UNITED STATES CODE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 8513.

The Clerk read the title of the bill. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENIBRENNER) that the House suspend the rules and pass the bill, H.R. 8513, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 19, as follows:

[Roll No. 49]

YEAS—413

Yeas

Abraham
Bender
Beshara
Beuerlein
Beyrer
Bilirakis
Bishop
Blakely
Blake
Blumenthal
Cantor
Capito
Cappo
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
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Clayton
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Connell
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Cooksey
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Cummingham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
DeFazio
Delahunt
DeLauro
DeLaVey
DeMint
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Dickerson
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Dooley
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Engel
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Filer
Fleischmann
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Gephardt
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Green (WI)
Greenwood
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Guarino
Gutierrez
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Hall (TX)
Hall (NY)
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The SPEAKER pro tempore. Without objection, and pursuant to section 4(a) of Public Law 94–118 (22 U.S.C. 2903), the Chair announces the Speaker's appointment of the following Member of the House to the Japan-United States Friendship Commission:

Mr. McDermott of Washington.

There was no objection.

SPECIAL ORDERS

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

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

Mr. Moran of Kansas addressed the House. His remarks will appear hereafter in the Extentions of Remarks.

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

Mr. Pomroy addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

BRING FINANCIAL SECURITY AND STABILITY TO TAXPAYERS

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

Mr. Foley. Mr. Speaker, I am delighted to be here today to try and urge one more time here in this Chamber and the one across the hall on the urgency of the tax package laid before us, passed by this House, supported obviously by the President who is in New Jersey today trying to urge the Senators from that particular State to be supportive.

Obviously as you watch Wall Street and look at the Dow Jones Industrial Average and you look at the Nasdaq and all of the economic indicators, and also the job losses occurring throughout the country, it becomes more clear and apparent the urgency of the Economic Growth and Tax Relief Act passed by our body.

We have been certainly applauded and ridiculed by some Members for the speed we brought that bill to the Committee on Ways and Means and then ushered it to its passage on the floor. I will add that we lost not one Republican in the Tax Relief Act, and in fact gained 10 Democrats and one Independent.

Now it is obviously a major, important issue for us to have the Senators consider the important ramifications of not adopting this very important tax relief effort of the President. First and foremost, giving everyone a raise is important because it allows taxpayers to keep more money in their pockets, support their families better, and reduce the burden placed on them by government.

Should Americans spend 40 percent of their income in Federal, State and local taxes? That is a basic question. That is a fairness question and needs to be answered by all parties. I think it is unfair that 40 percent of American's income is paid in Federal, State and local taxes.

Should families pay more in taxes than for food, clothing, and shelter combined? That makes no sense whatsoever. Wasteful Washington spending is a dangerous road to travel in a weaker economy. We are concerned. We hear the notion of triggers that have been advocated by some, and we suggest if you use a trigger on anything, use it on spending as well, to make sure that we get government to help those in need and that we do not spend our way back into the days of a $5.7 trillion accumulated debt which we witnessed when we came to Congress in 1994 and quickly reversed.

We should let the American people spend more of their hard earned dollars on their own needs. There are too many people in this Chamber and too many people in this Capitol who believe that the money sent to us is Washington's money not the people's money. People every day go to work and work very hard to make a living for themselves and their families only to see so much money taken out in the form of taxation: Income tax, estate tax, excise taxes, property taxes, you name the litany of taxes, whether it is on your cable bill, TV bill or other charges such as gasoline taxes.

What will happen if we pass our tax relief bill. We believe more jobs, more take-home pay, a stronger economy. It will save the average family of four earning $55,000 a year, certainly not rich, approximately $1,930. To some that may be small, but to the family earning $55,000, that is a watershed of new monies to help save for college or pay for prescription drugs.

At least 60 million women income-tax payers will save money with our plan. More than 60 million African American income-tax payers will save money with our plan. More than 50 million Hispanic income-tax payers will save money on our plan. This means more money for college, a second car, or even a much-needed vacation.

So let us not have the constant politics-over-people argument that seems to resonate in our capital city. Let us put people before politics and pass a bill that will help us bring financial security and stability to our taxpayers.

Let us return their hard-earned money to them so they can spend it in their community, on their families and on things that will do the most to make our priorities forced upon them. We can balance Social Security and secure it for the future. We can save Medicare. We can do so many things, including a prescription drug policy, but we also have to recognize that every priority a Member of Congress assumes is so does not need to be that of every American.

Mr. Speaker, let us balance the objective rule with a policy to provide relief, fiscal strength and security, and move this bill forward so that the President of the United States can have a chance to pass this very important legislation.
will be important to prioritize which drugs to which people. Mother-to-chil-
dren drugs that are especially effective in keeping children from getting AIDS
at all would be very, very important. But, beyond that, we have got to tailor
strategies for combating AIDS to the environment in which those strategies
are expected to work.

In Africa, we greet the decision of the drug companies to offer drugs at dis-
count rates. At the same time, we must remind ourselves that most of our ef-
forts to prevent AIDS, which has already become a catas-
trophe of epidemic proportions in southern Africa,

CONDEMNING DESTRUCTION OF
BUDDHAS IN AFGHANISTAN

The SPEAKER pro tempore. Under a
previous order of the House, the gen-
tleman from Pennsylvania (Mr. Evan
zetti) is recognized for 5 minutes.

Mr. ENGLISH. Mr. Speaker, all too
often we in Washington are insulated
from major events that are going on
around the world, events that directly
or indirectly impact us. But there are
few events more grotesque than some-
thing that happened just over the last
couple of weeks in Afghanistan, an act
of barbarism, an act of mindless icono-
clasm by a regime noted for its intoler-
ance of all values that do not precisely
conform to their own. Here I am refer-
ing to the Taliban, the Taliban, the Tal-
iban, the Taliban, the Taliban, the Tal-
iban. Their government in Afghanistan to
sanction and encourage the destruction
of two standing Buddhas of enormous
importance to world culture.

The Bamiyan standing Buddha
statues in Afghanistan up until this point
have been one of the greatest wonders
of the world and one of the marvels of
that region and one of the remaining
gifts that the cultures of that part of
central Asia had given the entire world.
They were a magnificent example of
human artistry and skill.

Mr. Speaker, those statues had rep-
resented a common heritage of all
mankind. The Bamiyan Buddhas had
survived hostile onslaughts over the
centuries, but they did not survive de-
struction at the hands of religious zeal-
ots and heretics.

Afghanistan is a country with a very
rich and enormously complicated his-
tory. Because of its mountainous ter-
rain, it served as the border on the border of dif-
ferent empires that washed across the
history of the world. It was briefly a
Greek region under Alexander the Great,
and it was also a Buddhist re-

region in the third century B.C., Bud-
dhism having been launched there by
the Emperor Ashoka of the Mauryan
empire.

At that time, Afghanistan lay at the
heart of the silk route, which was a
source of trade that moved from east
to west.

Accompanying the caravans of pre-
cious goods, Buddhist monks came and
got, teaching their religion along the
route. From this very part of the world
Buddhism established itself over the
centuries in China, Korea, Japan,
Tibet, Nepal, Bhutan and Mongolia.

In the early centuries of the Chris-
tian era, a new art form emerged, the
art of Gandhara, the ancient name for
part of Afghanistan. During this pe-
tiod, the earliest Buddhist images in
human form evolved in this Kushan/
Saka area.

The caravans on the silk route often
stopped in the Bamiyan Valley. It was
one of the major Buddhist centers from
the second century up to the time that
Islam entered the Valley in the ninth
century.

There these two giant Buddhas, one
of them the largest standing image of
Buddha in the world, more than 120
feet high, stood, until this week. These
symbols of their ancient faith were cut
out of the rock sometime between the
third and fifth centuries A.D. The small-
er statue was carved during Kanishka the
Great's reign. It was estimated that two centuries later
the large Buddha statue was carved.

I have to tell you, it is striking to me
as an archaeology buff that both of
these statues were dressed in togas of
the Greek style imported into India by
the soldiers of Alexander the Great
when he invaded the region between 334
and 327 B.C.

The features of these statues of Bud-
dha had disappeared. During the cen-
turies, undoubtedly, there had been
earlier iconoclasm. But the idea that
behind the destruction was to take
away the soul of the hated image by
obliterating, or at least deforming, the
head and hands.

The intolerance of the Taliban in
leading to this destruction needs to
have a strong international response.
The Taliban has clearly failed to recog-
nize the value of any art that does not
conform precisely to their religious
purposes. The Taliban are only the
temporary holders. Their government
is only a custodian of this area. We
cannot tolerate their willful destruc-
tion of international treasures that are
really holdings of the entire world. We
cannot allow them to get away with
this action.

The action of the Taliban regime rep-
resents the worst case of vandalism in
recent history and the destruction of
artistic heritage.

Today, more and more people are
awakening to their heritage and the
importance of preserving these sorts of
relics. We have in Christian countries
many examples of Islamic art that are
protected, like the Alhambra in Spain.
We know that in Egypt, now an Islamic
country, there are relics, there are
statues, there are temples that are of
everlasting worth to the people of the
world.

We need in Congress to send a clear
message to the Taliban that this is un-
acceptable, and we need to bring to-
gether all of the nations of the world
to express our outrage and take firm ac-
tion against this cultural imperialism.
FOCUS ON SPECIAL EDUCATION FUNDING

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

Mr. SCHIFF. Mr. Speaker, as a member of the Committee on Education and the Workforce, I was delighted to see in the past couple of sessions of Congress, there was a recognition that we were under funding the IDEA, Individuals With Disabilities Education Act, and we were not living up to the promises that we made to so many children across the country. In the last session of Congress, we, in fact, increased the appropriation level by 27 percent for special education needs. But nevertheless, we have a responsibility to fund that a 40 percent of the per pupil expenditure throughout the country. Even with that 27 percent increase last year, we are still only funding our share at slightly less than 15 percent of the 40 percent that we should be doing for local school districts.

Just some quick numbers. Roughly 6.4 million disabled children in America receive special education services. There are 116,000 of these students in my home State of Wisconsin alone identified as needing special education services. By 2010, it is expected that there will be an additional half a million students served by special education nationwide.

With the advancement of medical technology and medical breakthroughs, school funding is on a collision course with modern medicine. Children who normally would not have survived to school age are now entering the public school system, increasing the responsibility of providing quality education for these kids, along with the incumbent expense that comes along with it. I believe that this is more than just an education issue, it is a civil rights issue, that we make good by these students and their parents. I believe that we, in fact, increased the appropriation level by 27 percent for special education needs.

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, as a member of the Committee on Education and the Workforce in this session of Congress, especially trying to reauthorize the elementary and secondary education bill, that there will be a lot of good-faith agreement, providing needed resources back to the local school districts with flexibility on how best to use those resources, but along with some accountability, so we see the desired results in student achievement.

However, one area of education policy that previous Congresses have woefully fallen short on has been our responsibility to fully fund our share, our obligation, to special education needs. Congress, that is to live up to our responsibility and fully fund IDEA. But the fact that we are not funding it at the appropriate level has a dramatic impact on countless students across the country.

FOCUS ON SPECIAL EDUCATION FUNDING

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case, means going up to 40 percent of the excess cost.

Mr. Speaker, we began this discussion 26 years ago when we agreed with States and local education agencies that we should provide a free and appropriate education to every child who has a disability. We knew this was going to require a large investment, not only by the States and local school districts, but by the Federal Government. The Federal Government made a promise. They said, we are going to pay up to 40 percent of the excess costs for every student. However, we have not done that. In fact, this year we are doing the most we have ever done, and we are up to less than 15 percent.

I participated in a lot of conversations regarding full funding of IDEA in the past couple of months with my colleagues, committee staff and leadership. Full funding is a large investment. I understand that, and it raises some concerns. One of the concerns I have heard is if we increase the amount of money going to the States to educate children with disabilities that the school districts will over-identify these children to get more money. Well, I want to tell my colleagues that that is simply not true. Let us talk about the real situation that is happening in our schools.

Again, the Federal Government right now is giving a little over one-third of the money that they promised 26 years ago; and as a result of this under-funding, what has happened is schools have had to pull money out of other programs to make up for it. They have had to pull money out of textbooks and after-school programs and additional teachers. As a consequence, what we are seeing is an under-identification of children with disabilities. School districts hesitate to label a child with learning disabilities or behavioral problems or mental disorders because they cannot afford to provide them the services they need. Fully funding IDEA will provide the support schools need to label as many children as they can with disabilities. In fact, just the opposite will happen. If we can get young children the services they need early on, we may prevent a need for more drastic intervention later on.

Mr. Speaker, I have introduced bipartisan legislation with the gentlewoman from Connecticut (Mrs. Johnson) and many others here today. Our bill would authorize funding to bring the Federal Government’s share of educating children with disabilities up to the 40 percent mark by 2006, so we are trying to do it over a period of time. It is an increase of approximately about $3 billion a year. It is a large investment, but we must remember, if we do not pay our fair share of the cost, our share does not just go away; someone else is covering for us.

Mr. Speaker, the time we kept the promise that we made to our children 26 years ago and invest in the education of every child.

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

Mr. HONDA. Addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

REINTRODUCTION OF SPOUSAL REUNIFICATION ACT

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

Mr. PALLONE. Mr. Speaker, I rise today to ask that my colleagues join me in supporting legislation that I reintroduced today that would permit the admission into the United States of nonimmigrant visitors who are the spouses and children of permanent resident aliens residing and working in this country. This legislation is intended to fill a void in our current immigration policy that has resulted in permanent resident aliens, people who have come into this country legally and who are gainfully employed, being separated from their spouses or children often for periods of several years. This bill would simply make it easier for family members to come to the United States on a temporary basis with provisions to penalize those who overstayed their visas. Its goal is to alleviate the hardship of protracted separation.

Mr. Speaker, the legislation would eliminate the implication that the existence of a petition for permanent residence implies that an applicant will not return to his or her home nation and would remain in the United States after the expiration of a temporary visa. This equitable solution simply grants to immigrant family members the same opportunity to visit the United States as all others desiring to come here as students. The legislation anticipates the possibility that some may violate the terms of their visas by overstaying the period for which the visa provides. It penalizes spouses or children of permanent resident aliens who overstayed their visas by allowing the Secretary of State to deny their permanent visa petitions for one year if visa durations are violated.

Mr. Speaker, as my colleagues may remember, last year in the Omnibus Appropriations bill, look, a step in alleviating this hardship. The Omnibus bill created a new V nonimmigrant visa category. This new visa would become available to spouses and minor children of legal permanent residents who have been waiting 3 years or more for an immigrant visa. The recipients of this temporary visa would be protected from deportation and granted work authorization until immigration visa or adjustment of status processing is completed.

However, while this new program has good intentions, Mr. Speaker, 3 years is still too long to be apart from one’s loved ones. My bill would immediately expedite the process in allowing foreign-born immigrants to see their families for a short period of time before they are eligible for the V visa. My legislation would not nullify the V visa, but rather provide for temporary visas for family members.

Mr. Speaker, I am hoping that this proposal will receive strong support from Members of Congress, particularly members of our Caucus on India and Indian-Americans, and other Members who agree with the need to address this inequity. The issue of spousal and child reunification has been identified as one of the top domestic priorities of the Asian-Indian community in the United States. With the India caucus members working together, enactment of this bill would be an opportunity for the caucus to make its presence felt in another substantive way. Furthermore, this proposal has already received significant support from some of America’s major corporations, particularly in the information and communications sectors, who recognize the importance of allowing their valued employees to have greater contact with their families.

The bill is, by its very nature, an interim measure in order to allay some of the misunderstandings that may arise. It should be pointed out that the legislation will not result in an increase in the number of immigrants admitted annually. It will not have an impact on the labor market, and it will not replace any adverse effects on any government social programs since the spouses would not be entitled to these benefits. It is a very modest proposal intended only to bring some relief to families separated by unfortunate administrative delays.

SUPPORTING FULL FUNDING FOR SPECIAL EDUCATION

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

Mr. ALLEN. Mr. Speaker, I rise here today to support full funding of special education, not next year, not the year after, not 10 years from now, but this year. I want to begin with a few comments that should be obvious.

First, the Individuals With Disabilities Education Act of 1975 authorized Congress to cover 40 percent of the cost of special education in order to provide students with disabilities a free and appropriate education.

That was in 1975. It has been a long time, but we have not come close to fully funding special education.

The points I want to make at the beginning are these:

First, the mandate to provide a free and appropriate education to students with disabilities was a Federal mandate. It was passed by this Congress, and it required the States and local school districts to spend more than
they had on students with disabilities. It was a Federal mandate that has never been matched by appropriate Federal funding.

Second, the funds that pass through our special education program are not spent in Washington, D.C. They are spent in local school districts, for local schools for teachers, for supplies, for all those things that help strengthen our local education programs.

Third, this year the money is available. I can say that we cannot find the money to fully fund special education this year because the size of the surpluses that are in front of us make it clear that if we do not fully fund special education it will only be because there are other priorities.

Now, when I listen to some of the rhetoric from my Republican friends on the other side of the aisle, I sometimes wonder, for this reason. We learned in school that the thighbone is connected to the hipbone, and we learned as adults that expenditures are connected to revenues. What we have coming into our family, our business, our government is matched, is related to, what our family, our business or our government spends.

But we hear our friends say that it is not the government’s money, it is our money. They say things like, do we not want money spent in Washington, Well, special education funds are spent in local school districts. Our education system belongs to all of us. It is our education system, just as it is our national debt, our air traffic control system, our Medicare, our Social Security. These are the things that we own and we cherish in common.

When I have been traveling around my district back in Maine holding meetings. The number one priority of educators in Maine, of people who care about improving our public schools, is full funding of special education: Get Federal funding up to that 40 percent, the highest level it has ever been since 1975. It is today at 14.9 percent. That is after 3 successive years of billion-dollar increases.

We have done more in the last 3 years for special education than ever before. But today, if the tax cut that the President has proposed goes through, we will not be able to fully fund special education. In all probability, if the proposal goes through to that 40 percent level. Where is it right now? It is 14.9 percent, the highest level it has ever been since 1975. It is today at 14.9 percent. That is after 3 successive years of billion-dollar increases.

So that is why we have a unique opportunity today to fully fund special education. If we do, it will help special education kids, it will help regular kids, because it will free up funding for improvements in our regular education programs; and it will provide real relief in the future for our property taxpayers, who right now, certainly in my State of Maine and around the country, are not sure to fund students that they are required to fund and should be funding, but because of a mandate passed by Congress, by the Federal government, in 1975, we have never, we have never lived up to our responsibilities.

The other two items that I hear a great deal about from people in Maine who care about education have to do with how we are going to find teachers, how we are going to find and retain teachers to teach these children and how we are going to renovate and build new schools when we need to do that. But, always, special ed is at the top of the list.

I urge my colleagues on both sides of the aisle to take this historic opportunity that may not come again to fully fund special education, not next year, not 10 years from now, but this year. We can do that with $11 billion; and $11 billion as compared to the $1.6 trillion tax cut, that is no comparison at all.

There is no reason why we cannot fully fund special education this year. I urge my colleagues to do just that.

WOMEN’S HISTORY MONTH; AND THE HIV/AIDS VIRUS AS IT AFFECTS WOMEN AND CHILDREN

The SPEAKER pro tempore (Mr. GILCHREST). Under a previous order of the House, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

Mrs. MORELLA. Mr. Speaker, I am very pleased to have this afternoon for this important special order, to celebrate Women’s History Month. I know my colleague, the gentlewoman from Illinois (Mrs. BIGGERT), will be continuing with this special order.

I would like to point out that, as we approach a new century, there is no doubt that women have made great strides in business, the professions and trades and as leaders in government. Society is the richer for it.

Although women have made enormous strides, biologically in the workplace still exists. So does discrimination in health research and in the delivery of health care or the lack thereof, steadfastly remaining our problem, ‘a woman’s problem.’ We have to continue to improve the lives of women and children, which ultimately will benefit everyone.

Mr. Speaker, we are going to hear from my colleagues the history of women’s health, and I do want to say that women are not little men. I am pleased, with my colleagues many years ago, we celebrated the 10th anniversary of the Office of Research on Women’s Health at the National Institutes of Health. Prior to that time, women were not included in clinical trials or protocols.

There was the famous aspirin test with regard to cardiovascular disease. It was done with about 44,000 male medical students. Yet the extrapolation was that this is the way women will be affected by it. Well, there is breast cancer, ovarian cancer, osteoporosis, lupus. We now are beginning to concentrate on research with regard to women and the implications of those diseases and diagnoses and treatments.

But I thought that I would devote my time now to speak about a silent epidemic which is not often spoken about, a kind of silent genocide. If you will, the death and dying that no one is really addressing: those that occur to women and children who carry the HIV virus and represent the growing face of the AIDS epidemic.

As a result, HIV/AIDS remains a major killer of young people and the leading cause of death for African Americans and Hispanics between the ages of 25 and 44. Across the country, and around the world, AIDS is rapidly becoming a woman’s epidemic. Women constitute the fastest-growing group of those newly infected with HIV in the United States. Worldwide, almost half of the 14,000 adults infected daily with HIV, for example, in 1998, were women, of whom nine out of the 10 live in developing countries.

In Africa, teenage girls have infection rates five to six times that of teenage boys, both because they are biologically more vulnerable to infection and because older men often take advantage of young women’s social and economic powerlessness.

Statistics of the economic, social and personal devastation of HIV and AIDS in subSaharan Africa are staggering. Now 22.3 million of the 33.6 million people with AIDS worldwide reside in Africa, and 3.8 million of the 5.6 million new HIV infections occurred in Africa in 1999. By the year 2010, 40 million and around the world, the incidence of HIV and AIDS, Children are being infected with HIV and AIDS, many through maternal-fetal transmission.

Biologically and socially, women are more vulnerable to HIV and AIDS than men. Many STDs and HIV are transmitted more easily from a man to a woman and are more likely to remain undetected in women, resulting in delayed diagnosis and treatment and even more severe complications. Yet, more than 20 years into the AIDS crisis and around the world, the incidence of HIV and STDs is reaching epidemic proportions, the only public health advice to women about preventing HIV
and other STDs is to be monogamous or to use condoms. I have been working very hard and we have had many results with regard to the development of microbicides to help to prevent the spread of HIV and other STDs and have legislation to do so. So we need to be done.

I do hope that all of us in Congress will look at what we can do to stop that hemorrhage of HIV and AIDS, especially in women and young people.

WOMEN'S HISTORY MONTH AND WOMEN'S HEALTH ISSUES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDE-A-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDE-A-MCDONALD. Mr. Speaker, as we know, we proclaimed Women's History Month last week; and the topic last week was on education, women and education. Today I rise to speak about women's health issues as part of our Women's History Month series.

Since the earliest days of the Nation, women have acted as the health gatekeepers of their families. In recent years, however, it has become clear that women have significant health concerns of their own, such as breast and cervical cancer, heart disease and osteoporosis.

But women's health issues are much more than individual diseases. It is a lifespan issue, beginning with the delivery of high-quality prenatal care services to when a woman lives out her final days, hopefully after a full, productive and healthy life.

Sadly, though, Mr. Speaker, the health of the Nation's women is severely jeopardized by preventable illnesses, inadequate access to health care, poverty, domestic violence, chronic disease and a host of other factors.

Currently, nearly 18 percent of non-elderly women have no health insurance. Even worse, more than 30 percent of Hispanic women and nearly 25 percent of African American women between the ages of 19 and 24 have no health insurance.

Cardiovascular disease is the number one cause of death among all women. Lung cancer is the number one cancer killer for women, and its rate continues to increase. Battering is the number one cause of injury to women today, causing more injuries that require medical treatment than car crashes and mugging combined.

In addition, a study found that 25 to 45 percent of battered women experience physical violence while they are pregnant.

Much shame, Mr. Speaker. So much work needs to be done to help alleviate these startling statistics. There needs to be increased funding and more major national projects for women's health research, services and education. There is also a need to be a focus on women's health through the life cycle: adolescent, reproductive, middle-aged and older women, since their needs are different.

Last but not least, Mr. Speaker, we need to work to eliminate barriers to health care services for underserved women.

Mr. Speaker, much work has been done in the last couple of decades concerning research and education about women's health, but there is much more to be done. When the President spoke at the State of the Union, he mentioned an increase in funding for NIH. I was pleased to hear that because I felt that we can have an increase in funding for cervical cancer, breast cancer, lung cancer, heart disease and diabetes. So Mr. Speaker, I will be introducing a bill suggesting the increased funding for those areas.

I would also call on the President to provide the health insurance for those over 10 million children who are without health insurance and the women who are without health insurance.

So, as we celebrate Women's History Month, let us be mindful of the need for increased funding for women's health.

WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, as the Republican co-chair of the Congressional Women's Caucus, I am very excited about what the 107th Congress promises for women, particularly in the area of health care. There have been great strides made in recent years in the area of women's health care, and I think that since the month of March is Women's History Month, I would like to thank my colleagues from the Congressional Women's Caucus who are taking the time to be here this afternoon out of their busy schedules to discuss women's health issues.

I think that a number of women will be discussing issues from eating disorders, breast cancer, and long-term care; and these are issues that affect all women, no matter their age, race, nationality or sexual orientation. I commend my colleagues for continuing.

There are several ways my bill addresses the problem facing long-term care.

First, my bill provides an above-the-line deduction, starting with 60 percent in 2002 and rising to 100 percent in 2006, for the cost of long-term care insurance premiums paid during a given year for the taxpayer, his or her spouse and dependents.

These provisions will make long-term care insurance more financially accessible, particularly for the young and those with lower incomes.

Second, my bill gives employers the option of providing long-term care insurance coverage as part of a cafeteria plan, in which employees are able to choose from a variety of medical care or other benefits, or flexible spending account, in which employees set aside pre-tax dollars for copayments or deductibles on insurance plans.

Third, my bill provides an additional personal exemption to the estimated 7 million Americans who provide custodial care to an elderly relative living in their home. The exemption was valued at $520 in 1999 and should help to alleviate some of the financial burdens involved with caring for a loved one at home.
The SPEAKER pro tempore (Mr. Gilchrest). Under a previous order of the House, the gentleman from Texas (Mr. Green of Texas) is recognized for 5 minutes.

Mr. Green of Texas. Mr. Speaker, I would like to congratulate my colleagues, the congressional women, for making today for special orders for women’s health care. I would like to associate myself with their remarks, because everything they have said on a bipartisan basis is so important.

The reason I am here today, Mr. Speaker, is that the third time I have talked about the importance of managed care reform, real managed care reform, 3, 4 weeks ago I talked about the independent review process, and the accountability 2 weeks ago, and today I want to talk about medical necessity.

Every patient in America deserves to have important medical decisions made by his or her doctor, not by an HMO bureaucrat. Unfortunately, managed care personnel, who often have no substantial medical training, are determining what is medically necessary.

This practice endangers patients, threatens the sanctity of the doctor-patient relationship and undermines the foundation of our health care system.

Most managed care companies base treatment decisions on professional standards of medical necessity. But we often hear cases where HMO plans write their own standards into their contracts, and these standards often conflict with the patients’ needs.

The case of Jones v. Kodak clearly demonstrates how a clever insurance plan can keep patients from getting the health care they need.

Mrs. Jones’ employer provided health insurance coverage for in-patient substance abuse treatment. Unfortunately, the health plan determined that she did not qualify for this treatment. Even after an independent review stated that the plan’s criteria was too rigid and did not allow for tailoring of case management, Mrs. Jones was still denied treatment.

To add insult to injury, the courts stated that the health plan did not have to disclose its protocols or its rationale for making that decision.

A health plan’s decision does not have to be based on sound medical science, standard practices or even basic logic. In fact, a health plan can make medical necessity decisions using this child’s toy called the Magic 8 Ball and not have to disclose the rationale, and when you turn this around and it says what do you suggest you are going to do, this is how to practice medicine in our country.

Mr. Speaker, unless Congress enacts meaningful patient protection legislation, the outlook will not be good for our patients.

H.R. 526, the Bipartisan Patient Protection Act will ensure that treatment decisions are based on good medical practice and take individual patient circumstances into account. This legislation will protect patients from arbitrary and capricious decisions and will put health care decision-making back in the hands of the doctors and the patients. The patients should not have to be behind this eight ball when it comes to their health care, and we should not have to depend on the system that is patterned after this Magic 8 Ball when it says do not count on it for adequate health care treatment.

Congress must act now to protect them.

WOMEN’S HEALTH ISSUES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CappS) is recognized for 5 minutes.

Mrs. CappS. Mr. Speaker, I want to commend my colleagues, the cochairs of the Women’s Caucus in Congress, the gentlewoman from Illinois (Mrs. Biggert) and the gentlewoman from California (Ms. Millender-McDonald), for organizing this time to speak on women’s health.

Mr. Speaker, I am pleased that many members of the Women’s Caucus are participating today on this important topic.

As a nurse, I have made access to health care one of my highest priorities in Congress, and I think it is particularly important to focus attention on women’s health.

Last year, we had a number of victories for women’s health. The House was able to pass the Breast and Cervical Cancer Treatment Act. This legislation will allow us to provide the necessary resources for low-income women to fight these deadly diseases.

We are now working to reauthorizing the Violence Against Women Act.

These are two major accomplishments, but we still have such a long way to go. Until recently, women’s health resources were often concentrated on women during their reproductive years. However, with the average life expectancy of women now in the United States approaching 80 years, it is increasingly clear that we need the resources to protect a woman’s health at every stage of development.

Each new life stage poses its own unique developmental demands upon a woman’s body. This is why further research on women’s health is so critical. Certain diseases and conditions are more prevalent among women than in men or affect women differently. Studies show that women are suffering from heart disease, breast cancer and depression at alarming rates. And as women live longer they are more likely to suffer from chronic conditions such as arthritis, diabetes and osteoporosis.

There are countless initiatives here in Congress that seek to improve the health of women. I want to touch on just a few.

For example, President Bush’s recent reinstatement of the Mexico City policy is, I believe, a huge step backwards for millions of women around the world.

The Mexico City language imposes a gag rule on other countries who wish to use their own reproductive resources for abortion and instead use the needed assistance from the United States to assist with family planning.

Family planning saves lives by helping women plan their pregnancies for the healthiest and safest time. Of course, in so doing, it reduces the need for abortions.

As my colleague, the gentleman from Texas (Mr. Green), was just speaking about, we need to pass the Patients’ Bill of Rights. This legislation would guarantee that patients and doctors control critical health care decisions, not HMOs. This health care reform will allow HMOs to compete in the marketplace.

We also need to provide prescription drug coverage for Medicare recipients. The majority of seniors are women, and many of them cannot afford the skyrocketing costs of multiple prescriptions.

Proper treatment of depression and mental illness is another important issue for women. Depression afflicts twice as many women as men.

As many as 400,000 women each year suffer from postpartum depression alone. We need to raise awareness about postpartum depression in order to lower the chances that women and their families will suffer from this condition.

Parity for mental health is another important topic and an issue that affects women. It is time that health insurance plans recognize mental illness as just that, an illness.

I am so pleased that courageous women like Tipper Gore and the gentlewoman from Michigan (Ms. Rivers), our own colleague here in Congress, have worked hard to increase public awareness about mental illness and to work on destigmatizing depression.

Another major concern for health concern for women is hypertension. It is a major risk factor in cardiovascular disease, and it is two to three times more common in women than in men.

I am the cochair of the Congressional Heart and Stroke Coalition, and I am working closely with American Heart Association to
raise awareness of and response to cardiovascular disease and stroke.

This spring here in the House of Representatives we will be conducting some hearings on the effect of women and heart disease together. Increased research on these and other women's health issues could and will improve the quality and length of our lives.

Mr. Speaker, I, along with my colleagues in the Women's Caucus, are committed to raising awareness about women's health issues and to increase funding for women's health research; and today is an opportunity for us to speak on different topics but with a united voice. We, colleagues in the Women's Caucus and men as well and Members of Congress, are talking about and raising the awareness of issues pertaining to women's health.

HEALTH INITIATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. SLAUGHTER) is recognized for 5 minutes.

Ms. SLAUGHTER. Mr. Speaker, I rise today to speak about the state of public health in America. Although we know more about health hazards and the importance of a healthy lifestyle today than we did 25 years ago, our health is actually getting worse in many respects.

Chronic diseases account for three out of four deaths in the United States annually; and 100 million Americans, more than a third of the population, suffer from some sort of chronic disease.

Chronic conditions are on the rise. The rate of learning disabilities rose 50 percent from 1986 to 1995. Women may be at a greater risk for endocrine and metabolic diseases such as diabetes and neurologic diseases such as migraine headaches and multiple sclerosis increased 20 percent between 1986 and 1995.

The rising incidence of disease can be attributed partly to the environment. This means not only air pollution and the rising CO2 levels, which affect the quality of the air we breathe, but factors such as industrial chemicals and plasticizers, increased exposure to low-dose radiation from sources that range from toaster to aircrafts, certain medications which affect the hormone production, and especially a person's life-style, including the diet, tobacco and alcohol use.

Mr. Speaker, I was proud recently to introduce the Women's Health Environmental Research Centers Act, a bill that enhances scientific research in women's health.

There has been a lack of initiatives to especially look at women's health in connection with the environment. Women may be at a greater risk for disease related to environmental exposures due to several factors, including body fat and size, a slower metabolism of toxic substances, hormone levels, and, for many, more exposure for household cleaning reagents.

Over the past decade, evidence has accumulated linking effects of the environment on women and reproductive health, cancer, injury, asthma, autoimmune diseases, multiple sclerosis, and neurological diseases such as Parkinson's, mental retardation and lead poisoning. Lead and other heavy metals found in the environment have been implicated in increased bone loss and osteoporosis in post-menopausal women.

In one interesting study in New York, researchers found that women carrying a mutant form of a breast cancer gene were at higher risk of developing breast or ovarian cancer if they were born after 1940, as compared to women with the same mutant genes before 1940. This suggests that environmental factors are affecting the rates of incidence.

The interaction between environmental factors and one's genes also affect the susceptibility to disease. This will be a major area of research now that the Human Genome Project has been completed and new disease-related genes are being found at a rapid pace.

The evidence is clear and accumulating daily that the by-products of our technology such as linked to illness and disease and that women are especially susceptible to these environmental health-related problems.

We need health research programs that are specifically targeted towards women's health. The passage of the Women's Health Environmental Research Centers Act will be a crucial step toward establishing the valuable research Centers Act will be a crucial step toward establishing the valuable research.

The second initiative needed is to increase awareness and access for Americans to preventive screening tests for diseases including cancer. Screening will save thousands of lives if it is detected at its earliest and most treatable stage.

I will soon introduce, along with the gentlewoman from Maryland (Mrs. MORELLA), the Colorectal Cancer Screening Act. Often colorectal cancer does not present any symptoms at all until late in the disease's progression. When discovered through screening tests, benign polyps can be removed, preventing colorectal cancer from ever occurring. Today, fewer than 40 percent of colorectal cancer patients have ever seen their cancer diagnosed early.

Colorectal cancer is the second leading cause of cancer death in the United States and women combined. An estimated 56,700 people will die from colorectal cancer this year; and 135,400 new cases will be diagnosed. These newly diagnosed cases that will be divided nearly evenly among men and women are particularly tragic because they could be prevented.

Medicare began covering colorectal cancer screening in 1998, and many insurers now cover them also. However, all insurers must give enrollees access to this life-saving benefit, similar to what has been done for mammography screening.

Finally, I would like to mention that Congress has asked the Centers for Disease Control to develop a nationwide tracking network so we can begin to draw the critical link between disease and environmental toxins, genetic susceptibility and lifestyle. The Women's Caucus followed up with a letter to the CDC director, Jeffrey Koplan, to reiterate our interest in this important initiative.

Although we do not have cures for the most devastating disease that affects women, we can minimize our chances of developing them or at least prolong the years that we are healthy by the understanding of the risk factors, both environmental and genetic, as well as taking control of our health by having preventive screening tests before it is too late.

As a public servant and a scientist, I believe that one of the most important concerns of Congress should be to help improve public health. Congress should commit itself to provide all Americans access to medical technologies that save lives, and Congress must provide continued funding for scientific research across all disciplines.

NEW ADMINISTRATION IS NOT SERIOUS ABOUT ADDRESSING GLOBAL CLIMATE CHANGES

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

Mr. INSLEE. Mr. Speaker, I, as a Democrat, have an admission to make. I have come before the House to admit that I was fooled into believing that the new administration was actually serious about doing something about global climate change. I wanted into having hopes that this administration would abide by its promises to show some leadership to do something about carbon dioxide, which is polluting our atmosphere and warming our planet.

I had those hopes until yesterday. I want to tell my colleagues why I had those hopes. The new director of the Environmental Protection Agency, former Governor Christie Todd Whitman, said last week that she wanted to work to do something to reduce carbon dioxide emissions from our polluting plants. A few weeks ago, the Secretary of the Treasury said that he believed that this was a serious problem, that it needed to be addressed, and the government could no longer afford to ignore it.

The President of the United States in September told the American people and promised the American people that, if elected President of the United States, he would work to curtail carbon dioxide emissions from our power plants.
generating plants in this country. A promise, a pledge, a commitment that yesterday was sadly broken when he bowed down to the oil and gas industry and said he was not going to lift a finger to reduce these \( \text{CO}_2 \) emissions, to reduce the pollution that is coming out of our power plants. I was fooled, and I am greatly disappointed. But I have not given up, and the reason I have not given up is because I believe that there are good Members on both sides of the aisle who are willing to show some leadership in moving forward on climate change issues.

I am just alerting Members of the House to this fact that I do not think we can look to leadership from the White House on this after yesterday’s stunning reneging on a promise to the American people, and that we need to show some leadership.

I am telling the House this because, if we are going to have action by the Federal Government of doing something about the climate change problem in this country, we in the House are going to need to get out in front of this issue.

I know there are Members on both sides of the aisle who are willing to do this. The gentleman from Maryland (Mr. GILCHREST), who is in the chair today, has shown a recognition and some leadership in this regard.

To do this, I am urging my fellow Members to do a few things: first, to join our Global Climate Change Caucus, a bipartisan group of Members who are committed to finding common sense and workable means of reducing climate change emissions.

Second, I would ask our Members during this tax cut debate that is going on that, no matter what happens in the tax cut, we devote a portion of it to creating incentives for efficient clean energy sources of new technology, wind, solar, fuel cell technology; to bring those technologies to market-based prices; and to use this tax cut debate in a meaningful way on an environmental basis.

I ask Members to join the bipartisan group that is working to try to fashion a package of tax cuts that can help these new technologies become a market base so that we can put them in our homes and our houses.

I ask Members to cosponsor a bill I have introduced, the Home Energy Generation Act that will allow one when one puts a solar panel on one’s home to sell one’s excess power back to one’s utility and have one’s meter run backwards so one gets a credit.

This is a lot of things we can do, but I am urging Members of the House to come to the forefront and be leaders because there is going to be a vacuum, unfortunately, out of the White House.

Let me tell my colleagues another thing very disturbing that happened yesterday. The President of the United States, when he decided to ignore the explicit promise to the American people on this \( \text{CO}_2 \) emission issue, said the reason he did so was because he was concerned about prices of electricity going up.

Well, frankly, that is a surprise to us because, for the last 2 months, we have been asking the President of the United States to do something about the electricity that is coming in the West, and he has refused to do anything about it.

We have asked him to adopt a short-term wholesale price cap, to have a circuit breaker to reduce these extraordinary increases in electrical rates, and I hope we are hearing on the western United States right now. He has refused to even consider it.

We let the greatest transfer of wealth from the western United States to generators of electricity since Bonnie and Clyde roamed the prairies because of these huge run-ups in prices, unprecedented, unjustified, and unreasonable. By the way, this is not just me talking. Our own FERC, the Federal Energy Regulation Commission, under the Bush administration made a finding that these prices are unreasonable, unconscionable. I think unconscionable is my language, but at least they said unreasonable.

Despite that finding, the administration has refused to lift a finger to limit these extraordinary increases in electrical rates. We believe we are going to ask the administration, we have been asking for 2 months to do that.

Let me tell my colleagues why that is so dangerous, Mr. Speaker. I am Members of Congress who believe, for example, in a bipartisan fashion to adopt wholesale price caps. I hope all my Members will join me in this effort.

CONGRESS NEEDS TO KEEP ITS 25-YEAR PROMISE

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

Mr. MOORE. Mr. Speaker, I have been in Congress for 2 years, and I have learned a lot of things after I got here. For example, 25 years ago, the Congress and the President signed into law a new bill called IDEA, which stands for Individuals With Disabilities Education Act. In that new law, the Congress promised to the State and local school districts, if they would take special-needs children out of hospitals and institutions and bring them into local public schools, that Congress and the Federal Government would fund the cost of education to the tune of 40 percent.

Mr. Speaker, 25 years later, last year, Congress was up to 14.9 percent, not 40 percent, 14.9 percent; and that is outrageous. That is what we call an unfunded mandate, and that gets us back home in the real world so upset with Congress. They promised that they would do this and that. The people locally did this, and Congress did not fulfill their portion of the promise.

Well, 25 years later, Mr. Speaker, I think it is time that Congress stepped up to the plate and filled the promise it made 25 years ago.

I wrote President-elect at the time Bush on January 25 and said to President-elect Bush: ‘I hope you will set this a priority funding measure in your new budget as the new President.

I had the opportunity 4 weeks ago to go to the White House and speak with President Bush; and at that time, I said to him, ‘Mr. President, this is one of the most important things we can do that I think will benefit special education, not only through every State, but throughout our Nation in public schools; and that is full funding of special education the way Congress promised 25 years ago.’

I understand, but we would like to have a little more flexibility and give the States and local school districts an opportunity if they need to build schools or use it for special education.’ Well, 25 years later, if somebody needs to speak up for special needs children and say Congress should fulfill its promise.

The President has a program he calls Leave No Child Behind. Well, I say to the President that if we do not do this when we have the opportunity this year or next year, then we will never do this. We will not leave one child behind. We will leave thousands of children behind, and that is disgraceful.

I have projected Congressional Budget Office over the next 10 years a budget surplus of $5.6 trillion. The President has recommended a $1.6 trillion tax cut. Surely if we can find the political will to do a $1.6 trillion tax cut, we can find the political will and the backbone to fund a program that is 25 years old for special-needs children in our country.

It does not impact just special-needs children. It will affect every child in public schools in our country, because I have talked throughout my district in every school district throughout my district to school administrators and teachers; and a disproportionate share of the present school funding goes to special-needs children. Nobody begrudges that. God knows they need it. But sometimes the people who are shortchanged are the other kids, and not one child in our public schools should be shortchanged by Congress’ failure to perform its promise.

This is not a partisan issue. When one looks at a special-needs child, one does not see a Republican, one does not see a Democrat. One sees a child, a child with needs, and needs that should be addressed by this body.

If at this time in our Nation’s history, when we have these huge projected surpluses, we do not step up to the plate and fulfill our promise, shame on us. Shame on us. I hope and believe that the President and the Congress this year will do the right thing.
I talked just yesterday before the Committee on the Budget hearing to Secretary of Education Paige, and Secretary Paige told us that the President had recommended an increase in funding in special education, but far short of the promise Congress made 25 years ago.

We have got to do what is right. I hope and believe we will do what is right. We are a better Nation than the way we have acted for the last 25 years.

**CARDIOVASCULAR DISEASE, NUMBER ONE KILLER OF WOMEN**

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON of Indiana, Mr. Speaker, I am pleased to address this august body and this Nation in celebration of Women's History Month. As we celebrate women's history, we have many women who have made major contributions to the advancement of this country. We have Sojourner Truth, Harriet Tubman, Rosa Parks and Barbara Jordan, and other women who have been enormously progressive in terms of advancing the work and the lives of people across this Nation.

In Women's History Month, however, we must remember the importance of keeping women's bodies healthy. Cardiovascular diseases are the number one killer of women. These diseases currently claim the lives of more than 50,000 women a year. Although these statistics are enormous, many women still are not aware of their risk for heart disease. Why is this the case? Studies have shown that women and doctors may not know that cardiovascular disease is the main killer of women, the leading cause of death among women, not breast cancer, or any of the other diseases that we try to find cures for, but cardiovascular disease is the main killer of women.

Women and doctors may not realize the risk factors for cardiovascular disease because it is different in women than men. Women's symptoms of cardiovascular disease may not be recognized because they may be different than men, and women do not receive the same levels of prevention, care and treatment as men. It is important that women understand the risks, recognize the symptoms and reduce the risk of a heart attack. We must also ensure that doctors are provided with the proper educational tools and sensitivity understanding that they need in order to help women make the right decisions about their health and well-being.

It is time, I believe, to reduce the numbers and to focus on living healthy and productive lives. Knowledge about our health is powerful, and working towards having and keeping good health is the first step in living a powerful and productive life.

**WORKING WOMEN DESERVE HEALTH INSURANCE COVERAGE**

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Wisconsin (Ms. BALDWIN) is recognized for 5 minutes.

Ms. BALDWIN, Mr. Speaker, it is estimated that 19 percent of women in the United States lack health insurance coverage. Women and their children are disproportionately represented among the Nation's uninsured population, primarily due to the number of women in service jobs and retail jobs which have low rates of employer-provided insurance and lower wages. Working women work time jobs where health benefits are not offered by the employer or cannot afford the premiums to purchase the insurance.

Women who are insured through their spouse's employment are often more susceptible to disruptions in health care coverage. Divorce, death of a spouse, change in job status of a spouse, or a change in the dependent coverage through an employer could result in a woman and her children losing health insurance.

We also know that women are living longer, yet the quality of their lives is not always better. Women are more likely to be uninsured than men, and this lack of health insurance is a public health risk.

Studies show that people without health insurance are less likely to receive care and more likely to delay seeking care for acute medical problems. This ultimately adds to the cost because in many cases their medical conditions become more serious producing adverse outcomes that will need extensive follow-up care. Uninsured individuals are less likely to receive primary care or preventive services, which would keep medical conditions from becoming worse.

We all know that women who are diagnosed with breast or gynecological cancers at a later stage are more likely to die from those conditions and diseases than those who detect it early. This is an even greater health risk because we know women disproportionately take care of the family. And as caretakers, women simply do not have the time to be sick. That is why education and prevention and proper health insurance is so vital.

Working women deserve health insurance coverage for themselves and for their children. I am optimistic that we can begin to address the problem of the 43 million people in America who are uninsured and the many more who are underinsured, so that no man, woman or child in this country has health care needs that are not being addressed. No one should be left behind.

**GLOBAL WARMING**

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Iowa...
Scary Weather: Scientists Issue a Startling Forecast of Global Climate Change,

On television, we see chunks of ice the size of Connecticut breaking off of the Antarctic ice shelf and melting. The New York Times shows us the North Pole as a lake. Glaciers are melting and the snows of Kilimanjaro will soon become a memory.

Mr. Speaker, mosquitoes are living at higher altitudes than they have ever been seen before because it is warmer. Tropical bugs are moving north along with the diseases they carry. And if Iowa, my home State, becomes tropical, what about our fever or malaria become a problem?

The oceans are warmer and coral reefs are dying. Will we see the oceans rise from one to three feet and flood the 70 percent of the United States population that lives within 50 miles of the ocean? Will global warming cause extreme weather, with droughts in some areas and floods in others? Will heat waves hit cities like Chicago and cause hundreds of deaths?

Will Iowa farmers find that rainfall comes in monsoons and that growing zones are pushed hundreds of miles north? Will tropical agricultural pests that we have never seen before become common in Iowa? What will global warming do to the world’s food supply? Will we see widespread famine?

Will global warming destabilize nations and become a national security problem? Will it cause massive migrations from some countries to others? Will our gap between rich nations who can cope better with climate changes than poor nations that cannot handle disasters?

Mr. Speaker, what is global warming? Is it real? How do we deal with it? Can we alter it? Will it require life-saving? Is it real? How do we deal with it?

On the other hand, Mr. Speaker, anyone who has paid their most recent monthly energy bills knows that energy prices this winter have gone through the roof. The Des Moines Register headlines proclaim that “Iowans Are Hurting From High Prices.”

Every national weekly news magazine has stories on the shortages of energy. California is going through rolling blackouts now, and we could see those types of blackouts across the country this summer if we have hot weather.

Fifty percent of the electric energy in this country is produced by coal, which releases four times as much carbon dioxide in the atmosphere per Btu as natural gas, but natural gas prices are at all-time highs because of the shortages of supply. And the greenest of energy resources, nuclear, is hobbled because we cannot store its waste in a safe place in the desert.

We have only been working on this for about 10 or 15 years in Congress. So, Mr. Speaker, what does a policymaker who is dealing with immediate concerns that are causing real hardships, while at the same time look for long-term solutions to potential problems?

Well, my friends, the first thing we have to have is an educated public; and I might add to that, we need educated lawmakers that want to listen from my constituents, and I want to learn from my colleagues, and I want to learn from experts on this issue, and so I hope that some of my following thoughts will stimulate discussion.

One thing is that, Mr. Speaker, and that is that the debate on global warming has generated an awful lot of heat. The unknown can generate much fear. But I think that the more we talk about this issue in a rational way, the better off we will be. Problems present opportunities for solutions that may be beneficial in unforeseen ways if we are creative. So let us look at some of the science and some of the facts.

The Earth’s temperature is rising. That is a fact. According to the National Academy of Sciences, the surface temperature of Earth has risen about 1 degree Fahrenheit in the last 100 years. Some regions around the Earth have become warmer. Others have become colder. But if you take all of the Earth in aggregate, including the oceans, the Earth is getting warmer, and it is getting warmer faster than ever before measured.

It is also true that carbon dioxide, CO2, atmospheric concentrations have increased about 30 percent since they were first recorded; and in the last 50 years, the concentrations are increasing faster and faster. That, Mr. Speaker, is a scientific fact that no one disputes. Whatever your position on global warming is, no one disputes those facts.

And no one disputes, Mr. Speaker, that carbon dioxide, CO2, is a greenhouse gas. You do not have to be a scientist to understand how the greenhouse effect works.

Under normal conditions when the sun’s rays warm the Earth, part of that is reflected back into space. The rest of the heat is absorbed by the oceans and the soils and warms the surrounding areas, and that makes our weather. But the recent buildup of carbon dioxide in the atmosphere traps heat that is reflected back into space. The resulting warmth expands ocean water, causing sea levels to rise. The heating also accelerates the process of evaporation, even as it expands the air to hold more water. The resulting water vapor, the largest greenhouse gas, traps more heat, making for a vicious cycle. The more heat is trapped, the more intense the greenhouse effect.

The international panel of planet scientists that is considered the most authoritative voice on global warming has now concluded that mankind’s contribution to the problem is greater than originally believed. Earlier reports said that industrial fuels like coal and oil had probably contributed to the gradual warming of the earth’s atmosphere by releasing CO2 trapped beneath the Earth into the atmosphere. The intergovernmental panel on climate change’s latest report, which inputs of scientists around the world and reviewed by 150 countries, more confidently asserts that man-made gases have “contributed substantially to the observed warming over the last 50 years.”

During the presidential campaign, President Bush said, “Global warming should be taken seriously but will require any decisions to be based on the best science.” Today, Vice President Cheney told me that he thinks global warming is a serious problem, too. I appreciate their concern.

Mr. Speaker, let me read from President Bush’s letter to Senator Hagel:

“...My administration takes the issue of global climate change very seriously.” He talks about various things related to the energy crisis but then closes with this statement. President Bush says, “I am very optimistic that with the proper focus and working with our friends and allies to develop technologies, market incentives and other creative ways to address global climate change.”

The President and the Vice President are not alone in their concern. In the last year, Ford, DaimlerChrysler, Dow Chemical, IBM, and Johnson and Johnson have pledged to make big cuts in the greenhouse gases they produce.

Recently, DuPont, Shell, British Petroleum and four other multinational energy companies joined in a voluntary plan to reduce wasteful use of energy and to produce cleaner products. They would like to get credit for their reductions in CO2.

Just last year, I attended a conference put on by the Iowa Farm Bureau. They held a symposium on carbon sequestration and how farmers can get credit for reducing CO2. The chief executive officer of enRoen, one of our country’s largest energy companies, said, “First, the issue is not conclusive, is substantial, and the absence of ironclad certainty certainly does not justify apathy. Second, the cost of obtaining dead certain proof could be high. And, third, I believe that with the right policy, such as carbon credit trading programs, an incentive to start reducing emissions sooner rather than later, the cost of control for the next 5 years would be negligible.”

Mr. Speaker, let me say a few words about the Kyoto Treaty on global warming which would attempt to reduce worldwide carbon dioxide emissions. I have traveled to many Third
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Speaker, at the least we have helped out to be not so serious, then, Mr. Speaker, to reduce carbon dioxide emissions that has worked so well. We should promote renewable fuels, such as ethanol, which recycles carbon dioxide; and Iowa also leads the country in the production of renewable fuels, such as ethanol, that we can do, both individually and collectively, to reduce carbon dioxide emissions and to reduce energy consumption. There are many steps that we could do in our own homes to reduce leakage of heat for energy efficiency, common things that certainly with the high energy costs now would prove cost effective.

I think that collectively through public policy we should promote renewable fuels such as ethanol, promote wind power, fuel cells, geothermal and other 21st century technology. We should invest, both privately and through public grants, in energy efficiency technology. We should look at setting up a carbon credit trading system similar to the acid rain system that worked so well. We should start to reduce carbon dioxide emissions now by rewarding people for saving energy, and we should try to build a culture that identifies and corrects inefficient use of resources.

If the global warming problem turns out to be not so serious, then, Mr. Speaker, at the least we have helped make our country's industry more competitive with lower energy costs. If the problem becomes more severe than expected, we can phase in larger reductions as circumstances change.

Mr. Speaker, as a physician, before I came to Congress, I practiced as a surgeon. I have held in these hands the lungs filled with cancer and seen the effects of decreased lung capacity on patients who have smoked. Unfortunately, I have had to tell some of those patients that their lymph nodes had cancer in them and that they did not have very long to live.

Mr. Speaker, treatment of tobacco-related illnesses will continue to drain over $800 billion from the Medicare trust fund. The VA spends more than one-half billion dollars each year on inpatient care of smoking-related diseases.

But these victims of nicotine addiction are statistics that have faces and names. Before coming to Congress, I practiced as a surgeon. I have held in these hands the lungs filled with cancer and seen the effects of decreased lung capacity on patients who have smoked. Unfortunately, I have had to tell some of those patients that their lymph nodes had cancer in them and that they did not have very long to live.

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fact. My colleagues can talk to any of the doctors that have ever worked at a VA hospital and they will have seen patients with thromboangiitis obliterans. I am not making up this story. When I spoke on the floor once before on this, I got a letter from an angry smoker who was making up a lot of stuff. I wish I were. I wish I were. Unfortunately, these are the facts, and statistics show the magnitude of this problem.

Over a recent 8-year period, tobacco use by children increased 30 percent; more than 3 million American children and teenagers now smoke cigarettes. Every 30 seconds, a child in the United States becomes a regular smoker. In addition, more than 1 million high school boys use smokeless chewing tobacco, mainly as a result of advertising focusing on flavored brands and on youth-oriented themes and on seeing some of their sports heroes out on the ball diamond or somewhere else chewing a snuff tab. It is the chemically altered tobacco that leads to the oral cancers that result in losing a jaw.

So why did it take a life-threatening heart attack to get my parents to quit? I nagged them all the time. It took that near death experience. Why would I nag my patient with one finger, the other tobacco companies hid that fact for a long time, but withheld those studies from me, but I knew of the addicting nature of nicotine. In the 1960s show that tobacco companies knew that very well. Indeed, the industry knew that there was a threshold dose of nicotine necessary to maintain addiction, and a 1980 Lorillard document summarized the goals of an internal task force whose purpose was to avert addiction, but to maintain addiction. Quote: “Determine the minimal level of addition that will allow continued smoking. We hypothesize that below some very low nicotine level, diminished physiological satisfaction cannot be compensated for by psychological satisfaction. At that point, smokers will quit or return to higher tar and nicotine brands.”

Mr. Speaker, we also know that for the past 30 years, the tobacco industry manipulated the form of nicotine in order to increase the percentage of free base nicotine delivered to smokers as a naturally-occurring base. I have to say, Mr. Speaker, that this takes me back to my medical school biochemistry. Nicotine favors the salt form at low pH levels, and the free-based form at higher pH. So what does that mean? Well, the free base nicotine crosses the alveoli into the blood faster than the bound form, thus giving the smoker a greater kick, just like the drugee who sees the free base cocaine, and the tobacco companies knew that very well.

A 1966 British American tobacco report noted, “The increased smoker response is associated with nicotine reaching the brain more quickly. On this basis, it appears reasonable to assume that the increased response of a smoker to the smoke with a higher amount of extractable nicotine, not synonymous with, but similar to free-based nicotine, may be either because this nicotine reaches the brain in a different chemical form, or because it reaches the brain more rapidly.”

Tobacco industry scientists were well aware of the effect of pH on the speed of absorption and on the physiologic response. In 1973, an RJR report stated, “Since the unbound nicotine is very much more active physiologically and much faster acting than bound nicotine, the smoke at a high pH seems to be strong in nicotine.” Therefore, the amount of free nicotine in the smoke may be used for at least a partial measure of the physiologic strength of the cigarette.

Indeed, Mr. Speaker, Philip Morris commenced the use of ammonia in their Marlboro brand in the mid 1960s to raise the pH of their cigarettes, and then it emerged as the Nation’s leading brand. Well, the other tobacco companies saw this rise in Marlboro construction, so they reverse-engineered and caught on to the nicotine manipulation. Indeed, the tobacco companies hid that fact for a long time, even though they privately called cigarettes “nicotine delivery devices.”
about the Phillip Morris document that bragged, “Marlboro dominates in the 17 and younger category, capturing over 50 percent of the market.”

Speaking about Marlboro, I wonder how many Members have seen on television the commercial starring the Marlboro man, caricatured by his brother, who spoke about his good-looking brother, the Marlboro man. Then, at the end of the commercial, we see him dying of lung cancer.

Mr. Speaker, children that begin smoking at age 15 have twice the incidence of lung cancer as those who start smoking after the age of 25. For those youngsters who start at such an early age and have twice the incidence of cancer; for them, Joe Cool becomes Joe chemistry. It does not work, and these efforts directed at children are successful.

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Mr. Speaker, that drug is a drug, manufacturers have marketed that drug to children, and that tobacco is deadly.

Most people now are familiar with those regulations. They received a lot of press a few years ago. It is hard to overlook that nicotine is an introductory drug, as smokers are 15 times more likely to become alcoholic, to become a hard drug, to develop a problem within a system.

If that is not enough, it should not be overlooked that nicotine is an introductory drug, as smokers are 15 times more likely to become alcoholic, to become a hard drug, to develop a problem within a system.

Mr. Speaker, in response to this, the Food and Drug Administration in August, 1996, issued regulations aimed at reducing smoking in children on the basis that nicotine is addicting, that if it is a drug, manufacturers have marketed that drug to children, and that tobacco is deadly.

But the tobacco companies challenged those regulations. They ended up taking it all the way to the Supreme Court. So last year, Justice Sandra Day O’Connor, in writing for the majority, five to four, held that Congress had not granted the FDA authority to regulate tobacco.

