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

DESIGNATION OF THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore laid before the House the following communication from the Speaker:

I hereby appoint the Honorable Charles F. Bass to act as Speaker pro tempore on this day.

J. Dennis Hastert, Speaker of the House of Representatives.

PRAYER
The Reverend Rebecca Hartvigsen, Home of Guiding Hands, Santee, California, offered the following prayer:

Every head bowed, every eye closed. Thank You, God, for being here this morning.
Surround us, remind us, You have fearfully and wonderfully made us all. From the most impaired to the most vigorous, You are not a respecter of persons. You know each by name. You know the numbers of hairs counted on our head. You know our thoughts this moment and at all times.
Please walk among Members of the Congress. Pour out Your anointing of wisdom, knowledge, understanding. Assign each bodyguard of Godliness and integrity. Give all freshness of spirit, renewed faith; brighten their hopes for peace, justice for all. Touch Your servants, Father. Bless them and bless their families.
Bless all who live, love and work in this great Nation.
In His name, Amen.

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

Pursuant to clause 1, rule I, the Journal stands approved.
Mr. STEARNS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker’s approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker’s approval of the Journal.
The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. STEARNS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.
The SPEAKER pro tempore. The question is on the Speaker’s approval of the Journal.

Mr. STEARNS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.
The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.
The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE
The SPEAKER pro tempore. Will the gentleman from New York (Mr. Hinchey) come forward and lead the House in the Pledge of Allegiance.

Mr. HINCHNEY led the Pledge of Allegiance as follows:
I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE
A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 132. An act to designate the facility of the United States Postal Service located at 620 Jacaranda Street in Lanai City, Hawaii, as the “Goro Hokama Post Office Building.”
H.R. 362. An act to designate the facility of the United States Postal Service located at 2205 Minton Road in West Melbourne, Florida, as the “Ronald W. Reagan Post Office of West Melbourne, Florida.”

The message also announced that pursuant to Public Law 101–549, the Chair, on behalf of the Majority Leader, appoints Josephine S. Cooper, of Washington, D.C., to the Board of Directors of the Mickey Leland National Urban Air Toxics Research Center, vice Joseph H. Graziano.

WELCOMING REVEREND REBECCA HARTVIGSEN
(Mr. HUNTER asked and was given permission to address the House for 1 minute.)
Mr. HUNTER. Mr. Speaker, a few days ago we passed a resolution offering our deepest sympathies to the victims of the tragedy at Santana High School in San Diego County. Today offering our prayer is Reverend Rebecca Hartvigsen who participated with what she described as a multitude of spiritual leaders whose counseling of parents and students has started the healing process in east San Diego County.
We offer all those spiritual leaders who have taken on this burden of the heart our warmest thanks.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore. The Chair will entertain 15 one-minutes from each side.

OUT WITH THE OLD, IN WITH THE NEW
(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)
Mr. GIBBONS. Mr. Speaker, the Bush administration has begun to right the wrongs of the past 8 years.
This week, the Department of Interior announced that it would suspend...
mining regulations forced on the public in the waning minutes of the Clinton administration. Known as the 3809 regulations, the Clinton changes would have resulted in the loss of more than 3,000 jobs in Nevada alone and an economic shortfall in that State of up to $350 million. In addition, the regulations would have forced the United States to become just as dependent on foreign-mined metals as we are on foreign-produced oil, the recipe for yet another crisis. And it would have been the American consumer who would have suffered.

Luckily, a new day has dawned and a new administration has arrived. The public can again have faith in their government and know that their views will be heard.

I yield back the last-minute, reckless decisions of the prior administration and welcome the fair, responsible and sensible disposition of the new Bush administration.

INTERNATIONAL CHILD ABDUCTION

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

Mr. LAMPSON. Mr. Speaker, next week the gentleman from Ohio (Mr. CRAHAN) and I will be attending the Fourth Special Commission on The Hague Convention on the Civil Aspects of International Child Abduction. Later this morning we will have the opportunity to vote on a resolution that all contracting parties to The Hague Convention on the Civil Aspects of International Child Abduction to adopt a resolution drafted by the International Center for Missing and Exploited Children that would recommend that the Permanent Bureau of The Hague produce and promote Practice Guides to assist in the implementation and operation of the Convention.

While great strides have been made, we recognize that there are serious shortcomings in its implementation. These Practice Guides, therefore, are necessary.

There will be no parents included from the U.S. on the trip to The Hague. So at this time I would like to let the parents of abducted children, including people like Lady Catherine Meyer, Joseph Cooke, Jim Rinaman, Tom Sylvester, Tom Johnson and others know that I have heard their stories, I have heard their voices, and I will be representing them and their concerns before the 60 contracting parties. Their voices will be heard there.

CONGRATULATING FOUNDERS OF MIAMI’S WOMEN’S PARK AND HISTORY GALLERY

(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, the gentlewoman from Florida (Mrs. MEEK) and I wish to congratulate the founders of Miami Women’s Park and History Gallery:

Mother of the Park and women’s rights pioneer, Roxcy O’Neal Bolton; chair of the committee, Judge Bonnie Land Clappinger; secretary, Teresa Zorilla Clarke Ball; treasurer, Molly Turner; and historian, Dr. Dorothy Jenkins Fields.

I also congratulate and as well the gentlewoman from Florida (Mrs. MEEK) congratulates founders Leona Cooper, Katherine Fernandez-Rundle, Diane Brant, Colette McCurdy Jackson, Dr. Patricia Clements, and the late Elaine Gordon, Monna Lighte and Helen Miller.

Judge Rippingille also founded Sisters of the Heart, a program that links delinquent girls with positive female role models.

Tomorrow, the Park will exhibit 100 years of African American Women’s History, narrated by historian Dr. Jenkins Fields. Leaders, women who would have suffered.

We congratulate the Women’s Park Committee for the contributions of women in South Florida and for leaving a positive legacy by investing in the lives of our future leaders. Tomorrow’s leaders are today’s girls.

CDBG RENEWAL ACT

(Mrs. MEEK of Florida asked and was given permission to address the House for 1 minute.)

Mrs. MEEK of Florida. Mr. Speaker, today, with the support of 50 of my colleagues, I am introducing the Community Development Block Grant Renewal Act, a bill that directs more CDBG funding to the low and moderate income people so that the CDBG program should.

The basic mission of the Community Development Block Grant program is to direct Federal funding to the neediest among us. Today, pressures on low and moderate income people are more acute than ever before because of a severe shortage of affordable housing, the growing loss of public housing units and the changes in welfare law.

Mr. Speaker, the CDBG program is not a revenue-sharing measure. It is meant to simply redistribute money from the Federal Government to the States and local governments for any purposes whatsoever. Rather, the Community Development Block Grant program is to build housing, to provide safe, healthy housing for people who cannot afford market rents. It is meant to provide economic development and jobs for people with low and moderate income.

My bill would amend the CDBG statute to better reflect the goals of the law. It will require grantees to spend at least 80 percent of their CDBG funds to directly benefit low and moderate income people.

LOS SERRANOS COUNTRY CLUB ADOPTS ELEMENTARY SCHOOL

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

Mr. GARY MILLER of California. Mr. Speaker, I rise to recognize the partnership that has been forged between Los Serranos Country Club in Chino Hills, California, and Los Serranos Elementary School.

Jack Kramer, the owner of the Los Serranos Country Club, has committed to donating $10,000 a year over the next 5 years to the Los Serranos Elementary School. The first to participate in the Chino Valley Unified School District’s new Adopt-A-School program, Mr. Kramer is demonstrating one way businesses can support their local schools.

Mr. Kramer’s desire to improve his community is admirable and worthy of praise. As the first business owner to participate in this program, he has set an outstanding example to other business leaders, and his generosity has most certainly set a high standard. However, most noteworthy is Mr. Kramer’s reason for participating. His simple statement, “it’s worthwhile,” says everything about education.

PEACE IN THE BALKANS REQUIRES INDEPENDENCE FOR KOSOVO

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

Mr. TRAFICANT. From the United Nations to heads of state, everyone is hoping against hope for peace in the Balkans. I do not want to rain on everyone’s parade, but in my opinion there will never be peace in the Balkans until there is independence for Kosovo. The bottom line, it is the right thing to do. Ninety percent of the citizens of Kosovo are ethnic Albanians. Freedom and independence for Kosovo is the only long-term solution for a lasting peace in the Balkans.

I yield back the fact that map boundaries have been redrawn regularly throughout history to accomplish peace.

NURSE JILL STANEEK ADDRESSES LAWMAKERS TODAY

(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, at noon today, some of us will be hearing from Jill Stanek, a nurse from Christ Hospital in Oak Lawn, Illinois. She will be sharing some actual experiences with us, telling us what happens when a baby survives an abortion. That is something we do not often hear about.

Just what does happen? Babies survive abortion more often than one
might think. One day Julie found a small living baby in a soiled utility room at her hospital, 22 weeks old, aborted because he had Down’s Syndrome. His mother had an abortion, but he survived. The hospital did not know what to do with him, so he was just left in that cold room, lying naked on the counter. No one lifted a finger to help him live. Jill sat and cradled him in her arms for 45 minutes until he died.

Mr. Speaker, last year we passed the Born Alive Infants Protection Act in the House to make it clear that all infants who are born alive, even if they were supposed to be aborted, are treated as legal persons under Federal law. Soon, it will be introduced again.

Today, I invite my colleagues just to come and listen to Jill tell her story. It will take place in Room 311 Cannon at 12 noon.

U.N. CONVENTION ON ELIMINATION OF DISCRIMINATION AGAINST WOMEN

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

Ms. WOOLSEY. Mr. Speaker, in honor of International Women’s Day on March 8, 68 of my House colleagues and I sent a letter to the Secretary of State urging the Bush administration to support U.S. ratification of CEDAW, the U.N. convention on the elimination of all forms of discrimination against women.

Ratified by 166 other nations, CEDAW establishes a universal definition of discrimination against women and provides international standards for equality in education, health care, employment, commercial transactions and public life.

This Congress, I have reintroduced House Resolution 18, and I ask my colleagues to become co-sponsors. Let us send a message loud and clear to women in this Nation and all over the world that the United States is truly committed to protecting women’s rights.

A CASE OF SELECTIVE INSANITY?

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

Mr. BARTLETT. Mr. Speaker, this morning we had a guest chaplain who opened our session with prayer. We have a full-time chaplain. So does our Senate. So do a lot of athletic teams and our military services each have a large number of chaplains.

And our schools have condoms.

Mr. Speaker, I wish that you could help me and at least 150 million other Americans understand why chaplains and prayers are good for our House of Representatives, good for our Senate, good for our athletic teams and good for our soldiers and sailors and marines and airmen. And condoms are good for our kids. Is this a case of selective insanity?

VIOLENT AGAINST WOMEN

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

Ms. CARSON. Mr. Speaker, historically domestic violence has been a silent epidemic. According to a recent study conducted by the Commonwealth Fund, almost 4 million women are physically abused each year in the United States.

Domestic violence is the leading cause of injury to women in this country, where they are more likely to be assaulted, injured, raped or killed by a male partner than any other type of assailant.

However many politicians, intentionally or unintentionally, have not dealt with this serious and destructive epidemic. In my district alone, judicial levels have been totally insensitive to the plight of victims of domestic violence by sending perpetrators home on home monitors, with ankle bracelets; and they eventually go out and kill the victim without being noticed by the system until it is way too late.

We need to expand the Call to Protect program, continue funding, through VAWA and demand that the Violence Against Women Office in the Department of Justice becomes permanent.

We can tackle the undiagnosed treatment of women before it matures into violence by conducting early prevention to teach young people the importance of supporting and respecting one another.

TAX RELIEF AND A BUDGET FOR EVERY FAMILY

(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, this week the House Committee on the Budget will take the first step towards passing the budget for fiscal year 2002. Our budget is a bold and responsible statement that places the concerns of hard-working American families ahead of the concerns of the Washington bureaucracy.

With budget surpluses in Washington, we have an opportunity to shore up Social Security, protect Medicare, pay down our record amount of debt, and provide relief from enormously high tax burdens.

Federal taxes are the highest they have ever been since World War II. When you combine the overall tax burden of local, State, and Federal governments, plus the cost of regulations, folks are giving almost half of what they make back to their government. This is unacceptable and needs to be changed.

Without a doubt, working Americans need a break. This is not the time for politicians in Washington to point fingers of blame at the current state of our economy. We must get above the partisan bickering and pass legislation that will provide immediate and meaningful relief to hard-working American families.

DANGERS OF ARSENIC LEVELS IN DRINKING WATER

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

Mr. HINCHEY. Mr. Speaker, I want to call to the attention of the Members of the House an issue of great public concern because it affects public health.

In 1997, this Congress directed the Environmental Protection Agency to upgrade standards for arsenic across the country. The standards that we have today have been in effect since 1942. They are 50 parts per billion of arsenic in drinking water. All around the world, countries have raised the standards to 10 parts per billion, because arsenic in drinking water is known to cause cancer of the bladder, the urinary tract, lung cancer, and other ailments.

The backtracking on this rule that took place earlier this week is of great concern to all of us. The Bush administration has announced that it will not follow through on reducing arsenic in drinking water. This is a threat to the health and safety of more than 31 million Americans who now drink water with elevated levels of arsenic. Most of these people live in the southwestern portion of our country.

I call upon the Bush administration and this Congress to stick by the raising of these standards for arsenic in drinking water. This is a matter of grave concern for public health and safety.

WELCOMING COACH RICK PITINO BACK TO KENTUCKY

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

Mrs. NORTHUP. Mr. Speaker, when the people around this country think about Louisville, Kentucky, a number of positive images come to mind. We are known as the hometown of sports legends Muhammad Ali, Pee Wee Reese, Denny Crum, and Paul Hornung. We are known as the home of the greatest 2 minutes in sports, the running of the Kentucky Derby. And, of course, we are home to the world-famous Louisville Slugger baseball bat.

Mr. Speaker, another sports legend, Rick Pitino, has returned home to Kentucky, this time as head basketball
coach at the University of Louisville. Coach Pitino is no stranger to our State. He led the University of Kentucky Wildcats to a national championship in 1996.

We are thrilled to have Coach Pitino back where he belongs, in the Bluegrass where he likes to win basketball games more than Coach Pitino. But more importantly, he will set a great example for our children and young adults, inspiring them to set high goals and then work hard to achieve them.

Coach, welcome back to Kentucky and to the University of Louisville.

URGING CONGRESS TO LIMIT TRASH IMPORTATION

(Mrs. JO ANN DAVIS of Virginia asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, news came last week that the Fresh Kills landfill on Staten Island that has taken municipal waste from New York City is scheduled to be closed in a couple of weeks, a few months ahead of what was expected. Now that Fresh Kills will soon be closing, the problem of municipal waste being hauled interstate becomes all the more acute.

Virginians are certainly not fond of the trash trucks coming down I-95, bringing out-of-state garbage through their communities to dump sites in the State. Not only is the trash unwanted, but the added large-truck traffic has made many local rural roads unsafe.

State legislative efforts to stem this invasion of garbage into the Commonwealth have been frustrated by Federal courts labeling trash as “commerce,” and thus subject to only Congress’ regulation pursuant to the commerce clause of the Constitution.

This morning I am urging my colleagues in Congress to pass tough legislation that will empower States to limit the amount of trash being brought within their borders. The closing of Fresh Kills makes this legislation all the more urgent, since New York is apparently counting on exporting more of their trash. Virginians do not want this garbage coming into their communities, and I ask Congress’ help in getting action on this problem.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. Bass). Pursuant to clause 8, rule XX, the Chair announces that he will postpone further proceedings on today’s motion to suspend the rules and pass the bill (H.R. 802) to authorize the Public Safety Officer Medal of Valor, and for other purposes, 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 “Public Safety Officer Medal of Valor Act of 2001.”

SEC. 2. AUTHORIZATION OF MEDAL.

After September 1, 2001, the President may award, and present in the name of Congress, a Medal of Valor of appropriate design, with ribbons and appurtenances, to a public safety officer who is cited by the Attorney General, upon the recommendation of the Medal of Valor Review Board, for extraordinary valor above and beyond the call of duty. The Public Safety Medal of Valor shall be the highest national award for valor by a public safety officer.

SEC. 3. MEDAL OF VALOR BOARD.

(a) ESTABLISHMENT OF BOARD.—There is established a Medal of Valor Review Board (hereinafter in this Act referred to as the ‘‘Board’’), which shall be composed of members appointed in accordance with subsection (b) and shall conduct its business in accordance with this Act.

(b) MEMBERSHIP.—

(1) Members.—The members of the Board shall be individuals with knowledge or expertise, whether by experience or training, in the field of public safety, of which—

(A) two shall be appointed by the majority leader of the Senate;

(B) two shall be appointed by the minority leader of the Senate;

(C) two shall be appointed by the Speaker of the House of Representatives;

(D) two shall be appointed by the minority leader of the House of Representatives; and

(E) three shall be appointed by the President, including one with experience in firefighting, one with experience in law enforcement, and one with experience in emergency services.

(2) Term.—The term of a Board member shall be 4 years.

(3) Vacancies.—Any vacancy in the membership of the Board shall not affect the powers of the Board and shall be filled in the same manner as the original appointment.

(c) OPERATION OF THE BOARD.—

(A) CHAIRMAN.—The Chairman of the Board shall be elected by the members of the Board from among the members of the Board.

(B) MEETINGS.—The Board shall conduct its first meeting not later than 90 days after the appointment of the last member appointed. The initial meeting shall be held in Washington, DC. Thereafter, the Board shall meet at the call of the Chairman of the Board. The Board shall meet not less often than twice each year.

(D) VOTING AND RULES.—A majority of the members shall constitute a quorum to conduct business, but the Board may establish a lesser quorum for conducting hearings scheduled by the Board. The Board may establish by majority vote any other rules for the conduct of the Board’s business, if such rules are not inconsistent with this Act or other applicable law.

(c) DUTIES.—The Board shall select candidates as recipients of the Medal of Valor from among those received by the National Medal of Valor Office. Not more than once each year, the Board shall present to the Attorney General the name or names of those it recommends as Medal of Valor recipients. In a given year, the Board shall not be required to select any recipients but may select less than 3 recipients. The Attorney General may in extraordinary cases increase the number of recipients in a given year. The Board shall set an annual timetable for fulfilling its duties under this Act.

SEC. 4. BOARD PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—(1) Except as provided in paragraph (2), each member of the Board shall be compensated at a rate equal to the daily equivalent of the annual_rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board.

(2) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter 1 of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Board.

(b) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter 1 of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Board.

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SEC. 5. DEFINITIONS.

(a) MEDAL OF VALOR.—The term ‘‘Medal of Valor’’ means a medal issued to a state or local government, and the State or local government, shall serve without compensation in addition to that received for the services.

(b) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter 1 of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Board.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Attorney General such sums as may be necessary to carry out the provisions of this Act.

SEC. 7. NATIONAL MEDAL OF VALOR OFFICE.

There is established within the Department of Justice a National Medal of Valor Office.
Office. The Office shall provide staff support to the Board to establish criteria and procedures for the submission of recommendations of nominees for the Medal of Valor and for the final design of the Medal of Valor.

SEC. 8. CONFORMING REPEAL.


(1) by striking subsection (a) and inserting the following new subsection (a):

‘‘(a) ESTABLISHMENT.—There is hereby established an honor award for the recognition of outstanding and distinguished service by public safety officers to be known as the Director’s Award For Distinguished Public Safety Service (‘Director’s Award’).’’;

(2) in subsection (b)—

(A) by striking paragraph (1); and

(B) by striking ‘‘and’’.

(3) by striking subsections (c) and (d) and redesignating subsections (e), (f), and (g) as subsections (c), (d), and (e), respectively; and

(4) in subsection (c), as so redesignated—

(A) by striking paragraph (1); and

(B) by striking ‘‘and’’.

SEC. 9. CONSULTATION REQUIREMENT.

The Board shall consult with the Institute of Heraldry within the Department of Defense regarding the design and artistry of the Medal of Valor. The Board may also consider suggestions received by the Department of Justice regarding the design of the medal, including those made by persons not employed by the Department.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. Scott) introduced the Committee on the Judiciary, together with the gentleman from Texas (Mr. THOM) and the gentleman from Texas (Mr. SMITH), chairman of the Subcommittee on Crime, and the gentleman from Virginia (Mr. SCOTT), chairman of the Subcommittee on Crime, a bill by the Co-Chair of the Congressional Fire Services Caucus and the National Brotherhood of Police Officers, and the National Fraternal Order of Police, the National Troopers Coalition, the International Brotherhood of Police Officers, and the Federal Law Enforcement Officers Association, among others, seeking to award the Medal of Valor to public safety officers who have performed with bravery beyond the call of duty.

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

Mr. Speaker, many countries award a national medal to public safety officers for heroic action in the line of duty. Unfortunately, the United States does not. This bill would rectify that shortcoming. I believe it fitting and proper that our Nation honor those public safety officers who demonstrate the highest forms of heroism and valor in the course of their duties. I urge all of my colleagues to support this bill.

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

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

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

SEC. 10. DEFINITIONS.

In this section—

(A) the term ‘public safety officer’ means a full-time employee of the Federal Government or a State, local, or tribal government, who is sworn to law enforcement and fire protection and who is appointed or employed by the Department.

(B) the term ‘public safety officer’ means a public safety officer who is not employed by the Department.

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

Mr. Speaker, many countries award a national medal to public safety officers for heroic action in the line of duty. Unfortunately, the United States does not. This bill would rectify that shortcoming. I believe it fitting and proper that our Nation honor those public safety officers who demonstrate the highest forms of heroism and valor in the course of their duties. I urge all of my colleagues to support this bill.

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Mr. Speaker, I reserve the balance of my time.
Mr. Speaker, I urge all of my colleagues to send a strong message to our public safety officers by supporting this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 802, Public Safety Officer Medal of Valor. I am pleased that the Select Committee on Public Safety recommend to the Congress an expedited process. I have strongly supported similar legislation in the past and I am proud to do so again.

H.R. 802 would establish a Public Safety Officer Medal of Valor to be awarded periodically by the Select Committee on Public Safety to public safety officers for extraordinary valor above and beyond the call of duty. The bill provides for the Department of Justice to solicit, review and screen nominations for the award. Final decisions on the award would be made by the board to be appointed by the President and both parties' congressional leadership.

This bill would also possibly honor many fallen heroes of the Houston Police Department who were killed in the line of duty while protecting society. Officer like Troy Alan Blando assigned to the auto theft division, who was killed on May 19, 1999 when he was attempting to arrest a suspect driving a stolen Lexus. The suspect fired a 40 caliber Glock, striking Officer Blando once in the chest. Officer Blando made it back to his vehicle and radioed for back-up, giving other units his location of the suspect. Officers arrived on the scene within seconds and arrested the fleeing suspect. Officer Blando in route to Ben Taub Hospital. Officer Blando was a 19 year veteran of the Houston Police Department.

Officer K.D. Kinkaid was killed on May 23, 1998 while he was off duty and driving in his truck with his wife. As they drove past an oncoming vehicle, an object struck the wind shield of the truck. Officer Kinkaid turned around and followed the other vehicle. The other vehicle stopped and Officer Kinkaid exited his truck and approached the driver's side. Officer Kinkaid identified himself as a police officer and proceeded to question the suspect in the vehicle. One of the suspects shot Officer Kinkaid and they fled the scene in a white Cadillac.

Officer C.H. Trinh died on April 6, 1997 while working at his parents' convenience store in the city of Houston. Presently, 95 police officers from the Houston Police Department have been killed in the line of duty.

Mr. Speaker, I urge my colleagues to support the legislation.

Mr. SCOTT. 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 was taken.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the opinion of the Chair, two-thirds of the majority, I demand the yeas and nays.

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. 802, as amended.

The question shall be considered as ordered on the Consent Calendar. The previous instructions are dispensed with. The motion to suspend the rules is in order as original text.

The Speaker puts the question: That H.R. 802 be agreed to, that the amendment in the nature of a substitute be agreed to and the bill ordered to the House Committee on the Judiciary for further consideration.

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.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2002

Mr. Diaz-Balart. Mr. Speaker, the Committee on Rules is planning to meet the week of March 26 to grant a rule which will limit the amendment process for floor consideration of the concurrent resolution on the budget for fiscal year 2002.

The Committee on Rules intends to give priority to amendments offered as complete substitutes.

Members should use the Office of Legislative Counsel and the Congressional Budget Office to ensure their substitute amendments are properly drafted and scored, and should check with the Office of the Parliamentarian to be certain that their substitute amendments comply with the rules of the House.

Providing for consideration of H.R. 247, Tornado Shelters Act

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Chairman of the Rules Committee, I call up House Resolution 93 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 93

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole on the House of the state of the Union for consideration of the bill (H.R. 247) to amend the Housing and Community Development Act of 1974 to authorize communities to use matched grant funds for construction of tornado-safe shelters in manufactured home parks. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed 2 hours on one house divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute as may have been adopted. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on
the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. DIAZ-BALART. Mr. Speaker, the gentleman from Florida (Mr. BACHUS) is recognized for 1 hour.

Mr. BACHUS. Mr. Speaker, introduced this resolution in the nature of a substitute and the ranking minority member of the Committee on Financial Services.

The rule provides that it shall be in order to consider as an original bill for the purposes of amendment the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1.

The rule further provides that the amendment in the nature of a substitute shall be open for amendment at any point.

Finally, the rule allows the Chairman of the Committee of the Whole to accord priority and recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD, and provides one motion to recommit, with or without instructions.

Mr. Speaker, this is an open rule. It provides 1 hour of general debate, evenly divided and controlled by the chairman and the ranking minority member of the Committee on Financial Services. The rule permits amendments under the 5-minute rule. This is the normal amending process in the House. All Members on both sides of the aisle will have an opportunity to offer germane amendments.

Tornadoes represent the most furious side of nature. They cause enormous loss of life and destruction of property every year. Unfortunately, my own community of southwest Ohio has seen some of the worst tornadoes in recent memory. In April of 1974, a devastating tornado killed 33 people in Xenia, Ohio, just outside my district; and the tornado destroyed a quarter of the homes in that city. The city was struck again by tornadoes in 1989 and 2000.

According to the Federal Emergency Management Agency, mobile homes are particularly vulnerable to a tornado’s destructive power, because they can be overturned so easily by high winds; and I am sure there is close to a consensus among Members of the House that the Federal Government should provide assistance to those who are in the greatest danger from tornadoes. That is the thought behind this bill which would permit the Federal community development block grants to be used to construct or maintain tornado shelters in mobile home parks.

Though the bill has worthy goals, I do object to the process used to bring this bill to the floor. It did not go through the committee process. There were no hearings, there was no committee report. There was minimum notice given to the Members that the bill would be considered, and I do not think that is good legislating. We have a process to help us understand legislation and its consequences. We have a process to ensure that Members on both sides of the aisle who have questions or concerns about the bill are treated fairly, and that process was not followed.

Mr. DIAZ-BALART. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume. I want to thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding me this time.

Mr. Speaker, this is an open rule. It will allow for the consideration of H.R. 247, which is called the Tornado Shelters Act. As my colleagues may remember, a resolution, the Tornado Shelters Act of 1974 to authorize communities to use community development block grants to be used to construct or maintain tornado shelters in mobile home parks. As my colleagues may remember, that it is appropriate for the House at this time to be considering legislation that could help mitigate the future further wind storms in areas that seem to be becoming hit.

According to FEMA, the Federal Emergency Management Agency, in an average year, 800 tornadoes are reported nationwide, resulting in 80 deaths and over 1,500 injuries.

Hurricanes and tornadoes both have in common very high winds and obviously associated damage. From Hurricane Andrew we in south Florida learned about the vulnerability of housing construction with roofs and windows and doors being particularly important areas to check for weaknesses.

Mobile home parks are particularly susceptible to high winds even if precautions have been taken to tie down the units. I am hopeful that this important legislation, the Tornado Shelters Act, will help address these problems.

Mr. Speaker, I think we all owe a debt of gratitude to the gentleman from Alabama (Mr. BACHUS) for his leadership on this issue. I urge my colleagues to support this open rule, as well as the underlying bill. Mr. Speaker, and I look forward to debate and passage of this important legislation.

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

Mr. DIAZ-BALART. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. LAFAULCE).

Mr. LAFAULCE. Mr. Speaker, I move that the House do now adjourn.

Mr. BACHUS. Mr. Speaker, the gentlemen from Massachusetts (Mr. FRANK) raised questions about the bill. I think this is a good bill; however, I would be a lot more confident in supporting it if I knew that it was fully examined through the committee process, and that questions like the ones asked by the gentleman from Massachusetts (Mr. FRANK) had already been answered before the bill came to the House Floor.

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

Mr. DIAZ-BALART. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. LAFAULCE).

Mr. LAFAULCE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

Mr. Speaker, I move that the House do now adjourn.

Mr. BACHUS. Mr. Speaker, the gentlemen from Massachusetts (Mr. FRANK) raised questions about the bill. I think this is a good bill; however, I would be a lot more confident in supporting it if I knew that it was fully examined through the committee process, and that questions like the ones asked by the gentleman from Massachusetts (Mr. FRANK) had already been answered before the bill came to the House Floor.

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

Mr. DIAZ-BALART. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. LAFAULCE).

Mr. LAFAULCE. Mr. Speaker, I move that the House do now adjourn.

Mr. BACHUS. Mr. Speaker, the gentlemen from Massachusetts (Mr. FRANK) raised questions about the bill. I think this is a good bill; however, I would be a lot more confident in supporting it if I knew that it was fully examined through the committee process, and that questions like the ones asked by the gentleman from Massachusetts (Mr. FRANK) had already been answered before the bill came to the House Floor.

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

Mr. DIAZ-BALART. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. LAFAULCE).

Mr. LAFAULCE. Mr. Speaker, I move that the House do now adjourn.

Mr. BACHUS. Mr. Speaker, the gentlemen from Massachusetts (Mr. FRANK) raised questions about the bill. I think this is a good bill; however, I would be a lot more confident in supporting it if I knew that it was fully examined through the committee process, and that questions like the ones asked by the gentleman from Massachusetts (Mr. FRANK) had already been answered before the bill came to the House Floor.

Mr. Speaker, I reserve the balance of my time.
Mr. DIAZ-BALART. Mr. Speaker, I rise to oppose the suspension of the rules to consider the bill, S. 247, Tornado Shelters Act. I would like to address this by raising several points.

First, I am concerned about the fact that this bill was not introduced until after the tornado season. Second, I am concerned about the scope of this bill, which includes provisions for the Community Development Block Grant program. Third, I am concerned about the potential for this bill to lead to increased spending in the future.

In conclusion, I believe that we should reject this bill and focus on other priorities for the Congress.
Third, should there be a nonexclusivity clause with respect to the use of the shelters? By that, I mean should the shelter be open to the public, because a good many of these shelters would not be.

There are a host of other issues, too, that should have been brought up in connection with this bill.

So I just want the minority Members to understand, I do not want to make the biggest case of all in the world out of this, but all Democrats, despite the fact that we are in the minority, demand respect. Respect means that one must recognize and maintain our rights rather than trample on them. This should not happen again.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I assure our friends on the other side of the aisle that we mean no disrespect; that, quite on the contrary, we have great respect for their points of view as well as the fine work that they do on a daily basis.

We take the comments made by the distinguished gentleman from New York (Mr. LaFalce). All legislative bodies must balance, must balance a series of factors; and one factor, one such factor that is balanced in the equation is the need to proceed with important legislation. It is that factor that in our view outweighed other factors and today made us proceed, made the Committee on Rules come to the decision to proceed.

Now, the gentleman from Alabama (Mr. Bachus) has worked long and hard, and I was pleased to see that the gentleman from New York (Mr. LaFalce) recognized and commended his leadership as well on this issue of public safety. That is why we believe that it is important to move forward.

In addition, we have, Mr. Speaker, another guarantee built in so that the members of the public, respected in the process, cognize as we are of the arguments made by the gentleman from New York (Mr. LaFalce); and that is the rule that the rule that we have brought forward is an open rule so that at least at this stage, in the stage of the plenary consideration of the legislation, any Member can introduce and have considered any amendment to improve this important legislation.

So in that sense, that we feel that, having taken notice of the comments made by the distinguished gentleman from New York (Mr. LaFalce), we nonetheless are providing a mechanism and a vehicle for and of intrinsic fairness, which is the vehicle of the open rule and with which I think that all of the Members should support as the goal for the functioning of this House whenever possible.

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

Mr. DIAZ-BALART. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mrs. Meek).

(Mrs. Meek of Florida asked and was given permission to revise and extend her remarks.)

Mrs. Meek of Florida. Mr. Speaker, I rise in strong opposition to the proposed rule here today, and I hope that Congress is listening because if you listen very carefully, you will find out that you do not like this resolution, and you do not like this bill, and this is not the way to be operating and each of you should be aware of it.

Mr. Speaker, why are we ignoring the regular order? Why is it so important that it is brought to the floor without anything? Will we tell me why? Is it urgent or is it an attempt to confuse or snooker? Is it an attempt to bring something to the floor that is needed by someone, and someone that will perhaps benefit from this piece of legislation? It looks like a relief act to me for somebody. Please look at this piece of legislation; and when you look at it, you will not like it because what it is doing is bringing to the floor a bill that would make a significant change in the Community Development Block Grant program.

Mr. Speaker, every time a bill like this comes to the floor, I come forward to speak against it because it is just another way of using the Community Development Block Grant to subvert general revenue funds and funds that should be used from that particular area.

All of us know that we can improve our bills more by sending them to committee. The gentleman spoke about an open rule. An open rule is fine, but it does not give the kind of substantive look and scrutiny that a committee can give, and we have a very strong committee to look at this.

President Bush talked about bipartisanship, and just a few weeks ago we went on a retreat where we talked about bipartisanship and respect. We talked about comity. You know what this particular process that they are using does. It undermines the bipartisanship way we do things. It undermines the respect we have for each other. It undermines every tenet of bipartisanship.

Mr. Speaker, there are several issues raised by the bill which I disagree with, but the committee has not had a chance to look at it. If we adopt this proposed rule and consider this bill, you could fund tornado shelters at mobile home sites which do not even have low-income or moderate-income residents. You could take that money and help some of the low- and moderate-income people in your community build homes or get jobs, but if you do this, which is within the law, you could do this, but if you do it, you should be taking the funds away from people who really need it.

Secondly, if you do this, some contractor or developer could build these shelters around their property using government funds; and when this is all over, that shelter belongs to that developer or property owner; and when someone in your district who might need a home, a moderate-income person, and you know how hard it is to get affordable housing in this country, you know how hard it is to get a house.

Mr. Speaker, nonetheless, I would have a hard time supporting this particular rule, and the bill as well, because this was a very difficult program, the Community Development Block Grant program, and I have seen several runs on these funds. Each of you who have a pet project that you want, you come to the floor and make a run on the Community Development Block Grant funds, which was really a very bad way of doing it, and I think you should rethink this and go back to the bill and let them look at it. Go back to the committee and let them look at what you are trying to do.

Mr. Speaker, Congress intended for these funds to be used for a distinct purpose. It did not mean for you to come to the floor with an emergency all of a sudden, look, here is a pile of money, let us use this for that emergency. Congress intended for you to take these moneys and help low- and moderate-income people. So this is inconsistent. It is very inconsistent with the core principle of Community Development Block Grant funds.

Mr. Speaker, I thank my colleagues, but I hope my colleagues who brought this to the floor will reconsider it because it does not lead to the kind of thing that we preach here in the Congress.

Mr. DIAZ-BALART. Mr. Speaker, many of the issues of the gentleman?

The SPEAKER pro tempore (Mr. Bass). The gentleman from Florida (Mr. Diaz-Balart) has 23 minutes remaining; and the gentleman from Ohio (Mr. Hall) has 17 minutes remaining.

Mr. DIAZ-BALART. Mr. Speaker, I yield 7 minutes to the gentleman from Alabama (Mr. Bachus), the author of this important legislation.

Mr. BACHUS. Mr. Speaker, I think we have been asked a fair question here. Is this an attempt to snooker? Is this an attempt to deceive? No, it is an attempt to do neither. It is an attempt to save lives. It is an attempt to quit treating people who live in mobile home parks as second-class citizens under the HUD regulations.

The program director at HUD for shelter programs, for storm mitigation, is the one that suggested this language to us. My county, which was hit by a tornado, 12 people, 10 of them in a mobile home, and dead. If you debate on the floor I will show you a picture of one of the young victims. She was alive being carried from her manufactured home. Her father and her 16-month-old baby were not as fortunate. They died.

Mr. Speaker, when the county approached the committee for you to take these moneys and create a pet project for you to take these moneys and help people in our communities, they were told that mobile home sites do not qualify. Clearly that is what this legislation does.

Mr. Speaker, never consulted we are told. In fact, the committee had extensive talks with committee staff on the other side. I talked to one Democratic staffer myself. He asked, Do we need
this. I told him what our answer had been. He called the program director. He got the same answer. He called me back and said, You are right.

Currently manufactured housing communities, mobile homes, are excluded from these grants. Low-income site-built homes qualify. Apartment buildings qualify. And not only that, but a $500,000 site-built home, permanent home, qualifies for a grant from FEMA to build a safe room, but a mobile home does not qualify for a safe room because it does not have an interior hall, it does not have a room that does not have a window facing the outside. These shelters are, in certain cases, as the gentlewoman from Florida has said, going to be sited on mobile home parks; and the owners of those parks are going to be making money. It is a for-profit mobile home park. But I can tell my colleagues that though it is going to turn a profit for the mobile home park operator, it is going to shelter in a storm for the people that live in those mobile homes, and this arcane argument is not going to sell with them.

Let me tell my colleagues something. This is an idea whose time has come. I have lost 100 mobile home residents since this bill has received the endorsement of every major paper in Alabama, and they tell me about getting a warning that in 25 or 30 minutes a tornado is going to bear down on their home and they plot it there and they watch the TV as it bears down on them, as people say get in the basement, get inside, get in an interior hallway if you do not have a basement, and yet they have to sit there and listen to the warning and not heed that warning.

This is not my idea. This is the idea of a county that lost 12 people. It was their idea. They came to me. They went to the Federal Government. So did a community in Missouri. Both those communities were told they did not qualify.

Now, it will not be my decision and it will not be the decision of the gentlewoman from Florida as to whether this money will be spent. It will be the local community. There are no mandates; there are no restrictions. The local community, a city, a county, can go to a mobile home park and they can build a shelter, which may be beside or between two or three. In fact, both the two parks that I mentioned had 4 trailers on it owned by a mobile home park this little girl was, was a half acre lot with four trailers on it owned by a relative. We believe that the little girl, and her brother and father, the two which is not the case, because we expect a tornado tomorrow. If in fact this was important, we could have had the hearing last week, 2 weeks ago. This bill could have been on the floor today after a subcommittee and committee hearing.

We offered to the gentleman from Alabama. Indeed, to his credit when I talked to him on Monday and said we just have a couple of questions about the bill, he said, let us put it. But he was overruled by his leadership. Why? Because last night the Republican schedule called for the budget to be voted out, and today the Republican schedule calls for a vote on taxes. Now, we are not working very hard on anything that is not part of the President’s agenda. We are on the limited attention span approach. The people can only keep track of one or two things at a time, so let us only do one or two things at a time.

The problem is that when we finished this hard-working Congress’ business yesterday, at about noon, maybe it was 1 o’clock, I should not exaggerate, Members would have left. There was nothing to keep them for the week. And the Republican leadership was afraid they would not have the quorum. It is how much they needed to put through the budget last night and to put through the tax bill today. So that is why this bill is on the floor today and everybody knows that, despite what they say.

Of course, it is important for us to provide help, but there is another issue I want to raise. If it so important to provide help, as I believe it is to these people living in the mobile home parks, why are we doing it without adding a penny to the pot from which it comes? This bill defines those people who ought to be protected does not come at the expense of other important purposes.

And then there is one substantive question. This bill does not just say could manufactured housing which is a very important resource for low-income people in order to be better protected than they are, it says that the entity getting the Federal funds can give them to a for-profit entity, who presumably could then own the shelter.

The gentleman from Alabama conjured up the favorite device here, the ubiquitous poor widow. I sometimes think that poor widows must own about 97 percent of America, given the frequency with which they are the justification for various grants of money to private owners.

In fact we are talking about providing special assistance to lower income owners, let us put that in the bill. That is why you have subcommittees. That is why you have committees. That is why you legislate. But, as I indicated, this bill would allow a community from helping to build a shelter for a wealthy owner of second-home manufactured housing which could then be part of that property and sold. Maybe I am wrong, and maybe that is not the case. I do not know that because we have not had a chance to discuss it in the kind of forum we ought to have. That is the issue here.

For scheduling purposes, the Republican leadership took a bill that should not have been controversial, that has got a very laudable goal, as the gentleman from Alabama points out, and that could have been refined in subcommittee and committee.

I have to say one other thing that bothers me and the gentlewoman from Florida and the gentleman from New York. They would not do this, a banking bill. They would not do this to the securities industry. Community Development Block Grants is a disfavored program under this congress. It is a disfavored program under this regime. It is not people’s needs, and poor people’s needs are not often given that same consideration.

It is not an accident that the committee that used to be the Committee on Banking and Urban Affairs is now just the Committee on Financial Services. Not only did the title disappear, but so did some of the concerns. We have real concerns about the ability of the CDBG program to meet all of its needs. When you continually add in new functions and do not give it any money, but in fact reduce money, you cause stresses.

The goal of providing shelters for people in manufactured housing is less and less. The whole Community Development Block Grant money now, thanks to the other party, has less money in its authorization and appropriation than it had years ago. I would love to do this, but I would like to do it with an expansion of the money so that poor people who ought to be protected does not come at the expense of other important purposes.
wholly noncontroversial, and we would be glad to work on it. We would have been glad to work on it a month ago. This bill could have been brought up before that. We had a hearing in the subcommittee on the FHA. It was a very good hearing, which the Chair called. I was glad that she did. But we could have used that time for this. I should say, by the way, it does not occur to me that this decision was made anywhere but at the Republican leadership. I do not think we have an intraparty problem here. We had a problem that the Republican leadership had a need to keep the Members here. They could not ground the planes and they could not force people to stay, so they put a bill on the floor. That is our method of house arrest. That is what we have got. It is a shame that this bill is being used for that purpose.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. Horn). Mr. Speaker, this is obviously not an issue simply for Alabama and Florida. I want to say that believe it or not, we had tornadoes in southern California 2 years ago where the roofs came off of parks in one of my cities, Paramount, where there is any number of parks there where people have moved out of their homes and lived in a much smaller level than they did when they were in those homes. But their homes are now gone.

This can happen in any particular State in this Union. Rather than argue over subcommittee, full committee and all that, it seems to me we are big enough to solve it in this Chamber. Those are simply tools of the House on some things. This is very clear, the use of Community Development Block Grant funds for construction of tornado-safe shelters in manufactured home parks. That is what a lot of home parks are nowadays. I think a lot of us in this Chamber have fought for the right of people in those parks.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may con-...
The SPEAKER pro tempore. The question is on the motion offered by H.R. 1099, as amended.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 18, as follows:

*[List of yeas and nays]*

This will be a 5-minute vote.
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 as above recorded. A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBER TO THE JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore (Mr. BASS). Without objection, and pursuant to 15 U.S.C. 1024(a), the Chair announces the Speaker's appointment of the following Member of the House to the Joint Economic Committee:

Mr. SAXTON of New Jersey.

There was no objection.

APPOINTMENT OF MEMBERS TO THE HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS

The SPEAKER pro tempore. Without objection, and pursuant to section 5(b) of the Public Law 93-191 (2 U.S.C. 501(b)), the Chair announces the Speaker's appointment of the following Members of the House to the House Commission on Congressional Mailing Standards:

Mr. NEY, of Ohio, Chairman;
Mr. ADERHOLT of Alabama;
Mr. REYNOLDS of New York;
Mr. HOYER of Maryland;
Mr. FROST of Texas; and
Mr. THOMPSON of Mississippi.

There was no objection.

REAPPOINTMENT OF MEMBER TO THE BOARD OF TRUSTEES OF THE JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

The SPEAKER pro tempore. Without objection, and pursuant to section 114(b) of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1103), the Chair announces the Speaker's reappointment of the following Member of the House to the Board of Trustees of the John C. Stennis Center for Public Service Training and Development for a term of six years:

Mr. CHARLES W. "CHIP" PICKERING of Delaware.

There was no objection.

COMMUNICATION FROM THE Clerk of the House

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


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

DEAR MR. SPEAKER: Pursuant to the provision of section 114(b)(2) of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1103), I hereby appoint the following individual to the Board of Trustees for the John C. Stennis Center for Public Service Training and Development for a term of six years: Mr. John Lewis, GA.

Yours very truly,

RICHARD A. GEPHARDT.

REAPPOINTMENT AS MEMBER TO ADVISORY COMMITTEE ON THE RECORDS OF CONGRESS

The SPEAKER pro tempore. Without objection, and pursuant to 44 U.S.C. 2702, the Chair announces the Speaker's reappointment of the following Member on the part of the House to the Advisory Committee on the Records of Congress:

Mr. Timothy J. Johnson, Minnesota.

There was no objection.

COMMUNICATION FROM THE Clerk of the House

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


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

DEAR MR. SPEAKER: Pursuant to the provisions of 44 U.S.C. 2702, I hereby reappoint as a member of the Advisory Committee on the Records of Congress the following person: Susan Palmer, Aurora, Illinois.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk.

TORNADO SHELTERS ACT

The SPEAKER pro tempore. Pursuant to House Resolution 93 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 247.

In the Committee of the Whole

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 247) to amend the Housing and Community Development Act of 1974 to authorize communities to use community development block grant funds for construction of tornado-safe shelters in manufactured home parks, with Mr. MILLER of Florida in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.
Under the rule, the gentlewoman from New Jersey (Mrs. ROUKEMA) and the gentleman from Massachusetts (Mr. FRANK) each will control 30 minutes.

The Chair recognizes the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as Chair of the subcommittee, I appreciate this opportunity to express my support for H.R. 247, the Tornado Shelters Act. It was introduced by the gentleman from Alabama (Mr. BACHUS), our colleague.

This legislation would permit the use of Community Development Block Grant funds to construct or enhance tornado shelters in manufactured housing communities or for the residents of manufactured housing.

Mr. Chairman, I will shortly turn the floor over to the gentleman from Alabama (Mr. BACHUS), our colleague, so that he may manage the bill, but, before I do so, I want to make a few points. We do not walk away from an area of the country that frequently suffers outbreaks of tornadoes. While we have regular bouts of severe weather—especially in the summer months—we are far from “tornado alley.”

As many of you may know, however, the tornado season started last week and will continue through June. That is why we are here today. We have heard over and over again some of the statistics about the numbers of people who have died year after year. In tornados. In fact, already this year 10 people have died from tornados, and last year there were over 40 fatalities.

So we will continue going on, and I am sure the gentleman from Alabama (Mr. BACHUS) and others will document the need, but I want to point out that these are killer storms and repeat this issue is a matter of life or death.

As the gentleman from Alabama (Mr. BACHUS) says, in the face of the tornado threat, we can do two things. I like the way he said this. We can pray and prepare. Pray that it will not happen again, and prepare for the next line of twisters.

That is why we are here today. We are expediting the process of responsible congressional action. While the citizens can pray, their government must help all to prepare. I understand that there are different questions of interpretation on whether the legislation is needed or not. Frankly, I do not understand why there are different interpretations. It seems to me that the common-sense legislation will clearly expediting pre-season tornadoes covered on path. I am struck by the words of my colleague from Alabama, the site of far too many of these killer storms. Mr. BACHUS says that in the face of the tornado threat we can do two things—pray and prepare. Pray it won’t happen again, and prepare for the next line of twisters.

That is why we are here today—expediting the process of responsible congressional action. While the citizens can pray, their government must help all to prepare. I understand that there are different questions of interpretation on whether the legislation is needed or not. This common-sense legislation will explicitly clarify and permit the use of these funds to allow communities to build or improve tornado shelters in manufactured housing communities.

Mr. Chairman, I ask unanimous consent that the gentleman from Alabama (Mr. BACHUS) be permitted to control the remainder of the time on this bill.

The CHAIRMAN. Without objection, the remaining time allocated to the gentlewoman from New Jersey (Mrs. ROUKEMA) will be controlled by the gentleman from Alabama (Mr. BACHUS).

There was no objection.

Mr. FRANK. Mr. Chairman, I yield 6 minutes to the gentleman from New York (Mr. LAFalCE), the ranking member of the Committee on Financial Services, for the first time in the consideration of this bill.

Since there has been no committee deliberations, this is the first opportunity they had introduced from New York (Mr. LAFalCE), the ranking member of the Committee on Financial Services, gets to deliberate on the bill.

Mr. LAFalCE. Mr. Chairman, I thank the gentleman from Massachusetts (Mr. FRANK), the ranking minority member of the Subcommittee on Housing and Community Opportunity. The intent of the bill is quite laudable, to make it faster to communities that is Community Development Block Grant, funds to build tornado and storm shelters for the benefit of manufactured housing residents.

With a few perfecting amendments that we will be offering, the final bill may well become one that the Democrats can support.

However, I rise now to talk primarily about what we should be discussing today, and that is the severe housing and community development cuts proposed under President Bush’s budget.

Since this bill deals with the CDBG program, we ought to be debating the fact that this administration’s budget cuts $122 million from it compared to last year’s CDBG bill. It is astounding that, at a time when the administration on a daily basis warns us that we may be heading into a recession, that they propose to cut almost a half billion dollars in economic development funds.

It is astounding that, while it touts tax breaks tilted toward higher-income Americans, the administration wants to cut CDBG funds targeted to families and communities which have participated the least in our economic recovery.

In justifying these cuts, the administration touts the fact that it is funding the formula grants at the same level as fiscal 2001 funding. The problem with that is that this level is insufficient. In fact, that level is $132 million lower than the level that was funded 7 years ago, which happened to be the last time Democrats controlled the Congress. When one factors in inflation, this amounts to an 18 percent real cut in community development monies in real terms under the Republican control of the Congress.

Now, of course the CDBG program is not the only part of the HUD budget which is, unfortunately, suffering severe cuts under this administration’s budget. When one factors out the phantom increases in section 8 budget authority, that is the renewal of contracts keeps things at a steady level; but whenever it is renewed, this administration calls the renewal an increase, even though it is the exact same dollar amount as the previous year and the year before that. So it is a phantom in increase that is targeted cuts housing programs by some $2.2 billion, an 8 percent real spending decrease compared to last year.

With a few perfecting amendments that we will be offering, the final bill may well become one that the Democrats can support.

However, I rise now to talk primarily about what we should be discussing today, and that is the severe housing and community development cuts proposed under President Bush’s budget.
But we are not talking about that today, because the Republicans do not want to. We are talking about something else, without hearings, without deliberation.

The cuts that I have talked about are confusing to the specifics in their budget. The $422 million cut already cited in CDBG, an $859 million cut for public housing, a $200 million cut in the HOME affordable housing formula grant, elimination of the rural housing program, a reduction in the section 8 reserves, from 2 months to 1, which will result in lowering utilization rates by low-income families of section 8 assistance, and higher FHA loan fees for home rehab and condo loans and for multifamily housing.

At a time when this administration is projecting budget surpluses, record budget surpluses, we should be reinvesting some of our budget surpluses in affordable housing. We should not be cutting funding.

At a time when Republicans in Congress are about to pass a $2 trillion tax cut predominantly tilted to our Nation's most affluent, we should not ignore the needs of our Nation's homeless as the Bush administration's budget blueprint does.

At a time when we have just begun to make progress over the last few years and assisting those of our Nation's families with worst-case housing needs, and there are over 5 million such families, this administration proposes to cut in half the number of annual incremental section 8 vouchers that we have funded over the last few years.

Should we be considering the bill before us today? After committee deliberation, of course. But we have not had that committee deliberation. But much more importantly, we ought to be considering this Congress' responsibility to those who need shelter; clothed the naked and make sure you find shelter for the homeless. We are defaulting on that moral, legal responsibility.

Mr. BLUNT. Mr. Chairman, I thank the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I thank the gentleman for yielding and for working so hard to bring this legislation to the floor.

Where I live in southwest Missouri, this is the beginning of the tornado season. We have, if you live in one, you know you live in it, a thing called a tornado alley which, for whatever reason, nature seems to be on the same path that kind of attracts the destruction, the disruption, the loss of property and, unfortunately, sometimes the loss of life that families have to suffer.

The act is an addition to the Community Development Block Grant program. It is a way that people who live in manufactured housing can have the same kind of access to funds that people that live in site-based housing or in low-income apartments can have right now.

It is such a good idea that it is amazing we have not done it before. I was reading an article in the Kansas City Star this morning; and my good friend, Sam Graves from northwest Missouri said, "Every once in a while something is brought to our attention that makes all the sense in the world, and you wonder why it has never been done before."

Well, we need to get this done. It is a great idea. Obviously, we are not going to hear many objections to this bill and objections to when we do it. Maybe progress is coming, in the Sam Graves' principle. The real question is not why the bill is on the floor today. The real question is, why has the bill not been on the floor before? Why have we not done it before? Why have we not provided this kind of protection to people that live in manufactured housing?

Really, there are two most dangerous places in the tornado: in one's house or trying to get away from one's house in a car. This provides a place to go and be safe, and to help provide more safety for people who live in these kinds of housing.

I urge my colleagues to vote for this bill today. I look forward to its passage.

Mr. FRANK. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I thank the gentleman from Massachusetts and my friend for this time.

Mr. Chairman, I rise in opposition to the process by which the Tornado Shelter Act has come before us today.

While I do have concerns about the underlying legislation, my strongest concerns lie in the nature by which this legislation has made its way to the floor. It received no consideration in either the appropriate subcommittee or through the full committee of jurisdiction. It seems to have appeared on the floor, in my opinion, if only as a space filler to keep Members here in D.C. The committee of jurisdiction, the Committee on Financial Services, of which I'm a member, and which I am a member, in a bipartisan manner should have had the opportunity to fully review this bill before bringing it to the floor.

This legislation, from the short notice that I have had to look at it, would take important funding from the Community Development Block Grant program, a program, to my understanding, that the President wants to slash by more than $400 million this year, and could provide funding to enterprises that do not meet the income thresholds of the CDBG funding.

Tornado prevention is a good thing. But should Congress be providing funding to private groups, to groups who may not meet the regular criteria for CDBG funding? I do not think they should be.

I do not have an informed answer as of yet, and I have not had the time to fully vet this legislation, again, because the process was waived, as was the possibility of any review by the Democratic members of the Committee on Financial Services.

I have a good relationship with the gentleman from Ohio (Chairman OXLEY), and I understand that there was no evidence that he or the gentleman from Alabama (Chairman BACHUS), the author of this bill, was party to slashing CDBG funding, and I would have the opportunity to deal with these dubious circumstances.

But because of those circumstances, this bill should be pulled from full consideration and brought back for hearings and mark-up in the committee of jurisdiction. This could be a good bill, but this House has not yet had the chance to review it properly.

While we have a President who plans to slash CDBG funds as well as cut section 8 vouchers for low- and moderate-income Americans and eliminate the Drug Elimination Program which fights the scourge of drugs in our Nation's public housing, this body needs to have the chance to fully vet this bill, to ensure it is in the best interest of all Americans.

I hope my friends on the Republican side of the aisle will understand the discomfort of the minority at this legislation coming to the floor. I hope that we can work together to have a chance to review this bill in committee.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. CROWLEY. Yes, I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, the rules of the House do not permit us to address people who are not on the floor, so I would just take this opportunity to express my best wishes to the absent chairman of the full committee. It is not usual for a committee, in my experience, to consider a bill in the absence of the chairman of the full committee. I hope all is well with him.

Mr. BACHUS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, but I want to speak to the merits of this legislation. I want to commend the Members who have spoken on the other side and who said we are not addressing the merits of this legislation. We are addressing the bill. But they have unknowingly let two rabbits out, and I am going to chase those rabbits for a minute.

The first rabbit is this rabbit of immaculate conception; that the bill was just beamed down to us from outer space, or that there was no evidence that he or the gentleman from Alabama had anything to do with this bill under these dubious circumstances.

I really had no objection to the bill coming up now or, as I told the gentleman from Massachusetts (Mr.
Mr. FRANK. Mr. Chairman, I yield myself such time as I may consume to simply say to the gentleman from Alabama, who began by saying that our complaints about the process were wrong because the bill had been introduced in January and the committee, that the committee should then have had a hearing. The gentleman is a member of the committee. He should have asked for one. We could have had this out earlier. The Subcommittee on Housing Opportunity had one hearing. I think we could have found the time.

So the notion that because the bill was introduced in January, that somehow justifies totally bypassing the process seems to be wrong. And in fairness to the committee, it is not my impression the committee was pressed to have a hearing. Again, let us be clear. The only reason this bill is on the floor today is because it meets the needs of the major concerns so they could keep Members in town. It has nothing to do with anything else, and that is an improper way to go about things.

Mr. Chairman, I yield 4 minutes to the gentlewoman from Florida (Mrs. MEEK), one of the great defenders of the true purposes of the Community Development Block Grant program.

Mrs. MEEK of Florida. Mr. Chairman, I certainly have had discussions with the gentleman from Alabama (Mr. BACHUS), who introduced this bill. I represent some of the same kinds of constituents that he represents, and each of my colleagues has similar kinds of constituents. But that is not what this bill is all about.

Number one, this bill is about the utilization of Community Development Block Grant funds to build shelters. That is what it is about. Now, each of us at some time in our life here in the Congress has a disaster or we have some problem that there is a sense of urgency about it. In my area it is a flood, or it may be a hurricane, but there does not mean that you get an outside the parameters of things that are already statutorily set to receive funds for those things when the funds were designed for people in similar straits.

So I do feel compassion for the gentleman from Alabama (Mr. BACHUS) and the constituents he is trying to help. But it does not change the fact that each of us has some of these urgent things we need to get taken care of. I need to get flood problems taken care of. I need to get hurricane problems taken care of, and they are emergencies, but I cannot come and take it out of the CDBG funds in the way that this gentleman has described.

The gentleman wants to now allow private developers or private builders to build a shelter on private property. Remember this, they can buy the land, they can acquire it, they can buy it, and after that they can place it at the site of the manufactured homes.

Now, I came from the State legislature. We had a lot of problems with
manufactured homes. There were certain guidelines that they could not reach and never would reach. But this bill is not about that. This bill is to say let us give them money to provide a shelter so that we can save some lives. I agree with that. What I do not agree with is the Republican administration using Federal money to build shelters when that county could build them. If the county feels that is such as much of an emergency as my good Republican colleague said, why could that county not use their priorities?

We know we have people who are living in manufactured homes; that they need better protection; who are in an area where there will be tornadoes, there will be floods. Why do we not use our general revenue funds? Why should we come to the Federal Government when the entire Nation needs this for low- and moderate-income people to provide homes.

In the face of that, the Republican administration has cut all of the funds for our Community Development Block Grant funds. What bothers me is that every time there is a need for funds, my Republican colleagues run to this little pile of funds and say, okay, we can take some of that. This year is one thing, next week it will be another thing. We are constantly decimating those funds.

I say to my colleagues that the amendment of the gentleman from Alabama is for a good cause. Had it gone to the committee, they could have pointed out some things. Number one, they should have said let us look for some more money, let us look for some more funds, let us not cut into funds that the President has already cut. We still have people who do not have houses, we still have homeless people, we still have poor people.

My colleague would be surprised. I could bring a litany of things to him, and he would feel very, very sorry for some of the fates of some of these people who are dismally located in slums and decimated areas, with flood water, sewage water, everything running into it. Is that an emergency that I should come here quickly pass this bill? No, I should not do that. It is not the thing to do, and I do not think we should pass this amendment.

Mr. BACHUS. Mr. Chairman, I yield myself such time as I may consume to the gentleman from Alabama.

Mr. CRAMER. Mr. Chairman, I thank my colleague from Alabama, and I will not take that much time, but I wanted to commend him over the issue that he is bringing to the floor today.

It is hard to tell in Alabama where tornado alley is not. We have vulnerable citizens from north to south; all around us in the south and all around us in the country as well. I am not here to get myself involved in the procedural dispute here today, but I am here to say that we need not do what we can get for residents that live in manufactured housing and in the communities that consolidate that kind of housing as well.

The gentlewoman from Florida (Mrs. MECK) is a tough act to follow, my colleague from South Florida there, but she knows as well as I do that we have vulnerable citizens that live in these communities.

Mr. Chairman, I do want to engage my colleague from Alabama in a dialogue here.

A number of our colleagues are confused about funding that is provided by this particular bill in this particular process. They are afraid that we cannot afford this or that it robs other valuable programs. This reflects on the CDBG program. Can the gentleman speak to the funding?

Mr. BACHUS. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Alabama.

Mr. BACHUS. I appreciate the question. This fund has got $5.1 billion in it, and that money, a large amount of that money, goes to the States and to the local governments; to the communities. Cities and counties is what most people would identify with. And those cities and counties make the decision over how to spend those funds.

I do not mandate that they spend a dime on this program. I simply make the available funding available for this category. It is already available for site-built homes, it is already available for rental property, it is already available for public housing. I simply expand it to manufactured housing.

Mr. CLEMENT. There is, then, a process that would be available on the local level that would review the cost, who is going to own this particular property. Not whether we can afford it. We already have funded funds. The money comes from preexisting funds that we have already appropriated?

Mr. BACHUS. It is funds that we appropriate every year for the communities to spend as they see fit. We actually restrict them to certain categories. I want this to be a category that they can spend money on. They may choose not to.

Mr. CRAMER. I applaud the gentleman's efforts and certainly want to join with him early to make sure we protect the citizens that live in this kind of housing. It is time that we do it.

Mr. BACHUS. Adding upon that, we can use this money to prevent beach erosion in New York State. I think we ought to be able to use it to stop deaths from tornadoes wherever they may strike.

Mr. CRAMER. I thank the gentleman.

Mr. BACHUS. Mr. Chairman, I yield myself such time as I may consume.

I want to read something that the Birmingham News said about this bill. I want to emphasize this. The gentleman from Alabama had asked me about this.

This is what their editorial endorsing the bill says:

All Bachus wants to do is give local governments the option of applying for Federal community block grants to build shelters in mobile home parks. There is no mandate and there is no cost for mobile home buyers. Indeed, the measure could make manufactured homes more attractive to those who wondered about safety during storms. The fact is those who work in deadly storms and peo-ple in mobile homes are likely to be victims.

A 1999 Birmingham News analysis showed that more than 60 percent of the fatalities connected to the most recently occurring tornadoes were mobile home residents.

Maybe in the next 10 years that will not be the case. But they simply deserve the same protection we afford our other citizens. It is simply a matter of fairness.

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

Mr. FRANK. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi (Mr. SHOWS).

Mr. SHOWS. Mr. Chairman, I thank my friend from Massachusetts for yielding me this time.

On February 24 of this year, a tornado devastated a 23-mile-long path through Mississippi and killed six people. I wanted to mention another tornado that came through Tylertown, Mississippi, and killed one man who was driving along in his pickup truck.
A tree fell on him. Thirty more people in my State were injured. One of these persons was a 10-year-old boy who was killed during his birthday sleepover party at a friend’s house. By definition this was a small tornado, but, just like the large ones, it caused a lot of devastation. Mississippi has the horrible distinction of leading the country in average deaths due to tornadoes.

We were all of these people adequately prepared? No. Unfortunately, the answer to this question is 40 percent of all tornado-related fatalities occur in manufactured housing. Only 10 percent of the victims are permanent home residents. Residents of mobile homes are not able to seek the common shelter in that many of us take for granted because they have no basement.

This bill creates no Federal mandate. It does not say “you must build these shelters”, but it does provide communities the ability to seek funding not previously available to manufactured housing residents to construct these shelters. This is a vote that we should make with our hearts so that we may give the good people of this country the option to protect their children if and when tragedy may strike.

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I always like to congratulate those who have seen the error of their ways, and the Republican Party is entitled to that on several counts.

In the first place, the gentleman from Alabama approached me. We talked privately and publicly. He said that they have this terrible need in Alabama, and the local communities cannot afford to do it. The local communities, given the nature of some of the jurisdictions, do not have the financial ability to do it, and here is this important lifesaving goal.

This is not a matter of interstate commerce, nor is it talking about something that transcends State lines. We are talking about providing physical protection for residents of vulnerable structures in particular localities. It is a very local business. But because the local communities either do not want to or cannot easily raise the revenues, they come to whom? The Federal Government.

This is a request that local communities be allowed to use Federal funds collected by Federal taxes for local purposes.

I am all for that. I welcome my Republican colleagues to the recognition of the point that in this one country of ours we have an obligation to help.

Some people used to believe in something they called States rights and States responsibilities. Some people used to argue against the Federal Government. Ronald Reagan, who was inaugurated the year I came to Congress, and those were not causally related, said, “The Federal Government is not the answer to our problems. It is the problem.”

Today we have a Republican recognition that the Federal Government must be part of the answer to a problem. That absent Federal revenues, local communities cannot make it on their own. I think that is a very wise evolution on the part of my conservative friends. I congratulate them for it.

I will point out the gentlewoman from Florida knew earlier. She did not have to be convinced.

Mrs. MEEK of Florida. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to the gentlewoman from Florida.

Mrs. MEEK of Florida. This appears to me, the issue here, and the gentleman can clarify this, is not that anyone is against using CDBG funds to build a shelter in and around a manufactured home. In my estimation, CDBG’s money should not be used to buy private land, acquire private land by a private owner and build a shelter.

Mr. FRANK. I would say to the gentlewoman it is not even acquiring the private land. What I understand in this bill, and this is the question I would have raised if we had had the possibility to do it during subcommittee and committee, the question would have been, will it appear to say that public Federal money, given to the communities, can then by the communities in turn be given to a private owner to build a shelter on his or her private land which he or she would then own, with no provisions about re-capturing it. That does trouble me. That is what we would have addressed.

We would be all in favor of building the shelters. The question is, should you provide the public money, the Federal money, to local private owners so they can own it? Should you do that without some further restriction?

I want to get back to the other point about government. It illustrates a Republican dilemma. My Republican friends hate the government in general. They are just in favor of everything government does. The government is a bad thing. The Federal Government is a bad thing. But Federal funds should go to local communities to build shelters.

Now, I agree with that. The problem is they cannot continuously denounce the whole and inflate the parts. It does not work. But this is what we have. We have a Republican proposal now to expand the uses of Federal funds so that local communities in dealing with local problems can have more Federal money. I am all for that. But let us not think this only applies when you have a particular problem in your own area.

There is another area where I want to talk about. I mentioned previously to our colleague, the gentleman from Texas, whose father, the gentleman from Texas, used to chair this committee back when we were allowed to refer to it as the Housing Committee in particular. He talked to improve the safety of manufactured housing. Last year, we had a debate over improving the safety of manufactured housing. Frankly, years ago I thought some people were going to sue the distinguished gentleman from San Antonio, the former chairman of the Banking Committee, for defamation because he suggested that there was a particular danger with manufactured housing as it was then built with regard to storms, hurricanes and tornadoes.

What do we have now? A recognition on the part of my friends that manufactured housing is particularly vulnerable to tornadoes. Once again, we have known that, and many of us have been trying to fight it.

Yes, the people who live in manufactured housing have been ill-treated. These are generally people of limited income, though not entirely. Many of them are retired people trying to live prudently on a reasonable retirement income.

We deserve much better treatment in a number of ways. They deserve better treatment here. They deserve better consumer protections. Many of them deserve at the State level better treatment when they decide to throw them out and they have no protection. They deserve better treatment in getting mortgages, when in the past their homes were treated as if they were automobile loans rather than housing loans. There is a lot that should be done for them. That includes the shelters.

But there is this issue, as the gentlewoman from Florida raised, does it make sense to just give this money to the private owner in a relatively unrestricted way? We will address some of that with amendments.

There is one other issue where the Republicans, having learned something, deserve credit. I want to again give credit where credit is due. In 1993, then President Clinton proposed a countercyclical program to deal with what he believed then was a recession. It turns out the economy was doing better than he thought. But one of the things he proposed was an increase in spending through the Community Development Block Grant program. I urge Members and others to go back to the CONGRESSIONAL RECORD of those days and read the denunciation of the Community Development Block Grant program as a big slush fund, as pork-barrel spending. The very aspects of that program which the gentleman from Alabama has hailed today were the basis of the Republican attacks on it.

The argument from the Republicans was, oh, this is terrible, these communities—will just do all kinds of things with it, unsupervised.

We have the recognition of the value of the CDBG program. We have a recognition of the value of using Federal funds to do things that Thomas Jefferson might have thought were of local concern. The Republican Party has gone beyond Thomas Jefferson to say that the right function ought to be, but it is an incomplete lesson. They cannot continue to advocate increased Federal
Mr. BACHUS. Mr. Chairman, I yield myself such time as I may consume. I believe that was an endorsement of this legislation. Mr. FRANK. Mr. Chairman, will the gentleman yield? Mr. BACHUS. I yield to the gentleman from Massachusetts.

Mr. FRANK. It is an endorsement of the legislation if the gentleman would address, and I have never objected to the legislation, if he addresses the issue that I have about giving public money through the communities to a private owner who then owns the structure and has unrestricted control of it. That is what concerns me.

Mr. BACHUS. Mr. Chairman, reclaiming my time, let me say this: the gentleman from Massachusetts talked about the whole philosophy of government, and let me tell you what the people of Tuscaloosa County would really like. They would really like to not send their money to Washington. Federal taxes are at a high. They would like to keep that money and put it in local government, or they would like to keep it in their own pockets and make their own decisions. But over the last 40 years we have raised their taxes and the taxes of all our citizens so high that they now have to come to Washington and a lot of their needs have to be met here because we take so much of their money.

They would rather not apply for community development block grants. They would rather their taxes be cut by that much, and just let them make the decisions at the city hall in Tuscaloosa or North Port, or the Tuscaloosa County Commission. But, unfortunately, all that money comes up here, so it is parcelled back. Just to add insult to injury, not only do we take their money away from them; but then when we send it back, we tell them they cannot use it for what they wanted to use it for. Thus, this bill.

Mr. Chairman, I yield 2½ minutes to the gentleman from Alabama (Mr. RILEY).

Mr. RILEY. Mr. Chairman, I thank the gentleman for yielding me time. Mr. Chairman, my grandfather told me one time, learn how to take yes for an answer. I would like to thank the gentleman from Massachusetts for the support they have given me on this issue that the gentleman said, when you talk about allowing a community to have the opportunity to make a determination for what is best for their citizens, I think everyone in this Chamber would agree with it. I want to compliment the gentleman from Alabama (Mr. BACHUS), because we do have a unique problem in Alabama. I had an opportunity with the Vice President a couple of years ago to go through Tuscaloosa County and also Tuscaloosa. When an F–5 tornado came through. It was one of the most horrific things I have ever seen in my life.

When you have a great deal of the population living in clusters where there is absolutely no protection now, for us to make a determination that a local government should not be able to use these grants as they see fit to protect their citizens I think is an abomination of the process. So I just want to congratulate the author of this bill, offer my support for it, and, again, congratulate and thank the gentleman from Massachusetts for his continued support.

Mr. FRANK. Mr. Chairman, I yield myself such time as I may consume to say that precisely this is the purpose of this temporary bill, because the gentleman from Alabama, the author of the bill, said that we needed this because Federal taxes were too high, although the rates are not higher than they were 20 years ago when Ronald Reagan reduced them. We put them part of the way back up.

But the Republican Party apparently is about to put taxes at what it thinks is the appropriate level. In fact, that is why we are doing this bill today. We are doing this bill today so they can campaign through Republican offices here and stay in the Committee on Ways and Means and vote for another part of the tax cut. That is the reason it is on the floor today.

So the gentleman from Alabama said you need CDBG because Federal taxes are too high. So I assume that once they get their tax cut through at the level they have decided, if they are able to do it, that we will then see the demise of CDBG, because once we have cut taxes back to what the Republican Party thinks is the appropriate level, we will not need the CDBG program.

Many of us have long suspected that that was the plan. When we look at their approach to the Federal budget, it occurred to us that when you enact the level of tax reduction they are talking about, then many current Federal programs we will no longer be able to afford.

So I think what the gentleman has given us is the philosophical rationale, first come the tax cuts, then will come the elimination of programs such as CDBG.

Mr. BACHUS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to wrap up by simply hitting two points. The first thing I wanted to make very clear, Mr. Chairman, is that H.R. 247 creates no new Federal mandates on local government or on private industry, nor does it authorize the expenditure of one dime of taxpayer money. It merely permits local communities entirely at their option to tap into available Federal funds to build storm-safe shelters for residents of manufactured housing. That is all it does. Those are existing Federal funds to build storm-safe shelters for residents of manufactured housing. We should be increasing their ability to use these grants as they see fit to protect their citizens; I think is an abomination of the process.

Mr. Chairman, I want to wrap up by simply hitting two points. The first thing I wanted to make very clear, Mr. Chairman, is that H.R. 247 creates no new Federal mandates on local government or on private industry, nor does it authorize the expenditure of one dime of taxpayer money. It merely permits local communities entirely at their option to tap into available Federal funds to build storm-safe shelters for residents of manufactured housing. That is all it does. Those are existing Federal funds to build storm-safe shelters for residents of manufactured housing.

Mr. BACHUS. Mr. Chairman, I yield myself such time as I may consume. I believe that was an endorsement of this legislation. Mr. FRANK. Mr. Chairman, will the gentleman yield? Mr. BACHUS. I yield to the gentleman from Massachusetts.

Mr. FRANK. It is an endorsement of the legislation if the gentleman would address, and I have never objected to the legislation, if he addresses the issue that I have about giving public money through the communities to a private owner who then owns the structure and has unrestricted control of it. That is what concerns me.

Mr. BACHUS. Mr. Chairman, reclaiming my time, let me say this: the gentleman from Massachusetts talked about the whole philosophy of government, and let me tell you what the people of Tuscaloosa County would really like. They would really like to not send their money to Washington. Federal taxes are at a high. They would like to keep that money and put it in local government, or they would like to keep it in their own pockets and make their own decisions. But over the last 40 years we have raised their taxes and the taxes of all our citizens so high that they now have to come to Washington and a lot of their needs have to be met here because we take so much of their money.

They would rather not apply for community development block grants. They would rather their taxes be cut by that much, and just let them make the decisions at the city hall in Tuscaloosa or North Port, or the Tuscaloosa County Commission. But, unfortunately, all that money comes up here, so it is parcelled back. Just to add insult to injury, not only do we take their money away from them; but then when we send it back, we tell them they cannot use it for what they wanted to use it for. Thus, this bill.

Mr. Chairman, I yield 2½ minutes to the gentleman from Alabama (Mr. RILEY).

Mr. RILEY. Mr. Chairman, I thank the gentleman for yielding me time. Mr. Chairman, my grandfather told me one time, learn how to take yes for an answer. I would like to thank the gentleman from Massachusetts for the support they have given me on this issue that the gentleman said, when you talk about allowing a community to have the opportunity to make a determination for what is best for their citizens, I think everyone in this Chamber would agree with it. I want to compliment the gentleman from Alabama (Mr. BACHUS), because we do have a unique problem in Alabama. I had an opportunity with the Vice President a couple of years ago to go through Tuscaloosa County and also Tuscaloosa. When an F–5 tornado came through. It was one of the most horrific things I have ever seen in my life.

When you have a great deal of the population living in clusters where there is absolutely no protection now, for us to make a determination that a local government should not be able to use these grants as they see fit to protect their citizens I think is an abomination of the process.

So I just want to congratulate the author of this bill, offer my support for it, and, again, congratulate and thank the gentleman from Massachusetts for his continued support.

Mr. FRANK. Mr. Chairman, I yield myself such time as I may consume to say that precisely this is the purpose of this temporary bill, because the gentleman from Alabama, the author of the bill, said that we needed this because Federal taxes were too high, although the rates are not higher than they were 20 years ago when Ronald Reagan reduced them. We put them part of the way back up.

But the Republican Party apparently is about to put taxes at what it thinks is the appropriate level. In fact, that is why we are doing this bill today. We are doing this bill today so they can campaign through Republican offices here and stay in the Committee on Ways and Means and vote for another part of the tax cut. That is the reason it is on the floor today.

So the gentleman from Alabama said you need CDBG because Federal taxes are too high. So I assume that once they get their tax cut through at the level they have decided, if they are able to do it, that we will then see the demise of CDBG, because once we have cut taxes back to what the Republican Party thinks is the appropriate level, we will not need the CDBG program.

Many of us have long suspected that that was the plan. When we look at their approach to the Federal budget, it occurred to us that when you enact the level of tax reduction they are talking about, then many current Federal programs we will no longer be able to afford.

So I think what the gentleman has given us is the philosophical rationale, first come the tax cuts, then will come the elimination of programs such as CDBG.

Mr. BACHUS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to wrap up by simply hitting two points. The first thing I wanted to make very clear, Mr. Chairman, is that H.R. 247 creates no new Federal mandates on local government or on private industry, nor does it authorize the expenditure of one dime of taxpayer money. It merely permits local communities entirely at their option to tap into available Federal funds to build storm-safe shelters for residents of manufactured housing. That is all it does. Those are existing Federal funds to build storm-safe shelters for residents of manufactured housing.
I want to clarify something else, since I have been sponsoring this legislation. What have we done about tornadoes over the last 150 years? Interestingly enough, at one time we were an agrarian society; and 80 years ago, 100 years ago, maybe 200 years ago, many of us lived in the countryside. An old-timer recently told me after the Tuscaloosa tornado that his grandfather could predict these things. He could tell they were coming; he could read the sky, read the signs; and he could tell you when the tornado was coming 30 minutes before, and they would all go down in that shelter.

Well, we do not have that luxury today. We are inside, we are not outside in the field, we do not know how to read the weather, we do not know the signs like our grandfathers and great grandfathers did, but we have got something that they never dreamed of having. We have the technology of turning on our TV screen and seeing a street map with our street on that map and the television station telling us that in 30 minutes a tornado will be hitting our community, and telling us within 2 minutes of when it will arrive.

The next time, next year, not this year, it is too late for this year, but next year, when the citizens that the gentleman from Alabama (Mr. RILEY) and the gentleman from Alabama (Mr. CRAMER) and the gentleman from Alabama (Mr. HILLIARD) and I represent turn on their television and they turn on the TV and they hear that in 30 minutes a tornado will be in the New Bethel community, or the Rock Creek community, like the one that hit Rock Creek, that they will be able to go down in a shelter near their mobile home or near their manufactured home, and they will have a chance to survive this tornado. When they do that, that when the money is spent by that county or that city, it will be the people’s money, money they sent to Washington, and they ought to ultimately decide how it is spent.

Mr. FRANK. Mr. Chairman, I yield the balance of my time to the gentleman from New York (Mr. LAFAULCE), the ranking member of the full committee.

Mr. LAFAULCE. Mr. Chairman, I would like to put the entire debate on this bill in some perspective. The gentleman from Alabama (Mr. BACHUS) has introduced a very good-faith sponsored bill and said we have to bring something to the floor, let us hear it, and forget about the fact that there was no hearing, forget about the fact there was no markup, and forget about the fact that you did not discuss it with the Democrats; we will just bring it to the floor.

That is what we objected to, not all that strenuously. We had one motion to adjourn, and that was it, just to make the point. We were willing to go on. It was the Republicans that then called for the roll. Why? Because they wanted to delay, because they have got committee meetings going on right now, the Committee on Ways and Means, for example; and they wanted more filler. So they were the ones that engaged in the dilatory tactics on that.

With respect to this bill, this can be a very good bill, a bill we can support. I, for one, though, have two, and, depending upon one of those two, possibly three amendments. For example, a State or locality right now is required to use 70 percent of its disaster money. They could read it in about 40 seconds.

Secondly, they sometimes go as far as totally bypassing every single procedure that is required by the rules of the House, that is, subcommittee hearing and markup, et cetera. Sometimes they bypass that in cooperation and consultation with the minority; sometimes they just bypass the minority and have no prior consultation and consensus. That is what happened here. There was nothing. They needed filler, they went to a Republican chiefly sponsored bill and said we have to bring something to the floor, let us hear it, and forget about the fact that there was no hearing, forget about the fact there was no markup, and forget about the fact that you did not discuss it with the Democrats; we will just bring it to the floor.

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Mr. CHAIRMAN pro tempore. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL Record. Such amendments will be considered read.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. FRANK

Mr. FRANK. Mr. Chairman, I offer an amendment.

The Clerk read as follows: Amendment offered by Mr. FRANK:

In section 2, insert—\(a\) In General.\— before—\(b\) Authorization of Appropriations. In addition to any amounts otherwise made available for grants under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), there is authorized to be appropriated for assistance only for activities pursuant to section 105(a)(2) of such Act $50,000,000 for fiscal year 2002.

Mr. BACHUS. Mr. Chairman, I reserve a point of order.

The CHAIRMAN pro tempore. The gentleman from Alabama reserves a point of order.

Mr. FRANK. Mr. Chairman, I had consulted with the Parliamentarian.

Mr. Chairman, this is not a general increase in the authorization. This is an authorization of $50 million specifically for the purposes authorized in the bill. It is a grant of money specific to the particular bill.

The point is one we have already addressed. Many of us agree with the gentleman from Alabama that this is an important purpose. With the changes that the gentleman from New York talked about, we are very much in support of it. I agree and have worked long and hard to protect people who live in manufactured housing.

The problem is that absent this amendment and subsequent action, we would hope, by the Committee on Appropriations, communities will be faced with a choice. They can accommodate this particular authority to build the shelters only by reducing activities in which they are currently engaged. Indeed, this would set aside $50 million for these activities so that this particular level of activity would be in some ways protected. It is a lifesaving activity. If we believe that there is a very broad activity, then it seems to me incumbent upon us to fund it fully and not put communities to the choice.

It is one thing when we are creating a brand new program; it is another when we are funding an already existing program. With existing programs in many areas, there tend to be existing funding patterns. So that if a new purpose is now allowed to them to take advantage of this new purpose, they may face the need to defund some other purpose, because their money has tended to be committed. That is not true in every area, but in ongoing programs we are aware that there is very often a set of expectations that people have, such as these groups have been funded, et cetera.

I do not think we ought to say to the local community, okay, you must, if you are going to take advantage of this, stop doing something you are now doing; I think instead we ought to say, here is additional money for that purpose, and that is what this amendment does. This amendment authorizes additional money for this important purpose. It would seem to me odd if we were to talk about how important this lifesaving function is and not be prepared to provide communities with the money to make sure that they were taking advantage of it without them having to make the kind of difficult choices that they would otherwise have to make.

I say this in particular because what many of us have found is, and again, I admire the gentleman’s desire to protect people in manufactured housing; not coming from an area where tornadoes have been a problem, this particular aspect had not been one that is foremost in my mind, but I think they deserve protection; but what we found is that in some areas, people who live in manufactured housing are not fully respected in the political process. They are sometimes seen as a small minority, sometimes as isolated entities within the community, and the danger here is that if we simply submit this into the regular Community Development Block Grant process, in communities where there is an ongoing set of claimants, the chances that the people who live in manufactured housing will be able to get the full benefit of this may not be great.

So the virtue of this amendment is that it makes sure that in those areas where there is a very vulnerable manufactured housing, there is a very high chance that the people will get the benefit of the program and they will not be put in a political conflict with other claimants in that community, and it addresses the issue raised by the gentlewoman from Florida who is not now with us and who has been a great champion of this; namely, making sure that as we increase the purposes for which CDBG is put, we do not dilute the programs we are aware that there is a precedent that will be a precedent that we should add to the functions of CDBG, we should add to the money that is available to perform them.

Mr. BACHUS. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, I agree, and I withdraw my point of order to the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by Mr. FRANK.

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments?

AMENDMENT NO. 2 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The text of the amendment is as follows:

Amendment No. 2 offered by Mr. TRAFICANT:

At the end of the bill, add the following new section:

SEC. 2. USE OF AMERICAN PRODUCTS.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under the activities authorized under the amendment made by this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available for the activities authorized under the amendment made by this Act, the Secretary of Housing and Urban Development, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

Mr. TRAFICANT. Mr. Chairman, the last quarter trade deficit was $119 billion. Three months. That is about $40 billion a month.

I agree wholeheartedly with the amendment of the gentleman from Massachusetts (Mr. FRANK) and with the debate that has come from both the gentleman from Massachusetts and the gentleman from New York (Mr. LAHOOD). I think this is a good bill, and we should consider their concerns, but one thing is for sure, and that is when we do have a disaster, I think everybody should try to at least purchase and price American goods and services before they purchase foreign-made goods. It is a very simple, straightforward amendment. I think the arguments that are being made from this side on this bill are noteworthy and should be taken into consideration.
Mr. Chairman, I ask for approval of my amendment.

Mr. BACHUS. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

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

Mr. BACHUS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 8 of rule XX, further proceedings on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) will be postponed.

Are there further amendments?

AMENDMENT OFFERED BY MR. LA FalCE

Mr. LA FalCE. Mr. Chairman, I offer an amendment.

The Clerk reads as follows:

Amendment offered by Mr. LA FalCE:

In the new paragraph (24) proposed to be inserted by section 2(3) of the bill, insert before "and" the following: "except that a shelter assisted with amounts made available pursuant to this paragraph may not be made available exclusively for use of the residents of a particular manufactured housing park or of other manufactured housing, but shall generally serve the residents of the area in which it is located".

Mr. LA FalCE. Mr. Chairman, this is a perfecting amendment to the bill designed to conform it to the purpose of CDBG.

The primary bill, H.R. 247, allows for-profit entities to gain access to CDBG funds for the construction, improvement or acquisition of tornado or storm-safe shelters for manufactured housing. But, the way the bill is drafted, it would seem possible for the shelters to be used exclusively for the residents of the manufacturing housing development or the for-profit entity. It cannot and should not be the case that these for-profits can use these public funds just to serve their paying residents.

The facilities should be, if built with public monies, available to the general public. On a practical level, I do not see how we can demand less. If there is a tornado, it is unimaginable that individuals who find themselves in the approximate vicinity of the onset of a huge storm and have nowhere else to go should be turned away and put at physical risk. Certainly we should not be using public funds to sanction such an action.

So my amendment simply states that the shelters constructed under this bill may not be made available exclusively for the use of the residents of a particular manufactured housing park or of other manufactured housing, but shall generally serve the residents of the area in which it is located.

I would assume this change is unobjectionable; I would assume this amendment would be supported. If this amendment is supported as the last one, I will support the bill and allow the bill to pass by voice vote, so if there is any recorded vote, it would have to be the members of the majority who are asking for it, perhaps for purposes of whippiness their members on some bill coming up next week, not because we are desirous of it.

Mr. BACHUS. Mr. Chairman, I rise in support of the amendment.

As with the previous amendment, it is my understanding that only low-income and moderate-income families would qualify under the existing law, but to clarify it further and to clarify with this amendment the additional wording I welcome that as the intent of the bill.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. LA FalCE).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. TRAFICANT

Mr. LAFALCE. Mr. Chairman, I offer an amendment.

The Clerk reads as follows:

Amendment offered by Mr. LAFALCE:

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The vote was taken by electronic device, and there were—ayes 396, noes 0, not voting 36, as follows:

[Roll No. 60]

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded. A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 396, noes 0, not voting 36, as follows:

AYES—396

Abercrombie
Aderholt
Bono
Allen
Andrews
Boehner
Bachus
Baer
Balbissi
Balducci
Ballenger
Barcia
Barr
Bereuter
Berkley
Biggert
Bilirakis
Bishop
Blajich
Blumenauer
Blinn
Boehlert
Boehner
Bonilla
Bono
Borski
Bowser
Boyd
Bradley (FL)
Brown (NH)
Bronin
Borrelli
Brennan
Brooks
Callahan
Camp
Cantor
Capito
Capps
Capseno
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Clifford
Clyburn
Coelho
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crespin
Cubin
Culberson
Cummings

AYES—396

Hinchey
Hinojosa
Howard
Hoeftel
Deal
Hoeven
Filner
Holt
DeGette
Delahunt
DeLauro
DeLauro
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley
Dooley
Doyle
Dreier
Duncan
Duncan
Edwards
Ehrlich
Ehlers
Emerson
Eisen
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Feller
Flake
Fleischmann
Ford
Fossella
Frank
Frelinghuysen
Gallo
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillum
Gillman
Gonzalez
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grubesich
Gutiierrez
Gutknecht
Hal (MD)
Hahn
Hanson
Harman
Lapinski
Hastings (FL)
Hayes
Hayworth
Hefley
Hepner
Hill
Maloney (CT)
Maloney (NY)
Mannitol

Hill
Hill
Hinojosa
Howard
Hoeftel
Hoeven
Holt
DeGette
Delahunt
DeLauro
DeLauro
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley
Dooley
Doyle
Dreier
Duncan
Duncan
Edwards
Ehrlich
Ehlers
Emerson
Eisen
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Feller
Flake
Fleischmann
Ford
Fossella
Frank
Frelinghuysen
Gallo
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillum
Gillman
Gonzalez
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grubesich
Gutiierrez
Gutknecht
Hal (MD)
Hahn
Hanson
Harman
Lapinski
Hastings (FL)
Hayes
Hayworth
Hefley
Hepner
Hill
Maloney (CT)
Maloney (NY)
Mannitol
Mr. LAHOOD. Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 247) to amend the Housing and Community Development Act of 1974 to authorize community development block grant funds for construction of tornado-safe shelters in manufactured home parks, pursuant to House Resolution 93, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered. Is there a separate vote demanded on any amendment to the amendment in the nature of a substitute, as amended? If not, the question is on the engrossment and third reading of the bill. The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill. The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BACHUS. Mr. Speaker, I demand a recorded vote.

The roll was called by the Clerk, and a record of the votes was obtained. The vote was taken by electronic device, and there were—ayes 401, noes 6, not voting 25, as follows:

[Ball No. 61]

AYES—401

Mr. SIMPSON. Mr. Chairman, I was un- 

avoidably detained and missed rollcall vote 

No. 60, on the Traficant amendment. Had I 

been here, I would have voted "aye."

The CHAIRMAN pro tempore. Mr. LAHOOD. Are there any other amendments? If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The Chairman pro tempore. Under the rule, the previous question is ordered. Is there a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill. The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BACHUS. Mr. Speaker, I demand a recorded vote.

The roll was called by the Clerk, and a record of the votes was obtained. The vote was taken by electronic device, and there were—ayes 401, noes 6, not voting 25, as follows:

[Ball No. 61]
So the bill was passed. The result of the vote was announced as above recorded. A motion to reconsider was laid on the table. Stated for: Mr. DIAZ-BALART. Mr. Speaker, I was absent on roll call vote 61, final passage for H.R. 247. Had I been present, I would have voted "aye."

Mr. SIMPSON. Mr. Speaker, I was unavoidably detained and missed roll call vote No. 61, on passage of H.R. 247. Had I been here, I would have voted "aye."

THE JOURNAL

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 1, rule I, the pending business is the question of the House adjourns on Monday, March 26, 2001. The House will next meet for legislative business on Tuesday, March 27 at 12:30 p.m. for morning hour and 2 p.m. for legislative business. The House will consider a number of business under suspension of the rules, a list of which will be distributed to Member's offices tomorrow. No recorded votes are expected before 6 p.m. on Tuesday.

Mr. Speaker, also on Tuesday the House is expected to consider the Omnibus Committee Funding Resolution beginning at 4 p.m. At 5 p.m., the House will begin 3 hours of general debate on the budget resolution. No budget-related votes are expected on Tuesday.

On Wednesday, March 28, and the balance of the week, the House will consider the following measures subject to the rules: The budget resolution for the fiscal year 2002; H.R. 6, the Marriage Tax Elimination Act of 2001.

Mr. Speaker, obviously next week will be a busy and productive week on the floor. In expectation of that busy week, I wish all of my colleagues a restful weekend and time at home with their family and their constituents.

Ms. SLAUGHTER. Mr. Speaker, if I may inquire of the gentleman, the tax bill is expected to be on the floor on Tuesday?

Mr. ARMEY. Mr. Speaker, if the gentlewoman will yield, the tax bill is expected on the floor on Tuesday.

Ms. SLAUGHTER. Should Members expect to be here voting on Friday?

Mr. ARMEY. Mr. Speaker, we cannot say for certain now. This is a busy week with a lot of work, and as we get a measure of the week’s progress, we will try to inform Members as early as possible about Friday; but for now we have no plans other than we will be working on Thursday and Friday.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman.

ADJOURNMENT TO MONDAY.

MARCH 26, 2001

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

Mr. Speaker, also on Monday the House is expected to consider the Agriculture Appropriations Bill of 2002 beginning at 4 p.m. At 5 p.m., the House will begin 3 hours of general debate on the bill. No recorded votes are expected on Monday.

On Tuesday, March 27, and the balance of the week, the House will consider the following measures subject to the rules: The budget resolution for the fiscal year 2002; H.R. 6, the Marriage Tax Elimination Act of 2001.

Mr. Speaker, obviously next week will be a busy and productive week on the floor. In expectation of that busy week, I wish all of my colleagues a restful weekend and time at home with their family and their constituents.

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Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman.
SENATE CONCURRENT RESOLUTION

Resolving the Congress on the Hague Convention on the Civil Aspects of International Child Abduction

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the concurrent resolution (H. Con. Res. 69) expressing the sense of the Congress on the Hague Convention on the Civil Aspects of International Child Abduction.

Whereas 20 years ago, the Hague Convention on the Civil Aspects of International Child Abduction was a bold step forward to provide a uniform process for resolving international child abduction cases;

Whereas over the past 2 decades, the Convention has had increasingly important and positive effects and has grown in terms of the number of Contracting States and the level of interest of other nations;

Whereas there has been an increase of multinational marriages and a corresponding increase of international abductions of children by parents;

Whereas as travel becomes faster and easier, and as multinationality increases, international cases of abduction become more common, the Convention is more significant than ever;

Whereas on 2 occasions, the International Centre for Missing and Exploited Children and the National Center for Missing and Exploited Children have convened professionals and experts in international child abduction to examine their experiences with the Convention;

Whereas on both occasions, the participants affirmed their overwhelming commitment to the Convention, but were also unified in the conclusion that there are serious shortcomings in its implementation;

Whereas the shortcomings include—

(1) a lack of awareness by policy makers and the general public of the Convention and of the problem of international child abduction, making the successful resolution of cases more difficult;

(2) the fact that, in too many instances, the process for resolving an international child abduction is too slow; and

(3) the lack of uniformity in the interpretation of the Convention from nation to nation;

(4) the fact that key exceptions provided in the Convention to ensure reason and common sense have in some cases ceased to be viewed as exceptions, have instead become the rule, and are used as justifications for not returning abducted children;

(5) the increasing difficulty of enforcing access rights for parents under Article 21 of the Convention;

(6) the need of parents for significant personal financial resources to obtain legal representation and proceed under the Convention and, in many cases, the lack of assistance for parents who do not have such resources;

(7) a serious lack of training, knowledge, and experience for judges in international child abduction cases, because there are too many courts hearing these cases and in most instances few such cases for each court; and

(8) in many instances, the lack of enforcement of court orders for the return of children;

Whereas the International Centre for Missing and Exploited Children has promised to support an effort to produce practice guides to provide a framework for applying the Convention; Now, therefore, be it—

Resolved by the Senate and House of Representatives (the Senate concurring), That—

(1) it is the sense of the Congress that—

(A) the original Hague Convention on the Civil Aspects of International Child Abduction—to provide a uniform process for resolving international child abduction cases—has taken a child abroad without permission is more important than ever;

(B) practice guides should be developed for the Convention that build on recognized best practices under the Convention and provide a framework for applying the Convention; and

(C) the Convention itself need not be modified;

(D) the practices identified and included in the practice guides should be legally binding on Contracting States to the Convention and should be based on research and the advice of experts to help ensure the most effective process possible;

(E) the practice guides should be developed in 3 stages: comparative research and consultations, meetings of expert committees to develop drafts, and consideration of the drafts by a future Special Commission; and

(F) the Permanent Bureau of The Hague should organize the process of developing the practice guides.

(2) the Congress urges all Contracting States to the Convention to adopt a resolution recommending that—

(A) the Permanent Bureau of The Hague promote and produce practice guides to assist in the implementation and operation of the Convention; and

(B) such a proposal to produce practice guides be adopted by the Fourth Special Commission at The Hague in March 2001.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. HYDE), for himself and other Members distinguished by the Convention.

Whereas on both occasions, the participants affirmed their overwhelming commitment to the Convention, but were also unified in the conclusion that there are serious shortcomings in its implementation;

Whereas the shortcomings include—

(1) a lack of awareness by policy makers and the general public of the Convention and of the problem of international child abduction, making the successful resolution of cases more difficult;

(2) the fact that, in too many instances, the process for resolving an international child abduction is too slow; and

(3) the lack of uniformity in the interpretation of the Convention from nation to nation;

(4) the fact that key exceptions provided in the Convention to ensure reason and common sense have in some cases ceased to be viewed as exceptions, have instead become the rule, and are used as justifications for not returning abducted children;

(5) the increasing difficulty of enforcing access rights for parents under Article 21 of the Convention;

(6) the need of parents for significant personal financial resources to obtain legal representation and proceed under the Convention and, in many cases, the lack of assistance for parents who do not have such resources;

(7) a serious lack of training, knowledge, and experience for judges in international child abduction cases, because there are too many courts hearing these cases and in most instances few such cases for each court; and

(8) in many instances, the lack of enforcement of court orders for the return of children; and

Whereas the International Centre for Missing and Exploited Children has promised to support an effort to produce practice guides to provide a framework for applying the Convention; Now, therefore, be it—

Resolved by the Senate and House of Representatives (the Senate concurring), That—

(1) it is the sense of the Congress that—

(A) the original Hague Convention on the Civil Aspects of International Child Abduction—to provide a uniform process for resolving international child abduction cases—has taken a child abroad without permission is more important than ever;

(B) practice guides should be developed for the Convention that build on recognized best practices under the Convention and provide a framework for applying the Convention; and

(C) the Convention itself need not be modified;

(D) the practices identified and included in the practice guides should be legally binding on Contracting States to the Convention and should be based on research and the advice of experts to help ensure the most effective process possible;

(E) the practice guides should be developed in 3 stages: comparative research and consultations, meetings of expert committees to develop drafts, and consideration of the drafts by a future Special Commission; and

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Whereas on both occasions, the participants affirmed their overwhelming commitment to the Convention, but were also unified in the conclusion that there are serious shortcomings in its implementation;

Whereas the shortcomings include—

(1) a lack of awareness by policy makers and the general public of the Convention and of the problem of international child abduction, making the successful resolution of cases more difficult;

(2) the fact that, in too many instances, the process for resolving an international child abduction is too slow; and

(3) the lack of uniformity in the interpretation of the Convention from nation to nation;
again thank him for his leadership in this very important area of the law.

Mr. LAMPSON. Mr. Speaker, I thank the gentleman from Ohio not only for his work on this, which was a yeoman's effort to bring up, but all the work that he has done on behalf of missing and exploited children. The Congressional Caucus is very proud to have him as one of its members; and many other Members, about 147 of us, have worked diligently to bring this issue to the attention of the American people. We are making progress.

As the gentleman said, he and I will be attending the Fourth Special Commission on The Hague Convention on Civil Aspects of International Child Abduction. It is imperative that we demonstrate a level of commitment by the United States House of Representatives on this issue. Should this resolution pass, the gentleman from Ohio and I will present it to the 60 member countries represented at The Hague and urge their delegations to support a best-practices guide.

This resolution urges that all contracting states to The Hague Convention adopt a resolution drafted by the International Centre for Missing and Exploited Children and the National Center for Missing and Exploited Children that would recommend that the Permanent Bureau of The Hague produce and promote practice guides to assist in the implementation and operation of the Convention.

As travel becomes faster and easier and as multinational marriages become more frequent, The Hague Convention is more significant today than ever before. The International Centre for Missing and Exploited Children and the National Center have convened professionals and experts in international child abduction to examine their experiences with The Hague Convention.

Participants in both of these forums affirmed the overwhelming commitment to the Convention but were also unified in the conclusion that there are serious shortcomings in its implementation, including the lack of awareness of the Convention and the problem of international child abduction by policymakers and the general public. In too many instances, the processes are too slow; there is a lack of uniformity from country to country; there is growing concern that key exceptions provide impunity to ensure parental, and common sense have in some cases ceased to be viewed as exceptions and instead have become the rule; there is great concern about the growing difficulty involved with enforcing access rights for parents; and in many instances, even when courts order returns, the enforcement of those orders is lacking or nonexistent.

We do not believe that the treaty itself should be modified, but practice guides, upon reconciliation of best practices under the Convention and provide a framework for applying the Convention. The practices identified and included in the guides would not be legally binding upon signatory countries but would serve as guidance to countries based upon research and the advice of experts in order to help ensure the most effective process possible.

Mr. Speaker, I urge the Members of the House of Representatives to vote for H. Con. Res. 69.

I want to also recognize and thank so very much those Members who signed on to this resolution as a cosponsor when we needed them. I introduced the bill on Tuesday with the hope that my colleagues would recognize the importance of this statement and rush it to the floor by the end of the week. My colleagues stepped up to the plate.

I want to especially recognize those Members of Congress and staff who worked to move this along. After the gentleman from Ohio (Mr. CHABOT) obviously, it is the gentleman from Missouri (Mr. GEPhardt), the gentleman from Texas (Mr. DeLAY), the gentle- man from California (Mr. LANTos), the gentleman from Illinois (Mr. HYDE), the gentleman from Texas (Mr. ARNEY), Tom Mooney, David Abramowitz, Dan Turton, Tim Fried- man, Kirk Boyle, Nisha Desai and Hillel Weinberg.

I know it was not easy, but I sincerely appreciate the efforts put forth by Members and staff on both sides of the aisle to bring this to the floor. It is indeed a nonpartisan issue and one that we can all embrace.

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

AMENDMENT OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CHABOT; in the text after the resolving clause, in paragraph (1)(F) and paragraph (2)(A), insert “Conference on Private International Law” after “The Hague”

The SPEAKER pro tempore (Mr. FERguson). The question is on the amendment offered by the gentleman from Ohio (Mr. CHABOT).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the concurrent resolution, as amended.

The concurrent resolution, as amended, was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. CHABOT; in the preamble, at the end of paragraph 2, insert “and” after such clause the following new clause: whereas the Permanent Bureau of The Hague Conference on Private International Law has made significant contributions to the implementation of the Convention; and

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from Ohio (Mr. CHABOT).

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

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 New Jersey (Mr. PAllONE) is recognized for 5 minutes.

(Mr. PAllONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ON THE ARMY'S DECISION REGARDING ISSUANCE OF BLACK BERETS

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

Mr. JONES of North Carolina. Mr. Speaker, last week the Pentagon announced that an agreement had been reached regarding the Army Chief of Staff's decision to issue black berets for all Army personnel. After months of discord caused by what can only be called a gross error in judgment, it was decided that the Rangers would change from the honored black beret which they had been wearing since 1951 to a tan beret and the regular Army personnel would now wear the black beret.

Once again the Rangers, among the most elite soldiers that the Army has to offer, took a back seat to political correctness and social engineering within, and I quote, “the Army of one.”

Mr. Speaker, I want to read for Members some of the letters that I have received from citizens regarding this issue.

This letter is from Mr. Harold Westerholm, a World War II Ranger from Oxford, North Carolina:

The Rangers fought hard to gain the respect and to be bestowed the honor of wearing a black beret. Merely giving the ordinary soldier the privilege of wearing a black beret will not improve his morale. Morale is gained through respect, which is earned through deed.

Let me also quote a letter from Mr. James Roe:

I strongly disagree with the United States Army ignoring the Made in America Act for the purchase of the black beret. It is unbelievable to me that you would allow our military to purchase the new headgear from China. North Carolina is a major textile-producing state, which has been devastated by low-cost Chinese imports. How did you let this happen? How can our brave men and women be forced to wear Chinese-manufactured berets?

My answer to Mr. Roe and to the millions of other Americans who have asked that question is that it happened because the Congress was not consulted.
or informed of the decision to bypass the Buy American Act. I spoke with a small business owner yesterday who would have gladly bid on the order for the berets if she had only been given the opportunity. What is more, she could have made the berets for almost $3 less than it is costing you and me and every taxpayer to import them from Communist China.

Also, I heard from retired Lieutenant Colonel William Luther. Colonel Luther wrote:

Those of us who can act on this matter need to wake up and understand that what they are about to let happen will cost the Army and our country far more than money can ever buy.

Mr. Speaker, these are just a few of the letters that I have received on this issue, but these letters represent the feelings and sentiment of thousands who are sickened by this original decision and by the bogus resolution that the Rangers were forced to agree to. I am still greatly perplexed and extremely disappointed that this decision and the series of bad decisions that followed were allowed to stand. I hope that it is not too late for this Congress to intervene on behalf of the Rangers, small business owners and U.S. manufacturing companies before it is too late.

I along with many of my colleagues will not let this matter simply drop. We will continue to encourage the committees of jurisdiction to hold hearings so the American people can know the truth once and for all.

Mr. Speaker, I close by saying, God bless our men and women in uniform, and God bless America.

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

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. PETERSON of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REGARDING THE BUDGET FOR DEFENSE

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

Mr. SKELTON. Mr. Speaker, it is quite familiar to me to stand here and address the subject of military budgets. For many years, under administrations of both parties, I have pointed out where we believe the House as a body and America as a Nation were failing to set appropriate priorities in the defense budget. Often, indeed far too often, and other Members noted that we were trying to do too much with too little. In fact, last year I asked the Budget Committee to add $12 billion for the Department of Defense.

That is why I have said we are disapproving the result. President Bush’s defense budget for 2002 provides about $325 billion for national security activities, nearly $31 billion of that for the Department of Defense. That is a whole lot of money, to be sure. But then you have to take out the retiree health care provisions that the gentleman from Mississippi (Mr. TAYLOR), the gentleman from Hawai’i (Mr. ABRAHAM) and I initiated and which were passed into law last year; and then you have to adjust for inflation. When you do that, guess what? The actual increase in the defense budget is $100 million from what President Clinton proposed. $100 million.

If any of us won that much in a lottery, we would be rich. But in the Department of Defense, what does $100 million do? $100 million is a pay increase for every soldier of $.85 per pay period. Or it is one-forty-fifth of an aircraft carrier. Or it fixes the gymnasium at West Point. Or it runs the ballistic missile defense program for 6 days. Or it is 1½ F-15 fighters. You pick whichever you like, because for that money you get only one. A $100 million increase in the defense budget is not really too much to write home about. When the President during his campaign said that help is on the way, he must have meant spiritual help, because $1.85 does not help anybody very much.

But let us be fair. President Bush wants to increase pay by more than $1.85. On February 12, he told soldiers at Fort Stewart that he would increase pay by $400 million and add in other benefits for a total of $5.7 billion. And there is $100 million to pay for that.

Well, let us not forget the budget included a $2.6 billion increase in research and development. Not a bad idea, as such. But add that to the pay increase of $5.7 billion, and that is $8.3 billion; and you have to get that out of a $100 million increase.

I am just a country lawyer, but it seems to me if you increase spending by $8.3 billion, but have only $100 million more to do it, you have to cut something else to make the numbers work out. We did not know what is going to get cut out of the budget. The Department of Defense has not finished the first of a series of defense reviews. But what do the choices look like?

You could cut procurement, if you can find a way to keep planes designed in the 1960s and built in the 1970s in the air safely; and if you are willing to let the Navy slide below 300 ships; and if you are ready to stop the Army’s acquisition of armored vehicles for its current dismounted infantry. I am not willing to do any of these things, and I hope the Pentagon is not either.

How about operations and maintenance costs? Well, if you are willing to train even less, and let your ammunition and other services grow, and start adding hours more, and stop repairing the U.S.S. Cole, and live with the health care shortfalls, then you could cut operations and maintenance. I do not want to be the one to tell the troops that they are not going to get help to get them off food stamps, and I hope none of my colleagues would either.

Then you could cut military construction. You could, if you were ready to give up on repairing dilapidated military housing, and stop adding protection against terrorist strikes. You get the idea. There just are not any easy choices when you have only $100 million to pay a $8.3 billion bill.

That is before our tax cut. That is before increasing the budget for missile defense.

It seems to me that part of the solution would be to enact a supplemental spending bill that recognizes just how hard our troops have been working. It would at least help catch up, but that, too, has been ruled off the table for now.

Mr. Speaker, I will admit, I was one of those who believed that whoever won the Presidency, the military would begin to get the relief it needs; and I know some of my Republican friends believed the same. I am sorry to say that it looks as if we were given false hope.

JUMP-STARTING VALUE-ADDED INITIATIVES FOR AGRICULTURE PRODUCERS

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

Mr. REHBERG. Mr. Speaker, this week, March 18 through March 24, is National Agriculture Week. Agriculture is the number one industry in my State and last week I introduced, along with the gentleman from South Dakota (Mr. THUNE) and the gentlewoman from Missouri (Mrs. EMERSON), two pieces of legislation that I believe will be very important in ag country.

The past few years have brought widespread disasters and record low prices to the agriculture economy. These harsh conditions have prompted some farmers to call for a debate on current farm policy and others to demand a better safety net for producers. While a safety net is important to producers, especially in lean years, America’s farmers and ranchers do not want
to be dependent on the Federal Government for their livelihood. Consequently, the Federal Government must develop a long-term, market-oriented approach to Federal farm policy that will provide producers with the tools they need to help themselves, while at the same time bringing much-needed economic development to rural communities.

Stakeholders in American agriculture recognize that while short-term financial assistance is helpful, long-term planning and creative and innovative opportunities are necessary in order to stem the loss of small, family-owned farms and preserve small-town economies.

Encouraging agricultural producers to launch value-added enterprises will do just that by enabling farmers and ranchers to reach up the marketing chain and capture profits generated from processing their raw commodities. While producers have great interest in pursuing together to add value to their raw products, two primary barriers stand in their way: first, producers often do not have the technical expertise to launch extremely complex business ventures, like value-added enterprises. Producers are experts, but they are experts in their own fields. Farmers are often outside their arena when it comes to putting together complex processing plants. Second, producers are currently cash strapped. Even if enough capital could be accumulated to initiate development of producer-owned, value-added processing plants, the majority of consolidated players in the market could squeeze producer-owned entities out before they become profitable. Therefore, something needs to be done to level the playing field for these producers.

That is why, together with the gentleman from South Dakota (Mr. THUNE) and the gentlewoman from Missouri (Mrs. EMERSON), I have introduced two bills to help justify value-added initiatives for those producers who need more help to overcome the barriers they face. The Value-Added Agriculture Development Act would grant $50 million to create agricultural innovation centers for 3 years on a demonstration basis. The ag innovation centers would provide desperately needed technical expertise, engineering, business, research and development assistance to producers in forming producer-owned value-added endeavors.

The companion bill, the Value-Added Agriculture Investment Tax Credit Act, would create a tax credit program for farmers who invest in producer-owned value-added endeavors. This program would provide an incentive to invest in value-added production by assisting small producers.

Specifically, the bill would make available a 50 percent tax credit for farmers who invest in a producer-owned value-added enterprise. Producers can apply the tax credit over 20 subsequent years or transfer the tax credit to allow for the cyclical nature of farm incomes.

For example, sugar beet growers in the Yellowstone Valley in Montana have the potential to purchase the Great Western sugar refinery. This legislation could provide much-needed tax relief for the grower, turning a "maybe" purchase into a possible" purchase.

With our tax credit bill, each grower would claim as much as a $30,000 tax credit for his $60,000 investment towards the purchase of this plant. That may be enough assistance for the producers to remain in a business so important to Montana's economy.

I have always said that government does not create jobs, people do. Sometimes government can do, however, is create an environment that gives incentives to entrepreneurs and enables businesses to flourish. That is what this package of legislation does: it provides farmers with the tools and incentives they desperately need to transform themselves from price-takers to price-makers. Because of this, the legislation has been endorsed by the Montana Farmers Union, Montana Wool Growers, Montana Farm Bureau, Safflower Growers Associations, R-CALF, Montana Stock Growers, Mountain States Beef Growers Association of Montana, and Montana Grain Growers. Agriculture is Montana's number one industry, and what is good for agriculture is good for Montana. By developing value-added industries, we can bring some economic development to Montana and its State. That is good for our pocketbooks, our communities, and our way of life.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. LUTHER) is recognized for 5 minutes. (Mr. LUTHER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PUBLICATION OF THE RULES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT 107TH CONGRESS

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

Mr. HEFLEY. Mr. Speaker, enclosed, please find a copy of the Rules of the Committee on Standards of Official Conduct of the U.S. House of Representatives for the 107th Congress. The Committee on Standards of Official Conduct adopted these rules pursuant to House Rule XI, clause 2(a)(1) on March 14, 2001. We are submitting these rules to the CONGRESSIONAL RECORD for publication in compliance with House Rule XI, clause 2(a)(2).

RULES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT
Adopted March 14, 2001

FOREWORD

The Committee on Standards of Official Conduct is unique in the House of Representatives. Carrying out its advisory and enforcement responsibilities in an impartial manner, the Committee is the only standing committee of the House of Representatives the membership of which is divided evenly by party. These rules are intended to provide a fair procedural framework for the conduct of the Committee's activities and to help insure that the Committee serves well the people of the United States, the House of Representatives, and the Members, officers, and employees of the House of Representatives.

PART I—GENERAL COMMITTEE RULES


(a) As far as applicable, these rules and the Rules of the House of Representatives shall be the rules of the Committee and any subcommittee.

(b) The rules of the Committee may be modified, amended, or repealed by a majority vote of the Committee.

(c) When the interests of justice so require, the Committee, by a majority vote of its members, may adopt any special procedures, not inconsistent with these rules, deemed necessary to resolve a particular matter before it. Copies of such special procedures shall be furnished to all parties in the matter.

Rule 2. Definitions

(a) “Committee” means the Committee on Standards of Official Conduct.

(b) “Complaint” means a written allegation of improper conduct against a Member, officer, or employee of the House of Representatives filed with the Committee with the intent to initiate an inquiry.

(c) “Inquiry” means an investigation by an investigative subcommittee into allegations against a Member, officer, or employee of the House of Representatives.

(d) “Investigative Subcommittee” means a subcommittee of the Committee comprised of those Committee members not on the investigative subcommittee, that holds an adjudicatory hearing and determines whether the counts in a Statement of Alleged Violation are proved by clear and convincing evidence.

(e) “Statement of Alleged Violation” means a formal charging document filed by an investigative subcommittee with the Committee containing specific allegations against a Member, officer, or employee of the House of Representatives of a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities.

(f) “Adjudicatory Subcommittee” means a subcommittee of the Committee comprised of those Committee members not on the investigative subcommittee, that holds an adjudicatory hearing and determines whether the counts in a Statement of Alleged Violation are proved by clear and convincing evidence.

(g) “Sanction Hearing” means a Committee hearing to determine what sanction, if any, to adopt or to recommend to the House of Representatives.

(h) “Respondent” means a Member, officer, or employee of the House of Representatives who is the subject of a complaint filed with the Committee or who is the subject of an inquiry or a Statement of Alleged Violation.