That was the Supreme Court. Justice O’Connor was practically begging Congress to grant the FDA authority to regulate tobacco.

So as I said earlier today, tomorrow we will hold a press conference. I encourage my friends to come. We have a good bipartisan group. We are going to reintroduce the bill that the gentleman from Michigan (Mr. Dingell) and I drew up last year on this.

This is not a tax bill. It would not increase the price of cigarettes. It is not a do nothing, buy another cigarette tax. It is not a prohibition bill. It is a ban on cigarettes, because everyone in the public health area knows that prohibition did not work with alcohol and it would not work with cigarettes. It has nothing to do, our bill, with the tobacco settlement from Yuma.

The bill simply recognizes the facts: Nicotine and tobacco are addicting. Tobacco kills over 400,000 people in this country each year. Tobacco companies have and are targeting children to get them addicted to smoking. Just look at the ads in some of the magazines that we will see, like Rolling Stone.

I think, and many of our colleagues on the floor think, that the FDA should have congressional authority to regulate that drug and those delivery devices.

Mr. Speaker, I will have to say there have been some very interesting new developments on this. Five years ago, cigarette makers howled in protest as the FDA and the Drug Administration geared up to regulate tobacco as a drug. But some influential players in the industry, including Phillip Morris, the nation’s largest cigarette maker, are now pushing Congress, let me repeat that, Phillip Morris is now pushing Congress to give the FDA much of the authority that it sought.

That remarkable reversal has been driven in part by a hope that government-sanctioned products could bring some legitimacy and stability to an industry that has been fighting lawsuits and declining demand in the United States.

In news stories last month, the world’s biggest cigarette maker said it would support government regulation of tobacco that includes advertising limits on cigarettes, rewritten warning labels, and additional disclosure of ingredients. Phillip Morris, the maker of Marlboro, Virginia Slims, and other popular brands, presented its most detailed plan to date in response to a Presidential Commission’s preliminary report due later this spring on how government should regulate tobacco.

This is from Phillip Morris: “The company views its proposal as a starting point for discussion,” this said Phillip Morris spokesman Brendan McCormick. He said that the company would oppose giving regulators the power to ban cigarettes.

I repeat, there is nothing in my bill that would say cigarettes have to be banned.

In a letter responding to the Commission’s proposals, Phillip Morris largely endorsed the panel’s work, suggesting, for example, that the FDA is best suited to decide which cigarettes should be labeled “reduced-risk cigarettes.”

Mr. Speaker, that is what my bill, the FDA tobacco Authority Amend-
of tobacco by children. Eighty-eight percent of voters say they are at least somewhat concerned about youth tobacco use, including 60 percent who say they are very concerned. Among suburban women, 70 percent say they are very concerned about youth tobacco use.

Mr. Speaker, this poll shows voters want Congress to act. They are sending a message to Congress: Protect our kids, and not the tobacco companies. Voters clearly agree with the view that it is tobacco products, and not the tobacco companies, that are the most significant public health threat in the United States. They are telling us loud and clear they want Congress to enact legislation like the bill myself and the gentleman from Michigan (Mr. Dingell) which would grant the FDA authority to regulate tobacco and protect America's families and children.

Mr. Speaker, it is now up to Congress to provide strong protections for America's families. I ask my colleagues to join me in fighting America's number one killer: the death and morbidity associated with the use of tobacco products.

So as I finish, Mr. Speaker, let me just show a few of the recent cartoons that we have seen. Here are two little kids looking at this billboard. It says, "Yes, smoking is addictive and causes cancer, heart disease, emphysema, and other serious diseases." Then we have this beautiful lady in a bikini. The little boy is saying to the little girl, "What exactly is the message here?"

Finally, Mr. Speaker, here is big tobacco standing giving a talk with their own chart that says, "Fantastic Lights. Warning, these babies will kill ya," and big tobacco says, "...and as a good-faith gesture..."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 327, SMALL BUSINESS PAPERWORK RELIEF ACT

Mr. HASTINGS of Washington (during the special order of Mr. GANSKE), from the Committee on Rules, submitted a privileged report (Rept. No. 107-22) on the resolution (H. Res. 89) providing for consideration of the bill (H.R. 327) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, which was referred to the House Calendar and ordered to be printed.

H. Res. 90

Resolved, That the following named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

Committee on Standards of Official Conduct:
Mrs. Jones of Ohio.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE BUDGET AND TAXES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. Turner) is recognized for 60 minutes as the designee of the minority leader.

Mr. TURNER. Mr. Speaker, during this next hour of Special Order time, a group of House Democrats known as the Blue Dog Coalition would like to talk about the subject of the budget and taxes. The Blue Dog Coalition led the effort during this past week to try to urge this Congress to adopt a budget first before we take the important votes on tax cuts for the American people.

The Blue Dogs and the 33 Members that are members of that coalition believe very strongly that our future prosperity depends upon our ability as a Congress to stay on the course of fiscal responsibility.

In order to provide tax cuts to the American people, in order to ensure our future prosperity, we believe that we must look at the whole budget picture of the United States before we can determine what size tax cuts we can afford.

The Blue Dogs as fiscal conservatives want the largest tax cut that we can afford. We believe very strongly that we need tax relief, and we want to vote for tax relief for the American people; but we also understand very clearly that it is important to give equal priority to paying down our $5.5 trillion national debt.

A lot of folks do not understand all of this talk about the national debt. Why does it matter? The truth of the matter is, you might conclude that the Congress and the Presidents for the last 30 years did not understand it either, because the Congress and the Presidents who have served over the last 30 years are the ones that created the $5.5 trillion national debt by running deficit spending in every year in those last 30 years. Only last year did the Congress and the President see a balanced Federal budget.

For the first time, we have been able to return this country to a course of fiscal responsibility and the Blue Dog Democrats believe very strongly that we should not return to those days of deficit spending.

There are basically two ways we can return to deficit spending in this country. We can start spending too much money, and if we do not hold down spending, we are going to see deficits return.

Another way we can return to deficit spending is to cut taxes larger in a larger amount than we can actually afford, because both spending and tax cuts, if pursued in excess, will result in deficit spending on an annual basis by the Federal Government and return us to those days from which we just departed only last year.

Some people say, how big is the national debt? Frankly, the number is $5.5 trillion, but I have no way of fairly reflecting to you how much $5.5 trillion is, except to tell you that it is a whole lot of money. And it is going to take us a long time of fiscal discipline to pay it down.

Now, when I was a boy growing up, my dad always told me that the first order of business in terms of managing my finances is to pay my debts. I think the Federal Government should operate by the same maxim, pay our debts. After all, the debt we are unwilling and unable to pay today will be paid some day by the younger generation who will follow us.

Our Federal Government, we have told, has a surplus. But do you realize that the surplus that we are talking about is only an estimate of what may occur over the next 10 years? The surplus is only an estimate. There is no place in Washington where you can go to a lock box or to a safe and find the surplus. It is an estimate of what may happen.

The surplus from last year was the first we have had in 30 years. It is very small. The surplus we are going to have this year is a little bit larger, but when you hear these optimistic discussions about tax cuts coming your way based on the surplus, keep in mind it is only an estimate of the surplus.

The surplus estimates we are talking about over the next 10 years largely comes in the second 5 years of this decade. Very little of the surplus comes in the short term.

When I was in a town meeting in my district in east Texas a few months ago, I was trying to explain all of these numbers, and a gentleman in the back row in overalls stood up and he said, Congressman, how can you folks in Washington talk about a surplus when you owe over $5 trillion? Frankly, he stumped me for a few minutes.

It is hard to imagine how we can talk about a surplus when we owe over $5.5 trillion. But that is what we are doing. In fact, if all the numbers on the projected surplus turned out to be true and we enacted the President's tax cut, it is possible the tax cut we could vote on in this Congress for the next 10 years, because it would virtually spend the entire surplus that is estimated to show up in Washington.
I have a chart here to my right that depicts a little bit about the uncertainty of that surplus. The surplus that I want to talk to you today about is the non-Social Security surplus, because we have surpluses projected over the next 10 years in the Social Security trust fund and Medicare trust fund projected in the Medicare trust fund; but Congress, at least half a dozen times in the last year, has voted that we should never, ever again spend the Social Security or the Medicare trust fund surplus, and I think that is wrong.

When the baby boomers begin to retire, and I am one of them, we are going to see a real financial crisis in Washington, because the Social Security trust fund and the Medicare trust fund, whose funds have been used during all these 30 years of deficit spending to finance things other than Social Security and Medicare, those funds are going to be needed.

Mr. Speaker, in fact, in about 14 years we are going to face as more and more people retire and become eligible for Social Security. In fact, in about 50 years, there will be two people collecting Social Security for every 1 person that is working in the workforce.

That is the real problem that Washington needs to be talking about. I think you can see from the discussion thus far that we say we have a short-term, 10-year estimated surplus that may not show up yet is telling only half the story. Because if you look out about 30 years, there is no surplus. Let us talk about 10 years. This chart shows the 10-year non-Social Security surplus projections. The Congressional Budget Office has given us the estimate that there will be $3.22 trillion in surplus over the next 10 years. That is their estimate.

They also warn us that they could be wrong. They say they could be wrong because it could be more than that. Their most optimistic projection is that there will be a $6 trillion surplus outside Social Security and Medicare over the next 10 years. Their most pessimistic projection is that we will be back into deficit spending by half a trillion dollars. That is without any tax cuts, by the way. This is just going forward like we are going now.

You can see the unreliability of the estimate of what everybody in Washington seems so anxious, as we say, to give back to the American people.

To be honest about the rhetoric, you cannot give back something that you never had. We do not have that surplus yet. It is a projection, and an iffy projection at best.

Here is the chart that shows you a little bit about the projected surplus, even assuming that the surplus turns out to be just as projected. Forget about the uncertainty. 84 percent of the projected non-Social Security surplus comes after the next Presidential election.

I have heard some people tell me that folks in Washington might be a little bit bold to suggest that we are going to project the surplus for the next 10 years and we are going to give 80 percent or 90 percent of that in the tax cut which, as I said, would be the last tax cut we could vote on for 10 years if the projections even turned out to be true, because the truth of the matter is, 84 percent of the surplus occurs after President Bush’s first term.

Mr. Speaker, now, a lot of us may not be here to see the taxpayers in future years, the average tenure for a Member of Congress is about 6 years, and there may be some folks who are selling here in later years who might also like the opportunity to vote for a tax cut. But if we go down the course that the President is proposing, and even if the numbers turn out to be true, we are going to spend all of this surplus estimated for 10 years in one tax cut.

Some people say that is just not fair. Others behind us may have an interest in voting on tax cuts, too. Some have suggested that perhaps a tax cut to spend the surplus that is going to accrue over the next 2 years, 3 years, or 4 years might be an appropriate thing for us to do. But to think about granting tax cuts based on a surplus that is not here yet, that will not arrive for 10 years, may be a little bit more than this Congress should be doing.

The next chart looks ahead 5 years and then looks back and shows us how far off the projections have been in the past. I should have mentioned when I started showing my colleagues these charts where they came from. They are not charts that I put together or anybody in the Blue Dog Coalition. All of these charts were provided to us by a bipartisan group called the Concord Coalition.

The Concord Coalition is made up of a respected group of business executives who try to provide the Congress an assumption about economic growth. The Congressional Budget Office have been conservative, and we have had larger surpluses than were projected. But in all of the years prior to 1995, the surpluses or the estimates of the Federal financial condition was off, and it was off in the wrong direction; and we have found out that there were deficits there that the Congressional Budget Office had not projected.

In order to have surpluses into the future, the economy has to stay strong, because the budget projection is based on an assumption about economic growth. The Congressional Budget Office, when they told the Congress a month or so ago that we are going to have a surplus, were estimating that the economy was going to continue to grow at close to the rate that it was growing a year ago.

I know all of my colleagues have seen what is happening to the economy, and right now they say that growth is zero. If growth is zero and stays there very long, all of these estimates of the surplus are going to be flown out of the window because they will not be worth the paper they are written on.

This chart shows us based on the past track record of the Congressional Budget Office for the projections what the variation could be in the estimated surplus just for the next 5 years, not the next 10, just the next 5.

Here we are at the year 2001. We have been given this optimistic projection of a surplus right here on this middle line. But the CBO says, well, it could be up here; and it could be down here. Should we bet the future on a surplus estimate that is as uncertain as this is, even in the hands of the Congressional Budget Office that prepared it? I think not.

Here is what some of the experts have to say about the estimate of the
surplus. The Congressional Budget Office that prepared it says looking forward 5 or 10 years allows the Congress to consider the longer-term implications of policy changes. But it also increases the likelihood that the budgetary baseline will be much more than the basis of projections that later turn out to have been far wrong. That is the folks that prepared the estimate.

How about the Controller General of the United States, David Walker. He recently warned members of the Senate Committee on the Budget, and I quote, “No one should design tax or spending policies pegged to the precise numbers in any 10-year forecast, no matter who prepares it.”

Let us read what Alan Greenspan, the chairman of the Federal Reserve Board, told the Congress, specifically the Senate Committee on the Budget on January 25 of this year. Mr. Greenspan said, “Until we receive full detail on the distribution by income of individuals for 1999 and perhaps 2001, we are making little more than informed guesses.”

Informed guesses. That is what your Congress is using to determine the financial future of your Federal Government. We have Blue Dogs here who are well versed on some of these issues, and I want to recognize the gentleman from California (Mr. SCHIFF). He has worked long and hard on trying to balance the budget; and I know he is as far as I am, may not want more so, with some of these statistics.

Mr. SCHIFF. Mr. Speaker, I yield to the gentleman from California (Mr. SCHIFF) to talk to my colleagues a little bit more about this very critical issue.

Mr. SCHIFF. Mr. Speaker, we had in the past decade the fiscal discipline to continue paying down the national debt of this country. Although there is much debate about what credit the previous administration ought to have for the incredible economic successes of the last decade, I think it is plain that one of the most significant things that that administration did was get our fiscal house in order; was continue paying down our national debt; was maintaining the discipline that kept interest rates low; that made homeownership possible for hundreds and thousands of families across this country that had never enjoyed the benefits of homeownership, by allowing them to have mortgage payments that they could make in their families together under one roof.

Our successes I think over this last decade are owing in some strong measure to that discipline. Now that discipline is never easy to maintain. It is not easy to maintain when times are difficult when we would rather spend the money on programs that will help people that are hurting in this country. It is not easy to maintain that discipline in the good times.

One of the things that I admire about the Blue Dogs and the reason that I joined, as a new Member of this Congress, the Blue Dogs is that they have consistently fought in good times and hard times not to lose sight of the need to pay down this debt in this country.

The surplus that we are enjoying is our surplus, the American people’s surplus. The debt that hangs over our heads is theirs. More accurately, much of the surplus that we enjoy is owing to the people that went before us, to our parents’ generation who made the sacrifices, who built the universities, the roadways, the waterways, the infrastructure in this country that made this period of prosperity possible. It is their money as much as our generation’s. It is their Social Security and their Medicare that are underfunded.

We talk about a surplus in Social Security. Well, I suppose if we look at today, we can call it that. But if we look at the 75-year life of Social Security, what at the moment looks like a surplus over 30 years or over 75 years looks like a deficit. Maybe we should be talking about the Social Security deficit. What are we going to do about that? The only plan we have for dealing with Social Security solvency is the abstract idea that the Blue Dogs represent to reform in the future. We do not know what that reform is going to look like. We do not know what the reform of Medicare is going to look like. We do not know, as we stand here today, what the budget looks like.

Yet, here we are making plans for tax expenditures over the next decade and beyond based on projections of the surplus that may or may not materialize, that even the people who gave us those projections say are at best informed guesses about the future; and we are ready to bet the farm on those guesses when we have no plan for Social Security and Medicare.

So I became a member of the Blue Dogs because they are committed to making sure we maintain the discipline in good times and in bad times to pay down that debt, that we consider that we are, not only talking about our parents’ generation, the people who made this prosperity possible, but we are talking about our children as well and their future. Because, while it is the American people’s surplus and the American people’s debt, it is our children’s future that we are talking about. If that debt goes on, if that debt grows, and it will, we may not be able to pay it. It is our children and their children.

So here today we have to talk about those that will come after and think about those who come after while we stand so ready to take credit for surpluses that will not materialize for 5 or 10 years.

Now, we have a tax plan; and we will have a major tax cut this year, and we should. And we should. The question is how large should that tax cut be? How large prudently can it be?

What I think we ought to be debating just as vigorously, though, that I hear so little about in this Congress and this administration is what is our economic plan. Tax policy is simply one part of an economic plan and the economists say not even the most significant part. There are limitations to what we can do with fiscal policy in terms of our economy.

Now we lost massive, multitrillion dollar equity in the stock market this week. There are a lot of Americans very concerned about the downturn in this economy and what it means to their families. Many thousands of Americans have already lost their jobs.

What is the economic plan of the administration and the Congress? How does this tax proposal fit into that plan? The reality is there is no plan. There is no plan.

It is far more important that we focus here and now on what we can do to turn around these recent downturn signs, that we can put ourselves back on the road of incredible prosperity which we have traveled down for the last 8 years. We have to focus on the economy and what is our economic plan.

So I urge the Congress and all Americans, let us turn our attention together in a bipartisan way, in a bipartisan manner, in a bipartisan fashion, in a bipartisan discussion discussing how to find a tax cut that works for all of the American people that is the size that we can afford that does not squander the investment that our parents made, and their Social Security and their Medicare and does not squander the investment that we owe our children in good schools and in their future and in low mortgages and giving them the American dream of homeownership.

Let us work together across party lines and do what is right for this country over the long term.

Mr. TURNER. Mr. Speaker, the gentleman from California (Mr. SCHIFF) has shared, I think, the thoughts that all Blue Dogs share, and that is the importance of fiscal responsibility and the importance of paying down debt as well as providing tax relief to the American people.

One of the members of the Blue Dog Coalition who has been the most eloquent and outspoken on the issue of public debt and the importance of trying to deal with the public debt while we have the opportunity is the gentleman from Mississippi (Mr. TAYLOR).

Mr. Speaker, I yield to the gentleman from Mississippi (Mr. TAYLOR) to discuss this issue.

Mr. TAYLOR of Mississippi. Mr. Speaker, I want to thank the gentleman from Texas (Mr. TURNER) for yielding to me. I want to thank the young people and not-so-young people in the audience today. I hope I can make this halfway interesting. And since you cannot talk back to me, I am going to pretend like you can.

Now, I have town meetings in south Mississippi. I try to have at least two a month. On. Almost every instance somebody in the crowd says, Gene, you know, we would have plenty of money for all those really important things,
like taking care of our military, taking care of military retirees, building roads, educating kids if you just did not waste so much money.

So I am going to pretend like one of you all said that. I would counter by saying, and probably shock you when I told you that the most wasteful thing our Nation does, we squandered $1 billion yesterday, the day before that, the day before that, tomorrow, and every day of the rest of our lives on interest on the national debt.

Now think about it. If you were to come down to Pascagoula, Mississippi, a town I am very proud to represent, and go to Greenville Ship Building, you would see that we are one of two suppliers of naval destroyers, surface ships, for our Navy. The DDG 51, the greatest destroyer in the world, half of them are built in Greenville Ship Building.

And if you were to see a DDG 51 loaded with weapons, loaded with fuel, getting ready to go to sea, and you join the fleet, you would probably know that one of those destroyers cost about a billion to build. Yet, we only built three of them last year because the folks in this House, the Committee on the Budget, said, Well, we do not have enough money to build destroyers. But we had enough money to spend $1 billion a day on interest on the national debt.

Now, let me show you. I do not get any great kick out of showing this to people who is living, but it is important for Americans to visualize. When you think of 5.7 of anything, whether it is biscuits or dollars, it does not seem like many. So 5.7 trillion probably does not sink in until you look at it. That is $5,755,850,390,273.98 that your Nation was in debt on the last day of last month. So when the President or the Speaker or anybody in this town, and many report get caught up in this game that there is a surplus, tell you that the surplus, I would remind you, this is coming straight out of the United States Treasury figures.

That is how broke we are.

Now, what is really frightening for you young people is, on the day you were born, if you were born before 1980, our Nation was less than 1 trillion in debt. So the debt has grown just in the past 21 years by over $4.700 trillion.

Now, how does that affect you? Well, think about it. If we go to war tomorrow, the troops, who is more likely to suffer, me or you? You, because you are 18, and I am 47. If the schools get messed up, who is more likely to suffer, me or you? Again you, because you are still going to school; and I doubt I will ever go back to school. And I need to work to support you up until you get out of college. As a Nation, who is going to pay the interest on it the longest, me or you? Once again the answer is you.

Mr. Speaker, that is why I get disturbed when young people do not take time to vote because they are getting stuck with this bill. The politicians in Washington are telling you that they are paying this debt down, and they are lying to you. I use the word “lie” because to intentionally mislead the public is to lie.

Since September of last year, the public debt has grown by $61 billion. $61 billion, guys, with a “B,” $61,681,170,687.12. We could have built 61 destroyers for that. We could have built 12 aircraft carriers for that. There is no telling how many miles of highway or days we could have built to help improve the lives of people, how much veterans’ health care we could have provided. The entire veterans’ health care budget for our entire Nation is only $20 billion a year. But that is the increase in the national debt, and a billion a day is squandered on the interest on the national debt, the most wasteful thing we do.

Now I see some of you not-so-young folks in the audience who are probably close to Social Security age. So 5.7 trillion probably does not sink in until you look at it.

That is how we squandered 200 billion dollars on interest on the national debt. Now $8 billion to me is a lot of money, but it is not really $8 billion because there were accounting gimmicks, just as if you were not to make your mortgage payment, you could have used that $8 billion to help subsidize the cost of your Medicare. It is a line item on your pay stubs, and they are taking money out and setting it aside. It is supposed to help subsidize the cost of your health care after you reach 65. It will not pay for all of it, but it helps a great deal.

Right now our Nation owes the Medicare trust fund $229.2 billion. Right now, the much-vaunted lockbox that my colleagues talk about, if you opened it up, you would discover it is nothing more than Tupperware; and if you opened it up, all you would find is an IOU for $229 billion.

How many Americans have devoted their lives to defending our Nation? In my life time there was a war in Vietnam. There was the invasion of Grenada, there was Desert Storm, Panama, Kosovo, Bosnia. Americans are risking their lives today; there was a horrible accident that took place in Kuwait just 2 days ago which reminds us how dangerous that job is. And they are in some really crummy places. They are in some nice places like Biloxi, but they are in some crummy places like Bosnia and Kosovo right now where it is cold, no fun whatsoever.

But the promise made to them is that you are not going to make as much money as you would if you were working in the private sector, but we are setting aside a good chunk of money so you will have a better-than-average retirement.

It is sad to find out that of the money set aside, our Nation now owes them $163.5 billion. There is not a penny in that account. It has been spent on other things, and yet the President and the majority leader and others will tell us there is a surplus. When you owe a trillion here, $229 billion here, $163 billion here, you do not have a surplus, and it gets worse.

What about all of these nice folks who risked their lives today, the 20% of whom gave his life defending a Congressman’s life a couple of years ago. They pay into a public employees’ retirement system with the promise that money is set aside and spent on their retirement. This would be very hard to find out that our Nation owes the Civil Service Retirement System $501.7 billion. So again, where is this surplus that people keep talking about.

The truth is that there is no surplus, and the truth is I think the only reason Americans are disillusioned with their government is for too long politicians have been promising them a surplus when there is not. They have been saying everything is rosy when it is not.

I think the best Americans are those Americans who tell the truth, and I think it is time for this Congress to rise to the occasion and tell the American people the truth. And before we do anything else, before we make any new promises, let us fulfill the promise to Medicare that we already made. Let us fulfill the promise to our military retirees that we have already made, and let us fulfill the promise to civil service that we have already made.

Mr. Speaker, I had a nice lady from home write me and say I would like to have that tax break, and put the money back in Social Security. Mr. Speaker, you can have that tax break just as if you chose not to make your mortgage payment 1 month and the mortgage was $1,000, and you decided at the end of the month, I have a thousand dollar surplus. No, you have a thousand dollars more that you owe on your mortgage, and you have to pay $2,000 next month to break even.

Mr. Speaker, one of the tricks that was played last year that I am furious,
we normally pay the troops on September 29, a Friday. Almost half of the force now is married and a great many, almost half, have children. So you have a lot of young guys, onesies, twosies, threesies, fours who do not make much money who have one, two or three children. That is tough to do on an enlisted man’s salary.

One of the gimmicks that the Republican majority passed last year was to delay their pay to October 1. Now for a Congressman, we make plenty of money. If you delay my pay for a couple of days, I am going to do okay. But for an enlisted guy, that means a weekend of digging around under the couch for nickels and dimes for baby formula and Pampers just so they could move that account from last fiscal year to this fiscal year so they could show that $2.5 billion pay period like they saved that money. They did not save that money. So the $8 billion surplus was only $5.5 billion, and that is one gimmick that I caught. No telling how many others there are.

But they are the party that keeps saying that they love the troops. Doggone it, if you love the troops, pay them on time.

Mr. Speaker, how about replacing some of that old equipment. All of the folks who have been talking about a surplus, they have been in the majority for 6 years. And in the 6 years that the Republicans have controlled the House and the Senate and the United States Treasury, the base of U.S. Navy has shrunk from 392 vessels to 318. But they keep telling us they are for a strong national defense. If they are for a strong national defense, why do we have 74 fewer ships than when we started?

The Constitution says it is Congress’ job to provide for an army or a navy. No money may be spent from the Treasury except by appropriation from Congress. Would it have been nice if the 318-ships case had asked for more ships? Absolutely. But last year the Republican Congress did not even build as many ships as Bill Clinton asked for.

Now, I think that is a shame, and I think we could do a heck of a lot better.

Let us talk about what we want to mention before I turn this thing over. When they say we have all this surplus, if we have a surplus why are so many young American 18-, 19-, 20-year-old Marine personnel dating around in 20. I am sorry, 30-year-old helicopters? If my colleagues were to go out today and see a Huey flying over with Army and Marine markings on it, if they are lucky, they will be looking at one of the new ones. The new ones were built in 1972. If they look up and see one of the helicopters with the twin rotors on top, which is the CH-46 or CH-47, depending on which branch of the service, again if they are seeing one of the new ones, it was built in 1972.

So all these folks out there telling us we have a surplus cannot find the money to replace 30-year-old helicopters that young Americans are defending us with right now, risking their lives in right now, but they say they have enough of a surplus for tax breaks. I say they are wrong.

I say the most important thing we can do is to keep our word, quit lying to the American people about the true size of the deficit, and, yes, the most important thing we can do is keep our word to the folks who paid into Medicare, the folks who paid into Social Security, the folks who paid into the military retirement trust fund, and the folks who paid into the civil service retirement fund. Let us pay back the money we owe to them before we start making any new promises to any other Americans.

Mr. Speaker, I thank the gentleman from Texas (Mr. TURNER) very much for the time.

Mr. TURNER. Mr. Speaker, I thank the gentleman from Mississippi. I always am amazed at the common sense and clarity with which the gentleman speaks about the very complicated subject of the debt of the United States.

I think most people fail to recognize how much is owed. There is the Social Security trust fund, the Medicare trust funds, the government employees’ trust fund, and the military retirees’ trust fund. Those are debts that are going to come due some day and those dollars are going to be needed, and part of that projected future surplus certainly needs to be put back in to those trust funds to be prepared for those retirements that will inevitably occur.

I am also pleased to have on the floor today a gentleman who is a very active member of the Blue Dog coalition, a prominent member of the Committee on Ways and Means, the gentleman from Tennessee (Mr. TANNER), who will address these issues. Mr. TANNER. Mr. Speaker, I thank the gentleman for yielding to me, and I want to commend the gentleman from Texas (Mr. TURNER), the gentleman from California (Mr. SCHIFF), the gentleman from Mississippi (Mr. TAYLOR), and others who have come out here this afternoon on the floor to talk about the Nation’s debt.

The Blue Dogs agree that Americans are overtaxed, but we will always be part of the group that has said more is certain to be needed, and part of that projected future surplus certainly needs to be put back in to those trust funds to be prepared for those retirements that will inevitably occur.

We are saying, basically, is two things: one, we are overtaxed and we always will be as long as we are carrying around this 14 percent mortgage on our country; and, secondly, we need a business plan in force and in effect so that we know and we hopefully can make some intelligent trade-offs as to how much of the money that belongs to the government is asking this country to take a risk that we do not have to take right now. All of these budget projections we have heard about are, by anyone’s definition uncertain, speculative in some regards. But more than that, the money is not here. It is not real. It is not even supposed to come in, except over the next 10 years. And then only 29 percent of it is supposed to show up here in the next 5 years, beyond our new President’s term of office. Yet we are asked on the floor last week and again probably next week to start spending money, in either a tax cut or some other way, money that has not even shown up yet.

Any prudent businessman, any person who is a head of a family, I do not think would put his or her family at risk to the extent that we are being asked to do, nor would they put the country at risk or their business at risk if they had a vote here.

Now, the other point I would like to make is that the House leadership is asking us to vote on a tax cut before we have even shown up any of this money that has not been paid, and I think that is wrong.

We do not have to accept just what those with more votes in this House than we do say.

Mr. Speaker, I thank the gentleman from Mississippi so eloquently pointed out with respect to the military, that we need to support in a manner that we have not been able to find ourselves in a position to do, but we also need to look out for the young ones coming along and not burden them with $5-plus trillion of debt with an interest bill of $1 billion a day.

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I serve on the NATO parliamentary assembly which is the civilian arm of the NATO military alliance, the North Atlantic Treaty Organization, which as many of my colleagues know came into being after World War II. I have been to seven gatherings of this NATO assembly which is the civilian arm of the NATO military alliance, and I have yet to see a country anywhere on this planet Earth that is strong and free and is broke. There is not one, there never has been one, and there never will be one.

That is why we sound like Johnny on-one note on retiring some of this debt. That is why we say, keep your eye on the ball, Congress; continue to pay down the debt. As we can afford and as the money shows up, let us return it to the people who earned it, but let us also take care of the needs of this country and the people who live here. Let us take care of the medical needs that people have, particularly the aged population, with a prescription drug benefit. Many people need that and need it immediately. There is no way we cannot do it if we do things across the board with known trade-offs as to where we are and where we are going.

In my own business at home with my brothers and my father, I would not take on a responsibility to take when we have these tax bills come through the House here without any budget. I do not think that you want us to take that risk. As I have said, at the pain of repeating myself, it is a risk the country does not have to take right now. We can do better than what we have done. We should do better than what we have done. And if we can get the support of people who believe that retiring debt and not taking heedless or unnecessary risk is important to the country, it is a fight that we hopefully can eventually succeed in.

Mr. TURNER. I thank the gentleman from Texas again for taking this time this afternoon and allowing some of us to come down and talk about the priorities of the country and talk about the children of this country and the education that they must have for this country to remain strong and free and also to try to put as best we can the financial integrity of the United States Treasury back where it rightfully belongs.

Mr. TURNER. I thank the gentleman from Tennessee, and I appreciate his commitment to trying to restore fiscal responsibility to the Federal Government. It would seem to me that after 30 years of deficit spending when we only last year saw the first surplus in 30 years, that we could somehow, some way figure out how to stay on the course of fiscal responsibility and continue to not only run surpluses but to be sure that we are paying down that $5.7 trillion national debt that the gentleman from Mississippi talked about a few minutes ago, to allow us to be prepared for the real financial crisis that is coming. A few years from now, the baby boomers begin to retire and the Social Security system and the Medicare system experience the great strains that will come with the large number of people who will be over 65 and eligible for their Social Security and their Medicare.

We talk a lot about projections. The projection of the estimated surplus is no more than a projection, as the gentleman from Tennessee pointed out. It is not here yet. It may never be here yet. But what we do know for certain, and it is indisputable, that there will be many, many people retiring in just short order in the next few years, and the Social Security system to very quickly become insolvent unless we decide now, in advance, how to fix it.

Blue Dog Democrats have worked hard to try to urge this House to debate and adopt a budget first before we have votes on major tax cuts, because no businessman and no head of household of any family in this country could determine how much is available to spend until first they sit down and draw up a budget and stick to it. This House needs to do that. The Senate, on the other hand, has already agreed that they will adopt the budget resolution bill on tax cuts. In the House, it seems that it is more important to create the appearance of having tax cuts pass than it is to deal with it in a realistic way to ensure that the fiscal soundness of the Federal Government is preserved for the future.

We are in very difficult economic times. The stock market seems to go up one day and down the next. Many people have said we need tax cuts. Franklin D. Roosevelt once said taxes must be reduced. But the bark of the surplus that we are talking about in Washington for tax cuts is not here now, and it will not be here for several years. Eighty-four percent of the projected surplus over the next 10 years is available after President Bush’s 4-year term in office. So we do not have a lot of surplus to be spending, or to be giving back in tax cuts. The surplus estimate may never arrive. In my view, the best thing we can do for our country’s fiscal responsibility is to go to Washington to show that the fiscal soundness of the Federal Government is preserved for the future.

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I read the other day that interest rates could go down 2 percent over the next 10 years if we could pay down the publicly held portion of the national debt. That is a wonderful thing. If you are trying to buy a new home and you have borrowed $100,000 to do it, 2 percent lower interest rates means $2,000 a year to you. If you are trying to expand your business and you find that you have borrowed $100,000 to do it, 2 percent lower interest rates means $2,000 in savings to your business.

For the average family under anybody’s tax cut proposal, they are not going to see $2,000 a year from tax cuts. You have got to be up in the upper-income limits to get $2,000 a year. The Blue Dog Democrats say a combination of responsible tax cuts and paying down debt will put more money in the back pocket of most American families than tax cuts alone, because we will get lower interest rates from paying down debt and more importantly perhaps we will prepare for the Retirement of the baby boom generation to ensure that there is no looming financial crisis facing this country. That is the Blue Dog message. That is what we are going to fight for. That is why we believe we need to have a budget debate and a responsible budget with spending caps before we decide how big the tax cut can be.

Democrats in this House want the biggest tax cut we can afford. But we have not decided yet how much we really can afford. We have never had a budget debate. We have never passed a budget. It does not matter whether the President sends over a budget and says we are going to hold spending to 4 percent a year, or it does not matter whether I send one down here on the floor of the House. The way this place works is we debate it out, we have different points of view, and at the end of the day we take votes. It is that process that determines what the Federal Government’s budget will be. Until you do that, until you go through that battle and you decide how much you are going to set aside for Medicare, Social Security, prescription drug coverage, national defense, education, paying down debt and tax cuts, there is no way you can determine how big a tax cut you can afford. That is what the Blue Dogs are fighting for in this House. That is the message of fiscal responsibility that we intend to carry throughout this debate.

Mr. SCHIFF. Mr. Speaker, I would like to yield the final portion of our time to the gentleman from California (Mr. SCHIFF), who has another subject that he would like to address to this House.

MR. SCHIFF. Mr. Speaker, I thank the gentleman from Texas for yielding me a little time at the end of the afternoon.

Mr. Speaker, I rise today to condemn a deplorable act that has taken place halfway around the world with repercussions on our ability to protect the world’s heritage and to preserve world history for future generations. In the year 2000, the Taliban ordered the destruction of pre-Islamic statues in Afghanistan, among them a pair of massive Buddhas carved out of a mountainside and towering over 100 feet. Two days ago, on March 12, UNESCO’s special envoy to Afghanistan do that, until you go through that battle and you decide how much you are going to set aside for Medicare, Social Security, prescription drug coverage, national defense, education, paying down debt and tax cuts, there is no way you can determine how big a tax cut you can afford. That is what the Blue Dogs are fighting for in this House. That is the message of fiscal responsibility that we intend to carry throughout this debate.

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In the words of UNESCO chief Koichiro Matsuura, ‘It is abominable to witness the cold and calculated destruction of cultural properties which were the heritage of the Afghan people and, indeed, of the whole of humanity. I have introduced a resolution condemning the Taliban’s destruction of pre-Islamic statues in Afghanistan and calling for the immediate access for UNESCO representatives to survey the damage. House Concurrent Resolution 52 sends a strong message that religious intolerance of any kind is unacceptable and must immediately be stopped.’

One of the most cosmopolitan regions in the world at one time and host to merchants, travelers, and artists from China, Central Asia, and the Roman Empire, today Afghanistan is one of the most repressive and intolerant countries in the world. This is simply unacceptable.

The destruction of the pre-Islamic statues also contradicts the basic tenet of Islam that requires tolerance of other religions. People of all faiths and nationalities, including Muslim communities around the world, condemn the destruction of these statues which were part of the common heritage of mankind. It is imperative we join the people and governments around the world in condemning the senseless act of destruction of our joint cultural heritage and call on the Taliban regime to immediately cease and desist any further destruction of other pre-Islamic relics.

December 8, 2000: H.R. Res. 128. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

December 8, 2000: H.R. Res. 129. An act making further continuing appropriations for the fiscal year 2001, and for other purposes.


December 19, 2000: H.R. 3048. An act to amend section 879 of title 18, United States Code, to provide clearer coverage against forcible recruitment of Presidents and members of their families, and for other purposes.

H.R. 4283. To establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new or revised scientifically valid toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness.

H.R. 4640. An act to make grants to States for carrying out DNA analyses for use in the Combined DNA Index System of the Federal Bureau of Investigation for the collection and analysis of DNA samples from certain violent and sexual offenders for use in such system, and for other purposes.

H.R. 4627. An act to add title 18, United States Code, to provide the entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport, to prevent the misuse of genuine and counterfeit police badges by those seeking to commit a crime, and for other purposes.

December 20, 2000: H.R. 3514. An act to amend the public Health Service Act to provide for a system of sanctions for chimpanzees that have designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

H.R. 5016. An act to redesignate the facility at 200 South George Street in York, Pennsylvania, as the “J.T. Weecker Service Center.”


H.R. 4577. An act making consolidated appropriations for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4942. Appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 5210. An act to designate the facility of the United States Postal Service located at 514 Express Center Road in Chicago, Illinois, as the “J.T. Weecker Service Center.”


H.R. 5461. An act to amend the Magnuson-Stevens Fishery Conservation and Management Act to eliminate the wasteful and un-sportsmanlike practice of shark finning.

December 15, 2000: H.R. 1653. An act to complete the orderly withdrawal of the NOAA from the civil administration of the Pribilof Islands, Alaska, and to assure the conservation of coral reefs, and for other purposes.

H.R. 2570. An act to require the Secretary of the Interior to undertake a study regarding methods to commemorate the national significance of the United States roadways that comprise the Lincoln Highways, and for other purposes.

H.R. 3756. An act to establish a standard time zone for Guam and the Commonwealth of the Northern Mariana Islands, and for other purposes.

H.R. 4097. An act to establish the Jamestown 400th Commemoration Commission, and for other purposes.

December 27, 2000: H.R. 5208. An act to authorize the construction of a Wapka Sica Reconciliation Place in Fort Pierre, South Dakota, and for other purposes.

H.R. 5630. An act to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities, and for the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 5690. An act to expand homeownership in the United States, and for other purposes.

December 28, 2000: H.R. 207. An act to amend title 5, United States Code, to make permanent the authority under which comparability allowances may be paid to Government physicians, and to provide that such allowances be treated as part of basic pay for retirement purposes.

H.R. 2816. An act to establish a grant program to assist State and local law enforcement in deterring, investigating, and prosecuting computer crimes.

H.R. 3594. An act to repeal the modification of the installment method.

December 28, 2000: H.R. 4289. An act to authorize the addition of land to Sequoia National Park, and for other purposes.

H.R. 6536. An act to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site.

December 29, 2000: H.R. 1795. An act to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging and Bioengineering.

SENATE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills of the Senate on the following titles:


December 5, 2000: S. 190. An act for the relief of Marina Khailina and her son, Albert Miftakhov.


December 21, 2000: S. 764. An act to amend title 18, United States Code, to establish Federal jurisdiction over offenses committed outside the United States by persons employed by or accompanying the Armed Forces, or by members of the Armed Forces who are released or separated from active duty prior to being identified and prosecuted for the commission of such offenses, and for other purposes.

December 21, 2000: S. 785. An act for the relief of Frances Schoenonmaier and Mary Hudson.


December 21, 2000: S. 1670. An act to revise the boundary of Fort Matanzas National Monument, and for other purposes.

December 20, 2000: S. 1880. An act to amend the Public Health Service Act to improve the health of minor- ity individuals.

December 21, 2000: S. 1906. An act to authorize the Secretary of Agriculture to sell or exchange all or part...
1203. A letter from the Associate Division Chief, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting the Commissioner’s final rule implementing the Subscriber Carrier Selection Changes Provision of the Telecommunications Act of 1996 (CC Docket No. 94-129) Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers—received March 6, 2001, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Energy and Commerce.

1204. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 01-41 which informs of the planned signature of a Memorandum of Understanding between the United Kingdom and the United States concerning the development, documentation, production and initial fielding of Military Satellite Communications, pursuant to 22 U.S.C. 2276(f); to the Committee on International Relations.

1205. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 01-41 which informs of the planned signature of a Memorandum of Understanding Concerning Cooperation in Navigation Warfare Technology Demonstrator and System Prototype Projects with Australia and the United States—received March 6, 2001, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Energy and Commerce.

1206. A letter from the Acting Assistant Secretary for Management and Chief Information Officer, Department of the Treasury, transmitting the Department of Treasury’s Commercial Activities Inventory in accordance with the Federal Activities Inventory Reform Act; to the Committee on Government Reform.

1212. A letter from the Managing Director, Federal Communications Commission, transmitting the Department of Commerce inventory submission; to the Committee on Government Reform.

1213. A letter from the Executive Officer, National Science Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2000, pursuant to 5 U.S.C. 552(b); to the Committee on Government Reform.

1214. A letter from the Chair, Railroad Reimbursement Review Board concerning the Annual Report of the Railroad Retirement Board for Fiscal Year 2000, pursuant to 45 U.S.C. 231(b)(6); to the Committee on Government Reform.

1215. A letter from the Acting Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, transmitting the administration’s final rule—Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries: 2003 Specifications and Foreign Fishing Restrictions [Docket No. 00112733-1044-12; I.D. 102600B] (RIN: 0648-AN69) received March 6, 2001, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Resources.

1217. A letter from the Acting Chief, Regulations Division, ATF, Department of the Treasury, transmitting the Department’s final rule—Distribution and Use of Tax-Free Alcohol (2000R-294P) [T.D. ATF-443; Ref: Notice No. 438] (RIN: 1512-AK57) received March 9, 2001, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Ways and Means.

1218. A letter from the Acting Chief, Regulations Division, ATF, Department of the Treasury, transmitting the Department’s final rule—West Elks Viticultural Area (2000R-257P) [T.D. ATF-445; Ref: Notice No. 904] (RIN: 1512-AB60) received March 9, 2001, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Ways and Means.

1219. A letter from the Acting Chief, Regulations Division, ATF, Department of the Treasury, transmitting the Department’s final rule—Formulas for Denatured Alcohol and Rum (2000R-280P) [T.D. ATF-442; Ref: Notice No. 865] (RIN: 1512-AB60) received March 9, 2001, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Ways and Means.

1220. A letter from the Principal Deputy Under Secretary of Defense, Department of Defense, transmitting the annual reports that set out the current amount of outstanding contingent liabilities of the United States for vessels insured under the authority of Title XII of the Merchant Marine Act of 1996, and for aircraft insured under the authority of chapter 43 of Title 49, United States Code, pursuant to Public Law 104–201, section 1079(a) (110 Stat. 2670); jointly to the Committee on Commerce, Science and Transportation and the Committee on Infrastructure.

1221. A letter from the Acting Assistant Secretary for Economic Development, Economic Growth, and Regulation, Department of Commerce, transmitting the annual report on the activities of the Economic Development Administration for Fiscal Year 1999, pursuant to 42 U.S.C. 3217; jointly to the Committees on Transportation and Infrastructure and Financial Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

By Mr. HASTINGS of Washington: Committee on Rules.

House Resolution 89. Resolution providing for consideration of H.R. 2707 to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses (Rept. 107-22). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. DUNN (for herself, Mr. TANNER, Mr. COX, Mr. ABERCROMBIE, Mr. BROWN of South Carolina, Mr. CULBERSON, Mr. EVERETT, Mr. GOODE, Mr. EDWARD G. ROBERTS, Mr. COOKSEY, Mr. BACHUS, Mr. PENCE, Mr. LAHOOD, Mr. SHAIRD, Mr. DUNCAN, Mr. WHITFIELD, Mr. SAXTON, Mr. BONILLA, Ms. ROUKEMA, Mrs. BECHTEL, Mr. RIGGERT, Mr. FERGUSON, Mr. GILCHREST, Mr. RADANOVICH, Mr. SHAW, Mr. MALONEY of Connecticut, Mr. JOHNSON of Texas, Mr. TANCHEDO, Mr. BOUCHER, Mr. TRAFICANT, Mr. KELLER, Mr. BURTON of Indiana, Mr. SHOWS, Mr. GARY MILLER of California, Mr. ROGERS of Michigan, Mr. CUNNINGHAM, Mr. ROYCE, Mr. GREENWOOD, Mr. SMITH of Texas, Mr. FOLEY, Mr. HAYTROW, Mr. WELLER, Mr. KINZINGER, Mr. ALFALFA, Mr. BARD, Mr. WAMP, Mr. DOOLEY of California, Mr. EHLERS, Mr. CANTOR, Mr. POMBO, Mr. SIMMONS, Mr. CAMP, Mr. MCDONALD, Mr. NETHERTUCKER, Ms. HART, Mr. BARTON of Texas, Mr. WILSON of Alabama, Mr. HYDE, Ms. WOLF, Mr. SUNUNU, Mr. CARRANZA, Mr. CALHAN, Mr. RYAN of Wisconsin, Mrs. KELLY, Mr. LARGENT, Mr. DEAL of Georgia, Mr. CANNON, Mr. AHERDOLT, Mr. CRANK, Ms. GRANGER, Mr. BLUNT, Mr. GREEN of Wisconsin, Mr. HERGER, Mr. ENGLISH, Mr. LOBIONDO, Mr. JENKINS, Mr. PITTS, Mr. LEWIS of California, Mr. OXLEY, Mr. CRAINBOWS, Mr. WATTS of Oklahoma, Mrs. NORTHUP, Mr. OSE, Mr. SMITH of New Jersey, Mr. LEWIS of Kentucky, Mr. LUCAS of Oklahoma, Mr. SIMPSON, Mr. PETERSON of Pennsylvania, Mr. MCCRARY, Mrs. BONO, Mr. CALVERT, Mr. NEY, Mr. DOOLITTLE, Mr. HUNTER, Mr. SECEEN, Mr. HORESTRA, Mr. LA TURCOTT, Mr. SHIMKUS, Mr. FLETCHER, Ms. CAPITO, Mr. EHLICHH, Mr. BISHOP, Mr. ROHRABACHER, Mr. BIGGERT, Mr. RYUS of Kansas, Mr. CRAMER, Mrs. EMERSON, Mr. SCHAPER, Mr. SESSIONS, Mr. ISAIAK, Ms. ROSE-LTENIN, Mr. BOHR of North Carolina, Mr. DAVIS, Mr. LING, Mr. HASTINGS of Washington, Mr. MILLER of Florida, Mr. HORN, Mr. RAMSTAD.
H.R. 1013. A bill to promote recreation on Federal lakes, to require Federal agencies responsible for managing Federal lakes to pursue strategies for enhancing recreational experiences of the public, and for other purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CARSON of Virginia:

H.R. 1014. A bill to prevent children from injuring themselves with handguns; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JO Ann DAVIS of Virginia (for herself, Mr. HAYworth, Mr. SCHROCK, Mr. CRENSHAW, Mr. CANTOR, and Mr. GOODLATT)

H.R. 1015. A bill to provide for an increase in the amount of Servicemember's Group Life Insurance paid to survivors of members of the Armed Forces who died in the performance of duty between November 1, 2000, and April 1, 2001; to the Committee on Veterans' Affairs.

By Mr. B ALDWIN (for herself, Mr. McHugh, Mr. O' neil, Mr. Kind, Mr. B ARRETT, Mr. S INNENBRENNER, Mr. P ETRI, Mr. S ANDERS, Mr. H INCHEY, Mr. B OUCHER, Mr. C OOKSEY, Mr. S FATTAH, Mr. E NGLISH, Mr. B ALDACCI, Mr. H OUGHTON, Mr. B OID, Mr. C ALAHAN, Mr. V ITTER, Mr. B OHLER, Mr. B ROWN of Ohio, Mr. PICKERING, Ms. S LAUGHTER, Mr. W ALSH, Mr. S WEEKEY, Mr. S HERWOOD, Mrs. E MISER, Mr. M CCOY, Mr. P ETTERSON of Pennsylvania, Mr. C ALY, and Mr. K LIZZKA):

H.R. 1016. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit products that contain dry ultra-filtered milk, milk protein concentrates, or casein from being labeled as domestic natural products that contain dry ultra-filtered milk; to the Committee on Energy and Commerce.

By Mr. G OODLATTE (for himself, Mr. S MITH of Texas, and Mr. B OUCHER):

H.R. 1017. A bill to prohibit the unsolicited e-mail known as “spam”; to the Committee on the Judiciary.

By Mr. T OOMEY (for himself, Mr. R YAN of Wisconsin, Mr. A RMY, Mr. F LAKE, Mr. S HADDE, Mr. S AM J OHNSON of Texas, Mr. D EMINT, Mr. P ENCHER, Mr. R YAN of Wisconsin, Mr. C OOKSEY, Mr. S FATTAH, Mr. E NGLISH, Mr. B ALDACCI, Mr. H OUGHTON, Mr. B OID, Mr. C ALAHAN, Mr. V ITTER, Mr. B OHLER, Mr. W ARLING of Ohio, Mr. PICKERING, Ms. S LAUGHTER, Mr. W ALSH, Mr. S WEEKEY, Mr. S HERWOOD, Mrs. E MISER, Mr. M CCOY, Mr. P ETTERSON of Pennsylvania, Mr. C ALY, and Mr. K LIZZKA):
H.R. 1019. A bill to amend the Federal Election Campaign Act of 1971 to increase the penalties imposed for making or accepting contributions of an unlawful amount, and to prohibit foreign nationals from making any campaign-related disbursements; to the Committee on House Administration.

H.R. 1020. A bill to authorize the Secretary of Transportation to establish a grant program for the rehabilitation, preservation, or improvement of railroad track; to the Committee on Transportation and Infrastructure.

H.R. 1021. A bill to require the Secretary of the Treasury to redesign Federal reserve notes of all denominations so as to incorporate the Constitution of the United States, a list describing the Articles of the Constitution, and a list describing the Amendments, on the reverse side of currency; to the Committee on Financial Services.

By Mr. DOOLITTLE.

H.R. 1022. A bill to amend title 4, United States Code, to make sure the rules of etiquette for flying the flag of the United States do not preclude the flying of flags at half mast when ordered by city and local officials; to the Committee on the Judiciary.

By Ms. DUNN (for herself, Mr. DEFAZIO, and Mr. WAMP).

H.R. 1023. A bill to amend the Incentive Grants for Local Delinquency Prevention Programs Act to authorize appropriations for fiscal years 2002 through 2007, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HULSHOF (for himself, Mr. JEFFERSON, Mr. MCGHERT, and Mr. FINKEL).

H.R. 1024. A bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterways, which remains in the general fund of the Treasury; to the Committee on Ways and Means.

By Mr. LATOURETTE.

H.R. 1025. A bill to amend the Internal Revenue Code of 1986 to establish a temporary general fund of the Treasury; to the Committee on Ways and Means.

By Mr. OLIVER (for himself, Mr. MENGHAN, Mr. TIERNY, Mr. MCGOVERN, Mr. BASS, and Mr. MARKKEY).

H.R. 1027. A bill to establish the Freedom's Way National Heritage Area in the Commonwealth of Massachusetts and in the State of New Hampshire, and for other purposes; to the Committee on Resources.

By Mr. PALLONE.

H.R. 1028. A bill to amend the Immigration and Nationality Act to permit the admission to the United States of nonimmigrant students who participate in a period of study in the United States in a program for the study of foreign language or culture, or a program for the study of business administration, and who participate in a period to be subsequently determined by the Committee on Education and the Workforce, for other purposes; to the Committee on the Judiciary.

By Mr. SHADEGG.

H.R. 1029. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for contributions to charitable organizations which provide scholarships for children to attend elementary and secondary schools; to the Committee on Ways and Means.

By Mr. SHAW (for himself, Mr. RANGEL, Mrs. JOHNSON of Connecticut, Mr. STARK, Mr. HOUGHTON, Mr. MATSUMURA, Mr. OSTHUS, Ms. PELOSI, Mr. RAMSTAD, Mr. CARDIN, Mr. CAMP, Mr. LEWIS of Georgia, Mr. SAM JOHNSON of Texas, Mr. NEAL of Massachusetts, Mr. ENGEL, Mr. BRISCOE, Mr. WATKINS, Mrs. THURMAN, Mr. HAYWORTH, Mr. MCINNIS, Mr. FOLEY, Mr. POMROY, Mr. RILEY, Mrs. KELLY, Mr. NETHERCUTT, Mr. GARY MILLER of California, Mr. GOODE, Mr. DOYLE, Mr. GREEN of Wisconsin, Mr. STUMP, Mr. SHOWS, Mr. BLUMENAUER, Mr. FINKEL, Mr. MCINTYRE, Mr. KUCINICH, Mr. CLEMENT, Mr. TERRY, Mr. UDALL of New Mexico, Mr. DICKS, Mr. BONIOR, Mr. TOM DAVIS of Virginia, Mr. ERHIND, Mr. PAYOYE of Ohio, Mrs. MYRICK, Mr. CHAMBLISS, Mr. BUYER, Mr. SANDLIN, Mr. DOOLITTLE, Mr. LARSON of Connecticut, Mr. MILLER of Florida, Mr. REVNOILDS, Mr. DEUTSCH, Mr. ISAKSON, Mr. DAVIS of Florida, Mr. WELDON of Florida, Mr. GREENWOOD, Mr. KOLBE, Mr. COX, Mr. FROST, Mr. WATT of North Carolina, Mr. SOUDER, Mr. MALONEY of Connecticut, Mr. HALL of Ohio, Ms. CARSON of Indiana, Mr. BACHUS, Mr. BRIDENSTINE, Mr. CHRISTENSEN, Mr. HINOSOJA, Mr. KUCINICH, Mr. BAHN, Mr. BIRKEMEYER, Mr. LOCKHART, Mr. RIVERS, Mr. SANDERS, Mr. WEINER, Mr. STARK, Mr. FATTAH, Mr. MCGOVERN, Mr. LEWIS, Ms. WATTERS, Mr. BALDACCI, Mr. KUCINICH, Mrs. GUTIERREZ, Mrs. MEEK of Florida, Mr. KILDEE, Mr. MILLER of Mississippi, Mr. GIL, Mr. TIERNEY (for himself, Mr. MCGOVERN, Mr. BASS, and Mr. MARKKEY).

H.R. 1030. A bill to prohibit oil and gas drilling in the Great Lakes; to the Committee on Resources.

By Mr. TIERNY (for himself, Mr. BONIOR, Mr. CAPUANO, Mr. CARSON of Indiana, Mr. CONYERS, Mr. DEFAZIO, Mr. HILLIARD, Mr. MCDERMOTT, Mr. NADLER, Ms. NOLAN, Mr. OLVER, Ms. RIVERS, Mr. SANDERS, Mr. WEINER, Mr. STARK, Mr. FATTAH, Mr. MCGOVERN, Ms. LEWIS, Ms. WATTERS, Mr. BALDACCI, Mr. KUCINICH, Mr. GUTIERREZ, Mrs. MEEK of Florida, Mr. KILDEE, Mr. MILLER of Mississippi, Mr. GIL, Mr. TIERNEY (for himself, Mr. MARKKEY, Mr. THOMPSON of Mississippi, Mr. OWENS, and Mr. DAVIS of Illinois).
display at the B’nai B’rith Klutznick National Jewish Museum in Washington D.C., is one of the most significant early statements buttressing the nascent American constitutional guarantee of religious freedom; to the Committee on the Judiciary.

By Mr. LANG EVIN (for himself, Ms. JACKSON-LEE of Texas, Mrs. MECK of Florida, Mrs. MALONEY of New York, Mr. REYES, Mr. HOYER, Mr. MEHAN, Mr. WAXMAN, Mr. CAVANO, Mr. HOEFFEL, Mr. BROWN of Ohio, Mr. FROST, Mr. CLAY, Mr. MOORE, Mr. RANGEL, and Mr. DELAHUNT):

H. Con. Res. 63. Concurrent resolution expressing the sense of Congress that Congress should act quickly to enact significant election administration reforms which may be implemented prior to the regularly scheduled general elections for Federal office held in 2002; to the Committee on House Administration.

By Mr. FROST:

H. Res. 88. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. TURNER:

H. Res. 90. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. GILMAN.
H.R. 31: Mr. HUNTER.
H.R. 68: Mr. BOYD.
H.R. 80: Mr. GIBBONS.
H.R. 99: Mr. CANTOR.
H.R. 105: Mr. CANTOR.
H.R. 162: Mr. DICKS, Mr. BONIOR, Mr. RAVER.
H.R. 31: Mr. HUNTER.
H.R. 25: Mr. GILMAN.
H.R. 287: Mr. QUINN, Mr. McNULTY, and Mr. MCHugh.
H.R. 303: Mr. BALLANGER, Mr. LEACH, Mrs. BIGGERT, Mr. FOSSELLA, Mr. GIBBET, Mr. REEDER, Mr. ROSS, Mr. KOLBY, and Mr. ORTIZ.
H.R. 320: Mr. GREEN of Wisconsin.
H.R. 330: Mr. ISSA and Mr. FLAKE.
H.R. 346: Ms. SChakowsky.
H.R. 347: Mrs. THURMAN.
H.R. 397: Ms. MCCRATY of Missouri, Mr. HOPFELD, Mr. UDALL of Colorado, Ms. HOOLEY of Oregon, Mr. GUTRINER, Mr. SHAW, Ms. MCCOLLUM, Mr. ANDREWS, Mr. GILLMOR, Mr. BONIOR, Mr. GREEN of Texas, Ms. HART, and Mr. LAHOOD.
H.R. 436: Mr. CANNON, Mr. FILNER, Mr. McHugh, Mr. SIMMONS, Mr. HASTINGS of Washington, and Mr. HOLT.
H.R. 437: Ms. MARTIN.
H.R. 489: Mrs. THURMAN, Mr. CLEMENT, Mr. DAVIS of Illinois, Mr. TURNER, Mr. BOUCHER, Ms. MILLENDE-McDONALD, and Mr. GRUCCI.
H.R. 490: Mr. CLEMENT, Ms. ESHOO, Ms. DeLAURO, Ms. SANCHEZ, Mr. SHOWS, Mr. SANDERS, Mr. McINTYRE, Mr. LAFOURCHETTE, Mr. JACKSON of Illinois, and Mr. LEACH.
H.R. 498: Mr. SIMMONS, Ms. WOOLSEY, Mr. BARTON of Texas, Mr. MATSUM, Mr. LANTOS, Ms. HART, Mr. EBBEREA, Mr. BREMAN, and Mr. HALL of Texas.
H.R. 503: Mr. ROS-LEHTINEN, Mr. PETERSON of Pennsylvania, Mr. ISSA, and Mr. BOREINNER.
H.R. 510: Ms. MARTIN, Ms. MILLENDE-McDONALD, Ms. BROWN of Texas, Mr. CALVERT, and Mr. SAWYER.
H.R. 525: Mr. WYNN.
H.R. 534: Mrs. ROUKEMA, Mr. SMITH of Washington, Mr. FOSSELLA, Mr. BACUS, Mr. MICA, Mr. BRYANT, Mr. WALDEN of Oregon, Mr. FROST, Mr. GILCHREST, Mr. LARSEN of Washington, Mr. KIRK, Mr. GOSS, Mr. YOUNG of Alaska, Mr. WATTS of Oklahoma, Mr. McHUGH, Mr. BLUNT, Mr. GREEN of Texas, Mr. SCHROCK, Mr. HUTCHINSON, Mr. TANCREDO, and Mr. WELDON of Pennsylvania.
H.R. 544: Ms. MILLENDE-McDONALD and Ms. HARMAN.
H.R. 550: Mr. LEVIN, Mr. ROGERS of Michigan, Mr. UPTON, Mr. BONIOR, Mr. CAMP, and Mr. BACIA.
H.R. 551: Ms. HOOLEY of Oregon.
H.R. 565: Mr. ALLEN.
H.R. 606: Mr. TURNER, Mrs. MCCRATY of New York, Mr. SCHEFF, Ms. VELAZQUEZ, Mr. BONIOR, and Mr. FERGUSON.
H.R. 612: Mr. BLUNT, Mr. BRYANT, Mr. TIAMHT, and Mr. LIPINSKI.
H.R. 622: Mr. GRAVES, Mr. OTTER, Mr. BALDACCI, Ms. SOLIS, Mr. HOEFFEL, Mr. PORTMAN, Ms. DUNN, and Mr. HYDE.
H.R. 687: Mr. KUCINICH and Mr. OWENS.
H.R. 698: Mr. CLAY, Ms. CARSON of Indiana, Mr. DELAHUNT, Mr. KUCINICH, Mr. PAYNE, and Ms. SLAUGHTER.
H.R. 756: Ms. MILLENDE-McDONALD and Mrs. DAVIS of California.
H.R. 758: Mr. LANTOS, Ms. SLAUGHTER, and Ms. MILLENDE-McDONALD.
H.R. 760: Ms. BALDWIN, Ms. BURKLEY, Ms. WOOLSEY, and Mr. BACIA.
H.R. 762: Mrs. MECK of Florida.
H.R. 779: Mr. LUCAS of Kentucky.
H.R. 785: Mrs. THURMAN.
H.R. 787: Mr. SIMMONS.
H.R. 801: Mr. FILNER, Mr. PASCHALL, Mr. SCHWARTZ, Mrs. ROUKEMA, and Mr. GOODE.
H.R. 811: Mrs. ROUKEMA.
H.R. 822: Mr. PAUL, Mr. GILLMOR, and Mr. EVANS.
H.R. 826: Mrs. THURMAN.
H.R. 871: Mr. OTTER.
H.R. 912: Mr. GANSKE, Mr. BAIRD, Mr. CLYBURN, Mr. HOLT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LANGEVIN, Mr. MALONEY of Connecticut, Mr. MORAN of Virginia, Ms. GIORDANO, Mr. OWENS, Mr. PANCHIK, Mr. SABO, Mr. SERRANO, Mr. UDAUL of New Mexico, Mr. CUMMINGS, and Mrs. TAUSCHER.
H.R. 920: Ms. MCKINNEY.
H.R. 938: Ms. LEH, Mr. BRONWELL, Mr. MASCARA, Mr. CONOVER, Mr. ENGLISH, Mr. OLIVER, Ms. VELAZQUEZ, Mr. GREEN of Wisconsin, Mr. PASTOR, and Mr. STEARNS.
H.R. 1005: Mr. MURTHA.
H.R. 1009: Mr. SHAYS.
H.R. 9: Mr. HOLT.
H.R. 397: Ms. SCHAKOWSKY.
H.R. 521: Mr. LUCAS of Kentucky.
H.R. 580: Mr. CARMICHAEL, Mr. GONZALEZ, Mr. REED, Ms. VELAZQUEZ, Mr. GREEN of Wisconsin, Mr. MILLENDER-MCDONALD, Mr. ORTIZ, and Mr. WAMP.
H.R. 606: Mr. TURNER, Mrs. MCCARTHY of Missouri, Mr. WOOLSEY, and Mr. BONE.
H.R. 698: Mr. CAVANO, Mr. MOORE, Mr. HOLLOR, Mr.דהRELLA, Mr. MAYER, Mr. SCOTT, and Mr. TANCREDO.
H.R. 762: Mr. WEED of Florida.
H.R. 779: Mr. LUCAS of Kentucky.
H.R. 785: Mr. SIMMONS.
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H.R. 606: Mr. TURNER, Mrs. MCCARTHY of Missouri, Mr. WOOLSEY, and Mr. BONE.
H.R. 698: Mr. CAVANO, Mr. MOORE, Mr. HOLLOR, Mr.דהRELLA, Mr. MAYER, Mr. SCOTT, and Mr. TANCREDO.
The Senate met at 9:30 a.m. and was called to order by the Honorable GEORGE ALLEN, a Senator from the State of Virginia.

PRAYER
The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, source of strength to live life to the fullest, replenish our enthusiasm for the people of our lives, the work that You have given us to do, and the leadership we must provide. What Vesuvius would be without fire, or Niagara without water, or the firmament without the Sun, so leaders would be without enthusiasm. You desire it. We require it. And other people never tire of it.

Lord, You know what happens to us in the pressures and problems of life. The ruts of sameness become well worn, the blight of boredom settles on the bloom of what was once thrilling. You know we need a fresh gift of enthusiasm, when prayer becomes routine or people are taken for granted or the national anthem and the Pledge of Allegiance do not send a thrill up our spines or the privilege of living in this free land becomes mundane.

Bless the Senators and all of us who work with them today with a burst of enthusiasm for the privilege of being here in the Senate. Renew our aye and wonder, our vision and hope for our Nation, and our sense of gratitude that You have chosen to be our God and chosen us to love and serve You here in Government. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE
The Honorable GEORGE ALLEN 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.
CONGRESSIONAL RECORD — SENATE
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Some are concerned about the idea that you have to project revenues into the future. Of course, there is some uncertainty. We don’t know exactly what will happen. In anything you do, whether it is an organization, whether it is business, whether, indeed, it is your family, take into account for the long term, one has to reach out and make an estimate as to what they think the revenues are going to be. That is not unusual. We have the best people who have made prognostications in the past doing this.

Under the budget, receipts grow from $2.1 trillion in 2001 to $3.2 trillion in 2011, an increase of 51 percent. Overall, the budget projection totals collections of almost $30 trillion over the next 10 years. Despite the fact that to all of us, I assume, $1.6 trillion is an almost unimaginable amount, it is, indeed, a little less than 6 percent of the total projected revenues. When you put it into the context of what we are talking about, it becomes a reasonable proposal.

I imagine probably more important than anything is that we have to take a look at the fact that we do have a surplus. Frankly, when we do have a surplus, we find, if we ask people, how much more involvement of the Federal Government, how much growth of the Federal Government do you want over here, they would say: We have about enough growth. We have about enough Government. But then over here you have a surplus, and no, you have a surplus, and no, you have a surplus. That is why I think that people feel that there are moneys to strengthen education. We can get into, obviously, a discussion in the past doing this.

I hope people understand the whole package. It sometimes is made to sound as though, if we give those taxpayers a break, we will not be able to do the things we should. Not true. There will be dollars to do the things the Federal Government has as priorities. There will be dollars to reduce the debt, and, in fact, all of the reducible debt will be done by 2010. That will not be all of it because much of it is long term and, frankly, people who hold the certificates are not ready to do that.

It is something on which we need to continue to work. I think it is a good thing for the country. It is a good thing for the taxpayers. Certainly, it is something I support, and I hope others support. I see my friend from Missouri.

I suggest the absence of a quorum. The ACTING PRESIDENT pro tem. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tem. Without objection, it is so ordered.

Mr. BOND. The Senator from Missouri is recognized.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Voinovich). Without objection, it is so ordered.

RACIAL PROFILING

Mr. FEINGOLD. Mr. President, we Americans take pride in our freedom and independence. Central to our sense of who we are is our firm belief that we are free to walk the paths of our own choosing, free to move about as we please, free from the intrusion of the government in that movement.

As Thomas Jefferson wrote in his Draft of Instructions to the Virginia Delegates in the Continental Congress, “The God who gave us life, gave us liberty at the same time.”

From the start, immigrants came to these shores to escape the state’s intrusion into their lives. When in the early 1600’s, the English government began arresting Separatists for their religious practices, about a hundred of them became buccaneers Pilgrims and sailed to Plymouth. When in 1629 the Parliament enacted a law requiring all to worship according to the laws of the Church of England, the Puritans came to Massachusetts, the Quakers came to New Jersey and then Pennsylvania, and Catholics came to Maryland.

When, in 1636, Roger Williams sought freedom from the intrusions of the Massachusetts colony into religious life of found the Providence Island. And two decades later, Jews fleeing the persecutions of numerous states settled there in Newport.

Even separated by the Atlantic Ocean, however, the American colonists continued to face at the intrusion of the British government into their lives. Among the colonists’ foremost grievances was the manner in which the British government harassed and searched Americans without reason or probable cause. The British government did so under color of general warrants known as “writs of assistance,” which gave British customs officers blanket authority to search where they pleased for goods imported in violation of British tax laws.

This harassment by this state’s officers helped to spark the American Revolution. In 1761, the Massachusetts patriot James Otis attacked the writs and their use to hound American colonists as, he said, “the worst instrument of arbitrary power, the most destructive of English liberty, and the fundamental principles of law, that ever was founded.”

Otis’ argument did much to sow the seeds of America’s Declaration of Independence. “Then and there,” said John Adams, “then and there was the first scene of the first act of opposition to the arbitrary claims of Great Britain. Then and there the child Independence was born.”

The Supreme Court later wrote: “Vivid in the memory of the newly independent Americans were those general warrants known as “assistance” under which officers of the Crown had so bedeviled the colonists.” And in another case, the Court wrote: “It is familiar history that indiscriminate searches and seizures conducted under the authority of ‘general warrants’ were the immediate evils that motivated the framing and adoption of the Fourth Amendment.”

That Amendment states: “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

Early on, Chief Justice Marshall assumed that the Fourth Amendment was intended to bar against arbitrary arrests. And that position has become settled law. More recently, the Supreme Court has said: Unreasonable searches or seizures conducted without any warrant at all are conducted by the police against the first clause of the Amendment.” The Court went on to state that “the warrantless arrest of a
It is thus fundamental to American history and rooted in American law that the officers of the state may not arrest or detain its citizens arbitrarily or without cause. Our law and Constitution protect our freedom to walk where we choose, to come and go as we please, to choose our own paths, and to live our lives free from the intrusion of the government as we walk.

And it is that very individual freedom that gives our great Nation its strength. As John Quincy Adams wrote: “Individual liberty is individual power, and as the power of a community is a mass compounded of individual powers, the nation which enjoys the most freedom must necessarily be in proportion to its numbers the most powerful nation.”

The point of my comments today is this: it is not the case for all Americans.

But, some Americans still cannot walk where they choose. Some Americans are free from the harassment of the government. Some Americans still do not receive the full benefit of their civil rights.

Too many Americans are subject to being detained by officers of the state without reasonable suspicion, without cause, but solely because of the color of their skin.

As I noted at the outset of my remarks, many came to these shores as immigrants to escape the intrusive state. We must not forget that many also came to these shores in chains, because of the color of their skin. They and their descendents endured our Nation’s long struggle against slavery and discrimination.

Sadly, even now, skin color alone still makes too many Americans more likely to be a suspect, more likely to be stopped, more likely to be searched, more likely to be a suspect, more likely to be arrested, and more likely to be imprisoned.

The numbers alone are devastating: A 1999 ACLU report found that along Interstate 95 in Maryland, while African-Americans were only 17 percent of the drivers and traffic violators, African-Americans accounted for an alarming 73 percent of the drivers searched.

Last November, a front-page New York Times story reported that New Jersey state documents acknowledged that at least 8 of every 10 automobile searches carried out by state troopers on the New Jersey Turnpike over the last decade were conducted on vehicles driven by African-Americans and Hispanics.

Racial profiling is not limited to I-95. The Justice Department has recently been investigating 17 police departments for civil rights violations, including Charleston, West Virginia; Riverside, California; Orange County, Florida; Prince George’s County, Maryland; Eastpointe, Michigan; New Orleans; Buffalo; Washington; and New York. In Los Angeles, the Justice Department recently forced the police department to accept an independent monitor’s supervision after a 4-year investigation of police abuse in the city’s largely minority Rampart section.

The practice of racial profiling has not respected status or standing, wealth or privilege.

Last September, the Director of Personnel at the White House, Bob Nash, and his wife were stopped for no other apparent reason than that they are African-American. As Mr. Nash said at the time:

"Until that moment, we had an intellectual understanding of the bogus crime, “Driving while Black.” But when it happened to us, it felt more deeply and more personally than any words could ever convey. Said Nash, the experience left them embarrassed, humiliated and afraid for our lives.

The Houston Chronicle reported that last year the Border Patrol pulled over and questioned United States District Judge Flenome Vela traveling to court—not once but twice—as part of an immigration crackdown in South Texas, calling him “Black.”

Last November, the well-known singer Lenny Kravitz was handcuffed and detained by Miami Beach police. Mr. Kravitz, whose 1989 song “‘Mac Cab Driver’ speaks out against racial profiling, was detained because of his color. He said: "I was very concerned and upset. Being black, I’ve dealt with all kinds of things because of my color, but nothing like this.”

Last month, 60 Minutes aired the story of Harvard law student Bryonn Bain who was stopped by police while simply walking down the street. In an article in the May 2, 2000, Village Voice, Bain said:

"After hundreds of hours and thousands of pages of legal theory in law school, I have finally had my first real lesson in the law."

Said Bain:

"The lesson for the day was that there is a special Bill of Rights for nonwhite people in the United States—one that applies with particular severity to Black men. It has never had to be ratified by Congress because—in the hearts of those with the power to enforce it—the Black Bill of Rights is held to be self-evident."

Plainly the practice of racial profiling is profoundly at variance with the fundamental tradition of American law and justice.

In 1790, President George Washington wrote to the congregation of Touro Synagogue in Newport, Rhode Island, in words that are etched in the Holocaust Memorial Museum in Washington:

"The government of the United States . . . gives to bigotry no sanction, to persecution no assistance."

But what other than “bigotry” and “persecution” can we call this practice of “racial profiling,” which targets drivers, airline passengers, or pedestrians, not because of any action they take, not because of any probable cause, but solely because of the color of their skin. Too many law enforcement entities refuse to acknowledge out of DWB—"Driving While Black." Among the many corrosive effects of this insidious practice is the way it undermines the willingness of good people to work with the police. As one victim of racial profiling in Glencoe, Illinois, said:

"Who is there left to protect us? The police just violated us."

As the U.S. Civil Rights Commission found in its report:

"Communities of color do not want to choose between safety and civil rights. They should not have to.

We as a Nation cannot and should not tolerate this injustice. As the philosopher Herbert Spencer wrote:

"No one can be perfectly free till all are free."

As Woodrow Wilson said:

"Liberty does not consist . . . in mere general declarations of the rights of man. It consists in the translation of those declarations into definite action."

Many leaders have spoken out against this intolerable abuse. Many have worked to translate the traditions of American law and justice into legislation to address this evil.

First and foremost is our colleague in the other body, Representative JOHN CONyers. Representative JOHN CONyers has been at the forefront of legislative efforts on this subject. We have worked together on legislation focused on a study of traffic stop data. Shortly, Congressman CONyers and I will introduce, along with many of our colleagues, an improved version of that bill.

Last Congress and this Congress, I have been proud to cosponsor a bill introduced by my friend and colleague from Illinois, Senator DURBIN, that focuses on “flying while Black”—the practice of targeting people of color to be stopped and searched in airports. Senator DURBIN has provided valuable leadership on this issue.

Let me take a moment to notice the very intense and sincere efforts of a new colleague of ours, Senator JON CORZINE, of New Jersey, who has made addressing this racial profiling issue one of his top priorities. I very much look forward to working with the new Senator from New Jersey on this issue.

Leaders of both parties have expressed support for doing something about racial profiling.

During the second Presidential debate, on October 11 of last year, then-Governor Bush said that he would support or sign as President a federal law banning racial profiling by police and other authorities at all levels of government.

Governor Bush said:

"I can't imagine what it would be like to be singled out because of race and stopped and harassed. That's just flat wrong, and that's not what America's all about. And so we ought to do everything we can to end racial profiling."

Governor Bush went on:

"I do think we need to find out where racial profiling occurs and do something about it. And say to the local folks, get it done, and if you can't, there'll be a federal consequence."

He further said:

"Racial profiling isn't just an issue at the local police forces. It's an issue throughout..."
our society. And as we become a diverse society, we’re going to have to deal with it more and more. I believe, sure as I’m sitting here, that most people are basically good people. They’re tolerant people. They’re good, tolerant people. It’s the very few that create most of the crisis. And we just have to happen to find them and deal with them.

On February 9 of this year, at remarks marking Black History Month, President Bush said that he would “look at all opportunities” to end racial profiling. While visiting a predominantly African-American elementary school being built with Washington, D.C., President Bush said: I’ll look at all opportunities, starting with the gathering of information where the federal government can help jurisdictions gather information, compile information, to get the facts on the table to make sure people are treated fairly in the justice system.

And in his State of the Union Address two weeks ago, the President addressed the legal arena. There, he said: As government promotes compassion, it also must promote justice. Too many of our citizens have cause to doubt our nation’s justice when the law points a finger of suspicion at groups of individuals. All our citizens are treated equally.

As government promotes compassion, it also must promote justice. Too many of our citizens have cause to doubt our nation’s justice when the law points a finger of suspicion at groups of individuals. All our citizens are treated equally. Earlier today, I asked John Ashcroft, the Attorney General, to develop specific recommendations to end racial profiling. It’s wrong, and we will end it in America.

I certainly welcome our new President’s comments.

Attorney General Ashcroft has also stated that racial profiling will be a priority in his Department of Justice. At his confirmation hearing on January 17, Senator Ashcroft said: I think racial profiling is wrong. I think it’s unconstitutional. I think it violates the 14th Amendment. I think most of the men and women in our law enforcement are good people trying to enforce the law. I think we all share that view. But we owe it to provide them with guidance to ensure that racial profiling does not happen. I look forward to working together with you to try to find a way to deal with it.

Senator Ashcroft summed up: I will make racial profiling a priority of mine.

In a follow-up written question to that hearing, I asked Senator Ashcroft whether his opposition to racial profiling included racial profiling of airline passengers or people walking down the street. Senator Ashcroft replied: I have stated my strong opposition to racial profiling across the spectrum. There should be no loopholes or safe harbors for racial profiling. Official discrimination of this sort is wrong and unconstitutional no matter what the context.

And two weeks ago, at an extensive statement and press conference on the subject, Attorney General Ashcroft said: I have long believed that to treat people solely on the basis of their race was a violation of the 14th Amendment to the U.S. Constitution.

He declared: “It’s wrong,” and said: I believe Congress can, and will, respond constructively.

Attorney General Ashcroft also sent a letter to the Chairmen and Ranking Democratic Members of the Judiciary Committees on this subject, and I ask unanimous consent that a copy of that letter be printed in the Record at the conclusion of this hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FEINGOLD. Mr. President, Wisconsin’s former Governor Tommy Thompson, now Secretary of Health and Human Services, created a Task Force on Racial Profiling when he was Governor. That Task Force just completed its report, and concluded, among other things, that more data is needed, and recommended data collection. Congressmen CONCERNS and our legislation calls for data collection, among other things.

I am pleased that the President and Members of his Cabinet recognize the gravity of this issue for all Americans. Particularly in the wake of the divisive election and nomination of Attorney General Ashcroft, the Administration needs to make special efforts to heal the wounds that separate us as a Nation. And with the support of the Administration, the use should be able to enact racial profiling legislation this year.

But we should do more. Once again, I call on President Bush to resubmit the nomination of Judge Ronnie White to serve as a Circuit Judge.

I also call on the President publicly to support the nomination of Judge Roger Gregory to the Fourth Circuit Court of Appeals.

These distinguished jurists deserve to sit on the Federal bench. And the effective administration of justice in America demands that the Federal courts, even the Fourth Circuit Court of Appeals, reflect the diversity of this Nation.

Let us do more to advance the cause of justice for all, and then we can truly live out the ancient wisdom, inscribed on the Liberty Bell, and “[p]roclaim liberty throughout all the land unto all the inhabitants thereof.”

I yield the remainder of my time.

BANKRUPTCY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to speak as if in morning business for a few minutes on two amendments that are pending to the bankruptcy bill—amendments offered by Senator Wyden and Senator Feingold. These amendments change of debts and prohibition of discharge of debts related to the California energy crisis.
I oppose the Smith amendment to the underlying Wyden amendment, and I also oppose the Wyden amendment.

In my view, both amendments are unfair in that they give an unfair advantage to government agencies at the expense of private companies without acknowledging the event that California utilities wind up in bankruptcy. They ensure that a large Federal utility like Bonneville, itself the beneficiary of billions of dollars of Federal investment, and other utilities will be paid ahead of the bank of private companies, energy suppliers, natural gas companies, and other creditors.

Both amendments are not helpful in our current circumstance. The State of California and its utilities are trying desperately to keep the utilities out of bankruptcy. Without these amendments, they stand a good chance of succeeding. If the amendments are adopted, the utilities will almost certainly be forced to declare bankruptcy. It is amendable because, in my view, they are unwise. The consequences of the three largest utilities in California going bankrupt are unknown, as is the rest of the State’s economy and the rest of our Nation. If it is clear that it will not just affect the ratepayers served by the three utilities, or even just the people of California. It will affect all Americans. As Chairman of the Federal Reserve, Alan Greenspan, testified several weeks ago, “It’s scarcely credible that you can have a major economic problem in California which does not feed to the rest of the 49 States.”

In my view, the amendments are also unnecessary. If utilities are able to avoid bankruptcy, then the power suppliers that these amendments seek to protect will be paid. Even if they go bankrupt, those power suppliers stand a reasonably good chance of being paid, either through the utilities themselves, or then by the government, for the reasons that Senator MURKOWSKI explained last night on the Senate floor.

In my view, the amendments are also unworkable. By trying to jump certain creditors to the head of the line to receive payment, they will most likely force the remaining creditors to move to put the utilities into bankruptcy immediately so that the utilities’ assets can be divided immediately, 6 months before the amendments in fact take effect.

Even if the amendments are enacted, the generators would not likely receive any benefit from the enactment of the amendments.

Finally, the amendments, in my view, are uncharitable in that the administration has declared the California electric crisis to be California’s problem, and has left it to California to solve the problem. The Federal Energy Regulatory Commission, which is the independent agency chartered with seeing to it that electric rates are just and reasonable, has done little to help the situation. Governor Davis, and the State legislature in California, the utilities, and their creditors have been working valiantly in recent weeks, and even months, to fix this problem. All they are now asking of this Senate is that we not intervene and send the utilities into bankruptcy by adopting amendments of this type.

In my view, Senators need to weigh the potential enormous harm to millions of Americans that would result in the adoption of these amendments against the illusory benefit that the bankruptcy amendments hold out for the few generators that would be benefited.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will now call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I believe the unanimous consent order provided 5 minutes for Senator HAGEL to speak against the Wyden amendment. Senator HAGEL will not be able to be present, and I ask unanimous consent to use that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

I thank the ranking member of the Energy Committee, the Senator from New Mexico, Mr. BINGAMAN, for his remarks in opposition to the Wyden amendment. I also wish to thank Senator MURKOWSKI, the chairman, who came to the floor last night and spoke against the amendment.

Last evening, I submitted for the RECORD several letters in opposition to the amendment from the Electric Power Supply Association, the Edison Electric Institute, The Williams Companies, Calpine, Pacific Gas and Electric, Southern California Edison, International Brotherhood of Electrical Workers, The Utility Reform Network, a consumer advocate, and the American Gas Association, all in strong opposition to the Wyden amendment, and also with one general theme. That general theme is that if the Congress of the United States were to determine the outcome in this matter, it should be discharging, it would trigger a bankruptcy because those who are not favored in that order would seek to protect their right by moving both Pacific Gas and Electric and Southern California Edison into bankruptcy. Virtually every single letter that we distributed today concurs.

I would like to reread from one of the letters so the Senate might understand the concern, and that is from the Electric Power Supply Association. That letter states:

We are writing to express our deep concern and opposition to {the amendment}. Our fear is that this amendment could precipitate a financial crisis and exacerbate the already precarious situation in the West.

The PRESIDING OFFICER. Will the Senator suspend.

Mrs. FEINSTEIN. I will.

BANKRUPTCY REFORM ACT OF 2001—Resumed

The PRESIDING OFFICER. We were to lay down the bill at 10:30. The hour of 10:30 having arrived, the clerk will report the pending bill.

The bill clerk read as follows:

A bill (S. 420) to amend title 11, United States Code, and for other purposes.

Pending:

Leahy amendment No. 20, to resolve an ambiguity relating to the definition of current monthly income.

Wellstone amendment No. 35, to clarify the duties of a debtor who is the plan administrator of an employee benefit plan.

Wellstone modified amendment No. 36, to disallow certain claims and prohibit coercive debt collection practices.

Wellstone amendment No. 37, to provide that the amendments of section 503 shall not be considered to be articles like or directly competitive with tucanite pellets for purposes of determining the eligibility of certain workers for trade adjustment assistance under the Trade Act of 1974.

Kennedy amendment No. 38, to allow for reasonable medical expenses.

Reid (for Breaux) amendment No. 39, to provide family fishermen with the same kind of protections and terms as granted to family farmers under chapter 12 of the bankruptcy laws.

Leahy amendment No. 41, to protect the identity of minor children in bankruptcy proceedings.

Wyden amendment No. 73, to provide for the nondischargeability of debts arising from the exchange of electric energy.

Carnahan amendment No. 40, to ensure additional expenses associated with home energy costs are included in the debtor’s monthly expenses.

Smith of Oregon amendment No. 95 (to amendment No. 78), of a perfecting nature.

Reid (for Durbin) amendment No. 93, to define public utility.

Reid (for Breaux) amendment No. 94, to provide for the reissuance of a rule relating to ergonomics.

AMENDMENT NO. 78

The PRESIDING OFFICER. The Senator now has 5 minutes.

Mrs. FEINSTEIN. I thank the Chair, and I would like to continue:

This amendment seeks to give certain entities a favorable status in the event that California utilities fail into bankruptcy.

That is what the Wyden amendment does.

The letter goes on:

Many companies have provided power to California’s consumers and [this association] believes emphatically that all these entities deserve to be fully and fairly compensated.

As do I, Mr. President.

However, it is inappropriate for the Senate to try and create winners and losers in this desperate situation. Recharacterize orderly resolution, this legislation could lead to a premature declaration of bankruptcy and the...
Inevitable liquidation of the California electric utilities' assets in a legal free-for-all.

The American Gas Association, on behalf of all of the natural gas companies involved in this, also states the same thing. They go on, however, to say:

As the preferred creditors would in actuality control the bankruptcy proceedings through their status, in effect Chapter 11 reorganization would not be an option. Liquidation practices through Chapter 7 filing would result. Such action could cause serious disruption and harm to the utility customers, not to mention the non-preferred creditors.

So, Mr. President, you have virtually all of the electric power producers, as well as the natural gas producers, in effect, saying that if you give these Federal entities preferred status, should there be a bankruptcy, they would, in effect, have to assert their rights to force an involuntary bankruptcy, and that then would put both of the utilities into chapter 7 rather than chapters 11 or 13. This was the theme—the dominant theme—from virtually every generation and creditor.

I know of virtually no electric power producer or gas producer that believes this amendment will do anything other than trigger a bankruptcy of these two companies. Therefore, I am strongly in opposition to it.

Last evening, the proponent of this legislation, Senator WYDEN, said in my view, the Amendment would do exactly that. They go on, however, to say that the Amendment would do anything other than wreck devastation on that at-risk utility.

I strongly oppose the Wyden Amendment. Therefore, I am strongly in opposition to it.

The purpose of the Wyden Amendment is to exclude from the binding effect of a plan of reorganization in chapter 11 certain creditors of the utility who provided wholesale electric power to the utility under certain conditions. It provides that such debts are non-dischargeable. As a consequence, a utility in chapter 11 could not bind such preferred creditors under a plan of reorganization, and such creditors would be able to pursue their rights to reassert any transferrable property under chapter 7, to the detriment of any other creditors.

This is the bankruptcy counsel itself.

It is also my understanding that there has been a suggestion in argument on behalf of the Amendment that the magnitude of the preferred obligations would not exceed $100 million to $200 million. I am advised by Southern California Edison that based upon the amount of power purchased during the emergency orders of the Federal Energy Regulatory Commission, the amount of power procured to serve Southern California Edison's customers substantially exceeded that amount.

The PRESIDING OFFICER. The Senator's 5 minutes have expired. Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to use the remainder of Senator BINGAMAN's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Thank you very much. Continuing:

Based upon the foregoing, it should be clear that if Southern California Edison was involved in a bankruptcy proceeding, the proposed legislation would have significant impact upon Southern California Edison and its other creditors.

Mr. President, this is the bankruptcy counsel.

So we know two things: One, from bankruptcy counsel, that this amendment—the Wyden amendment and the Smith amendment—do in fact create two classes of creditors. And they do, in fact, give premier standing to one class of creditors, the Federal subsidized entities, and those entities are given preference in a bankruptcy. Secondly, we know in fact that the amount involved is a good deal more than the amount represented in this Chamber.

We also know that virtually every other power producer and supplier—every single one—believes that if this amendment were to pass, they would have to exercise their rights, which would be to push Southern California Edison and Pacific Gas and Electric into an involuntary bankruptcy, and most probably in chapter 7, which would mean a dissolution of the companies involved.

This would be tragic because the State has negotiated an agreement with two utilities to buy their transmission lines and to put $7 billion into the purchase of those transmission lines. The result would then be a securitization of that back debt and enable these utilities to pay their debtors and creditors without going into bankruptcy. So a plan to enable the payment of the debtors and creditors is now underway by the State.

Various Members of this body may not like how the State is handling the problem, but the State does have the right to try to redress the debts and in fact is doing so. These amendments can only wreak devastation on that attempt. I strongly oppose the Wyden and Smith amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I am going to a gathering for Jesse Brown. I ask unanimous consent that I be allowed to bring the Wellstone amendment, which is supposed to come next, to the floor at 1:15.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Reserving the right to object, is that a modification of the Carnahan amendment?

Mr. WELLSTONE. That is correct.

Mr. SESSIONS. How would it be, again?

Mr. WELLSTONE. The modification is that the section dealing with coercive practices is out, which was a question of Banking Committee jurisdiction.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 40

The PRESIDING OFFICER. There will now be a 5-minute debate on the Carnahan amendment No. 40. Who yields time?

The Senator from Missouri.

Mrs. CARRANAHAN. Mr. President, I understand the managers have agreed to accept my amendment on home energy. I thank Senator COLLINS, cosponsor of the amendment, as well as Senators HATCH, GRASSLEY, and LEAHY for their willingness to help on this very important amendment. I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment? The Senator from Alabama.

Mr. SESSIONS. I understand that pending is the Carnahan amendment. I ask unanimous consent that following the concluding debate, the amendment be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Therefore, the next vote will occur in relation to the Wyden-Smith amendment regarding the California utilities matter.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Mr. President, I yield back the time on the Carnahan amendment.

The PRESIDING OFFICER. The time is yielded back on the Carnahan amendment. By unanimous consent, the amendment is agreed to.

The amendment (No. 40) was agreed to.

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be counted against either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.
Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 78

Mr. SESSIONS. Mr. President, I say to the Senator from Alaska that we are waiting on a 5-minute debate before we vote, and the debaters have not arrived. That could delay our vote. Will the Senator speak long?

Mr. MURKOWSKI. If I may, I will take my time, perhaps, allotted to the Senator from California to just make a statement on the amendment, which will not take more than a minute.

The PRESIDING OFFICER. The time has expired.

Mrs. FEINSTEIN. Mr. President, I don’t believe the time has expired. I believe I have 2 1/2 minutes. I will be happy to give some of that to the Senator from Alaska.

The PRESIDING OFFICER. The Senator is correct. She has 2 1/2 minutes.

Mr. MURKOWSKI. I will just use a minute. Let me leave you with one thought. Article I, section 8, of the Constitution clearly states that Congress shall "establish uniform laws on the subject of bankruptcies throughout the United States."

There is absolutely nothing uniform about the pending amendment. It only protects electric sales ordered by the Federal Government to California; a sales only to California by State, local, or Federal Government entities. If similar power sales arose in New York or Georgia, these provisions would not apply.

In other words, this amendment says there is one set of bankruptcy rules for electric sales into California and another set of bankruptcy rules for electric sales into the other 49 States. Clearly, this is completely contrary to the intent of our Founding Fathers and the Constitution; they wanted one set of uniform rules to govern bankruptcy throughout the entire country. As a consequence, I urge my colleagues to reflect on this legitimate question of the constitutionality of the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, there are 2 1/2 minutes for the Smith-Boxer-Wyden amendment. I yield a minute and a half of that time to Senator BOXER, and I thank her. I remind our colleagues on this issue affecting the Pacific Northwest, there is a disagreement among the Californians.

Mr. BOXER. Mr. President, I am supporting the Wyden-Smith amendment because it sends the right signal—an ethical signal to the private utilities in California who owe billions of dollars of unpaid bills to those who supplied power to the State when my State was in dire need. Sometimes these power generators, many municipal utilities, were forced by the Federal Government to send this power, even though they were concerned that they needed to conserve it for themselves or that they might not get paid. Call me old-fashioned, but I say pay your bills. Don’t send your parent company $300 million that one private utility did—to pay dividends of the shareholders and repurchase stock when you know you have bills to pay. I have a Washington Post article. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 31, 2001]


(By William Booth and Rene Sanchez)

L O S A N G E L E S, Jan. 30—The first of several audits to be released by state regulators said that one of California’s two nearly bankrupt utilities, Southern California Edison, legally passed along nearly $5 billion in net income to its parent, Edison International, which used the money to pay dividends to its shareholders and repurchase stock.

The audit, released Monday night by the California Public Utilities Commission, also showed that Southern California Edison is at the point at which it cannot keep buying electricity at rates higher than it can pass along to consumers.

The $5.5 billion is a result of sales from the sale of the Southern California Edison power plants, which the utility was required to sell under California’s 1996 deregulation plan. Deregulation then sought to break up the utility monopolies and open the state up to free-market forces.

Consumer advocates—and some elected officials—welcomed the audit, accusing the utilities of pleading poverty and begging for financial assistance from the state to avoid bankruptcy.

"Basically, they took the money and ran," John Burton, a Democratic leader of the state Senate from San Francisco, told reporters. "If they didn’t not do that they would not be in the financial problem they are in.

If ratepayers bail them out, ratepayers should get something in return, like power lines or something.

But officials with the utilities said their critics are playing politics and misinterpreting their books. Tom Higgins, senior vice president and chief financial officer, said: "There’s been no profit, no windfall. This is the recovery of capital investment."

The past profits and current solvency of the state’s two struggling utilities are central to California’s energy crisis. Most experts agree that the state is suffering from soaring prices and its 15th day of emergency energy rationing because of a failed and dysfunctional deregulatory plan, which allowed wholesale energy prices to soar while capping the rates utility companies could charge consumers. For months, the utilities have gone bust, while wholesale power producers have reaped huge profits.

In California it is a run-off, out of time to solve its immediate energy crisis. The state already has used up the first $400 million in emergency appropriations for electricity and water. To make matters worse, it is considering bills to make the state a major buyer of power—and to pass along possible steep increases in costs to consumers. Gov. Gray Davis (D) worked during a weekend trying to hammer out a longer-range plan, but so far the Legislature has passed only emergency measures and decrees—and no long-term solutions.

In my opinion, this amendment sends a strong message to the utilities in my State: It is not right to ask for help and walk away from your obligations. We need to hammer out the details in the amendment, but I am sure the end result will be a strong message to the utilities in my State: It is not right to ask for help and walk away from your obligations.

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The PRESIDING OFFICER. The Senators from California are recognized.

Higgins, the Edison International executive, said: "It’s like a laundering scheme," he said. "It’s like you have a house and mortgage and you sell the house and you recover your initial investment and then pay off the mortgage.

Higgins also said that the audit shows what we’ve been saying all along," said Matt Freedman, a director of the Utility Reform Network. "Edison is not being straight with the public or the Legislature about the extent of its debt."

Freedman also said that the audit shows that in recent months Edison has been selling some of its own generating power back to itself at high prices on the open market, then claiming both profit and debt.

"It’s like a laundering scheme," he said. Michael Shames of the Utility Consumers Action Network said the audit could significantly influence the fast-moving legislative debate on the state’s energy crisis. He said that passage of the amendment, which would cover much of the utilities’ purported debts with billions of dollars in publicly financed bonds, "will mean what we’ve been saying all along."

But Paul Hefner, a spokesman for Assembly Speaker Robert Hertzberg (D), said there are no substantive new revelations in the Edison audit and that the Legislature is proceeding with a plan outlined last Friday that would convert much of the utilities’ debts into a bank account for the state receiving warrants to buy stock in the companies.

"I don’t know that it changes the landscape," Hefner said. "It reconfirms what we have been saying all along. We are not going to do this and get nothing back. We’re driving as hard a bargain as we can."

Mrs. BOXER. Another private utility did the same thing off the banks of $6 billion. That is $9 billion that the private utilities sent out.

In my opinion, this amendment sends a strong message to the utilities in my State: It is not right to ask for help and walk away from your obligations. We need to hammer out the details in the amendment, but I am sure the end result will be a strong message to the utilities in my State: It is not right to ask for help and walk away from your obligations.
power companies will not fear they will be left high and dry and they will be willing to assist us in the future.

This amendment was not offered in anger; it was offered in fairness. I support it.

I yield back the remainder of my time.

The PRESIDING OFFICER. There are 37 seconds remaining.

Mr. WYDEN. To finish the debate, I yield to Senator SMITH, my colleague.

Mr. SMITH of Oregon. Mr. President, I appreciate the chance to say a few closing words on this debate, which has been very good one.

All the neighbors of California are asking—at least those affected by the Bonneville Power Administration—is that they be paid. I believe California wants to pay. Ultimately, they have to work through their law that makes it difficult to pay. We want them to do that. We need them to do that because people in the Northwest already are paying higher rates because of damage other creditors will be paid additional, higher rates.

I thank the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, how much of my time remains?

The PRESIDING OFFICER. One minute 4 seconds.

Mrs. FEINSTEIN. Mr. President, I rise to thank Senators MURKOWSKI and BINGAMAN for opposing this amendment and also to join them in saying that to do this is not only unprecedented, but it will probably force an involuntary bankruptcy because once the dam is broken, other creditors will then seek to protect their rights under bankruptcy law.

Hence, it is a very dangerous amendment.

The State of California is currently seeking to secure the transmission lines of the utilities to be able to inject $7 billion and solve the problem. I urge a "no" vote on this amendment.

Is the time expired?

The PRESIDING OFFICER. Yes, it is.

Mrs. FEINSTEIN. Mr. President, I move to table the Wyden amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table the amendment No. 78.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

Mr. REID. I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from New Jersey (Mr. TORRICELLI) are absent.

The PRESIDING OFFICER (Mr. BUNNING). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yea 67, nay 30, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—67

Akaka Feingold McConnell
Aliard Feinstein Mikulski
Allen Feurer Markowitz
Bayh Graham Nelson (NE)
Bingaman Gramm Nickles
Bond Graham Reed
Breaux Gregg Reid
Brownback Hatch Rockefeller
Bunning Hatch Sarbanes
Carper Helms Schumer
Cleland Hologie Sessions
Clinton Hutchison Shelby
Cucurhan Inhofe Smith (NM)
Conrad Johnson Specter
Conrad Johnson Specter
Dodd Johnson Specter
Dodd Landrieu Thompson
Domenici Leahy Thurmond
Dorgan Lieberman Voinovich
Edwards Lincoln Warner
Ensign Lott Warner
Enzi LSwar
NAYS—30

Baucus Craig McCain
Bennett Crapo Miller
Biden Dayton Murray
Boxer Durbin Nelson (FL)
Burns Harkin Roberts
Byrd Hollings Santorum
Baucus (impCollider)
Chafee Lieberman Smith (MD)
Cantwell Kennedy Stabenow
Carnahan Keating Wallenstein
Chabot Levin Wyden

ANSWERED "PRESENT"—1

Corzine Torricelli

NOT VOTING—2

Fitzgerald

Mr. CORZINE. Mr. President, I ask unanimous consent the amendment be resubmitted.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the order for the vote be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, Senator BREXAUX or ENZI and myself had an interesting and, I think, enlightening discussion on the issue of ergonomics, as well as Senator SPEC-TER.

I ask unanimous consent there now be a period of about 30 minutes for a discussion of this issue, the time to be equally divided between Senators BREXAUX and ENZI for debate only.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Reserving the right to object, Mr. President, does the Senator have an idea how long this will take?

Mr. NICKLES. About 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana is recognized.

Mr. BREXAUX. Mr. President, I thank my colleagues for the discussion with me—Senator ENZI, Senator LANDRIEU, and Senator BLANCHE LINCOLN—on the issue of an amendment I have at the desk, which we will not vote on right now, but I hope to perhaps reach an agreement on at a later hour.

The amendment addresses the question of the so-called ergonomics rule, which this body addressed last week, through the use of a procedure which is not normally utilized, when the Senate of the United States said that a rule that had been promulgated by the Department of Labor would not be allowed to go into effect because of injuries in the workplace that workers receive which cause them to lose very valuable hours of service, both to themselves and their employers. Those workplace injuries clearly cause a loss to families and small businesses, as well as the personal loss that is caused to the individual.

There was a great deal of concern raised by myself and by some Republican colleagues to the rule because in many cases it would have an adverse effect on the States’ workers compensation laws. And they had concerns about the potential that the rule would, in fact, allow injuries to be covered that were not directly related to having been brought about by conditions in the workplace.

The third thing I heard a great deal of was that employers really didn’t have enough information to know whether they were covered or what were their responsibilities. Therefore, in order to try to answer those questions and still address the concern that I think most people have about injuries in the workplace, which are estimated to cost between $45 million and $54 million annually, I have offered an amendment that I think is one this body should embrace in a bipartisan fashion.

No. 1, we say the Secretary of Labor, within the next 2 years, shall promulgate regulations dealing with these injuries in the workplace. In addition to giving her the mandate from the Congress to promulgate these regulations, we also go further and say that, in trying to address the concerns we heard on the floor of the Senate, for instance, in issuing this new rule, the Secretary of Labor shall ensure that nothing in the rule expands the application of the State workers compensation law. We had a lot of concern about how this could have altered or expanded. This amendment clearly says that nothing would be in the bill and the rule could expand the application of the State workers compensation law. It also says that nothing in this amendment or in the rule could affect the OSHA laws. They are in place as they are, and if somebody wants to change them, that would be for a later date.

The other thing I think was very important, which we heard from so many colleagues, was that injuries they are talking about under the rule shall be work-related disorders that occur within the workplace. Many people were concerned that, well, someone could injure their back on a Saturday afternoon during a recreational activity and come to work on Monday and blame it on conditions in the workplace.

The amendment I have offered, along with my bipartisan cosponsors, says...
the standard shall not apply to non-work-related disorders that occur outside the workplace or nonwork-related disorders that are aggravated by the workplace.

So every objection I heard, particularly from Republicans, was that they did not like the rule. If some think it is too much or too little, they can still use the Congressional Review Act as we did last week to knock down the rule with a standard method of doing things, and they would be able to compare the ergonomics process, as well as any other safety issue and come to an agreement on how those safety issues can be reached.

Another thing that needs to be done while we are at it is changing the rule-making process. I was fascinated by some of the things that were done 28 years ago even though the technologies have changed tremendously. There are some things that need to be done. I wish we had been consulted more on some of the specific wording. I know there is an effort to work together on some of these things, so we may be able to come up with an agreement in a short while so this amendment can be accepted.

I thank the Senator from Louisiana for making this effort, for getting us started on it. I hope he will work with me on the process. I yield the floor and reserve the remainder of my time.

Mr. BREAUX. Mr. President, I will use whatever time I need, and I will then yield to the Senator from Arkansas.

Some of the points the Senator made are valid. However, our amendment addresses those concerns, particularly the concern about an employer knowing exactly what his or her requirements are because we say that the rule shall set forth in clear terms the circumstances under which an employer is required to take action, the measures required of an employer under the standard, and the compliance obligation of an employer under the standard.

We give the employers clear direction. We let them know when they are in compliance, and we clearly spell out what their obligations are and also the measures that are required.

Under the requirements of our legislation, the rule has to come back and clarify to an employer exactly what is being required.
I think the amendment is a good one; ergo, I think it should be adopted. I yield whatever time she consumes to the Senator from Arkansas, Mrs. LINCOLN.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. I thank the Chair.

Mr. President, with all of this talk we have heard recently about bipartisanship and wanting to do what is right by everyone, not leaving anyone behind, I am certainly glad we have at least a few minutes to have a debate on an alternative to last week’s issue of workplace safety.

I have been delighted to work with my colleagues, Senator BREAUX and Senator LANDRIEU—and Senator SPECTER has worked with us—in developing an amendment that requires the Department of Labor to draft a new ergonomics standard that addresses the ergonomic hazards in the workplace with the possibility of business owners who act in good faith.

As I stated in my remarks last week, I voted to repeal the ergonomics standard last year because, in my opinion, it was unreasonable in terms of the requirements it imposed on businesses and there was nothing in it to combat the vagueness of the standards with which employers were expected to comply.

However, I do not believe our action to overturn the current ergonomics rule should in any way be interpreted as congressional intention to end the debate on this issue of workplace safety. That is what we did last week. That certainly was not my intention. In fact, I believe the Federal Government does have a responsibility to set safety standards and to protect workers against hazards that exist in their place of employment.

Certainly, the new Secretary of Labor and the new administration, through working with our colleagues in hearings and other ways, I think would relish the idea of being able to come up with a standard that is workable, something that can give us workplace safety but encourage businesses to be involved. That is certainly possible.

The ergonomics standard or the rule we saw last year was a no win for anyone because we were not going to see, because of the court cases that were already involved with that rule, workers protected or we were able to see a reasonable compliance that industries could meet. It was not a win for anyone.

If we fail to come back with anything else, and if we fail to encourage the Department of Labor to come up with something that is reasonable and workable, then we, once again, have failed everyone—businesses and employees—because we can do better at providing better workplace safety, and we can also provide workers a better way of complying with it. Everyone wins with that—workers and businesses.

The amendment we are offering gives the Department of Labor 2 years to craft a new Federal ergonomics standard. In addition, our amendment directs the Department to address serious problems that exist in the previous rule.

Specifically, we make clear that the new standard should not apply to injuries that occur outside the workplace or, as Senator BREAUX mentioned, injuries that are aggravated by activities that employees perform as a part of their job.

Furthermore, this amendment requires the Secretary of Labor to set forth in clear terms what businesses are required to do to comply with this new standard before it takes effect.

Finally, we prohibit the new rule from expanding the application of State workers compensation laws.

In short, I believe our amendment is a reasonable, commonsense approach that will allow the Department of Labor to address a serious health and safety issue in the workplace in a manner that is workable for business and employers. After all, in the debate last week, is that not what we said we were striving for?

As a founding member of the Senate's new Democrats coalition who is working to make the Senate work and ensure it is possible, I wish we had been given the opportunity to draft and offer a compromise proposal on ergonomics last week when it was most appropriate. Unfortunately, we did not have that opportunity.

Now that the consideration of the resolution of disapproval has been concluded, I am certainly hopeful my colleagues will want to work in a bipartisan way and permit a reasonable period of debate and vote on this amendment and come up with something that is going to be workable for absolutely everybody, certainly employees as well as employers and businesses, all of which can be brought to the table in the next 2 years, and we can craft something that is going to be workable and meet the objectives we have all expressed.

I thank the Senator from Louisiana for his hard work and leadership in this effort, and I look forward to working with all of our colleagues in the next several days to come up with something we can adopt and prove to the people of this Nation and businesses of this Nation that we are truly concerned about workplace safety and about being sensible.

I yield back to the Senator from Louisiana the remainder of his time.

Mr. BREAUX. I thank the Senator from Arkansas for her contribution. She comes from a State deeply involved in these issues. I know she speaks with a “mine” of experience in addressing these concerns. I thank her for her contribution, as well as my colleague from Louisiana, Senator LANDRIEU.

I state this time to say to our colleagues our staffs are currently talking with each other across party lines to see whether there might be some agreement we can reach on an authorization bill as an amendment either to this legislation that is currently pending before the Senate or to some other legislative package that is going to come before the Senate. I will continue to work with our colleagues and our staffs on the floor to find an agreement on a pending amendment.

I yield the floor.

Mr. ENZI. I thank the Senator from Arkansas and the Senator from Louisiana for their consideration and their work on a bipartisan way to see we get something done and to extend that opportunity to go to meetings with Secretary Chao and also to participate in hearings on my subcommittee. We want to make some progress on this issue.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Louisiana has offered what is, in effect, a substitute. That was laid down last night. He is willing to start debating that amendment.

We have others we could get over here to offer amendments. We want the record to be clear that we are doing everything we can. Senator LEAHY has instructed everyone to move this bill along as quickly as possible. I certainly agree with that. I see Senator GRASSLEY, too. Maybe we could have some information as to whether we could set aside the amendment that is pending and move on to something else.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, it is my understanding the bill managers are looking at what is left on the bankruptcy bill at this moment. Senator WILESTONE’s bill will be the amendment we are discussing. He is planning on being here at 1:15.

I had heard some concern that most of the actual bankruptcy issues had been covered and we were just doing some peripheral ones. There is some concern on our side as to what the process is going to be. It is my understanding they are discussing that now. The chairman probably can give us some information.

Mr. GRASSLEY. If the Senator from Nevada will yield, I will try to respond to his inquiry.

No, I, since so many people are busy during the lunch hour with the steering committee and the types meeting
that both parties have, we might not be so fortunate as to get something up before 1:15 when the Wellstone amendment is up.

The second is, the Senator asked if we could do another amendment. What amendment would the Senator suggest we move to, then?

Mr. REID. There is one amendment about which I have received a number of calls today. Mr. DURBIN, the Senator from Illinois, wants to offer his substitute amendment that is what it is. The Senator from Iowa is familiar with that. It is at the desk.

It is at the desk. He would be willing to have a relatively short time agreement for the opportunity to express his views on that.

Mr. GRASSLEY. As the main sponsor of this legislation, I should be able to tell you we could go to the Durbin amendment. But we have some reservation at this time on moving forward on the quorum call, particularly because it would take a good deal of time and would interfere with the Wellstone amendment. If there is some other amendment the Senator from Nevada would like to take up, he might suggest something and we would quickly consider that.

Mr. REID. We have one that Senator LEAHY has been trying to get up, amendment No. 19, a set-aside amendment.

Mr. GRASSLEY. That is the same amendment, if we went back to regular order. If we called regular order, we would end up on that amendment.

Mr. REID. It is my understanding that No. 20 is regular order. This one isn’t before the Senate.

Mr. GRASSLEY. This is an amendment that has not been before the Senate.

Mr. REID. That is my understanding. It has been filed but it has not been debated.

Mr. GRASSLEY. I suggest we put in a quorum call, and then we will take a look at it.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate now be in a period of morning business with Senators speaking up to 10 minutes each until 1:15 today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. 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. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BANKRUPTCY REFORM ACT OF 2001—Continued

AMENDMENT NO. 36, AS MODIFIED

The PRESIDING OFFICER. The clerk will report the pending amendment of the Senator from Minnesota.

The legislative clerk read as follows:

Amendment No. 36, as modified, previously proposed by Mr. WELLSTONE.

Mr. WELLSTONE. Mr. President, I want to be clear with my colleagues and the majority leader that I came to the floor very early on with several amendments to move this process forward. Last week, when I initially objected to a motion to proceed, the majority leader said we would have substantive debate on amendments. This amendment has been “hanging out there” for several days. I have wanted a vote on this amendment. I modified this amendment because there was concern on the part of my colleagues on the other side that there was a jurisdictional problem with a committee. I had assumed we would have an up-or-down vote on this amendment. My understanding is that it might not happen and there might be a second-degree amendment. I don’t know what that amendment is, but it will probably be an amendment that will gut this amendment. I just want to start to wonder, even more, about what we have been doing out on the floor of the Senate with this bankruptcy bill. My colleague called this a reform bill, but I wish to mention a couple of articles that have been published recently. I will soon ask to have them printed in the Record.

There was a piece that appeared on Tuesday, March 13, in the Wall Street Journal entitled, “Auto Firms See Profit In Bankruptcy-Ref orm Bill Provision.” The first paragraph:

The nation’s three major auto makers are always interested in making deals, and they hope to close one in the U.S. Senate this week that is worth millions of dollars to each of them.

The deal lies in the bankruptcy-reform bill expected to clear the Senate this week. Bur- ied in the bill’s 42 pages is a section that changes the way auto loans are treated when an individual declares bankruptcy, making it more likely the car loans will have to be paid back in full—either the creditors collect only part of what they are owed.

That might include child support payments as well.

There also is in here a chart that deals with the soft money, PAC, and individual contributions by members of the Coalition for Responsible Bankruptcy Laws.

I actually think the bitter irony is that the debate we have been having on this bill—for the 2 1⁄2 or 3 years I have been working on this—is probably, unfortunately, a perfect bridge to the debate we are going to have on campaign finance reform.

Again, I want to be real clear with my colleagues. I don’t like to come to the floor and do a one-to-one correlation that money has been given, so that is why you are voting this way. I don’t believe in that for several reasons. One, it would be arrogant on my part to believe that if somebody has a different point of view, that means, ipso facto, they are receiving all this money from, for instance, the financial services industry and that is why they are voting the way they are. That is not my argument.

Rather, my argument is institutional, which is more serious. The problem with this political process is not that there is “corruption,” as in the wrongdoing of individual officeholders, as in one-to-one quid pro quo—here is the money, here is how you should vote.

The problem is institutional, and that is a more serious problem. It is the imbalance of power, the imbalance of access, the imbalance of influence, not affluence, between the people I have tried to represent as a Senator—low and moderate-income people, people of color, poor people, consumers—and the heavy hitters, the investors, the players, the lobbying coalition.
There has been article after article about the full-court press of the financial services industry over this bill.

The auto firms get a good deal. That is worked into this bill. Buried in the bill’s 42 pages is a special deal for them.

By the way, it is not a special deal for you if you are going under because of major medical expenses, which is 50 percent of the cases. It is not a special deal for you if you have lost your job in the state of Minnesota, 1,400 unionized workers out of work. It is not a special deal for you if you have gone through a divorce and there is a sudden loss of income. But it is a special deal for these folks. This is a piece by Tom Hamburger of the Wall Street Journal.

There is another piece in the Wall Street Journal by Tom Hamburger, Laurie McKinley, and David S. Cloud:

For the businesses that invested more money than ever before in George W. Bush’s costly campaign for the presidency, the returns have already begun.

MBNA America Bank was one of the largest corporate donors to the Bush campaign last year, contributing $26 million to Republicans during the primaries. MBNA, the third largest issuer of credit cards in the country, says its firm has no way to estimate how the legislation would affect the company’s bottom line. MBNA has backed the bill for years “because it is consistent with the views of the Bush campaign,” says Larry Makinson of the Center for Responsive Politics.

On employee safety, consumer bankruptcy, and insurance, the bill, which President Clinton last year vetoed a similar bill that would have toughened bankruptcy law, consumer groups argue that such legislation would weaken protection for working families. The rules were an attempt to prevent employers from having to pay their basic health insurance.

Also in action last week were members of a large coalition of consumer and business groups who want to roll back new federal rules designed to protect workers from repetitive-motion injuries.

In a private meeting with congressional leaders last Tuesday, President Bush signed off on a plan to kill the ergonomic rules, which he has long been opposed to. President Bush and other corporate executives may take the side of the business lobby when the ergonomic rules become a law. The industry is hoping the move will lead to drug-price controls.

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Drug companies contributed $14 million to Republican campaigns over the past two years and spent an additional $60 million to fight their own interests. For political advertising, the Medicare prescription-drug benefit for senior citizens. The industry wants to make sure such a benefit doesn’t lead to drug-price controls.

With the fight not likely to command center stage for many months. In the meantime, drug companies will press for a rewrite of federal rules protecting the privacy of patient medical records. The rules were announced with much fanfare in the final weeks of the Clinton administration. The drug companies recently got a sign that they, too, were making progress with the new administration.

Health and Human Services Secretary Tommy Thompson, in a move that infuriated consumer groups, invited additional public comments on the rules until the end of this month. The industry is hoping the move will lead to more delays and, ultimately, significant revisions.

Last December, Mr. Clinton heralded the rules as “the most sweeping privacy protections ever written.” For the first time, patients could have access to their medical records and could correct mistakes. Providers, such as hospitals and health plans, would be
Democrats to pull it out. It is more likely the car loans will have to be an individual declares bankruptcy, making it more difficult for Lloyd’s of London to collect debts from American investors in the insurance firm who can show they were victims that the cram-down exemptions from the bill’s disclosure requirements for voluntary repayment plans. But it is the auto-loan provision that draws the harshest criticism.

“This is one of the best examples of why this legislation is that at war with itself,” says Brad Austin, associate professor at the University of Wisconsin Law School and who was chairman of the National Bankruptcy Review Commission in 1996 and 1997. The bankruptcy law would reduce the number of Chapter 7 bankruptcy filings, in which consumers erase debts to unsecured creditors, and increase the number of Chapter 13 filings, which require debtors to repay at least a portion of their obligations under the supervision of a court-appointed trustee. The auto giants gain because the proposed law would amend the cram-down rules that allow borrowers entering Chapter 13 bankruptcy to repay only an automobile’s market value plus interest, not the full value of the obligation. Consider, for example, the situation of someone entering bankruptcy who bought a car two years ago for $10,000. The car is now worth $8,000. In a cram-down, the bankruptcy law would eliminate the so-called cram-down which allows a court-appointed trustee to decide whether the car can be kept and the terms under which it can. The remaining debt would be considered, along with debts owed to other unsecured creditors such as retailers, credit-card firms and medical providers.