(i) “Office of Advice and Education” refers to the Office established by section 803(i) of the Ethics Reform Act of 1989. The Office handles inquiries; prepares written opinions in response to specific requests; develops guidance materials; conducts seminars, workshops, and briefings for the benefit of the House of Representatives.
Rule 3. Advisory Opinions and Waivers

(a) The Office of Advice and Education shall handle inquiries; prepare written opinions providing specific advice; develop general guidance; and organize seminars, workshops, and briefings for the benefit of the House of Representatives.

(b) Any Member, officer, or employee of the House of Representatives, may request a written opinion for any purpose. The request shall include any information necessary for the Office of Advice and Education to arrive at a decision. The written opinion shall address the conduct of the inquiring individual or, if the inquiring individual is the employing official, the conduct of employees in the performance of their duties or the discharge of their responsibilities.

(c) The Office of Advice and Education may provide a written opinion regarding any conduct for which there is a statutory requirement. The written opinion shall be addressed to all parties identified in the request. The written opinion shall discuss all applicable laws, rules, regulations, and other standards of conduct applicable to Members, officers, and employees of the House of Representatives.

(d) Where a request is incomplete or unclear, the Office of Advice and Education may seek additional information from the requester.

(e) Any request for an opinion shall be addressed to the Chairman of the Committee and shall include a complete and accurate description of the relevant facts. A request shall be signed by the requester or the requester’s authorized representative. The written opinion shall disclose to the Committee the identity of the principal on whose behalf advice is being sought.

(f) The Office of Advice and Education shall prepare for the Committee a response to each written request for an opinion from a Member, officer, or employee. Each response shall discuss all applicable laws, rules, regulations, or other standards.

(g) Where a request is unclear or incomplete, the Office of Advice and Education may seek additional information from the requester.

(h) The Chairman and Ranking Minority Member are authorized to take action on behalf of the Committee on any proposed written opinion that they determine does not require any further consideration by the Committee. If the Chairman or Ranking Minority Member requests a written opinion in accordance with rule (c) and the written opinion is not received within 30 days, the written opinion shall be deemed procedurally deficient and not properly filed.

(i) Any individual who takes legally sufficient action to withdraw as a candidate before the date on which the candidate’s Financial Disclosure Statement is due shall be treated in all respects like any other request for a written opinion. Any written opinion for a waiver of clause (c), (e), or (h), the next ranking member of the Committee is authorized to approve requests that the fee be waived based on extraordinary circumstances.

(j) The Committee shall be the second Wednesday of each month, except when the House of Representatives is not in session.

(k) The regular meeting day of the Committee shall be the second Wednesday of each month, except when the House of Representatives is not in session.

(l) The Committee shall designate staff counsel who shall review Financial Disclosure Statements and, based upon information contained therein, indicate in a form and manner prescribed by the Committee whether the statement appears substantially accurate or complete, or whether the statement appears to be in compliance with applicable laws and rules.

(m) Each Financial Disclosure Statement shall be reviewed within 90 days of the date of filing.

(n) The Committee shall establish the agenda for meetings of the Committee and the Ranking Minority Member may place additional items on the agenda.

(o) If the reviewing counsel believes that additional information is required because (1) the written opinion is substantially inaccurate or complete, or (2) the filer may not be in compliance with applicable laws or rules, the Committee shall notify the filer of such writing or shall notify the filer of such information believed to be required, or of the law or rule with which the reporting individual does not appear to be in compliance. Such notice shall also state the time within which a response is to be submitted. Any such notice shall remain confidential.

(p) The Committee shall take no adverse action against any individual for advice given after the date such advice was given.

(q) The Committee shall be the second Wednesday of each month, except when the House of Representatives is not in session.

(r) The regular meeting day of the Committee shall be the second Wednesday of each month, except when the House of Representatives is not in session.

(s) The Committee shall establish the agenda for meetings of the Committee and the Ranking Minority Member may place additional items on the agenda.

(t) The Committee shall designate staff counsel who shall review Financial Disclosure Statements and, based upon information contained therein, indicate in a form and manner prescribed by the Committee whether the statement appears substantially accurate or complete, or whether the statement appears to be in compliance with applicable laws and rules.

(u) If the reviewing counsel believes that additional information is required because (1) the written opinion is substantially inaccurate or complete, or (2) the filer may not be in compliance with applicable laws or rules, the Committee shall notify the filer of such writing or shall notify the filer of such information believed to be required, or of the law or rule with which the reporting individual does not appear to be in compliance. Such notice shall also state the time within which a response is to be submitted. Any such notice shall remain confidential.

(v) If the Committee determines, by vote of a majority of its members, that there is reason to believe that an individual has willfully failed to file a Statement or has willfully falsified or willfully failed to file information required to be reported, then the Committee shall refer the matter to the appropriate individual, together with the evidence supporting its finding, to the Attorney General pursuant to section 102(b) of the Ethics in Government Act. Such referral shall not preclude the Committee from initiating such other action as may be authorized by other provisions of law or the Rules of the House of Representatives.
members, opens the meeting or hearing to the public.

(d) Any hearing held by an adjudicatory subcommittee or any sanction hearing held by the Committee on Standards of Official Conduct, any information received in the course of my service with the Committee, except as authorized by the Committee or in accordance with the provisions of this rule, shall be provided to the Clerk of the House as part of the record of the proceedings of the Committee. Copies of the executed oath shall be provided to the Clerk of the House as part of the record of the hearing. The retention of outside counsel is necessary to represent the Committee.

(e) The Committee may have access to information before a subcommittee to take testimony, receive evidence, or conduct business. Evidence in the possession of an investigative subcommittee may be taken by the Committee or any subcommittee thereof by a majority vote of the Committee.

Rule 10. Vote Requirements

(a) The following actions shall be taken only upon an affirmative vote of a majority of the Members of the Committee or subcommittee, as appropriate:

(1) Issuing a subpoena.
(2) Adopting a full Committee motion to create an investigative subcommittee.
(3) Adoption of a recommendation to the House of Representatives that a sanction be imposed.
(4) Finding that a count in a Statement of Alleged Violation has been proved by clear and convincing evidence.
(5) Sending a letter of reproval.
(6) Adoption of a recommendation to the House of Representatives that a member cannot render an impartial and unbiased decision.

Rule 12. Committee Records

(a) The Committee may establish procedures necessary to prevent the unauthorized disclosure of any testimony or other information received by the Committee or its staff.

(b) Members and staff of the Committee shall not disclose to any person or organization outside the Committee, except as authorized by the Committee or in accordance with the provisions of this rule, information received in the course of any investigation conducted by the Committee on Standards of Official Conduct.
the views, findings, conclusions, or recommenda-
tions of the Committee or sub-
committee in connection with any of its ac-
tivities or proceedings; or (iv) any other in-
formation and advice respecting the con-
duct of a Member, officer, or employee.
(c) The Committee shall not disclose to
any person or organization outside the Com-
mitee, or to any group apart from the con-
duct of a respondent until it has transmitted
a Statement of Alleged Violation to such re-
sondent and the respondent has been given
full opportunity to respond pursuant to Rule
23. The Statement of Alleged Violation and
any written response thereto shall be made
public at the first meeting or hearing on the
matter. It is open to the public after the suf-
ferance of opportunity has been provided. Any other
materials in the possession of the Committee
regarding such statement may be made pub-
cic as authorized by the Committee to the
extent consistent with the Rules of the House of
Representatives.
(d) If no public hearing or meeting is held
on the matter, the Statement of Alleged Vio-
lation and any written response thereto shall be
included in the Committee's final report
on the matter to the House of Representa-
tives.
(e) All communications and all pleadings
pursuant to these rules shall be filed with the
Committee’s office or such other place as designated by the
Committee.
(f) All records of the Committee which
have been delivered to the Archivist of the
United States shall be made available to the
public in accordance with Rule VII of the
Rules of the House of Representatives.
Rule 35c—Committee and Sub-
committee Proceedings
(a) Television or radio coverage of a Com-
mitee or subcommittee hearing or meeting shall be without commercial sponsorship.
(b) A witness shall be required against his or her will to be photographed or otherwise
to have a graphic reproduction of his or her image made at any hearing or to give evi-
dence or testimony while the broadcasting of
that hearing, by radio or television, is being
conducted. At the request of any witness, all
media microphones shall be turned off, all
television and camera lenses shall be cov-
ered, and the making of a graphic reproduc-
at the hearing shall not be permitted.
This paragraph shall be amended by Rule XI of the Rules of the House of Rep-
resentatives relating to the protection of the
rights of witnesses.
(c) The Committee may not allocate more than four television cameras,
operating from fixed positions, shall be per-
mitted in a hearing or meeting room. The
Committee may allocate the positions of permitted television cameras among the tele-
vision media in consultation with the Execu-
tive Committee of the Radio and Television
Correspondents’ Galleries.
(d) Television cameras shall be placed so as
not to obstruct in any way the space between
any witness giving evidence or testimony and any member of the Committee, or the
visibility of that witness and that member to
each other.
(e) Television cameras shall not be placed in
positions that unnecessarily obstruct the
coverage of the hearing or meeting by the
other media.

PART II—INVESTIGATIVE AUTHORITY

Rule 14. House Resolution
Whenever the House of Representatives, by resolution or directs the Com-
mitee to undertake an inquiry or investiga-
tion, the provisions of the resolution, in con-
junction with these Rules, shall govern. To
the extent that the provisions of the resolution differ from these Rules, the resolution shall control.
(f) Whenever the Chairman and Ranking Minority Member jointly determine that information submitted to the Committee does not meet the requirements for what constitutes a complaint set forth in the Committee's rules, they may (1) return the information to the complainant with a statement that it fails to meet the requirements for what constitutes a complaint set forth in the Committee's rules; or (2) recommend to the Committee that it authorize the establishment of an investigative subcommittee.

Rule 21. Amendments of Statements of Alleged Violation

(a) An investigative subcommittee may, upon an affirmative vote of a majority of its members, amend its Statement of Alleged Violation anytime before the Statement of Alleged Violation is transmitted to the Committee and Council; and

(b) If an investigative subcommittee does not adopt a Statement of Alleged Violation, it shall transmit to the Committee a report containing a summary of the information received in the inquiry, its conclusions and reasons therefore, and any appropriate recommendation.

Rule 22. Committee Reporting Requirements

(3) Whenever an investigative subcommittee does not adopt a Statement of Alleged Violation but recommends that no further action be taken, it shall transmit a report to the Committee.
the Committee regarding the Statement of Alleged Violation; and
(c) Whenever an investigative subcommittee adopts a Statement of Alleged Violation, it shall provide the respondent with a copy of the allegations set forth in such Statement, the respondent waives his or her right to an adjudicatory hearing, and the respondent’s waiver is acknowledged by
(1) the subcommittee shall prepare a report for transmittal to the Committee, a final draft of which shall be provided to the respondent within 10 calendar days of transmittal of the Statement of Alleged Violation; and
(2) the subcommittee shall prepare a report to the Committee regarding the Statement of Alleged Violation together with any views submitted by the respondent pursuant to subparagraph (2), and the Committee shall make the report, together with the respondent’s views, available to the public before the commencement of any sanction hearing; and
(4) the Committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, a copy of which shall be provided to the respondent within the time prescribed for formal notice of the commencement of any sanction hearing, and the Committee shall notify the respondent of the designation of the adjudicatory subcommittee unless they served on the investigative subcommittee. The respondent shall be given access to such evidence, and the Committee shall be provided with the respondent’s counsel. Failure to file an answer until 10 days after such notice is transmitted to obviate any prejudicial effect of the respondent’s failure to file an answer shall be the sole judge of his or her disqualification.
(2) The respondent shall, upon request, be permitted to examine and cross-examine any witness or to present the testimony or evidence of an expert, and copies of any documents or other evidence proposed to be introduced.
(3) The respondent or counsel may apply to the Committee for the admission of subpoenaed evidence, or evidence in the possession of the Committee, and the Committee shall, for good cause shown, admit the evidence and order the respondent’s counsel to make the respondent’s counsel to make the report, together with the respondent’s views, available to the public before the commencement of any sanction hearing, and the Committee shall notify the respondent of the designation of the adjudicatory subcommittee unless they served on the investigative subcommittee. The respondent shall be given access to such evidence, and the Committee shall be provided with the respondent’s counsel. Failure to file an answer until 10 days after such notice is transmitted to obviate any prejudicial effect of the respondent’s failure to file an answer shall be the sole judge of his or her disqualification.
(2) The respondent shall, upon request, be permitted to examine and cross-examine any witness or to present the testimony or evidence of an expert, and copies of any documents or other evidence proposed to be introduced.
(3) The respondent or counsel may apply to the Committee for the admission of subpoenaed evidence, or evidence in the possession of the Committee, and the Committee shall, for good cause shown, admit the evidence and order the respondent’s counsel to make the report, together with the respondent’s views, available to the public before the commencement of any sanction hearing, and the Committee shall notify the respondent of the designation of the adjudicatory subcommittee unless they served on the investigative subcommittee. The respondent shall be given access to such evidence, and the Committee shall be provided with the respondent’s counsel. Failure to file an answer until 10 days after such notice is transmitted to obviate any prejudicial effect of the respondent’s failure to file an answer shall be the sole judge of his or her disqualification.
(2) The respondent shall, upon request, be permitted to examine and cross-examine any witness or to present the testimony or evidence of an expert, and copies of any documents or other evidence proposed to be introduced.
(1) The Chairman of the subcommittee shall open the hearing by stating the adjudicatory subcommittee’s authority to conduct the hearing and the purpose of the hearing.

(2) The Chairman shall then recognize Committee counsel and the respondent’s counsel, in turn, for the purpose of giving opening statements.

(3) Testimony from witnesses and other pertinent evidence shall be received in the following order whenever possible:

(a) written transcripts and affidavits obtained during the inquiry may be used in lieu of live witnesses if the witness is unavailable) and other evidence offered by the Committee or any member thereof during the inquiry.

(b) Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?

(c) Upon completion of any proceeding held pursuant to clause (b), the Committee shall consider and vote on a motion to recommend to the House of Representatives that the House take disciplinary action. If a majority of the Committee does not vote in favor of the recommendation that the House of Representatives take action, a motion to reconsider that vote may be made by a member who voted against the recommendation. The Committee may also, by majority vote, adopt a motion to issue a Letter of Reprimand or take other appropriate Committee action.

(d) If the Committee determines a Letter of Reprimand constitutes sufficient action, the Committee shall provide such a letter as part of its report to the House of Representatives.

(e) With respect to any proved counts against a Member of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Expulsion from the House of Representatives.
(2) Censure.
(3) Reprimand.
(4) Fine.
(5) Denial or limitation of any right, power, privilege, or immunity of the Member if under the circumstances the House of Representatives may impose such denial or limitation.
(6) Any other sanction determined by the Committee to be appropriate.

(f) With respect to any proved counts against an officer or employee of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Dismissal from employment.
(2) Reprimand.
(3) Fine.
(4) Any other sanction determined by the Committee to be appropriate.

(g) With respect to the sanctions that the Committee recommends, reprimand is appropriate for serious violations, censure is appropriate for more serious violations, and expulsion of a Member or dismissal of an officer or employee is appropriate for the most serious violations. A recommendation of a fine is appropriate in a case in which it is likely that the violation was committed for pecuniary gain, a recommendation of denial or limitation of a right, power, privilege, or immunity of a Member is appropriate when the violation results from a personal interest, and a recommendation of denial or limitation of a right, power, privilege, or immunity. This clause sets forth general guidelines and does not limit the authority of the Committee to recommend other sanctions.

(h) The Committee report shall contain an appropriate statement of the evidence supporting the Committee’s findings and a statement of the Committee’s reasons for the recommended sanction.


If the Committee, or any investigative or adjudicatory subcommittee, is to receive any exculpatory information respecting a Complaint or Statement of Alleged Violation concerning a Member, officer, or employee of the House of Representatives, it shall make such information known and available to the Member, officer, or employee. Without prejudice to its authority to do so, the Committee may, if it determines that it is necessary or appropriate to protect the person who provided such information, enter into a written or oral agreement with such person to restrict further disclosure of such information except as necessary or appropriate for the purpose of protecting the person who provided such information, and shall have the power to enforce such an agreement. A witness who provides exculpatory information to the Committee or an investigative or adjudicatory subcommittee of the Committee shall be subject to cross-examination or recross-examination by the respondent, or his counsel, in turn, for the purpose of giving an opening statement.

Rule 27. Rights of Respondents and Witnesses

(a) A respondent shall be informed of the right to be represented by counsel, to be provided at his or her own expense.

(b) A respondent may seek to waive any procedural rights or steps in the disciplinary process. A request for waiver must be in writing, signed by the respondent, and must detail what procedural steps the respondent seeks to waive. Any such request shall be subject to the acceptance of the Committee or subcommittee, as appropriate.

(c) Not less than 10 calendar days before a scheduled vote by an investigative or adjudicatory subcommittee on a Statement of Alleged Violation, the subcommittee shall provide the respondent with a copy of the Statement of Alleged Violation it intends to use in proving the charges contained in the Statement of Alleged Violation. The respondent may seek to waive. Any such request shall be subject to the acceptance of the Committee or subcommittee, as appropriate.

(d) Neither the respondent nor his counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (c) except for the sole purpose of settlement discussions where counsel for the respondent and the subcommittee seeks to waive. Any such request shall be subject to the acceptance of the Committee or subcommittee, as appropriate.

(e) If, at any time after the issuance of a Statement of Alleged Violation, the Committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (c) to prove the charges contained in the Statement of Alleged Violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the Committee’s rules. Evidence provided pursuant to paragraph (c) or (e) shall be made available to the respondent and his or her counsel only after each agrees, in writing, that no documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness, but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates.

(f) The findings of the adjudicatory subcommittee shall be reported to the Committee.

Rule 25. Sanction Hearing and Consideration of Sanctions or Other Recommendations

(a) If no count in a Statement of Alleged Violation is proved, the Committee shall prepare a report to the House of Representatives, based upon the report of the adjudicatory subcommittee.
PROVIDING UNIVERAL QUALITY EARLY CHILDHOOD EDUCATION

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

Mrs. MINK of Hawaii. Mr. Speaker, I recently introduced H.R. 1118, a bill that establishes comprehensive early childhood education programs, early childhood education staff development programs, and model federal government early childhood education programs.

Today, more than 13 million children under the age of 5 are enrolled in some form of child care. Some children are placed in high quality programs. But all too often, parents have no alternative but to place their children in programs that function as nothing more than child storage.

Quality early childhood education matters. Study upon study prove that the quality of child care has a long-term effect on later scholastic achievement. For example, the National Research Council and the National Center for Early Development and Learning found that quality early childhood education helped children acquire language and literacy skills; and the RAND Corporation found that high quality programs have lasting benefits on school performance.

Besides preparing a child to do well in school, quality child care teaches children to get along with others, care about others, and become contributing members of society. Additional studies have shown that quality educational care can greatly reduce the chance that children grow up to be violent adults. Quality programs include a well-trained staff and a small staff-child ratio. The University of North Carolina conducted a Cost, Quality and Child Outcomes Study of various child care programs. Only 14 percent of all programs studied were of adequate quality.

For child care to have a lasting effect, children must be enrolled in high quality educational programs. H.R. 1118 ensures that funds will only go to programs that establish Early Childhood Education Councils that de-
our country as a beacon of freedom, justice and opportunity.

And finally, we ask You to bless the sustenance that is placed before us this day. May it strengthen our bodies. In our fellowship, and strengthen us in our service to You and to your creation.

It is in Your Holy Name that we pray. Amen.

Rep. WAMP. I realize that most of you have already had your breakfast, but if you will enjoy your breakfast while we give the head table a brief opportunity to eat, we will be back with you at 8:20.

Break for breakfast.

Rep. WAMP. Let me begin my remarks again. My name is Zack Wamp. I am from the great state of Tennessee and I am the chairman of this year’s National Prayer Breakfast. I want to welcome you to this event that has become the best day every year in Washington, D.C. The first Thursday of February for 49 years, we have hosted the National Prayer Breakfast, which has evolved into an international event today, when we have friends from 170 countries around the world. Each Thursday morning in the House of Representatives, I have the privilege of presiding over the weekly bipartisan Prayer Breakfast Group in the House, and every week, I begin that meeting by saying to my colleagues—usually there are 50 of them, equally divided among Democrats and Republicans—"Welcome to the best hour of the week.”

It is a time when we come together in respect and appreciation of each other, and it is blessed and anointed, I believe we are there in the spiritual sense. Relationships are forged for life.

I think of one relationship that was forged about 33 years ago in the House. A young congressman from Texas, named George Herbert Walker Bush, came to be friends with a young congressman from the state of Mississippi, General Sonny Montgomery. To this very day, they are best of friends. General Montgomery urged, in his letter to the Romans, the apostle Paul wrote, “Be kindly affectioned one to another, with brotherly love.”

Well, once a week, just as in the House of Representatives, as Zach mentioned, we join in the United States Senate, men and women of different religious faiths, for our weekly prayer breakfast. We set aside our differences, Christians and Jews, Democrats and Republicans, conservatives and liberals, we focus on things we have in common.

I believe the Senate is a more civil place because we are now joined with one another, in faith. Just as with our much smaller group of senators, by meeting here today in faith, we enhance the sense of each other, of the meaning of our calling and of our faith. As St. Augustine wrote, faith opens a door to each other, in Paul’s words.

Just as with our much smaller group of senators, by meeting here today in faith, we can enhance the sense of each other, of the meaning of our calling and of our faith. As St. Augustine wrote, faith opens a door to each other, in Paul’s words.

Sen. JOHNSON (R-AZ). Thank you, Zach. Mr. Vice President, distinguished friends, in his letter to the Romans, the apostle Paul wrote, “Be kindly affectioned one to another, with brotherly love.”

Well, once a week, just as in the House of Representatives, Zach mentioned, we join in the United States Senate, men and women of different religious faiths, for our weekly prayer breakfast. We set aside our differences, Christians and Jews, Democrats and Republicans, conservatives and liberals, we focus on things we have in common.

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Sen. JOHN EDWARDS (D-NC). We bring you greetings from the Senate and from the Senate Prayer Breakfast. While Jon Kyl and I represent both major parties, our co-chairman at prayer breakfast, we are not in charge of the Senate Prayer Breakfast. The Lord is in charge of the Senate Prayer Breakfast.

Two years ago, my friend Connie Mack, who is seated right down here, invited me to come to the prayer breakfast for the first time. In his letter to the Romans, he asked me to come and share my personal faith journey with the group. Well, I was nervous. It is a very personal thing, as you all know. I think the Lord is very personal to me. So I came to the prayer breakfast. The other senators were extraordinary kind to me. But as always seems to happen, there is a Godly presence in that room. The Lord was present.

Every week we walk into that room as United States senators, no matter how contentious our Senate debate may be on the floor of the United States Senate, and we become what every person in this room is, which is a child of God and a member of His family.

It is an extraordinary blessing for us to be able to share on a weekly basis. I would urge those of you who have not yet been in elected office, you may think that people recognize us often. I have to tell you that even though I am in my seventh year in the House, many times I have come home from a mail or to dinner with my family and somebody will walk up to me and they will listen at me and they will say, “Aren’t you—?”

Yes, yes. I know. I know they are about to say it, and they will say, “I know. I know you are not the weather you will sing for us later today, and his wife, Susan Baker, the awesome wife, Kim. And now you may applaud the entire head table. (Applause.)

We have a special appreciation, because bringing greetings from the United States Senate prayer group is a pair of senators, a Democrat from North Carolina and a Republican, and they are co-chairmen of the Senate prayer group. Please welcome Senator John Kyl and Senator John Edwards. (Applause.)

Rep. ELIOOT ENGEL (D-NY). My colleague, Congressman Wamp, Mr. Vice President, ladies and gentlemen. We heard a lot of talk this morning, as well we should, about prayer and getting together and national healing. I want to say that after a hard-fought election, this is a time of healing and a time of bipartisanship for the country. I am honored to be able to read from the Scriptures this morning.

I read from Micah 4. There is a plaque in front of the United Nations in my home city of New York City with part of this, Micah 4.

“In the days to come, the mount of the Lord’s house shall stand firm above the mountains, and it shall tower above the hills. The people shall gaze on it, with joy, and the many nations shall go and shall say, come, let us go up to the mount of the Lord, to the house of the God of Jacob, that he may instruct us in his ways and that we may walk in his paths. For instructions shall come forth from Zion, the word of the Lord from Jerusalem. Thus he will judge among the peoples, and make clear his way to all nations, however distant. And they shall beat their swords into plowshares and their spears into pruning hooks. Nations shall not make war again; they shall never again know war. But every man shall sit under his grape vine and fig tree with no one to disturb him, for it was the Lord of Hosts who spoke. Though all the peoples each walk in the names of its gods, we will walk in the name of the Lord our God forever and ever. Then shall you and God bless you all. (Applause.)

Rep. WAMP. To sing a wonderful song with you, we will speak to complete. Please welcome Wintley Phipps to sing “Heal Our Land.” Wintley? (Applause.)

(Song is sung.) (Applause.)

Rep. WAMP. Isn’t that a beautiful song? What if I told you that it was written and composed by United States Senator Orrin Hatch? (Applause.) To Senator Hatch. Senator Hatch continues. He has written over 300 songs, and he gave Wintley the rights to sing that one, and I am so grateful that he did.

At this time, a Scripture will be read by the immediate past chairwoman of the Hispanic Caucus in the House, Congresswoman Louise Roybal-Allard.

Rep. LUCILLE ROYBAL-ALLARD (D-CA). First of all, I would like to thank my friend
Thank you. (Applause.)

Rep. WAMP. One of the most important roles in civil government is the spouse of an elected leader, in any country of the world. We were lucky enough to have in the White House in Washington, D.C., is Mrs. Susan Baker, the wife of Secretary of States James Baker. She will bring a prayer for national leaders. Good morning; Senator Susan Baker.

Baker, O Lord, our God, we give thanks today for the people that You have called to leadership. In the spirit of Jesus, we ask You to bless Susan and Susan, woman who has the responsibility for governing our cities, our states, and our countries.

May each one know that they are Your beloved child, so they will govern from abundance and not from need. May they treat the power that is given them as a responsibility and not use it to exploit. May they see their role as that of a servant, rather than a master, of the people.

May their policies bring hope to the disadvantaged and the oppressed, and may they call for justice with a loud voice. May they foster forgiveness and reconciliation in order to bring healing. May they have the courage to champion truth and integrity, even when it is not politically correct.

May they seek You daily, Lord, so to rule with wisdom and love, that we, the people, may live peaceful and quiet lives that will bring honor to You, our God. Amen. (Applause.)

Rep. WAMP. Thank you, Susan.

Many of you that know that the Reverend Billy Graham really wanted to be with us this morning once again, but he is unable to be because of his health. I am told that out of 49 National Prayer Breakfast meetings, this is the first time that he has missed. The Reverend Billy Graham wanted to come and share a message with you this morning. But we will pray for him and send him and his family the very best. And our message this morning will be delivered by my fellow Tennessean, Senator Bill Frist.

When I called Senator Frist and I asked him if he would bring a message to us this morning, I told him it was no bad deal to be asked to stand in for the Reverend Billy Graham. (Laughter.) When I talked about Senator Orrin Hatch being such an extraor- dinary person outside of the Senate, there have been few people as extraordinary as our guest speaker this morning.

Senator Bill Frist is not just a physician, he is a world-renowned heart and lung transplant surgeon. He is an author, a scientist, and a licensed commercial pilot who has actu- ally flown medical mission teams around the world. He is very active in the Senate group. He is a dedicated father and husband.

Please welcome my fellow Tennessean, Senator Bill Frist.

Sen. BILL FRIST (R-TN). Mr. Vice President, Mrs. Cheney, friends. As Zach said, before any of us come or go, we are grateful that we have been blessed with the opportunity to transplant hearts. A typical night, the telephone rings 11:00, 12:00 at night. A faceless voice on the other end of the line says, "Dr. Frist, we've got a heart for you, blood type A, 140 pounds. It may be a match for Mr. John Majo- r,"

Karyn, my wife, has heard this call weekly, every single day, or that someone would give a gift so that he would be able to make it through that week. And with that telephone call, that became such a custom in our house, a blessing, a regular occurrence, John's prayer— John's heartfelt prayer— was that there is some other hand out there, and I say that prayer. The whole wait is only a couple of minutes. It seems like an eternity. We would wait hours or days, but with those moments of humility, peering down at this flaccid heart, highlighted by these bright lights. They are
spotlighted right on that heart, waiting. Waiting for rebirth. Waiting to be reborn.

Now, is there a message to all of this? There are a lot of messages—and, as you can imagine, a lot of spiritual messages. For me as I carry out, do what I am trained to do, am given the opportunity to do—but let me give you two real quick stories.

One is giving, one person to another. A gift, as we all know, is that ultimate expression of love, and I would argue that organ donation is that ultimate gift. It went very quickly, but who was that 23-year-old woman who died tragically several hours before, who gave so selflessly of herself so that another could live, somebody whom we would never see, somebody whom she had never known.

All of us try to find ways within our own power to give, and we think about it. But the question we must ask is, do we do it? Sometimes we just think about it and we just do not do it. Let me say, as an aside, that organ donation is a way to give something that costs nothing. It costs no money. It costs nothing in terms of convenience or inconvenience, any greater than any—the gift of life. (Applause.)

Jesus said, in John 15, that there is no gift greater than this when he said, “Greater love has no man than this, that he lay down his life for his friends.”

But stop back and think about the larger picture. Do we give freely, to give away, to give freely, to give it away out of love without reward for self. And in Matthew, “Do not do your acts of righteousness before men to be seen by them, lest you have nothing to announce it with trumpets; do not even let your left hand know what your right hand is doing, so that your giving may be in secret. Then your Father, who sees in secret, will reward you.”

No gift, I would argue, is purer or more selfless than the gift of a heart or a lung or a liver. Neither the donor nor the family expects anything. They are not rewarded in any way. Yet the donor gives an ultimate, indeed, a priceless gift—rewarded with something, I would argue, equally as priceless, a gift that transforms a moment of death into new life, that continues our lives in those steps, often without us realizing it.

As a United States senator, as a physician, I have a lot of opportunity for public service, and as so many people in this room do. But I would argue that where these miracles most often happen is through those secret acts of love; the love for each other that lights this room, and love that cannot be seen.

Let’s shift gears quick. Imagine yourself flying in deepest Africa in a small plane loaded chock-full up to what is called gross weight, flying at 400 feet above the top trees, to go to a small, makeshift hospital in a war-torn part of Africa. We are flying low to avoid actually being seen by the enemy, indiscriminately and regularly bomb the villages below. We are on a medical mission trip with World Medical Mission—my good friend, Dr. Dick Furman—and Samaritan’s Purse, which is a Christian relief organization run by my good friend Franklin Graham.

We land on a dirt strip, we drive five miles on a bumpy road. There is an old closed down hospital on the right, which has not been used in 12 years because there are land mines all around. Healthcare in that area in the last 12 years. We finally arrive at a dilapidated old two-room house that had been converted into a clinic.

As he lifted up his right arm, the interpreter, through the interpreter, “In his heart, a man plans his course, but the Lord determines those steps.” When I came to the United States Senate six years ago, I did not know that we had the Prayer Breakfast, that you heard about, every week. The Lord took me to that Prayer Breakfast. I came to the United States Senate to serve in my heart that love of America in the same way but in some shape or form, ended up in Africa, in the Congo, and in Uganda on these medical mission trips.

Six weeks ago, on this first trip to the Sudan, Samaritan’s Purse had courageously opened up a hospital, a little medical mission, to care for 1 million people, as you know, have died in the war and four million people have been displaced. We performed surgery where no care, no care, no care had been delivered in over two decades. There were very few instruments and no electricity, and no running water. Patients would walk or be carried for days just because they knew that there was some medical care there.

But the real image that I want to share with you occurred in a small, one-room building 100 yards away. Unfortu- nately, the area still continues to be bombed. I never say that Dinka man again.
He was from the Dinka tribe. But I will always carry with me that smile. When you hear Wintley's words and he talks about the healing, I think of that smile and those words.

A Week and a half ago, on the West Front on the United States Capitol, three miles from here, where we saw thousands of people—certainly to this—sitting out in front of us, and the Lincoln Memorial and the beautiful Washington Monument, again, that smile and those words came back to me as we observed a moment of silence and the peaceful transition to this administration, listening to President George W. Bush, who reminded us what a gift we had in freedom and liberty.

Let me say one other thing—I almost forgot. What about old John in the operating Room? Remember when he was in the operating Room? Remember when he was in the operating Room?

Let me say one other thing—I almost forgot. What about old John in the operating Room? Remember when he was in the operating Room?

As we come together for this prayer breakfast today, and as we leave this room, as we leave this wonderful city, and many of us leave this country, while freedom did not begin in America, we have an obligation to pass it on.

Mr. President and Mrs. Bush, Mr. Vice President and Mrs. Cheney, may God continue to bless you and guide you now and all the days of your life, as we together, as a nation and as a Congress.

Just another miracle, but it all started with a gift. Thank you, God bless you all. (Applause.)

Rep. WAMP. Ladies and gentlemen, it is a high honor and my greatest personal privilege to introduce the 43rd president of the United States, George W. Bush, and our first lady, Laura Bush. (Cheers, applause.)

President Bush. She is going to be a fabulous first lady. (Applause.)

Mr. Vice President, it is good to see you and, of course, your wife, Lynne. I want to thank the members of my cabinet who are here. I appreciate you, Senator Frist, for your commitment and strong comments, and Zach, for your introduction, and thank you both for organizing this important event. I want to thank the members of the House and the Senate who are here. I appreciate the number of foreign dignitaries who are here. It just goes to show that faith crosses every border and touches every heart in every nation.

Every president since the first one I can remember, Dwight Eisenhower, has taken part in this great tradition. It is a privilege for me to speak where they have spoken and to pray where they have prayed. The presidents of the United States have come to the National Prayer Breakfast, regardless of their religious views. No matter what our background, we share some common concerns—versal—a desire to speak and listen to our Maker and to know His plan for our lives.

America's Constitution forbids a religious test for office, and that is the way it should be. An American president serves people of every faith and serves some of no faith at all. Yet I have found that as the president of the United States, the service to people. Faith teaches humility. As Laura would say, I could use a dose of faith. The ripple began to continue to bless you and guide you now and all the days of your life, as we together, as a nation and as a Congress.

Mr. President and Mrs. Bush, Mr. Vice President and Mrs. Cheney, may God continue to bless you and guide you now and all the days of your life, as we together, as a nation and as a Congress.

Mr. President and Mrs. Bush, Mr. Vice President and Mrs. Cheney, may God continue to bless you and guide you now and all the days of your life, as we together, as a nation and as a Congress.
ask Thy particular blessing and mercy on George and Laura Bush. You have been working a long time on them, Father; you started back in the Senate with Old Man Prescott, and then went on through with George Herbert Walker Bush and Barbara, and blessed our nation with their leadership. And from their family, you have created a legacy of love, a legacy of compassion, a legacy of peace, prosperity and justice. These we see not as their achievements so much as Your blessings.

We ask that as they embark upon the whirlwind which is our history, that You may strengthen them and guide them; surround them—the Cabinet, the Congress, the governors, the ambassadors, the business leaders, all who are brought together in this creative time, which indeed is Your time—surround us with the guidance and love and strength of Your angels. Keep us always mindful of the presence of Your son.

Bow us daily on our knees together as we break bread and as we serve Thy holy name, to see to it that all of your children everywhere who might share in the freedom, the blessing, the abundant life of grace and mercy that we have been granted in these United States. Grant us wisdom, grant us courage for the living and serving of these days. In Jesus’ name, amen.

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

(Mr. INSLEE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mrs. NORTHP) is recognized for 5 minutes.

(Mrs. NORTHP addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ADDRESSING MONETARY PROBLEMS

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

(Mr. FORD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

In 1996, the chairman of the Federal Reserve Board talked about the exuberance, the irrational exuberance in the stock market; and yet I think he knew, I certainly knew, and others knew, that there was irrational exuberance, because even at that time we were talking about something like crazy. There was overspeculation.

If he had been seriously concerned about the exuberance getting out of control in 1996, he might have considered not inflating the currency quite so rapidly, not devaluing it quite so rapidly. But what has he done since that time? The Federal Reserve has literally created $2.3 trillion of new money since 1996, further creating a bigger bubble, which eventually had to collapse, and that is what we are in the midst of. It can be tough. It is going to be tough for a lot of people. We can have this economic downturn, and this means jobs and a standard of living that will be threatened.

This type of a monetary system also encourages us to do things unwisely. When interest rates are lower than they are supposed to be, we borrow more money and we do not save as much money, so savings has a negative rate. Yet people are in debt, and then business people are in debt, and then business people are actually encouraged to do things that are not wise. They overbuild; they build into the system overcapacity and mal-investment which eventually has to be cleansed out of the system.

So this mantra of saying all we need is more inflation will not work. Inflation caused the problem. The inflation of the monetary system is the problem. To believe that all we need is more inflation to solve the problem is a serious error. We need currency reform.

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

(Mr. HYDE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The PRESIDENT’S EDUCATION INITIATIVE

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

Mr. SOUDER. Mr. Speaker, today is a historic day. We have introduced in the House H.R. 1, the President’s education initiative. I am not an initial cosponsor, but I am basically supportive of this legislation and am looking forward to continuing to work in tweaking it.

Let me raise a couple of points that were of special concern. First, I think that the President’s goal of leaving no children behind is admirable, and he is trying to develop accountability standards to make sure we actually know that no child has been left behind.

Some of us on the conservative side of the spectrum have been concerned...
about how you hold someone accountable and how those testing standards are going to be implemented and whether this could lead to a monopoly test that would in effect become a national test.

We have worked for weeks to try to clarify this language, and I believe by having an alternative available to the States, in addition to their State test, which is to be primary, in addition to the protections that we have for home schools and private schools and public schools that receive Federal funds, public schools that do not receive Federal funds, they are not covered by this. We have tried to make sure that the tests cannot be released on any basis without parental approval, that the language is clear to parents, that it is posted.

We still have a few things we are continuing to work through, but there has been great progress in addressing many of the conservative concerns about a national test that we had under the previous administration.

A second area of discussion has been the safe and drug-free schools. I believe that this prevention program, the only prevention program oriented directly at school-age children, needs to preserve its separate funding stream. The President of the United States supports this, the United States Senate supports this, and I believe that the House should support this as well.

It is not a separate funding stream in this bill, although all of the changes that we had suggested and worked with in drug-free schools to make it a more effective program are in this bill. We worked hard in the last session of Congress to try to improve that program. I believe we made great progress. I believe that an amendment that I and others will offer in the committee will address the funding stream question and probably pass very easily and, if not, it will be addressed in the appropriations bill, as it has been in the past.

Because we cannot talk about aid to Colombia and the Andean region that is line item and specific, it is not block granted. We cannot talk about anti-drug efforts in the Justice Department that are not block granted but line-itemed and then say, with prevention and treatment we are going to block grant it with other programs. We need to have drug-free prevention programs in this country that are effective, and I think most Members of Congress, if not the overwhelming majority, quite possibly, unanimously, would favor that position.

The third area is that the education bill is the first actual piece of legislation that also addresses the charitable-choice question. We worked this through committee last year in ESEA and is now in the 21st century. It starts a part of a school day, it has to deal with after-school programs. Those who want to get copies of this bill, in the language we can see language that we worked through that is tighter than the language on the welfare bill, tighter than the language on drug treatment, because in these programs, students do not have a choice; there is just one after-school program in their area.

So we have said that not only can government funds not be used to proselytize, but private funds cannot be used for proselytization either during the period that government funds are in the area. We have said that we can do to different programs, no government funds can ever be used for proselytization, but private funds could be. But when there is only one choice available to students, we have to be even more protective of religious liberty. I believe that we will see in the 21st century a model of how charitable choice can work in those areas which is significantly different than how it will work in other bills.

So today H.R. 1 is historic because not only is it the first big step in President Bush’s "Leave No Child Behind" in education, it is also the real first step of actual legislation introduced with specifics on charitable choice.

EDUCATION IN AMERICA TODAY MEANS A CRUSADE FOR OPPORTUNITY

The SPEAKER pro tempore (Mr. FERGUSON). Under the Speaker’s announced policy of January 3, 2001, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, we might call today kind of opportunity day, since today is the day that the Republican majority introduced their bill on education reform that has been long awaited. The bill introduced by the Republican majority is the administration's initiative which for this great education initiative which responds to the fact that the American people have, over the last 5 years, consistently said that education is a priority; they would like to see government do more in the area of education. They would like to see every level of government, but they particularly would like to see the Federal Government, do more to help improve education. So the Republican bill was introduced today. I have not seen the details of the bill, but we, of course, have had for several weeks the outline that the administration issued very early this year. That outline talks about focusing on falling schools and targeting Federal resources so that most of the Federal resources go to the most disadvantaged students in these failing schools.

Now that was introduced formally as a bill today. At the same time, we introduced a 21st century higher education initiative today in the Democratic side of the aisle. The Democratic Caucus, under the leadership of the gentleman from Missouri (Mr. GEPHARDT) and the ranking member on the Committee on Education and the Workforce, the gentleman from California (Mr. MILLER), we have fashioned a bill which we call the 21st Century Higher Education Initiative. And that bill was discussed at great length today at a press conference.

We held a press conference today and we talked about the bill today, in particular, because today is the 2nd day of a very important conference being held here in the City of Washington, The National Association for Equal Opportunity, NAEO, which represents Historically Black Colleges and Universities, predominantly black colleges and universities, and is holding their annual conference this weekend. It will go on until this Friday.

Mr. Speaker, among the colleges represented by NAEO are 118 Historically Black Colleges and Universities, and those institutions have been the subject of some controversy. The last few weeks in that the Committee on Education and the Workforce where I serve as a member chose to place all minority colleges, both the three categories of Historically Black Colleges and Universities, Hispanic-serving institutions, and the tribally controlled colleges were all placed in a subcommittee away from the core of the higher education concerns. We have resolved that dispute. And I do not want to go into it in any great detail, but I think it is relevant, because as we focus today on the introduction of the administration’s education reform bill and the introduction of the democratic initiative called the 21st Century Higher Education Initiative, it is important to place in perspective the role that those institutions can play. They can play a great role in education reform.

Historically Black Colleges and Universities are only a tiny part of the larger constellation of higher education institutions in America. There must be about 3,000, more than 3,000 overall higher education institutions in America, and the 118 Historically Black Colleges and Universities constitute a very tiny segment of that constellation. Even if we add the Hispanic-serving institutions, which are defined as institutions which have at least 25 percent of their student body as Hispanics, and we have the tribally controlled colleges, which are the collection of some relevant, today, we still have a relatively small number of institutions, minority-focused institutions in the larger constellation of higher education institutions.

Of course, most of the African Americans now in America are attending colleges that are not Historically Black Colleges and Universities. Larger numbers are out there in the various State universities and the private colleges because discrimination, which is the reason the Historically Black Colleges and Universities has greatly lessened. In fact, that kind of blatant discrimination which cut off opportunities completely from African-
American students has ceased. That is not the problem anymore. The reason these institutions are important and should continue to exist is because they do have a special mission. Whereas the mission before was to serve those who could not get a service anywhere else, or those that needed particular kinds of nurturing, the purpose, the mission still remains. They do not need nurturing because they cannot get into other colleges and universities as a result of racial discrimination, no, that is not the problem; they need nurturing because large numbers of these students are poor. Large numbers of these students need opportunity. They have backgrounds that did not prepare them well as well as they should have been prepared for other institutions, and they need the nurturing and the guidance and the counseling and the special focus of concern that they may receive in minority-serving institutions.

So the opportunity is where we should be focused now. We ought to look upon ourselves as being a society which is engaged in a crusade for opportunity, a crusade for opportunity. We have had a lot of debates and we will have debates about race and the role that race plays in terms of opportunity and opening doors and allowing people to fully develop themselves. That debate will still go on. However, we could minimize that debate, or almost make it irrelevant if we focus on opportunity and say, regardless of what one’s race or color or creed, we want to maximize in this society the amount of opportunity that we have. We want to maximize opportunity for all individuals because it is good and in harmony with our Constitution and our Declaration of Independence. For the right to pursue happiness, the implication is that we will not only guarantee the right to pursue happiness, but we will encourage the conditions to pursue happiness, and one of the conditions of the pursuit of happiness is that one has to have the opportunity to develop and be able to, first of all, survive by earning a living, and secondly, to earn enough to be able to improve quality of life.

So if we rally under the flag of opportunity, then we will solve a lot of problems, avoid a lot of controversies, and we could carry this administration, this is the 107th Congress, we could carry it forward nobly into a set of bipartisan activities that would do us all great. It would be very uplifting for the entire country, it would certainly stoke the spirits of the Members of Congress if we could really tackle the education issue and come out of it with a bipartisan bill and bipartisan program that carries our Nation forward educationally. That would be highly desirable.

So the introduction of these two pieces of legislation related to education is a good jump-off point. We are more serious about it now. Let me just backtrack and say that whereas the ad-

administration introduced their bill today for education reform, we had already as Democrats introduced a bill earlier. The gentleman from California (Mr. MILLER), the ranking Democrat on the Committee, and the Workforce, and the rest of the Democratic members on the committee, introduced a bill which would accomplish the same kind of education reform which the Republican majority bill introduced, was to accomplish. Our bill, we should note, did not hesitate to make resources available. We are talking about $105 billion over a 5-year period in the legislation that the Democrats introduced, which is going to be one of those major differences between the administration’s bill and the administration’s approach and the Democratic minority’s approach.

We must approach the opportunity ethic and the opportunity crusade that is needed to bring the country to the point where we want to bring it where every citizen can be educated, has a maximum opportunity to be educated, can make their own contribution to our society in an era of great global competitiveness; every citizen can carry where they weight; every citizen can help us maintain our leadership economically, militarily because they are educated and the requirements of this particular complex society are that one has a maximum number of educated citizens. Mr. Speaker, nothing is more important no greater resource can any Nation have than to have an educated populous. But as we approach the provision of opportunity for all, we cannot leave out certain areas that are directly impacting upon that opportunity. It is not by accident that the education function, the jurisdiction for education programs is also coupled with the jurisdiction for all programs related to education in the workplace and the acquisition of income. The Committee on Education and the Workforce used to be called, was called for a long time, most of the history of this Congress, the Education and Labor Committee. It was clearly understood that education and labor went together, were inseparable.

One of the things we must do in improving the workforce is to make certain that they all get a decent education. Therefore, above the individual responsibility to create an atmosphere where the pursuit of happiness is a possibility, the pursuit of an education is a possibility, the ability of families and individuals in those families to take advantage of opportunities that are provided for education are increased.

This increase is greatly facilitated if the income of the families improve. The best way to help poor people, the best way to help poor families is to make sure the amount of money that they have is increased. There are a number of ways that have been proposed in terms of fighting poverty, but the best way to fight poverty is to get some more dollars into the hands of families so that they can spend those dollars in a way to help them pursue happiness and to pursue opportunity.

We cannot have an education policy, we cannot go forward with the education reform and really ignore the conditions under which the large majority of the people we are targeting live and work. President Bush is targeting his program to innercity communities, rural communities, places where there are disadvantaged children, places where there are failing schools. The correlation between poverty and disadvantaged children and falling is very clear. That correlation with poverty is very clear.

Failing, poverty and disadvantaged go together. We have recognized this for quite a while in our legislation. We have a Title I program, which is a primary program which serves poor students; and Title I is based upon a laser beam being focused on the poorest areas and attempting to provide Federal aid in the areas where the poorest students attend schools. We are identifying those poor students with another Federal program, students who are eligible to receive free lunches. Free lunches are provided by the Department of Agriculture. It is under the auspices of the United States Department of Agriculture, a Federal program that has a longstanding history of success.

So we identify the worthy recipients of our education funds by those who qualify for the free lunch programs. Poverty and the need to provide opportunity enhanced by Federal dollars is closely correlated. There is no argument about this. Everybody concedes that there is a close correlation between poverty and lack of opportunity, poverty and disadvantaged status. So let us, as we address the education issue, look at the larger education workforce issue. Look at the fact that we have not passed an increase in the minimum wage. The 106th Congress got close to
We wrote to the Department of Labor Secretary, Secretary of Labor Elaine L. Chao, in February of this year, February 28, because usually very early in February these tables for the new wage rates are issued. They were not issued then. We wrote to her, and I am going to read that letter and enter it into the record, so that you will see the problem is.

What are we talking about? We are talking about how much income for people at the very bottom of the scale, income for migrant farm workers. But more importantly are, or just as important as the income of these workers, is the standard that is upheld. You do not undercut the farmer workers who are already there.

Though farm workers who are already working, making very low wages, should not have their wages undercut by immigrant farmers who come in and take labor, that is an important thing to do and get out a letter which would be real.

The DOL, the Department of Labor, cites the moratorium on regulations as the reason for its failure to publish. This is absurd, since the DOL’s act of publishing in the Federal Register the adverse effect wage rates under the H-2A program in order to carry out the Department’s obligation to protect U.S. farm workers and foreign workers from being subjected to wage rates that undermine labor standards in American agriculture.

Continuing in the letter to Elaine Chao, "The DOL, the Department of Labor, cites the moratorium on regulations as the reason for its failure to publish. This is absurd, since the DOL’s act of publishing in the Federal Register the adverse effect wage rates under the H-2A program in order to carry out the Department’s obligation to protect U.S. farm workers and foreign workers from being subjected to wage rates that undermine labor standards in American agriculture."

Continuing, we were deep concerned that the Department of Labor (DOL) has not performed the simple annualclrical duty, as required under current regulation, to publish in the Federal Register the adverse effect wage rates applicable to farm workers and employers under the H-2A temporary foreign agricultural worker program. Ordinarily, the wage rates are issued in early to mid-February; however, the wage rates have not been issued yet.

"Department of Labor’s responsibility in issuing the Wage Rates under the H-2A program is ministerial. The Department of Labor merely publishes the State-by-State results of the U.S. Department of Agriculture’s regional surveys of the average hourly wage rates for field and livestock workers. This information has already been given to the Department of Labor."

They had the information that was already obtained from the USD A; it’s the same data that the DOL uses to determine the labor standards in American agriculture.

Continuing to read in the letter to Secretary Elaine Chao dated February 28, "Failure to publish the new wage rates in the Federal Register apparently means that they will not take effect. Consequently, employers can pay farm workers less than the minimum wages, most of which are significantly lower than they would be if the new wage rates were published.

"Although many farm workers are affected by the H-2A program and pay far less than the minimum wages, most of which are significantly lower than they would be if the new wage rates were published."

We were deeply concerned with the fact that each year they issued the tables and they published the statistics and the determinations of what this wage rate should be and, as a result of that publication, the workers in those areas are eligible for, and should be paid, according to the new calculations, the new wage rates.

We were concerned that this is a routine matter, a ministerial function of the Department of Labor. It is not that much to get out a letter which says that the survey has been conducted, State-by-State. Here are the figures, and here is the table for this year.

Mr. Speaker, that has been done pretty routinely in the past, and we were shocked to find that it did not happen with this new administration.

We strongly urge you to take prompt action to publish the adverse effect wage rates under the H-2A program in order to carry out the Department’s obligation to protect U.S. farm workers and foreign workers from being subjected to wage rates that undermine labor standards in American agriculture.

"Please let us know when we can expect DOL to carry out its obligations under the law."

This letter is signed by the Georgia, the gentleman from California (Mr. GEORGE MILLER), the gentleman from New York (Mr. OWENS) and the gentleman from California (Mr. Berman).
March 22, 2001

I hope the information above is responsive to your concerns.

Sincerely,

ELAINE L. CHAO

Mr. Speaker, I think that any high school graduate can see one of the problems here are the regulations were supposed to be issued in early February. They were not issued; and, therefore, we wrote a letter to the Department of Labor Secretary. And now she is telling us in March that she is putting it on hold for 60 days in order to review it.

The reason given for reviewing that is that the President’s staff has issued a statement that there should be no new regulations until they are reviewed. This is not a new regulation. This is a simple computation that was mandated by an old regulation. This is a simple matter of issuing a statement based on what the law already has dictated should be done so that workers out these existing minimum wages in the farm sector will not have to wait for 60 days from March 16.

She did not really say she has given herself a deadline. It is a vague 60 days. Mr. Speaker, March 16 is already 2 months late in issuing these standards, another 60 days may go on to June, and a half year will go by.

What does a half year mean to a farm worker? In the case of New York, the regulations say that, instead of being paid 7.68 an hour, as they are now, the new prevailing wage rates show that they should be paid 8.17 an hour, close to 50 cents more for a 40-hour week. Fifty cents more means that you got $20 more in your pay. For a whole 6 months, a half year, that is 20 times all those weeks.

My colleagues might say that still is chicken feed, chump change, not much money, but for a worker who is earning $7 an hour, that is important money for his family. Why should we deprive them of 50 cents an hour because there is this kind of lethargy and laziness?

Mr. Speaker, I hope there is nothing more sinister than that in the Department of Labor. The Department of Labor ought to go ahead and issue the standards. The table is right here. It is already compiled. It is available for every State. California moves from $7.27 an hour to $7.65 an hour. Florida from $7.25 an hour to $7.80 an hour. On and on it goes, with increases I think being as high as 50 cents an hour that workers would be getting.

That is workers who are foreign workers coming in. It is also workers who already here would be paid at the same level. In fact, their payment at that level is already established. That is how one arrives at these figures.

So if one cares about opportunity, if one cares about education at the elementary, secondary school level, if one cares at the higher education level, then one of the first things one wants to do is make certain that families have decent incomes; that they are in a position to send their kids to school with a decent meal in their stomachs, and that they are able to support the atmosphere needed, stable homes for the youngsters when they return.

One cannot separate out the responsibility of the government to maintain in this complex society of ours some kind of justice with respect to wages and say that one cares about education and opportunity.

Opportunity has to come with a recognition that the basic problem in this Nation is poverty. The basic education problem is the poverty of the families. The correlation between poverty and failing schools. Between poverty and failing students is overwhelming and clearly established.

I cite workers who are farm workers, but do not forget the fact I started by saying we refused to increase the minimum from $5.15 to $6.15 over a 2-year period. So we are looking at families in America saying that, you know, you can wait. The dollar increase that we proposed 2 years ago, which would raise the salaries by now to $7.25 an hour are not in motion. Last year’s Congress did not act on it. It is not on the agenda for this year.

So we are interested in enhancing opportunity for all in America? Forget about race, color, creed. Let us focus on a crusade for opportunity. Provide opportunity for everybody, and that way we solve a lot of different problems. In the provision of opportunity, do not overlook the conditions that farm families live under and the fact that they have to have decent incomes.

In the area of migrant workers, for example, for my colleagues’ information, there are an estimated 1.6 million migrant workers working in the fields, the orchards, the greenhouses, the nurseries, and the ranches of America. But this does not include those who work in meat-pack ing plants and livestock assemblies.

One thing we could do in Congress is examining requests for new programs to ensure that agricultural businesses remain in business. Traditionally, it has been the grains, soybeans and other capital-intensive crops that have relied on subsidies and government assistance.

We taxpayers have paid subsidies for some of these same crops these farm workers are gathering. The way we do that now helps to eliminate the subsidies necessary to be paid by the government.

The growers of fruits, vegetables, and other labor-intensive crop growers have not received subsidies. Produce grown under international trade agreements and Americans’ greater interest in eating fruits and vegetables for health reasons. But fruit and vegetable growers more and more are asking for additional government assistance.

As we consider expanding assistance to agricultural businesses in the upcoming farm bill, we should look at...
how those employees in those businesses are doing. The evidence is that agriculture workers are not doing well. In fact, as the fruit and vegetable industry has expanded its imports dramatically, U.S. farm workers have gotten poorer.

The National Agricultural Workers Survey of the Department of Labor profiles characteristics of crop workers and their jobs. This is Report Number 8 in a series of publications based on the findings of the National Agricultural Workers Survey, a nationwide random survey on the demographic and employment characteristics of hired crop workers.

This report, like those before it, finds that several long-standing trends characterize the farm-labor work force and the farm-labor market are continuing. It finds that farm-worker wages have stagnated, annual earnings remain below the poverty level, farm workers experience chronic under-employment and that the farm work force increasingly consists of young single males who are recent immigrants.

Their findings of low wages, underemployment and low annual incomes of U.S. agricultural farm workers are indicative of a national oversupply of farm labor. Low annual income, in turn, most likely contributes to the instability that characterizes the agricultural labor market, as farm workers seek jobs paying higher wages and offering more hours of work.

Over the period of the 1990s, with a strong economy and greater, increasingly widespread prosperity, farm-worker wages have still lost ground relative to those workers in private, nonfarm jobs. Since 1989, the average nominal hourly wage of farm workers has risen by only 18 percent, about one-half of the 32 percent increase for non-agricultural farm workers.

Additionally, the real hourly wage of farm workers has dropped from $6.89 to $6.18. If just for the fact that the cost of doing business in this society has gone up, farm workers are really going backwards in terms of their minimum wage.

Consequently, farm workers have lost 11 percent of their purchasing power over the last decade. For the past decade, the median income of individual farm workers has remained less than $7,500 per year while that of farm workers has remained less than $10,000 a year. A farm-worker family, four people to live on $10,000 per year.

The majority of the farm workers have incomes below the poverty level in America. Despite the fact that the relative poverty of farm workers and their families has grown, their use of social services remains low; and for some programs, their use of social services has even declined.

In 1997, most farm workers, about 60 percent, held only one farm job per year. The majority had learned about their current job through informal means, such as through a friend, a relative or a workmate. On average, farm workers were employed in agriculture for less than half a year. Even in July, when demand for farm labor peaks in many parts of the country, just over half of the total farm-labor work force held agricultural jobs. On average, farm workers supplemented their agricultural earnings with 5 weeks of nonfarm employment.

The number of weeks this work force is employed each year in farm and nonfarm jobs in the U.S. has been declining.

In every way, these people on the very bottom of the labor wage scale, have been going backwards. I cite farm workers only as one example because they happen to fall under the purview of the committee where I serve as the ranking Democrat.

The Subcommittee on Workforce Protections is responsible for minimum wage. The minimum wage of all workers was last increased by the Fair Labor Standards Act. The Fair Labor Standards Act requires action by Congress, and Congress failed in the 106th Congress last year to raise the minimum wage by a measly $1 over 2 years.

We are now saying that we want to maximize the opportunity with education in our society. We want to really do something about the reform of elementary and secondary education.

How can we improve opportunity in elementary and secondary education? How can we improve opportunity in higher education when we are acting with contempt on the very basic issue of income for American families? One cannot separate out the issue of education from the issue of security and the nurturing of the family. All of it must go together.

I started before by saying that today is a great day, because today we introduced the 21st Century Higher Education Initiative, where we are moving to improve higher-education opportunities for minorities, the Historically Black Colleges and Universities, the globally controlled colleges, and Hispanic-serving institutions.

I think it is important that it all happened today. I wanted to take note of that here and say that, if there is anything, nothing would be more pleasing to both sides of the aisle than we should come out of this 107th Congress with a meaningful education-reform bill, an education-reform bill that really carries us forward beyond the rhetoric that has been going on for the last few years.

Everybody talks about education in the Congress, but very little has been done about it in the last few years. Ev-
in the building, the tiny particles of coal are going to seep through. If one has small children, they are going to be jeopardized because the lungs of small children are more susceptible. And certainly, please, do not have a child who already is disposed to asthma.

The asthma rate in New York City is very high. We can find the highest rates of asthma among children in the areas where we have schools that have coal-burning furnaces.

The correlation, again, is overwhelming. So it is hard for most people to visualize that we have schools that are still burning coal in their furnace. I suppose it is also hard to visualize the fact that, in New York City, most of the school buildings are more than 50 years old. The life of a brick building at one time they said is about 50 years. All of our schools are more than 50 years old just about. Maybe about 15 percent are not that old; but the rest of them, more than 50 years old. Then about one-third of the schools are almost 100 years old. The buildings are almost 100 years old.

So if one is going to improve education, whether one follows the Republican majority plan or one follows the Democratic initiative that was introduced earlier in the year, either one requires that one does something about the physical condition of the schools.

How do we convince young people we really care about education if we are forcing them to attend school in a building that has a coal-burning furnace? We cannot convince children that we are interested in improving education if we are forcing them to attend school in a school building that is so overcrowded because it has so many more pupils than it was built for.

We have some schools in my district built for 500 pupils and they now serve 1,100. They are serving 1,100 children in a building built for 500. More than twice the number of children that the building was built for. As a result, the lunchroom cannot hold all the youngsters, of course. They have to eat in three or four cycles. The first cycle in the school begins at 10 o'clock.

In other words, a certain group of children, one-third, are told that they have to eat lunch at 10 o'clock. Now, they have just had breakfast, but they have to eat lunch at 10 o'clock. The other group, the final third, will be eating late, after 1 o'clock. So they will be hungry. The first group is being forced to eat when they are not hungry.

Those kinds of conditions exist in too many of our schools, where they start eating lunch early because the cycle has to be completed for three or four different cycles because the building is too small, the cafeteria is too small. It was not built for those kinds of students.

We have situations where we have trailers, trailers in the school yards. And this is something that is not common to big city schools. All over the country one of the problems with rural schools is they have a lot of trailers out there too that were temporary. Trailers are temporary constructs. They are not built to last 20 years. One advantage of the teachers that was not built for those kinds of students, of course. They have to eat in the cafeterias. And we know that those trailers, in the country we have trailers in the schoolyards and they stay there forever.

Are we going to convince a student or the teachers that we are serious about improving education if we do nothing about these physical conditions that exist at present? If we do nothing about the fact that large numbers of schools do not have trained and qualified personnel, qualified to be able to convince the youngsters or the teachers or parents that we seriously care about schools? So dollars are going to be necessary in order to fulfill the rhetoric and the plans and the vision statements that have been made about education.

We also have to recognize the complexities of the situation. Although the President is focusing and the administration bill focuses on elementary and secondary education, and we are not scheduled to revise the Higher Education Assistance Act until next year, we must move across all fronts at the same time. Higher education cannot be separated from elementary and secondary education if we want to improve the schools.

After we get past the very serious problem of physical infrastructure, the biggest problem that schools have now is qualified personnel. Qualified teachers, who are trained, educated properly. Teachers who are certified.

In some cases, we have certified teachers who are teaching subjects that they are not certified to teach. A few years ago, in some of the New York City schools and other parts of New York serving mostly Hispanic and black students, they made a survey and they found that most of the teachers who were teaching math and science in the junior high schools had not majored in math and science in college. They were certified teachers, but they were certified in some other area.

Well, that is better than the situation they existed in a lot of elementary schools in one segment of my district. In New York City, the total city is divided up into 32 school districts. One of the school districts in my congressional district, district 23, year before last had a situation where one-half of their teachers were substitute teachers all year long. They were not certified, and they were not regular. So the students in that district were constantly being subjected to changing teachers every day. One-half of them were in that kind of situation.

Is it any wonder that there was a drop in the reading level scores in that district, or that for years that district has had the notoriety of being on the very bottom for the whole 32 school districts in the city? They have gone up in the last couple of years as a result of paying attention to this problem and many others. But the problem of not having certified teachers is a problem that we must tackle head on. We will have no improvement in education unless the teachers and administrators and principals are all well trained.

An initiative in higher education, colleges and universities, allows us to train teachers, to get our certified teachers into the classrooms, to improve the supply of teachers, and to be able to meet the number one requirement of education improvement. For that reason, I am proud of the fact that, along with my Democratic colleagues today to introduce the 21st Century Higher Education Initiative. Since 1837, Historically Black Colleges and Universities have played a vital role in producing this Nation's most influential African-American leaders; people such as Martin Luther King, Jr., Thurgood Marshall, Oprah Winfrey, Barbara Jordan, and Langston Hughes. All graduates from historically Black Colleges and Universities, and they have inspired a generation of young people of all races.

Today, the Historically Black Colleges and Universities, and other minority-serving institutions, are continuing to produce highly qualified students that fill key positions in the public and private sector. For instance, the Historically Black Colleges and Universities are now responsible for producing 28 percent of all bachelor's degrees and 15 percent of all master's degrees earned by African Americans. While these numbers are encouraging, more must be done to ensure that minority students are not locked out of the higher education debate.

The 21st Century Higher Education Initiative more than doubles funding for title III and title V and increases the maximum Pell Grant award from $3,750 to $7,000 over a 5-year-period. Increasing funding for title III and title V will close the funding gap between minority- and nonminority-serving institutions. Increasing the maximum Pell Grant award will make the burden of paying for college easier for poor minority students who cannot afford to attend college.

The 21st Century Education Initiative also includes dramatic increases for supplemental equal opportunity grants and Federal work study by increasing each program by $300 million over the next 3 years. These programs play a critical role in the lives of students who are often the first person in their family to attend college.
Also included are increases for TRIO and GEAR-UP, which encourage minority students from underserved communities to attend college. TRIO and GEAR-UP have a long track record of preparing minority students for college through academic enrichment and mentorship activities.

The bill also includes funding to preserve buildings on the National Register of Historic Places by authorizing $30 million a year for facilities most in need of repair on the campuses of Historic Black Colleges and Universities.

In addition, the bill addresses the critical needs for qualified minority teachers by authorizing $30 million for a new program that will strengthen teacher preparation programs at minority-serving institutions. The 21st Century Higher Education Initiative also takes into account reports from the National Telecommunications & Information Administration and the Benton Foundation regarding the Digital Divide. The initiative would create a $250 million program based on proposals by Senator Cleland and the gentleman from New York (Mr. TOWNS) that will provide equipment, wire campuses, and train students for careers in technology.

Providing increased funding for technology at HBCUs will ensure that young African-American students are given every opportunity to compete on a level playing field.

In closing, the Democratic party has sent a clear signal to Members of the House and the Senate, educating minority students from underserved communities is at the top of our agenda. We look forward to working with our colleagues from across the aisle and the administration in passing legislation that “leaves no child behind.”

Mr. Speaker, I also include for the Record a statement labeled 21st Century Higher Education Initiative.

21ST CENTURY HIGHER EDUCATION INITIATIVE

It is with great pleasure that I join my Democratic Colleagues by introducing the “21st Century Higher Education Initiative.” Since 1837, Historically Black Colleges and Universities have played a vital role in producing this nation’s most influential African-American leaders. People such as Martin Luther King, Jr., Thurgood Marshall, Oprah Winfrey, Barbara Jordan and Langston Hughes all graduates of HBCU’s have inspired a generation of young people of all races. Today, HBCU’s and other minority serving institutions continue to produce highly qualified students that fill key positions in the public and private sector. For instance, HBCU’s are now responsible for producing 28 percent of all bachelor’s degrees and 15 percent of all master’s degrees earned by African-Americans.

While these numbers are encouraging, more must be done to ensure that minority students are not locked out of the higher education debate. The “21st Century Higher Education Initiative” more than doubles funding for Title III and Title V and increases the maximum Pell Grant award from $3,750 to $7,000 over three years. Increasing funding for HBCU’s, HSIs, and TCCs will not only benefit the minority community but provide our Nation with experienced and talented young people who are prepared to compete in today’s global workforce.

Let me conclude, Mr. Speaker, by suggesting that we bring it all together. Let us make this year of 2001 the first year of the 107th Congress, the first year of a new administration, a year where we achieve one outstanding, glowing, bipartisan accomplishment, and that is the improvement of education in America.

And as we improve education in America, let us also understand that a part of that requires that we improve opportunities for working families, starting with improving their wages and income.

Mr. Speaker, I include for the Record a chart of wages; a Comparison of H-2A Adverse Effect Wage Rates.

Mr. Speaker, I also include for the Record a statement labeled 21st Century Higher Education Press Conference dated March 22, 2001.
lives of students who are often the first person in their family to attend college. Also included in the bill are increases for TRIO and GEAR-UP which encourage minority students and communities to attend college. TRIO and GEAR-UP have a long track record of preparing minority students for college through academic enrichment and college advising.

The bill also includes funding to preserve buildings on the National Register of Historic Places by authorizing $60 million a year for facilities most in need of repair. In addition, the bill addresses the critical need for qualified minority teachers by authorizing $30 million for a new program that will strengthen teacher preparation programs at minority serving institutions. The 21st Century Higher Education Initiative also takes in account reports from the National Telecommunications & Information Administration (NTIA) and the Benton Foundation regarding the Digital Divide. The initiative would create a $2.5 billion program based on proposals by Senator Cleland and Congressman Towns that would provide equipment, wire campuses and train students for careers in technology. Providing increased funding for technology at HBCU’s will ensure that young African-American students are given every opportunity to compete on a leveled playing field.

In closing, the Democratic party has sent a clear signal to members of the House and Senate, educating minority students from underserved communities is at the top of our agenda. We look forward to working with our colleagues from across the aisle and the Administration in passing legislation that “leaves no child behind.” Increasing funding for HBCU’s, HSI’s and TCC’s will not only benefit the minority community but provide our nation with experienced and talented young people who are prepared to compete in today’s global workforce.

BREAST CANCER PRESCRIPTION DRUG FAIRNESS ACT

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

Mr. GRUCCI. Mr. Speaker, I rise to discuss a serious health issue that potentially affects the lives of every woman on Long Island. Breast cancer is the most common form of cancer among women in the United States, and Long Island’s breast cancer rates are the highest in the Nation, 20 percent higher than the national average. Today, many lack the coverage for prescription drugs and face severe financial problems in affording the medications they need to defeat this dreadful and horrible disease.

Being diagnosed with breast cancer is a devastating experience for a woman and her family. Yet breast cancer victims on Medicare and those without any coverage or tough time cap or drug cannot afford the medications they need. The bipartisan Breast Cancer Prescription Drug Fairness Act that I along, with the gentlewoman from New York (Mrs. MCCARTHY), introduced would end that. H.R. 758 aims to make prescription drugs available to Medicare beneficiaries and seeks to allow those without medical coverage to buy into the system. Right now women on Medicare receive their breast cancer medication for $58 a month whereas women without coverage must pay $105 a month. In 1998, 18 percent of all New York women between the ages of 18 and 64 were uninsured. In 2001, approximately 2,200 New York women diagnosed with breast cancer would be uninsured. With 85 percent of breast cancer victims over the age of 55, this bill gives Medicare recipients the purchasing power to buy prescription drugs at a much lower price.

This bill is about saving women’s lives. No one fighting breast cancer should have to choose between buying food or the medication that will save their lives. Until a cure for this horrible disease is discovered, we must do all that we can to give breast cancer victims every opportunity to beat this disease.

Mr. Speaker, I call upon my colleagues to join the gentlewoman from New York (Mrs. MCCARTHY) and myself as a cosponsor of the Breast Cancer Prescription Drug Fairness Act.

APPOINTMENT OF MEMBERS TO THE UNITED STATES GROUP OF THE NORTH ATLANTIC ASSEMBLY

The SPEAKER pro tempore. Without objection, and pursuant to 22 U.S.C. 2282a and clause 10 of rule I, the Chair announces the Speaker’s appointment of the following Members of the House to the United States Group of the North Atlantic Assembly:

Mr. DEUTSCH of Florida.
Mr. BORSKI of Pennsylvania.
Mr. LANTOS of California.
Mr. RUSH of Illinois.

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ACKERMAN (at the request of Mr. GEPHARDT) for today on account of health reasons.
Ms. JERIA BERNICE JOHNSON of Texas (at the request of Mr. GEPHARDT) for today on account of illness.
Mr. BECERRA (at the request of Mr. GEPHARDT) for today on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. FALLONE, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Mr. SKELETON, for 5 minutes, today.
Mr. LOHSE, for 5 minutes, today.
Mrs. MINK of Hawaii, for 5 minutes, today.
Mr. INSLEE, for 5 minutes, today.

Mr. FORD, for 5 minutes, today.

(The following Members (at the request of Mr. REHBERG) to revise and extend their remarks and include extraneous material:)

Mr. REHBERG, for 5 minutes, today.
Mr. ENSLEY, for 5 minutes, today.
Mr. WAMP, for 5 minutes, today.
Mrs. NORTHUP, for 5 minutes, today.
Mr. PAUL, for 5 minutes, today.
Mr. HYDE, for 5 minutes, today.
Mr. SOUDER, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GRUCCI, for 5 minutes, today.

ADJOURNMENT

Mr. GRUCCI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o’clock and 59 minutes p.m.), under its previous order, the House did adjourn until Monday, March 26, 2001, at 2 p.m.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

1307. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation’s final rule—Disclosure and Reporting of CIRA-Related Commitments (RR–2000–0002) received March 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1308. A letter from the Acting Assistant Secretary, Occupational Safety and Health Administration, Department of Labor, transmitting the Department’s final rule—Notice of Initial Approval Determination; New Jersey State Public Employee Only State Plan (RIN: 1235–AB98) received March 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1309. A letter from the Special Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 73.7010; to the Committee on Energy and Commerce.

1310. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 73.202(b); to the Committee on Energy and Commerce.

1311. A letter from the Acting Deputy Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Federal-State Joint Board on Unregulated Electric Tariffs (CC Division) Reconsideration for Reconsideration filed by AT&T—received March 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1312. A letter from the Director, International Cooperation, Office of the Under Secretary of Defense, Department of Defense, transmitting the Memorandum of Agreement Between the Ministry of Defence of the Kingdom of Norway and the Department of Defense of the United States of America for Technology Demonstration and System Prototype Projects, pursuant to 22 U.S.C. 2767(t); to the Committee on International Relations.

1313. A letter from the Acting Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting a report on economic conditions in Egypt 1999 through 2000, pursuant to 22 U.S.C. 2346 n.; to the Committee on International Relations.

1314. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting Copies of International Agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112(b); to the Committee on International Relations.

1315. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6007; to the Committee on Energy and Commerce.

1316. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6028; to the Committee on Energy and Commerce.

1317. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6030; to the Committee on Energy and Commerce.

1318. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6031; to the Committee on Energy and Commerce.

1319. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6032; to the Committee on Energy and Commerce.

1320. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6033; to the Committee on Energy and Commerce.

1321. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6034; to the Committee on Energy and Commerce.

1322. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6035; to the Committee on Energy and Commerce.

1323. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6036; to the Committee on Energy and Commerce.

1324. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6037; to the Committee on Energy and Commerce.

1325. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6038; to the Committee on Energy and Commerce.

1326. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6039; to the Committee on Energy and Commerce.

1327. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6040; to the Committee on Energy and Commerce.

1328. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6041; to the Committee on Energy and Commerce.

1329. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6042; to the Committee on Energy and Commerce.

1330. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6043; to the Committee on Energy and Commerce.

1331. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6044; to the Committee on Energy and Commerce.

1332. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6045; to the Committee on Energy and Commerce.

1333. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6046; to the Committee on Energy and Commerce.

1334. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6047; to the Committee on Energy and Commerce.

1335. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6048; to the Committee on Energy and Commerce.

1336. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6049; to the Committee on Energy and Commerce.

1337. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6050; to the Committee on Energy and Commerce.

1338. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6051; to the Committee on Energy and Commerce.

1339. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6052; to the Committee on Energy and Commerce.

1340. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6053; to the Committee on Energy and Commerce.

1341. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6054; to the Committee on Energy and Commerce.

1342. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6055; to the Committee on Energy and Commerce.

1343. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6056; to the Committee on Energy and Commerce.

1344. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6057; to the Committee on Energy and Commerce.

1345. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6058; to the Committee on Energy and Commerce.

1346. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6059; to the Committee on Energy and Commerce.

1347. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6060; to the Committee on Energy and Commerce.

1348. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6061; to the Committee on Energy and Commerce.

1349. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6062; to the Committee on Energy and Commerce.

1350. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6063; to the Committee on Energy and Commerce.

1351. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6064; to the Committee on Energy and Commerce.

1352. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6065; to the Committee on Energy and Commerce.

1353. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6066; to the Committee on Energy and Commerce.

1354. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6067; to the Committee on Energy and Commerce.

1355. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6068; to the Committee on Energy and Commerce.

1356. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6069; to the Committee on Energy and Commerce.

1357. A letter from the Acting Assistant to the Chairman, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 76.6070; to the Committee on Energy and Commerce.
H.R. 1. A bill to close the achievement gap in the United States, by Mr. GEORGE MILLER of California.

H.R. 1161. A bill to authorize the American Indian Higher Education Act, by Mr. GILMAN.

H.R. 1162. A bill to increase the authorization of appropriations under the Higher Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce.

H.R. 1163. A bill to limit the use of Federal funds appropriated for conducting testing in elementary or secondary schools to testing that is required or meets certain criteria, and for other purposes; to the Committee on Education and the Workforce.

H.R. 1164. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to dedicate certain funds for the purpose of reducing violence and hate crimes against Native Americans and reducing incidents of crime on reservations, by Mr. BACA.

H.R. 1165. A bill to provide for the establishment of an Election Voting Systems Standards Commission, by Mr. BACA.

H.R. 1166. A bill to modify the provision of law which provides a permanent appropriation for the compensation of Members of Congress, and for other purposes; to the Committee on Rules.

H.R. 1167. A bill to protect voting rights, and for other purposes; to the Committee on the Judiciary.

H.R. 1168. A bill to amend the Communications Act of 1934 in order to require the Federal Communications Commission to fulfill the sufficient universal service support requirements for high cost areas, and for other purposes; to the Committee on Energy and Commerce.

H.R. 1169. A bill to amend title 39, United States Code, with respect to "cooperative mailings"; to the Committee on Government Reform.

H.R. 1170. A bill to provide increased for-arm services.
of Connecticut, Mr. Camp, Mr. Rush, Mr. Baldacci, Mr. Cantor, Mr. Hillard, Mr. English, Mr. Frost, Mr. Kaptur, Mr. Stark, Mr. Levin, Mr. Broun, Mr. Rice, Mr. Cremeans, Mr. Matsui, Mr. Gutscher, Mr. Paschell, Mr. Coyne, Mr. Kucinich, Mr. McNulty, Mr. Tandon, Mr. McDermott, Mr. Michaud, Mr. Cummings, Ms. Hart, Mr. Gehrhardt, Mrs. Johnson of Connecticut, Mr. Cardin, Mr. Doyle, Mrs. Thursday, Mr. Goss, Ms. Horan, Mr. Abercrombie, Mr. Goodlatte, Mr. Kennedy of Rhode Island, Mr. Lewis of Kentucky, Mr. Ramstad, Mr. McKeon, and Mr. Foley.

H.R. 1172. A bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence; to the Committee on Ways and Means.

By Mr. DICKS:

H.R. 1173. A bill to make emergency supplemental appropriations for fiscal year 2001 for the purposes of the Gramm-Rudman-Hollings Act to protect consumers from the adverse consequences of incomplete and inaccurate reporting; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 1174. A bill to direct the Secretary of the Interior to dispose of all public lands administered by the Bureau of Land Management that have been identified for disposal under the Federal land use planning process; to the Committee on Resources.

H.R. 1175. A bill to provide for administrative procedures to extend Federal recognition to certain Indian groups, and for other purposes; to the Committee on Resources.

H.R. 1176. A bill to amend the Fair Credit Reporting Act to protect consumers from the adverse consequences of incomplete and inaccurate credit reports, and for other purposes; to the Committee on Financial Services.

By Mr. FRANK (for himself, Mr. Borelli, Mr. Kucinich, Mr. Gilchrest, Mr. Neal of Massachusetts, Mr. Oberstar, Mr. Thompson of Mississippi, Ms. Brown of Florida, Mr. Hillard, Mr. Abercrombie, Mr. McNulty, Mrs. Mink of Hawaii, Mr. Borski, Mr. Capuano, Mr. Kildee, Mr. McGough, Mr. Frost, Mr. Filner, Mr. Loe, Mr. Lantos, Mr. McGovern, Mr. Brady of Pennsylvania, Mrs. Maloney of New York, Mr. Evans, Mr. Clay, Ms. Carson of Indiana, Mr. Payne, and Mr. Gorton):

H.R. 1177. A bill to amend title XVIII of the Social Security Act to limit the penalty for late enrollment under the Medicare Program to 10 percent and twice the period of non-enrollment; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GIBBONS (for himself and Mr. Udall of New Mexico):

H.R. 1178. A bill to provide for the Safe Drinking Water Act to provide grants to small public drinking water systems; to the Committee on Energy and Commerce.

By Mr. GREEN of Wisconsin (for himself, Mr. Petri, Mr. Baker, Mr. Johnson of Illinois, Mr. Weldon of Pennsylvania, Mr. Schaffir, Mr. Gilman, Mr. Goss, Mr. Istook, Mr. Burton of Indiana, Mr. Barton of Texas, Mr. Hillary, Mr. Shows, Mr. McHugh, Ms. Hart, Mr. Sweeney, Mr. Pombo, Mr. Ryun of Kansas, Mr. Nethercutt, Mr. Terry, Mr. Hastus of Washington, Mr. Sengerson of Maine, Mr. Skrein, Mr. Kennedy of Rhode Island, and Mr. Pomeroy):

H.R. 1178. A bill to amend the Internal Revenue Code of 1986 to provide that the income, estate, or gift tax freedom of taxpayers who are conscientiously opposed to participation in war, to provide that the income, estate, or gift tax payments of such taxpayers be used for non-military purposes, to create the Religious Freedom Peace Tax Fund to receive such tax payments, to improve revenue collection, and for other purposes; to the Committee on Ways and Means.

By Mr. LEACH (for himself, Mr. Oberstar, Ms. Woolsey, Mr. Lewis, Ms. Delahunt, Mr. George Miller of California, Ms. Norton, Mr. Hinchey, Mr. Payne, Ms. Pelosi, Mr. Coleman, Mr. Fattah, Mr. Sanders, and Mr. Clay):

H.R. 1179. A bill to affirm the religious freedom of taxpayers who are conscientiously opposed to participation in war, to provide that the income, estate, or gift tax payments of such taxpayers be used for non-military purposes, to create the Religious Freedom Peace Tax Fund to receive such tax payments, to improve revenue collection, and for other purposes; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. Shays, Mr. Lowry, Ms. McKinney, Mr. Capuano, Mr. Berman, Mr. Baldwin, Mr. Doyle, Mr. Gallegly, Mr. Pallone, Mr. Thompson of Mississippi, Mr. Frank, Mr. Oliver, Ms. Schakowsky, Mr. Levin, Mr. George Miller of California, Mrs. Kelly, Mrs. McCarthy of New York, Mr. Meeke of Florida, Mr. Bonior, Mr. Costello, Ms. Blumenauer, Ms. Berkley, Mr. Filner, Mr. Stark, Mr. DeFazio, Mr. McCarthy of Missouri, Mr. Moran of Virginia, Ms. Rivers, Mr. Engel, Mr. Holt, Mr. Maloney of Connecticut, Mr. Guttierrez, Mr. Kidder, Mr. Meehan, Mr. Smith of Washington, Mrs. Maloney of New York, Mr. Neal of Massachusetts, Mr. Hastings of Florida, Mr. Smith of New Jersey, Mr. Towns, Mr. Nadler, Mr. Sanders, Mrs. Roukema, Mrs. Mink of Hawaii, Mr. Horn, Mr. Lewis of Georgia, Mr. Turney, Mr. Van DeVoorde, Mr. isolation, Allard, Mr. Bentsen, Mr. Clay, Ms. Delauro, Mr. Ackerman, Mr. Frelinghuysen, Mrs. Taschier, Mr. Conyers, Ms. Udall of Colorado, Mr. Davis of Illinois, Mr. Rothman, and Ms. Slaughter):

H.R. 1180. A bill to require the Secretary of the Treasury to mint coins in commemoration of Dr. Martin Luther King, Jr.; to the Committee on Education and the Workforce.

By Ms. LEE (for herself, Ms. Schakowsky, Mr. Sanders, Mrs. Christensen, Mr. Davis of Illinois, Ms. Millender-McDonald, Ms. Jackson-Lee of Texas, Mrs. Jones of Ohio, and Ms. Kilpatrick):

H.R. 1181. A bill to prohibit H.R. 1177 through negotiation or otherwise the revocation or revision of any intellectual property or competitive policy of any country, including any sub-Saharan African country, that regulates HIV/AIDS pharmaceuticals or medical technologies, and for other purposes; to the Committee on International Relations.

By Mr. LEWIS of Georgia (for himself, Mr. Leach, Mr. Oberstar, Mr. Woolsey, Mr. Lewis, Ms. Delahunt, Mr. George Miller of California, Ms. Norton, Mr. Hinchey, Mr. Payne, Ms. Pelosi, Mr. Coleman, Mr. Fattah, Mr. Sanders, and Mr. Clay):

H.R. 1186. A bill to affirm the religious freedom of taxpayers who are conscientiously opposed to participation in war, to provide that the income, estate, or gift tax payments of such taxpayers be used for non-military purposes, to create the Religious Freedom Peace Tax Fund to receive such tax payments, to improve revenue collection, and for other purposes; to the Committee on Ways and Means.

By Mr. LOWEY (for herself, Mr. Shays, Mr. Lowry, Ms. McKinney, Mr. Capuano, Mr. Berman, Mr. Baldwin, Mr. Doyle, Mr. Gallegly, Mr. Pallone, Mr. Thompson of Mississippi, Mr. Frank, Mr. Oliver, Ms. Schakowsky, Mr. Levin, Mr. George Miller of California, Mrs. Kelly, Mrs. McCarthy of New York, Mr. Meeke of Florida, Mr. Bonior, Mr. Costello, Ms. Blumenauer, Ms. Berkley, Mr. Filner, Mr. Stark, Mr. DeFazio, Mr. McCarthy of Missouri, Mr. Moran of Virginia, Ms. Rivers, Mr. Engel, Mr. Holt, Mr. Maloney of Connecticut, Mr. Guttierrez, Mr. Kidder, Mr. Meehan, Mr. Smith of Washington, Mrs. Maloney of New York, Mr. Neal of Massachusetts, Mr. Hastings of Florida, Mr. Smith of New Jersey, Mr. Towns, Mr. Nadler, Mr. Sanders, Mrs. Roukema, Mrs. Mink of Hawaii, Mr. Horn, Mr. Lewis of Georgia, Mr. Turney, Mr. Van DeVoorde, Mr. isolation, Allard, Mr. Bentsen, Mr. Clay, Ms. Delauro, Mr. Ackerman, Mr. Frelinghuysen, Mrs. Taschier, Mr. Conyers, Ms. Udall of Colorado, Mr. Davis of Illinois, Mr. Rothman, and Ms. Slaughter):

H.R. 1187. A bill to end the use of steel-jawed leghold traps on animals in the United States; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUCAS of Kentucky:

H.R. 1188. A bill to prohibit the use of technology in the classroom; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUCAS of Kentucky:

H.R. 1189. A bill to provide that a State may use a proportional voting system for congressional elections and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on
H. R. 1190. A bill to amend the Internal Revenue Code of 1986 to permit a husband and wife to file a combined return to which section 6013 of the Internal Revenue Code of 1986 is applied, and for other purposes; to the Committee on Ways and Means.

By Mr. CNEEK of Florida (for herself, Mrs. Jones of Ohio, Mrs. Christensen, Mr. Costello, Mr. Thompson of Mississippi, Mr. Brady of Pennsylvania, Mr. Brown of Florida, Mr. Pallone, Ms. Millender-McDonald, Mr. Rangel, Ms. Waters, Mr. Conyers, Ms. green of Texas, Mr. Sonny Perdue, Ms. Norton, Mr. Hastings of Florida, Mr. Wynn, Mr. Clyburn, Mr. Nadler, Mr. Hinchey, Mr. Meeks of New York, Mr. Owens, Mrs. Minx of Hawaii, Mr. Barrett, Ms. Ros-Lehtinen, Mr. Cummings, Mr. Tierney, Mr. George Miller of California, Ms. Velazquez, Mr. Jackson of Alaska, Mr. Kosinski, Mr. DeGette, Mr. Clay, Ms. Kaptur, Mr. Sanders, Mr. Diaz-Balart, Mrs. Clayton, Ms. Kilpatrick, Mr. Sanders of Indiana, Mr. Furman, Ms. Carson of Indiana, Mr. Towns, Mr. Kucinich, Mr. Davis of Illinois, Mr. Payne, Mr. Rush, Mr. Hilliard, Mr. Dicky, Mr. Kennedy of Rhode Island, Mr. Bishop, Mr. Dentsch, and Mr. Maloney of Connecticut):

H. R. 1191. A bill to amend title I of the Housing and Community Development Act of 1974 to ensure that communities receiving community development block grants use such funds to benefit low- and moderate-income families; to the Committee on Housing and Urban Development, and Related Agencies.

By Mrs. MEEK of Florida (for herself, Mrs. Mink of Hawaii, Mr. Braday of Pennsylvania, Mr. Barrett, Mr. PAYNE, Mr. Payne, Mr. BROWN of California, Ms. Velazquez, Mr. BROWN of Pennsylvania, Mr. Balow, Mr. PAYNE, Mr. Wynn, Mr. CONYERS, Mr. Sanders, Mr. DICKY, Mr. Kennedy of Rhode Island, Mr. Bishop, Mr. Dentsch, and Mr. Maloney of Connecticut):

H. R. 1192. A bill to improve the National Writing Project; to the Committee on Education and the Workforce.

By Mr. NORTON:

H. R. 1193. A bill to provide for full voting representation in the Congress for the citizens of the District of Columbia, to amend the Internal Revenue Code of 1986 to provide that individuals who are residents of the District of Columbia shall be exempt from Federal income taxation until such full voting representation takes effect, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD (for himself, Mr. Listing of Congressmen with names followed by the word "for" indicates that they wrote the bill or introduced it on behalf of the committee.

H. R. 1194. A bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code of 1986 to provide parity with respect to substance abuse treatment benefits under group health plans and health insurance coverage; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. Rangel:

H. R. 1195. A bill to amend the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings; to the Committee on the Judiciary.

By Mr. Rangel:

H. R. 1196. A bill to amend the Internal Revenue Code of 1986 to allow State and local government employees to be deemed the alternative minimum tax; to the Committee on Ways and Means.

By Mr. PAYNE:

H. R. 1197. A bill to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to decrease the requisite blood quantum required for membership in the Ysleta del Sur Pueblo tribe; to the Committee on Oversight and Government Reform.

By Mr. ROHRABACHER (for himself, Mr. Honda, Mr. Delay, Mr. Cunningham, Mr. Whitfield, Mr. Jefferson, Mrs. Wilson, Mr. Rogers of Michigan, Mr. Saxton, Mr. Shows, Mr. Doolittle, Mr. Bart-lett of Maryland, Ms. Ros-Lehtinen, Mr. Hayes, Mr. Gibbons, Mr. Schaffer, Mrs. Kelly, Mr. Pence, Mrs. Capito, Mr. Ron Kind, Mr. Evans, Mr. Borski, Mr. Frost, Mr. Pickering, Mr. Foley, Mr. Cannon, Mr. DeMint, Mr. McCrery, and Mr. Wamp of Georgia):

H. R. 1198. A bill to prevent the Internal Revenue Service from auditing the returns of veterans in the Jacksonville, Florida, metropolitan area; to the Committee on Veterans' Affairs.

By Mrs. MALONEY of New York (for herself, Mr. Gevers of New York, Mr. Arnerich, Mr. Ackerman, Mr. Allen, Mr. Andrews, Mr. Acevedo-Vila, Mr. Baca, Mr. Baird, Mr. Baldacci, Mr. Bar-rett, Mr. Becker, Mr. Bentsen, Ms. Berkley, Mr. Berman, Mrs. Bigio, Mr. Bishop, Mr. Blagojevich, Mr. Blumenauer, Mr. Boren, Mr. Boswell, Mr. Boucher, Mr. Brady of Pennsylvania, Mr. Brown of Florida, Mr. Brown of Ohio, Mr. Capuano, Mr. Cardin, Mr. Carson of Oklahoma, Mrs. Christensen, Mr. Clay, Mrs. Clayton, Mr. Clement, Mr. Clyburn, Mr. Conduit, Mr. Conyers, Mr. Coyne, Mr. Crowley, Mr. Cummings, Mr. Davis of Illinois, Mrs. Davis of California, Mr. DeFazio, Ms. DeGette, Mr. Delahunt, Mr. Delahunt, Mr. DeLauro, Mr. Deutch, Mr. Dooley of California, Mr. Edwards, Mr. Engel, Ms. Eshoo, Mr. Evans, Mr. Faleomavaega, Mr. Fattah, Mr. Farr, Mr. Filner, Mr. Ford, Mr. Frost, Mr. Frank, Mr. Gilman, Mr. Gonzalez, Mr. Gutiérrez, Mr. Greenwood, Ms. Hahn, Mr. Hamilton of Florida, Mr. Hilliard, Mr. Hinchey, Mr. Hinojosa, Mr. Hoeffel, Mr. Holt,
Mr. HOnda, Ms. Hooley of Oregon, Mr. HoyeR, Mr. IsRael, Mr. jackson of Illinois, Ms. eRinn jOHnson of Texas, Mr. jOHnson, Mr. judd, Ms. KapeR, Mr. KeyNedy of Rhode Island, Mr. KildRee, Ms. KilPatRicK, Mr. Kind, Mr. KucKinCh, Mr. LanChvin, Mr. lantos, Ms. lee, Ms. jackson-Lee of Texas, Mr. lEvIn, Mr. lEvIs of Geor gia, Ms. lOforini, Ms. loweY, Mr. luther, Ms. McCaRThy of missouri, Ms. McelMoeRt, Mr. McGovern, Ms. McKinney, Mr. McNulty, Mr. Maloney of Con necticut, Mr. mAtsui, Mr. Gary milRer of California, Mr. BRADy of Texas, Mr. BryRant, Mr. mCCollum, Mr. McDERmott, Mr. mCDerRott, Mr. mcdRoly, Mr. mCCartRy of missouri, Ms. mCCarthy of Colorado, Mr. mock, Mr. mCan, Mr. upton, and Mr. kIldeE, Mr. BarTeTT of maryland, Mr. BeRner, Mr. Black, Mr. Boren, Mr. Bovis, Mr. BoRRes, Mr. BoRReRni, Mr. Bonilla, Mrs. Bon, Mr. BilAdy of Texas, Mr. BRYant, Mr. BucK, Mr. jackson of california, Mr. BurRett of Indiana, Mr. Callahan, Mr. Calvert, Mr. camp, Mr. cannon, Mr. castle, Mr. cHalmRls, Mr. compRt, Mr. cooK, Mr. cox, Mr. crane, Mrs. cuRbin, Mr. culBerRson, Mr. DeLay, Mr. DeMint, Mr. doolittle, Mr. dOuNcan, Ms. dudRy, Mr. emery, Mr. eNGLISH, Mr. eVerrett, Mr. Polk, Mr. FOSsell, Mr. FRein-Luyten, Mr. gAllagher, Mr. gibBons, Mr. gilman, Mr. goode, Mr. gOODlatt, Ms. gRanger, Mr. gReen of Wisconsin, Mr. greenwood, Mr. HALL of Texas, Mr. HANsen, Mr. HastroRt, Mr. HastingS of washington, Mr. HaywoRth, Mr. Hrplk, Mr. HilleRary, Mr. HokeRstra, Mr. HorN, Mr. IsAkson, Mr. IteR, Mr. jenkins, Mr. jenKins, Mr. JIuez, Mr. jumR, Mr. KUCInCh and Ms. cARson of ohio, Mr. SaM jOHnson of Texas, Mr. jones of north california, Mrs. kelly, Mr. KnollRinberg, Mr. LaHOod, Mr. lEWIs, Mr. LaTOuR, Mr. Lewis of Kentucky, Mr. linder, Mr. lucas of Kentucky, Mr. Maloney of Connecticut, Mr. manZuolo, Mr. mCatina, Mr. Miller of Florida, Mr. Gary Miller of California, Mrs. myRICK, Mr. NethercUt, Mrs. norRthup, Mr. norWood, Mr. oxLeY, Mr. PAul, Mr. peterson of Pennsylvania, Mr. pickering, Mr. pitTS, Mr. POno, Mr. Portman, Mr. quinn, Mr. radanovic, Mr. Ramstad, Mr. RileY, Mr. RoHRbracher, Mrs. Rukema, Mrs. ROute, Mr. Ryan of Wisconsin, Mr. RuyR of Kansas, Mr. Saxton, Mr. scarboroRough, Mr. schaffer, Mrs. sKensengeRner, Mr. shadegor, Mr. sHIMKUS, Mr. showS, Mr. simPson, Mr. Smith of Texas, Mr. Smith of Michigan, Mr. Souder, Mr. spence, Mr. StRains, Mr. Stump, Mr. SuNung, Mr. sWeeney, Mr. TANCerro, Mr. Taylor, Mr. Taylor of North Carolina, Mr. teRry, Mr. thunn, Mr. toomey, Mr. trafficant, Mr. Walden of Oregon, Mr. wamp, Mr. wATts of Oklahoma, Mr. Weldon of Pennsylvania, Mr. WELler, and Mr. yong of Alabama.

H. jRS. 41, a joint resolution proposing an amendment to the Constitution of the United States with respect to tax limitations; to the Committee on the Judiciary.

By Mr. BECERRA (for himself and Mr. rocYE):

H. Con. Res. 77. Concurrent resolution expressing the sense of the Congress that the Government of Argentina should call upon the Government of Paraguay to allow representatives of the International Committee of the Red Cross to visit the sale of their forces in Paraguay.

H. Con. Res. 78. Concurrent resolution recognizing the place of China in the international community.

H. Con. Res. 79. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; to the Committee on Transportation and Infrastructure.

By Ms. KILPatRicK (for herself, Mr. conYers, Mr. Dinless, Mr. KnollRinberg, Mr. LeYin, Mr. BorRors, Mr. rivers, Mr. stRupak, Mr. Barcia, Mr. hockes, Mr. rookR, Mr. rogers of Michigan, Mr. Smith of Michigan, Mr. camp, Mr. upton, and Mr. kildeE):

H. Con. Res. 80. Concurrent resolution congratulating the city of Detroit and its residents on the occasion of the centennial of the city’s founding; to the Committee on Government Reform.

By Mr. PASCRell (for himself, Mr. King, Mr. Andrews, Mr. smith of New Jersey, Ms. Kaptur, and Mr. PalleRon):

H. Con. Res. 81. Concurrent resolution recognizing the historic significance of the Triangle Fire and honoring its victims on the occasion of the 75th anniversary of the tragic event; to the Committee on Education and the Workforce.

By Mr. PAYNE (for himself and Mr. tancero):

H. Con. Res. 82. Concurrent resolution regarding the human rights situation in the republic of Sudan, including the plight of the sudanese, the state of lawlessness and a system of laws that promote the practice of chattel slavery and all other forms of hostile and related practices; to the Committee on International Relations.

By Mr. PAYNE:

H. Res. 98. A resolution requiring the House of Representatives to take any legislative action necessary to verify the ratification of the Equal Rights Amendment as part of the Constitution when the legislatures of an additional three States ratify the Equal Rights Amendment; to the Committee on the Judiciary.

By Mr. CROWLEY (for himself, Mr. kirk, Mr. lantos, Mr. cAntor, Mr. sanders, Mr. CampBELL, Mr. Frank, Mr. Cardin, Mr. Weinner, Mr. Berman, Mr. schiff, Mr. levIn, Mr. Ackerman, Mr. IsRael, RoHRbracher, Mr. Maloney of Connecticut, Mr. LaTOuRett, Mr. Nader, Mr. Waxon, Mr. menendez, Mr. Saxton, Mr. HOLT, Mr. lAHoOd, Ms. BReykl, Mr. HoRner, Mr. Frank, Mr. Wexler, Mr. Sherman, Mr. HasTings of Florida, Mr. Strickland, Mr. DelAHunt, Mr. abercromBie, Mrs. McCaRThy of New York, Mr. Hall of Texas, Mr. Davis of Florida, Mrs. Jones of Ohio, Mr. Brady of Pennsylvania, Mr. doyle, Mr. Foley, and Mr. GuCco).

H. Res. 99. A resolution expressing the sense of the House of Representatives that Lebanon, Syria, and Iran should call upon Hezbollah to allow the International Committee of the Red Cross to visit four abducted Israelis, Adi Avitan, Binyamin Avraham, Omar Souad, and Yonatan Tannenbaum, presently held by Hezbollah forces in Lebanon; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule xii, Ms. ROYBAL-ALLARD introduced a bill (H.R. 1206) to provide for the liquidation or reliquidation of certain entries of garlic.

ADDITIONAL SPONSORS

Under clause 7 of rule xii, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. Carson of Oklahoma.
H.R. 21: Mr. Bartlett of Maryland, Mr. dUNCAn, Mr. gIllmor, Mr. graham, Ms. PeNCiZe of Ohio, and Mr. wAtkins of Georgia.
H.R. 28: Mr. King and Mr. DocGoTT.
H.R. 31: Mr. Weldon of Pennsylvania, Mr. BARTon of Texas, Mr. Soudier, and Mr. geRKE.
H.R. 39: Mr. Green of Texas and Mrs. norhup.
H.R. 99: Mr. evYN of Kansas, Mr. Wicker, and Mr. SchoRk.
H.R. 133: Mr. KucKinCh and Ms. Carson of Indiana.
H.R. 154: Mr. Rush and Mr. McGoverN.
H.R. 158: Mr. Lantos, Mr. Maloney of Con necticut, Mr. ShOwS, Mr. HILLiard, Mr. Crowley, Mr. Udall of New Mexico, Mr. ALLEN, and Mr. Hall of Mississippi.
H.R. 184: Mr. clAy.
H.R. 185: Mr. King.
H.R. 187: Mr. Lantos, Mr. Soudier, and Ms. Thurman.
H.R. 189: Mr. Callahan.
H.R. 199: Mr. Schaffer.
H.R. 218: Ms. JoAnn Davis of Virginia, Mr. nethercutt, Mr. doolittle, Mr. HasTings of Washington, and Mr. HolT.
H.R. 238: Ms. kINney.
H.R. 251: Mr. Alexander, Mr. Norson, Mr. Gonzalez, and Mr. McIntyre.
H.R. 294: Mrs. ClATton.
H.R. 303: Mr. Tienney, Mr. Andrews, Mr. Kucinich, and Mr. Owens
H.R. 325: Mrs. Christensen, Mr. Mollohan, and Ms. Latham
H.R. 326: Mr. Hastings of Florida, Mr. Holdren, Mr. McIntyre, Mr. Serrano, Mr. Matsui, and Mr. Allen
H.R. 327: Mr. Hoyer
H.R. 336: Mr. Dingell
H.R. 357: Mr. Owens, Mr. Capuano, and Mr. Langan
H.R. 369: Mr. Bachus
H.R. 374: Mr. Schaffer and Mr. Tancredo
H.R. 381: Mr. Johnson of Minnesota, Mr. Blunt, Mr. Boyd, Mr. Wicker, and Mr. Bishop
H.R. 400: Mr. Bachus, Mr. Gibbons, Mr. Shimkus, Mr. Johnson of Illinois, Mr. Kirk, Mr. Hoyer, Mr. Weller, Mr. Watts of Oklahoma, Mr. Lipinski, Mr. Baker, Mr. Bass, Mr. Brady of Texas, Mr. Cooksey, Mr. Cunningham, Mr. DeMint, Mrs. Jo Ann Davis of Virginia, Mr. Callahan, Mr. Goodlatte, Mr. Portman, Ms. Hart, Mr. Cox, Mrs. Biggert, Mr. Goode, Mrs. Emerson, Mr. Ferguson, Mr. Green of Wisconsin, Mr. B tant, Mr. K gxllenberg, Mr. Bonilla, Mr. Doolittle, Mr. Hayes, Mr. Foley, Mr. Lewis of California, Mr. Linder, Mr. Lucas of Oklahoma, Mr. Hunter, Mr. Kucinich, Mr. Pence, Mr. Lutz, Mr. Bereuter, Mr. Otter, Mr. Issakson, Mr. Radanovich, Mr. Ramstad, Mr. LaTourette, Mr. Reynolds, Mr. Ebeling, Mr. Kuster, Ms. Peo, Ms. Pryce of Ohio, Mr. Issa, Mr. LaHood, Mr. Osborne, Mr. Duncan, Mr. King, Mr. Shays, Mr. Oxley, Mr. Barr of Georgia, Mrs. Kelly, Mr. Diaz-Balart, Mrs. Norton, Mr. Ballenger, Mr. Cano, Mrs. Smith of Texas, Mr. Sken, Mr. Tancredo, Mr. Stearns, Mr. Schrock, Mr. Vitter, Mr. Walsch, Mr. Taylor of North Carolina, Mr. Ehlers, Mr. Crane, Mr. Miller of Florida, Mr. Spence, Mr. DeLauro, Mr. Armey, Mr. Quinn, Mr. Souder, Mr. Walden of Oregon, Mr. Weldon of Florida, Mr. Nussle, Mr. Saxby, Mr. Tauzin, Mr. Garamendi, Mr. Thomas of Georgia, Mr. Meeks of Georgia, Mr. Hinojosa, Mr. George Miller of California, and Mr. Stark
H.R. 619: Mr. Langvin
H.R. 612: Mr. Riley, Mr. Ackerman, and Mr. Cooksey
H.R. 622: Mr. Goodlatte and Mr. Ose
H.R. 632: Mr. Clyburn and Mr. Lowondo
H.R. 634: Mr. Wyyn, Mr. Platts, Mr. Doo little, Mr. Mr. H, Mr. Bryan, Mr. Burton of Indiana, Mr. Deal of Georgia, Mr. Gutekunst, Mr. Hoekstra, Mr. Norwood, Mr. Paul, and Mr. Thune
H.R. 692: Mr. Kelly, Ms. DeLauro, Mr. Stark, Mr. Brady of Pennsylvania, Ms. Carson of Indiana, Mr. Deutch, Mr. McGovern, Mr. Berman, Mr. Payne, Ms. Schakowsky, Mr. DeMint, Mr. Reynolds, Mr. Jenkins, Mr. Rogers of Michigan, Mr. Oxley, Mr. Horn, Mr. Burton of Indiana, Mr. Bure of North Carolina, and Mr. Diaz-Balart
H.R. 648: Mr. Shimkus, Mr. Largent, and Mr. Pickering
H.R. 659: Mr. Rodriguez, Mr. Terry, Mr. Moore, Mr. Lantos, and Mr. Platts
H.R. 660: Mr. English, Mr. Fattah, and Ms. Slaughter
H.R. 668: Mr. Meehan, Mr. Lanezinho, Mr. Gooden, Mr. Stupak, Mr. Skelton, Mr. Isselie, Mr. Baca, Mr. Green of Texas, Mr. Woolsey, Mr. Doolittle of California, Mr. Etheredge, Mr. Velazquez, Mr. Gilman, and Mr. Jackson of Illinois
H.R. 677: Mr. Moore
H.R. 704: Mr. Frank
H.R. 705: Mr. Ehlich, Mrs. Myrick, Mr. Walsh, Mr. Doolittle, Mr. LaHood, and Mr. Waxman
H.R. 717: Mr. Jo Ann Davis of Virginia, Mr. Larson of Connecticut, Mr. Bure of North Carolina, Mr. Carson of Indiana, Mr. Price of North Carolina, and Mr. Baldacci
H.R. 718: Mr. Graham, Mr. Chabot, Mr. Flake, Mr. Issa
H.R. 726: Mr. George Miller of California
H.R. 730: Mr. Sanders
H.R. 737: Mr. Maloney of Connecticut, Mr. Israel, Mr. Upton, and Mr. Greenwood
H.R. 752: Ms. McKinney
H.R. 755: Mr. Kind, Mr. Filner, and Mr. Wilson
H.R. 760: Mr. Carson of California, Mr. Connelly, and Mr. Thompson of Mississippi
H.R. 773: Mr. Rush
H.R. 778: Mr. Ose
H.R. 801: Mr. Putnam, Mr. Edwards, Mr. Shadegg, Mr. Napolitano, Mr. Gonzalez, Mr. Owens, Mr. Berkley, Mr. Peterson of Minnesota, Mr. Shows, and Mr. Abershock
H.R. 805: Mr. Silsby, Ms. Meek of Florida, Mr. Luther, Mr. Berkley, Mr. Turner, and Mr. McCollum
H.R. 811: Mr. Berkley, Ms. Solis, Mr. Larson, Mr. Peterson of Minnesota, Mr. Owens, and Mr. Honda
H.R. 812: Ms. McKinney
H.R. 817: Mr. Burton of Indiana and Mr. McIntyre
H.R. 822: Mr. Thompson of California and Mr. Gallegly
H.R. 832: Mr. Foeshell, Mr. Moran, Mr. Garamendi, and Mr. Samuels
H.R. 848: Mr. Gonzalez, Mr. Bonder, Mr. Thompson, Mr. Payne, Mr. Hinchey, Mr. LaTourette, Mr. Gordon, Mr. Baca, Ms. Jones of Ohio, and Mr. Lipinski
H.R. 862: Mr. Owens
H.R. 875: Mr. Condit, Mr. Carson of Indiana, Ms. Solis, Mr. Farr of California, Mr. Lantos, Mr. Baca, Mr. Rose-Lehtinen, Ms. Jones of Ohio, Mr. Kaptur, Mr. Chadwick, Mr. Mica, Ms. Schakowsky, and Mr. Weldon
H.R. 877: Mrs. Capito, Mr. Tanschdeo, and Mr. Upton
H.R. 949: Mr. Lee, Mr. Mink of Hawaii, Mr. Mohyveden, Mr. Frost, Mr. Kilder, and Mr. Carson of Indiana
H.R. 993: Mr. Moran of Kansas, Mr. Pitts, Mr. Vitter, Mr. Ryan of Wisconsin, Ms. Myrick, Mr. Goode, Mr. Sam Johnson of Texas, and Mr. Largent
H.R. 998: Mr. Luther and Mr. Owens
H.R. 997: Mr. Otter
H.R. 950: Mr. Rahall
H.R. 951: Mr. Ramstad, Mr. Saso, Mr. Issakson, Mr. Pickering, Mr. Boucher, Mr. Baldacci, Mr. Clyburn, Mrs. Roukema, and Mr. Oberstar
H.R. 999: Mr. Ryan of Wisconsin, Mr. Green of Wisconsin, and Mr. Green of Texas
H.R. 967: Mr. Pelosi, Mr. Frost, Ms. Jones of Ohio, Ms. Slaughter, Mr. Wolf, Mrs. Emerson, Mr. Green of Texas, Mr. Gonzalez, Mr. Lantos, Ms. Carson of Indiana, Mr. Radanovich, and Mr. Frank
H.R. 968: Mr. Sanders, Mr. Tiahrt, Mr. Evans, Mr. Doolittle, Mr. Graham, Mr. Fossella, Mrs. Myrick, and Mr. Allen
H.R. 969: Mr. Wicker and Mr. Spence
H.R. 981: Mr. Lowondo
H.R. 995: Mr. Udall of Colorado
H.R. 996: Mr. Udall of Colorado
H.R. 1004: Ms. McKinney, Mr. Davis of Illinois, and Ms. Clayton
H.R. 1005: Mr. McIntyre
H.R. 1008: Mr. Issa, Mr. Cantor, Mr. Thune, Mr. Simpson, and Mr. Graham
H.R. 1013: Mr. Issakson and Mr. Bar of Georgia
H.R. 1015: Mr. Manzullo, Mr. Foley, Mr. Davis of Illinois, Mr. Simmons, and Mr. Brady of Texas
H.R. 1016: Mr. LaTourette and Mr. Stupan
H.R. 1019: Mr. Ose, Mr. Deal of Georgia, Mr. Weldon of Pennsylvania, and Mr. Putnam
H.R. 1020: Mr. Foley, Mr. Borski, Mr. Udall of New Mexico, and Mr. Frost
H.R. 1076: Mr. Berman, Mr. Honda, Mr. Balducci, Mr. Meeks of New York, Mr. Specter, Mr. Alexander, Mr. Gresham of Texas, Mr. Clay, Mr. Lantos, Mr. McIntyre, Mr. McKinney, Mr. Kucinich, Mr. Skelton, Mr. Baca, Mrs. Jones of Ohio, and Mr. Sandlin
H.R. 1082: Mr. Kilde, Mr. Ramstad, and Mr. Gilchrest
H.R. 1087: Mr. Tancredo.
H.R. 1100: Mr. Stump.
H.R. 1110: Mr. Lantos, Mr. Souder, and Mr. Petri.
H.R. 1117: Mr. Clay, Ms. Solis, and Ms. Pryce of Ohio.
H.R. 1119: Mr. Kucinich and Ms. Carson of Indiana.
H.R. 1127: Mr. Schaffer and Mr. Lipinski.
H.R. 1143: Mr. Blagojevich, Ms. Schakowsky, Mr. Engel, Mr. Brown of Ohio, Ms. Lofgren, Mr. Kirk, Mr. Walsh, and Mr. Reyes.
H.J. Res. 13: Ms. McCarthy of Missouri, Mr. Gonzalez, Mr. Brown of Ohio, Mr. Farr of California, Ms. Carson of Indiana, and Mr. Brady of Pennsylvania.
H.J. Res. 38: Mr. Tancredo and Mr. Schaffer.
H. Con. Res. 23: Mr. Norwood and Mr. Schaffer.
H. Con. Res. 29: Mr. Schiff.
H. Con. Res. 33: Mr. Everett, Mr. Rahall, Mr. Norwood, Mr. Rohrabacher, Mr. Istook, Mr. Crenshaw, Mr. Hayworth, Mr. Burton of Indiana, Mr. Walden of Oregon, Mr. Oxley, Mr. Blunt, Mr. Wolf, Mr. Smith of Texas, Mr. Tancredo, Mr. Gary Miller of California, Mr. Chabliss, Mr. Baker, Mr. Bahr of Georgia, Mr. Skren, Mrs. Jo Ann Davis of Virginia, Mr. Radanovich, Mr. Plattt, Mr. English, Ms. Hart, Mr. Smith of New Jersey, Mr. Goodlatte, Mr. Cramer, Mr. Pence, Mr. BACHUS, Mr. Pitts, and Mr. Souder.
H. Con. Res. 36: Ms. Carson of Indiana, Mr. Gordon, Mr. Gutierrez, Mr. Price of North Carolina, Ms. Slaughter, Mr. Moore, Ms. Schakowsky, and Mr. Clement.
H. Con. Res. 52: Mr. Evans and Mr. Bent- 
H. Con. Res. 63: Mr. Schiff, Mr. Crowley, and Ms. Brown of Florida.
H. Con. Res. 64: Mr. Boswell.
H. Con. Res. 69: Mr. McGovern, Mr. Sanders, Mr. McIntyre, Mr. Rothman, Mr. King, Mr. Cramer, Mr. Meehan, Mr. Crowley, Mr. Payne, Mr. Faleomavaega, Ms. Berkley, Mr. Berman, Mr. Sherman, Mr. Ackerman, Mr. Davis of Florida, Mr. Brrutter, Ms. Carson of Indiana, and Mr. Trafi- 
H. Res. 15: Mr. Clyburn.
H. Res. 16: Mr. Allen, Mr. Udall of Colorado, Mr. Farr of California, Mr. Langevin, and Ms. McCarthy of Missouri.
H. Res. 27: Mr. Barcia and Mr. Stark.
H. Res. 73: Mr. Cunningham.
The Senate met at 9 a.m. and was called to order by the Honorable Lincoln Chafee, a Senator from the State of Rhode Island.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Very Rev. James L. Nadeau, S.T.L., Cathedral of the Immaculate Conception, Portland, ME.