The theory behind the cram-down was that secured creditors could get the value of their collateral back, cars wouldn’t get repossessed as often and bankruptcy filers could continue to pay off at least a portion of their obligations to auto lenders and other creditors under the supervision of a trustee. Under the bill’s change, Mr. Williamson, the debtor will have to devote a larger share of remaining resources to satisfying unsecured claims before he may use his car, because Merck-Medco’s unit. Like other pharmacy-benefits managers, which obtain contracts from HMOs and employers to keep drug costs down, it worries that more creditors will thus end up filing under Chapter 7

The auto industry, the change has been viewed since cram-down was introduced into law in 1978. Since that law passed, bankruptcy rates have gone up nearly 800% and automobile companies, which make a significant portion of revenue from lending, were upset about the losses. They argued that eliminating cram-down will make the overall system more dysfunctional, helping all creditors. Mr. Tassey says that cram-down works as an incentive to enter Chapter 13 bankruptcy and argues that removing it will make it more deterrent to filling "specious bankruptcies."

But opponents scoff at those arguments. "This is the worst provision in this bill for those who want to improve their debt back," says Henry Hildebrand of Nashville, Tenn., chairman of the legislative and legal-affairs committee of the National Association of Chapter 13 Trustees. As Mr. Hildebrand and others see it, the legislation will hurt all creditors, and will run contrary to the intent of the law’s provisions. He cites studies by his organization showing that a fifth of Chapter 13 debtors would be driven into Chapter 7, where they can discharge or liquidate credit-card and other unsecured debt.

And in the Senate last week, Sen. Durbin launched his effort to remove the auto section from the final bill, or at least modify it significantly. "This provision is unjustly tipped in favor of the creditor, providing little or no protection to the debtor. We have some dissent from a powerful constituency behind the new law. We think cram-down is a bad idea," says Anne Marie Sylvester, media-relations manager for GMAC National, the financial arm of General Motors Corp. "It raises costs for businesses who rely on the auto industry, and may have to spread among our customer base. In effect, it rewards debtors who don’t fulfill their obligations and penalizes those who follow the rules." She said GMAC contributed $1.6 billion to GM’s $6 billion earnings last year. The bill also stands to benefit GM’s main competitors, Ford Motor Co. and Daimler Chrysler AG.

This provision was in the bill that passed Congress last year but was vetoed by then President Bill Clinton, who said the working families too hard. In another sign of the effect a change in the presidency can make, the Bush White House has formally signaled its intention to oppose it. Because removal of the cram-down effectively puts auto lenders ahead of other creditors, the proposed shift threatened a powerful business coalition, led by credit-card companies, that has been pushing for an overhaul of bankruptcy law in recent years. Despite some dissent, though, the coalition generally held together, says Jeff Tassey, organizer of the Coalition for Responsible Bankruptcy Laws. Coalition members calculate that as auto companies were worth accepting to keep that powerful constituency behind the new law.

“There are provisions that are important to some industries that aren’t important to others,” Mr. Tassey says. “But the members of Congress consider it important to them to have the industry in there.” To the auto industry, the change has been viewed since cram-down was introduced into law in 1978. Since that law passed, bankruptcy rates have gone up nearly 800% and automobile companies, which make a significant portion of revenue from lending, were upset about the losses. They argued that eliminating cram-down will make the overall system more dysfunctional, helping all creditors. Mr. Tassey says that cram-down works as an incentive to enter Chapter 13 bankruptcy and argues that removing it will make it more deterrent to filling "specious bankruptcies.""
As he watched consumer-protection amendments to the bankruptcy bill fail by lopsided margins last week, Senator Patrick J. Leahy of Vermont, the ranking Democrat on the Judiciary Committee and a leading critic of the bill, said that colleagues had told him privately that they were "committed to the banks and credit card companies—and they are not going to change their minds. "Some of them do this because they think it's the right thing to do," Mr. Leahy said. But he said other senators were voting for the bill because they knew banks and credit card companies "are a very good source" of political contributions. "I always assume senators are doing things for the money," Mr. Leahy said, adding: "But I have never had credit card companies show up at my fund-raisers, and I don't think they ever will."

Mr. Gekas said the implication that money was buying support for the bankruptcy bill was insulting, and that the bill did most consumers a favor by ending practices by some debtors that had forced up interest rates for everybody else. "Bankruptcies are costly to all of us who don't go bankrupt," Mr. Gekas said.

In the late 1990's, banks, credit card industries and others with an interest in overhauling the bankruptcy system formed a lobby called the National Bankruptcy Coalition, for the purpose of pushing a bankruptcy-overhaul bill through Congress.

Mr. Wellstone. By the way, there was also a piece on this in National Public Radio this morning. There is another piece by Mr. Samuelson in the Washington Post this morning. His argument is that it is not so much that it is a bad bill—I think because I had to skim read it; I was in a rush—he was saying that at a time with an economic downturn, there may now be more people filling bankruptcy. Actually, it has fallen off over the last year and a half, but that may happen again, and we are going to make it more difficult for a whole lot of people in very difficult economic circumstances to rebuild their lives. Mr. Samuelson was saying he questioned the timing of this bill.
President Bush's 2000 campaign is close to its long-sought goal ofOverhauling the Nation's bankruptcy system.

It goes on to talk about all of the breaks the credit card industry is going to get, that all of the money they put into political campaigns will pay a huge dividend in terms of support.

By the way—this is interesting as well—while I probably have been one of the strongest critics of President Clinton, it is interesting that this piece about the support from all of the financial contributions paying off—I think one reason my colleagues are in such a rush to pass this bill is to show now we have a President who is going to sign the bill as opposed to veto the bill because we could not override the veto.

President Clinton, wherever you are, with whatever kind of tough stories you have had to deal with, with whatever you have done by way of pardons that may not be right that I do not agree with, I do know that as a Senator I thank you for standing up to all of these big contributors, to all of these interests, to the financial services industry. It wasn't easy to do, and you did it. Thank you, President Clinton.

I am not at all surprised President Bush cannot wait to sign this bill. This is his crowd, as my good friend Fritz Hollings from South Carolina would say. This is his crowd. I am sure he cannot wait to sign the bill.

Let me go to this amendment which I do not think my colleagues want to vote on or down. I thought when I modified it we had at least an implicit understanding we would have an up-or-down vote, but they do not want to vote on this amendment, and I do not blame them. I would not want to vote against this amendment either.

This amendment is an amendment that deals with the predatory lending which targets low- and moderate-income families.

This bankruptcy "reform" bill, does it have much that deals with predatory lending practices? No. Does it call on the credit card industry—broadly defined—to perhaps take some accountability for pumping credit cards on our children and all sorts of other people who then find themselves in trouble and have to file for bankruptcy? No.

I will tell you what it does do. It makes it very difficult for a whole lot of people to protect themselves in desperate financial straits to file for chapter 7, and, for that matter, it goes beyond the means test. There are provisions in this 50-page bill plus that make it really hard for ordinary people to get relief and rebuild their lives. That is absolutely outrageous.

I believe somebody needs to challenge this rush to get this done. We may have a cloture vote. We are going to have a cloture vote this afternoon, I take it. Colleagues should vote against it. There are a number of Senators who want to have amendments and want to have a vote on amendments, and they are right.

By the way, I did not file for cloture. That was the majority leader. My understanding is there is going to be a cloture vote, and my understanding is Senators would have a chance to have votes on their amendments. That was my understanding. That is what should happen. There are some substantive amendments that deal directly with alternatives to this harsh bill.

I want to know why we are not going to have these amendments—I mean major amendments. And this amendment I think is also a major amendment, but I know other colleagues, who have worked on this many more years than I have and have more expertise, probably have even more important amendments. What do you think about this one? This amendment will prevent claims in bankruptcy on high-cost transactions in which the annual interest rate—if you are ready for this—for the loan amount, please are payday car title pawns. It is an extremely small amount. These are low-income folks who pay this price who are having a difficult time because someone wanted to go to the doctor and they do not have much margin month to month. Go for a loan and you are extended a small amount. $100 to $500, for an extremely short time, 1 or 2 weeks. The loans are marketed as giving the borrower a little extra until payday.

The loan works like this, if you can believe these loan sharks, these vultures. The borrower writes a check for the loan amount, plus a fee. The lender agrees to cash the check until the agreed upon date and give the borrower the cash. On the due date, the lender either cashes the check or, as quite often it happens, allows the borrower to extend the loan by writing a new check for the loan amount, plus an additional fee. Calculated on an annual basis, these fees are exorbitant. For example, a $15 fee on a 2-week loan of $100 is an annual interest rate of 391 percent. Rates as high as 2,000 percent per cent. Rates as high as $15 on a $100 loan or $200 loan are unconscionable.

Why in the world do we want to allow claims in bankruptcy for credit transactions such as these payday loans and car title pawns where they charge over 100 percent interest? How do you vote on this?

Could somebody explain to me why this is a bad amendment? Could somebody defend these sleazy loan sharks? So far, no one has.

There is no question these high-interest-rate loans take advantage of working people. On the face of it, paying 300 percent or 500 percent or 800 percent for a $100 loan or $200 loan is unconscionable. No fully informed person with a choice would do it. But that is exactly the issue. These folks may not always have a choice.

I am sorry I believe this has been happening over and over again in the last couple of weeks. This is similar to the situations that we have been talking about. These are poor people we are talking about. None of us is ever put in this situation.

President Bush, whatever happened to compassionate conservatism? My Republican colleagues, whatever happened to compassionate conservatism? Often these borrowers turn to payday lenders and car title pawns because they can't get enough credit through the normal channels. So these borrowers are a captive audience, unable to shop around to seek the best interest rates, uninformed about choices, unprotected from coercive collection practices.

I thank the Chair for having the grace to face me while I speak. I always thought that was important. I thank the Chair. It is much harder to speak when the presiding Chair is reading or not paying attention. I thank the Chair for his graciousness. When I shout, I am not shouting at the Presiding Officer.

There is no way the borrower can win. At best, they are robbed by high
interest rates, and at worst their lives are ruined by the $100 loan which spirals out of control. These loans are patently abusive. They should not be protected by a bankruptcy system. Because they are so extensive, they should be completely dischargeable in bankruptcy court. Creditors can get a true fresh start and so that more responsible lenders’ claims are not crowded out by the shifty operators.

Colleagues, vote for this amendment because you are for responsible lenders. Vote for this amendment because you are for the responsible lender’s amendment. Why should unscrupulous lenders who have equal standing in bankruptcy court with a community bank or a credit union that tries to do right by their customers? Why do we give equal value to these sleazy loan sharks with community banks or credit unions?

By the way, I don’t think these lenders should be able to take advantage of customers’ vulnerability through harassment, but that has been considered to be a terrible provision. That challenged jurisdiction in another committee, so I even dropped the language on the coercive practices.

My amendment simply says if you charge more than 100 percent on a loan, and if the borrower goes bankrupt, you cannot make a claim on that loan or the fees from the loan. In other words, the borrower’s slate is wiped clean of your usurious loan and he gets a fresh start.

Additionally, such lenders will be penalized if they try to collect—well, no. See, there you go; there was my prepared statement. I shouldn’t use a prepared statement. I was going to say, additionally such lenders will be penalized if they try to collect on their loan using coercive tactics, but I have taken that out. That was the modification my colleagues asked for, as if that would be such a terrible thing. And now I don’t even get an up-or-down vote on the amendment. That is my understanding.

This amendment is a commonsense solution to the problem I have described. It allows the Senate to send a message to these loan sharks. If you charge an outrageous interest rate, if you profit from the misery and misfortune of others, if you stack the deck against the customers so they become virtual slaves to their indebtedness, you will get no protection in bankruptcy court for your claims.

As I say that, it sounds good to me. It really does. What is wrong with this proposition? If a lender wants to make these kinds of loans under this amendment, he or she can. But if he wants to be able to file claims in bankruptcy, he can’t charge more than 100 percent interest. I don’t believe any one of my colleagues will come to the floor to claim that a 100-percent interest rate is an unreasonable ceiling.

This amendment is in the spirit of reducing bankruptcies. I think if it was adopted it would significantly improve the bill, and I urge its adoption.

I will deal with a few more questions that have been raised. I assume we will have a debate on this. This whole bankruptcy bill and debate make me uncomfortable because one of the Senators for whom I have the greatest respect is Senator Graebling from Iowa, and he and another Senator may come out here. He is a great Senator, in my opinion. But I have to say one of two things is going to happen. Senators are going to come out here and say: Senator WELLSTONE, your amendment is all well and good, but these kinds of loans need the protection. We are for the loan sharks. We are for the 100 percent interest-plus. Or they are going to come out with a second-degree amendment which I fear will have the same effect because it will gut this amendment, in which case we will have a debate about that.

But, so far, the silence has been deafening. I assume we will have that debate or maybe it will be accepted; I don’t know. We will have a vote one way or the other. This amendment is necessary. For those who say some States are starting to institute regulation of payday lenders—that is true, and I am glad; if States do more than we do, I am all for it. But the other core payday loans are being made over the Internet, and they cannot be effectively regulated by the States. In addition, payday lenders have explored using national bank charters to avoid State regulation. So both tactics require a Federal response.

These payday lenders, if you are ready for this, are generating 35 percent to 50 percent. The fees are grossly disproportionate to the risk or the profit margins would not be so high. We are talking about loan sharks who feed off misery and illness, all too often, and desperation, and low- and moderate-income people, many of them families headed by single parents, many of them families headed by women, many of them people of color, many of them people rural—and we ought to be willing to stand up for these people.

This amendment challenges Senators: Are you on the side of these sleazy loan sharks? Or are you willing to defend poor people in the United States of America?

I am not holding the Senate up. I am waiting for the debate. I yield the floor. I suggest the absence of a quorum.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order of business be suspended for five minutes so that I can announce the elimination of between 29 and 38 salaried positions.

Mr. WELLSTONE. Mr. President, the difficulty, and the reason I offered my amendment No. 37, was that the amendment No. 37 which relates to trade adjustment assistance.
amendment, is that the previous Administration had an inconsistent record with respect to recognizing U.S. iron ore workers’ eligibility to receive Trade Adjustment Assistance, despite the fact that they are clearly being injured by steel imports. In its most recent decision, involving a different taconite producer, a determination was made that low grade iron ore is not “like or directly competitive with” semi-finished steel slabs. I remain committed to a new Administration, taking a fresh look at this issue, will resolve the issue differently. Meanwhile, however, I was offering this amendment to make it explicit that taconite workers will be eligible to receive the trade adjustment assistance they so clearly need.

Mr. BAUCUS. Mr. President, I want to begin by saying that I am very sympathetic to the plight of taconite workers described by Senator WELLSTONE. Unfortunately, the situation is not at all unusual. Taconite workers are an example, and unfortunately not an isolated example, of the fate of workers who supply critical inputs to American industries that face stiff import competition.

When American workers lose their jobs because their production is replaced by imports of “like or directly competitive articles,” we help those workers through the Trade Adjustment Assistance Program. TAA provides extended unemployment benefits, retraining benefits, and job search and relocation benefits to workers who lose their jobs as a result of import trade. I am and have been a strong supporter of the Trade Adjustment Assistance Program for many years. But the present TAA program helps only the workers whom the Department of Labor determines produce the same product that is being imported.

This year presents an opportunity to consider how the TAA program can be more effective in meeting the needs of all workers whose jobs are a result of import competition. That means recognizing that trade-related job losses and dislocation are devastating for all workers, no matter where they are in the overall production process.

The TAA program comes up for reauthorization this year. I think that is the right context for addressing the problem raised today. I want to assure my colleagues that I will work hard to expand the TAA program to cover workers, whenever imports from any country lead to job loss. In fact, we are already working on legislation in the Finance Committee which would do just that. I invite Senator LEVIN and Senator STABENOW to work with the Finance Committee in this effort and to testify before the Committee when we hold hearings on TAA later this year. It is certainly my hope that we will be able to address the trade adjustment needs of taconite and other similarly situated workers, as we work to reauthorize and expand the TAA program this year.

Mr. DAYTON. Mr. President and my colleagues, the Senior Senator from Minnesota, Senator WELLSTONE and Senator BAUCUS from Montana, I appreciate Senator BAUCUS’ candor in recognizing that taconite workers have been left behind. The Department of Labor’s definition of workers eligible for Trade Adjustment Assistance. The efforts of taconite workers, from the Iron Range of Minnesota, to obtain relief from reduced production of semi-finished steel slab and steel plant closings, have been frustrated by how the Department of Labor considers the taconite industry. This is the reason Senator WELLSTONE and I introduced the Taconite Workers Relief Act. This bill underscores what I believe is certain: that taconite production is an essential part of an integrated steel-making process. Steel, no matter where it is made, is produced by a process initiated by iron ore or taconite pellets. Taconite pellets are melted in blast furnaces that are blown with oxygen to make steel. Every ton of imported semifinished steel displaces 1.3 tons of iron ore in basic domestic steel production.

In Minnesota, in the mid-1990’s, seven operating blast furnaces and 6,000 workers produced 45 million tons of taconite, which is 70 percent of the nation’s supply. Today, the painful reality is that production cutbacks have ravaged the United States iron ore industry. United Mining Company, the largest producer in Minnesota, has stopped production of semi-finished steel slab and steel plant closings. Taconite pellets are melted in blast furnaces that are blown with oxygen to make steel. Every ton of imported semifinished steel displaces 1.3 tons of iron ore in basic domestic steel production.

On December 29, 2000 LTV, the third largest steel producer in the United States, filed for bankruptcy, bringing the number of steel producing companies under Chapter 11 protection to nine. The closing of LTV permanently eliminates 8 million tons of production, and 1,400 jobs in Minnesota. I am sure the Department of Labor determines produce the same product that is being imported.

The men and women of the Iron Range, who have worked for generations in the mines of north-eastern Minnesota, are members of long standing in the union of the United Steelworkers of America. These are hard working people who believe that America’s steel industry is a basic industry, essential to the economic and national security of our country. These are people, with an unwavering work ethic, who understand that the steel industry is highly integrated, and who believe they are part of that industry. This is the reason I want to work to ensure that Department of Labor clearly recognizes the eligibility of taconite workers for TAA, and I also believe that eligibility should be retroactive to include workers permanently laid off in the past year.

I commend the leadership of Senator BAUCUS in offering to support the expansion of TAA to cover taconite workers. I stand firmly on the principle that所有 workers must be treated equally at the trade table, and in the definition of eligibility for trade adjustment assistance. The opportunity the Senator has offered within the context of reauthorizing TAA is a wise strategy. I will join the Senator in working hard to eliminate any question there may be about the importance of taconite as part of an integrated steel industry.

Mr. BAUCUS. I thank Senator WELLSTONE and Senator DAYTON for their detailed and thoughtful presentation of the situation of taconite workers in Minnesota and Michigan. I also welcome their willingness to work with me and the Finance Committee on the reauthorization and expansion of the program.

Mr. GRASSLEY. Mr. President, I concur with my colleagues that the Trade Adjustment Assistance Act needs a thorough review to protect workers who lose their jobs or income as a result of import competition. I am committed to a top to bottom review of the Act this year and to work with members to make the necessary changes.

The amendment (No. 37) was withdrawn.

Mr. WELLSTONE. I thank the Chair. Mr. LEAHY. Mr. President, I thank the Senator from Minnesota.

Mr. President, the Senator from Utah and I have been working together on a managers’ package. We might be able to move that forward. We are not right at that spot yet.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

Mr. REID. The PRESIDING OFFICER. The acting clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON). Without objection, it is so ordered.

Mr. KERRY. Mr. President, I ask unanimous consent I be permitted to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. If the Senator would just withhold, how long does the Senator wish to speak? We are about to do a unanimous consent request.

Mr. KERRY. I don’t know exactly. About 10 minutes or so.

Mr. REID. Fine. It will take us that long to get things in order.

Mr. WELLSTONE. If I could say to my colleague, with his indulgence, I certainly will not object, but I want to make it clear, because it is also in the middle of something else, that I have an amendment out here. I have been debating it. I am ready to hear somebody else debate it. I am ready to
have a vote. I am not holding anything up. Democrats have a number of amendments to this bill that should be offered, debated, and voted on. I question what is going on here.

Mr. KERRY. Mr. President, I am not sure which dog I have in this fight at the moment. I appreciate what the Senator from Minnesota is trying to accomplish. I gather that various people are trying to work on that. I certainly don’t want to interrupt the flow. I will speak. At some moment the Senate has to move back to business.

Mr. REID. Does the Senator have a problem with Senator LEVIN having 5 minutes and the Senator from Delaware 15 minutes prior to the vote at 4 p.m. because there are no other amendments being offered prior to that time?

Mr. WELLSTONE. Reserving the right to object, I ask my colleague from Utah whether I may amend his unanimous consent request to assure that the managers’ package be accepted or voted on and that the Durbin amendment be out here. If I may—I have the floor, if I may finish for a moment. I want to let my colleagues speak. It is an outrageous proposition here. I am not just speaking about my own amendment. I want a vote on my own amendment.

Mr. HATCH. Will the Senator yield?

Mr. WELLSTONE. If I may finish, and then I will take a question. I want to know why, No. 1—maybe there is something I do not know—I want to know whether or not there is a commitment that the managers’ amendment will be accepted before we get a cloture vote and it gets clotured out, and I want to know why Senator DUR- bin, who has worked on this bill long hours, does not know whether or not there is a commitment that the managers’ package before the cloture vote. I have been trying to have a vote on it for days. I am ready to have Senator BIDEN and Senator LEVIN speak and have a vote on my amendment right away. I want to accommodate.

I ask unanimous consent that my amendment be disposed of at 3:40 p.m. and also Senator DURBIN be allowed to come to the floor and debate his amendment and have a vote on the Durbin amendment as well after 3:40 p.m. and that we either have a voice vote or recorded vote on the managers’ package before the cloture vote.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. Will the Senator yield for a comment?

Mr. WELLSTONE. I am not going to yield the floor, but I ——

Mr. HATCH. You already yielded the floor.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. Let me accommodate my colleague.

I am trying to accommodate the Senator. I am trying to be reasonable, and I am trying to make this matter acceptable. We have a cloture vote at 4. I am willing to accommodate the Senator so he can have a debate on his amendment equally divided until 3:40 when we vote on the amendment.

Mr. WELLSTONE. Mr. President, will

Mr. HATCH. Let me finish. Then we will vote on that amendment, as modified. As I understand it, Senator LEVIN wants to speak—is that correct?—for 5 minutes, and Senator BIDEN wants to speak for how much time?

Mr. BIDEN. Will the Senator yield for a question?
Mr. HATCH. I will be happy to without losing my right to the floor.

Mr. BIDEN. I am not standing here seeking recognition to speak, although I would like to do that at whatever time is convenient, but I ask the question: Isn’t it fair that the request—and I strongly disagree with Senator WELLSTONE’s characterization of this bill, and I strongly disagree with Senator DURBIN’s characterization of this bill, but are they not entitled to have a vote? I am standing here to support their right to have a vote before cloture. I thought that was the general understanding, that we would have the ability to vote on both those amendments before cloture.

I do not understand why they are not being given that right. Again, I strongly disagree with both of them. I think there has even been a little bit of demagoguery on the bill. I resent some of the ways they have characterized the positions of some of us who support the bill, I think they have a right to have a vote on their amendments. I thought there was an understanding.

My question is: Was there not an understanding that we would be voting today prior to cloture on some of these amendments that would be kicked out by cloture if cloture were invoked?

Mr. WELLSTONE. Will the Senator yield?

Mr. BIDEN. I cannot yield. The Senator from Utah has the floor. I asked a question so I cannot yield. That is my question.

Does it also not make sense for the legitimacy of the cloture vote to let them have their votes on both those amendments?

Mr. HATCH. I am not aware of the promise to Senator DURBIN, but I am trying to accommodate the distinguished Senator. We have a limited time prior to the cloture vote.

Mr. BIDEN. I ask unanimous consent to allow inter—

Mr. HATCH. Will the Senator yield?

Mr. BIDEN. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Will the Senator yield?
and finally in relation to the Wellstone amendment, with 2 minutes between each vote for explanation, and the votes to begin no later than 3:20, and Senator WELLSTONE’s time as previously ordered be limited to 5 minutes, and the majority leader be recognized for 5 minutes just prior to closure.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. If I understood the unanimous consent, I can call up my amendment numbered 93 at this time. At some point, Senator HATCH may offer a second degree.

Mr. HATCH. I ask unanimous consent the Wellstone time be reserved to follow the 30 minutes equally divided between Senator DURBIN and myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 93

Mr. DURBIN. Mr. President, I don’t know the sequence, but I want to make certain we are considering amendment No. 93 that I have offered. Senator WELLSTONE has a pending amendment as well. I am prepared to argue my amendment.

The PRESIDING OFFICER. The amendment is now pending.

Mr. DURBIN. The amendment has been filed.

The PRESIDING OFFICER. The amendment was called up earlier. It is pending.

AMENDMENT NO. 96 TO AMENDMENT NO. 93

Mr. HATCH. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 96 to amendment No. 93.

Mr. DURBIN. Mr. President, I object, unless a copy is provided. We have no idea what is in the amendment.

Mr. HATCH. It is on your desk.

Mr. DURBIN. I do not object.

Mr. HATCH. I ask unanimous consent reading of the amendment be dispensed with.

Mr. DURBIN. Mr. President, I object, unless a copy is provided. We have no idea what is in the amendment.

Mr. HATCH. It is on your desk.

Mr. DURBIN. I do not object.

Mr. HATCH. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, it took a few minutes to sort out what we are doing, and this is what it has come down to. I am offering an amendment to the bill before us with a bankruptcy reform bill which was considered 2½ years ago in the Senate and passed by a vote of 97–1.

Senator HATCH has come back and said, instead, it is a take it or leave it deal. We have this bill that is presently before us—take it or leave it. That is what the choice will be for my colleagues in the Senate. But I encourage them to take a close look at the differences between the substitute I am offering and what is being considered today in this Chamber.

This bankruptcy debate has gone on for over 4 years. A very small percentage of the time we have been able to get our work done in the bankruptcy court, thank the Lord, but those who do hope they will have a new day in their lives. Because of their income situations they cannot repay their debts. Many of these people would have wanted to repay their debts. Unfortunately, they have been faced with medical bills far beyond what any family could take care of. They might have gone through a divorce and found themselves with little or no income to raise a family and all the bills finally stacked up and pushed them over the edge. They could face a situation where they have lost a job that they had for a lifetime and then they find themselves in the bankruptcy court.

My colleagues and I, Senator GRASSLEY of Iowa, spoke eloquently, when I offered my bill, about the need for us to change the process so the Senate could have bankruptcy reform. Let me read a little bit of what Senator GRASSLEY said in The Congressional Record of September 23, 1998. He said:

Mr. President, first of all I want to thank everyone in this body for the overwhelming confidence in the work that Senator DURBIN and I have done on this bankruptcy bill. Getting to this point has been a very difficult road, it is time to give them a fresh start. When people have reached the end of the road, it is time to give them a fresh start.

Sen. Grassley went on to say:

You heard me say on the first day of debate, this is for the entire time that I have been in the Senate that on the subject of bankruptcy—maybe not on every subject, but the subject of bankruptcy—there has been a great deal of bipartisan cooperation . . . this legislation has always passed with that sort of tradition.

About the amendment I am offering now, Senator Grassley went on to say:

So I want to say to all of my colleagues that I need only their support but, more importantly . . . that tradition has continued . . . I don’t think we would have had the vote that we had today if it had not been for the bipartisanship that has been expressed . . .

The vote was 97–1. The Grassley-Durbin bankruptcy reform had overwhelming bipartisan support. But, on two successive occasions, that bankruptcy bill got into conference committee and, frankly, never emerging. What came back from the conference committee was a slam dunk, unbalanced, one-sided bankruptcy reform that favored credit card companies and financial institutions, and, frankly, did little or nothing for consumers and families across America.

I am pleased we have had this debate before us. But I tell you in the spirit that Senator Grassley spoke to the Members of the Senate on the floor, I have offered the same bill which he and I worked on for so long, the bill that passed so overwhelmingly. We already have before us a thoroughly researched and broadly considered bill which was found acceptable to virtually every Member of this body in 1998. The bill before the Senate now, the Bankruptcy Reform Bill, is not a balanced bill. The bill we have before us today is one that is tipped decidedly in favor of credit card companies.

There have been efforts made over the span of this debate to amend this bill to give consumers a fighting chance. Those efforts have failed. I have tried to offer an amendment, for example, which would have provided complete disclosure on the monthly statements on credit cards. The credit card industry has refused. Why send a message to America of how divided we are in bankruptcy reform instead of coming up with a bipartisan bill that addresses the issue? The Senate can speak in a united, bipartisan voice, making clear we have reached a broad-based consensus on bankruptcy reform.

Let me review a few of the major differences between the two. I want to point out why I believe the bill I offer as a substitute is a much more balanced approach, a decision made by 96 of my colleagues and myself when we last voted on this.

The Durbin amendment uses a means test that requires every debtor, regardless of income, who files for chapter 7 bankruptcy to be scrutinized by the U.S. Trustee to determine whether the filing is abusive. We want to stop abusive filings and those who would exploit the bankruptcy court. The bill creates a presumption that a case is abusive if the debtor, the person who owes the debt, is able to pay a fixed percentage of unsecured nonpriority claims or a fixed dollar amount.

In my home State of Illinois, the average annual income for bankruptcy filers in the Central District where I live in Springfield, in 1998, was $20,448. Yet the average amount of debt which brought into bankruptcy court was more than $22,000. It is clear that these people were over the edge. You can’t get blood out of a turnip. When the credit industry wants to keep pushing and pushing and pushing for more and more money, they have lost sight of the reason for bankruptcy court. When people have reached the end of the road, it is time to give them a fresh start.

This figure shows these filers were hopelessly insolvent. They owed more money on debt than they had in collateral and their total income for the entire year. They don’t even come close to meeting the standards where they would go through the scrutiny of this bill.

My amendment gives the courts discretion to dismiss or convert a chapter 7 bankruptcy case if the debtor can fund a chapter 13 repayment plan. What it means in simple language is this: If the court takes a look at the person in bankruptcy court and says, “You can pay back a substantial part of this debt, we are not going to let you off the hook entirely,” the Durbin
amendment says: Yes, the court can reach that decision. And that is an appropriate decision. Everybody should try in good faith to pay their bills.

But let us also concede there are some people who will never be able to repay. The amendment offered by Senator Hatch is one that doesn’t give that kind of latitude and flexibility.

My approach is cheaper, it is more flexible, it is more sensible, and it is more fair. What is the sense of applying a complicated means test to every bankruptcy filing when studies have clearly shown the types of means tests envisioned in the amendment of Senator Hatch would only apply to a small fraction, far less than 10 percent of the people filing bankruptcy? A study by the American Bankruptcy Institute put the figure at 3 percent. That means that 100 percent of the people filing in bankruptcy court would have to go through a process that only applies to 3 percent.

Beyond the administrative costs, there is a lot of stress on poor families in this approach. Let me tell you why I think this bill is also balanced. I believe as consumers I think this bill is also balanced. Let me tell you why there is a lot of stress on poor families in this approach credit card disclosure in a meaningful way. This should be a primary objective of bankruptcy reform: Reform the bankruptcy court, but also end some of the abuses of the credit card industry.

When you go home tonight and open the mail, you know what you are going to find—another credit card solicitation. If you happen to be a college student, you are a prime target for these credit card companies. They want to get students with limited or no income with credit cards in hand, charging debts across the campus and around the town, many of them finding themselves in over their head in no time at all.

If I want to take out a large loan at a reasonable interest rate, a few thousand dollars, or $100,000 as the mortgage on my home, I have to go through all kinds of scrutiny. The banks want to see tax forms, my pay stubs, and the like. But many of you know when you want to apply for a credit card the same tests don’t apply.

We have heard a lot about the democratization of credit. On the one hand, it is a good thing: credit should be broadly available. The marketplace should work in a way so everyone who needs credit has access. But the pendulum has swung too far in the wrong direction. According to Credit Global, a market research firm in Tarrytown, NY, in 1999 Americans received 3 billion mailings advertising credit cards. That is more than three times the 900 million mailings in 1992, and those are only the ones that go through the mail. We know there are Internet solicitations and television and radio solicitations and magazine solicitations as well.

Let me tell you a little bit about the college student at American University here in Washington, DC, every time a student purchases something from the bookstore at American U, he or she gets this bag. At the bottom of this bag are four—not one, but four—credit cards亚太 деньги students every time they go into the bookstore.

Another college has a phone-in system for registering for class. That sounds pretty convenient. I can remember standing in long lines when I had to register. But when the students come in, the first thing they hear from the university is a credit card solicitation. There is no avoiding it. If they want to register for class, the first thing they hear is whether they need a credit card. That is the most important question.

When I go to a University of Illinois football game, they wave a T-shirt at me: Do you want a free T-shirt? Sure. Well, all you have to do is sign up for a credit card.

Students are signing up. The dean of students tells us the No. 1 reason kids are not the first thing they hear from the university is a credit card solicitation. There is no avoiding it. If they want to register for class, the first thing they hear is whether they need a credit card. That is the most important question.

When I go to a University of Illinois football game, they wave a T-shirt at me: Do you want a free T-shirt? Sure. Well, all you have to do is sign up for a credit card.

Students are signing up. The dean of students tells us the No. 1 reason kids leave school—not because of academic failure—is because they are drowning over their heads when it comes to credit cards.

That sort of thing is absolutely indefensible. When you consider the fact the median household income is a fixed income it is going to be tough.

Think about this for a minute. There was an interesting article which appeared today in the Washington Post that said, “Bad timing on the bankruptcy bill.” If we are worried about confidence, and if people are worried about making purchases, are we going to pass the Hatch-Grassley bankruptcy bill to tell people if they purchase something and get in over their heads they are not going to be able to get out of their debt in bankruptcy court? Is that supposed to restore consumer confidence? Just the opposite is going to be true.

I think the writer of this, Robert Samuelson, makes a very good point.

One of the provisions I think we should consider is that consumers have more information on their monthly bill they receive from a credit card company—something that is clear and understandable and not ambiguous. The credit industry that wrote the bill before us said they will say to consumers across America that they will give them an 800 telephone number so they can call if they have any questions about the credit card.

When you go home tired at night and are fighting all the phone calls coming in, you don’t want anyone to say they will give you an 800 telephone number.

What I suggested is something very simple, and it is a part of my amendment. I have a little show and tell. Let me demonstrate.

This is a credit card statement that came to one of the people in my office. As you can see, it is pretty familiar to you. It has a second page with all of the things we read so carefully each month to figure out what the terms of the credit card are.

The concern I have is this whole question of the minimum monthly payment. I said to the credit card companies: When it comes to the minimum monthly payments on these monthly statements, could you be so kind as to say to the people who are being billed, if they make the minimum monthly payment and they don’t increase their balance, how many months it will take for them to pay off the balance and how much will they have paid in principal and interest.

I don’t think that is an outrageous idea.

This is an example of what it might look like. This says, if you make the minimum monthly payment, it will take you 8 months to pay off your current balance, and the total cost to you will be approximately $9,407 instead of the remainder of $5,435.

Do you know what the credit card companies told me when I suggested they put this information on the monthly statement? “Impossible.” It is impossible for us to calculate if they made the minimum monthly payment how long it would take them to pay the principal and interest.

You know better and I know better. The technology and the computers are such that they can provide this in an instant. But they do not want people to know this. Make them do the minimum monthly payments, and things are going to be just fine. When you get in too far, why don’t you “consolidate your debt” and get another credit card, and pretty soon you are in over your head.

Pretty soon, if this bankruptcy bill passes, they will find when they walk into bankruptcy court they will be stuck with these debts. They cannot get away from them.

This is the greatest boon to the credit industry that has ever been passed by the Senate. And we are about to do it today, if we don’t adopt the Durbin amendment.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. DURBIN. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I admire our colleague. He is very articulate. He is very effective member of this body. We have filed an amendment to his amendment that basically, if we vote for it, would enact the bill we passed
last year 72–28 in the Senate, which I think would be a fitting conclusion to what has gone on here over the last number of weeks. But I know it causes heartburn for our colleague from Illinois. So, as a courtesy to him, I am going to withdraw my amendment at this time.

I ask unanimous consent that my amendment be withdrawn. And we will have a vote. I will move to table the Senator’s amendment at the appropriate time, and I will also, if he needs more time for his amendment, grant him some of my time.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The amendment (No. 96) was withdrawn.

Mr. HATCH. Mr. President, let’s understand the Senator’s amendment. His amendment does not have the Schumer language in it that was passed yesterday. There has been the Schumer language on abortion in it that we worked out very meticulously with the distinguished Senator from New York. That is very important language.

It is a bankruptcy language that Senator LEAHY and the distinguished Senator from Vermont and I worked out over a long period of time. That is very critical language. Frankly, it is just an amendment that would substitute the current legislation with the bankruptcy reform bill that passed the Senate in the 105th Congress.

This amendment by the distinguished Senator from Illinois is a transparent attempt to kill bankruptcy reform. It was hastily produced and does not even include the amendments to keep it current; that is, some of the bankruptcy judgeship provisions that have been overtaken by them.

The Durbin amendment throws away 4 years of revision, compromise, and improvement.

The Durbin amendment is lacking in several important areas:

The amendment has no enforceable means test;

The amendment does not include the improved child support provisions requested by the child support community;

The amendment does not include the Leahy-Hatch “Toyismart” consumer privacy amendment;

The amendment does not have the reaffirmation provisions in the current bill which substantially improved consumer protections;

The amendment lacks the important consumer protections such as the “Debtors’ Bill of Rights”;

The amendment does not include 4 years of improvements for the financial notice provisions;

The amendment does not address the abuse of the bankruptcy system by those who wish to discharge debts arising from violence; that is, the Schumer-Hatch compromise. That is a very important part of what we hope will be the final bill.

The amendment has much weaker anti-fraud provisions, such as weakened audit provisions and being more tolerant of repeated abusive filings.

The amendment deletes current law provisions allowing the court to consider charitable contributions when making a determination as to whether the debtors filing for bankruptcy.

The amendment does not provide for retroactive enactment of Chapter 12 filings—farmers—from July 1, 2000 through the date of enactment.

The amendment would create an immediate effective date, which, given the scope of the legislation, is wholly inappropriate.

The amendment lacks improvements to the small business bankruptcy provisions in the bill.

This is a blatant effort to turn back the clock and force considerable renegotiation of provisions that have been negotiated in good faith by literally hundreds of Senators and Congresspeople over the last 4 years.

Make no mistake. A vote for this substitute is a vote to kill bankruptcy reform.

We oppose the Durbin amendment. I hope my colleagues on the other side will oppose it as well because basically it will upset everything we have tried to do and tried to accommodate Democrats on and Republicans on over the last 4 years.

A vote for this amendment is a vote against meaningful bankruptcy reform. I appreciate the fact the distinguished Senator believes deeply and he doesn’t like this bill. He is one of a few who does not like this bill. He is one of the 28 who voted against the bill when it passed last year. If anything, the bill from last year has been modified with amendments from the other side.

The bill we ultimately, hopefully, will vote on and vote to invoke cloture on has been modified to please Members on the other side in a wide variety of ways.

We have tried to accommodate our friends on the other side. I certainly believe I have been fair as the manager of the bill; and I intend to continue to be. But this amendment would work against almost everything we have tried to accomplish over the last 4 years.

With that, does the distinguished Senator need some time?

Mr. DURBIN. Yes, I do.

Mr. HATCH. Mr. President, how much time?

Mr. DURBIN. I do not know how much time is remaining, but if I could have 10 minutes.

Mr. HATCH. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Utah has 6 minutes remaining.

Mr. HATCH. Could I give the Senator 5 minutes, and I will take 4?

Mr. DURBIN. That would be fine. I thank the Senator from Utah for his courtesy.

We have locked horns many times, but we are friends. I respect him very much.

Every time Senator HATCH tells you there is a provision in the bill before us that is not included in the Durbin bill—believe me, every time the credit industry gave us a morsel, they took away a beef steak. And that is what happened when it was here.

The bill before us today is much worse on consumers in America than the bill this Senate passed by a vote of 97–1. And though the Senator from Utah tells me how terrible my bill is, he voted for it. He voted for it, as did almost all of the Senators who are here today.

Let me read to you some comments from people I think are worth repeating. This first comment comes from David Broder. We know him. He is a repected journalist and is published in the Washington Post, and other newspapers. This is what he says about this bankruptcy bill I am trying to replace:

As for the bankruptcy bill, it deserves the veto Clinton gave it. Despite some useful provisions, it is an overall measure, which does nothing to curb the mass marketing of credit cards to young and low-income people who perpetually pay the exorbitant interest on their money balances. It will squeeze money out of people who have been clobbered by job losses, divorce or medical disasters, yet allow some millionaires to plead bankruptcy while turning their assets into mansions in states with unlimited homestead exemptions.

In both cases, money interests prevailed over the public interest.

That was David Broder in this morning’s Washington Post.

Lawrence King is a law professor at New York University. I quote him: I fear this [bill] will end up creating an unscrupulous economy. People will go off the books. They’ll ask to be paid in cash. They’ll get a false Social Security number. They’ll move.

In my 40 years of dealing with Congress on bankruptcy legislation, this is the worst I’ve ever seen. It’s the kind of bill that makes you want to point your fingers at individual congressmen and say, “Shame on you.”

This bill before us today is not balanced. If that credit industry will not even include a provision on your monthly statement so you can make an informed decision about the kind of debt which you and your family can face, it tells the whole story, as far as I am concerned.

What we have offered in this substitute is a carefully crafted and balanced bill. It says the credit card companies have to end abuses and that we believe that abuses in the bankruptcy court have to end.

I salute my colleague and friend from New York, Senator SCHUMER. It is true that his language yesterday on predatory lending is a good addition to the bill. But I will tell him that the bill I am offering—the one that passed 97–1—has my provision which directly attacks predatory lending.

Who are these predatory lenders? They are people who want a second mortgage on your grandmother’s home, that turns into a balloon payment, that turns into a foreclosure, that turns into a trip to bankruptcy court,
where the home she saved for for a lifetime is lost to these people, these loan sharks, who take advantage of the system. Sadly, the financial and credit card industry came to the rescue of these loan sharks at the expense of elderly Americans who are being exploited by them.

Senator SCHUMER’s amendment has helped immeasurably. I assure those who are listening to this debate that the Durbin amendment I have offered today is the morally powerful language when it comes to ending predatory lending in the United States.

The credit industry and the financial industry oppose both measures. That ought to tell you the whole story about what is before us.

We have precious few opportunities in the Congress—certainly on the floor of this Senate—to consider any legislation to help consumers and families across America. Passing the Durbin amendment will help them. It will provide some balance to the bill. If we should defeat this amendment and go back to the original bill—which is now before us—as David Broder and others have pointed out, the net losers will be families across America facing a slowdown in this economy, who fall behind in their debts and end up in bankruptcy court as the targets and as the victims of the credit industry. That is a wrong move.

I hope my colleagues in the Senate will join me in supporting this amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I will yield to the distinguished Senator from Wisconsin, without losing my right to the floor, for the purpose of asking for his support.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I be permitted to modify amendment No. 51 with the modification I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The submitted amendment (No. 51), as modified, is as follows:

(Purpose: To strike section 1310, relating to barring certain foreign judgments)

On page 439, strike line 19 and all that follows through page 440, line 12.

Mr. FEINGOLD. Mr. President, I thank the chairman for his courtesy and assistance.

Mr. HATCH. Thank you.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 91

Mr. HATCH. As I said before, the Durbin amendment would upset 4 solid years of negotiations between both sides of the aisle on both sides of Capitol Hill. It is lacking in all kinds of areas. There is no enforceable means test. It does not include the improved child support provisions that have been requested and desired by the child support community. It does not have the Leahy-Hatch privacy language. It does not have the reaffirmation provisions.

It lacks the Debtors’ Bill of Rights. It lacks 4 years of improvements in the financial netting provisions. It does not address the abuse of the bankruptcy system by those who wish to discharge debts arising from violence, the Debtors’ Bill of Rights. It has much weaker antifraud provisions, such as weakened audit provisions. You can just go on and on.

It deletes current law provisions in allowing the courts to consider charitable contributions when making a determination as to whether the debtor’s filing is an abuse. It does not provide for retroactive enactment of chapter 12 filings that benefit our farmers from July 1, 2000, to the date of enactment.

The amendment would create an immediate effective date which, given the scope of the legislation, is wholly inappropriate, and it lacks improvements to the small business bankruptcy provisions that are in the bill currently before the Senate.

In my opinion, it is an attempt to turn back the clock and force considerable renegotiation of all of these provisions, and many other provisions, that we have worked so hard to put together over the last 4 years.

The bankruptcy bill is a bipartisan bill. It is not a Republican bill; it is not a Democrat bill. It is a bipartisan bill.

We worked very strongly all these years to bring it about. I have to say, there are certain Senators in this body who have a right to do this but who have never wanted a change in the bankruptcy laws, at least the way the bill has been negotiated by the vast majority of people in both Houses of Congress. But a vote for this substitute is a vote to kill the bankruptcy bill.

I hope, after all of these years, and all of these months, and all of the time we have spent on the floor on this bill, that my colleagues will vote to table the amendment.

Mr. President, I yield back the remainder of my time and move to table the amendment, and ask for the yeas and nays. And I ask unanimous consent that the votes occur as we had in the original unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HATCH. No. We have to wait until the Wellstone—my motion to table has been approved.

The PRESIDING OFFICER. The Chair was in error. The unanimous consent agreement was that we now debate the Wellstone amendment.

Mr. HATCH. Right, before the motion to table.

The PRESIDING OFFICER. The motion to table has been made, and the rollcall vote will be ordered at the appropriate time.

The request from Minnesota.

AMENDMENT NO. 36, AS MODIFIED

Mr. WELSTON. Mr. President, I have spoken about this amendment for some time. I have just a few minutes to summarize again. This is already in the RECORD. In addition to the Broder piece that my colleague, Senator DURBIN, mentioned, I have the New York Times, Tuesday, March 13, “Lobbying for ‘Bankruptcy Bill Pays Dividends’,” two pieces by Tom Hamburger in the Wall Street Journal—“Auto Firms See Profit in Bankruptcy- Reform Bill Provision and ‘Influence Market: Industries That Backed Bush Are Now Seek- ing Return on Investment,’ “ including in bankruptcy. Also, another piece by Robert Samuelson, “Bad TIMING on the Bankruptcy Bill.”

Mr. President, I have an amendment that I think is a real test case. It simply says, if you charge over 100 percent interest on a loan, and the borrower goes bankrupt, you cannot make a claim on that loan or the fees from that loan. In other words, the bor- rower is going to get a wiped clean in a usurious loan, and he gets a fresh start.

This amendment is a commonsense solution to the problem I have talked about all afternoon. It allows the Senate to send a message to these loan sharks, that if you charge a usurious interest rate, if you profit from the misery and misfortune of others, if you stack the deck against the customers so that they become virtual slaves to your indebtedness, you will get no protection in bankruptcy court for your claims.

In talking about these payday loans, I say to my colleagues, these are poor people, low- and moderate-income people. They don’t have other sources of credit. They get charged on these loans as they roll over every several weeks up to 2,000 percent interest per year. Is it too much to say that if you charge over 100 percent per year, you are not going to get the 위드 청 in bankruptcy? Is it too much for the Senate to be on the side of consumers, to be on the side of poor people?

This amendment is simple: Are we on the side of poor people? Do we provide some protection for a woman who is raising her family, for communities of color, senior citizens, working-income people who were put under by these interest rates—or are we on the side of some of the sleaziest loan sharks?

I hope Senators will support this amendment. It certainly will make this bill less harsh. It doesn’t change the overall equation. This is a great bill for the credit industry, a great bill for the financial services industry. I congratulate them. What a lobbying force; how much money and how much lobbying and how much power. A whole lot of vulnerable people have been left out. Middle-income families have been left out.

I believe my colleagues will regret voting for this bill, but at the very minimum, they could vote for this amendment that goes after these loan sharks, that goes after these payday loans. It is such is deplorable practice. It is so outrageous, making such exor- bitant profit off the misery of people.
We ought to be on the side of vulnerable consumers. We ought to be on the side of low- and moderate-income families. We ought not be on the side of these loan sharks. This amendment should receive 100 votes.

I say to my colleague from Illinois, for any Senator I have been out here, so far I have not heard one Senator come to the floor and debate this amendment. That is unbelievable to me.

Mr. DURBIN. Will the Senator yield? Mr. WELLSTONE, I yield.

Mr. DURBIN. What the Senator is saying is that no one has come to the floor defending the payday loans and the loan sharks.

Mr. WELLSTONE. No one has come to the floor to defend the payday loans and the loan sharks. I have had this amendment on the floor for 3 or 4 days.

Mr. DURBIN. They have had ample opportunity. The Senator should get a unanimous vote.

Mr. WELLSTONE. I say to my colleague from Illinois, I think this may be the first amendment I have introduced that is going to get 100 votes.

Mr. DURBIN. I look forward to it.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, lest there be a failure to talk about the other side, I might just do that.

Although the amendment is described as attacking "payday loans," it imposes new and burdensome regulation on virtually any company that offers consumer loans, including automobile or truck loans, or that cashes personal checks and charges a fee. It represents an attempt to use Federal law to in effect abolish payday loans, intruding into an area traditionally reserved to the States.

Although lenders who provide payday loans are an easy target because the credit they offer is expensive, they in fact provide access to legitimate, short term credit for many poor families who otherwise would be forced to borrow from loan sharks to cover short term emergencies. Some borrowers, particularly poor borrowers, cannot qualify with conventional lenders. For that reason, some States permit payday lenders to operate.

This amendment would in effect drive payday lenders out of business. It also is vastly overbroad, imposing new, sweeping regulation on many legitimate businesses.

The amendment amends the Bankruptcy Code to deny the claim of any creditor who charged more than a new, Federal maximum price ceiling for any type of automobile or consumer credit.

The amendment also imposes a maximum Federal price limit of 100 percent annual percentage rate on what any consumer creditor, automobile dealer, or check casher could charge in fees or interest for a loan or check cashing service. It amends the automatic stay regulation setting a lower or higher price limit. Violations of the maximum Federal price limit would result in denial in bankruptcy proceedings of the claim of the creditor, auto dealer or check casher.

This amendment strikes at any lender or merchant who charges flat fees permitted by State law in a lending transaction. For example, a $10 cash advance or a $5 Federal Express fee permitted by State law for quickly sending a check back to the borrower could exceed the limit if the credit was short term.

This amendment intrudes into an area traditionally regulated by the States. Some States permit "payday" loans, but this regulation would initiate federal regulation of the service.

Oppose this unwise and overbroad attempt to federally regulate an area traditionally regulated by the States. This could hurt the very poor people who have to have these instant loans the Senator is trying to help. In fact, he hurts them.

I yield the remainder of my time to the distinguished Senator from Texas.

Mr. WELLSTONE. May I ask the Chair if I have any time left?

The PRESIDING OFFICER. The Senator has 51 seconds remaining. The Senator from Texas has 2 minutes 30 seconds.

Mr. GRAMM. Mr. President, this amendment is really a usury limit amendment. Our distinguished colleague from Minnesota simply objects to people lending at high interest rates.

I am sure there are some people who believe that if contracts are entered into at terms they find objectionable, the terms should not be enforced. But that is not the way the American commercial code works. What this amendment would do, in essence, is say that if I borrowed $100 for a week and I paid a $2 service charge on that loan, if the borrower went bankrupt, I wouldn't have to pay the loan because the Senator from Minnesota has judged that interest rate to be too high.

That is great when you are making $146,000 a year. That is great when every bank in your State would love to lend you money. But the plain truth is, there are a lot of Americans who need to borrow money, a lot of Americans who would like to borrow money for a week to get over a temporary credit problem they have. The terrible impact of this amendment is that it would destroy the ability of those people to use legitimate lenders and, in the process, would force them in many cases to borrow elsewhere and pay many times as much in interest.

Not only is this Government simply imposing its will on the marketplace, but it also has real unintended consequences. Let me give an example. Let's say you have a debit card and you pay a fee in case you have an overcharge from your balance. If you write a check for $100, that fee is going to exceed the 100 percent limit. Under the Wellstone amendment and, as a consequence, you wouldn't have to pay that charge if something happened to the company and it went into bankruptcy.

Here is the problem: The kinds of interest rates that are being talked about sound high, and they are high when they are calculated on an annualized basis. But when you borrow over a week, the borrower and the finance charges, which aren't necessarily high for that period of time, by their very nature, produce a high annual rate.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAMM. Mr. President, I ask unanimous consent for 1 additional minute.

Mr. WELLSTONE. Mr. President, I would not object, although I would like to have, and ask unanimous consent for, 1 additional minute to respond.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Let me give another example. If you took a check cashed in the District of Columbia and were driven to the airport, you would not consider the rate to be usurious. But if you took that same cab and were driven to Los Angeles, CA, and you were charged $50,000, you would likely consider that charge to be usurious. I don't think that tries to say that a rate going to California, which would be considered usurious, not be charged for traveling a much shorter local distance in the District of Columbia? The point is, when you pay high annual interest rates.

So, the net result of this amendment is to deny people access to credit. If the amendment were adopted, it is true that borrowers would no longer be paying high rates, but it is equally, and more significantly, true they wouldn't be getting any loans at all for which they were willing to pay. They will be driven into the black market, and they will pay a higher rate.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, no legitimate lender charges over 100 percent interest on an annual basis. We have usury laws that deal with banks at the State level, and we should do so. But these payday lenders have carved out an exemption for themselves. These loan sharks have carved out an exemption for themselves.

If Senators are concerned about poor people, they should be thinking about other ways they can have access to credit. We are not doing that at all. But we now have an opportunity to make it clear that we are not going to let these loan sharks continue to feed off of the misery of poor people. We are not going to let them engage in this kind of exploitation.

To my colleagues who say, oh, no, 100 percent, or 300 percent, or 2,000 percent interest rates on an annual basis are just what poor people need, so please have an amendment, Senator WELLSTONE, that will hurt poor people; they need to be able to pay over 100 percent per year—your arguments are...
absurd, as much as I like you. They are absurd.

Frankly, you can’t get out of this vote. You are either for vulnerable citi-
zens and families and you are against this kind of loan shark practices or you are on the side of these loan sharks.

Senators, step up to the plate and vote.

Mr. HATCH. Mr. President, I move to table the amendment of the Senator from Minnesota, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 91

Mr. FEINGOLD. Mr. President, I rise to support Mr. DURBIN’s amendment that is a complete substitute for the pending bankruptcy reform bill. This amendment is essentially the bill that passed the Senate in 1998 by a vote of 97-1. This near unanimous vote in favor of a full bill shows that it is possible to have bankruptcy reform that the whole Senate can support if it is balanced and fair.

Unfortunately, I have said before, S. 420 is not balanced and fair. I have outlined the concerns with this bill. Mr. DURBIN’s amendment goes a long way to addressing those concerns and I will vote for it if we are permitted to vote on it.

One of the most significant improvements that Mr. DURBIN amendment accomplishes is that it contains much stronger credit card disclosure requirements.

Literally billions of credit card solicitation letters flood consumers’ mailboxes each year. Not millions but billions.

Even though the number of bankruptcies is now on the way down, most experts agree that the rise in bankruptcy filings that occurred in the past decade was due in significant part to the irresponsible extending of credit by credit card companies and banks to people who have already shown that they cannot handle additional debt.

Just to give a single tangible example of the blizzard of solicitations that credit card issuers are now sending out, one member of my staff has collected solicitations he received by mail since this bill was marked up in the last Congress. In the last 20 months, he has received 85 mail offers for a new credit card. Every one of my staff is a very creditworthy individual, but 95 offers for a new credit card? I am sure that my colleagues have received at least as many solicitations, even if they did not count them all up. And of course, these direct mail offers don’t include the constant invitations for new cards that people see every day on TV and on the Internet.

This is an industry whose sales pitches are out of control. The credit card companies are making bad decisions every day. People receive new cards with thousands of dollars of new credit when they have maxed out on 2, 5, or even 10 other cards.

And now the credit card companies have come before Congress asking for our help. And boy, are we about to give it to them. This bill is a bailout for the credit card industry. It is going to make it easier for credit card companies to keep making bad decisions they have made, the credit they have extended to people who are demonstrably poor credit risks. And make no mistake, giving the credit card companies more power will work to the detriment of women trying to collect on credit with support from ex-husbands who have filed for bankruptcy.

Last December, the Wisconsin State Journal, a very middle-of-the-road paper in my home State, summarized well my concern about the extent to which this bill gives the credit card industry what it wants. The Journal wrote:

When the credit card industry came to Congress to ask for help in collecting debts, it brought with it a bill which I said from the start would at least be a bad idea: It’s not government’s job to bail you out. Why don’t you tighten up your own lending practices? Instead, Congress let the industry turn a bankruptcy bill into a debt collection assistance plan.

The editorial continues:

The House and Senate had before them 172 recommendations from the National Bankruptcy Reform Commission which was led by Madison attorney Brady Williamson. The commission had stressed that bankruptcy law must remain balanced: It must work for creditors and debtors alike.

But the congressmen also had before them lobbyists for the credit card industry and similar lenders. Quickly, bankruptcy reform legislation became a campaign fund-raising bonanza for the politicians, with the lending industry “investing” $20 million in contributions. Just as quickly, bankruptcy reform turned into the credit card industry’s bill.

My colleagues are well aware of my concern about the influence of campaign money on politics and policy. As I have said a number of times, the bankruptcy bill is a poster child for the need for campaign finance reform. You not only have to look at what the credit card industry gets in this bill, and just as importantly, the disclosure that consumers do not get, to understand that.

A full discussion of this amendment, or the larger bankruptcy issue, is impossible without a Calling of the Bankroll. Money and influence are at the very core of this debate.

I would like to call my colleagues’ attention to an article from the February 26th issue of Business Week magazine. It’s called “Tougher Bankruptcy Laws—Compliments of MBNA?” The article points out the extraordi-

The contributions of MBNA were also noted in an article in the New York Times entitled, “Hard Lobbying on Debtor Bill Pays Dividend.”

Most of the $1.2 million in soft money that MBNA gave to the parties in the last cycle was given in the second half of 2000, when a “shadow conference” determined what the final bankruptcy bill would look like, and the bill was brought back to the House and the Senate in an extraordinary procedural maneuver. In particular, MBNA gave $200,000 soft money to the National Republican Senatorial Committee on October 12, 2000, the very same day that the House gave final approval to the bill. MBNA has a habit of making well-timed contributions. On the very day that the House passed a bank-
rroll reform conference report and sent it to the Senate, MBNA gave a $200,000 soft money contribution to the NRSC.

To give my colleagues and the public an idea of how generous MBNA has been, the corporation’s Chairman & CEO, Alfred J. Lerner, and his wife, Norma, each made contributions of a quarter of a million dollars to the Re-
publican National Committee in the last cycle.

Unfortunately, MBNA’s generosity didn’t stop there. According to an article in the Wall Street Journal from March 6th, MBNA President Charles M. Cawley is also an active political donor and fundraiser who gave $100,000 to the Bush-Cheney Inaugural Committee.

Of course, MBNA is not the only wealthy interest fighting against this bill, on the contrary, they have plenty of company. According to the Center for Responsive Politics, the nine members of the National Bankruptcy Coalition contributed more than $5 million in soft money, PAC money and individual contributions during the 2000 election cycle. The Coa-

The House gave final approval to the bill on key days when legislation was up for vote. This industry is not subtle.