PRAYER

The guest Chaplain, Very Rev. James L. Nadeau, offered the following prayer:

Gracious Father, Almighty Sovereign of our beloved Nation, and Lord of our lives, You have revealed Your glory to all the nations. But You have called this Nation in particular to be a sign of freedom and opportunity, a sign of righteousness and justice for all. Help us to be faithful to our destiny.

Let us pray. Almighty Lord, God of us all, assist, with Your spirit of counsel and fortitude, the women and men of this Senate. As they begin this session, they turn to You, Lord of all righteousness and justice. May You fill their hearts as they seek to preserve peace, promote national harmony, and continue to bring us the blessings of peace, promote national harmony, and continue to bring us the blessings of liberty and equality for all.

We make this prayer to You, who are Lord and God, forever and ever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable Lincoln Chafee led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. Thurmond].

The legislative clerk read the following letter:

Mr. CHAFEE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore, The Senator from Kentucky, Mr. McCONNELL, Mr. President, I see on the Senate floor the distinguished Senator from Maine who wants to address the Senate. I yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from Maine.

Ms. COLLINS. I thank the Senator from Kentucky for allowing me to proceed.

FATHER JAMES NADEAU

Ms. COLLINS. Mr. President, I am delighted that our opening prayer this morning was so eloquently delivered by my good friend, Father James L. Nadeau, the rector of the Cathedral of the Immaculate Conception in Portland, ME, and a native of my hometown of Caribou, ME.

Father Jim is an inspiring testament to the power of faith and education. My family takes special pride in Father Jim because of our close connections growing up in Northern Maine. Both our families attended the same church in Caribou, Holy Rosary, where my mother was the director of religious education. Father Jim and his brother have both become priests. So we take special pride.

Father Jim has a truly inspiring story. He was the first member of his family to graduate from college, and he credits this accomplishment to the academic preparation and support he received from the Upward Bound program at Bowdoin College.

Growing up in a rural Franco-American background, I was expected to follow my ancestors who for over 250 years were farmers and woodsmen... I recall my parents not even wanting me to think about college. They could not afford it; plus, no one had gone to college in the family. In fact, my mother and father only studied to 8th grade. My mother, the oldest girl of 15 children, had to stay home and take care of her brothers and sisters. My father, when just a teenager, began working on the farms and at a french fry processing plant.

For young Jim Nadeau, everything changed in his life when he first met the director of the Bowdoin College Upward Bound program in 1977. She encouraged him to go to college, and, indeed, after graduating from Caribou High School as valedictorian, he enrolled at Dartmouth College in the fall of 1978. With Pell grants and other financial aid making his education possible, he excelled in his studies.

After graduating from college, Father Jim studied at Gregorian University in Rome for 5 years where he received two graduate degrees in theology. Father Jim also worked with Mother Teresa of Calcutta in her Roman missions and was ordained a Roman Catholic priest in 1988. Father says that he truly can credit the Upward Bound program with changing his life.

We are, indeed, fortunate that the power of God and education transformed the life of young Jim Nadeau. He is an inspiration to us all and continues his important work today as rector of the Cathedral of the Immaculate Conception in Portland, ME. There he has guided many financially disadvantaged students and encouraged them to go to college.

I am delighted to have him with us today. It is a great honor and privilege to have a Member of the Senate on the floor.
to have this outstanding priest join us and offer to us his inspiring opening prayer. I thank the Chair, and I thank my colleague.

Mr. DODD. If my colleague will yield for a minute, I had the pleasure of briefly meeting Father Jim Nadeau this morning downstairs. I welcome him to the Senate. I thank him for his beautiful prayer this morning. It is good to have a New Englander opening the Senate with us this morning.

I thank our distinguished colleague from Maine for extending the invitation and sharing with us an inspiring story about Father Nadeau’s family and his contributions to the State of Maine and this country. We thank him immensely for all the wonderful work he has done. I thank my colleague from Maine.

Ms. COLLINS. I thank the Senator from Connecticut for his kind words. I associate myself with the observations of the Senator from Connecticut and congratulate the Senator from Maine for bringing this outstanding citizen of her State here this morning to open the Senate with a prayer. I wish him well in his endeavors.

SCHEDULE
Mr. McCONNELL. Mr. President, today the Senate will immediately resume consideration of the Hatch disclosure amendment to the campaign finance reform legislation. There will be up to 30 minutes of debate, with the vote to occur shortly after 9:30 a.m. Additional amendments will be offered throughout this day. It is hoped that some time on each amendment can be yielded back to accommodate all Senators who intend to offer their amendments. Senators will be notified as votes are scheduled, and also as a reminder votes will occur during tomorrow’s session.

Mr. President, I see Senator HATCH is present to discuss his amendment.

RESERVATION OF LEADER TIME
The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

BIPARTISAN CAMPAIGN REFORM ACT OF 2001
The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the Hatch amendment No. 136 on which there shall be 30 minutes of debate equally divided in the usual form. The Senator from Utah.

Mr. HATCH. Mr. President, I hope we will not prevail in whole 30 minutes. I understand some of our colleagues need to make some special appointments. I will try to be brief.

I hope all of my colleagues will support this modest, straightforward amendment this week and next, debating so-called campaign finance reform. I do not understand how anyone can purport to favor any reform of our current system without being willing to offer the most basic right of fairness to the hard-working men and women of this country.

Let’s be clear about what we are talking about. We are talking about letting workers who pay dues and fees to labor organizations be informed about what portions of the money they pay to unions are spent in political activities. In my view, that is basic fairness.

Is there some big secret here? Is there some reason workers should not be told how their money is being spent? The hypocrisy of this amendment is quite extraordinary. The underlying bill severely limits the ability of political parties to engage in the types of activities that this amendment simply asks unions to inform their members about. We on one side can stand and argue for a restriction on these activities by parties and then secure a free pass and not even disclose the same information by others? This is simply remarkable.

Then we hear the argument that this simple disclosure requirement is too burdensome. Give me a break. During these weeks in March and April when hard-working Americans are howing over their tax forms, how can anyone call this straightforward disclosure requirement on the unions too onerous? What is going on?

Labor organizations collect dues and fees from American workers. Can anyone tell me they are not already keeping track of this money? If this disclosure amendment is too onerous, that suggests to me there might be an even bigger issue of accountability on how and where this money is being spent.

I trust my colleagues will remember these arguments about burdens and disciplines when we are trying to do regulatory reform.

The issue in this simple amendment is, do America’s hard-working men and women have the right to know whether and how the dues and fees they pay are being used for political activities, or don’t they? It is that simple. This ought to be the most basic of worker rights and protections.

I hope my colleagues cast their votes in favor of the right of American workers to know how their money is being spent.

Finally, let me emphasize, this amendment does not require the consent of employees. It simply requires disclosure. That is all, pure and simple, disclosure to the hard-working teachers, janitors, electricians, carpenters, and others on what the union leadership is actually spending these workers’ hard-earned dollars. It doesn’t seem to me to be much of a burden or requirement. It seems to me if we are interested in having true campaign finance reform, this is one of the basic reforms.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. DODD. Mr. President, I ask unanimous consent I be allowed to proceed for about 3 minutes. If the Chair will advise me when 3 minutes expires.

Mr. McCONNELL. I inquire how much time remains on this side.

The ACTING PRESIDENT pro tempore. Eleven and a half minutes.

Mr. DODD. Mr. President, yesterday the Senate appropriately defeated the original amendment requiring corporations and labor organizations to get prior consent from shareholders and their members in order to use their general treasury funds for political activities. That proposal was appropriately rejected, rather overwhelmingly—69–31—in this body for reasons explained in a bipartisan fashion.

The Senator from Oklahoma, Mr. NICKLES, and Senator KENNEDY pointed out this was a cumbersome, almost unworkable proposal that would have literally placed businesses and unions in a very precarious position. We made the suggestion if the amendment was going to be seriously considered by this body, of which corporations and business would have vehemently opposed, it would have required them to engage and perform certain functions and duties that never before had been required of them.

There is no parity for a democratic organization such as a labor union, where Federal laws require the opening of books, the revealing of financial data information, the free election and secret balloting of officers, and a corporation where none of those union requirements even pertain to a corporation management structure.

The same could be said in many ways about this amendment. While this amendment is simpler than the original amendment, the failure or the possible rejection of this amendment is no different. This is a tremendously cumbersome mandator that will make it very difficult for some of these businesses and corporations to comply. There are different levels of activities as well.

According to the Federal Election Commission, in the area of contributions since 1992, as a general matter, corporations have outspent labor unions in Federal elections by almost 18–1. So there has been a huge disparity in the amount of money contributed to candidates.

On the other hand, we have labor unions and labor organizations, and
their members engage in grassroots political activities, and corporations historically do not.

This amendment is not a balanced in its approach to corporations and labor organizations. All of a sudden, this amendment seeks to penalize organizations that are trying to get people to participate in the political life of the country. It says to them, we are going to start demanding this kind of minutiae and disclosure of information. As a matter of fact, there is no parity in asking corporations to do the same kind of disclosure when they don’t engage in the activities that require the disclosure at issue. This amendment is truly not a balanced request or approach.

Second, there are many other types of organizations that engage in political activities. While the Federal campaign law governs these organizations to a certain extent, this amendment completely excludes them. Membership Organizations, such as the National Rifle Association, the National Right to Life organizations, Sierra Clubs, and other groups are also subject to certain provisions of the FECA. This amendment does not address those organizations nor require them to disclose any detailed information regarding disbursements, contributions or expenditures with respect to their political activities.

This amendment is impermissible “selective enforcement.” It would only apply to one group of people, those involved in organized labor in the country.

I understand my friend from Utah doesn’t like organized labor. He doesn’t like labor unions or labor organizations. He disagrees. These are people who take positions on the Patients’ Bill of Rights, prescription drug benefits, and minimum wage, and a whole host of issues involving child care. I have heard the arguments that corporations are the working families, through their leadership, support. My good friend from Utah has usually disagreed with them on these issues. But corporations have to be reported. I have heard the arguments that the Hatch amendment does not go far enough.

Moreover, Federal law mandates certain disclosure of public companies under the Securities and Exchange Commission, and this amendment is merely a form to join me in voting to table it. The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, every public company with shareholders is mandated to send financial disclosures to every shareholder—every public company. This is not a burden, it is done so they know their money is spent.

Labor union financial disclosures—you would think they were already giving disclosures to their members, but they are not at all. The labor union financial disclosures only go to the Department of Labor and not to a single union member. And for union men to get those disclosures, they have to show cause. That is how bad it is, and that is how one sided it is.

I have heard those arguments that the Hatch amendment does not go far enough.

Some are trying to avoid disclosure of corporate and union political expenditures to shareholders and union members on the grounds that the Hatch amendment doesn’t make ideological groups, such as NRA, Sierra Club, and other nonprofit advocacy groups disclose their donors or expenditures.

As a constitutional matter, disclosure of expenditures is fundamentally different than disclosure of donors, supporters, or members. Disclosure of expenditures implicates no one’s freedom of association. Senator Feingold understands that this is why he limited his amendment to disclosure of expenditures only.

Moreover, the Hatch amendment limits disclosure of expenditures to only corporations and unions, and makes sure that such disclosure only goes to union members and shareholders, not the general public.

He does not apply disclosure of political expenditures to ideological groups such as the Sierra Club or the NRA because people who join or contribute to those groups know what those groups advocate. This is not always so with corporations and unions.

Moreover, Federal law mandates certain democratic procedures for the governance of public companies under the
 Securities and Exchange Act and the labor laws. Federal law does not mandate the internal governance of ideological groups. Under securities law and labor law Congress has set up a regime that imposed fiduciary duties on union and corporate leaders to members and the Hatch amendment helps ensure those duties are fulfilled by shedding light on an area of corporate and union activity that supporters of McCain-Feingold are intent on keeping in the dark.

The Hatch amendment is merely seeking to improve the flow of information in federally regulated entities that Congress has already decided should function as democratic institutions. And we all know that transparency is good for any democracy. But supporters of McCain-Feingold are strangely opposed to more transparency and improved democracy in labor unions—that I think flies in the face of the rights of workers.

The argument that the requirements of my disclosure amendment are too vague—this is my favorite argument. Supporters of McCain-Feingold say that the descriptions in the Hatch amendment of activity that must be disclosed are too vague and thus unfair.

The Hatch amendment requires corporations and unions to disclose expenditures for “political activity” which is defined as:

1. Voter registration; and
disbursements for TV, radio, print ads, or polling for any of the above.

Now that doesn’t seem that unclear to me, but it is too vague for supporters of McCain-Feingold. I find that fascinating.

It is fascinating because when I read McCain-Feingold, which they think is perfectly fine, I see that it requires States and local party committees to not only report, but to pay for entirely with hard money, the following in even numbered years: “generic campaign activity” which is defined as “an activity that promotes a political party and does not promote a candidate or non-federal candidate. Although it is far from clear to me, it must be perfectly clear to supporters of McCain-Feingold what constitutes “an activity that promotes a political party” since they are not complaining about vagueness in the underlying bill. Under S. 27, State parties must report and use hard money for:

A public communication that refers to a clearly identified candidate for federal office . . . that promotes or supports a candidate for federal office, attacks or opposes a candidate for that office.

Again, I find it interesting that no one is complaining about how vague this provision is. It does not say how to figure out when an ad “promotes or supports” or attacks or opposes” a candidate. McCain-Feingold doesn’t even say who is supposed to figure that out. But this is just fine. Only the Hatch amendment is too vague. I think it is pretty clear what is goes to the same way.

Let’s be clear about what my amendment does. It requires unions and corporations to disclose their political expenditures. It does not require the disclosure of donors or the name of a single union member or shareholder. By focusing solely on disclosure of expenditures, the Hatch amendment avoids the constitutional infirmities of Snowe-Jeffords and other legislation that requires disclosure of donors to advocacy groups. Merely disclosing an organization’s political expenditures implicates no one’s free association rights.

Moreover, this amendment is narrowly tailored insofar as it requires disclosure of GOVT expenditures only to union members and fee payers and disclosure of corporate political expenditures only to corporate shareholders. So it is not even disclosure of expenditures to the general public.

It simply ensures that shareholders and union members will have clear, understandable information about how their agents—union officials and corporate executives—are using the money they entrust to them.

Under existing law, neither shareholders nor union members get such information. Why should they not have it, it is their money. Why can’t they see how it is being spent?

Let’s examine the arguments being used by proponents of McCain-Feingold against this amendment:

First, it is not fair because only unions engage in the types of political activity covered. Many have said only unions do or ever will do the kind of GOTV activity, voter registration, leafletting, phone bank, volunteer recruitment and training, and myriad of other party building activities that would have to be disclosed under this legislation. Thus, they say the amendment is not balanced.

They are right that no corporation does these basic party building activities the way unions do them for Democrats.

Corporations give PAC contributions, which are already subject to limits and fully disclosed under existing law. They also give soft money contributions to political parties that are fully disclosed under existing law and will be eliminated under McCain-Feingold. Corporations also run some issues ads around election time, that will be banned for 60 days before a general election or 30 days before a primary, as will union issue ads.

So McCain-Feingold already pretty well takes care of what corporations do, but does not touch the key things that unions do for Democrats—the groundgame. On our side, no corporations do or ever will do the kind of GOTV, and other groundgame activities unions do for Democrats.

But all Democrats support banning party soft money, which is the only resource Republicans have to counter the massive groundgame unions do for Democrats. Without that soft money, the Democrats ground game will go on thanks to their unions allies, but the Republican counter to the unions groundgame is eviscerated.

This amendment wouldn’t stop or otherwise hinder the unions ground game, it would just bring it out into the light of day and disclose to union members who pay for it. But no, we can’t do that, it’s not fair to attach that to McCain-Feingold. That would not be fair and balanced. But disarming the GOP in the face of the union groundgame is fair to supporters of McCain-Feingold?

Second, disclosure under this amendment would discourage participation by donors. They will not want to support unions and corporations when they see how it is being spent.

And we all know that transparency is good for any democracy. But supporters of McCain-Feingold are not concerned about voter turnout, they do not care about the mechanisms of corporate and union democracy to oust the union and corporate officials using their money for GOTV and other political activities.

This I can only assume because union members and corporate shareholders would react in this way, so what. They have a right to pass judgment on how their money is spent and if they disagree to ensure that it is used for purposes with which they agree. Why keep them in the dark about how much of their money is used for various kinds of political activity? If unions are the happy, democratic institutions Democrats claim, what do union leaders have to fear from seeing how they use their money?

The only other argument for saying that disclosure of expenditures would diminish such activity is that it is overly burdensome.

This argument has little merit. We just passed a law last year that requires even the puniest section 527 organization to disclose any expenditures: “recruit and other activities these entities do. This argument only makes sense if we assume that when union members or corporate shareholders learn about the political activities unions and corporations engage in that will they will be outraged and rise up using the mechanisms of corporate and union democracy to remove those officials using their money for GOTV and other political activities.

This is the case if only because union members and corporate shareholders would react in this way, so what. They have a right to pass judgment on what is done with their money and if they disagree to ensure that it is used for purposes with which they agree. Why keep them in the dark about how much of their money is used for various kinds of political activity? If unions are the happy, democratic institutions Democrats claim, what do union leaders have to fear from seeing how they use their money?

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money, thereby eliminating most of the resources available to our parties for their GOTV, voter identification, voter registration, and other activities that increase participation and turnout.

How is mere disclosure of union and corporate political activity more damaging to voter participation and education than elimination of one-third of the resources our parties have to do this?

This is a one-sided bill that basically is not fair, and it is certainly not fair to union men and women. These workers deserve to know for just what their union dues are being spent. All we are asking for is disclosure, something in this computer age they can do because they have been legally endowed to do it if they want to, something in this computer age they ought to do because it is essential, something in this computer age they must do because it is not fair to them. To try to cloud the issue by the words that should disclose the donors—that is not the issue. The issue is expenditures, expenditures, expenditures; and the issue, the real issue, is if we really want to do something about campaign finance reform, is disclosure, disclosure, disclosure. That is all I am asking for.

I reserve the remainder of time.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I am about to yield to my colleague from Michigan. We on this side, the opponents, have been talking about labor unions. I want to make a point as I read this amendment. People buy and sell stock with some regularity. You can buy one share of stock, as I read this amendment, for one day and technically be defined as a shareholder of a corporation, even if you held the stock for only 15 minutes. As this amendment is crafted, if there was then an internal communication that could indicate it is a mockery of those rights.

I want to use a few of the words from the amendment, words that were left out by my good friend from Utah who, by the way, is celebrating his birthday today. I think we all want to congratulate him. I heard it on the radio today. Senator HATCH, I won’t disclose the age—except to say it is a few months older than 1—and I would like to wish happy birthday to our good friend from Utah.

Let me take one example of the confusing words in this amendment which make it impossible, it seems to me, to be implemented: An expenditure which directly or indirectly—directly or indirectly—is made for an internal communication that relates to a political cause.

I cannot imagine how any corporation or union could be in a position to relate to a political cause. “Political cause” is not defined, by the way. We have the words “political activity” defined in ways which, for the most part, only apply to unions and not to corporations. But that is a different problem. That is the problem of the paper parity—an amendment which appears to apply to corporations. If it did, it would be totally impossible for a corporation to comply with, as our good friend from Connecticut just said. But it is really aimed at labor unions because the activities which are identified are mainly the political activities in which unions engage.

But the words are so extraordinarily vague. Imagine a union at every level trying to keep track of the indirect costs of an internal communication that relates to a political cause—what does that mean? This is a burdenome and onerous requirement. I think it is confusing, and it is cumbersome.

Again, it is devastating to a right which all of us—Democrats and Republicans—ought to protect, which is the right of free association.

I close by reminding our colleagues that this applies to members of labor unions who join that union, and not to nonmembers. This is intended to control the right of voluntary association and its members. This is an intrusion, and a heavy interference in the rights of association. It places impossible burdens on an association to keep track of every single expenditure and every internal communication that could indirectly—I am using the words of the amendment—relate to a political cause.

None of those words are defined.

It is an onerous interference with the first amendment right of association.

Mr. MCCONNELL. Mr. President, how much time is remaining?

The PRESIDING OFFICER (Mr. CRAPO). Five minutes.

Mr. MCCONNELL. Mr. President, I commend the Senator from Utah for offering this amendment. This does not have anything to do with how the unions raise their money. Why are they not entitled to approve this amendment because it doesn’t have any impact whatsoever on organized labor? None of those words are defined. Why are they not entitled to do this?

All this is about is simple disclosure. I remember last year when the section 527 bill came up. We did not hear anybody saying that it was a poison pill or that it was too burdensome. Why is all of a sudden a simple disclosure bill burdensome, as Senator HATCH pointed out. For a union member to find out how the money of his or her union is spent, he has to go over to the Department of Labor and establish just cause to be permitted to see how the funds have been spent.

Every corporation in America does more disclosure than that. They send out annual reports to shareholders. No union does that.

This is about as mild as it gets. What we are asking for is for a simple disclosure to the public and to union members of how this money is spent.

It doesn’t restrict their spending of the money. It doesn’t in any way hamper their ability to raise the money. It is simple disclosure, Mr. President. The Hatch amendment is about disclosure and sunlight.

What is there to hide? After all, this money comes from union members. Why are they not entitled, without having to buy a plane ticket to come to the Department of Labor and convince some bureaucrat they have just cause to be permitted to see the records of how their union spent their money last year?

It seems to me that this is very basic and not very onerous. It is interesting to listen to the opponents of this amendment try to think of arguments against it. About all they can come up with is it is burdensome. It is also burdensome to have your dues taken and spent in ways that you are not entitled to find out unless you buy a plane ticket to come to the Department of Labor and sit down with some bureaucrat and establish just cause.

I do not know what the AFL-CIO is afraid of on this.

I assume the votes will not be there to approve this amendment because it is pretty clear that anything that has any impact whatsoever on organized labor—anything, any inconvenience, and now even simple disclosure and sunlight—is perceived as a poison pill. That is where we are in this debate.

I hope the Hatch amendment will be adopted.

The reason paycheck protection didn’t get more votes last night, of course, is because it also applied to corporations. And there are a number
of Members on our side who didn’t want to apply that to corporations. This is plain. It is simple. It is understandable, and it is essential to a functioning democracy. It seems to me that this is an opportunity for the Senate, if it is serious about disclosure, to give union members and the public an opportunity to understand how union dues are spent.

Mr. DODD. Mr. President, I will yield back time, but I wish to read what the amendment says: Itemize all spending, internal communications to members or shareholders, external communications to anyone else by any means of transmission for any purpose on any topic that relates to any Member of Congress or person who is a Federal candidate, any political party or any political cause total.

This is so broad that I can’t imagine anyone, whether from a business perspective or labor perspective, would vote for this amendment. It is not appropriate to include such an over broad and vague amendment on a constitutionally sensitive campaign finance reform bill.

Mr. LEVIN. Just add the words “directly or indirectly.”

Mr. DODD. That is right.

We urge rejection of this amendment. I am happy to yield back all of our time.

Mr. MCDONNELL. Mr. President, this is an opportunity for members of unions to find out how their dues are being spent without buying a plane ticket, going to the Department of Labor, and trying to find out through that difficult process.

I yield my time.

The PRESIDING OFFICER. All time having been yielded, the question is on agreeing to the amendment.

Mr. MCCAIN. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. LEVIN. The amendment without the words “directly or indirectly”.

Mr. DODD. Mr. President, I move to reconsider the vote.

The motion to lay on the table was agreed to.

Mr. CRAIG. I move to lay that on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I want to take a minute to say that I think we all agree we are making very good progress. I also want to point out that we don’t have any idea yet, how many amendments there are. It is about time now in this process that we get an idea of how many remaining amendments there are.

The majority leader is trying to figure out whether we should stay in tomorrow, or at any time, until Thursday or Friday.

I hope Members will let Senators Baldwin, who want to speak on it. Senator LANDRIEU from Louisiana would like to be heard as well on this amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENT NO. 137

(Purpose: To provide for increased disclosure)

Mr. COCHRAN. Mr. President, I send an amendment to the desk. The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 137: on page 38, after line 3, add the following:

TITLE V—ADDITIONAL DISCLOSURE PROVISIONS

SEC. 501. INTERNET ACCESS TO RECORDS.

Section 309(a)(11)(B) of the Federal Election Campaign Act of 1971 (44 U.S.C. 3344(a)(11)(B)) is amended to read as follows:

“(B) The Commission shall make a designation, statement, report, or notification that is filed with the Commission under this Act available for inspection by the public in the offices of the Commission and accessible to the public on the Internet not later than 48 hours (24 hours in the case of a designation, statement, report, or notification filed electronically) after receipt by the Commission.

SEC. 502. MAINTENANCE OF WEBSITE OF ELECTION REPORTS.

(a) IN GENERAL.—The Federal Election Commission shall maintain a central site on the Internet to make accessible to the public all election-related reports.

(b) ELECTION-RELATED REPORT.—In this section the term “election-related report” means any report, designation, statement, or notification required to be filed under the Federal Election Campaign Act of 1971.

(c) COORDINATION WITH OTHER AGENCIES.—Any executive agency receiving an election-related report shall cooperate and coordinate with the Federal Election Commission to make such report available for posting on the site of the Federal Election Commission in a timely manner.

Mr. COCHRAN. Mr. President, I allowed the clerk to read the entire amendment so the Senate would be fully informed of the exact provisions of this amendment.

It does, purely and simply, what it says it does. It requires the filing of the posting by the Federal Election Commission of any filing made with the Commission on the Internet. In the case of filings made electronically, the posting will be done under the terms of this amendment within 24 hours. As far as other filings are concerned, those that may be filed without electronic dissemination through the Commission, or receipt in any other way, shall be posted within 48 hours.

We have discussed the amendment and the question of enforceability and
compliance with the Federal Election Commission representatives. We have been assured that this can be managed, it can be administered by the Federal Election Commission.

It is also important to note there are a number of reports required under this act we are taking up now, an amendment to the 1971 act that would require filings by other than candidates for Federal office. At this time, most of the filings that are done are for candidates that under the terms of this act we are considering now, the amendment to the Federal Election Campaign Act, we will have much more disclosure. I think, for example, the amendment we have already adopted, offered by the distinguished Senators from Maine and Vermont, Ms. Sowle and Mr. Jeffords, will require more disclosure to be made about who is spending money to influence the outcome of Federal elections, and how that money is being spent.

These disclosures will be made under the McCain-Feingold bill. They will be subject to the posting provisions of this amendment.

It is my hope too, that other Federal agencies which may receive election-related reports, as defined in section 502 of this amendment, will cooperate with the Federal Election Commission and make those reports available to the Federal Election Commission so it may post on a central Internet Web site all election-related reports relating to Federal election campaigns. This will make it a lot simpler and easier for the general public. It will make it easier for candidates, anybody interested in Federal election campaigns, to go to one site and find there, through links maybe to other agencies or otherwise on this Internet site, all of the receipts, disbursements, and disclosures required by the Federal Election Campaign Act.

We hope this is a step toward fuller disclosure, disclosure that really does create greater access by the public to what is going on in Federal election campaigns. I am hopeful the Senate will agree to the amendment.

Mr. CRAIG. Will the Senator yield?

Mr. COCHRAN. Mr. President, I am happy to yield to my friend from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I am looking at section 502 of the Senator's amendment, subsection (B), in how he defined election-related reports. I will know the Senator's intent, and I applaud it. I think it would be absolutely desirable to have a central point, a repository totally transparent to the public.

The Senator's amendment says that all election-related reports are those required "to be filed under the Federal Election Campaign Act of 1971."

I am wondering if the Senator's intent is to require the reports of section 527 groups whose reports are already posted on the Internet separately. Those are a requirement of the IRS Code.

Also, does it require the FEC to put on the Internet what we call LM-2 forms filed with the Department of Labor, since all of these forms acknowledge labor PACs? In my mind, they fall under the all election-related reports. It just so happens there are others outside the Federal Election Commission.

There is another, and this is one I find interesting. It is related to municipal securities dealers pursuant to what is known as the MSRB rule G-37, which I know absolutely nothing about, but it is a requirement for filing under that law because Federal candidates sometimes can have bond-related responsibilities.

George W. Bush, as Governor of Texas, had bond-related responsibilities and probably had to do filings. Those are election-related filings, but because they are not under the 1971 law, they would not necessarily fall under the Senator's definition.

I know the intent of the Senator from Mississippi and my intent is the same as he intends it to be because the Senator has limited it to the 1971 law, and there are now other laws we have grown through over the last good number of years that relate to other election-related activities?

Mr. COCHRAN. Mr. President, I thank the Senator for his question and also for his comments to further explain the possible inclusiveness of paragraph (c) of section 502. This is not an absolute requirement of law under paragraph (c). It is an encouragement. It is almost like a sense-of-Congress resolution when we encourage the cooperation and coordination with the Federal Election Commission. We use the word "shall."

I do not know that in a contest in litigation this would be enforced by the courts, but we hope the spirit of it is conveyed by the use of the words "cooperate and coordinate" with the Federal Election Commission.

I do not want to create within the Federal Election Commission the idea that they are superimposed over all other Federal agencies and departments, and can summon them or require of them transferring information and documents to the FEC for exhibition on this Internet site, but it is our hope that this language will encourage the cooperation and coordination of these other Federal agencies that may receive election-related reports, such as the ones described by the Senator from Idaho, so the FEC can put all of these in one central location on a Web site. They can do this through linking to other agencies and departments on the Internet.

As the Senator knows, that is one way to deal with this, on the centralized Web site of the FEC to provide opportunities and cross-references to other agencies and identify documents that are election-related reports. That is our hope.

The wording of it might be a little awkward. I am happy for the Senator to suggest a better way to say it, but that is the intent.

Mr. CRAIG. Will the Senator yield for one last question?

Mr. COCHRAN. I am happy to yield to the distinguished Senator.

Mr. CRAIG. Mr. President, the FEC reports are only filed with the FEC and the Secretary of the Senate. They are filed nowhere else in our Government. In subsection (c), the Senator talks about coordinating with other agencies.

"Any executive agency receiving an election-related report shall cooperate and coordinate with the Federal Election Commission."

I sense a confusion there in how that gets supplied. You file with no one else but the FEC as a Federal candidate. The FEC files with no one else, and there is no relationship to these filings now of the kind I have mentioned—the bond brokerage issue with the broker having to file and the IRS-related issue. There are all stand-alones, if you will, and also the Internet LM-2 form filed with the Department of Labor.

I want to agree with the Senator in creating a central repository.

Mr. COCHRAN. If the Senator will yield to me and let me respond for his reaction to this, can we put in the first section "included, but not limited to, election-related reports"? Paragraph (b) means any report, designation, or statement required to be filed with the Commission—including but not limited to. Let's put that in between "election-related report" and the word "means."

Mr. CRAIG. We are all concerned about clarity, and I was concerned— Mr. COCHRAN. I would not want to limit it just to the Federal Election Campaign Act, but I did not want anybody to think we were giving the FEC the authority to require other agencies to file their reports with the FEC. We wanted to use "cooperate and coordinate."

Mr. CRAIG. But, of course, if the Senator is intent on creating a central repository with true transparency and these are other valuable reports—for example, the report filed with the Labor Department is labor unions and PACs and their filings which have valuable disclosure information in them.

I am not sure we want to be that vague. That is my frustration.

Mr. COCHRAN. I also do not want to prescribe to list every report that is an election-related report, hence the use of a general description of what we are talking about. We do want to include any and all reports that are required to be filed under the Federal Election Campaign Act of 1971 and the amendments to that.

We think the amendments are included in the words "Federal Election Campaign Act of 1971," including the amendments of 1974 and the one we are considering in the Senate today, which is an amendment to the 1971 act. We want to include all filings required by that law and all amendments to that law. That is understood.
We also want to include, by way of suggesting cooperation and coordination with other Federal agencies and departments, any other election-related reports, and the Senator has correctly identified several. Those all should be included in my view, in the meaning and the intent of this amendment and should be so construed by any court of law or any administrative agency with responsibility for enforcing this amendment.

Mr. CRAIG. Will the Senator yield?

Mr. CRAIG. To our knowledge, there are only the three we have mentioned. Absolute clarity suggests you put those three in the text of your amendment and then say “and any additional” or others that may come along.

Obviously, if your amendment becomes the law and other reports are required that might be outside the scope of the 1971 law, you would identify them with your law and make them a requirement of that filing for purposes of Internet access.

Mr. COCHRAN. I thank the Senator. I think his suggestions have been helpful.

We have staff on the floor who have been working on the drafting of the amendment for several days and consulting with the FEC and representatives of the committee of jurisdiction.

Let me have a chance to address the concerns of the Senator with some suggested modifications. I would like to discuss this with him and the chairman and ranking member of the Committee, which has jurisdiction over this subject.

Mr. CRAIG. I thank the Senator.

Ms. LANDRIEU. Will the Senator yield?

Mr. COCHRAN. I am happy for the Senator to be recognized in her own right and speak to the issues.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I come to the floor to support Senator COCHRAN in his amendment. I think it is an excellent amendment and goes a long way toward moving to a more full and complete disclosure.

I understand some of the questions that have been raised. But as I read this amendment, it is very good. We are doing this in Louisiana and perhaps other States, learning how to use this new technology in many good ways.

It helps our campaign finance system be more transparent. For instance, the Senator is correct; you can take a State such as Louisiana and simply make this requirement for our State agency to make all of these reports available over the Internet on one Web site so people don’t have to search through a variety of Web sites.

I commend the Senator for his amendment. I support his amendment and urge the Senator, unless absolutely necessary, to adopt the amendment. It is very clear. It simply takes the law and all the reports and urges the FEC to put them in one central site. It will make it easier for our constituents, easier for the news media, easier for us to follow those reports.

I will have an amendment later taking this a step further and requiring the FEC to develop standardized software that make it much easier for everyone to file the required reports in a timely fashion. My amendment will take this a step further by requiring it to be almost instantaneously reported. Deposit a check in your bank account, and it will appear on the Internet. People can follow the flow of money.

There are many disagreements about limits and whether there should be caps or no caps, and should broadcasters have to give special rates or reasonable rates—since I voted for that amendment, “reasonable rates”—for political candidates.

Frankly, in my general discussions with Senator MCCAIN and Senator FEINGOLD about both sides who support campaign finance reform, the one area on which we all agree is more disclosure. The one thing everybody says, opponents of McCain-Feingold as well as proponents, is that we should be coming forward more aggressively in the area.

That is what the amendment of Senator COCHRAN does. I compliment him for that. I urge my colleagues to look favorably upon it. I thank him for the work he has done to work hard to work hard in support of campaign finance reform. I hope we don’t change this amendment too much. It is quite simple and very good in its current form.

Later on today, I will propose my amendment that will make it a virtual reality check on all campaign contributions coming in from a variety of different sources and make it much easier for Members to be held accountable for moneys we are collecting and the votes we cast. The Cochran amendment is very good, and I hope we will adopt it.

Mr. COCHRAN. 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. MURkowski. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The remarks of Mr. MURkowski are recorded in today’s RECORD under “Morning Business.”

Mr. MURkowski. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

Mr. DODD. Mr. President, I ask unanimous consent my colleague proceed as in morning business so the time will not come off consideration of the amendment.

Mr. CONRAD. Mr. President, I request I be permitted to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I thank my colleague.

Mr. COCHRAN. I ask the distinguished Senator how much time he wishes to speak because we are working on an amendment we hope can be adopted pretty soon.

Mr. CONRAD. Maybe 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for approximately 5 minutes.

THE BUDGET

Mr. CONRAD. Mr. President, yesterday in my role as ranking member on the Senate Budget Committee, I met with Senator DOMENICI, the chairman of the Senate Budget Committee. He informed me he intended not to have a markup of the budget bill by the Budget Committee but to come directly to the floor of the Senate. This was pursuant to a request I had made that we proceed to schedule a markup in the committee. I told him I thought a decision not to have a markup in the Budget Committee would be a mistake.

We have never had a circumstance in which we have tried to bring a budget for the United States to the floor of the Senate without the Budget Committee, which has the primary responsibility, meeting first to hammer out an agreement. Senator DOMENICI, the chairman of the Budget Committee, told me he believes it will be impossible for us to reach an agreement. I don’t know how anyone can be certain of that before we have tried.

I hope very much that he will—and I asked Senator DOMENICI yesterday to reconsider to give us a chance to debate and discuss the budget in the Budget Committee and to have votes. That is how we make decisions.

I still hold some optimism that after discussion and debate we might find agreement. It might not be on precisely what the President has proposed. Someone recommended yesterday that we try to agree on a 1-year budget.

But we have a country that has some serious challenges. Anybody who has been watching the markets knows they are in a perilous position, and I think we should be looking back about the economy. We saw Japan in a perilous position. We have had a serious energy shock in this country. We see high levels of individual debt in America. We see very dramatic weakness in the financial markets.

I personally believe we have an obligation and a responsibility to try to respond as quickly as possible. I think
that means, on the fiscal policy side, we fast-forward the parts of the President's proposed tax cut to try to provide some stimulus to this economy. We can wait, and we can Doddle and deliberate, or we can act. I hope very much that the opportunity to work in the Budget Committee to try to find common ground, to try to find a basis on which we can agree so we can get a swift response on the fiscal side to provide some confidence to the American people, to provide some confidence that their Government is responding to what is happening in their daily lives.

Some have said, well, if you agree on something that is other than precisely what the President has proposed, that will be seen as a defeat for the President. I don't think we need to be in that position. I think we can find perhaps an overall global agreement that would be seen as a win for the country and a win for the President, and a win for the Congress. Nobody is defeated, nobody is hurt, but that collectively we have worked together to do what is best for the country.

I believe this can be done, and at the end of the day it might be precisely what the President has proposed. But it may well enjoy his support. The fact is, circumstances have changed. He made a proposal during the campaign. I didn't side with every part of it, but I respect him for doing it. The question didn't agree with every part of it, but I made a proposal during the campaign. I believe the President from North Dakota ran—getting this country's fiscal situation under control. That is actually the most important thing we can do. If you care passionately about campaign finance reform, nothing is more important than the appropriate and thoughtful budgeting of the people's resources. I am grateful for his extremely skilled leadership on our side in the Budget Committee.

I am very pleased to be a member of the Budget Committee. It is something I wanted to have an opportunity to do when I came here because it was the issue on which I ran originally—and I believe the President from North Dakota ran—getting this country's fiscal situation under control. That is actually the most important thing we can do. If you care passionately about campaign finance reform, nothing is more important than the appropriate and thoughtful budgeting of the people's resources. I am grateful for his extremely skilled leadership on our side in the Budget Committee. I am pleased to join with the ranking member of the Budget Committee and my colleagues on the committee to talk about the need for the markup in our committee of the concurrent budget resolution.

I, too, was disappointed to hear our chairman indicate that he may not convene a markup. I believe his stated reason is that he does not want to conduct a markup unless he can be assured the result will have the support of a majority of the committee. I very much hope the chairman will reconsider his decision.

The principal work of a member of that committee and the reason we are so eager to be a part of that committee and, frankly, one of the best parts of being in the Senate for me has been the experience of going through the markup of a budget resolution. It is extremely interesting, and it is extremely important in terms of the priorities of our country. Forgoing a markup renders membership on that committee much less meaningful.

As many of my colleagues may know, the inability of the Budget Committee to muster a majority to report out a bill would not prevent the Senate from considering a budget resolution. The precedents of the Senate provide for just such gridlock.

Unfortunately, it appears that this very precedent will be used to circumvent the committee entirely, leaving the writing of the budget resolution to unelected staff.

While this might have little practical effect on just about any other bill where debate and amendment are much more open, debate on the budget resolution is severely constrained.

We are warning our few colleagues, including the President himself, that we are about to experience "vote-arama" where we vote on scores of amendments with just a few minutes' notice because of the inability to find time and to have time for people to actually formulate amendments on the budget resolution.

Stringent germaneness standards severely restrict the ability of the body to amend the resolution, and those standards flow from the baseline resolution that comes to the Senate. This makes the work of the Budget Committee on the resolution all the more important. The threshold for adopting an amendment can be a simple majority, or a supermajority, depending on the underlying structure of the concurrent resolution crafted by the Budget Committee.

The chairman has considerable say in the way the concurrent resolution is crafted and the Senate markup. But others on the Budget Committee should have a say as well.

We are in an unusual posture with an evenly divided Senate and evenly divided committees. Perhaps we are the victims of some ancient curse, having to "legislate in interesting times."

But these "interesting times" are all the more reason to respect the rights of Members to participate fully in their respective committees. I simply wanted to rise to strongly agree with the ranking member that we need to have a markup in the Budget Committee.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. I thank the Chair and my distinguished colleague from Arizona. Mr. President, I just want to reemphasize the point made by the Senators from North Dakota and Wisconsin relative to a markup of the budget in the Budget Committee.

Yesterday morning Mr. Marjorie Williams had an intriguing op-ed piece in the Washington Post emphasizing that the key watchword of the Bush administration is "transparency," "transparency." Apparently, at every turn, the emphasis has been: We're transparent. We're transparent. We're open.

This bemuses this particular Senator because the one thing they are absolutely nontransparent about is the budget. I have been trying, as a former chairman of the Budget Committee and having here these years of experience on this particular problem—to get the President's budget figures. We have had different people make some very interesting, amusing, and entertaining appearances on C-SPAN, but nobody has pointed out the actual outlays and the spending in the President's budget.

We are on a collision course. What will happen come April 1st, under the
budget rule, the majority leader can propose and lay down a budget, and start debating. If that is the game plan, we are headed now on a course of a train wreck. That is not going to fly. We do not have any idea of the figures. And it is willy-nilly as an exercise to bypass all procedures of the budget in the Budget Committee, just to get it to a conference, and then to mark up, for the first time, what the President wants, is really the process of arrogance.

It is disturbing how little confidence the market has in us—much the Congress and the President—at this particular time. They see the Congress headed in one direction, and the President running around, continuing in his campaign, talking about the budget. He is out selling his so-called tax cut and budget everywhere but in the Budget Committee. We do not know exactly what he wants for defense, education, housing, and transportation. These are all important items to be discussed.

At the beginning—weeks back—not having a real detailed budget, I thought we should take this year's budget—that we passed only in December—and just more or less have a budget free-for-all, we do have a Governor. You would just take the President's budget and debate what cuts you had on there, and say, for any increases—the so-called pay-go rule—that you had to have offsets, and then hold the tax cuts until it became apparent whether it was going to be a soft or hard landing.

I have to say in the same breath, this is a hard enough landing for this Senate. And rather than hold up, I have amended my initiative to put in an immediate economic stimulus package in the Finance Committee. But my budget is in the Budget Committee. I have written the chairman and asked him to please let me know when we are going to have a meeting. So we can discuss my budget, the President's budget, and any and all budgets.

This is, as I say, the process of arrogance in which the debate and the consideration of the individual Senators and their opinions makes no difference in the committee. It is a ritual: Now that we have the bare majority, what we have to do is ram through—right now—what we want, irrespective of any debate or consideration. That is going to erode the confidence we have in the White House. And the confidence the White House has in the Congress itself.

The market sees this. I think we really are eroding confidence. You are going to see more downturns in the economy, and everything else, until we quit running around and come back home and start working together on the nation's problems.

I see the distinguished President out talking about the Patients' Bill of Rights. That is not before the House right now. But we are out, politicking on different campaign issues. But if we could show a willingness to work together, I think we would be much better off. I have not seen the likes of this in my years, and particularly with respect to the budget.

The budget process was instituted as a result of some 13 appropriations bills, and we did not have one look-see at the Government spending in its entirety. So we instituted particular rules so that we could facilitate a complete and comprehensive debate and treatment of the Government's financial needs.

Those rules are restrictions to help move it along—a mammoth Government budget to all Departments—but they are being used to obscure any consideration rather than give comprehensive treatment and consideration.

So instead of knowing what the President intends on education, housing, crime or with respect to the Justice Department, we just operate in the dark, in a casual fashion, and use the limited rules of the budget process—not for a comprehensive treatment and consideration—but, on the contrary, to obscure any consideration, any treatment, any markup, any understanding. That is fundamentally bad Government.

I appreciate the distinguished leaders on the opposite side of the aisle giving me time to comment on this particular matter because I do have a budget. It is a good one. It really responds to our country's needs. But I have not been able to get a markup of my budget. We cannot consider the President's budget.

We are going to take up the budget, willy-nilly, under a limited time—with the leadership relinquishing back most of its time and saying: All right, you Democrats, we have the votes. This is what we are going to pass. Go ahead and put your amendments on, and your time will run out by Wednesday and we will start the 'vote-a-rama' around the clock. Any more amendments there are, the longer we will stay. We will stay here Thursday, we will stay here Friday, we will stay here Saturday—and we will stay here Palm Sunday—and just continue to vote if that is what you want. Making it appear that there is obstructionism on this side of the aisle, wherein the truth is, we have not had a chance to consider anything and to find out the merit or demerit of the bill or the feelings of the other side on anything.

This is just bad congressional process legislating. I hope the chairman of the Budget Committee and the leadership on the other side of the aisle will say: All right, let's start Monday, meet in formal session and start marking up this budget.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLARD). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.
already been adopted by the Senate. We are hopeful the Senate will be able to accept this amendment as modified.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I commend my friend and colleague from Mississippi. This is a good amendment. I appreciate the efforts of the staff who worked on this over the last half an hour or so.

What I thought we might do, for those who want to understand this better, the Senator from Mississippi and I, along with my colleague from Kentucky, will have a colloquy that we will write up providing more specificity on exactly what changes we made here and the rationale. Basically, this is a coordinating effort. We are saying that under existing law, where there are requirements of public disclosure, there ought to be a way to coordinate that information so that it is more transparent, more readily available for those who seek that information. It does not expand the requirements in law beyond those that already exist for public disclosure.

I thank my colleague from Mississippi and my colleague from Kentucky. I know of no reason that we need a recorded vote.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I, too, commend the Senator from Mississippi for his amendment and thank the various staffs who have been working on the clarifications. I am in support of the amendment and see no particular reason we should have a rollcall vote.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank Senator COCHRAN. He has worked long and hard. It is a chance for us to take advantage of new technology so that literally 100 million Americans will be able to receive this information in a timely and informative fashion. This is in keeping with what all of us are attempting to do with campaign finance reform; that is, increase disclosure. We are working on an additional amendment to help on the disclosure issue. I thank Senator COCHRAN for his involvement. I thank Senator DODD and Senator MCCONNELL as well.

I yield the floor.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the amendment, as modified.

Without objection, the amendment is agreed to.

The amendment (No. 137), as modified, was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, I believe the next amendment will come from the other side.

Mr. DODD. Senator Wyden and Senator Collins have an amendment. 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.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, today I rise in support of S. 27, the Bipartisan Campaign Finance Reform Act of 2001. I would like to take this opportunity to congratulate Senator McCain and Feingold on developing such an excellent bipartisan bill and also to Senators DODD and MCCONNELL for bringing this bill to the Senate floor. I hope we can consider it expeditiously and pass it.

I absolutely support this legislation. Even if it is a disadvantage for incumbents, I believe, we, the Senate, should be more worried about protecting democracy than protecting ourselves. I want a Congress that is unbossed and unbothered. Our current campaign finance system contributes now to a culture of cynicism. It hurts our institutions, it hurts our government, and it is an attack on the integrity of our political process.

When big business blocks agencies such as the Department of Labor from issuing important regulations on ergonomics, it adds to the culture of cynicism. I don't think there is a quid pro quo, but what are the American people to think when some of the biggest campaign contributors were able to stop legislation that they oppose? Is it any wonder Americans don't trust their elected officials to act in the public interest; instead, they believe Congress is preoccupied with pandering to the special interest.

That's why I support the following principles for campaign finance reform, regardless of what bill is before the Senate: I want to stop the flood of unregulated and unreported money in campaigns. I want to eliminate the undue influence of special interests in elections. I want to encourage strong grassroots participation. I would like to return power to where it belongs—with the people. This is why I support the McCain-Feingold bill.

My support for this legislation is nothing new. During my entire political career, both in the House and the Senate, I have always supported campaign finance reform and other measures to open up our democratic process. The McCain-Feingold bill does several things. It brings money raised by national parties and by candidates for Federal office. It ends issue ads, which are really attack ads under the guise of "issues." I want to close the loophole which allows groups to skirt the current election laws and this bill closes it. Finally, it clarifies what election activities non-profits can do on behalf of our candidates for Federal office.

Why should we ban soft money? We hear "soft" money. Is it like a soft pretzel? What does "soft" mean? Is it soft currency? Really, it is a backdoor way to avoid the contribution limits that are now placed on candidates. Soft money is influencing our process almost as much as direct contributions to candidates do. Republicans and Democrats raised over $460 million in last year's soft money race or, soft money chase. Right now, Federal candidates spend so much time and so much attention raising money that we sometimes wonder if we have the time to do the work of our constituents. Candidates must constantly work to raise money.

Special interest groups that contribute large sums have an influence on the political process. Let's face it, those people with the golden Rolodex who can approach a candidate and say, "I'll be able to get 100 people in the room and raise $1,000 for you," have influence. Those who can get 10 people in the room and have 10,000 people give soft money," which is the unregulated but legal way of giving money to parties, funding the issue ads that are really attack ads, are also in high demand.

This is why we need to pass McCain-Feingold because I think it deals with these issues and deals with them in a constructive way.

Thirty years ago I decided to run for political office. I was a social worker who was strongly considering a doctorate in public health. I joined a wonderful group of people in Baltimore to fight a highway. The more we knocked on doors, the more we saw that the doors were closed to us. At that time, Baltimore was dominated by political machines. It was dominated by political bosses. Grassroots, nonprofit organizations couldn't break into that process. I was so tired of banging on the door and decided to go door-to-door and that's when I announced I was going to run for the Baltimore city council. The smart money was against me. How could a woman run in an ethnic blue-collar neighborhood, someone who had a strong record in civil rights and also had no personal money? While they were so busy laughing at me, I got to work. Because I had no money, I had no choice, I organized a group of volunteers and we went door-to-door, one hot summer in Baltimore, and I knocked on over 10,000 doors. By knocking on those doors with my volunteers, I rolled over the political machine and I beat those two political bosses.

That is how I got into politics. And because of how I started, I want the voices and votes of strong grassroots volunteers still to count. I want the small contributor to still count. I found ways to bring people into the process. Using not only door-to-door but also the Internet, chatrooms for discussions on issues, new forms of town halls. But we can't do that if every single day our
focus is on raising big money, soft money, or any kind of money that we can get our hands on.

Does McCain-Feingold solve all the problems of this situation? No. Is it more than a downpayment on reform? You bet. What McCain-Feingold does is dry up the soft money and focus on getting real contributors. I hope we can even do more reform and innovative thinking, such as broadcast vouchers, for the small contributors. The more people we can bring in, the more people are just engaged in the process. The best cure for democracy is more democracy and more participation. That is why I am so strong about McCain-Feingold. We need to stop worrying about protecting incumbents and start worrying about protecting democracy.

Last year we spent $3 billion on election activities. The average Senate race now costs $6 million. That is compared to $1 million over 20 years ago. It seems like the cost of campaigns is going to health care costs. Just look at my own State of Maryland where advertising is big business. For me to go on TV in the Baltimore-Washington corridor, it is about $300,000 or $350,000 a week.

Let's look at what it takes to raise $6 million—the average cost of a Senate campaign. When you think about a 6-year term, that means you have to raise $1 million a year. You take 2 weeks off for religious holidays or vacation; that is $200,000 a week. That means a Senator has to think about raising $200,000 a week.

Can you really believe we can focus all the time we need to on our national security interests, raising 20 grand a week? Can you really devote all of your time to thinking about how we can solve the health care crisis? Can we really think about how we could end the trafficking in drugs when we are in the trafficking of fundraisers? It weakens our institutions.

Let's look at it among ourselves. Why romanticize the old days of the Senate or talk about the club? The club has a new look. There are 13 women in the Senate, people coming from a variety of backgrounds, some very wealthy and some who got here because of strong grassroots support, all bringing their passion to engage in public debate and fashion public policy. That is what we want to do. But where are we used to being used to engage in conversation, the things that promote civility and creative thinking, now we are all dashing to either our own fundraisers or someone else's.

This is why I hope we pass McCain-Feingold. For all of you who do not like campaign finance reform, be worried, as I am, that the largest voting block in America now is the no-shows. They are very able Sinced, as I am, that the largest voting block in America now is the no-shows. They are very able Sen.s. For all of you who do not like fundraising or someone else's.

raisers or someone else's. Are all dashing to either our own fundraising discounts that Federal law requires candidates for Federal office to personally stand by any mention of an opponent in a radio or television advertisement.

We have asked the Congressional Research Service to do an analysis of our proposal. In their view, they believe it would be upheld as constitutional. I am of the view that they came to that conclusion because the fact is there is no

SEC. 3. LIMITATION ON AVAILABILITY OF LOW-EST UNIT CHARGE FOR FEDERAL CANDIDATES ATTACKING OPPOsi-TION.

(a) In General.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)), as amended by this Act, is amended by adding at the end the following:

"(3) CONTENT OF BROADCASTS.—(A) In General.—In the case of a candidate for Federal office, such candidate shall not be entitled to receive the rate under paragraph (1)(A) for the use of any broadcasting station unless the candidate provides written certification to the broadcasting station that the candidate (and any authorized committee of the candidate) shall not make any direct reference to another candidate for the same office, in any broadcast using the rights and conditions of access under this Act, unless such reference meets the requirements of subparagraph (C) or (D).

(b) LIMITATION ON CHARGES.—If a candidate for Federal office (or any authorized committee of such candidate) makes a reference described in subparagraph (A) in any broadcast that does not meet the requirements of subparagraph (C) or (D), such candidate shall not be entitled to receive the rate under paragraph (1)(A) for such broadcast or any other broadcast during any portion of the 45-day and 60-day periods described in paragraph (1)(A), that occur on or after the date of such broadcast, for election to such office."

"(C) TELEVISION BROADCASTS.—A candidate meets the requirements of this subparagraph if, in the case of a television broadcast, at the end of such broadcast there appears simultaneously, for a period no less than 4 seconds:"

(i) a clearly identifiable photographic or similar image of the candidate; and

(ii) a clearly readable printed statement, identifying the candidate and stating that the candidate has approved the broadcast.

"(D) RADIO BROADCASTS.—A candidate meets the requirements of this subparagraph if, in the case of a radio broadcast, the broadcast includes a personal audio statement by the candidate that identifies the candidate, the office the candidate is seeking, and indicates that the candidate has approved the broadcast.

"(E) CERTIFICATION.—Certifications under this section shall be provided and certified as accurate by the candidate (or any authorized committee of the candidate) at the time of purchase.

"(F) DEFINITIONS.—For purposes of this paragraph, the terms 'authorized committee' and 'Federal office' have the meanings given such terms by section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)."
constitutional right to a subsidized dirty political campaign. Everybody in this body knows and knows full well that when candidates mention their opponent in an advertisement, they are not spending those campaign funds to state that their opponent is the greatest thing since night baseball. They are going to be spending, in so many instances, advertising money where, in effect, the candidate would hide behind grainy photographs of the opponent, pictures that opponents look pretty much like a criminal, and often there is this bloodcurdling music that portrays the whole thing in such an ominous way that the children sort of run for another room.

What Senator Collins and I are seeking to do in this amendment is to make it tough for candidates to disown their negative political commercials. We say that candidates can say anything they want. We are not trampling on the first amendment. A candidate is free, totally free, completely unfettered, under our bipartisan proposal, to say anything about their opponent.

But what we say, however, is if you are going to mention your opponent, you must sign your name to it. You cannot hide any longer.

The fact is, negative campaigning is done to obscure ownership. It is done to obscure who is actually going to be held personally accountable.

A number of analysts have looked at negative commercials over the years and the fact is, as they have noted, it is almost always done by advertising. It is not possible to do a negative exchange if you are in a debate because the candidate on the other side has an opportunity to answer. The sneak punches, the low blows, are easily delivered through TV and radio, especially radio.

As our colleagues know, a lot of the newspapers at home will do these ad watches. So very often it is possible to blow the whistle on a television commercial. But with respect to radio, that so often is completely under the radar, so there is absolutely no accountability.

What Senator Collins and I seek to do is to make it clear that it is not going to be so easy to skulk around, to sneak around and engage in these negative ads and pretend they are not yours.

You can say anything you want about your opponent under our proposal, but not going to have a subsidized rate if you don’t own it up to it. It just doesn’t seem right to me to say the car dealer or the local restaurant or the hardware store should have to pay a higher rate while you get a discounted rate for running a negative advertisement.

A lot of our colleagues want to speak on this. I believe we have an hour and a half for this debate. I am very appreciative that Senator Collins is on the floor. She has a long history of being involved in reform efforts.

I also thank Senator Bingaman who has had a great interest in this issue over the years. Senator Dodd, Senator Feingold, Senator McCain, Senator Levin—all of them have worked with us on this proposal in recent days.

I see Senator Dodd on the floor, and I commend him for the superb way in which he handled this debate. Nobody ever saw this topic going to be a walk in the park. He has handled it superbly, in my view.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. Collins. Mr. President, I am delighted to join the Senator from Oregon in sponsoring this important legislation.

The premise of our amendment is clear: Candidates who run negative television and radio ads against their opponents should have to stand by their ads. That is the premise of our amendment.

The Wyden-Collins amendment would require a candidate to clearly identify himself or herself as the sponsor of the ad. No more stealth campaign negative ads.

There are many legitimate policy disputes between candidates and certainly an ad airing these differences is perfectly legitimate and, indeed, contributes to the political debate.

But when a candidate launches an ad that talks about his opponent—whether it is a high-minded discussion of policy differences or a vicious attack on an opponent’s character—he or she must approve the radio broadcast. The candidate’s sponsorship should be absolutely clear. Our amendment would accomplish that goal by requiring a clearly identifiable picture of the candidate and statement of sponsorship for the TV ad. The statement would require the candidate to say that he or she has approved the broadcast.

Similarly, for radio, the candidate would have to identify himself, the office he is seeking, and state that he has approved the radio broadcast.

We recognize that our amendment tackles only part of the problem of the deluge of negative attack ads since so many of them are sponsored not just by candidates but by outside special interest groups. Nevertheless, the Wyden-Collins amendment is an important first step. It would help curb the abuse of self-negative ads sponsored by candidates, and it would strengthen the underlying McCain-Feingold bill.

I hope it will be approved. I urge my colleagues to support the amendment.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. Dodd. Mr. President, I commend both of my colleagues, Senator Byrd of West Virginia is also a cosponsor of this amendment. This topic was brought to our attention.

Mr. Wyden. Mr. President, if my colleague will yield, because we have gone through various versions, he has indicated that he is strongly in support of this effort and is still looking at some of the specifics.

The Senator is absolutely right. I think the Senator from West Virginia has made a real contribution because he has shown from his perspective the point to which there has been such an explosion of these negative commercials.

I want our colleagues to know that we are very appreciative of the input of the Senator from West Virginia in framing these negative ads.

Mr. Dodd. I thank my colleague for that clarification.

Let me emphasize again how much I appreciate his efforts and the efforts of the Senator from Maine and others who have been so involved in putting this amendment together.

At first blush you might say this ad is designed to probably help an incumbent because it is the incumbent’s record that can be attacked. It is not a question of people disagreeing with our existing voting records. It is the personal attacks that so often are the most disturbing, not to the candidates themselves but the voters.

We have seen too often that the effort to make negative ads does not do damage, although it does to the reputations of good people by distorting some minor difference and magnifying it beyond all sense of proportion, but the larger harm done is that it has a tendency to discourage people from voting. There are areas of our country where there has been a deluge of negative campaigning that voter participation declines. People get disgusted by it. They do not necessarily blame one candidate or another when they see negative ads. It has the effect of saying: Politics is such a dirty business that I don’t want anything to do with it. I am not going to encourage it, but I am not even going to vote.

That is my great concern and why I believe this amendment has such value. It is not to protect people who hold themselves out for public office from being criticized. We understand that occurs if you hold yourself up for public office. We have hundreds of votes, and there are many which divide us as to what is the proper course of action to take. Someone may stand up and say: I disagree with Senator Dodd on how he stands on child care, or education issues. It is a perfectly legitimate activity in a campaign.

We need the debate so people can have a better clarification. The authors of this amendment, as I understand it, are in no way suggesting that healthy debate and criticism of candidates ought to be removed from politics. They are saying, if you are going to do that, those who are making the criticism need to let people know from where it is coming. They believe—and I think they are correct—that this will have a dual effect of people being less inclined to attack people on a personal level where their picture is going to be displayed; secondly, it will encourage
more constructive criticism, which is perfectly legitimate and which we ought to invite in a good campaign.

The effect of that goes to the very heart of what this amendment is likely to do; that is, to encourage people to vote for particular candidates.

I applaud both of my colleagues for this amendment because I think it will encourage more people in the final analysis to engage in the political life of our country. I mentioned yesterday how we were applauding, in a sense, that we had done better than anticipated when 50 percent of the eligible voters in this country voted in the last Presidential election. We thought that was good news because it was better than what we had anticipated. What a sad commentary it is that 50 percent of the eligible Americans who have a right to choose who will be the President of the United States do not participate despite all of the ads and activities. I suspect they were so disgusted by what they saw on television, what they heard on radio, and what they saw being spent, which goes to the heart of what Senator FEINGOLD and Senator MCCAIN are talking about and why we are debating campaign finance reform.

To have that discussion and not include this element would be a mistake.

I, again, applaud my colleagues for adding this. Again, I can’t say for certainty this will increase participation. But I think the American public will applaud this effort and politics will be the better for it, in my view. Maybe we will see more people voting in the next election because candidates will be more reluctant about saying some of these things they wouldn’t dare say otherwise, and articulate it in a sense by requiring that a photograph be included in that ad. I think they will be a little more cautious about the things that have been said in campaigns in the past.

I applaud my colleagues efforts. I am happy to yield to my colleagues from Michigan.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. LEVIN. Mr. President, I commend the Senator from Oregon and Maine for their amendment.

The bill before us is aimed at trying to close a soft money loophole, which has fueled the kind of negative TV ads which do not do justice to our democracy.

The unlimited contributions which have come into campaigns, directly and indirectly, have been one of the major sources for the horrendous amount of negative attack ads which are inflicted upon our constituents in most of these elections.

The McCain-Feingold bill is trying to do something about closing that soft money loophole. If we are going to restore credibility to the electoral process, it is vitally important we close that soft money loophole. Hopefully, we will. Part of the answer, ultimately, is that we require candidates for office who take out ads, if they want the lowest rate permitted in this McCain-Feingold legislation, if they want to take advantage of that benefit which is conferred, that guarantee that is in the McCain-Feingold bill—they at least put their name and their face at the end of the ad they are funding.

To ask a candidate to do so is pretty fundamental for a benefit which is being conferred.

This is a very modest amendment. It is a very carefully crafted amendment. It is not aimed at intruding on the message that is in that commercial. It doesn’t create a problem in terms of the message. It doesn’t seek to control that message. It says, if you want that lower rate, if you want that lower rate of this law, that we are guaranteeing to you, then you must put your name and your face at the end of this ad for a few seconds so the people know who is paying for this ad, so that you can’t have some group put the name of some citizens group at the end of the ad which masks or disguises who is paying for this ad. It is a very reasonable kind of requirement in exchange for that lowest unit rate.

I commend the sponsors of this amendment for the amendment. I want to say one other thing.

I only wish it were possible to extend this to the ads that are put on by outside groups—it is not possible constitutionally. I don’t think we are able to do that. I wish we could because so many of the ads that are on television these days are not paid for by candidates but are paid for with soft money, and are paid for by outside groups in the form of so-called issue ads, which more often than not, about 90 percent of the time, indeed, are so-called issue ads that are clearly aimed at electing candidates and giving advantages to candidates or attacking candidates.

This will do some significant good, in my judgment, because it at least gets to the heart of what this amendment is likely to accomplish.

Mr. DODD. Mr. President, I yield whatever time he may need to the Senator from Wisconsin, Mr. FEINGOLD.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, thank the Senator from Connecticut. And I especially thank the Senators from Oregon and Maine for offering this amendment. It is a pleasure to see this back because this is one of the original provisions we tried to add in the original McCain-Feingold bill many years ago. In the process of negotiating and trying to get votes, it was one of the casualties that came off the bill as we tried to simplify it. But that was not because it was not a good idea. It was always a good idea.

The Senator from Oregon has been diligent in mentioning this and arguing for this over the years. I am extremely pleased that we finally got the process of all the reformers in the entire Senate. The Senator from Oregon, can offer his amendment. Finally—and it took us 5 years—here we are talking about one of the three things that I find constituents complain about in relation to campaigns. And, of all, they say they are too expensive. We all know that is one of the reasons we are doing this bill. Secondly, they say the campaigns go on too long; you have to have ads all year long; all the time. But the third thing they say to me—and I assume the Senator from Maine and the Senator from Oregon have had the same experience—is they are so negative.

Of course, I believe fundamentally in the free speech right of people to say something negative anytime they want. But what this amendment does is make sure there is some accountability for that. So I welcome it. It is bipartisan. It is offered by two of the strongest reformers in the entire Senate. The voters deserve the chance to see the candidates and know that the candidates sponsoring the ads support the content and the tone of the ad. So it is an excellent bipartisan amendment.

Just as we predicted, Senator MCCAIN and I offered a bill that not only is not a perfect bill, but it is a bill we hope will be improved and made better, more important, and more valuable by the amending process. This amendment does exactly that.

Mr. WYDEN. Will the Senator yield?

Mr. FEINGOLD. For a question.

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Mr. WYDEN. Will the Senator yield?
as the Senator from Wisconsin and the Senator from Arizona who, week after week, year after year, do so much to make this action possible.

I want the Senator to know how much I appreciate all his leadership.

Mr. President, I appreciate that, Mr. President. I thank the Senator from Oregon.

As I look at these two Senators—Senator COLLINS from Maine and Senator WYDEN from Oregon—there was a time when all of us were saying: You only have two Republicans on the bill. It was a critical moment in the history of this legislation when the Senator from Maine came on the bill. I remember when the Senator from Oregon came, and he made this his first piece of legislation he would cosponsor. It actually gave me a chance, for the first time in my life campaigning for this bill, to go to Portland, OR, a beautiful city.

If I could somehow get myself to Maine for the first time, I could go to the other Portland and we could have this be the Portland-to-Portland amendment which, of course, reflects the tremendous reform tradition of both States, Maine and Oregon, in which we are so proud.

So, again, my thanks to both Senators.

I yield the floor.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the Senator from Wisconsin for his very gracious comments. We would not be where we are today without his tenacity in pushing for true campaign finance reform.

I want to respond, also, to the comments made by the Senator from Connecticut and the Senator from Michigan and thank them for their support of the Wyden-Collins proposal, Senator DODD and Senator FEINGOLD also raised the tremendous reform tradition of both States, Maine and Oregon, in which we are so proud.

So, again, my thanks to both Senators.

I yield the floor.

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I yield the floor.
the Arctic National Wildlife Refuge, and the ergonomics issue. I have also had the chance to call the bankroll on the Patients’ Bill of Rights twice, the Africa trade bill twice, and the oil royalties amendment to the fiscal year 2000 Interior appropriations bill twice. I have also called the bankroll on three separate bills, four separate times, and on our most recent legislation, the bankruptcy reform legislation.

People give soft money to influence the outcomes of issues. It is not controversial and simple. As long as we allow soft money to exist, we risk damaging our credibility when we make decisions about the issues the people elected us to make. They sent us here to wrestle with some very tough issues. They have vested us with the power to make decisions and to have a truly profound impact on their lives. That is a responsibility that every one of us takes seriously.

But today, when we weigh the pros and cons of legislation, many people think we also weigh the size of the contributions we get from interests on both sides of the issue. When those contributions can be a million dollars, or even more, it seems obvious to most people that we will too often reward our biggest donors.

That is the assumption people make, and we let them make it. Every time we have had the chance to close the soft money loophole, this body has faltered. If we pass this bill, history will remember that this Senate faced a great test and we failed; that the people had accused us of corruption and, in our failure to pass a real reform bill, we actually confirmed their worst fear.

Fortunately, the bill before us today offers a different path. If we can support the modest reforms in this bill, we can show the public we understand that the current system does not do our democracy justice. This is just a modest step in the right direction - a modest, comprehensive reform. It only seeks to address the biggest loopholes in our system.

The soft money ban is the centerpiece of this bill. Our legislation shuts down the soft money system, prohibiting all soft money contributions to the national political parties from corporations, labor unions, and wealthy individuals. State parties that are permitted under State law to accept these contributions would be prohibited from spending them on activities relating to federal elections, and federal candidates and officeholders fortunate and finally, would be prohibited from raising soft money under our bill. That is a very significant provision because the fact that we in the Congress, those who are elected to Congress, are doing the asking is what I believe and many people believe gives this system an air of extortion, as well as bribery.

McCain-Feingold-Cochran also addresses the issue ad loophole, which corporations and unions use to skirt the federal election law. This provision, originally crafted by Senator Snowe and Senator Jeffords, treats corporations and unions fairly and equally. I want to be clear. Snowe-Jeffords does not prohibit any election ad, nor does it place limits on spending by outside organizations, but it will give the public much more information about the election activities of independent groups, and it will prevent corporate and union treasury money from being spent to influence elections.

Senators Snowe and Jeffords described this bill earlier in the week. As this debate proceeds, we may debate whether it should be strengthened or even removed from the bill altogether. I believe the Snowe-Jeffords provision is a fair compromise and the right balance. It fairly balances legitimate first amendment concerns with the goal of enforcing the law that prohibits unions and corporations from spending money in connection with Federal elections.

I am sure my colleagues are aware of the serious political crisis under way as we speak in the nation of India. Journalists posing as arms dealers’ shot videos with hidden cameras on which politicians and defense officials were seen accepting cash and favors in return for defense contracts. These pictures have caused a huge scandal. The Indian defense minister has resigned, and we do not know yet how great the repercussions will be.

One thing that struck me as I read the news reports of these events was two of the people caught on tape were party leaders, including the leader of the ruling party, the BJP, Mr. Bangaru Laxman. Let me read from an AP story of March 16:

Laxman denied that the journalists identified themselves to him as defense contractors or discussed weapons sales. He said they were presented as businessmen and that accepting money for the party is not illegal in India.

I am not going to say that what is happening in India is the same as the system we have in the United States, and I am certainly not going to comment on the guilt or innocence of any party leader or political official in that sovereign country. But the Government of India is hanging by a thread and the Government of India is heading to a verdict on the guilt or innocence of any party leader or political official in that sovereign country.

Fortunately, the bill before us today modified the Senator from Kentucky for point of order. The PRESIDING OFFICER. The Senator from Kentucky for point of order.

Ms. COLLINS. Mr. President, Senator Dodd is not here. How much time does the Senator request, 5 minutes?

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 138, AS MODIFIED

MS. COLLINS. Mr. President, I thank the Senator from Kentucky for pointing out to the Senator from Oregon and myself that in drafting this amendment we erred.

I ask unanimous consent to modify my amendment to correct the mistake, and I send the modification to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

The amendment, as modified, reads as follows:

On page 37, between lines 14 and 15, insert the following:

SEC. 2. LIMITATION ON AVAILABILITY OF LOWEST UNIT CHARGE FOR FEDERAL CANDIDATES ATTACKING OPPOSITION.

(a) In general.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)), as amended by this Act, is amended by adding the following:

"(3) CONTENT OF BROADCASTS.—"

"(A) IN GENERAL.—In the case of a candidate for Federal office, such candidate shall not be entitled to receive the rate under paragraph (1)(A) for the use of any broadcasting station unless the candidate provides written certification to the broadcasting station that the candidate (and any authorized committee of the candidate) shall not make any direct reference to another candidate for the same office, in any broadcast using the rights and conditions of access under this Act, unless such reference meets the requirements of subparagraph (C) or (D).

"(B) LIMITATION ON CHARGES.—If a candidate for Federal office (or any authorized committee of such candidate) makes a reference described in subparagraph (A) in any broadcast that does not meet the requirements of subparagraph (C) or (D), such candidate shall not be entitled to receive the rate under paragraph (1)(A) for such broadcast or any other broadcast during any portion of the 45-day period described in paragraph (1)(A), that occur on or after the date of such broadcast, for election to such office.

(c) TELEVISION BROADCASTS.—A candidate meets the requirements of this subparagraph if, in the case of a television broadcast, at the end of such broadcast there appears simultaneously, for a period no less than 4 seconds:

"(i) a clearly identifiable photographic or similar image of the candidate; and"

"(ii) a clearly readable printed statement, identifying the candidate and stating that the candidate has approved the broadcast and that the candidate’s authorized committee has approved the broadcast.

"(D) RADIO BROADCASTS.—A candidate meets the requirements of this subparagraph if, in the case of a radio broadcast, the broadcast includes a provision that states that the candidate has approved the broadcast and that the candidate’s authorized committee has approved the broadcast.

"(E) CERTIFICATION.—Certifications under this section shall be provided and certified as
accurate by the candidate (or any authorized committee of the candidate) at the time of purchase.

"(F) DEFINITIONS.—For purposes of this paragraph, the terms "authorized committee" and "Federal office" have the meanings given such terms by section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 315)."

(b) CONFORMING AMENDMENT.—Section 315(b)(1)(A) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)(A)), as amended by this Act, is amended by inserting "subject to paragraph (3)," before "during the forty-five days".

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

The PRESIDING OFFICER. Mr. REID. I ask unanimous consent that the order of business be suspended so that we may proceed to the amendment (No. 138), as modified, to S. 596, the election integrity act of 2001, reported out of the Subcommittee on Rules and Administration by Senator Bingaman, a committe of the Senate of the United States, together with the amendment of Senator Reid to S. 597, the political integrity act of 2001, reported out of the Subcommittee on Rules and Administration by Senator Stabenow, a committee of the Senate of the United States.

Mr. BINGAMAN. It will be laid down in paragraph (3), before "during the forty-five days", "subject to paragraph (3)," before "during the forty-five days".

The PRESIDING OFFICER. Mr. REID. I yield the floor to the Senator from Maine.

Ms. COLLINS. Mr. President, I will briefly explain. The Senator from Kentucky pointed out that in drafting the amendment, we inadvertently deleted the requirement that there be a disclaimer that the ad is paid for by the candidate's authorized committee. We did not in any way intend to remove that requirement.

The legislation I sent to the desk makes it clear that the candidate's ad has to include the statement that the ad was paid for by the candidate's authorized committee.

I thank the Senator from Kentucky for pointing out that error and allowing us to correct it.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I say to the Senator from Maine and the Senator from Oregon, we have had an opportunity to review the amendment and discuss it on the floor. As everyone knows, current law already requires certain things of the candidates, but this amendment is a useful addition that codifies and clarifies the law.

Consequently, I am happy to support it and see no particular need for a rollcall vote unless there is a desire to do so on the other side.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I yield to the Senator from Oregon 5 minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 5 minutes.

Mr. WYDEN. I thank the Chair.

Mr. President, I will be brief. It has been interesting that on the floor of the Senate today no one has spoken in defense of negative ads. The very ads that the media consultants believe are most successful or most likely to win elections have not won a defense. I guess the media consultants in this country are going to have to go back to school if this proposal, as it makes its way down the gauntlet, becomes law, as the Senator from Maine and I hope to make possible.

The fact is that this is a stand-by-your-ad requirement. This is a proposal that makes it clear that to get that lowest unit rate, you have to be held personally responsible.

What the Senator from Maine did is useful. We believed we had made it clear in terms of linking it to the appropriate Federal election statute. What we just did makes it even more so.

I, too, thank the Senator from Kentucky. This is an area in which I have had a special interest since what I think was the most bitter campaign in Oregon history in 1995 and 1996. My friend and colleague, Senator Smith, and I believe that race was just completely out of hand. Neither of us could recognize the kinds of commercials that were being run by the end.

This is an opportunity to draw a line in the sand and to say the Senate wants to make it clear that we are not going to let candidates A
down the gauntlet, becomes law, as the Senator from Maine and I hope to make possible.

The PRESIDING OFFICER. The Senator from New Mexico will be recognized for 20 minutes.

Mr. REID. Before the Senator leaves the floor, I extend my congratulations to him for the work that he has put into this legislation. I have been involved with just a little tiny bit of it. He has spent a good deal of time with me as he has with other Members making sure that everyone who had questions about this legislation had their questions answered.

I feel very comfortable with Senator Bingaman being the ranking member of this most important committee. We in Nevada believe that problems in California are just a little ways behind us. We are hopeful and confident that this much needed legislation will move quickly out of this committee and then to floor so we have an opportunity to debate it.

So, again, I appreciate very much the work of my friend from New Mexico.

Mr. President, there is no one on the floor in relation to the bill. If Senator Nickles comes to offer his amendment, Senator Stabenow has indicated she would be most happy to give up the floor. She needs 5 minutes to speak as in morning business. I certainly do not want to take advantage of anyone. I do not think I am. I ask unanimous consent that she be allowed to speak for 5 minutes, or until the assistant majority leader comes to the floor to offer his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. I thank the Chair and Senator Reid. I echo Senator Reid's comments of congratulations to Senator Bingaman for his excellent work in forging ahead a very visionary energy proposal covering so many important aspects for American families and businesses.

(The remarks of Ms. Stabenow are located in today's Record under "Morning Business.")

Ms. STABENOW. I suggest the absence of his committee on to the floor so we have an opportunity to debate it.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. 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. MCGOVERN. Mr. President, Senator Nickles' amendment is next and he will be over in a while. In his absence, I send his amendment, on behalf of himself and Senator Gregg, to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. Nickles, for himself and Mr. Grass, proposes an amendment numbered 139.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Amendment No. 139, as modified)

Ms. CANTWELL. Mr. President, I thank Senator Wyden and Senator Collins for offering this amendment that I think truly improves the McCain-Feingold bill.

In the 2000 election, Seattle and Tacoma were the second and third largest markets for political advertising.

The Seattle Post Intelligencer noted earlier this week that campaign ads "rained down on—or bludgeoned, according to the viewers throughout the late summer and fall. And this wasn't an intermittent, drip torture kind of rain that Seattle residents know so well. It was a deluge, a constant unavoidable torrent, stretching across three solid months."

With this constant torrent of negative advertising, it is no wonder that voting among 18 to 24 year olds has dropped from 50% to only 32%—a steep decline and a shocking turnout. In the 1976 election, the Supreme Court affirmed a fourth circuit opinion that objecting nonunion members required to pay agency fees as a condition of employment were entitled under Section 8 of the National Labor Relations Act to receive a refund of the pro rata share of the fees paid on activities unrelated to the union's role as "exclusive bargaining representative," which consisted of "collective bargaining, contract administration, and grievance adjustment."

The Supreme Court affirmed the fourth circuit ruling that, as a matter of law, the fees unrelated to "collective bargaining, contract administration, and grievance adjustment" that the unions had to refund to objecting nonunion members, along with any accrued interest, included not only fees for political and lobbying activities but also union community service projects, union charitable donations, union or organizational support, other union costs, and administrative costs related to the above activities. All of those items were entitled to be refunded to agency shop nonunion members who requested such a refund.

In the original Beck case, the court found that 79 percent of the objecting nonunion member's fees had to be refunded because only 21 percent was used for activities related to collective bargaining, contract administration, and grievance adjustment.

The Beck provision in McCain-Feingold limits objecting nonunion members to getting their fees reduced only by the pro rata share of such fees spent on political and lobbying activities that the union deems "unrelated to collective bargaining."

According to the unions, all of their activities related to legislation at the State and Federal level, including health care, judicial and executive appointments, as well as most State ballot initiatives, are "related to collective bargaining."

Thus, unions could continue to use nonmember dues for such activities under McCain-Feingold, which is great for them because they cannot use nonunion member fees for most of those things under existing law.

McCain-Feingold will also allow unions to keep and use the portion of an objecting nonmember's agency fees spent on other activities that the Beck court affirmed were unrelated to "collective bargaining, contract administration, and grievance adjustment," such as a union's charitable contributions and a union's support of a strike by another union.

The McCain-Feingold's Beck provision is really bogus. Instead of codifying Beck, it eviscerates Beck by diminishing the scope of the refund the union's duties. The amendment makes candidates accountable for those ads.

This amendment makes candidates accountable for those ads. By requiring a picture and a readable statement that the candidate approved the ad, it would certainly make candidates think twice before running negative ads.

By requiring candidates to take responsibility, the amendment also helps the viewer. It lets the viewer know who is paying for those ads, not just text that they have to run up close to the screen to see.

It gives the viewer some of the information that they need as a voter to make a fully informed decision about the candidates.

Studies by the Annenberg Center for Communications have found that advertisements are perceived as more accurate, less negative, and is received more positively by voters.

This amendment also only deals with ads paid for by candidates. It does not address the problem of out of control issue ads.

But one of the things that will happen as a result of this amendment is that there will be a clear contrast created between ads sponsored by candidates and issue ads that are outside the candidates own control.

This amendment is a step in the right direction. I am pleased to support it and thank my colleagues for offering it today.

I yield back the remainder of my time.

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. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I want to reserve time on this amendment because I don't know whether Senator Nickles will want to use all of the time or not. I suggest the absence of a quorum and ask unanimous consent for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington is recognized.

AMENDMENT NO. 139, AS MODIFIED

Mr. McCONNELL. Mr. President, in the underlying bill it is suggested that there is a codification of the Beck decision. In fact, it is just the opposite. McCain-Feingold does not codify Beck; it eviscerates Beck. The so-called Beck codification in McCain-Feingold is a big win for big labor. It does two things the unions love: No. 1, it will let unions keep more of the fees nonunion members pay to unions, and No. 2, it will make nonunion members pay for those seeking a refund to get one because it takes away their existing right to pursue relief in Federal court and forces them into a burdensome, time-consuming, and hostile administrative process.

The Nickles amendment, of course, will simply take out the so-called Beck codification in the underlying McCain-Feingold bill and go back to the Supreme Court's decision that the Supreme Court affirmed were unrelated to "collective bargaining, contract administration, and grievance adjustment."
Supreme Court directed for objecting nonmembers required to pay agency fees as a condition of employment.

This is not the only way in which McCain-Feingold’s bogus Beck provision is a big gift to big labor. Unions would also love it if we passed this bogus Beck provision because it would close the courthouse doors for non-union members seeking relief from confiscation of their dues for purposes unrelated to collective bargaining, contract negotiation, and grievance adjustment.

It does this by stating that a union’s failure to adhere to the bogus Beck provision “shall be an unfair labor practice” under the National Labor Relations Act. Unfair labor practice claims fall within the exclusive jurisdiction of the National Labor Relations Board.

A recent piece in Roll Call noted that:

The National Labor Relations Board [has] for 87 years under both Republican and Democratic administrations, displayed an intense bias against workers who assert their Beck Rights.

Make no mistake. Saying that non-union members seeking to enforce their Beck rights can only pursue an unfair labor practice claim alters existing law. Under existing law, non-union members can pursue an unfair labor practice claim or they can avoid the NLRB’s time-consuming, hostile and burdensome administrative process by going directly to Federal court against a labor union.

If we enact the bogus Beck provision in McCain-Feingold nonunion workers will no longer be able to go directly to court and seek judicial enforcement of their rights as the plaintiff in the original Beck case did.

Instead, their only recourse would be to navigate a tedious, complex and hostile administrative process that, according to documents from the NLRB itself, regularly takes years.

Unions would love this because they know that giving nonunion members no alternative to this administrative process will greatly deter people’s ability and willingness to seek refunds pursuant to Beck.

If we adopt McCain-Feingold’s bogus Beck provision, the other portions of Beck will remain.

Advocates of McCain-Feingold are using a completely untrue and baseless argument to assuage people concerned about their big gift to big labor in the form of a bogus-Beck codification.

The argument is: Well, we just wanted to focus on the political part of Beck and, if we pass this, the rest of Beck will remain.

This is, of course, untrue because Beck was a decision in which the Supreme Court was interpreting a Federal statute, specifically section 8 of the National Labor Relations Act.

At the beginning of the Supreme Court’s decision in Beck, Justice Brennan, the author of the decision, made clear it was statutory interpretation case, not a case about a constitutional right.

Quoting the decision:

The statutory question presented in this case, then, is whether this financial core includes the obligation to support union activities beyond those germane to collective bargaining, contract administration, and grievance adjustment. We think it does not.

And at the end of the case, in stating the Court’s holding, Justice Brennan again made clear that Beck was a statutory interpretation case. Again, quoting from the decision:

We conclude that [section] 8(a)(3) [of the National Labor Relations Act] . . . authorizes the exact fees only as necessary to performing the duties of an exclusive bargaining representative.

The significance of the indisputable fact that Beck was a case in which the Supreme Court interpreted a statute enacted by Congress rather than a portion of the Constitution is that any subsequent codification by Congress in light of the Court’s interpretation will completely override the court interpretation.

Every lawyer knows that when a court interprets a statute and the legislature subsequently enacts a law clarifying what that statute means, as the bogus-Beck provision does, the court’s interpretation is completely displaced by the statute.

Therefore, no serious person can give any weight to the assertion that somehow any part of the Supreme Court’s interpretation of section 8 of the National Labor Relations Act in Beck will remain once we pass McCain-Feingold’s big gift to big labor—the evisceration of Beck.

Senator Nickles, as I indicated, will be over shortly to speak on this amendment. Even though he may demand a rollcall vote, we understand that the proponents of the underlying bill are prepared to accept or vote for this provision, and we are glad to hear that.

We think restoring the Beck case to its original language is certainly appropriate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. Reid. Mr. President, the manager of this bill, Senator Dodd, is off the floor doing other Senate business. He told me before he left that he would not accept this amendment until there were negotiations. He has a statement he wishes to make, and there are others who wish to speak on this amendment.

In light of the fact that no one is here, I suggest the absence of a quorum and ask that the time be equally charged against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. Nickles. 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. Nickles. Mr. President, I will speak briefly on the pending amendment. I thank my friend and colleague, Senator McConnell, for sending this amendment to the desk on behalf of myself and Senator Gregg.

The purpose of the amendment is to strike the language that is in the bill on page 35, section 304. Under the bill, it says “codification of the Beck decision.” When I initially heard that Beck would be codified, I thought that was good support for the Beck decision and would like to see it codified. When I read the language, I found out it did not codify the Beck decision. In fact, it rewrote the Beck decision, undermined it in many ways, and led me to the conclusion that it should be set aside.

I very much appreciate the cooperation I have received from Senator Nickles and Senator Gregg, who have agreed to drop this language, and as I also mentioned, Senator Gregg from New Hampshire, who has been working on this. Actually, we were both going to fight a big battle to strike this language, but I thought that once people reviewed this language and contrasted it to the Beck decision, they would find out they are not the same and this wasn’t actually a codification of the Beck decision in many different respects.

I am pleased. I think everybody will be on board for striking this language. I could go into the details regarding the difference in notification in Beck, because we think all employees, union and agency fee employees, should be notified. Under the pending language, it would only be those who are agency fee members who would be notified.

The Beck decision was very clear. The only instances in which a person would be compelled to contribute would be when they directly germane to collective bargaining, contract administration, and grievance adjustment. In other words, in those instances that are directly related to collective bargaining and there would be no reimbursements for employees who went through the refund process.

Again, I think we are better off having no language in it than to have the language that is in section 304. The purpose of this amendment is to strike section 304, and I am pleased that our colleagues on both sides of the aisle have come to that conclusion.

I look forward to this section being removed from the bill, making, in my opinion, a significant improvement in the underlying legislation.
I yield the floor.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Nevada.

Mr. REID. Mr. President, I suggest the absence of a quorum and ask time be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the senior Senator from West Virginia, Mr. BYRD, be recognized to speak as if in morning business for up to 30 minutes, and that the time be equally charged to both sides on the underlying amendment.

Mr. BYRD. Mr. President, I thank the distinguished Democratic whip, Mr. RICHARD, for his courtesy. He is always very attentive to the needs and wishes of his colleagues. I also thank the distinguished Senator from Kentucky, Mr. McCONNELL, for his characteristic courtesy as well.

May I say I merely sought the floor because the Senate was in a quorum and had been in a quorum for quite a while; otherwise, I would not have come at this time.

Mr. President, I ask unanimous consent to speak out of order, if the time is being charged to both sides on the campaign finance legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BYRD are located in Today's Record under "Morning Business.")

BIPARTISAN CAMPAIGN REFORM ACT OF 2001—Continued

Mr. LEVIN. Mr. President, I will be supporting the Nickles amendment because I think it is the wiser course to leave this issue at this time to the courts and to the NLRB.

I will say a few things about the Beck provision in the bill. I believe this provision is necessary, and in particular, I strongly agree with the Senator from Kentucky. I appreciate the opportunity to clarify the provision.

Section 304 would make that right to opt out statutory law. That is the technical holding in Beck that a nonunion member in a bargaining unit can opt out. It is that holding which is at the heart of Beck, which is also at the heart of the determination of whether to recognize the rights of nonmembers.

We don't believe section 304 would make it harder for nonmembers to exercise their Beck right; that, we believe, is not the case, and we know it is not the intent.

The National Labor Relations Board has told unions how they can and should implement Beck. The NLRB said in the California Saw and Knife Works case, in 1995, the following: First, before a union can require a nonunion member to pay what is called an agency fee, which is similar to union dues for a union member, the union must tell the nonmember employee of his or her right to object to paying for activities "not germane to the union's duties as bargaining agent," and his or her right to "obtain a reduction in fees for such act."

The nonmember employee can then file an objection, and the union must then charge the nonmember objecting employee an agency fee reflecting only that portion of the agency fee that reasonably reflects the ratio that the union's political activity bears to such organization's total expenditure.

The NLRB also requires that the nonmember objecting employee must also be given an explanation of the calculation of the objection procedure; of the opportunity to challenge the calculation, and an independent arbiter to determine the challenge.

These requirements have been in force since 1995 and have been vigorously enforced.

The McCain-Feingold bill incorporates both the Beck decision and that NLRB decision. The McCain-Feingold bill, first, makes it an unfair labor practice for a union not to provide the objection procedure laid out in the NLRB decision of Senator NICKLES is real.

That is the provision in the McCain-Feingold bill. Separate from the provision in the McCain-Feingold bill, any union employee who doesn't want to pay for a union's political activity through his or her membership dues, the Senate, his or her membership with the union and, like an objecting nonunion employee, seek a reduction in the agency fee of that sum which represents the amount spent on political activity.

I wanted to correct the provision in this bill. But our conclusion on the amendment of Senator Nickles is really the same. It is best to leave this determination of the rights of nonunion members, and the meaning and framing of the Beck decision relative to those rights, to the courts and to the NLRB. It doesn't belong on this bill.

So we reach the same conclusion. We don't have the same analysis of the wording of the bill and the meaning and the completeness of it or the accuracy of it, obviously. We have differences on that. But the conclusion is the same. The intent of the bill was to incorporate Beck, but, I think we will better served if the bill, then, is silent on this subject and we leave it up to the NLRB and the courts to make that determination, as to the meaning and implementation for Beck.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I believe after discussions with Senator DODD we are ready to announce that there will be a vote at 12:30. I ask unanimous consent that the time be equally divided and that a vote occur on the Nickles amendment at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, let me yield 4 minutes to my colleague from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I also have no problem with the amendment proposed by the Senator from Oklahoma. I appreciate the opportunity to meet with him today. He made his case, and, in a spirit that I hope will continue to permeate this Chamber, we listened to what he had to say and agreed that perhaps the best course, as the Senator from Michigan suggested, is to delete this provision from the bill. I appreciate the fact the Senator from Oklahoma has indicated to me, at least in terms of his amendments on the bill, that this will conclude the so-called paycheck protection part of this debate on campaign finance reform. It is for her membership dues; the votes are not there to include a paycheck protection provision that would be directed only at labor or even ones that would include both labor and corporations. I appreciate that assurance from the Senator from Oklahoma because I do not want to get into a discussion about this. But this is the nature of the process. We do need to move on to other issues. March 22, 2001
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There really is no need to debate the question of whether section 304 does or does not codify the Beck decision. The only reason this language is in the bill is that the Senator from Kentucky and the majority leader in the past have insisted for years that campaign finance reform legislation was not complete without a provision to deal with the activity of organized labor.

Proponents of that view, of course, offered the so-called paycheck protection provision as their solution. In fact, only a few years ago when we reached an agreement to debate campaign finance reform, the majority leader introduced a base bill for that debate, and his entire bill was the paycheck protection provision that is not prevailing in this discussion today.

No changes to our current corrupt soft money system were proposed—just paycheck protection. Paycheck protection—or, as I like to call it, paycheck deception—has always been a poison pill for reform. It is an unfair and unnecessary attack on organized labor. But we were willing to include in the bill a provision that purported to reflect current law with respect to fees paid by nonunion members in lieu of dues. Section 304.

Even though this has been in the McCain-Feingold bill for 3½ years, we are told that from the point of view of those who favor paycheck protection, the current law is preferable to this section on our bill.

In light of that history, I have no problem with removing the provision because the issue really doesn't belong, and never really belonged, in the campaign finance legislation. The whole question of how labor unions collect and use dues money from their members is a matter of Federal labor law, really, not Federal election law.

I am pleased to support the amendment of the Senator from Oklahoma. I think the world will bring an end to the amendments we have seen for years and years that are aimed at interfering with the internal workings of labor unions and the relationship between a union and its membership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I support the amendment. I think it is a good thing to happen. I think maybe we have spent too much time on it since basically everybody is in agreement.

I point out to my colleagues again, we still have a lot of pending amendments. We would like to get through them. These are some of them that will not take a maximum of 3 hours. There are some we can complete in a relatively short period of time.

The worst of all worlds is for us to continue to make the steady progress we have been making but run out of time. We are varied in our commitments next week that people have. So I hope we can not only move forward with the amending process—we have spent a heck of a lot of time in quorum calls, and also with, albeit important, speeches and comments that do not have anything to do with the bill, the legislation we are addressing.

Again, I urge my colleagues who have amendments, please let Senator MCCONNELL and Senator DODD know so we can try to set up an orderly process for completion of the legislation at the appropriate time next week.

I thank my colleagues.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. NICKLES. Mr. President, I wish to thank Senator MCCAIN and Senator FEINGOLD for their acceptance of this amendment. I think it is important to strike this language, that section 304 purports to codify the Beck decision. I will just read a direct quote from the Beck decision. It says:

The statutory question presented in this case, is whether this "financial core" includes the obligation to support union activities beyond those germane to collective bargaining, contract administration, and grievance adjustment.

We think it does not. In other words, what Beck says is the only thing something that is required under the procedures taken away from them without their consent—is to pay for negotiation for contract collective bargaining, contract administration, and grievance procedures, if someone has a grievance. That is the only thing that is not clear what the language was. And the reason I and Senator GREGG—who, I might mention, is a key sponsor—objected was because this language went much further.

I didn't want people to misunderstand and say, well, we are codifying Beck, or we are clarifying and codifying Supreme Court decisions where basically we would be rewriting the Supreme Court decision. That is the reason I raised it. I very much appreciate the cooperation of my colleagues who have said that wasn't the intent and we can drop this language.

My colleague from Wisconsin asked me how many more paycheck amendments there would be. I wrote the paycheck protection amendment originally because a union person came to me and said: I don't want my money taken away from me and used for political purposes for which I totally disagree.

It happens to be that 40 percent of union members vote Republican who don't agree with some of the national agenda of their party. This individual from Claremore, OK, brought it to my attention. That is the reason I sponsored the amendment.

Yesterday there was an amendment proposed that had a paycheck protection provision, and, according to the media, it was completely unworkable. As Senator KENNEDY pointed out, dealing with corporations and shareholders is quite a different issue. There is a shareholder is not the same thing as being a wage earner having money—maybe $25 a month—taken away from their paycheck. It is not the same thing, whether you buy shares of General Electric or Cisco, which may not have been a good idea the last few months. But, anyway, there is a difference in being a shareholder.

I didn't think that amendment was workable. Regrettably, I voted against it. I didn't want to, but I felt compelled to because I didn't think it was workable.

I am trying to look at bite-size improvements that can be made in this bill. I think removing this one section is an improvement in the bill, and I very much appreciate the cooperation of my colleagues to support this amendment. It is not my intention to offer any other paycheck-related amendments on this bill.

Mr. KENNEDY. Mr. President, my colleague, Senator NICKLES, has proposed that we remove Section 304 from McCain-Feingold. Senator NICKLES has further committed that the last amendment he will offer on questions relating to union use of dues or fees for political purposes.

Section 304 of McCain-Feingold, entitled "Codification of Beck Decision," would require unions to require employees to pay dues to which procedures for workers to object to paying dues that would go toward political activity. Unions would be required to notify workers of their rights; to reduce the fees paid by any worker who makes an objection; and to provide an explanation of their case.

Some of my colleagues claim that Section 304 expands upon and does not, in fact, codify Beck. My colleague, Senator McConnell, for example, asserts that McCain-Feingold goes beyond Beck by authorizing unions to charge objecting non-members for things that Beck clearly prohibited, such as community service projects, charitable donations, lobbying activities, and union organizing. Beck, however, said nothing of a paycheck.

The precise holding of Beck, and I quote, is that the National Labor Relations Act "authorizes the exacting of only those fees and dues necessary to performing the duties of an exclusive representative of the employees in dealing with the employer on labor-management issues." That is it. Consistent with standard practice under Supreme Court labor law holdings, Beck left development of all the details as to what expenses are directly related to the "duties of an exclusive representative," or what procedures unions must develop to the National Labor Relations Board and the courts. It did not hold that a union's charitable contributions, organizing expenses and the like are not related to collective bargaining. Nor did it say that lobbying activities could not be related to collective bargaining. In fact, in a case called Lehnhert v. Ferris Faculty Association, decided in 1991, the Supreme Court held that it was fine.

It stated that, even under the strict first amendment standards that apply to Government employment, objectors
may be charged for “lobbying activities relate[d] . . . to the ratification or implementation of” a collective bargaining agreement. My Republican colleagues cannot codify their view of what the law should be by saying that Beck made it the law. That is simply not what Beck did.

Some of my colleagues across the aisle also claim that there is a difference between the Beck holding—that unions may require only those dues necessary for support of collective bargaining—and the McCain-Feingold formulation—that unions may not require dues for political activities unrelated to collective bargaining. This is a distinction without a difference.

The effects of Beck and McCain-Feingold are exactly the same. The NLRB and the courts will interpret the requirements of the law—and their results will be the same—whether Section 304 is included in the bill or not. Thus, the NLRB and the courts will determine whether payments made by a union are related to collective bargaining or not. If they are, all employees must pay for them. If they are not, then employees who object may opt out of paying for those costs. Beck sets this rule and McCain-Feingold codifies it.

For these reasons, I do not believe that the Nickles amendment is necessary. Beck will be the law with or without Section 304 of McCain-Feingold. If the Senate incorporates the Beck decision, close to 13 years ago, every union has created a procedure to ensure that dues-paying workers can opt out of a union’s political expenditures. These procedures universally involve notice to workers of the opt-out rights provided under Beck; establishment of a means for workers to notify the union of their decision to exercise these rights; an accounting by the union of its spending so that it can calculate the appropriate fee reduction; and the right of access to an impartial decisionmaker if the worker who opts out disagrees with the union’s accounting or calculations.

So why was Section 304 included in McCain-Feingold in the first place? It was included only because my Republican colleagues wanted additional insurance that unions would obey the law. But as the scores of court cases and NLRB decisions addressing Beck issues are amply attested to, under existing law to ensure that unions follow the dictates of the Beck decision. These means will exist with or without McCain-Feingold. Unions will conduct themselves in precisely the same way whether or not Section 304 of McCain-Feingold is enacted. Whether we choose McCain-Feingold as written or Senator Nickles’ amendment to McCain-Feingold is irrelevant.

So what will happen if we remove this provision? Absolutely nothing. Nothing, that is, unless some of my Republican colleagues use this action as an excuse to introduce yet more amendments that would prevent unions from representing the voices of working families in the political process. Senator Nickles has committed that he will introduce no such amendments, and I thank him for that. As my friend Senator Feingold has stated, we have simply debated—and resoundingly rejected—the Nickles amendment, and we should not waste this body’s time by endlessly debating, and rejecting, similar bills.

So let me be clear. If the Senate votes today to adopt the Nickles amendment, it will not in any way change the law that governs union collection of dues for political purposes. Paycheck deception supporters may claim that the Nickles amendment shows that supporters of McCain-Feingold have abandoned dissenting workers or shown their unwillingness to enforce Beck rights. This is patently false.

If it is adopted, the Nickles amendment will show that we acknowledge as all in this body must that unions are already bound by the rules that would govern them if Section 304 were enacted. My colleagues should not allow paycheck deception supporters to twist this basic understanding into an excuse for advancing their pro-business, anti-worker agenda.

Mr. Gregg. Mr. President, I rise today in support of this amendment to strike Section 304 of this bill, which pretends to codify the Beck decision. It does not.

This section must stricken for the following reasons. First, it eliminates the ability of nonunion workers to pursue their claims in court. Under Section 304 of this bill, the courthouse doors will be closed for nonunion members seeking relief from confiscation of their dues for purposes unrelated to collective bargaining, contract negotiation, and grievance adjustment. In order to seek recourse through the National Labor Relations Board, nonmembers seeking relief need to navigate a tedious, complex, and often hostile process that takes years.

Second, it will legislatively overrule almost 40 years of decisions of the U.S. Supreme Court by diminishing the scope of the refund the Supreme Court directed for objecting nonmembers required to pay agency fees. Section 304 limits nonmembers to a reduction in their agency fees equal only to the activities that a union decides are unrelated to collective bargaining. In this case, a union could decide that all of its activities dealing with legislation at the State and Federal level, as well as executive and judicial appointments or State ballot initiatives, are related to collective bargaining. Under Section 304, unions could use nonmember dues for these purposes, which is forbidden under current law.

Finally, Section 304 would provide nonmembers with far less protection and information than under procedural safeguards that unions have been required to adopt by the Federal courts. In this case, Section 304 requires unions to provide financial information about its expenditures only to employees who file an objection. The courts have held that all nonmembers, not just objectors, must be provided adequate disclosure of the basis for the agency fee that they are required to pay before they can object as under this bill. The courts have also held that adequate disclosure includes verification by an independent auditor, a requirement that S. 27 omits.

This section may have been drafted with the best of intentions. Nevertheless, I believe it would do more harm than good. Striking it and keeping the status quo would be more beneficial to American workers than this section as written. Section 304 is not a codification of the Beck decision, and this amendment should be adopted overwhelmingly.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. Gregg. Mr. President, I thank my colleague and friend from Oklahoma.

As the Senator from Michigan pointed out, this may be not unlike the amendment yesterday where we are arriving at the same result with maybe a slightly different rationale for doing so but the end result produces the same answer, and this is probably better out of the bill than in the bill.

Despite the good intentions of Senator Feingold and Senator McCain, in their view and in mine, there needs to be some clarification or codification of what the Beck decision said. But rather than debate that, that is what is going on at the NLRB.

The Supreme Court decisions are not unlike where we craft legislation and then usually have boilerplate language that leaves to the respective agencies the right to make decisions pursuant to legislative intent. Many times they do that and we object to what they do; that it goes beyond what the congressional intent was. That is how Supreme Court decisions are written, and then it is up to the NLRB, in this particular case, to deal with the myriad questions that come to it as to whether or not something is in order under the Beck decision.

The Beck decision says: supporting political activities unrelated to collective bargaining, I think that is the language of the Beck decision.

All of these various requests come to us as to whether or not something falls within that particular sentence. Whether is a rich history since the adoption of the Beck decision by the NLRB when such questions have come to them. That is where it belongs.

I think that is what my colleague from Wisconsin is saying and my colleague from Oklahoma is saying—in effect today that we are not the best venue for making those decisions. We best leave it to those who deal with these matters every day rather than trying to legislate it.

I agree with the proposal of the Senator from Oklahoma to take this section out of the bill. But I wouldn’t want to characterize this as being either bogus Beck or absolutely Beck. I
Mr. DODD. Do we want a recorded vote on this?

Mr. MCCONNELL. Mr. President, it is my understanding that if there are any other Senators in the Chamber desiring to vote, the result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—99

Akaka    Durbin    Laguna    Lugar
Allard    Enzi      McCain    Mikulski
Baucus    Ensign    Miller     Miken
Bennett   Feingold  Markowitz Miles
Biden     Feinstein Murray
Bingaman  Fitzgerald Nelson (FL)
Bond      Frist      Nelson (NE)
Boxer     Graham    Nickles
Brown     Gramm     Reed
Browneck  Grassley  Reed
Bunning   Gregg     Rockefeller
Burns     Hagel     Sarbanes
Byrd      Harkin    Schaefer
Campbell  Hatch     Santorum
Campbell  Helmets   Sessions
Carnahan  Hays      Shelby
Carper     Hutchinson  Smith (MI)
Chafee     Hutchinson  Smith (OH)
Cleland    Inhofe     Snowe
Cochran   Jeffords   Specter
Collins   Johnson   Stabenow
Conrad    Kerry      Stevens
Corzine   Kohl      Theurer
Craig     Kyi       Thompson
Crappo    Landrieu  Thurmond
D'Amato    Landry    Thornburg
Davido    Levin      Voinovich
DeWine   Lieberman  Warner
Dodd      Lincoln    Wellstone
Domenici  Lott      Wyden

NOT VOTING—1

Kennedy

The amendment (No. 139) was agreed to.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The amendment (No. 115) was agreed to.

Mr. MCCONNELL. I have not yet spoken to Senator SPECTER about that. I will do that shortly.

Mr. DODD. There is an indication and perhaps a willingness to support that arrangement, along with the recommendation of having Senator HELMS propose an amendment and maybe debate it this evening and make it the first vote tomorrow. We are discussing it on this side. I am using the opportunity to let people know with what I am going to ask them to agree. It sounds like a good schedule to me. If Members have some objection, they ought to let us know. In the meantime, we can go to Senator LANDRIEU.

Ms. LANDRIEU. Mr. President, I really appreciate the leadership the Senator from Connecticut has brought to this issue. I thank him for providing time for me to offer this amendment.

AMENDMENT NO. 124

Ms. LANDRIEU. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The President pro tempore offered an amendment numbered 124. The amendment reads as follows:

(Purpose: To amend the Federal Election Campaign Act of 1971 to provide for weekly reporting by candidates and for prompt disclosure of contributions, and to make software for filing reports in electronic form available)

On page 37, between lines 14 and 15, insert the following:

SEC. 305. ENHANCED REPORTING AND SOFTWARE FOR FILING REPORTS.

(a) ENHANCED REPORTING FOR CANDIDATES.—

(1) WEEKLY REPORTS.—Section 304(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(2)) is amended to read as follows:

"(2) PRINCIPAL CAMPAIGN COMMITTEES.—If the political committee is the principal campaign committee of a candidate for the House of Representatives or for the Senate, the treasurer shall file a report for each week of the election cycle that shall be filed not later than the 5th day after the last day of the week and shall be complete as of the last day of the week.";

(2) PROMPT DISCLOSURE OF CONTRIBUTIONS.—Section 304(a)(6)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(6)(A)) is amended—

(A) by striking "after the 20th day, but not later than 48 hours before any election"; and

(b) by striking "after the 20th day, but more than 48 hours before any election and inserting "during the election cycle"; and
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C by striking “within 48 hours” and inserting “within 24 hours”.
(b) SOFTWARE FOR FILING OF REPORTS.—
Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437(a)) is amended by adding at the end the following:
(12) SOFTWARE FOR FILING OF REPORTS.—
(i) The Commission shall—
(A) develop software for use to file a designation, statement, or report in electronic form under this Act; and
(B) make a copy of the software available to each person required to file a designation, statement, or report in electronic form under this Act.

(2) CONFORMING AMENDMENTS.—
(1) Section 309(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437(a)) is amended by adding at the end the following:
(C) The reports described in this subparagraph are as follows:

(i) An election report, which shall be filed no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) any election in which the person is seeking election, or nomination for election, and which shall be complete as of the 20th day before such election.

(ii) A post-general election report, which shall be filed no later than the 30th day after any general election in which such candidate has sought election, and which shall be complete as of the 20th day after such general election.

(iii) Additional quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter, and which shall be complete as of the last day of each calendar quarter: except that the report for the quarter ending December 31 shall be filed no later than January 31 of the following calendar year.

(2) Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437(a)) is amended—
(B) by striking “304(a)(2)(A)(iii)” and inserting “304(a)(2)(A)(iv)”;
(C) by inserting “subparagraph (C)(i)”;

(3) Section 309(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437(b)) is amended—
(A) by striking “309(b)(2)(A)(i)” and inserting “309(b)(3)(C)(i)”;
(B) by striking “309(b)(2)(A)(ii)” and inserting “309(b)(3)(C)(ii)”;
(C) by striking “309(b)(2)(A)(iii)” and inserting “309(b)(3)(C)(iii)”;
(D) by striking “309(b)(2)(A)(iv)” and inserting “309(b)(3)(C)(iv)”;

Ms. LANDRIEU. Mr. President, the Members are going to be discussing the details of this amendment because there seems to be some confusion with the text. I want to take a few minutes to explain it as staff is working on it, and we may need a little bit more time.

Generally, there is broad consensus, both on the Republican side and the Democratic side, that one of the best things we could do to improve our current system is to try to provide for greater disclosure. One of the great tools we now have for disclosure is the electronic medium, the electronic opportunity, the Internet and new technologies have provided.

My amendment really embraces this new technology. It is quite a simple amendment. It requires the FEC to develop a standardized software package that any Federal candidate running for Federal office would be required to use in our reporting requirements. The report would basically go on line. Instead of waiting a quarter, or 6 months, or a year, our filing current waiting period is, a candidate or a political committee that is required to report would basically enter the data as if he were making deposits—which we all do—into a bank account. Those deposits would become transparent. The report is like a report in progress, and people would have access to what contributions were being made to the candidate—in this case—or to a committee, basically instantaneously:

That is the essence of my amendment. There is no new reporting requirement. It will hopefully not be onerous on us because the FEC will be required to come up with this new software in the time to develop it because we don’t want to rush the process. We want them to do it correctly. They would give us the software, and we would download it onto our computer, and as checks came in, as expenses were reimbursed by the campaign, it would be available instantaneously on the Internet.

That is the essence of my amendment. We are having a few problems with the wording of the amendment. That is what I offer as an improvement to our current system. We have reports that we must file. They are quarterly or annually or, sometimes, even more frequent.

That would be instantaneous reporting with no new work required of the candidate or the committees using software that will be developed.

That is what I submit for consideration. I am hoping we can voice vote this amendment as soon as the technical difficulties are worked out.

I yield back the remainder of my time, and 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. SPECTER. Mr. President, I ask unanimous consent for the quorum call to be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 140

Mr. SPECTER. Mr. President, I send an amendment to the Senate and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment is as follows:

The Senator from Pennsylvania [Mr. Specter] proposes an amendment numbered 140.

Mr. SPECTER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide findings regarding the current state of campaign finance laws and to clarify the definition of electioneering communication)

On page 7, line 24, after “and”, insert the following: “which, when read as a whole, in the context of external events, is unmistakable, unambiguous and suggestive of no plausible meaning other than an exhortation to vote for or against a specific candidate.”

On page 15, line 20, insert the following: “(iv) promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a specific candidate)”.

On page 2, after the matter preceding line 1, insert:

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) in the twenty-five years since the 1976 Supreme Court decision in Buckley v. Valeo, the number and frequency of advertisements
increased dramatically which clearly advocate for or against a specific candidate for Federal office without magic words such as “vote for” or “vote against” as prescribed in the Buckley decision. (2) The absence of the magic words from the Buckley decision has allowed these advertisements to be viewed as issue advertisements and treated as issue advocacy rather than as advertisements. Therefore, the underlying advocacy has the potential to undermine the integrity of the electoral process. (3) In 1996, an estimated $135 million was spent on television advertisements estimated for 1998 ranged from $275-$340 million; and, for the 2000 election the estimate for spending on such advertisements exceeded $590 million. (4) If left unchecked, the explosive growth in the number and frequency of advertisements that are clearly intended to influence the general electorate, or the candidate, masquerading as issue advocacy has the potential to undermine the integrity of the electoral process. (5) The Supreme Court in Buckley reviewed the legislative history and purpose of the Federal Election Campaign Act and found that the authorized or requested standard of issue advocacy was that the candidate, or committee, could not raise money used to pay for these so-called issue ads with the respective presidential campaign. In 1996, the Clinton and Dole Committees made such expenditures through their respective national political party committees. This practice violated the underlying advocacy has the potential to undermine the integrity of the electoral process. (6) The absence of the magic words from the Buckley decision has allowed these advertisements to be viewed as issue advertisements and treated as issue advocacy rather than as advertisements. Therefore, the underlying advocacy has the potential to undermine the integrity of the electoral process. (7) During the 1996 Presidential primary campaign the Clinton Committee and the Dole Committee both spent millions of dollars in excess of the overall Presidential primary spending limit that applied to each of their campaigns, and in doing so, used millions of dollars in soft money contributions that could not legally be used directly to support a Presidential campaign. (8) The Clinton and Dole Committees made such campaign expenditures through their respective national political party committees, and, in each case, the expenditures were treated as soft money expenditures, subject to the limitations set forth in the Act. (9) During the 1996 Presidential primary campaign the Clinton Committee and the Dole Committee both spent millions of dollars in excess of the overall Presidential primary spending limit that applied to each of their campaigns, and in doing so, used millions of dollars in soft money contributions that could not legally be used directly to support a Presidential campaign. (10) Former Clinton adviser Dick Morris said in his book about the 1996 elections that President Clinton worked over every script, directed, and controlled the President’s plan to repeal your gas tax. Cheney was one of only eight members of Congress to vote against it. It might surprise you to know I think I raised them too much, too. (11) President Clinton did it. Dole and Gingrich. No again. Their old ways don’t work. President Clinton’s plan. The new way. Meeting our challenges, protecting our values. (12) Among the advertisements coordinated between the Clinton campaign and the DNC contained the following: [Announcer] “America’s values. Head start. Toxic cleanup. Extra police. Protecting in the budget agreement; the President stood firm. Dole, Gringrich’s latest plan includes tax hikes on working families. Up to a million children face health care cuts. Medicare slashed $167 billion. Then Dole resigns, leaving behind gridlock he and Gringrich created. The President’s plan is to balance the budget, reform welfare, protect our values.” (13) Among the advertisements coordinated between the Clinton campaign and the Republican National Committee, yet paid for by the RNC as an issue ad, was one which contained the following: [Announcer] “Bill Clinton, he’s really something. He’s now trying to avoid a sexual harassment lawsuit claiming he is on active duty military. Active duty? Newspapers report that Mr. Clinton claims as commander-in-chief he is covered under the Soldiers and Sailors Relief Act of 1940, which grants automatic delays in lawsuits against military personnel in the United States. Active duty? Bill Clinton, he’s really something.” (14) Another advertisement coordinated between the Clinton campaign and the DNC contained the following: [Announcer] “Three years ago, Bill Clinton gave us the largest tax increase in history, including an increase in the tax on gasoline. Bill Clinton said he felt bad about it.” [Clinton] “People in this room still get mad at me over the budget process because you think I've treated you too much. It might surprise you to know I think I raised them too much, too.” (15) Another advertisement coordinated between the Clinton campaign and the DNC contained the following: [Announcer] “OK, Mr. President, we are surprised. So now, surprise us again. Support Senator Dole’s plan to repeal your gas tax. And learn that actions do speak louder than words.” (16) Clinton and Dole Committee agents raised the money used to pay for these so-called issue ads supporting their respective candidate campaigns. (17) These television advertising campaigns, run in the guise of being DNC and RNC issue ad campaigns, were in fact Clinton and Dole ad campaigns, and accordingly should have been subject to the contribution and spending limits that apply to Presidential campaigns. (18) After reviewing spending in the 1996 Presidential election campaign, auditors for the Federal Election Commission recommended that the 1996 Clinton and Dole campaign repay $7 million and $17.7 million, respectively, because the national political parties had closely coordinated their soft money issue ads with the respective presidential campaign. (19) On December 10, 1998, in a 6-0 vote, the Federal Election Commission rejected its auditors' recommendation that the Clinton and Dole campaign repay $7 million and $17.7 million, respectively, because the national political parties had closely coordinated their soft money issue ads with the respective presidential campaign. (20) Another advertisement financed by the RNC contained the following: [Announcer] “Under Clinton-Gore, prescription drug prices have skyrocketed, and nothing’s been done. George Bush has a plan: add a prescription drug benefit to Medicare.” [George Bush] “Every senior will have access to prescription drugs, at what you can afford.” [Announcer] “And Al Gore? Gore opposed bipartisan reform. He’s pushing a big government plan that lets Washington bureaucrats tell you what your doctors prescribe. The Gore prescription plan: bureaucrats decide. Bush prescription plan: seniors choose.” (21) An advertisement paid for by the DNC contained the following: [Announcer] “When the national minimum wage was raised to $5.15 an hour, Bush did nothing and kept the Texas minimum wage at $3.33. Six times the legislature tried to raise the minimum wage and Bush’s inaction helped kill it. Now Bush says he’d allow a minimum wage that is a minimum of $5 an hour.” (22) Another advertisement paid for by the DNC contained the following: [Announcer] “George W. Bush chose Dick Cheney to help lead the Republican party. What does Cheney’s record say about their plans? Cheney was one of only eight members of Congress to vote against the Clean Water Act * * * one of the few to vote against Head Start. He even voted against the School Lunch Program * * * against health insurance for people who lost their jobs. Cheney, an oil company CEO, said it was good for OPEC to cut production so oil and gasoline prices could rise. What are their plans for working families?” (23) On January 21, 2000, the Supreme Court in Tobacco Institute v. Shrink Missouri Government PAC noted, “In speaking of ‘improper influence’ and ‘opportunities for abuse’ in addition to ‘quid pro quo arrangements,’ we recognize no limit on the range of activities from politicians too compliant with the wishes of large contributors.” (24) The details of corruption and the public perception of the appearance of corruption have been documented in a flood of books, including: (A) Backroom Politics: How Your Local Politicians Work, Why Your Government Doesn’t, and What You Can Do About It, by Bill and Nancy Boyarsky (1974); (B) The Pressure Boys: The Inside Story of Lobbying in America, by Kenneth Crawford (1974); (C) The American Way of Graft: A Study of Corruption in State and Local Government, How It Happens and What Can Be Done About It, by George Amick (1976); (D) Politics and Money: The New Road to Corruption, by Elizabeth Grannan (1968); (E) The Best Congress Money Can Buy, by Philip M. Stern (1988); (F) Combating Fraud and Corruption in the Public Sector, by Peter Jones (1990); (G) Anti-Corruption in the American Empire: Corruption, Decadence, and the American Dream, by Tony Bouza (1996);
Mr. SPECTER. Mr. President, this amendment does two things. It sets forth findings which I believe are indispensable in order to have legislation which will pass review by the Supreme Court of the United States. In recent years, the Court has stricken a great deal of congressional legislation starting with Lopez in 1995, upsetting 60 years of solid precedents for Federal legislation under the Commerce Clause, and has invalidated on constitutional grounds the substantial due process—disabilities Act, the provision of the Violence Against Women Act—on the basis that there is insufficient factual foundation. This amendment seeks to provide findings to pass constitutional muster. I shall deal with them in detail in this floor statement. Second, this amendment deals with the definition of what is an advocacy ad contrasted with an issue ad.

The provision in the pending legislation, McCain-Feingold, says it is the purpose of this provision to try to establish a test which will pass constitutional muster under the decision of the Supreme Court in Buckley v. Valeo. It may be that this definition is sufficient to pass constitutional muster. It is arguable. It may be that this definition is not sufficient to pass constitutional muster. That is also arguable.

The Supreme Court of the United States in Buckley, in 1976, said this: in order to preserve the provision against invalidation on vagueness grounds, section 601(e)(1) must be construed to apply only to expenditures for communications that, in express terms, advocate the election or defeat of a clearly identified candidate for Federal office. Then the Supreme Court drops a footnote which says:

This construction would restrict the application of 608(e)(1) to communications containing words of advocacy of election or defeat such as “vote for,” “elect,” “support,” “cast your ballot for,” “Smith for Congress,” “vote against,” “defeat,” “reject.” On its face, it seems difficult to see how the language from McConnell—Feingold, in and of itself, would satisfy the mandate articulated by the Supreme Court of having language such as “vote for,” “support,” “cast your ballot for,” “Smith for Congress,” “vote against,” “defeat,” “reject.”

 Constitutional interpretation is complicated because the members of the nine-person Supreme Court see the issues differently, and especially at different times. A great deal has happened in the electoral process, with hard money and soft money and so-called issue ads, so that it is possible that a court, looking at this language in a different era and in a different context, might say that it is constitutional.

From my view of the Constitution, it is hard to see that that would happen just on the face of the language which I have read.

There is one opinion in a court of appeals, ninth circuit. Of course, the courts of appeals are right under the Supreme Court. It is a case which has articulated a different definition. The case is the Furgatch case, and that case said that the ad is an advocacy ad if the “message is unmistakable, unambiguous, suggestive of only one possible meaning other than an exhortation to vote for or against a specific candidate.”
What does that mean in the context of what has happened in the Presidential elections of 1996 and the year 2000?

In 1996, the Democratic National Committee—I am going to come to Republican ads because this amendment is balanced between what Republicans have done and what Democrats have done in a way which is critical on all sides.

I start first with the President Clinton advertisements run by Democratic National Committee. The announcer comes on and says:

60,000 felons and fugitives tried to buy handguns but couldn’t because President Clinton passed the Brady bill—five day waits, background checks. But Dole and Gingrich voted no. 100,000 new police—because President Clinton delivered. Dole and Gingrich? No vote, want to repeal ‘em.

As that advertisement is being read, any person listening would say that is an ad which advocates the election of President Clinton and advocates the defeat of Robert Dole.

But under the interpretations of Buckley v. Valeo, because the magic words “vote for” or “vote against” are not used, that is deemed to be an issue ad and is not subject to the limitations of the Federal election campaign laws. Then turning to one of the advertisements coordinated between Senator Dole and the Republican National Committee, the announcer comes on:

“Three years ago, Bill Clinton gave us the largest tax increase in history, including a 4 cent a gallon increase on gasoline. Bill Clinton said he felt bad about it.”

[Clinton] “People in this room still get mad at me over the budget process because you think I raised your taxes too much. It might surprise you to know I think I raised them too much, too.”

[Announcer] “OK, Mr. President, we are surprised. So now, surprise us again. Support Senator Dole’s plan to repeal your gas tax. And learn that actions do speak louder than words.”

Obviously, anybody listening to that advertisement would say it advocates the election of Senator Dole and it advocates the defeat of President Clinton. But that is not the result.

The result under Buckley is that it is an issue ad, even though coordinated between the Clinton campaign and the Democratic National Committee and then the other ad coordinated between Senator Dole’s campaign and the Republican National Committee. They are issue ads and not subject to Federal regulations.

Then the same pattern emerges in the election in the year 2000. An advertisement paid for by the Democratic National Committee said the following:

“George W. Bush chose Dick Cheney to help lead our party. What does Cheney’s record say about their plans? Cheney was one of only eight members of Congress to oppose the Clean Water Act. . . . one of the few to vote against Bill Breedlove funding. . . . against school lunch programs. . . . against health insurance programs.”

What are their plans for working families?

Anybody listening to that television ad would say that the purpose of the ad was to defeat Mr. Cheney, and to elect the Gore-Lieberman ticket. But, under the Supreme Court decision in Buckley, that is considered to be an issue ad and not subject to regulation.

How in the world can there be issue advocacy in advertisements which take up the Clean Water Act passed many years ago, or the Head Start Program, which is no longer in issue, or the school lunch programs? They could not legally be used directly to support the candidates for who lost their jobs? Those matters long since ceased to be issues. But, notwithstanding that, they are categorized as issue ads

No again. Their old ways don’t work. President Clinton did it. Dole and Gingrich?

Strengthen school anti-drug programs.

But that is not the result. . . .

And019; obviously, that is an ad which advocates the election of George Bush and advocates the defeat of Vice President Gore. But under the Buckley decision, that would be an issue ad and not subject to Federal regulation.

The findings set forth in my amendment recite the essential facts of how the candidates coordinated these advertisements with their parties.

Findings 7, 8, and 9, starting on page 2, line 29, recites:

During the 1996 Presidential primary campaign the Clinton Committee and the Dole Committee had a coordinated program of expenditures in excess of the overall Presidential primary spending limit that applied to each of their campaigns, and spent millions of dollars in soft money contributions that could not legally be used directly to support a Presidential campaign.

The Clinton national Committees made these campaign expenditures through their respective national political party committees, using these party committees as front organizations to run television advertisements to support their candidates.

And finding 10, page 3, line 13:

Former Clinton adviser Dick Morris said in his book about the 1996 elections that President Clinton worked over every script, watched each advertisement, and decided which advertisements would run where and when.

Findings 11, page 3, line 17:

The President Clinton told supporters at a Democratic National Committee luncheon on December 7, 1995, that, “We realized that we could run these ads through the Democratic Party, which could raise money in $20,000 and $50,000 blocks. So we didn’t have to do it all in $1,000 run down what I can spend, which is limited by law, so that is what we did.”

There is no doubt about the fact of coordination when it comes from the mouth of the Presidential candidate, President Clinton, running for reelection and from Dick Morris, his campaign manager.

Findings 18, 19, and 20, starting on page 5, line 9, recites:

After reviewing spending in the 1996 Presidential election campaign, auditors for the Federal Election Commission recommended that the 1996 Clinton and Dole campaigns repay $7 million and $17.7 million, respectively, because the national political parties had closely coordinated their soft money expenditures with the respective presidential candidates and, accordingly, the expenditures would be counted against the candidates’ spending limits.

The Supreme Court of the United States, in Buckley v. Valeo, made a conclusive finding that such coordinated or coordinated expenditures are treated as contributions rather than expenditures under the Act.

But notwithstanding that clear-cut statement of law, when the Federal Election Commission picked up the coordination issue in 1996, and had a decision to make, the Federal Election Commission said that there was not a violation of the Federal election law.

The findings go into some detail about the experience of the 25 years since the 1976 decision of Buckley v. Valeo on the number and frequency of advertisements which avoid being advocacy ads because they leave out the magic words.

We recite the finding that in 1996 there was an estimated $315 million spent on these so-called issue advertisements. The estimate for 1998 ranged from $275 to $340 million. And for the 2000 election, the estimate for spending on such advertisements exceeded $350 million.

In Buckley v. Valeo, the Supreme Court of the United States said that legislation affecting campaign contributions would be based on corruption or the appearance of corruption.

Since the Buckley decision was decided there have been many books written documenting the details of corruption and the public perception of the appearance of corruption. It is not
a cottage industry; it is a major national industry.

Last year, the year 2000, a book was edited by Robert Williams entitled “Party Finance and Political Corruption.”

In 1999, a book was published “Corruption, Public Finances, and the Unofficial Economy,” by Johnson, Kaufmann and Zoido-Lobatone.


In 1998, a book was written by Timperlake and Tripplet entitled, “Year of the Rat: How Bill Clinton Compromised U.S. Security for Chinese Cash.”

In 1998, a book was written by Cecil Hefel, entitled, “End Legalized Bribery: An Ex-Congressman’s Proposal to Clean Up Congress.”

The list could include a great many books, including Philip Stern’s 1988 book, trenchantly entitled, “The Best Congress Money Can Buy.”

There is an unmistakable basis for this kind of legislation and the tightening of legislation that reaches these issues.

The reports on the appearance of corruption are as fresh as yesterday’s newspaper. The New York Times reported on March 13—finding No. 30—

A lobbying campaign led by 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 close to its long-sought goal of overwhelming the nation’s bankruptcy system.

On March 16, a New York Times editorial observed:

Business interests generously supported Republicans in the last election and are now repaying the favor.

On a bipartisan basis—the Washington Post, on September 15, 2000, criticized the Democrats, noting that—finding number 27, at page 8 of this amendment—

A group of Texas trial lawyers with whom former Vice President Gore met in 1995, contributed thousands of dollars to the Democratic president Clinton vetoed legislation that would have strictly limited the amount of damages juries can award to plaintiffs in civil lawsuits.

Finding 28, page 8, line 21:

According to an article in the March 26, 2001 edition of U.S. News and World Report, labor unions— which count on their Democratic allies for support on issues such as the minimum wage that are important to unions—spent more than $83.5 million in the 2000 election, with 94 percent going to Democrats, prompting some labor figures to brag that without labor’s money, the election would not have been nearly as close.

Finding 32, page 9, line 19:

It has become common practice to reward big campaign donors with ambassadorships, with an informal policy dating back to the 1960s allocating about 30 percent of the nation’s ambassadorships to non-career appointees. According to a Knight-Kabasnick article from November 13, 1997, former President Nixon once told his White House Chief of Staff that “anybody who wants to be an ambassador must at least give $250,000.”

That, in essence, sets forth findings which, in my legal opinion, warrant the legislation being considered today, to be thought wise to add even more findings in the face of what the U.S. Supreme Court has done recently in invalidating congressional legislation on constitutional grounds, notwithstanding very strong findings, as I believe these findings are.

The legislation goes to a standard which would satisfy the U.S. Supreme Court, although, realistically, the language of McCain-Feingold and even the language of Furgatch does not come directly in line with what the Supreme Court said in Buckley when they talked about a “vote for” or “vote against.” I believe that in the context of what has happened with money and elections, with the language of Furgatch supplementing the language of McCain-Feingold, this bill would definitely pass constitutional muster.

I refer to an extensively quoted bit of language from the opinion of Justice Robert Jackson in a case captioned United States v. Five Gambling Devices, and moreover Justice Jackson said the following at page 449 of volume 346 of U.S. Reports:

“This court does and should accord a strong presumption of constitutionality to Acts of Congress. This is not mere judicial reluctance. It is a deference due to deliberate judgment by constitutional majorities of the two Houses of Congress that an Act is within their delegated power or is necessary and proper to execute the powers vested in the national government. The rational and practical force of the presumption is at its maximum only when it appears that the precise point in issue here has been considered by Congress and has been explicitly and deliberately resolved.

What we are doing in this bill is seeking to overturn the direct holding in Buckley v. Valeo which has required the money to be spent on the “vote against.” But as Justice Jackson has noted and as constitutional doctrine has evolved, the court will give special consideration to what the Congress does in a specific context where it appears that the precise point in issue here has been considered by Congress and has been explicitly and deliberately resolved.

I submit that if you take the underlying language of McCain-Feingold on the definition of an electioneering communication, if you take the language of Furgatch, that Congress is coming to grips explicitly and deliberately with what the court has done and that, building upon the strong presumption which Justice Jackson notes is present, the strong presumption of constitutionality to Acts of Congress, and then looking to Buckley itself, which said their concern arose that there not be constitutional invalidity because of vagueness, I do not believe there is any realistic way it can be said that this bill is not found consistent with a standard which is "unmistakable, unambiguous, and suggestive of no plausible meaning other than an exhor-

That certainly satisfies the court’s requirement that the legislation not be vague. With this language, we will end the charade of having these extraor-
dinary ads which, on their face and in the context of themselves, are the election of a candidate and the defeat of another but, because of the absence of the magic Buckley words, are held to be issue ads and outside the purview of federal control.

This language will end that charade, will end the trauma caused by soft money in enormous sums, and put some sense back into the campaign finance laws.

I inquire how much time is left of the 3 hours allotted to the sponsor of the amendment.

The PRESIDING OFFICER. The Senator has 54 minutes remaining.

Mr. SPECTER. I thank the Chair and yield the floor to the Senator from Pennsylvania.

Mr. McCONNELL. Mr. President, I find myself in the curious position of opposing the amendment of the Senator from Pennsylvania but controlling the time on this side. How much time is left?

The PRESIDING OFFICER. The opponents have 90 minutes.

Mr. McCONNELL. Mr. President, I commend my friend from Pennsylvania for his understanding of the dilemma we find ourselves. The underlying bill, in the opinion of this Senator, will dramatically weaken the parties’ ability to get their message out.

By definition, this will only increase the power of third party groups who already spend the parties by a factor of two to one.

I commend the Senator from Pennsylvania for his efforts to create a fair and balanced approach by restricting outside groups as well as parties. A year and a half ago, when this issue was last on the floor, the Senator from Pennsylvania cast, in my view, a very principled vote by joining me in opposition to cloture on McCain-Feingold at that time because McCain-Feingold at that particular year was only a party soft money ban. The Senator from Pennsylvania expressed his concern that by not passing anything that impacted outside groups, we would put the parties at a particular disadvantage. What he is doing today is entice the Republicans to vote for the amendment to vote for or against a specific candidate.”

The problem with the solution my friend from Pennsylvania proposed is that it can’t be accomplished without violating the First Amendment. This is clear from case law. Senator Specter’s amendment would allow the Government to regulate the speech of citizens groups far beyond the constitutionally permissible express advocacy by including speech which a person believes is false.

In the first place, this formulation seems fine. But the problem is that reasonable people can, and often do,
Mr. President, an illustration might be helpful. In 1986, the National Right to Life Committee ran an ad strongly criticizing President Clinton for vetoing Congress's ban on partial-birth abortion. Senator SPECTER might very well have said: Senator from Pennsylvania is trying to do. He is frustrated that the parties will be reduced and influenced under the underlying bill and concerned that the outside groups will simply fill the vacuum. I understand that and share that concern. We do not oppose the amendment of the Senator from Pennsylvania. But if my friend from Pennsylvania is the speech regulator, Right to Life doesn't get to speak. And because National Right to Life or the Sierra Club, or the ACLU or whomever, knows that speech, like beauty, is in the eye of the beholder, it will be chills from speaking. This is a result that we don't want in a democracy. We don't want the "marketplace of ideas" to be bereft of commodities.

I commend my friend for his understanding of certain things and good intentions; but I strongly disagree with him, however, on the proposed solution.

The problem with relying on Furgatch, the case to which Senator SPECTER referred, besides the fact that it is at odds with about a dozen other cases, is that the Ninth Circuit in Furgatch failed to cite the Supreme Court's decision in Federal Election Commission v. Massachusetts Citizens For Life, which was decided a mere 3 weeks before. In Furgatch, in Massachusetts Citizens For Life, the Supreme Court squarely affirmed its express advocacy test from the Buckley case. It seems that a law clerk in Furgatch was asleep on the job, and we should not ignore Supreme Court precedent simply because of that. In fact, the Ninth Circuit cited the First Circuit's opinion in Massachusetts Citizens For Life, not the Supreme Court's opinion in that case.

Furthermore, the amendment of the Senator from Pennsylvania would allow the Government to regulate the speech of its citizens based on "external events." The Fourth Circuit not only ruled against this when it tried to do this, but it actually awarded attorneys fees against the Federal Government for taking a legal position that was not "substantially justified," meaning that it did not have a good-faith basis in the law.

If this amendment, coupled with the underlying bill, passes, the Secretary of the Treasury better get out his checkbook.

I understand what the Senator from Pennsylvania is trying to do. He is frustrated that the parties will be reduced and influenced under the underlying bill and concerned that the outside groups will simply fill the vacuum. I understand that and share that concern. We do not oppose the amendment of the Senator from Pennsylvania. But if my friend from Pennsylvania is the speech regulator, Right to Life doesn't get to speak. And because National Right to Life or the Sierra Club, or the ACLU or whomever, knows that speech, like beauty, is in the eye of the beholder, it will be chills from speaking. This is a result that we don't want in a democracy. We don't want the "marketplace of ideas" to be bereft of commodities.

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possibly uphold this as being, in effect, express advocacy and, therefore, subject to regulation.

Obviously, I am going to listen with great care to my friend from Pennsylvania, but those are my concerns. I yield the floor.

The PRESIDING OFFICER (Mr. Sessions). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the Senator from Tennessee for his analysis and the observations and the question he raises. I respond by noting that where you have the likeness issue or requirement in Snowe-Jeffords, that does not deal with the Buckley requirement of the magic words “vote for” or “vote against,” and the likeness factor of Snowe-Jeffords is very similar to the language of McCain-Feingold which has “refers to a clearly identified candidate for Federal office.”

Buckley has said you have to do something more, and what you have to do is be more explicit on voting for or against.

Furgatch comes to grips with that issue on the language of its holding by the Ninth Circuit that it meets the Buckley test, although it does not use the magic words because it refers to a message being unmistakable, unambiguous, and suggestive of no plausible meaning.

The ads which I read saying Clinton was wonderful and Dole was terrible were viewed as being issue ads—you have a clearly identified candidate, which is McCain-Feingold, and you could have a likeness, which would satisfy Snowe-Jeffords, but that does not meet the Buckley test.

I argue as strenuously as I can that if the standard is “unmistakable, unambiguous, and suggestive of no plausible meaning other than an exhortation to vote for or against a specific candidate,” I again direct a question to the Senator from Tennessee: In dealing with the standard of vagueness, how can you have language which is more definitive on its face?

Obviously, it is going to have to be applied. There is no question about that. I read at some length, if the Senator from Tennessee had an opportunity to listen to the Dole ads, the Clinton ads, the Bush ads, or the Gore ads—let me start with that question.

Mr. THOMPSON. And a good deal of them would come under Snowe-Jeffords, I believe, for starters.

Mr. SPECTER. Why would they come under Snowe-Jeffords?

Mr. THOMPSON. They mentioned the name of the candidate and came within 60 days of the election. Some of them can.

Let me get back, if I may, to the original issue. My question is, when the statute says that the words must be unambiguous in whose eyes? Unambiguous to whom?

Mr. SPECTER. If I may respond, that is also not to be a matter of application, no matter what legal standard you have. However specific it is, it has to be applied.

When you refer, if I may direct this question to Senator from Tennessee, to Snowe-Jeffords covering the Dole ads, the Clinton ads, the Gore ads, or the Bush ads, I think Snowe-Jeffords would cover the clearly identified candidate within a time limit, but it would not satisfy Buckley. Those are viewed as issue ads. They do not satisfy Buckley.

With Furgatch, you advance the definition very substantially. You advance the definition with as much precision as the English language can give you. If you want to stick in “vote for” or “vote against” OK, that is the language of Buckley.

My own legal judgment—and this is a legal issue which is susceptible to different interpretations; it is not likely being unambiguous or susceptible to no other interpretation—my view is that the language of a specified candidate and a time limit and a likeness has not come to grips with the specificity that Buckley looks for. They want something which is not vague.

Perhaps the challenge is to come up with language which satisfies the Senator from Tennessee that it is not vague. I am open to suggestions, but I think we are not coming to grips with the Snowe-Jeffords vagueness with what you have absent a definition such as Furgatch.

Mr. THOMPSON. If my friend would yield for a moment, Mr. SPECTER. I do.

Mr. THOMPSON. I suppose my thinking is that the Snowe-Jeffords language is much closer to the bright line requirement than this language would be.

Mr. SPECTER. May I ask my friend from Tennessee what language he refers to specifically?

Mr. THOMPSON. The language requiring the likeness of candidate used within 60 days of an election. That is an objective standard.

The Supreme Court in Buckley didn’t say you must have an ad that is unambiguously a campaign ad. They said in that case, words such as “vote for” or words such as “vote against.” Anybody can look at that, even the Members of this body would agree to all agree whether or not that was in a particular ad.

That is a bright line.

Now Snowe-Jeffords comes along and puts its own bright line. We will be debating that, as to whether or not it is sufficient, whether or not it complies with Buckley, or whether or not the Supreme Court might take a look at it again and say it was unconstitutional in light of other circumstances.

Again, one can objectively look at an ad and tell whether or not it has a likeness of a candidate. But you can’t look at an ad and tell whether or not it is unambiguous unless you get to court.

Mr. SPECTER. If I may direct this question to my colleague from Tennessee, if the Clinton ads don’t have the likeness but simply talk about Gore, then would that satisfy the Snowe-Jeffords test?

Mr. THOMPSON. I think it wouldn’t—no, it would not. It requires the likeness, as I recall—or does it require both?

It says “refers to a clearly identified candidate.”

The answer is yes. I was wrong.

Mr. SPECTER. If I may reclaim the floor for the argument, if it refers to a clearly identified candidate, it does not advance the issue beyond the face of McCain-Feingold, which has “refer to a clearly identified candidate for Federal office.”

You have all of these ads which extol Clinton and defame Dole or vice versa, or extol Gore and defame Bush, which are held to be issue ads. But you have a clearly identified candidate.

So I ask my friend, the Senator from Tennessee, how does that meet the Buckley test, which was not met by these horrendous ads on both sides which, in any event, advocated the
elected Clinton and the defeat of Dole? How does this language of Snowe-Jeffords, with a clearly identified candidate—which is the same as McCain-Feingold—advance to any extent the ads in the 1996 or 2000 election which did not meet the requirements?

Mr. THOMPSON. If I may respond to my friend, I am not suggesting they advance those ads. What I am suggesting is in McCain-Feingold, in the Snowe-Jeffords provisions of McCain-Feingold, it requires clear reference to mention a candidate that would be undisputable; that is, whether or not a fellow’s name, a person’s name, is mentioned.

I believe that is closer to the Buckley standard, which says you have to have something objective. That is closer to the Buckley standard than language which says “in the context of external events, is unmistakable, unambiguous, and suggestive of no plausible meaning, other than an exhortation to vote.”

Agreed. My friend, I am not suggesting that you need a bright line. A person needs to tell the story—what is the issue they have? If he only has a few minutes, how long does he have to run which mentions a clearly identified candidate. If all of the Buckley standard than language which says “in the context of external events, is unmistakable, unambiguous, and suggestive of no plausible meaning, other than an exhortation to vote.”

I yield the floor.

Mr. DODD. I am happy to yield.

The PRESIDING OFFICER. Mr. SPECTER, the Senator from Delaware withhold? Who yields time to the Senator from Delaware?

Mr. DODD. I am on the side of the Senator from Pennsylvania.

Mr. SPECTER. How much time does the Senator have?

Mr. DODD. Five minutes.

Mr. DODD. I am happy to yield.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 5 minutes.

Mr. DODD. Mr. President, I am a supporter of McCain-Feingold, so I am not inclined to be supportive of anything that is going to make the effort that is underway less effective in controlling these kinds of ads. The distinguished Senator from Wisconsin inadverdently put in a two-test hurdle. I see the distinguished Senator from Maine. Maybe she can be helpful—that it would require, not only that you reach the Snowe-Jeffords standard but that you then have to meet a second standard, thereby making it even more difficult to control the kinds of ads we are trying to get at here.

I wonder if the Senator from Maine or the Senator from Wisconsin—or anyone—could tell me why they think the Snowe-Jeffords standard would, in fact, capture the kinds of ads that the Senator from Pennsylvania has been speaking to, which do not mention the name by name, or they mention by name but do not advocate whether to vote for or against that candidate. Why would the Supreme Court deny cert. But it is always mentioned the Supreme Court did not cert, and it is mentioned the Supreme Court does not cert because of the impossible inference, because if the Supreme Court did not like Furgatch, it would have taken cert.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware withhold? Who yields time to the Senator from Delaware?

Mr. BIDEN. Mr. President, I stand in support of the amendment of the Senator from Pennsylvania.

The PRESIDING OFFICER. Will the Senator from Delaware withhold? Who yields time to the Senator from Delaware?

Mr. BIDEN. I am on the side of the Senator from Pennsylvania.

Mr. SPECTER. How much time would the Senator from Delaware like?

Mr. BIDEN. How much time does the Senator have?

Mr. DODD. I am happy to yield.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 5 minutes.

Mr. BIDEN. Mr. President, I am a supporter of McCain-Feingold, so I am not inclined to be supportive of anything that is going to make the effort that is underway less effective in controlling these kinds of ads. The distinguished Senator from Wisconsin indicated to me while the Senator from Pennsylvania was speaking—and I apologize to tell the intervention of the Senator from Tennessee because I was not on the floor, so I may be being redundant, but it was indicated to me that at least some who support this legislation. McCain-Feingold, fear that if the standard being proposed by the Senator from Pennsylvania, which I support, is adopted, we will have inadvertently put in a two-test hurdle.
Mr. THOMPSON. That is what you get for asking me a question.

Mr. DODD. This is an important debate. I certainly yield 10 minutes or so, whatever.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. I yield time. Maybe the Senator moves on his time. It doesn’t matter. Continue, if the Chair will allow it.

The PRESIDING OFFICER. The time is under the control of the Senator from Kentucky.

Mr. MCCONNELL. How much time does the Senator from Delaware require? Five minutes?

Mr. BIDEN. I really don’t know.

Mr. MCCONNELL. I yield 5 minutes to the Senator from Delaware.

Mr. BIDEN. And I will yield to the Senator from Tennessee to continue his answer.

Let me back up. If I can say to my friend from Tennessee, the language in the McCain-Feingold bill on page 15 from Kentucky is under the control of the Senator from Tennessee.

Mr. BIDEN. I will continue. Maybe the Senator moves on his time. It doesn’t matter. Continue, if the Chair will allow it.

The PRESIDING OFFICER. The time is under the control of the Senator from Kentucky.

Mr. MCCONNELL. How much time does the Senator from Delaware require? Five minutes?

Mr. BIDEN. I really don’t know.

Mr. MCCONNELL. I yield 5 minutes to the Senator from Delaware.

Mr. BIDEN. And I will yield to the Senator from Tennessee to continue his answer.

Let me back up. If I can say to my friend from Tennessee, the language in the McCain-Feingold bill on page 15 from Kentucky is under the control of the Senator from Tennessee. I intruded on the time of the author of that provision enough on this. I will refer that question to her, if I may.

Ms. SNOWE. Thank you. I thank the Senator from Tennessee and I will be glad to respond to the Senator from Delaware.

In drafting this language, we attempted, obviously, to draw a very bright line, building upon the Buckley v Valeo decision back in 1976, that was issued by the Supreme Court.

At that time, the Supreme Court was obviously responding to the law that was on the books that was passed by Congress in 1974. And it used as examples the words, “vote for or against” as ways in which to define express advocacy.

Obviously that decision, nor their suggestions for examples, weren’t limited and Congress since that time has not passed legislation with respect to campaign finance. So, therefore, there is nothing for the Supreme Court to react to.

So we looked at the various Court decisions and decided that the way in which we can carefully calibrate legislation that would allow for disclosure and would require disclosure—and banning advertisements by unions and corporations within that 60-day period before a general election, 30-day period before the primary—would be a way of avoiding any constitutional questions.

And that bright line is referring to a clearly identified candidate for Federal office, that this communication is done 60 days before the general, 30 days before the primary.

Mr. BIDEN. If the Senator will yield, because I don’t have much time, I understand how it comes in. What I don’t understand, on whatever time I have remaining, and I thank the Senator for her response—I do not understand why that standard, A, would require disclosure, to have two standards to be met—if the language was added by the Senator from Pennsylvania which says—which when read as a whole in the context of external events is “unmistakably unambiguous and suggestive of no other opinion other than an exhortation to vote for or against a specific candidate”.

Granted three other circuits or four other circuits ruled differently than the ninth circuit, but it seems to me the most damaging decision—the most damaging thing that has happened to the electoral process has been Buckley. The single most damaging thing that has occurred in our effort to clean up the glut of money and the hemorrhaging of money, it seems to me that is well captured by the ninth circuit language.

I would rather run the risk of seeing that happen because this is the most damaging thing I have seen happen.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPEECHER. Mr. President, I wonder if I can direct a question to the Senator from Wisconsin. We were discussing this issue.

Is it the intent of this amendment to make it easier to identify an advocacy ad, and to see to it that what has been seen as an issue ad, which clearly urges the election of a candidate and the defeat of an opponent, is classified as an advocacy ad?

I believe the language of Snowe-Jeffords would be consistent, and this language would supplement. But if there is any doubt, the thought occurs to me that we might turn to page 15 where we find electioneering communications. It is i.ii.iii put into the disjunctive “or”, and pick up Furgatch, so that if you have an “or”, and you have severability, then if the Senator from Tennessee is correct, the statute would still have the Snowe-Jeffords language, which I think is going in the right direction. We would be adding that to that language.

Under the Senator’s latest suggestions—if it was either/or—you might have a situation where you would not have the Snowe-Jeffords language but only the new language “unmistakable, unambiguous,” et cetera, which we have been discussing.

If I am correct this is a constitutional problem in terms of vagueness, then we would be less likely to have that upheld than if it were coupled with what I believe is constitutionally permissible language under Snowe-Jeffords.

Mr. SPEECHER. If I may respond, if you have an “or”, and you have severability, then, if the Senator from Tennessee is correct, the statute would be upheld under the Snowe-Jeffords language.

If the Senator from Pennsylvania is correct, and either is possible, if Snowe-Jeffords were stricken as being insufficient under a Buckley case, but Furgatch and “or” was sufficient, and the amendment as it stands is satisfactory to pass constitutional muster, we would be able to have the one which survived constitutional challenge.
Mr. THOMPSON. If my friend will yield for a question.

Mr. SPECTER. I do.

Mr. THOMPSON. Could it be severable at that level? When we are talking about severability, we are usually talking about provisions or sections, and so forth. I don’t have the answer to this. The Senator from Pennsylvania might have the answer to this. The answer may be yes. But I wonder whether or not within this very specific provision or section, whether or not we have a provision where that would be severed so that either or language would come under the severability provision.

Mr. SPECTER. If I may respond, I believe that is exactly what severability means. That is what the Congress tries to figure out what the Court is going to do. It is pretty hard to do. We really can’t tell. We just had an extensive debate as to whether Snowe-Jeffords language is constitutional, and whether Furgatch is constitutional. If we put both in, how can we make a legislative record that we are looking for one or the other to be satisfactory, I believe that the language of severability means just that.

If you have a long statute and the Court strikes out one part of it saying it is wrong, it leaves the rest of it. If the rest of it passes constitutional muster, then it is constitutional. The severability issue really turns on constitutional doctrine as to whether the legislation makes sense if it is severed. The Court will strike it down if by striking down a certain clause the rest of it doesn’t carry out congressional intention.

Congress tries to avoid that by the severability clause. But putting in a severability clause isn’t an absolute guarantee that the Court might not say it is non-severable, notwithstanding the severability clause, because a part was stricken leaving the rest of it as unintelligible, or insufficient, or not really meaningful.

But in this context if we say in this legislation we have Snowe-Jeffords, or Furgatch, and if one of them messes up, then the statute survives.

Mr. THOMPSON. Assuming for a moment that the Senator is correct—and he may be—is my colleague going in this direction?

Knowing that we are going to have a severability vote a little bit later on, knowing that as of this moment we don’t know what the vote is going to turn out, would it be wise or appropriate to put this amendment off until after that vote?

Mr. SPECTER. I am willing to do that.

Ms. SNOWE. Will the Senator yield?

Mr. SPECTER. I do.

Ms. SNOWE. I appreciate what the Senator is trying to do with respect to the language. I hope we can defer in terms of the impact and what effect it would have on the overall language in Snowe-Jeffords. We are concerned about being substantially too broad and too overreaching. The concern that I have is it may have a chilling effect. The idea is that people are designing ads, and they need to know with some certainty without inviting the constitutional question that we have been discussing today as to whether or not that language would affect them as to whether or not they air those ads.

That is why we became cautious and prudent in the Senate language that we included and did not include the Furgatch for that reason because it involves ambiguity and vagueness as to whether or not these ads ultimately would be aired or whether somebody would be willing to air them because they are not sure how it would be viewed in terms of being unmistakable and unambiguous. That is the concern that I have.

In terms of severability, again, I would like to know whether or not, in the Senator’s view, the Court would consider that idea of having layers of judicial review if it is severable, in the meantime there may have been an impact or a deterrent to individuals or groups airing ads that are considered to be legitimate, but weren’t certain because of the ambiguity of the language that you are seeking to insert in McCain-Feingold.

Mr. SPECTER. Let me respond very briefly.

The thrust of Buckley is to require that there be a strong statement for or against. You may have a sufficient standard when you have identified a candidate within a given period of time. Or you may not because you may be sufficiently forceful to meet what Buckley is looking for as not being vague on “for or against” for somebody or against somebody.

Then you pick up an alternative standard, which Furgatch had, where the circuit court thought that was a sufficient statement: That you are for a candidate or against a candidate. Then I think you have both lines.

When the Senator from Tennessee suggests deferring the vote, I am agreeable to that. I would end most weight to having severability adopted if it has been to some specific reason in the statute.

I yield to the Senator from Connecticut.

Mr. DODD. First of all, this has been a very valuable discussion. While I think initially there was some concern about the Senator’s amendment, for the reasons articulated by the Senator from Tennessee and Senator from Kentucky, the Senator from Maine, the Senator from Wisconsin, and others, the suggestion that the Senator from Pennsylvania has made is a valuable one. The debate has been valuable.

There are some very serious issues that need to be thought through. The Senator from Maine has raised a very worthwhile question. I would strongly suggest that we lay this aside until the severability debate occurs. I think the Senator from Delaware agrees with that as well.

In the meantime, we can see if we can work on some language as well. Some of us may have some additional suggestions with the findings of fact. I say to my colleague, I could talk about some of those. I appreciate the need for findings of fact, but there may be a way of doing this a little less graphically than he has in some instances. We might have an agreement on this, pending the outcome of the severability debate. That is a very good suggestion.

But the Senator from Pennsylvania has made a very valuable contribution to this debate this afternoon.

Mr. SPECTER. I thank my friend from Connecticut.

Mr. President, I am prepared to accept the suggestion made by the Senate from Tennessee.

Mr. MCCONNELL. Will the Senator yield?

Mr. DODD. The Senator from North Carolina has an amendment.

Why don’t you make that motion then, ask unanimous consent to lay it aside?

Mr. SPECTER. I ask unanimous consent that this amendment be laid aside until the vote has occurred on the severability amendment, and that at that time the motion recur for debate.

Should we set a time limit at that time?

Mr. DODD. Why not just lay it aside. The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. Reserving the right to object. I am wondering if it would be more appropriate to simply withdraw the amendment and offer it again later.

Mr. SPECTER. I prefer to have it set aside. It has a certain status value. I will not object to any request to set it aside to offer other amendments.

Mr. FEINGOLD. That is satisfactory. The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, this has been a very valuable debate, as others have suggested. It demonstrates the complexity of regulating issue advocacy. I thank everyone who participated in this very enlightening amendment.

AMENDMENT NO. 124

Now, we have Senator LANDRIEU on the floor with an amendment that has been cleared on both sides. And if she will call that amendment back up—

Mr. DODD. Might I inquire of my colleague, is there going to be a requirement for a recorded vote on this amendment?

Ms. LANDRIEU. No. I am prepared to have a voice vote.

Mr. DODD. We might be able to inform our colleagues—

Mr. MCCONNELL. If I may, Senator HELMS is here and prepared to offer an amendment. We would like to lock in Senator HELMS’ vote. We can’t say “no more votes tonight” unless we lock in Senator HELMS’ vote. He is prepared to
offer his amendment at the conclusion of the Landrieu amendment. 

Mr. DODD. If I might make a unanimous consent request, I ask unanimous consent that when the Senate convenes at 9 a.m. tomorrow, there be up to 15 minutes on the pending Helms amendment, equally divided in the usual form, with a vote on or in relation to the amendment to occur at the use or yielding back of that time. 

The PRESIDING OFFICER. Is there objection? 

Without objection, it is so ordered. 

Mr. DODD. Then we can debate that amendment tonight. I understand there will be no further rollcall votes tonight; is that correct? 

Ms. LANDRIEU addressed the Chair. 

The PRESIDING OFFICER. The Senator from Louisiana. 

Ms. LANDRIEU. Would I be in order to ask unanimous consent that for this amendment there be a voice vote tonight? Of course, I will abide by the wishes of the Senator from North Carolina, the ranking member. I believe this amendment has been cleared. 

Mr. MCKENZIE. My understanding is there is no requirement for a rollcall vote on this side. So if the Senator would withdraw her amendment, and tell us what it is, it is my understanding it will be cleared, and a voice vote would be appropriate. 

Ms. LANDRIEU. I am resubmitting the amendment. The staff has been working on it. Basically, as I described earlier, this amendment would not require any additional recording, no additional work on behalf of the candidates. It would simply direct the FEC to come up with standards for software so that our recording would basically be done electronically, totally transparent and basically almost instantaneous. 

There would be no changes of reports, no requirements for new reports, no requirements for new work, just basically instantaneous transparency. 

I think both sides have argued—and I definitely agree—that full disclosure is definitely instantaneous transparency. 

The PRESIDING OFFICER. The amendment (No. 124), as modified. 

Without objection, it is so ordered. The amendment is modified. 

The amendment (No. 124), as modified, is as follows: 

SEC. 305. SOFTWARE FOR FILING REPORTS AND PROMPT DISCLOSURE OF CONTRIBUTIONS. 

Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by adding at the end the following: 

(12) SOFTWARE FOR FILING OF REPORTS.— 

(A) IN GENERAL.—The Commission shall— 

(i) promulgate standards to be used by vendors to develop software that— 

(D) REQUIRED POSTING.—The Commission shall, as soon as practicable, post on the Internet any information received under this Act. 

(B) ADDITIONAL INFORMATION.—To the extent feasible, the Commission shall require vendors to include in the software developed under the standards promulgated under subparagraph (A) the ability for any person to file any designation, statement, or report required under this Act to be filed in electronic form. 

(C) REQUIRED USE.—Notwithstanding any provision of this Act relating to times for filing of reports, if the information recorded under subparagraph (A) is not filed, or if the information recorded under subparagraph (A) is filed, is so ordered. 

The amendment (No. 124), as modified, was agreed to. 

Mr. MCCONNELL. Mr. President, the Senator from North Carolina is here, and before yielding the floor he may offer an amendment, I want to make a couple of observations about what he is trying to do, very briefly. 

With regard to union members' rights, we have had a vote on getting the consent of members with regard to their dues and how it may be spent. That has been called a poison pill. That has been voted down. We have had a vote on consent. We have had a vote on disclosure, trying to get the unions to disclose how they spend their money, the biggest player in American politics. There was an effort made on the floor of the Senate to get simple disclosure of how the money is spent. That was described as a poison pill. That went down. 

The Senator from North Carolina is here, and before yield the floor he may offer an amendment. If union members are denied the right to consent, they are denied the opportunity to learn from disclosure, now the Senator from North Carolina is going to give the Senate an opportunity to see whether or not they can be notified when something is going to happen with their money. 

Before he offers the amendment and takes the floor, I appreciate the good work of the Senator from North Carolina and I look forward to supporting his amendment. 

I yield the floor. 

The PRESIDING OFFICER. The Senator from North Carolina. 

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to make my remarks seated at my desk. 

The PRESIDING OFFICER. Without objection, it is so ordered. 

Mr. HELMS. I thank the Chair.
bill are antithetical to any reasonable notion of political freedom. And further, they make mockery of our time-honored tradition of free political discourse. I add only that limitations on the opportunity for citizens to participate in advocacy, especially during federal elections, serves only to enhance the power of the major news media, which consistently demonstrates their built-in bias against conservative candidates.

However, the problem today is to focus the Senate's attention on, arguably, a more pernicious violation of democratic principles countenanced—and, in fact, in some ways, exacerbated, by the well-intentioned McCain-Feingold legislation before me. The problem I shall address is this: the unapologetic practice by labor unions in using dues taken from their members as a condition of employment and the use of those dues for political purposes without approval of those working people—indeed, without their knowledge.

In the context of campaign-finance reform debate, we've heard many times the words of Thomas Jefferson, who declared, "To control the enormous contributions for the propagation of opinions which he disbelieves is sinful and tyrannical." But Mr. Jefferson's declaration cries out for repeated repetition: it is continued to happen year after year, election after election, as labor union bosses continue to spend the membership dues paid by union workers—spent on political causes bearing absolutely no relation to the collective bargaining process for which the union exists.

The amendment I propose makes certain that union members have full access to their rights regarding political spending by union bosses. This amendment will not only allow workers who, under the guise of collective bargaining, have been forced to pay union dues as a condition of employment, but who are also entitled to know that national labor union activity in the realm of politics goes far beyond the advocacy at the federal, state and local levels. That's a broad range of issues, Mr. President, and the union preeminence is certain to speak for its membership on each and every one.

But that's just the tip of the iceberg. Labor union activity in the realm of politics makes up the vast majority of the work we have just mentioned by Mr. Gold. According to the Americans for Tax Reform, Big Labor has mobilized for an array of left-wing causes, including opposition to the balanced budget amendment, opposition to ending entitlements, opposition to tax relief, and opposition to welfare reform. In fact, Mr. President, the Teamsters union spent almost $200,000 lobbying for a ballot initiative in the State of California to legalize marijuana.

It turned out, Mr. President, that one of the reasons that the Teamsters had given money in support of that particular ballot initiative was to further a money laundering scheme to pay for the election of Teamsters President Ron Carey.

And these examples don't begin to describe the daily activities that union bosses can engage in to further its political agenda. So the Teamsters contribution, including get-out-the-vote phone banks; communications with union members; assignment of workers to precincts; distribution of literature; and other regulated expenditures, make up the vast majority of union political activity.

Small wonder, then, that many employees forced to pay union dues as a condition of employment are unhappy that they are forced to finance the political activities of the union.

These union workers who object to the blatant use of coerced dues being used for political speech were finally given a ray of hope in a series of Supreme Court decisions that began to clarify the constitutional and statutory problems with such a scheme.

The constitutional problem with using forced dues for political speech was made clear when the Supreme Court decided in a 1977, when the Supreme Court decided Abood v. Detroit Board of Education. The Supreme Court held in that case that the first amendment guarantees an individual "the freedom to associate for ideas" as well as a corresponding right "to refrain from doing so, as he sees fit."

Mr. President, Abood is a landmark case debunking the notion that compelled political speech is consistent with constitutional rights. The Court had developed the right of freedom from coerced speech in a number of cases, the most prominent of which is Communications Workers of America v. Sanders. In that case, a "blue shirt" or "white shirt" telephone workers petitioned to withhold the amount of their union dues that supported activities outside the collective bargaining context.

The Supreme Court decided in favor of the workers, holding that an employee who is compelled to join a union in order to get a job, under a union security clause, could lawfully withhold...
the portion of his or her dues supporting activities not germane to collective bargaining, contract administration or grievance adjustment. The Court also held that if unions ignored an employee’s objection to the use of agency fees for such purposes, the union was in violation of its duty of fair representation.

Unfortunately, the Beck case applies only to employees who pay so-called “agency fees,” and a worker hoping to exercise his constitutional right to free speech must first resign from the union to petition for the return of dues used for union activities unrelated to collective bargaining.

This places the worker in an unenviable position of having to decide whether retaining his political integrity is worth giving up any voice in the union decision-making process.

I deeply admire the courage of employees who seek to exercise their political freedom in the face of union hostility, and believe they deserve honest, timely information about the rights guaranteed to them by the Supreme Court. But all too often, workers may be unaware that they have such rights. Because, Mr. President, unions have hid the truth guaranteed by Beck despite clear direction from the NLRB that both agency-fee paying nonmembers and union members alike were entitled to notification.

What’s worse, the NLRB often acts as a collaborator with union bosses, issuing a line of decisions making it easier for unions to hide Beck rights.

In California Saw and Knife Works—the main administrative decision implementing the Beck case—the Board gave unions broad leeway to (1) bury notification of Beck rights in the back pages of monthly newsletters; (2) pool its expenses in such a way as to hide costs to local bargaining units; and (3) rely on independent auditors instead of independent examiners.

To understand how far the union is willing to go in order to hide union worker rights from its members, one has to look no farther than the case of Keith Thomas. v. Grand Lodge of Independent Association of Machinists and Aerospace Workers. Here’s what happened in that case: In 1999, Congress passed the Labor-Management Reporting and Disclosure Act of 1959 LMRDA. At that time, the IAM informed its members of their rights under the new law.

And that’s it. During the next forty years, the union bosses at the IAM never lifted another finger to provide notice of rights guaranteed by Congress under LMRDA. As the Court put it, “The union argues that Congress was only interested in informing 1959 union members of their LMRDA rights, but was perfectly willing to let ignorance reign for the next forty years.”

The Court rightly noted that such a proposition was absurd and went on to hold that this one-time notice was insufficient to guarantee worker rights.

So my amendment, Mr. President, proposes what happened to Keith Thomas and his fellow union workers not be allowed to happen to any union member in regards to their rights under the Beck case. It simply provides that unions be required to provide annual, by-mail, of the rights guaranteed to them by the Supreme Court.

Specifically, the notice states the following:

You have the right to withhold the portion of your dues used for purposes unrelated to collective bargaining. The U.S. Supreme Court has ruled that labor organizations cannot force dues-paying or fees-paying nonmembers to pay for activities that are unrelated to collective bargaining. You have the right to resign from the labor organization and, after such resignation, to pay reduced dues or fees in accordance with the decision of the Supreme Court.

The Senate has already voted to deny workers financial information about the activities of the union. But even if the Senate is unwilling to provide reasonable disclosure of union expenditures, it can at least allow workers to know the rights guaranteed them by the Supreme Court.

Mr. President, I am absolutely convinced that adoption of this amendment is the only way to make sure that union members know the rights guaranteed by the Supreme Court. I hope the Senate will go on record as supporting full and fair access to information for American workers.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there is not a sufficient second.

Mr. HELMS. I understand. I will try again later.

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. DOMENICI. 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 Senator from New Mexico.

(The remarks of Mr. DOMENICI are located in today’s RECORD under “Morning Business.”)

The remarks of Mr. DOMENICI pertaining to S. 602, which are located in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

Mr. LEAHY. Mr. President, many of us have advanced or supported campaign finance reform legislation for many years, but without having the votes to prevail or even to obtain a full debate. Successful legislation to reform campaign finance laws usually has had to follow on the heels of particular campaign finance scandals, such as the Watergate affair.

It is different this time. The reason that campaign finance reform has been given a prominent and early place on the Senate’s calendar is that sufficient support has risen up from the grass-roots to ensure that this debate takes place. Hundreds of thousands of Americans have signed petitions or called their representatives in Congress. Rallies have been mounted in cities and towns from coast to coast. And Senators MCCAIN and FEINGOLD have built enough political capital for this bill that, in a very real sense, on this issue they have become the public’s messengers to the Congress.

I commend our Senate leaders, as well as Senators MCCAIN and FEINGOLD, for creating a framework for this debate that has contributed to its constructiveness. This is the kind of open debate that was usual when I joined the Senate 26 years ago but that has become rarer in recent years. The Senate tends to be at its best in open debate like this.

Washington has spent much of the first 3 months of this year fulfilling President Bush’s pledge to make the Nation safer for huge corporations. Let us count some of the ways. First, Congress rushed to make its first order of business the repeal of the Department of Labor’s 10-year moratorium on revised mandatory ergonomics regulations to make workplaces safer for the American people. Next Congress spent weeks on a bankruptcy bill that lobbyists had convinced us to skew so that it would further increase the risks of credit card companies. And now, in rapid-fire succession, the White House is rolling back one environmental protection after another, affecting the very air we breathe and the water we drink.

At last, with this debate, we are finally tackling one of the true priorities of the American people: the mandate that Senator MCCAIN earned with his extraordinary grassroots campaign to reform the way we finance our elections.

We owe Senator MCCAIN and FEINGOLD a debt for their dedicated and persistent support of such an important and necessary improvement to our election process, and I am proud to be a cosponsor of their bill.

The main component of the McCain-Feingold bill is a giant step toward eliminating soft money from the electoral process. The raising and spending of soft money proliferated tremendously since we last amended the Federal Election Campaign Act in 1979. In 1984, both political parties raised $22 million in soft money. In the 2000 election cycle, they raised $463 million in soft money alone. The political parties raised more than 20 times as much in soft money last year than they did in 1984. The hundreds of millions of dollars that flow into campaigns without any accountability increase the likelihood that money will have a corrupting influence on our electoral system.

The American people are being bombarded with television advertisements, mailings and newspaper ads funded by soft money. Often, the
amount of money being spent by candidates themselves is dwarfed by the amount of soft money spent by others in their own races. The ban on soft money that the McCain-Feingold bill demands is an essential step toward the elimination of the enormous amount of money pouring into campaigns. Some opponents of the bill claim that banning soft money is unconstitutional. Senators Mccain and Feingold have taken extra measures to ensure that the provisions in this bill comply with the Supreme Court’s 1976 decision in Buckley v. Valeo. The court ruled that the Constitution permits the Government to regulate the flow of money in politics to prevent corruption or the appearance of corruption.

Political service remains a worthy calling, but anyone who enters it these days encounters a campaign fundraising system that is debilitating and demeaning and distasteful. The fact that we so clearly have ineffective checks on the spiraling cost of campaigns and on the way campaigns are financed has tarnished our institutions of Government as well as the people we elect to those institutions.

It is important to bring our election process and Government back to the time when elected officials felt accountable to all of the people they represent, not disproportionately to the wealthy few. Our present system gives the wealthy a megaphone for expressing their views, while other Americans—the “financially inarticulate”—are left without an effective voice.

That is why I have felt it important to take steps on my own to increase Vermonters trust in how I conduct my campaigns. Though not required by law, I have disclosed every nickel in contributions I have ever received since I first ran for the Senate in 1974, and I use no political action committee money in my last two election campaigns. Passing the McCain-Feingold bill—without any amendments designed to weaken it or destroy it—is a fundamental step all of us can take to fix a system that is in dire need of repair. Vermonters and all Americans want to have faith in the campaign and election process. They want to believe that their Government is working in the public’s interest, not on behalf of the special interests. Eliminating unregulated soft money will help to give us democracy back to the people.

I hope the Senate will not let this opportunity for reform slip away. I hope the Senate will approve this important and long-awaited bill and will refrain from adding any amendments that would jeopardize or kill this important effort.

UNANIMOUS CONSENT AGREEMENT—S.J. RES. 4

Mr. McConnell. Mr. President, pursuant to the agreement of February 7 with respect to S.J. Res. 4, I ask unanimous consent that the Senate proceed to the resolution on Monday, March 26, at 2 p.m. and the time between 2 p.m. and 6 p.m. be equally divided between Senators Hollings and Hatch. I further ask unanimous consent, at 6 p.m. on Monday, the resolution be placed to third reading and a vote occur on passage without any intervening action or debate, notwithstanding paragraph 4 of rule XII.

This is the Hollings constitutional amendment.

Mr. Dodd. Reserving the right to object, this is on Monday?

Mr. McConnell. Right. It is my understanding this had been cleared. This is a vote on the Hollings constitutional amendment. The debate would occur from 2 to 6 on Monday.

Mr. Dodd. With a vote at 6 p.m.

Mr. McConnell. At 6 p.m.

Mr. McCain. Is it also the understanding that there will be debate on the amendment starting at noon?

Mr. McConnell. Correct. There would probably be more than one vote at 6 o’clock. It would be a vote on the Hollings amendment and other votes—vote or votes, as well.

Mr. Dodd. That is not part of the unanimous consent package?

Mr. McConnell. No. It is the intention of the managers to have more than one vote at 6 o’clock.

Mr. Reid. Reserving the right to object, the Senator from Wisconsin had a question.

Mr. Feingold. Mr. President, is the Hollings amendment being handled as an amendment to this legislation or as a separate piece of legislation?

Mr. McConnell. A separate piece of legislation.

Mr. Feingold. I thank the Senator from Kentucky.

Mr. McConnell. An issue upon which the Senator from Wisconsin and I are in agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. Gramm. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET COMMITTEE MARKUP OF BUDGET RESOLUTION

Mr. Byrd. Mr. President, I am a product of the West Virginia coal fields. I remember my heritage, and I am proud that it has served me well throughout my political career. I remember the legendary president of the United Mine Workers of America, John L. Lewis, who was a great admirer of Shakespeare, as I recall him in those days. And he once advised union coal miners of the adage: when ye be an anvil, lie very still, when ye be a hammer, strike with all thy will.

Mr. President, I am not an anvil—not an anvil—which explains, in part, why I joined the Senate Appropriations Committee this year. First, I am very concerned about Congress approving permanent tax cuts based on highly uncertain surplus estimates, which threaten to put us back in the deficit ditch. Second, I strongly oppose the use of the reconciliation process—now, Mr. President, that is the way I have pronounced that word for years. I was called to order a little earlier today because I did not pronounce it “reconciliation,” which is all right with me, just so it is understood what we are talking about—to ram a $2 trillion tax-cut package through the Senate. Such a misuse of the reconciliation process abuses the rights of every Senator to debate this significant legislation.

Finally, there is an important fact. In recent years, I have become increasingly concerned about the unrealistically low spending levels established by the annual budget resolutions for programs under the jurisdiction of the Appropriations Committee, on which I have served the past few years, and which is chaired by the most able and distinguished Senator from Alaska, Mr. Stevens, who recently won the award “Alaskan of the Century.” And I would say at this point, I think he is the Alaskan of the Century. He deserves that award.

These unrealistically low funding levels in recent budget resolutions have forced the Appropriations Committee to resort to all manner of gimmicks and creative bookkeeping to ensure that we could adequately fund the 13 annual appropriations bills, despite not having sufficient resources to address the ongoing infrastructure needs of the Nation, much less begin to address the funding needs for those funding needs in many critical areas.

So as a member of the Budget Committee, my hope was that this year I would be able to assist in drafting a budget resolution that would more accurately determine the spending levels that will be necessary to produce the FY 2002 appropriations bills. I wanted to actively participate in that committee in a markup of the budgetary blueprint that will guide the Nation’s fiscal policy, not only for FY 2003, but for the next decade. This year’s budget resolution will address not only the discretionary funding needs to which I have alluded, but also will involve efforts to allow for perhaps a massive tax cut of $2 trillion or more, over the next 10 years. That is a big—$2 trillion is just something that is beyond my comprehension, and probably that of most Members of this body.

I might say to the distinguished Senator from Florida, who is a prophet, he said the Senate that, much to his surprise, perhaps, it would take 32,000 years to count $1 trillion at the rate of $1 per second. At the rate of $1 per second, it
would take 22,000 years to count $1 trillion. That is a little more money than we are used to counting in West Virginia. But when we talk about a $2 trillion tax cut, that means it would take 64,000 years to count $2 trillion at the rate of 1 penny per second. Perhaps that will give us some better idea of how much $1 trillion really is.

This year’s budget proposal will also be based on flimsy 10-year surplus projections, that, I assure you, are not worth the paper on which they are written.

Marvel at how much confidence we put in projections of the surpluses over the next 10 years when we cannot really judge 24 hours ahead that the stock market is going to drop 436 points.

It was for these reasons, Mr. President, that I was pleased to see that the distinguished Chairman of the Senate Budget Committee, Senator DOMENICI, and his very capable allies on the Budget Committee, Senator CONRAD, scheduled a series of highly informative hearings in order to enable the 22 members of the committee to have the views of an outstanding group of experts before it was time for those committee members to vote on the Senate’s budget resolution. Committee members did benefit by actively participating in those hearings and by interacting with a vast array of expert witnesses, who addressed such important subjects as: the Nation’s security needs; the need for prescription drug benefits for Medicare recipients; the need to reform Social Security and Medicare, and other health care issues, education needs; national security needs, including the need for a national missile defense system; the problems of our Nation’s farmers; and questions as to how much of the national debt can be retired over the coming decade. We had an opportunity to have the views of such experts as Federal Reserve Chairman Alan Greenspan—on such questions as to whether a tax cut should be enacted, and if so, how large. We had the Deputy Director of the Congressional Budget Office, Mr. Barry Anderson, testify on the CBO’s projections of surpluses and the likelihood that their 10-year projections would come to pass. I know that I gained a greater understanding from these expert witnesses, but also from the very incisive questioning of the witnesses by virtually every member of the Senate Budget Committee.

Having heard these witnesses, Mr. President, and having had a chance to enter into a dialog with them regarding these great issues facing the Nation, I have become very concerned in recent weeks that the Budget Committee chairman might be entertaining the idea that there should be no committee markup of the budget resolution at all this year. I inquired of the very able chairman on two occasions during the committee’s hearings as to whether the chairman intended to mark up the budget resolution.

I am concerned at the prospect that the Senate will take up this year’s very important budget resolution without having the benefit of the committee’s respectful recommendations. I am pleased to report that an accompanying Budget Committee report. It is because of this concern that I joined my Democratic colleagues on the committee in signing a letter to our able committee chairman requesting a markup of the budget resolution before the April 1st statutory deadline. As pointed out in the letter, circumventing a committee markup of the budget resolution is unprecedented and has never been done before in the history of the Senate Budget Committee, as far as I have been able to determine. It ought not to be done this year, of all years. If we do not intend to mark up a budget resolution, then I ask the Senate, why did we go through the process of hearing testimony on this hearing process merely intended to be a charade to enable the leadership of the Senate to act as though it had fulfilled its responsibilities, while knowing all along that there was no intention of allowing any member of the committee an opportunity to participate in a committee markup? If that be true, it didn’t really matter, then, in the end, perhaps, what the witnesses said or what the questions of the Senators on the committee revealed.

Is none of this knowledge to be utilized during the forthcoming days of debate on the resolution? Why should we not have had a markup, a markup where Senators may offer their amendments to the Chairman’s recommendations and have those amendments debated and voted upon, either up or down?

Having been chairman of the Appropriations Committee in the Senate for over 30 years, I know how that works. The chairman prepares, with his staff, the bill or resolution that is to be worked on by the committee, and that is what we call the chairman’s mark, and, of course, it is always made available to the ranking member what the appropriations bill mark will be. Then laying it before the committee gives every member a chance to offer amendments thereto, have them voted up or down, and debate the bill. I appreciate the some fear that such a markup of a budget resolution would result in a deadlock, that a tie vote might occur on adoption of the budget resolution. That concern should not in any way prevent the Budget Committee from marking up a budget resolution. If such an event occurs, if the committee were to be deadlocked on reporting this year’s budget resolution, there would still be no impediment to having the leadership call up the budget resolution. In other words, the budget resolution itself can be called up on April 1 and, if it is not reported from the committee by April 1, the committee is automatically discharged of the resolution. So the Senate could be assured that even if there were a tie vote in committee, the resolution could still be called up by the majority leader.

The agreement that was entered into not too long ago by the majority leader and the Democratic leader and by the Senate as a whole provided that in the case of a tie vote in committee, the majority leader could proceed to call up the resolution. That is in accordance with the agreement, as I understood it, that we entered into earlier this year.

In other words, the leadership would still have the ability to call up the Republican chairman’s budget resolution. But the American people, as well as other Members of the Senate and their staffs, will have an opportunity to watch and listen to the debate, if we had a committee markup. This would be healthy for the budget process. It would greatly enhance the knowledge that the American people have of what is going on in committee. Such a markup, as well as those who might observe it.

It does not bode well for the Senate or this administration, for that matter, in my judgment, to begin this year’s budget process in an unprecedented note.

I repeat the request that we Democratic members of the committee have made in our earlier letter to the chairman of the Budget Committee, namely, that the committee have the opportunity to participate in a committee markup. If that be true, it didn’t really matter, then, in the end, perhaps, what the witnesses said or what the questions of the Senators on the committee revealed.

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the document that we have received from the Bush administration entitled “A Blueprint for New Beginnings,” we find that table S-4 on page 188 contains the following items under the heading “Offsets”: Non-repetition of earmarked funding $-4.3 billion; non-repetition of one-time $-4.1 billion, and Program decreases $-12.1 billion. The figures again, to repeat them, $-4.3 billion, $-4.1 billion, and $-12.1 billion, minus in each case, respectively. And following these three cuts in discretionary spending for fiscal year 2002 is a footnote which states: “The final distribution of offsets has yet to be determined.”

So, Mr. President, we have no idea as to what the specific reductions will be for $20 billion in spending cuts that are proposed on page 188 of the President’s “blueprint” for this year’s budget.

We do know that nondefense spending overall will have to be cut $5.9 billion below what the Congressional Budget Office says is necessary to maintain purchasing power for current service levels. We know the Agriculture Department will be cut by 8.6 percent. The Commerce Department will be cut by 16.6 percent. The Energy Department will be cut by 6.8 percent. The Justice Department will be cut by 8.8 percent. The Labor Department will be cut 7.4 percent. The Transportation Department will be cut by 15 percent.

What we do know—what we cannot know until the President submits his complete budget on April 9—is what specific programs the administration proposes to cut, and by how much, in order to accommodate the President’s $2 trillion tax cut plan. So we are operating in the dark; really, that is what it amounts to. Why should Senators be asked to take up and adopt a budget resolution calling for a $2 trillion tax cut without knowing the specific spending cuts that would be required to pay for it? Why, in other words, why should we pay $5 billion in spending cuts to be charged equally on both sides? Before we are asked to adopt such a budget resolution we should be given not only the complete budget, or the benefit of having a committee markup. So I wonder if the inmates have not finally taken over the asylum.

Earlier, I commented on how the budget process has been taking on the appearance of being a committee markup. But I wonder if we have reached the point where the Senate is in a prolonged quorum.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I will soon suggest the absence of a quorum and ask that the time be charged equally to both sides. Before that, if all of the time is used on this amendment, what time would the vote occur?

The PRESIDING OFFICER. Approximately 4:35.

Mr. McCONNELL. I say to the Members of the Senate who may be listening, or staff members, it is our hope to vote well before that.

I suggest the absence of a quorum and ask unanimous consent that the time be charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Ms. STABENOW. Mr. President, I have just come from the Senate Budget Committee where we have concluded a series of hearings. We have now held 16 different hearings on all facets related to the budget, tax cuts, and domestic spending. I am very deeply concerned about the anvil of free and unlimited debate. I don’t mind having a limitation, as far as that is concerned. I may be very opposed to such a radical tax cut, but I am not for killing it by filibuster. That would not be my desire at all. The committee should be allowed to offer amendments and have those amendments be considered and voted upon. I studied for these hearings like a school boy preparing for an exam. I am new on the committee and I wanted to understand about the budget and about the new President’s proposals so that I could be a useful force—limited though I may be—at the committee markup. I have had staff prepare amendments which I had hoped to offer. There were only the hearings which many members so faithfully attended are going to amount to little more than a TV show with Senators on the committee serving as convenient props. Why have a Budget Committee at all if the committee is not going to be allowed to work its will on the budget resolution? Why ask questions? Why have testimony? Why take up the time of witnesses and members? Especially when the new budget embodies such radical tax cuts and deep spending cuts, the committee should be able to work its will. That is all I am asking. So I hope the distinguished Budget Committee chairman will think about this more over the weekend and reconsider his earlier announced intentions. Especially when the budget sets fiscal policy for the next 10 years, the committee should be able to work its will. Especially when the American economy has lately been behaving like a roller coaster, as we have been at the State fair, the committee should be able to work its will.

The Budget Committee hearings must not be reduced to a “Gong Show” charade designed to make members feel good, but deny them any real vote. I hope the decision to avoid a markup will be revisited. I hope it will be revisited. The Senate deserves the full committee’s judgment and nothing less.

Mr. President, I thank the distinguished Senator from Kentucky, Mr. McCONNELL, and I thank the distinguished Democratic whip, Mr. Reid, and all other Senators, for the opportunity to make these remarks. As I said earlier, I would not have come to the floor at this time were it not for the fact that I noted on the television screen that the Senate was in a prolonged quorum.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I will suggest the absence of a quorum and ask that the time be charged equally to both sides.
the Congressional Budget Act of 1974. When you think about it, this is at a time when we have seen our new President come forward to reach out his hand and talk about bipartisanship. Yet, once again, we are forced to come to the floor of the Senate and ask to be part of legislation that will happen and truly move ahead in a bipartisan fashion.

It is not enough just to speak about bipartisanship, just as it is not enough to just speak about issues. Our constituents expect us to act. And we have a right to expect that we will have a serious discussion about the issue. One issue that I think needs great debate is the issue of protecting the Medicare bate is the issue of protecting the Medicare trust fund, which drives this economy, reduced labor productivity, which drives this economy, reduced technology and education investment, which drives this economy, reduced productivity and Medicare for the future, education, and to make sure we have outlined the important for our families. And to make sure we have outlined the priorities for the country that are most important for our families.

The American people need to understand that we have, as we have heard over and over again in the Senate Committee, our hands off Social Security and Medicare and protect it for the future.

In this budget, we go in the exact opposite direction. We not only don’t protect it and strengthen it by adding dollars for the future, it is put over into spending which, in fact, could cause Medicare to become insolvent 15 years sooner, when we expect the strain of the baby boomers coming into the system and the fact that we are going to have a long-term liability on Medicare and Social Security.

The American people need to understand that if we don’t protect the Medicare trust fund, there will be a severe strain when baby boomers begin to retire in 2012. This could mean benefit strain when baby boomers begin to retire in 2012. This could mean benefit strain when baby boomers begin to retire in 2012. This could mean benefit strain when baby boomers begin to retire in 2012.

One issue that I think needs great debate is the issue of protecting the Medicare trust fund. We have found, during this budget process, that the President’s budget does not protect the Medicare trust fund. The President’s budget does not protect the Medicare trust fund. The President proposed to lockbox for Social Security and Medicare, and say—as the American public wants us to do—that we will keep our hands off Social Security and Medicare and protect it for the future.

In this budget, we go in the exact opposite direction. We not only don’t protect it and strengthen it by adding dollars for the future, it is put over into spending which, in fact, could cause Medicare to become insolvent 15 years sooner, when we expect the strain of the baby boomers coming into the system and the fact that we are going to have a long-term liability on Medicare and Social Security.

The distinguished Senator from West Virginia made was we are that we approve this budget resolution and show, in fact, that we can work together on behalf of the families we represent. I urge the Republican leadership to allow the Budget Committee to do our work and allow us to come together to protect Social Security and Medicare for the long haul. To make sure we are paying down the debt for the future for our children, and to make sure we have outlined the priorities for the country that are most important for our families.

BUDGET RESOLUTION

Mr. DOMENICI. Mr. President, a little earlier in the day, a very distinguished Senator from West Virginia made a speech. On March 3, the CBO gave some preliminary estimates on that. Just look at this schedule: On February 17, the President sends us this vision, this document of a few pages, and by March 12, less than 1 month, the Senate Budget Committee, on its own, independently, they had the majority, we had the minority—guess what. They reported out a budget resolution.

Then the House Budget Committee did that by March 15, less than a month.

Then on March 18, 1 month after the issuance of the “Vision of Change for America” proposal—and I call it a proposal—the conference report was filed on the 1994 budget resolution. The House agreed to the conference report, and on April 1 the Senate agreed to a conference report on the 1994 budget resolution.

Guess when the Senate in 1993 got the budget of the President of the United States? On April 8, 8 days after they had already approved everything, including a budget resolution.

I only state that because it was suggested that it was sort of untoward and maybe not the best thing for us to do the budget resolution before we have the President’s final documents, the detailed documents.

President Bill Clinton asked his democratically controlled Congress to approve a budget resolution before he sent them the budget, and they did. That is all right with me. I was a member of the opposition. I argued as much as I could against what I thought was not the right thing to do, but understand that by April 1 everything was finished in both Houses on a budget resolution aspect, following on with the President’s plans, and the President had not yet put his budget together in detail.

We have as much detail today, I assure you, Mr. President, as the Senate and House Budget Committees had when they produced budget resolutions less than 1 month after the President issued his vision plan, a rather flimsy
document, not much of a budget document, much like our President produced. We do not call that little vision document a budget; they are still working on it.

I want everyone to know it will not be undone. It will be very much in accord with the way we have done things, to follow our Democratic brethren and do the very same thing. The President will not have his budget in detail. We will have a budget resolution. It is not a detailed budget either; if anybody thinks it is.

People say: You must know about every program in the Federal budget, as if in every budget document we deal with every program in the Federal Government. It will come as a shock, but we do not. We deal in large functions, large pieces of the budget, because that is all we have jurisdiction over. Nobody gave us jurisdiction over the details.

I sent this to Senator BYRD since he spoke about the chairman of the Budget Committee and wondered why we could do a budget resolution before we had a budget.

I repeat—they are pretty good role models, but on the other side of the aisle—that is what they did for their President. We are going to try very hard to do that for our President. The only difference is we do not have 54 votes that carry “R” after the name; we have 50. We are trying very hard to ask our Democratic colleagues of them—to help us do for our President what the Congress did for their President when he was first elected to the Presidency; that is, help us get a budget resolution out and not just wait around for a budget; do it quickly; do it as fast as we can.

I have a commitment from the leadership that we are going to take this budget resolution up as quickly as we can under the very rigorous schedule we now have. And we are not going to get huge cooperation on the other side, although I hope a couple Senators will help us, because it still has to be filled in by the committees. We just want to lay the groundwork that President Bush deserves to get his budget considered in exactly the same way President Clinton did. The only thing he can hope for is that he have 54 votes as President Clinton had. Then he would get his plans adopted in both bodies in less than one month from the time his few pages of “here is what I want to do in the future.” It wasn’t a budget. It wasn’t a budget by either President.

With this budget resolution, we want to do it as quickly as possible, April 1 or April 16 or 4 or 5 days.

In addition, we want a big piece of that budget to be economic recovery. That means we are going to propose, hopefully—I haven’t worked it out with everybody yet—$60 billion of the 2001 surplus there is a big surplus sitting there this year. That $60 billion will be allowed in a bill, in a composite bill, to give back to the taxpayers because it is surplus that we ought to return to them. I don’t know what way to return it to them. That can be debated. I don’t think there can be any debate with what we see in the American economy. Expendiency is a rule. Economic recovery is the first venture and our paramount venture going in.

We will propose a $60 billion surplus be given back to the American people in the most judicious and prudent way possible. And we pass the President’s marginal tax cut along with it. We won’t ask for all of the rest of the taxes in that first round. People are worried about it being too big. This will be a package made up just of the marginal rates and the $60 billion this year.

It will send a signal, if we can get cooperation to do this. It will not only send a signal that we are responding to the economic conditions, whatever plant closures, whatever responses there are out there, and the marketplace.

The business executives are thinking, at least we can act quickly, and we have an economic recovery part of this plan which is pretty good. I say to any person who think the marginal rate reduction should not be part of whatever return of surplus we have for this year, they just ought to ask those who really know about what will send a positive signal to the American economy and another one. That is in addition to the refund, rebate, tax cut, whatever you want to call it, giving back $60 billion. If you reduce the marginal rates permanently and tell the American people it is done, they will say, for once, when it is quick, they did something right, and our hats are off to them. That will be their milestone.

If we can’t do that and somebody thinks we can fix it all with a $60 billion return of surplus and put off the rest, you can’t do that and have any big impact on this economy.

Let me repeat, if the only package is to return a portion of this year’s surplus, you cannot have an impact on the American economy. It is not big enough, even though it is $60 billion. And you get no permanency built into the notion that the marginal rates for the American taxpayers—that means everybody’s tax rate—should be reduced from the top brackets to the lowest brackets.

That is about the way things are today. I am very pleased the Republican Congress at least as I read them, as I made this presentation to a group of Republican Senators—not everyone; some Senators were busy on the floor—I saw a willingness to move, to do something, to let the tax-writing committees do the job and decide to do this. We will say you have free reign to do this in these particular dimensions I have just described.

I ask unanimous consent to have printed in the RECORD the budget schedule for winter/spring, 1993.

Expediency is a rule. Economic recovery is the first venture and our paramount venture going in.
minute to minute, on TV. It is not as-
assured that will occur with a markup in
committee, but we will have it, full
time, every moment we speak.

Having said that, we will put to-
gether this budget as quickly as we can.
More than 500 hours. Members and even-
tually, as soon as we can, we will share it with the other
side of the aisle. But essentially, they
will have ample time in the 5 days we
debate this, 50 hours. Do you know how
long that is? We won’t get out of here before Easter.

CLIFF TARO

Mr. MUKOWSKI. Mr. President, a
few weeks ago I went home to Ketch-
ikan, AK. It was the first time since I
became a U.S. Senator, 20 years ago,
that my good friend Cliff Taro was not there to meet me. He was a par-
tional man and embodied the true
Alaskan pioneer spirit. Earlier this
year, Cliff died. I truly miss him.

Cliff first came to Alaska in 1943, as
a Sergeant in the U.S. Army Trans-
ports. He was stationed at the Excur-
sion Inlet near Juneau. This was a sub-
port to supply the war in the Aleu-
tians, and where Cliff received first
hand experience and an interest in ste-
vendors, his future occupation. After 4
years in the Army, where he advanced to
the rank of captain, he went to work
for Everett Stevedoring in 1946. He
married his wife Nan on August 21, 1949
in Bellingham Washington and in 1952,
Cliff, Nan and their two children, Jim
and Debbie, moved to Ketchikan and
started Southeast Stevedoring Cor-
poration.

Cliff’s accomplishments, interests
and awards are abundant. He was a
member of the Marine Section of the
National Safety council for more than
25 years, as well as serving on the
Board of Governors of the National
Maritime Safety Association. Cliff was
a member of the Alaska State Chamber
of Commerce for 40 years, served on its
board of directors for seven years, and
was both vice president and president
of the Chamber. Additionally, he was a
charter member of Alaska Nippon Kai,
a Japanese trade arm of the Alaska
Chamber of Commerce. He was a mem-
ber of the Korean Business Council and
co-founder of and Treasurer of Ketchikan’s
Save Our Community. Cliff represented Alaska on the Seattle
Mayor’s Maritime Advisory Committee
and had been trustee and member of the
Alaska Council on Economic Edu-
cation.

Cliff was a member of Governor Keith
Miller’s Task Force to Washington, D.C. to successfully lobby for the Alas-
ka Pipeline. He accepted an invitation by President Jimmy Carter and Gov-
er Jay Hammond to participate in a seminar on Foreign Trade and Export
Development. Cliff traveled, with me,
and other members of the Alaska State
Chamber of Commerce, Native leaders
and State of Alaska officials to Eng-
land, Scotland, the Orkney Islands and
Norway to survey and observe the ef-
effect of off shore drilling on their com-
munities and how this might similarly
affect Alaskan communities.

Cliff served as Alaska Southeast Finance Chairman for my re-election to the U.S.
Senate. He was a life member of the Pioneers of Alaska, member of the
B.P.O. Elks, American Legion, Theta Chi Fraternity, National Association of
Independent Businessmen, National As-
sociation of Stevedores and a 45-year
member of the Rotary Club as well as a
Paul Harris Fellow.

In 1985, Cliff was awarded the Out-
standing Alaskan Award by the Alaska
State Chamber of Commerce. In 1980 he
was awarded an Honorary degree of
Doctor of Humanities from the Univer-
sity of Alaska Southeast. In January
1992 he was elected to the Alaska Busi-
ness Hall of Fame. He was the 2000
Ketchikan Chamber of Commerce Cit-
izen of the Year, and Nancy and I were
proud to be able to present him and
Nan with this tribute.

Cliff was a supporter of little league
and could often be found at the ball
park or Ketchikan High games cheer-
ing on his grandchildren.

Cliff’s death followed the earlier
passing of his wife Nan. Survivors in-
clude their son Jim, and their daughter
and son-in-law Debbie and Bob Berto.
He is also survived by four grand-
children: Jennie, Ethan, Brian, and
Anna.

Cliff was my friend. He will be missed
by all Alaskans.

WOMEN’S HISTORY MONTH

Mr. SARBANES. Mr. President, I rise
today in recognition of Women’s His-
tory Month. This time has been appro-
priately designated to reflect upon the
important contributions and heroic
sacrifices that women have made to our
Nation and consider the challenges
they continue to face. Throughout our
history, women have been at the fore-
front of every important movement for
a better and more just society, and
they have been the foundation of our
families.

In Maryland, we are proud to honor
those women who have given so much
to improve our lives. Their achieve-
ments illustrate their courage and te-
nerity in conquering overwhelming ob-
stacles. They include Margaret Brent,
who became America’s first woman
lawyer and landholder, and Harriet
Tubman, who risked her own life to
lead hundreds of slaves to freedom
through the Underground Railroad. Dr.
Helen Taussig, another great Mary-
lander, developed the first successful
medical procedure to save “blue ba-
bies” by repairing heart birth defects.
Her efforts laid the groundwork for
modern heart surgery. We are all in-
debted to Stevedore Thad Garrett and
Martha Carey Thomas who donated
money to create Johns Hopkins Med-
ical School on the condition that
women be admitted. And jazz music
would not be complete without the un-
forgettable voice of jazz singer Billie
Holiday who also hailed from Balti-
more City. Their accomplishments and
talent provide inspiration not only to
Marylanders, but to people all over the
globe.

A woman who illustrates the com-
mitment of the women of Maryland is
my good friend and colleague from
Maryland, Senator BARBARA MIKULSKI.
Senator MIKULSKI has served longer
than any other woman cur-
rently in the Senate, played a key role
in establishing this month. In 1981, she
cosponsored a resolution establishing
National Women’s History Week, a
predecessor to Women’s History Month.
Today, I wish to honor her dedication
to the service of the people of
Maryland and this Nation.

While we recognize famous women,
it is important that we acknowledge the
contributions of others who daily
toil in the background, is one who
spoke to student groups, inspiring
young people to aim for goals beyond
what they may have otherwise imag-
ined. And the stay-at-home mothers
who devote enormous time to chauffeur
their children and others from activity
to activity, knowing that these many
hobbies stimulate a child’s interest and
desire to learn. These modern day hero-
ines, giving of their time, knowledge,
and expertise must not be taken for
granted.

Women have made great strides in
opening our historic equality and bias
but they still face many obstacles. Un-
equal pay, poverty, inadequate access
to healthcare and violent crime are
among the challenges that continue to
disproportionately affect women.

Working women earn 74 cents to every
dollar earned by men. What is more
troubling is that the more education a
woman has, the wider the wage gap.
According to a recent Census Bureau
report, the average American woman
loses approximately $329,000 in wages
and benefits over a lifetime because
of wage inequality. Families with a fe-
male head of household have the high-
est poverty rate and comprise the ma-
ajority of poor families.

We must continue to be under-
represented in high-paying professions
and lag significantly behind men in enroll-
ment in science programs. Increasing
the number of women in these fields
begins with encouraging girls’ interest
and awareness in school.

In the 21st Century, we must also
address the special challenges of older
women. Women live an average of 6
years longer than men. Consequently,
Mr. COCHRAN. Mr. President, the National Security Education Program has released an Analysis of Federal Language Needs. This analysis will appear later this year as part of its annual report. The report confirms the need to support foreign language instruction at the elementary and secondary education level.

It also is compelling evidence that the Senate should pass S. 541, the Foreign Language Acquisition and Proficiency Improvement Act, which will provide assistance to schools for foreign language instruction. I ask unanimous consent that the March, 2001, National Security Education Program Analysis of Federal Language Needs, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL SECURITY EDUCATION PROGRAM

SURVEY RESPONSES

The responses to the 2000–2001 survey confirmed the significant needs for language and international expertise in the federal sector. In addition, respondents indicate that when language expertise is either required, or an important asset to an organization’s missions and functions, the language must be at the advanced level. The responses show that the demand for advanced language skills exists across the board. Agencies from all functional areas—political/military, social and economic—vouch that professional proficiency in languages is imperative to the function of their missions.

The chart at Attachment C provides some additional insight concerning languages identified by federal organizations and the advanced levels of expertise associated with these requirements. Eleven languages (French, Spanish, Portuguese, German, Russian, Turkish, Mandarin, Cantonese, Japanese, Korean, and Arabic) were identified by at least four federal organizations. An additional 19 languages were identified by at least five federal organizations. 40 languages were identified by single organizations.

The following examples serve to provide some additional national examples:

The National Cryptologic School of the NSA stated that “language skills tied to any...
academic discipline is a plus', while the DLA stated that ‘all languages must be at the advanced level.' The U.S. Secret Service indicated needs for bilingual capabilities for Special Agents to speak and read a foreign language. The Department of Justice foresees a need to provide bilingual capability to those personnel tasked with providing training to foreign law enforcement officials and to those individuals who engage in the forensic analysis of evidence, including those responsible for the examination of computers used in criminal activity.

The International Broadcasting Bureau of the Broadcasting Board of Governors reported a unique need for professionals with language and area expertise. While in its management and daily operations language knowledge is not required, intermediate or advanced proficiency in a major regional language (such as Russian for Russia and the former Soviet Republics) is a tremendous advantage and sometimes necessary for marketing and audience development in local markets, as well as for engineers who establish, manage, and maintain the Bureau’s global transmission network.

The Centers for Disease Control and Prevention (CDC) has more than 100 assignees in 41 countries in countries where the US has no diplomatic relations, and in countries where the US does not have a diplomatic presence or an embassy, and the CDC has no direct access to many areas of the world, the agency may carry operations in countries where the US has no diplomatic relations. The report stated that ‘all languages must be at the advanced level.' The U.S. Secret Service indicated needs for bilingual capability to those personnel tasked with providing training to foreign law enforcement officials and to those individuals who engage in the forensic analysis of evidence, including those responsible for the examination of computers used in criminal activity.

The U.S. Customs Service enforces over 600 laws with 70 offices in 56 countries. Language training is provided to personnel posted to these offices by two contract language service companies. These employees receive one-on-one instruction for the training period required for the specific job. In addition, the Customs Service enforces over 600 laws with 70 offices in 56 countries. Language training is provided to personnel posted to these offices by two contract language service companies.

The National Aeronautics and Space Administration (NASA) has strong needs for proficient language skills in Russian, Japanese, and Spanish.

The Drug Enforcement Agency has 78 offices in 56 countries. Language training is provided to personnel posted to these offices by two contract language service companies. These employees receive one-on-one instruction for the training period required for the specific job. In addition, the Customs Service.

The National Aeronautics and Space Administration (NASA) has strong needs for proficient language skills in Russian, Japanese, and Spanish. The drug enforcement agency has 78 offices in 56 countries. Language training is provided to personnel posted to these offices by two contract language service companies. These employees receive one-on-one instruction for the training period required for the specific job.

The Federal Bureau of Investigation has a critical need for translators proficient in the languages of former Soviet Republics. The agency may carry out operations in countries where the US has no diplomatic relations or an embassy, and the FBI has no direct access to many areas of the world. The report stated that ‘all languages must be at the advanced level.' The U.S. Secret Service indicated needs for bilingual capability to those personnel tasked with providing training to foreign law enforcement officials and to those individuals who engage in the forensic analysis of evidence, including those responsible for the examination of computers used in criminal activity.

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Bureau of Consular Affairs
Foreign Service Institute
Department of Transportation
Office of Intelligence & Security
U.S. Coast Guard: Office of the Commandant; and Intelligence Coordination Center
Federal Aviation Administration: Asest Administrator for Policy Planning & Int’l Affairs
Federal Highway Administration: Office of International Programs
Maritime Administration: Associate Administrator for Policy and Int’l Trade
Department of the Treasury
U.S. Customs Service: Office of International Affairs
Inter-American Peace Service: Office of the Commissioner, International
U.S. Secret Service
Department of Veterans Affairs
Assistant Secretary for Public & Intergovernmental Affairs: Intergovernmental & International Affairs
U.S. Agency for International Development
Bureau for Global Programs, Field Support & Research
Bureau for Latin America and the Caribbean
Broadcasting Board of Governors
International Broadcasting Bureau
International Bureau
International Finance Division
International Trade Commission
Office of Operations
National Aeronautics and Space Administration
Office of Human Resources and Education
Nuclear Regulatory Commission
Office of International Programs
U.S. Postal Service
International Business

ATTACHMENT G—LANGUAGE REQUIREMENTS AT ADVANCED LEVELS

Language—Number of Federal Organizations

Greek—3
German—4
Italian—3
Portuguese—7
Turkish—4
Spanish—16

Additional Languages (at the Advanced Level)

Afghan Oromo
Amharic
Arabic
Haitian-Creole
Bengali
Burmese
Croatian
Danish
Dari
Dutch
Estonian
Finnish
Georgian
Greek
Hausa
Hindi
Hungarian
Ibo
Icelandic
Indonesian
Ireland
Irish
Italian
Japanese
Kazakh
Korean
Kurdish
Kurdish
Kurmanji
Kyrgyz
Kinyarwanda
Korean
Lao
Latvian
Lithuanian
Malay
Malayalam
Mandarin
Mongolian
Nepali
Persian
Polish
Portuguese
Romanian
Samoan
Russian
Spanish
Swahili
Swedish
Tamil
Tajik
Thai
Tibetan
Tigrinya
Turkish
Turkmen
Uzbek
Ukrainian
Urdu
Vietnamese
Welsh
Yoruba
Zulu

CONGRESSIONAL RECORD — SENATE

Mr. MIYAMURA. I would like to thank the
FAIRFAX-LEE chapter of the Association of the U.S. Army for inviting me to today’s guest of honor. I sincerely apologize for my absence at this event.

Recognizing the awesome deeds of our men during the Korean War during the 50th Anniversary of that conflict is a humbling task.

And, today, we meet to recognize the heroism of one particular Mr. Hiroshi H. Miyamura. Mr. Miyamura’s story is not only one of tremendous courage, his has an element of intrigue. Mr. Miyamura is also America’s first secret hero.

Mr. Miyamura is a native New Mexican, and still resides there. He enlisted in the Army during World War II and served in a unique special Japanese-American regiment, but the war ended before he saw combat. He got out of the service after WWII and went back to Udall where he married his sweetheart, who had been in the American Internment Camp during the war.

One year after reenlisting in the Army Reserve, North Korea invaded South Korea. At this time, Corporal Miyamura was activated and assigned to the 3rd Infantry Division. For his actions on the night of April 24, 1951, Mr. Miyamura was awarded the Medal of Honor. However, his citation was classified top-secret and filed away in the Department of the Army’s tightest security vault. On April 23, he was captured and held as a Prisoner of War (POW) for more than twenty-seven months.

When Sergeant Miyamura, who was promoted while in captivity, was finally released on August 20, 1953, in a POW exchange between the United Nations command and the Communists, he was greeted by Brigadier General Ralph Osborne and informed for the first time that he had been awarded the Medal of Honor. According to General Osborne, the citation had been hidden top-secret because “if the Reds knew what he had done to a good number of their soldiers just before he was taken prisoner, they might have taken revenge on this young man. He might not have made it.”

Miyamura was presented the Medal of Honor by President Eisenhower on October 27, 1953.

Words will fail to appropriately encompass the gratitude and admiration Americans have to Mr. Miyamura and his compatriots. The freedom and prosperity we enjoy is a constant reminder of our Veterans’ contributions. As a fellow New Mexican and admier of the sacrifices you made for our great country, I personally thank you, Mr. Hiroshi H. Miyamura.

Sincerely yours,
PETE V. DOMENICI
U.S. Senator

[From Military History, Apr. 1996]

FOR MORE THAN TWO YEARS, HIROSHI MIYAMURA’S MEDAL OF HONOR WAS A TIGHTLY GUARDED SECRET

United States Army

By Edward Hymoff

It was the beginning of a long, chilly April night in 1951. Red Chinese bugs howled and whispers shrieked for the umpteenth time. ‘They’re comin’ again,’ the slightly built corporal Whispered to his machine-gun detail. Flares burst above the ridge, and an enemy mortar barrage again began to creep toward the Americans, w. H. M.

The ghostly light of falling flares played across the face of the machine-gun section’s

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leader, accentuating the young soldier’s Asian features. He could have been mistaken for the enemy, but for the uniform he wore and his New Mexican accent. Shells straddled his position, and machine gun bullets and whistles grew louder as shadowy figures clambered up the steep, shell-pocked slope.

"Stay put," snapped the corporal. He yanked Miyamura to his feet. He stumbled, stepped on a big chunk of shrapnel, and the shrapnel, recoiling off, clamped it on his carbine. "Cover me," he ordered.

He pulled himself from the trench, slit a few fingers on his belt and then sprang out and charged the advancing enemy soldiers.

More than two years later, U.S. Army Sergeant Hiroshi H. Miyamura remembered that rainy night of April 24, 1951, as if it were yesterday. He had been the Company H, 7th Infantry Regiment, 3rd Infantry Division, corporal of 10 that night. On August 20, 1953, Miyamura climbed down from a Soviet-built military truck with 19 fellow prisoners of war at a place called Panmunjom, which he had heard mentioned while in a Communist Chinese prison camp in North Korea. He and his repatriated POW buddies were hustled into military ambulances and driven to another unloading point, Freedom Village, where doctors, nurses and medics took over.

Pale and undernourished, the newly freed American GIs donned their faded blue Chinese uniforms and showered. They were examined by doctors, dusted with DDT and issued oversize fatigues. Each former POW was treated to a luscious cantoni with a few ice cream. If the doctors declared them physically and mentally up to it, they were interrogated by intelligence officers and then led out to meet the press.

As Sergeant Miyamura (who had been promoted while in captivity) was led to the microphone and news cameras, he was greeted by Brig. Gen. Ralph Osborne, U.S. Army headquarters at the start of Operation Big Switch, the exchange of POWs between the United Nations command and the Communist side. Miyamura was led by Raul Hernandez, a fellow prisoner of war at a place called Panmunjom.

"Sergeant Miyamura, it is my pleasure to inform you that you have been awarded the Medal of Honor," Miyamura was visibly shaken. "What?" he gulped. "I’ve been awarded what medal?"

During the nearly 130 years that the Medal of Honor has been awarded for "conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty" of the other recipients have learned about the honor quite the way that 27-year old Sergeant Miyamura did. Nineteen months before his release from captivity, a Medal of Honor citation dated December 21, 1951, had been filed away in the Department of the Army’s security vault at the start of Operation Big Switch, the exchange of POWs between the United Nations command and the Communist side. Miyamura was led by Raul Hernandez, a fellow prisoner of war at a place called Panmunjom.

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eighty million, one hundred thousand, five hundred eighty dollars and fifty-one cents, during the past 15 years.

ADDITIONAL STATEMENTS

NATIONAL AGRICULTURE WEEK

• Mr. DAYTON. Mr. President, this week, as our Nation celebrates National Agriculture Week, I can think of no better time for Congress to begin the important work of addressing the urgent needs of our Nation's family farmers, ranchers, and rural communities.

Through the hard work and innovation of our farmers and ranchers, we have long been the most bountiful Nation in the world. The average American farmer produces enough every year to feed and clothe 129 other people. Nowhere else do so few feed so many.

Although only about 2 percent of our people work on the farm, agriculture remains a pillar of our economy. Twenty-one million Americans are employed transporting, processing, and distributing agricultural commodities. In Minnesota, agriculture represents 17 percent of the State’s economy and employs roughly 22 percent of the State’s workers.

Our family farmers and ranchers contribute as much to our national character as to our economy. The hard work and determination of our farmers has been the foundation and source of strength for our Nation since its earliest days. As they have done for generations, American farmers continue to meet adversity with the faith, fortitude, and ingenuity.

But as we enter the 21st century, America’s family farmers and ranchers face a number of challenges such as continuing low commodity prices, the increased consolidation and concentration in the agricultural economy and Congress’ failure to establish a strong safety net to help when good times go bad. I believe we, as a nation, should focus on ways to support and strengthen family farms and rural communities while ensuring a vibrant, competitive agricultural marketplace.

I urge Congress to take immediate action to reverse farm and trade policies that have led to several years of low prices and driven thousands of producers in Minnesota and across the country out of business. What better way to honor the hard-working family farmers and ranchers who allow our Nation to enjoy the safest, most diverse, and most affordable food supply in the world.

TRIBUTE TO CAPTAIN GLEN O. WOODS, USN

• Mr. WARNER. Mr. President, I rise today to recognize an outstanding Naval Officer, Captain Glen Woods, as he completes 23 years of distinguished service. It is a privilege for me to honor his many outstanding achievements and commend him for his honorable and faithful service to the Senate, the Navy, and our great Nation.

Captain Woods graduated from the U.S. Naval Academy in 1978. Upon graduation, he entered flight training and earned his “Wings of Gold” as a Naval Aviator in February 1980. Assigned as a Maritime Patrol Aviator, Captain Woods has served in P-3 Orion squadrons in both the Pacific and Atlantic Fleets, compiling nearly 4000 flight hours. His most recent flying assignment was as the Executive Officer and Commanding Officer of the “Red Lancers” of Patrol Squadron TEN, home ported in Brunswick, ME.

From airfields located in Adak, Alaska, and Keflavik, Iceland, he has tracked submarines above the Arctic Circle. He has flown anti-submarine and anti-surface warfare missions supporting our carrier battle groups in the Mediterranean Sea, Arabian Gulf, North Atlantic, Western Pacific and the Sea of Japan. His crews tracked maritime shipping in the South China Sea, Red Sea, Mediterranean Sea and throughout the Indian Ocean. Additionally, he has operated extensively with4 our NATO Allies, flying from four bases in Scotland, Norway, Iceland, France, Spain, Portugal, and Italy.

Captain Woods also left his mark on a wide range of critical assignments ashore, serving as an instructor pilot, working on the staff of the Director of Naval Intelligence, and ending his distinguished career as the Deputy Director of the Navy’s Liaison Office here in the Senate. His integrity, enthusiasm and foresight have earned him the admiration of me and my colleagues.

The Department of the Navy, the Congress, and the American people have been well served by this dedicated naval officer for over 23 years. Captain Glen Woods is a passionate advocate of the collaborative and professional relationships we enjoy with our NATO Allies, flying from over 300 bases in 34 countries with populations of 1.8 billion people. He has been tireless in supporting the needs of the Sailors in the Fleet and their families. On behalf of my colleagues, I am honored to thank him for his service and to wish Captain Woods and his lovely wife Patti, “Fair winds and following seas.”

SALUTE TO THE 2001 NORTH DAKOTA CLASS B CHAMPION NORTH BORDER BOYS BASKETBALL TEAM

• Mr. DORGAN. Mr. President, I want to congratulate the North Border Eagles who were recently crowned state champions at the 2001 North Dakota Class B boys basketball tournament in Minot, ND. The Eagles beat number-one ranked Cando, ND 74-65 in the tournament’s championship game to claim the state’s top spot in Class B basketball.

I congratulate Eagles Coach Dave Symington, his coaching staff and the players for their accomplishment. Members of the team include Jacob Anderson, Aaron Bonaime, Mike Brown, Nathan Carrier, Anthony Chaput, Matt Defoe, Dennis Delude, Warren Eagan, Kyle Rolness, Kevin Schaler, Travis Stegman, Chris Stremick, Chad Symington and Jason Tryan.

But I stand before the U.S. Senate not only to share with you the boxscore of the final game of the North Dakota Class B boys basketball season, but to tell you the remarkable story of how they got there. It’s a story that many of you from rural States may recognize. Everyone, though, will be inspired by this story of teamwork and determination.

If you look on a North Dakota map, you won’t find a community called North Border. That is because North Border is not one community, it is three different communities that have joined resources in education and athletics to compete against shrinking school enrollments. The North Border is a co-op of three small communities, Neche, Pembina and Walhalla, in the far northeastern corner of my state. The communities with populations of 434, 634 and 1,131 respectively are joined by rolling hills, County Road 55 and a goal of maintaining a high quality of life for its residents while facing the realities of a population that is older and smaller.

The communities’ high schools have a combined enrollment of less than 200. The schools formed the North Border co-op due to the low athlete numbers in boys basketball and other sports.

The schools agreed to rotate the local co-op’s practices between the three communities and the athletes and players and fans in all three communities. While the athletes had played together before in summer programs, the transition was challenging. The newly formed Eagles lost its second game of the season. It was against the Cando Cubs—the team the Eagles would eventually meet again in the state tournament. The Eagles soon began playing well together as a team and compiled a very impressive 23-2 record, including a 13-game winning streak over the regional finals over Fordville-Lankin averting the Eagles’ second loss of the season.

The team’s birth into the state Class B boys basketball tournament was the first state tournament experience for either Walhalla or Neche, and the first time since 1955 that Pembina went to State. The Eagles received no beginning breaks. All schools who made it to this tournament faced blown opportunities to accommodate players and fans in all three communities. While the athletes had played together before in summer programs, the transition was challenging. The newly formed Eagles lost its second game of the season. It was against the Cando Cubs—the team the Eagles would eventually meet again in the state tournament. The Eagles soon began playing well together as a team and compiled a very impressive 23-2 record, including a 13-game winning streak over the regional finals over Fordville-Lankin averting the Eagles’ second loss of the season.

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gave the Eagles their first loss on the season a 28 point loss at home. Again, in a performance marked by team balance, four North Border players scored in double digits including a team high 21 points by junior guard/forward Dennis Delude to give the Eagles a victory over previously unbeaten Cando. Three Eagle players—senior Aaron Bonalme, junior Nathan Carrier and Delude—were named to the State Class B All-Tournament Team. The journey these three communities made to become state champions is truly remarkable and inspiring. Once again, congratulations to all those involved in the Eagles successful season and to all teams who made it to this year’s tournament.

VALLEY HAVEN SCHOOL

Mr. SHELBY. Mr. President, I rise today to pay special tribute to the Valley Haven School, an important part of the Valley, AL community. Valley Haven is a school for infants, toddlers and adults who are mentally retarded or multi-handicapped. On May 5th, the school will hold its 25th Annual Hike/Bike/Run for Valley Haven, a fund raiser which generates the crucial local funding which is vital to the school’s survival.

Valley Haven School was started 41 years ago and has grown into a large, professionally staffed operation. With over 116 clients in ages ranging from 3 months to 70 years, you can see, that Valley Haven must meet significant financial standards each year to maintain viability. The school does this outside of local tax structures, so operating expenses and matching funds for grants must be raised primarily through the community at large. The Hike/Bike/Run for Valley Haven is the key fund raiser of the year which helps to bring the community together for this important cause. Among the events included in the occasion are a 5k, 8K, 10 or 22 mile run, 10 or 5 mile events included in the occasion are a key fund raiser of the year which helps the school to bring the community together for this important cause. Among the events included in the occasion are a 5k, 8K, 10 or 22 mile run, 10 or 5 mile walk, Hike/Bike, a triple stroller event, and even a horse trail ride.

I take this opportunity to wish all those helping to organize the event and those planning to participate my best wishes in their efforts to support the school. Whether contributing time, physical effort, or financial resources, working to ensure educational opportunities for others is truly a worthy cause.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(Messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:13 p.m., a message from the House of Representatives, delivered by Mr. Lemke, 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. 496. An act to amend the Communications Act of 1934 to promote deployment of advanced services and foster the development of competition for the benefit of consumers in all regions of the Nation by relieving unnecessary burdens on the Nation by relieving two percent local exchange telecommunications carriers, and for other purposes.
- H.R. 1042. An act to prevent the elimination of certain reports.
- H.R. 1098. An act to improve the recording and discharging of maritime liens and expand the American Merchant Marine Memorial Wall of Honor, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:


The message further announced that pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C. 767(a)), the Speaker appoints the following Members of the House of Representatives to the Board of Trustees of the John F. Kennedy Center for the Performing Arts: Mr. HASTERT of Illinois, Mr. KOLBE of Laurel, Mississippi, Mr. JEANZON of New Jersey, Mr. SAXTON of New Jersey.

The message further announced that pursuant to title I of the Yosemite National Park Reauthorization Act of 2000, the Speaker appoints the following Members of the Board of Trustees of the Yosemite National Park Foundation: Mr. WATERS of California, Mr. CROW of Montana.

The message also announced that pursuant to section 3 of the Yosemite National Park Reauthorization Act of 2000, the Speaker appoints the following Members of the Board of Trustees of the Yosemite National Park Foundation: Mr. WATERS of California, Mr. CROW of Montana.

The message further announced that pursuant to title I of the Yosemite National Park Reauthorization Act of 2000, the Speaker appoints the following Members of the Board of Trustees of the Yosemite National Park Foundation: Mr. WATERS of California, Mr. CROW of Montana.

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MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

- H.R. 496. An act to amend the Communications Act of 1934 to promote deployment of advanced services and foster the development of competition for the benefit of consumers in all regions of the Nation by relieving unnecessary burdens on the Nation by relieving two percent local exchange telecommunications carriers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.
- H.R. 247. An act to amend the Housing and Community Development Act of 1974 to authorize communities to use community development block grant funds for construction of tornado-safe shelters in manufactured home parks.
- H.R. 802. An act to authorize the Public Safety Officer Medal of Valor, and for other purposes.
- H.R. 496. An act to amend the Communications Act of 1934 to promote deployment of advanced services and foster the development of competition for the benefit of consumers in all regions of the Nation by relieving unnecessary burdens on the Nation by relieving two percent local exchange telecommunications carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.
- H.R. 304. An act to authorize the Public Safety Officer Medal of Valor, and for other purposes.
- H.R. 62. An act to authorize theOMB to pay the President an additional salary for other purposes; to the Committee on Government Affairs.
- H.R. 1043. An act to prevent the elimination of certain reports; to the Committee on Government Affairs.
- H.R. 1096. An act to improve the recording and discharging of maritime liens and expand the American Merchant Marine Memorial Wall of Honor, and for other purposes; to
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the Committee on Commerce, Science, and Transportation.

H.R. 1099. An act to make changes in laws governing Coast Guard personnel, increase marine security of federal facilities, provide for a Coast Guard Reserve, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolution was read, and referred as indicated:


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–1124. A communication from the Director of Operations and Finance of the American Red Cross, transmitting, pursuant to law, the report under the Freedom of Information Act for Fiscal Year 2000; to the Committee on the Judiciary.

EC–1125. A communication from the Deputy Director of the Congressional Budget Office, transmitting, pursuant to law, the Sequestration Preview Report for Fiscal Year 2002; referred jointly, pursuant to the order of August 4, 1997; to the Committees on the Budget; and Governmental Affairs.

EC–1126. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and defeerrals dated March 19, 2001; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1989; to the Committee on Appropriations; and Foreign Relations.

EC–1127. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services under a contract in the amount of $50,000,000 or more to Luxembourg, France; to the Committee on Foreign Relations.

EC–1128. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a rule entitled “Applicable Federal Rates—April 2001” (Rev. Rul. 2001–17) received on March 20, 2001; to the Committee on Finance.

EC–1129. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services under a contract in the amount of $50,000,000 or more to Germany; to the Committee on Foreign Relations.

EC–1130. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a rule entitled “Project XL Site-Specific Rulemaking for Construction’s Facility in Bld Island, Virginia” (FRL6767–8) received on March 21, 2001; to the Committee on Environment and Public Works.

EC–1131. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report on the delay of the Angel Gate Academy Program Report; to the Committee on Armed Services.

EC–1132. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–1133. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services under a contract in the amount of $50,000,000 or more to Vietnam; to the Committee on Foreign Relations.

EC–1134. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the annual report with respect to the Debt Collection Practices Act for 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1135. A communication from the Principal Deputy Under Secretary of Defense, Acquisition and Technology, Department of Defense, transmitting, pursuant to law, the report on the National Defense Stockpile Annual Material for Fiscal Year 2001; to the Committee on Armed Services.

EC–1136. A communication from the Chair and Chief Executive Officer of the Farm Credit System Insurance Corporation, transmitting, pursuant to law, the annual report on compensation program adjustments, current salary range structure, and performance-based awards for the year ending December 31, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1137. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Diflubenzuron; Pesticide Tolerance Technical Correction” (FRL6774–4) received on March 20, 2001; to the Committee on Agriculture, Nutrition, and Forestry.


EC–1139. A communication from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the biennial report on Atlantic Bluefin tuna for 1999 through 2000; to the Committee on Commerce, Science, and Transportation.

EC–1140. A communication from the Deputy Chief of the Accounting Policy Division, Office of the Comptroller, Department of the Treasury, transmitting, pursuant to law, a report on the improvement of professionalism in the acquisition workforce; to the Committee on Armed Services.

EC–1141. A communication from the Acting Assistant Secretary of Defense, Reserve Forces, Department of Defense, transmitting, pursuant to law, a report on the delay of the Angel Gate Academy Program Report; to the Committee on Armed Services.

EC–1142. A communication from the Principal Deputy Under Secretary, Acquisition and Technology, Department of Defense, transmitting, pursuant to law, a report on the distribution of depot maintenance workloads for Fiscal Years 1999 and 2000; to the Committee on Armed Services.


EC–1144. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a rule entitled “Applicable Federal Rates—April 2001” (Rev. Rul. 2001–17) received on March 13, 2001; to the Committee on Finance.

EC–1146. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a rule entitled “Foreign Repairs to American Vessels” (RIN1515–AC30) received on March 20, 2001; to the Committee on Finance.

EC–1148. A communication from the Chairman of the Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works” (FRL6710–2) received on March 20, 2001; to the Committee on Environment and Public Works.

EC–1149. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report on the resolution of a rule entitled “Control of Air Pollution from New Motor Vehicles; Amendment to the Tier 2 Gasoline Sulfur Regulations” (FRL6768–1) received on March 21, 2001; to the Committee on Environment and Public Works.

EC–1150. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report on the resolution of a rule entitled “National Primary Drinking Water Regulations; Arsenic and Clarifications to Compliance and New Source Contaminates Monitoring” (FRL6787–3) received on March 20, 2001; to the Committee on Environment and Public Works.

EC–1151. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works” (FRL6865–7) received on March 20, 2001; to the Committee on Environment and Public Works.

EC–1152. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Project XL Site-Specific Rulemaking for Construction’s Facility in Bld Island, Virginia” (FRL6767–8) received on March 21, 2001; to the Committee on Environment and Public Works.

EC–1153. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting,
pursuant to law, the report of a rule entitled “Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units” (FRL-6939) received on March 21, 2001; to the Committee on Environment and Public Works.

EC-1154. A communication from the Principal Deputy Under Secretary of Defense, Acquisition and Technology, Department of Defense, transmitting, pursuant to law, a report to the Congress of the inventory of non-inherently governmental functions for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC-1155. A communication from the Secretary of the Mississippi River Commission, Corps of Engineers, Department of the Army, transmitting, pursuant to law, the Commission’s report under the Government in the Sunshine Act for calendar year 2000; to the Committee on Governmental Affairs.

EC-1156. A communication from the Acting Director of the United States Office of Personnel Management, transmitting, pursuant to law, a report on actions needed to correct the Consumer Price Index error in the Civil Service Retirement System and the Federal Employees Retirement System; to the Committee on Governmental Affairs.

EC-1157. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on March 19, 2001; to the Committee on Governmental Affairs.

EC-1158. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the Administration’s report under the Government in the Sunshine Act for calendar year 2000; to the Committee on Governmental Affairs.

EC-1159. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on March 19, 2001; to the Committee on Governmental Affairs.

EC-1160. A communication from the Principal Deputy Under Secretary of Defense, Acquisition and Technology, Department of Defense, transmitting, pursuant to law, the Secretary of the Air Force’s report concerning commercial activities for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC-1161. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports for January 2001; to the Committee on Governmental Affairs.

EC-1162. A communication from the Chairman of the Board of Directors, Tennessee Valley Authority, transmitting, pursuant to law, the Board’s report under the Government in the Sunshine Act for calendar year 2000; to the Committee on Governmental Affairs.

EC-1163. A communication from the Chairman of the United States Merit Systems Protection Board, transmitting, pursuant to law, the Board’s report under the Government in the Sunshine Act for calendar year 2000; to the Committee on Governmental Affairs.

EC-1164. A communication from the Executive Director of the National Science Board, transmitting, pursuant to law, the Board’s report under the Government in the Sunshine Act for calendar year 2000; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-3. A petition from a citizen of the State of Vermont entitled “Reaffirm America”; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time, and referred to committees, respectively:

By Mr. NICKLES:
S. 993. A bill to amend the Internal Revenue Code of 1986 to clarify that natural gas gathering lines are 7-year property for purposes of depreciation; to the Committee on Finance.

By Mr. NICKLES:
S. 994. A bill to amend the Internal Revenue Code of 1986 to simplify the excise tax on heavy truck tires; to the Committee on Finance.

By Mr. WELLSSTONE (for himself, Mr. DASCHLE, and Mr. INOYE):
S. 995. A bill to amend the Public Health Service Act, Employee Retirement Income Security Act of 1974, and Internal Revenue Code of 1986 to provide for nondiscriminatory coverage for substance abuse treatment services under private group and individual health plans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Mr. DASCHLE, Mr. AKAKA, Mr. BAUCUS, Mr. BREAUX, Mr. CANTWELL, Mr. DORGAN, Mr. LEAHY, Mr. REID, Mr. SCHUMER, Mr. KENNEDY, Mr. ROCKEFLER, Mrs. MURRAY, and Mr. TORRICELLI):
S. 996. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the production and use of efficient energy sources, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. DASCHLE, Mr. AKAKA, Mr. BAUCUS, Mr. BREAUX, Mr. CANTWELL, Mr. DORGAN, Mr. LEAHY, Mr. REID, Mr. SCHUMER, Mr. KENNEDY, Mrs. MURRAY, Mr. ROCKEFLER, and Mr. TORRICELLI):
S. 997. A bill to provide for a comprehensive national energy policy; to the Committee on Energy and Natural Resources.

By Mr. BREAUX (for himself, Mr. SPECTER, Mrs. LINCOLN, Mr. STEVENS, Ms. LANDRIEU, Mr. NELSON of Nebraska, Mr. CLELAND, Mr. MILLER, and Mr. JOHNSON):
S. 998. A bill to provide for the reissuance of a rule relating to ergonomics; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROBERTS (for himself, Mr. GRAMM, and Mr. HAGEL):
S. 999. A bill to amend the Omnibus Trade and Competitiveness Act of 1988 to establish permanent trade negotiating and trade agreement implementing authority; to the Committee on Finance.

By Mr. THOMPSON (for himself, Mr. LIEBERMAN, Ms. COLLINS, Mr. LEAHY, and Mr. JEFFFORDS):
S. 600. A bill to amend the Federal Election Campaign Act of 1971 to enhance criminal penalties for election law violations, to clarify current provisions of law regarding donations from foreign nationals, and for other purposes; to the Committee on Rules and Administration.

By Mr. SHELBY:
S. 601. A bill to authorize the payment of interest and dividends on deposits at depository institutions, to increase flexibility in setting reserve requirements, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DOMENICI:
S. 602. A bill to reform Federal election laws; to the Committee on Rules and Administration.