I urge my colleagues to support the DURBIN amendment.

I ask unanimous consent that the ar-

There being no objection, the articles were ordered to be printed in the RECORD, as follows:
TOUGHER BANKRUPTCY LAWS—COMPLIMENTS OF MBNA?

(Christopher H. Schmitt)

Last December, as Congress struggled to wrap up a lame-duck session, it sent President Clinton an overhaul of bankruptcy laws. The bill, the most sweeping change in bankruptcy policy in two decades, had handily passed both houses. But Clinton, complaining it was unfair to those who fall on hard times, let it die. That was a big dis-appointment to credit-card issuer MBNA Corp., which has spent several years lobbying for a change and has already begun to remodel its business model.

Now, MBNA is about to hit pay dirt. New bankruptcy laws are on a fast track, and Senate and House Judiciary panels have held perfunctory hearings, and a bill could be on the House and Senate floors as early as late February. A White House spokesman has indicated that George W. Bush will sign it.

The bill—a carbon copy of last year’s version—is aimed at stopping consumers from dissolving debts they can afford to repay. It would establish a “needs-based” formula that would determine whether debtors can keep their debt under supervision. Those earning at or above the median for their state would have to make good on at least part of their obligations. LARGER Holes would help debtors, especially MBNA, the world’s largest credit-card issuer. The credit that MBNA and its fellow plastic-issuers extend is typically unsecured, so they have less recourse than other creditors when a customer can’t pay. Morgan Stanley Dean Witter analyst Kenneth A. Posner estimates that the overwhelming bulk of credit-card issuers’ earnings by 5% this year. For MBNA, that could mean some $75 million more in profit, based on third-quarter earnings.

With the kind of payoff, the company has been pushing hard for the bill—and the election of a President who will sign it. In Campaign 2000, MBNA employees contributed $257,975 to Bush, making them the candidate’s single biggest source of cash, according to the Center for Responsive Politics, a campaign-finance think tank in Washington. On the other side, MBNA spent in nearly $600,000, with about two-thirds going to the GOP. (Most of the rest went to a Democratic Party committee.) On top of that, MBNA’s chief lobbyist, Celia Viggo Wexler, and his wife, Norma, each kicked in $200,00 to the Republicans. Charles M. Cawley, CEO of MBNA’s bank unit and a friend of Bush Sr., organized fund-raisers and gave $18,660 to Bush and the GOP.

Much of the money flowed in the second half of last year, when the bankruptcy bill was moving on Capitol Hill. One example: On the same day the House gave final approval, MBNA ponied up $100,000 for the Republican Party. “This is just a real good illustration of the way things work in Washington: Money is given, money is given strategically, [and] money is given by industries for a particular purpose. It’s business as usual,” says Celia Viggo Wexler, author of a Common Cause report on consumer-credit companies’ political giving. Adds Edmund Mierzwinski, consumer director for Public Citizen: “Interest Group: MBNA’s largest is “clearly money well spent.” Wexler, Cawley, and an MBNA spokesman did not return calls seeking comment.

Consumer groups say they’ll continue to fight the bill, which they contend is especially ill-advised in the slowing economy. After a high of 1.44 million in 1998, bankruptcy filings are ticking up again. One early report shows cases in January rose 15% over a year ago. A handful of Democrats will seek to soften the bill’s impact on indebted consumers, but quick approval seems guaranteed. “This legislation is going to pass and get the President’s signature stopped,” said Representative Sheila Jackson Lee (D-Tex.) at a recent hearing. And smoothing the way is MBNA.

[From the New York Times, Mar. 13, 2001]

HARD LOBBYING ON DEBTOR BILL PAYS DIVIDEND

(By Philip Shenon)

WASHINGTON, Mar. 12—A lobbying campaign led by MBNA, the credit-card companies and banks that gave millions of dollars in political donations to members of Congress and contributed generously to President Bush’s 2000 campaign, is the driving force behind an overhaul of the nation’s bankruptcy system.

Legislation that would make it harder for people to wipe out their debts could be passed by the Senate as early as this week. The bill has already been approved by the House, and Mr. Bush has pledged to sign it. Sources of the bill’s momentum include lawmakers who believe that lawyers and lobbyists for the banks and credit card companies were involved in drafting it. They acknowledge that the past eight years, rising from $1.9 million in 1992 to $9.2 million last year, two-thirds of it to Republicans.

Kenneth A. Poener, an analyst for Morgan Stanley Dean Witter, said that the bankruptcy bill would mean billions of dollars in additional profits to creditors, and that it would give the credit-card companies the power to change the laws to benefit MBNA, the world’s largest credit-card issuer.

In its final weeks in office, President Bill Clinton vetoed an identical bill, describing it as too tough on debtors. But with the election of Mr. Bush and other candidates who received their financial support, the banks and credit card industries saw an opportunity to quickly resurrect the measure.

In recent years, credit-card and lobbyists have jammed Congressional hearing rooms to overflowing as the bill was debated and reapproved. During breaks, there was a common, almost comical pattern. The pinstriped lobbyists ran into the hallway, grabbed tiny cell phones from their pockets or briefcases and reported back to their clients, almost always with the news they wanted to hear.

“Where money goes, sometimes you see results,” acknowledged Representative George P. Gekas of Pennsylvania, who is a bankruptcy specialist. “They’ve hired every lobbying firm in Washington. They’ve decided that it’s time to lock the door to the bankruptcy court house.”

The bill’s most important provision would bar many people from getting a fresh start from credit card bills and other forms of debt without entering bankruptcy proceedings. On their income, it would bar them from filling under Chapter 7 of the bankruptcy code, which forgives most debts. Under the legislation, they would have to file under Chapter 13, which would require repayment, even if that meant balancing equity credits bills with alimony and child-support payments.

Consumer groups describe the bill as a gift to credit card companies and banks in exchange for their political largess, and they complain that the bill does nothing to stop abuses by creditors who flood the mail with solicitations for high-interest credit cards and loans, which in turn help drive many vulnerable people into bankruptcy.

“This bill is the credit card industry’s wish list,” said Elizabeth Warren, a Harvard law professor who is a bankruptcy specialist. “They’ve hired every lobbying firm in Washington. They’ve decided that it’s time to lock the door to the bankruptcy court house.”

The bill’s passage would be evidence of the heightened power of corporate lobbyists in Washington in the aftermath of last year’s elections, which left the White House and both houses of Congress in the hands of business-friendly Republicans.

Last week, corporate lobbyists had another important victory when both the Senate and the House voted to overturn regulations imposed during the Clinton administration to protect workers from repetitive-stress injuries.

Credit card companies and banks would not be the only interests served by the bankruptcy bill. Wealthy American investors in Lloyd’s of London, the insurance concern, have managed through their lobbyists to insert a provision in the bill that would block Lloyd’s from collecting millions of dollars that the company says it is owed by the Americans.

Lloyd’s has hired its own powerful lobbyists, Bob Dale, to help plead its case on Capitol Hill. Last week, the chief executive of Lloyd’s was in Washington to plot strategy.

The issue involves liabilities incurred by Lloyd’s in the 1980’s and 1990’s when it was forced to pay off claims on several disasters.
like the Exxon Valdez oil spill. Investors in Lloyd’s are expected to share both its profits and its losses, but the American have refused to settle the debts, claiming they were misled by Lloyd’s.

As he watched consumer-protection amendments to the bankruptcy bill fail by lopsided margins last week, Senator Patrick J. Leahy of Vermont, the ranking Democrat on the Judiciary Committee and a leading critic of the bill, told his colleagues and told him privately that they were “committed to the banks and credit card companies—and they are not going to change. Somewhere in there is the right thing to do,” Mr. Leahy said.

But he said other senators were voting for the bill because they knew that the banks and credit card companies “are a very good source” of political contributions. “I always assume senators are doing things for the purest of motives,” he added, his voice thick with sarcasm. “But I have never had credit card companies show up at my fund-raisers, and I am not sure they ever will.

Mr. Gekas said the implication that money was buying support for the bankruptcy bill was insulting, and that the bill did most consumers a favor by ending practices by some creditors that had forced up interest rates for consumers. “Bankruptcies are costly to all of us who don’t go bankrupt,” Mr. Gekas said.

In the late 1990’s, banks, credit card industries and others with an interest in overhauling the bankruptcy system formed a lobbying group, the National Consumer Bankruptcy Coalition, for the purpose of pushing a bankruptcy-overhaul bill through Congress.

They said they needed to act to deal with what was then a record number of personal bankruptcy filings. According to court records, the number of personal bankruptcies hit nearly 1.4 million in 1996, a record, up from 718,000 in 1990. The number fell to just under 1.3 million last year, although it is expected to rise again if the economy continues to sour.

The coalition’s founders included Visa and Mastercard, as well as the American Financial Services Association, which represents the credit card industry, and the American Bankers Association.

The Campaign for Responsible Politics found that the coalition’s members contributed more than $5 million to federal parties and candidates during the 1999-2000 election campaign, a 31 percent increase over the last presidential election.

The PRESIDING OFFICER. The question before the Senate is on agreeing to the motion to table the amendment of the Senator from Illinois. The yeas and nays have been ordered. The clerk will call the roll.

Mr. FITZGERALD (when his name was called). Present.

The result was announced—yeas 64, nays 33, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—64

Allard  Domenici  Miller
Allen  Ensign  Murkowski
Baucus  Enzi  Nelson (NE)
Bayh  Face  Nickles
Bennett  Graham  Roberts
Biden  Gramm  Santorum
Bingaman  Gross  Sessions
Bond  Gregg  Shelby
Brown  Risch  Smith (NH)
Brownback  Hatch  Smith (OK)
Bunning  Helms  Snowe
Burns  Hutchinson  Specter
Campbell  Hutchison  Stabenow
Carnahan  Inhofe  Stevens
Carpenter  Jeffords  Thomas
Chafee  Johnson  Thompson
Clendland  Kyl  Thurmond
Cochran  Lieberman  Torricelli
Collins  Lott  Voinovich
Craig  McCain  Warner
Crapo  McConnell  Wyden

NAYS—35

Akaka  Edwards  Lincoln
Baucus  Feingold  Mikulski
Byrd  Feinstein  Murray
Cantwell  Harkin  Nelson (FL)
Clinton  Hollings  Reed
Conrad  Inouye  Reid
Corzine  Kennedy  Rockefeller
Daschle  Kerry  S麻anen
Dayton  Kohl  Schumer
Dodd  Landrieu  Wellstone
Dorgan  Leahy  Wyden
Durbin

ANSWERED ‘PRESENT’—1

Fitzgerald

The motion was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 36, AS MODIFIED

Mr. GRASSLEY. Mr. President, I oppose the amendment of Senator WELLSTONE dealing with payday loans. For people who aren’t familiar with this kind of loan, payday loans occur when a borrower gives a personal check to someone else, and that person gives the borrower cash in an amount less than the amount of the personal check. The check isn’t cashed if the borrower redeems the check for its full value within 2 weeks.

At the onset, I would like to point out the fact that payday loans are completely legal transactions in many states. If a financial transaction is perfectly legal under state law, I don’t think that it is wise policy to use the bankruptcy code to try and undo that legal state transaction.

Using the Bankruptcy Code for this purpose leads to perverse results because the only people who will receive any benefit or relief will be those who file for bankruptcy. The amendment would deny payday lenders the right to sit at the bankruptcy bargaining table. So other people who use payday loans who never file for bankruptcy will not benefit from this amendment. These people who have taken out loans but don’t take the easy way out in bankruptcy court will still have to pay back their loan. Therefore, you have the perverse result of people who do not have the money to file for bankruptcy who will have to pay the loan as agreed. Even if you share Senator WELLSTONE’s distaste for payday loans, this amendment won’t benefit the poorest of the poor, because most of them do not seek bankruptcy relief.

I also think that the Wellstone amendment would have the effect of making it harder for the poor and those with bad credit histories to gain access to cash—the very people that Senator WELLSTONE is concerned about. People who use payday loans simply cannot get loans through traditional sources because they are too risky, so a payday loan may be the only way they can get quick cash to pay for family emergencies or essential home and auto repairs.

I know that the intentions of my friends from Minnesota are honorable, but the effect of this amendment would be to make it harder for poor people to get the help they need when they need it. So I urge my colleagues to reject the Wellstone payday amendment.

The PRESIDING OFFICER (Mr. BROWNBACK). The question is on agreeing to the motion to table amendment No. 36, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—58

Allard  Carper  Enzi
Bayh  Chafee  Enzi
Bennett  Coburn  Glenn
Bond  Collins  Grassley
Boumediene  Craig  Gregg
Brownback  Crapo  Hagel
Bunning  DeWine  Hatch
Burns  Domenici  Hollings
Campbell  Ensign  Hutchinson

NAYS—41

Ackerman  Barrasso  Bentz
Baucus  Bingaman  Dodd
Biden  Breaux  Durbin
Bunning  Brownback  Enzi
Burns  Byrd  Chafee
Bunzel  Bayh  Chesser
Campbell  Chiles  Craig
Carper  Coburn  Crapo
Chafee  Collins  Craig
Chambliss  Collins  Craig
Collins  Cooper  Daschle
Concannon  Corzine  Daschle
Conyers  Cornyn  Daschle
Cronyn  Cornyn  Daschle
Cruz  Cornyn  Daschle
Cuban  Cornyn  Daschle
Culver  Cornyn  Daschle
Cutler  Cornyn  Daschle
DeWine  Cornyn  Daschle
Durbin  Cornyn  Daschle
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Engel  Cornyn  Daschle
Frist  Cornyn  Daschle
Graham  Cornyn  Daschle
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The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized for up to 5 minutes.

Mr. WELLSTONE. Thank you, Mr. President.

First of all, I think this vote on the— The PRESIDING OFFICER. The Senator will suspend for a moment. We will have order in the body. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, we really do need order.

The PRESIDING OFFICER. We are prepared to yield back. 

Cloture motion

The PRESIDING OFFICER. All time is yielded back. Under the previous order, the chair will report the motion to invoke cloture.

The assistant legislative clerk read as follows:
CLOSURE MOTION

The assistant legislative clerk proceeded to call the roll.

AMENDMENT NO. 19

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT OFFICER. The quorum call is rescinded.

Mr. LEAHY. Mr. President, what is the pending business?

Mr. LEAHY. Mr. President, has the yeas and nays been ordered on amendment No. 19?

The PRESIDENT OFFICER. No.

Mr. LEAHY. Is amendment No. 19 germane?

The PRESIDENT OFFICER. It appears to be.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDENT OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDENT OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

The yeas and nays resulted—yeas 80, nays 19, as follows: [Roll Call Vote No. 29 Leg.]

YEAS—80

Akaka
Aikau
Aliot
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carter
Chafee
Clendaniel
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
NAYS—19

Boxer
Clinton
Corzine
Dayton
Dodd
Durbin
Feingold
Fitzgerald
Nelson (FL)

ANSWERED "PRESENT"—1

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, today the Citizens Against Government Waste issued their 2001 Pork List. I am here to discuss that briefly.

Five items on the first page of this list were requested in the President's budget as part of the Corps of Engineers regular program, but they are charged to be pork. Those were requested by President Clinton and his administration. Also, $11 million listed as pork in the Interior Department budget was also requested by the President, not me, to manage fish and game in Alaska. It shows the accuracy of this list.

Other items listed on this “waste” list include runway lights. It so happens that 80 villages in Alaska have no roads or hospitals. They depend on medical evacuation by aircraft when people have babies, suffer a heart attack, or have to have medical assistance. Those same villages have no runway lights at all.

North of the Arctic Circle, the Sun doesn't even rise beginning in mid-December until the end of the following January, making it impossible for an evacuation plane to land without lights. In fact, this is a persistent problem for us all winter throughout Alaska. After a Native man in Hoonah, AK, suffered a heart attack and sat on the tarmac for 3 days waiting for medical evacuation, the mayor wrote to me and asked for runway lights. We looked into it and found that it was true. I really did not realize there were so many of these small airports that had no lights.

I not only am proud that the Senate acceded to my request for runway lights in last year's appropriations bill, but I want to put on the record, I asked notice that this year I am going to seek funds so that every village in Alaska has runway lights. Under the current procedure for allocation aid for improvement of airports, they are not eligible.

I believe if it is wasteful to make sure a woman in hard labor can deliver her baby in a hospital with a doctor attending, instead of in an airplane hangar with the help of a mechanic, then I am guilty of asking the Senate for pork and proud of the Senate for giving it to me.

The Citizens Against Government Waste listed funding to aid in the recovery of the endangered stellar sea lion as pork. The Senate and the whole Congress remember the battle over the sea lion at the end of the last session. That issue threatened to shut down the pollack fishery in Alaska, which supplies most of the fish for fast food and frozen products nationwide. The Office of Management and Budget estimated the closure of that fishery would cost the national economy as much as a half billion dollars annually. By making a federal investment to assure sound science to protect the sea lions, we will avoid that loss in our fisheries, families will not lose their jobs, and the Federal Government will continue to collect corporate and personal income taxes far in excess of the money we put up to assure sound science is used in addressing that problem.

Likewise, the list includes transportation vouchers so welfare mothers can get to their jobs and get off welfare. By making another small investment in public transportation—$60 million in this case—women, particularly in the Matanuska-Susitna Borough in our State, can work, pay taxes, and save...
the Government thousands and thousands—hundreds of thousands of dollars in welfare benefits. If that is pork, again I am guilty.

Alaska has the highest rate of alcoholism in the Nation. Alaska is No. 1 in child domestic violence, and No. 1 in suicide, particularly among young men in the Native villages. Working with our Governor and State legislature, and faith-based institutions such as Catholic Charities that utilize the services and volunteer numbers of volunteers, some of this pork brought the Federal Government in as a partner to address these problems that are persistent in our State. Those projects, along with homeless shelters, are listed as shameful pork in this list. For me, not addressing these crying human needs would be what would be shameful, and I am ashamed of the people who made the list.

Alaska has the highest unemployment rate in our Nation. Some communities have unemployment rates four times the national unemployment rate during the Great Depression. We have unemployment as high as 80 percent in some of our cities and villages. I addressed that issue with job training programs to get people off welfare rolls and into productive employment where they will pay taxes. That, too, is listed as pork.

Despite the nationwide shortages of nurses, teachers, and pilots, the training programs which are instituted in our State are listed as pork. In a State where only a handful of communities have doctors, let alone nurses, our health needs are tremendous. By utilizing cost-effective telemedicine for our veterans and Native people, we offer basic health care services using community health aids in areas that have no doctors, no clinics, and no hospitals. Those programs, again, are listed as wasteful, even though they are the very programs that people in Vermont could have if they were not a part of the horrendous winters we sometimes get in Vermont. They cannot and so long as I am here, we will receive a fair share of Federal spending in order to meet our needs.

I criticize those who made this list, I wish they would come out and face us. They have been here with them when they come and face us. It is high time these people who are issuing these lists have some responsibility. They issue the lists in order to get contributions from our citizens to try to prevent so-called pork from being received by the needs of the people in my State, and for one am pleased, pleased, very pleased that my colleagues have supported my request to meet those needs.

Mr. BYRD. Will the Senator yield?

Mr. STEVENS. I will be happy to yield.

Mr. BYRD. Let me thank the Senator from Alaska for being a good servant of his people. He was selected as the Alaskan of the Century—I believe that was the title, the Alaskan of the Century—last year.

Mr. STEVENS. That is correct.

Mr. BYRD. He knows the needs of its people. He knows who sends him here.

I welcome the Senator to the club. I have 30 years here with the Senator in many ways, and I have no apologies to make for serving my people. I know who sends me here. I grew up in West Virginia when we had only 4 miles of divide four-lane highway in the whole State. There were only 4 miles in the whole State when I was starting out in the West Virginia Legislature.

I know West Virginia, and what is one man’s pork is another man’s job.

I hope the Senator will just turn the back of his hand to those who criticize him for helping his people. His people recognize that he deserves the kind of award they gave him. I join them.

As long as I am here I am going to remember the people who sent me here. This money isn’t going overseas. The money—so-called pork—doesn’t go overseas. It goes to help people in West Virginia—their schools, their highways. People need highways on which to get to work or just to go to the grocery store or to the doctor or to the hospital. Those highways I helped to build with that kind of “pork” have saved a lot of lives. It is much safer to drive on those four-lane highways in West Virginia than down through the curves and hollows, and along the deep ravines where one can’t see up ahead beyond that next curve.

I am going to pay my respect to the Senator for doing a good job, being a good Alaskan, and a good representative of the people of Alaska.

Mr. STEVENS. I thank the Senator. Mr. LEAHY. Will the Senator yield to Senator from Vermont?

Mr. STEVENS. I am happy to yield.

Mr. LEAHY. Mr. President, the Senator from Alaska and the Senator from Vermont represent, population-wise, two of the smallest States in the Union. There are differences, of course, as the Senator from Alaska represents a State greater than much of the continental United States.

I have always thought the genius of the founders of this country, as the Senator from West Virginia has pointed out on many occasions, was when they set up the Senate and they said every State will have equal representation. Vermont has two Senators—not determined by landmass, because if Alaska had two Senators based on landmass no other State would have any Senators. California, larger than many countries, has two Senators. The Senate is one place where States are equal.

Frankly, I have never heard the Senator from Alaska—I have served with him for 26 years, and I served with him on the Appropriations Committee during that time—ask for something for himself, never. I have heard him fight for his own State, the same way I hope I fight for my State, or the Senator from West Virginia fights for his State, or the Senator from Nevada for his.

I point out to those who may be critical of the Senator from Alaska fighting for Alaska that never has the senator from Alaska brought in representatives of the smaller States and sought anything for himself. But he has fought for the needs of his State. Those needs are great. Nobody—I visited Alaska on several occasions—can possibly conceive of the enormous needs of a State such as Alaska because of its size and diversity. I think of the horrendous winters we sometimes get in Vermont. They cannot begin to match what they have in Alaska.

Frankly, I have always been proud to serve with the Senator from Alaska. We are of different parties. We are in many areas of different political philosophies. But I consider him one of the closest friends I have in the Senate. I have been willing to serve with him on the Appropriations Committee.

Mr. STEVENS. Mr. President, I thank each of the Senators for their comments. The other night someone asked me how big Alaska really is. We got out the statistics book and examined the numbers and one realizes that my State is larger than Spain, plus France, plus Germany, plus Italy.
I would be willing to bet that we send more money to those areas than we spend in Alaska to meet the needs of the Americans who live there.

**BANKRUPTCY REFORM ACT OF 2001—Continued**

Mr. STEVENS. Mr. President, under the provisions of rule XXII, I yield the remainder of my hour to the bill’s manager.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I understand we have amendment No. 19, the amendment of the Senator from Vermont, pending. I ask unanimous consent that amendment No. 20 be modified by an amendment by myself and Mr. HATCH.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, I withhold that for a moment.

While we are waiting on that matter—I am surely going to make the request again—we have my amendment with the yeas and nays on it. And I understand that the leader would prefer that votes begin in the morning. I have no objection to the leader stacking that with other votes to occur in the morning. We have the yeas and nays on it.

I urge, however, that those who have germane amendments on our side come to the floor and offer them, seek the yeas and nays, if they wish, and speak on them tonight. There is no reason why we cannot finish this bill sometime during the day tomorrow.

Mr. President, there appears to be some difficulty. I was of the understanding that Senator HATCH wanted this modified. I was going to offer that modification as a courtesy to Senator HATCH. I will not offer the modification and am perfectly happy to have them go ahead and vote on my original amendment.

I yield the floor.

Mr. President, I ask unanimous consent to modify amendment No. 20 on behalf of myself and Mr. HATCH. I send the modification to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 20), as modified, is as follows:

> (a) P R O H I B I T I O N .—Chapter 1 of title 11, United States Code, is amended by adding after section 111, as added by this Act, the following:

> *§ 112. Prohibition on disclosure of identity of minor child.*

> “In a case under this title, the debtor may be required to provide information regarding a minor child involved in matters under this title, but may not be required to disclose in the public records in the case the name of such minor child. Notwithstanding section 109(a), the debtor may be required to disclose the name of such minor child in a nonpublic record maintained by the court. Such nonpublic record shall be available for inspection by the judge, United States Trustee, the trustee, or an auditor under section 603 of the Bankruptcy Reform Act of 2001. Each such judge, United States Trustee, trustee, or auditor shall maintain the confidentiality of the identity of such minor child in the nonpublic record.”.

> (b) C L E R I C A L A M E N D M E N T .—The table of sections for chapter 1 of title 11, United States Code, is amended by adding at the end the following:

> “112. Prohibition on disclosure of identity of minor children.”

Mr. LEAHY. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays, instead, on amendment No. 41, as modified.

The PRESIDING OFFICER. Apparently, the yeas and nays have already been ordered.

Mr. LEAHY. I thank the Chair.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senate from Vermont.

Mr. GRASSLEY. I ask unanimous consent, notwithstanding rule XXII, that at 12 o’clock noon on Thursday, the Senate proceed to vote in relation to the pending amendment No. 19; that the yeas and nays on amendment No. 19, the Senate vote in relation to amendment No. 41, as modified; that the amendments now be laid aside; and that there be 2 minutes prior to each vote for explanation.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRASSLEY. 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. GRASSLEY. 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. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate resumes consideration of S. 420 at 9:30 a.m. Thursday, there be 10 hours remaining under the provisions of rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I further ask unanimous consent that at 9:30 on Thursday, Senator WELSTON be recognized to offer any of his germane amendments, Nos. 69, 70, 71, 72, 73, and 74, and time consumed be considered Senator WELSTON’s time under the provisions of rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I further ask unanimous consent that at 10:30 a.m. on Thursday, Senator KNUMA be recognized in order to call up a filed amendment, No. 68, regarding the homestead provision. Further, I ask that there be 90 minutes for debate equally divided in the usual form, and that following the debate, the Kohl amendment be temporarily set aside with a vote to occur in relation to the amendment at a time determined by the two managers; further, that there be no amendments to
Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that for the period of the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLEAN AIR AND GLOBAL WARMING

Mr. KERRY. Mr. President, I rise to make a few remarks about the rather stunning announcement we read this morning on the front page of a number of newspapers about President Bush’s reversal of a campaign promise he made with great clarity in the course of the last campaign that is the reversal of a very clear promise by the President to support efforts to reduce pollution, particularly carbon dioxide emissions from powerplants in this country.

On the campaign trail last year, then-candidate Bush made clear his support for legislation to reduce nitrogen oxide, sulfur dioxide, mercury, and carbon dioxide from powerplants, the so-called four pollutants. There has been a great deal of science, a great deal of research done over these last years with respect to the impact of these pollutants on the quality of our life on this planet.

On September 29, 2000, President Bush could not have been more clear. He said:

With the help of Congress, environmental groups and industry, we will require all powerplants to meet clean air standards in order to reduce emissions of sulfur dioxide, nitrogen oxide, mercury, and carbon dioxide within a reasonable period of time.

Only 10 days ago, EPA Administrator Christie Whitman reaffirmed the President’s position that he would support and seek legislation to cut global warming pollution from powerplants.

This is the second time in 2 weeks that a policy announcement by a Secretary in the Bush administration has been reversed by the White House only a few days after that policy announcement was made. I am referring to the prior policy announcement made by Secretary of Energy Powell. The White House reversed it as well.

I do not believe that the government should impose on power plants mandatory emissions reductions for carbon dioxide, which is not a pollutant under the Clean Air Act.

Yesterday it became clear, all of a sudden, that the President was no longer interested in doing what he said, helping Congress and environmental groups and industry and, apparently, even his own EPA Administrator in that effort. It turns out that the President not only does not support it but he opposes it.

A lot of Americans will have their own judgments about what happens when people run for office and then run in office. Few months of running for office renege on the promises they make to the American people about why it is they ought to be elected. In a letter to Senator HAGEL and others, the President said:

I do not believe that the government should impose on power plants mandatory emissions reductions for carbon dioxide, which is not a pollutant under the Clean Air Act.

The White House has offered explanations for the President’s flipflop by saying that the President did not understand that carbon dioxide emissions from powerplants is currently not regulated. Therefore, his pledge was misinformed, and the mistake.

With all due respect, I find that statement to be an inadequate explanation, not so much because the President didn’t know the current implementation requirements of the Clean Air Act, but lack of awareness, he proceeded to make such a sweeping promise to the American people and to allow his EPA Administrator to continue that promise for a few weeks while in office.

The second reason for the President’s reversal, the White House claims, is a “new” study by the Department of Energy that concludes that the cost of environmental protections is too great. Let me underscore that. The cost of environmental protection.

I don’t think that analysis properly balances the many different variables in how you arrive at the true cost because that cost has to be balanced, not just based on the exact cost of putting into the implementing technology, you also have to measure the downside cost to the United States of America, indeed to the globe, for not taking the kinds of steps we need to take.

Our country, I regret to say, has been the largest emitter in the world, growing at the fastest rate in the world in terms of energy use, and the least responsive in terms of the steps we should be taking to deal with this. This country has to come to grips at sometime with the realities of the profligate energy policies we are pursuing that wind up using extraordinary amounts of resources relative to our population without the kind of balance necessary to create what is called a sustainable energy policy.

I find it also troubling that this one study, called “Analysis of Strategies for Reducing Multiple Emissions from Power Plants,” is deemed to be some new revelation. The study was a request of the Department of Energy by former Congressman David McIntosh who, it happens, has been one of the harshest critics of environmental protections who has served in the Congress. The study is a classic case of bad information in, bad information out. Some would call it, with respect to the technology world, computers: Garbage in, garbage out. It purposefully restricts market mechanisms, and it assumes highest cost generation. As a result, its conclusions are entirely prefixed, preordained to come out with an expense factor that does not reflect where the technology is, where the state of the art is, or where the technologies are economically affordable.

I recommend that the President review a series of other economic analyses that embrace market mechanisms, that reflect real costs, and other kinds of environmental protections. This includes a different and more recent study by the Department of Energy that concludes that a multipollutant approach can reduce emissions from large generators with net savings to the consumer.

I am not someone who comes to the floor as an environmentalist and suggests that the environmental movement has not on occasion pressed for a solution that may, in fact, demand too much too quickly, or sometimes, I believe are applied. The study is a classic of the harshest critics of environmental policy.

I believe Republican and Democrat alike in past administrations have been negligent in being creative about reaching out to the private sector and putting the private sector at the table and asking the private sector for ways in which we could do things with least cost, least regulation, least intrusive-ness from Washington, and harness the energy of the marketplace in finding some of these solutions.

Regrettably, even when that has happened, when companies have stepped forward and shown that there are cheaper ways of doing things, we now
see the President embracing a study that reflects none of that creativity and none of that capacity on the part of the private sector.

Let me be very specific about that. A number of companies have stepped forward—bucking the four pollutant approach I am talking about. They include Consolidated Edison, PG&E, Northeast Utilities, PECO, and others. These companies have found a way to embrace a four pollutant reduction strategy, a way that benefits their company’s bottom line and also benefit the consumers at the same time.

I want to put this in a context, if I may. Why is this so important to our country and to the concerns we have about global warming and about pollutants in the air and the quality of life? I don’t know a thoughtful Republican or Democrat who doesn’t understand the linkage of some of the things we emit into the air and water in various states with the consequences of it on the lives of our fellow citizens.

The country has been treated to a couple of movies recently that showed what happens when you have that kind of pollution—what impact it may have on the quality of life? I committed to finding a solution to that problem of global warming. Some companies have stepped forward to solve this problem. In fact, more and more companies are stepping forward to solve this problem. Some companies are stepping forward to assist governments in assessing the state of the global climate and what threat pollution may or may not pose to it.

This January, the IPCC released its strongest, most conclusive and most comprehensive assessment of the global climate. It warned that rising temperatures are attributable to human activities; that temperatures may rise at a far faster rate than previously expected—as high as 10.4 degrees over the next 50 years—and that the consequences will be adverse and far reaching. The potential consequences include droughts, floods, rising seas, the displacement of tens of millions of people living in coastal areas, and the massive die of plant and animal species.

The chair of IPCC, Dr. Robert Watson, put it his way:

We see changes in climate, we believe we humans are involved, and we’re projecting future climate changes more significant over the next 100 years than the last 100 years.

And the IPCC report is only the latest in a body of science that demands action.

October 2000, “Coral Reefs Dying; Most May Be Dead In 20 Years.”

Addressing the International Coral Reef Symposium on the island of Bali, researchers warn that more than a quarter of the world’s coral reefs have been destroyed and remaining reefs could be dead in 20 years. The most serious threat to the reefs is global warming. Coral reefs are crucial anchors for marine ecosystems, and more than a half billion people depend on reefs for their livelihood, researchers at the conference say.

March 2000, “NOAA Finds Oceans Warming.”

Scientists at the National Oceanographic Data Center in Maryland find that the world’s oceans have soaked up much of the warming of the last four decades, delaying its full effect on air temperatures. Scientists speculate that perhaps half of climate change is not yet in evidence in the form of higher air temperatures, because of the delay caused by oceans.

January 2000, “NAS Concludes Warming Is ‘Undoubtedly Real.’”

A study by the National Research Council of the National Academy of Sciences concludes that the warming of the Earth’s surface is “undeniably real” and that surface temperatures in the last two decades have risen at a rate substantially greater than the average for the past 100 years. This study puts to rest charges that satellite data contradicted land-based data.

December 1999, “Arctic Melting Almost Certainly The Result of Pollution.”

A computer-based study by the University of Colorado and NASA’s Goddard Space Flight Center finds less than a 2 percent chance that observed melting of Arctic sea ice is the result of natural climatic variability and less than a 0.1 percent chance that melting over the last 46 years is the result of natural variations. Arctic sea ice is melting at a rate of 15 to 20 million square kilometers per year, an area larger than Maryland and Delaware combined. Melting of Arctic ice accelerates global warming, since ice reflects 80 percent of solar energy back into space and water absorbs solar energy. Meanwhile, the melting of Arctic ice could disrupt ocean currents and salinity levels.

June 1999, “Greenhouse Gases Higher Than Any Time In 420,000 Years.”

A two-mile-long ice core drilled out of an Antarctic ice sheet shows that levels of heat-trapping greenhouse gases are higher now than at any time in the past 420,000 years. Scientists with the National Center for Scientific Research in Grenoble, France, find that carbon dioxide levels rose from about 280 parts per million in the 18th century to 280-300 parts per million in warm periods—far below the current CO₂ concentration of 360 parts per million. Methane levels, meanwhile, increased from 320-350 parts per million during ice ages to 560-770 parts per billion during the warm spells. The current methane concentration is about 1,700 parts per billion.

April 1998, “20th Century Was The Warmest In 600 Years.”

Based on annual growth rings in trees and chemical evidence contained in marine fossils, corals and ancient ice, scientists at the University of Massachusetts at Amherst find that the 20th century was the warmest in 600 years, and that 1990, 1995 and 1997 were the warmest years in all of the 600-year period. Scientist conclude that the warming “appears to be closely tied to emission of greenhouse gases by humans and not any of the natural factors,” such as solar radiation and volcanic haze.


A University of Rhode Island study of ice cores from Greenland shows that when the last ice age ended, the change was sudden. In Greenland, a 9 to 18 degree Fahrenheit jump in temperatures probably took place in less than a decade. The finding challenges the widespread assumption that climate changes are in all cases gradual, and suggests that human-induced climate change could occur rapidly rather than slowly.

I could go on; the science is compelling.

I committed to finding a solution to the problem of global warming. Some of my colleagues—and now the President—have charged that dealing with this problem will bankrupt the American economy. I disagree. I believe that America can have a strong economy and a healthy environment. Fortunately, more and more companies are stepping forward to solve this problem and lead the way where government won’t. BP will reduce its emissions to 10 percent below its 1990 levels by 2010. BP will cut its emissions to 20 percent below 1994 levels by 2005. Johnson & Johnson will reduce its emissions to 7 percent below 1990 levels by...
and political self-interest as they do for environmental concerns, but, nonetheless, our paltry environmental record at home lends dangerous credibility to their charge, and that makes the work of our negotiators all more difficult. Moreover our inaction has an equally damaging effect. Every year we fail to act, our environmental goals become more difficult to achieve.

Mr. President, it is early in this Congress for President Bush’s new administration. I remain hopeful, but being hopeful is becoming increasingly difficult, particularly today. President Bush has rejected a policy that can work, that can benefit the environment and the nation. He did it really before the debate even started. And he broke the most important campaign pledge he made regarding the environment. And it took him less than two months to do it.

Let me just say that I wanted to review for my colleagues—and I hope some will perhaps take an interest in reviewing these other assessments—a number of major assessments of the negative impact on crops, on quality of health, on sea life, on major areas that should be of enormous concern to all of us, not as Republicans and Democrats, but as thinking U.S. Senators. I don’t want to approach this in a doctrinaire way, but I know that we have a responsibility to contribute our part to a major solution and reduction in global greenhouse gases, as well as to contribute to the better quality and health of our citizens.

This decision by the President which, once again, gives increased power to the large energy interests of the country is the wrong decision for our Nation and the wrong decision in the long run for creating the sustainable environmental approach. My hope is that my colleagues and the administration itself will come up with an approach that will better serve the interests of our Nation.

ERWIN MITCHELL AND THE GEORGIA PROJECT

Mr. CLELAND. Mr. President, on March 7, 2001, the Washington Post reported that the recent census indicates a 60-percent growth in our Nation’s Hispanic population, which now totals 31.7 million. We have been witness to this growth. In 1991 the Hispanic student population in Dalton, GA, was only 4 percent and now 10 years later, Hispanic enrollment in Dalton public schools has skyrocketed to 51 percent. The data from the 1999–2000 school year show that 45 percent of students in Dalton and 33 percent in Whitfield County are Spanish speaking.

There are children of hard-working families who are an important part of the Dalton community. Accordingly, business and community leaders in that north Georgia community recognize the need for innovative and comprehensive solutions to address the recent influx of immigrants. Recent studies show that where quality education programs are joined with community-based services, immigrants have an increased opportunity to become an integral part of their community and their children are better prepared to achieve success in school.

The Georgia Project has provided an innovative solution to the needs of northwest Georgia. This is a teacher exchange program which brings bilingual teachers from Spain to provide language instruction to all Dalton/Whitfield students. In addition, the program also sponsors a Summer Institute which provides Dalton/Whitfield teachers with the opportunity to study Mexican culture and history and the Spanish language in Monterrey, Mexico.

The driving force behind this endeavor has been the creative efforts of Erwin Mitchell. His dedication to public service and fairness was evident during his days as a Member of the House of Representatives. This same dedication and spirit of duty were the guiding forces behind the award-winning Georgia Project. As the mastermind behind the project, Erwin Mitchell’s efforts have been confirmed by the rising test scores of Dalton/Whitfield students on the Iowa Test of Basic Skills. His work has recently been recognized by both the National Education Association, NABE, and the National Association for Bilingual Education, NABE. The NEA has selected him to receive the NEA’s 2001 George I. Sanchez Memorial Award for his “exemplary contributions in the area of human and civil rights.” NABE has named him the 2001 Citizen of the Year for his “efforts in shaping a successful future for America’s students.”

This wave of immigration is not limited to Georgia alone. For example, the New Americans Act. This legislation was an innovative solution to the needs of immigrants who came here without knowing our language, culture or customs. Schools in Wausau, WI, are filled with Asian children wanting to achieve success in the United States. In Wayne County, MI, 34 percent of the student population are Arabic-speaking and receive special help. According to the U.S. Census Bureau, the recently arrived immigrant and refugee population living here today will account for 3 percent of the population growth over the next 50 years. This growth is occurring in places like New York, Los Angeles, and Miami, but also in nontraditional immigrant communities like Gainesville, GA, and Fremont County, ID. Innovative programs are being offered across the country to help accommodate these populations, which is why I have once again introduced the Immigrants to New Americans Act. This legislation will create a competitive grant program that funds model programs, which, one, help immigrant children to succeed in America’s classrooms and,
two, help their families access community services such as job training, transportation, counseling, and child care.

Our country’s diversity is growing and it is vital for us to support successful programs like the Georgia Project that address the needs of changing communities.

ADDITIONAL STATEMENTS

TRIBUTE TO HOOSIER ESSAY CONTEST WINNERS

Mr. LUGAR, Mr. President, I rise today to congratulate a group of young Indiana students who have shown great educative achievement. I would like to bring to the attention of my colleagues the winners of the 2000–2001 Eighth Grade Youth Essay Contest which I sponsored in association with the Indiana Farm Bureau and Bank One of Indiana. These students have displayed strong writing abilities and have proven themselves to be outstanding young Hoosier scholars. I submit their names for the RECORD because they demonstrate the capabilities of today’s students and are fine representatives of our Nation.

This year, Hoosier students wrote on the theme, “Eating Around the World From Hoosier Farms.” I would like to submit for the RECORD the winning essays of John Leer of Hamilton County, and Michelle Kennedy of Jasper County. As State winners of the Youth Essay Contest, these outstanding students are being recognized on Friday, March 16, 2001 during a visit to our Nation’s Capitol.

The essays are as follows:

EATING AROUND THE WORLD FROM HOOSIER FARMS

(By John Leer, Hamilton County)

Jean woke up on a crisp, Canadian morning to the smell of moist hot cakes baking on the skillet; to accent the hot cakes, Jean’s mother had prepared apple compote made with sweet brown sugar. Fresh sausage patties were succulently sizzling in their own oils and grease. On this particular morning, Jean thought to himself of the rich Canadian culture this meal represented. To his own dismay, however, his mother told him most of the ingredients used had come from the farms of Indiana. After looking deeper into the issue, Jean too realized that most of his food had originated in the Midwest and especially in Indiana. If something were to happen to the farms of Indiana, he would be devastated. He would miss the grain used in the bread, all of the pork and beef, and even the chilled glass of milk used to wash down a chocolate chip cookie.

Then, Jean went outside to accomplish his daily chores of feeding the oxen and cleaning their stalls; he noticed that in bold letters the sack said the feed was made in Indiana. The idea that his entire daily routine depended on a successful yield from Hoosier farms scared him; if a long drought began or a downfall of water occurred, he would not be eating hot cakes or drinking milk very much longer. The Hoosier farmer was important to him.

Throughout the day he noticed more foods of his daily diet grown in Indiana: melons, tomatoes, pumpkins, corn, and more. During geography class, Jean learned that Indiana is a leading importer to Canada and that Canada depends on the Hoosier fields. After getting off the school bus, he raced towards the television only to turn on the weather station; he had finally realized that Indiana food and weather played a critical role in his daily life.

EATING AROUND THE WORLD FROM HOOSIER FARMS

(By Michelle Kennedy, Jasper County)

As an eighth grade student from the country of Japan, I enjoy many American products. My day starts early in the morning. As I prepare for my school day I usually have breakfast which includes eggs and sausage from Indiana farms. Grains from Indiana farms are imported so we might enjoy cereals, breads, and pastries.

Japan has ample space available for farmground or livestock operations. What we have are very small farms. Indiana grains and livestock products are very important to us. We grow much rice but, other products such as pork, beef, and poultry are needed to compliment our rice industry.

After a day of school I might stroll through our city. These market places have fruits and vegetables from the Hoosier farms. In Japan we are always studying new technology. We are very interested in by-products of Indiana farmers.

Many things I use at school are by-products of American farms. Soy ink and soy crayons are by-products of Indiana soybeans.

It is important for the world to be able to trade with one another. We are all dependent upon each other.

Japan buys 8.9 billion dollars of United States Agriculture each year. Indiana agriculture plays a big part in this.

2000-2001 DISTRICT ESSAY WINNERS

District 1: Christoper Wacnik (Lake County) and Megan Spillman (St. Joseph County).

District 2: Andrew Pasquali (Noble County) and Natalie Rummel (Elkhart County).

District 3: Mitchell Swan (Jasper County) and Michelle Kennedy (Joseph County).

District 4: Jacob Little (Jay County) and Janna Rines (Jay County).

District 5: Tyler Smith (Hendricks County) and Laura Trauger (Hendricks County).

District 6: John Leer (Hamilton County) and Jeri Boone (Hamilton County).

District 7: Kegan Knauf (Clay County) and Nicole Dike (Clark County).

District 8: Carson Ritz (Franklin County) and Erin Rauch (Franklin County).

District 9: John Michel (Warrick County) and Michelle Jochim (Gibson County).

District 10: Max Mulhorr (Jefferson County) and Jennifer Prickel (Ripley County).

2000-2001 COUNTY ESSAY WINNERS

Benton: Jesse Becker and Carolyn Jenkinson; Cass: John Workman and Julie Richardson; Clay: Kegan Knust and Nicole Hayes; Delaware: Cais Hasan and Alexia Fetter; Elkhart: Natalie Rummel; Fayette: Sarah King and Kegan Knauf; Huntington: Jeri Boone and Erin Rauch; Fulton: Thomas Landis and Alicia Long; Gibson: Michelle Jochim; Greene: Alex Weathers and Jessica Chaney; Hamilton: John Leer and Michelle Kennedy.

Hendricks: Tyler Smith; Jackson: Kim Meier; Jasper: Mitchell Swan and Michelle Kennedy; Jay: Jacob Little and Janna Rines; Jefferson: Max Mullin and Amanda Simmons; Jennings: Wayne Carmickle and Andrew Webster; Knox: Josh Anthis and Nicole Dike; Lake: Christopher Wacnik and Jennifer Spillman; Lawrence: Ben Campbell and Fatima Patino; Martin: Nicole Lengacher; Morgan: Laura Trusty.

NORTH GEORGIA COLLEGE AND STATE UNIVERSITY

Mr. MILLER, Mr. President, I would like to recognize the following cadets for their fine representation of North Georgia College and State University and of the entire state of Georgia.

The Blue Ridge Rifle Team: Joseph Byerly; Greg Carey; Joshua Carvalho; Josh Clemmons; Byron Davidson; John Filiatreau; Kurt Fricon; Jason Howard; Joseph Marty; Phillip Pelphry; Jason Pon; Zachary Poole; Jason Ryncarz; Jonathan Seller; Benjamin Sisk; Jeffrey Wagner for his able and Michelle Jochim (Gibson County).
TRIBUTE TO ELIZABETH ROBERT

Mr. LEAHY. Mr. President, I want to congratulate Elizabeth Robert, a graduate of Middlebury College and the University of Vermont, for her success in transforming the struggling Vermont Teddy Bear Company into a highly profitable e-business.

Ms. Robert helped the Vermont Teddy Bear Company as its Chief Financial Officer in 1995 and only two years later rose to the position of Chief Executive Officer. In 1997, profits at Vermont Teddy Bear Company were way below the future was bleak. Now, only three years later, sales are up 50 percent and the company boasts more than $22 million in annual sales. This spectacular turnaround was spearheaded by Elizabeth Robert, who harnessed the power of the Internet to transform the Teddy Bear Company into a successful Bear-Gram gift delivery service. The company’s website is http://store.yahoo.com/vtbear/.

Recently, The Rutland Herald and The Morning Sentinel named Ms. Robert as “a captain of industry.” I ask that the full text of the Rutland Herald/Times Argus article of March 11, 2001, titled “Elizabeth Robert: A ‘captain of industry’ bears watching” be printed in the RECORD.

Liz’s success is a shining example for all Vermont business leaders to follow. By taking advantage of the new markets offered by the Internet and developing a sharply focused business plan, the Vermont Teddy Bear Company has doubled its sales and significantly expanded its customer base.

Last year, I invited Liz Robert to be the keynote speaker at my annual Women’s Economic Opportunity Conference in Vermont. Ms. Robert shared her personal story with hundreds of women who attended the conference and encouraged each of them to follow their dreams. As an incredibly successful businesswoman and the mother of two teen-aged daughters, she is an inspiration for all of us. My wife, Marcelle, and I were proud to be there with her.

ELIZABETH ROBERT: A “CAPTAIN OF INDUSTRY” BEARS WATCHING

(By Sally West Johnson)

Elaborate the story, and the heroines, who is not to list her product. This woman, who took over the floundering Vermont Teddy Bear Co. and returned it to solvency, exudes a cool, angular self-confidence that is not a bit like the warm and cuddly persona of the stuffed bears.

A wiry, athletic 45-year-old, Robert has been with Vermont Teddy Bear since 1995, when she signed on as chief financial officer in what was already a financially troubled time. The charm of founder John Sortino, a man who would become thin; his successor, Patrick Burns, “took us on a trip down teddy-bear lane,” says Robert, explaining that Burns had a vision of turning Vermont Teddy Bears into a Disney-type conglomerate that sold all things Ursine. But that idea tanked, and when Burns left town, Robert took over as chief executive officer in October 1997.

In truth, taking on a top job had been in her game plan for a long time. It’s part of who she is, and she knew it. She comes from several generations of highly accomplished women. Her grandmother emigrated from Armenia to Paris, where she worked in the laboratories of Pasteur. Later, according to Robert, became the first female pediatrician in Geneva. In the early 1940s, Robert’s mother was working as a photo editor at The New York Times when everything was possible,” she says.

A Middlebury College alumna, class of 1978, she married English professor Bob Hill in 1980, then had her first child 10 days before entering graduate school at the University of Vermont. They have since divorced. With an MBA and C.A.G.S in Administration and Supervision, as a financial consultant, and as campaign manager for Louise McCarren’s 1989 run for the U.S. Senate, she immediately turned the tables on her.
As an educator, Pamela has been an integral part of the school community working with staff, students, parents and the community in the total education process.

Pamela’s commitment to serving the education community in New Hampshire is an example that is admirable. It is an honor to represent her in the United States Senate.

TRIBUTE TO TOM THOMSON

Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Tom Thomson of Orford, NH, for being recognized with the “Outstanding Achievements in Sustainable Forestry” award by the American Forest Foundation.

As a young man, Tom purchased his first wood lot of 125 acres with his two older brothers near Orford, NH. He continued to purchase more land and managed its resources adhering to the principles of sustainable forestry.

Tom’s family tree farm is certified by the American Tree Farm System as being a productive, sustainable forest that provides outstanding wildlife habitat and recreational opportunities, and water resources to soil conservation and water quality. The tree farm has now expanded to over 2,600 acres in New Hampshire and Vermont.

Tom has been a tireless promoter of sustainable forestry for both New England and New Hampshire. A contributor to his community, he takes every opportunity to share information about tree farming. The Thomson Family Tree Farm is open year-round to school groups and individuals who want to learn more about sound, long-term forest management.

His wise management of forest land and his commitment to promoting good forestry practices to others has earned Tom many honors throughout the years. Tom has accomplished a great deal for New Hampshire and the people of this State look upon him with tremendous gratitude and admiration for all that he has done.

I am honored to call Tom a friend and a fellow Granite Stater. It is an honor and a privilege to represent Tom Thomson in the United States Senate.

MESSAGE FROM THE HOUSE

At 12:36 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 880. An act to provide for the acquisition of property in Washington County, Utah, for implementation of a desert tortoise habitat conservation plan.

The message also announced that the House has adopted the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 57. Concurrent resolution condemning the heinous atrocities that occurred on March 5, 2001, at Santana High School in Santee, California; to the Committee on the Judiciary.

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-989. 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 “Weighted Average Interest Rate Update” (Notice 2001–20) received on March 12, 2001; to the Committee on Finance.

EC-989. 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 “2001 Census Count” (Notice 2001–21) received on March 12, 2001; to the Committee on Finance.

EC-991. 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 “Coordination Issue: Class Life of Floating Gaming Facilities” (UIL168.20–07) received on March 12, 2001; to the Committee on Finance.

EC-992. 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 “Form 7004—Research Credit Suspension Period” (OUG110763–01) received on March 13, 2001; to the Committee on Finance.

EC-993. A communication from the Chief of the Regulatory Policy Office, Bureau of Alcohol, Tobacco and Firearm, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “T.D. ATF–44; Puerto Rican Tobacco Products and Cigarette Papers and Tubes Shipped from Puerto Rico to the United States” (RIN 1512–AC24) received on March 13, 2001; to the Committee on Finance.

EC-994. A communication from the General Counsel of the General Accounting Office, transmitting, a report concerning the scope of congressional authority in election administration; to the Committee on Rules and Administration.

EC-995. A communication from the Director of Finance of the United States Capitol Historical Society, transmitting, the report of audited financial statements from January 31, 1996, 1999, and 2000; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

EC-996. A report of the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 143: A bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934, to reduce securities fees in excess of those required to fund the operations of the Securities and Exchange Commission, to adjust compensation provisions for employees of the Commission, and for other purposes (Rept. No. 107–3).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first
and second times by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON:

S. 257. A bill to amend the Internal Revenue Code of 1986 to exempt State and local governments from duplicative education and reporting requirements made applicable to public organizations by Public Law 106–230; to the Committee on Finance.

By Mr. BOND:

S. 528. A bill to amend the National Voter Registration Act of 1993 to modify the requirements for voter mail registration and for other purposes; to the Committee on Rules and Administration.

By Mr. CLELAND (for himself and Mr. MILLER):

S. 531. A bill to provide wage parity for certain Department of Defense prevailing rate employees in Georgia; to the Committee on Governmental Affairs.

By Mr. GRASSLEY (for himself, Mr. JEFFFORDS, Mr. LEAHY, Mr. MURkowski, Mr. BREAUX, Mr. SMITH of Oregon, Mr. DORGAN, Mrs. FEINSTEIN, Mr. CRAIG, Mrs. MURRAY, Mr. JOHNson, Mr. SCHUMER, and Mr. CONRAD):

S. 530. A bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension for producing electricity from wind; to the Committee on Finance.

By Mrs. LINCOLN (for herself, Mr. CLELAND, and Mr. DORGAN):

S. 532. A bill to promote recreation on Federal lakes, to require Federal agencies responsible for managing Federal lakes to pursue strategies for enhancing recreational experiences of the public, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DORGAN (for himself, Mr. BAUCUS, Mr. BURNS, Mr. DASCHEL, Mr. JOHNson, and Mr. CONRAD):

S. 532. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself and Mr. FITzGERALD):

S. 533. A bill to provide for the equitable settlement of certain Indian land disputes regarding land in Illinois; to the Committee on Indian Affairs.

By Mr. CAMPBELL:

S. 534. A bill to establish a Federal interagency task force for the purpose of coordinating actions to prevent the outbreak of bovine spongiform encephalopathy (commonly known as "mad cow disease") and foot-and-mouth disease in the United States; to the Committee on Governmental Affairs.

By Mr. RINGAMAN (for himself, Mr. McCaIN, Mr. DASCHEL, Mr. BAUCUS, Mrs. CLINTON, Mr. DOMENICI, Mr. FINKold, Mr. KENNEDY, Mr. JOHNson, Mrs. MURRAY, Ms. STABENow, and Mrs. WellSTONE):

S. 535. A bill to amend title XIX of the Social Security Act to clarify that Indian women with breast or cervical cancer who are eligible for similar services provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional Medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Cancer Prevention and Treatment Act of 2000; to the Committee on Indian Affairs.

By Mr. SHELBY:

S. 536. A bill to amend the Gramm-Leach-Bliley Act to provide for a limitation on sharing of marketing and behavioral profile information and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TORRICELLI (for himself and Mr. CORZINE):

S. 537. A bill to direct the Secretary of Transportation to require the use of dredged material in the construction of federally funded transportation projects; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SMITH of Oregon:

S. Res. 60. A resolution urging the immediate release of Kosovar Albanians wrongfully imprisoned in Serbia, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 16

At the request of Mr. DASCHEL, the name of the Senator from Maryland (Mr. SARRANes) was added as a cosponsor of S. 16, a bill to improve law enforcement, crime prevention, and victim assistance in the 21st century.

At the request of Mr. McCaIN, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 27, a bill to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

S. 41

At the request of Mr. HATCH, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 41, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to increase the rates of the alternative incremental credit.

S. 124

At the request of Mr. BROWNBACK, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 124, a bill to exempt agreements relating to voluntary guidelines governing telecast material, movies, video games, Internet content, and music lyrics from the applicability of the antitrust laws, and for other purposes.

S. 148

At the request of Mr. CRAIG, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from Wisconsin (Mr. KOHL), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 148, a bill to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes.

S. 244

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Ms. MUKULski) was added as a cosponsor of S. 244, a bill to provide for United States policy toward Libya.

S. 275

At the request of Mr. Kyl, the names of the Senator from Maine (Ms. COLINS) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 275, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to preserve a step up in basis of certain property acquired from a decedent, and for other purposes.

S. 278

At the request of Mr. JOHNSON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 278, a bill to restore health care coverage to the families of members of the uniformed services.

S. 304

At the request of Mr. HATCH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 304, a bill to reduce illegal drug use and trafficking and to help prevent drug education, prevention, and treatment programs.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Nebraska (Mr. ENSIGN) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to clarify the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 349

At the request of Mr. HUTCHISON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 349, a bill to provide funds to the National Center for Rural Law Enforcement, and for other purposes.

S. 367

At the request of Mrs. BOXER, the name of the Senator from Washington (Mr. DANCHELL) was added as a cosponsor of S. 367, a bill to prohibit the application of certain restrictive eligibility requirements to foreign non-governmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 388

At the request of Mr. MURkowski, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 388, a bill to protect the energy and security of the United States and decrease America's dependence on foreign oil sources to 50% by the year 2011 by enhancing the use of renewable energy resources conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies; improve environmental quality by reducing emissions of air pollutants and greenhouse gases; mitigate the effect of increases in energy prices on the American consumer, including the poor and the elderly; and for other purposes.

S. 405

At the request of Mrs. HUTCHISON, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 409, a bill to...
At the request of Mr. HAGEL, the names of the Senator from Montana (Mr. BAUCUS), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Georgia (Mr. CLELAND), the Senator from Vermont (Mr. LEAHY), the Senator from Michigan (Ms. STabenow), the Senator from Minnesota (Mr.Wellstone) were added as cosponsors of S. 466, a bill to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act.

At the request of Mr. MURkowski, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 509, a bill to establish the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska, and for other purposes.

At the request of Mr. GRAHAM, the name of the Senator from Arizona (Mr. Kyl) was added as a cosponsor of S. 525, a bill to expand trade benefits to certain Andean countries, and for other purposes.

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Ms. Mikulski) was added as a cosponsor of S. Con. Res. 23, a concurrent resolution expressing the sense of Congress with respect to the involvement of the Government in Libya in the terrorist bombing of Pan Am Flight 103, and for other purposes.

At the request of Mr. McCaIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. Res. 21, a resolution directing the Sergeant-at-Arms to provide Internet access to certain Congressional documents, including certain Congressional Research Service publications, Senate lobbying and gift report filings, and Senate and Joint Committee documents.

At the request of Mr. SANTORUM, the name of the Senator from Louisiana (Ms. Landrieu) was added as a cosponsor of S. Res. 24, a resolution honoring the contributions of Catholic schools.

At the request of Mr. CRAIG, the names of the Senator from Connecticut (Mr. Dodd), the Senator from Wisconsin (Mr. Kohl), the Senator from Utah (Mr. Hatch), the Senator from California (Mrs. Boxer), and the Senator from Oregon (Mr. Smith) were added as cosponsors of S. Res. 25, a resolution designating the week beginning March 18, 2001 as “National Safe Place Week.”