By Mr. KENNEDY (for himself, Mr. SCHUMER, Mr. SARRANES, Ms. SNOWE, Mr. DOUD, Mr. KERRY, Mr. FINKELD, Mr. LIEBERMAN, Mr. BIDEN, Ms. CANTWELL, Mrs. MURRAY, Mrs. FEINSTEIN, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Ms. MIKULSKI, and Mrs. BOXER):
S.J. Res. 10. A joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LIEBERMAN (for himself, Mr. LUGAR, Mr. GRAHAM, Mr. KYL, Mr. HELMS, Mr. ENZIGN, Mr. FEINGOLD, Mr. NELSON of Florida, Mr. TORRICELLI, Mr. SMITH of New Hampshire, Mr. SESSIONS, Mr. DeWINK, and Mr. SANDUM):
S. Res. 62. A resolution expressing the sense of the Senate regarding the human rights situation in Cuba; to the Committee on Foreign Relations.

By Mr. CAMPBELL (for himself, Mr. HATCH, Mr. LEAHY, Mr. THURMOND, Mr. NICKLES, Mr. GREGG, Mr. HUTCHINSON, Mr. MILLER, Mrs. HUTCHINSON, Mr. BIDEN, Mr. GRAHAM, Mr. HELMS, Mr. BROWNBACK, Mr. COCHRAN, Mr. BINGAMAN, Mr. BOND, Mr. FEIST, Mr. INHOFE, Mr. ALLARD, Mr. DORGAN, Mr. EDWARDS, Mr. BYRD, Mr. REID, Mr. BAYH, Mr. AKAKA, Mr. DURBIN, Mr. DeWINK, Mr. THOMAS, Mr. CRAPO, Mr. DAYTON, Mr. SARRANES, Mr. KENNYEDY, Ms. BOXER, Mr. LEVIN, and Mr. VOINOVICH):
S. Res. 63. A resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 29

At the request of Mr. Bond, the names of the Senator from Ohio (Mr. DeWINE) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 29, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 117

At the request of Mr. Feingold, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 117, a bill to prohibit products that contain dry ultra-filtered milk products or casein from being labeled as domestic natural cheese, and for other purposes.

S. 136

At the request of Mr. Cleland, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S.
126. a bill to authorize the President to present a gold medal on behalf of Congress to former President Jimmy Carter and his wife Rosalynn Carter in recognition of their service to the Nation. S. 152

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 152, a bill to amend the Internal Revenue Code of 1986 to eliminate the 60-month limit and increase the income limitation on the student loan interest deduction. S. 170

At the request of Mr. REID, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability. S. 177

At the request of Mr. AKAKA, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 177, a bill to amend the provisions of title 19, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established. S. 206

At the request of Mr. SHELBY, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 206, a bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 2001, and for other purposes. S. 207

At the request of Mr. HUTCHINSON, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 237, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits. S. 232

At the request of Mr. GRASSLEY, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Missouri (Mrs. CARRAN) were added as cosponsors of S. 232, a bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes. S. 237

At the request of Mr. THOMAS, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 322, a bill to limit the acquisition by the United States of land located in a State in which 25 percent or more of the land in that State is owned by the United States. S. 322

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 352, a bill to increase the authorization of appropriations for low-income energy assistance, weatherization, and state energy conservation grant programs, to expand the use of energy savings performance contracts, and for other purposes. S. 409

At the request of Mr. DOMENICI, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 394, a bill to make an urgent supplemental appropriation for fiscal year 2001 for the Department of Defense for the Defense Health Program. S. 409

At the request of Mr. DURBIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 409, a bill to amend title 38, United States Code, to clarify the standards for compensation for Persian Gulf veterans suffering from certain undiagnosed illnesses, and for other purposes. S. 433

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 433, a bill to amend the Internal Revenue Code of 1986 to remove the limitation that certain survivor benefits can only be excluded with respect to individuals dying after December 31, 1996. S. 472

At the request of Mr. DOMENICI, the name of the Senator from Ohio (Mr. DeWINE) was added as a cosponsor of S. 472, a bill to ensure that nuclear energy continues to contribute to the supply of electricity in the United States. S. 515

At the request of Mr. DOMENICI, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 515, a bill to amend the Internal Revenue Code of 1986 to establish a permanent tax incentive for research and development, and for other purposes. S. 543

At the request of Mr. WELLSTONE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health coverage unless comparable limitations are imposed on medical and surgical benefits. S. 549

At the request of Mr. CRAPO, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 549, a bill to ensure the availability of spectrum to amateur radio operators. S. 597

At the request of Mr. SESSIONS, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 567, a bill to amend the Internal Revenue Code of 1986 to provide capital gain treatment under section 631(b) of such Code for outright sales of timber by landowners. S. 597

At the request of Mr. FITZGERALD, the name of the Senator from New York (Mr. SCHUMER) was added as a co-sponsor of S. 581, a bill to amend title 10, United States Code, to authorize Army arsenals to undertake to fulfill orders or contracts for articles or services in advance of the receipt of payment under certain circumstances. S. CON. RES. 11

At the request of Mrs. FEINSTEIN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Hawaii (Mr. AKAKA), and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. Con. Res. 11, a concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities. S. CON. RES. 14

At the request of Mr. CAMPBELL, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a co-sponsor of S. Con. Res. 14, a concurrent resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it. S. CON. RES. 17

At the request of Mr. SARBANES, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a co-sponsor of S. Con. Res. 17, a concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States. S. RES. 16

At the request of Mr. THURMOND, the names of the Senator from Alaska (Mr. STEVENS), the Senator from New Hampshire (Mr. SMITH), the Senator from Georgia (Mr. MILLER), the Senator from Nebraska (Mr. HAGEL), the Senator from West Virginia (Mr. BYRD), the Senator from Mississippi (Mr. COCHRAN), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from New Mexico (Mr. BINGMAN), and the Senator from Nevada (Mr. REID) were added as cosponsors of S. Res. 16, a resolution designating August 16, 2001, as “National Airborne Day.” S. RES. 55

At the request of Mr. WELLSTONE, the name of the Senator from Ohio (Mr. DeWINE) was added as a co-sponsor of S. Res. 55, a resolution designating the third week of April as “National Shaken Baby Syndrome Awareness Week” for the year 2001 and all future years. S. RES. 55
STATEMENTS ON INTRODUCED
BILLS AND JOINT RESOLUTIONS

By Mr. NICKLES:
S. 593. A bill to amend the Internal Revenue Code of 1986 to clarify that natural gas gathering lines are 7-year property for purposes of depreciation; to the Committee on Finance.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 593

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

SECTION 1. NATURAL GAS GATHERING LINES TREATED AS 7-YEAR PROPERTY.

(a) IN GENERAL.—Subparagraph (c) of section 168(e)(3) of the Internal Revenue Code of 1986 (relating to classification of certain property) is amended by redesignating clause (i) as clause (ii) and by inserting after clause (i) the following new clause:

"(ii) any natural gas gathering line, and".

(b) TREATMENT OF CERTAIN GATHERING LINES.—Subsection (i) of section 168 of the Internal Revenue Code of 1986 is amended by adding at the end of the section the following paragraph:

"(15) NATURAL GAS GATHERING LINE.—The term 'natural gas gathering line' means—

"(A) the pipe, equipment, and appurtenances determined to be a gathering line by the Federal Energy Regulatory Commission, or

"(B) the pipe, equipment, and appurtenances used to deliver natural gas from the wellhead to the point at which such gas first reaches—

"(i) a gas processing plant,

"(ii) an interconnection with a transmission pipeline, or

"(iv) a direct interconnection with a local distribution company, a gas storage facility, or an industrial consumer.

(c) E EFFECTIVE DATE.—The amendments made by this section shall become effective for property placed in service after December 31, 1996.

By Mr. WELLSTONE (for himself, Mr. DASCHLE, and Mr. INOUYE):

S. 595. A bill to amend the Public Health Service Act, Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to provide for nondiscriminatory coverage for substance abuse treatment services under private group and individual health coverage, to the Committee on Health, Education, Labor, and Pensions.

Mr. WELLSTONE. Mr. President, I rise today to introduce legislation that will ensure that private health insurance companies cover the costs of drug and alcohol addiction treatment services at the same level that they pay for treatment for other disease.

The purpose of this bill is to end discrimination in insurance coverage for drug and alcohol addition treatment. This bill, entitled Fairness in Treatment: The Drug and Alcohol Addiction Recovery Act of 2001, offers the necessary protections to provide this assurance.

For too long, the problem of drug and alcohol addiction has been viewed as a moral issue, rather than as a disease. Too often, a cloak of secrecy has surrounded this sickness, causing people who have this disease to feel ashamed and afraid to seek treatment for their symptoms for fear that they will be seen as admitting to a moral failure, or a weakness in character. We have all known or have had family or friends who experience the ravages of drug and alcohol addiction, and the links between domestic violence and substance abuse. We know too of the devastation caused by addiction when violence between people is one of the consequences. A 1998 SAMHSA report outlined the links between domestic violence and substance abuse. We know from clinical reports that 25-50 percent of men who commit acts of domestic violence also have substance abuse problems. The report recognized the link between the victim of abuse and use of alcohol and drugs, and recommended that after the woman’s safety has been addressed, the next step would be to work with providing treatment for her addiction as a step toward independence and health, and toward the prevention of the consequences for
the children who suffer the same abuse either directly, or indirectly by witnessing spousal violence.

People who have the disease of addiction can be found throughout our society. According to the 1997 National Household Survey on Drug Abuse published by SAMHSA, nearly 73 percent of all illegal drug users in the United States are employed. This number represents 6.7 million full-time workers and 1.6 million part-time workers. Although many of these workers and their families should have insurance benefits that would cover treatment for this disease, they do not.

In addition to the health problems resulting from the failure to treat the illness, there are other serious consequences affecting the workplace, such as lost productivity, high employee turnover, low employee morale, mistakes, accidents, and increased worker's compensation insurance and health insurance premiums, all results of untreated addiction problems. Whether you are a corporate CEO or a small business owner, there are simple, effective steps that can be taken, including providing insurance coverage for this disease, already access to treatment, and workplace policies that support treatment, that can reduce these human and economic costs.

We know from the outstanding conducted at NIH, through the National Institute on Alcohol Abuse and Alcoholism, that treatment for drug and alcohol addiction can be effective. We know that treatment of addiction is as successful as treatment of other chronic diseases such as diabetes, hypertension, and asthma. We know that drug treatment reduces drug use by 40–60 percent. And we know that treatment results in other positive changes in behavior, such as fewer psychological symptoms and increased work productivity. According to American Airlines, 75–85 percent of employees who received alcohol and other drug treatment remained abstinent from drugs during their one year follow up.

We must do more to prevent this illness and to treat those who are addicted to drugs and alcohol. Over the past several years, the principle of parity in insurance coverage for drug and alcohol rehabilitation and treatment has received the strong support of the White House, the Office for National Drug Control Policy, Former Surgeon General C. Everett Koop, Former President and Mrs. Gerald Ford, the U.S. Conference of Mayors, Kaiser Permanente Health Plans and many leading groups in medicine, labor and government, journalism and entertainment who have successfully fought the battle of addiction with the help of treatment. Hearings held in the 106th Congress by the Senate Appropriations Committee and on Drug Abuse on Labor, Education, Labor, and Pensions highlighted the recent major advances in scientific information about the disease; the biological causes of addiction; the effectiveness and low cost of treatment; and many painful, personal stories of people, including children, who have been denied treatment. Recent hearings in the Judiciary Committee have also emphasized a greater Federal role in funding treatment and prevention programs.

We know that the failure of insurance companies to provide treatment can sometimes have devastating results. In 1989, story, the New York Times highlighted the tragic suicide of a young man who desperately sought inpatient treatment care for his drug addiction and fought for 8 months to have the plan authorize the treatment that was in fact included in as part of his benefits. The authorization came through, but too late. He had died 3 weeks earlier from a drug overdose. This kind of denial of care for addiction treatment is not at all unique. The 1998 Hay Group Report on Employee Assistance Programs (2) found that the cost to managed care health insurers offer substance abuse treatment benefits decreased by 74.5 percent, as compared to a 11.5 percent decrease for overall health care benefits.

Addiction to alcohol and drugs is a disease that affects the brain, the body, and the spirit. We must provide adequate opportunities for the treatment of addiction in order to help those who are suffering and to prevent the health and social problems that it causes. This legislation will take an important step in this direction by requiring that health insurance plans eliminate discrimination for addiction treatment. The costs for this are very low. A 1999 study by the Rand Corporation found that the cost to managed care health plans is now only about $5 per person per year for unlimited substance abuse treatment benefits to employees of big companies. A 1997 Milliman and Roberts study estimated that the actual substance abuse treatment parity would increase per capita health insurance premiums by only one half of 1 percent, or less than $1 per member per month, without even considering any of the obvious savings, that will result from treatment. Several studies have shown that for every $1 spent on treatment, more than $7 is saved in other health care expenses, and that these savings are in addition to the financial and other benefits to productivity, as well as participation in family and community life. Providing treatment for addiction also saves millions of dollars in the criminal justice system. But for treatment to be effective and helpful throughout our society all systems of care, including private insurance plans, must share this responsibility.

This legislation does not mandate that health insurers offer substance addiction treatment benefits. What it does is to require an equal treatment of health plans who offer substance addiction treatment from placing unfair and life-threatening limitations on caps, access, or financial requirements for addiction treatment that are different from other medical and surgical services.

We must move forward now to vigorously address the serious and life-threatening problem of drug and alcohol addiction in our country. It is long past time that insurance companies do their fair share in bearing the responsibility for treating this disease.

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. 595

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 “Fairness in Treatment: The Drug and Alcohol Addiction Recovery Act of 2001”.

SEC. 2. PARITY IN SUBSTANCE ABUSE TREATMENT BENEFITS.

(a) GROUP HEALTH PLANS.—

(1) PUBLIC HEALTH SERVICE ACT AMENDMENTS.—

(A) IN GENERAL.—Subpart A of part A of title XXVII of the Public Health Service Act (42 U.S.C. sections 300gg-4 et seq.) is amended by adding at the end the following:

"SEC. 2707. PARITY IN THE APPLICATION OF TREATMENT LIMITATIONS AND FINANCIAL REQUIREMENTS TO SUBSTANCE ABUSE TREATMENT BENEFITS.

"(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and substance abuse treatment benefits, the plan or coverage shall not impose treatment limitations or financial requirements on the substance abuse treatment benefits unless similar limitations or requirements are imposed for medical and surgical benefits.

"(b) CONSTRUCTION.—Nothing in this section shall be construed—

"(1) as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide any substance abuse treatment benefits; or

"(2) to prevent a group health plan or a health insurance issuer offering group health insurance coverage from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

"(c) SMALL EMPLOYER EXEMPTION.—

"(1) IN GENERAL.—This section shall not apply to any group health plan and group health insurance coverage offered in connection with a group health plan for any plan year of a small employer.

"(2) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of paragraph (1), the term 'small employer' means, in connection with a group health plan with respect to a calendar year and a plan year, an employer who employed an average of at least 2 but not more than 25 employees on business days during the preceding calendar year and who employs at least 2 employees on the first day of the plan year.

"(3) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subsection—

"(A) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.
(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days during the preceding calendar year.

(C) PREDECESSORS.—Any reference in this subsection to an employer shall include a reference to any predecessor of such employer.

(d) SEPARATE APPLICATION TO EACH OPTION OFFERED.—In the case of a group health plan that offers a participant or beneficiary two or more benefit package options under the plan, the requirements of this section shall be applied separately with respect to each such option.

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

(1) TREATMENT LIMITATION.—The term ‘treatment limitation’ means, with respect to benefits under a group health plan or health insurance coverage, any day or visit limits imposed on coverage of benefits under the plan or coverage during a period of time.

(2) FINANCIAL REQUIREMENT.—The term ‘financial requirement’ means, with respect to benefits under a group health plan or health insurance coverage, any deductible, coinsurance, or cost-sharing or an annual or lifetime dollar limit imposed with respect to the benefits under the plan or coverage.

(3) MEDICAL OR SURGICAL BENEFITS.—The term ‘medical or surgical benefits’ means benefits with respect to medical or surgical services, as defined under the terms of the plan or coverage as the case may be, but does not include substance abuse treatment benefits.

(4) SUBSTANCE ABUSE TREATMENT BENEFITS.—The term ‘substance abuse treatment benefits’ means benefits with respect to substance abuse treatment services.

(5) SUBSTANCE ABUSE TREATMENT SERVICES.—The term ‘substance abuse treatment services’ means any of the following items and services provided for the treatment of substance abuse:

(A) Inpatient treatment, including detoxification.

(B) Outpatient treatment, including screening and assessment, medication management, individual, group, and family counseling and relapse prevention.

(C) Prevention services, including health education and individual and group counseling to encourage the reduction of risk factors for substance abuse.

(6) SUBSTANCE ABUSE.—The term ‘substance abuse’ includes chemical dependency.

(7) NOTICE.—A group health plan under this part shall comply with the notice requirement under section 713(f) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.

(B) ERISA AMENDMENTS.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104 et seq.) is amended by adding at the end the following:

SEC. 714. PARITY IN THE APPLICATION OF TREATMENT LIMITATIONS AND FINANCIAL REQUIREMENTS TO SUBSTANCE ABUSE TREATMENT BENEFITS.

(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and substance abuse treatment benefits, the plan or coverage shall not impose treatment limitations or financial requirements on the substance abuse treatment benefits unless similar limitations or requirements are imposed for medical and surgical benefits.

(b) CONSTRUCTION.—Nothing in this section shall be construed—

(1) as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide any substance abuse treatment benefits.

(2) to prevent a group health plan or a health insurance issuer offering group health insurance coverage of a plan from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

(c) SMALL EMPLOYER EXEMPTION.—

(1) IN GENERAL.—This section shall not apply to any group health plan (and group health insurance coverage offered in connection with a group health plan) for any plan year of a small employer.

(2) SMALL EMPLOYER.—For purposes of this paragraph, the term ‘small employer’ means an employer who is a small employer as defined under subsection (d).

(3) MEDICAL OR SURGICAL BENEFITS.—The term ‘medical or surgical benefits’ means benefits with respect to medical or surgical services, as defined under the terms of the plan or coverage as the case may be, but does not include substance abuse treatment benefits.

(4) SUBSTANCE ABUSE TREATMENT BENEFITS.—The term ‘substance abuse treatment benefits’ means benefits with respect to substance abuse treatment services.

(5) SUBSTANCE ABUSE TREATMENT SERVICES.—The term ‘substance abuse treatment services’ means any of the following items and services provided for the treatment of substance abuse:

(A) Inpatient treatment, including detoxification.

(B) Non-hospital residential treatment.

(C) Outpatient treatment, including screening and assessment, medication management, individual, group, and family counseling, and relapse prevention.

(D) Prevention services, including health education and individual and group counseling to encourage the reduction of risk factors for substance abuse.

(E) SUBSTANCE ABUSE.—The term ‘substance abuse’ includes chemical dependency.

(F) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of noticing of such requirements under the plan, except that notice shall be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided by not later than 90 days after the first day of the plan year in which such requirements apply.

(B) CONFORMING AMENDMENTS.—

(1) Section 731(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191(c)) is amended by striking “section 711” and inserting “sections 711 and 714”.

(2) Section 731(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191(a)) is amended by striking “section 711” and inserting “sections 711 and 714”.

(3) The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 713 the following new item:

Sec. 714. Parity in the application of treatment limitations and financial requirements to substance abuse treatment benefits.

(3) INTERNAL REVENUE CODE AMENDMENTS.—

(A) IN GENERAL.—Subchapter B of chapter 31 of title 26,Subtitle A of title B of the Internal Revenue Code of 1986 is amended by adding after section 9812, the following:

SEC. 9813. PARITY IN THE APPLICATION OF TREATMENT LIMITATIONS AND FINANCIAL REQUIREMENTS TO SUBSTANCE ABUSE TREATMENT BENEFITS.

(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and substance abuse treatment benefits, the plan or coverage shall not impose treatment limitations or financial requirements on the substance abuse treatment benefits unless similar limitations or requirements are imposed for medical and surgical benefits.

(b) CONSTRUCTION.—Nothing in this section shall be construed—

(1) as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide any substance abuse treatment benefits.

(2) to prevent a group health plan or a health insurance issuer offering group health insurance coverage of a plan from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

(c) SMALL EMPLOYER EXEMPTION.—

(1) IN GENERAL.—This section shall not apply to any group health plan (and group health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and substance abuse treatment benefits, the plan or coverage shall not impose treatment limitations or financial requirements on the substance abuse treatment benefits unless similar limitations or requirements are imposed for medical and surgical benefits.
health insurance coverage offered in connection
with a group health plan) for any plan year of a small employer.

(2) SMALL EMPLOYER.—For purposes of paragraphs (a) through (c) of this section, the term ‘small employer’ means, in connection with a group health plan with respect to a calendar year and a plan year, an employer who employed an average of at least 2 but not more than 25 employees on business days during the preceding calendar year and who employs at least 2 employees on the first day of the plan year.

(3) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subsection:

(A) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees reasonably expected such employer will employ on business days in the current calendar year.

(C) PREDECESSORS.—Any reference in this subsection to an employer shall include a reference to any predecessor of such employer.

(d) SEPARATE APPLICATION TO EACH OPTION OFFERED.—In the case of a group health plan that offers a participant or beneficiary two or more benefit package options under the plan, the requirements of this section shall be applied separately with respect to each such option.

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

(1) TREATMENT LIMITATION.—The term ‘treatment limitation’ means, with respect to benefits under a group health plan or health insurance coverage, any deductible, coinsurance, or cost-sharing or an annual or lifetime dollar limit imposed with respect to the benefit plan or coverage.

(2) FINANCIAL REQUIREMENT.—The term ‘financial requirement’ means, with respect to benefits under a group health plan or health insurance coverage, any deductible, coinsurance, or cost-sharing or an annual or lifetime dollar limit imposed with respect to the benefit plan or coverage.

(3) MEDICAL OR SURGICAL BENEFITS.—The term ‘medical or surgical benefits’ means benefits with respect to medical or surgical services (as defined under the terms of the plan or coverage (as the case may be), but does not include substance abuse treatment benefits.

(4) SUBSTANCE ABUSE TREATMENT BENEFITS.—The term ‘substance abuse treatment benefits’ means benefits with respect to substance abuse treatment services.

(5) SUBSTANCE ABUSE TREATMENT SERVICES.—The term ‘substance abuse services’ means any of the following items and services provided for the treatment of substance abuse:

(A) Inpatient treatment, including detoxification.

(B) Non-hospital residential treatment.

(C) Outpatient treatment, including screening and assessment, medication management, individual, group, and family counseling, and relapse prevention.

(6) PREVENTION SERVICES.—The term ‘substance abuse’ includes chemical dependency.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 100 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 9812 the following new section:

“Sec. 9813. Parity in the application of treatment limitations and financial requirements to substance abuse benefits.”.

(b) INDIVIDUAL HEALTH PLAN.—

(1) IN GENERAL.—Part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–41 et seq.) is amended by inserting after section 2750 the following:

“SEC. 2753. PARITY IN THE APPLICATION OF TREATMENT LIMITATIONS AND FINANCIAL REQUIREMENTS TO SUBSTANCE ABUSE BENEFITS.

“(a) IN GENERAL.—The provisions of section 2707 (other than subsection (e)) shall apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.

“(b) NOTICE.—A health insurance issuer under this part shall comply with the notice requirement under section 713(d) of the Employee Retirement Income Security Act of 1974 with respect to requirements referred to in subsection (a) as if such section applied to such issuer and such issuer were a group health plan.

“(2) CONFORMING AMENDMENT.—Section 2752(b)(2) of the Public Health Service Act (42 U.S.C. 300gg–42(b)(2)) is amended by striking ‘‘section 2751’’ and inserting “sections 2751 and 2753’’.

“(c) EFFECTIVE DATES:

(1) IN GENERAL.—Subject to paragraph (3), the amendments made by subsection (a) shall apply to health group health plans for plan years beginning on or after January 1, 2002.

(2) INDIVIDUAL MARKET.—The amendments made by subsection (b) shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after January 1, 2002.

(3) COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to collective bargaining agreements between employer representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by subsection (a) shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) January 1, 2002.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan shall be treated as conforming to any requirement added by subsection (a) shall not be treated as a termination of such collective bargaining agreement.

(d) COORDINATED REGULATIONS.—Section 1041 of the Health Insurance Portability and Accountability Act of 1996 is amended by striking “this subtitle (and the amendments made by this subtitle and section 401)” and inserting “the provisions of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, and the provisions of parts A and C of title XXVII of the Public Health Service Act, and chapter 1000 of the Internal Revenue Code of 1986”.

SEC. 3. PREEMPTION.

Nothing in the amendments made by this Act shall be construed to preempt any provision of State law that provides protections to enrollees that are greater than the protections provided under such amendments.

By Mr. BINGAMAN (for himself, Mr. DASCHLE, Mr. AKAKA, Mr. BAUCUS, Mr. BREAUD, Ms. CANTWELL, Mr. DORGAN, Mr. LEAHY, Mr. REID, Mr. SCHUMER, Mr. KENNEDY, Mr. ROCKEFELLER, Mrs. MURRAY, and Mr. TORRICELLI):

S. 596. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the production of efficient energy sources, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. DASCHLE, Mr. AKAKA, Mr. BAUCUS, Mr. BREAUD, Ms. CANTWELL, Mr. DORGAN, Mr. LEAHY, Mr. REID, Mr. SCHUMER, Mr. KENNEDY, Mrs. MURRAY, Mr. ROCKEFELLER and Mr. TORRICELLI):

S. 597. A bill to provide for a comprehensive and balanced national energy policy; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN, Mr. President, today, I, along with many of my colleagues in the Senate, members of the Democratic caucus, have introduced two bills: the Comprehensive and Balanced Energy Policy Act of 2001, and its companion measure, the Energy Security and Tax Incentive Act of 2001. I expect the first of those will be referred to the Committee on Energy and Natural Resources and the other will be referred to the Committee on Finance because it does contain tax provisions.

Mr. President, the Nation is facing important challenges to its energy future. For decades, we have been able to rely on the fact that our energy supplies were abundant, dependable, and affordable. Events in recent months have shaken the faith of many in that reliance. Volatile prices, high prices and outright failures of supply are reported in newspaper headlines almost daily.

Why are we seeing these problems emerge now? Energy prices remained relatively stable over the last decade due to increased productivity, lower energy use per dollar of GDP, and introduction of market competition. All of these factors acted to hold down prices in spite of strong economic growth and increasing demand for energy. Before the introduction of competition into energy markets we had policies that required large excess capacity margins. We paid a lot for that security and use of efficient energy sources, and incentives to encourage the production of these sources. The frictions and imperfections in those markets have become apparent. That is what we are seeing today.
Three weeks ago, when Senator MURKOWSKI, Chairman of the Energy Committee on which I serve, introduced the Republican energy message bill, I gave an outline of what I thought should be included in comprehensive energy legislation for the Congress to put together and adequate response to the energy issues that confront the Nation.

At that time I said that I strongly believed that a package with equal emphasis on both supply and demand side measures coupled with bipartisan support is the only way we can pass energy legislation this Congress.

The key word is balance. The bill introduced by my Republican colleague is strong on the supply side and I support many of its provisions but short on the demand side of the equation. Many provisions of the Republican package I support, as do a number of my Democratic colleagues.

However, after reviewing that bill overall, I believe it is appropriate to introduce a countermeasure, a measure that addresses our energy needs as I see it in a more balanced and comprehensive way. This will help our discussion for final legislation in this area and help focus on what the priorities need to be as we move forward.

The first of the issues left out of the Republican bill for any real consideration was the issue of climate change. In 1992, the Senate ratified the Rio Treaty calling for a reduction in carbon dioxide emissions to 1990 levels by the year 2000. I know some in this body do not believe we should have acted to approve that treaty, but we did. Last year, instead of reaching those 1990 levels by the year 2000, we were 17 percent above those levels.

We and the rest of the world have recognized the vital importance of preventing the potential for catastrophic climate change, that our human activities are threatening. We have made commitments, but we have not met those commitments. We need to do so, not as some isolated exercise undertaken without regard to the economy, but as an integral part of our energy policy for the 21st century.

In my view, we cannot separate climate change policy from energy policy. To do one is to inextricably affect the other. The policy bill I am introducing creates a bipartisan national commission on energy and climate change to be appointed by the President and to conduct a study of measures that could achieve stabilization of greenhouse gas emissions in this country at 1990 levels by the year 2010—and below 1990 levels by the year 2020.

The commission would then develop recommendations concerning measures appropriate for implementation, for legislation, and for administrative action to implement this goal.

The people who believe we should be looking at even deeper cuts to our emissions than to return to 1990 levels by 2010. I have some sympathy for that perspective. But if we are to take a bipartisan approach to the task of integrating climate change policy with energy policy, it is more realistic to start with a point that the Senate is on record as agreeing to. Most Members who were here at the time the vote occurred in 1992 on the Rio Treaty recognized the vital importance of preventive action to reach that same goal given the way we must deal with it. The answer to how we get to this point may help illuminate the issues of what more aggressive actions are needed to reduce greenhouse gas emissions. The bill I am introducing calls for a much more vigorous effort by the U.S. Government to get U.S. clean energy technology into developing countries that are expected to experience major increases in their greenhouse gas emissions over the next decade.

The policy bill I am introducing is not the only way we can solve the greenhouse gas problem by itself, and we all know that. Other countries need to do their part. But since our particular strength in this country has been the development of technology, we should be making every effort to help those developing countries adopt the cleanest technologies in each energy area that we have to offer.

It makes good business sense, it makes good climate sense, and the appropriate Federal agencies should help facilitate the process.

Another missing element in the Republican bill is the area of how to site energy infrastructure. There has been a lot of talk about the problem, but not much action beyond finger-pointing in this area. I believe we need to recognize the wisdom of the old Pogo adage, “We have met the enemy and he is us.” Even communities that are experiencing energy crunches are having problems. Among those frustrated by the system is NIMBY—“not in my backyard”—pure and simple.

If we are to effectively deal with this siting problem, we will need new tools and models. One that I think is particularly promising is regional cooperation. Among the many ways the regulatory community believe that the old system of self-policing, voluntary compliance with rules generated by the suppliers will not continue to provide the reliability that we have come to expect.

Last year the Senate passed a bill that addressed this issue by creating a new entity to develop and enforce electric reliability rules. I have included that bill as part of this package, and the text is identical to what was included in the Republican bill I mentioned earlier.

This bill also contains a number of provisions intended to provide additional protection for electricity consumers in areas of risk of power shortages through regionalization of energy markets. I look forward to working with the States, and with Federal agencies to develop a framework to support these efforts.

The bill that I am introducing requires a review of the adequacy of FERC transmission policies and its interpretation of market power. It calls for an investigation of the possibility of using venture capital raised by Federal Power Marketing agencies for siting energy facilities.

As the electricity industry has changed, the structure for assuring the reliability of the power grid has come under fire. Many in the industry and with environmental regulations, as some would suggest. It is not principally a problem of local sentiment against it. This is not principally a problem with environmental regulations, as some would suggest. It is NIMBY—“not in my backyard”—pure and simple.

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The market in California for electricity and gas is broken in several respects. In the two hearings we have held before the Committee on Energy and Natural Resources, it is clear that the prices received by many generators are far above the costs of production. It is also clear that market rules are not getting through to consumers. The provisions of this bill, which I have inserted at the request of Senator Feinstein, take on both of those issues. These provisions to help Californians despaired of the policies that the Democratic energy legislation does not open ANWR, it does not open ANWR to oil and gas drilling. We believe it will be if this legislation does not open ANWR to oil and gas drilling. This bill also takes on the issue of energy efficiency in vehicles. That is a controversial issue. A lot has been said on this floor about the undesirability of depending on foreign sources of oil. I find it ironic that, at the same time ensuring the light vehicle sector by the year 2008 by no more than just closing the light truck "loop-hole" in the CAFE standards. Disagreements on CAFE have kept us from making progress on fuel efficiency in this country at a huge cost to consumers and our economy.

At the same time, U.S.-based automobile manufacturers have entered into voluntary agreements with European countries to significantly increase fuel efficiency in vehicles. That is a fact. Mr. President, the focus of the article is the fact that overall the last decade a number of States reduced their commitments to energy efficiency at a cost of 15,000 megawatts in power savings, and that now many States, through the National Association of State Energy Officials, are refocusing their attention on energy efficiency—the easiest and least cost source of energy. Energy efficiency, appliances, and buildings generate benefits in terms of energy savings, emission reductions and human health improvements. Improvements to installation practices for heating and cooling systems, including ductwork, could take considerable pressure off the power grid and natural gas supplies almost immediately.

We have included a number provisions that will help bring the next generation of ultra-efficient appliances into the marketplace sooner. We would also establish a new program to make grants to local school districts to improve energy efficiency of school buildings and expand the use of renewable energy. Research has shown that better lighting, heating and cooling systems improve students' performance. We are urging the Secretary of Energy to work with energy-intensive industries to negotiate voluntary agreements to improve their energy efficiency.

One of the best ways to protect against market volatility in energy is to diversify supply sources. I believe that much can be done to increase energy supplies from traditional sources, and the bills that I am introducing, taken together have a robust mix of tax and policy provisions to see that we continue to develop our domestic energy resources. As previously mentioned in the beginning of my remarks, this bill balances its emphasis on supply with a strong emphasis on demand reduction and efficiency. Increasing the efficient use of energy is the single most effective and least-cost policy for the short term and long term. Just yesterday, the Wall Street Journal ran an article titled "States Rediscover Energy Policies".

The debate on fuel efficiency has often been sidetracked into a discussion of specific proposals to change the corporate average fuel economy, or CAFE standards. Mr. President, I am asking unanimous consent, following my remarks, to have printed in the RECORD this article from yesterday's issue of the Wall Street Journal.

The PROSIDENT OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, the focus of the article is the fact that overall the last decade a number of States reduced their commitments to energy efficiency at a cost of 15,000 megawatts in power savings, and that now many States, through the National Association of State Energy Officials, are refocusing their attention on energy efficiency—the easiest and least cost source of energy. Energy efficiency, appliances, and buildings generate benefits in terms of energy savings, emission reductions and human health improvements. Improvements to installation practices for heating and cooling systems, including ductwork, could take considerable pressure off the power grid and natural gas supplies almost immediately.

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The Clinton administration—the previous administration—prepared a comprehensive plan for boosting energy research and development spending, but it could find very little support for that proposal in Congress. That was in the spring of 1997, and we have updated it to reflect some of the past appropriations by the Congress. I believe that we have come up with a broad approach to boost research and development spending for energy efficiency and for options in our energy supply option that is on the table.

This bill also supports basic science that is related to energy that may lead to discoveries that could create entirely new energy technologies, such as happened when high-temperature superconductivity was discovered in the late 1980s. The Department of Energy’s Office of Science has had a stagnant budget throughout the 1990s. We now see evidence that this lag negatively affected productivity in basic areas such as chemistry, physics, and material sciences. The U.S. scientific productivity in these disciplines, which support both energy research and development as well as research and development in other high-technology areas, is markedly lower than during the 1970s and 1980s. Many of us in Congress are talking about the need to double the budget for the National Institutes of Health. The administration is talking about that, as well. I believe that is a similar national need to greatly increase our support for basic energy research and development. This effort to maintain research and development in this energy area is absolutely essential if Congress is going to do what needs to be done in this area.

Tax Policy. Along with the programs outlined above, we need to consider the use of tax incentives to encourage commercial activities that will meet the nation’s demand for increased and diversified supplies of energy. To accomplish this we have included tax credits and incentives to accomplish the policy programs that we have authorized, such as, stimulus for residential and commercial energy efficiency; renewable energy development; clean coal technology; and distributed generation. To complement these incentives and encourage further development of new and traditional energy technologies we have also provided tax incentives for heat pumps and storage and oil and gas production.

Mr. President, the lights went off again this week in California. We are all aware of that. Electricity bills throughout the West are causing busi- nesses to shut down because they can’t afford to operate. We are threatened with that in my own state of New Mexico. Citizens across the country have seen their gas bills double and in some cases triple the level they were a year ago. And that gasoline pump you will see numbers that would have surprised and shocked you not too long ago. I think the citizens of this Nation know that the energy industries are in trouble, and that actually will mean trouble for them. We in Congress—we in Washington—need to respond.

This bill is an attempt to further the direction that has already been taken in this Congress. Consider it as an outline. We need to hold hearings. We need to debate how best to respond. We need to develop a balanced response that takes advantage of all the options that are available to us. We will need to look for a new way out of this unfortunate circumstance. We can’t just conserve our way out of it either. We must do both. I expect many changes in the content of this bill before we are finally finished. But this is a good beginning toward a comprehensive and balanced energy policy for the Nation.

Mr. President, I ask unanimous consent that the text of both bills be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows: S. 596

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Energy Security and Tax Incentive Policy Act of 2001”.

(b) Amendment of 1986 Code.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—ENERGY-EFFICIENT PROPERTY USED IN BUSINESS

Sec. 101. Credit for energy-efficient property used in business.

Sec. 102. Energy Efficient Commercial Building Property Deduction.

Sec. 103. Credit for energy-efficient appliances.

TITLE II—RESIDENTIAL ENERGY SYSTEMS

Sec. 201. Business credit for construction of new energy-efficient home.

Sec. 202. Credit for energy efficiency improvements to existing homes.

Sec. 203. Credit for residential solar, wind, and hydro power.

TITLE III—ELECTRICITY FACILITIES AND PRODUCTION

Sec. 301. Incentive for Distributed Generation.

Sec. 302. Modifications to credit for electricity produced from renewable and waste resources.

Sec. 303. Treatment of facilities using biomass to produce energy as solid waste disposal facilities eligible for tax-exempt financing.

Sec. 304. Depreciation of property used in the transmission of electricity.

TITLE IV—INCENTIVES FOR EARLY COMMERCIAL APPLICATIONS OF ADVANCED CLEAN COAL TECHNOLOGIES

Sec. 401. Credit for investment in qualifying advanced clean coal technology.
SEC. 402. Credit for production from qualifying advanced coal technology.

SEC. 403. Risk pool for qualifying advanced coal technology.

TITLE V—HEATING FUELS AND STORAGE

SEC. 501. Full expensing of propane storage facilities.

SEC. 502. Allowance of rules not to apply to pre-payments for natural gas and other commodities.

SEC. 503. Private loan financing test not to apply to pre-payments for natural gas and other commodities.

TITLE VI—OIL AND GAS PRODUCTION AND PETROLEUM PRODUCTS

Sec. 601. Credit for production of re-refined lubricating oil.

Sec. 602. Oil and gas from marginal wells.

Sec. 603. Deduction for delay rental payments.

Sec. 604. Election to expense geological and geophysical expenditures.

Sec. 605. Gas pipelines treated as 7-year property.

Sec. 606. Crude oil and natural gas development credit.

Sec. 607. Credit for capture of coalmine methane.

Sec. 608. Allocation of alcohol fuels credit to patrons of a cooperative.

Sec. 609. Extension of credit for producing fuel from a nonconventional source.

TITLE I—ENERGY-EFFICIENT PROPERTY USED IN BUSINESS

SEC. 101. CREDIT FOR CERTAIN ENERGY-EFFICIENT PROPERTY USED IN BUSINESS.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 (relating to rules for computing inventory credit) is amended by inserting after section 48 the following:

"(iv) for computing investment credit, is amended

"(v) qualified solar electric generating property, or

"(vi) qualified wind energy systems equipment property.

"(B) the construction, reconstruction, or erection of which is completed by the taxpayer,

"(C) which can reasonably be expected to remain in operation for at least 5 years,

"(D) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

"(E) which meets the performance and quality standards (if any) which—

"(i) have been prescribed by the Secretary by regulations (after consultation with the Secretary of Energy), and

"(ii) are in effect at the time of the acquisition of the property.

(2) EXCEPTIONS.—

(A) PUBLIC UTILITY PROPERTY.—Such term shall not include any property which is public utility property (as defined in section 466(b)).

(B) CIVILIAN USE PROPERTY.—Such term shall not include—

"(i) property described in paragraph (1)(A)(iv),

"(ii) certain wind equipment—

"(III) has a minimum generating capacity of 30 megawatts or less, and

"(v) certain combined heat and power system property.

"(1) IN GENERAL.—For purposes of section 46, the energy credit for any taxable year is the energy percentage of the basis of each energy property placed in service during such taxable year.

"(A) ENERGY PROPERTY PERCENTAGE.—

"(i) IN GENERAL.—The energy percentage is—

"(II) 70 percent for each kilowatt of capacity provided by a fuel cell in subparagraph (A)(v) of section 63(b)(2) which meets all applicable standards of the American Institute of Electrical Engineers and which—

"(I) increases steady state and seasonal electricity use of less than 1 megawatt and not in excess of 50 megawatts, and

"(ii) has an electrical efficiency of at least 50 percent and a combined thermal efficiency of at least 70 percent.

"(II) with respect to which the taxpayer is eligible for a credit under section 46.

"(III) is a central air conditioner which has a cooling seasonal energy efficiency ratio (SEER) of at least 13.5 but less than 15,

"(IV) a central air conditioner which has a central air conditioner which has a cooling seasonal energy efficiency ratio (SEER) of 15 or greater,

"(V) an advanced natural gas water heater—

"(A) which has an energy efficiency rating of at least 0.65,

"(B) which is used for heating water and has an energy efficiency rating of at least 1.25.

"(6) DEFINITIONS RELATING TO TYPES OF ENERGY PROPERTY.—For purposes of this section—

"(1) SOLAR ENERGY PROPERTY.—

"(A) IN GENERAL.—The term ‘solar energy property’ means equipment which uses solar energy to generate electricity, to heat or cool (or provide hot water for use in) a structure, or to provide solar process heat.

"(B) SWIMMING POOLS, ETC. USED AS STORAGE MEDIUM.—The term ‘solar energy property’ means a swimming pool, hot tub, or any other energy storage medium which has a function other than the function of such storage.

"(C) SOLAR PANELS.—No solar panel or other property installed as a roof (or portion thereof) shall be treated as solar energy property solely because it constitutes a structural component of the structure on which it is installed.

"(2) GEOTHERMAL ENERGY PROPERTY.—

"(A) IN GENERAL.—The term ‘geothermal energy property’ means equipment used to produce, distribute, or use energy derived from a geothermal deposit (within the meaning of section 613(e)(2)), but only, in the case of electricity generated by geothermal power, up to (but not including) the electrical transmission properties.

"(B) HIGH RISK GEOTHERMAL WELL.—The term ‘high risk geothermal well’ means a geothermal deposit (within the meaning of section 613(e)(2)), but only, in the case of electricity generated by geothermal power, up to (but not including) the electrical transmission properties.

"(C) GEOTHERMAL WATER HEATER.—The term ‘geothermal water heater’ means equipment used to produce, distribute, or use energy derived from a geothermal deposit (within the meaning of section 613(e)(2)), but only, in the case of electricity generated by geothermal power, up to (but not including) the electrical transmission properties.

"(3) QUALIFIED FUEL CELL PROPERTY.—

"(A) IN GENERAL.—The term ‘qualified fuel cell property’ means equipment which uses fuel cells to produce, distribute, or use energy, described in subparagraph (A)(v) of section 63(b)(2), and which meets all applicable standards of the American Institute of Electrical Engineers and which—

"(i) has a maximum operating capacity of 1 megawatt or less, and

"(ii) has an electrical efficiency of at least 0.50.

"(B) IN THE CASE OF ELECTRICITY PRODUCED BY A QUALIFIED FUEL CELL PROPERTY—

"(i) which is used for heating water and has an energy efficiency rating of at least 0.65,

"(ii) which is used for heating water and has an energy efficiency rating of at least 1.25.

"(4) COMBINED HEAT AND POWER SYSTEM PROPERTY.—

"(A) IN GENERAL.—The term ‘combined heat and power system property’ means property—

"(i) comprising a system for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with steam, heat, or other forms of useful energy,

"(ii) which has an electrical capacity of more than 50 kilowatts or a mechanical energy capacity of more than 67 horsepower or an equivalent combination of electrical and mechanical energy capacities,

"(iii) which produces—

"(I) at least 20 percent of its total useful energy in the form of thermal energy, and

"(II) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or a combination thereof), and

"(iv) the energy efficiency percentage of which exceeds—

"(I) 70 percent in the case of a system with an electrical capacity of less than 1 megawatt,

"(II) 85 percent in the case of a system with an electrical capacity of not less than 1 megawatt and not in excess of 50 megawatts, and

Sec. 302. Credit for production from qualifying advanced coal technology.

Sec. 303. Risk pool for qualifying advanced coal technology.
(III) 70 percent in the case of a system with an electrical capacity in excess of 50 megawatts.

"(B) Special Rules.—

(1) General Efficiency Percentage.—For purposes of subparagraph (A)(iv), the energy efficiency percentage of a system is the fraction—

(I) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates; and

(II) the denominator of which is the lower heating value of the primary fuel source for the system.

(2) DETERMINATIONS MADE ON BTU BASIS.—The energy efficiency percentage and the percentages under subparagraph (A)(iii) shall be determined on a Btu basis.

(3) OUTPUT PROPERTY NOT INCLUDED.—The term ‘combined heat and power system property’ does not include property used to transport the energy source to the facility or to distribute energy produced by the facility.

(4) ACCOUNTING RULE FOR PUBLIC UTILITY PROPERTY.—If the combined heat and power system property is public utility property (as defined in section 46(f)(5) as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990), the taxpayer may only claim the credit under subsection (a)(1) if, with respect to such property, the taxpayer uses a normalization method of accounting.

(5) LOW COEFFICIENT DISTRIBUTION TRANSFORMER PROPERTY.—The term ‘low core loss distribution transformer property’ means a distribution transformer which has energy savings from a highly efficient core of at least 20 percent more than the average for power ratings reported by studies required under section 124 of the Energy Policy Act of 1992.

(6) QUALIFIED ANAEROBIC DIGESTER PROPERTY.—The term ‘qualified anaerobic digester property’ means an anaerobic digester for manure or crop waste which achieves at least 65 percent efficiency measured in terms of the fraction of energy input converted to electricity and useful thermal energy.

(7) QUALIFIED WIND ENERGY SYSTEMS EQUIPMENT PROPERTY.—The term ‘qualified wind energy systems equipment property’ means wind energy systems equipment with a turbine size of not more than 75 kilowatts for wind energy systems equipment which achieves at least 65 percent efficiency measured in terms of the fraction of the energy input converted to electricity and useful thermal energy.

(8) SPECIAL RULES.—For purposes of this section—

(1) Special Rule for Property Financed by Subsidized Energy Financing or Indus-

trial Revenue Bonds.—

(A) REDUCTION OF BASIS.—For purposes of applying the energy percentage to any property, if such property is financed in whole or in part—

(i) subsidized energy financing, or

(ii) the proceeds of a private activity bond (within the meaning of section 141) the interest on which is exempt from tax under section 103, the amount taken into account as the basis of such property shall not exceed the amount which (but for this subparagraph) would be so taken into account multiplied by the fraction determined under paragraph (B).

(B) DETERMINATION OF FRACTION.—For purposes of subparagraph (A), the fraction determined under this subparagraph is 1 reduced by a fraction—

(i) the numerator of which is that portion of the credit which is allocable to such financing or proceeds, and

(ii) the denominator of which is the basis of the property.

(2) CREDIT AND SUBSIDIZED ENERGY FINANCING.—For purposes of subparagraph (A), the term ‘subsidized energy financing’ means financing provided under a Federal, State, or local program a principal purpose of which is to provide subsidized financing for projects designed to conserve or produce energy.

(3) APPROPRIATE RULES APPLIED.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990 shall apply for purposes of this section.

"(C) Application of Section.—

(1) IN GENERAL.—Except as provided by paragraph (2), this section shall apply to property placed in service after December 31, 2001, and before January 1, 2006.

(2) Exceptions.—

(A) SOLAR ENERGY AND GEOTHERMAL ENERGY PROPERTY.—(Paraphrased from the text)

(B) CERTAIN ELECTRIC HEAT PUMPS AND CENTRAL AIR CONDITIONERS.—(Paraphrased from the text)

(C) QUALIFIED WIND ENERGY SYSTEMS EQUIPMENT PROPERTY.—(Paraphrased from the text)

(D) QUALIFIED ANAEROBIC DIGESTER PROPERTY.—(Paraphrased from the text)

(E) SPECIAL RULES.—(Paraphrased from the text)

(F) APPLICATION OF SECTION.—(Paraphrased from the text)

"(D) ENERGY-EFFICIENT COMMERCIAL BUILDING PROPERTY DEDUCTION.—

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 relating to itemized deductions for individuals is amended by—

(1) Section 199(a)(4) is amended by striking ‘section 48(a)(5)’ and inserting ‘section 48(a);’

(2) Section 29(b)(3)(B) is amended—

(A) by striking clause (vi)(I) and inserting the following:

"(1) is described in paragraph (b) or (2) of section 48(a)(4) (in paragraph (b) or (2) described if ‘solar and wind’ were substituted for ‘solar’ in paragraph (1));’; and

(B) in the last sentence by striking “sec-

tion 48(a)(4)(A)’’ and inserting “sec-

tion 48A(c)(2)(A)’’.

(c) CLERICAL.—The table of sections for subpart E of part IV of sub-
chapter B of chapter 1 is amended by strik-

ing the item relating to section 48 and in-
serting the following:

(4) Section 48A. Energy credit.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2001, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

"(E) ENERGY-EFFICIENT COMMERCIAL BUILDING PROPERTY DEDUCTION.—

(a) IN GENERAL.—There shall be allowed as a deduction for the taxable year an amount equal to the energy-efficient commercial building property expenditures made by a taxpayer for the taxable year.

(b) MAXIMUM AMOUNT OF DEDUCTION.—(Paraphrased from the text)

(c) YEAR DEDUCTION ALLOWED.—(Paraphrased from the text)

(d) ENERGY-EFFICIENT COMMERCIAL BUILDING PROPERTY EXPENDITURES.—(Paraphrased from the text)

(e) ENERGY-EFFICIENT COMMERCIAL BUILDING PROPERTY DEDUCTION.—(Paraphrased from the text)
take into account the extent of commissioned mechanical cooling, such as multiple or variable speed compressors.

The calculation methods may take into account the extent of commissioning in the building, and allow the taxpayer to take into account measured performance which exceeds typical performance.

(3) COMPUTER SOFTWARE.—

(A) IN GENERAL.—Any calculation under this subsection shall be prepared by qualified computer software.

(B) QUALIFIED COMPUTER SOFTWARE.—For purposes of this paragraph, the term ‘qualified computer software’ means software—

(i) which the software designer has certified that the software meets all procedures and detailed methods for calculating energy and power consumption and costs as required by the Secretary,

(ii) which provides such forms as required to be filed by the Secretary in conjunction with energy efficiency property and the deduction allowed under this section, and

(iii) which provides a notice form which summarizes the energy efficiency features of the building and its projected annual energy costs.

(4) ALLOCATION OF DEDUCTION FOR PUBLIC PROPERTY.—In the case of energy-efficient commercial building property installed on or in public property, the Secretary shall promulgate a regulation to allow the allocation of the deduction to the party primarily responsible for designing the property in lieu of the public entity which is the owner of such property. Such person shall be treated as the taxpayer of this section.

(5) NOTICE TO OWNER.—The qualified individual shall provide an explanation to the owner of the building regarding the energy efficiency features of the building and its projected annual energy costs as provided in the notice described in paragraph (3)(B)(ii).

(6) CERTIFICATION.—

(A) IN GENERAL.—Except as provided in this paragraph, the Secretary, in consultation with the Secretary of Energy, shall establish requirements for certification and compliance procedures similar to the procedures under section 45P(d).

(B) QUALIFIED INDIVIDUALS.—Individuals qualified to determine compliance shall be only those individuals who are recognized by an organization certified by the Secretary for such purposes.

(C) PROFICIENCY OF QUALIFIED INDIVIDUALS.—The Secretary shall consult with non-profit organizations and State agencies with expertise in energy efficiency calculations and inspection proficiency testing and training programs to qualify individuals to determine compliance.

(D) TERMINATION.—This section shall not apply with respect to energy-efficient commercial building property expenditures in connection with property—

(1) the plans for which are not certified under subsection (e)(6) on or before December 31, 2006, and

(2) the construction of which is not completed on or before December 31, 2008.

(b) APPLICABLE AMOUNT.—For purposes of subsection (a), the applicable amount determined under this subsection with respect to a taxpayer is the sum of—

(1) in the case of an energy-efficient clothes washer described in subsection (d)(2)(A) or an energy-efficient refrigerator described in subsection (d)(3)(B)(i), an amount equal to

(A) $50, multiplied by

(B) the number of such washers and refrigerators produced by the taxpayer during such calendar year, and

(2) in the case of an energy-efficient clothes washer described in subsection (d)(2)(B) or an energy-efficient refrigerator described in subsection (d)(3)(B)(ii), an amount equal to

(A) $100, multiplied by

(B) the number of such washers and refrigerators produced by the taxpayer during such calendar year.

(c) LIMITATION ON MAXIMUM CREDIT.—

(1) IN GENERAL.—The maximum amount of credit allowed under subsection (a) with respect to a taxpayer for all taxable years shall be—

(A) $30,000,000 with respect to the credit determined under subsection (b)(1), and

(B) $30,000,000 with respect to the credit determined under subsection (b)(2).

(2) LIMITATION BASED ON GROSS RECEIPTS.—The credit allowed under subsection (a) with respect to a taxpayer for the taxable year shall not exceed an amount equal to 2 percent of the average annual gross receipts of the taxpayer for the 3 taxable years preceding the taxable year in which the credit is determined.

(d) GROSS RECEIPTS.—For purposes of this subsection, the rules of paragraphs (2) and (3) of section 448(c) shall apply.

(e) QUALIFIED ENERGY-EFFICIENT APPLIANCE.—For purposes of this section—

(1) IN GENERAL.—The term ‘qualified energy-efficient appliance’ means—

(A) an energy-efficient clothes washer, or

(B) an energy-efficient refrigerator.

(2) ENERGY-EFFICIENT CLOTHES WASHER.—The term ‘energy-efficient clothes washer’ means—

(A) a residential clothes washer, including a residential style coin operated washer, which is manufactured with—

(i) a 1.20 Modified Energy Factor (as referred in this paragraph as ‘MEF’) (as determined by the Secretary of Energy), or

(ii) a 1.32 MEF (as determined by the Secretary of Energy) in each MEF for calendar years beginning after 2004.

(3) ENERGY-EFFICIENT REFRIGERATOR.—The term ‘energy-efficient refrigerator’ means an automatic defrost refrigerator-freezer which—

(A) has an internal volume of not less than 15.5 cubic feet, and

(B) consumes—

(i) 10 percent less kWh per year than the energy conservation standards promulgated by the Department of Energy for such refrigerator for 2001, and

(ii) 15 percent less kWh per year than such energy conservation standards.

(C) SPECIAL RULES.—
“(1) In general.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply for purposes of this section.

“(2) Aggregation rules.—All persons treated as one under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 411 shall be treated as one person for purposes of subsection (a).

“(3) Credit on expenses on same dwelling taken into account.—If a credit was allowed under subsection (a) with respect to a dwelling in 1 or more prior taxable years, that portion of the expenses otherwise allowable for the taxable year with respect to that dwelling shall not exceed the amount under clause (i) or (ii) as the case may be, reduced by the credits allowed under subsection (a) with respect to the dwelling for all prior taxable years.

“(2) Coordination with rehabilitation and energy credits.—For purposes of this section—

“(A) the basis of any property referred to in subsection (a) shall be reduced by that portion of the basis of any property which is attributable to qualified rehabilitation expenditures (as defined in section 47(c)(2)) or to the energy percentage of energy property (as determined under section 48(a)), and

“(B) expenditures taken into account under either section 47 or 48(a) shall not be taken into account under this section.

“(c) Definitions.—For purposes of this section—

“(1) Eligible contractor.—The term ‘eligible contractor’ means the person who constructed or reconstructed the dwelling, in the case of a manufactured home which conforms to Federal Manufactured Home Construction and Safety Standards (24 C.F.R. 3280), the manufactured home producer of such home.

“(2) Energy-efficient property.—The term ‘energy-efficient property’ means any energy-efficient building component, and any energy-efficient heating or cooling equipment which can, individually or in combination with other components, meet the requirements of subsection (e).

“(3) Qualified new energy-efficient home.—The term ‘qualified new energy-efficient home’ means a dwelling—

“(A) located in the United States,

“(B) the construction of which is substantially completed after December 31, 2000,

“(C) the original use of which is as a principal residence (within the meaning of section 121) which commences with the person acquiring such dwelling from the eligible contractor, and

“(D) which is certified to have a projected level of annual heating and cooling energy consumption, measured in terms of average annual energy cost to the homeowner which is at least—

“(i) 30 percent less than the annual level of heating and cooling energy consumption of a reference dwelling constructed in accordance with the standards of chapter 4 of the 2000 International Energy Conservation Code, or

“(ii) 50 percent less than such annual level of heating and cooling energy consumption.

“(4) Construction.—The meaning of ‘construction’ includes reconstruction and rehabilitation.

“(5) Acquisition.—The term ‘acquire’ includes purchase and, in the case of reconstruction and rehabilitation, such term includes a binding written contract for such reconstruction or rehabilitation.

“(6) Building envelope component.—The term ‘building envelope component’ means—

“(A) insulation material or system which is specifically and primarily designed to reduce heating or cooling losses when installed in or on such dwelling, and

“(B) exterior windows (including skylights) and doors.

“(7) Manufactured home included.—The term ‘dwelling’ includes a manufactured home conforming to Federal Manufactured Home Construction and Safety Standards (24 C.F.R. 3280).

“(d) Certification.—

“(1) Method.—A certification described in subsection (c)(3)(D) shall be determined on the basis of 1 of the following methods:

“(A) A component-based method, using the applicable technical energy efficiency specifications or ratings (including product labeling requirements) for the energy-efficient building envelope component or energy-efficient heating or cooling equipment. The Secretary shall, in consultation with the Administrator of the Environmental Protection Agency, develop prescriptive component standards that are equivalent in energy performance to properties that qualify under subparagraph (B).

“(B) An energy performance-based method that calculates the projected energy usage and cost reductions in the dwelling in relation to a reference dwelling—

“(i) heated by the same energy source and heating system type, and

“(ii) constructed in accordance with the standards of chapter 4 of the 2000 International Energy Conservation Code.

“(2) Provider.—Such certification shall be provided by—

“(A) in the case of a method described in paragraph (1)(A), a local building regulatory authority, a utility, a manufactured home producer, an inspection certification agency (IPIA), or a home energy rating organization, or

“(B) in the case of a method described in paragraph (1)(B), an individual recognized by an organization designated by the Secretary for such purposes.

“(3) Form.—

“(A) In general.—Such certification shall be made in writing in a manner that specifies in readily verifiable fashion the energy efficiency of the building envelope components and the energy-efficient heating or cooling equipment installed and their respective rated energy efficiency performance, and in the case of a method described in subparagraph (B), accompanied by written analysis documenting the proper application of a permissible energy performance calculation method to the specific circumstances of such dwelling.

“(B) Form provided to buyer.—A form documenting the energy-efficient building envelope components and energy-efficient heating or cooling equipment installed and their rated energy efficiency performance shall be provided to the buyer of the dwelling. The form shall include labeled R-value for insulation products, NFRC-labeled U-factor and Solar Heat Gain Coefficient for windows, skylights, and doors, labeled APE ratings for furnaces and boilers, labeled HSPF ratings for electric heat pumps, and labeled SEER ratings for air conditioners.

“(4) Regulations.—

“(A) In general.—In prescribing regulations under this subsection for energy performance-based certification methods, the
Secretary, after examining the requirements for energy consultants and home energy raters provided by the Mortgage Industry National Accreditation Procedures for Home Energy Rating Systems, the Secretary shall establish procedures for calculating annual energy usage and cost reductions for heating and cooling and for the reporting of the results, which shall:

‘‘(i) provide that any calculation procedures be fuel neutral such that the same energy efficiency measures allow a home to qualify for credits under this section regardless of whether the dwelling uses a gas or oil furnace or boiler or an electric heat pump, and

‘‘(ii) require that any computer software allow for the printing of the Federal tax forms necessary for the credit under this section and for the printing of forms for disclosure in connection with

‘‘(B) PROVIDERS.—For purposes of paragraph (2)(B), the Secretary shall establish requirements for the designation of individuals based on the requirements for energy consultants and home energy raters specified by the Mortgage Industry National Accreditation Procedures for Home Energy Rating Systems.

(e) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

(f) LIMITATIONS.—

‘‘(i) TERMINATION.—Subsection (a) shall apply to dwellings purchased during the period beginning on January 1, 2001, and ending on December 31, 2005.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 (relating to current year basis credit), as amended by section 103(d), is amended by striking ‘‘plus’’ at the end of paragraph (13), by striking the period at the end of paragraph (14) and inserting ‘‘plus’’, and by adding at the end the following:

‘‘(15) the new energy-efficient home credit determined under section 45F.’’.

(c) CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.

(1) IN GENERAL.—Section 3 (relating to limitation based on amount of tax) is amended by redesignating paragraphs (3) and (4) as paragraphs (4) and (5) respectively and inserting after paragraph (4) the following:

‘‘(5) special rules for new energy efficient home credits.—

‘‘(A) in general.—In the case of the new energy efficient home credit—

‘‘(i) this section and section 39 shall be applied separately with respect to the credit, and

‘‘(ii) in applying paragraph (1) to the credit—

‘‘(I) subparagraphs (A) and (B) thereof shall not apply, and

‘‘(II) the limitation under paragraph (1) (as modified by subsection (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the new energy efficient home credit—

‘‘(B) NEW ENERGY EFFICIENT HOME CREDIT.—

For purposes of this subsection, the term ‘‘new energy efficient home credit’’ means the credit allowed under subsection (a) by reason of section 45F.’’.

(2) CONFORMING AMENDMENT.—Subclause (II) of subsection (a) of section 45F (as amended by inserting ‘‘or the new energy efficient home credit’’ after ‘‘employment credit’’).

(e) LIMITATION ON CARRYBACK.—Subsection (d) and subsection (e) of section 103(b), as amended by adding at the end the following:

‘‘(4) NO CARRYBACK OF NEW ENERGY-EFFICIENT HOME CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the credit determined under section 45F may be carried back to any taxable year ending before January 1, 2001.’’.

(d) DEDUCTION FOR CERTAIN UNNAMED BUSINESS CORPORATIONS.—Section 196(c) is amended by adding at the end the following:

‘‘(9) the new energy-efficient home credit determined under section 45F.’’.

(g) CEREAHKL ADJUSTMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 (relating to non-refundable personal credits) is amended by striking ‘‘plus’’ at the end of paragraph (13), by striking the period at the end of paragraph (14) and inserting ‘‘plus’’, and by adding at the end the following:

‘‘(15) the new energy-efficient home credit determined under section 45F.’’.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2000.

SEC. 202. CREDIT FOR ENERGY EFFICIENCY IMPROVEMENTS TO EXISTING HOMES.

(a) IN GENERAL.—Subpart A of part IV of chapter 1 (relating to non-refundable personal credits) is amended by inserting after section 45F the following new section:

‘‘SEC. 258. ENERGY EFFICIENCY IMPROVEMENTS TO EXISTING HOMES.

‘‘(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 20 percent of the amount paid or incurred by the taxpayer for qualified energy efficiency improvements installed during such taxable year.

(b) LIMITATIONS.—

‘‘(1) MAXIMUM CREDIT.—The credit allowed by this section with respect to a dwelling shall not exceed $2,000.

‘‘(2) PRIOR CREDIT AMOUNTS FOR TAXPAYER ON SAME DWELLING TAKEN INTO ACCOUNT.—If a credit was allowed to the taxpayer under subsection (a) with respect to a dwelling in 1 or more prior taxable years, the amount of the credit otherwise allowable for the taxable year with respect to that dwelling shall not exceed the amount of $2,000 reduced by the sum of the credits allowed under subsection (a) to the taxpayer with respect to the dwelling for all prior taxable years.

(c) CARRYOVER OF UNUSED CREDIT.—If the credit allowed under subsection (a) exceeds the limitation imposed by section 258(a) (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowed under subsection (a) for such taxable year.

(d) QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—In this section, the term ‘‘qualified energy efficiency improvements’’ means any energy efficient building envelope component which is certified under such regulations as the Secretary determines to be the most cost effective for the improvement of the energy efficiency of a home, and which meets the requirements of this section.

(e) CERTIFICATION.—The certification described in this subsection shall be based on the basis of applicable energy efficiency ratings (including product labeling requirements) for such improvements.

(f) DEFINITIONS AND SPECIAL RULES.—

‘‘(1) DOLLAR AMOUNTS IN CASE OF JOINT OCCUPANCY.—In the case of any dwelling unit which is jointly occupied during any calendar year as a residence by 2 or more individuals, the following shall apply:

‘‘(A) The amount of the credit allowable under this subsection (a) by reason of expenditures for the qualified energy efficiency improvements made during such calendar year by such individuals shall be reduced by the amount determined described in section 45F(d)(2), as reduced by the performance-based methods described in section 45F(d)(3).

‘‘(2) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of any dwelling unit which is jointly occupied during any calendar year as a residence by 2 or more individuals, the following shall apply:

‘‘(A) The amount of the credit allowable under this subsection (a) by reason of expenditures for the qualified energy efficiency improvements made during such calendar year by such individuals shall be reduced by the amount determined described in section 45F(d)(2), as reduced by the performance-based methods described in section 45F(d)(3).

‘‘(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—

‘‘(i) this section and section 39 shall be applied separately with respect to the credit, and

‘‘(ii) in the case of any component which is installed in or on a dwelling—

‘‘(A) located in the United States, and

‘‘(B) CERTIFICATION.—The certification described in subsection (d) shall be based on the basis of applicable energy efficiency ratings (including product labeling requirements) for such improvements.

‘‘(2) in the case of combinations of improvements described in subsection (d), determined by the performance-based methods described in section 45F(d)(3).

‘‘(3) provided by a third party, such as a local building regulatory authority, a utility, or the manufacturer or insurer of the property or the new energy efficient home credit—

‘‘(4) made in writing on forms which specify in readily inspectable fashion the energy efficiency components and other measures and their respective energy efficiency ratings, and which shall include a permanent label affixed to the electrical distribution panel as described in section 45F(d)(3)(C).

‘‘(B) LIMITATIONS.—

‘‘(1) maximum credit.—The credit allowed by this section with respect to a dwelling shall not exceed $2,000.

‘‘(2) prior credit amounts for taxpayer on same dwelling taken into account.—If a credit was allowed to the taxpayer under subsection (a) with respect to a dwelling in 1 or more prior taxable years, the amount of the credit otherwise allowable for the taxable year with respect to that dwelling shall not exceed the amount of $2,000 reduced by the sum of the credits allowed under subsection (a) to the taxpayer with respect to the dwelling for all prior taxable years.

‘‘(3) carryforward of unused credit.—If the credit allowed under subsection (a) exceeds the limitation imposed by section 258(a) (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

‘‘(4) qualified energy efficiency improvements.—In this section, the term ‘‘qualified energy efficiency improvements’’ means any energy efficient building envelope component which is certified as meeting such regulations as the Secretary determines to be the most cost effective for the improvement of the energy efficiency of a home, and which meets the requirements of this section.

‘‘(A) IN GENERAL.—In the case of an individual who is a tenant-stockholder (as defined in such section), such credit shall be treated as having paid his proportionate share of the cost of qualified energy efficiency improvements made by such association.

‘‘(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the
term ‘condominium management association’ means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

(4) BUILDING ENVELOPE COMPONENT.—The term ‘building envelope component’ means an expenditure for property which uses solar energy to heat water for use in a dwelling unit with respect to which a major fraction of the thermal energy is derived from the sun.

(5) MANUFACTURED HOMES INCLUDED.—For purposes of this section, the term ‘dwelling unit’ includes a manufactured home which is specifically and primarily designed to reduce the heat loss or gain or a dwelling when installed according to the manufacturer’s instructions.

(6) HOUSING CORPORATION.—In the case of an individual tenant-stockholder of a cooperative housing corporation (as defined in section 216(b)(2) of the Internal Revenue Code of 1986), 50 percent of any expenditure made by such individual after December 31, 2005, shall be treated as made when the original installation of the item is made by such individual during such calendar year.

(7) REDUCTION OF CREDIT FOR GRANTS, TAX EXEMPTIONS.—The whole or a portion of the amount of any grant or other form of assistance to a commercial energy property which is cooperative in nature to encourage the construction or reconstruction of such property shall be treated as made when the construction or reconstruction of such property is completed.

(8) NO APPLICABILITY.—The rules of section 29(b)(3) shall not apply for purposes of this section.

(9) EXPENDITURE MADE, AMOUNT OF EXPENDITURE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any expenditure with respect to an item shall be treated as made when the original installation of the item is completed.

(B) EXPENDITURES PART OF BUILDING CONSTRUCTION PROJECT.—In the case of any expenditure made by a person in connection with the construction or reconstruction of a structure, such expenditure shall be treated as made when the original installation of the structure by the taxpayer begins.

(C) AMOUNT.—The amount of any expenditure shall be the cost thereof.

(D) REDUCTION OF CREDIT FOR GRANTS, TAX EXEMPT BONDS, AND SUBSIDIZED ENERGY FINANCING.—The rules of section 29(b)(3) shall apply for purposes of this section.

(E) BASIS ADJUSTMENTS.—For purposes of this section, if a credit is allowed under section (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subsection (a) that the amount of such expenditure made during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

(1) QUALIFIED SOLAR WATER HEATING PROPERTY.—

(A) IN GENERAL.—The term ‘qualified solar water heating property’ means an expenditure for property which uses solar energy to heat water for use in a dwelling unit with respect to which a majority of the energy furnished by the property is solar energy.

(B) LIMITATIONS.—

(1) LIMITATION.—No expenditure may be taken in any calendar year under this section unless such expenditure is made by the taxpayer for property installed on or in connection with a dwelling unit which is located in the United States and which is used as a residence.

(2) SAFETY CERTIFICATIONS.—No credit shall be allowed under this section for any expenditure for property which meets appropriate fire and electric code requirements.

(2) QUALIFIED PHOTOVOLTAIC PROPERTY EXPENDITURE.—

(A) IN GENERAL.—The term ‘qualified photovoltaic property expenditure’ means an expenditure for property which uses solar energy to generate electricity for use in a dwelling unit.

(B) LIMITS APPLIED SEPARATELY.—In the case of any expenditure described in paragraph (1), (2), or (4) of subsection (c) which is jointly occupied and used during the calendar year by more than one individual, the amount of the credit allowable under subsection (a) by reason of expenditures made by such individual during such calendar year shall be determined by treating all of such individual's expenditures as if they were made by a single individual whose taxable year is such calendar year.

(C) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216(b)(2)) of a cooperative housing corporation (as defined in section 216(b)(3)) of any expenditures of such corporation.

(3) CONDOMINIUMS .—

(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which such individual owns, such individual shall be treated as having made his proportional share of any expenditures of such association.

(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this section, the term ‘condominium management association’ means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

(4) JOINT OWNERSHIP OF ITEMS OF SOLAR OR WIND ENERGY PROPERTY.—

(A) IN GENERAL.—Any expenditure otherwise qualifying as an expenditure described in paragraph (1), (2), or (4) of subsection (c) shall be treated as made by a single individual merely because such expenditure was made with respect to 2 or more dwelling units.

(B) LIMITS APPLIED SEPARATELY.—In the case of any expenditure described in subparagraph (A), the amount of the credit allowable under subsection (a) shall be computed separately with respect to the amount of the expenditure made for each dwelling unit.

(C) ALLOCATION IN CERTAIN CASES.—If less than 75 percent of the amount of any expenditure which is for nonbusiness residential purposes only, that portion of the expenditures for such item which is properly allocable to use for nonbusiness residential purposes shall be taken into account. For purposes of this paragraph, use for a swimming pool shall be treated as use which is not for residential purposes.

(D) WHEN EXPENDITURE MADE, AMOUNT OF EXPENDITURE.—

(A) IN GENERAL.—In the case of any expenditure described in paragraph (1), (2), or (4) of subsection (c) which is made by a person which is a tenant-stockholder of a cooperative housing corporation, the amount of such expenditure which is properly allocable to use for nonbusiness residential purposes only shall be treated as made when the original installation of the item is completed.

(B) EXPENDITURES PART OF BUILDING CONSTRUCTION PROJECT.—In the case of any expenditure made in connection with the construction or reconstruction of a structure, such expenditure shall be treated as made when the original installation of the structure by the taxpayer begins.

(C) AMOUNT.—The amount of any expenditure shall be the cost thereof.

(D) REDUCTION OF CREDIT FOR GRANTS, TAX EXEMPT BONDS, AND SUBSIDIZED ENERGY FINANCING.—The rules of section 29(b)(3) shall apply for purposes of this section.
such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(f) TERMINATION.—The credit allowed under this section shall not apply to taxable years beginning after December 31, 2011.".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 1016, as amended by section 201(b)(4), is amended by striking "and" at the end of paragraph (28), by striking the period at the end of paragraph (29) and inserting "; and", and by adding at the end the following:

"(30) to the extent provided in section 256(e) the case of amounts with respect to which a credit has been allowed under section 25C.

(2) The table of sections for subpart A of part IV of chapter A of chapter 1, as amended by section 201(b)(2), is amended by inserting after the item relating to section 25B the following:

"Sec. 25C. Residential solar, wind, and fuel cell energy property.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures made after the date of the enactment of this Act, in taxable years ending after such date.

TITLE III—ELECTRICITY FACILITIES AND PRODUCTION

SEC. 301. INCENTIVE FOR DISTRIBUTED POWER PROPERTY.—

(a) DEPRECIATION OF DISTRIBUTED POWER PROPERTY.—

(1) IN GENERAL.—Subparagraph (C) of section 168(e)(3) (relating to 7-year property) is amended by redesignating clause (ii) as clause (iii) and by inserting after clause (i) the following:

"(ii) any distributed power property, and.

(2) 10-YEAR CLASS LIFE.—The table contained in section 168(g)(3)(B) is amended by inserting after the item relating to subparagraph (C)(i) the following:

"(C)(ii) 10",.

(b) DISTRIBUTED POWER PROPERTY.—Section 168(c)(1) is amended by adding at the end the following:

"(1D) DISTRIBUTED POWER PROPERTY.—The term "distributed power property" means property:

"(A) which is used in the generation of electric power for final use—

"(i) in nonresidential real or residential rental property used in the taxpayer's trade or business, or

"(ii) in the taxpayer's industrial manufacturing activities or in a plant activity, with a rated total capacity in excess of 500 kilowatts,

"(B) which also may produce usable thermal energy or mechanical power for use in a heating or cooling application, as long as at least 40 percent of the total energy produced consists of—

"(i) electric power (whether sold or used by the taxpayer), or

"(ii) with respect to assets described in subparagraph (A)(i), with respect to a facility using alternative resources to produce electricity, the term "qualifying facility" means any facility of the taxpayer which is originally placed in service after the date of the enactment of this Act. Such a facility may be treated as originally placed in service when such facility was last up-graded to increase capacity or generation capability after such date.

"(2) SPECIAL RULES.—In the case of a facility using geothermal power to produce electricity, the term "qualified facility" means any facility of the taxpayer which is originally placed in service after December 31, 1990 which is owned by the taxpayer and which was previously placed in service after the date of the enactment of this subparagraph.

"(3) QUALIFIED FACILITIES.—In the case of a facility using geothermal power to produce electricity, the term "qualified facility" means any facility of the taxpayer which is originally placed in service after December 31, 1990 which is owned by the taxpayer and which was previously placed in service after the date of the enactment of this subparagraph.

"(4) CONFORMING AMENDMENTS.—

"(A) by redesignating paragraph (3) as paragraph (4),

"(B) by redesignating paragraph (4) as paragraph (3), and

"(C) by inserting after paragraph (3), as redesignated by subparagraph (B), the following:

"(2D) ALTERNATIVE RESOURCES FACILITY.—In the case of a facility using alternative resources to produce electricity, the term "qualifying facility" means any facility of the taxpayer which is originally placed in service after the date of the enactment of this Act. Such a facility may be treated as originally placed in service when such facility was last upgraded to increase capacity or generation capability after such date.

"(3) SPECIAL RULES.—In the case of a facility as defined in paragraph (2), if a facility is originally placed in service after the date of the enactment of this subparagraph, the term "qualified facility" means any facility of the taxpayer which is originally placed in service after December 31, 1990 which is owned by the taxpayer and which was previously placed in service after the date of the enactment of this subparagraph.

"(4) CONFORMING AMENDMENTS.—

"(A) by redesigning paragraph (5) as paragraph (4),

"(B) by redesigning paragraph (4) as paragraph (3),

"(C) by inserting after paragraph (3), as redesignated by subparagraph (B), the following:

"(3D) ALTERNATIVE RESOURCES FACILITY.—In the case of a facility using alternative resources to produce electricity, the term "qualified facility" means any facility of the taxpayer which is originally placed in service after December 31, 1990 which is owned by the taxpayer and which was previously placed in service after the date of the enactment of this subparagraph.

"(5) QUALIFIED FACILITIES WITH CO-PRODUCTION.—Section 45(b) (relating to limitations on Cooperating to the Natural Gas and Fuel Code) is amended by inserting the following:

"(i) increased efficiency, or

"(ii) additions of new capacity, at a licensed non-Federal hydroelectric project originally placed in service before the date of the enactment of this paragraph.

"(B) GEOTHERMAL.—The term "geothermal means energy derived from a geothermal de-
(b) by striking "poultry" in the heading of paragraph (6) of subsection (d) and inserting "animal."

(7) ELECTRICITY PRODUCED FROM CERTAIN RESOURCES CO-FIRED IN COAL PLANTS.—Section 45(d)(6) and inserting "animal waste" after "renewable energy".

(c) ADDITIONAL MODIFICATIONS OF RENEWABLE AND WASTE ENERGY RESOURCE CREDIT.—

(1) CREDITS FOR CERTAIN TAX EXEMPT ORGANIZATIONS AND GOVERNMENTAL UNITS.—Section 45(d)(7), as amended by section 301(a)(1), is amended by adding at the end the following:

"(8) ELECTRICITY DATES.—Section 45(c)(5) and inserting the following:

"(A) by inserting "and waste energy" after "renewable energy".

(2) BONDS OR CERTAIN OTHER SUBSIDIES.—Subsection (b)(2), is amended by striking ", and" at the end of clause (ii), by redesignating subparagraphs (A), (B), and (C) of subsection (b) as subparagraphs (A), (B), and (C), respectively, and by striking the former subsection (c)."
(2) 10-YEAR CLASS LIFE.—The table contained in section 168(g)(3)(B), as amended by section 301(a)(2), is amended by inserting after the item relating to subparagraph (C)(ii) per kilowatt hour, $1,500 per kilowatt hour.

"'(C)(ii) ........................................ 10".

(b) Definition of Property Used in the Transmission of Electricity.—Section 168(l), as amended by section 301(b), is amended by adding at the end the following:

"(2) PROPERTY USED IN THE TRANSMISSION OF ELECTRICITY.—The term ‘property used in the transmission of electricity’ means property placed in service after the date of the enactment of this Act.

(c) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

TITLE IV—Incentives for Early Commercial Applications of Advanced Clean Coal Technologies

SEC. 401. Credit for Investment in Qualifying Advanced Clean Coal Technology.

(a) Allowance of Qualifying Advanced Clean Coal Technology Facility Credit.—Section 46 (relating to amount of credit) is amended by striking "(3)" and inserting "(4)" and by adding the following:

"(4) the qualified advanced clean coal technology facility credit.

(b) Qualifying Advanced Clean Coal Technology Facility Credit.—

Subpart E of part IV of chapter A of part IV is added by inserting after section 46A the following:

"SEC. 48L. Qualifying Advanced Clean Coal Technology Facility Credit.—

"(a) In General.—For purposes of section 46, the qualified advanced clean coal technology facility credit for any taxable year is an amount equal to 19 percent of the qualified investment in a qualifying advanced clean coal technology facility for such taxable year.

"(b) Qualifying Advanced Clean Coal Technology Facility.—

"(1) In general.—For purposes of subsection (a), the term ‘qualifying advanced clean coal technology facility’ means a facility of the type that—

''(A) is located in the United States,

''(B) uses qualifying advanced clean coal technology with a design net heat rate of not more than 8,500 Btu per kilowatt hour; or

''(C) has a useful life of not less than 4 years.

''(2) Special Rule for Sale-Leasebacks.—

For purposes of subparagraph (A) of paragraph (1), in the case of a facility which—

''(A) is originally placed in service by a person other than the taxpayer,

''(B) is sold and leased back by such person, or is leased to such person, within 3 months after the date such facility was originally placed in service, for a period of not less than 12 years,

such facility shall be treated as originally placed in service not earlier than the date on which such property is used under the lease-back (or lease) referred to in subparagraph (B).

The preceding sentence shall not apply to any property if the lessee and lessor of such property are related (within the meaning of section 267 or 7701) and if such property is used under a lease-back (or lease) for any period of time shall not be considered as the time during which such property is used under the lease-back (or lease).

''(3) Qualifying Investment.—For purposes of paragraph (1)—

''(A) In General.—The term ‘qualifying advanced clean coal technology facility’ means, with respect to clean coal technology—

''(i) multiple applications, with a combined capacity of not more than 2,000 megawatts, of advanced pulverized coal or atmospheric fluidized bed combustion technology;

''(ii) installed as a new, retrofit, or repowering application,

''(III) with a design net heat rate of not more than 8,500 Btu per kilowatt hour when the design coal has a heat content of more than 8,000 Btu per pound, or a design net heat rate of not more than 9,000 Btu per kilowatt hour when the design coal has a heat content of 8,000 Btu per pound or less;

''(II) operated between 2001 and 2015, and

''(III) with a design net heat rate of not more than 8,500 Btu per kilowatt hour when the design coal has a heat content of more than 8,000 Btu per pound, or a design net heat rate of not more than 9,000 Btu per kilowatt hour when the design coal has a heat content of 8,000 Btu per pound or less;

''(II) operated between 2001 and 2015, and

''(III) with a design net heat rate of not more than 8,500 Btu per kilowatt hour when the design coal has a heat content of more than 8,000 Btu per pound, or a design net heat rate of not more than 9,000 Btu per kilowatt hour when the design coal has a heat content of 8,000 Btu per pound or less;

''(II) operated between 2001 and 2015, and

''(III) with a design net heat rate of not more than 8,500 Btu per kilowatt hour when the design coal has a heat content of more than 8,000 Btu per pound, or a design net heat rate of not more than 9,000 Btu per kilowatt hour when the design coal has a heat content of 8,000 Btu per pound or less;

''(II) operated between 2001 and 2015, and

''(III) with a design net heat rate of not more than 8,500 Btu per kilowatt hour when the design coal has a heat content of more than 8,000 Btu per pound, or a design net heat rate of not more than 9,000 Btu per kilowatt hour when the design coal has a heat content of 8,000 Btu per pound or less;

''(II) operated between 2001 and 2015, and

''(III) with a design net heat rate of not more than 8,500 Btu per kilowatt hour when the design coal has a heat content of more than 8,000 Btu per pound, or a design net heat rate of not more than 9,000 Btu per kilowatt hour when the design coal has a heat content of 8,000 Btu per pound or less;

''(II) operated between 2001 and 2015, and

''(III) with a design net heat rate of not more than 8,500 Btu per kilowatt hour when the design coal has a heat content of more than 8,000 Btu per pound, or a design net heat rate of not more than 9,000 Btu per kilowatt hour when the design coal has a heat content of 8,000 Btu per pound or less.

''(2) Special Rule for Sale-Leasebacks.—

For purposes of subparagraph (A) of paragraph (1), in the case of a facility which—

''(A) is originally placed in service by a person other than the taxpayer,

''(B) is sold and leased back by such person, or is leased to such person, within 3 months after the date such facility was originally placed in service, for a period of not less than 12 years,

such facility shall be treated as originally placed in service not earlier than the date on which such property is used under the lease-back (or lease) referred to in subparagraph (B).

The preceding sentence shall not apply to any property if the lessee and lessor of such property are related (within the meaning of section 267 or 7701) and if such property is used under a lease-back (or lease) for any period of time shall not be considered as the time during which such property is used under the lease-back (or lease).

''(3) Qualifying Investment.—For purposes of paragraph (1)—

''(A) In General.—The term ‘qualifying advanced clean coal technology facility’ means, with respect to clean coal technology—

''(i) multiple applications, with a combined capacity of not more than 2,000 megawatts, of advanced pulverized coal or atmospheric fluidized bed combustion technology;

''(ii) installed as a new, retrofit, or repowering application,

''(III) with a design net heat rate of not more than 8,500 Btu per kilowatt hour when the design coal has a heat content of more than 8,000 Btu per pound, or a design net heat rate of not more than 9,000 Btu per kilowatt hour when the design coal has a heat content of 8,000 Btu per pound or less;

''(II) operated between 2001 and 2015, and

''(III) with a design net heat rate of not more than 8,500 Btu per kilowatt hour when the design coal has a heat content of more than 8,000 Btu per pound, or a design net heat rate of not more than 9,000 Btu per kilowatt hour when the design coal has a heat content of 8,000 Btu per pound or less;

''(II) operated between 2001 and 2015, and

''(III) with a design net heat rate of not more than 8,500 Btu per kilowatt hour when the design coal has a heat content of more than 8,000 Btu per pound, or a design net heat rate of not more than 9,000 Btu per kilowatt hour when the design coal has a heat content of 8,000 Btu per pound or less;

''(II) operated between 2001 and 2015, and

''(III) with a design net heat rate of not more than 8,500 Btu per kilowatt hour when the design coal has a heat content of more than 8,000 Btu per pound, or a design net heat rate of not more than 9,000 Btu per kilowatt hour when the design coal has a heat content of 8,000 Btu per pound or less.

''(2) Special Rule for Sale-Leasebacks.—

For purposes of subparagraph (A) of paragraph (1), in the case of a facility which—

''(A) is originally placed in service by a person other than the taxpayer,

''(B) is sold and leased back by such person, or is leased to such person, within 3 months after the date such facility was originally placed in service, for a period of not less than 12 years,

such facility shall be treated as originally placed in service not earlier than the date on which
another person for the construction of such property.

(4) OTHER DEFINITIONS.—For purposes of this subsection—

(A) SELF-CONSTRUCTED PROPERTY.—The term ‘self-constructed property’ means property which is not self-constructed property.

(B) NONSELF-CONSTRUCTED PROPERTY.—The term ‘nonself-constructed property’ means property which is self-constructed property.

(C) CONSTRUCTION, ETC.—The term ‘construction’ includes reconstruction and erection, and shall be applied to all subsequent taxable years. Such an election, once made, may not be revoked except with the consent of the Secretary.

(D) ONLY CONSTRUCTION OF QUALIFYING ADVANCED CLEAN COAL TECHNOLOGY FACILITY.—The term ‘construction’ as defined in paragraph (1) shall be treated as a credit allowable under subpart C to such entity as described in paragraph (1)(D), any credit allowable under section 1381(a)(2)(C), section 501(c)(12), and exempt from tax under section 501(c)(12). Any credits against amounts of such payment shall be treated as arising from an essential government function.

(5) COORDINATION WITH OTHER CREDITS.—This section shall apply not to any property with respect to which the rehabilitation credit under section 47 or the energy credit under section 25D is allowable unless the taxpayer elects to waive the application of such credit to such property.

(6) SPECIAL RULES RELATING TO QUALIFYING ADVANCED CLEAN COAL TECHNOLOGY FACILITY.—For purposes of applying this subsection in the case of any credit allowable by reason of section 48B, the following shall apply:

(A) GENERAL RULE.—In lieu of the amount of the increase in tax under paragraph (1), the increase in tax shall be an amount equal to the lesser of the energy credit (as defined in section 25D(a)) allowed under section 38 for all prior taxable years with respect to a qualifying advanced clean coal technology facility (as defined by section 48B(b)(1)) multiplied by a fraction whose numerator is the number of years remaining to fully depreciate under this title the qualifying advanced clean coal technology facility disposed of whose denominator is the total number of years over which such facility would otherwise have been subject to depreciation. For purposes of the preceding sentence, the term ‘qualified advanced clean coal technology facility’ shall be treated as a year of remaining depreciation.

(B) PROPERTY CEASES TO QUALIFY FOR PROGRESS EXPENDITURES.—Rules similar to the rules of paragraph (2) shall apply in the case of qualified progress expenditures for a facility described in subparagraph (A) of section 48B(a)(6) except that the amount of the increase in tax under subparagraph (A) of paragraph (1) of this section shall be substituted in lieu of the amount described in such paragraph (2).

(C) APPLICATION OF PARAGRAPH.—This paragraph shall be applied separately with respect to the credit allowed under section 38 regarding a qualifying advanced clean coal technology facility.

(D) TRANSITIONAL RULE.—Section 38(d) of the Internal Revenue Code of 1986 (relating to business related credits), as amended by section 201(a), is amended by adding at the end the following:

(1) CREDIT FOR PRODUCTION FROM QUALIFYING ADVANCED CLEAN COAL TECHNOLOGY.

(a) CREDIT FOR PRODUCTION FROM QUALIFYING ADVANCED CLEAN COAL TECHNOLOGY.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits), as amended by section 201(a), is amended by adding at the end the following:

(6) NONAPPLICATION.—Paragraphs (1) and (2) shall not apply to any advanced clean coal technology facility credit under section 48B.

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1, as amended by section 101(c), is amended by inserting after the item relating to section 48A the following:

'"Sec. 48B. Qualifying advanced clean coal technology facility credit."'

(4) EFFECTIVE DATE.—The amendments made by this section shall apply to properties placed in service after December 31, 2006, which is similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 48C. CREDIT FOR PRODUCTION FROM QUALIFYING ADVANCED CLEAN COAL TECHNOLOGY.

(a) CREDIT FOR PRODUCTION FROM QUALIFYING ADVANCED CLEAN COAL TECHNOLOGY.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits), as amended by section 201(a), is amended by adding at the end the following:

'"Sec. 48C. Qualifying advanced clean coal technology facility credit."'

(b) AMOUNT.—For purposes of this section, the qualifying advanced clean coal technology facility credit of any taxpayer for any taxable year is equal to—

(1) the applicable amount of advanced clean coal technology production credit, multiplied by

(2) the sum of—

(A) the kilowatt hours of electricity, plus

(B) each 3,415 Btu of fuels or chemicals, produced by the taxpayer during such taxable year at a qualifying advanced clean coal technology facility during the 10-year period beginning on the date the facility was originally placed in service.

(b) APPLICABLE AMOUNT.—For purposes of this section, the applicable amount of advanced clean coal technology production credit with respect to production from a qualifying advanced clean coal technology facility shall be determined as follows:

Not more than 8,400 ........................ $0.0050

More than 8,400 but not more than 8,550 ........................ $0.0030

More than 8,550 but not more than 8,750 ........................ $0.0055

More than 8,750 ........................ $0.0005

'"(B) In the case of a facility originally placed in service after 2007, if—
The applicable amount is:

<table>
<thead>
<tr>
<th>Description</th>
<th>For 1st 5 years of such service</th>
<th>For 2nd 5 years of such service</th>
<th>For 3rd 5 years of such service</th>
<th>For 4th 5 years of such service</th>
<th>For 5th 5 years of such service</th>
</tr>
</thead>
<tbody>
<tr>
<td>More than 7,770</td>
<td>$0.0090</td>
<td>$0.0075</td>
<td>$0.0060</td>
<td>$0.0040</td>
<td>$0.0020</td>
</tr>
<tr>
<td>More than 7,770 but not more than 8,125</td>
<td>$0.0070</td>
<td>$0.0050</td>
<td>$0.0030</td>
<td>$0.0010</td>
<td>$0.0005</td>
</tr>
<tr>
<td>More than 8,125 but not more than 8,350.</td>
<td>$0.0060</td>
<td>$0.0040</td>
<td>$0.0020</td>
<td>$0.0010</td>
<td>$0.0005</td>
</tr>
</tbody>
</table>

"(C) In the case of a facility originally placed in service after 2011 and before 2015, if—

The applicable amount is:

<table>
<thead>
<tr>
<th>Description</th>
<th>For 1st 5 years of such service</th>
<th>For 2nd 5 years of such service</th>
<th>For 3rd 5 years of such service</th>
<th>For 4th 5 years of such service</th>
<th>For 5th 5 years of such service</th>
</tr>
</thead>
<tbody>
<tr>
<td>More than 7,380</td>
<td>$0.0120</td>
<td>$0.0090</td>
<td>$0.0060</td>
<td>$0.0030</td>
<td>$0.0010</td>
</tr>
<tr>
<td>More than 7,380 but not more than 7,720.</td>
<td>$0.0095</td>
<td>$0.0070</td>
<td>$0.0050</td>
<td>$0.0030</td>
<td>$0.0010</td>
</tr>
</tbody>
</table>

"(2) Where the design coal has a heat content of not more than 8,000 Btu per pound:

(A) In the case of a facility originally placed in service before 2008, if—

The applicable amount is:

<table>
<thead>
<tr>
<th>Description</th>
<th>For 1st 5 years of such service</th>
<th>For 2nd 5 years of such service</th>
<th>For 3rd 5 years of such service</th>
<th>For 4th 5 years of such service</th>
<th>For 5th 5 years of such service</th>
</tr>
</thead>
<tbody>
<tr>
<td>More than 8,500</td>
<td>$0.0050</td>
<td>$0.0030</td>
<td>$0.0015</td>
<td>$0.0010</td>
<td>$0.0005</td>
</tr>
<tr>
<td>More than 8,500 but not more than 8,650.</td>
<td>$0.0010</td>
<td>$0.0005</td>
<td>$0.0005</td>
<td>$0.0005</td>
<td>$0.0005</td>
</tr>
<tr>
<td>More than 8,650 but not more than 8,750.</td>
<td>$0.0005</td>
<td>$0.0005</td>
<td>$0.0005</td>
<td>$0.0005</td>
<td>$0.0005</td>
</tr>
</tbody>
</table>

(B) In the case of a facility originally placed in service after 2007 and before 2012, if—

The applicable amount is:

<table>
<thead>
<tr>
<th>Description</th>
<th>For 1st 5 years of such service</th>
<th>For 2nd 5 years of such service</th>
<th>For 3rd 5 years of such service</th>
<th>For 4th 5 years of such service</th>
<th>For 5th 5 years of such service</th>
</tr>
</thead>
<tbody>
<tr>
<td>More than 8,000</td>
<td>$0.0090</td>
<td>$0.0075</td>
<td>$0.0060</td>
<td>$0.0050</td>
<td>$0.0040</td>
</tr>
<tr>
<td>More than 8,000 but not more than 8,250.</td>
<td>$0.0070</td>
<td>$0.0050</td>
<td>$0.0040</td>
<td>$0.0030</td>
<td>$0.0020</td>
</tr>
<tr>
<td>More than 8,250 but not more than 8,400.</td>
<td>$0.0060</td>
<td>$0.0040</td>
<td>$0.0030</td>
<td>$0.0020</td>
<td>$0.0010</td>
</tr>
</tbody>
</table>

(C) In the case of a facility originally placed in service after 2011 and before 2015, if—

The applicable amount is:

<table>
<thead>
<tr>
<th>Description</th>
<th>For 1st 5 years of such service</th>
<th>For 2nd 5 years of such service</th>
<th>For 3rd 5 years of such service</th>
<th>For 4th 5 years of such service</th>
<th>For 5th 5 years of such service</th>
</tr>
</thead>
<tbody>
<tr>
<td>More than 7,800</td>
<td>$0.0120</td>
<td>$0.0090</td>
<td>$0.0060</td>
<td>$0.0030</td>
<td>$0.0010</td>
</tr>
<tr>
<td>More than 7,800 but not more than 7,950.</td>
<td>$0.0095</td>
<td>$0.0070</td>
<td>$0.0050</td>
<td>$0.0030</td>
<td>$0.0010</td>
</tr>
</tbody>
</table>

(3) Where the clean coal technology facility is producing fuel or chemicals:

(A) In the case of a facility originally placed in service before 2008, if—

The applicable amount is:

<table>
<thead>
<tr>
<th>Description</th>
<th>For 1st 5 years of such service</th>
<th>For 2nd 5 years of such service</th>
<th>For 3rd 5 years of such service</th>
<th>For 4th 5 years of such service</th>
<th>For 5th 5 years of such service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 40.6 percent</td>
<td>$0.0050</td>
<td>$0.0030</td>
<td>$0.0015</td>
<td>$0.0010</td>
<td>$0.0005</td>
</tr>
<tr>
<td>Less than 40.6 but not less than 40 percent.</td>
<td>$0.0010</td>
<td>$0.0005</td>
<td>$0.0005</td>
<td>$0.0005</td>
<td>$0.0005</td>
</tr>
<tr>
<td>Less than 40 percent but not less than 39 percent.</td>
<td>$0.0005</td>
<td>$0.0005</td>
<td>$0.0005</td>
<td>$0.0005</td>
<td>$0.0005</td>
</tr>
</tbody>
</table>

(B) In the case of a facility originally placed in service after 2007 and before 2012, if—

The applicable amount is:

<table>
<thead>
<tr>
<th>Description</th>
<th>For 1st 5 years of such service</th>
<th>For 2nd 5 years of such service</th>
<th>For 3rd 5 years of such service</th>
<th>For 4th 5 years of such service</th>
<th>For 5th 5 years of such service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 40.6 percent</td>
<td>$0.0090</td>
<td>$0.0075</td>
<td>$0.0060</td>
<td>$0.0040</td>
<td>$0.0020</td>
</tr>
<tr>
<td>Less than 40.6 but not less than 40 percent.</td>
<td>$0.0070</td>
<td>$0.0050</td>
<td>$0.0030</td>
<td>$0.0010</td>
<td>$0.0005</td>
</tr>
<tr>
<td>Less than 40 percent but not less than 39 percent.</td>
<td>$0.0060</td>
<td>$0.0040</td>
<td>$0.0020</td>
<td>$0.0010</td>
<td>$0.0005</td>
</tr>
</tbody>
</table>
SEC. 45H. CREDIT FOR PRODUCING RE-REFINED LUBRICATING OIL.

(a) GENERAL RULE.—For purposes of section 38, the re-refined lubricating oil production credit allowed for any taxable year is equal to $4.55 per barrel of qualified re-refined lubricating oil production which is attributable to the taxpayer (within the meaning of section 29(d)(3)).

(b) QUALIFIED RE-REFINED LUBRICATING OIL PRODUCTION.—For purposes of this section—

(1) IN GENERAL.—The term ‘qualified re-refined lubricating oil production’ means a base oil manufactured from at least 95 percent waste and not more than 2 percent of previously unused oil by a re-refining process at a qualified facility which effectively removes physical and chemical impurities and spent and unspent additives to the extent that such base oil meets industry standards for engine oil as defined by the American Petroleum Institute document API 1509 as in effect on the date of the enactment of this section.

(2) LIMITATION ON AMOUNT OF PRODUCTION WHICH MAY QUALIFY.—Re-refined lubricating oil produced prior to the taxable year shall not be treated as qualified re-refined lubricating oil production but only to the extent average daily production during the taxable year exceeds 7,000 barrels.

(3) BARREL.—The term ‘barrel’ has the meaning given such term by section 613A(e)(4).

(4) NONCOMPLIANCE WITH POLLUTION LAWS.—For purposes of paragraph (1), a facility which is not in compliance with the applicable State and Federal pollution prevention, control, and permit requirements for any period of time shall not be considered to be a qualified facility during such period.

(c) INFLATION ADJUSTMENT.—In the case of any re-refined lubricating oil produced in a calendar year after 2001, the dollar amount contained in subsection (a) shall be increased to an amount equal to such dollar amount multiplied by the inflation adjustment factor for such calendar year (determined under section 29(d)(2)(B) by substituting ‘2000’ for ‘1990’).

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) (relating to current year business credit), as amended by section 402(b), is amended by striking ‘plus’ at the end of paragraph (16) and, by striking ‘, plus’, and by adding at the end the following:

‘(17) the re-refined lubricating oil production credit determined under section 45A(a).’

(c) CLERICAL AMENDMENT.—The table of sections for part B of part IV of subchapter A of chapter 1, as amended by section 602(d), is amended by adding at the end the following:

‘Sec. 45H. Credit for producing re-refined lubricating oil.’

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

SEC. 402. OIL AND GAS FROM MARGINAL WELLS.

(a) GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business credits), as amended by section 602(a), is amended by striking ‘more than 25 barrel equivalents, and’ and by adding at the end the following:

‘(c) CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 38 (relating to limitation based on amount of tax) is amended by striking the period at the end of paragraph (16) and, by striking ‘, plus’, and by adding at the end the following:

‘(18) the marginal oil and gas well production credit determined under section 45A(a).’

(c) CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.—

(1) IN GENERAL.—In the case of a qualified marginal well which is not in compliance with the applicable State and Federal pollution prevention, control, and permit requirements for any period of time shall not be considered to be a qualified marginal well during such period.

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b), as amended by section 601(b), is amended by striking ‘plus’ at the end of paragraph (18), by striking the period at the end of paragraph (17), by inserting ‘, plus’, and by adding at the end the following:

‘(18) the marginal oil and gas well production credit determined under section 45A(a).’

(b) CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.—

(1) IN GENERAL.—In the case of a qualified marginal well which is not in compliance with the applicable State and Federal pollution prevention, control, and permit requirements for any period of time shall not be considered to be a qualified marginal well during such period.

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b), as amended by section 601(b), is amended by striking ‘plus’ at the end of paragraph (18), by striking the period at the end of paragraph (17), by inserting ‘, plus’, and by adding at the end the following:

‘(18) the marginal oil and gas well production credit determined under section 45A(a).’

(c) CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.—

(1) IN GENERAL.—In the case of a qualified marginal well which is not in compliance with the applicable State and Federal pollution prevention, control, and permit requirements for any period of time shall not be considered to be a qualified marginal well during such period.

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b), as amended by section 601(b), is amended by striking ‘plus’ at the end of paragraph (18), by striking the period at the end of paragraph (17), by inserting ‘, plus’, and by adding at the end the following:

‘(18) the marginal oil and gas well production credit determined under section 45A(a).’

(c) CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.—

(1) IN GENERAL.—In the case of a qualified marginal well which is not in compliance with the applicable State and Federal pollution prevention, control, and permit requirements for any period of time shall not be considered to be a qualified marginal well during such period.

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b), as amended by section 601(b), is amended by striking ‘plus’ at the end of paragraph (18), by striking the period at the end of paragraph (17), by inserting ‘, plus’, and by adding at the end the following:

‘(18) the marginal oil and gas well production credit determined under section 45A(a).’

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b), as amended by section 601(b), is amended by striking ‘plus’ at the end of paragraph (18), by striking the period at the end of paragraph (17), by inserting ‘, plus’, and by adding at the end the following:

‘(18) the marginal oil and gas well production credit determined under section 45A(a).’

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b), as amended by section 601(b), is amended by striking ‘plus’ at the end of paragraph (18), by striking the period at the end of paragraph (17), by inserting ‘, plus’, and by adding at the end the following:

‘(18) the marginal oil and gas well production credit determined under section 45A(a).’

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b), as amended by section 601(b), is amended by striking ‘plus’ at the end of paragraph (18), by striking the period at the end of paragraph (17), by inserting ‘, plus’, and by adding at the end the following:

‘(18) the marginal oil and gas well production credit determined under section 45A(a).’

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b), as amended by section 601(b), is amended by striking ‘plus’ at the end of paragraph (18), by striking the period at the end of paragraph (17), by inserting ‘, plus’, and by adding at the end the following:

‘(18) the marginal oil and gas well production credit determined under section 45A(a).’
SEC. 603. DEDUCTION FOR DELAY RENTAL PAYMENTS.

(a) In General.—Section 263 (relating to capital expenditures) is amended by adding at the end the following:

"(1) DELAY RENTAL PAYMENTS.—For purposes of this section, payments made in connection with the development of oil or gas within the United States (as defined in section 638) as payments which are not chargeable to capital account. Any payments so treated shall be allowed as a deduction in the taxable year in which paid or incurred.

(2) 10-YEAR AMENDMENT.—The table of sections for subsection D of part IV of subchapter A of chapter 1, as amended by section 602(c), is amended by adding at the end the following:

"Sec. 45I. Credit for producing oil and gas from marginal wells."

(b) Effective Date.—The amendments made by this section shall apply to production in taxable years beginning after December 31, 2001.

SEC. 604. ELECTION TO EXPENSE GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.

(a) In General.—Section 263 (relating to capital expenditures), as amended by section 603(a), is amended by adding at the end the following:

"(2) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after December 31, 2000, each of the dollar amounts contained in paragraph (1) shall be increased (but not below zero) by an amount which bears the same ratio to such amount (determined without regard to this subsection) as the consumer price index for all urban consumers for December (as so determined) bears to the consumer price index for all urban consumers for December 2000.

(b) Conforming Amendment.—Section 263A(c)(9) is amended by inserting "(263k)", after "(263l)".

(c) Effective Date.—The amendments made by this section shall apply to costs paid or incurred in taxable years beginning after December 31, 2001.

SEC. 605. GAS PIPELINES TREATED AS 7-YEAR CARIET.

(a) In General.—Section 168(e)(3) (relating to classification of certain property), as amended by section 304(a), is amended by striking "and" at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following:

"(iv) any gas pipeline,".

(b) Gas Pipeline.—Subsection (c) of section 168, as amended by section 304(b), is amended by striking at the end the following:

"(7) Gas pipeline means the pipe, storage facilities, equipment, distribution infrastructure, and appurtenances used to deliver natural gas."

(c) Effective Date.—

(1) In General.—The amendments made by this section shall apply to property placed in service on or after the date of the enactment of this Act.

(2) Accounting Rule for Public Utility Property.—If any gas pipeline is public utility property (as defined in section 46(d)(5) of the Internal Revenue Code of 1986, as in effect on the date before the date of the enactment of the Revenue Reconciliation Act of 1990), the amendment made by this section shall only apply to such property if, with respect to such property, the taxpayer uses a normalization method of accounting.

SEC. 606. CRUDE OIL AND NATURAL GAS DEVELOPMENT CREDIT.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits), as amended by section 602(a), is amended by adding at the end the following:

"SEC. 45J. CRUDE OIL AND NATURAL GAS DEVELOPMENT CREDIT.

(1) IN GENERAL.—For purposes of section 38, the crude oil and natural gas development credit determined under this section for any taxable year shall be an amount equal to the taxpayer's qualified investment for the taxable year.

(2) REDUCTION AS OIL AND GAS PRICES INCREASE.—

"(1) IN GENERAL.—The amount which would (but for this subsection) be taken into account under paragraph (1) for any taxable year shall be reduced (but not below zero) by an amount which bears the same ratio to such amount (determined without regard to this subsection) as the reference price over $11, bears to $11.

"(2) EXCESS (IF ANY) OF THE APPLICABLE REFERENCE PRICE OVER $11, BEARS TO $13.

The applicable reference price for a taxable year is the reference price of the calendar year preceding the calendar year in which the taxable year begins.

(b) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2001, each of the dollar amounts contained in paragraph (1) shall be increased to an amount equal to such dollar amount multiplied by the adjustment factor for such calendar year (determined under section 43(b)(3)(B) by substituting '2000' for '1990').

(3) REFERENCE PRICE.—For purposes of this subsection, the term "reference price" means, with respect to any calendar year, the reference price determined under section 43(d)(2)(C).

(4) QUALIFIED INVESTMENT.—For purposes of this section, the term "qualified investment" means the amount paid or incurred—

"(1) for the purpose of drilling and equipping crude oil and natural gas wells (including pollution control equipment used in connection with the development of oil and gas wells, hereinafter referred to as "pollution control equipment"),

"(2) for the purpose of performing secondary or tertiary recovery techniques,
SEC. 608. ALLOCATION OF ALCOHOL FUELS CREDIT TO PATRONS OF A COOPERATIVE.

(a) IN GENERAL.—Section 40(d) (relating to alcohol used as fuel) is amended by adding at the end the following:

"(A) IN GENERAL.—In the case of a cooperative organization described in section 29(b) (relating to extension for certain facilities), any portion of the credit determined under subsection (a)(3) for the taxable year may, at the election of the organization made on a timely filed return (including extensions) for such year, be apportioned pro rata among patrons of the organization on the basis of the quantity or value of business done with or for such patrons for the taxable year. Such an election, once made, shall be irrevocable for such taxable year.

(b) TREATMENT OF ORGANIZATIONS AND PATRONS.—The amount of the credit apportioned to patrons pursuant to subparagraph (A)—

"(i) shall not be included in the amount determined under subsection (a) for the taxable year of the organization; and

"(ii) shall be included in the amount determined under subsection (a) for the taxable year of each bank in which the patron is a member in which the patron is a member in advance of the amount of the credit determined under subsection (a) for the taxable year of the organization; and

(c) SPECIAL RULE FOR DECREASING CREDIT FOR TAXABLE YEAR.—If the amount of the credit of a cooperative organization determined under subsection (a)(3) for a taxable year is less than the amount of such credit shown on the cooperative organization's return for such year, an amount equal to the excess of such reduction over the amount not apportioned to patrons under subparagraph (A) for the taxable year shall be treated as income tax imposed by this chapter on the organization. Such an election, once made, shall be irrevocable for such taxable year.

SEC. 609. EXTENSION OF CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.

(a) INCLUSION OF ALASKA NATURAL GAS.—Section 29(b)(1) (defining qualified fuel) is amended by striking "and" at the end of subparagraph (B)(ii), by striking the period at the end of subparagraph (C) and inserting ", and" after the period at the end of subparagraph (B), and by striking paragraphs (1) and (2) and inserting the following:

"(D) Alaska natural gas.

(b) DEFINITION.—Section 29(c) is amended by adding at the end the following:

"(3) ALASKA NATURAL GAS.—The term 'Alaska natural gas' means gas produced in compliance with the applicable State and Federal pollution prevention, control, and permit requirements for the area generally known as the North Slope of Alaska (including the continental shelf thereof within the meaning of section 638(b)(1), determined without regard to the area of the Alaska National Wildlife Refuge (including the continental shelf thereof within the meaning of section 638(b)(1)),'

(c) AMOUNT OF CREDIT.—

(1) IN GENERAL.—Section 29(a)(1) (relating to availability of credit) is amended by inserting 

"$1.45 in the case of a qualified fuel described in subsection (c)(1)(D))" after 

"$3."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to the capture of coalmine methane gas after the date of the enactment of this Act.

SEC. 610. CREDIT FOR CAPTURE OF COALMINE METHANE GAS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by section 622(c)(1), is amended by inserting "or the crude oil and natural gas development credit' means the credit allowable under subsection (a) by reason of section 45J(a)."

(b) CONFORMING AMENDMENTS.—Subclause (II) of section 38(c)(2)(A)(i) and subclause (II) of section 38(c)(3)(A)(ii) of section 38(c)(3)(A)(ii), as amended by section 622(c)(2), and subclause (II) of section 38(c)(3)(A)(ii), as added by section 622(c)(1), are each amended by inserting "or the crude oil and natural gas development credit' after cell production credit.

(c) CLARIFYING AMENDMENT.—The table of contents for this Act is as follows:

"S. 597
March 22, 2001

SEC. 1. SHORT TITLE. This Act may be cited as the 'Comprehensive and Balanced Energy Policy Act of 2001.'

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into five divisions as follows:

(1) Division A—National Energy Policy Planning and Coordination.

(2) Division B—Reliable and Diverse Power Generation and Transmission.

(3) Division C—Domestic Oil and Gas Production and Transportation.

(4) Division D—Diversifying Energy Demand and Improving Efficiency.

(5) Division E—Enhancing Research, Development, and Training.

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

Sec. 1. Short title.

Sec. 2. Table of contents.

SEC. 611. EXTENSION OF CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.

(a) INCLUSION OF ALASKA NATURAL GAS.—Section 29(a)(1) (defining qualified fuel) is amended by striking "and" at the end of sub paragraph (B)(ii), by striking the period at the end of subparagraph (C) and inserting ", and" after the period at the end of subparagraph (B), and by striking paragraphs (1) and (2) and inserting the following:

"(D) Alaska natural gas.

(b) DEFINITION.—Section 29(c) is amended by adding at the end the following:

"(3) ALASKA NATURAL GAS.—The term 'Alaska natural gas' means gas produced in compliance with the applicable State and Federal pollution prevention, control, and permit requirements for the area generally known as the North Slope of Alaska (including the continental shelf thereof within the meaning of section 638(b)(1), determined without regard to the area of the Alaska National Wildlife Refuge (including the continental shelf thereof within the meaning of section 638(b)(1)),'

(c) AMOUNT OF CREDIT.—

(1) IN GENERAL.—Section 29(a)(1) (relating to availability of credit) is amended by inserting 

"$1.45 in the case of a qualified fuel described in subsection (c)(1)(D))" after 

"$3."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to the capture of coalmine methane gas after the date of the enactment of this Act.

SEC. 612. ALLOCATION OF ALCOHOL FUELS CREDIT TO PATRONS OF A COOPERATIVE.

(a) IN GENERAL.—Section 40(d) (relating to alcohol used as fuel) is amended by adding at the end the following:

"(A) IN GENERAL.—In the case of a cooperative organization described in section 29(b), any portion of the credit determined under subsection (a)(3) for the taxable year may, at the election of the organization made on a timely filed return (including extensions) for such year, be apportioned pro rata among patrons of the organization on the basis of the quantity or value of business done with or for such patrons for the taxable year. Such an election, once made, shall be irrevocable for such taxable year.

(b) TREATMENT OF ORGANIZATIONS AND PATRONS.—The amount of the credit apportioned to patrons pursuant to subparagraph (A)—

"(i) shall not be included in the amount determined under subsection (a) for the taxable year of the organization; and

"(ii) shall be included in the amount determined under subsection (a) for the taxable year of each bank in which the patron is a member in which the patron is a member in advance of the amount of such credit shown on the cooperative organization's return for such year, an amount equal to the excess of such reduction over the amount not apportioned to patrons under subparagraph (A) for the taxable year shall be treated as income tax imposed by this chapter on the organization. Such an election, once made, shall be irrevocable for such taxable year.

(c) SPECIAL RULE FOR DECREASING CREDIT FOR TAXABLE YEAR.—If the amount of the credit of a cooperative organization determined under subsection (a)(3) for a taxable year is less than the amount of such credit shown on the cooperative organization's return for such year, an amount equal to the excess of such reduction over the amount not apportioned to patrons under subparagraph (A) for the taxable year shall be treated as income tax imposed by this chapter on the organization. Such an increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this subpart or subpart A, B, E, or G of this part.''

SEC. 1. SHORT TITLE. This Act may be cited as the ‘Comprehensive and Balanced Energy Policy Act of 2001.’

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into five divisions as follows:

(1) Division A—National Energy Policy Planning and Coordination.

(2) Division B—Reliable and Diverse Power Generation and Transmission.

(3) Division C—Domestic Oil and Gas Production and Transportation.

(4) Division D—Diversifying Energy Demand and Improving Efficiency.

(5) Division E—Enhancing Research, Development, and Training.

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

Sec. 1. Short title.

Sec. 2. Table of contents.
DIVISION A—NATIONAL ENERGY POLICY PLANNING AND COORDINATION

TITLE I—INTEGRATION OF ENERGY POLICY AND CLIMATE CHANGE POLICY

Subtitle A—National Commission on Energy and Climate Change


Sec. 102. Duties of the Commission.

Sec. 103. Powers of the Commission.

Sec. 104. Commission personnel matters.

Sec. 105. Termination.

Sec. 106. Authorization of appropriations.

Sec. 107. Definition of Commission.

Subtitle B—International Clean Energy Technology Transfer

Sec. 111. International Clean Energy Technology Transfer.

TITLE II—REGIONAL COORDINATION ON ENERGY INFRASTRUCTURE

Sec. 201. Policy on regional coordination.


TITLE III—REGULATORY REVIEWS AND STUDIES

Sec. 301. Regulatory reviews for new technologies and processes.

Sec. 302. Review of FERC policies on transmission and wholesale power markets.

Sec. 303. Study of policies to address volatility in domestic oil and gas investment.

Sec. 304. Power marketing administration and siting of new facilities.

Sec. 305. Review of natural gas pipeline certification procedures.

Sec. 306. Streamlining fuel specifications.

Sec. 307. Study on financing for new technologies.

Sec. 308. Study on the use of the Strategic Petroleum Reserve.

DIVISION B—RELIABLE AND DIVERSE POWER GENERATION AND TRANSMISSION

TITLE IV—ELECTRIC ENERGY TRANSMISSION RELIABILITY

Sec. 401. Electric reliability organization and oversight.

Sec. 402. Application of antitrust laws.

TITLE V—IMPROVED ELECTRICITY CAPACITY AND ACCESS

Sec. 501. Universal and affordable service.

Sec. 502. Public benefits fund.

Sec. 503. Rural construction grants.

Sec. 504. Comprehensive Indian energy program.

Sec. 505. Environmental disclosure to consumers.

Sec. 506. Consumer protections.

Sec. 507. Wholesale electricity market data.

Sec. 508. Wholesale electric energy rates in the western energy market.

Sec. 509. Natural gas rate ceiling in California.

Sec. 510. Sale price in bundled natural gas transactions.

TITLE VI—RENEWABLES AND DISTRIBUTED GENERATION

Sec. 601. Assessment of available renewable energy resources.

Sec. 602. Federal purchase requirement.

Sec. 603. Interconnection standards.

Sec. 604. Net metering.

Sec. 605. Access to transmission by intermittent generators.

TITLE VII—H YDROELECTRIC RE LICENSING

Sec. 701. Alternative conditions.

Sec. 702. Disposition of hydroelectric charges.

Sec. 703. Relicensing study.

TITLE VIII—COAL

Sec. 801. Definitions.

Subtitle A—National Coal-Based Technology Development and Applications Program

Sec. 811. Cost and performance goals.
(B) minimize any adverse impacts on the economy of the United States; and
(2) the text of legislation and administrative actions that would be necessary to effectuate the recommendations.

(c) STRATEGY.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this title, the Commission shall develop and submit to the Congress a United States greenhouse gas management strategy that contains—
(A) a detailed statement of the findings and conclusions of the Commission;
(B) the recommendations of the Commission for such legislative and administrative actions as the Commission considers appropriate; and
(C) appropriate funding recommendations to carry out the recommendations under subparagraph (B).

(2) REQUIRED RECOMMENDATIONS.—Recommendations under paragraph (1)(B) shall include specific recommendations concerning—
(A) the development of—
(i) advanced technologies for a full range of energy sources;
(ii) advanced energy efficiency and conservation measures; and
(iii) alternative energy technologies and energy sources;
(B) minimally and environmentally sound emission reduction strategies to stabilize atmospheric concentrations of greenhouse gases;
(C) changes in institutional and technological systems as are necessary to adapt to climate change in the near term and the long term; and
(D) energy and weather modification, and enhancement of the scientific and economic research efforts of the United States, and improvements to the data resulting from such research appropriate for improving the accuracy of predictions concerning climate change and economic costs and opportunities.

SEC. 102. POWERS OF THE COMMISSION.

The Commission may secure directly from any Federal department or agency such information from Federal agencies as is necessary to enable the Commission to perform its duties. The appointment and termination of the executive director and other personnel as may be necessary to enable the Commission to perform its duties. The appointment and termination of the executive director and other personnel subject to confirmation by the Commission.

(2) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (b), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 55 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for any person who is authorized to be appropriated such sums as may be necessary to carry out this section, which shall remain available until expended.

SEC. 107. DEFINITION OF COMMISSION.

For purposes of this title, the term "Commission" means the National Commission on Energy and Climate Change established by section 101(a).

Title II—International Clean Energy Technology Transfer

SEC. 111. INTERNATIONAL CLEAN ENERGY TECHNOLOGY TRANSFER.

(a) DEFINITIONS.—In this section:

(1) CLEAN ENERGY TECHNOLOGY.—The term "clean energy technology" means an energy supply or end-use technology that, over its lifecycle and compared to a similar technology already in commercial use in developing countries or countries in transition—
(A) emits substantially lower levels of pollutants or greenhouse gases; and
(B) generates smaller or less toxic volumes of solid or liquid waste.

(2) INTERAGENCY WORKING GROUP.—The term "interagency working group" means the Interagency Working Group on Clean Energy Technology Transfer established under subsection (b).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the transfer of clean energy technology, consistent with the subsidy codes of the World Trade Organization, as part of assistance programs carried out by those departments, agencies, and entities. The Secretary of Energy may enter into agreements with the United States persons in the energy sector of a developing country or country in transition for the activities of United States persons in the energy sector of a developing or transitioning country for the activities of United States persons in the energy sector of a developing country or country in transition.

(c) FEDERAL SUPPORT FOR CLEAN ENERGY TECHNOLOGY TRANSFER.—Notwithstanding any other provision of law, each federal agency or government corporation carrying out an assistance program in support of the activities of United States persons in the environment or energy sector of a developing country or country in transition shall support to the maximum extent practicable the transfer of United States clean energy technology as part of that program.

Title III—Regional Coordination on Energy Infrastructure

SEC. 201. POLICY ON REGIONAL COORDINATION.

(a) STATEMENT OF POLICY.—It is the policy of the Federal Government to encourage regional coordination on the basis of State energy policies to provide reliable and affordable energy services to the public while minimizing the impact of providing energy services on communities and the environment.

(b) DEFINITION OF ENERGY SERVICES.—For purposes of this section, the term "energy services" means—
(1) the generation or transmission of electric energy,
(2) the transportation, storage, and distribution of crude oil, residual fuel oil, refined petroleum product, or natural gas, or
(3) the reduction in load through increased efficiency, conservation, or load control measures.

SEC. 202. FEDERAL SUPPORT FOR REGIONAL COORDINATION.
(a) Technical Assistance.—The Secretary of Energy may provide technical assistance to States and regional organizations formed by two or more States to assist them in coordinating their energy policies on a regional basis. Such technical assistance may include assistance in—
(1) assessing future supply availability and demand for energy products;
(2) planning and siting additional energy infrastructure, including generating facilities, electric transmission facilities, pipelines, refineries, and distributed generation facilities to meet regional needs;
(3) identifying and resolving problems in distribution networks;
(4) developing plans to respond to surge demand or emergency needs, and
(5) developing energy efficiency, conservation, and load control programs.
(b) Annual Conference on Regional Energy Coordination.—
(1) CONFERENCE.—The Secretary of Energy shall convene an annual conference to promote regional coordination on energy policy and infrastructure issues.
(2) Participation.—The Secretary of Energy shall invite appropriate representatives of federal, state, and regional energy organizations, and other interested parties.

(c) Federal Agency Cooperation.—The Secretary of Energy shall consult and cooperate with the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of the Treasury, the Chairman of the Federal Energy Regulatory Commission, the Administrator of the Environmental Protection Agency, and the Chairman of the Council on Environmental Quality in the planning and conduct of the conference.

(d) Agenda.—The Secretary of Energy, in consultation with the officials identified in paragraph (3) and participants identified in paragraph (2), shall establish an agenda for each conference that promotes regional coordination on energy policy and infrastructure issues.

(e) Recommendations.—Not later than 60 days after the conclusion of each annual conference, the Secretary of Energy shall report to the President and the Congress recommendations arising out of the conference that—
(A) regional coordination on energy policy and infrastructure issues,
(B) federal support for regional coordination,

TITLE III—REGULATORY REVIEWS AND STUDIES
SEC. 301. REGULATORY REVIEWS FOR NEW TECHNOLOGIES AND PROCESSES.
(a) Reviews.—Not later than one year after the date of enactment of this section and every five years thereafter, each Federal agency shall review its regulations and standards that—
(1) existing regulations or standards that act as barriers to market entry for emerging energy technologies (including fuel cells, combined cycle gas and steam, and distributed generation, and small-scale renewable energy), and
(2) actions the agency is taking or could take to—
(A) remove barriers to market entry for emerging energy technologies,
(B) accelerate energy efficiency, or
(C) encourage the use of new processes to meet energy and environmental goals.
(b) Report to Congress.—Not later than 18 months after the date of enactment of this section, and every five years thereafter, the Director of the Office of Science and Technology Policy shall submit to the Congress a report on the results of the agency reviews conducted under subsection (a).

SEC. 302. REVIEW OF FERC POLICIES ON TRANSMISSION AND WHOLESALE POWER MARKETS.
(a) Study.—The Federal Energy Regulatory Commission shall review its policies on the transmission of electric energy and wholesale power rates.
(b) Report to Congress.—Not later than 240 days after the date of enactment of this section, the Federal Energy Regulatory Commission shall submit to Congress a report analyzing the results of the review.

SEC. 303. REVIEW OF NATURAL GAS PIPELINE CERTIFICATION PROCEDURES.
(a) FERC Review.—The Federal Energy Regulatory Commission shall, in consultation with other appropriate Federal agencies, conduct a comprehensive review of policies, procedures, and regulations for the certification of natural gas pipelines to determine how to reduce the cost and time of obtaining a certificate.

(b) Congressional Findings.—The Federal Energy Regulatory Commission shall report its findings and any recommendations for legislation to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives not later than 6 months after the date of enactment of this section.

SEC. 305. REVIEW OF NATURAL GAS PIPELINE CERTIFICATION PROCEDURES.
(a) FERC Review.—The Federal Energy Regulatory Commission shall, in consultation with other appropriate Federal agencies, conduct a comprehensive review of policies, procedures, and regulations for the certification of natural gas pipelines to determine how to reduce the cost and time of obtaining a certificate.

(b) Congressional Findings.—The Federal Energy Regulatory Commission shall report its findings and any recommendations for legislation to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives not later than 6 months after the date of enactment of this section.

(c) Coordination with Other Agencies.—The Federal Energy Regulatory Commission shall coordinate its review of natural gas pipeline certification procedures with other appropriate Federal agencies.

(d) Memorandum of Understanding.—The agencies represented by the members of the

SEC. 306. POWER MARKETING ADMINISTRATION RIGHTS-OF-WAY STUDY.
The Secretary of Energy shall conduct a study of the rights-of-way owned by the Federal Power Marketing Agencies and the Tennessee Valley Authority to determine their location and whether they can be used by pipelines or other transmission services where such capacity is needed. Not later than one year after the date of enactment of this section, the Secretary shall transmit a report to Congress summarizing the results of the study.

SEC. 307. REVIEW OF FERC POLICIES ON THE TRANSMISSION OF ELECTRIC ENERGY AND WHOLESALE POWER RATES.
(a) Study.—The Federal Energy Regulatory Commission shall conduct a study of the Federal Energy Regulatory Commission's policies on the transmission of electric energy and wholesale power rates.
(b) Report to Congress.—Not later than 240 days after the date of enactment of this section, the Federal Energy Regulatory Commission shall submit to Congress a report analyzing the results of the study.
(c) Coordination with Other Agencies.—The Federal Energy Regulatory Commission shall coordinate its review of policies on the transmission of electric energy and wholesale power rates with other appropriate Federal agencies.

SEC. 308. REVIEW OF FERC POLICIES ON THE TRANSMISSION OF ELECTRIC ENERGY AND WHOLESALE POWER RATES.
(a) Study.—The Federal Energy Regulatory Commission shall conduct a study of the Federal Energy Regulatory Commission's policies on the transmission of electric energy and wholesale power rates.
(b) Report to Congress.—Not later than 240 days after the date of enactment of this section, the Federal Energy Regulatory Commission shall submit to Congress a report analyzing the results of the study.
(c) Coordination with Other Agencies.—The Federal Energy Regulatory Commission shall coordinate its review of policies on the transmission of electric energy and wholesale power rates with other appropriate Federal agencies.

SEC. 309. REVIEW OF FERC POLICIES ON THE TRANSMISSION OF ELECTRIC ENERGY AND WHOLESALE POWER RATES.
(a) Study.—The Federal Energy Regulatory Commission shall conduct a study of the Federal Energy Regulatory Commission's policies on the transmission of electric energy and wholesale power rates.
(b) Report to Congress.—Not later than 240 days after the date of enactment of this section, the Federal Energy Regulatory Commission shall submit to Congress a report analyzing the results of the study.
(c) Coordination with Other Agencies.—The Federal Energy Regulatory Commission shall coordinate its review of policies on the transmission of electric energy and wholesale power rates with other appropriate Federal agencies.

SEC. 310. REVIEW OF FERC POLICIES ON THE TRANSMISSION OF ELECTRIC ENERGY AND WHOLESALE POWER RATES.
(a) Study.—The Federal Energy Regulatory Commission shall conduct a study of the Federal Energy Regulatory Commission's policies on the transmission of electric energy and wholesale power rates.
(b) Report to Congress.—Not later than 240 days after the date of enactment of this section, the Federal Energy Regulatory Commission shall submit to Congress a report analyzing the results of the study.
(c) Coordination with Other Agencies.—The Federal Energy Regulatory Commission shall coordinate its review of policies on the transmission of electric energy and wholesale power rates with other appropriate Federal agencies.

SEC. 311. REVIEW OF FERC POLICIES ON THE TRANSMISSION OF ELECTRIC ENERGY AND WHOLESALE POWER RATES.
(a) Study.—The Federal Energy Regulatory Commission shall conduct a study of the Federal Energy Regulatory Commission's policies on the transmission of electric energy and wholesale power rates.
(b) Report to Congress.—Not later than 240 days after the date of enactment of this section, the Federal Energy Regulatory Commission shall submit to Congress a report analyzing the results of the study.
(c) Coordination with Other Agencies.—The Federal Energy Regulatory Commission shall coordinate its review of policies on the transmission of electric energy and wholesale power rates with other appropriate Federal agencies.

SEC. 312. REVIEW OF FERC POLICIES ON THE TRANSMISSION OF ELECTRIC ENERGY AND WHOLESALE POWER RATES.
(a) Study.—The Federal Energy Regulatory Commission shall conduct a study of the Federal Energy Regulatory Commission's policies on the transmission of electric energy and wholesale power rates.
(b) Report to Congress.—Not later than 240 days after the date of enactment of this section, the Federal Energy Regulatory Commission shall submit to Congress a report analyzing the results of the study.
(c) Coordination with Other Agencies.—The Federal Energy Regulatory Commission shall coordinate its review of policies on the transmission of electric energy and wholesale power rates with other appropriate Federal agencies.

SEC. 313. REVIEW OF FERC POLICIES ON THE TRANSMISSION OF ELECTRIC ENERGY AND WHOLESALE POWER RATES.
(a) Study.—The Federal Energy Regulatory Commission shall conduct a study of the Federal Energy Regulatory Commission's policies on the transmission of electric energy and wholesale power rates.
(b) Report to Congress.—Not later than 240 days after the date of enactment of this section, the Federal Energy Regulatory Commission shall submit to Congress a report analyzing the results of the study.
(c) Coordination with Other Agencies.—The Federal Energy Regulatory Commission shall coordinate its review of policies on the transmission of electric energy and wholesale power rates with other appropriate Federal agencies.
interagency task force shall enter into the memorandum of understanding not later than one year after the date of the enactment of this section.

SEC. 306. STREAMLINING FUEL SPECIFICATIONS.
(a) REPORT.—Not later than nine months after the date of enactment of this title, the Administrator of the Environmental Protection Agency and the Secretary of Energy shall jointly report to the Congress on the technical and economic feasibility of developing national or regional vehicle fuel specifications for the contiguous United States that would—

(1) enhance flexibility in the distribution of fuels,
(2) reduce price volatility and costs to consumers and producers, and
(3) meet local, regional, and national air quality requirements and goals.

(b) Recommendations.—The report shall include recommendations for appropriate changes to existing laws and regulations.

(c) Consultation.—The Administrator and the Secretary shall consult with the Governors of the several States, automobile manufacturers, vehicle fuel producers and distributors, and the public in the preparation of the report.

SEC. 307. STUDY OF FINANCING FOR NEW TECHNOLOGIES.

(a) Independent Assessment.—The Secretary of Energy shall commission an independent study of innovative financing techniques to facilitate construction of new electricity supply technologies that might not otherwise be built in a competitive electricity market.

(b) Conduct of the Assessment.—The Secretary shall retain an independent contractor with proven expertise in financing large capital projects or in financial services consulting to conduct the assessment.

(c) Content of the Assessment.—The assessment shall include a comprehensive examination of all available techniques to safeguard private investors against risks (including both market-based and government-imposed risks) that are beyond the control of the investors. Such techniques may include Federal or Federal-private or Federal-private or public or public-private arrangements, special tax considerations, and direct Federal investment.

(d) Report.—The Secretary shall submit the results of the independent assessment to the Congress not later than 9 months after the date of enactment of this section.

SEC. 308. STUDY ON THE USE OF THE STRATEGIC PETROLEUM RESERVE.

(a) Report.—The Secretary of Energy shall report to the President and to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives, not later than 6 months after the date of enactment of this title, on whether section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) should be amended to give the Secretary greater flexibility to drawdown and distribute the Reserve to mitigate price volatility or regional supply shortages.

(b) Contents of the Report.—The Secretary shall include in the report—

(1) an assessment of how extreme market conditions in the past (including, in particular, the conditions between July 1990 and February 1991) may have been mitigated by more timely use of the Reserve, and
(2) specific recommendations for any changes in the existing law the Secretary deems necessary or desirable and a statement of the reasons for any such changes.

DIVISION B—DIVERSE AND RELIABLE POWER GENERATION AND TRANSMISSION

TITLE IV—ELECTRIC ENERGY TRANSMISSION RELIABILITY

SEC. 401. ELECTRIC RELIABILITY ORGANIZATION AND OVERSIGHT.
(a) In General.—Part H of the Federal Power Act (16 U.S.C. 824m–824m7) is amended by adding at the end the following:

"117. ELECTRIC RELIABILITY ORGANIZATION AND OVERSIGHT.
(a) Definitions.—As used in this section:
(1) Affiliated regional reliability entity means an entity designated by the Secretary of Energy to perform functions analogous to functions performed by a regional reliability entity authorized under this title, on whether section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) should be amended to give the Secretary greater flexibility to drawdown and distribute the Reserve to mitigate price volatility or regional supply shortages.
(2) Bulk power system.—The term ‘affiliated regional reliability entity means an organization approved by the Secretary of Energy to perform functions analogous to functions performed by a regional reliability entity authorized under this title.
(3) Electric energy transmission system.—The term ‘bulk power system’ means all facilities and control systems necessary for operating an interconnected transmission grid, or any portion thereof, including high-voltage transmission lines; substations; control centers; communications; data, and operations planning facilities; and the output of generating units necessary to maintain transmission system reliability.
(4) Electric Reliability Organization.—The term ‘electric reliability organization’ means an organization approved by the Secretary of Energy to perform functions analogous to functions performed by a regional reliability entity authorized under this title.
(5) Governor.—The term ‘governor’ means a governor of a regional reliability entity.
(6) Interconnection.—The term ‘interconnection’ means a geographic area in which the operation of bulk power system components is synchronized such that the failure of one or more of such components may adversely affect the ability of the operator of the system to maintain system voltage operation.
(7) Interconnection Energy Organization.—The term ‘interconnection energy organization’ means a public utility or a public or private organization that has an interest in or is responsible for system operation.
(8) Independent System Operator.—The term ‘independent system operator’ means an entity that operates or controls a bulk power system, including but not limited to a control area operator, an independent system operator, a regional transmission organization, a transmission company, a transmission system operator, or a regional security coordinator.
(9) User of the Bulk Power System.—The term ‘user of the bulk power system’ means any entity that sells, purchases, or operates electric power on behalf of a bulk power system, or that owns, operates, or maintains facilities or control systems that are part of a bulk power system, or that is a system operator.
(b) Commission Authority.—(1) Within the United States, the Commission shall have jurisdiction over the Electric Reliability Organization, all affiliated regional reliability entities, all system operators, and all users of the bulk-power system, for purposes of approving the plans and compliance with the requirements of this section.
(2) The Commission may, by rule, define any other term used in this section, provided such definition is consistent with the definitions in, and the purpose and intent of, this Act.
(3) Not later than 90 days after the date of enactment of this section, the Commission shall issue a proposed rule for implementing the requirements of this section. The Commission shall provide notice and opportunity for comment on the proposed rule. The Commission shall issue the final rule not later than 180 days after the date of enactment of this section.
(c) Nothing in this section shall be construed to limit the jurisdiction of the Commission under any other provision of this Act, including its exclusive authority to determine rates, terms, and conditions of transmission services subject to its jurisdiction.

(d) Existing Reliability Standards.—Following enactment of this section, and prior to the approval of an organization under subsection (d), any entity, including the North American Electric Reliability Council and its member regional reliability councils, may file any reliability standard, guidance, or practice that such entity would propose to be made mandatory and enforceable. The Commission, after allowing an opportunity to submit comments, may approve any such proposed mandatory standard, guidance, or practice if the Commission finds that the standard, guidance, or practice is reasonable, not unduly discriminatory or preferential, and in the public interest. The Commission may, without further proceeding or finding, grant its approval to any standard, guidance, or practice for which no substantive objections are filed, guidelines, or practices, including any amendments thereto, shall be mandatory and applicable according to their terms following approval by the Commission and shall remain in effect until—
(1) withdrawn, disapproved, or superseded by an Organization Standard, issued or approved by the Electric Reliability Organization and made effective by the Commission under subsection (e); or
(2) disapproved by the Commission if, upon complaint or upon its own motion and after notice and opportunity for comment, the Commission finds the standard, guidance, or practice unjust, unreasonable, unduly discriminatory, or preferential or not in the public interest or need for filing, guidelines, or practices in effect pursuant to the provisions of this subsection shall be enforceable by the Commission.
(e) Organization Approval.—(1) Following the issuance of a final Commission rule under subsection (b)(3), an entity may submit an application, through a Regional Reliability Entity or the Electric Reliability Organization, for approval as an Electric Reliability Organization. The applicant shall
specify in its application its governance and procedures, as well as its funding mechanism and initial funding requirements.

(2) The Commission shall provide public notice of any proposed variances and afford interested parties an opportunity to comment.

(3) The Commission shall approve the application if the Commission determines that the application:

(A) has the ability to develop, implement, and enforce standards that provide for an adequate level of reliability of the bulk power system; and

(B) permits voluntary membership to any user of the bulk power system or public interest and is just, reasonable, not unduly discriminatory or preferential, and in the public interest, and that the Electric Reliability Organization has unreasonably rejected the proposed variance or entity rule, then the Commission may remand the proposed variance or entity rule for further consideration by the Electric Reliability Organization or may direct the Electric Reliability Organization or the affiliated regional reliability entity to develop a variance or entity rule consistent with that requirement.

(4) The Commission shall approve only one Electric Reliability Organization. If the Commission receives two or more timely applications for the formation of an Electric Reliability Organization within the time period specified in this subsection, the Commission shall approve only the application it concludes will best implement the provisions of this section.

(6) Establishment of and modifications to organization standards

(1) The Electric Reliability Organization shall file with the Commission any new or modified organization standards, including any variances or entity rules, and the Commission shall proceed under paragraph (2) for review of that filing.

(2) Submissions under paragraph (1) shall include—

(A) a concise statement of the purpose of the proposal, and—

(B) a record of any proceedings conducted with respect to the submission.

The Commission shall provide notice of the filing of such proposal and afford interested parties 30 days to submit comments. The Commission shall consider such comments and then determine whether the proposal to be modified shall be approved or disapproved. If the Commission determines the proposal to be disapproved, the proposal shall be disapproved within 30 days of the receipt of comments. The submission of comments shall extend the 60-day period for an additional 90 days for good cause, and except further that if the Commission does not act to approve or disapprove the proposal within the 60-day period, the proposal shall go into effect subject to the terms, without prejudice to the authority of the Commission to modify the proposal in accordance with the standards and requirements of this section.

Proposals approved by the Commission shall take effect 90 days after the approval, but not earlier than 30 days after the effective date of the Commission’s order, except as provided in paragraph (3) of this subsection.

(C) In the exercise of its review responsibilities under this subsection, the Commission shall give due weight to the technical expertise of the Electric Reliability Organization in developing new or modified organization standards and to provide for the effect unless and until suspended or disapproved by the Commission. The Commission shall notify the organization or may direct the Electric Reliability Organization to develop a variance or entity rule for further consideration by the organization or may direct the affiliated regional reliability entity to develop a variance or entity rule for further consideration by the affiliated regional reliability entity. Any such variance or entity rule proposed by an affiliated regional reliability entity, or any proposed variance or entity rule shall take effect without notice or comment. The Commission may not approve or disapprove such variance or entity rule for 60 days following such determination and shall include in such filing an explanation of the need for such variance or entity rule. After the period specified in paragraph (3) of this subsection, the Commission shall:

(D) assure that no two industry sectors have the ability to control, and no one industry sector is entitled to veto, the Electric Reliability Organization’s discharge of its responsibilities (including actions by committees recommending standards to the board or other board actions to implement and enforce standards);

(E) provides for governance by a board whose composition and independence are in the public interest, and which satisfies the requirements of subsection (J);

(F) establishes fair and impartial procedures for development of Organization Standards that provide reasonable and opportunity for public comment, taking into account the need for efficiency and effectiveness in decision-making and operations and the requirements for technical competency in the development of Organization Standards, and which standards development process has the following attributes—

(1) openness;

(2) balance of interests; and

(3) due process, except that the procedures may include alternative procedures for emergencies, and

(G) establishes procedures for development of Organization Standards that provide reasonable and opportunity for public comment, taking into account the need for efficiency and effectiveness in decision-making and operations and the requirements for technical competency in the development of Organization Standards, and which standards development process has the following attributes—

(1) openness;

(2) balance of interests; and

(3) due process, except that the procedures may include alternative procedures for emergencies, and

(H) establishes fair and impartial procedures for implementation and enforcement of Organization Standards, either directly or through delegation to an affiliated regional reliability entity, including the imposition of penalties, limitations on activities, functions, or operations, or other appropriate sanctions;

(I) establishes procedures for notice and opportunity for public observation of all meetings of the Commission and the procedures for public observation may include alternative procedures for emergencies or for the discussion of information the directors determine should take place in closed session, such as litigation, personnel actions, or commercially sensitive information;

(J) provides for the consideration of recommendations of States and State commissions; and

(K) addresses other matters that the Commission may deem necessary or appropriate to ensure that the procedures for public observation may include alternative procedures for emergencies or for the discussion of information the directors determine should take place in closed session, such as litigation, personnel actions, or commercially sensitive information;

(3) The Commission shall approve the application if the Commission determines that the application:

(1) is consistent with the provisions of this section.

(4) The Commission shall provide notice of the filing of such proposal and afford interested parties 30 days to submit comments. The Commission shall: (A) provide for governance by a board whose composition and independence are in the public interest, and which satisfies the requirements of subsection (J); (B) assure that no two industry sectors have the ability to control, and no one industry sector is entitled to veto, the Electric Reliability Organization’s discharge of its responsibilities (including actions by committees recommending standards to the board or other board actions to implement and enforce standards); (C) establish fair and impartial procedures for development of Organization Standards that provide reasonable and opportunity for public comment, taking into account the need for efficiency and effectiveness in decision-making and operations and the requirements for technical competency in the development of Organization Standards, and which standards development process has the following attributes—

(1) openness;

(2) balance of interests; and

(3) due process, except that the procedures may include alternative procedures for emergencies, and

(D) assure that no two industry sectors have the ability to control, and no one industry sector is entitled to veto, the Electric Reliability Organization’s discharge of its responsibilities (including actions by committees recommending standards to the board or other board actions to implement and enforce standards);

(E) provides for governance by a board whose composition and independence are in the public interest, and which satisfies the requirements of subsection (J);

(F) establishes fair and impartial procedures for development of Organization Standards that provide reasonable and opportunity for public comment, taking into account the need for efficiency and effectiveness in decision-making and operations and the requirements for technical competency in the development of Organization Standards, and which standards development process has the following attributes—

(1) openness;

(2) balance of interests; and

(3) due process, except that the procedures may include alternative procedures for emergencies, and

(G) establishes procedures for development of Organization Standards that provide reasonable and opportunity for public comment, taking into account the need for efficiency and effectiveness in decision-making and operations and the requirements for technical competency in the development of Organization Standards, and which standards development process has the following attributes—

(1) openness;

(2) balance of interests; and

(3) due process, except that the procedures may include alternative procedures for emergencies, and

(H) establishes fair and impartial procedures for implementation and enforcement of Organization Standards, either directly or through delegation to an affiliated regional reliability entity, including the imposition of penalties, limitations on activities, functions, or operations, or other appropriate sanctions;

(I) establishes procedures for notice and opportunity for public observation of all meetings of the Commission and the procedures for public observation may include alternative procedures for emergencies or for the discussion of information the directors determine should take place in closed session, such as litigation, personnel actions, or commercially sensitive information;

(J) provides for the consideration of recommendations of States and State commissions; and

(K) addresses other matters that the Commission may deem necessary or appropriate to ensure that the procedures for public observation may include alternative procedures for emergencies or for the discussion of information the directors determine should take place in closed session, such as litigation, personnel actions, or commercially sensitive information;
the change is just, reasonable, not unduly discriminatory or preferential, is in the public interest, and satisfies the requirements of subsection (d)(4).

(5) The Commission, upon complaint or upon its own motion, may require the Electric Reliability Organization to amend the procedures, governance, or funding if the Commission determines that the amendment is necessary for the effective and efficient implementation and administration of bulk power system reliability. The Electric Reliability Organization may enter into an agreement to delegate to the entity any other authority, except the delegation satisfies the requirements of subsection (d)(4), and if the delegation promotes the effective and efficient implementation and administration of bulk power system reliability. The Electric Reliability Organization shall file the amendment in accordance with paragraph (1) of this subsection.

(h) Delegations for Regional Reliability Entity.—

(1) The Electric Reliability Organization shall, upon request by an entity, enter into an agreement with such entity for the delegation of authority to implement and enforce compliance with organization standards in a specified geographic area if the organization finds that the entity requesting the delegation is reasonably capable of meeting the requirements of subparagraphs (A), (B), (C), (D), (F), (J), and (K) of subsection (d)(4), and the delegation promotes the effective and efficient implementation and administration of bulk power system reliability. The Electric Reliability Organization may enter into an agreement to delegate to the entity any other authority, except the delegation satisfies the requirements of subsection (d)(4), and if the delegation promotes the effective and efficient implementation and administration of bulk power system reliability. The Electric Reliability Organization shall reserve the right to set and approve standards for bulk power system reliability.

(2) The Electric Reliability Organization shall file with the Commission any agreement entered into under this subsection and any information the Commission requires with respect to any such agreement. If the Electric Reliability Organization and the Commission agree that the delegation satisfies the requirements of subsection (d)(4), the delegation shall be valid unless approved by the Commission.

(3) A delegation agreement entered into under this subsection shall specify the procedures for an affiliated regional reliability entity to propose changes to organization rules or variances for review by the Electric Reliability Organization. With respect to any such proposal that would apply on an interconnection-wide basis, the Electric Reliability Organization shall assume the cost of such proposal. If the Electric Reliability Organization determines that the proposal would not have an adverse impact on reliability, the Electric Reliability Organization shall forward the proposal to the organization and the Commission and the Commission shall make a written finding, unless the Commission, on its own motion, makes a written finding and record of the proposal that the proposal was not developed in a fair and open process that provided an opportunity for all interested parties to participate; then the proposal shall be approved.

(4) The Electric Reliability Organization shall not take effect unless the Commission approves or disapproves such proposal within 120 days of the proposal being submitted for notice and comment. If, following approval of any such proposal under this paragraph, the Electric Reliability Organization shall seek Commission approval of the proposal agreed to under subsection (e)(3). An affiliated regional reliability entity that has been delegated authority shall seek Commission approval of the proposal. The proposal shall be valid unless approved by the Commission.

(5)(A) The Electric Reliability Organization may, upon its own motion, request the Commission to review any delegation agreement entered into under this subsection and the Commission may, by order, direct the Electric Reliability Organization to make such delegation.

(B) With respect to such delegation agreement, the electric reliability organization may suspend the affected agreement if the electric reliability organization finds it necessary to prevent a serious threat to reliability, the organization may seek injunctive relief in a Federal court in the district in which the affected facilities are located.

(C) A disciplinary action taken under paragraph (1) may take effect on or before the 30th day after the date the affected organization and the affected entity or entities, direct the Electric Reliability Organization to propose a modification to an agreement entered into under this subsection if the Commission determines that—

(i) the affiliated regional reliability entity no longer has the capacity to carry out effectively or efficiently its implementation or enforcement responsibilities under that agreement, has failed to meet its obligations under that agreement, or has violated any provision of the agreement; or

(ii) the rules, practices, or procedures of the affiliated regional reliability entity no longer provide for fair and impartial discharge of its implementation or enforcement responsibilities under the agreement;

(iii) the geographic boundary of a transmission entity approved by the Commission is not consistent with the geographic boundary of an affiliated regional reliability entity and such difference is inconsistent with the effective and efficient implementation and administration of bulk power system reliability; or

(iv) the agreement is inconsistent with another delegation agreement as a result of actions taken under paragraph (4) of this subsection.

(B) Following an order of the Commission issued under paragraph (A), the Commission may suspend the affected agreement if the Electric Reliability Organization or the affiliated regional reliability entity does not propose an appropriate and timely modification. The Electric Reliability Organization shall assume the previously delegated responsibilities.

(6) The Electric Reliability Organization may, upon its own motion, request the Commission to review any delegation agreement entered into under this subsection if the Commission finds that the delegation agreement is necessary to achieve the effective and efficient implementation and administration of bulk power system reliability. The Electric Reliability Organization may suspend the affected agreement if the Electric Reliability Organization finds it necessary to prevent a serious threat to reliability, the organization may seek injunctive relief in a Federal court in the district in which the affected facilities are located.

(7) Any information the Commission requires shall be valid unless approved by the Commission. If, following notice and opportunity for comment, the Commission determines that the proposal—

(i) was not developed in a fair and open process that provided an opportunity for all interested parties to participate; then the proposal shall be approved.

(ii) would not have an adverse impact on commerce that is not necessary for reliability; or

(iii) provides a level of bulk power system reliability adequate to protect public health, safety, or national security, and would not have a significant adverse impact on reliability; and

(iv) in the case of a variance, is based on legitimate differences between regions or between subregions within the affiliated regional reliability entity's geographic area. The Electric Reliability Organization shall approve or disapprove such proposal within 120 days, or the proposal shall be deemed approved. Following approval of any such proposal under this paragraph, the Electric Reliability Organization shall seek Commission approval of the proposal agreed to under subsection (e)(3). Affiliated regional reliability entities may not make regulations for the Commission except pursuant to subsection (e)(3)(D).

(8) If an affiliated regional reliability entity requests, consistent with paragraph (1) of this subsection, that the Electric Reliability Organization delegate authority to it, but is unable within 180 days to reach agreement with the Electric Reliability Organization on a fair and open process for such delegation, such entity may seek relief from the Commission. If, following notice and opportunity for comment, the Commission determines that the delegation would meet the requirements of paragraph (1) above, and that the delegation would be just, reasonable, not unduly discriminatory or preferential, and in the public interest, and that the Electric Reliability Organization has unreasonably withheld such delegation, the Commission may, by order, direct the Electric Reliability Organization to make such delegation.

(9) A The Commission may, upon its own motion or upon complaint, and with notice to the appropriate affiliated regional reliability entity or entities, direct the Electric Reliability Organization to propose a modification to an agreement entered into under this subsection if the Commission determines that—

(i) the affiliated regional reliability entity no longer has the capacity to carry out effectively or efficiently its implementation or enforcement responsibilities under that agreement, has failed to meet its obligations under that agreement, or has violated any provision of the agreement; or

(ii) the rules, practices, or procedures of the affiliated regional reliability entity no longer provide for fair and impartial discharge of its implementation or enforcement responsibilities under the agreement;

(iii) the geographic boundary of a transmission entity approved by the Commission is not consistent with the geographic boundary of an affiliated regional reliability entity and such difference is inconsistent with the effective and efficient implementation and administration of bulk power system reliability; or

(iv) the agreement is inconsistent with another delegation agreement as a result of actions taken under paragraph (4) of this subsection.

(B) Following an order of the Commission issued under paragraph (A), the Commission may suspend the affected agreement if the Electric Reliability Organization or the affiliated regional reliability entity does not propose an appropriate and timely modification. The Electric Reliability Organization shall assume the previously delegated responsibilities.

(C) The Electric Reliability Organization may, upon its own motion, request the Commission to review any delegation agreement entered into under this subsection if the Commission finds that the delegation agreement is necessary to achieve the effective and efficient implementation and administration of bulk power system reliability. The Electric Reliability Organization may suspend the affected agreement if the Electric Reliability Organization finds it necessary to prevent a serious threat to reliability, the organization may seek injunctive relief in a Federal court in the district in which the affected facilities are located.

(10) Injunctions and Disciplinary Actions.—

(1) Consistent with the range of actions approved by the Commission under subsection (d)(4)(H), the Electric Reliability Organization may suspend the affected agreement and the affected entity or entities, direct the Electric Reliability Organization to propose a modification to an agreement entered into under this subsection if the Commission finds that the delegation agreement is necessary to achieve the effective and efficient implementation and administration of bulk power system reliability. The Electric Reliability Organization shall seek Commission approval of the proposal. If the organization finds it necessary to prevent a serious threat to reliability, the organization may seek injunctive relief in a Federal court in the district in which the affected facilities are located.

(B) A disciplinary action taken under paragraph (1) may take effect on or before the 30th day after the date the affected organization and the affected entity or entities, direct the Electric Reliability Organization to propose a modification to an agreement entered into under this subsection if the Commission determines that the delegation agreement is necessary to achieve the effective and efficient implementation and administration of bulk power system reliability. The Electric Reliability Organization may seek injunctive relief in a Federal court in the district in which the affected facilities are located.

(C) The Commission, on its own motion or on complaint, may order compliance with an organization standard, or any Commission order affecting the Electric Reliability Organization or the affiliated regional reliability entity does not propose an appropriate and timely modification. The Electric Reliability Organization shall assume the previously delegated responsibilities.
Organization or an affiliated regional reliability entity.

"(k) RELIABILITY REPORTS.—The Electric Reliability Organization shall conduct periodic assessments of the reliability, adequacy of the interconnected bulk power system in North America and shall report annually to the Secretary of Energy and the Commission regarding, as appropriate, monitors for monitoring or improving system reliability and adequacy.

"(l) REMAINDER AND RECOVERY OF CERTAIN COSTS.—The reasonable costs of the Electric Reliability Organization, and the reasonable costs of each affiliated regional reliability entity, referred to in subsections (a), (b), and (c) of section 205, shall be assessed by the Electric Reliability Organization and each affiliated regional reliability entity, respectively, taking into account the relationship of costs to each region and based on an allocation that reflects an equitable sharing of the costs among all end users. The Commission shall provide by rule for the review of such costs and any rules adopted under this subsection and subsection (d)(4)(F).

"(m) SAVINGS PROVISIONS.—

"(1) The Electric Reliability Organization shall be nonprofit,开源 fund, and enforce compliance with standards for the reliable operation of the bulk power system.

"(2) This section does not provide the Electric Reliability Organization or the Commission with the authority to set and enforce compliance with standards for adequacy or safety of electric facilities or services.

"(3) Nothing in this section shall be construed to preempt any authority of any State to ensure the adequacy, and reliability of electric service within that State, as long as such action is not inconsistent with any Organization Standard.

"(4) Within 90 days of the application of the Electric Reliability Organization or other affected party, the Commission shall issue a final order determining whether a State action is inconsistent with an Organization Standard, after notice and opportunity for comment, taking into consideration the recommendations of the Electric Reliability Organization.

"(5) The Commission, after consultation with the Electric Reliability Organization, may stay the effectiveness of any State act, pending the Commission’s issuance of a final order.

"(n) REGIONAL ADVISORY BODIES.—The Commission shall establish a regional advisory body on the petition of at least two-thirds of the States within a region that have a standard agreed to by the Federal Energy Regulatory Commission or the Electric Reliability Organization or under a provision approved by the Commission.

"(o) COORDINATION WITH REGIONAL TRANSMISSION ORGANIZATIONS.—

"(1) Each regional transmission organization authorized by the Commission shall be responsible for maintaining the short-term reliability of the bulk power system that it operates, consistent with organization standards.

"(2) Except as provided in paragraph (5), in connection with a proceeding under subsection (b), if a regional transmission organization standard, each regional transmission organization authorized by the Commission shall report to the Commission, and notify the electric reliability organization and any applicable affiliated regional reliability entity, regarding whether the proposed organization standard hinders or conflicts with that regional transmission organization’s ability to fulfill the requirements of any rule, regulation, order, tariff schedule, or agreement accepted, approved or ordered by the Commission. Where such hindrance or conflict is identified, the Commission shall address such hindrance or conflict, and the need for any rule, order, tariff, rate schedule, or agreement accepted, approved or ordered by the Commission in its order under subsection (e) regarding the proposed organization standard. Where such hindrance or conflict is identified between a proposed organization standard and a provision of any rule, order, tariff, rate schedule or agreement acceptable, approved or ordered by the Commission applicable to a regional transmission organization, nothing in this section shall require a change in the regional transmission organization’s ability to comply with such provision unless the Commission orders such a change and the change becomes effective. If the Commission finds that the tariff, rate schedule, or agreement needs to be changed, the regional transmission organization must expeditiously make a section 205 filing to reflect the change. If the Commission finds that the proposed organization standard needs to be changed, it shall remand the proposed organization standard to the electric reliability organization under subsection (e).

"(3) Except as provided in paragraph (5), to the extent hindrances and conflicts arise after an order under subsection (c) or organization standard under subsection (e), each regional transmission organization authorized by the Commission under subsection (c) of section (e), and notify the electric reliability organization and any applicable affiliated regional reliability entity, regarding any reliability standard approved under subsection (c) or organization standard that hinders or conflicts with that regional transmission organization’s ability to fulfill the requirements of any rule, order, tariff schedule, or agreement accepted, approved or ordered by the Commission. The Commission shall seek to assure that such hindrances and conflicts are resolved promptly. Where a hindrance or conflict is identified between a reliability standard or an organization standard and a provision of any rule, order, tariff, rate schedule or agreement acceptable, approved or ordered by the Commission applicable to a regional reliability organization, nothing in this section shall require a change in the regional transmission organization’s ability to comply with such provision unless the Commission orders such a change and the change becomes effective. If the Commission finds that the tariff, rate schedule, or agreement needs to be changed, the regional transmission organization must expeditiously make a section 205 filing to reflect the change. If the Commission finds that an organization standard needs to be changed, it shall order the electric reliability organization to submit a modified organization standard under subsection (e).

"(4) An affiliated regional reliability entity, or the Commission operating in the same geographic area shall cooperate to avoid conflicts between implementation and enforcement of organization standards by the affiliated regional reliability entity and implementation and enforcement by the regional transmission organization of tariffs, rate schedules, and agreements acceptable, approved or ordered by the Commission. In areas without an affiliated regional reliability entity, the electric reliability organization shall act as the affiliated regional reliability entity for purposes of this paragraph.

"(5) Until 6 months after approval of applicable subsection (b)(3) procedures, any reliability standard, guidance, or practice contained in Commission-approved tariffs, rate schedules, or agreements in effect of any regional transmission organization’s ability to fulfill the requirements of any rule, regulation, order, tariff schedule, or agreement accepted, approved or ordered by the Commission.

"(p) ENFORCEMENT.—Sections 316 and 316A of the Federal Power Act are each amended by striking ‘‘or 214’’ each place it appears and inserting ‘‘214, or 216’’.

SEC. 402. APPLICATION OF ANTITRUST LAWS.

Notwithstanding any other provision of law, each of the following activities are rebuttable presumed to be in compliance with the antitrust laws of the United States:

(1) Activities undertaken by the Electric Reliability Organization under section 216 of the Federal Power Act or affiliated regional reliability entity operating under an agreement in effect under section 216(h) of such Act.

(2) Activities of a member of the Electric Reliability Organization or affiliated regional reliability entity in pursuit of organization objectives under section 216 of the Federal Power Act undertaken in good faith under the rules of the organization.

Primary jurisdiction, and immunities and other affirmative defenses, shall be available to the extent otherwise applicable.

TITLE V—IMPROVED ELECTRICITY CAPACITY AND ACCESS

SEC. 501. UNIVERSAL AND AFFORDABLE SERVICE.

It is the sense of the Congress that—

(1) every retail electric consumer should have access to electric energy at reasonable and affordable rates; and

(2) the States should ensure that retail electric competition does not result in the loss of service to rural, residential, or low-income consumers.

SEC. 502. PUBLIC BENEFITS FUND.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ‘‘eligible public purpose program’’ means a State or tribal program that—

(A) assists low-income households in meeting their home energy needs;

(B) provides for the planning, construction, operation, maintenance, or improvement of transmission, or distribute electricity to Indian tribes or rural and remote communities;
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(C) provides for the development and implementation of measures to reduce the demand for electricity;
(D) provides for the development and implementation of a qualifying greenhouse gas mitigation project; or
(E) provides for:
(1) new or additional capacity, or improves the existing capacity of, a wind, biomass, geothermal, solar thermal, photovoltaic, combined heat and power energy source;
(2) additional generating capacity achieved from increased efficiency at existing hydroelectric dams or additions of new capacity to existing hydroelectric plants;
(3) the term "fiscal agent" means the entity designated under subsection (c); and
(4) the term "qualifying greenhouse gas mitigation project" means a project to reduce the emissions of greenhouse gases that is at least fifty percent funded by a power generator;
(5) the term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;
(6) the term "Secretary" means the Secretary of Energy; and
(7) the term "State" means each of the States and the District of Columbia;
(b) PUBLIC BENEFITS FUND.—There is established in the Treasury of the United States a separate fund, to be known as the Public Benefits Fund. The Fund shall consist of amounts collected by the fiscal agent under subsection (d). The fiscal agent may disburse amounts in the Fund, without further appropriation, in accordance with this section.
(c) DUTIES OF THE FISCAL AGENT.—The Secretary shall appoint a fiscal agent shall collect and disburse the amounts in the Fund in accordance with this section.
(d) DUTIES OF THE SECRETARY.—The Secretary shall prescribe:
(1) rules for the equitable allocation of the Fund among States and Indian tribes based on:
(A) the number of low-income households in each State or tribal jurisdiction;
(B) the average annual cost of electricity used by households in each State or tribal jurisdiction;
(C) the criteria by which the fiscal agent determines whether a State or tribal government’s program is an eligible public purpose program; and
(D) rules requiring the award of funds for qualifying greenhouse gas mitigation projects that the Secretary determines are necessary to ensure such projects are cost-effective.
(e) PUBLIC BENEFITS CHARGE.—
(1) AMOUNT OF CHARGE.—As a condition of existing or future interconnection with facilities of any transmitting utility, each owner of an electric generating facility whose nameplate capacity exceeds five megawatts shall pay the transmitting utility a public benefits charge equal to one mill per kilowatt-hour on electric energy generated by such electric generating facility.
(2) AFFILIATES.—Each owner of an electric generating facility subject to the charge under paragraph (1) shall pay the charge even if the generation facility and the transmitting facility are under common ownership or control.
(3) IMPORTED ELECTRICITY.—Each importer of electric energy from Canada or Mexico, as a condition of existing or future interconnection with facilities of any transmitting utility in the United States, shall pay this same charge for imported electric energy.
(4) PAYMENTS.—The transmitting utility shall pay the amounts collected to the fiscal agent at the close of each month, and the fiscal agent shall deposit the amounts into the Fund as offsetting collections.
(f) DISBURSAL FROM THE FUND.—
(1) BLOCK GRANTS.—The fiscal agent shall disburse the Fund to the states and to tribal governments as a block grant to carry out eligible public purpose programs in accordance with this subsection and rules prescribed under subsection (d).
(2) ANNUAL PAYMENTS.—The fiscal agent shall disburse amounts for a calendar year from the Fund to a State or tribal government in twelve equal monthly payments beginning two months after the beginning of the calendar year.
(g) ELIGIBLE RECIPIENTS.—The fiscal agent shall make distributions to the State or tribal government or to an entity designated by the State or tribal government to receive payments.
(h) LIMITATION ON USE OF FUNDS.—A State or tribal government may use amounts received only for the following purposes:
(1) the term "Fund" means the Public Benefits Fund established under subsection (b);
(2) the term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; and
(3) the term "Secretary" means the Secretary of Energy Policy and Programs to

SEC. 504. COMPREHENSIVE INDIAN ENERGY PROGRAM.
SEC. 2607. COMPREHENSIVE INDIAN ENERGY PROGRAM.
SEC. 504. COMPREHENSIVE INDIAN ENERGY PROGRAM.
(a) ESTABLISHMENT OF PROGRAM.—Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501–3506) is amended by adding after section 2606 the following:

SEC. 2007. COMPREHENSIVE INDIAN ENERGY PROGRAM.

SEC. 504. COMPREHENSIVE INDIAN ENERGY PROGRAM.
SEC. 2607. COMPREHENSIVE INDIAN ENERGY PROGRAM.
SEC. 504. COMPREHENSIVE INDIAN ENERGY PROGRAM.
(a) DEFINITIONS.—For purposes of this section—
(1) "Director" means the Director of the Office of Indian Energy Policy and Programs established by section 306 of the Department of Energy Organization Act, and
(2) "Indian land" means—
(A) any land within the limits of an Indian reservation, pueblo, or rancheria,
(B) any land not within the limits of an Indian reservation, pueblo, or rancheria which on the date of enactment of this section was—
(i) in trust by the United States for the benefit of an Indian tribe,
(ii) by an Indian tribe subject to restriction by the United States against alienation, or
(iii) by a dependent Indian community; and
(C) land conveyed to an Alaska Native Corporation under the Alaska Native Claims Settlement Act.
(b) INDIAN ENERGY EDUCATION, PLANNING AND MANAGEMENT ASSISTANCE.—(1) The Director shall establish or recognize programs within the Office of Indian Energy Policy and Programs to assist Indian tribes to meet their energy education, research and development, planning, and management needs.
(2) The Director may make grants, on a competitive basis, to an Indian tribe for—
(A) renewable, energy efficiency, and conservation programs;
(B) studies and other activities supporting tribal acquisition of energy supplies, services, and facilities; and
(C) planning, constructing, developing, operating, maintaining, and improving tribal electrical generation, transmission, and distribution facilities.
(3) The Director may develop, in consultation with Indian tribes, a formula for making grants under this section. The formula may take into account the following:
(A) the total number of acres of Indian land owned by an Indian tribe;
(B) the total number of households on the tribe’s Indian land;
(C) the total number of households on the Indian tribe’s Indian land that have no electric service or access to energy products or by-products;
(D) financial or other assets available to the tribe from any source.
(4) In making a grant under paragraph (2), the Director shall give priority to an application received from an Indian tribe that is not served or is served inadequately by an electric utility, as that term is defined in section 3(4) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602(4)), or by a person, State agency, or any other non-federal entity that owns or operates a local distribution facility, for the sale of electric energy to an electric consumer.
(5) There are authorized to be appropriated to the Department of Energy such sums as may be necessary to carry out the purposes of this section.
(c) APPLICATION OF BUY INDIAN ACT.—(1) Any agency, department, or component of the United States Government may give, in the purchase or sale of electricity, oil, gas, coal, or other energy product or by-product produced on Indian lands, preference, under section 23 of the Act of June 25, 1910 (25 U.S.C. 47) (commonly known as the "Buy Indian Act"), to energy products of an Indian enterprise, partnership, corporation, or other type of business organization majority or wholly owned and controlled by an Indian, a tribal enterprise, or a business, enterprise, or operation of the American Indian Tribal Governments.
"(2) In implementing this subsection, an agency or department shall pay no more for energy production than the prevailing market price and shall obtain no less than existing limits in such Act.

(3) The remedies provided by this section are in addition to any other remedies available by law.

(b) RETAIL SALES.—The Federal Trade Commission shall issue rules requiring each retail electric supplier to include with each monthly billing to retail electric consumers a statement of the known energy sources, in addition to the information required under section 565, a statement containing the following information:

(1) The net generation, in kilowatt-hours, of electricity that is generated from renewable energy sources, averaged over a year. Renewable energy sources include solar, wind, geothermal, wave, tidal, and other sources of energy, respectively.

(2) A statement of the known energy sources, such as hydro, steam, natural gas, coal-fired power, nuclear power, oil-fired power, wind power, geothermal power, solar power, and other sources of energy, respectively.

(3) A statement of the known energy sources, such as hydro, steam, natural gas, coal-fired power, nuclear power, oil-fired power, wind power, geothermal power, solar power, and other sources of energy, respectively.

(c) CONFORMING AMENDMENTS.—

(1) Section 2803(c) of the Energy Policy Act of 1992 (25 U.S.C. 353(c)) is amended by adding at the end of this section:

""(1) The remedies provided by this section are in addition to any other remedies available by law.

(d) FEDERAL TRADE COMMISSION ENFORCEMENT.—Violation of a rule issued under this section shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57ff). The Federal Trade Commission shall be an enforcing agency with respect to this section and with any rule prescribed by the Federal Trade Commission pursuant to this section.

(2) The remedies provided by this section are in addition to any other remedies available by law.

(e) STATE AUTHORITY.—(1) The state or State commission may prescribe and enforce additional laws, rules, or procedures regarding the practices which are the subject of this section, so long as such laws, rules, or procedures are not inconsistent with the provisions of this section or with any rule prescribed by the Federal Trade Commission pursuant to this section.

(2) The remedies provided by this section are in addition to any other remedies available by law.

(f) DEFINITIONS.—As used in this section:

(1) the term "retail electric consumer" means any person who purchases electric energy for ultimate consumption; and

(2) the term "electric utility supplier" means any person who sells electric energy to a retail electric consumer for ultimate consumption; and
“(ii) the total number of megawatts of capacity at each facility it owns, operates, or controls that is not being used to generate electric power; and

“(ii) the total number of megawatts transmitted on each transmission facility it owns, operates, or controls, and

“(ii) the total number of megawatts scheduled and the current capacity or rating of each transmission facility it owns, operates, or controls.

“(3) The Commission may enter agreements with regional electric reliability councils, and may require any entity to which the Commission has issued an order that requires a seller of electric energy to customers in a State to take action to address reliability issues to provide for the use of the data referred to in paragraph (2) to establish requirements, rules, and standards for such reliability issues.

SEC. 508. WHOLESALE ELECTRIC ENERGY RATES IN THE WESTERN ENERGY MARKET.

(a) IMPOSITION OF WHOLESALE ELECTRIC ENERGY RATES.—Not later than 60 days after the date of enactment of this title, the Federal Energy Regulatory Commission shall impose just and reasonable load-differentiated demand rate or cost-of-service based rates on sales by electric utilities of electric energy at wholesale in the western energy market.

(b) DURATION.—(1) In GENERAL.—A load-differentiated demand rate or cost-of-service based rate imposed under this section shall remain in effect until such time as the market for electric energy in the western energy market reflects just and reasonable rates, as determined by the Commission.

(2) AUTHORITY OF STATE REGULATORY AUTHORITIES.—Nothing in this section shall diminish or have any other effect on the authority of a State regulatory authority (as defined in section 210 of the Federal Power Act (16 U.S.C. 796)) to regulate rates and charges for the sale of electric energy to consumers, including the setting of tiered pricing, real-time pricing, and baseline rates.

(c) DEFINITIONS.—For purposes of this section—

(1) COMMISSION.—The term ‘Commission’ means the Federal Energy Regulatory Commission.

(2) COST-OF-SERVICE BASED RATE.—The term ‘cost-of-service based rate’ means a rate, charge, or classification for the sale of electric energy that is equal to—

(A) all the variable and fixed costs for producing the electric energy; and

(B) a reasonable return on invested capital.

(3) INTERSTATE TRANSACTION.—The term ‘interstate transaction’ means the sale of electric energy that is—

(A) a sale of electric energy that is made between two parties that are not located in the same State; or

(B) an interconnection agreement that requires the sale of electric energy that is made between two parties that are located in the same State.

(4) LOAD-DIFFERENTIATED DEMAND RATE.—The term ‘load-differentiated demand rate’ means a rate, charge, or classification for the sale of electric energy that reflects differences in the demand for electric energy during various times of day, months, seasons, or other time periods.

(5) WESTERN ENERGY MARKET.—The term ‘western energy market’ means the area covered by the Western Systems Coordinating Council of the North American Electric Reliability Council.

(6) REPEAL.—Effective March 1, 2003, this section is repealed, and any load-differentiated demand rate or cost-of-service based rate imposed under this section that is then in effect shall no longer be effective.

SEC. 509. NATURAL GAS RATE CEILING IN CALIFORNIA.

Section 284.8(i) of title 18, Code of Federal Regulations (as amended by section 2 of the Natural Gas Policy Act of 1978 (15 U.S.C. 717f(c)), is amended by adding at the end the following:

“(1) SPECIAL RULE FOR DISTRIBUTED GENERATION FACILITIES.—

(1) DEFINITION.—As used in this subsection, the term ‘distributed generation facility’ means an electric power generation facility that—

(A) is designed to serve retail customers at or near the point of consumption; and
“(B) interconnects with local distribution facilities.

“(2) INTERCONNECTION.—A local distribution company shall interconnect a distributed facility with the local distribution facilities of such company if the distributed generation facility owner or operator complies with the final rule adopted under paragraph (1) and pays the costs directly related to such interconnection. Costs, terms, and conditions related to such interconnection shall be just, reasonable, and non-discriminatory.

“(3) RULES.—Within one year after the date of enactment of this subsection, the Commission shall, by rule, establish safety, reliability, and net metering standards related to distributed generation facilities. For purposes of developing such standards, the Commission may classify distributed power generation facilities based on size and prescribe different requirements for different classes of facilities. The Commission shall establish an advisory committee composed of qualified experts to make recommendations to the Commission on the development of such standards.”

SEC. 604. ACCESS TO TRANSMISSION BY INTERMITTENT GENERATORS.

Title VI of the Public Utility Regulatory Policies Act of 1978 is amended by adding at the end the following:

“SEC. 605. ACCESS TO TRANSMISSION FOR RENEWABLE ENERGY AND FUEL CELLS.

“(a) DEFINITIONS.—For purposes of this section:

“(1) The term ‘eligible on-site generating facility’ means—

“(A) a facility on the site of a residential electric consumer with a maximum generating capacity of 250 kilowatts or less that is fueled by solar or wind energy; or

“(B) a facility on the site of a commercial electric consumer with a maximum generating capacity of 500 kilowatts or less that is fueled solely by a renewable energy resource.

“(2) The term ‘renewable energy resource’ means solar energy, wind energy, biomass, geothermal energy, or fuel cells.

“(3) The term ‘net metering service’ means service to an electric consumer under which electricity generated by that consumer from an eligible on-site generating facility and delivered to the distribution system through the same meter through which purchased electricity is delivered by the retail electric supplier, in accordance with normal metering practices.

“(4) ELECTRICITY SUPPLIED EXCEEDING ELECTRICITY GENERATED.—If the quantity of electricity supplied by a retail electric supplier during a billing period exceeds the quantity of electricity generated by an on-site generating facility and fed back to the electric distribution system during the billing period, the supplier may bill the owner or operator of the on-site generating facility for the excess kilowatt-hours generated during the billing period, with the kilowatt-hour credit appearing on the bill for the following billing period.

“(5) SAFETY AND PERFORMANCE STANDARDS.—

“(1) An eligible on-site generating facility and net metering system used by a retail electric consumer shall meet all applicable safety, performance, reliability, and interconnection standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and Underwriters Laboratories.

“(2) The Commission, after consultation with State regulatory authorities and non-regulated local distribution systems and after notice and opportunity for comment, may adopt, by rule, additional control and testing requirements for on-site generating facilities and net metering systems that the Commission determines are necessary to protect public safety and system reliability.

“SEC. 605. ACCESS TO TRANSMISSION BY INTERMITTENT GENERATORS.

Part I of the Federal Power Act (16 U.S.C. 824–824m) is amended by adding at the end the following:

“SEC. 217. ACCESS TO TRANSMISSION BY INTERMITTENT GENERATORS.

“(a) IN GENERAL.—The Commission shall ensure that all transmitting utilities provide transmission service to intermittent generators in a manner that does not penalize such generators, directly or indirectly, for characteristics that are—

“(1) inherent to intermittent energy resources; and

“(2) are beyond the control of such generators.

“(b) REQUIREMENT TO PROVIDE NET METERING SERVICE.—Each retail electric supplier shall make available upon request net metering service to any retail electric consumer that the supplier currently serves or solicits for service.

“(c) RATES AND CHARGES.—

“(1) IDENTICAL CHARGES.—A retail electric supplier—

“(A) shall charge the owner or operator of an on-site generating facility rates and charges that are identical to those that would be charged other retail electric customers served by the retail electric company in the same rate class; and

“(B) shall not charge the owner or operator of an on-site generating facility any additional service capacity, interconnection, or other rate or charge.

“(2) MEASUREMENT.—A retail electric supplier that supplies electricity to the owner or operator of an on-site generating facility shall measure the quantity of electricity produced by the on-site facility and the quantity of electricity consumed by the owner or operator of the on-site generating facility during a billing period in accordance with normal metering practices.

“(B) is based on sound science; and

“(C) will either—

“(i) cost less to implement than the condition deemed necessary by the Secretary; or

“(ii) result in less loss of generating capacity than the condition deemed necessary by the Secretary.”.

(b) ALTERNATIVE FISHWAYS.—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended by adding—

“(b) ALTERNATIVE MANDATORY CONDITIONS.—

“(a) ALTERNATIVE MANDATORY CONDITIONS.—

“(1) SUBJECT TO THE SOLE EXCEPTION SET FORTH IN SUBSECTION (b), the Secretary, the Secretary of the Interior, or the Secretary of Commerce under this section, the licensee for any project works within any reservation of the United States under subsection (e), and the Secretary of the department under whose supervision such reservation falls shall deem a condition to such license to be necessary under the first proviso or such section, the license applicant may propose an alternative condition.

“(2) NOTWITHSTANDING THE FIRST PROVISO OF SUBSECTION (e), the Secretary of the department under whose supervision such reservation falls shall accept the alternative condition proposed by the license applicant, and the Commission shall include in the license the alternative condition if the Secretary of the appropriate department determines that the alternative condition—

“(A) provides equal or greater protection for the reservation than the condition deemed necessary by the Secretary; and

“(B) is based on sound science; and

“(C) will either—

“(i) cost less to implement than the condition deemed necessary by the Secretary; or

“(ii) result in less loss of generating capacity than the condition deemed necessary by the Secretary.”.

“(b) ALTERNATIVE FISHWAYS.—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended by adding—

“(1) inserting ‘‘(a)’’ before the first sentence; and

“(2) adding at the end the following:

“(b)(1) Whenever the Commission shall require a licensee to construct, maintain, or operate a fishway prescribed by the Secretary of the Interior or the Secretary of Commerce under this section, the license applicant may propose an alternative.

“(2) NOTWITHSTANDING SUBSECTION (a), the Secretary of the Interior or the Secretary of Commerce under this section, the license applicant may propose an alternative.
the Secretary of the appropriate department determines that the alternative—

“(i) will result in equal or greater fish passage

than the fishway initially prescribed by the Secretary;

“(ii) is based on sound science; and

“(iii) will either—

“(I) cost less to implement than the fishway initially prescribed by the Secretary;

“(II) result in less loss of generating capacity

than the fishway initially prescribed by the Secretary;

SEC. 702. DISPOSITION OF HYDROELECTRIC CHARGES.

(a) ANNUAL CHARGES.—Section 10(e)(1) of the Federal Power Act (16 U.S.C. 803(e)(1)) is amended—

(1) by striking “subject to annual appropriations Acts” in the first proviso; and

(2) by inserting after “(in addition to other funds appropriated for such purposes)” in the first proviso the following: “without further appropriation”.

(b) OTHER CHARGES.—Section 17(a) of the Federal Power Act (16 U.S.C. 810(a)) is amended by striking “into the Treasury of the United States and credited to ‘Miscella-

neous Receipts’ and inserting the following: “to the Secretary of the department under whose supervision the affected reservation falls, without further appropriation, to be used in carrying forth subsection (c)”.

(c) USE OF FUNDS.—Section 17 of the Fed-

eral Power Act (16 U.S.C. 810) is further amended by adding at the end the following: “(c) The Secretary receiving a distribu-

tion of 12% per centum of the proceeds of charges under subsection (a) may use such proceeds solely for the protection of the water sources on—

“(A) the reservation on which the project for which the proceeds were paid is located;

“(B) the reservation on which the head-

waters of the waterway, on which the project for which the proceeds were paid, is located.

“(2) For purposes of this subsection, activi-

ties for the protection of water resources for which proceeds made available under this subsection may be used may only include the following:—

“(A) promoting the recovery of threatened and endangered species;

“(B) road and trail assessments and plans, maintenance or rehabilitation, or closure;

“(C) wildlife and fish habitat management;

“(D) multiparty monitoring of water pro-

tection activities;

“(E) watershed analysis, including res-

source condition and trend assessments;

“(F) erosion control and restoring hydro-

logic function to meadows, wetlands, and floodplains; and

“(G) job training associated with para-

graph (3).

“(3) In order to provide employment and job training opportunities to residents of rural communities located within or near a reservation identified in paragraph (1), the Secretary may make grants or enter into cooperative agreements or contracts with—

“(A) a private, non-profit, or cooperative entity within the same county as the res-

ervation;

“(B) businesses that employ 25 or less em-

ployees;

“(C) an entity that will hire or train resi-

dents of communities located within or near the reservation to perform the contract; or

“(D) the Youth Conservation Corps or re-

lated partnerships with State, local, or non-

profit youth groups.

SEC. 703. RELICENSING STUDY.

(a) IN GENERAL.—The Federal Energy Regu-

latory Commission shall, in consultation with the Secretary of Commerce, the Sec-

retary of the Interior, and the Secretary of Agriculture, conduct a study of all new li-

censes issued for existing projects under section 15 since January 1, 1994.

The Commission shall analyze—

(1) the length of time the Commission has taken to issue each new license for an exist-

ing project;

(2) the additional cost to the licensee at-

tributable to new license conditions;

(3) the change in generating capacity at-

tributable to new license conditions;

(4) the environmental benefits achieved by new license conditions; and

(5) litigation arising from the issuance or failure to issue new licenses for existing projects under the development or failure to impose new license conditions.

(b) DEFINITION.—As used in this section, the term “new license condition” means any condition imposed under—

(1) section 4(e) of the Federal Power Act (16 U.S.C. 797(e)),

(2) section 10(e) of the Federal Power Act (16 U.S.C. 803(e)),

(3) section 100 of the Federal Power Act (16 U.S.C. 803(o)),

(4) section 18 of the Federal Power Act (16 U.S.C. 805(f)),

(5) section 401(d) of the Clean Water Act (33 U.S.C. 1341(d)),

(6) section 1431(d) of the Clean Water Act (33 U.S.C. 1343(d)),

(7) section 1251(d) of the Clean Water Act (33 U.S.C. 1325(d)).

(c) IMPLEMENTATION.—The Commis-

sion shall give the expert advice of representatives of the entities described in sections 812(b) and 813(b).

SEC. 704. STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Sec-

retary of the Interior and the Administrator of the Environmental Protection Agency, shall conduct a study to identify the technologies capable of achieving the cost and performance goals.

(b) REPORT.—Not later than 18 months after the date of enactment of this title, the Secretary shall submit a report to the President and Congress containing—

(1) a description of the programs that, as of the date of the report, are in effect or are to be carried out by the Department of Energy to support technologies that are designed to achieve the cost and performance goals; and

(2) recommendations for additional au-

thorities required to achieve the cost and performance goals.

SEC. 705. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle up to $500,000,000 for each of fiscal years 2002 through 2012, to remain available until ex-

pended.

(b) CONDITIONS OF AUTHORIZATION.—The au-

thorization of appropriations under subsection (a) is conditioned on—

(1) the funding for a power plant improvement initiative program that will demonstrate the performance goals; and

(2) shall not be a cap on Department of En-

ergy fossil energy research and development and clean coal technology appropriations.

Subtitle B—Power Plant Improvement Initiative Program

SEC. 801. DEFINITIONS.

In this title:

(1) “Cost and performance goals” means—

the term “cost and performance goals” means the cost and performance goals established under section 811.

(2) “SECRETARY.”—The term “Secretary” means the Secretary of Energy.

Subtitle A—National Coal-Based Technology Development and Applications Program

SEC. 811. COST AND PERFORMANCE GOALS.

(a) IN GENERAL.—The Secretary shall per-

form an assessment of costs and associated performance of technologies that would permit the continued cost-competitive use of coal for electricity generation, as chemical feedstocks, and as transportation fuel in the periods:

(1) 2007 through 2014;

(2) 2015 through 2019; and

(3) 2020 and each year thereafter.

(b) CONDITIONS.—The research, develop-

ment, demonstration, and commercial appli-

cation programs identified in section 812(a) shall be designed to achieve the cost and performance goals.

(c) REPORT.—Not later than 18 months after the date of enactment of this title, the Secretary shall submit to the President and Congress a report containing—

(1) a description of the programs that, as of the date of the report, are in effect or are to be carried out by the Department of Energy to support technologies that are designed to achieve the cost and performance goals; and

(2) recommendations for additional au-

thorities required to achieve the cost and performance goals.

SEC. 812. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle up to $500,000,000 for each of fiscal years 2002 through 2012, to remain available until ex-

pended.

(b) CONDITIONS OF AUTHORIZATION.—The au-

thorization of appropriations under subsection (a) is conditioned on—

(1) shall be in addition to authorizations of appropriations in effect on the date of enactment of this title; and

(2) shall not be a cap on Department of En-

ergy fossil energy research and development and clean coal technology appropriations.

Subtitle B—Power Plant Improvement Initiative Program

SEC. 821. POWER PLANT IMPROVEMENT INITIA-

TIVE PROGRAM.

(a) IN GENERAL.—The Secretary shall carry out a power plant improvement initiative program that will demonstrate commercial applications of advanced coal-based technologies applicable to new or existing power plants, including coal-plant plants, that must advance the efficiency, environmental performance, and cost competitiveness well beyond that which is in operation or has been demonstrated on the date of enactment of this title.

(b) PLAN.—Not later than 120 days after the date of enactment of this title, the Secretary shall submit to Congress a plan to carry out subsection (a) that includes a description of—
(1) the program elements and management structure to be used;
(2) the technical milestones to be achieved with respect to each of the advanced coal-based generating technologies in the plan; and
(3) the demonstration activities proposed to be conducted at new or existing coal-based electric generating units having at least 50 megawatts nameplate rating. Included improvements to allow the units to achieve 1 or more of the following:
(A) An overall design efficiency improvement of at least 3 percent as compared with the efficiency of the unit as operated on the date of enactment of this title and before any retrofit, repowering, replacement, or installation;
(B) A significant improvement in the environmental performance related to the control of sulfur dioxide, nitrogen oxide, and mercury in a manner that is different and well below the cost of technologies that are in operation or have been demonstrated on the date of enactment of this title.
(C) A means of recycling, reusing, or sequestering a significant portion of coal combustion waste produced by coal-based generating units excluding practices that are commercially available at the date of enactment of this title.

SEC. 822. FINANCIAL ASSISTANCE.

(a) In General.—Not later than 180 days after the date on which the Secretary submits to Congress the plan under section 821(b), the Secretary shall solicit proposals for projects at new or existing facilities designed to achieve the levels of performance set forth in section 821(b)(3).
(b) PROJECT CRITERIA.—A solicitation under paragraph (a) may include solicitation of a proposal for a project to demonstrate—
(1) the control of emissions of 1 or more pollutants; or
(2) the production of coal combustion byproducts that are capable of obtaining economic values significantly greater than byproducts produced on the date of enactment of this title.
(c) FINANCIAL ASSISTANCE.—The Secretary shall provide financial assistance to projects that—
(1) demonstrate overall cost reductions in the utilization of coal to generate useful forms of energy;
(2) improve the competitiveness of coal among various forms of energy in order to maintain a diversity of fuel choices in the United States to meet electricity generation requirements;
(3) achieve, in a cost-effective manner, 1 or more of the criteria described in the solicitation; and
(4) demonstrate technologies that are applicable to 25 percent of the electricity generating facilities that use coal as the primary feedstock on the date of enactment of this title.
(d) FEDERAL SHARE.—The Federal share cost of a project funded under this subtitle shall not exceed 50 percent.

SEC. 823. FUNDS.

To carry out this subtitle, the Secretary may use any obligated funds available to the Secretary and any funds obligated to any project under the clean coal technology program that become unobligated.

TITLE IX—PRICE-ANDERSON ACT REAUTHORIZATION

SEC. 901. SHORT TITLE.

This title may be cited as the "Price-Anderson Amendments Act of 2001".

SEC. 902. INDEMNIFICATION AUTHORITY.

(a) INDEMNIFICATION OF NRC LICENSEES.—Section 170 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended—
(1) by amending subsection (a) to include—
(A) "August 1, 2002" each place it appears and inserting "August 1, 2012"; and

(b) INDEMNIFICATION OF DOE CONTRACTORS.—Section 170l.(d)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210l)(d)(A) is amended by striking "August 1, 2002", and inserting "August 1, 2012".

(c) INDEMNIFICATION OF NONPROFIT EDUCATIONAL INSTITUTIONS.—Section 170k. of the Atomic Energy Act of 1954 (42 U.S.C. 2210k) is amended by striking "August 1, 2002", and inserting "August 1, 2012".

SEC. 903. MAXIMUM ASSESSMENT.

Section 170b.(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2210b(1)) is amended by striking "$10,000,000" and inserting "$20,000,000".

SEC. 904. LIABILITY LIMIT.

(a) AGGREGATE LIABILITY LIMIT.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210d) is amended by striking subsection (2) and inserting the following:
"(2) In agreements of indemnification entered into under paragraph (1), the Secretary—
(A) may require the contractor to provide and maintain financial protection of such a type and in such amounts as the Secretary shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity, and
(B) shall indemnify the persons indemnified under such contracts above the amount of the financial provisions in the amount of $10,000,000,000 (subject to adjustment for inflation under subsection (2), in the aggregate, for all persons indemnified in connection with such contract and for each nuclear incident, including such legal costs of the contractor as are approved by the Secretary.

(b) CONTRACT AMENDMENTS.—Section 170f. of the Atomic Energy Act of 1954 (42 U.S.C. 2210f) is amended by striking subsection (3) and inserting the following:
"(3) All agreements of indemnification under which the Department of Energy (or its predecessor agencies) may be required to indemnify any person, shall be deemed to be amended, on the date of the enactment of the Price-Anderson Amendments Act of 1999, to reflect the amount of indemnity for public liability and any applicable financial protection required by the contractor under this subsection on such date.

SEC. 905. INCIDENTS OUTSIDE THE UNITED STATES.

(a) AMOUNT OF INDEMNIFICATION.—Section 170 d.(5) of the Atomic Energy Act of 1954 (42 U.S.C. 2210d)(5) is amended by striking "$100,000,000" and inserting "$500,000,000".
(b) LIABILITY LIMIT.—Section 170e.(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2210e)(4) is amended by striking "$100,000,000" and inserting "$500,000,000".

SEC. 906. REPEAL.


SEC. 907. INFLATION ADJUSTMENT.

Section 170 t. of the Atomic Energy Act of 1954 (42 U.S.C. 2210t) is amended—
(1) by renumbering paragraph (2) as paragraph (3); and
(2) by adding after paragraph (1) the following new paragraph:
"(2) The Secretary shall adjust the amount of indemnification provided under an agreement of indemnification provided under subsection d. not less than once during each 5-year period following the date of enactment of the Price-Anderson Amendments Act of 2001, in accordance with the aggregate percentage change in the Consumer Price Index since—
(1) the date of the first adjustment under this subsection; or
(2) the previous adjustment under this subsection.

SEC. 908. CIVIL PENALTIES.

(a) REPEAL OF AUTOMATIC REMISSION.—Section 234A(b)(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(b)(2)) is amended by striking the last sentence.

(b) LIMITATION FOR NONPROFIT INSTITUTIONS.—Section 234A(b)(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2282a) is further amended by striking subsection d. and inserting the following:
"Notwithstanding subsection a., no contractor, subcontractor, or supplier considered to be nonprofit under the Internal Revenue Code of 1986 shall be subject to a civil penalty under this section in excess of the amount of any performance fee paid by the Secretary to such contractor, subcontractor, or supplier under the contract under which the violation or violations; occur.

SEC. 909. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this title shall become effective on the date of the enactment of this title.

(b) INDEMNIFICATION PROVISIONS.—The amendments made by sections 703, 704, and 705 shall not apply to any nuclear incident occurring before the date of the enactment of this title.

(c) CIVIL PENALTY PROVISIONS.—The amendments made by section 708 to section 29A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a) shall not apply to any civil violation occurring under a contract entered into before the date of the enactment of this title.

DIVISION C—DOMESTIC OIL AND GAS PRODUCTION AND TRANSPORTATION

TITLE X—OIL AND GAS PRODUCTION AND TRANSPORTATION

SEC. 1001. OUTER CONTINENTAL SHELF OIL AND GAS LEASE SALE 181.

(a) REQUIREMENT.—Subject to applicable laws and regulations, and later than December 31, 2001, the Secretary of the Interior shall proceed with the proposed Eastern Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sale 181.

(b) MODIFICATION.—In carrying out the sale under subsection (a), the Secretary of the Interior shall modify the lease area by excluding the 913 blocks in the area that is greater than 100 miles from the coast of Florida in the Gulf of Mexico.

SEC. 1002. FEDERAL ONSHORE LEASING PROGRAMS FOR OIL AND GAS.

Consistent with applicable law and regulations, there are authorized to be appropriated to the Secretary of the Interior and the Secretary of Agriculture such sums as may be necessary, including salary expenses, to hire additional personnel, to ensure expeditious compliance with National Environmental Policy Act requirements applicable to oil and gas production on public lands and national forest system lands.

SEC. 1003. INCREASING PRODUCTION ON STATE AND PRIVATE LANDS.

(a) STUDY.—The Secretary of Energy, in close coordination with the Interstate Oil and Gas Compact Commission, shall conduct a study to evaluate the opportunities for increasing oil and natural gas production from state and privately controlled lands in the United States. The study shall take into account trends in land use and development that may affect oil and gas development, the value of leasing practices and rights to development among the States, and differences in contract terms from State to State and among private landowners. The evaluation under this section shall include an assessment of whether optimal recovery practices, including in-fill drilling, work-overs, and enhanced recovery
operations, are being employed consistently to ensure the full development and conservation of the resources. The evaluation should determine what impediments may exist to ensuring recovery practices and make recommendations as to how those impediments could be overcome. The study should also determine whether production rights are being controlled by parties no longer interested in fully recovering the resource, with inactivity for a period of time being considered as indicating a lack of interest.

(b) REPORT TO CONGRESS AND GOVERNORS.—Not later than 240 days after the date of enactment, the Secretary shall provide a report to the Committee on Energy and Natural Resources in the Senate, and the Committee on Resources in the House of Representatives, summarizing the findings of the study carried out under subsection (a) and providing recommendations for policies or other actions that could help increase production on State and private lands.

The Secretary shall also provide a copy of the report to the Governors of the Member States of the Interstate Oil and Compact Commission. TITLe XI—PIPIINE INTEGRITY RESEARCH AND DEVELOPMENT

SEC. 1101. PIPELINE INTEGRITY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary of Transportation, in coordination with the Secretary of Energy, shall develop and implement an accelerated cooperative program of research and development to ensure the integrity of natural gas and hazardous liquid pipelines. This research and development program shall include materials inspection techniques, risk assessment methodology, and information systems necessary to:

(b) PURPOSE.—The purpose of the cooperative research program shall be to promote research and development, to:

(1) ensure long-term safety, reliability and service life for existing pipelines;
(2) expand capabilities of internal inspection devices to identify and accurately measure defects and anomalies;
(3) develop inspection techniques for pipelines that cannot accommodate the internal inspection devices available on the date of enactment;
(4) develop innovative techniques to measure the structural integrity of pipelines to prevent pipeline failures;
(5) develop improved materials and coatings for pipeline systems;
(6) improve the capability, reliability, and practicality of external leak detection devices;
(7) identify underground environments that might lead to shortened service life;
(8) enhance safety in pipeline siting and land use;
(9) minimize the environmental impact of pipelines;
(10) demonstrate technologies that improve pipeline safety, reliability, and integrity;
(11) provide risk assessment tools for optimizing risk mitigation strategies; and
(12) provide highly secure information systems for controlling the operation of pipelines.

(c) AREA.—In carrying out this title, the Secretary of Transportation, in coordination with the Secretary of Energy, shall consider research and development on natural gas, crude oil, and petroleum product pipelines for:

(1) early crack, defect, and damage detection, including real-time damage monitoring;
(2) automated internal pipeline inspection sensor systems;
(3) improved software and set back management along pipeline rights-of-way for communities;
(4) internal corrosion control;
(5) corrosion-resistant coatings;
(6) improved cathodic protection;
(7) inspection techniques where internal inspection is not feasible, including measuring structural integrity;
(8) external leak detection, including portable real-time monitoring techniques, and the advancement of computerized control center leak detection systems utilizing real-time remote field data input;
(9) longer life with high strength, non-corrosive pipeline materials;
(10) assessing the remaining strength of existing pipelines;
(11) risk and reliability analysis models, to be used to identify safety improvements that could be realized in the near term resulting from analysis of data obtained from a pipeline performance tracking initiative;
(12) identification, monitoring, and prevention of outside force damage, including satellite surveillance; and
(13) any other areas necessary to ensuring the public safety and protecting the environment.

(d) POINTS OF CONTACT.—

(1) DESIGNATION.—To coordinate and implement the research and development programs and activities authorized under this title, the Secretary of Transportation shall designate, as the point of contact for the Department of Transportation, an officer of the Department who has been appointed by the President and confirmed by the Senate; and

(2) The Secretary of Energy shall designate, as the point of contact for the Department of Energy, an officer of the Department of Energy who has been appointed by the President and confirmed by the Senate.

(e) DUTIES.—The Secretary of Transportation shall require of the Department of Transportation to have the primary responsibility for coordinating and overseeing the implementation of the research, development, and demonstration program plan, as defined in subsections (e) and (f).

(f) The points of contact shall jointly assist in arranging cooperative agreements for research, development, and demonstration involving their respective Departments, national laboratories, universities, and industry research entities.

(g) RESEARCH AND DEVELOPMENT PROGRAM PLAN.—Within 240 days after the date of enactment, the Department of Transportation, in coordination with the Secretary of Energy and the Pipeline Integrity Technical Advisory Committee, shall prepare and submit to the Congress a 5-year program plan to guide activities under this Act. In preparing the program plan, the Secretary of Transportation shall consult with appropriate parties, including representatives of the natural gas, crude oil, and petroleum product pipeline industries to select and prioritize appropriate project proposals. The Secretary may also seek the opinions of the national laboratories, universities, and industry research entities.

(h) RESEARCH AND DEVELOPMENT PROGRAM.—Within 240 days after the date of enactment, the Department of Transportation, in coordination with the Secretary of Energy and the Pipeline Integrity Technical Advisory Committee, shall prepare and submit to the Congress a 5-year program plan to guide activities under this Act. In preparing the program plan, the Secretary of Transportation shall consult with appropriate parties, including representatives of the natural gas, crude oil, and petroleum product pipeline industries to select and prioritize appropriate project proposals. The Secretary may also seek the opinions of the national laboratories, universities, and industry research entities.

(i) IMPLEMENTATION.—The Secretary of Transportation shall have primary responsibility for ensuring the five-year plan provided for in subsection (e) is implemented as intended by this Act. In carrying out the research and development activities under this Act, the Secretary of Transportation and the Secretary of Energy may, to the extent authorized under applicable cooperative agreements, cooperate with public and private organizations, pipeline safety advocates, and professional and technical societies.

(j) NEGOTIATIONS.—Upon completion of the study annually a status report on the effectiveness and impact of corporate average fuel economy standards, and taking into account its findings, the Secretary of Transportation, in coordination with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall negotiate with the manufacturers of new motor vehicles to implement enforceable mechanisms to increase vehicle efficiency or provide vehicle alternatives to

SEC. 1201. VEHICLE FUEL EFFICIENCY.

(a) REQUIREMENT.—The Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall develop and implement mechanisms to increase fuel efficiency of light-duty vehicles to limit total demand for petroleum products by light-duty vehicles in the year 2008 and thereafter to no more than 10 percent of the consumption by such vehicles in the year 2000.

(b) NEGOTIATIONS.—Upon completion of the study annually a status report on the effectiveness and impact of corporate average fuel economy standards, and taking into account its findings, the Secretary of Transportation, in coordination with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall negotiate with the manufacturers of new motor vehicles to implement enforceable mechanisms to increase vehicle efficiency or provide vehicle alternatives to

SEC. 1102. PIPELINE INTEGRITY TECHNICAL ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a Pipeline Integrity Technical Advisory Committee for the purpose of advising the Secretary of Transportation and the Secretary of Energy on the development and implementation of the five-year research, development, and demonstration program plan as defined in section 1101(e). The Advisory Committee shall have an ongoing role in evaluating the progress and results of the research, development, and demonstration carried out under this title.

(b) MEMBERSHIP.—The National Academy of Sciences shall appoint the members of the Pipeline Integrity Technical Advisory Committee after consultation with the Secretary of Transportation and the Secretary of Energy. Members appointed to the Advisory Committee shall have qualifications to provide technical contributions to the purposes of the Advisory Committee.

SEC. 1103. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Transportation for carrying out this title $3,000,000, which is to be derived from user fees (49 U.S.C. Sec. 60125), for each of the fiscal years 2002 through 2006.

(b) Of the amounts available in the Oil Spill Liability Trust Fund (26 U.S.C. Sec. 9509), $3,000,000 shall be transferred to the Secretary of Transportation to carry out programs for detection, prevention, and mitigation of oil spills authorized in this title for each of the fiscal years 2002 through 2006.

(c) There are authorized to be appropriated to the Secretary of Energy for carrying out this title such sums as may be necessary for each of the fiscal years 2007 and 2008.

Division D—Diversifying Energy Demand and Improving Efficiency

TITLe XII—VEHICLES

SEC. 1201. VEHICLE FUEL EFFICIENCY.

(a) REQUIREMENT.—The Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall develop and implement mechanisms to increase fuel efficiency of light-duty vehicles to limit total demand for petroleum products by light-duty vehicles in the year 2008 and thereafter to no more than 10 percent of the consumption by such vehicles in the year 2000.

(b) NEGOTIATIONS.—Upon completion of the study annually a status report on the effectiveness and impact of corporate average fuel economy standards, and taking into account its findings, the Secretary of Transportation, in coordination with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall negotiate with the manufacturers of new motor vehicles to implement enforceable mechanisms to increase vehicle efficiency or provide vehicle alternatives to

March 22, 2001
TITLE XIII—FACILITIES

SEC. 1201. FEDERAL ENERGY BANK

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term "agency" means—

(A) an Executive agency (as defined in section 105 of title 5, United States Code, except that the term does not include the United States Postal Service); and

(B) Congress and any other entity in the legislative branch;

and

(2) RULES.—Upon completion of the negotiation and report required under subsection (b) and, in any event, not later than 18 months after the date of enactment of this section, the Secretary of Transportation shall establish, by rule—

(1) the enforceable mechanisms agreed to under subsection (b); or

(2) enforceable mechanism cannot be agreed on under subsection (b), specific fuel economy regulations to meet the petroleum demand targets under subsection (a).

(b) ESTABLISHMENT OF BANK.—

(1) IN GENERAL.—The Secretary shall establish a Federal Energy Bank by carrying out such programs to loan amounts from the Bank to agencies for the purposes described in subsection (c), and to carry out the purposes of section 301(2) of the Energy Policy Act of 1992.

(2) TRANSFERS TO BANK.—

(A) THE SECRETARY.—Not later than the date of enactment of this section, the Secretary of Energy shall transfer to the Secretary of the Treasury, for deposit in the Bank, an amount equal to—

(I) the proceeds from the sale of a warrant on the Bank, as is not, in the Secretary of Energy's determination as to whether the mechanisms are effectively meeting the petroleum demand target, the Secretary of Energy shall recommend in the report to Congress on federal policies that may be required to meet the target.

(d) DEFINITIONS.—In this section:

(1) LIGHT-DUTY VEHICLES.—The term "light duty vehicles" includes passenger automobiles, in addition to all light trucks and sport utility vehicles marketed as passenger vehicles, regardless of weight.

(2) MECHANISMS.—The term "mechanisms" includes all programs for corporate average fuel economy, alternatives to the current fuel economy standards such as combining cars and light trucks for the purpose of fuel economy regulation, specific fuel economy standards by vehicle class, tax incentives for highly efficient or alternative fuel vehicles, updating and expanding the scope of the current gas-guzzler targeting program, and new programs to promote the purchase of high efficiency and alternative fuel vehicles or early retirement of inefficient vehicles.

SEC. 1202. USE OF ALTERNATIVE FUELS BY FEDERAL Fleets.

(a) REQUIREMENT TO USE ALTERNATIVE FUELS.—Section 400AA(a)(3)(E) of the Energy Policy and Conservation Act (42 U. S. C. 6277(a)(3)(E)) is amended to read as follows:

"(E) Dual fueled vehicles acquired pursuant to this section shall be operated on alternative fuels. If the Secretary determines that all dual fueled vehicles acquired pursuant to this section cannot operate on alternative fuels at all times, he may waive the requirement of this paragraph to the extent that—

(i) not later than September 30, 2003, not less than 50 percent of the total annual volume of fuel used in such dual fueled vehicles shall be from alternative fuels; and

(ii) not later than September 30, 2005, not less than 75 percent of the total annual volume of fuel used in such dual fueled vehicles shall be from alternative fuels.",

(b) Dual fueled vehicles acquired pursuant to this section shall be operated on alternative fuels. If the Secretary determines that all dual fueled vehicles acquired pursuant to this section cannot operate on alternative fuels at all times, he may waive the requirement of this paragraph to the extent that—

(i) not later than September 30, 2003, not less than 50 percent of the total annual volume of fuel used in such dual fueled vehicles shall be from alternative fuels; and

(ii) not later than September 30, 2005, not less than 75 percent of the total annual volume of fuel used in such dual fueled vehicles shall be from alternative fuels.

(b) Section 400AA(g)(4)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6277(g)(4)(B)) is amended by adding, after the words, "solely on alternative fuel", "including a three-wheeled enclosed electric vehicle having a vehicle identification number", a comma.

SEC. 1203. EXCEPTION TO HOW PASSENGER REQUiREMENTS FOR ALTERNATIVE FUELS ARE OBTAINED.

Section 102(a)(1) of title 23, United States Code, is amended by inserting after "re-
sums as are necessary to carry out this section.

SEC. 1302. INCENTIVES FOR ENERGY EFFICIENT SCHOOLS.

(a) ESTABLISHMENT.—There is established in the Department of Education the High Performance Schools Program (hereafter in this section referred to as the “Program”).

(b) SECRETARY OF EDUCATION MAY MAKE GRANTS TO STATE EDUCATIONAL AGENCIES.—(1) TO ASSIST SCHOOLS IN ACHIEVING ENERGY EFFICIENT PERFORMANCE.—Not less than 30 percent of the appropriated amounts shall be used to assist schools in achieving energy efficient performance.

(2) TO FUND DETAILED STUDIES.—A portion of the funds appropriated to carry out this section shall be used to fund detailed studies of energy efficient performance and the development of best practices for energy efficient performance.

(3) TO FUND PROGRAM IMPLEMENTATION.—Not less than 20 percent of the funds appropriated to carry out this section shall be used to fund program implementation.

(c) GRANTS TO ASSIST SCHOOL DISTRICTS.—Grants under subsection (b)(1) shall be used for schools that—

(1) have demonstrated a need for such grants in order to respond appropriately to increasing elementary and secondary school enrollments or to make major investments in renovation of school facilities;

(2) have demonstrated that the districts do not have adequate funds to respond appropriately to such enrollments or to achieve such investments without assistance;

(3) have made a commitment to use the grant funds to develop high performance school buildings in accordance with a plan that the State educational agency, in consultation with the State energy office, has determined is feasible and appropriate to achieve the purposes for which the grant is made.

(d) GRANTS FOR ADMINISTRATION.—Grants under subsection (b)(2) shall be used to—

(A) fund comprehensive services and assistance in planning and designing high performance school buildings;

(B) distribute information and materials to clearly define and promote the development of high performance school buildings for both new and existing facilities;

(C) organize and conduct programs for school board members, school personnel, architects, engineers, and others to advance the concepts of high performance school buildings;

(D) obtain technical services and assistance in the planning and design of high performance school building projects;

(e) GRANTS TO PROMOTE PARTICIPATION.—Grants under subsection (b)(3) shall be used for promotional and marketing activities, including facilitating private and public financing, promoting the use of energy service companies, working with school administrations, parents, students, and communities, and coordinating public benefit programs.

(f) SUPPLEMENTING GRANT FUNDS.—The State educational agency shall encourage quality supplemental funds awarded pursuant to this section with funds from other sources in the implementation of their plans.

(g) PURPOSES.—Except as provided in subsection (h), funds appropriated to carry out this section shall be allocated as follows:

(1) TO MAKE GRANTS TO STATES.—Not less than 30 percent of the appropriated amounts shall be used to make grants under subsection (b)(1).

(2) TO MAKE GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.—A portion of the funds appropriated to carry out this section shall be used to make grants to institutions of higher education designated in coordinating and implementing the Program. Such funds may be used to develop reference materials to further define the principles and criteria to achieve high performance school buildings.

(1) AUTHORIZATION OF APPROPRIATIONS.—For grants under subsection (b)(2) there are authorized to be appropriated—

(1) $300,000,000 for fiscal year 2002,

(2) $230,000,000 for fiscal year 2003,

(3) $220,000,000 for fiscal year 2004,

(4) $230,000,000 for fiscal year 2005, and

(5) such sums as may be necessary for each of the subsequent 6 fiscal years.

(2) DEFINITIONS.—For purposes of this section:

(A) HIGH PERFORMANCE SCHOOL BUILDING.—The term “high performance school building” refers to a school building that, in its design, construction, operation, and maintenance, maximizes use of renewable energy, and produces energy efficiently from supplementary fuels for space conditioning and water heating and energy conservation practices, represents the lowest cost-effective alternatives on a life-cycle basis considering energy price forecasts from the U.S. Energy Information Administration, uses affordable, environmentally preferable, durable materials, enhances indoor environmental quality, protects and conserves water, and optimizes site potential.

(B) RENEWABLE ENERGY.—The term “renewable energy” means energy produced by solar, wind, geothermal, hydropower, and biomass power.

(C) SCHOOL.—The term “school” means—

(i) an “elementary school” as that term is defined in section 14101(14) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(14)),

(ii) a “secondary school” as that term is defined in section 14101(25) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(25)), or

(iii) a “school” as defined in section 14101(27) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(27)).

SEC. 1303. VOLUNTARY COMMITMENTS TO REDUCE INDUSTRIAL ENERGY INTENSITY.

(a) VOLUNTARY AGREEMENTS.—The Secretary of Energy shall enter into voluntary agreements with one or more persons in industrial sectors that consume substantial amounts of primary energy per unit of physical output to reduce the energy intensity of their production activities.

(b) GOAL.—Voluntary agreements under this section shall have a goal of reducing energy intensity by not less than 1 percent each year from 2002 through 2012.

(c) COLLECT AND MONITOR DATA.—The Secretary of Energy, in cooperation with other appropriate federal agencies, shall collect and monitor data and information required to determine and report on the energy intensity of industrial production.

(d) RESEARCH AND DEVELOPMENT.—The term “industrial energy efficiency” means energy efficiency research and development program that supports basic energy research and provides mechanisms to develop, demonstrate, and deploy new energy technologies in partnership with industry.

(e) FUNDING.—Federal budget authority for energy research and development, measured in constant 1992 dollars, has declined roughly three-fourths from about $6 billion in 1980 to $1.5 billion in 2000.

(f) MEASUREMENT.—According to the Energy Information Administration, an aggressive national energy research, development, and technology deployment program can also help maintain domestic United States production of energy. As one example, such a program could increase the demand for new energy technologies that reduce emissions of fossil fuels for supplementary space conditioning and water heating and energy conservation practices, represents the lowest cost-effective alternatives on a life-cycle basis considering energy price forecasts from the U.S. Energy Information Administration, uses affordable, environmentally preferable, durable materials, enhances indoor environmental quality, protects and conserves water, and optimizes site potential.

(g) PURPOSES.—Except as provided in subsection (h), funds appropriated to carry out this section shall be allocated as follows:

(1) A coherent strategy for ensuring a diverse national energy supply requires an energy research and development program that

(2) $300,000,000 for fiscal year 2002,

(3) $230,000,000 for fiscal year 2003,

(4) $220,000,000 for fiscal year 2004,

(5) $230,000,000 for fiscal year 2005, and

(6) such sums as may be necessary for each of the subsequent 6 fiscal years.

SEC. 1304. SHORT TITLE AND FINDINGS.

(a) GOALS.—It is the sense of Congress that a balanced energy research, development, and deployment program to enhance energy efficiency should have the following goals:

(1) For energy efficiency in housing, the program develops technologies, housing components, and production methods that will, by 2010:

(A) reduce the time needed to move technologies to market by 50 percent;

(B) reduce the monthly cost of new housing by 20 percent;

(C) cut the environmental impact and energy use of new housing by 50 percent, and

(D) reduce energy use in 15 million existing homes by 30 percent, and

(2) For energy efficiency in industrial production, the program should, in cooperation with the affected industries—

(A) develop a microturbine (30 to 40 kilowatt) that is more than 40 percent efficient by 2006;

(B) develop a microturbine that is more than 50 percent efficient by 2008;

(C) develop advanced materials for combustion systems that reduce emissions of nitrogen oxides by 80 to 90 percent while increasing efficiency 3 to 10 percent by 2010;

(3) To achieve these results across a broad range of sources of energy supply and energy end-uses, a comprehensive and balanced energy research, development, and technology deployment program must be supported by the Department of Energy.

SEC. 1402. ENHANCED ENERGY EFFICIENCY RESEARCH AND DEVELOPMENT.

(a) GOALS.—It is the sense of Congress that a balanced energy research, development, and deployment program to enhance energy efficiency should have the following goals:

(1) For energy efficiency in housing, the program developed technologies, housing components, and production methods that will, by 2010—

(A) reduce the time needed to move technologies to market by 50 percent;

(B) reduce the monthly cost of new housing by 20 percent;

(C) cut the environmental impact and energy use of new housing by 50 percent, and

(2) For energy efficiency in industrial production, the program should, in cooperation with the affected industries—

(A) develop a microturbine (30 to 40 kilowatt) that is more than 40 percent efficient by 2006;

(B) develop a microturbine that is more than 50 percent efficient by 2008;

(C) develop advanced materials for combustion systems that reduce emissions of nitrogen oxides by 80 to 90 percent while increasing efficiency 3 to 10 percent by 2010;

(D) improve durability and reduce maintenance costs by 50 percent.

(2) To achieve these results across a broad range of sources of energy supply and energy end-uses, a comprehensive and balanced energy research, development, and technology deployment program must be supported by the Department of Energy.
(A) develop an 80-mile-per-gallon production prototype passenger automobile by 2004, and
(B) develop a heavy truck (Classes 7 and 8) with ultra low emissions and the ability to use high temperature fuel that has an average fuel economy of—
(i) 10 miles per gallon by 2007, and
(ii) 13 miles per gallon by 2010.
(3) The collection prototype of a passenger automobile with zero equivalent emissions that has an average fuel economy of 100 miles per gallon by 2010, and
(4) Technology by 2010, the average fuel economy of trucks—
(i) in Classes 1 and 2 by 300 percent, and
(ii) in Classes 3 through 8 by 200 percent.
(b) DEFINITION.—For purposes of subsection (a)(2), the term “major energy consuming industries” means—
(1) the petrochemical industry,
(2) the steel industry,
(3) the aluminum industry,
(4) the metal casting industry,
(5) the chemical industry,
(6) the petroleum refining industry, and
(7) the glass-making industry,
(c) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated to the Secretary of Energy for operating expenses and capital equipment for research, development, demonstration, and initial deployment assistance activities related to energy efficiency research and development including state and local grants and the federal energy program—
(1) $879,000,000 for fiscal year 2002; (2) $949,000,000 for fiscal year 2003;
(3) $1,024,000,000 for fiscal year 2004; (4) $1,106,000,000 for fiscal year 2005; and
(5) $1,195,000,000 for fiscal year 2006.
(d) SPECIAL PROJECTS IN ENERGY-EFFICIENT TRANSMISSION.—From amounts authorized under subsection (b), the Secretary of Energy shall make not more than 3 awards for projects demonstrating the use of advanced technologies—
(1) to construct a bulk electricity transmission line of not less than 35 miles based on wire fabricated from superconducting materials; and
(2) to provide a 20 percent increase in the average efficiency in electricity transmission systems in rural and remote areas.
SEC. 1403. ENHANCED RENEWABLE ENERGY RESEARCH AND DEVELOPMENT.
(a) GOALS.—It is the sense of Congress that a balanced energy research, development, and deployment program to enhance renewable energy sources and the Secretary of Energy should have the following goals:
(1) For wind power, the program should reduce the cost of wind electricity by 50 percent by 2020, so that wind power can be widely competitive with fossil-fuel-based electricity in a restructured electric industry, with concentration within the program on a variety of advanced wind turbine concepts and manufacturing technologies.
(2) For photovoltaics, the programs should pursue research and development that would lead to systems prices of $3,000 per kilowatt in 2003 and $1,500 per kilowatt by 2006. Program activities should include assisting industry in developing manufacturing technologies, giving greater attention to balance of system issues, and expanding fundamental research on relevant advanced materials.
(3) For solar thermal electric systems the program should strengthen ongoing research and development combining high-efficiency and high-temperature receivers with advanced power cycles and power cycles, with the goal of making solar-only power (including baseload solar power) widely competitive with fossil fuel power by 2015.
(4) For hybrid power systems, the program should enable commercialization, within five years, integrated power-generating technologies that employ gas turbines and fuel cells integrated with biomass gasifiers. The program should embrace an interagency bioenergy framework to triple United States bioenergy production by 2006, and to achieve a program of developing hydrogen technologies and high-temperature receivers with advanced membrane fuel-cell vehicle development activities under the enhanced energy efficiency program in section 1406.
(5) For hydropower, the program should provide a new generation of turbine technologies that are less damaging to fish and aquatic life, and still permit the lighting using advanced biopower technologies using a suite of integrated systems from gas turbines to fuel cells.
(6) For hydrogen technologies, the program should support research and development on hydrogen-using and hydrogen-producing technologies. The programs should also consider hydrogen storage, hydrogen technology development with proton-exchange-membrane fuel-cell vehicle development activities under the enhanced energy efficiency program in section 1406.
(7) For biomass energy, the programs should investigate and demonstrate the carbon dioxide capture technology for such recovery, including state and local grants and the federal energy programs for the cost-competitive use of coal for electricity generation through 2020 while furthering national environmental goals.
(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts authorized under section 814 of this Act, there are authorized to be appropriated to the Secretary of Energy for operating expenses and capital equipment for research, development, demonstration, and initial deployment assistance activities related to fossil energy resources technologies, under the Office of Fossil Energy, including the clean coal technology demonstration program—
(1) $462,500,000 for fiscal year 2002; (2) $485,000,000 for fiscal year 2003; (3) $508,000,000 for fiscal year 2004; (4) $532,000,000 for fiscal year 2005; and
(5) $580,000,000 for fiscal year 2006.

SEC. 1405. ENHANCED NUCLEAR ENERGY RESEARCH AND DEVELOPMENT.
(a) GOALS.—It is the sense of Congress that a balanced energy research, development, and deployment program to enhance renewable energy should have the following goals:
(1) For core fossil energy research and development, the program should achieve the goals outlined by the Department of Energy’s Vision 21 program for fossil energy research. This research should aim towards increased efficiency of the combined cycle generating plants using high temperature gasification technologies for coal and biomass feedstock to produce power and clean fuels. The program should include a carbon dioxide capture and sequestration program to reduce global warming.
(2) For offshore and natural gas resources, the program should investigate and develop technologies to—
(A) extract methane hydrates in coastal waters of the United States, and
deploy reserves in the ultra-deepwater of the Central and Western Gulf of Mexico. Research and development on ultra-deepwater resource recovery should focus on improving reliability, efficiency of such recovery and of sub-sea production technology used for such recovery, while lowering costs.
(3) For transportation fuels, the program should support a comprehensive transporation fuels strategy to increase the price elasticity of oil supply and demand by focusing efforts on a research program that would permit the cost-competitive use of coal for electricity generation through 2020 while furthering national environmental goals.
(b) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under this section, the Secretary of Energy may make not more than 3 awards for projects demonstrating the use of advanced technologies at existing dams and in new low-head, run-of-river applications, as much as an additional 50,000 MW could be possible by 2020.
(8) For electric energy and storage, the program should develop a high capacity superconducting transmission line, generators, and develop distributed generating systems to accommodate multiple types of energy sources under a common interconnect standard.
(9) For hydropower, the program should develop research and development, demonstration, and initial deployment assistance activities related to solar and renewable resources technologies, under the Office of Energy Efficiency and Renewable Energy, as follows:
(1) $119,500,000 for fiscal year 2002; (2) $198,000,000 for fiscal year 2003; (3) $252,000,000 for fiscal year 2004; (4) $331,000,000 for fiscal year 2005; and
(5) $415,000,000 for fiscal year 2006.
(c) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated to the Secretary of Energy for operating expenses and capital equipment for research, development, demonstration, and initial deployment assistance activities related to fossil energy resources technologies, under the Office of Fossil Energy, including the clean coal technology demonstration program—
(1) $462,500,000 for fiscal year 2002; (2) $485,000,000 for fiscal year 2003; (3) $508,000,000 for fiscal year 2004; (4) $532,000,000 for fiscal year 2005; and
(5) $580,000,000 for fiscal year 2006.
adapt those reactors to new investigative uses.

(4) The program should maintain a national capability and infrastructure to produce isotopes and ensure a well trained cadre of nuclear medicine specialists in partnership with industry.

(5) The program should ensure that our nation has the capability for future satellite and space missions.

(6) The programs should invest in the fundamental and applied sciences associated with high- and low-energy accelerators to find a method to transmute nuclear waste, particularly wastes that may be difficult to dispose by current means.

(7) The program should maintain, where appropriate through a prioritization process, a balanced research infrastructure so that future research programs can utilize these facilities.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy for operating expenses and capital equipment for research, development, demonstration, and initial deployment assistance activities related to nuclear energy development:

(1) $3,433,000,000 for fiscal year 2002;

(2) $361,000,000 for fiscal year 2003;

(3) $491,000,000 for fiscal year 2004;

(4) $525,000,000 for fiscal year 2005; and

(5) $557,000,000 for fiscal year 2006.

SEC. 1406. ENHANCED PROGRAMS IN FUNDAMENTAL ENERGY SCIENCES.

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

(1) The Office of Science within the Department of Energy is the nation’s single largest funding source for the basic physical sciences. These intellectual disciplines, which include physics, chemistry, and materials science, are crucial to the nation’s future ability to develop energy technologies.

The United States should be the world leader in these areas.

(2) Despite the importance of the physical sciences, the Office of Science budget has remained stagnant over the past decade.

(3) The stagnation in funding for the physical sciences through the Office of Science has been reflected in a decline in United States contributions to leading scientific journals, as the share of European and Asian submissions to these journals since 1996 has increased from 50 to 75 percent while the United States share has decreased to 25 percent.

(b) GOALS.—It is the sense of Congress that the Department of Energy, through the Office of Science, should—

(1) develop a robust portfolio of fundamental energy research, including chemical sciences, physics, materials sciences, biological and environmental sciences, geosciences, engineering sciences, plasma sciences, mathematics, and other scientific disciplines;

(2) maintain, upgrade and expand the scientific user facilities maintained by the Office of Science and ensure that they are an integral part of the Department’s mission for future research programs can utilize these facilities.

(c) TECHNOLOGY.—The Secretary of Energy shall be appointed from among persons who—

(1) have extensive background in scientific or engineering fields; and

(2) are well qualified to manage the civil service and development programs of the Department of Energy.

(d) The Under Secretary for Science and Technology shall—

(1) serve as the Science and Technology Advisor to the Secretary;

(2) monitor the Department’s research and development programs in order to advise the Secretary with respect to any undesirable duplication or gaps in such programs;

(3) advise the Secretary with respect to the well-being and management of the multi-purpose laboratories under the jurisdiction of the Department.

(e) The Secretary and the Under Secretary for Science and Technology shall—

(1) identify gaps and unnecessary duplication or gaps in the Department’s research and development programs and their causes and recommend actions to the appropriate committees of Congress to correct any identified gaps and unnecessary duplication or gaps in the Department’s research and development programs; and

(2) annually report to the appropriate committees of Congress on progress in correcting any identified gaps and unnecessary duplication or gaps in the Department’s research and development programs.

(f) The Secretary and the Under Secretary shall—

(1) report to the appropriate committees of Congress on progress in correcting any identified gaps and unnecessary duplication or gaps in the Department’s research and development programs if such gaps and unnecessary duplication or gaps are not corrected.

(2) annually report to the appropriate committees of Congress on progress in correcting any identified gaps and unnecessary duplication or gaps in the Department’s research and development programs if such gaps and unnecessary duplication or gaps are not corrected.

(3) The appropriate committees of Congress shall make recommendations to the Secretary and the Under Secretary for correcting any identified gaps and unnecessary duplication or gaps in the Department’s research and development programs.

SEC. 1501. MERIT REVIEW.

Awards of funds authorized under title XIV shall be reviewed, by the Secretary or the Secretary’s designee, of the scientific and technical merit of the proposals theretofore has been undertaken by the Department of Energy.

SEC. 1502. COST SHARING.

(1) RESEARCH AND DEVELOPMENT.—For research and development projects funded from appropriations authorized under sections 1402 through 1405, the Secretary of Energy shall require a commitment from non-Federal sources of at least 20 percent of the costs of the project. The Secretary may reduce or eliminate the non-Federal requirement under this paragraph if the Secretary determines that the research and development is of a basic or fundamental nature.

(b) DEMONSTRATION AND DEPLOYMENT.—For demonstration and deployment activities funded from appropriations authorized under sections 1402 through 1405, the Secretary of Energy shall require a commitment from non-Federal sources of at least 50 percent of the costs of the project directly and specifically related to any demonstration, deployment, or commercial application. The Secretary may reduce or eliminate the non-Federal requirement under this paragraph if the Secretary determines that the reduction is necessary and appropriate considering the technological risks involved in the project and is necessary to meet one or more goals of this title.

(c) CALCULATION OF AMOUNT.—In calculating the amount of the non-Federal commitment under subsection (a) or (b), the Secretary shall include cash, personnel, services, equipment, and other resources.

SEC. 1505. IMPROVED MANAGEMENT OF SCIENCE AND TECHNOLOGY.

(a) NATIONAL ENERGY RESEARCH AND DEVELOPMENT ADVISORY BOARDS.—

(1) ESTABLISHMENT.—The Secretary of Energy shall establish an advisory board to oversee Departmental research and development programs in each of the following areas—

(A) energy efficiency;

(B) renewable energy;

(C) fossil energy; and

(D) nuclear energy.

The Secretary may designate an existing advisory board within the Department to fulfill the responsibilities of an advisory board under this subsection, or may enter into appropriate arrangements with the National Academy of Sciences to establish such an advisory board.

(2) UTILIZATION OF EXISTING COMMITTEES.—The Secretary of Energy shall continue to use the scientific advisory committees committed under the Federal Advisory Committee Act by the Office of Science to oversee research and development programs under that Act.

(c) MEMBERSHIP.—Each advisory board under this subsection shall consist of experts drawn from industry, academia, federal laboratories, other Federal agencies, and the private sector.

(d) MEETINGS AND PURPOSES.—Each advisory board under this subsection shall meet at least semi-annually to review and advise on the progress made by the respective research, development, and deployment program. The advisory board shall also review the adequacy and relevance of the goals established by Congress and the President, and may otherwise advise on promising future directions in research and development that should be considered by each program.

(b) EFFECTIVE COORDINATION OF DEPARTMENT PROGRAMS.—Section 202(b) of the Department of Energy Organization Act (42 U.S.C. 7132(b)) is amended to read as follows:

"(b) There shall be in the Department an Under Secretary for Science and Technology, who shall be appointed, by and with the advice and consent of the Senate, and with the advice and consent of the President, and with the advice and consent of the Senate, the Under Secretary shall be appointed, by and with the advice and consent of the Senate, and with the advice and consent of the President, and may otherwise advise on promising future directions in research and development programs that should be considered by each program.

(c) WORKFORCE TRENDS AND TRAINEESHIP GRANTS.

(a) WORKFORCE TRENDS.—

SEC. 1601. WORKFORCE TRENDS AND TRAINEESHIP GRANTS.

(1) $3,716,000,000 for fiscal year 2002;

(2) $4,087,000,000 for fiscal year 2003;

(3) $4,196,000,000 for fiscal year 2004;

(4) $4,946,000,000 for fiscal year 2005; and

(5) $4,540,000,000 for fiscal year 2006.
to the current crisis while energy legislation of all sorts is pending in nearly every state capital in the nation.

In the Northeast, where officials fear a hot summer—coupled with energy shortages and soaring prices, the New England Governors’ Conference has, after four years of dormancy, revamped an arm to coordinate every policy among the six states. And at ground zero, California, lawmakers have filed more than 30 energy-related bills.

**BACK TO THE FUTURE**

The policies under consideration should be familiar to anyone who remembers the energy shocks of the 1970s and the high prices of the 1980s. There were two major policy strikes for new power sources, such as windmills or solar cells; rebates for energy-efficient appliances and renovations; and just plain-old planning ahead. But this time, consumer and environmental activists say, state officials ought to do something different; actually follow the policies they adopt.