Statements on introduced bills and joint resolutions

By Mr. BOND:

S. 528. A bill to amend the National Voter Registration Act of 1993 to modify the requirements for voter mail registration and for other purposes; to the Committee on Rules and Administration.

Mr. BOND. Mr. President, today I rise to introduce a commonsense election reform bill that I have entitled the “Safeguard the Vote Act.” I realize other reform issues have received a lot of media attention, but I think it is vital to focus on the fundamental issue of casting and counting votes honestly and fairly as expected.

Over the past months, many Americans saw for the first time how actual vote counting is done or not done. We have had a real-life civics lesson that was as unexpected as it was frustrating. Those of us in positions of responsibility need to fix what needs fixing, reform what needs reforming, and prosecute where actual wrongdoing has occurred.

Voting is the most important civic duty and responsibility for citizens in our form of government. It should not be diluted by fraud, false filings in lawsuits, judges who do not follow the law, people who just abuse the system, or anyone who wants to hide the other abuses, do not try to use general confusion as an excuse or a justification for fraud.

I want to make one simple point as I begin. Vote fraud is not about partisanship. It is not about Democrats versus Republicans. It is not about the north side of St. Louis versus the south side of St. Louis. It is not about somebody getting a partisan advantage. It is about justice.

Vote fraud is a criminal not a political act. Illegal votes dilute the value of votes cast legally. When people try to stuff the ballot box, what they are really doing is trying to steal political power from those who follow election laws.

On election night in November of 2000, I was exercised and somewhat upset, one might say, as we learned about what was going on in St. Louis City where orders had been issued to keep the voting booths open in certain areas for an extended period of time. Lawyers appealed that decision, and the Missouri Court of Appeals shut them down. They wrote:

‘Equal vigilance is required to ensure that only those entitled to vote are allowed to cast a ballot. Otherwise, the rights of those lawfully entitled to vote are inevitably diluted.

Unfortunately, what we have seen in St. Louis these past months has been nothing short of breathtaking. Some might say that we have even become a national laughingstock. We have dead people registering by mail.

This city alderman died more than 10 years ago. He was registered to vote on cards turned in just before the March 6 regular primary. We had people registering from vacant lots. The media in St. Louis was very aggressive, and they checked on some of the voter addresses. There was no building there. They did not even see the tents in which people were living.

Voter rolls in St. Louis had more names on the registered active and inactive list than there were people in St. Louis City. It begins to raise suspicions.

A city judge exceeded the law by providing extended voting hours for only selected polling places. Then there is the strange story of a plaintiff in that case who claimed he “has not been able to vote and fears he will not be able to vote because of long lines at the polling places and machines breakdowns.” It was discovered he had two problems. He was dead, in which case long lines should not have been a problem because he was not going anywhere anyway.

The lawyer then came up with some body else: Oh, what we really meant to say was a guy whose name is similar to his. It was as unexpected as it was frustrating.

Mr. BOND. I also say to some who should not have been a problem because he was not going anywhere anyway.

The lawyer then came up with somebody else: Oh, what we really meant to say was a guy whose name is similar to his. It was as unexpected as it was frustrating.
problem was he had already voted when the lawyers filed the sworn statement saying that he was worried about not being able to vote, which, I guess, we can only conclude meant he was worried about casting a second illegal ballot.

We have had felon voting, people not even registered voting. Just when you think we have seen it all—this is my favorite—here is the voting registration card that was sent in in October of 1994 by one Ritzy Mekler. The interesting thing about Ritzy Mekler is that Ritzy is a dog. We do not know how many times Ritzy may have voted, but this seems to be an unwarranted extension of the voting franchise. Much as I love dogs, I do not think any animal should be voting. This is certainly a new avenue for those who like pets. But that is the kind of thing with which we need to deal.

The end result of all these revelations is that a city grand jury in St. Louis is now investigating fraudulent voter registration, and the lawyers involved have sent the U.S. attorney a 250-page report. People are beginning to take this seriously. You don’t have to take my word for it. Local St. Louis city Democrats have had a few things to say.

St. Louis’ current mayor, Clarence Harmon, said:

I think there is ample, longstanding evidence of voter fraud in our community.

State representative Quincy Troupe said:

There is no doubt in any black elected official’s mind that the whole process has discouraged black elections in the city of St. Louis for some time. We know that we have people who cheat in every election. The only way you can win a close election in this city, you have to beat the cheaters.

From another side, 11th ward alderman, Matt Villa, said:

Who knows who did it. But it is apparent they are trying to cheat and steal this election.

The St. Louis Post-Dispatch, which has aggressively covered this story, noted on its editorial page:

St. Louis appears to have a full-blown election scandal that grows with each newly discovered box of bogus registration cards.

As I noted earlier, I believe it is our duty to fix what needs to be fixed, reform what needs to be reformed, and prosecute where there has been wrongdoing. In St. Louis, I believe criminal prosecutions are being considered. Coupled with the bill I am introducing today, this should go a long way toward cleaning up what has gone wrong in St. Louis.

I might add, just the threat of criminal prosecutions appear to have made a difference in the municipal primary in St. Louis last week. It was a lot more honest than it has been in a long time. There is nothing like the healthy atmosphere of possible criminal prosecutions to make people think maybe we should not try to steal this election. Well, let me go through the list of things we found out are contributing to fraud.

The first obvious problem is the blatant fraud of the bogus voter registrations. With dead people registering, fake names, phony addresses, and dogs being registered, it is clear the system is being abused.

Nearly half of these fraudulent registrations were the mail-in forms. Our plan begins by addressing this type of fraud with a few simple reforms. These are changing Federal law, which in some instances, has actually facilitated voter fraud.

1. First-time voters who register by mail would be required to vote in person and present a photo ID the first time after registration. We trust that the local officials would recognize the dog if she came in—even with a photo registration.

2. If the follow-up registration card is returned to the election office as undeliverable by the post office, States would be allowed immediately to remove those names from the rolls, provided they made a good-faith effort to ensure that eligible voters would not be removed from the rolls.

3. Finally, the bill would give the States the authority to include on the mail registration form a place for notation of voter registration or authentication. Under current Federal law, States are actually prohibited from including this safeguard.

I believe the incentives for the bogus addresses and fake names would be virtually eliminated by these simple safeguards, while all the legitimate efforts to encourage new voters to register could, should, and must continue.

The second major problem we have seen in St. Louis is that the voter rolls are so clogged up with incorrect or fraudulent data that legal voters are shortchanged. St. Louis city actually, as I said earlier, has more voters listed on its active plus inactive rolls than the voting age population of the city. That is not surprising if they are registering dead people, dogs, and people from vacant lots.

Even more amazing is the fact that the Secretary of State said in a recent report that 5,000 of the names on the inactive list are actually duplicates of other names on the inactive list. There are numerous other examples of names on both the active and inactive lists at the same time. These inactive lists are what is being used for election day registration. They just go in and say my name is on the inactive list. Hundreds were allowed to vote in that instance.

Thus, it is painfully clear that something must be done to keep the voter rolls clean and accurate.

The bill I introduce includes two basic reforms to assist in the cleanup of voter rolls. First, it would require States to conduct a program of cleaning up lists wherever the voter roll list of eligible voters is larger than the number of people of voting age in that county or city. That seems to make only common sense. I can’t imagine anyone opposing that if you have more people registered than you have people, something is wrong.

Second, my proposal adopts the commonsense approach just used by the St. Louis election board in their March primary. For those voters whose names have been moved to the inactive, and should not try to steal this election.

I believe these straightforward reforms will go a long way toward restoring the confidence in the voter registration and balloting process. But for those who insist on continuing their fraudulent activities, this bill strengthens criminal penalties for those who commit fraud or conspire to commit voter fraud.

Finally, given the dimensions of the vote fraud scandal in St. Louis, this legislation creates a national pilot project to clean up voter lists in St. Louis in order to assist in ending election day corruption across the Nation. As I proposed, the Federal Election Commission run the project in St. Louis city and St. Louis County to develop a method we can use nationally to maintain accurate voter rolls and ensure that all properly registered voters are permitted to vote without wrongfully being disenfranchised by failure of their registration to be effective, or by allowing others who are not qualified and registered to vote, diluting their votes. The FEC would also coordinate records of voters registered to vote at places authorized under the National Voter Registration Act of 1993, along with State death and felony conviction records and the official voter registered for each polling place.

Lawyers for the Missouri Court of Appeals wrote when they shut down the improper efforts to keep only certain polling places open: . . . (C)ommendable zeal to protect voting rights must be tempered by corresponding duty to protect the integrity of the voting process. . . . (E)qual vigilance is required to ensure that only those entitled to vote are allowed to cast a ballot. Otherwise, the rights of those lawfully entitled to vote are inequitably diluted.

With these new tools, and some real leadership, the election boards of St. Louis City and St. Louis County could get big brooms of cleaning up the mess. Criminal investigations are ongoing. I hope that anyone responsible for cheating will be caught and punished. But we must get a handle on the voter rolls. People who register and follow the rules shouldn’t be frustrated by inadequate polling places and phone lines or confused by out-of-date lists. At the same time, we must require voter lists to be scrubbed and reviewed in a much more timely manner—so the cheaters cannot use confusion as their friend.

I certainly don’t want St. Louis to have the lasting reputation described by my old friend Quincy Troupe:
The only way you can win a close election in this town, you have to beat the cheat.

By Mr. GRASSLEY (for himself, Mr. LEAHY, Mr. MURkowski, Mr. Breaux, Mr. Smith of Oregon, Mr. Dorgan, Mrs. Feinstein, Mr. Craig, Mrs. Murray, Mr. Johnson, Mr. Schumer, and Mr. Conrad):

S. 530. A bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind; to the Revenue Code of 1986 to provide a 5-year extension of the credit for production of renewable energy made available to the wind energy sector.

Mr. GRASSLEY. Mr. President, I rise today to introduce important tax legislation for myself and Senators Fein- ford, Leahy, Murkowski, Breaux, Smith of Oregon, Dorgan, Feinstein, Craig, Murray, Johnson, Schumer, and Conrad.

This legislation, entitled the “Bipartisan Renewable Efficient Energy with Zero Effluent (BREEZE) Act”, extends the production tax credit for energy generated by wind for five years. The current tax credit is set to expire on January 1, 2002.

As author of the Wind Energy Incentives Act of 1993, I sought to give this alternative energy source the ability to compete against traditional, finite energy sources. I strongly believe that the expansion and development of wind energy must be facilitated by this production tax credit.

Wind, unlike most energy sources, is an efficient and environmentally safe form of energy production. Wind energy makes valuable contributions to maintaining cleaner air and a cleaner environment. Every 10,000 megawatts of wind energy produced in the United States can reduce carbon monoxide emissions by 33 million metric tons by replacing the combustion of fossil fuels.

Since the inception of the wind energy production tax credit in 1993, more than 1.128 megawatts of generating capacity have been put online. This generating capacity powers nearly 300,000 homes, or 750,000 people.

Over 300 megawatts of new wind energy capacity was added last year, bringing wind energy generating capacity in the U.S. to more than 2.5,000 megawatts. This new wind energy will power the equivalent of over 240,000 American homes, while displacing over 1.8 million tons of carbon dioxide.

Equally important, wind energy increases our energy independence, thereby providing the United States with insulation from an oil supply dominated by the Middle East. Our national security is currently threatened by a heavy reliance on oil from abroad.

The price of wind energy has been reduced more than 80 percent in the past two decades, making it the most affordable type of renewable energy. In order to continue this investment in America’s clean energy future, we must extend the production tax credit.

Currently, my own State of Iowa has 4 new wind power projects ready to go online just this year. These 4 projects, with the megawatt capacity of over 240, will join the already existing 20 facilities in Iowa. Even large petroleum producing States like Texas are recognizing the growing potential of wind energy. Texas has the third largest wind farm in the world, and plans to add 5 new facilities this year, adding to the 7 already online.

Moreover, wind energy has vast potential to contribute to California’s electricity supply. We all know, California is currently suffering because of an energy market with insufficient energy generation and production that is overly dependent on natural gas.

Just in the past few weeks, plans have been unveiled to develop what will be the world’s two largest wind power plants in the Northeast. One will be installed on the Oregon-Wash-ington boundary and the other at the U.S.-Canadian Test Site. Together, the two plants will have a capacity of 560 megawatts and will generate enough power annually to serve more than half a million people. In addition, a number of other new wind power projects currently in development in the West will also bring much-needed additional generating capacity to the region.

Wind energy also produces substantial economic benefits. For each wind turbine, a farmer or rancher can receive more than $2,000 per year for 20 years in direct lease payments. Iowa’s major wind farms already pay more than $600,000 per year to landowners. In California, the development of 1,000 megawatts would mean annual payments of approximately $2 million to farm and forest landowners.

Extending the wind energy tax credit would allow for even greater expansion in the wind energy field. Wind is a domestically produced natural resource, found abundantly across the country. Because wind energy is homegrown, it cannot be controlled by any foreign power.

Wind energy can be harnessed without injury to our environment. Wind is a reliable form of power that is renewable and inexhaustible. This legislation ensures that wind energy does not fall by the wayside as a productive alternative energy source.

The Senate needs to extend this important legislation and I encourage my colleagues to join us in this effort. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 530

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

SECTION 1. SHORT TITLE

This Act may be cited as the “Bipartisan Renewable, Efficient Energy with Zero Effluent (BREEZE) Act”.

SEC. 2. 5-YEAR EXTENSION OF CREDIT FOR PRO DUCING ELECTRICITY FROM WIND

Section 45(c)(3)(A) of the Internal Revenue Code of 1986 (relating to wind facility) is amended by striking “January 1, 2002” and inserting “January 1, 2007”.

By Mrs. LINCOLN (for herself, Mr. Cleland, and Mr. Dorgan): S. 531. A bill to promote recreation on Federal lakes, to require Federal agencies responsible for managing Fed- eral lakes to pursue strategies for enhancing recreational opportunities of the public, and for other purposes; to the Committee on Energy and Natural Re- sources.

Mrs. LINCOLN. Mr. President, I rise today to introduce the National Recre- ation Lakes Act of 2001. This bill will recognize the benefits and value of recreation at federal lakes and give recreation a seat at the table in the management decisions of all our fed- eral lakes. I am proud to be joined in this effort today by Senator Cleland of Georgia and Senator Dorgan of North Dakota.

Recreation on our federal lakes has become a powerful tourist magnet, attracting some 900 million visitors annually and generating an estimated $44 billion in economic activity—mostly spent on privately-provided goods and services. And by the middle of this century, the federal lakes may need to host nearly 2 billion visitors per year. Yet, even with the millions of visi- tors each year to our lakes and res- ervoirs, recreation has suffered from a lack of aligning policy direction and leadership, as well as insufficient inter- agency and intergovernmental planning and coordination. Most federal agencies are focused on the traditional functions of man-made lakes and res- ervoirs: flood control, hydroelectric power, water supply, irrigation, and navigation. And often recreation is left out of the decision process.

This legislation will reaffirm that recreation is also an authorized pur- pose at it almost always have been, and di- rect the agencies managing these projects to take action to reemphasize recreation programs in their manage- ment plans. This legislation will em- power partnerships between the Fed- eral Government, local governments, and private groups to promote responsi- ble recreation on all our federal lakes.

It will establish a National Recre- ation Lakes Demonstration Program comprised of up to 25 lakes across the nation. At each of these federal lakes, the managing agency will be empowered to develop creative agreements with private recreation pro- viders as well as state land agencies to enhance recreation opportunities. Rather than just building new federal campgrounds with tax dollars, we need to create new partnerships to provide support for building recreation infras- tructure that is in line with visitor and tourist desires for recreation. The National Recreation Lakes Demonstra- tion Program will be a pilot project to test these creative agreements and management techniques on a small scale to demonstrate their effective- ness at promoting recreation on federal lakes.
Second, this legislation will establish a Federal Recreation Lakes Leadership Council to coordinate the National Recreation Lakes Demonstration Program and coordinate efforts among federal agencies to promote recreation on federal lakes.

It also will include the Bureau of Reclamation and the U.S. Army Corps of Engineers in the Recreation Fee Demonstration Program. The Fee Demo Program has had wide successes in Arkansas and across the country in allowing parks and recreation areas to keep more of their fee revenues on-site to reduce the often overwhelming maintenance backlog.

The legislation will also provide for periodic review of the management of recreation at federal water projects—something long overdue. A great deal has changed since many of the water projects were authorized, yet the initial legislative direction from over 70 years ago continues to be the basis for the management of many of these lakes today. In the year 2001—and that is not right.

Finally, the legislation will provide new opportunities to link the national recreation lakes initiative with other federal recreation assistance efforts, including the Wallop-Breaux program for federal recreation assistance efforts, recreation lakes initiative with other new opportunities to link the national recreation so we all can enjoy a day out on the lake.

This bill is not an attempt to completely rewrite how federal lakes in this country are managed or to put recreation in front of all other authorized purposes at federal lakes. The National Recreation Lakes Act of 2001 will work with all current laws and regulations to ensure that recreation is given a seat at the table when the management decisions are made for our federal lakes.

This is a good bill. In everything from the creation of jobs to the money that tourists like myself spend at the national recreation lakes throughout the country are managed or to put recreation in front of all other authorized purposes at federal lakes. The National Recreation Lakes Act of 2001 will work with all current laws and regulations to ensure that recreation is given a seat at the table when the management decisions are made for our federal lakes.

I encourage my colleagues to support this legislation and look forward to the debate on how we can promote recreation on our federal lakes.

S. 351
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 “National Recreation Lakes Act of 2001”.

SEC. 2. FINDINGS AND PURPOSES.
(a) FINDINGS.—The Congress finds that—
(1) recreation is an authorized purpose at almost all Federal lakes;
(2) lakes created by Federal dam projects have become powerful magnets for diverse recreation activities, drawing hundreds of millions of visitors annually and generating tens of billions of dollars in economic benefits;
(3) recreational opportunities are provided at such lakes, on surrounding land, and on adjacent land and reservoirs by Federal, State, and local government agencies and through partnerships among Federal, State, and local government agencies and private persons; and
(4) the quality of recreational opportunities depends on clean air and water and attractive viewpoints.

(b) PURPOSES.—The purposes of this Act are—
(1) to require Federal agencies responsible for management of lakes created by Federal dam projects to pursue strategies for enhancing recreational experiences at the lakes; and
(2) to direct Federal agencies to investigate the possibilities for the use of, and to use, creative management of the project lakes that optimizes both recreational opportunities and other purposes of the project lakes, including—
(A) provision of agricultural and municipal water supplies;
(B) provision of flood control and navigation benefits;
(C) production of hydroelectric power; and
(D) protection of water quality.

SEC. 3. DEFINITIONS.
In this Act:
(1) COUNCIL.—The term “Council” means the Federal Lakes Recreation Leadership Council established by section 5.
(2) NATIONAL RECREATION DEMONSTRATION LAKE.—The term “national recreation demonstration lake” means a project lake that is designated as a national recreation demonstration lake under section 4.
(3) PARTICIPATING AGENCY.—The term “participating agency” means—
(A) the Bureau of Indian Affairs;
(B) the Bureau of Land Management;
(C) the Bureau of Reclamation;
(D) the National Park Service;
(E) the United States Fish and Wildlife Service;
(F) the Forest Service;
(G) the Army Corps of Engineers;
(H) the Tennessee Valley Authority; and
(I) any other project lake management agency that participates in the Program at the request of the Council.
(4) PROGRAM.—The term “Program” means the national recreation lakes demonstration program established by section 4.
(5) PROJECT LAKE.—The term “project lake” means an impoundment of water that—
(A) is part of a water resources project operated, maintained, or constructed by or on the participation of any Federal agency;
(B) has a maximum storage capacity of 200 acres or more; and
(C) includes recreation as an authorized purpose.
(6) PROJECT LAKE MANAGEMENT AGENCY.—The term “project lake management agency” means a Federal agency that manages a project lake.
(7) RECREATION.—
(A) IN GENERAL.—The term “recreation” means—
(i) a water-related recreational activity that takes place on, adjacent to, or in a project lake or tailwater; and
(ii) a recreational activity or wildlife-related activity that takes place on federally managed land in the vicinity of a project lake.
lake that is permitted under a land manage-
ment plan in effect on the date of enactment of this Act.

(b) INCLUSIONS.—The term "recreation" in-
cluded in this Act shall include (i) boating (including power boating, sail-
ing, rafting, kayaking, and canoeing), diving, swimming, camping, trail-based activities, and parking; and (ii) fishing and other wildlife-related ac-
tivities.

SEC. 4. NATIONAL RECREATION LAKES DEM-
ONSTRATION PROGRAM.

(a) ESTABLISHMENT.—There is established the National Recreation Lakes Demo-
stration Program consisting of the 25 national recreation demonstration lakes to be estab-
lished under this Act.

(b) CRITERIA.—

(1) IN GENERAL.—The Council shall de-
velop and establish criteria for selecting project lakes managed by participating agencies for designation as national recrea-
tion demonstration lakes.

(2) REQUIREMENTS.—The criteria shall—

(A) include lake size, diversity of current and potential recreational uses, opportuni-
ties for commercial recreation facilities and programs at project lakes, and present and projected regional recreation demand; and

(B) require a strong showing of local support for the lake, including sup-
port from State and local governments, pri-
cate citizens, and businesses.

(c) NOMINATION OF NATIONAL RECREATION
DEMONSTRATION LAKES.—A participating agency may submit a proposal for an in-
stant project lake in the immediate vicinity of a project lake that will provide a variety of recreational experiences.

(d) DISBUDATION OF NATIONAL RECREATION
DEMONSTRATION LAKES.—

(1) IN GENERAL.—On receiving the nomi-
nation of a project lake for the Program, the Council shall designate 25 project lakes to be national recreation demonstration lakes.

(2) SELECTION CRITERIA.—In selecting project lakes for designation as national recreation demonstration lakes, the Council shall consider—

(A) the proximity of the lake to the project lake, including the level of customer support from State and local governments, pri-
cate citizens, and businesses;

(B) the potential for the lake to become a national recreation demonstration lake or that will provide a variety of recreational experiences.

(3) EFFECTIVE PERIOD.—A designation of a project lake as a national recreation demon-
stration lake shall be effective for a period not exceeding 10 years.

(e) AUTHORIZED ACTIVITIES AT NATIONAL
RECREATION DEMONSTRATION LAKES.—

(1) ENHANCEMENT OF RECREATION ACTIVI-
TIES.—Each participating agency shall use authorities under this Act to enhance oppor-
tunities for recreation activities on, in, and in the vicinity of the national recreation demon-
stration lakes.

(2) NEW AUTHORITIES.—In accordance with the Act of October 22, 1996 (16 U.S.C. 567b) and the Act of November 13, 1998 (16 U.S.C. 5951 et seq.), the head of any participating agency except the National Park Service may con-
duct experiments and studies in the vicinity of the lake, including costs, fees, concession agreements, and in-
novative management structures at a national recreation demonstration lake under the ju-
diciary or regulating authority for that lake.

(3) ASSISTANCE TO UNITS OF LOCAL GOVERN-
MENT IN THE VICINITY OF A NATIONAL RECRE-
ATION DEMONSTRATION LAKE.—The head of any participating agency that manages a na-
tional recreation demonstration lake may contract for carrying out research and marketing activities conducted by advisory boards, and other activities to im-
prove communications and cooperation be-
tween the agency and local community in-
terests in the vicinity of the lake with re-
spect to management of the national recre-
tation demonstration lake:

(1) LOCAL ADVISORY COMMITTEES.—

(A) Establishment and Purpose.—Under guidelines developed by the Council, the head of a participating agency shall estab-
lish, for each national recreation demonstra-
tion lake managed by the agency, a local ad-
visory committee comprised of State and local government and private sector repre-
sentatives.

(B) Duties.—The duties of a local advisory committee shall be to recommend and co-
ordinate with project lake managers on projects proposed to be completed by the participating agency under the Program.

(2) Local Advisory Committees under the Recre-
aton Demonstration Program.

(a) Purpose.—The purpose of the Council shall be to—

(1) increase the awareness of the social and economic values associated with project lake recreation among project lake management agencies and other stakeholders with an interest in recreation at project lakes;

(2) develop policies that provide an envi-
ronment for success that emphasizes the role of recreation at project lakes;

(3) promote cooperative and share new approaches from Federal and State managing agencies, Indian tribes, and the private sec-
tor to embrace a culture of innovation and entrepreneurship;

(4) develop training courses on business skills to close the recreation needs gap;

(5) support annual regional workshops with States, tribal, and local agencies to gain a greater understanding of the role of recreation in the economic welfare of local communities;

(6) develop guidelines for the formation of local advisory committees to be established by project lake management agencies for managing national recreation demonstration lakes;

(7) develop and establish an application and selection process to implement the Program.

(8) Develop guidelines for the formation of local advisory committees to be established by project lake management agencies for managing national recreation demonstration lakes;

(9) develop and administer a competitive grants program for distributing available funds among national recreation demonstra-
tion lakes for purposes described in this Act under which—

(A) the total number of lakes improved under the program shall not exceed 25 lakes; and

(B) increases the awareness of the social and economic values associated with project lake recreation among project lake management agencies and other stakeholders with an interest in recreation at project lakes;

(10) develop policies that provide an envi-
ronment for success that emphasizes the role of recreation at project lakes;

(11) promote cooperative and share new approaches from Federal and State managing agencies, Indian tribes, and the private sec-
tor to embrace a culture of innovation and entrepreneurship;

(12) develop training courses on business skills to close the recreation needs gap;

(13) support annual regional workshops with States, tribal, and local agencies to gain a greater understanding of the role of recreation in the economic welfare of local communities;

(14) develop guidelines for the formation of local advisory committees to be established by project lake management agencies for managing national recreation demonstration lakes; and

(15) develop and administer a competitive grants program for distributing available funds among national recreation demonstra-
tion lakes for purposes described in this Act under which—

(A) the total number of lakes improved under the program shall not exceed 25 lakes; and

(B) increases the awareness of the social and economic values associated with project lake recreation among project lake management agencies and other stakeholders with an interest in recreation at project lakes;
a) reports.—
1. project lake management agencies.—Not later than 1 year after the date of enactment of this Act, and every 2 years thereafter, the head of each project lake management agency shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and the Council a report that describes—
(A) actions taken by the agency to communicate to personnel of the agency the requirements of this Act and other laws relating to recreation use of project lakes; and
(B) actions taken by the agency to expand recreation opportunities at project lakes, including a schedule for taking the actions.
2. council.—Not later than 3 years after the date of enactment of this Act, and every 2 years thereafter, the Council shall submit to the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives a report describing actions taken by participating agencies to expand recreation opportunities at project lakes.
3. participating agencies.—
(a) periodic reports.—The head of each participating agency shall periodically report to the Council regarding activities of the agency relating to recreation use of project lakes; and
(b) comprehensive review.—Not later than 5 years after the date of enactment of this Act and at least once every 15 years thereafter, the head of each participating agency shall conduct a comprehensive review of operating policies for project lakes managed by the agency that describes—
(i) the actions taken by the agency to communicate to personnel of the agency the requirements of this Act and other laws relating to recreation use of project lakes; and
(ii) the actions taken by the agency to expand recreation opportunities at project lakes, including a schedule for taking the actions.
4. policies.—
(a) in general.—The head of each project lake management agency shall—
(A) revise the policies of the agency as necessary to incorporate new information and ensure coordinated management of project lakes to produce high levels of benefits for recreation and all authorized uses of project lakes; and
(B) where recreation is consistent with the project lake purposes and designated uses of project lakes; and
5. support.—Public and private support should be reaffirmed.
6. terminations of council.—The Council shall terminate 15 years after the date on which funds are first made available to carry out the provisions of this Act.

SEC. 6. PERIODIC REVIEW AND REVISION OF OPERATING POLICIES FOR PROJECT LAKES.

(a) reports.—
1. project lake management agencies.—Not later than 1 year after the date of enactment of this Act, the head of each project lake management agency shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and the Council a report that describes—
(A) actions taken by the agency to communicate to personnel of the agency the requirements of this Act and other laws relating to recreation use of project lakes; and
(B) actions taken by the agency to expand recreation opportunities at project lakes, including a schedule for taking the actions.
2. council.—Not later than 3 years after the date of enactment of this Act, and every 2 years thereafter, the Council shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and the Council a report that describes—
(A) actions taken by the agency to communicate to personnel of the agency the requirements of this Act and other laws relating to recreation use of project lakes; and
(B) actions taken by the agency to expand recreation opportunities at project lakes, including a schedule for taking the actions.
3. participating agencies.—
(a) periodic reports.—The head of each participating agency shall periodically report to the Council regarding activities of the agency relating to recreation use of project lakes; and
(b) comprehensive review.—Not later than 5 years after the date of enactment of this Act and at least once every 15 years thereafter, the head of each participating agency shall conduct a comprehensive review of operating policies for project lakes managed by the agency that describes—
(i) the actions taken by the agency to communicate to personnel of the agency the requirements of this Act and other laws relating to recreation use of project lakes; and
(ii) the actions taken by the agency to expand recreation opportunities at project lakes, including a schedule for taking the actions.
4. policies.—
(a) in general.—The head of each project lake management agency shall—
(A) revise the policies of the agency as necessary to incorporate new information and ensure coordinated management of project lakes to produce high levels of benefits for recreation and all authorized uses of project lakes; and
(B) where recreation is consistent with the project lake purposes and designated uses of project lakes; and
5. support.—Public and private support should be reaffirmed.
6. terminations of council.—The Council shall terminate 15 years after the date on which funds are first made available to carry out the provisions of this Act.

SEC. 7. RECREATION FOR DEMONSTRATION PROGRAM.

Section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (16 U.S.C. 3603–6a note; Public Law 104–14), is amended—
1. in subsection (a)—
(A) by inserting the Bureau of Reclamation, after “the National Park Service”;
(B) by striking “Service” and inserting “Service”; and
(C) by inserting “the Secretary of the Army (acting through the Corps of Engineers)”;
2. in subsection (b), by striking “four agencies” and inserting “eight agencies”; and
3. in subsection (e)—
(A) by striking “and” inserting a comma; and
(B) by striking “and the Secretary of the Army” before “shall carry out”.

SEC. 8. USE OF FEDERAL WATER PROJECT FUNDING TO SATISFY MATCHING REQUIREMENTS FOR RECREATION PROJECTS AT NATIONAL RECREATION DEMONSTRATION LAKES.

(a) Federal Water Project Recreation Act.—The Federal Water Project Recreation Act is amended—
1. in section 4 (16 U.S.C. 460–13)—
(A) in subsection (a), by striking “it and to bear” and all that follows through “recreation,” and inserting “the project,”; and
(B) by striking “it and will bear” the first place it appears and all that follows through “recreation,” and inserting “the project,” and
2. in subsection (b), by striking paragraph (2); and
3. in section 4 (16 U.S.C. 460–15), by striking “recreation” and all that follows through “fish and wildlife purposes”;
(b) Federal Aid in Fish Restoration Act.—The Act of September 2, 1911 (16 U.S.C. 777 et seq.) is amended by striking the first section 13 (relating to effective date) and the second section 13 (relating to State use of contributions) and inserting the following:
SEC. 13. APPLICATION OF FEDERAL WATER PROJECT SPENDING TO NON-FEDERAL SHARE OF RECREATION PROJECTS.

(a) definitions.—In this section:
1. covered recreation project.—The term “covered recreation project” means construction or reconstruction of a facility for recreation at a national recreation demonstration lake that is carried out with assistance under this Act.
2. national recreation demonstration lake.—The term “national recreation demonstration lake” has the meaning given the term in section 2 of the National Recreation Lakes Act of 2001.
(b) treatment of use of amounts appropriated for a federal water project.—The use for any covered recreation project of amounts appropriated for a Federal water project is treated as payment of the non-Federal share of costs required under this Act.
(c) federal aid in wildlife restoration act.—The Act of September 2, 1937 (16 U.S.C. 669 et seq.) is amended—
1. by redesignating section 10 as section 11; and
2. by inserting after section 9 the following:

SEC. 10. APPLICATION OF FEDERAL WATER PROJECT SPENDING TO NON-FEDERAL SHARE OF RECREATION PROJECTS.

(a) definitions.—In this section:
1. covered recreation project.—The term “covered recreation project” means construction or reconstruction of a facility for recreation at a national recreation demonstration lake that is carried out with assistance under this Act.
2. national recreation demonstration lake.—The term “national recreation demonstration lake” has the meaning given the term in section 2 of the National Recreation Lakes Act of 2001.
3. recreation.—The term “recreation” has the meaning given the term in section 2 of the National Recreation Lakes Act of 2001.
5. federal aid in fish restoration act.—The term “Federal Aid in Fish Restoration Act” means the Federal Aid in Fish Restoration Act of 1911 (16 U.S.C. 777 et seq.).
(b) treatment of use of amounts appropriated for a federal water project.—The use for any covered recreation project of amounts appropriated for a Federal water project is treated as payment of the non-Federal share of costs required under this Act.
(c) federal aid in wildlife restoration act.—The Act of September 2, 1937 (16 U.S.C. 669 et seq.) is amended—
1. by redesignating section 10 as section 11; and
2. by inserting after section 9 the following:

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) in general.—This Act is authorized to be appropriated for the purposes described in this Act.
(b) administrative costs.—Not more than 5 percent of the funds made available under the national recreation demonstration lake’ has the meaning given the term in section 2 of the National Recreation Lakes Act of 2001.
March 14, 2001

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subsection (a) may be used to pay administrative costs incurred by the Secretary of the Interior in coordinating the activities of the Council and participating agencies under this Act.

Mr. DORGAN. Mr. President, I want to express my support for the National Recreation Lakes Act which is being introduced today by Senator BLANCHE LINCOLN and others. This bill will give recreation interests a seat at the table when decisions are made about the use of Federal lakes. I think that this bill in an important part of recognizing the great benefits that our Federal lakes provide to communities all across the country.

This bill creates a pilot program that will encompass 25 national recreation demonstration lakes. These lakes will ensure that recreational interests get a voice in the decision making process. We rely on these lakes for so many different things: irrigation, hydro-power, navigation. In many cases, recreational interests are an afterthought. This bill will give recreation the priority that it deserves.

Lake Sakakawea is located in my home state of North Dakota. I have worked with the community leaders there to try and make the importance of recreational interests a part of the discussion regarding the level of the lake and to use of the water in the lake. This is a perfect example of a lake that would benefit from this legislation.

I commend Senator LINCOLN for the hard work that she has done on this legislation and I look forward to working with her to move this bill through the legislative process.

By Mr. DORGAN (for himself, Mr. BAUCUS, Mr. BURNS, Mr. DASCHLE, Mr. JOHNSON, and Mr. CONRAD):

S. 532. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DORGAN. Mr. President, today, along with Senators BAUCUS, BURNS, DASCHLE, JOHNSON, and CONRAD, I am introducing legislation that would provide equitable treatment for U.S. farmers in the pricing of agricultural pesticides. This legislation would allow a state, a person, or a farm organization or supply company to serve as a registrant for a Canadian pesticide which is identical or substantially similar to a U.S. registered pesticide. This bill is identical to the legislation I introduced last September.

The need for this legislation is as great as ever. We are about to start spring planting, and U.S. farmers are once again going to be required to pay more—in some cases almost twice as much—than their Canadian counterparts for crop protection products that are virtually identical in substance.

I have pointed out in the past that when the U.S.-Canada Free Trade Agreement came into effect, part of the understanding on agriculture was that our two nations were going to move rapidly toward the harmonization of pesticide regulations. However, we have entered a new decade, and century, no less, and relatively little in harmonization has been accomplished that is meaningful to family farmers.

Since this trade agreement took effect, the pace of Canadian spring and durum wheat, and canola exports to the United States have grown and a barely noticeable trickle into annual floods of imported grain into our markets. Over the years, I have described many factors that have produced this unfair trade relationship and un-level playing field between farmers of our two nations. The failure to achieve harmonization in pesticides between the United States and Canada compounds this ongoing trade problem.

Our farmers are concerned that agricultural pesticides that are not available in the United States are being utilized by farmers in Canada to produce wheat, barley, and other agricultural commodities that are subsequently imported and consumed in the United States. This situation is unfair to import commodities produced with agricultural pesticides that are not available to U.S. producers. However, it is not just a difference of availability of agricultural pesticides between our two countries that is at issue, but also in the pricing of these chemicals.

A year ago, our farmers were denied the right to bring a pesticide across the border that was cleared for use in our country, but was not available locally because the company who manufacturers this product chose not to sell it here. They were selling a more expensive version of the product here. The simple fact is, this company was using our environmental protection laws as a means to extract a higher price from our farmers. This simply is not right.

I have pointed out, time and time again, the fact that there are significant differences in prices being paid for essentially the same pesticide by farmers in our two countries. In fact, in a recent survey, farmers in the United States were paying between 117 percent and 193 percent higher prices than Canadian farmers for a number of pesticides. This was after adjusting for differences in currency exchange rates at that time.

The farmers in my state are simply fed up with what is going on. They see grain flooding across the border, while they are unable to access the more inexpensive production inputs available in our ‘free trade’ environment. And I might add, this grain coming into our country has been treated with these products which our farmers are denied access to. This simply must end.

As I stated earlier, today, my colleagues and I are reintroducing legislation that would take an important step in providing equitable treatment for U.S. farmers in the pricing of agricultural pesticides. This bill would only deal with agricultural chemicals that are identical or substantially similar. It only deals with pesticides that have already undergone rigorous review processes and whose formulations have been registered and approved for use in both the United States and the respective regulatory agencies.

The bill would establish a procedure by which states may apply for and receive an Environmental Protection Agency label for agricultural chemicals currently registered in Canada that are identical or substantially similar to agricultural chemicals used in the United States. Thus, U.S. producers and suppliers could purchase such chemicals in Canada for use in the United States. The need for this bill is created by pesticide companies which use chemical labeling laws to protect their marketing and pricing structures, rather than the public interest. In their selective labeling of identical or substantially similar products across the border they are able to extract unjustified profits from farmers, and create un-level pricing fields between our two countries.

This bill is one legislative step in the process of full harmonization of pesticides between our two nations. It is designed specifically to address the problem of pricing differentials on chemicals that are currently available in both countries. We need to take this step, so that we can begin the process of creating a level playing field between our two nations. This bill would make harmonization a reality for those pesticides in which their actual selling price is the only real difference.

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. 532

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

SECTION 1. REGISTRATION OF CANADIAN PESTICIDES BY STATES.

(a) IN GENERAL.—Section 24 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136v) is amended by adding at the end the following:

"(d) REGISTRATION OF CANADIAN PESTICIDES BY STATES.—

(i) DEFINITIONS.—In this subsection:

(A) CANADIAN PESTICIDE.—The term ‘Canadian pesticide’ means a pesticide that—

(i) is registered for use as a pesticide in Canada;

(ii) is identical or substantially similar in its composition to a comparable domestic pesticide registered under section 3; and

(iii) is registered in Canada by the registrant of the comparable domestic pesticide or by an affiliated entity of the registrant.

(B) COMPARABLE DOMESTIC PESTICIDE.—The term ‘comparable domestic pesticide’ means a pesticide—

(i) that is registered under section 3;

(ii) the registration of which is not under suspension;

(iii) that is not subject to—

(A) a notice of intent to cancel or suspend under any provision of this Act;
(II) a notice for voluntary cancellation under section 6(f); or

(III) an enforcement action under any provision of this Act.

(iv) substantially the basis for comparison for the determinations required under paragraph (4);

(v) that is registered for use on each site of production at which registration is sought under this subsection;

(vi) for which no use is the subject of a pending interim administrative review under section 7.

(vii) that is not subject to any limitation on production or sale agreed to by the Administrator and the registrant or imposed by the Administrator for risk mitigation purposes; and

(viii) that is not classified as a restricted use pesticide under section 3(d).

(2) AUTHORITY TO REGISTER CANADIAN PESTICIDES.—

(A) IN GENERAL.—A State may register a Canadian pesticide for distribution and use in the State if the registration—

(i) complies with this subsection;

(ii) is consistent with this Act; and

(iii) has not previously been disapproved by the Administrator.

(B) PRODUCTION OF ANOTHER PESTICIDE.—A pesticide registered under this subsection shall not be used to produce a pesticide registered under section 3 or subsection (c).

(C) EFFECT OF REGISTRATION.—A registration of a Canadian pesticide by a State under this subsection—

(i) shall be deemed to be a registration under section 3 for all purposes of this Act; and

(ii) shall authorize distribution and use only within that State.

(D) REGISTRANT.—A State may register a Canadian pesticide under this subsection on its own motion or on application of any person.

(II) STATE OR APPLICANT AS REGISTRANT.—

(I) STATE.—If a State registers a Canadian pesticide under this subsection on its own motion, the State shall be considered to be the registrant of the Canadian pesticide for all purposes of this Act.

(II) APPLICANT.—If a State registers a Canadian pesticide under this subsection on application of any person, the person shall be considered to be the registrant of the Canadian pesticide for all purposes of this Act.

(E) ORIGINAL CANADIAN LABEL.—

(A) IN GENERAL.—A registrant applying for registration sought by person.—A person seeking registration by a State of a Canadian pesticide in a State under this subsection—

(i) demonstrates to the State that the Canadian pesticide is identical or substantially similar in composition to a comparable domestic pesticide; and

(ii) submits to the State a copy of—

(I) the label approved by the Pesticide Management Regulatory Agency for the Canadian pesticide; and

(II) a label approved by the Administrator for the comparable domestic pesticide.

(B) STATE REQUIREMENTS FOR REGISTRATION.—A State may register a Canadian pesticide under this subsection if the State—

(i) obtains the confidential statement of formula for the Canadian pesticide;

(ii) determines that the Canadian pesticide is identical or substantially similar in composition to a comparable domestic pesticide; and

(iii) for each food or feed use authorized by the registration—

(I) identifies the tolerances or exemptions in the notification submitted under subparagraph (E);

(II) obtains a label approved by the Administrator or substantially the basis for comparison for the determinations required under paragraph (4);

(iii) includes all statements, other than the establishment number, from the approved labeling of the comparable domestic pesticide that are relevant to the uses registered by the State; and

(iv) excludes all labeling statements relating to uses that are not registered by the State;

(v) identifies the State in which the product may be used;

(vi) includes sale and use outside the State identified under clause (ii); and

(vii) includes a statement indicating that it is unlawful to use the Canadian pesticide in the State in a manner that is inconsistent with the labeling approved by the Administrator under this subsection; and

(vii) identifies the establishment number of the establishment in which the labeling approved by the Administrator will be affixed to each container of the Canadian pesticide; and

(E) not later than 10 business days after the issuance by the State of the registration, submit to the Administrator a written notification of the action of the State that includes—

(I) a description of the determination made under this paragraph;

(ii) a statement of the effective date of the registration; and

(iii) a confidential statement of the formula of the registered pesticide and a Canadian pesticide that is identical or substantially similar in composition to the comparable domestic pesticide.

(ii) is consistent with this Act.

(II) EFFECTIVE PERIOD.—If the Administrator disapproves a registration by a State under this subsection if the registration determines that the registration of the Canadian pesticide by the State—

(i) does not comply with this subsection or the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

(ii) is inconsistent with this Act.

(B) EFFECTIVE PERIOD.—If the Administrator disapproves a registration by a State under this subsection if the Administrator determines that the registration of the Canadian pesticide by the State—

(i) is not capable of exercising adequate controls to ensure that registration under this subsection is consistent with this Act, other provisions of this Act, or the labeling approved by the Administrator under this subsection is not capable of exercising adequate controls to ensure that registration under this subsection is consistent with this Act, other provisions of this Act, or the labeling approved by the Administrator under this subsection.

(C) ORIGINAL CANADIAN LABEL.—

(A) IN GENERAL.—Each container containing a Canadian pesticide registered by a State shall bear the label that is approved by the Administrator under this subsection.

(B) DISPLAY OF LABEL.—The label shall be securely attached to the container and shall be the only label on the container.

(C) ORIGINAL CANADIAN LABEL.—The original Canadian label on the container shall be preserved underneath the label approved by the Administrator under this subsection.

(D) PREPARATION AND USE OF LABELS.—After a Canadian pesticide is registered under this subsection, the registrant shall—

(i) prepare labels approved by the Administrator for the Canadian pesticide; and

(ii) conduct or supervise all labeling of the Canadian pesticide with the approved labeling.

(E) REGISTERED ESTABLISHMENTS.—Labeling of a Canadian pesticide under this subsection shall be conducted at an establishment registered by the registrant under section 7.

(F) ESTABLISHMENT REPORTING REQUIREMENTS.—An establishment registered for the sale or disposal of pesticides under this paragraph shall be exempt from the reporting requirements of section 7(c).

(G) DISAPPROVAL OF REGISTRATION BY ADMINISTRATOR.—

(A) IN GENERAL.—The Administrator may disapprove the registration of a Canadian pesticide by a State under this subsection if the Administrator determines that the registration of the Canadian pesticide by the State—

(i) violates any substance of this subsection or the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

(ii) includes a label made under this Act that is used as the basis for comparison for the purposes required under paragraph (4) if the label approved by the State alone is not substantially similar in composition to a comparable domestic pesticide, the Administrator may issue an emergency order revoking the registration of the Canadian pesticide by the State.

(B) TERMS OF ORDER.—The order—

(i) shall be effective immediately;

(ii) may prohibit the sale, distribution, and use of the Canadian pesticide; and

(iii) may require the registrant of the Canadian pesticide to purchase and dispose of any unopened product subject to the order.

(C) REQUEST FOR HEARING.—Not later than 10 days after issuance of the order, the registrant of the Canadian pesticide subject to the order may request a hearing on the order.

(D) FINAL ORDER.—If a hearing is not requested in accordance with subparagraph (C), the order shall become final and shall not be subject to judicial review.

(E) JUDICIAL REVIEW.—If a hearing is requested on the order, judicial review may be sought only at the conclusion of the hearing on the order and following the issuance by the Administrator of a final revocation order.

(F) PROCEDURE.—A final revocation order issued following a hearing shall be reviewable in accordance with section 18.

(G) SUSPENSION OF STATE AUTHORITY TO REGISTER CANADIAN PESTICIDES.—

(A) IN GENERAL.—If the Administrator finds that a State has registered 1 or more Canadian pesticides under this subsection in the State that is not capable of exercising adequate controls to ensure that registration under this subsection is consistent with this Act, other provisions of this Act, or the labeling approved by the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), or has failed to exercise adequate controls of 1 or more Canadian pesticides registered under this subsection, the Administrator may suspend the authority of the State to register Canadian pesticides under this subsection until such time as the Administrator determines that the State can and will exercise adequate control of the Canadian pesticides.

(B) NOTICE AND OPPORTUNITY TO RESPOND.—Before suspending the authority of a State to register a Canadian pesticide, the Administrator shall—

(i) certify to the State that the Administrator proposes to suspend the authority and the reasons for the proposed suspension; and

(ii) before taking final action to suspend any use of the Canadian pesticide under this section, provide the State an opportunity to respond to the proposal to suspend within 30 calendar days after the State receives notice under clause (i).

(C) LIMITS ON LIABILITY.—No action for monetary damages may be heard in any Federal court against—

(A) a State acting as a registering agency under the authority of and consistent with this subsection; or

(B) a registrant for damages resulting from adulteration or compositional alteration of a Canadian pesticide registered under this subsection if the registrant did not have and could not reasonably have obtained knowledge of the adulteration or compositional alteration.

(D) DISCLOSURE OF INFORMATION BY ADMINISTRATOR TO THE STATE.—The Administrator may disclose to a State that is seeking to register a Canadian pesticide in the State that information about the State that is necessary for the State to make the determinations required by paragraph (4) if the State certifies to the
Administrator that the State can and will maintain the confidentiality of any trade secrets and commercial or financial information provided by the Administrator to the State under this subsection to the same extent as is required under section 10.

"(11) Provision of information by registrants of comparable domestic pesticides.

"(A) In general.—On request by a State, the registrant of a comparable domestic pesticide shall provide to the State that is seeking to register a Canadian pesticide in the State under this subsection information that is necessary for the State to make the determinations required by paragraph (4) if the State certifies to the registrant that the State can and will maintain the confidentiality of any trade secrets and commercial and financial information provided by the registrant to the State under this subsection to the same extent as is required under section 10.

"(B) Statement of formula.—The registrant of the comparable domestic pesticide shall submit, with the notice required under subparagraph (A), a confidential statement of the formula if the registrant has possession of or reasonably accessible to the information.

"(C) Suspension of registration for noncompliance.

"(i) In general.—If the registrant fails to provide notice or submit a confidential statement of formula as required by this paragraph, the Administrator may issue a notice of intent to suspend the registration of the comparable domestic pesticide for a period of not less than 1 year.

"(ii) Extension.—The suspension shall become final not later than the end of the 30-day period beginning on the date of the issuance by the Administrator of the notice of intent to suspend the registration, unless during the period the registrant requests a hearing.

"(iii) Hearings.—If a hearing is requested, the hearing shall be conducted in accordance with section 6(d).

"(iv) Issues.—The only issues for resolution at the hearing shall be whether the registrant has failed to provide notice or submit a confidential statement of formula as required by this paragraph.

"(B) Conforming amendments.

(1) Section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136v(c)) is amended—

(A) by inserting "In general.—" and (B) in paragraph (2), by inserting "Disapproval." after "(2)"

"(C) in paragraph (3), by inserting "Consistency with Federal Food, Drug, and Cosmetic Act." after "(3)"; and

"(D) by striking "(4) If the Administrator and inserting the following:

"(4) Suspension of authority to register pesticides.

As except as provided in subsection (d)(8), if the Administrator—

"(a) Registration of Canadian pesticides by States.

"(1) Definitions.

"(2) Authority to register Canadian pesticides.

"(3) Requirements for registration sought by person.

"(4) State requirements for registration.

"(5) Disapproval of registration by Administrator.

"(6) Labeling of Canadian pesticides.

("(7) Revocation.

"(8) Suspension of State authority to register Canadian pesticides.

"(9) Limits on liability.

"(10) Disclosure of information by Administrator to the State.

"(11) Provision of information by registrants of comparable domestic pesticides.

"(12) Penalty for disclosure by State.

"(D) Data compensation.

(1) in paragraph (1), by inserting "In general.—" and (B) in paragraph (2), by inserting "Disapproval." after "(2)"

(2) in paragraph (3), by inserting "Consistency with Federal Food, Drug, and Cosmetic Act." after "(3)"; and

(3) by striking "(4) If the Administrator and inserting the following:

"(4) Suspension of authority to register pesticides.

"(d) Registration of Canadian pesticides by States.

(1) Definitions.

(2) Authority to register Canadian pesticides.

(3) Requirements for registration sought by person.

(4) State requirements for registration.

(5) Disapproval of registration by Administrator.

(6) Labeling of Canadian pesticides.

(7) Revocation.

(8) Suspension of State authority to register Canadian pesticides.

(9) Limits on liability.

(10) Disclosure of information by Administrator to the State.

(11) Provision of information by registrants of comparable domestic pesticides.

(12) Penalty for disclosure by State.

(13) Data compensation.

(14) Formulation changes.

(15) Effective date.

This section and the amendments made by this section take effect 180 days after the date of enactment of this Act.

Mr. BURNS. Mr. President, I rise today to express my support of the Pesticide Harmonization Act. Last year, Senator DORGAN attempted to address this problem in the VA/HUD Appropriations Conference. I committed myself to work with him and move this legislation this year. I am a cosponsor of this bill because of this commitment to work to bring a balance facing the agriculture industry in our country.

In my home State of Montana and many other western and mid-western States we have seen a number of trade disputes between Canada and the United States. One of the most glaring discrepancies deals with pesticides. Chemicals that are sold for one price just across the border in Canada are sold at a considerably higher cost to American producers. Why does this happen you may ask? The EPA places strong regulations on chemicals used in the United States and therefore, the chemical companies believe they should hike up the prices for their trouble.

The chemicals in Canada and the United States, in most cases, have the exact same chemical make-up. The same company manufactures them, but often gives them a different name and name-dropping is put on the Canadian products. I am a strong believer in fair trade, but for free trade to actually occur, this problem must be addressed.

Currently, American farmers are facing a serious economic recession. Prices are the lowest they have been in a number of years and there does not appear to be a light at the end of the tunnel. Additionally, the West is looking at yet another year of severe drought. Already, snow packs are coming in below normal and fertilizer costs are sky-rocketing with the high cost of fuel and energy. Compounding their problem is being forced to pay twice as much for nearly the same chemicals as their foreign neighbors. If enacted, this bill would eliminate current obstacles and even the playing field for our farmers. It would allow States or individual producers to seek a registration for a Canadian pesticide. This could only be done if, upon request by the State and if the pesticide is found to be identical or substantially similar to the U.S. pesticide, The EPA still has final authority to disapprove the registrations within 90 days. Once the pesticide is found to be the same or similar and the EPA approves, the State or individual can travel to Canada and purchase the chemical.

Our farmers and ranchers have been paying too much for their pesticides and chemicals for too long. From my years as a football referee, I learned to follow the same rules to play the game. We need to make sure Canadian farmers and U.S. farmers are playing under the same rules. I
believe this bill makes that happen. I look forward to working with my colleagues on this crucial issue to America’s farmers and ranchers.

By Mr. CAMPBELL:
S. 534. A bill to establish a Federal interagency task force for the purpose of coordinating actions to prevent the outbreak of bovine spongiform encephalopathy (commonly known as “mad cow disease”), foot-and-mouth disease in the United States; to the Committee on Governmental Affairs.

Mr. CAMPBELL. Mr. President, today I introduce the Mad Cow Prevention Act of 2001 which would help ease the American consumer’s growing concern about our food supply. We can no longer take for granted that our food supply will not be tainted by bovine spongiform encephalopathy, BSE, commonly known as Mad Cow Disease, which has infected over 175,000 cattle in Great Britain and Europe. We also should be concerned about the growing threat of foot-and-mouth disease and other associated diseases to America’s meat supply.

The bill I introduce today establishes a Federal Interagency Task Force, to be chaired by the Secretary of Agriculture, for the purpose of coordinating actions to prevent the outbreak of Mad Cow Disease. The agencies will include the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Health and Human Services, the Secretary of the Treasury, the Commissioner of Food and Drug; the Director of the National Institutes of Health; the Director of the Centers for Disease Control and Prevention; the Commissioner of Customs; and any other agencies the President deems appropriate.

No later than 60 days after the enactment of this legislation the task force will submit to Congress a report which will include: (1) descriptions of actions that are being taken, and will be taken, to prevent the outbreak of bovine spongiform encephalopathy, foot-and-mouth disease and related diseases to the United States; (2) contains any recommendations for legislative and regulatory actions that should be taken to prevent the outbreak of bovine spongiform encephalopathy, foot-and-mouth disease and related diseases to the United States.

[From ABCNEW.com: "80.20" Feature, March 3, 2001]

COULD MAD COW REACH AMERICA?
SOME SCIENTISTS WORRY THE U.S. IS NOT TAKING PROTECTIVE MEASURES

Across Europe, hundreds of thousands of cattle have been slaughtered and the European Union has imposed a 10-year ban on British beef in response to the mad cow disease. But, this is not the only threat to our food supply. As recently as February of this year, Purina, the nation’s largest pet food manufacturer, announced that it had to recall thousands of tons of its pet foods because of bovine spongiform encephalopathy, foot-and-mouth disease and related diseases to America’s meat supply.

In my home state of Colorado alone there are more than 3.15 million head of cattle and more than 12,000 beef producers. Nationwide, Colorado ranks 4th in cattle on feed and 10th in overall cattle numbers. Nearly one-third of Colorado counties are classified as either economically dependent on the cattle industry or a vital role in their economies. So, that we in Congress do nothing to protect this industry in Colorado and across the country. Over the past two months, there has been a series of news reports which highlight the spread of Mad Cow Disease in Europe. Newsweek ran a cover story, ABC aired a provocative story and countless other reports have shown the potential situation we could face. And, today, the crisis surrounding foot-and-mouth disease on the front page of our major newspapers. With the focus shifting to the United States, consumers are becoming wary and growing more concerned about the potential of the spread of the disease to our shores.

The Mad Cow Prevention Act of 2001 I introduce today is a necessary step towards addressing the potential disaster of this disease in our country. I urge my colleagues to support its speedy passage.

I ask unanimous consent that recent news clips, 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. 534

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 “Mad Cow Prevention Act of 2001.”

SEC. 2. INTERAGENCY TASK FORCE.
(a) In General.—There is established a Federal interagency task force, to be chaired by the Secretary of Agriculture, for the purpose of coordinating actions to prevent the outbreak of bovine spongiform encephalopathy (commonly known as “mad cow disease”), foot-and-mouth disease and related diseases in the United States.

(b) Membership.—The membership of the task force shall be composed of:
(1) the Secretary of Agriculture;
(2) the Secretary of Commerce;
(3) the Secretary of Health and Human Services;
(4) the Secretary of the Treasury;
(5) the Commissioner of Food and Drug;
(6) the Director of the National Institutes of Health;
(7) the Director of the Centers for Disease Control and Prevention;
(8) the Commissioner of Customs; and
(9) the heads of such other Federal departments and agencies as the President considers appropriate.

(c) Report.—Not later than 60 days after the date of enactment of this Act, the task force shall submit to Congress a report that—
(1) describes actions that are being taken, and will be taken, to prevent the outbreak of bovine spongiform encephalopathy, foot-and-mouth disease and related diseases to the United States; and
(2) contains any recommendations for legislative and regulatory actions that should be taken to prevent the outbreak of bovine spongiform encephalopathy, foot-and-mouth disease and related diseases to the United States.
with federal regulators, his group has actually gone through mock drills to prepare for the discovery of mad cow disease. Containment procedures have been planned and a full-scale public relations campaign is ready to go. "We're not just whistling on our way past the graveyard on this," he says.

Shriver notes that necessary measures have been taken and protections in place. "If the disease were ever discovered here, we could number one, identify it, number two contain it, and number three eliminate it as quickly as possible," the government reports that its inspectors have yet to find a single cow with mad cow disease in the U.S.

FEEDING CATTLE TO CATTLE
How was mad cow disease able to spread from cow to cow in England and elsewhere in Europe? A key reason, Lacey says, was the practice of including group-up remnants of cattle in cattle feed. This practice was widespread in England and, to a lesser extent, the United States.

Lacey refers to this as a kind of forced animal cannibalism.

When mad cow disease broke out, the practice of feeding cattle back to cattle was stopped in England, but it continued in the United States until four years ago. And Hansen says the government has done a better job of stopping these practices now banned in the U.K. continue in the United States today.

It remains legal in the United States, for example, to grind up cattle, feed them to pigs, and then grind up the pigs and feed them to the cows," says Hansen. Lacey calls this a "real danger," that "must be stopped immediately."

But government and industry officials say there's no reason to follow Europe in banning this practice because there's no evidence to date that the disease can spread between pigs and cattle.

Lacey says nevertheless the United States should adopt the same ban as a precaution: "My advice to the U.S. authorities is to simply ban the incorporation of animal remains in animal feed.

But Shroeder defends U.S. practices. "We have been driven here by the best science that we can access, we have protected the U.S. beef supply very, very carefully," he says.

CHRONIC WASTING DISEASE: A DIFFERENT STRAIN?
There's another concern no so easily answered by consumers; this is a possible American version of mad cow disease. Chronic wasting disease is spreading up in deer and elk in the West.

It is called chronic wasting disease and some suspect it has already claimed human lives. Hansen says this chronic wasting disease is dangerously similar to mad cow disease.

"It's a different strain of the disease and it appears to be spreading in the wild," he says.

Tracie McEwen believes her 30-year-old husband Doug, who ate elk all his life, may have been a victim. He died of a rare brain disease, his doctors diagnosed chronic wasting disease.

The death of Tracie McEwen's husband and that of two others under the age of 30 have raised questions for health officials concerned about the similarity to mad cow disease.

Lacey thinks the "link between eating deer and getting a type of mad cow disease is very plausible," and it's one more reason that American authorities don't think they have all the answers about the disease.

He says, "you have to act on the assumption that the threat does exist, and if you wait until you know it's there, then it's too late."

Meanwhile, some members of Congress have asked for an investigation into whether the government should be taking additional steps to protect against the spread of mad cow disease should it arrive in this country.

[From Newsweek, Mar. 12, 2001]

CANNIBALS TO COWS: THE PATH OF A DEADLY DISEASE
(By Geoffrey Cowley)

Health officials say they've got Mad Cow under control, but millions of unwise people may be infected. Why it could still turn into an epidemic.

Peter Stent was a seasoned dairyman, but he had never seen anything like this. Just before Christmas, in 1984, one of his cows at Pitsfarm Farm in South Downs, England, started shedding weight, losing its balance and acting as skittish as a cat.

When the vet came to investigate, the animal was acting completely crazy—drooling, arching its back, waving its head, threatening its peers. And by the time it died six weeks later, Stent was seeing the same symptoms in other cows. Nine were soon dead, and 34 were destroyed. The vet dubbed the strange malady Pitsfarm Farm syndrome, since it didn't seem to exist anywhere else. Little did he know.

The Institute for Animal Health in Pirbright, England, received the sick cows at the time, and living in the coastal village of Caenaran, in north Wales. She was bright and outgoing, a business student who loved to ski. When she was 22, her doctors diagnosed her with Creutzfeldt-Jakob disease, or CJD. The disease she had is called chronic wasting disease. The belief is that CJD is nothing more than mad cow disease. Ali, Stent's wife, was 30. She died in 1992.

The next and current strain, now being investigated, is Chronic Flight Disease, or CFD. It was first identified in the United States in 1993, and in Canada in 1997. Now, in the United Kingdom, the country where BSE first emerged, most scientists believe that there's a "forensic link" between BSE and CFD.

Some TSEs stick to a single species, while others ignore such boundaries. But each of them is fatal and untreatable, and they all ravage the brain—usually after long latent periods. Chronic wasting disease can range from dementia to psychosis and paralysis. If the prevailing theory is right, they're caused, not by germs but by "prions"—normal proteins that change form and become dangerous when folded into abnormal shapes. Prions are invisible to the immune system, yet tough enough to survive harsh solvents and freeze-drying. They enter the blood stream, boil them, soak them in formaldehyde or carbolic acid or chlorofom, and most will emerge no less deadly than they were.

[From the Washington Post, Mar. 14, 2001]

U.S. ADDS TO BAN ON EUROPEAN MEATS—FOOT-AND-MOUTH EPIDEMIC IS CITED

(David Hawk) The Agriculture Department yesterday banned importation of most pork and goat products from the 15 European Union countries to protect American livestock from an epidemic of foot-and-mouth disease causing panic overseas.

Canada instituted a similar ban yesterday in an effort to keep the highly contagious disease out of North America. Foot-and-mouth disease does not spread to human beings, but can kill or severely sicken animals. The U.S. has never had a case of foot-and-mouth disease; any who die are killed.

An epidemic of the disease broke out in England last month and French officials confirmed yesterday that it had found foot-and-mouth-bearing virus in the nation's northwest region. It was the first detection of the viral infection in the country since 1967 and the first case on the continent since the British outbreak began.

While the economic impact of the U.S. ban is relatively small, the move illustrates the level of concern about this pathogen in particular, and the ease of spread of infectious diseases across national boundaries in general.

The ban will cover about $294 million worth of meat products and about $1 million in live animals. The vast majority of the meat is pork from Denmark and other Scandinavian countries.

Certain dairy products, such as hard cheeses and yogurt, will not be covered by the ban. Canned hams also will not be affected by the ban. Importation of horses will be permitted.

"This temporary ban is in place for USDA to take time to assess our exclusion efforts to the fullest, and the ease of spread of infectious diseases across national boundaries in general," the USDA said in a statement.

A spokeswoman for the European Commission expressed surprise at yesterday's announcement, saying the organization learned
of it from reporters. “We’ve had no formal prior notification,” said Maeve O’Beirne. “We don’t know what the definitive list [of banned products] O’Beirne. “We don’t know what the definitive list of [banned products] will be. This is, is hopefully, a temporary measure.”

The value of the products is small compared to total meat imports to the United States, although not trivial. Total pork imports from all countries last year totaled slightly more than $1 billion in value. Beef and veal imports from all sources in 1999 were worth $2.1 billion.

This latest move almost eliminates non-meat meat imports from Europe. Beef imports from Britain were banned in 1989 as protection against bovine spongiform encephalopathy, also known as “mad cow disease.” Beef and sheep products have also been banned from other European countries.

Nicholas D. Giordano, international trade specialist with the National Pork Producers Council, said the pork imported from Europe consists mostly of purebred pigs and pig semen, from a large pork-producing country.

The ban was also praised by Sen. Tom Harkin (D-Iowa), a member of the Senate Agriculture Committee from a large pork-producing state.

“[If the disease] were to return to America, the results would be absolutely devastating,” he said in a statement. “USDA is taking a right step in temporarily banning imports. . . . Right now we just don’t know how far this disease has spread. It is common sense to make sure we don’t import any infected.”

Although horses can still be brought from Europe to the United States, they must be cleaned and disinfected, along with any equipment that comes with them, said Thomas, the USDA spokeswoman. Straw and manure are burned.

Agricultural officials have alerted airports and ports of entry to more closely inspect travelers from Europe for products that might possibly carry the foot-and-mouth virus. Food-smuggling dogs are being used in some areas to detect pork products and environmental surfaces for weeks, and people reporting visits to farms or contact with livestock must have any footwear disinfected.

French Agriculture Minister Jean Glavany yesterday announced that the disease had been found among cattle on a farm in Mayenne, between Paris and the Atlantic coast. The disease was evidently carried by sheep imported from Britain to a nearby farm, and then spread to the Mayenne cows. In 1999 about 20,000 cattle have been burned because of the disease, the Agriculture Ministry said, with another 50,000 to be destroyed. Separate cases have broken out on more than 200 farms and slaughterhouses.

France has burned some 20,000 sheep that were imported from Britain before the outbreak was known, and another 30,000 home-grown animals that might have been exposed. Most other European countries have also burned animals imported from Britain. Now, they will presumably burn any recent imports from France as well—as some parts of Germany started doing yesterday.

They went to kill and burn any animal that may have been exposed to the disease. The animals are lined up, shot, and then piled around gasoline-stacked timbers for firewood even as a smoke cloud was suspected now have no animals left—and thus no source of income. Governments are now gearing up large-scale compensation programs.

the Act to include the Indian Health Service, IHS. In short, the reference to IHS in the law effectively excludes Indian women from receiving Medicaid breast and cervical cancer treatment, as provided for under last year’s bill, regardless of whether a State chooses to provide that coverage. Not only does the definition deny coverage to Native American women, but the provision runs counter to the general Medicaid rule treating IHS facilities as full Medicaid providers. My legislation corrects these issues.

During 2001, almost 50,000 women are expected to die from breast or cervical cancer in the United States despite the fact that early detection and treatment of these diseases could substantially decrease this mortality. While passage of last year’s bill makes significant strides to address this problem, it fails to do so for Native American women and that must be changed as soon as possible.

In support of Native American women across this country that are being diagnosed through CDC screening activities as having breast or cervical cancer, my legislation would assure that they would have access to much needed treatment through the Medicaid program. I urge its immediate adoption.

I request 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. 536

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 Breast and Cervical Cancer Treatment Technical Amendment Act of 2001.”

SEC. 2. CLARIFICATION OF INCLUSION OF INDIAN WOMEN WITH BREAST OR CERVICAL CANCER IN OPTIONAL MEDICAID ELIGIBILITY CATEGORY.

(a) TECHNICAL AMENDMENT.—The subsection of section 1902(c)(2) of the Social Security Act (42 U.S.C. 1396a) added by section 2(a)(2) of the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (Public Law 106-554; 114 Stat. 2651) is amended by striking “National” and inserting “Native American” in each place it appears.

(b) BIPA TECHNICAL AMENDMENTS.—

(1) Section 1902 of the Social Security Act (42 U.S.C. 1396a), as amended by section 702(b) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as so enacted into law), includes sections 1902(a)(6) of the Social Security Act (42 U.S.C. 1396a) and 1121(b)(5) of the SCHIP Benefits Improvement and Protection Act of 2000 (as so enacted into law), and inserts the following:

(2) SCHIP BENEFITS IMPROVEMENT AND PROTECTION ACT OF 2000 (as so enacted into law), and inserts the following:

(c) EFFECTIVE DATES.—

(1) RCCPTA TECHNICAL AMENDMENT.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (Public Law 106-354; 114 Stat. 1381).

(2) BIPA TECHNICAL AMENDMENTS.—The amendment made by subsection (b) shall take effect as if included in the enactment of section 702 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as so enacted into law by section 1(a)(6) of Public Law 106-554).

By Mr. SHELBY.

S. 536. A bill to amend the Gramm-Leach-Bliley Act to provide for a limitation on sharing of marketing and behavioral profiling information, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SHELBY. Mr. President, I rise today to introduce the “Freedom from Behavioral Profiling Act of 2001.” This legislation would require financial institutions to provide proper notice and obtain affirmations from consumers before they could buy, sell or otherwise share an individual’s behavioral profile.

Everyone recognizes the importance of insuring the accuracy and security of credit and transactions. Without basic safety features, consumers would avoid non-cash transactions and our economy would greatly suffer as a result. However, financial institutions have taken their data gathering efforts far beyond what is necessary to protect consumers from fraud, inaccurate billing and theft.

Companies are using transactional records generated by debit and credit card use and are developing detailed consumer profiles. From these files they know the food you eat, the drugs you must take, the places you go, and the books you read, as well as every other thing about you that can be gleaned from your buying habits.

Troubling as it is that financial institutions are assembling such profiles, I find it even more worrisome that these companies are selling and trading these intimate details without consumer knowledge or consent. In as much, “your” sensitive personal information has become a commodity bought and sold like some latter day widget. I believe the American people have the right to be informed of these activities and should have the option to decide for themselves whether or not their personal information is shared or sold.

I find it quite ironic that the very institutions that work so hard to secure sensitive corporate information are the same companies that are trading intimate details without consumer knowledge or consent. In as much, “your” sensitive personal information has become a commodity bought and sold like some latter day widget. I believe the American people have the right to be informed of these activities and should have the option to decide for themselves whether or not their personal information is shared or sold.

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Whereas on March 15, 2000, the Kosovo Transition Council, a co-governing body with the Interim Administrative Council in Kosovo, repealed an appeal to the United Nations and Montenegro requesting the release of Kosovo Albanians imprisoned in Serbia; Whereas on February 26, 2001, the FRY Assembly enacted an Amnesty Law under which over 600 prisoners are eligible for amnesty; and Whereas Vojislav Kostunica, as President of the Federal Republic of Yugoslavia (Serbia and Montenegro), is responsible for the policies of the FRY and of Serbia: Now, therefore, be it 
Resolved,
SEC. 1. URGING THE IMMEDIATE RELEASE OF ALL KOSOVO ALBANIAN PRISONERS WRONGFULLY IMPRISONED IN SERBIA

The Senate hereby—
(1) calls on the FRY and Serbian authorities to provide a complete and precise accounting of all Kosovo Albanians held in any Serbian prison or other detention facility;
(2) urges the immediate release of all Kosovo Albanians wrongfully held in Serbia, including the immediate release of all Kosovo Albanian prisoners in Serbian custody arrested in the course of the Kosovo conflict for their resistance to the repression of the Federal Republic of Yugoslavia (Serbia and Montenegro); and
(3) urges the European Union (EU) and all countries, including European countries that are not members of the EU, to act collectively to pressure the United States in urging pressure on the government of the FRY and of Serbia to release all prisoners described in paragraph (2).

AMENDMENTS SUBMITTED AND PROPOSED

SA 96. Mr. HATCH proposed an amendment to amendment SA 93 proposed by Mr. Reid to the bill (S. 420) to amend title II, United States Code, and for other purposes.
SA 97. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 82 submitted by Mr. Sessions and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 2. PROHIBITION ON ASSERTING CLAIMS IN CASES OF VIOLATIONS OF THE PRIVACY PROTECTIONS OF THE GRAMM-LEACH-BLILEY ACT

A creditor that fails to comply with the financial privacy requirements of subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.), may not assert any claim under this Act against any debtor for the amount of a debt that the debtor accrues on a credit card that is issued in violation of any such financial privacy requirements.

SA 98. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 82 submitted by Mr. Sessions and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 3. PROHIBITION ON ASSERTING CLAIMS IN CASES OF VIOLATIONS OF THE PRIVACY PROTECTIONS OF THE GRAMM-LEACH-BLILEY ACT

A creditor that fails to comply with the financial privacy requirements of subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.), may not assert any claim under this Act against any debtor for the amount of a debt that the debtor accrues on a credit card that is issued in violation of any such financial privacy requirements.

SA 100. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 85 submitted by Mr. Sessions and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table.

SA 101. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 85 submitted by Mr. Sessions and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table.

SA 102. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 85 submitted by Mr. Sessions and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

SA 103. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 88 submitted by Mr. Sessions and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

TEXT OF AMENDMENTS

SA 96. Mr. HATCH proposed an amendment to amendment SA 93 proposed by Mr. Reid to the bill (S. 420) to amend title II, United States Code, and for other purposes; as follows:

Strike all after the words “Section 1” and insert the following:

(lish the text of the bill S. 420, as reported from the Committee on the Judiciary, beginning

with the word “SHOT” on page 1, line 3.)

SA 97. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 82 submitted by Mr. Sessions and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike “Treasury” and all that follows through the end of the amendment and insert the following:

PROHIBITION ON ASSERTING CLAIMS IN CASES OF VIOLATIONS OF THE PRIVACY PROTECTIONS OF THE GRAMM-LEACH-BLILEY ACT.

A creditor that fails to comply with the financial privacy requirements of subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.), may not assert any claim under this Act against any debtor for the amount of a debt that the debtor accrues on a credit card that is issued in violation of any such financial privacy requirements.

SA 98. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 82 submitted by Mr. Sessions and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike “EXPEDITED” and all that follows through the end of the amendment and insert the following:

PROHIBITION ON ASSERTING CLAIMS IN CASES OF VIOLATIONS OF THE PRIVACY PROTECTIONS OF THE GRAMM-LEACH-BLILEY ACT.

A creditor that fails to comply with the financial privacy requirements of subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.), may not assert any claim under this Act against any debtor for the amount of a debt that the debtor accrues on a credit card that is issued in violation of any such financial privacy requirements.

SA 99. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 88 submitted by Mr. Sessions and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, beginning on line 7, strike “and the spouse of the debtor, combined” and insert “or, in a joint case, the debtor and the debtor’s spouse”.

SA 100. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 85 submitted by Mr. Sessions and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike “No” and insert the following: “A creditor that fails to comply with the financial privacy requirements of subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.), may not assert any claim under this Act against any debtor for the amount of a debt that the debtor accrues on a credit card that is issued in violation of any such financial privacy requirements. No”.

SA 101. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 59 submitted by Mr. Bond and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike “No” and insert the following: “A creditor that fails to comply with the financial privacy requirements of subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.), may not assert any claim under this Act against any debtor for the amount of a debt that the debtor accrues on a credit card that is issued in violation of any such financial privacy requirements. No”.

SA 102. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 45 submitted by Mr. Bond and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike “No” and insert the following: “A creditor that fails to comply with the financial privacy requirements of subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.), may not assert any claim under this Act against any debtor for the amount of a debt that the debtor accrues on a credit card that is issued in violation of any such financial privacy requirements. No”.

SA 103. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 88 submitted by Mr. Sessions and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike “No” and insert the following: “A creditor that fails to comply with the financial privacy requirements of subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.), may not assert any claim under this Act against any debtor for the amount of a debt that the debtor accrues on a credit card that is issued in violation of any such financial privacy requirements. No”.
NOTICES OF HEARINGS
COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY
Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on March 22, 2001, in SH-216 at 9 a.m. The purpose of this hearing will be to review the Food Safety and Inspection Service.
Mr. President, I would also like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on March 29, 2001, in SR-328A at 9 a.m. The purpose of this hearing will be to review Environmental Trading Opportunities for Agriculture.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, March 29, 2001, at 2:30 p.m., in room SD-124 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to conduct oversight on the Administration’s National Fire Plan.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey (202) 224-2878.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, March 14, 2001, at 9:30 a.m., on Internet tax.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, March 14, 2001, at 9:30 a.m., in room 345 of the Russell Senate Office Building to conduct a business meeting to consider the committee’s views and estimates on the President’s FY 2002 Budget Request for Indian Programs to be followed immediately by a hearing on S. 211, the Native American Education Improvement Act of 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, March 14, 2001, at 9:30 a.m., in room 345 of the Russell Senate Office Building to conduct a business meeting to consider the committee’s views and estimates on the President’s FY 2002 Budget Request for Indian Programs to be followed immediately by a hearing on S. 211, the Native American Education Improvement Act of 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, March 14, 2001, at 10 a.m., in Dirksen 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, March 14, 2001, at 9:30 a.m., to receive testimony on election reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS’ AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet to hold a joint hearing with the House Committee on Veterans’ Affairs to receive the legislative presentations of the Disabled American Veterans. The hearing will be held on Wednesday, March 14, 2001, at 10 a.m., in room 345 of the Cannon House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 14, 2001, at 2 p.m., to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, MARCH 15, 2001

Mr. GRASSLEY. Mr. President, for the information of all Senators, the Senate will immediately resume consideration of the bankruptcy legislation with 10 hours remaining for postcloture debate. Senator Wellstone will be recognized at 9:30 a.m. to offer any of his germane amendments. Following his time, Senator Kohl’s amendment regarding the homestead issue will be debated for up to 90 minutes. Under the previous order, there will be two votes at 12 noon on Leahy amendment No. 19 and amendment No. 41. Further, amendments will be offered and debated during tomorrow’s session, and therefore votes will occur throughout the day. It is hoped that we can complete action on the bill very early in the evening.

ADJOURNMENT UNTIL TOMORROW

AT 9:30 A.M.

Mr. GRASSLEY. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:07 p.m., adjourned until Thursday, March 15, 2001, at 9:30 a.m.
IN COMMEMORATION OF PHILIP MORSE

HON. PETER DEUTSCH
OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 13, 2001

Mr. DEUTSCH. Mr. Speaker, I rise today to commemorate a dear friend and distinguished citizen of South Florida, Mr. Philip Morse. Philip Morse’s inspiring courage, successful business career, and generous philanthropic initiatives serve as a beacon of American achievement for the causes of peace, freedom, and humanity. Sadly, Mr. Morse passed away on March 9, 2001. Today, I wish to celebrate his life’s achievements and mourn the passing of a great American.

Mr. Speaker, Philip Morse’s life is a testament to the triumph of humanity over the greatest adversity, and the limitless opportunities earned by a hard-working American entrepreneur. Born as Ephraim Mushacski in Wolkowysz, Poland, Philip fled the 1939 Nazi invasions of his homeland and the horrors of the Holocaust. Traveling through Sweden, Russia, Japan, and Settle, he settled with relatives in New York City in 1940. Phil arrived in America as an impoverished refugee but through hard work and ingenuity, he realized his dreams of success and freedom. It was his unwavering commitment to the values of justice and liberty combined with his entrepreneurial and innovative spirit which lead to his great success in business.

Phil’s training in the repair and reconditioning of industrial machinery led to the creation of the Morse Electro Products Corp. where Phil first revolutionized the sewing machine, then developed a new way to transform the cumbersome radio console into a compact stereo. This innovation greatly reduced the cost of stereo production, making stereos affordable for working Americans. In little time, the Morse Electro Products Corp. became a multi-million dollar company with factories in New York, Texas, and California. Phil’s entrepreneurial enthusiasm and strong work ethic kept his business soaring to the successful throughout the twentieth century.

Mr. Morse’s entrepreneurial spirit was equally matched by his commitment to the advancement of knowledge, peace, and freedom both in the United States and abroad. As a Holocaust refugee, Phil was a strong supporter of the Zionist movement and active promoter of business and cultural development in Israel. As a devoted member of his South Florida community, he was a founder of the Aventura Tumbrnerry Jewish Center-Beth Jacob Synagogue and a member of the Beth Jacob’s Board of Directors.

In addition, Phil has been honored internationally for his commitment to spreading the values and culture of Judaism. For his efforts to bring together people of all races, religions, and ethnicity, the Anti-Defamation League awarded Phil the Torch of Liberty Award. In addition, for his visionary philanthropic leadership, he was awarded the Guardian of Israel Award by Shimon Peres. His care for both the spiritual and physical health of his community led to his founding of the Chair for Clinical Studies in Rheumatology at the Ben-Gurion University where he also served as a Board Member.

In short, Mr. Speaker, Philip Morse embodies the best of American ingenuity, devotion to community, and love of freedom and humanity. He was a pioneer of American industrial development, a virtual institution for South Florida’s Jewish community, and internationally honored philanthropist. While we mourn his passing, Mr. Morse’s profound legacy will be treasured by current and future generations.

IN HONOR OF THE 50TH ANNIVERSARY OF CENTRAL BANK OF KANSAS CITY

HON. KAREN McCARTHY
OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 13, 2001

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today in tribute to a pillar of the Kansas City community, the Central Bank of Kansas City. This month marks the 50th anniversary of Central Bank’s service to the residents and businesses of Northeast Kansas City.

Chartered in August of 1950, this financial institution has remained a stronghold in the community throughout the cultural and economic changes and growth that have occurred since it opened its doors. Through expansion and innovative services, Central Bank has demonstrated and continues to live up to its commitment and dedication to Northeast Kansas City.

The American Bankers Association Banking Journal considers Central Bank of Kansas City one of the top performing banks in its category. A leader in community development, the bank joined with Old Northeast, Inc., Community Development Corporation, in 1999, to construct the 2000 Northeast Community for low and moderate income families. Central Bank has also partnered with the Kansas City Neighborhood Alliance and Bishop Sullivan Community Center in an effort to revitalize housing in the Blue Valley neighborhood. In addition to promoting housing and small business initiatives such as the First Step Fund designed to assist small business entrepreneurs, they serve on the Safe Neighborhood Grant Advisory Council, which addresses the quality of life for the residents.

Quality education is another priority of Central Bank. They participate on various boards such as the national Academy Foundation’s business partnership for American education.

Mr. Speaker, I ask you to join me in celebrating the 50th anniversary of Central Bank of Kansas City. Its outstanding leadership serves the community well. Its continuing commitment to Old Northeast assures the vitality of this historic neighborhood.

MONTEREY BAY MEDICAL SURGERY CENTER FIRST EVER IN THE NATION TO BE ACCREDITED FOR OFFICE-BASED SURGERY

HON. SAM FARR
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 13, 2001

Mr. FARR of California. Mr. Speaker, I rise today to brag a little. In fact, I rise today to brag a lot. Why? Because again my district is the site of cutting-edge advances in health care services and health care technology.

On March 15, the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) will accredit the first office-based surgery practice in the Monterey Bay Medical Surgery Center and practice of Robert Mraule, D.D.S., M.D., and David Perrott, D.D.S., M.D., in Salinas, will be the first recipient of this standards-based accrediting process.

The Monterey Bay Medical Surgery Center was awarded office-based accreditation following a thorough on-site evaluation. The practice was evaluated on its compliance with no less than 146 standards that address key patient safety and quality issues, such as patient care, staffing, customer service, improving care and improving health, and responsible leadership.

The Monterey Bay Medical Surgery Center provides services for patients requiring surgical intervention, and care of oral and maxillofacial/cosmetic conditions. Digital radiography, anesthetic techniques and equipment, computerized patient education processes and electronic records are used there.

More than 8.3 million surgeries were performed last year in an estimated 41,000 office-based surgery sites across the United States. Experts predict the number will surpass those performed in hospitals in another year or two. This trend bespeaks the critical need for standards-based practices, like those developed by JCAHO, in order to protect patients and ensure only the highest quality of care from any office-based surgery practice to which they avail themselves.

As the nation’s leading evaluator of safety and quality in healthcare organizations, JCAHO has more than 25 years’ experience in accreditation. It provides services for patients requiring surgical intervention, and care of oral and maxillofacial/cosmetic conditions. Digital radiography, anesthetic techniques and equipment, computerized patient education processes and electronic records are used there.

More than 8.3 million surgeries were performed last year in an estimated 41,000 office-based surgery sites across the United States. Experts predict the number will surpass those performed in hospitals in another year or two. This trend bespeaks the critical need for standards-based practices, like those developed by JCAHO, in order to protect patients and ensure only the highest quality of care from any office-based surgery practice to which they avail themselves.

As the nation’s leading evaluator of safety and quality in healthcare organizations, JCAHO has more than 25 years’ experience in promoting safe, high-quality care for patients seeking care at more than 40 types of outpatient settings. The office-based surgery standards were established specifically for single sites of care with up to four physicians, dentists or podiatrists.

JCAHO evaluates and accredits nearly 19,000 health care organizations and programs in the United States. Accreditation is recognized nationwide as a symbol of quality...
IN THE HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 14, 2001

Mr. BACA. Mr. Speaker, I rise today in tribute to John Gallagher. Known as "Bobby" by friends, John Gallagher dedicated himself to working for justice and creating a safer community. As bailiff for Judge Norm Fuerst, Mr. Gallagher strove to fight crime and create a more secure community. He worked hard and was dedicated to the public interest. His dedication to his community did not end with his job. In his free time, Mr. Gallagher devoted himself to improving his neighborhood and creating a better home for his family. His love for his family could be seen in how he spoke of them to his friends, neighbors, and coworkers. John Gallagher contributed to the restoration of St. Colman Church and he worked tirelessly to support the West Side Irish Club. John Gallagher loved his country and was active in many political campaigns, working to advance the causes in which he believed.

Even greater than his dedication to his community was John Gallagher’s commitment to his family. The father of three, John Gallagher always worked to help strengthen his family. He was a loving, caring father who saw the importance of creating a safe neighborhood for his family to live. He was proud of his family as well as his heritage. John Gallagher was always quick with a smile, or a kind comment or word of encouragement. John was, in the words of a longtime friend, a "ray of sunshine."

John Gallagher was a model citizen who recognized the connection between a strong family and a safe community. Throughout his life, he worked to strengthen both. He will be missed. My fellow colleagues, please help me in honoring John Gallagher.

TRIBUTE TO LEAMON KING

HON. JOE BACA
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 14, 2001

Mr. BACA. Mr. Speaker, I would like to salute Leamon King, of California. Leamon has been recognized by Adelante, California Mi grant Leadership Council and American Le gion Merle Reed Post 124 as an outstanding individual who has made significant contributions to the improvement of education opportunities for Latino Children in California. A lifelong educator in the Richgrove and Delano Elementary School Districts, Olympic Gold Medalist, World Record Holder on the 100 yard dash and Delano High School gradu ate, Leamon has provided a positive role model for the local youth.

Leamon was born on February 13, 1936 in Tulare, California. His parents were Loyd King and Beatrice Wallace King. They owned a farm in Earlsmith, and Leamon lived there the first year of his life. His father, Loyd King, sold their farm in 1937, and the King family moved to Delano, California where Leamon completed his elementary and secondary educ ation.

Leamon began his education at Ellington School and later transferred to Fremont School. His mother wanted him to learn music and to play the saxophone. The only elementary school in Delano with a band at that time was Cecil Avenue Elementary School, so he transferred to this school. While attending Cecil Avenue and learning music, Leamon began to excel in track as a sprinter, and was ultimately elected student body president.

Upon graduation from Cecil Avenue, Leamon transferred to Delano High School. He attended and was his first state meet at the age of fifteen during his freshman year in high school. During the next four years, Leamon King continued to excel as both a student and as a runner. This outstanding athlete provided a positive image for Delano High School and the City of Delano, as well as being a positive role model for students to emulate.

Following graduation from Delano High School in June 1954, Leamon began to pursue higher education at University of California, Berkeley. His first child in his family to pursue a college education. The April 10, 1956 Delano Record stated, “Delano Sprinter Ready for Olympics. Sophomore Leamon King, Delano High School graduate, a young man with wings on his feet, is California's newest hope for World's Fastest Human honors, and the Bear sprint sensation will have ample opportunity to earn such acclaim this spring.”

The following month Leamon King tied the world record for the 100-yard dash at the Games in Fresno, California. Leamon King set a New World record. In a meet with the British Empire, the U.S. team of King, Andy Stanfield, Thane Baker and Bobby Morrow set a new world mark of 12.38 for the 100-yard relay. The old mark was 12.4.

According to Leamon King, when he first arrived in Melbourne, he ran on grass and set a grass record. It appeared as though every time he ran, he would break a record.

Bakersfield Californian Staff Writer Kevin Eubanks stated “King's omission from the 100 meter team certainly didn’t affect his moment in the spotlight. The news that the world's fastest man was not competing in the 100 meter race was received as something of a shock by the rest of the sporting world.”

For his outstanding attributes as an athlete, Leamon King served as Grand Marshal for the Delano Cinco de Mayo Parade, was inducted into the University of California, Berkeley Hall of Fame, and the Bob Elias Hall of Fame in Bakersfield, California.

During the past twenty-nine years, Leamon King has served as an educator in the Delano area. Mr. King taught for two years in Richgrove prior to transferring to the Delano Union School District where he has served as educator for the past twenty-seven years. Mr. King has taught the sixth grade at both Terrace Elementary and Almond Tree Middle School. During his tenure as an educator for the Delano Union School District, Mr. Leamon King has proven to be an extraordinary educator and is highly respected. This educator has served as an excellent example for his peers, as well as our youth.

On his sixty-fifth birthday this year, during Black History Month, the Delano Union School District named in Leamon King’s honor athletic facilities at Almond Tree Middle School, which include the school gym and outside athletic facilities, including a track and basketball courts.

that indicates that an organization meets certain performance standards. JCAHO has certainly chosen a good place to start its accreditation program of office-based surgery by starting in Salinas. Even more, it has chosen a solid model for others to follow in meeting the stringent JCAHO standards by choosing Drs. Brown and Peckham. I congratulate them on their fine work and urge my colleagues to join me in acknowledging their contribution to health care services on the Central Coast of California.

IN HONOR OF JOHN GALLAGHER

HON. DENNIS J. KUCINICH
OF OHIO

IN THE HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 14, 2001

Mr. KUCINICH. Mr. Speaker, I rise today in honor of John Gallagher.
It is a pleasure to honor Leamon King, who has made and continues to make a difference for California youth and the Latino community.

CONDEMNING HEINOUS ATROCITIES THAT OCCURRED AT SANTANA HIGH SCHOOL, SANTEE, CALIFORNIA

SPEECH OF
HON. JIM DeMINT
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 13, 2001

Mr. DeMINT. Mr. Speaker, what are we to make of the most recent school shooting in California? How do we respond to events that are so beyond belief, so tragic that goodness in our world appears no stronger than a flickering flame on a shrinking wick?

The accused is a scrawny, quiet fifteen-year-old named Andy. He was relentlessly picked on at his new school in San Diego. A victim of bullies, he found no refuge in his broken home. He longed for a relationship with his estranged mother. He searched for acceptance. “He tried to act cool, but he wasn’t cool,” said one skateboarder who saw him trying to fit in with a rougher crowd. He was relentlessly hounded for his haircut, his voice, and his clothes. Andy reached out to old friends. “He told me many times that I was the reason he hadn’t killed himself,” his closest friend from Maryland said.

Within minutes of the shooting, the televisions blared with quick-fix commentary. Gun control. Lack of self-control. Blame the parents. Blame the schools. The answers seemed empty, earthly, leaving many with visions blared with quick-fix commentary. Gun control. Lack of self-control. Blame the parents. Blame the schools. The answers seemed empty, earthly, leaving many with more questions and more confusion.

I trust you will agree that Andy’s actions are a condition of the heart. The answer lies in something more than smaller classroom sizes or higher test scores.

Tragically, a dark shadow of spiritual emptiness has eclipsed our reliance on the truth and dignity that come from a belief in God—the very essence of what provides us with guidance, worth, and meaning. I humbly offer this saying from Dorothy Sayers who writes that the problem is “the sin that believes in nothing, cares for nothing, seeks to know nothing, interferes with nothing, enjoys nothing, lives for nothing, finds purpose in nothing, and remains alive because there is nothing for which it will die.”

That, my friends, is the challenge of our time. It is the desperate calls of Andy and the despondent cries of the victims. Our youth are looking for something beyond the nothing. It is my prayer that we give them a reason to believe.

TRIBUTE TO JOHN E. RUDOLPH

HON. MICHAEL G. OXLEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 14, 2001

Mr. OXLEY. Mr. Speaker, I am honored today to salute an exceptional citizen and good friend of mine, John E. Rudolph.

John, the founder of Lima, Ohio-based Rudolph Foods Company, was recently presented with the Snack Food Association’s (SFA) 2001 Circle of Honor Award. John and his wife, Mary, have transformed their small company that sold Mexican specialty snacks into the world’s largest producer of pork rinds. In 1984 he was the first non-potato chip manufacturer to be elected SFA chairman. John’s career path certainly exemplifies the American dream.

John has been an asset not only to his business, but also our country and his community. After graduating from college he served as an artilleryman in World War II. An active member in the community; he has been president of the Lima YMCA, chairman of the Lima YWCA and a member of the board of directors of Lima Memorial Hospital.

I would like to thank John on behalf of the people in the snack food industry, and the city of Lima for all of his service and devotion. Congratulations, John, on the fine award.

MARCH SCHOOL OF THE MONTH

HON. CAROLYN McCARTHY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 14, 2001

Mrs. McCARTHY of New York. Mr. Speaker, I hereby present Powell’s Lane Elementary School in Westbury as School of the Month in the Fourth Congressional District for March 2001. In February, Powell’s Lane won Newsday’s Stock Market Game for the third time.

John Ogilvie is Principal of Powell’s Lane Elementary, and Dr. Constance R. Clark is the Superintendent of Schools for the Westbury School District.

I’m so excited to have such an innovative and remarkable school as School of the Month. Powell’s Lane is singlehandedly training future Wall Street investors. There was a time when the stock market was too daunting for even for adults, but new computer technology and the use of the web has cut through to many barriers—and Powell is making that happen every day.

Recently, Powell’s Lane received the New York State School of Excellence Award, and is one of seven schools nominated by the state for the U.S. Department of Education Blue Ribbon Schools 2000–2001 Elementary School Program.

Powell’s academic record—and their national recognition as a “Blue Ribbon School” nominee—displays the qualities of excellence that consistently train Long Island students to excel through the rest of their lives.

The mission of Powell’s Lane Elementary School focuses on child development, blending in academic achievement and social relationships. Powell’s Lane Elementary teaches students in grades 3, 4 and 5, and has many achievements and programs of note. The students are involved in community outreach such as helping with Newsday’s “Help a Family” campaign.

I commend Powell’s Lane Elementary School for its innovation, and I look forward to great achievement from Powell’s students.

TRIBUTE TO VERA FIGUEROA

HON. JOE BACA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 14, 2001

Mr. BACA. Mr. Speaker, I would like to salute Vera Figueroa, of California. Vera has been recognized by Adelante California Migrant Leadership Council and American Legion Merle Reed Post 124 as an outstanding individual who has made significant contributions to the improvement of education opportunities for Latino Children in California.

Delano High School Board Member, a highly respected community leader and cultural dance instructor, Vera has made major contributions to the youth and parents over the past years.
SCHOOLYARD SAFETY ACT

HON. JENNIFER DUNN
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 14, 2001

Ms. DUNN. Mr. Speaker, we continue to see tragic examples that reinforce the need for immediate action to stop the violence in our nation’s schools. Today I am reintroducing, along with my colleagues PETER DEFAZIO and ZUCK WAMP, the Schoolyard Safety Act. This legislation is designed to encourage America’s youth safe in their schools by establishing an incentive program for States to create a 24-hour holding period for students who bring guns to school.

The tragic May 1998 schoolyard shooting in Springfield, Ohio best illustrates the need for this bill’s incentive program for States to impose a 24-hour holding period. As you may recall, a student showed up at school with a gun. He was immediately expelled and sent home. He was not, however, held to undergo psychological evaluation or disciplined in juvenile detention for further questioning. The next day, the student returned to his high school with a gun and used it to kill two classmates, and later, his parents.

Several hundred times a year, young people bring guns to school, and disciplinary action is taken. But we know that simply expelling a child does nothing to protect innocent students, communities, or the troubled youth himself. When a student brings a gun into the classroom, concrete steps must be taken immediately to deal with the problem. A 24-hour holding period would put the student into a secure environment where he can receive the attention he needs. This will not only protect the safety of other students and the public, but will ensure that the student carrying the gun receives proper counseling.

The Schoolyard Safety Act gives States access to Federal Incentive Grants for Local Delinquency Prevention Programs if they seek to create a 24-hour holding period. It does not mandate another burdensome Federal program; rather, it gives States greater flexibility to use the funds as they see fit. We believe local officials and educators know best how to solve the problem of youth violence.

School shootings show us how easily gun violence can break the heart of a community. Every man, woman, and child across America have the right to expect to live on a safe street and send their kids to a safe school. Children who learn in fear are learning the wrong lessons and we have a responsibility to do whatever we can to prevent future tragedies.

INTRODUCTION OF THE VOTING EQUIPMENT MODERNIZATION ACT OF 2001

HON. STEVE C. LATOURETTE
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 14, 2001

Mr. LATOURETTE. Mr. Speaker, today I introduced a measure called the “Voting Equipment Modernization Act of 2001” (VEMA) that will create a special tax “checkoff” segment on income tax returns so Americans can direct $1 to $2 of their tax dollars to help defray the cost of replacing antiquated voting machines across the country.

Mr. Speaker, the temporary election modernization checkoff on income tax forms will be separate from the current checkoff for the National Election Campaign Fund. In addition, the presidential election checkoff, the voting equipment modernization checkoff will not increase a taxpayer’s tax bill. Those filing individual tax returns would be able to contribute $1 and those filing jointly could contribute $2. More than 120 million individual income tax returns are filed each year.

The idea for a temporary election modernization checkoff came from a constituent of mine in Mentor, OH, who was embarrassed by events surrounding the 2000 election and the accuracy of voting equipment across the country. In my home State of Ohio, 60 of the State’s 88 counties use punch-card ballots similar to those used in Florida.

Mr. Speaker, right now we have patchwork costs exceeding $8 billion systems across the country and if the November election taught us anything it is that the patchwork quilt is a frayed mess. We have lottery machines that are far more modern and accurate than our current voting machines and that is just wrong.

The Voting Equipment Modernization Act of 2001, will establish a temporary checkoff on income tax returns that would allow taxpayers to designate $1 to $2 to the Federal Election Commission, which would then distribute funds to newly created Election Administration Improvement Funds in each State. The funding level for each State will be based on population derived from Census figures.

I believe Americans want modern voting equipment and know that State and local governments are not capable of bearing the enormous costs of replacing antiquated equipment. The cost of replacing voting equipment in each of the country’s 191,000 voting precincts is estimated to cost at least $4 billion and some estimates have voting modernization costs exceeding $8 billion.

The current presidential tax checkoff has had mixed results, but I believe Americans will respond favorably to an opportunity to help defray the costs of new voting equipment if it will ensure accurate election results. Using Census figures as a guide, if 12 percent of Ohio taxpayers opted for the checkoff, it would amount to $1.35 million in revenue that could be used to update voting equipment and pay to train poll workers.

Participation in the checkoff to help pay for presidential elections has fallen since it was first initiated in 1972, and studies show that only 12.5 percent of Americans checked the box on their 1997 returns. The remainder left the box blank or checked “NO.” Through 1997 about $1.2 billion had been designated for presidential elections.

I blame the low participation for the presidential checkoff on two factors: The public’s unwillingness to help pay for increasingly hostile presidential elections, and widespread misunderstanding that checking off the box increases one’s tax bill.

It is my belief that folks will be willing to do a tax checkoff if it will ensure that their vote will be counted and counted accurately. I think when folks realize this won’t negatively impact their tax refund or tax bill, they will be willing to check the box.

Secretaries of State across the Nation agree that voting machines need to be modernized...
but they realize the costs will be enormous. The voting modernization checkoff will be a temporary measure to generate funds, and will only appear on tax return forms as long as there is a need to pay for new voting machines.

Mr. Speaker, States will be able to use money generated by the checkoff to purchase and maintain modern voting equipment, and educate and train those using the new voting equipment, including those working the polls on election day. Decisions about specific equipment and training would be left up to the States. Also, Puerto Rico will be excluded from this plan because it does not pay Federal taxes.

Mr. Speaker, I believe VEMA offers a simple, common-sense solution to a problem that must be remedied as soon as possible so we can restore accuracy and integrity to our voting system. I urge my colleagues to support the Voting Equipment Modernization Act of 2001.

PERSONAL EXPLANATION

HON. JIM MATHESON
OF UTAH
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 14, 2001

Mr. MATHESON. Mr. Speaker, on Tuesday, March 13, 2001, I was unable to cast votes on rollcall votes 46 and 47. However, had I been present, on rollcall vote 46 I would have voted "yea," and on rollcall vote 47 I also would have voted "yea."

CONDEMNING HEINOUS ATROCITIES THAT OCCURRED AT SANTANA HIGH SCHOOL, SANTEE, CALIFORNIA

SPRECH OF

HON. JIM LANGEVIN
OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 13, 2001

Mr. LANGEVIN. Mr. Speaker, I rise today to honor the victims of gun violence at Santana High School, the countless lives that have been affected by this tragic incident, and the numerous similar tragedies that have happened over the past few years. The violence at Santana is deeply disturbing. No child should fear for her life in school, and no child should feel so alienated that he perceives violence as his only option.

When Charles Andrew Williams entered school on Monday, March 5, he had already cried out for help. He had told his friends his plan. He had even told his friend that he had cried out for help. He had told his friends his school on Monday, March 5, he had already planned to do. But no one took him seriously. And sadly, Andy was not alone. Within 48 hours of his arrest, 16 other children in California had been arrested or detained for suspicion of gun-related violence. In fact, since Dylan Kelboid and Eric Harris killed thirteen of their classmates at Columbine High School almost two years ago, over eighteen separate incidents of student-to-student gun violence have occurred. Many more planned attempts to emulate this violence have gone unreported or perhaps never even known. Just six weeks ago in East Providence, Rhode Island, a hit list was found that was written by four fifth graders.

Many of us are at a loss to explain this explosion of school violence in recent years, but everyone agrees that we must address the mental health needs of our children. Education Secretary Rod Paige has attributed the rash of school shootings to alienation and rage. 1 A recent Secret Service study concluded that the common theme underlying perpetrators of violent crimes in schools is depression. Three-quarters of children committing these crimes have talked about or attempted suicide. More than two-thirds report having been bullied by their peers. Disturbing emotions of alienation and rage in our nation's schools are real and pervasive and deep-seated. We must take steps to alleviate this pain and provide the help that our children are crying out for in these violent actions.

Our schoolchildren need professional counselors who can help them cope with the pressures of being a teenager. They need supportive adults in their lives. They also need a moral compass that will help them sort through the violence that permeates our culture. What they do not need is easy access to weapons. Whatever alienation Andy Williams was feeling, he could not have committed such a heinous act without the help of a .22 caliber revolver.

Guns are simply too accessible to children today, and American children are suffering the consequences. The accidental death rate among children from gunshot wounds is nine times higher in the United States than in the other largest 25 industrialized countries combined, and at least six loopholes still exist that allow children and violent offenders obtain guns. Guns alone do not kill children, but in times of extreme emotional distress they enable a disturbed innocent child to become a murderer.

Efforts to increase children's self-esteem and to reduce their access to guns will decrease the number of these incidents. While I applaud my colleagues in honoring the children and families of Santana High School, I urge you to let this be the first step toward change, not the last. As one whose life was forever altered when a gun accidentally discharged, I know first hand that guns are dangerous and far too often fatal. For the sake of our children, I implore my colleagues to pass our schoolchildren need professional counselors who can help them cope with the pressures of being a teenager. They need supportive adults in their lives. They also need a moral compass that will help them sort through the violence that permeates our culture. What they do not need is easy access to weapons. Whatever alienation Andy Williams was feeling, he could not have committed such a heinous act without the help of a .22 caliber revolver.

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TRIBUTE TO JOE ORTIZ CARDONA

HON. JOE BACA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 14, 2001

Mr. BACA. Mr. Speaker, I would like to salute Joe Ortiz Cardona, of California. Joe has been recognized by Adelante, California Migrant Leadership Council and American Legion Merle Reed Post 124 as an outstanding individual who has made significant contributions to the improvement of education opportunities for Latino children in California. A highly-respected community leader in Earlimart for more than 33 years, a Barber by trade, Joe Cardona has spent most of his life helping others. He is active in improving the conditions of the people of Earlimart, in such areas as flood control, schools, health care, food and clothing acquisition and distribution, and support for families in need.

Joe was born in 1933 in Somerton, Arizona. His family migrated to Earlimart in 1940, where Joe enrolled in first grade at Earlimart Elementary School. Following the seasonal crops, Joe's family moved to Brawley where he graduated from eighth grade in 1948.

Joe enlisted in the Army in the late 1950's serving two years. In 1957, Joe studied and obtained his apprenticeship for Barbering from Moler Barber College, Fresno, California. In 1959, Joe married Cruz Amaya Cardona and raised four children, Larry, Joe Jr., Frankie and Vicky. In 1974, Joe was determined to receive a high school diploma. He enrolled in Adult Education at Delano Joint Union High School. Along with the forty-seven area citizens, he was one of the proud graduates of the commencement exercises in June 2, 1975.

Joe is a man of integrity, dependability and dedication. In 1967, understanding the poverty and hardships of some of the community members of Earlimart, he had an idea to have members of the community contribute to a fund, which could be used to assist families on the occasion of bereavement. With the idea of the Earlimart Funeral Fund Association was formed and to-date Joe is still an active member of this organization, and besides the monetary support, you probably will see Joe attending the funerals and expressing his sympathy to the bereaved families.

Serving his country was one of Joe's proudest moments, and because of his active membership, he has received recognition for participation in the American Legion Post, Joe has proudly served in the position of president and commander of the American Legion Post. Representing the American Legion Post 745, Joe helps raise funds for scholarship to annually honor a deserving Earlimart Junior High School student.

Joe helped coordinate the first Food Link Program for the community of Earlimart in 1995, dedicating countless hours gathering volunteers, and through his example, others have continued to take on this responsibility. This program continues to serve the needy families of this community. During the flood of 1997, Joe helped form a Flood Control Committee, gathering local active members, as well as invoking assistance from political representatives to help disaster stricken families, and was also involved in the issue of the White River Dam. Joe recruits volunteers to assist with the annual clean-up day activities in the community. One of Joe's proudest accomplishments is the annual Christmas “Give Away” to the needy families of the Earlimart community.

Joe has received recognition by the California State Assembly and California State Senate for outstanding leadership and community services. Joe speaks very softly, and with his congenial and humble character, never boasts of his accomplishments. If you know Joe personally, you are aware of the relentless hours he has served on various committees expressing concerns. Although the name Earlimart is the largest 25 industrialized countries combined, and at least six loopholes still exist that allow children and violent offenders obtain guns. Guns alone do not kill children, but in times of extreme emotional distress they enable a disturbed innocent child to become a murderer.

Efforts to increase children's self-esteem and to reduce their access to guns will decrease the number of these incidents. While I applaud my colleagues in honoring the children and families of Santana High School, I urge you to let this be the first step toward change, not the last. As one whose life was forever altered when a gun accidentally discharged, I know first hand that guns are dangerous and far too often fatal. For the sake of our children, I implore my colleagues to pass meaningful legislation to end school violence once and for all.

TRIBUTE TO JOE ORTIZ CARDONA

HON. JOE BACA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 14, 2001

Mr. BACA. Mr. Speaker, I would like to salute Joe Ortiz Cardona, of California. Joe has been recognized by Adelante, California Migrant Leadership Council and American Legion Merle Reed Post 124 as an outstanding individual who has made significant contributions to the improvement of education opportunities for Latino children in California. A highly-respected community leader in Earlimart for more than 33 years, a Barber by trade, Joe Cardona has spent most of his life helping others. He is active in improving the conditions of the people of Earlimart, in such areas as flood control, schools, health care, food and clothing acquisition and distribution, and support for families in need.

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Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, while the world’s attention has focused on human rights abuses in the People’s Republic of China, attention ought also to be given to the commendable human rights record of the Republic of China.

The Republic of China’s constitution guarantees its citizens basic civil liberties, including freedom of peaceful assembly and association, freedom of speech and press, and freedom of religion. The Republic of China is also now a recognized full-fledged democracy that respects political rights, as evidenced by last year’s election of President Chen Shui-bian in free and fair elections. This occasion marked the first time in Chinese society that an opposition party candidate was elected President. Son of a farm laborer, Mr. Chen was an active political reformer and activist for many years and served time in prison for his beliefs. After gaining his release, he served as a lawmaker and later as mayor of Taipei. His presidential victory last March 18 signaled to the world that true democracy has taken hold in the Republic of China.

In his inaugural address last May 20, President Chen announced: “We are willing to promise a more active contribution in safeguarding international human rights. The Republic of China cannot and will not remain outside global human rights trends. We will abide by the Universal Declaration of Human Rights, the International Convention for Civil and Political Rights, and the Vienna Declaration and Program of Action. We will bring the Republic of China back into the international human rights system...”

Mr. Speaker, I applaud President Chen’s commitment to democracy and human rights. As we approach President Chen’s first anniversary in office, I hope my colleagues will acknowledge his full commitment to safeguarding human rights in the Republic of China. President Chen and his cabinet ought to be applauded for their continuing efforts to make Taiwan one of the freest places on earth and for proving once again that political freedom and a prosperous market-oriented economy go hand-in-hand. I wish to congratulate President Chen and send him my support and best wishes.

ECONOMIC GROWTH AND TAX RELIEF ACT OF 2001

SPEECH OF
HON. PATSY T. MINK
OF HAWAII
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 8, 2001

Mrs. MINK of Hawaii. Mr. Speaker, I rise in opposition to H.R. 3. It is based on unreal assumptions and fuzzy scenarios. H.R. 3 income tax rate reductions for single taxpayers are as follows:

For taxable income up to $6,000 the current rate of 15 percent would be reduced under H.R. 3 and the Bush plan to 10 percent.

For taxable income between $6,000 and $27,050 the rate of 15 percent is unchanged.

For taxable income between $27,050 and $65,550 the current rate of 28 percent is reduced to 25 percent.

For taxable income between $65,550 and $136,750 the current rate of 31 percent is reduced to 25 percent.

For taxable income between $136,750 and $297,350 the current rate of 36 percent is reduced to 33 percent.

For taxable income above $297,350 the current rate of 39.6 percent is reduced to 33 percent.

These income tax rate changes take effect gradually over a 10-year period:

- For single taxpayers with income under $6,000 the 15 percent rate is reduced to 12 percent in 2001 and 2002, to 11 percent in 2003 and 2004 and to 10 percent beginning in 2005.
- The 15 percent tax rate on taxable income between $6,000 and $27,050 is unchanged.
- For taxable income between $27,050 and $65,550 the 28 percent rate is reduced to 27 percent in 2002 and 2003, to 26 percent in 2004 and 2005 and to 25 percent beginning in 2006.
- For taxable income between $65,560 and $136,750 the 31 percent rate is reduced to 30 percent in 2002, to 29 percent in 2003, to 28 percent in 2004, to 27 percent in 2005 and to 25 percent beginning in 2006.
- For taxable income between $136,750 and $297,350 the current 36 percent rate is reduced to 35 percent in 2002 and 2003, 34 percent in 2004 and 2005 and declines to 33 percent beginning in 2006.
- For taxable income above $297,350, the current 39.6 percent rate is reduced to 38 percent in 2002, to 37 percent in 2003, to 36 percent in 2004, to 35 percent in 2005 and to 33 percent beginning in 2006.

This tax reduction plan has three fundamental flaws.

First, the tax cuts are premised upon there being a $5.6 trillion surplus over the next 10 years. But the actual surplus is much less, and the cost of the tax cuts are much larger than claimed.

The $5.6 trillion “surplus” includes $2.5 trillion from the Social Security Trust Fund and $400 billion in the Medicare Trust Funds. It also includes another $111 billion in the Military Retirement Trust Fund that is needed for the retirement benefits of our military personnel. That leaves only $2.6 trillion in real surpluses.

From that the Bush tax plan would cost $1.6 trillion in tax cuts leaving a surplus of $1 trillion. But the tax cuts would increase the Federal government’s interest costs by $400 billion, leaving only a $600 billion surplus.

Making the tax cuts retroactive to January 1, 2001 adds another $100 billion in costs. Other Bush proposals, including adjustments to the alternative minimum tax, extending expiring tax credits, and promised spending increases add anther $500 billion. Added together, the Bush proposal uses up all the non-Social Security surplus.

It is unconscionable to pass a tax cut based on Social Security and Medicare surpluses after you have promised not to touch this surplus.

In fact Congress has voted many times on legislation not to touch these surpluses (lock box.) Congress even took Social Security “off budget” to make sure Congress did not forecast “surpluses” based on surpluses currently accumulated in Social Security and Medicare Trust Funds.

These tax cuts endanger the Social Security/Medicare Trust Funds. Second, President Bush states that he wants to pay down this debt. But his tax cuts mean that we will not be able to pay down the national debt.

Of the $5.7 trillion in current federal debt, the public holds $3.4 trillion. The remaining $2.3 trillion is held by the Social Security and Medicare trust funds. The interest on the Federal debt in fiscal year 2000 was $362 billion. But in fact the Bush plan does not pay down the debt, and threatens any possibility of paying it off.

The Clinton 1993 Balanced Budget plan cut spending by $250 billion and raised revenues by $250 billion. Not a single Republican in the House or Senate voted for this in 1993. This courageous action by the Congress eliminated the annual budget deficits it cost the Democrats plenty. In 1994 we lost 50 seats and the Republicans became the majority party.

In 1993 the annual deficit was $255.1 billion. The total national debt in 1993 had already reached $3.2 trillion. This debt was caused by faulty revenue projections under Reagan-Bush tax cuts. George W. Bush is repeating the same mistakes.

In FY 1998, under the Democrats budget plan, we achieved the first budget surplus since 1969 in the amount of $69.2 billion. The Social Security surplus was $99 billion and the Medicare surplus was $9 billion. In FY 1999 the budget surplus was $124.4 billion, the Social Security surplus was $124.7 billion and the Medicare surplus was $21.5 billion. In FY 2000 the surplus was $236.2 billion, the Social Security surplus was $151.8 billion and the Medicare surplus $30 billion. For the current FY 2001, the total surplus is estimated to be $281 billion, the Social Security surplus is estimated at $156 billion and the Medicare surplus at $25 billion.

If we don’t pay down substantial portions of our debt with these surpluses the interest on our debt could increase by over $400 billion in 10 years.

Lastly, no one can make accurate economic forecasts covering ten years into the future. Having served on the U.S. House of Representatives Budget Committee for 6 years, I can attest to the fact that none of the experts or agencies assigned the task of forecasting either the “deficit” or the “surplus” ever forecast it accurately nor did they even come close.

Any tax cut plan based on a “10 year” forecast of surpluses is totally unrealizable.
Even Federal Reserve Chairman Alan Greenspan has problems deciding whether the economy is going up or down in the next 3 months. How can we plan 10 years ahead? It is a course guaranteed to lead us to terrible consequences.

Then-Governor Bush led Texas, based on a "rosy scenario," to enact massive tax cuts which today has Texas reeling over a $700 million annual deficit.

Once you cut federal revenues by $1.6 trillion and if the surpluses melt away to deficits, we will saddle future generations with 10 years of agony we all suffered under the Reagan-Bush deficit policies of 1982–1992 federal budgets.

For these reasons, I shall vote "no" on H.R. 3 and urge my colleagues to do the same.

IN MEMORY OF BEATRICE L. PETERSON

HON. JAMES A. TRAFICANT, JR.
OF OHIO

IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 14, 2001

Mr. TRAFICANT. Mr. Speaker, today, I am deeply saddened to share the news of the passing of Beatrice L. Peterson. Beatrice Peterson was born on June 16, 1931 to Raymond H. and Annabelle Allen McFate. She married Edward Kerr Peterson July 1, 1946 who died December 20, 1997. She is survived by a brother, Charles McFate; a sister, Mrs. Shirley Peterson; two daughters, Diane Was and Brenda Ellis; and a son, Edward K. Peterson, Jr. Two of her children, Rita Ann Peterson and Robert Carlson are deceased.

Beatrice was an amazing woman. A graduate of Choffin School of Nursing in Youngstown, she worked for over a decade at St. Joseph Riverside Hospital as a licensed practical nurse before retiring in 1985.

Beatrice loved the outdoors. Whenever she had a spare moment, she could be found outside, usually working in her garden. Camping was another of her beloved pastimes.

Beatrice Peterson will be sorely missed in the Bristowville community, where she loyally attended Grace Baptist Church. She touched the lives of many people, including mine, and was adored by all who had the privilege to know her. I extend my deepest sympathy to her friends and family.

SMALL BUSINESS TELECOMMUTING ACT

HON. MARK UDALL
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 14, 2001

Mr. UDALL of Colorado. Mr. Speaker, today I am joined by my colleagues, Representatives Frost, Owens, Hilliard, McKane, Baldacci, Blumenauer, Cummings, Davis (IL), Hinojosa, Kucinich, McGovern, Tauscher, Baird, Baldwin, Tubbs Jones, Udall (NM), Wu, and Jo Ann Davis (VA), in introducing the Small Business Telecommuting Act to assist our nation’s small businesses in establishing successful telework programs for their employees. Senator John Kerry of Massachusetts will be introducing companion legislation in the Senate.

Across America, numerous employers are responding to the needs of their employees and establishing telecommuting programs. In 2000, there were an estimated 16.5 million teleworkers. By the end of 2004, there will be an estimated 30 million teleworkers, representing an increase of almost 100%. Unfortunately, 9 out of 10 teleworkers come from organizations employing over 1,500 people, while just a few years ago, most teleworkers worked for small to medium-sized organizations.