Today’s situation might well be far less dire had states stuck with programs adopted in the wake of the earlier energy crises, particularly those programs—sponsored by state utilities and approved by state regulatory agencies—established to bolster energy supplies and prices. Under pressure from utilities, which, in preparation for competition, set the spending levels that might contribute to higher rates, policy makers allowed energy-efficiency programs to be scaled back. Under Massachusetts’ 1997 deregulation bill, for example, utility-administered efficiency programs are to be phased out by 2002. Lawmakers, however, now are expected to extend the program and maintain levels of about 0.3% for at least another five years.

“What everybody wants to avoid is being the next California,” John Shea, director of energy efficiency at the New England Governors’ Conference, says of the newfound interest in such policies.

**ON AGAIN, OFF AGAIN**

To be sure, some argue that the market works, and the recent resurgence in energy-efficiency spending is just a natural part of that. In New York, state regulators and government-owned utilities recently restored energy-efficiency programs—financed by small surcharges on utility bills, administered by utilities and utilities with oversight by state energy officials—to nearly their 1993 levels after allowing it to fall by some 60%. Paul DeCotis, director of energy analysis at the New York State Energy and Research Development Authority, says that maintaining big energy-efficiency funds when prices are low doesn’t make sense. Unless utility bills are high enough to justify consumers’ making the investment, rebates alone are unlikely to get people to buy energy-efficient products.

“One could argue that the responsible public policy will be to turn these programs on and (then) off when they can no longer be economically justified,” says Mr. DeCotis.

Still, many observers believe now that states are rediscovering energy efficiency, and they will be sticking with it for the long haul. The reason: California, of course. “The severity of this problem is going to be a vivid memory for a long time,” says Ralph Cavanagh, energy-programs director for the Natural Resources Defense Council, a New York-based environmental advocacy group, “and it’s going to be a lot harder again is not going to fade anytime soon.”

**POWERED DOWN**

Most states allowed reduced spending on energy-efficiency programs in recent years, when power was cheap. Here are the 10 states with the biggest declines:

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Energy policy is hot. Again. Spurred by sharply rising prices and California’s electric fiasco, states from coast to coast are dusting off decade-old energy plans and enacting new policies that are taking from past crises. At least five governors have created task forces to recommend responses available in the mid-1990s, and a national movement toward energy deregulation. In the West, for example, wholesale electricity prices in 1995 plunged well below $20 per megawatt hour—compared with $100 per megawatt hour—and energy efficiency didn’t seem to pay.

Steve King, a spokesman for the Washington Utilities and Transportation Commission, says regulators there allowed utilities to dramatically reduce spending on energy efficiency during this period because such policies couldn’t deliver power as cheaply as the market.

At the same time, political leaders across the country were embroiled in the social tempest of deregulation: that the market, rather than centralized state energy policy, could determine the right mix of power production and energy conservation to ensure stable supplies and prices. Under pressure from utilities, which, in preparation for competition, set the spending levels that might contribute to higher rates, policy makers allowed energy-efficiency programs to be scaled back. Under Massachusetts’ 1997 deregulation bill, for example, utility-administered efficiency programs are to be phased out by 2002. Lawmakers, however, now are expected to extend the program and maintain levels of about 0.3% for at least another five years.

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Mr. REID. Mr. President, I am generally pleased to be a cosponsor of this Democratic energy package. It is made up of two pieces: one on energy policy named the Comprehensive and Balanced Energy Policy Act of 2001 and the other on energy tax incentives called the Energy Security Tax and Policy Act of 2001.

Unlike the President’s and the Republican energy package, these bills show that the Democrats are taking leadership in correcting complex short- and long-term deficiencies in our national energy policy. We choose to emphasize energy efficiency, renewables, security, electricity grid, and, I recognize that our energy policy must be environmentally responsible.

Not everything in these bills is perfect. In fact, I have serious substantive and policy objections to an extension of the Price-Anderson Act, which provides a huge, hidden subsidy to the nuclear industry. And, I think we could do more to address climate change. But, this is a good place to start a serious and swift debate.

My state of Nevada will benefit greatly from these bills. My bill, S. 249, the Renewable Energy Development Incentives Act, has been largely incorporated in this package. It makes the wind industry and similarly renewable and biomass electricity production tax credit permanent. There are also other important provisions that will encourage the development of infrastructure to meet the specific needs of renewable and distributed energy sources.

Nevada is rich in renewable sources. Currently, a major wind farm is being built at the Nevada Test Site that will deliver 200 MW to meet the needs of 60,000 Nevadans. Nevada is sometimes known as the “Saudi Arabia of Geothermal,” with a long-term potential of 2,500 to 3,700 MW, enough capacity to meet half the state’s present energy needs. And, rough estimates suggest that the solar energy in a 100-mile area in Nevada could meet the annual electricity demand for the entire US.

The Democratic energy policy bill includes important provisions and incentives to improve reliability and the development of new transmission access. Nevada is inextricably linked to the Western grid and the California market, so we are really feeling the shockwaves of the crisis there. Nearly 50 percent of the power generated in Nevada is sent to California, leaving us in an unenviable importing situation. Plus, generation and transmission access in Nevada has not kept up with our phenomenal growth and could lead to supply shortfalls in the north this year and in the south next year.

Our bills are focused on avoiding supply problems like California’s. We want to stimulate the development of cleaner energy sources that do not foul our air, land or water and encourage sources that are economically sustainable. We should and can avert the need to crack down further on future energy-related issues. As Senator Brownback has stated, Congress was forced to do in the Clean Air Act Amendments of 1990 to protect the public’s health and the environment.

That’s why we are working in the Environment Works Committee on a multi-pollutant bill to reduce electric utility emissions. Despite the President’s flip-flop on a comprehensive bill covering carbon dioxide, we hope to develop a bipartisan bill that significantly reduces and limits power plant emissions of sulfur dioxide, nitrogen oxides, mercury and carbon dioxide. We can do this in a sensible way that will provide long term certainty to power producers if they invest in the right generation capacity now. Then, we can all be assured of a stable electricity supply for the future and a cleaner environment.

We are taking a major step in addressing energy-related problems in this policy as well. In one example, science continues to show us that manmade sources of airborne carbon are causing the global warming that becomes clearer every day. Now, experts say that average temperatures could rise from 3-10 degrees over the next 100 years, causing extreme storms and droughts, ice cap melting, sea level rising, potential dangerous public health crises, and billions, if not, trillions of dollars in economic damage.

That significantly needs to lead the nation and we need leadership today to address the challenge of climate change. We think he should establish a commission to propose an integrated way to achieve at least the reductions in greenhouse gas concentrations his father, President Bush, approved and accepted and that the Senate ratified as part of the United Nations Framework Convention on Climate Change. The proposal to meet that target as soon as possible, and the President has the administrative and technical resources to do this. Greenhouse gas concentrations are dangerously high and our international trading partners are wondering if the U.S. is going to abrogate its responsibility to be a good global citizen. The time for delay is over.

We have taken some important steps in legislation to start addressing climate change—encouraging renewables and this new Presidential commission. But, we also have included a requirement that the efficiency of light-duty vehicles must increase significantly. The transportation sector is responsible for more than a third of U.S. greenhouse gas emissions. The national fleet has become increasingly less fuel efficient as manufacturers sell larger and larger sport utility vehicles that do not meet passenger car standards. We need to reduce emissions and air pollution problems that are increasing and our energy security is badly threatened.

In the energy tax bill, we are also taking a new and extraordinary precaution to ensure that the energy tax incentives that we provide will protect the environment. Those incentives will only be available when energy producers or investors are in full compliance with our existing and new authority on finance.

For the most part, these bills are charting a new, more holistic direction. We have to consider all the facets of our energy decisions, especially their impact on the global climate. That’s why I’m disappointed that this package includes a very short-sighted section extending the Price-Anderson Act, and thus continuing to limit the liability of the nuclear industry for catastrophic accidents. That section provides an unfair advantage to an industry that has yet to resolve serious long term public health, safety and waste issues.

Under the Price-Anderson Act, the owners of commercial nuclear power reactors and Department of Energy contractors have their liability capped far below the potential cost of a nuclear accident. This system amounts to what one economic analysis determined was a $130 billion subsidy for the nuclear power industry. This seems to be an unnecessary benefit for an industry that claims to be a perfectly safe alternative to other energy sources.

But, I’m glad to note that Senators Bingaman and Murkowski have agreed that the Environment Committee will be consulted on and will have sequential referral of any bills at all that affect the Price-Anderson Act.

In one sense, the President was right last week when he said that “...the nation has got a real problem when it comes to energy.” We do have a nearly unquenchable thirst for cheap power which verges on an unhealthy addiction. This thirst has fueled our economic growth, but it has also drastically affected our environmental quality and created a dependency that leaves us vulnerable to market manipulation, disruptions and fluctuations. Our package is designed to avoid making stupid choices in the rush to satisfy that thirst in the short term. We want a permanent, dependable, and replenishable supply of energy that doesn’t leave us always gasping for more.

I hope the President and his energy task force will work with us to move thoughtful legislation that provides a stable and environmentally sustainable energy policy.

By Mr. ROBERTS (for himself, Mr. GRAMM, and Mr. HAGEL):
Mr. ROBERTS. Mr. President, I rise today to introduce legislation to establish permanent trade promotion authority, also known as Fast Track Trade Negotiating Authority. I am proud, to have Senators GRAMM, and 
Hagel, on board this effort to give the legislative branch the capacity to claim new markets for American products and services.

As the chairman of the Senate Committee on Banking, Housing, and Urban Affairs, as well as a member of the Finance Committee, Senator GRAMM is a leading proponent of opening markets worldwide. I believe he was the first to introduce fast track legislation in the 107th Congress and his January 22nd bill, S. 136, is the basis for the bill I introduce today.

As the chairman of the Foreign Relations Committee’s Subcommittee on International Economic Policy, Export and Trade Promotion, Senator Hagel is a leading proponent of international trade, the Finance Committee’s subcommittee on International Trade, the Executive and Legislative branches.

The bottom line on our legislation is that it permanently establishes fast track trade negotiating authority for this President and his successors. Roberts-Gramm-Hagel is indeed ambitious, but it is needed to prevent the U.S. from being left out of expanding world trade and all of the economic, political, and strategic opportunities therein.

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. 599
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 ‘Permanent Trade Promotion Authority and Market Access Act of 2001’.

SEC. 2. AMENDMENTS TO TRADE NEGOTIATING AUTHORITY.

(a) EXTENSION.—


(2) Section 1102(a)(2)(A) of such Act are amended by striking ‘applicable objectives described in section 1101 of this title’ each place it appears and inserting ‘policies and objectives of the United States’.

(b) CONFORMING AMENDMENT.—

(1) Section 1102(a)(2) of such Act is amended by striking ‘applicable purposes, policies, and objectives of this title’ and inserting ‘policies and objectives of the United States’.

By Mr. THOMPSON (for himself, Mr. LIEBERMAN, Ms. COLLINS, Mr. LEAHY, and Mr. JEFFORDS): S. 600. A bill to amend the Federal Campaign Act of 1971 to enhance campaign finance law and regulations, to clarify current provisions of law regarding donations from foreign nationals, and for other purposes; to the Committee on Rules and Administration.

Mr. THOMPSON. Mr. President, the Government Affairs Committee provided a year investigating some of the worst campaign finance abuses in our nation’s history. Despite a number of obstacles, witnesses fleeing the country, people pleading the fifth amendment, entities failing to comply with subpoenas, our Committee uncovered numerous activities that were not only improper but illegal. But although we were able to demonstrate to the American people exactly what went on in the 1996 election, violations, abuses in our nation’s history. Despite the law was misapplied, subpoenas were not sought, witnesses did not do their job. Leads were not pursued, subpoenas were not sought, suspects were ignored, agents were instructed not to ask questions about certain people, the law was misapplied, and no independent counsel was ever appointed to ensure a credible investigation. A hearing we held at the Governmental Affairs Committee provided just one example of how the Department ran its campaign finance probe. So impatient was the FBI with the Department’s investigation of Presidential friend and DNC fundraiser Charlie Trie that the Bureau’s senior agent in Little Rock wrote an angry
letter to FBI Director Freeh complaining about Department incompetence and stalling. The plea bargains that were entered into also raise concern.

However, we have also learned that, the campaign finance law itself makes prosecution of violators more difficult than it should be. The bill that we are introducing today would ensure in the future that conscientious prosecutors can more effectively pursue those who violate the existing law.

This bill accomplishes the following five goals: First, the bill makes knowing and willful violations of the Federal Elections Campaign Act, FECA, involving at least $25,000 in a year a felony. Currently, no violations of FECA are felonies. The law does not differentiate between the donor that accidentally writes a check in excess of the $1,000 limit and the fundraiser that launders $100,000 to a party or campaign. This bill will provide a deterrent and enforcement for those who knowingly and willfully flout the campaign finance laws.

Second, the bill will extend the statute of limitations from three to five years. Outside of the Internal Revenue Code, virtually every violation of federal law has a statute of limitations of at least five years. This provision brings FECA into conformity with the rest of the law.

Third, the bill would require the Sentencing Commission to promulgate a guideline specifically for FECA violations. In addition, the bill provides specific factors for enhancement of sentences. Currently, without a specific guideline, judges are forced to turn to other guidelines, typically those intended to govern or set sentences for fraud. Unfortunately, because the donor makes the contribution with full knowledge of the scheme, the enhancement factors for fraud are basically useless. By providing judges with a specific election law sentencing guideline, they can impose appropriate sentences. Fourth, the bill prohibits foreign soft money contributions. Prior to the 1996 campaign, I think we all thought foreign soft money contributions were illegal. Thereafter, the Justice Department interpreted “contribution” as used in FECA to have two different meanings depending on how the contribution is used, raising the possibility that soft money contributions that did not fall within the scope of FECA’s prohibition on foreign “contributions.” Indeed, in two cases a Federal District Court Judge in D.C. ruled that foreign soft money was, in fact, legal. Subsequent, he was overruled by the Court of Appeals. However, in order to clarify the law, this bill was definitively prohibitive of foreign soft money contributions.

Mr. President, last year the FEC wrote a rule that foreign soft money contributions. Under current law, it is illegal to give $500 of hard money in the name of another, but it is perfectly legal to give $500,000 of soft money in another person’s name. This bill would close that loophole and provide what I think we all can support—more, full disclosure.

Mr. President, I personally believe that we need to reform our campaign finance system. However, reform will mean nothing unless we do a much better job enforcing the law when it is violated. I believe this bill in the hands of prosecutors who are invested in enforcing the law will help ensure that in the future violators of the campaign finance laws will not walk away with a slap on the wrist.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 600

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

SECTION 1. INCREASE IN PENALTIES.

(a) In General.—Subparagraph (A) of section 308(d)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 449(d)(1)(A)) is amended to read as follows:

“(A) Any person who knowingly and willfully commits a violation of any provision of this Act that involves the making, receiving, or reporting of any contribution, donation, or expenditure—

(1) aggregating $25,000 or more during a calendar year, shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both; or

(2) aggregating $2,000 or more (but less than $25,000) during a calendar year shall be fined under such title, or imprisoned for not more than one year, or both.”;

(b) Effective Date.—The amendment made by this section shall apply to violations occurring on or after the date of enactment of this Act.

SECTION 2. STATUTE OF LIMITATIONS.

(a) In General.—Subparagraph (a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 455(a)) is amended by striking “3” and inserting “5”;

(b) Effective Date.—The amendment made by this section shall apply to violations occurring on or after the date of enactment of this Act.

SECTION 3. SENTENCING GUIDELINES.

(a) In General.—The United States Sentencing Commission shall—

(1) promulgate a guideline, or amend an existing guideline under section 994 of title 28, United States Code, in accordance with paragraph (2), for penalties for violations of the Federal Election Campaign Act of 1971 and related election laws; and

(2) submit to Congress an explanation of any guidelines promulgated under paragraph (1) and any legislative or administrative recommendations regarding enforcement of the Federal Election Campaign Act of 1971 and related election laws.

(b) Considerations.—The Commission shall provide guidelines under subsection (a) taking into account the following considerations:

(1) Ensure that the sentencing guidelines and policy statements reflect the serious nature of such offenses, the need for aggressive and appropriate law enforcement action to prevent such violations.

(2) Provide a sentencing enhancement for any person convicted of such violation if such violation involves—

(A) a contribution, donation, or expenditure from a foreign source;

(B) a large number of illegal transactions;

(C) a large aggregate amount of illegal contributions, donations, or expenditures; or

(D) the receipt or disbursement of governmental funds; and

(E) an intent to achieve a benefit from the Government.

(3) Provide a sentencing enhancement for any violation by a person who is a candidate or a high-ranking campaign official for such candidate.

(4) Assure reasonable consistency with other relevant directives and guidelines of the Commission.

(5) Account for aggravating or mitigating circumstances that might justify exceptions, including circumstances for which the sentencing guidelines currently provide sentencing enhancements.

The guidelines adequately meet the purposes of sentencing under section 3553(a)(2) of title 18, United States Code.

SECTION 4. PROHIBITION ON CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS.

(a) In General.—Section 313(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441(a)) is amended to read as follows:

“(a) Prohibitions on Contributions and Donations.

(1) In General.—Subject to paragraph (2), it shall be unlawful for—

(A) a foreign national, or an entity that is a domestic subsidiary of a foreign national, to make, directly or through any other person, any contribution of $2,000 or more of any thing of value, or promise expressly or impliedly to make any such contribution, in connection with an election to any political office or in connection with any primary election, convention, or caucus held to select a candidate for any political office or make any donation, or promise expressly or impliedly to make any such donation; or

(B) any person to solicit, accept, or receive any such contribution or donation from a foreign national; or

(2) Exemption.—Paragraph (1) shall not apply to an entity that is a domestic subsidiary of a foreign national if the entity can demonstrate through a reasonable accounting method that the entity has sufficient funds in the entity’s account, other than funds given or loaned by the foreign national parent of the entity, from which the contribution or donation is made.

(b) Definition of Donation.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

“(20) Donation.—

(A) In General.—The term ‘donation’ means a gift, subscription, loan, advance, or deposit of money or anything else of value made by any person to a national committee...
of a political party or a Senatorial or Congressional Campaign Committee of a national political party for any purpose, but does not include a contribution (as defined in paragraph (b)).

"(B) FOREIGN NATIONAL.—In the case of a person which is a foreign national (as defined in section 313(b)), the term 'donation' includes, without limitation, loan, advance or deposit of money or anything else of value made by such person to a State or local committee of a political party or a candidate for State or local office.

(c) CONFORMING AMENDMENT.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by striking the headings "RESTRICTIONS ON FOREIGN NATIONALS"

SEC. 5. PROHIBITION ON DONATIONS IN NAME OF ANOTHER.

Section 320 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441f) is amended by inserting "or donation" after "contribution" each place it appears.

Mr. LIEBERMAN. Mr. President, I am pleased to join my colleagues in offering this bill. Senator Thompson and I spent the better part of a year working on the Government Affairs Committee's investigation into fundraising improprieties in the 1996 federal election campaigns. That investigation sparked much discussion about whether many things that happened in 1996 were illegal or just wrong—things like big soft money donations, attack ads run by tax-exempt organizations, fundraising in federal buildings and the like.

But one thing I never heard argument about is whether it was illegal to knowingly infuse foreign money into a political campaign or to use unwitting straw donors to hide the true source of money that was going to candidates or parties. I, for one, had no doubt that the people who did those things in 1996 would be prosecuted and appropriately punished.

Unfortunately, Mr. President, many of those who were prosecuted, but I have grave doubts about whether they were appropriately punished. I know that there are many who blame the Justice Department for this, but when I first looked into it a couple of years ago, I was frankly surprised by what I learned—and that is that prosecutors just don't have the tools they need to effectively investigate, prosecute and punish people who egregiously violate our campaign finance laws. I think Charles LaBella, the former head of the Justice Department's Campaign Finance Task Force, put it best in a memo he wrote assessing the Department's campaign finance investigation. According to press reports, LaBella wrote that "The fact is that the so-called enforcement system is nothing more than a bad joke." Unfortunately, it's a bad joke that has real consequences for the integrity of our campaigns and our democracy.

Let me give you one example. Many people are understandably upset that Charlie Trie and John Huang didn't go to jail for what they did in '96. But the Federal Election Campaign Act, or FECA, doesn't authorize felony prosecutions. No matter how egregiously someone violates FECA, all they can be charged with is a misdemeanor. And people rarely go to jail for misdemeanors.

To get around FECA's limits, prosecutors have charged campaign finance abusers with other federal crimes that are felonies, which is what they did with Trie and Huang. But that still often doesn't solve the problem. That's because when it comes time for sentencing, judges have to turn to the Federal Sentencing Guidelines, which still often bring light sentences because there is no guideline on campaign finance violations.

The guidelines assign what's called a "base offense level" for each crime, and then they give a number of factors that, if present, tell the judge either to increase or decrease the offense level. The higher the offense level, the higher the sentence.

Because the Guidelines don't have a provision on campaign finance violations, judges have to look for the next closest offense, and they often end up using the fraud guideline. But that guideline doesn't take into account the factors that make campaign finance violations so different from the factors that are there often aren't particularly relevant to campaign finance violations. For example, there is nothing in the guideline that makes judges distinguish between a campaign finance violation involving $2,000 and one involving $2,000,000. So, when judges calculate the offense level of a defendant who funneled millions of foreign dollars into a US campaign, they don't end up with a high offense level, meaning that the defendant doesn't get a lengthy sentence. The prosecutors know this and the defendants know this, and that must be one of the reasons why prosecutors accepted plea bargains from John Huang and Charlie Trie—because they knew they wouldn't do much better even if they won convictions at trial.

Our bill would solve these problems, by putting a felony provision into FECA and by directing the Sentencing Commission to promulgate a campaign finance guideline. If those two things happen, we will have greater confidence that those who violate the law will be appropriately punished.

I understand that some who have looked into the problem say that it criminalizes participating in the political process. That is neither the intent nor the effect of our bill. Our bill would allow felony prosecutions only if, first, the defendant knowingly and willfully violated the law, and second, if the offense involved at least $25,000. So, it would not punish the donor who inadvertently goes over his contribution limits, nor would it go after the Party Committee clerk who makes a record-keeping mistake. Instead, our bill aims at the large conspiracies that came up with broad conspiracies to violate the election laws—usually for personal gain—by funneling foreign money into our campaigns or using large numbers of straw donors to hide their identity or make contributions they aren't allowed to make—the people everyone says should be going to jail.

There are three other provisions in our bill. The first would extend FECA's statute of limitations from three to five years to make it the same as virtually all other federal crimes. The second would make it clear that foreign soft money is as illegal as foreign hard money. The third would make it clear that straw donations of soft money are as illegal as straw donations of hard money. All of them are important.

Mr. President, this bill is about something that we all should be able to agree upon, which is that actions that are already criminal and that we all agree are wrong should be punished. None of our bill's provisions should be controversial, and I hope that we can see them enacted into law, so that we can get into the next cycle with confidence that prosecutors have the tools necessary to deter and to punish those who would violate our election laws.

Mr. LEANY. Mr. President, I am proud to join Senators THOMPSON and LIEBERMAN in cosponsoring this legislation to improve the Federal Election Campaign Act, known as FECA. This legislation would increase criminal penalties for knowing and willful campaign finance violations, and direct the Sentencing Commission to promulgate guidelines for violations, and clarify parts of FECA. This legislation is important to ensure that we have an enforcement structure that would deter knowing violations of the laws now on the books.

Questions about the financing of the 1996 Federal elections have been the subject of multiple, expensive, overlapping, and repeated congressional hearings. Indeed, the Senate Committee on Government Affairs held 32 days of hearings, calling 70 witnesses, at a cost of $3.5 million to investigate campaign finance violations relating to the 1996 Federal elections. The House Committee on Government Reform and Oversight has been investigating campaign finance violations since June 1997, including over 45 days of hearings. The Senate Judiciary Committee held its own series of hearings in the 106th Congress and the 107th Congress. The Senate Committee on Government Affairs held 32 days of hearings, calling 70 witnesses, at a cost of $3.5 million to investigate campaign finance violations relating to the 1996 Federal elections. The House Committee on Government Reform and Oversight has been investigating campaign finance violations since June 1997, including over 45 days of hearings. The Senate Judiciary Committee held its own series of hearings in the 106th Congress and the 107th Congress. The Senate Committee on Government Affairs held 32 days of hearings, calling 70 witnesses, at a cost of $3.5 million to investigate campaign finance violations relating to the 1996 Federal elections. The House Committee on Government Reform and Oversight has been investigating campaign finance violations since June 1997, including over 45 days of hearings. The Senate Judiciary Committee held its own series of hearings in the 106th Congress and the 107th Congress. The Senate Committee on Government Affairs held 32 days of hearings, calling 70 witnesses, at a cost of $3.5 million to investigate campaign finance violations relating to the 1996 Federal elections. The House Committee on Government Reform and Oversight has been investigating campaign finance violations since June 1997, including over 45 days of hearings. The Senate Judiciary Committee held its own series of hearings in the 106th Congress and the 107th Congress. The Senate Committee on Government Affairs held 32 days of hearings, calling 70 witnesses, at a cost of $3.5 million to investigate campaign finance violations relating to the 1996 Federal elections.

Indeed, in a report to then-Attorney General Reno, the former Chief of the Campaign Finance Task Force at the Department of Justice, Charles LaBella, recommended reforms in the campaign finance laws, including the increased penalties and clarifications.
to certain parts of the FECA embodied in this legislation.

This bill would authorize felony prosecutions of knowing and willful FECA violations involving improper contributions aggregating $25,000 or more during a calendar year. It would increase the statute of limitations to 5 years, which is the standard statute of limitation for Federal offenses. In addition, the bill would direct the Sentencing Commission to promulgate guidelines. Finally, the bill would clarify that foreign nationals who are not permanent residents may not donate to a candidate or political party as well as make clear that the FECA’s prohibition on conduit contributions applies to any type of donation.

I am glad to join in cosponsoring this legislation again, as I did in the last Congress, and urge its prompt passage. To the extent that we are frustrated by campaign finance abuses, I believe passage of this legislation is a better use of this body’s time than the open-ended fishing expedition into open and closed cases.

By Mr. SHELBY: S. 601. A bill to authorize the payment of interest on certain accounts at depository institutions; to increase flexibility in setting reserve requirements, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SHELBY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 601.

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

SEC. 1. SHORT TITLE.

This Act may be cited as the “Small Business Checking Regulatory Relief Act of 2001”.

SEC. 2. INTEREST-BEARING TRANSACTION ACCOUNTS AUTHORIZED FOR ALL BUSINESSES.

Section 2 of Public Law 98-100 (12 U.S.C. 1832) is amended—

(1) in subsection (b), by striking “shall be considered a transaction account” and inserting “may be considered a transaction account”;

(2) by substituting “a transaction account” for “a transaction or transaction account” in each place it appears; and

(3) by striking “or” at the end of subsection (c) and inserting a period in place thereof.

SEC. 3. SAVINGS AND DEMAND DEPOSIT ACCOUNTS AT DEPOSITORY INSTITUTIONS.

(a) NOW ACCOUNTS AUTHORIZED FOR ALL BUSINESSES.—Section 2 of Public Law 93-100 (12 U.S.C. 1832) is amended to read as follows:

“SEC. 2. WITHDRAWALS BY NEGOTIABLE OR TRANSFERABLE INSTRUMENTS FOR THE PURPOSE OF MAKING PAYMENTS TO THIRD PARTIES.

(1) NOTWITHSTANDING any other provision of law, any depository institution (as defined in section 3 of the Federal Deposit Insurance Act) may permit the owner of any deposit or account to make withdrawals from such depository account for the purpose of making payments to third parties. With respect to an escrow account maintained in connection with a loan, a lender or servicer shall pay interest on such payments as required by contract between the lender or servicer and the borrower, or a specific statutory provision of the law of the State in which the security property is located required re-quires the lender or servicer to make such payments."

(b) REPEAL OF PROHIBITIONS ON PAYMENT OF INTEREST ON DEMAND DEPOSITS.—

(1) FEDERAL RESERVE ACT.—Section 19(i) of the Federal Reserve Act (12 U.S.C. 371a) is amended to read as follows:

“(i) [Reserved]."

(2) HOME OWNERS’ LOAN ACT.—Section 5(b)(1)(B) of the Home Owners’ Loan Act (12 U.S.C. 1464(b)(1)(B)) is amended in the first sentence, by striking “‘saving association’ may not” and all that follows through “‘permit any” and inserting “‘savings association’ may not”;

(3) FEDERAL DEPOSIT INSURANCE ACT.—Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended to read as follows:

“(g) [Reserved]."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 1, 2002.

SEC. 4. INCREASED FEDERAL RESERVE BOARD FLEXIBILITY IN SETTING RESERVE REQUIREMENTS.

Section 19(b)(2) of the Federal Reserve Act (12 U.S.C. 461(b)(2)) is amended—

(1) in clause (i), by striking “the ratio of 3 per cent” and inserting “a ratio not greater than 3 percent”; and

(2) in clause (ii), by striking “and not less than 8 per centum.”

By Mr. DOMENICI: S. 602. A bill to reform Federal election law; to the Committee on Rules and Administration.

Mr. DOMENICI. Mr. President, I rise today to introduce my own version of campaign finance reform, the CommonSense Federal Election Reform Act of 2001.

I am again introducing straightforward reform legislation to deal with six principal areas: (1) the wealthy candidate; (2) party soft money; (3) inadequate hard money limits; (4) increased disclosure for certain communications; (5) paycheck protection; and (6) unlawful fundraising activities.

This bill addresses the issues that I have raised over and over again on the floor of the Senate whenever we have debated campaign finance reform. As I’ve said before, the biggest problem with our elections is that they no longer belong to the voters.

My bill makes six fundamental changes to existing campaign finance laws. First, it helps solve the wealthy candidate problem. Over the past decade we have witnessed the growing tide of multi-millionaire candidates financing their campaigns and effectively shutting out other qualified candidates through their own wealth. Something must be done to stem this tide so that the electorate hears the voices of all the candidates and not just those with extraordinary personal wealth.

The teacher, police officer, military man or woman, and the like must have an equal chance to participate as candidates in our dynamic political process. And most of the current system is allowed to stand, the public will hear only the views of the super-wealthy. Elections will become, even more than today, nothing more than a choice between two Wall Street financiers or two corporate magnates.

My bill helps ensure that soft money prevails on the strength of his ideas not the size of his personal bank account.

The bill tackles the problem without offending the First Amendment. Indeed, there are no limits on the wealthy candidate’s right to spend his or her own money on his or her campaign. Rather, the bill simply levels the playing field by increasing the out-dated individual contribution limits for the opponent of the self-financing candidate.

Let me explain in very general terms how it works. In New Mexico, if the wealthy candidate spends personal funds on his or her campaign in excess of approximately $5,000, the opponent could raise contributions from individuals at three times the current limit or $3,000 per election. If the wealthy candidate exceeded $800,000 in personal expenditures, the opponent could raise individual contributions six times the current limit or $6,000. Finally, where the millionaire candidate spends in excess of $2,000,000 of personal funds, the party coordinated expenditure limits are eliminated for the opponent candidate.

This does not violate a wealthy candidate’s constitutional right to use personal funds on his or her own campaign. It merely enables the non-wealthy candidate to participate in the process so that the public hears the opinions of all the qualified candidates regardless of their personal fortune.

Another important aspect of this provision states that a candidate who incurs personal loans in connection with his or her campaign cannot repay himself or herself in excess of $250,000 with contributions received after the election. It creates a perception of impro-priety for a candidate, who once elected, uses the prestige of office to raise contributions to repay personal debt incurred during the campaign.

In addition to the wealthy candidate problem, the bill addresses the soft money issue. It caps soft money contributions at $50,000 per individual during each election cycle. I have long felt there is no use Congress should limit soft money to reduce the perception that extraordinary wealthy people can buy influence through substantial, unregulated contributions to the political parties.

Third, my bill modestly increases the regulated corporate soft money and individual contribution limits that are now 25 years old. For example, under this legislation, individuals can contribute
$5,000 to a candidate rather than the current $1,000 limit. These increases are long overdue. Campaigns are very expensive and it takes too much of a candidate’s time to raise the necessary money at the outdated $1,000 limits. This bill provides candidates won’t spend more time presenting their views to the public and less time attending fund raisers. Certainly, no one can argue that in today’s world $5,000 is enough to buy influence.

Fourth, my bill increases disclosure requirements for certain communications. The legislation calls for the disclosure of certain information by anyone who spends more than $25,000 or more on radio or television advertising that mentions a federal candidate by name or likeness. I have long felt that disclosure is the best way to pursue campaign finance reform. Disclosure is the best policy because it does not infringe the constitutional rights of individuals and groups to engage in political speech.

Fifth, the bill deals with the use of union dues for political activities. Mr. President, I can think of no other campaign activity that is more un-American than the mandatory, compulsory taking of union fees for political purposes.

The essence of democracy is that political speech must be voluntary. For many union workers, that is not the case. Indeed, unions are made up of forty percent Republicans, and yet nearly all the union money that is spent on political activity goes to the Democratic party. My bill requires the unions to get the prior, written permission of all members before using their dues for political purposes.

Finally, my bill addresses illegal fundraising activities. It clarifies that soft money is a “contribution” under federal election laws. Thus, it makes absolutely clear that government officials cannot use federal property to raise and spend funds, including soft money. The bill also provides increased criminal penalties for violations of the foreign national provisions and for contributions made in the name of another.

My record is clear. Today, for at least the fourth time, I am introducing a comprehensive campaign finance bill so that my constituents in New Mexico know where I stand on campaign finance reform.

By Mr. KENNEDY (for himself, Mr. SCHUMER, Mr. SARBANES, Ms. SNOWE, Mr. DODD, Mr. KERRY, Mr. FEINGOLD, Mr. LIEBERMAN, Mr. BIDEN, Ms. CANTWELL, Mr. MURRAY, Mrs. FEINSTEIN, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Ms. MIKULSKI, and Mrs. BOXER):

S.J. Res. 10. A joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, today, Senators SCHUMER, SARBANES, SNOWE, DODD, KERRY, FEINGOLD, LIEBERMAN, BIDEN, CANTWELL, MURRAY, FEINSTEIN, CLINTON, CORZINE, DAYTON, MIKULSKI, BOXER and I are reintroducing the Equal Rights Amendment to the Constitution. In doing so, we reaffirm our strong commitment to the ERA and full equality for women in our society. Enactment and ratification of the ERA is essential to ensure that the law reflects our country’s commitment to equality by guaranteeing equal rights for women. Existing statutory prohibitions against sex discrimination have failed to guarantee educational and employment opportunities for women that are equal to those available to men. The need for a constitutional guarantee of equal rights continues to be compelling.

In the absence of the ERA, too little progress has been made on women’s rights, especially in the area of economic opportunity. An unconscionable gap between the earnings of men and women persists in the workforce. Today, women continue to earn only 72 cents for each dollar earned by men. Taking home less than 3/4 of a paycheck for a full days work is still a common experience for far too many women.

Sex discrimination continues to permeate many areas of the economy. While women with college degrees have made significant advances in many professional and managerial occupations in recent years, more than half of working women remain clustered in a few narrowly defined, traditionally female, traditionally low-paying occupations. And female-headed households continue to dominate the bottom rungs of the economic ladder. When a family with children is headed by a woman, the likelihood is high that the family is living in poverty. In 1999, 41.9 percent of all families headed by single mothers lived below the poverty line.

Plainly, much remains to be done to secure equal opportunity for women. Exemption of the Equal Rights Amendment from all enforcement under current law is proposed as an amendment to the Constitution when ratified by the legislatures of three-fourths of the several States:

“ARTICLE

SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

SECTION 2. Congress shall have the power to enforce this article by appropriate legislation.

SECTION 3. This article shall take effect four years after the date of ratification.”

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 62—EXPRESSING THE SENSE OF THE SENATE REGARDING THE HUMAN RIGHTS SITUATION IN CUBA

Mr. LIEBERMAN (for himself, Mr. LUGAR, Mr. GRAHAM, Mr. KYL, Mr. HELMS, Mr. ENSIGN, Mr. FEINGOLD, Mr. NELSON of Florida, Mr. TORRICELLI, Mr. SMITH of New Hampshire, Mr. SESSIONS, Mr. DEWINE, and Mr. SANTORIUM) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 62

Whereas, according to the Department of State and international human rights organizations, the Cuban government continues to commit widespread and well-documented human rights violations against the Cuban people and to detain hundreds more as political prisoners;

Whereas the Castro regime systematically violates all of the fundamental civil and political rights of the Cuban people, denying freedoms of speech, press, assembly, movement, religion, and association, the right to change their government, and the right to due process and fair trials;

Whereas, in law and in practice, the Cuban government restricts the freedom of religion of the Cuban people and engages in efforts to control and monitor religious institutions and movements through surveillance, phone tapping, intimidation, defamation, arbitrary detention, house arrest, arbitrary searches, evictions, travel restrictions, and forced dismissals from employment, and forced exile;

Whereas, workers’ rights are effectively denied by a system in which foreign investors are forced to contract labor from the Cuban government and to pay the regime in hard currency knowing that the regime will pay less than 5 percent of these wages in local currency to the workers themselves;

Whereas these abuses by the Cuban government violate internationally accepted norms of conduct;

Whereas the Senate is mindful of the admonition of President Ernesto Zedillo of Mexico during the last Ibero-American Summit in Havana, Cuba, that “[t]here can be no sovereign nations more men and women. Men and women who can freely exercise their essential freedoms: freedom of
Resolved, That (a) the Senate condemns the repressive and totalitarian actions of the Cuban government against the Cuban people.

(b) the Senate that—

(1) the President should establish an action-oriented policy of directly assisting the Cuban people and independent organizations to strengthen the forces of change and to improve human rights in Cuba;

(2) such policy should be modeled on the bipartisan United States support for the Polish Solidarity movement under former President Ronald Reagan and involving United States trade unions; and

(3) the President should make all efforts necessary, including of the United Nations Human Rights Commission in Geneva in 2001 to obtain the passage by the Commission of a resolution condemning the Cuban government’s human rights violations and to secure the appointment of a Special Rapporteur for Cuba.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. LIEBERMAN. Mr. President, the resolution I am privileged to introduce today condemns the human rights practices of the Cuban regime, supports the non-governmental organizations that are working to achieve greater freedom and respect for human rights in Cuba, and supports a strong United Nations resolution against Cuba at the UN Human Rights Commission session that begins this week in Geneva. The UN Commission’s annual meeting is an ideal opportunity to focus the spotlight of world opinion on the appalling human rights conditions in Cuba and to underscore our support for those who continue to champion the cause of freedom for the Cuban people.

The repressive situation in Cuba is not new. Indeed, the United States has been closely watching events in Cuba for more than 40 years and trying to find ways to foster democratic changes; changes that have since swept through the rest of our hemisphere and around the world. My distinguished colleagues in Congress and various administrations over the years have always agreed that we must help the Cuban people achieve the fundamental rights we enjoy here in America. But we overwhelmingly agree on what is the root of the problem in Cuba: Fidel Castro.

As we well know, his totalitarian regime has systematically suppressed the fundamental rights of the Cuban people and denied them the most basic of freedoms. This oppression has not eased with time but has in fact become worse, as is documented in disturbing detail in the State Department’s recently issued Country Reports on Human Rights Practices for 2000.

In early 1998, Pope John Paul II visited Cuba, a remarkable historic event that raised a glimmer of hope that perhaps the United Nations, trying to foster democratic changes that have since swept through our hemisphere and around the world, would improve human rights practices in Cuba. The repressive situation in Cuba is not new. Indeed, the United States has been closely watching events in Cuba for more than 40 years and trying to find ways to foster democratic changes; changes that have since swept through the rest of our hemisphere and around the world. My distinguished colleagues in Congress and various administrations over the years have always agreed that we must help the Cuban people achieve the fundamental rights we enjoy here in America. But we overwhelmingly agree on what is the root of the problem in Cuba: Fidel Castro.

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where the government monitors phone calls, controls and limits Internet access, and restricts the ability to purchase fax machines and photocopi ers. Recently, two Czech citizens, one a member of Parliament and the other a student activist, were arrested in Cuba at a "meeting of writers" to discuss their plight and bring them pencils and a computer.

The resolution my colleagues and I are introducing today condemns these repressive and indefensible policies of the Castro regime. It calls on the United States to implement a policy supporting the non-governmental organizations in Cuba that are working toward a more open society, respect for human rights and greater political, economic and religious freedom for the Cuban people. Our support should be modeled on the assistance that we gave to the former Communist nations of eastern Europe, such as Poland in the 1980's, where the U.S. funded non-governmental organizations like the Solidarity trade union movement that were working tirelessly for democracy and a free economy. This resolution also calls for active U.S. support for a strong United Nations resolution on Cuba at the current session of the UN High Commission for Human Rights to demonstrate broad international condemnation of Cuba's human rights record. America must stand as a light on this bleak horizon. I urge my colleagues to lend their voices in support of this resolution and for the promotion of basic human rights and dignity for the Cuban people.

I ask unanimous consent that the Introd uction to the State Department's report on human rights in Cuba to be printed in the Record, as follows:

CUBA—COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2000

[Released by the Bureau of Democracy, Human Rights, and Labor, U.S. Depar tment of State, February 2001]

Cuba is a totalitarian state controlled by President Fidel Castro, who is both Head of Government, First Secretary of the Communist Party, and commander-in-chief of the armed forces. President Castro exer cises total control over all aspects of life through the Communist Party and its affiliated mass organizations, the government bureaucracy, and the state security apparatus. The Communist Party is the only legal political party, and President Castro personally chooses the membership of the Politburo, the select group that heads the party. There are no contested elections. The 601-member National Assembly of People's Power, ANPP, which meets twice a year for a few days to rubber stamp decisions and policies already decided by the Government. The Party controls all government positions, including judicial offices. The judiciary is completely subordinate to the Government and to the Communist Party.

The Ministry of Interior is the principal organ of state security and totalitarian control. Officers of the Revolutionary Armed Forces, commanded by President Cast ro's brother, Raúl, have been assigned to the majority of key positions in the Ministry of Interior in recent years. In addition to the routine law enforcement functions of regulating migration and controlling the Border Guard and the regular police forces, the Inter nal Security Police forces, for example, investigate and actively suppress opposition and dissent. It maintains a pervasive surveillance system, using undercover agents, informers, the rapid response bri gades, and the Committees for the Defense of the Revolution, CDR's. The Committee tra ditionally has attempted to mobilize citizens against dissenters, impose ideological conformity, and root out "counterrevolutionary" behavior. During the early 1990's, the Government reasserted its ability to reorder people's lives in Cuba. Other mass organiza tions also inject government and Communist Party control into citizens' daily activities at home, work, and school. Members of the security forces committed serious human rights abuses.

The Government continued to control all significant means of production and main tained the predominant employer, despite permitting some carefully controlled foreign investment in the Free Trade Zone. Foreign companies are required to contract workers only through Cuban state agencies, which receive hard currency payments for the work ers' labor but retain a fraction of this, usually 5 percent in local currency. In 1998 the Government retracted some of the changes that had led to the rise of independent workers' activity and when it further tightened restrictions on the self-employed sector by reducing the number of categories of business and imposing relatively high taxes on self-employed persons.

In September the Minister of Labor and So cial Security publicly stated that more stringent controls were needed to encourage self-employment. He suggested that the Ministry of Interior, the National Tax Office, and the Ministry of Finance act in a coordi nated fashion in order to reduce "the illegal activities" of the many self-employed. According to government officials, the number of self-employed persons as of September was 156,000, a decrease from the 166,000 reported in 1999.

According to official figures, the economy grew 5.6 percent during the year. Despite this, overall economic output remains below the levels prior to the drop of at least 33 percent in gross domestic product that occurred in the early 1990's. Inefficiencies of the centrally controlled economic system; the loss of billions of dollars of annual So viet bloc trade and Soviet subsidies; the on going deterioration of plants, equipment, and the Ministry of Finance act in a coordi nated fashion, in order to reduce "the illegal activities" of the many self-employed. Acc ording to government officials, the number of self-employed persons as of September was 156,000, a decrease from the 166,000 reported in 1999.

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The recent arbitrary arrest of two Czech citizens, a legislator and a student, by Cuban authorities in Cuba reminds us of the extent to which the government will go to squash expressions of freedom and opposition to the regime. As Cuban citizens increasingly understand the arbitrary nature of their arrest because they have been victims of suppression in their own personal struggle for freedom and democracy in their own country a few years ago.

As the Human Rights Watch noted, Cuba has “a highly effective machinery of repression.” Journalists, writers, intellectuals, and anyone else who disagrees or dares to challenge the regime risk harassment, imprisonment or other harsh treatment. Human rights repression in Cuba is one of the most serious impediments to improved relations with the United States.

The goal of our resolution is to encourage a peaceful transition to democracy through transparent initiatives that support human rights groups in Cuba, make available materials and relevant literature on human rights, and provide humanitarian assistance to nongovernmental organizations on the island.

My criticism of human rights practices in Cuba is consistent with my criticism of our unilateral economic sanctions against Cuba. There is no inherent incompatibility between these two critiques. A pro-engagement policy can be pro-human rights policy in much the same way it was in our policy towards central and eastern European countries during the cold war.

I believe that programs, such as those of the National Endowment for Democracy and its core institutes, can help promote democracy and political freedoms in Cuba and are likely to be more successful in promoting change than economic coercion. Contacts and interactions through trade, travel, tourism, and exchanges, and other forms of engagement will, in my view, yield more positive results in changing Cuba and improving Cuban human rights practices than isolation and punitive sanctions. This may not be true in all cases where we have differences with other countries, but I believe it has merit with respect to Cuba.

I hope my colleagues in the Senate will join Senator LIEBERMAN and the other sponsors in supporting this resolution. We need to support some day Cuba will join Poland, Hungary, the Czech Republic, and other states around the world in making the transformation from tyranny to freedom and democracy.

MR. KYL. Mr. President, as Americans, we sometimes take for granted the fundamental rights for which our forefathers fought and on which this great nation was founded. We must not forget, however, that there are places in the world where people are denied these basic freedoms. Sadly, even with the collapse of the Soviet Empire and the spread of freedom and democracy in Eastern Europe and the Baltics, there are countries that still do not have freedom of press, assembly, movement, religion or association; where people do not have the right to peacefully change their government; and where individuals do not have the right to due process of law. Cuba is one such country, a nation that, despite our efforts over the past 40 years, remains subject to the dictatorial rule of Fidel Castro. Castro retains power over the Cuban people through force, fear, and deprivation. A 1999 Human Rights Watch Report, Cuba’s Repressive Machinery: Human Rights Forty Years After the Revolution, summarized the deplorable situation in that country, stating:

“Over the past forty years, Cuba has developed a highly effective machinery of repression. The denial of basic civil and political rights is written into Cuban law. In the name of legality, armed security forces, aided by civil society organizations, maintain a silence dissent with heavy prison terms, threats of prosecution, harassment, or exile. Cuba uses these tools to restrict severely the exercise of fundamental rights of expression, association, and assembly. The conditions in Cuba’s prisons are inhumane, and political prisoners suffer additional degrading treatment and torture. In recent years, Cuba has added new repressive laws and continued prosecuting nonviolent dissidents while shirking off international appeals for reform and placing visiting dignitaries with occasional releases of political prisoners.

Clearly, it is time to explore a different approach to dealing with Cuba. It is important that, as the era of Fidel Castro’s rule comes to a close, we work to establish a long-term relationship with the Cuban people.

During the 1980’s President Reagan was a champion for human rights in the Soviet Union and Eastern Europe, standing up for freedom, democracy, and human rights. He passionately spoke of American values and God-given rights, and more importantly, backed his words with action. In his 1982 “Evil Empire” speech before the British House of Commons, President Reagan said:

“While we must be cautious in our conviction that freedom is not the sole prerogative of a lucky few but the inalienable and universal right of all human beings.

Poland is but one example of the success on this front. Pope John Paul II, after he visited Cuba in 1998, said, “I wish for our brothers and sisters on that beautiful island that the fruits of this pilgrimage will be similar to the fruits of that pilgrimage in Poland.”

Senator LIEBERMAN has introduced a resolution calling upon the United States to offer assistance to Cuban people and independent organizations, modeled after President Reagan’s support for the Polish Solidarity Movement. Through our debate on the embargo is sure to continue during this Congress, Senator LIEBERMAN’s resolution outlines the basic problem on which we can all agree. Fidel Castro’s human rights record is deplorable, and the situation continues to deteriorate. Furthermore, this resolution proposes a solution that supports the strengthening of civil society in Cuba, offering the Cuban people hope to emerge from beneath the shell of communism. It also calls upon the U.S. delegation to this year’s meeting of the U.N. Human Rights Commission to actively support the passage of a resolution condemning Cuba for its human rights violations.

As we continue to enjoy the fruits of liberty, we have an obligation, as Americans, to take a stand against Castro’s regime and assist the Cuban people. We have an opportunity, beginning with the passage of this resolution, to reach out to the Cuban people through the wall of repression that Castro has built around his small island nation. Let these people dare to hope for liberation by jailing and torturing their own countrymen.”
Foreign officials have been not-so-cordially invited to cancel visits to Cuba because they had dared to suggest that there is room for improvement in Cuba’s human rights record. Therefore, Castro is essentially criminally out of contact with the Cuban people and trying bully democratic countries into abandoning their principles—and thereby abandoning the Cuban people.

We won’t be bullied—and our allies in Europe and Latin America must not let themselves be bullied either.

It is against this back-drop that I am joining Senator LIEBERMAN and a distinguished, bipartisan group of my colleagues today in introducing a resolution regarding the human rights situation in Cuba, a resolution that is designed to give momentum to efforts to pass a U.N. Human Rights Commission resolution on Cuba when it convenes in Geneva this month.

It is also designed to give momentum to a more pro-active and creative U.S. policy of working with the Cuban dissident community modeled on President Reagan’s successful efforts to help Poland by introducing glasnost. Movement work for change during the cold war.

Most importantly, it is a message to remind the Cuban people that the United States stands solidly with them in their peaceful struggle for freedom. I am confident that other Senators will want to join Senator LIEBERMAN in supporting this important resolution.

SENATE RESOLUTION 63—COMMEMORATING AND ACKNOWLEDGING THE DEDICATION AND SACRIFICE MADE BY THE MEN AND WOMEN WHO HAVE LOST THEIR LIVES WHILE SERVING AS LAW ENFORCEMENT OFFICERS

Mr. CAMPBELL (for himself, Mr. HATCH, Mr. LEAHY, Mr. THURMOND, Mr. NICKLES, Mr. GREGG, Mr. HUTCHINSON, Mr. MILLER, Mrs. HUTCHINSON, Mr. BIDEN, Mr. GRAMM, Mr. HELMS, Mr. BROWNER, Mr. BINGAMAN, Mr. BOND, Mr. FRIST, Mr. INHOFE, Mr. ALLARD, Mr. DORGAN, Mr. EDWARDS, Mr. BYRD, Mr. REID, Mr. BAYH, Mr. AKAKA, Mr. DURBIN, Mr. DEWINE, Mr. THOMAS, Mr. CRAPO, Mr. DAYTON, Mr. KARANJAS, Mr. KENNEDY, Mrs. BOXER, Mr. LEVIN, and Mr. VOINOVICH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 63

Whereas the well-being of all citizens of the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 700,000 men and women who serve as law enforcement officers, and in the line of duty; and

Whereas, on May 15, 2001, nearly 15,000 officers have been killed or disabled in the line of duty; and

Whereas, on May 15, 2001, more than 15,000 peace officers are expected to gather in the Nation’s Capital to join with the families of their recently fallen comrades to honor those comrades and all others who went before them: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes May 15, 2001, as Peace Officers Memorial Day, in honor of Federal, State, and local officers killed or disabled in the line of duty; and

(2) calls upon the people of the United States to observe this day with appropriate ceremonies and respect.

Mr. CAMPBELL. Mr. President, today I am joined by the Chairman and Ranking Member of the Senate Judiciary Committee, Senators HATCH and LEAHY, along with 34 other Senators in introducing this resolution to keep alive in the memory of all Americans the sacrifice and commitment of those law enforcement officers who lost their lives serving their communities. Specifically, this resolution would designate May 15, 2001, as National Peace Officers Memorial Day.

As a former deputy sheriff, I know first-hand the risks which law enforcement officers face every day on the front lines protecting our communities. Currently, more than 700,000 men and women who serve this nation as our guardians of law and order do so at a great risk. Every year, about 1 in 9 officers is assaulted, 1 in 25 peace officers is injured, and 1 in 4,400 officers is killed in the line of duty. There are few communities in this country that have not been impacted by the words: “officer down.”

In 2000, approximately 150 federal, state and local law enforcement officers have given their lives in the line of duty. This represents less than a 10 percent rise in police fatalities over the previous year. And, nearly 15,000 men and women have made the supreme sacrifice.

The Chairman of the National Law Enforcement Officers Memorial Fund, Craig W. Floyd, reminds us, “Despite improved equipment and better training, law enforcement remains the deadliest profession in America. On average, one officer is killed somewhere in America every 72 hours. At the very least, we must ensure that those officers, and their families, are never forgotten.”

On May 15, 2001, more than 15,000 peace officers are expected to gather in our Nation’s Capital to join with the families of their fallen comrades who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities. In doing so, these heroes have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens. This resolution is a fitting tribute for this special and solemn occasion.

I urge my colleagues to join us in supporting passage of this important resolution.

Mr. HUTCHINSON. Mr. President, I am proud to rise today as an original cosponsor of Senator CAMPBELL’s resolution designating May 15, 2001, as Peace Officers Memorial Day. I commend Senator CAMPBELL for his efforts to honor these brave men and women, and thank all of our Nation’s law enforcement officials and their families for the daily sacrifices they make as they work to enforce our Nation’s laws and ensure the safety of all American citizens.

According to the Federal Bureau of Investigation, 107 law enforcement officers lost their lives in the line of duty. Eleven of those officers were killed feloniously and 66 died accidentally. An additional 55,026 officers were assaulted in the line of duty.

From 1990 to 1999, 28 Arkansans law enforcement officers lost their lives in the line of duty. Eleven of those officers were killed feloniously and 16 died accidentally. During the year 2000, Patrol Officer Lewis D. Jones, Jr. of the Forrest City Police Department and Captain Thomas Allen Craig of the Arkansas State Police lost their lives, and in the current year, Trooper Herbert J. Smith of the Arkansas State Police was killed in a car accident while rushing to assist a sick child.

Accordingly, I offer my condolences to the families and friends of Patrol Officer Lewis D. Jones, Jr., Trooper Smith, and all of the other law enforcement officials who have died in the line of duty. I am deeply appreciative of their sacrifices and am sorry for their loss.

AMENDMENTS SUBMITTED AND PROPOSED

SA 137. Mr. COCHRAN proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign funds, and local officers killed or disabled in the line of duty.

SA 138. Mr. WYDEN (for himself, Mr. COLINS, Mr. BINGAMAN, and Mr. LEVIN) proposed an amendment to the bill S. 27, supra.

SA 139. Mr. MCCONNELL (for Mr. NICKLES (for himself and Mr. GREGO) proposed an amendment to the bill S. 27, supra.

SA 140. Mr. SPECTER proposed an amendment to the bill S. 27, supra.

SA 141. Mr. HELMS proposed an amendment to the bill S. 27, supra.

SA 142. Mr. GRAMM proposed an amendment to the bill S. 143. Mr. GRAMM (for himself, Mr. THOMPSON, Mr. COCHRAN, Mr. VOINOVICH, and Mr. SCHUMER) proposed an amendment to the bill S. 143, supra.

TEXT OF AMENDMENTS

SA 137. Mr. COCHRAN proposed an amendment to the bill S. 27, to amend CONGRESSIONAL RECORD — SENATE

SA 138. Mr. WYDEN (for himself, Mr. COLINS, Mr. BINGAMAN, and Mr. LEVIN) proposed an amendment to the bill S. 27, supra.

SA 139. Mr. MCCONNELL (for Mr. NICKLES (for himself and Mr. GREGO) proposed an amendment to the bill S. 27, supra.

SA 140. Mr. SPECTER proposed an amendment to the bill S. 27, supra.

SA 141. Mr. HELMS proposed an amendment to the bill S. 27, supra.

SA 142. Mr. GRAMM proposed an amendment to the bill S. 143. Mr. GRAMM (for himself, Mr. THOMPSON, Mr. COCHRAN, Mr. VOINOVICH, and Mr. SCHUMER) proposed an amendment to the bill S. 143, supra.

TEXT OF AMENDMENTS

SA 137. Mr. COCHRAN proposed an amendment to the bill S. 27, to amend}
the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 38, after line 3, add the following:

**TITLE V—ADDITIONAL DISCLOSURE PROVISIONS**

SEC. 501. INTERNET ACCESS TO RECORDS.

Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 331(b)(1)(B)) is amended to read as follows:

"(B) The Commission shall make a designating statement, report, or notification that is filed with the Commission under this Act available for inspection by the public in the offices of the Commission and accessible to the public on the Internet not later than 48 hours (24 hours in the case of a designation, statement, report, or notification filed electronically) after receipt by the Commission."

SEC. 502. MAINTENANCE OF WEBSITE OF ELECTION REPORTS.

(a) In General.—The Federal Election Commission shall maintain a central site on the Internet to make accessible to the public all election-related reports.

(b) Election-Related Report.—In this section, the term "election-related report" means any report, designation, or statement required to be filed under the Federal Election Campaign Act of 1971.

(c) Coordination With Other Agencies.—Any executive agency receiving an election-related report shall cooperate and coordinate with the Federal Election Commission to make such report available for posting on the site of the Federal Election Commission in a timely manner.

SA 138. Mr. WYDEN (for himself, Ms. COLLINS, Mr. BINGAMAN, and Mr. LEVIN) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, between lines 14 and 15, insert the following:

**SEC. 2. FINDINGS.**

(a) In General.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 316(b)), as amended by this Act, is amended by adding at the end the following:

"(1) The Federal Election Commission is an independent agency.

(2) The Federal Election Commission is an independent agency.

(3) The Federal Election Commission is an independent agency.

(4) The Federal Election Commission is an independent agency.

(5) The Federal Election Commission is an independent agency.

SEC. 3. LIMITATION ON AVAILABILITY OF LOW-EST UNIT CHARGE FOR FEDERAL CANDIDATES ATTACKING OPPONENT.

(a) In General.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)), as amended by this Act, is amended by adding at the end the following:

"(A) In General.—In the case of a candidate for Federal office, such candidate shall not be entitled to receive the rate under paragraph (1)(A) for the use of any broadcasting station unless the candidate provides written certification to the broadcast station that the candidate (and any authorized committee of the candidate) shall not make any direct reference to another candidate for the same office, in any broadcast using the rights and conditions of access under this paragraph (1)(A) for the use of such reference meets the requirements of subparagraph (C) or (D).

(B) Limitation on Charges.—If a candidate for Federal office (or any authorized committee of such candidate) makes a reference described in subparagraph (A) in any broadcast that does not meet the requirements of subparagraph (C) or (D), such candidate shall not be entitled to receive the rate under paragraph (1)(A) for such broadcast or any other broadcast during any portion of the 45-day and 60-day periods described in subparagraph (A) that occur on or after the date of such broadcast, for election to such office.

(C) Television Broadcasts.—A candidate meeting the requirements of this subparagraph if, in the case of a television broadcast, at the end of such broadcast there appears simultaneous, for a period no less than 4 seconds—

(1) a clearly identifiable photographic or similar image of the candidate; and

(2) a clearly identifiable statement, identifying the candidate and stating that the candidate has approved the broadcast.

(D) Radio Broadcasts.—A candidate meeting the requirements of subparagraph (A) makes a radio broadcast if, in the case of a radio broadcast, the broadcast includes a personal audio statement by the candidate that identifies the candidate, the office the candidate is seeking, and indicates that the candidate has approved the broadcast.

(E) Certification.—Certifications under this section shall be certified as accurate by the candidate (or any authorized committee of the candidate) at the time of filing.

(F) Definitions.—For purposes of this paragraph, the terms 'authorized committee' and 'Federal office' have the meanings given such terms by section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 331)."

(b) Conforming Amendment.—Section 315(b)(1) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)(A)), as amended by this Act, is amended by inserting "subject to paragraph (3)," before "during the forty-five days.

(c) Effective Date.—The amendments made by this section shall apply to broadcasts made after the date of enactment of this Act.

SA 139. Mr. MCCONNELL (for Mr. NICKLES (for himself and Mr. GREGG)) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

Beginning on page 35, strike line 8 and all that follows through page 37, line 14.

Mr. WELLSTONE. Mr. President, I do not oppose this amendment, but, as several of my colleagues have noted, it is for reasons far different than the sponsors of this amendment have put forward.

This amendment deletes Section 304 of the campaign finance reform bill. That said, if the amendment affirms the obligation that Beck places on unions to afford non-members who pay fees under a union security clause the opportunity to object to paying for activities unrelated to collective bargaining, contract administration, or grievance adjustment. Second it clarifies the so-called "objection procedures" required. These obligations placed on unions under current law.

Keeping the provisions in the bill or taking them out will not change unions' lawful obligations to non-members.

Indeed, my understanding is that provisions such as Section 304 have been inserted in campaign finance reform measures for quite some time largely because some of my colleagues wanted assurance that unions would obey the law. The fact is that Beck has been the law for almost 13 years. Since Beck became law every union has created procedures to ensure the necessary opt-out procedures. This demonstrates to me that the provision is unnecessary—and has been for some time.

I do, however, want to take issue with the Senator from Kentucky's statement to the effect that Section 304 as currently drafted "eviscerates" Beck. The Beck Court did not reach the conclusions my colleague suggests.

What the Court concluded was that under the obligation on the part of the unions to offer opportunities to object and objection procedures that, as noted, are the subject of Section 304.

In sum, since Beck is the current law, and Section 304 does not change that fact, I have no objections to removing it from the bill.

SA 140. Mr. SPECTER proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 7, line 24, after "and", insert the following: "which, when read as a whole, in the context of external events, is unmistakably ambiguous and plausible meaning other than an exhortation to vote for or against a specific candidate."

On page 15, line 20, insert the following: "(iv) promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate) and which, when read as a whole, in the context of external events, is unmistakable, ambiguous and suggestive of no plausible meaning other than an exhortation to vote for or against a specific candidate."
Federal Election Campaign Act and found that the authorized or requested standard of the Federal Election Campaign Act operated to treat all expenditures placed in cooperation with the consent of a plaintiff, an agent of the candidate, or an authorized committee of the candidate as contributions subject to the limitations set forth in the Act.

(7) During the 1996 Presidential primary campaign the Clinton Committee and the Dole Committee spent millions of dollars in excess of the overall Presidential primary spending limit that applied to each of their campaigns, and in doing so, used millions of dollars in soft campaign money that could not legally be used directly to support a Presidential campaign.

(8) The Clinton and Dole Committees made these campaign expenditures through their respective national political party committees, using these party committees as conduits to run multi-million dollar television ad campaigns to support their candidates.

(9) These television ad campaigns were in each case prepared, directed, and controlled by the candidate: delivered Dole and Gingrich.

(10) Former Clinton advisor Dick Morris said in his book about the 1996 elections that president Clinton worked over every script, watched every ad, and decided which advertisements would run where and when.

(11) Then-President Clinton told supporters at a Democratic National Committee lunch on December 7, 1995, that, “We realized that we could run these ads through the Democratic party means that we could raise money in $20,000 and $50,000 blocks. So we didn’t have to do it all in $1,000 and run down what I can spend, which is limited by law, and that’s what we’ve done.

(12) Among the advertisements coordinated between the Clinton campaign and the Democratic National Committee, and paid for by the DNC as an issue ad, was one which contained the following: (Announcer) “60,000 felons and fugitives tried to buy handguns that couldn’t happen since President Clinton passed the Brady bill—five day waits, background checks. But Dole and Gingrich voted no. 100,000 new police—because President Clinton delivered Dole and Gingrich? Vote no, want to repeal ‘em. Strengthen school anti-drug programs. President Clinton did it. Dole and Gingrich? No again. Their old ways don’t work. President Clinton’s plan means that we can raise money in $20,000 and $50,000 blocks. So we didn’t have to do it all in $1,000 and run down what I can spend, which is limited by law, and that’s what we’ve done.

(13) Another advertisement coordinated between the Clinton campaign and the DNC contained the following: (Announcer) “America’s values. Head start. Student loans. Toxic cleanup. Extra police. Protected in the budget agreement, the President said. Dole, Gingrich’s lastest plan includes tax hikes on working families. Up to 18 million children face health care cuts. Medicare slashed $167 billion. Then Dole resists, leaving behind gridlock he and Gingrich created. The President’s plan: Politics must wait. Balance the budget, reform welfare, protect our values.”

(14) Among the advertisements coordinated between the Clinton and Dole campaigns and the Democratic National Committee, yet paid for by the DNC as an issue ad, was one which contained the following: (Announcer) “Three years ago, Bill Clinton said he felt bad about it. People in this room still get mad at me over the budget process because I raised your taxes too much. It might surprise you to know I think I raised them too.” (Clinton) “OK, Mr. President, we are surprised. So now, surprise us again. Support Senator Dole’s plan to repeal your gas tax. They want to learn that actions do speak louder than words.”

(15) Another advertisement coordinated between the Dole campaign and the RNC contained the following:

(Announcer) “Three years ago, Bill Clinton gave the American people the highest tax increases in history, including a 4 cent a gallon increase on gasoline. Bill Clinton said he felt bad about it.” (Clinton) “People in this room still get mad at me over the budget process because I raised your taxes too much. It might surprise you to know I think I raised them too.”

(16) Clinton and Dole Committee agents raised the money used to pay for these so-called issue ads supporting their respective candidates.

(17) These television advertising campaigns, run in the guise of being DNC and RNC issue ad campaigns, were in fact Clinton and Dole ad campaigns, and accordingly should have been subject to the contribution and spending limits that apply to Presidential campaign expenditures.

(18) After reviewing spending in the 1996 Presidential election campaign, auditors for the Federal Election Commission recommended that the Clinton and Dole campaigns repay $7 million and $17.7 million, respectively, because the national political parties had closely coordinated their soft money expenditures. The Federal Election Commission subsequently reduced to $6.1 million.

(19) On December 10, 1998, in a 6-0 vote, the Federal Election Commission rejected its recommendation for the Dole campaign was substantially reduced to $6.1 million.

(20) On December 10, 1998, in a 6-0 vote, the Federal Election Commission rejected its recommendation for both the Clinton and Dole campaigns repay the money.

(21) The pattern of close coordination between candidates’ campaign committees and national party committees continued in the 2000 Presidential election.

(22) An advertisement financed by the RNC contained the following:

(Announcer) “Whose economic plan is best for you? Under George Bush’s plan, a family earns under $35,000 a year pays no Federal income tax. Earn $35,000 to $50,000? A 55 percent cut. Tax relief for everyone. And Al Gore’s plan: three times the new spending President Clinton proposes but the entire surplus and creates a deficit again. Al Gore’s deficit spending plan threatens America’s prosperity.”

(23) Another advertisement financed by the RNC contained the following:

(Announcer) “Under Clinton-Gore, prescription drug prices have skyrocketed, and nothing about the huge Bush plan: add a prescription drug benefit to Medicare.”

(George Bush) “Every senior will have access to prescription drug benefits.”


(24) Another advertisement paid for by the DNC contained the following:

(Announcer) “When the national minimum wage was raised to $5.15 an hour, Bush did nothing. Under my plan, the minimum wage will rise to $7.05 an hour. Six times the legislature tried to raise the minimum wage and Bush’s inaction helped kill it. Now Bush says he’ll allow the minimum wage to rise above what the Federal standard. Al Gore’s plan: Make sure our current prosperity enriches not just a few, but all families. Increase the minimum wage, invest in education, middle-class tax cuts and a secure retirement.”

(25) Another advertisement paid for by the DNC contained the following:

(Announcer) “George W. Bush chose Dick Cheney to help lead the Republican party. What does Cheney’s record say about their views on crime? Cheney was one of the few Congress members to oppose the Clean Water Act . . . one of the few to vote against Head Start programs. He even voted against the School Lunch Program . . . against health insurance for people who lost their jobs. Cheney, an oil company CEO, said it was good for OPEC to cut production so gas prices could rise. What are their plans for working families?”

(26) On January 21, 2000, the Supreme Court in Nixon v. Shrink Missouri Government PAC noted, “In speaking of ‘improper influence’ and ‘opportunities for abuse’ in addition to ‘quid pro quo arrangements,’ we recognized a concern to the broader threat from politicians too compliant with the wishes of large contributors.”

Details on the violation of the public perception of the appearance of corruption have been documented in a flood of books, including:

(1) Corruption in the Public Sector, by Michael Kroenwetter (1986);

(2) The Best Congress Money Can Buy, by Philip M. Stern (1988);

(3) Combating Fraud and Corruption in the Public Sector, by Peter J. Jones (1993);

(4) The Decline and Fall of the American Empire: Corruption, Decadence, and the American Dream, by Tony Souza (1996);

(5) Politics and Money: The New Road to Corruption, by Elizabeth Drew (1983);

(6) The Threat From Within: Unethical Politics and Politicians, by Michael Kroenwetter (1986);

(7) The Unofficial Economy, by Simon Johnson, Drew (1999);

(8) What Went Wrong and Why, by Elizabeth Drew (1996);

(9) Corruption in State and Local Government, by Peter Jones (1993);

(10) How it Happens and What Can Be Done About It, by George Amick (1976);

(11) Politics and Money: The New Road to Corruption, by Elizabeth Drew (1983);


(13) Political Racketeering: Corruption, Self-Interest, and Corruption in American Politics, by Martin L. Gross (1996);

(14) Below the Beltway: Money, Power, and Sex in Bill Clinton’s Washington, by John L. Jackley (1996);

(15) End Legalized Bribery: An Ex-Congressman’s Proposal to Clean Up Congress, by Paul Hefel (1989);

(16) Year of the Rat: How Bill Clinton Compromised U.S. Security for Chinese Cash, by Edward Templer and Wayne M. Tippet, II (1998);

(17) The Corruption of American Politics: What Went Wrong and Why, by Elizabeth Drew (1996);


(19) Party Finance and Political Corruption, edited by Robert Williams (2000);

(20) The Washington Post reported on September 30, 2000 that a group of Texas trial lawyers with whom former Vice President Gore met in 1995, contributed thousands of dollars to the Democrats after Congress passed legislation that would have strictly limited the amount of damages jury can award to plaintiffs in civil lawsuits.
SA 142. Mr. GRAMM proposed an amendment to the bill 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, and for other purposes; as follows:

Insert the following new section 8 at the end of the bill:

SEC. 8. STUDY OF THE EFFECT OF FEE REDUCTIONS.

(a) STUDY.—The Office of Economic Analysis of the Securities and Exchange Commission (hereinafter referred to as the "Office") shall conduct a study of the extent to which the benefits of reductions in fees effected as a result of this Act are passed on to investors.

(b) FACTORS FOR CONSIDERATION.—In conducting the study under subsection (a), the Office shall—

(1) consider all of the various elements of the securities industry directly and indirectly benefitting from the fee reductions, including (A) investment opportunities, (B) members of national securities exchanges, issuers, broker-dealers, underwriters, participants in investment companies, retirement programs, and others;

(2) evaluate the impact on different types of investors, such as individual equity holders, individual investment company shareholders, businesses, and other types of investors;

(3) include in the interpretation of the term "investor" shareholders of entities subject to the fee reductions.

(c) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Securities and Exchange Commission shall submit to the Congress the report prepared by the Office on the results of the study conducted under subsection (a).

SA 143. Mr. GRAMM (for himself, Mr. THOMPSON, Mr. COCHRAN, Mr. VINOGRAD, and Mr. SCHUMER) proposed an amendment to the bill 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, and for other purposes; as follows:

SEC. 2. DISCLOSURE OF EXPENDITURES BY LABOR ORGANIZATIONS.

Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following:

"(1) NOTICE TO MEMBERS AND EMPLOYEES.—A labor organization shall, on an annual basis, (i) to each employee who, during the year involved, pays dues, initiation fees, assessments, or other payments as a condition of membership in the labor organization or as a condition of employment (as provided for in subsection (a)(3)), a notice that includes the following statement: 'You have the right to withhold the portion of your dues that is used for purposes unrelated to collective bargaining. The United States Supreme Court has ruled that labor organizations cannot force dues-paying or fee-paying members to pay fees for activities that are unrelated to collective bargaining. You have the right to resign from the labor organization and, after such resignation, receive a refund of merger dues orGIT."

"(2) AMENDMENTS TO TITLE 5, UNITED STATES CODE.—(a) AMENDMENTS TO TITLE 5, UNITED STATES CODE. The table of chapters for part III of title 5, United States Code, is amended by adding at the end the following:

"CHAPTER 49—AGENCY PERSONNEL DEMONSTRATION PROJECT

Sec. 4801. Nonapplicability of chapter 47.


§ 4801. Nonapplicability of chapter 47.

"Chapter 47 shall not apply to this chapter."

4802. Securities and Exchange Commission

(a) In this section, the term 'Commission' means the Securities and Exchange Commission.

(b) The Commission may appoint and fix the compensation of such officers, attorneys, economists, examiners, and other employees as may be necessary for carrying out its functions under the securities laws as defined under section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

"(c) Rates of basic pay for all employees of the Commission may be set and adjusted by the Commission without regard to the provisions of chapter 51 or subchapter III of chapter 53.

"(d) The Commission may provide additional compensation and benefits to employees of the Commission if the same type of compensation or benefits are then being provided by any agency referred to under section 2006 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) or, if not then being provided, could be provided by such an agency under applicable provisions of law, rule, or regulation. In setting and adjusting the total amount of compensation and benefits for employees, the Commission shall consult, with, and seek to maintain comparability with, the agencies referred to under section 2006 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b).

"(e) The Commission shall consult with the Office of Personnel Management on the details of implementation in the implementation of this section.

"(f) This section shall be administered consistent with merit system principles.

"CHAPTER 48—AGENCY PERSONNEL DEMONSTRATION PROJECT

"Sec. 4801. Nonapplicability of chapter 47.


§ 4801. Nonapplicability of chapter 47.

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Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet on Thursday, March 22, 2001, to conduct a hearing on Prescription Drugs and Medicare.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, March 22, 2001, at 2 p.m., in room 485 of the Cannon House Office Building, to conduct a hearing to discuss the goals and priorities of the Member Tribes of the National Congress of the American Indians for the 107th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS’ AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to hold a joint hearing with the House Committee on Veterans’ Affairs to receive the legislative presentations of AMVETS, American Ex-Prisoners of War; the Vietnam Veterans of America; the Retired Officers Association, and the National Association of State Directors of Veterans Affairs. The hearing will be held on Thursday, March 22, 2001, at 10 a.m., in room 345 of the Cannon House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation be authorized to meet during the session of the Senate on Thursday, March 22, 2001, to conduct an oversight hearing. The Subcommittee will review the National Park Service’s implementation of management policies and procedures to comply with the provisions of title IV of the National Parks Omnibus Management Act of 1986.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be authorized to meet on Thursday, March 22, at 2 p.m., for a hearing entitled, “An Assessment of the D.C. Metropolitan Police Department’s Year 2000 Achievements.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON PUBLIC HEALTH

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Public Health, be authorized to meet for a hearing on “Strengthening the Safety Net: Increasing Access to Essential Health Care Services” during the session of the Senate on Thursday, March 22, 2001, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPETITIVE MARKET SUPERVISION ACT OF 2001

Mr. GRAMM. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 20, S. 143.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (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, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Banking, Housing, and Urban Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Competitive Market Supervision Act of 2001”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Reduction in registration fee rates; elimination of general revenue component.
Sec. 3. Reduction in merger and tender fee rates; reclassification as offsetting collections.
Sec. 4. Reduction in transaction fees; elimination of general revenue component.
S2786

CONGRESSIONAL RECORD — SENATE

March 22, 2001

Sec. 5. Adjustments to fee rates.
Sec. 6. Comparability provisions.
Sec. 7. Effective date.

SEC. 2. REDUCTION IN REGISTRATION FEE RATES; ELIMINATION OF GENERAL REVENUE COMPONENT.

(a) Securities Act of 1933.—Section 6(b) of the Securities Act of 1933 (15 U.S.C. 77b(b)) is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) FEE PAYMENT REQUIRED.—At the time of filing a registration statement, the applicant shall pay to the Commission a fee that shall be equal to the amount determined under the rate established by paragraph (3). The Commission shall publish in the Federal Register notices of the fee rate applicable under this paragraph for each fiscal year.";

(2) by striking paragraph (3);

(3) by redesigning paragraphs (4) and (5) as paragraphs (5) and (4), respectively;

(4) in paragraph (3), as redesignated—

(A) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), the rate determined under this paragraph is a rate equal to the following amount per $1,000,000 of the maximum aggregate price at which the securities are offered:"

"(i) $67 for each of fiscal years 2002 through 2006.

(ii) $33 for fiscal year 2007 and each fiscal year thereafter.

(B) in subparagraph (B), by striking "this paragraph" and inserting "this paragraph, the "transaction fee cap" shall be applied pro rata to amounts and balances equal to or less than $1,000,000.''.

(b) Section 14.—Section 14(g)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78ggg(b)) is amended by striking "the Commission a fee of" and inserting the following:

"(g) SECURITIES TRANSACTION FEES.—The fees described in paragraph (2) of the aggregate amount of interests (other than bonds, debentures, other evidences of indebtedness, and security futures products) shall be deposited and credited as offsetting collections in accordance with appropriations Acts.

(C) TRANSACTION FEES.—For purposes of this paragraph, the "transaction offsetting collection rate" for a fiscal year—

(1) is the uniform rate required to reach the transaction fee cap for that fiscal year; and

(2) shall become effective on the later of the beginning of that fiscal year or 30 days after the date of enactment of appropriations legislation setting such rate.

(B) TRANSACTION FEE CAP.—Subject to subparagraph (C), for purposes of this paragraph, the "transaction fee cap" shall be equal to—

(1) $915,000,000 for fiscal year 2002;

(2) $1,115,000,000 for fiscal year 2003;

(3) $1,340,000,000 for fiscal year 2004;

(4) $1,665,000,000 for fiscal year 2005;

(5) $2,010,000,000 for fiscal year 2006;

(6) $2,015,000,000 for fiscal year 2007;

(7) $2,035,000,000 for fiscal year 2008;

(8) $2,125,000,000 for fiscal year 2009;

(9) $2,130,000,000 for fiscal year 2010; and

(10) $2,665,000,000 for fiscal year 2011 and each fiscal year thereafter.

(C) REDUCTION.—The amounts specified in clauses (i) through (x) of subparagraph (B)
shall be reduced by the amount of assessments estimated to be collected by the Commission for the subject fiscal year pursuant to subsection (e).

"(c) Deposit and Credit.—Deposit of fees and assessments shall be reduced by the amount of assessments collected during any fiscal year pursuant to this section shall be deposited and credited as offsetting collections in accordance with appropriations Acts.

"(d) Lapse of Appropriations.—If, on the first day of a fiscal year, a regular appropriation to the Commission has not been enacted for that fiscal year, the Commission shall, until such a regular appropriation is enacted—

"(1) continue to collect fees (as offsetting collections) under subsection (b) at the rate in effect during the preceding fiscal year (prior to adjustments, if any, under subsection (c) of section 5 of the Competitive Market Supervision Act of 2001); and

"(2) continue to collect as assessments (offsetting collections) under subsection (e) at the assessment rate in effect during the preceding fiscal year.

"(2) in subsection (e), by striking "offsetting collected" and all that follows through the period; and

"(3) in subsection (f), by striking "(f)" and all that follows through "paid—" and inserting the following:

"(f) DATES FOR PAYMENT OF FEES AND ASSESSMENTS.—If any amount of fees and assessments required by subsection (b) and (e) shall be paid—"

SEC. 5. ADJUSTMENTS TO FEE RATES.

(a) Dates of Collection.

(1) Fee Projections.—The Securities and Exchange Commission (hereafter in this Act referred to as the "Commission") shall, 1 month after submission of its initial report under subsection (e)(1) and on a monthly basis thereafter, project the aggregate amount of fees and assessments from all sources collected by the Commission during the current fiscal year.

(2) Submission of Information.—Each national securities exchange and national securities association to pay the Commission fees and assessments under subsection (e) shall file with the Commission, not later than 10 days after the end of each month,

(A) an estimate of the fee and the assessment imposed pursuant to section 31 of the Securities Exchange Act of 1934 by such national securities exchange or national securities association for transactions and sales occurring during that month; and

(B) such other information and documents as the Commission may require, as necessary or appropriate to project the aggregate amount of fees and assessments pursuant to paragraph (1).

(b) Floor for Total Fee and Assessment Collections.—If, at any time after the end of the first half of the fiscal year, the Commission projects under subsection (a) that the aggregate amount of fees and assessments collected by the Commission will, during that fiscal year, fall below an amount equal to the floor for total fee and assessment collections, the Commission may, by order, subject to subsection (e) of this section, increase the rate established under section 31(b)(2) of the Securities Exchange Act of 1934, to the extent necessary to bring estimated collections to an amount equal to the floor for total fee and assessment collections. Such increase shall apply only to transactions and sales occurring on or after the effective date specified in such order.

(c) Deposit of Fees and Assessments.—(1) SECURITIES AND EXCHANGE COMMISSION—(A) for fiscal years 2002 through 2011, the Commission may, by order, project the aggregate amount of fees and assessments collected by the Commission will, during any fiscal year, the Commission shall, by order, subject to subsection (e), decrease the fee rate established under paragraph (2) of section 31(b) of the Securities Exchange Act of 1934, or suspend collection of fees under that section 31(b), to the extent necessary to bring estimated collections to an amount that is not more than 10 percent of the cap on total fee collections. Such decrease or suspension shall apply only to transactions and sales occurring on or after the effective date specified in such order. In exercising its authority under this subsection, the Commission shall not be required to comply with the provisions of section 533 of title 5, United States Code.

(2) CAP ON TOTAL FEE AND ASSESSMENT COLLECTIONS.—If, at any time after the end of the first half of the fiscal year, the Commission projects under subsection (a) that the aggregate amount of fees and assessments collected by the Commission will exceed the cap on total fee and assessment collections by more than 10 percent during any fiscal year, the Commission shall, by order, subject to subsection (e), decrease the fee rate established under paragraph (2) of section 31(b) of the Securities Exchange Act of 1934, or suspend collection of fees under that section 31(b), to the extent necessary to bring estimated collections to an amount that is not more than 10 percent of the cap on total fee collections. Such decrease or suspension shall not affect the obligation of each national securities exchange and national securities association to pay to the Commission the fee required by section 31(b) of the Securities Exchange Act of 1934, at the fee rate in effect prior to the effective date specified in such order.

(b) Reporting on Information by the Commission.—Section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) is amended—

(C) COMPARABILITY.—The Commission may provide additional compensation and benefits to employees of the Commission if the same type of compensation or benefits are then being provided by any agency referred to under section 1206(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) or, if not then being provided, could be provided by such an agency under applicable provisions of law, rule, or regulation.

(b) Reporting on Information by the Commission.—Section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Federal Deposit;"
the Commission shall inform the heads of the agencies referred to under subsection (a) and Congress of such compensation and ben-
fits and shall seek to maintain com-
parability with similar positions in the private sector regarding com-
pensation and benefits."
(c) TECHNICAL AMENDMENTS.—
(I) Section 1323a(a)(1) of title 5, United States Code, is amended—
(A) in subparagraph (C), by striking "or" after the semicolon;
(B) in subparagraph (D), by inserting "or" after the semicolon; and
(C) by adding at the end the following:
"(E) the Securities and Exchange Commis-

sion,".
(2) Section 5373(a) of title 5, United States Code, is amended—
(A) in paragraph (2), by striking "or" after the semicolon;
(B) in paragraph (3), by striking the period and inserting "; or"; and
(C) by adding at the end the following:
"(4) section 4(b) of the Securities Exchange Act of 1934.

SEC. 7. EFFECTIVE DATE.
(a) In General.—Subject to subsection (b), this Act and the amendments made by this Act shall become effective on October 1, 2001.
(b) Exclusions.—The authorities provided by section 13(e)(3)(D), section 14(g)(1)(D), section 14(g)(3)(D), and section 31(d) of the Secu-
rities Exchange Act of 1934, as so designated by this Act, shall not apply until October 1, 2002.

AMENDMENTS NOS. 142 AND 143, EN BLOC

Mr. GRAMM. I have two amendments at the desk and I ask they be consid-
ered in bloc.

The PRESIDING OFFICER. The clerk will report the amendments, en bloc.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes amendments Nos. 142 and 143, en bloc.

The amendments are as follows:

AMENDMENT NO. 142

(Purpose: To require a study to be conducted by the Securities and Exchange Commis-
sion and a report to Congress regarding the extent to which reductions in fees are passed on to investors.)

Insert the following new section 8 at the end of the bill:

"SEC. 8. STUDY OF THE EFFECT OF FEE REDUCTIONS.

"(a) STUDY.—The Office of Economic Analy-

sis of the Securities and Exchange Commis-

sion (hereinafter referred to as the "Office") shall conduct a study of the extent to which the benefits of reductions in fees effected as a result of this Act are passed on to inves-
tors.

(b) FACTORS FOR CONSIDERATION.—In con-
ducting the study under subsection (a), the Office shall:

(1) consider all of the various elements of the securities industry directly and indi-
rectly benefiting from the fee reductions, in-
cluding purchasers and sellers of securities, members of national securities exchanges, issuers, broker-dealers, underwriters, par-
ticipants in investment companies, retire-
ment programs, and others;

(2) evaluate the impact on different types of investors, such as individual equity hold-
ers, individual investment company share-
holders, businesses, and other types of inves-
tors;

(3) include in the interpretation of the term "investor" shareholders of entities sub-
ject to the fee reductions; and

(4) consider the economic benefits to in-
vestors flowing from the fee reductions to in-
clude such factors as market efficiency, ex-

pansion of investment opportunities, and en-

hancement of individual investor equity.

"(c) REPORT TO CONGRESS.—Not later than 2

years after the date of enactment of this Act, the Securities and Exchange Commis-
sion shall submit to the Congress a report
prepared by the Office on the results of the study conducted under subsection (a)."

AMENDMENT NO. 143

(Purpose: To provide for a demonstration project under title 5, United States Code, relating to compensation of employees of the Securities and Exchange Commission, and for other purposes)

On page 41, line 8, strike all through page 44, line 16, and insert the following:

SEC. 6. COMPARABILITY PROVISIONS.

(a) COMMISSION DEMONSTRATION PROJECT.—

Subpart C of part III of title 5, United States Code, is amended by adding at the end the following:

"CHAPTER 48—AGENCY PERSONNEL

DEMONSTRATION PROJECT

"Sec. 4801. Nonapplicability of chapter 47.


* 4801. Nonapplicability of chapter 47.

The section shall not apply to this chapter.

* 4802. Securities and Exchange Commission

(1) In this section, the term 'Commission'

means the Securities and Exchange Commis-

sion.

(b) The Commission may appoint and fix

the compensation of such officers, attorneys,

economists, examiners, and other employees

as may be necessary for carrying out its

functions under the securities laws as def-

ined under section 3 of the Securities Ex-


(c) Rates of basic pay for all employees of the Commission may be set and adjusted by

the Commission without regard to the provi-
sions of chapter 51 or subchapter III of chap-
ter 55.

(d) The Commission may provide addi-
tional compensation and benefits to employ-
es of the Commission if the same type of

compensation or benefits are being pro-
vided by any agency referred to under any

section 1206 of the Financial Institutions Re-

form, Recovery, and Enforcement Act of 1989

(12 U.S.C. 1833b) or, if not then being pro-

vided, could be provided by such an agency

under applicable provisions of law, rule, or

regulation. In setting and adjusting the total

amount of compensation and benefits for em-

ployees, the Commission shall consult with,

and seek to maintain comparability with,

the agencies referred to under section 1206

of the Financial Institutions Reform, Recovery,

and Enforcement Act of 1989 (12 U.S.C. 1833b)

or, if not then being provided, could be pro-

vided by such an agency under applicable provi-
sions of law, the Commission may be set and adjusted by

the Commission without regard to the provi-
sions of chapter 51 or subchapter III of chap-
ter 55.

(e) The Commission shall consult with the

Office of Personnel Management in the im-
plementing of this section.

(f) This section shall be administered con-
sistent with merit system principles.

(b) EMPLOYEES REPRESENTED BY LABOR OR-

GANIZATIONS.—To the extent that any em-

ployee of the Securities and Exchange Com-

mission is represented by a labor organiza-

tion established and recognized under sub-

section (a), the employee shall be subject to

the standards of that labor organization.

(c) TECHNICAL AMENDMENTS.—

(1) AMENDMENTS TO TITLE 5, UNITED STATES

CODE.—(A) The section and subsections of

chapter 51, subchapter III of chapter 55, and

chapter 55C of title 5, United States Code, are

amended by adding the following:

"§ 5373. Plan and report

The Securities and Exchange Commis-

sion shall provide to the Congress a report
preparing a plan on the details of

Government employees.

"(b) INCLUSION IN ANNUAL PERFORMANCE PLAN AND REPORT.—The Securities and

Exchange Commission shall include—

(i) the plan developed under this para-

graph in the annual program performance

plan submitted under section 1115 of title 31, United States Code; and

(ii) the effects of implementing the plan
developed under this paragraph in the annual program performance report submitted under section 1116 of title 31, United States Code.

(2) IMPLEMENTATION REPORT.—

(A) IN GENERAL.—Before implementing the plan developed under paragraph (1), the Se-

curities and Exchange Commission shall sub-

mit to the Congress a report to the Govern-

mental Affairs and the Committee on Bank-

king, Housing, and Urban Affairs of the Sen-

ate, the Committee on Government Reform and the Committee on Financial Services of the House of Representatives, and the Office of Personnel Management on the details of the plan.

(B) CONTENT.—The report under this para-

graph shall include—

(i) evidence and supporting documentation justifying the plan; and

(ii) budgeting projections on costs and ben-

efits resulting from the plan.

(3) TECHNICAL AND CONFORMING AMEND-

MENTS.—

(1) AMENDMENTS TO TITLE 5, UNITED STATES

CODE.—(A) The tables of chapters for part III of title 5, United States Code, is amended by adding at the end of subpart C the following:

"48. Agency Personnel Demo-

stration Project 4801.."

(B) Section 3123(a)(1) of title 5, United States Code, is amended—

(i) in subparagraph (C), by striking "or" after the semicolon;

(ii) in subparagraph (D), by inserting "or" after the semicolon; and

(iii) by adding at the end the following:

"(E) the Securities and Exchange Commis-

sion;".

(C) Section 5373(a) of title 5, United States Code, is amended—

(i) in paragraph (2), by striking "or" after the semicolon;

(ii) in paragraph (3), by striking the period after the semicolon;

(iii) by adding at the end the following:

"(4) section 4802.".

(2) AMENDMENT TO SECURITIES AND EX-

CHANGE ACT OF 1934.—Section 4(d) of the Secu-
rities Exchange Act of 1934 (15 U.S.C. 78d) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) APPOINTMENT AND COMPENSATION.—The

Commission shall appoint and compensate

officers, attorneys, economists, examiners, and other employees in accordance with section 4802 of title 5, United States Code.

(2) REPORTING OF COSTS.—In establish-

ing and adjusting schedules of compensa-

tion and benefits for officers, attorneys, econ-

omists, examiners, and other employees of the Commission under applicable provi-
sions of law, the Commission shall inform the heads of the agencies referred to under section 1206 of the Financial Institutions Re-

form, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) of the amounts of compensation and benefits and shall seek to maintain comparability with such agencies regarding compensation and benefits.

(3) AMENDMENT TO FIRESEA OF 1989.—Section

1206 of the Financial Institutions Reform,

Recovery, and Enforcement Act of 1989 (12

U.S.C. 1833b) is amended by striking "the

Thrift Depository Protection Oversight Board of the Resolution Trust Corporation".
Mr. GRAMM. I ask unanimous consent that the amendments, en bloc, be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 142 and 143) were agreed to.

CONVENTIONAL USER FEES

Mr. GRASSLEY. I engage in a colloquy with the distinguished chairman of the Committee on Banking, Housing, and Urban Affairs, Senator GRAMM.

Tonight we will pass S. 143, the Competitive Market Supervision Act of 2001. This bill, which has been approved by the Banking Committee, reduces the schedule of Securities and Exchange Commission fees in a manner that properly conforms the structure of these fees to conventional user fees. If enacted, this bill ensures that these fees will be conventional user fees, not taxes, not generate general revenue, and therefore matters within the jurisdiction of the Banking Committee.

Mr. GRASSLEY. The distinguished Chairman of the Committee on finance is correct.

Mr. AKAKA. Mr. President, I too wish to express my appreciation to Senator GRAMM and Senator SARBANES for the good work they did with the Committee on Governmental Affairs to provide a new compensation system for employees at the Securities and Exchange Commission. I also wish to thank Senator THOMPSON, the chairman of the Governmental Affairs Committee, for his interest in this matter.

The Federal Government has a serious problem in attracting, motivating, and retaining its workforce, and the Committee on Governmental Affairs is no stranger to working with the Office of Personnel Management and Federal agencies in this regard. The Gramm-Thompson amendment will provide the SEC the flexibility it needs in personnel matters but also will ensure that the SEC employee statutory protections such as leave, health insurance and non-discrimination still apply.

Mr. THOMPSON. Mr. President, I thank the Chairman of the Banking Committee, Senator GRAMM, and the Ranking Member, Senator SARBANES, for their kind assistance in working with me and the other members of the Committee on Governmental Affairs, in crafting a fair and balanced solution to the current workforce needs of the Securities and Exchange Commission (SEC). Senators GRAMM, VONOVICH, COCHRAN, and I have drafted an amendment which permits the SEC to establish a new compensation system for its employees. This new system is to be patterned on the pay and compensation system established for other Federal banking agencies under section 1206 (a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. Agencies in trouble often come to the Government Affairs Committee seeking flexibility because they can’t get their job done under the current civil service system. Like most Federal agencies, the Securities and Exchange Commission has difficulty finding, hiring, and retaining the people with the right skills to do the jobs they need done. In these situations, I often ask, if flexibility is good for one agency, why shouldn’t we grant such flexibility governmentwide.

Clearly, flexibility is right for the Securities and Exchange Commission. At a very minimum, however, this legislation requires the SEC to plan strategically for the adoption of these flexibilities and report to us on the success of their implementation. We require that the SEC include its plans for these flexibilities in its annual performance plans and reports, required under the Government Performance and Results Act.

The Results Act requires agencies to adopt performance management principles—drafting a strategic plan, setting annual goals, and reporting to Congress on the extent to which they are meeting their goals. I applaud the SEC for their embracement of the performance management in the past. I am sure they will agree that this is an excellent mechanism with which the SEC can report on its progress in addressing its workforce problems.

Guidance set forth by the Office of Management and Budget requires that agencies include their human resource strategies in their annual performance plans. Specifically, this guidance requires that agencies include in their performance plan the specific workforce flexibilities they envision and their goals. This legislation will allow the SEC to take the lead in integrating workforce planning with their performance plan and report to Congress on the extent to which the flexibilities they were granted allowed them to better meet their goals.

Again, I thank Chairman GRAMM and Ranking Member SARBANES for their cooperation and support on this important amendment. We’ve crafted something that is a tremendous benefit to the Government as a whole, especially with respect to the workforce challenges that lie ahead.

Mr. GRAMM. I ask unanimous consent that the committee substitute, as amended, be agreed to; the bill, as amended, be read the third time and passed; and the motion to reconsider be laid upon the table and any statements related to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment, in the nature of a substitute, as amended, was agreed to.

The bill (S. 143), as amended, was read the third time and passed, as follows:

S. 143
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE. TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Competitive Market Supervision Act of 2001”.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Reduction in registration fee rates; elimination of general revenue component.
Sec. 3. Reduction in merger and tender fee rates; reclassification as offsetting collections.
Sec. 4. Reduction in transaction fee rates; elimination of general revenue component.
Sec. 5. Adjustments to fee rates.
Sec. 6. Comparability provisions.
Sec. 7. Study of the effect of fee reductions.
Sec. 8. Effective date.

SEC. 2. REDUCTION IN REGISTRATION FEE RATES; ELIMINATION OF GENERAL REVENUE COMPONENT.

(a) SECURITIES ACT OF 1933.—Section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) is amended—

(1) by striking paragraph (2) and inserting the following:

“(2) FEE PAYMENT REQUIRED.—At the time of filing a registration statement, the applicant shall pay to the Commission a fee that shall be equal to the amount determined under the rate established by paragraph (3). The Commission shall send a Federal Register notice of the fee rate applicable under this section for each fiscal year.”;

(2) by striking paragraph (3);

(3) by redesigning paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(4) in paragraph (3), as redesignated—

(A) by striking subparagraph (A) and inserting the following:

“(A) In general.—Except as provided in subparagraphs (B) and (C), the rate determined under this paragraph is a rate equal to the following amount per $1,000,000 of the maximum aggregate price at which the securities are proposed to be offered:

(i) $67 for each of fiscal years 2002 through 2006.

(ii) $33 for fiscal year 2007 and each fiscal year thereafter.”; and

(B) in subparagraph (B), by striking “this paragraph (4)” and inserting “this paragraph”;

(5) by striking paragraph (4), as redesignated, and inserting the following:

“(4) PRO RATA APPLICATION OF RATE.—The rate required by this subsection shall be applied pro rata to amounts and balances equal to or less than $1,000,000

(b) TRUST INDENTURE ACT OF 1939.—Section 307(b) of the Trust Indenture Act of 1939 (15 U.S.C. 77q(b)) is amended by striking “5” and inserting “6” in the case of”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Reduction in registration fee rates; elimination of general revenue component.
Sec. 3. Reduction in merger and tender fee rates; reclassification as offsetting collections.
Sec. 4. Reduction in transaction fee rates; elimination of general revenue component.
Sec. 5. Adjustments to fee rates.
Sec. 6. Comparability provisions.
Sec. 7. Study of the effect of fee reductions.
Sec. 8. Effective date.

SEC. 3. REDUCTION IN MERGER AND TENDER FEE RATES; RECLASSIFICATION AS OFFSETTING COLLECTIONS.

(a) SECTION 13.—Section 13(e)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e)(3)) is amended to read as follows:

“(3) FEES.—

“(A) IN GENERAL.—At the time of the filing of any statement that the Commission may require by rule pursuant to paragraph (1), the person making the filing shall pay to the Commission a fee equal to

(i) $67 for each $1,000,000 of the value of the securities proposed to be purchased, for each of fiscal years 2002 through 2006; and

(ii) $33 for each $1,000,000 of the value of the securities proposed to be purchased, for fiscal years 2007 and each fiscal year thereafter.

“(B) REDUCTION.—The fee required by this paragraph shall be reduced with respect to securities in an amount equal to any fee paid with respect to any work done in connection with the proposed transaction under section 6(b) of the Securities Act of 1933, or
the fee paid under that section shall be reduced in an amount equal to the fee paid to the Commission in connection with such transaction under this paragraph.

"(C) LIMITATION.—Except as provided in subparagraph (D), no amounts shall be collected pursuant to this paragraph for any fiscal year, except to the extent provided in advance in appropriations Acts.

"(D) Lapse of Appropriations.—If, on the first day of a fiscal year, a regular appropriation has not been enacted for that fiscal year, the Commission shall continue to collect fees (as offsetting collections) under this paragraph at the rate in effect during the preceding fiscal year, until such a regular appropriation is enacted.

"(E) Pro Rata Application of Rate.—The rate required by this paragraph shall be applied pro rata to amounts and balances equal to or less than $1,000,000.

"(2) Other Filings.—Section 14(g)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78n(g)(3)) is amended—

(A) by striking "At the time" and inserting the following: "Other Filings.—"

(B) by striking "at the time" and all that follows through "the fee" and inserting the following: "the Commission a fee equal to—"

(1) $67 for each $1,000,000 of the aggregate amount of cash or of the value of securities or other property proposed to be offered, for each fiscal year 2006 and

(ii) $33 for each $1,000,000 of the aggregate amount of cash or of the value of securities or other property proposed to be offered, for fiscal year 2007 and each fiscal year thereafter.

"(B) Reduction.—The fee required under subparagraph (A) and—

(C) by adding at the end the following:

"(C) LIMITATION; DEPOSIT OF FEES.—"

"(i) LIMITATION.—Except as provided in subparagraph (D), no amounts shall be collected pursuant to this paragraph for any fiscal year, except to the extent provided in advance in appropriations Acts.

"(ii) DEPOSIT OF FEES.—"Fees collected during any fiscal year pursuant to this paragraph shall be deposited and credited as offsetting collections in accordance with appropriations Acts.

"(D) Lapse of Appropriations.—If, on the first day of a fiscal year, a regular appropriation to the Commission has not been enacted for that fiscal year, the Commission shall, subject to such a regular appropriation, be

"(1) continue to collect fees (as offsetting collections) under subsection (b) at the rate in effect during the preceding fiscal year, until such a regular appropriation is enacted.

"(E) Pro Rata Application of Rate.—The rate required by this paragraph shall be applied pro rata to amounts and balances equal to or less than $1,000,000.

"(3) SEC. 4. REDUCTION IN TRANSACTION FEES; ELIMINATION OF GENERAL REVENU COMPONENT.


(1) by striking subsections (b) through (d) and inserting the following:

"(b) TRANSACTION FEES.—"

(1) in GENERAL.—Each national securities exchange and national securities association shall pay to the Commission a fee at a rate equal to the transaction offsetting collection rate described in paragraph (2) of the aggregate dollar amount of sales of securities (other than bonds, debentures, other evidences of indebtedness, and security futures products) under subsection (e)(1) and (2) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(e)(1) and (2)) and on a monthly basis after submission of its initial report under subsection (e)(1) and on a monthly basis thereafter, project the aggregate amount of fees and assessments from all sources likely to be collected by the Commission during the current fiscal year.

(2) Submission of Information.—Each national securities exchange and national securities association shall file with the Commission, not later than 10 days after the end of each month—

(A) an estimate of the fee and the assessment required to be paid pursuant to section 31 of the Securities Exchange Act of 1934 by such national securities exchange or national securities association for transactions and sales occurring during that month; and

(B) such other information and documents as the Commission may require, as necessary or appropriate to project the aggregate amount of fees and assessments pursuant to paragraphs (A) and (B) of subsection (d) of section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78s(e)(1)).
of the first half of the fiscal year, the Commission projects under subsection (a) that the aggregate amount of fees and assessments collected by the Commission will, during that fiscal year, fall below an amount equal to the floor for total fee and assessment collections, the Commission may, by order, after notice and a hearing, increase the fee rate established under section 31(b)(2) of the Securities Exchange Act of 1934, to the extent necessary to bring estimated collections to an amount that is not more than 110 percent of the cap on total fee collections. Such decrease or suspension shall apply only to transactions and sales occurring on or after the effective date specified in such order for transactions and sales occurring prior to the effective date of such order. In exercising its authority under this subsection, the Commission shall take into account the provisions of section 533 of title 5, United States Code.

(c) TOTAL FEE AND ASSESSMENT COLLECTIONS.—If, at any time after the end of the first half of the fiscal year, the Commission projects under subsection (a) that the aggregate amount of fees and assessments collected by the Commission will exceed the floor on total fee and assessment collections by more than 10 percent during any fiscal year, the Commission shall, by order, subject to subsection (e), decrease the fee rate established under paragraph (2) of section 31(b) of the Securities Exchange Act of 1934, or suspend collection of fees under that section, to the extent necessary to bring estimated collections to an amount that is not more than 110 percent of the cap on total fee collections. Such decrease or suspension shall apply only to transactions and sales occurring on or after the effective date specified in such order for transactions and sales occurring prior to the effective date of such order. In exercising its authority under this subsection, the Commission shall take into account the provisions of section 533 of title 5, United States Code.

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

(1) the term "floor for total fee and assessment collections" means the greater of—

(A) the total amount appropriated to the Commission for fiscal year 2002 (adjusted annually, based on the annual percentage change, if any, in the Consumer Price Index for all urban consumers, as published by the Department of Labor); or

(B) the amount authorized for the Commission pursuant to section 35 of the Securities Exchange Act of 1934 (15 U.S.C. 78kk), if applicable; and

(2) the term "cap on total fee collections" means—

(A) for fiscal years 2002 through 2012, the baseline amount for aggregate offsetting collections for such fiscal year under section 6(b) of the Securities Act of 1933 and section 31 of the Securities Exchange Act of 1934 projected for such fiscal year by the Congressional Budget Office pursuant to section 257 of the Balanced Budget and Emergency Deficit Control Reconciliation Act of 1985, and

(B) for fiscal years 2012 and thereafter, the amount authorized for the Commission pursuant to section 35 of the Securities Exchange Act of 1934 (15 U.S.C. 78kk).

(e) REPORTS TO CONGRESS; JUDICIAL REVIEW; NOTICE.—

(1) INITIAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Commission shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives to explain the methodology used by the Commission to make projections under subsection (a) for such fiscal year and subsequent fiscal years.

(2) JUDICIAL REVIEW; REPORTS OF INTENT TO ACT.—The determinations made and the actions taken by the Commission under this subsection shall not be subject to judicial review. Not later than 45 days before taking any action under subsection (c), the Commission shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on revisions to the methodology used by the Commission to make projections under subsection (a) for such fiscal year and subsequent fiscal years.

(3) NOTICE.—Not later than 30 days before taking any action under subsection (c), the Commission shall notify each national securities exchange and national securities association of its intent to take such action.

SEC. 4. COMMISSION PROMULGATION OF PROVISIONS.

(a) COMMISSION DEMONSTRATION PROJECT.—Subpart C of part III of title 5, United States Code, is amended by adding at the end the following:

"CHAPTER 48—AGENCY PERSONNEL DEMONSTRATION PROJECT

"§ 4801. Nonapplicability of chapter 47.

"4801. Nonapplicability of chapter 47.

"Chapter 47 shall not apply to this chapter.


"(a) In this section, the term 'Commission' means the Securities and Exchange Commission.

"(b) The Commission may appoint and fix the compensation of such officers, attorneys, economists, examiners, and other employees as may be necessary for carrying out its functions under the securities laws as defined under section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

"(c) Rates of basic pay for all employees of the Commission may be set and adjusted by the Commission without regard to the provisions of chapter 51 or subchapter III of chapter 53.

"(d) The Commission may provide additional compensation and benefits for employees of the Commission if the same type of compensation or benefits are then being provided by any agency referred to under section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1831b) or, if not then being provided, could be provided by such an agency under applicable provisions of law, rule, or regulation. In setting and adjusting the total amount of compensation and benefits for employees, the Commission shall consult with, and consider the views of, any other employees of such agencies referred to under section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1831b), and shall consult with the Office of Personnel Management in the implementation of this section.

"(e) This section shall be administered consistent with merit system principles."

(b) EMPLOYEES REPRESENTED BY LABOR ORGANIZATIONS.—To the extent that any employees of the Securities and Exchange Commission are represented by a labor organization, each such employee shall be made by reason of enactment of this section (including the amendments made by this section).

(b) COMMISSION DEMONSTRATION AND REPORT.—

(1) IMPLEMENTATION PLAN.—

(A) IN GENERAL.—The Securities and Exchange Commission shall include—

(i) the plan developed under this paragraph in the annual program performance plan submitted under section 1115 of title 31, United States Code; and

(ii) the effects of implementing the plan developed under this paragraph in the annual performance plan submitted under section 1116 of title 31, United States Code.

(2) IMPLEMENTATION REPORT.—

(A) IN GENERAL.—Implementing the plan developed under paragraph (1), the Securities and Exchange Commission shall submit a report to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Government Reform and the Committee on Financial Services of the House of Representatives, and the Office of Personnel Management on the details of the plan.

(B) CONTENT.—The report under this paragraph shall include—

(i) evidence and supporting documentation justifying the plan; and

(ii) budgeting projections on costs and benefits resulting from the plan.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO TITLE 5, UNITED STATES CODE.—

(A) The table of chapters for part III of title 5, United States Code, is amended by adding at the end of subpart C the following: 28. Agency Personnel Demonstration Project—§ 4801.

(B) Section 3132(a)(1) of title 5, United States Code, is amended—

(i) in subparagraph (C), by striking "or" after the semicolon;

(ii) in subparagraph (D), by inserting "or" after the semicolon; and

(iii) by adding at the end the following: "(e) the Securities and Exchange Commission.

(C) Section 3573(a) of title 5, United States Code, is amended—

(i) in paragraph (2), by striking "or" after the semicolon;

(ii) in paragraph (3), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following: "(4) section 4802.".

(2) AMENDMENT TO SECURITIES AND EXCHANGE ACT OF 1934.—Section 4(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78b(b)) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) APPOINTMENT AND COMPENSATION.—The Commission shall appoint and compensate officers, attorneys, economists, examiners, and other employees in accordance with section 4802 of title 5, United States Code.

(2) ESTABLISHING AND ADJUSTING SCHEDULES OF COMPENSATION AND BENEFITS.—(A) The Commission shall establish and adjust the salaries and other compensation to be paid to employees under chapter 47 of title 5, United States Code, in accordance with section 4802 of title 5, United States Code."

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economists, examiners, and other employees of the Commission under applicable provisions of law, the Commission shall inform the heads of the agencies referred to under section 1333 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) and Congress of such compensation and benefits and shall seek to maintain with such agencies regarding compensation and benefits.”.

(3) Amendment to FERFA of 1989.—Section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) is amended by striking “the Thrift Depositor Protection Oversight Board of the Resolution Trust Corporation”.

SEC. 7. STUDY OF THE EFFECT OF FEE REDUCTIONS.

(a) Study.—The Office of Economic Analysis of the Securities and Exchange Commission (hereinafter referred to as the “Office”) shall conduct a study of the extent to which the benefits of reductions in fees effected as a result of this Act are passed on to investors.

(b) Factors for Consideration.—In conducting the study under subsection (a), the Office shall—

(1) consider all of the various elements of the securities industry directly and indirectly benefiting from the fee reductions, including purchasers and sellers of securities, members of national securities exchanges, issuers, broker-dealers, underwriters, participants in investment companies, funds, options, and other types of investors;

(2) evaluate the impact on different types of investors, such as individual equity holders, individual investment company shareholders, businesses, and other types of investors;

(3) include in the interpretation of the term “investor” shareholders of entities subject to fee reductions; and

(4) consider the economic benefits to investors flowing from the fee reductions to include such factors as market efficiency, expansion of investment opportunities, and enhanced liquidity and capital formation.

(c) Report to Congress.—Not later than 2 years after the date of enactment of this Act, the Securities and Exchange Commission shall submit to the Congress the report prepared by the Office on the results of the study conducted under subsection (a).

SEC. 8. EFFECTIVE DATE.

(a) In General.—Subject to subsection (b), this Act and the amendments made by this Act shall take effect on the date of enactment.

(b) Exceptions.—The authorities provided by section 13(e)(3)(D), section 14(g)(1)(D), section 14(g)(3)(D), and section 31(d) of the Securities Exchange Act of 1934, as so designated by this Act, shall not apply until October 1, 2002.

NATIONAL SAFE PLACE WEEK

Mr. GRAMM. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 25, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The senior assistant bill clerk read as follows:

A resolution (S. Res. 25) designating the week beginning March 18, 2001, as “National Safe Place Week” and

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRAMM. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 25) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 25

Whereas today’s youth are vital to the preservation of our country and will be the future bearers of the bright torch of democracy;

Whereas youth need a safe haven from various negative influences such as child abuse, substance abuse and crime, and they need to have resources readily available to assist them when faced with circumstances that compromise their safety;

Whereas the United States needs increased numbers of community volunteers acting as positive influences on the Nation’s youth;

Whereas the Office is committed to protecting our Nation’s most valuable asset, our youth, by offering short term “safe places” at neighborhood locations where trained volunteers are available to counsel and advise youth seeking assistance and guidance;

Whereas Safe Place combines the efforts of the private, public, and non-profit organizations uniting to reach youth in the early stages of crisis;

Whereas Safe Place provides a direct means to assure programs in meeting performance standards relative to outreach/community relations, as set forth in the Federal Runaway and Homeless Youth Act guidelines;

Whereas the Safe Place placard displayed at businesses within communities stands as a beacon of safety and refuge to at-risk youth;

Whereas over 500 communities in 32 States and more than 9,000 locations have established Safe Place programs;

Whereas over 47,000 young people have gone to Safe Place locations to get help when faced with crisis situations;

Whereas through the efforts of Safe Place coordinators across the country each year more than one-half million students learn that Safe Place is a resource if abusive or neglectful situations exist; and

Whereas increasing the awareness of the program’s existence will encourage communities to establish Safe Places for the Nation’s youth throughout the country: Now, therefore, be it

Resolved, That the Senate—

(1) proclaims the week of March 18 through March 24, 2001 as “National Safe Place Weekend” and

(2) requests that the President issue a proclamation calling upon the people of the United States to participate in the Safe Place programs, and to observe the week with appropriate ceremonies and activities.

Mr. CRAIG. Mr. President, children are our most valuable resource. Youth are the future of this Nation and a resource that needs to be both valued and protected. Sadly, however, as my colleagues know, this precious resource is being threatened every day.

I come to the Senate floor today to talk about a tremendous initiative that has been reaching out to youth since 1983. Project Safe Place is a program that was developed to assist youth and families in crisis. It creates a network of private businesses who are trained to refer youth in need to the local service providers who can help them. Those businesses display a Safe Place sign so that young people know this is a place where they can go to receive help.

The goal of National Safe Place Week is to recognize those individuals who work to make Project Safe Place a reality. From trained volunteers to sea-soned professionals, all dedicated individuals are working together within their local communities and across the nation to serve young people, under a well-known symbol of safety for in-crisis youth.

Project Safe Place is a simple program to implement in any local community, and it works. Young people are much more likely to ask for help in a location that is familiar and non-threatening to them. By creating a network of Safe Place sites across the nation, all youth would have access, through this nonthreatening resource, to needed help, counseling, or a safe place to stay. However, while the program has already been established in 32 States, there are still too many communities without this valuable youth resource.

If your State does not already have a Safe Place organization, please consider facilitating this worthwhile resource. To create more Project Safe Place sites in Idaho, the staff in three of my state offices have gone through the training to make them all Safe Place sites, and now have the skills and ability to assist troubled youth.

I am delighted that the U.S. Senate has passed Senate Resolution 25, designating the week of March 18–24, 2001 as National Safe Place Week. This action recognizes the importance of Project Safe Place and the work of the National Project Safe Place organization. Most important, the Senate is applauding the tireless efforts of the thousands of dedicated volunteers across the nation for their many contributions to the youth of our nation through Project Safe Place.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, MARCH 23, 2001

Mr. GRAMM. Mr. President, I ask unanimous consent that when the Senate completes its business today it adjourn until the hour of 8:45 a.m. on Friday, March 23. I further ask unanimous consent that on Friday, immediately
following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin the pending Helms amendment and there be 15 minutes for closing remarks, as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

**PROGRAM**

Mr. GRAMM. For the information of all Senators, the Senate will conduct a rollcall vote at 9 a.m. on Friday. Other amendments are expected to be offered during Friday’s session.