By not taking advantage of modern technology and establishing successful telecommuting programs, small businesses are losing out on a host of benefits that will save them money, and make them more competitive. The reported productivity improvement of home-based teleworkers averages 15%, translating to an average bottom-line impact of $9,712 per teleworker. Additionally, most experienced teleworkers are determined to continue teleworking, meaning a successful telework program can be an important tool in the recruitment and retention of qualified and skilled employees. By establishing successful telework programs, small business owners would be able to retain these valuable employees by allowing them to work from a remote location, such as their home or a telework center.

In addition to the cost savings realized by businesses that employ teleworkers, there are a number of related benefits to society and the employee. For example, telecommuters help reduce traffic and cut down on air pollution by staying off the roads during rush hour. Fully 80% of home-only teleworkers commute to work on days they are not teleworking. Their one-way commute distance averages 19.7 miles, versus 13.3 miles for non-teleworkers, meaning employees that take advantage of telecommuting programs are, more often than not, those with the longest commutes. Teleworking also gives employees more time to spend with their families and reduces stress levels by eliminating the pressure of a long commute.

Mr. Speaker, our legislation seeks to extend the benefits of successful telecommuting programs to more small businesses. Specifically, it establishes a pilot program in the Small Business Administration (SBA) to raise awareness about telecommuting among small business employers and to encourage those small businesses to establish telecommuting programs for their employees.

Additionally, an important provision in our bill directs the SBA Administrator to undertake special efforts for businesses owned by, or employing, persons with disabilities and disabled American veterans. This provides those businesses with opportunities to meet their needs and establish telecommuting programs.

Finally, it requires the SBA to prepare and submit a report to Congress evaluating the pilot program.

Several hurdles to establishing successful telecommuting programs could be cleared by enacting our legislation. In fact, the number one reported obstacle to implementing a telecommuting program is a lack of know-how. Our bill will go a long way towards educating small business owners on how they can draft guidelines to make a telework program an affordable, manageable reality.

LEGISLATION TO CHANGE THE INTERNAL REVENUE CODE'S COST RECOVERY RULES

HON. E. CLAY SHAW, JR.
OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 14, 2001

Mr. SHAW. Mr. Speaker, as a Member of Congress, I am continually seeking sound policy changes that will make and keep our economy productive, create jobs and improve the overall quality of life for Americans. It is my belief that an important elements of a productive economy is modern, efficient and environmentally responsible space for Americans to work, shop and recreate. In order to create and maintain such space, a building owner must carefully change how to improve office, retail and commercial space to meet the needs of new and existing tenants.

I believe that the Internal Revenue Code’s cost recovery rules associated with leasehold improvements are an impediment for building owners needing to make such improvements. Therefore, I am pleased to introduce this legislation to change the cost recovery rules associated with leasehold improvements.

Simply stated, this legislation would allow building owners to depreciate specified building improvements using a 10-year deductible life, rather than the 39 years required by current law, thereby matching more closely the expenses incurred to construct these improvements with the income the improvements generate under the lease.

To qualify under the legislation, the improvement must be constructed by a lessor or lessee in the tenant-occupied space. In an effort to ensure that the legislation is cost efficient as possible, improvements constructed in common areas of a building, such as elevators, escalators and lobbies, would not qualify; nor would improvements made to new buildings.

Office, retail, or other commercial and rental real estate is typically reconfigured, changed or somehow improved on a regular basis to meet the needs of new and existing tenants. Interior walls, ceilings, partitions, plumbing, lighting and finish each are elements that might be the type of improvement made within a building to accommodate a tenant’s requirements, and thereby ensure that the work or shopping space is a modern, efficient, and environmentally responsible as possible.

Unfortunately, today’s depreciation rules do not differentiate between the economic useful life of a building improvement—which typically corresponds with a tenant’s lease-term—and the life of the overall building structure. The result is a depreciable life for leasehold improvements of 39 years—the depreciable life for the entire building—even though most commercial leases...
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typically run for a period of 7 to 10 years. As a result, after-tax cost of reconfiguring, or building out, office, retail, or other commercial space to accommodate new tenants or modernizing workplace is artificially high. This hinders urban reinvestment and construction job opportunities as improvements are delayed or not undertaken at all.

Additionally, a widespread shift to more energy-efficient, environmentally sound building elements is discouraged by the current tax system because of their typically higher expense. If a greater conservation potential of energy-efficient lighting were to be recognized, the demand for the equivalent of one hundred 1,000-megawatt powerplants could be eliminated, with corresponding reductions in air pollution and global warming.

Reform of the cost recovery rules for leasehold improvements has been long overdue. In the 106th Congress, this bill enjoyed wide-spread support with 144 Members co-sponsoring it. This legislation should be enacted this year. This would acknowledge the fact that improvements constructed for one tenant are rarely, if ever, used by another, and that when a tenant leaves, the space is typically build-out again for a new tenant. It is important to note that prior to 1981 our tax laws allowed these improvement costs to be deducted over the life of the lease. Subsequent legislation, however, abandoned this policy as part of a move to simplify and shorten building depreciation rules in general to 15 years. Given that buildings are now required to be depreciated over 39 years, it is time to face economic reality and reinstate a separate depreciation period for building improvements to tenant occupied space.

Mr. Speaker, I urge my fellow members to review and support this important job producing, urban revitalization legislation. I look forward to working with my colleagues on the Ways and Means Committee to enact this bill.

THE INTRODUCTION OF THE “ANTI-SPAMMING ACT OF 2001”

HON. BOB GOODLATTE
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 14, 2001

Mr. GOODLATTE. Mr. Speaker, unsolicited commercial e-mail, such as advertisements, solicitations or chain letters, is the “junk mail” of the information age. When unwanted mail is hand delivered to your home or post office box, you can ask the postmaster not to deliver it. When telemarketers call at home you may ask to be taken off their solicitation list. But currently, there is no mechanism to prevent unwanted e-mail.

Jupiter Communications reported that in 1999 the average consumer received 40 pieces of spam. By 2005, Jupiter estimates, the total is likely to soar to 1,600. These numbers are truly astounding. Unsolicited e-mail messages burden consumers by slowing down their e-mail connections, and cause big problems for the small business owner who is trying to compete with larger companies and larger entities.

Consumers are not the only ones victimized by spam. In recent instances, unsolicited e-mail transmissions have paralyzed small Internet Service Providers (ISPs) by flooding their servers with unwanted e-mail. This has the potential to do great damages to small ISP companies and the communities they serve.

Currently, ISPs are developing programs that require the individual sending the unsolicited message to include a valid e-mail address, which can then be replied to in order to request notification that a new message be sent. Under these programs, once the individual sending the original e-mail receives a request to remove an address from their distribution list, they are required to do so. However, offering spammers get around this requirement by using the e-mail address of an unsuspecting user to spam others.

To address this problem, I am introducing legislation to give law enforcement the tools they need to prosecute individuals who send unsolicited e-mail that clog up consumers’ in-boxes; the Anti-Spamming Act of 2001. The Anti-Spamming Act would amend 18 U.S.C. § 1030 (which addresses criminal fraud in connection with computers) in several respects to address fraudulent unsolicited electronic mail. It would add to the substantive conduct prohibited by 18 U.S.C. § 1030(a), both the intentional and unauthorized sending of unsolicited e-mail that is known by the sender to contain information that falsely identifies the source or routing information of the e-mail, and the intentional sale or distribution of any computer program designed to conceal the source or routing information of such e-mail.

This legislation would subject those who commit such prohibited conduct to a criminal fine equal to $15,000 per violation or $10 per message per violation, whichever is greater, plus the actual monetary loss suffered by victims of the conduct. In addition, prohibited conduct that results in damage to a “protected computer” (as defined in 18 U.S.C. § 1030(e)(2)) would be punishable by a fine under Title 18 or by imprisonment for up to one year.

I would also like to thank Representative HEATHER WILSON for her tireless efforts to address this issue. Representative Wilson should be commended for bringing the problem of spam to the forefront of public debate. I look forward to working with her to achieve our common goal of reducing the burden of unwanted e-mail on consumers and Internet Service Providers.

Legislation addressing the problem of unsolicited commercial e-mail is greatly needed to protect consumers and Internet Service Providers from victimization by spam. I urge my colleagues to support this much needed legislation.

TRIBUTE TO FRANK MARSH

HON. DOUG BEREUTER
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 14, 2001

Mr. BEREUTER. Mr. Speaker, this week Nebraskans said good-bye to Frank Marsh, our former lieutenant governor, secretary of state and state treasurer. Frank was a loyal Nebraskan, a dedicated public servant, and an enthusiastic Republican. He was elected secretary of state in 1953 and served in that position for 17 years. He was lieutenant governor from 1971 to 1975. He served twice as state treasurer. He was State director of the Farmers Home Administration. In all, he devoted nearly 40 years of his life to public service.

Indeed, public service was a family affair for the Marshes. Frank’s father, Frank Marsh Sr., was secretary of state for 16 years. Frank’s wife Shirley was a state senator—her close friendship with Senator Sumners was a model for the two years of my service in the Nebraska Legislature.

Frank was a staunch Republican, but he worked amicably with partisans of all persuasion. Indeed, his stint as lieutenant governor was served under a Democratic governor. They got along well. After Frank left elective office, he continued his career in public service by serving the poor. He helped to begin a food distribution network that came to involve 300 volunteers working in 33 distribution sites in Lincoln, Nebraska, his hometown.

All of us who knew Frank Marsh and worked with him and all of those who were beneficiaries of his compassion and dedication will miss him. We send our condolences to his wife Shirley and their children and the many foreign guests—extended family in effect—who were welcomed into the Marsh family in their home for varying lengths of time. Frank Marsh was a citizen ambassador for our country and a model for voluntarism for all Americans. His contributions to the public good will be missed throughout Nebraska and far beyond.

SPECIAL ORDER ON WOMEN’S HEALTH

HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 14, 2001

Mrs. MALONEY of New York. Mr. Speaker, I would like to join my colleagues of the Women’s Caucus to discuss the importance of women’s health.

As a Caucus, we are working hard to improve health for all women. From protecting Social Security and strengthening Medicare to working for a Patient’s Bill of Rights, and we are working to make health care affordable, affordable prescription drug benefit. We must ensure that the progress made to improve women’s health continues.

To this point, I urge my distinguished colleagues to join me in the following measures. I am working to improve the health and well-being of women—young and old.

I will soon reintroduce the Osteoporosis Early Detection and Prevention Act and the Cancer Screening Coverage Act to give women a fighting chance against these diseases.

I am working with my distinguished colleague, CONNIE MORELLA, to make women’s health research a priority. We will introduce the Women’s Health Office Act to make the women’s health offices at the Department of Health and Human Services permanent.

And for our littlest people and their moms, I have introduced the Breastfeeding Promotion Act, which supports and protects mothers who choose to breastfeed. Everyday, new medical studies are released highlighting the positive health effects of breastfeeding for both mother and child.

We must continue to work hard to ensure that the priorities of our country include policies that promote healthy women and healthy
Mr. ETHERIDGE. Mr. Speaker, I rise today to pay tribute to one of North Carolina’s leading citizens and to bring to the attention of my colleagues of the 107th Congress his many contributions.

Daniel R. Ensley, director of the mass communications program at Campbell University and a 1993-94 “Professor of the Year” at the institution, is retiring from Campbell due to health concerns. He will be greatly missed by fellow professors, by students in the mass communications school, and by the hundreds of alumni who remember the courses they took there.

Ensley, a native of Dover, Delaware, grew up in a military family and lived in New Jersey, Illinois, Florida, Georgia, and Oklahoma as a youngster. He is a 1979 magna cum laude graduate of Campbell. He worked for the college radio station throughout his college years and became station manager during his senior year. After graduation, he managed the station until 1984 and also taught courses at the University.

In 1984, Ensley entered graduate school at the University of South Carolina College of Journalism. He earned his Master of Arts degree from that institution in 1986 and was accepted into the program at the University of Wisconsin. Just before leaving for Madison, Wisconsin, Ensley was contacted by the administrators at Campbell and offered a position as an instructor in the Department of Communications. He accepted and joined the Campbell family.

Ensley was promoted to assistant professor in 1990 and twice—1989 and 1999—has won the Dean’s Award for Teaching Excellence. The Student Government Association honored him with the first “Professor of the Year” award in 1993-94, and he was also honored as “Teacher of the Year” by the Omicron Delta Kappa society in June of 1994. That same year, the college yearbook was dedicated to him. In 1987, the college of Journalism at the University of South Carolina awarded him its Excellence in Research Award for his masters thesis.

Ensley’s most dramatic contribution to the University came in 1991 when he created the Department of Mass Communications at the university. As director of the new department, he designed curriculum, taught courses, and established and monitored an internship program.

Hundreds of former students owe Ensley a debt of gratitude for the work he did with them while they were at Campbell. One former student, Dallas Woodhouse, a political reporter for NBC—17 in Raleigh, says he owe his career to the retiring educator.

“Ensley gave his life to his students,” Woodhouse says. “Nights. Weekends. Overnights. He gave it all and never complained. I have never seen someone work so much and so hard. I have never seen someone like Dan Ensley. I only hope I can teach my children his work ethic and his selflessness.”
home, and enteral nutrition is primarily provided to nursing home residents. The rates determined for the second round are to take effect on Oct. 1, 2001, and will remain in effect until Sept. 30, 2002.

GUEST CHAPLAIN, DR. CALVIN TURPIN

HON. SAM FARR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2001

Mr. FARR of California. Mr. Speaker, I am pleased to submit background material on Dr. Calvin Turpin, Dr. Turpin, from my district, offered the prayer to open the House today.

Dr. Calvin C. Turpin of Hallister, CA, is a native of Illinois. He is a retired professor of religion and an administrator from Hardin Simmons University, Abilene, TX.

Dr. Turpin earned a B.A., and M.A. from Baylor University, Waco, TX; An M.A. from Vanderbilt University, Nashville, TN; Bachelor of Divinity; M.R.E. (Master of Religious Education) and a Master of Divinity from Southern Baptist Theological Seminary, Louisville, KY, and a Doctor of Ministry in Theology from Golden Gate Baptist Theological Seminary, Mill Valley, CA.

Dr. Turpin served as Deputy Chief of Chaplains for the Civil Air Patrol. He and his wife Eudell are the parents of a son and daughter. Dr. Turpin served in the Army during World War II and has served as a minister in Southern Baptist Churches in Texas, Kentucky, Tennessee, and California.


REVIVING STEEL

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2001

Mr. KUCINICH. Mr. Speaker, I submit into the RECORD the following editorial from the Plain Dealer, Mar. 11, 2001:

[From the Plain Dealer, Mar. 11, 2001]

REVIVING STEEL

Why is America’s steel industry in such a sorry state?

Poor management, inefficient work rules, runaway imports, outrageous energy costs, low prices, expensive obligations to retirees, skeptical land owners and rapidly changing technology have all played a role. But the collective impact is undeniable: In little more than three years, 16 firms, including Cleveland-Cliffs and LTV Corp., have sought bankruptcy protection. Since those collapsing, profits at even the best-run firms have largely melted into pools of red ink; LTV lost $351 million in the last quarter alone. The mini-mills that once protected America since last spring, profits at even low prices, expensive obligations to retirees, runaway imports, outrageous energy costs, sorry state?

The question is how to give it to them, especially since the world Trade Organization has rejected America’s anti-dumping laws. Perhaps the administration at least could give American producers the “anti-surge” warnings that NAFTA partners Mexico and Canada provide their steelmakers by constantly monitoring imports.

U.S. steelmakers proudly point to billions invested in modernization since the late 1970s. America today makes as much steel with a third as many workers. But shrinking the work force meant early retirement for tens of thousands of employees; LTV’s integrated steel operations, for example, support 12,000 active workers and 72,000 retirees. Many established steel firms thus face enormous legacy costs, mostly for retiree health care, that add an estimated $15 to $20 to the price of each ton. It’s a burden not shared by domestic upstarts or by foreign competitors whose governments pay for health care.

The House bill proposes a surcharge on every ton of steel sold in the United States to help cover retiree health costs. A similar program operates in the coal industry. Spreading the burden of legacy costs might speed the company that many think the steel industry desperately needs. Treasury Secretary Paul O’Neill, who led a troubled aluminum industry back to profitability after a long-range fix for steel probably will require some global reduction in capacity that pushes up prices. Retrenchment may cost some American firms, but their workers and retirees should not be punished in the process.

Finally, steel may be on the verge of technological quantum leaps. But they won’t be cheap, and almost as vulnerable as the dinosaurs in this historically cyclical industry.

Since steel is an economic and military necessity, let us see whether this industry can innovate and compete in the 21st century. The Bush administration is said to be studying how best to assist steel. And a bipartisan group in the House of Representatives has offered a bill to identify the industry’s No. 1 problem and lend it broad support. The administration may have to help cover retiree health care, and/or help cover retiree health care, and/or help make Steel Corporation (LTV) an alternative lender to take another look at steel.
INTRODUCTION OF YOUNG AMERICAN WORKERS’ BILL OF RIGHTS ACT—H.R. 961

HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 14, 2001

Mr. LANTOS. Mr. Speaker, last week, with the support of 48 of our colleagues, I introduced comprehensive domestic child labor law reform—H.R. 961, The Young American Workers’ Bill of Rights Act. This much-needed legislation will provide greater protection for American children in the workplace. The unfortunate exploitation of child labor in America is not a thing of the past. It is a problem that continues to threaten the welfare and education of millions of American young people. Unless we swiftly enact this important legislation, children will continue to be employed in jobs that place their lives in danger, and students will continue to struggle with the competing interests of holding a job and gaining an education at a time when education should be “priority number one”. I urge my colleagues to join me in supporting this important legislation.

The exploitation of child labor is a national problem that continues to jeopardize the health, education and lives of many of our nation’s children and teenagers. In farm fields and in fast-food restaurants all over this country, employers are breaking the law by hiring under-age children. Many of these youth put in long, hard hours and often work under dangerous conditions. Our legislation seeks to eliminate the all-too-common exploitation of children—working long hours late into the night while school is in session, and working under hazardous conditions.

Mr. Speaker, I am saddened to report that in this country, a young person is killed on the job every five days. Every 40 seconds a child is injured on the job. It is appalling to learn that the occupational injury rate for children and teens is more than twice as high than it is for adults. These statistics are a national disgrace. It is unacceptable for a civilized, advanced society such as ours to have our children injured and killed on the job.

Mr. Speaker, The Young American Workers’ Bill of Rights Act would establish new, tougher penalties for willful violations of child labor laws that result in the death or serious bodily injury to a child. Not only does the bill increase fines and prison sentences for willful violation of our laws, but it will also assure that the names of child labor law violators are published. Nothing will deter corporate giants more than a bad publicity. Negative publicity is one of the most effective tools we have to change corporate behavior.

While people often associate the evils of child labor with Third World countries, American children and teenagers are also exploited on the job. Our economy has changed significantly since the days when teenagers held after school jobs at the “Mom and Pop” grocery store or soda shop on the corner. In today’s low unemployment economy, teenagers are hired to fill-in or replace jobs previously held by adults in full-time positions. They work in franchise fast food restaurants and national supermarket chains.

Many high-school students are working 30 to 40 hours a week, and they often work well past midnight. Research shows that long hours on the job take away time needed for schoolwork or family and extracurricular activities. The Young American Workers’ Bill of Rights Act sets limits on the amount of time students can work during the school year. This is important Mr. Speaker, because studies show that the longer a student works during the school year, the more likely they are to do poorly academically. Studies have also shown that children who work long hours also tend to use more alcohol and drugs.

Mr. Speaker, The Young American Workers’ Bill of Rights Act will reduce the problem of children working long hours when school is in session, and it strengthens existing limitations on the number of hours children under 18 years of age can work on school days. The bill would eliminate all youth labor before school. After-school work would be limited to 15 or 20 hours per week, depending on the age of the child. Additionally our legislation will require better record keeping and reporting of child labor violations. It also prohibits minors from operating or cleaning certain types of dangerous equipment, and prohibits children from working under certain particularly hazardous conditions.

Children working early in the morning before school or working late into the evening on days when school is in session is a serious problem in our country. Recently, I met with students from Aragon High School of San Mateo, California, in my Congressional district. After talking about The Young American Workers’ Bill of Rights Act to these students, who were visiting our nation’s capitol, the students spoke about concerns about being required to work past 11 or later on school nights. Every one of these students spoke in favor of enacting The Young American Workers’ Bill of Rights Act.

Mr. Speaker, our legislation also increases protection for children under the age of 14 who are migrant or seasonal workers in agriculture. Current labor laws allow children—even those under 10 years of age—to be employed in agriculture. Child farm laborers can work unlimited hours before and after school, and they are not even eligible for overtime pay. At the age of 14, or even earlier, children working in agriculture are using knives and machetes, operate dangerous machinery, and are exposed to dangerous toxic pesticides. In no other industry in this nation are children so exploited as they are in agriculture. These are not children working on family farms, these are children working for agribusiness, these are children exploited by agribusiness.

I want to make it adamantly clear that as supporters of child labor reform we do not oppose children working on family farms, but firmly believe that children must be taught the value of work. They need to learn the important lessons of responsibility, and they need to enjoy the rewards of work. It is not our aim to discourage employers from hiring young people. Rather, our goal is to ensure that the job opportunities available to young people are meaningful, safe and healthy and do not interfere with their important school responsibilities.

Mr. Speaker, let me state unequivocally that we do not oppose children taking on after-school employment. What we oppose are the exploitative and dangerous conditions that are common in our communities. We oppose the negative effects on academic achievement that result when children work excessive hours while school is in session. A solid education—not after-school employment—is the key to a successful future.

I ask my colleagues on both sides of the aisle to join me in cosponsoring The Young American Workers’ Bill of Rights Act. I urge swift enactment of meaningful child labor law reform legislation during this Congress.

KANE HONORED FOR 47 YEARS IN EDUCATION

HON. PAUL E. KANJORSKI
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 14, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to my very good friend, Anthony Kane of Sugar Notch, Pennsylvania, who is being honored with a testimonial dinner on March 17 by the Luzerne County Coordinating Council and the Northern Region of the Pennsylvania State Education Association for his 47 years of hard work in the field of education.

Tony was born in Sugar Notch, graduated from Sugar Notch High School and went on to continue his education at Wilkes College, Bucknell University and New York University. He obtained his master’s degree in music education from Ithaca College.

Tony started teaching in 1954, choosing to work at the Old Edwardsville School district because the pay was, as he put it, “a little better” than elsewhere: $2,400 a year, the equivalent of just $15,622 today.

From that humble beginning, Tony has become a singularly important force in elevating the wages and working conditions of teachers in the region and all of Pennsylvania to a level that recognizes their education, dedication and the importance of the duty with which we entrusted them, that of preparing our children for the future.

The right to collective bargaining has been crucial to raising the standard of living for teachers in Pennsylvania. In addition to advocating for the improved wages and benefits, Pennsylvania teachers have also used their voice to secure more educational options for students.

Mr. Speaker, Tony has been a leader in all those efforts. In 1969, his fellow teachers recognized his abilities as a labor leader and elected him president of the Wyoming Valley West Education Association. He has served in that post ever since, and in 1981, he was elected to the Pennsylvania State Education Association’s political action committee. He has chaired numerous state and local task forces and committees.

Tony’s dedication to the labor movement and improving the standard of living for his colleagues also carried over into his career as an accomplished accordion player. He became secretary of the American Federation of Musicians, Local 140, in 1962, another post he still holds. One of his accomplishments for his fellow musicians was securing a pension plan for the Northeast Philharmonic Orchestra.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the hard work and distinguished career of Anthony Kane, and I join his many friends in wishing him and his wife, Sarah, well.
SECURITY AT THE NATIONAL LABORATORIES: A PROBLEM DEMANDING A REMEDY

HON. DOUG BEREUTER
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 14, 2001

Mr. BEREUTER. Mr. Speaker, this Member rises to call attention to the continuing threat to U.S. national security posed by lax security standards at our national weapons laboratories. As we have learned in recent years, lax security at our Department of Energy national weapons laboratories has resulted in the loss of some of this nation’s most important secrets. This Member had the honor to serve on the select committee tasked with investigating the loss of highly sensitive, classified program technology to the People’s Republic of China (the Cox Committee), and can testify that security at our national weapons laboratories had been dangerously compromised. Other investigations have come to similar conclusions.

Mr. Speaker, the issues at stake are too important to ignore. This Member urges President Bush to ensure that proper security becomes a priority at Federally funded institutions, such as the national weapons laboratories, which perform classified work. This Member commends to his colleagues an editorial in the February 24, 2001, edition of the Omaha World-Herald. As the editorial notes, “George W. Bush campaigned last year on a pledge that he would make the security of the nation’s nuclear labs a priority. In the wake of these ongoing embarrassments, it is essential that his Department of Energy deliver on that promise.”

NUCLEAR SECURITY PARTICULARLY URGENT

One of the Clinton administration’s greatest failures was the Department of Energy’s bumbling efforts to maintain security at the nation’s nuclear weapons labs. Last year, after embarrassing security breaches exposed the department’s Keystone Kops approach to security, then-Energy Secretary Bill Richardson said his department had finally set things right. Yet, according to a new press report, in his final days in office, Richardson suspended those security measures pending a review, saying they had harmed morale. Richardson’s action was ill-considered and exasperating. If scientists lack the professionalism to accept the security requirements necessary to safeguard the nation’s pre-eminent nuclear research labs, those researchers should seek employment elsewhere.

This situation did not come about overnight. For many years, well preceding Clinton, scientists at Los Alamos and other labs tended to display an inappropriate elitist attitude, acting as if they were above the common-sense, if inconvenient, security protocols routinely required of everyone else in the defense establishment. The situation worsened during the Clinton administration as top administrative slots at energy were filled by appointees who exhibited far more enthusiasm for “progressive” endeavors such as unsealing classified documents about past radiation-exposure scandals than in something as passe as buttressing weapons-lab security.

Last week, the chairman of a commission charged with overseeing security at the nuclear labs described ongoing problems. There is “dissonance within the system,” he said, and “security people are not talking to scientists.” Those are astounding admissions. Even at this late date, after all the scandals and exposes and reviews, the security arrangements for the weapons labs are still in a shambles?

George W. Bush campaigned last year on a pledge that he would make the security of the nation’s nuclear labs a priority. In the wake of these ongoing embarrassments, it is essential that his Department of Energy deliver on that promise.
SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 15, 2001 may be found in the Daily Digest of today’s Record.

MEETINGS SCHEDULED

**MARCH 19**

<table>
<thead>
<tr>
<th>Time</th>
<th>Committee</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>1 p.m.</td>
<td>Banking, Housing, and Urban Affairs</td>
<td>Housing and Transportation Subcommittee To hold hearings to examine the current state of Department of Housing and Urban Development’s Federal Housing Administration Insurance Fund. SD-538</td>
</tr>
<tr>
<td>2:30 p.m.</td>
<td>Armed Services</td>
<td>Strategic Subcommittee To hold hearings to examine the fiscal year 2000 report to assess the reliability, safety, and security of the United States nuclear stockpile. SR-222</td>
</tr>
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**MARCH 20**

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<thead>
<tr>
<th>Time</th>
<th>Committee</th>
<th>Description</th>
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<tbody>
<tr>
<td>9:30 a.m.</td>
<td>Armed Services</td>
<td>Readiness and Management Support Subcommittee To hold hearings to examine the readiness impact of range encroachment issues, including endangered species and critical habitats; sustainment of the maritime environment; airspace management; urban sprawl; air pollution; unexploded ordinance; and noise. SR-232A</td>
</tr>
<tr>
<td>10:30 a.m.</td>
<td>Foreign Relations</td>
<td>To hold hearings on the nomination of Marc Isaiah Grossman, of Virginia, to be Under Secretary of State (Political Affairs). SD-419</td>
</tr>
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**MARCH 21**

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<thead>
<tr>
<th>Time</th>
<th>Committee</th>
<th>Description</th>
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<tbody>
<tr>
<td>9 a.m.</td>
<td>Environment and Public Works</td>
<td>Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee To hold hearings on harmonizing the Clean Air Act with our nation’s energy policy. SD-406</td>
</tr>
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**MARCH 22**

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<tr>
<th>Time</th>
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<tbody>
<tr>
<td>9 a.m.</td>
<td>Agriculture, Nutrition, and Forestry</td>
<td>To hold hearings to review the Food Safety and Inspection Service, Department of Agriculture. SH-216</td>
</tr>
<tr>
<td>10 a.m.</td>
<td>Veterans Affairs</td>
<td>To hold joint hearings with the House Committee on Veterans’ Affairs to examine the legislative recommendations of the AMVETS, American Ex-Prisoners of War, Vietnam Veterans of America, Retired Officers Association, and the National Association of State Directors of Veterans Affairs. 345 Cannon Building SD-419</td>
</tr>
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**MARCH 23**

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<tr>
<th>Time</th>
<th>Committee</th>
<th>Description</th>
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<tbody>
<tr>
<td>2:30 p.m.</td>
<td>Energy and Natural Resources</td>
<td>To hold oversight hearings on Energy and Natural Resources’s implementation of management policies and procedures to comply with the provisions of Title IV of the National Parks Omnibus Management Act of 1998. SD-419</td>
</tr>
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**MARCH 24**

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<th>Time</th>
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<th>Description</th>
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<tbody>
<tr>
<td>2:30 p.m.</td>
<td>Energy and Natural Resources</td>
<td>To hold oversight hearings on the implementation of the Administration’s National Fire Plan. SD-124</td>
</tr>
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**MARCH 25**

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<thead>
<tr>
<th>Time</th>
<th>Committee</th>
<th>Description</th>
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<tbody>
<tr>
<td>10 a.m.</td>
<td>Appropriations</td>
<td>Energy and Water Development Subcommittee To hold hearings on proposed budget estimates for fiscal year 2002 for the Bureau of Reclamation, of the Department of the Interior, and Army Corps of Engineers. SD-124</td>
</tr>
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**MARCH 26**

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<th>Time</th>
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<tbody>
<tr>
<td>10 a.m.</td>
<td>Appropriations</td>
<td>Energy and Water Development Subcommittee To hold hearings on proposed budget estimates for fiscal year 2002 for the National Nuclear Security Administration, Department of Energy. SD-124</td>
</tr>
</tbody>
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**MARCH 27**

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<tr>
<th>Time</th>
<th>Committee</th>
<th>Description</th>
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<tbody>
<tr>
<td>10 a.m.</td>
<td>Appropriations</td>
<td>Energy and Water Development Subcommittee To hold hearings on proposed budget estimates for fiscal year 2002 for certain Department of Energy programs relating to Energy Efficiency Renewable Energy, science, and nuclear issues. SD-124</td>
</tr>
</tbody>
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**MAY 1**

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<tr>
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<tbody>
<tr>
<td>10 a.m.</td>
<td>Appropriations</td>
<td>Energy and Water Development Subcommittee To hold hearings on proposed budget estimates for fiscal year 2002 for Department of Energy environmental management and the Office of Civilian Radio Active Waste Management. SD-124</td>
</tr>
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**MAY 3**

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<tr>
<td>10 a.m.</td>
<td>Appropriations</td>
<td>Energy and Water Development Subcommittee To hold hearings on proposed budget estimates for fiscal year 2002 for Department of Energy environmental management and the Office of Civilian Radio Active Waste Management. SD-124</td>
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**MAY 8**

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<tr>
<td>10 a.m.</td>
<td>Appropriations</td>
<td>Energy and Water Development Subcommittee To hold hearings on proposed budget estimates for fiscal year 2002 for Department of Energy environmental management and the Office of Civilian Radio Active Waste Management. SD-124</td>
</tr>
</tbody>
</table>
POSTPONEMENTS

MARCH 16
9:30 a.m.
Finance
To hold hearings to examine issues relating to international trade and the American economy.
SD-215

MARCH 27
10:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold oversight hearings on issues relating to Yucca Mountain.
SD-124

APRIL 3
10 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold oversight hearings to examine issues surrounding nuclear power.
SD-124
Chamber Action

Routine Proceedings, pages S2269–S2321

Measures Introduced: Eleven bills and one resolution were introduced, as follows: S. 527–537, and S. Res. 60. Pages S2305–06

Measures Reported:

S. 143, to amend the Securities Act of 1933 and the Securities Exchange Act of 1934, to reduce securities fees in excess of those required to fund the operations of the Securities and Exchange Commission, to adjust compensation provisions for employees of the Commission, with an amendment in the nature of a substitute. (S. Rept. No. 107–3) Page S2305

Bankruptcy Reform: Senate continued consideration of S. 420, to amend title 11, United States Code, taking action on the following amendments proposed thereto:

Adopted:

Carnahan Amendment No. 40, to ensure additional expenses associated with home energy costs are included in the debtor’s monthly expenses. Pages S2273–97, S2299–S2300

Rejected:

Wyden Amendment No. 78, to provide for the nondischargeability of debts arising from the exchange of electric energy. (By 67 yeas to 30 nays, 1 responding present (Vote No. 26), Senate tabled the amendment.) Pages S2273–76

Smith (OR)/Wyden Amendment No. 95 (to Amendment No. 78), of a perfecting nature. (Amendment No. 95 fell when Amendment No. 78 (listed above) was tabled.) Pages S2273, S2275

Reid (for Durbin) Amendment No. 93, in the nature of a substitute. (By 64 yeas to 35 nays, 1 responding present (Vote No. 27), Senate tabled the amendment.) Pages S2273, S2293–95

Wellstone Modified Amendment No. 36, to disallow certain claims and prohibit coercive debt collection practices. (By 58 yeas to 41 nays, 1 responding present (Vote No. 28), Senate tabled the amendment.) Pages S2273, S2295–96

Withdrawn:

Wellstone Amendment No. 37, to provide that imports of semifinished steel slabs shall be considered to be articles like or directly competitive with taconite pellets for purposes of determining the eligibility of certain workers for trade adjustment assistance under the Trade Act of 1974. Pages S2273, S2284–85

Hatch Amendment No. 96 (to Amendment No. 93), of a perfecting nature. Pages S2288–90

Pending:

Leahy Amendment No. 20, to resolve an ambiguity relating to the definition of current monthly income. Pages S2273

Wellstone Amendment No. 35, to clarify the duties of a debtor who is the plan administrator of an employee benefit plan. Page S2273

Kennedy Amendment No. 38, to allow for reasonable medical expenses. Page S2273

Collins Amendment No. 16, to provide family fishermen with the same kind of protections and terms as granted to family farmers under chapter 12 of the bankruptcy laws. Page S2273

Leahy Modified Amendment No. 41, to protect the identity of minor children in bankruptcy proceedings. Pages S2273, S2299

Reid (for Breaux) Amendment No. 94, to provide for the reissuance of a rule relating to ergonomics. Pages S2273

Reid (for Leahy) Amendment No. 19, to provide for the reissuance of a rule relating to ergonomics. Pages S2279, S2297

During consideration of this measure today, Senate also took the following action:

By 80 yeas to 19 nays, 1 responding present (Vote No. 29), three-fifths of those Senators duly chosen and sworn having voted in the affirmative, Senate agreed to close further debate on the bill. Pages S2296–97

Leahy Amendment No. 20 (listed above) was modified and then later the modification was vitiated. Page S2299

A unanimous-consent agreement was reached providing for votes to occur on Reid (for Leahy) Amendment No. 19 and Leahy Modified Amendment No. 41 (both listed above), beginning at 12 noon, on Thursday, March 15, 2001. Page S2299

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30
a.m. on Thursday, March 15, 2001, with Senator Wellstone being recognized to offer certain amendments to be proposed thereto. Further, at 10:30 a.m., Senator Kohl will be recognized to offer an amendment relating to the Homestead provision, with a vote to occur thereon. Pages S2299–S2300

Appointments:

Congressional-Executive Commission on the People’s Republic of China: The Chair, on behalf of the President of the Senate, and after consultation with the Democratic Leader, pursuant to Public Law 106–286, appointed Senators Baucus, Levin, Feinstein, and Dorgan to serve on the Congressional-Executive Commission on the People’s Republic of China. Page S2321

Executive Communications:

Messages From the House:

Measures Referred:

Statements on Introduced Bills:

Additional Cosponsors:

Amendments Submitted:

Additional Statements:

Notices of Hearings:

Authority for Committees:

Record Votes: Four record votes were taken today. (Total—29) Pages S2276, S2295–97

Adjournment: Senate met at 9:30 a.m., and adjourned at 6:07 p.m., until 9:30 a.m., on Thursday, March 15, 2001. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S2321.)

Committee Meetings

(Committees not listed did not meet)

INTELLIGENCE PROGRAMS

Committee on Appropriations: Subcommittee on Defense concluded closed hearings to review intelligence programs, after receiving testimony from George J. Tenet, Director, Central Intelligence Agency; Keith Hall, Director, National Reconnaissance Office; and Gen. Michael Hayden, Director, National Security Agency, and Vice Adm. Thomas Wilson, Director, Defense Intelligence Agency, both of the Department of Defense.

PRESIDENT’S BUDGET PROPOSAL

Committee on the Budget: Committee concluded hearings to examine the President’s proposed budget request for fiscal year 2002, after receiving testimony from Colin L. Powell, Secretary of State.

INTERNET TAX MORATORIUM

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine whether to extend the Internet Tax Freedom Act’s moratorium on the ability of state or local governments to impose new sales taxes on Internet access services, or to impose new taxes on electronic commerce allowing states to require all remote sellers to collect and remit sales taxes on deliveries into that state, after receiving testimony from Wyoming Governor Jim Geringer, Cheyenne, on behalf of the National Governors Association; Massachusetts Lt. Governor Jane Swift, Boston; Elizabeth Harchenko, Oregon Department of Revenue, Salem, on behalf of the Multistate Tax Commission; Frank G. Julian, Federated Department Stores, Inc., Cincinnati, Ohio, on behalf of the Internet Tax Fairness Coalition; Peter Lowy, Westfield America, Los Angeles, California, on behalf of the e-Fairness Coalition; Robert D. Comfort, Amazon.com, Seattle, Washington; and Jeff Dircksen, National Taxpayers Union, Alexandria, Virginia.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee approved their fiscal year 2002 budgetary views and estimates on programs which fall within the jurisdiction of the committee and agreed on recommendations it will make thereon to the Committee on the Budget.

CHARITABLE GIVING TAX RELIEF

Committee on Finance: Committee resumed hearings on the President’s tax proposals to provide tax relief to working families, focusing on proposals to expand federal tax incentives for charitable giving, including S. 35, to provide relief to America’s working families and to promote continued economic growth by returning a portion of the tax surplus to those who created it, S. 57, to provide for a charitable deduction for contributions of food inventory, S. 205, to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes, S. 298, to amend the Internal Revenue Code of 1986 to allow non-itemizers a deduction for a portion of their charitable contributions, S. 312, to provide tax relief for farmers and fishermen, and S. 393, to amend the Internal Revenue Code of 1986 to encourage charitable contributions to public charities for use in medical research, receiving testimony from Senator Lugar; Rev. Floyd H. Flake, Allen Episcopal Methodist Church, Jamaica, New York; Douglas O’Brien, America’s Second Harvest, Chicago, Illinois; Mary Sue Coleman, University of Iowa, Iowa City; and C. Eugene Steuerle, Urban Institute, John P. Walters, Philanthropy Roundtable, and Donald C.
Alexander, former Internal Revenue Service Commissioner, all of Washington, D.C.

Hearings recessed subject to call.

**DRUG TREATMENT, EDUCATION AND PREVENTION**

*Committee on the Judiciary:* Committee held hearings on proposed legislation to reduce illegal drug use and trafficking and to help provide appropriate drug education, prevention, and treatment programs, receiving testimony from Donnie R. Marshall, Administrator, Drug Enforcement Administration, and Paul M. Warner, United States Attorney for the District Court of Utah, Salt Lake City, both of the Department of Justice; Alan I. Leshner, Director, National Institute on Drug Abuse, Department of Health and Human Services; Robert DuPont, Institute for Behavior and Health, Inc., Washington, D.C., former White House Drug Czar; A. James Walton, Jr., Vermont State Department of Public Safety, Waterbury; Edyie Hewitt, East Wallingford, Vermont, on behalf of the Vermont Federation of Families for Children’s Mental Health; Carroll O’Connor, Los Angeles, California; and Debra Walcott, Lake Ronkonkoma, New York.

Hearings recessed subject to call.

**ELECTION REFORM**

*Committee on Rules and Administration:* Committee held hearings on election reform issues, including voter registration, ballot casting, voting equipment, election administration, and issues related to the 2000 election, receiving testimony from James Gashel, National Federation for the Blind, Baltimore, Maryland; R. Doug Lewis, The Election Center, Houston, Texas; Todd F. Gaziano, Heritage Foundation, Hillary O. Shelton, National Association for the Advancement of Colored People, John Samples, Cato Institute, Robert R. Williams, United Cerebral Palsy Associations, Inc., and Richard Trumka, AFL-CIO, all of Washington, D.C.; Juan A. Figueroa, Puerto Rican Legal Defense and Education Fund, Inc., New York, New York; Deborah M. Phillips, Voting Integrity Project, Arlington, Virginia; and Stephen Knack, Bethesda, Maryland.

Hearings recessed subject to call.

**BUSINESS MEETING**

*Committee on Indian Affairs:* Committee approved their fiscal year 2002 budgetary views and estimates on programs which fall within the jurisdiction of the committee and agreed on recommendations it will make thereon to the Committee on the Budget.

**NATIVE AMERICAN EDUCATION IMPROVEMENT**

*Committee on Indian Affairs:* Committee concluded hearings on S. 211, to amend the Education Amendments of 1978 and the Tribally Controlled Schools Act of 1988 to improve education for Indians, Native Hawaiians, and Alaskan Natives, after receiving testimony from William Mehojah, Director, Office of Indian Education Programs, Department of the Interior; Roger Bordeaux, Tiospa Zina Tribal School, Agency Village, South Dakota, on behalf of the Association of Community Tribal Schools; Angela Barney Nez, Navajo Area School Board Association, and Lorena Zah Behe, Association of Navajo Community Controlled School Boards, both of Window Rock, Arizona; and John W. Cheek, National Indian Education Association, Alexandria, Virginia.

**INTELLIGENCE**

*Select Committee on Intelligence:* Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee will meet again Wednesday, March 21.

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**House of Representatives**

**Chamber Action**

**Bills Introduced:** 26 public bills, H.R. 8, 10, 1013–1036; and 5 resolutions, H. Con. Res. 62–63, and H. Res. 88–90, were introduced. Pages H926–29

**Reports Filed:** Reports were filed today as follows:

H. Res. 89, providing for consideration of H.R. 327, to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses (H. Rept. 107–22). Page H926

**Guest Chaplain:** The prayer was offered by the guest Chaplain, Dr. Calvin C. Turpin of Hollister, California, National Chaplain of the American Legion. Page H881
Committee Election: The House agreed to H. Res. 88, electing Members to the Committee on Agriculture: to rank immediately after Mr. Phelps of Illinois, Mr. Lucas of Kentucky; to rank immediately after Mr. Acevedo-Vilá of Puerto Rico, Mr. Kind of Wisconsin and Mr. Shows of Mississippi. And, to the Committee on the Budget: Mr. Matheson of Utah.  

Suspensions: The House agreed to suspend the rules and pass the following measures: 

Made in America Information Toll Free Number: H.R. 725, amended, to establish a toll free number under the Federal Trade Commission to assist consumers in determining if products are American-made (passed by a yea and nay vote of 407 yeas to 3 nays, Roll No. 48);  

Marjory Williams Scrivens Post Office in Miami, Florida: H.R. 364, to designate the facility of the United States Postal Service located at 5927 Southwest 70th Street in Miami, Florida, as the “Marjory Williams Scrivens Post Office;”  

Joe Trogdon Post Office Building in Asheboro, North Carolina: H.R. 821, to designate the facility of the United States Postal Service located at 1030 South Church Street in Asheboro, North Carolina, as the “W. Joe Trogdon Post Office Building;”  

Antitrust Technical Corrections: H.R. 809, to make technical corrections to various antitrust laws and to references to such laws;  

Madrid Protocol Implementation: H.R. 741, to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions;  

Multidistrict, Multiparty, Multiforum Trial Jurisdiction: H.R. 860, to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and to provide for Federal jurisdiction of certain multiparty, multiforum civil actions;  

Intellectual Property and High Technology Technical Amendments: S. 320, amended, to make technical corrections in patent, copyright, and trademark laws; and  

Vacating Arbitration Award Technical Amendments: H.R. 861, to make technical amendments to section 10 of title 9, United States Code (passed by a yea and nay vote of 413 yeas with none voting “nay”, Roll No. 49).  

Japan-United States Friendship Commission: The Chair announced the Speaker’s appointment of Representative McDermott to the Japan-United States Friendship Commission.  

Committee Election: The House agreed to H. Res. 90, electing Mrs. Jones of Ohio to the Committee on Standards of Official Conduct.  

Quorum Calls—Votes: Two yea and nay votes developed during the proceedings of the House today and appear on pages H902–03 and H903. There were no quorum calls.  

Adjournment: The House met at 10 a.m. and adjourned at 3:45 p.m. 

Committee Meetings  
FEDERAL FARM COMMODITY PROGRAMS  
Committee on Agriculture: Continued hearings on federal farm commodity programs, with the National Farmers Union. Testimony was heard from Leland Swenson, President, National Farmers Union. 

Hearings continue tomorrow.  

AGRICULTURE APPROPRIATIONS  
Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug and Related Agencies held a hearing on Inspector General, USDA. Testimony was heard from Roger C. Viadero, Inspector General, USDA.  

DEFENSE APPROPRIATIONS  
Committee on Appropriations: Subcommittee on Defense met in executive session to hold a hearing on U.S. European Command. Testimony was heard from Gen. Joseph W. Ralston, USAF, Commander in Chief, European Command, Department of Defense. 

The Subcommittee also met in executive session to hold a hearing on U.S. Space Command. Testimony was heard from Gen. Ralph Eberhart, USAF, Commander in Chief, U.S. Space Command and North American Aerospace Command, Department of Defense.  

LABOR, HHS, AND EDUCATION APPROPRIATIONS  
Committee on Appropriations: Subcommittee on Labor, Health and Human Services and Education continued appropriation hearings. Testimony was heard from public witnesses. 

Hearings continue tomorrow.  

MILITARY CONSTRUCTION APPROPRIATIONS  
Committee on Appropriations: Subcommittee on Military Construction held a hearing on European Military Construction. Testimony was heard from Gen.
Joseph W. Ralston, USAF, Commander in Chief, European Command, Department of Defense.

TRANSPORTATION APPROPRIATIONS
Committee on Appropriations: Subcommittee on Transportation continued appropriation hearings. Testimony was heard from Members of Congress.

TRICARE BENEFITS IMPLEMENTATION
Committee on Armed Services: Subcommittee on Military Personnel held a hearing on implementation of TRICARE benefits for Medicare-eligible military retirees. Testimony was heard from the following officials of the Department of Defense: Rear Adm. Jarrett Clinton, USN, Acting Assistant Secretary (Health Affairs); James Sears, Director, TRICARE Management Activity; and Kenneth C. Scheflen, Director, Defense Manpower Data Center; Elizabeth Cusick, Acting Executive Associate Administrator, Health Care Financing Administration, Department of Health and Human Services; and public witnesses.

USDA BUDGET PRIORITIES
Committee on the Budget: Held a hearing on the Department of Agriculture Budget Priorities for Fiscal Year 2002. Testimony was heard from Representative Stenholm; Ann M. Veneman, Secretary of Agriculture; and a public witness.

EMPOWERING SUCCESS: FLEXIBILITY AND SCHOOL CHOICE
Committee on Education and the Workforce: Subcommittee on Education Reform held a hearing on Empowering Success: Flexibility and School Choice. Testimony was heard from Lisa Graham Keegan, Superintendent of Public Instruction, Department of Education, State of Arizona; Spence Korte, Superintendent, Public Schools, Milwaukee, Wisconsin; and public witnesses.

OVERSIGHT—NATIONAL ENERGY POLICY: COAL
Committee on Energy and Commerce: Subcommittee on Energy and Air Quality held an oversight hearing on National Energy Policy: Coal. Testimony was heard from Mary Hutzler, Director, Office of Integrated Analysis and Forecasting, Energy Information Agency, Department of Energy; Billy Jack Gregg, Director, Consumer Advocate Division, Public Service Commission, State of West Virginia; Edwin Pinero, Director, Program Operations, Office of Pollution and Compliance, Department of Environmental Protection, State of Pennsylvania.

PUBLIC ACCESS TO STOCK MARKET DATA
Committee on Financial Services: Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises held a hearing on Public Access to Stock Market Data-Improving Transparency and Competition. Testimony was heard from public witnesses.

CONFRONTING LIBERIA
Committee on International Relations: Subcommittee on Africa held a hearing on Confronting Liberia. Testimony was heard from Senator Feingold; and public witnesses.

EL SALVADOR EARTHQUAKES; PERU—PROSPECTS FOR FREE AND FAIR ELECTIONS
Committee on International Relations: Subcommittee on Western Hemisphere approved for full committee action H. Con. Res. 41, expressing sympathy for the victims of the devastating earthquakes that struck El Salvador on January 13, and February 13, 2001, and supporting ongoing aid efforts.

The Subcommittee also held a hearing on Prospects for Free and Fair Elections in Peru. Testimony was heard from Ambassador Luis Lauredo, OAS, Department of State; Susan Westin, Managing Director, International Affairs and Trade, GAO; and a public witness.

PRIVATE IMMIGRATION AND PRIVATE CLAIMS BILLS
Committee on the Judiciary: Subcommittee on Immigration and Claims approved for full Committee action a private claims bill.

Prior to this action, the Subcommittee adopted Rules of Procedure for private immigration bills and private claims bills and policy on Federal Charters.

SMALL BUSINESS PAPERWORK RELIEF ACT; BUDGET VIEWS AND ESTIMATES
Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 327, Small Business Paperwork Relief Act. The rule provides that it shall be in order to consider as an original bill for the purpose of amendment the amendment in the nature of a substitute printed in the Congressional Record and numbered 1. The rule provides that the amendment in the nature of a substitute shall be open for amendment by section. The rule allows the Chairman of the Committee of the Whole to accord priority in recognition to Members who have preprinted their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Burton and Representatives Ose and Tierney.

The Committee adopted Budget Views and Estimates for Fiscal Year 2002 for submission to the Committee on the Budget.
CLIMATE CHANGE

Committee on Science: Held a hearing entitled: “Climate Change: The State of the Science.” Testimony was heard from Daniel Albritton, Director, Aeronautics Laboratory, NOAA, Department of Commerce; and public witnesses.

BUDGET VIEWS AND ESTIMATES

Committee on Small Business: Approved Committee Budget Views and Estimates for Fiscal Year 2002 for submission to the Committee on the Budget.

AIR TRAFFIC CONTROL SYSTEM—MODERNIZATION

Committee on Transportation and Infrastructure, Subcommittee on Aviation held a hearing on the FAA’s efforts to modernize the Air Traffic Control system, focusing on the Standard Terminal Automation Replacement System (STARS). Testimony was heard from the following officials of the Department of Transportation: Kenneth M. Mead, Inspector General; and Steven Zaidman, Associate Administrator, Research and Acquisitions, FAA; and public witnesses.

ADMINISTRATION’S HEALTH AND WELFARE PRIORITIES; BUDGET VIEWS AND ESTIMATES

Committee on Ways and Means: Held a hearing on the Administration’s Health and Welfare Priorities. Testimony was heard from Tommy G. Thompson, Secretary of Health and Human Services.

Prior to this action, the Committee approved Committee Budget Views and Estimates for Fiscal Year 2002 for submission to the Committee on the Budget.

BRIEFING—COVERT ACTION CAPABILITIES

Permanent Select Committee on Intelligence, Subcommittee on International Policy and National Security and the Subcommittee on Human Intelligence, Analysis and Counterintelligence, met in executive session to hold a joint briefing on Covert Action Capabilities. The Subcommittees were briefed by departmental witnesses.

Joint Meetings

WILDFIRE PROGRAM

Joint Hearing: Senate Appropriations’ Subcommittee on the Interior concluded joint hearings with the House Committee on Appropriations’ Subcommittee on the Interior on issues dealing with the wildfire program, after receiving testimony from Lyle Laverty, Associate Deputy Chief/National Fire Plan Coordinator, Forest Service, Department of Agriculture; Tim Hartzell, Director, Office of Wildland and Fire Coordination, Department of the Interior; and James Hubbard, Colorado State Forest Service, Fort Collins, on behalf of the Western Governors Association.

VETERANS PROGRAMS

Joint Hearing: Senate Committee on Veterans’ Affairs concluded joint hearings with the House Committee on Veterans’ Affairs to examine the legislative recommendations of the Disabled American Veterans, after receiving testimony from Armando C. Albarran, Disabled American Veterans, Washington, D.C., who was accompanied by several of his associates.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D136)

H.R. 559, to designate the United States courthouse located at 1 Courthouse Way in Boston, Massachusetts, as the “John Joseph Moakley United States Courthouse”. Signed March 13, 2001. (Public Law 107–2)

S. 279, affecting the representation of the majority and minority membership of the Senate Members of the Joint Economic Committee. Signed March 13, 2001. (Public Law 107–3)

COMMITTEE MEETINGS FOR THURSDAY, MARCH 15, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Transportation, to hold oversight hearings on competition and mobility issues in the freight rail industry, 10 a.m., SD–124.

Subcommittee on District of Columbia, to hold hearings on the District of Columbia’s child and family services receivership, 10:30 a.m., SD–192.

Committee on Banking, Housing, and Urban Affairs: business meeting to mark up S. 149, to provide authority to control exports, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: business meeting to consider S. 319, to amend title 49, United States Code, to ensure that air carriers meet their obligations under the Airline Customer Service Agreement, and provide improved passenger service in order to meet public convenience and necessity; S. 361, to establish age limitations for airmen; S. 415, to amend title 49, United States Code, to require that air carriers meet public convenience and necessity requirements by ensuring competitive access by commercial air carriers to major cities; the committee resolution designating Senator Allen as Chairman of the Subcommittee on Science, Technology, and Space; the nomination of Rear Adm. Thad W. Allen, United States Coast Guard to be Commander, Atlantic Area, U.S. Coast Guard, with the grade of Vice Admiral;
and other nominations for promotion in the United States Coast Guard, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings on S. 26, to amend the Department of Energy Authorization Act to authorize the Secretary of Energy to impose interim limitations on the cost of electric energy to protect consumers from unjust and unreasonable prices in the electric energy market; S. 80, to require the Federal Energy Regulatory Commission to order refunds of unjust, unreasonable, unduly discriminatory or preferential rates or charges for electricity, to establish cost-based rates for electricity sold at wholesale in the Western Systems Coordinating Council; and S. 287, to direct the Federal Energy Regulatory Commission to impose cost-of-service based rates on sales by public utilities of electric energy at wholesale in the western energy market, and amendment No. 12 to S. 287, 9 a.m., SH–216.

Committee on Environment and Public Works: Subcommittee on Transportation and Infrastructure, to hold hearings to examine the Army Corps of Engineers management reforms, 9:30 a.m., SD–406.

Committee on Finance: Subcommittee on Taxation and IRS Oversight, to hold hearings to examine the preservation and protection of family business legacies, 10 a.m., SD–215.

Full Committee, to resume hearings on issues relative to living without health insurance focusing on solutions including individual tax credits, employer tax credits, increased flexibility in Medicaid and the State Children’s Health Insurance Program, program expansions, and ways to improve outreach, 2:30 p.m., SD–215.

Committee on Foreign Relations: to hold hearings on the nomination of Richard Lee Armitage, of Virginia, to be Deputy Secretary of State, 10:30 a.m., SD–419.

Subcommittee on European Affairs, to hold hearings to examine certification of the United States assistance to Serbia, 2 p.m., SD–419.

Committee on Governmental Affairs: to hold hearings to examine high performance computer export controls, 9:30 a.m., SD–342.

Committee on the Judiciary: business meeting to consider S. Res. 50, designating March 25, 2001, as “Greek Independence Day: A National Day of Celebration of Greek and American Democracy” and subcommittee organization, Time to be announced, S–216, Capitol.

House

Committee on Agriculture, to consider the following: Committee Budget Views and Estimates for Fiscal Year 2002 for submission to the Committee on the Budget; and other pending Committee business; and to continue hearings on federal farm commodity programs, 9:30 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Defense, executive, on Worldwide Threat, 9:30 a.m., H–405 Capitol, and executive, on U.S. Southern Command, 1:30 p.m., H–140 Capitol.

Subcommittee on Labor, Health and Human Services and Education, on public witnesses, 10 a.m., 2358 Rayburn.

Subcommittee on Military Construction, on Historic Properties, 9:30 a.m., B–300 Rayburn.

Subcommittee on Transportation, on Airline Delays, 10 a.m., 2358 Rayburn.

Committee on the Budget, hearing on Department of State Budget Priorities Fiscal Year 2002, 9:30 a.m., 210 Cannon.

Committee on Education and the Workforce, Subcommittee on 21st Century Competitiveness, hearing on Improving Student Achievement Through Technology, 10 a.m., 2175 Rayburn.


Subcommittee on Telecommunications and the Internet, hearing on Digital Television: A Private Sector Perspective on the Transition, 10 a.m., 2123 Rayburn.

Committee on Government Reform, Subcommittee on National Security, Veterans’ Affairs and International Relations, hearing on Vulnerabilities to Waste, Fraud and Abuse: Inspectors General Views on Defense and National Security Programs, 9 a.m., and on Inspectors General Views on International Relations and Trade Programs, 1 p.m., 2247 Rayburn.

Committee on International Relations, Subcommittee on International Operations and Human Rights, hearing on Human Rights in Northern Ireland: Promises Kept or Promises Broken? 9:30 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, hearing on H.R. 503, Unborn Victims of Violence Act of 2001, 10 a.m., 2237 Rayburn.

Committee on Resources, Subcommittee on Energy and Mineral Resources, oversight hearing on Domestic Natural Gas Supply and Demand: the Contribution to Public Lands and the OCS, 2 p.m., 1334 Longworth.


Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, hearing on Brownfields: Lessons from the Field, 9:30 a.m., 2167 Rayburn.

Committee on Veterans’ Affairs, Subcommittee on Benefits, hearing on the following: H.R. 801, Veterans’ Opportunities Act of 2001; and on VA’s implementation of veterans transitional housing assistance, 9 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Health, to continue hearings on Medicare Reform, 10 a.m., 1100 Longworth.

Subcommittee on Human Resources, hearing on Welfare Reform, 11 a.m., B–318 Rayburn.
Next Meeting of the SENATE
9:30 a.m., Thursday, March 15

Senate Chamber

Program for Thursday: Senate will continue consideration of S. 420, Bankruptcy Reform, with Senator Wellstone being recognized to offer certain amendments. At 10:30 a.m., Senator Kohl will be recognized to offer a certain amendment relating to the Homestead provision, with a vote to occur thereon. Also, votes will occur on Reid (for Leahy) Amendment No. 19 and Leahy Modified Amendment No. 41, beginning at 12 noon.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Thursday, March 15

House Chamber

Program for Thursday: Consideration of H.R. 327, Small Business Paperwork Relief Act (open rule, one hour of debate).

Extensions of Remarks, as inserted in this issue

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