On Monday at 2 p.m., the Senate will consider Senator Hollings constitutional amendment relating to elections. There will be debate throughout the day, with a vote scheduled to occur at 6 p.m. Further votes can be expected to occur following that vote at 6 p.m. on Monday.

**ADJOURNMENT UNTIL 8:45 A.M. TOMORROW**

Mr. GRAMM. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:41 p.m., adjourned until Friday, March 23, 2001, at 8:45 a.m.

**NOMINATIONS**

Executive nominations received by the Senate March 22, 2001:

- **DEPARTMENT OF COMMERCE**
  - Faryar Shreud, of Virginia, to be an Assistant Secretary of Commerce, Vice T. Hamilton Cobb, Resigned.
  - Michelle A. Davis, of Virginia, to be an Assistant Secretary of the Treasury, Vice Michelle Andrews Smith, Resigned.

- **UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT**
  - Andrew S. Natso, of Massachusetts, to be Administrator of the United States Agency for International Development, Vice J. Bradley Anderson, Resigned.

- **DEPARTMENT OF JUSTICE**
  - Larry D. Thompson, of Georgia, to be Deputy Attorney General, Vice Eric H. Holder, Jr.

- **DEPARTMENT OF VETERANS AFFAIRS**
  - Tom A. McClain, of California, to be General Counsel, Department of Veterans Affairs, Vice Leigh A. Bradley, Resigned.

**IN THE COAST GUARD**

The following named officers to appointment in the United States Coast Guard to the grade indicated in the United States Coast Guard Under Title 14, U.S.C., Section 271:

- Rear Adm. (LHJ) David R. Nicholson, 0000
- Rear Adm. (LH) Ronald F. Silva, 0000

The following named officers for appointment to the grade indicated in the United States Coast Guard Under Title 14, U.S.C., Section 271:

- To be lieutenant commander
  - Benjamin A. Baucus, 0000
  - David E. Reck, 0000

**IN THE AIR FORCE**

The following named officers for appointment in the United States Air Force to the grade indicated in Title 10, U.S.C., Section 624:
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<td>COL. WILLIAM P. ARD.</td>
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KAZAKHSTAN SHOULD RELEASE OPPOSITION POLITICAL PRISONERS

HON. ILEANA ROS-LEHTINEN
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2001

Ms. ROS-LEHTINEN. Mr. Speaker, on March 7, I chaired a hearing of the International Relations Committee’s Subcommittee on International Operations and Human Rights on the Department of State’s annual report on human rights for the year 2000. In the section on Kazakhstan, the report states that the Government’s human rights record remained poor and that “serious problems remain.”

The report discusses one specific situation that concerns me greatly. In the section on “Arbitrary Arrest, Detention, or Exile,” the report points out that two security agents who had served as bodyguards to Akezhan Kazhegedin, the exiled leader of the main opposition party and a former Prime Minister, were sentenced a year ago to 3½ years in gulag-style prison where they are vulnerable to mistreatment by both prison officials and fellow inmates. Their names are Pyotr Afanasenko and Satzhan Ibrayev.

As stated in the Department of State’s report—referring to the Organization for Security and Cooperation in Europe (OSCE) and to international and domestic observers, their arrest was politically motivated. As a member of the OSCE, Kazakhstan should reverse what is a conviction for political reasons and imprisonment under conditions that violate the Criminal Code of Kazakhstan.

If, as it claims, the Government of Kazakhstan is truly paying more attention to human rights, then these two political prisoners, whose very lives are in danger, should be released. In the meantime, they should be removed from the general prison population and placed in a separate facility as provided under the Criminal Corrections Code of Kazakhstan.

I call upon the government of Kazakhstan to do just that.

HON. MARTIN FROST
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2001

Mr. FROST. Mr. Speaker, I would like to recognize and congratulate the Fort Worth Area Habitat for Humanity for its efforts in transforming a neglected neighborhood into an area people are proud to call home.

The Fort Worth Area Habitat for Humanity should be honored for building 27 modest wood-framed homes in the 45-block area last year and a total of 100 homes over the last nine years. This has provided the opportunity for renters to become first-time homebuyers who may not have the opportunity to do so otherwise. This group will also be recognized as a standout affiliate at the National Habitual Conference this April in Florida.

I would also like to acknowledge Rev. Howard Caver of the World Missionary Baptist Church. His 70-member congregation raised funding for the group and put forth manpower in building the first half-dozen houses. The partnership between Missionary Baptist Church and the Fort Worth Area Habitat for Humanity has been very successful and has provided the community a great service.

The Fort Worth Area Habitat for Humanity efforts and accomplishments does not stop at 100 houses. They plan to build 30 more houses this year. This is not an easy task, with finding available land and selecting families to live in the houses are among the group’s toughest obstacles. However, the group expects this to be their best year yet and I have no doubt it will be.

Once again, I am very proud to see the honorable work being accomplished in my district. The Fort Worth Area Habitat for Humanity has made so much progress in such a short amount of time and is continuing to contribute countless charitable hours. Thank you for everything you’ve done for the district, your work is appreciated.

THE RETIREMENT OF SHELLY LIVINGSTON

HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2001

Mr. LANTOS. Mr. Speaker, I would like to take the opportunity to make note of the retirement of long-time House International Relations Committee staff member, Shelly Livingston.

Shelly started with the Committee in 1974 and in 1980 assumed the job of Budget/Financial Administrator, in which she developed the committee’s budget requests and generally oversaw all aspects of the committee’s finances. No matter how busy or pressured Shelly was, often working under tight deadlines, she always found the time to respond to the innumerable questions and requests of Members and staff with competence and good humor.

There is no question that Shelly will be greatly missed by her many friends on the committee staff and throughout the Hill. On behalf of all, I want to thank Shelly for her professionalism, discretion, and kindness throughout her years with us.

I hope Shelly will carry our affection with her as she begins her retirement. I have no doubt she will add to her many accomplishments as she pursues her interests in the years to come.

TRIBUTE TO THE FORT WORTH AREA HABITAT FOR HUMANITY

HON. MARTIN FROST
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2001

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SCRAPPING MINING RULES WOULD BE A SERIOUS MISTAKE

HON. MARK UDALL
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2001

Mr. UDALL of Colorado. Mr. Speaker, there is an old saying that experience is what enables you to recognize a mistake when you make it again.

If that’s true, then the Bush Administration may be demonstrating its experience by repeating—for at least the third time—the serious mistake of lessening the protection of the environment.

The first mistake was to break a promise that the Administration would work to reduce emissions of carbon dioxide. The second was to move to weaken the protection of drinking water from the risk of arsenic. And now it looks like there will be a third mistake, this time to weaken the regulation of mining on the public lands.

Yesterday, the Bureau of Land Management (BLM) announced that it will act to suspend recently-adopted regulations to limit adverse effects of mining on these lands, which are the property of all the American people. The announcement indicated that BLM would take public comments for 45 days, and then decide whether to replace these new regulations with prior regulations first adopted two decades ago.

I understand why the new administration might want to review these new rules—but I hope that it will not make the mistake of simply trying to turn back the clock.

And, as an editorial in today’s Denver Post noted, if the Bush Administration overrules these rules, it would be “committing the very mistake for which it eviscerated the Clinton regime: running roughshod over legitimate concerns of Western communities and putting the federal treasury at risk.

In Colorado, we understand the importance of mining—but we are also very aware of the damage that unregulated or careless mining can bring. From the 19th century’s mineral rushes we have inherited a rich lore of history—and miles of poisoned streams and scarred slopes.

And the dangers remain, even though the modern mining industry is more regulated and much more responsible. So, the Bush Administration should proceed with caution, and avoid repeating the past mistakes of overly-lax safeguards against those dangers.

For the information of our colleagues, Mr. Speaker, I am attaching the Denver Post’s editorial on this subject:

MINING MISTAKE REDUX

MAR. 22, 2001.—The Bush administration wants to toss out important rules about mining on public lands, thereby committing the

This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
very mistake for which it eviscerated the Clinton regime: running roughshod over legitimate concerns of Western communities and putting the federal treasury at risk.

A decade ago, during the return of George H.W. Bush, the U.S. Bureau of Land Management tried to revamp environmental rules and financial accountability standards for hard-rock mining on public property. But the effort got sidelined while Congress debated major changes to the underlying federal statute. After the congressional push stalled in 1997, then-U.S. Interior Secretary Bruce Babbitt started a formal process to modernize the mining rules.

The rules were written in 1980, just before technological changes revolutionized the modern mining business. The old rules simply didn’t reflect the new realities—each time a place would be akin to regulating jet airliners based on the concept of horse-drawn wagons.

The tough administrative process took four years, generated 550 pages of public comments and survived several congressional attempts to scuttle the effort. So while the rules took effect just before President Clinton left office, they’d be in the works for years and had been thoroughly and publicly discussed.

Despite the hyperbolic complaints leveled by partisans of the new regulations won’t prevent mining on public land. Instead, they just fixed glaring problems.

For decades, the BLM said it couldn’t block any mining on public land, even if the mine would cause social or environmental harm. Near Yarnell, Ariz., for instance, a proposed mine would have opened within drinking distance of a town. People would have had to evacuate their homes during blasting, and would have suffered from mine dust, noise and other problems. Yet under the 1980 rules, BLM couldn’t either stop it or do anything to help.

Moreover, the old rules left taxpayers liable for cleaning up environmental messes. The poster child for all mining fiascos is Summitville in southwestern Colorado, where in the early 1990s poisons from a bankrupt mine devastated the Río Grande’s high altitude headwaters. But other states have suffered, too. Nevada alone has 36 bankrupt mine sites—all recent, modern operations—where taxpayers have been left footing the environmental clean up bill. By contrast, the Clinton-era rules require miners to put up adequate bonds, so if the companies go bankrupt, taxpayers won’t get stuck with the tab.

Yet the Bush administration’s announcement Tuesday indicates that the BLM may retreat to the old way of doing business. It’s hypocritical for the Bush team to pretend it can provide more thought and public input on the matter in just a 45-day comment period than the issue received during four years of intense administrative and congressional debate.

TRIBUTE TO STATE COMMANDER RONALD L. AMEND

HON. JAMES A. BARCIA
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2001

Mr. BARCIA. I wish today, Mr. Speaker, to pay tribute to State Commander Ronald L. Amend, for his many years of devoted service to his country in the United States Air Force and as a member of Veterans of Foreign Wars, Department of Michigan.

As a life member of VFW Post 7486 in Fairgrove, Michigan, Ron has worked on behalf of veterans and their families since he first joined the organization after tours of duty with the Air Force in Vietnam and assignment at Fairchild Air Force Base near Spokane, Washington. His focused attention to duty and lead-by-example approach has provided greatly needed assistance to veterans throughout the state and has helped to ensure that their sacrifices on and off the field of battle are honored by all citizens.

Ron has always given a full measure of his time and talents in all his undertakings. He has earned a reputation for turning difficult missions into successful endeavors wherever he has gone. As an Air Force enlisted man, as a veterans’ advocate, as a father and husband, as a 29-year employee of Delphi Saginaw Steering Systems and as a long-time resident of Reese, Michigan, Ron has used his great skills to benefit others. While he has earned many awards and decorations during his military service and with the Veterans of Foreign Wars organization, Ron has always done his job without seeking glory or personal gain. His work stands as a model for all citizens now and for all time. Indeed, Ron’s colleagues in the Veterans of Foreign Wars have long been aware of his significant contributions. He has held many positions with the organization, including Post Commander and becoming an All-American District Commander.

Like many success stories, Ron’s many achievements have been the product of his own hard work coupled with the loving support of his wife of 27 years, Sandi, and his children, Ross and Kari. Ron is quick to recognize that he could never have accomplished all that he has done without the love of his family.

I ask my colleagues to join me in expressing gratitude to State Commander Ronald L. Amend for his outstanding service and wish him continued success in safeguarding the future and attending to the needs of fellow veterans everywhere.

CELEBRATING GREEK INDEPENDENCE DAY

SPEECH OF
HON. MIKE MCINTYRE
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 20, 2001

Mr. MCINTYRE. Mr. Speaker, I rise today to honor the nation of Greece and recognize Americans of Greek descent in celebration of Greek Independence Day. Their spirit and determination throughout history has been an inspiration to us all.

Throughout nearly four hundred years of Ottoman oppression, the Greeks maintained a unique cultural heritage. Toward the end of the Turkish occupation, this rich heritage instilled a new sense of nationalism in the Greek people. The ancient Greek ideal of freedom influenced them as well, and on March 25, 1821, they began a revolution that would eventually result in their liberty. This new independence was a victory not only for the Greeks but also for democracy.

The history and culture of the Greeks have had a profound effect on the United States. The democratic values of the ancient Greeks encouraged our own revolution and inspired the development of our government. More recently, Greece has been a dependable ally, providing its support and friendship. In addition, Greek Americans continually benefit this nation, blessing us with their strong work ethic and distinctive culture.

My fellow colleagues, please join me in congratulating Greece and its people on one hundred eighty years of independence.

VETERANS NATIONAL CEMETERY IN NORTH FLORIDA

HON. CLIFF STEARNS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2001

Mr. STEARNS. Mr. Speaker, Florida’s veterans population is the largest in the nation second only to California.

When I introduced legislation in the 104th to designate 1,500 acres of Cecil Field for a veterans cemetery, the veteran populations of the Florida and Georgia counties was 314,180. Today, that number is 451,127. The Florida Department of Veterans Affairs and the Georgia Department of Veterans Affairs provided this information. That represents a significant increase in the number of veterans living in this region. So, in just five or six years we have about 137,000 more veterans living in this region.

The nearest “open” VA cemetery serving the northeast Florida and southern Georgia veteran community catchment area is located in Bushnell, Florida, which is a three-hour drive from Jacksonville. An existing national cemetery in St. Augustine is full. The next closest in proximity is to be found in Marietta, Georgia just north of Atlanta.

I hope my colleagues, especially my fellow Floridians, will join me and Representative ANDER CRENSHAW in our efforts to get a national cemetery in the Jacksonville metropolitan area.

PRINTING REVISED UPDATED VERSION OF “BLACK AMERICANS IN CONGRESS, 1870-1989”

SPEECH OF
HON. ALCEE L. HASTINGS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2001

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in strong support of H. Con. Res. 43. This legislation would support the authorizing and printing of a revised and updated version of the House document “Black Americans in Congress.”

The document delivers an abundance of information on the accomplishments of African Americans who served as members of Congress from 1870–1989 as well as updates the current status of African Americans in Congress. It highlights African American involvement in politics during historic periods such as the Reconstruction Era and the fight for civil rights during the Civil Rights Movement.

“Black Americans in Congress” is important because it explains how over the past 12
years there have been African American members of Congress who have compelling stories that should be told. There are African American members of Congress that are lawyers, doctors, teachers, librarians and farmers, all of whom have very distinguished backgrounds whose lives are worth noting and should be embraced by the U.S. House of Representatives.

I support the revision of this document because it is a dynamic tool in building a path of knowledge respecting the struggles, victories and losses of black politicians throughout America’s history. This resolution will continue to document African American representation in Washington and will assist African Americans in becoming more informed about and more active in national politics.

Mr. Speaker, I urge that the House document, “Black Americans in Congress” be revised so that the history and insight of the political process and the roles that black elected officials have played will have a permanent place in America’s political memory and future.

IN RECOGNITION OF THE WINNERS OF THE ELENA MEDEROS AWARD AND THE OUTSTANDING ACHIEVEMENT AWARD

HON. ROBERT MENENDEZ
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 22, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Judge Lilia A. Muñoz, Claudia L. Moreno, and Julia Valdivia, winners of the Elena Mederos Award, and Sandy Acosta, winner of the Outstanding Achievement Award. On March 25, 2001, the National Association of Cuban-American Women will honor these outstanding women for their great contributions to the Hispanic Community.

Sponsored by the National Association of Cuban-American Women, the Elena Mederos Award was instituted in memory of Dr. Elena Mederos (1900–81), who is considered the most prominent Cuban woman of the Twentieth Century.

Born in Cuba, Judge Lilia L. Muñoz is currently the Chief Municipal Court Judge in Union City, New Jersey, and has made history in becoming the first Hispanic woman to serve in that capacity. She was also the first Hispanic President of the Hudson County Bar Association. Judge Muñoz served as the municipal prosecutor for the Town of West New York from 1997 to 2000, and also served there as the prosecutor for the Alcohol Beverage Control Board. She currently serves on the Character Committee for the Board of Bar Examiners and as a Trustee for the Hudson County Legal Services Corporation.

Professor Claudia L. Moreno is a resident of Weehawken, New Jersey. She is currently an Assistant Professor at Columbia University School of Social Work. Professor Moreno serves as a Grant Reviewer for the Administration for Children, Youth and Families under the United States Department of Health and Human Services, Discretionary Grants Program. She is also a consultant with the Parent’s Support Group of the New Center For Outreach and Services for the Autism Community.

Born in Cuba, Julia Valdivia earned a Master’s Degree in Education from the University of La Havana. In 1974, Union City hired Ms. Valdivia to perform outreach to the growing Hispanic community. While serving the Hispanic community, she focused on immigrants new to Hudson County and provided them with essential information regarding housing, employment, education, and business opportunities. She has four Mayors of Union City, and has become one of the most powerful community activists in the city. Ms. Valdivia helped found the Alliance Civic Association, which helps Hispanic community leaders attain public office. In this past election, she was the only Hispanic in the State of New Jersey selected to be a delegate to the Electoral College.

Ms. Acosta is completing a Master’s Degree in International Affairs concentrating on International Politics at American University. In 1998, she earned a Bachelor’s Degree in International Relations from Florida International University. She currently serves as the assistant to the Executive Director of the Lawyers Committee for Human Rights in Washington, D.C. Ms. Acosta has served as an intern with Senator Bob Graham and at Freedman House and the Center for a Free Cuba.

Today, I ask my colleagues to join me in recognizing these four outstanding women for their great contributions to the Hispanic Community.

A TRIBUTE TO AACI

HON. ZOE LOFGREN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 22, 2001

Ms. LOFGREN. Mr. Speaker, I rise to congratulate Asian Americans for Community Involvement (AACI), which is celebrating 28 years of service to the people of Santa Clara County. Asian Americans for Community Involvement is the largest nonprofit advocacy, education, health and human service organization committed to the welfare of Asian Pacific Islander Americans in Santa Clara County.

The 28th Anniversary Celebration Banquet will help the organization celebrate its years of service to the Asian Pacific Islander community. The Community Star Award will be presented to selected individuals whose dedication and hard work have enhanced the quality of life for Asian Americans. The proceeds from the banquet will allow Asian Americans for Community Involvement to continue their community health and human service projects for the Asian Pacific Islander communities in Santa Clara County.

Asian Americans for Community Involvement provides an ever-growing number of services for people who have come to rely on this organization for help. Among the health and social services AACI provides are mental health services, substance abuse prevention and treatment and employment training, and programs to combat child abuse, domestic violence, HIV/AIDS, and youth gang involvement.

I am grateful to Asian Americans for Community Involvement for this appreciation certificate of dedication for the service in Santa Clara County, and wish to congratulate each of the 2001 AACI Community Star recipients.

IN HONOR OF STEPHEN C. LEONOUDAKIS

HON. NANCY PELOSI
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 22, 2001

Ms. PELOSI. Mr. Speaker, I rise to express the gratitude of the residents of San Francisco for the outstanding service of Stephen C. Leonoudakis as he retires from the Golden Gate Bridge, Highway, and Transportation District Board of Directors. In every debate of the past 38 years involving the Golden Gate Bridge and transportation between Marin and San Francisco Counties, Steve has been an unfailing advocate for public transit and safety. We owe him an enormous debt of thanks for his visionary leadership and tireless service.

Since his appointment to the Golden Gate Bridge and Highway District in 1962, Steve’s continuous tenure on the Board has made him the second-longest serving Director in the District’s history. He served as the President of the Board of Directors from 1973–1974.

When Steve joined the Bridge District, traffic on the Bridge had reached unmanageable levels. Unattractive traffic control arches were being designed to deal with the increase in vehicles, additional bridges between San Francisco and Marin Counties were being considered, and adding a second deck to the Bridge was proposed.

Steve offered a competing vision of what the Bridge District should be. Instead of moving cars, Steve was concerned with moving people. Because of his leadership, the law creating the District was amended to give the District the authority to develop a public transit system for the Golden Gate Corridor. Steve has since shepherded a comprehensive plan to decrease pressure on the Bridge that has included the revival of ferry service, a dramatic expansion of bus service, and may one day include rail service along the Corridor.

Steve has been remarkably successful. The bus and ferry system has held bridge traffic to manageable levels without altering the breathtaking beauty of the Golden Gate Bridge on the San Francisco Bay. We will be further grateful for his plan long after his retirement when the purchase are needed to build a rail system for future transit relief along the Golden Gate Corridor. In recognition of these efforts, the American Public Transit Association presented him with its Local Distinguished Service Award in 1996.

Steve has also worked consistently to increase the safety of the Bridge. During the 1970’s and 1980’s, he was a leader in the maintenance program that significantly upgraded portions of the Bridge including the rivets, suspenders, ropes, deck, and sidewalk. In the 1990’s, he greatly improved the campaign to seismic retrofit the Bridge including finding the funding for this enormous project.

Steve has given his boundless energy and talent to serving the people of the San Francisco Bay Area. He has provided far-sighted leadership and dedicated service in an area that greatly needed it. I have great honor to thank Steve on behalf of all the people who benefit daily from his vision. I wish him and his wife Rosemary all the best.
AFRICAN AMERICAN VETERANS OF WORLD WAR II

HON. CAROLYN McCARthy
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 22, 2001

Mrs. McCarthy of New York. Mr. Speaker, in support of the Town of Hempstead's special ceremony honoring African American World War 11 veterans for their dedicated commitment and service to the country. Throughout our nation's history, our armed forces have gone off to battle and served bravely and effectively in every situation we have asked. As of late, we have done much to recognize the accomplishments of the generation that fought the Second World War, and rightly so. But we should not forget the special role that African Americans played in that conflict. The road to preserving democracy was paved by a legacy of racism. For this reason, I want to take this opportunity to pay tribute to the 1.2 million African-Americans who served in World War II, and in many cases died for their country.

We cannot expect future generations to understand fully what those who came before saw, experienced and felt in battle, but we can make sure that our children know enough to understand fully what those who came before have asked. As of late, we have done much to recognize the accomplishments of the generation they led a struggle for racial equality that we thank them. With bravery and determination, they resisted America's armed forces, and the school for a job well done.

IN TRIBUTE TO THE SUCCESS OF THE BASKETBALL TEAM OF JOHNSON C. SMITH UNIVERSITY

HON. EVA M. CLAYTON
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 22, 2001

Mrs. Clayton. Mr. Speaker, I rise to praise the outstanding basketball season of my alma mater, Johnson C. Smith University. Their season ended last night with a near miss in the quarter final found of the NCAA Division 2 Tournament in California. Earlier this month, our team won the Central Intercollegiate Athletic Association (CIAA) Tournament in Raleigh, NC, and one week later, won the South Atlantic Regional Championship which gave them a shot at the NCAA Division 2 crown.

Johnson C. Smith University is a small liberal arts school in Charlotte, NC. It was founded in 1867 with support from the Presbyterian Church. This season marks the best basketball record in the school's history, and its first CIAA championship. I join other proud Smith alumni, proud North Carolinians, and sports enthusiasts everywhere to commend the team and the school for a job well done.

INTRODUCING LEGISLATION TO AWARD THE CONGRESSIONAL GOLD MEDAL TO FORMER SENATOR EUGENE MCCARTHY

HON. MARTIN OLAV SABO
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 22, 2001

Mr. Sabo. Mr. Speaker, today, I am introducing legislation to authorize the President to award a Gold Medal of the Congress to former Senator Eugene Joseph McCarthy in recognition of his exemplary service and lifelong dedication to the nation and its people. Mr. Senator McCarthy has a distinguished record of public service to the American people. As a member of the United States Senate and House of Representatives, as a candidate for the Democratic presidential nomination, and as a private citizen, Senator McCarthy made lasting contributions to the nation's welfare.

During his ten years of service in the House of Representatives, Eugene McCarthy dedicated himself to improving the lives of fellow Americans by forming the Democratic Study Group, devoted to advancing the interests of working Americans. Eugene McCarthy also served honorably as a United States Senator while he fought to advance the causes of peace and democracy in the United States and abroad.

Through his efforts to shape legislation, Eugene McCarthy has exemplified the highest standards of public service. His dedication to the principles of honesty and fairness are evident in his efforts to pass civil rights legislation, increase the minimum wage, shape a just tax policy, reform government institutions, and promote a peaceful foreign policy.

Senator McCarthy waged a principled campaign for the Democratic presidential nomination in 1968. His stand against the Vietnam War inspired young people to believe they could make a difference in public life.

Since leaving the United States Senate, Eugene McCarthy has dedicated himself to sharing his ideas and knowledge by writing books and poetry and by speaking to audiences throughout the United States and around the world. Eugene McCarthy epitomizes the most deeply held and cherished values of our nation.

Mr. Speaker, Senator McCarthy is an esteemed fellow Minnesotan and friend. I invite my colleagues to join me in honoring former Senator Eugene Joseph McCarthy for his unique contributions to our nation.

CELEBRATING GREEK INDEPENDENCE DAY

SPEECH OF
HON. ILEANA ROS-LEHTINEN
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 20, 2001

Ms. Ros-Lehtinen. Madam Speaker, I am pleased to join my Colleagues and the Congressional Caucus on Hellenic Issues this evening in celebrating the 180th anniversary of Greece's independence.

March 25, 2001 marks the beginning of the revolution that freed the Greek people from the Ottomans. After almost 400 years of slavery under the oppressive Ottoman Empire—during which time the Greek people did not enjoy any civil rights, including the right to an education or to worship in their religion—the people of Greece took up arms and risked their lives to successfully fight for their freedom. This date also marks the creation of modern Greece.

That is why commemorating Greek Independence Day is so important and why I am proud to join our Greek brothers and sisters in celebrating this great milestone. As someone who fled communism, I am fully aware of how precious our freedom is and what a joyous occasion this is to the Greek-American community and to freedom lovers everywhere.

The Greek influence is inherent in our own democratic form of government. As Thomas Jefferson has stated, "... to the ancient Greeks we are all indebted for the light which led ourselves [American colonists] out of Gothic darkness." This quote illustrates how much Greek democratic ideals helped forge our own government, including the right of self-governance, independence, and freedom.

But we need not only look behind us to appreciate the gifts Greece has given us. In recent history, Greece has also been a great friend of the United States. For example, according to research conducted by the National Coordinated Effort of Hellenes, Greece is only one of three nations in the world, beyond the British Empire, that has been allied with the United States in every major international conflict in this century.

Today, in the United States, Greek-Americans are one of the most successful nationalities. According to data obtained by the U.S. Census, children of the first Greeks who became United States citizens ranked first in median educational attainment among the American ethnic nationalities. Greeks and Greek-Americans in this country have made many invaluable contributions to society in the areas of medicine, fine arts, sports, and education. It is only fitting that we also recognize these individuals who are the product of an independent Greek society.

I am proud to know many Greek and Greek-American individuals and am honored to celebrate Greek Independence Day. I ask my Colleagues to join me in paying tribute to such a special celebration.
CONGRESSIONAL RECORD — Extensions of Remarks

E425

CONGRATULATIONS TO MANSFIELD LADY TIGERS, REPEATING STATE CHAMPIONS

HON. MARTIN FROST
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 22, 2001

Mr. FROST. Mr. Speaker, I would again like to recognize and congratulate the remarkable Mansfield Lady Tigers basketball team, for repeating for the 3rd consecutive year Texas Division 5-A girls basketball champions.

I have just returned from my District in North Texas and I can report that Lady Tiger fever is running high, and talk of a 4-peat is already in the air. All of Mansfield and its surrounding communities have been energized by the Lady Tigers exciting drive to a third straight state title. Last week, the Lady Tigers were also honored with a #1 national ranking.

The Lady Tigers provided us with thrills all season, but their run through the playoffs was especially exciting. The fact that is amazing is 4,000 residents took off work to watch the team win another state championship in Austin.

Today, though, someone else at the Aspinal Foundation will have to tell Mr. Traylor about the Lady Tigers exciting drive to a third straight state championship in Austin.

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Today, though, someone else at the Aspinal Foundation will have to tell Mr. Traylor about the Lady Tigers exciting drive to a third straight state championship in Austin.
Mr. BARCIA. Mr. Speaker, today, I am introducing the Election Voting Standards Act of 2001. Representatives Lynn Rivers, John Larson, Nick Lampson, Mark Udall and Anthony Weiner join me in sponsoring this legislation.

I am not going to re-hash the flaws in voting equipment that were so publicly exposed in the last election. Our goal with this legislation is to offer a method to improve the accuracy, integrity, and security of voting products and systems used in Federal elections.

This legislation establishes a Commission led by the National Institute of Standards and Technology (NIST) to develop performance-based standards for all voting equipment and systems. These voluntary performance-based standards would be technology neutral, but would set a minimum level of performance that all voting equipment should meet. The Commission would also establish corollary testing and certification criteria to determine the conformance of voting products and systems to the performance-based standards. Finally the legislation establishes a National Election Systems Standards Laboratory. This independent lab would perform research in conjunction with the General Accounting Office and outside groups and their expertise in computerized voting systems, I believe that NIST is uniquely positioned to develop the required performance-based standards, and an independent certification process.

I want to make it clear that these standards would be voluntary. This legislation does not mandate that local authorities that are responsible for elections use equipment that meets these performance-based standards. However, we hope that local authorities would use these standards as an objective measure of the accuracy, integrity, and security of their voting equipment and systems. I believe that with this system of standards and certification procedures that the public would be assured that voting systems are reliable.

This legislation represents a first-step in addressing this issue and it is an important first step. I look forward to working with my colleagues in Congress, the Administration and outside groups to improve this bill. I believe that we all have the same goal, to improve the accuracy, integrity and security of our voting systems.

SALUTING THE COUGARS

HON. MIKE McINTYRE
OF NORTH CAROLINA

Mr. McINTYRE. Mr. Speaker, I rise today to honor the East Bladen High School men's basketball team for their extraordinary accomplishment during this fantastic group of players and their coaches, administrators, friends, and fans. Their support made this a family affair and one that united the entire community.

Mr. McINTYRE. Mr. Speaker, I would like to submit for the Record a number of concerns that I have been made aware of by the Florida Public Service Commission regarding H.R. 496. In the past week my staff and I have been in contact with the bill's sponsor, Representative Barbara Cubin, in assembling answers to the Florida PSC's concerns. For the record I would like to summarize the Florida PSC's concerns and the answers we have received from Representative Cubin's office.

As a result of these proposed diminished reporting requirements, how would regulated and deregulated services be differentiated to avoid cross subsidization of telecommunications offerings and non-regulated services? H.R. 496 would do nothing to change the FCC's or state commissions ability to differentiate regulated and non-regulated services?

H.R. 496 would leave intact the FCC's cost allocation rules. It would only eliminate the separate requirement to file voluminous CAREM and AMIS reports originally designed for the largest carriers.

How will there be assurance that purported savings from reporting responsibilities will actually be applied toward the provision of advanced services in rural areas, as highlighted in the bill?

Virtually all 2 percent carriers only serve areas defined under the Act as "rural". Their network investment will necessarily be in rural areas.

Rate of return regulation, by its nature, will ensure either reinvestment in rural network infrastructure or reduced rates for customers. Virtually all 2 percent carriers are rate of return carriers.

Many of the benefits of the bill are intangible. It would primarily give carriers added flexibility to respond more quickly and effectively to customer demand and competitive opportunities.

To attempt to tie specific savings directly to specific investments would significantly increase bureaucratic costs and further decrease it and would ultimately slow investment in rural areas.
What restriction in this bill will prevent regional bell operating companies and other large holding companies from qualifying as a 2 percent carrier? The language added by the Energy and Commerce Committee necessarily excludes larger companies from the definition of “two percent carrier”. The definition now includes an operational component which, together with all affiliated carriers, “controls . . . fewer than two percent of the nation’s subscriber lines, . . .” The new language was adopted from a recent FCC order that definitively construed the same definition in Section 251(c)(2) of the 1996 Act.

If a company such as Cincinnati Bell is considered a 2 percent carrier, then what assurance is there that this bill is truly targeting those areas and not certain urban areas such as Cincinnati, Ohio? Apart from Cincinnati, the RBOCs and Sprint serve the remaining 99 of the 100 largest metropolitan statistical areas in the country. The remainder of the two percent carriers serve rural areas and second- and third-tier towns (e.g., Rock Hill, South Carolina; Dalton, Georgia). How does self-certification of competitive entry by a “single facility based competitor serving a single customer” truly promote effective competition, or would this “customer” standard in reality inhibit true development of competition?

H.R. 496 requires significantly more than “one competitive entry.” It requires, either expressly or by necessary implication:

- Existence of an enforceable interconnection agreement between the incumbent and competitor (including any necessary state arbitration procedures).
- Provision or procurement of switching facilities.
- Actual provision of service (implying billing, customer service, maintenance, and other systems that are fully operational).
- Any competitive carrier that has made the investment necessary to meet all these conditions would necessarily be positioned to pose a competitive threat throughout the ILEC’s service territory.

Any concerns regarding the competition standard in H.R. 496 should be mitigated by the text of Section 251(b)(6) which limits downward pricing flexibility. Regardless of the trigger, customers would benefit from lowered prices and increased competition.

The language in 251(b)(6) mirrors the standards set by the FCC for competitive entry in the SBC-Amertec merger, which required a small number of actual customers to establish competitive entry by SBC.

If “any new service” not currently being provisioned by a 2 percent carrier is subsequently offered, would this bill preempt a State or local exercise of this offering and why should it be exclusively considered interstate in nature?

H.R. 496 will not alter state jurisdiction over new services. H.R. 496 would only affect the FCC’s cumbersome approval process for new interstate services. Historically, states have had jurisdiction over intrastate services but not interstate services.

To date, no party except the Florida PSC has suggested enlarging the scope of the bill to include new intrastate services.

Would the ability of 2 percent carriers to opt in or choose to opt out of the National Exchange Carrier Association (NECA) pool, in Section 251, undermine this mechanism and promote “gaming” of this process by certain carriers?

New language added by the Energy and Commerce Committee restricts the carriers’ ability to move in and out of the pool. This language provides an additional level of assurance that no company could game this process.

The majority of 2 percent carriers will continue to rely on the NECA pool. It is not in their interest to create a mechanism that serves their and their customers’ needs.

Is this legislation premature in light of the FCC’s current consideration of the proposal by a multistate group (the MAG plan) which also purports to help promote the deployment of broadband services to rural areas? Also, isn’t it premature in light of the FCC’s docket on streamlining of reporting requirements for mid-sized carriers?

H.R. 496 and the MAG plan address significantly different sets of issues. H.R. 496 is primarily concerned with a handful of outmoded regulatory burdens that are ill-suited for 2 percent carriers. The MAG plan proposes an entirely new system of incentive regulation and would also significantly alter existing access charges. Since they are complementary initiatives, it is unnecessary to delay one pending consideration of the other.

The FCC docket on streamlining of reporting requirements, while constructive, will in all likelihood perpetuate a number of the same burdens that exist today. The FCC has been valiantly attempting to take any final action at least since 1999 when it was responding to the ITTA forbearance petition.

ADMINISTRATION’S ENVIRONMENTAL POLICY IS JUST PLAIN WRONG

HON. ALICE L. HASTINGS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 22, 2001

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to express my disgust over the Bush Administration’s unwillingness to take the necessary steps to curb the effects of global warming and protect our natural resources. When our environment needs us most, it is sad that the President is abandoning our lakes and rivers, while siding with those who pollute our air.

The Administration’s recent shift in environmental policy contradicts its earlier promises and commitments to the American people and at the same time, undermines previous policy statements made by the Environmental Protection Agency. This Administration has made it clear that protecting the environment is not one of its priorities.

This shift in policy, however, is not just another broken campaign pledge and promise to the citizens of South Florida and the rest of the American people. On the contrary, it is a clear example that the President’s position on the environment is just plain wrong. Scientists and elected officials on both sides of the aisle agree that the key to ending global warming begins with reducing the amount of carbon dioxide emissions in the air we breathe. Even human rights activists agree on the need to end global warming. Scientists and elected officials on both sides of the aisle agree that the key to ending global warming begins with reducing the amount of carbon dioxide emissions in the air we breathe.

Mr. Speaker, the people of South Florida know a great deal about the importance of taking care of the environment. It was more than six months ago that I stood on this floor with many of my colleagues fighting for protection of Florida’s most sacred ecosystem, the Everglades. Thankfully, after nearly a decade of planning and fighting, we reached an agreement that ensures the Everglades will be around for all Americans to enjoy for generations to come.

Today, I am once again coming to the floor to fight for the protection of our country’s greatest treasures. The current Bush Administration’s lack of commitment to finding a solution to the climate crisis is a threat to the survival of our country’s greatest treasures. The current Bush Administration’s lack of commitment to finding a solution to the climate crisis is a threat to the survival of our country’s greatest treasures.

In the past two weeks, President Bush reaffirmed his commitment to the economic growth of the United States, hardly enough to build an effective energy policy around.

What worries me, Mr. Speaker, is not the exploration into a new energy policy. Clearly our country needs to look into new ways of creating energy. I support looking into new possibilities for creating energy. But I do not support the exploration of new energy opportunities at the cost of the environment. If we become bogged down in the ANWR, who is to say that we will not begin off-shore drilling in South Florida tomorrow? I assure you, Mr. Speaker, that the people of Florida have no desire to see off-shore oil rigs popping up in the Atlantic Ocean or Gulf of Mexico anytime soon. We saw the dangers involved in such practices when an off-shore oil rig in Brazil collapsed just this week spilling oil for miles into the Atlantic.

In recognition of the National Coalition of 100 Black Women
N CBW includes more than 7,000 members from 62 chapters representing 23 states and the District of Columbia. The 20th Anniversary of NCBW celebrates and commemorates the great progress that African-American women have made in the United States over the past 30 years. This progress would not have been possible without the hard work, dedication, and compassion of the founding members of NCBW, as well as many others, who understood and continue to recognize the adversity that minority women face each and every day on the road to realizing economic and political empowerment.

I’d like to acknowledge and thank the following individuals for their important contributions to NCBW—those women who recently passed away in the San Francisco office.

Today, I ask my colleagues to join me in recognizing the National Coalition of 100 Black Women—New Jersey for all it has done to empower African-American women.

IN HONOR OF GINA PENNESTRI
OF CALIFORNIA

HON. NANCY PELOSI
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 22, 2001

Ms. PELOSI. Ms. Speaker, I rise to pay tribute to the late Gina Pennestri, a fighter without equal who recently passed away in San Francisco for her sharp mind and soft heart. She was forceful, dedicated, and absolutely committed to the constituents and elected officials she served.

Gina was always fighting for a cause. After her graduation from George Washington University, she worked to secure the right to vote for the residents of Washington, D.C. Soon after, she joined the War effort as Chief of Employee Relations for all civilian employees stationed from England to North Africa during World War II. She then helped coordinate the Berlin Airlift, working to ensure that humanitarian assistance was delivered to those who needed it.

By 1951, Gina had settled in San Francisco and started a family. Raising her son, Marc, Gina became involved with political issues and in the community. She fought a planned highway through Golden Gate Park, she worked in the conservation movement to protect areas from development, and she volunteered in public schools and libraries to help educate San Francisco’s children. Along with many San Franciscans, she joined the civil rights movement and opposed the Vietnam War.

In 1967, she became an aide to then-Assistant Majority Leader, John Burton. She soon rose to be the Chief of Staff of his San Francisco office and remained in the position when he was chosen to be the late Gina run her San Francisco office.

In her career with State Senator Burton and Senator Boxer, Gina became widely respected for her ability, tenacity, and her fidelity to her principles. Utterly dedicated to helping those in need, she was a fearsome opponent and a trusted friend. She will be greatly missed by those who knew her and by everyone for whom she fought.

My thoughts are with her son and daughter-in-law, Marc and Nancy Zimmerman, and her grandchildren, Laura and Daniel, to whom she was devoted.

FEDERAL LANDS IMPROVEMENT ACT

HON. JOHN J. DUNCAN, JR.
OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES
Thursday, March 22, 2001

Mr. DUNCAN. Mr. Speaker, the Bureau of Land Management (BLM) has 264 million acres that it manages for the federal government. None of this land is national park or national forest land. The BLM has identified three million acres that it would like to sell, because it is not environmentally significant, surrounded by private land, difficult to manage, or isolated.

Today, I have introduced the Federal Lands Improvement Act which will allow the sale of this land, with proceeds to go; one-third to the counties where the land is located for schools and other needs; one-third to the national debt; and one-third back to the BLM for environmental restoration projects on its remaining land.

As I have already stated, this bill would not sell any national parks or wilderness areas. It only proposed to sell lands that have already been identified for disposal by the BLM.

Currently, the federal government owns 30 percent of all the land in the United States. This is roughly 650 million acres. In comparison, the State of Tennessee is only 26 million acres total. It only makes sense that the federal government consolidate its holdings so that it can better manage those areas which are truly environmentally sensitive.

I hope my colleagues will join me by co-sponsoring this legislation so that we can take a step forward in protecting our federal lands.

RECOGNIZING BLACK HISTORY MONTH HONOREES

HON. NICK LAMPSON
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES
Thursday, March 22, 2001

Mr. LAMPSON. Mr. Speaker, I rise today to honor local citizens from the 9th District of Texas who were chosen during Black History Month for their work. While the dedication of African-American leaders is well-known throughout the United States, local citizens, right here in the Southeast Gulf Coast region, are just as important to ensuring equal rights for all Texans. Last month I asked members of the communities in the 9th District to nominate individuals for my “Unsung Heroes” award that gives special recognition to those unsung heroes, willing workers, and individuals who are so much a part of our nation’s rich history.

Reporters were chosen because they embodied a giving and sharing spirit, and had made a contribution to our nation.

These individuals have not only talked the talk, but they have walked the walk. They have worked long and hard for equal rights in their churches, schools, and in their communities. While their efforts may not make the headlines every day, their pioneering struggle for equality and justice is nevertheless vital to our entire region. This region of Southeast Texas is not successful in spite of our diversity; we are successful because of it.

Please join me in recognizing and congratulating these community leaders for their support of bringing justice and equality to Southeast Texas. It is leaders like these men and women that continue to be a source of pride not only during Black History Month, but all year long. The winners of this years “Unsung Heroes” award are:


Mr. Speaker, the recipients of the “Unsung Heroes” award are dedicated and hardworking individuals who have done so much for their neighbors and for this nation as a whole. Today, I stand to recognize their spirit and to say that I am honored to be their Representative.

HONORING THE LIFE OF EMMETT O. HUTTO

HON. GENE GREEN
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES
Thursday, March 22, 2001

Mr. GREEN of Texas. Mr. Speaker, it is with great honor and profound sadness that I rise to pay tribute to the life of Emmett O. Hutto of Baytown, Texas. After living a remarkably accomplished life that spanned 82 years, Mr. Hutto passed away on March 14, 2001. He was born in Bertram, Texas on August 29, 1918 to Elbert and Clara Hutto.

Mr. Hutto graduated from Robert E. Lee High School and then attended Lee College and the University of Texas before joining the Army Air Force during World War II. As a bomber pilot, he flew 38 missions over Nazi targets in North Africa and Europe. Mr. Hutto was awarded the Distinguished Flying Cross, the air medal, and an oak leaf cluster, along with a citation for bravery in action.

Emmett Hutto had many interests. He was a successful businessman, having owned and operated a restaurant, a hotel and a real estate business. He was also active in city politics, serving on the Baytown City Council from...
1975 to 1978 and then serving as Mayor of Baytown, Texas. He was a longtime member of the Baytown Boat Club. And he was a registered diving instructor, having taken up scuba diving in his sixties. In fact the Professional Association of Diving Instructors awarded him the title of “Eldest Active Diving Master in the World.”

Mr. Hutto was preceded in death by his parents, Mr. and Mrs. E.R. Hutto; his wife, Awline Hix Hutto; and his brother, Leon Hutto, who was shot down in the South Pacific during World War II. He is survived by his wife, Betty Bailey Hutto; sons, Dr. Rodney Hutto and his wife, Norma Jean; Dr. Richard Hutto and his wife, Diane; Dr. Dean Hutto and his wife, Gena; daughter, Cynda Brooke Hutto; brother Orvel and his wife, Ruth; six grandchildren and four great-grandchildren.

It has been said that the ultimate measure of a person’s life is the extent to which they made the world a better place. If this is the measure of worth in life, Emmett Hutto’s family and friends can attest to the success of the life he led.

Mr. Speaker, I ask all the Members of the House to join me in paying tribute to the life of Emmett Hutto. He touched our lives and our hearts, and he will be greatly missed.

IN SUPPORT OF TAX RELIEF

HON. GEORGE R. NETHERCUTT, JR. OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2001

Mr. NETHERCUTT. Mr. Speaker, I rise to express my support for enactment of the extensive tax package forth by President George W. Bush to reduce the tax burden on all Americans. I agree with the President’s statement in his address to a joint session of Congress on February 27, 2001, that the “American people have been overcharged.” There was a $236 billion tax surplus during fiscal year 2000 and we expect a tax surplus of $268 billion during fiscal year 2000 and our American economy.

Changes will enable all taxpayers to retain more of their own money and they will support our American economy.

Many of these measures have already been introduced by members of Congress. The passage of H.R. 3 is a positive first step in achieving a simpler tax structure by immediately reducing the marginal rates from 15 percent to 12 percent with President Bush’s reduction of all brackets by 2005. It also helps families by repealing the mandatory reductions in the additional (three or more children) child tax credit and the earned income credit for taxpayers subject to the alternative minimum tax. These are positive steps for immediately helping those who need it most.

Some have expressed concern about the equity of President Bush’s tax proposal and criticize it by comparing the amounts of money people in each tax bracket will “receive” if it passes. Under President Bush’s plan, lower income individuals would actually receive a greater percentage of tax relief in relation to their current personal tax burden once all tax credits are considered. For instance, the marginal federal income tax rate would fall by over 40 percent for low-income families with two children and nearly 50 percent for families with one child.

Contrary to some charges, single filers falling in the 15 percent tax bracket after the tax cut will also receive a tax cut. They will have their first $6000 taxed at 10 percent rather than 15 percent, or if they have a dependent, the first $10,000 would be taxed at this lower rate. In the case of couples filing jointly, the first $12,000 would be taxed at this lower rate.

If no other tax credits are claimed, someone filing as an individual without dependents would expect a $300 tax break per year. This can range anywhere from 7 to 12 percent less in total taxes.

One argument made against these tax proposals is that they reduce our capacity to pay down the national debt. I agree strongly that paying down the national debt must be a priority. Both the President and I believe that we can both pay down the debt and have tax relief.

In fact, the President’s plan places debt elimination before tax cuts in his budget outline submitted to Congress on February 28, because retiring the debt can enhance the viability of the tax cuts. The charge that those who favor a tax cut oppose debt reduction is wrong. The President’s plan will accelerate debt retirement payments to record rates by proposing to eliminate $2 trillion in public debt over the next 10 years. Actually, the President’s budget pays down the debt so aggressively that it effectively cannot pay off all the debt when it would be possible to do so if it.

The remaining $1 trillion in public debt, which is composed of savings and special bonds, cannot be retired until after 2011 when interest rates fall to the historically low levels that we are experiencing today. The President’s tax cut and spending priorities, the government is still projected to have $1.3 trillion in excess cash balances in 2011.

Budget projections these past several years have been overly conservative. $850 billion of unexpected tax revenue was collected, and combined with debt service savings, revenue intake underestimates contributed to about a $1 trillion surplus. The Congressional Budget Office and the Administration continue to use conservative estimates in order to accommodate slower growth. Theoretical projections are not needed to make responsible and fiscally sound policy making each year. Consideration of the future of Social Security, Medicare and debt reduction are all based on theoretical projections. There are inherent uncertainties in making 10 year budget projections; however, the President’s Budget creates a $1 trillion reserve over the same amount of time. This can be used to aid in Medicare and Social Security modernization. In all, the tax cut will only amount to one quarter of the projected surpluses of the future. If we can enhance the strength and security of our nation’s future, growth and unexpected situations. I am proud that Congress has made protecting Social Security its highest priority with the passage of H.R. 2, the Social Security and Medicare Lock-Box Act. Now, 100 percent of the Social Security surplus cannot be touched for other government spending. President Bush has pledged to keep the promises that America has made to its senior citizens by signing this bill.

We must eliminate the death tax—a major reason for the dissolution of family-owned small businesses, farms and ranches upon the death of the owner. Originally enacted as a temporary tax to raise funds for national security emergencies, this tax first helped create our Navy in 1797 and fund the Civil and Spanish-American wars. In 1940, the tax was made permanent. Once the current $650,000 threshold is met, the tax consumes up to 55 percent of the remaining estate. This money will have already been taxed first as income, then possibly as capital gains or property. The impact on Eastern Washington farmers and ranchers is particularly severe. In order to be viable, even the smallest farm operation must have about $500,000 tied up in equipment. If the farmer owns the land, the value is at least $1.5 million. On paper, this farmer is worth $2 million or more. This makes it difficult for the farmer to pass his property and business on to his family after death. The same is true for small businesses, where the owner’s children are not the only ones affected. Those who lose their jobs when the business is partitioned and sold face even more dire circumstances. I support the legislation that would phase-out the death tax over ten years. Defeated only by President Clinton’s veto during the last Congress, I hope it can pass this year.

This tax package is right for our country. It meets our needs and obligations for the future while helping all of Americans who pay taxes. It is becoming more and more evident that we need to do something to strengthen the economy. Tax relief is needed now.

TRIBUTE TO JUDGE J.W. SUMMERS

HON. JIM TURNER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2001

Mr. TURNER. Mr. Speaker, I rise in memory of Judge J.W. Summers, a leader in the Texas judicial system and a fine man who dedicated his life to public service.

Judge Summers had something that many in this chamber undoubtedly envy—an unblemished political career, in which he never suffered a defeat in his various races for public office. But it wasn’t his winning streak that made him stand out, but rather it was his reputation for integrity and impartiality in the administration of justice. And he was a leader in the Texas judicial system and a fine man who dedicated his life to public service.
Judge Summers was destined for leadership from his early years, when he graduated from Rusk High School as an Eagle Scout and val-edictorian of his class. Judge Summers served bravely in the Navy during World War II, and graduated with honors from a great institution of higher learning—the University of Texas in Austin.

But Judge Summers didn’t stay in Austin—he came back to its roots in Rusk. After several years of private practice, he served as city attorney, county attorney, and county judge of Cherokee County for eight years.

Judge Summers will be remembered for his many successes as County Judge of Cherokee County. Every year of his administration, Judge Summers won a top financial rating for the county. He payed off remaining debt on the county courthouse, oversaw the construction of the Cherokee County Agricultural Annex Building, and secured the development of many State Farm-to-Market roads, as well as the US Highway 69 stretch from Rusk to Jacksonville.

From 1959 to 1978 he served as District Judge for the Second Judicial District. After 21 years in the job, he continued his service as Chief Justice of the Court of Appeals for the 12th Supreme Judicial District of Texas, a position he held until 1989.

Judge Summers and his wife Inez were active members of their community, participating in the First United Methodist Church in Rusk, where each served as chairman of the Administrative Council. Judge Summers was also president of the Kiwanis Club and a member of Euclid Lodge Number 45. Judge Summers passed away on November 26, 2000.

Our prayers with Mrs. Summers, the couples’ children, grandchildren, and great-grandchildren, and their friends and family members who will share their grief—and their memories—in this time of sadness.

TRIBAL COLLEGE AND UNIVERSITY LOAN FORGIVENESS ACT

HON. DARLENE HOOLEY
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 22, 2001

Ms. HOOLEY of Oregon. Mr. Speaker, one of the reasons I am here today as a member of Congress is that I was inspired by some excellent professors as a college student.

These professors taught me new ways of looking at the world, and kindled an excitement about learning that still burns today. My era, these select few not only taught me, they taught me new ways of looking at the world, and kindled an excitement about learning that still burns today.

The Tribal College and University Loan Forgiveness Act gives tribal colleges and universities a tool to attract and keep excellent teachers despite the salary gap. By providing loan forgiveness, tribal colleges and universities can bring something additional to the negotiation table. Teachers who commit to working in a tribal college or university that have Direct, Perkins, or Guaranteed Loans that are not in default, are eligible for loan forgiveness for up to five years.

Total loan forgiveness will be provided for up to $15,000 in the aggregate of the loans the student currently has. Tribal colleges and universities, teachers, and students will benefit from this bill. Furthermore, the Native American communities who send their tribal members to these institutions also benefit.

Tribal colleges and universities not only prepare students for jobs both on and off the reservations, but they also offer programs to the local communities such as adult education, local economic development, and remedial and high school equivalency programs.

The passage of this bill, with bipartisan support, will help these institutions continue their work of not only educating, but bringing out the very best of tribal students and communities.

RECOGNIZING THE IMPORTANCE OF COMBATTING TUBERCULOSIS

SPEECH OF
HON. RICHARD BURR
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 20, 2001

Mr. BURR of North Carolina. Mr. Speaker, I thank my good friend from Texas, Mr. REYES, for introducing this important resolution.

Dr. David Heymann of the World Health Organization once described tuberculosis as “a disease once thought to be under control, which has returned with a vengeance to kill 1.5 million people a year.”

TB was once the leading cause of death in the United States. In the 1940s, scientists discovered drugs that would treat TB, and infection rates began to decline. Since that time, however, infection rates both in the U.S. and abroad have increased dramatically. Today, one third of the world’s population has a latent TB infection. These increases have not gone unnoticed by international organizations. In fact, in 1993, the World Health Organization declared tuberculosis a global emergency.

These increases in TB infection rates are due to a number of causes. Increases in HIV/AIDS infection rates are accelerating the spread of TB. In addition, poorly supervised or incomplete treatment threatens to make TB incurable as multidrug resistant TB cases rise.

This problem is particularly serious in underdeveloped countries. A total of 22 countries are home to 80 percent of TB cases. Tuberculosis is particularly prevalent in India, South Asia, Sub-Saharan Africa, Russia, and parts of Latin America. The problem with TB poses a long-term threat to global health. It is estimated that, if efforts to fight TB are not strengthened, 3.5 million people will die of the disease in the next 20 years.

H. Res. 67 addresses many of these problems. The bill recognizes the importance of combating TB on a worldwide basis and acknowledges the severe impact that TB has on minority populations in the US. By passing the resolution, we are recognizing the importance of substantially increasing US investment in international TB control. The bill also emphasizes the importance of efforts to eliminate TB in our own nation.

It is my hope that by passing this resolution, Congress will make a commitment to fighting TB both on the national and global level.

CELEBRATING GREEK INDEPENDENCE DAY

SPEECH OF
HON. ROD R. BLAGOJEVICH
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 20, 2001

Mr. BLAGOJEVICH. Madam Speaker, I rise to recognize the 180th anniversary of Greek Independence. Almost two centuries ago this month, the Greeks rose up against the Ottoman Empire to establish a modern Greek state. Greeks and Greek Americans everywhere can look back proudly on the accomplishments of their people over the last 180 years. But Americans also owe a large debt to Greece for its friendship and democratic traditions. All Americans should take time on this anniversary to reflect on the shared values, traditions and history of the United States and the Hellenic Republic.

Our founding fathers in this country sought inspiration for our democracy, they looked back to the republics of ancient Greece. The Greeks, likewise, looked to the United States for inspiration and support as they sought to establish their own independent nation. Since that time, many Greeks came to the United States in search of freedom and opportunity—so many, that for a time in the early twentieth century, one out of every four young Greek men came to the United States. Their contributions have been felt in the Arts, the Sciences, and government.

Greece itself has also been a true friend of the United States. From Greece’s valiant resistance of Nazi Germany in World War Two, to her efforts supporting the world community in the Gulf War, Greece has stood beside the United States. This cooperation is based not just on shared interests, but on the stronger bond of shared values. And when these values have been threatened, the Greek nation and her people have risen to defend these values, even when it means risking the lives of her sons and daughters.

I mention this because the United States should not take this commitment lightly. Just as we here in America hesitate before we send our troops in harm’s way, so do other democracies. Yet, over the last century, Greece has stood by the United States. The United States needs to stand by Greece.

As a mature democracy, Greece is our strongest ally in a region in turmoil. “While relations have improved between Greece and Turkey, real issues remain between these two historic antagonists, Cyprus, the Aegean Islands, and the troubled Andir hostilities in Turkey are all issues that demand resolution. This administration must compel the Turkish government to negotiate in good faith on these
contentious issues. I call upon President Bush to maintain the commitment to Greece embraced by his predecessors, and insist that Turkey demonstrate that it will work to build a new relationship with Greece.

THE HISTORIC HOMEOWNERSHIP ASSISTANCE ACT

HON. E. CLAY SHAW, JR. OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 22, 2001

Mr. SHAW. Mr. Speaker, all across America, in the small towns and great cities of this country, our heritage as a nation—the physical evidence of our past—is at risk. In virtually every corner of this land, homes in which grandparents and parents grew up, communities and neighborhoods that nurtured vibrant families, schools that were good places to learn and churches and synagogues that were filled on days of prayer, have suffered the ravages of abandonment and decay.

In the decade from 1980 to 1990, Chicago lost 41,000 housing units through abandonment, Philadelphia 10,000, and St. Louis 7,000. The story in our older small communities has been the same, and the trend continues. It is important to understand that it is not just the buildings we are losing. It is the sense of our past, the vitality of our communities and the shared values of those precious places.

We need not stand hopelessly by as passive witnesses to the loss of these irreplaceable historic resources. We can act, and to that end I am introducing today with a bipartisan group of my colleagues the Historic Homeownership Assistance Act.

This legislation is almost identical to legislation introduced in the 106th Congress as H.R. 1172, which enjoyed the broad bipartisan support of 225 cosponsors. It is patterned after the existing Historic Rehabilitation Investment Tax Credit. That legislation has been enormously successful in stimulating private investment in the rehabilitation of buildings of historic importance and across the country. Through its use we have been able to save and re-use a rich and diverse array of historic buildings and landmarks such as Union Station in Washington, DC.; the Fox Paper Mills, a mixed-used project that was once derelict in Appleton, WI; and the Rosa True School, an eight-unit low/moderate income rental project in a historic building in Portland, Maine. In my own State of Florida, since 1974, the existing Historic Rehabilitation Investment Tax Credit has resulted in over 325 rehabilitation projects, leveraging more than $238 million in private investment. These projects range from the restoration of art deco hotels in historic Miami Beach, bringing economic rebirth to this once decaying area, to the development of multi-family housing in the Springfield Historic District in Jacksonville.

The legislation that I am introducing today builds on the familiar structure of the existing tax credit but with a different focus. It is designed to empower the one major constituency that has been barred from using the existing credit—homeowners. Only those persons who rehabilitate or purchase a newly rehabilitated home and occupy it as their principal residence would be entitled to the credit that this legislation would create. There would be no passive losses, no tax shelters, and no syndications under this bill.

Like the existing investment credit, the bill would provide a credit to homeowners equal to 20 percent of the qualified rehabilitation expenditures made on an eligible building that is used as a home. The bill also makes provision for lower-income home buyers who may not have sufficient federal income tax liability to use a tax credit. It would permit such persons to receive a historic rehabilitation mortgage credit certificate which they can use with their bank to obtain a lower interest rate on their mortgage. The legislation also permits home buyers in distressed areas to use the certificate to lower their down payments.

The credit would be available for condominiums and co-ops, as well as single-family buildings. If a building were to be rehabilitated by a developer for sale to a homeowner, the credit would pass through to the homeowner. Since one purpose of the bill is to provide incentives for mid-income and more affluent families to return to older towns and cities, the bill does not discriminate among taxpayers on the basis of income. It does, however, impose a cap of $40,000 on the amount of credit which may be taken for a principal residence.

The Historic Homeownership Assistance Act will make homeowners of rehabilitated older homes more affordable for homeowners of modest incomes. It will encourage more affluent families to claim a stake in older towns and neighborhoods. It affords fiscally stressed cities and towns a way to put abandoned buildings back on the tax rolls, while strengthening their income and sales tax bases. It offers developers, realtors, and homebuilders a new realm of economic opportunity in revitalizing decaying buildings.

Mr. Speaker, this bill is no panacea. Although its goals are great, its reach will be modest. But it can make a difference, and an important difference. In communities large and small all across the nation, the American dream of owning one’s home is a powerful force. This bill can help it come true for those who are prepared to make a personal commitment to join in the rescue of our priceless heritage. By their actions they can help to revitalize decaying resources of historic importance, create new realms of economic development, and restore to our older towns and cities a lost sense of purpose and community.

I urge all Members of the House to review and support this important legislation, and I look forward to working with the Ways and Means Committee to enact this bill.

PRESERVING THE CULTURE OF THE VIRGIN ISLANDS

HON. DONNA M. CHRISTENSEN OF THE VIRGIN ISLANDS
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 22, 2001

Mrs. CHRISTENSEN. Mr. Speaker, I rise on this occasion to commend an outstanding group of Virgin Islanders—Helen George-Newton, Ava Stagger, Carol Stagger, Kenneth "Cisco" Francis and Renaldo Chinney, who, as residents of New York, recognized the need to preserve and promote the culture of the Virgin Islands. In March of 1991, they officially established the Virgin Islands Freshwater Yankees, which was later incorporated as the Virgin Islands Freshwater Association, Inc.

The Association has grown to 75 dedicated members, who contribute to their Virgin Islands community through educational scholarships, supplying equipment to the health facilities on all three islands, helping our senior citizens and underprivileged children, and providing supplies during natural disasters or other emergencies occurring in the territory.

Although this organization is involved in many serious endeavors, they also find time to have fun and always take part in the annual carnival activities on St. Thomas, St. Croix and St. John.

They also serve as an oasis for Virgin Islanders on the mainland by sponsoring yearly social events.

Their support and guidance has greatly assisted other Virgin Islands associations throughout the United States to continue to preserve the values that are the roots of their heritage in the cities which they have adopted as their second home.

For the past ten years, in commemoration of the day that the Virgin Islands were transferred from the Danish government to the United States, “Virgin Islands Transfer Day”, this organization has honored outstanding citizens of Virgin Island descent in the area of sports, politics, education, health and community involvement. This year, the organization and all of its past honorees will be recognized at the Tenth Anniversary Transfer Day Dinner Dance to be held in New York City on March 31, 2001.

Mr. Speaker, and colleagues, please join me in recognizing and applauding The Virgin Islands Freshwater Association, Inc. as an outstanding model for community involvement and cultural preservation.

RECOGNITION OF 2001 INTEL SCIENCE TALENT SEARCH FINALISTS, ALAN MARK DUNN AND WILLIAM ABRAHAM PASTOR, OF MONTGOMERY COUNTY, MARYLAND

HON. CONSTANCE A. MORELLA OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 22, 2001

Mrs. MORELLA. Mr. Speaker, I rise today in recognition of Alan Mark Dunn of Potomac and William Abraham Pastor of Rockville. These young men were finalists in the 2001 Intel Science Talent Search. The Intel Science Talent Search. The Intel Science Talent Search.
Talent Search is America’s oldest pre-college competition. Beginning in 1942 it was first sponsored by the Westinghouse Foundation. This competition provides an arena in which students are rewarded and recognized for their scientific endeavors.

Alan, who attends Montgomery Blair High School, won fourth place in this competition. He received a $25,000 scholarship. He competed in the computer sciences by studying ways to optimize five encryption algorithms. His project is entitled “Optimization of Advanced Encryption Standard Candidate Algorithms for the Macintosh G4.” The algorithms in his research are being considered for the federal government’s Advanced Encryption Standard, which will replace the aging Data Encryption Standard. Alan, who hopes to study computer science or engineering in college, is also involved in many other activities. He is a member of the math and robotics club, plays guitar, takes karate and is an activist in a grass-roots superhighway campaign. William, who also attends Montgomery Blair High School, was awarded a $5,000 scholarship and a mobile computer as a finalist. He competed in the biochemistry division. His project studied the formation of fibrils, which are the primary component of the deposits found in the brain of Alzheimer patients. Beta-amyloid proteins combine to form long sheets which stack on top of each other to produce fibrils. He used a combination of experiment and computer modeling to understand and predict the orientation and stacking of beta-amyloid sheets in the fibrils. William, who earned a perfect score of his SAT’s is very active as president of the Democrats Club and earned a perfect score of his SAT’s is very active as president of the Democrats Club and the captain of the It’s Academic team. He is also a stream monitor for the Audubon Society and led his school’s International Knowledge Master Open team to first place in world competition.

I am extremely proud to count these young men among my constituents. Their hard work and interest in the sciences is an example to their peers. I join with their parents, teachers and friends in congratulating them on their outstanding efforts and awards.

PERSONAL EXPLANATION

HON. RIC KELLER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 22, 2001

Mr. KELLER. Mr. Speaker, yesterday I had the distinguished honor to welcome the President of the United States to my district of Orlando, Florida. Together, we attended an event with 4,000 doctors from the American College of Cardiology at the Orange County Convention Center. At this gathering, we discussed the importance of passing a meaningful Patients Bill of Rights which will put doctors and their patients in charge of their medical decisions.

Unfortunately, however, in Orlando, Florida with the President, I missed Roll Call votes 53, 54, and 55. If I had been present, I would have voted “yea” for all three missed votes.

FEDERAL RECOGNITION PROCEDES FOR CERTAIN INDIAN GROUPS

HON. ENI F.H. FALEOMAVAEGA
OF AMERICAN SAMOA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 22, 2001

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to introduce a bill to provide improved administrative procedures for the Federal recognition to certain Indian groups.

Mr. Speaker, I have been working on this issue now for several Congresses. In 1994, the House passed similar legislation but that effort, in 1995, died. In the same year, the Senate came closer to passing legislation to address this problem than did the House. In an effort to bring the two houses of Congress together, I am introducing a companion bill to S. 504, which was introduced by Senator CAMPBELL on March 8, 2001.

Despite the joint efforts of many Senators and Members of Congress over a period of years, we are still faced with an expensive, unfair process through which Indian groups seeking federal recognition must go. I wish to help address the historical wrongs that the two hundred unrecognized tribes in this nation have faced. This bill streamlines the existing procedures for extending federal recognition to Indian tribes, removes the bureaucratic maze of the Bureau of Indian Affairs, and also provides due process, equity and fairness to the whole problem of Indian recognition.

Mr. Speaker, a broad coalition of unrecogn- ized Indian tribes has advocated reform for years for several reasons. First, the BIA’s budget limitations over the years have, in fact, created a certain bias against recognizing new Indian tribes. Second, the process has always been too expensive, costing some tribes well over $500,000, and most of these tribes just do not have this kind of money to spend. I need not remind my colleagues of the fact that Native American Indians today have the worst statistics in the nation when it comes to education, economic activity and social development. Indeed, Mr. Speaker, the recognition process for the First Americans has been an embarrassment to our government and certainly to the people of America. If only the American people could ever feel and realize the pain and suffering that the Native Americans have long endured, there would probably be another American revolution.

Mr. Speaker, the process to provide federal recognition to Native American tribes simply takes too long. I acknowledge the recent reaffirmation of a federal commitment for the King Salmon Tribe (Alaska), the Shoonaq Tribe of Kodiak (Alaska), and the Lower Lake Rancheria (California), and the recognition of Chinook Indian Tribe/Chinook Nation of Washington. This is a step in the right direction, but recognition for the Chinos took 22 years, and the other three tribes were somehow “looked over” by the BIA for a number of years. I thank former Assistant Secretary Kevin Coffee for acknowledging this “regrettable oversight,” and I regret it. Regrettably, even at the current rate of recogni- tion, it will take the Bureau of Indian Affairs many decades to resolve questions on all tribes which have expressed an intent to be recognized.

Mr. Speaker, the current process does not provide petitioners with due process—in particular, the opportunity to cross examine witnesses and on-the-record hearings. The same experts who conduct research on a petitioner’s case are also the “judge and jury” in the process!

In 1996, in the case of Greene v. Babbitt, 943 F. Supp. 1278 (W.Dist. Wash), the federal court found that the current procedures for recognition were “marred by lengthy delays and a pattern of serious procedural due process violations.” The decision to recognize the Samish tribe took over twenty-five years, and the Department has twice disregarded the procedures mandated by the APA, the Constitution, and this Court,” (p. 1288). Among other statements contained in Judge Thomas Zilly’s opinion were: “The decision to recognize the Samish tribe has a protracted and tortuous history . . . made more difficult by excessive delays and governmental misconduct.” (p. 1281) And again at pp. 1288–1289, “Under these limited circumstances, which have repeatedly demonstrated a complete lack of regard for the substantive and procedural rights of the petitioning party, and the agency’s decision maker has failed to maintain her role as an impartial and disinterested adjudicator . . . .” Sadly, the Samish’s administrative and legal conflict—much of which was at public ex- pense—could have been avoided were it not for a 30-year-old clerical error of the Bureau of Indian Affairs which inadvertently left the Samish Tribe’s name off the list of recognized tribes in Washington.

With a record like this, it is little wonder that many tribes have lost faith in the Government’s recognition procedures. Former President Clinton acknowledged the problem. In a 1996 letter to the Chinook Tribe of Wash- ington, the President wrote, “I agree that the current federal acknowledgment process must be improved.” He said that some progress has been made, “but much more must be done.” Mr. Speaker, the legislation I am introducing today addresses most the above concerns by making an independent three member commission which considers petitions for recognition. This legislation will provide tribes with the opportunity for public, trial-type hearings and sets strict time limits for action on pending petitions. Previous bills I have introduced on this issue were an attempt to streamline and make more objective the federal recognition process which currently considers petitions for recognition by aligning them with the legal standards in place prior to 1978, as laid out by the father of Indian Law, Felix S. Cohen in 1942. Because some have expressed concern that previous bills would open the door for more tribes to conduct gambling operations, this legislation includes reasonable reservations, the bill I introduce today will codify the existing criteria used for recognition rather than change to revised criteria under which
Underlying this bill is the issue of Indian gaming. While I cannot say that no new gambling operations will result from this bill, I do believe that this bill will have only a minimal impact in the area. I would like to remind my colleagues that:

(1) unlike state-sponsored gaming operations, Indian gaming is highly regulated by the Indian Gaming Regulatory Act;

(2) before gaming can be conducted, the tribes must reach an agreement with the state in which the gaming would be conducted;

(3) under IGRA (the Indian Gaming and Regulatory Act) gaming can only be conducted on land held in trust by the federal government;

(4) gaming can only be conducted at a level the state permits on non-Indian land; and

(5) any gaming profits can only be used for tribal development, such as water & sewer systems, roads and housing.

The point I want to make is even if an Indian group wanted to obtain recognition to start a gambling operation, they couldn’t do it just for that purpose. For a group to obtain federal recognition, it would still have to prove its origins, cultural heritage, existence of governmental structure, and everything else currently required.

Should that burden be overcome, a tribe would need a reservation or land held in trust by the federal government. This bill makes no effort to provide land to any group being recognized.

If the land issue is overcome, under the Indian Gaming Regulatory Act, a tribe cannot conduct gaming operations unless it has an agreement to do so with the state government.

A prior Congress put this into the law in an effort to balance the rights of the states to control gambling activity within its borders, and the rights of sovereign tribal nations to conduct activities on their land. The difficulty in obtaining gambling compacts with states made the national news not long ago because of the almost absolute veto power the states have under current law. The U.S. Supreme Court affirmed this reading of the law in Seminole Tribe of Florida v. Florida, 517 U.S. 44 (1996).

I want to emphasize this point—this is not a gambling bill, this is a bill to create a fair, objective process by which Indian groups can be evaluated for possible federal recognition.

Mr. Speaker, this bill is not perfect in every form, but it is the result of many hours of consultation and years of work. I have sought to work with many parties to come up with sound, careful changes which recognize the historical struggles the unrecognized tribes have gone through, yet at the same time recognize the hard work the Bureau of Indian Affairs has done lately in making positive changes through regulations to address these problems.

In conclusion Mr. Speaker, I hope we can take final action on the issue of Indian recognition early in this century by addressing at least some of the wrongs of the past two centuries.
If there is anything we should have learned from our history, it is that using racial bigotry for political advantage always backfires. Sometimes in the short run, sometimes in the long run. Often both.

And if you allow yourself to be dragged along in its raging current—even if only briefly—you will live the rest of your life regretting your mistake.

I know.

Seventeen years ago this General Assembly debated whether to make the birthday of Martin Luther King, Jr. a state holiday.

Many of the arguments I heard then I hear again today.

‘What will they want next?’

‘You know you can’t satisfy them.’

The argument that gave the most political cover was “Martin Luther King was a great man, but we already have enough holidays, and we don’t need any more.”

I was a young state senator, and my calls and constituents, for whatever reason, were against the King Holiday. I knew it was the right thing to do, but I was so worried about my political future that I did what many legislators do: when the vote came up, I had important business elsewhere.

I knew instantly I’d made a mistake. So when the bill came back to the Senate for agreement, I voted for it.

I was immediately besieged by constituents; so on final agreement, I voted against it.

There is not a day that goes by that I do not regret that vote.

Fortunately, there were enough leaders in this General Assembly then with the wisdom and the fortitude that I lacked as a young legislator.

Don’t make my mistake.

Each of you knows the right thing to do.

You know it in your heart.

You know it in your mind.

You know it in your conscience.

And, in the end, that is all that matters.

When the dust settles and controversy fades, will history record you as just another politician or as a person of conscience?

Make no mistake, just as with me and a vote almost 20 years ago, history will make a judgment.

Robert E. Lee once said “it is good that war is terrible, otherwise men would grow fond of it.”

This is not an issue upon which we should have war.

Our people do not need to bleed the color of red Georgia clay.

This is an issue that demands cool heads and moderate positions.

Preserving our past, but also preserving our future.

And not allowing the hope of partisan advantage to prohibit the healing of our people.

Like most of you, I am a mixture of old and new, of respect and honor for the past, and of hope for the future.

The children of tomorrow look to us today for leadership.

If we show them the courage of our convictions, they will one day honor us as we honor the true leaders of decades past.

Do your duty—because that is what God requires of all of us.

CELEBRATING DETROIT’S TRICENTENNIAL

HON. CAROLYN C. KILPATRICK
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2001

Ms. KILPATRICK. Mr. Speaker, it is time to celebrate the City of Detroit. This year Detroit turns 300 years young, and we are presently in the midst of a year long celebration commemorating the City’s founding. As a Detroit, I am proud of the contributions our City has made to the State of Michigan and the Nation.

Detroit is the oldest major city in the Midwest. It began as a small French community along the Detroit River when Antoine de la Mothe Cadillac founded a garrison and fur trading post on the site in 1701.

Over the last three centuries, Detroit has played a pivotal part in our Nation’s development. It was a key staging area during the French and Indian War, and one of the key areas which inspired early Americans to move westward.

In the 19th Century, the City was a vocal center of antislavery sentiment. It played an important role on the road to freedom for tens of thousands of African-American slaves who sought refuge in Canada by means of the Underground Railroad.

Detroit is best known perhaps for the industrial center that put the Nation on wheels. Because of entrepreneurs of the likes of Henry Ford, automobiles were made affordable to people of average incomes. Automotive transportation was no longer a privilege of the wealthy. With the invention of the Model T, many working Americans found it within their means to purchase an automobile.

With its growth as an industrial center, Detroit also played a central role in the development of the modern-day labor movement. I am proud that Detroit is home of the United Automobile Workers Union, the UAW, and many other building, service and industrial trades unions, including the International Brotherhood of Teamsters.

Although Detroit association with the automobile industry earned it the nickname of “Motown,” it was Barry Gordy who made the “Motown Sound” come alive and made Detroit a major entertainment capital in the United States. People are still “Dancin’ in the Streets” in Detroit and throughout the country to the sounds of The Supremes, The Temptations, The Four Tops, Smokey Robinson and the Miracles, the Jackson Five and many more Motown Artists. Detroit is also home to the Queen of Soul, Ms. Aretha Franklin. Now, how’s that for a little “R-E-S-P-E-C-T.”

Mr. Speaker, there are many more wonderful things about my City, and they are listed in legislation that I, Mr. CONYERS and the entire Michigan Congressional Delegation are introducing today commemorating and congratulating the City of Detroit on the occasion of its tricentennial. I am also gratified to note that similar legislation will be introduced in the Other Body.

In offering this legislation, I am pleased that it has the support of the entire Michigan Congressional Delegation. I thank my Michigan colleagues for their support, and I urge my colleagues in the House to support the passage of this resolution.

TO AUTHORIZE THE AMERICAN FRIENDS OF THE CZECH REPUBLIC TO ESTABLISH A MEMORIAL IN HONOR OF TOMAS GARRIGUE MASARYK, THE FIRST PRESIDENT OF THE CZECH REPUBLIC, H.R. 1161

HON. BENJAMIN A. GILMAN
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2001

Mr. GILMAN. Mr. Speaker, I rise today to introduce a bill that will authorize the American Friends of the Czech Republic to establish a memorial in our nation’s capital to honor Tomas Garrigue Masaryk, the first president of Czechoslovakia. This bill celebrates his life’s achievements and his quest for democracy, peace, freedom, and humanity. The statue of Mr. Masaryk will immortalize a good friend of the United States and a pioneer for world democracy. Tomas Masaryk exemplifies the democratic ideal best expressed by his words, “Not with violence but with love, not with sword but with plough, not with blood but with work, not with death but with life—that is the answer of Czech genius, the meaning of our history and the heritage of our ancestors.”

Mr. Speaker, Tomas Garrigue Masaryk, the first president of Czechoslovakia, stands out in history as the best embodiment of the close ties between the United States and Czechoslovakia. He knew America from personal firsthand experience from repeated trips as a philosopher, scholar and teacher, spread over four decades. He taught at major universities in the United States, and he married a young woman from Brooklyn, NY, Charlotte Garrigue, and carried her name as his own. For four decades he saw America progress from pioneer beginnings to the role of a world leader. Masaryk’s relationship with

Today, Masaryk stands as a symbol of the politics of morality and the purpose of a true nation state. A steadfast disciple of Wilson, Lincoln and Jefferson it is befitting that he be honored as a world leader and friend of the United States by a monument to his work.

Mr. Speaker, I want to point out that Tomas Masaryk was among the few Czech intellectuals who vigorously attacked the ritual murder trial of a Jew, Leopold Hilsnor in 1899, and resulted in the release from prison of Mr. Hilsnor in 1916. Under his presidency the overwhelming majority of Czechoslovakian Jews preferred to stay in Czechoslovakia because they felt secure in the new state under his humanitarian and liberal regime. The American Jewish Committee singled out President Masaryk in its report on Czech-Israeli Relations hailing him as a man “who supported openly the Zionist idea and became the first president
of a state who ever visited the pre-war Palestine. Streets and squares in Israel are named after him as well as a kibbutz.

My legislation authorizes that a memorial sculpture to Tomas Masaryk be established in a park, just steps away from the location of the former Hotel Chatham, on Park Avenue and Pennsylvania Ave, N.W., where Masaryk lived, and worked, and met with officials of the Woodrow Wilson Administration. It is a fitting site to remember this champion of democracy.

Mr. Speaker, I want to bring to the attention of my colleagues that this bill will not cost the taxpayer nor the U.S. government any moneys but, rather, all expenses for the memorial will be borne by the American Friends of the Czech Republic.

I want to express my appreciation to Milton Cerny, President of the American Friends of the Czech Republic, his distinguished Directors, Advisors and Sponsoring Organization for the support of this legislation. Accordingly, I urge my colleagues to cosponsor this bill, and pass the legislation during this session of Congress. Please join with me in paying tribute and homage to Tomas Masaryk, an outstanding champion of democracy.

A BILL To authorize the American Friends of the Czech Republic to establish a memorial to honor Tomas G. Masaryk on the Federal land in the District of Columbia. be enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL.
(a) IN GENERAL.—The American Friends of the Czech Republic is authorized to establish a memorial to honor Tomas G. Masaryk on the Federal land in the District of Columbia described in subsection (b).

(b) LOCATION OF MEMORIAL.—The Federal land referred to in subsection (a) is the triangle of land in the District of Columbia that is bordered by 19th Street, N.W., H Street, N.W., and Pennsylvania Avenue, N.W., and designated as plot number 30 in area II on the map numbered 869/86501 and dated May 1, 1986, and which is located across H Street, N.W., from the International Bank for Reconstruction and Development.

(c) STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001 et seq.).

(d) LIMITATION ON PAYMENT OF EXPENSE.—The United States Government shall not pay any expense for the establishment of the memorial.

TRIBUTE TO SHELLY LIVINGSTON
HON. HENRY J. HYDE
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 22, 2001

Mr. HYDE. Mr. Speaker, Today I bring attention to a valuable member of my International Relations Committee staff, Shelly Livingston, who is retiring tomorrow. Shelly has worked on the Committee for over 25 years, serving under six chairmen. When Shelly started with the Committee in 1974, Thomas “Doc” Morgan was Chairman. Claire Zablocki, Dante Fascell, Walter Fahey, Benjamin Gilman were fortunate to have Shelly work for them. In our capacity as our fiscal and budget administrator, she has been invaluable in her knowledge of the House rules, and the complexities of providing personnel procedures and travel vouchers.

Actually, Shelly started her career here on Capitol Hill right out of college in 1973 working as a Capitol tour guide—one of the “red coats” as she likes to refer to her former position.

She has served as treasurer for the U.S.-Mexico Interparliamentary Group for over 20 years, and many members know her from having traveled with her.

Without Shelly’s hard work and dedication, we would not have our state-of-the-art audio visual main committee hearing room. Shelly spent many long hours ensuring that this major renovation project ran smoothly.

Shelly has been indispensable in putting together the bi-annual committee budget since 1980. She has a keen mind for numbers, and has been able to work in a bipartisan manner with all members and staff. Her expertise and institutional memory will be missed.

Shelly is a die-hard Texan, who is going to retire tomorrow and spend the next couple of years travelling around the world. We thank her for her service and dedication to this institution, and I know I speak for many on both sides of the aisle when I say we will miss her witty humor and loyal friendship.

We wish her well, and know that with her great love for the arts, she will be doing interesting work in the future.

CELEBRATING GREEK INDEPENDENCE DAY
HON. MICHAEL E. CAPUANO
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 22, 2001

Mr. CAPUANO. Mr. Speaker, I am honored to pay tribute once again to the citizens of Greece on the occasion of their 180th anniversary of independence on Sunday, March 25th. Coincidentally, March 25th also marks the important religious holiday of the Feast of the Annunciation celebrated by most Greeks and Greek-Americans.

The knowledge and skill of a child’s teacher is the single most important factor in the quality of his or her education. The National Writing Project serves a remarkable number of teachers and students on an exceptionally small budget. Last year, the National Writing Project trained 212,724 teachers and administrators nationwide through 167 writing project sites in 49 states, Washington, D.C. and Puerto Rico. It has served over two million teachers and administrators over the last 25 years.

For every federal dollar it receives, the National Writing Project raises about $7.00 in matching grants. This makes the National Writing Project one of the most cost-effective educational programs in the country.

Furthermore, a national staff of only two people administers the National Writing Project. The use of limited federal funds to leverage large private investments is the most efficient way to use the budgeted funds available for the greatest possible return.

The National Writing Project works. For example, in Chicago, students of National Writing Project teachers have shown significantly higher gains on the Illinois Goals Assessment Program writing tests when compared to student performance citywide. In an urban Sacramento, California high school, student performance on local writing assessments rose...
from lowest to highest in the district after an influx of National Writing Project teachers to the school, and college enrollment among this school’s senior class rose 400 percent. The National Writing Project has received similarly impressive results all across this country. In fact, the National Writing Project has received reviews from Carnegie Corporation of New York, the National Council of Teacher Education, the Council for Basic Education, and independent evaluators. The National Writing Project is efficient, cost-effective, and successful. I look forward to working with my colleagues in enacting this important legislation.

21ST CENTURY HIGHER EDUCATION INITIATIVE

America’s Historically Black Colleges and Universities, Hispanic-Serving Institutions, and Tribally Controlled Colleges have provided millions of Americans from all backgrounds with rich and enduring higher education opportunities. They have developed innovative academic strategies, supported cutting edge research, and launched the careers of millions of today’s leaders including scientists, doctors, teachers, lawyers, artist, entrepreneurs, and community and religious leaders.

Today, these institutions face new challenges as they help prepare a new generation of American leaders. In order to ensure that all Americans have access to high quality education, we must ensure that all students have the financial assistance and support to attend and stay in college. And we must ensure that all higher education institutions have the resources to perform vital research, succeed and prosper.

The “21st Century Higher Education Initiative” will substantially expand college opportunity through student aid and early intervention efforts; double resources to strengthen the infrastructure of minority-serving institutions; and harness the strengths of minority-serving institutions to prepare teachers and the high-tech workforce of tomorrow.

Help Make College Affordable for All Americans. Since the passage of the GI Bill of Rights, the federal government has been a key partner in expanding access to higher education. Millions of Americans from low and middle-income families attend college with the help of federal financial aid. Despite record levels of college enrollment, however, students from poor families who graduate from high school attend college at half the rate students from affluent families. Among low-income students, minority students earn bachelor’s degrees at a substantially lower rate than white students. This disparity of opportunity is unacceptable. To help remedy it, the Initiative would:

- Restore the purchasing power of Pell grants by raising the grant from $3,750 to $7,000 over three years. Pell grants provide critical access to higher education, and are particularly important for minority students. About 45% of African-American and Hispanic students at four-year colleges depend on Pell grants, compared to 23% of all students. The purchasing power of the grant has eroded with inflation, from 94% of the cost of a public university in 1976 to 39% today; a $7,000 grant would restore its purchasing power.

- Increase the Supplemental Equal Opportunity Grants by over $300 million over three years. The SEOG program provides critical grant assistance to low-income students whose need is not met by Pell grants. The initiative would authorize $1 billion for SEOG.

- Increase Federal Work-Study by $300 million over three years. This critical program leverages private-sector resources to allow students to earn money for college while learning new skills. By connecting students with their campus communities, work-study has been shown to encourage students to continue their education.

- Promote High School Comptetion as a Gateway to College. Too many young Americans drop out of college while they are still in middle or high school. Only 22 percent of Hispanics in their late twenties have a high school diploma, compared to 88 percent of all Americans.

The U.S. Department of Education has found that the intensity of high school curriculum is the single strongest predictor of college success. The U.S. government commonly reserves college freshmen remedial classes; these students are 60 percent less likely to complete college. The Act would:

- Implement sustained dropout prevention strategies at high schools, based on similar legislation introduced by Senator Bingaman. This $250 million effort will include strengthening pre-college curriculum, planning and research, remedial education, reducing class sizes, and counseling for at-risk students.

- Double funding for TRIO and GEAR UP programs over three years (to $1.5 billion and $900 million, respectively) that intervene in the lives of low-income children and are proven to ensure access to college and college attendance for disadvantaged children. Increased funding would allow TRIO to serve 10 percent of eligible students.

- Encourage greater access to Advanced Placement classes. AP classes allow high school students to challenge themselves in a college-level curriculum. The Initiative would set a national goal of AP classes in every high school within three years. It would also expand the existing AP Incentive program to pay test fees for low-income students, help schools invest in AP curriculum and teacher training, and use new distance learning technologies to expand AP opportunities.

- Strengthen college remedial programs through a new $10 million demonstration program to help more students and adult learners bridge differences in costs between two-year and four-year institutions. Historically black colleges and universities have developed unique recruitment and preparation practices, in- vestments would increase to $40 million over three years. In contrast, President Bush has called for only a 30 percent increase over five years. Specifically, under the Initiative:

1. Hispanic-serving institutions would increase to $370 million; Historically black graduate institutions would increase to $140 million; and
2. Alaska Native and Native Hawaiian-serving institutions would increase to $20 million.

- Preserve Historic Landmarks. One hundred and three historically black colleges have been designated as National Register of Historic Places, but these facilities require $750 million in repairs. To preserve these national treasures and enable historically black colleges to face the challenges of the 21st century, the Initiative would authorize $60 million a year to preserve the most dilapidated historic facilities.

- Enhance Minority Teacher Recruitment. Our nation needs 2 million new teachers over the next 10 years to meet rising enrollments and replace retiring teachers. Minorities are an untapped resource in our National Registry of Historic Places, but these facilities require $750 million in repairs. To preserve these national treasures and enable historically black colleges to face the challenges of the 21st century, the Initiative would authorize $60 million a year to preserve the most dilapidated historic facilities.

- Promote High School Completion as a Gateway to College. Too many young Americans drop out of college while they are still in middle or high school. Only 22 percent of Hispanics in their late twenties have a high school diploma, compared to 88 percent of all Americans.
INTRODUCTION OF H.R. 1—THE NO CHILD LEFT BEHIND ACT OF 2001

HON. JOHN A. BOEHNER
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 22, 2001

Mr. BOEHNER. Mr. Speaker, I am pleased to introduce President George W. Bush’s education plan, the No Child Left Behind Act of 2001. This legislation, a comprehensive reauthorization of the federal Elementary and Secondary Education Act (ESEA) of 1965, reflects President Bush’s efforts to close the achievement gap between disadvantaged students and their peers and to work with States to push America’s schools to be the best in the world.

No Child Left Behind will refocus federal efforts to close the achievement gap by giving States and local schools greater flexibility in the use of Federal education dollars in exchange for greater accountability for results. The bill also includes a school choice “safety valve” for students trapped in chronically failing schools that fail to improve after three consecutive years of emergency aid.

In short: H.R. 1 will give students a chance, parents a choice, and schools a charge to be the best in the world.

Despite almost a decade of uninterrupted prosperity in the 1990s, nearly 70 percent of inner city and rural fourth-graders cannot read at a basic level, and low-income students lag behind their counterparts by an average of 20 percentile points on national assessment tests. The academic achievement gap between rich and poor, Anglo and minority remains wide, and in some cases is growing wider. Washington has spent more than $80 billion since 1990, and nearly $130 billion since 1965, in a well-intentioned but unsuccessful effort to close the gap.

The hard lesson of the past is that money alone cannot be the vehicle for change in our schools. If our goal truly is to leave no child behind, there must be accountability for results.

It is a tremendous honor to introduce the No Child Left Behind Act on behalf of President Bush. We look forward to working with members of all parties in the coming weeks to ensure that every American child has the opportunity to learn.

WOMEN’S HEALTH
HON. STEPHANIE TUBBS JONES
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 22, 2001

Mrs. JONES of Ohio. Mr. Speaker, today I stand in celebration of female health care professionals who are charged with the responsibility of tending for the young, the elderly, the sick and even maintaining the wellness of the hale and hearty.

I stand today to salute the women who were not always recognized with a title, the women with healing skills who were for many years only known as mother, or sister, or daughter. For over 60 years, female nurses and doctors have been pioneers who have battled to caring for their ailing parents and community in Chillicothe, Ohio in 1902.

Yet, her goals propelled her even higher. Emma became the first woman and the first African-American to graduate with a M.D. from Northwestern University School of Medicine in 1895.

Dr. Emma Ann Reynolds practiced medicine in Texas and Louisiana before returning home to care for her ailing parents and community in Chillicothe, Ohio, in 1902.

Some of the hardships and experiences of America’s pioneers have not changed. Today, African-American healthcare professionals are four times more likely to practice in socio-economically deprived areas that already have an alarming shortage of physicians and adequate medical facilities.

They will toil in communities with disproportional numbers of people suffering from HIV and AIDS, heart disease, high blood pressure, diabetes, and mental illness.

They will treat the sick and infirm who are not insured but cannot be left to suffer.

We must remember the names and honor the dedication it requires to nurture communities of people with a scarcity of resources.

Dr. Emma Ann Reynolds’ legacy survives in the female nurses and doctors who practice medicine in hospitals and poor communities across the country.

Her legacy lives on in Provident Hospital which still serves the South Chicago area. In celebration of the thousands of women who are nurses and doctors, who have benefited from the trail blazed by our health care pioneers, I say thank you for your work.

A VISIONARY MISSOURI EDUCATOR
HON. ROY BLUNT
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 22, 2001

Mr. BLUNT. Mr. Speaker, I rise today in memory and tribute to Dr. M. Graham Clark who called the School of the Ozarks his home for the past six decades. Dr. Clark passed away on March 15, at age 92 at his residence on the campus.

Dr. Clark led a life dedicated to the glory of God, and committed to the principles of hard work and educational excellence as he worked to expand and lead a free faith-based education to literally thousands of students who have attend the school in the Missouri Ozarks.

Dr. Clark arrived at the School of the Ozarks in 1946. Under his leadership the high school was transformed first to a junior college and later into a four year institution. His efforts to close the gap.

Congressional Record — Extensions of Remarks E437
INTRODUCTION OF LEGISLATION TO CLARIFY THE COOPERATIVE MAIL RULE FOR NON-PROFIT MAILERS

HON. DAN BURTON OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 22, 2001

Mr. BURTON of Indiana. Mr. Speaker, today I am introducing legislation to clarify the Cooperative Mail Rule that the United States Postal Service uses to limit the commercial use of non-profit mail.

Nonprofit organizations provide many valuable services to citizens across the country. Nonprofit organizations are key in providing education and information about a variety of issues ranging from public health to participation in civic affairs. Nonprofit services are provided to our communities on a voluntary basis. These organizations provide such services often by raising money through voluntary contributions rather than tax dollars.

Nonprofit organizations must rely on commercial entities to provide goods and services, and such goods and services cost money. Often, new or less-well funded nonprofit organizations must obtain these goods and services. The Postal Service has in recent years interpreted a postal regulation known as the Cooperative Mail Rule to disallow reduced rates for nonprofits based solely on their business relationships with commercial entities, even when the nonprofit’s mail contains no commercial material. This interpretation is inconsistent with the original intent of Congress in creating nonprofit rates.

I urge my colleagues to cosponsor this legislation.

TUNISIA 45TH ANNIVERSARY OF INDEPENDENCE

HON. NICK J. RAHALL II OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 22, 2001

Mr. RAHALL. Mr. Speaker, I rise today to congratulate the people and government of Tunisia on the anniversary of the country’s forty-fifth year of independence on March 20, 2001.

Our two countries have maintained a steadfast alliance since signing the Treaty of Peace in 1797. Whether securing Mediterranean shipping lines, fending off Nazi aggression in North Africa as part of the Allied defensive, or standing by us during the Cold War, Tunisia has always shown us her loyalty.

Today, Tunisia stands as an example to developing countries and the promise of North Africa. It has quickly progressed from a country that receives aid to a nation of growing financial influence through its efforts to privatize state owned companies, lifting of price controls and reducing tariffs, reforming the banking and financial sectors, and development of trade in order to create an aggressive free market economy. Today, over sixty percent of the population of Tunisians can be counted in the middle class. We congratulate the country on its progressive social and health programs and most extraordinarily for its leadership in the region as a supporter of women’s legal rights.

Tunisia has also become a moderating force in the Middle East peace process, taking an active role within the international community in fighting terrorism while maintaining internal stability in the face of external chaos.

I am pleased with the increasingly strong ties between the United States and Tunisia, and join the American people in congratulating the people of Tunisia on this historic occasion. I encourage my colleagues to do the same.

RECOGNIZING TWO GREAT AMERICANS

HON. JACK KINGSTON OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 22, 2001

Mr. KINGSTON. Mr. Speaker, it is indeed an honor to be here before you recognize Rabbi Avigdor Slatos and Rebbitzen Rochel Slatus today. They are truly a special couple who have touched the lives of so many people throughout my district. This weekend, these people of God will be celebrating with their Synagogue, the Congregation Bnai Brith Jacob, upon their 20th anniversary of distinguished leadership in the city of Savannah. As a result, I felt compelled to make it known throughout the nation what the people of Savannah already know, Rabbi and Rebbitzen Slatus are great Americans and even greater servants of God.

Rabbi Avigdor Slatus has inspired our community to a new level of Torah appreciation through various classes, shiurim, and lectures. In deep shiurim in Gemarah, Chumash, Halacha as well as beginners programs for those who have never experienced authentic Torah education. Rabbi Slatos has been actively involved in helping to build a day school for all Jewish children in the city of Savannah, and now has an enrollment of approximately 170 children. The Rabbi has also introduced a Kollel to Savannah which presents Torah classes on a variety of topics and issues for the entire community.

Rochel Slatos learned the importance of service growing up in the nursing home facility her parents owned in Chicago, Illinois. As a first generation American and a daughter of Holocaust survivors, she is keenly aware of the plight of her people and has been a distinguished companion in her husband’s efforts to elevate spirituality and growth within the Savannah Jewish community. She has weekly adult education classes and has taught kindergartens in the Ramberg day school for many years.

I am honored to know them and call them friends, but I am also honored to thank them on behalf of my district for their twenty years of service. I hope and pray to God they are able to do so for many more years to come.

SYMPOPHY GUILD OF CHARLOTTE, NORTH CAROLINA

HON. SUE WILKINS MYRICK OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 22, 2001

Mrs. MYRICK. Mr. Speaker, I rise in honor of the 50th anniversary of The Symphony Guild of Charlotte, North Carolina. The Symphony Guild of Charlotte is dedicated to youth music education through its many projects which offer young people throughout the Charlotte Metropolitan Area varied opportunities to experience classical music.

The Guild has supported the Charlotte Symphony Youth Orchestra and the Junior Youth Orchestra and has solely undertaken the summer resident Music Camp for over 30 years, sponsored the Young Artist Competitions for over 20 years, and the Youth Festival for 14 years.

The Summer Resident Music Camp, the Youth Festival, and the Symphony Guild ASD Showhouse have received national recognition by the American Symphony Orchestra League and serve as models for other nonprofit organizations throughout the Nation.

The Guild has also been recognized locally for its long, continuous commitment to the cultural fabric of the Charlotte community with the prestigious Spirit Award from the Royal and SunAlliance and the Mint Museum.

For these reasons, I am honored to recognize the Symphony Guild of Charlotte for its
achievements and help them in celebrating 50 years of support for symphonic music.

TRIBUTE TO THE RONALD MCDONALD HOUSE CHARITIES

HON. HENRY BONILLA OF TEXAS IN THE HOUSE OF REPRESENTATIVES Thursday, March 22, 2001

Mr. BONILLA. Mr. Speaker, I rise to commend Ronald McDonald House Charities for their contributions to the health and well being of Hispanic communities around this nation and the world. I would also like to recognize the CEO of the foundation, Ken Barun. Mr. Barun recently received a leadership award from the National Hispanic Medical Association. This award is but the latest of many accolades granted to this outstanding organization. Just last spring, the Ronald McDonald House Charities were recognized by the Hispanic Scholarship Fund as “one of the top ten corporate citizens . . . for the Hispanic community.”

The Ronald McDonald House Charities address a variety of health care needs. Ronald McDonald Care Mobiles provide free medical, dental, and remedial care; as well as medical referrals and health education programs. The Changing the Face of the World program funds reconstructive surgery for children in developing countries with facial deformities. In addition, the Hand-in-Hand Saving Sight Program provides eye care to children around the world and the Kinship Center serves the needs of adoptive and foster families throughout predominantly Hispanic communities.

The generous and innovative programs of the Ronald McDonald House Charities also aid communities in furthering the education of their students. The Hispanic Scholarship Program provides financial assistance to promising Hispanic American college-bound students. To date, it has supported more than 6,000 students. In addition, the National Latino Children’s Institute promotes policies and programs that value Latino youth and help build healthy Hispanic communities.

Whether it is providing quality, innovative health care to Hispanic families or encouraging students to pursue educational goals, Ronald McDonald House Charities are making a difference in Hispanic communities around the nation and world. I am pleased to commend Ronald McDonald House Charities and Mr. Barun on their many accomplishments.

RECOGNIZING THE ACHIEVEMENTS OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES: LINCOLN UNIVERSITY, JEFFERSON CITY HARRIS-STOWE STATE COLLEGE, ST. LOUIS

HON. KAREN McCARTHY OF MISSOURI IN THE HOUSE OF REPRESENTATIVES Thursday, March 22, 2001

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today in strong support of the 21st Century Higher Education Initiative, which seeks to strengthen America’s minority-serving institutions. This measure helps make college affordable, doubles vital resources, preserves historic landmarks, recruits minority teachers, and helps to prepare the 21st century workforce for global competition. These colleges and universities are critical to recognizing our national goal of having Americans of every ethnicity and race represented in all levels of society.

In my state of Missouri, we have two excellent historically black higher education institutions, Harris-Stowe State College in St. Louis, and Lincoln University in Jefferson City. Harris-Stowe State College was founded as a result of a merger of three schools in 1857, and soon became the first public teacher education institution west of the Mississippi River. Harris-Stowe State College has been a leader in teacher education, and continues this vital mission today.

Lincoln University was founded in 1866 by the enlisted men and officers of the Civil War’s 62nd and 65th Colored Infantries with a purpose to educate freed slaves, and in more recent years the university has expanded to include a broad curriculum across several academic disciplines. While the student bodies of these institutions remain predominantly African American, the composite is now multi ethnic. I salute the commitment of Harris-Stowe State College and Lincoln University, as well as all minority serving institutions, to enriching the fabric of American society through its graduates.

Mr. Speaker, I urge my colleagues to join me in full support of the 21st Century Higher Education Initiative and I urge my colleagues to embrace this important measure. This legislation is an important tool that will help all minority serving institutions, to enriching the fabric of American society through its graduates.

The generous and innovative programs of the Ronald McDonald House Charities also aid communities in furthering the education of their students. The Hispanic Scholarship Program provides financial assistance to promising Hispanic American college-bound students. To date, it has supported more than 6,000 students. In addition, the National Latino Children’s Institute promotes policies and programs that value Latino youth and help build healthy Hispanic communities.

Whether it is providing quality, innovative health care to Hispanic families or encouraging students to pursue educational goals, Ronald McDonald House Charities are making a difference in Hispanic communities around the nation and world. I am pleased to commend Ronald McDonald House Charities and Mr. Barun on their many accomplishments.

INTRODUCTION OF THE NO TAXATION WITHOUT REPRESENTATION ACT OF 2001

HON. ELEANOR HOLMES NORTON OF THE DISTRICT OF COLUMBIA IN THE HOUSE OF REPRESENTATIVES Thursday, March 22, 2001

Ms. NORTON. Mr. Speaker, today, I introduce the No Taxation Without Representation Act in the House as my good friend and colleague Senator Joe Lieberman introduces the bill in the Senate. We are simultaneously introducing the No Taxation Without Representation Act in the House to make the point that we intend to travel both roads at once. In America, there are no House citizens and Senate citizens. The Framers were clear that American citizens are entitled to representation in both houses. Whether you are a fourth generation Washingtonian, as I am, or a newly naturalized American from El Salvador, as many of my constituents are, you are entitled to full representation in the House and Senate.

This bill takes a fresh approach to the denial of voting rights to almost 600,000 residents of the District. We are asking Congress to erase the shameful double inequity borne by no Americans except those who live in our capital: inequality with Americans with whose federal taxing status automatically affords them voting representation, and inequality with Americans in the four territories who, like the District, have no vote but in return are relieved of federal income taxes.

In keeping with the nation’s founding principles, our bill puts the one question to the Congress: first and foremost, that D.C. residents insist upon full and equal voting representation, but the bill also poses the corollary principle emblazoned in our history by the American Revolution itself: that there should be no taxation without representation.

We put the same demand to the Congress that the founders of our nation put to King George, “Give us our vote, or give us our taxes.” Confronted with the alternative: D.C.’s $2 billion in federal income taxes or voting representation for its citizens, we believe that Congress ultimately will choose the vote over the money. In a democracy, Congress will understand that it must be where its constituents already are. According to polls, most Americans believe the citizens of our capital already enjoy congressional voting rights. When informed otherwise, almost 75% of American say that Congress should give those rights to us now.

In framing the issue as we do for the first time today, we mean to make “taxation without representation” a non sequitur in America, and a lot more than a cliché. This bill expresses the new energy for D.C. voting rights that has become palpable in the District. The revived determination of residents was fueled by the landmark D.C. voting rights cases, where the Supreme Court directed D.C. residents to the Congress for relief. To the Congress they have come in the largest numbers for D.C. voting rights in 25 years, first for a hanging-from-the-rafters town meeting and then for the month-long campaign to get back the vote in the Committee of the Whole we first won in 1993. Today, we are back again with a new voting rights bill and support from one of the great leaders of our country. We will keep coming back until the American principle of one person, one vote lives in the capital as it does in the rest of the country. We may not be there yet, but we will get there as Joe Lieberman recruits sponsors in the Senate and I gather colleagues in the House. We will get there as Congress comes to recognize that already a sizeable majority of Americans support our rights and are the wind at our backs.

TRIBUTE TO BETTE MURPHY, OUT-GOING PRESIDENT OF UAW LOCAL 148 RETIREE CHAPTER

HON. STEPHEN HORN OF CALIFORNIA IN THE HOUSE OF REPRESENTATIVES Thursday, March 22, 2001

Mr. HORN. Mr. Speaker, I rise today to pay tribute to Ms. Bette Murphy, who retired as President of the United Aerospace Workers Local 148 Retiree Chapter. Bette Murphy retired after an illustrious 58-year career as a union activist and community leader.

Bette Murphy began her career at Douglas Aircraft Company in Long Beach in November 1942, during the Second World War as one of the original “Rosie the Riveters.” During the war, Bette Murphy and the Douglas workforce helped produce nearly 3,000 B-17 aircraft.
In 1943, Bette risked her job to help her fellow workers achieve a better workplace by encouraging them to join the local UAW. She demanded equal rights and equal protection for the workers which led to their first union contract in 1944.

Bette Murphy carried the torch for female workers of her time. She became the first woman to make $1 an hour, to be elected “Leadman in Shop,” to be an assistant Foreman in the Shop, to oversee “War Boards,” and to be the first female manufacturing engineer. Bette Murphy worked at Douglas Aircraft Company, which later became McDonnell-Douglas, until she retired in 1979 due to a disability.

Needless to say, Bette Murphy fought her disability and served on numerous boards and committees and traveled as a union delegate to many conventions and events. She also served on the bargaining committee where she was elected as an officer six times. She worked hard at helping aircraft workers get the best contracts.

In 1988 Bette Murphy became the President of the UAW Local 148 Retiree Chapter. And for the last 13 years she served the members of the Chapter with all the dedication and steady leadership that helped her accomplish so much for so many people during her long career as a union activist and community leader.

So best wishes to Bette Murphy, in appreciation of her bravery and contribution to the war effort, for her leadership on behalf of so many workers, and for her dedication as President of the UAW Local 148 Retiree Chapter.

LETTER TO PRESIDENT BUSH CONCERNING U.S.-TAIWAN RELATIONS

HON. ROBERT WEXLER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2001

Mr. WEXLER. Mr. Speaker, I would like to submit this letter for the RECORD.

Hon. George W. Bush,
President, the United States of America, the White House, 1600 Pennsylvania Avenue, NW, Washington, DC.

Dear Mr. President: It is my understanding that you are meeting with Chinese Vice Premier Qian Qichen and other top Chinese officials at the White House today. I would respectfully suggest that during these meetings, it is imperative that you send a clear message to the government of China that the United States will continue to strengthen our nation’s longstanding relationship and commitment to the safety and well-being of the people and government of Taiwan.

As you know, deeply strained relations between China and Taiwan greatly threaten stability and U.S. interests in East Asia. The United States should support the continuation of cross-strait dialogue with the government in Taiwan in which I believe will help reduce tensions in the region. I was heartened by the bold decision of Taiwan President Chen Shui-bian to open shipping, transportation, and communication links between two offshore islands, Quemoy and Matsu and mainland China. The Chinese government has signaled that it will support this decision by Taiwan. This confidence building measure is important to a successful cross-strait dialogue, because it signals that the Chinese government, albeit reluctantly, is willing to compromise.

Unfortunately other recent statements released by the Chinese government are contrary to the message of peaceful dialogue and potential cooperation in the Taiwan Strait. For example, a white paper issued by China on October 16, 2000, titled “China’s National Defense 2000” stated that “if Taiwan continues to separate from China, the Chinese army will not use force to bring Taiwan back to the motherland.”

Taiwan should not be bullied into accepting China’s “one country, two systems” formulation. As you are aware, the 1979 U.S. Taiwan Relations Act (TRA) reads: “It is the policy of the United States to consider any effort to determine the future of Taiwan by other than peaceful means of grave concern to the United States.” As you discuss cross-strait relations with Chinese Premier Qian Qichen, I urge you to reject any formulation that presupposes the final results of any negotiations between Taipei and Beijing and is not in accordance with the will of the Taiwanese people.

As you know, the United States has a long history of providing Taiwan with weapons and equipment for defensive capabilities. In a 1997 trip to Taiwan, according to news reports, you expressed a commitment to the U.S. sale of defensive arms to Taiwan. I hope you keep that commitment and urge you to bolster Taiwan’s self-defense capabilities which have not kept up quantitatively or qualitatively with the growing military might of China. Taiwan urgently needs defensive equipment to counterbalance the threat of hundreds of missiles deployed along the coast of China across the Taiwan Strait.

The significant gap between China and Taiwan was acknowledged in a recent report to Congress by the U.S. Pacific Command, Department of Defense, which states “The United States takes its obligation to assist Taiwan in maintaining a self-defense capability very seriously...not only because it is mandated by U.S. law in the Taiwan Relations Act but also because it is in our own national interest. As Taiwan has a capable defense, the environment will be more conducive to peaceful dialogue, and thus the whole region will be more stable.”

In the context of strengthening relations with Taiwan, I believe that the new Administration should advocate Taiwan’s inclusion in international organizations, including the World Health Organization, World Trade Organization, and the International Monetary Fund. It is unconscionable that twenty-three million people living in Taiwan do not have access to the medical resources of the WHO.

At a minimum, Taiwan should be allowed to participate in the activities of the WHO as an observer.

Mr. President, during your campaign you spoke positively about our nation’s strong relationship and commitment to Taiwan. It would be a mistake for the United States to engage China at the expense of our relationship with Taiwan. I believe that this important bi-lateral relationship should be strengthened as it has been over the past several decades with a common commitment to the ideals of freedom and democracy that we all share.

I look forward to working with you to promote U.S. interests in Asia by further strengthening our relationship with a free, democratic, and prosperous Taiwan.

Robert Wexler.
In November of 1951, some 51 charter members formed the Surface Creek Republican Women in Delta, Colorado. At the time they were considered the "last frontier" in Western Colorado. The original members were inspired by Republican women who secured the women's right to vote. During election years, candidates for state, county, and local officials speak to the club. They also spend time working on fundraisers for activities and to support campaign efforts.

Surface Creek Republican Women, since the organization's inception have supported the U.S. Constitution by always staying in touch with their elected officials in Congress. The Surface Creek Republican Women's Platform has always been to "Join our State and National Party in their commitment to equal opportunity for all human beings without discrimination on the basis of race, creed, color or sex." They also believe that the proper role of Government is to protect equal rights—not provide equal rights. They have received many awards for the efforts of its members and many have held positions with the Colorado Federation of Republican Women as well as positions through out the state.

Mr. Speaker, the Surface Creek Republican Women's club continues to be a prominent influence in the community. They have helped numerous candidates, informing Coloradans about issues and candidates for the last five decades. This group of women is very patriotic and has done a lot for the citizens of western Colorado. That is why I would like to take a moment and wish them a happy 50th anniversary and good luck in the future.

HONORING THE LATE DR. LEO LEONARDI

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 22, 2001

Mr. McINNIS. Mr. Speaker, I want to praise for a moment and have this body pay respect to a pillar of the Salida, Colorado community. Dr. Leo Leonardi was killed in a plane crash in Illinois on March 10. He was on his way to Illinois to see patients after he flew his wife to Oklahoma to be with her ill father. He was 77 years old. For more than 50 years, Dr. Leonardi dedicated his life to serving his patients and his community. To many he was more than a doctor, he was a beloved member of the family.

In front of 800 people, Dr. Leonardi's daughter, Michelle said that the MD meant "My Daddy." Being his daughter has always meant sharing him with the community.

During Dr. Leonardi's 52 years of service, he delivered more than 3,000 babies, and tended to the medical needs of three generations of many Chaffee County families. He tended to the medical needs of three generations of many Chaffee County families. He delivered more than 3,000 babies, and has done a lot for the citizens of western Colorado. That is why I would like to take a moment and wish them a happy 50th anniversary and good luck in the future.

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor Harlan Steine of Durango, Colorado and wish him good luck in future years. Harlan will retire on July 1, 2001 after 32 years at Fort Lewis College, where he serves as the vice president of admissions.

Harlan spent four years as a student at Fort Lewis College, before moving to New Mexico, to teach and coach at Gallup High School. He then went on to Northern Arizona University to get his master's, and then to the University of Oregon to earn his Doctorate. Then in 1974, Harlan went back to Fort Lewis College where he has spent the last 28 years.

Colleagues say Harlan was key in boosting enrollment numbers. "It's going to be a real loss," said Sherri Rochford, the college dean of alumni and development. "He has probably been one of the best networks with high school counselors in the state, which he has used to build the reputation of FLC. You just don't build something like that overnight. It takes a while to cultivate."

Under Harlan's tenure at FLC, the schools enrollment doubled from 2,000 to 4,000. "I don't think FLC would have had the student enrollment growth it has enjoyed in the 28 years he has been here," Deborah Uroda, FLC's director of marketing and publications said.

During his time at FLC, Harlan has been active in several groups, including the Colorado Council for High School and College Relations where the 54 year old Harlan was inducted into the first Hall of Fame in 1992. He is part of the National Association of College Admissions Counselors, and the Rocky Mountain Association of College Administrative Counseling as its treasurer. "The length of time and the success Harlan has had working with a number of FLC presidents exemplifies that he has been a long term, successful employee," Don Riederer said.

Mr. Speaker, Harlan Steine has done a lot in his lifetime for Fort Lewis College, and deserves the thanks and praise of this body.

THE RIGHTEOUS OF SWITZERLAND
HEROES OF THE HOLOCAUST

HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 22, 2001

Mr. LANTOS. Mr. Speaker, over the years, much attention and praise has been rightfully lavished upon the "Righteous Gentiles" of the countries which were occupied by the Nazis during World War II, who risked their lives to save their Jewish countrymen. Monuments have been erected around the world in their honor, and their stories have been repeated for younger generations to learn from the actions of these honorable people. From the Avenue of the Righteous in Israel's Yad Vashem, to the cinematic jewel Schindler's List, the brave men and women who stood up to the Nazi's persecution of the Jewish people rightly deserve all the accolades they have received.

Mr. Speaker, because I believe that all tales of the righteous men and women who risked much to save the lives of their Jewish countrymen deserve to be told, I would like to call attention to an excellent piece of research by Swiss businessman, Meir Wagner, that was recently published. In his book, The Righteous of Switzerland: Heroes of the Holocaust, Mr. Wagner shares with his readers more than forty tales of heroism and strong moral fortitude that took place during one of the world's darkest periods of history. His book tells the little-known stories of brave Swiss citizens who saved thousands of Jewish lives during World War Two. These Swiss gentiles risked their lives, hardship, danger and death in aiding their fellow countrymen, a sharp contrast to the official neutrality that their government pursued.

Mr. Speaker, I want to applaud Meir Wagner for the diligent effort he put forth in researching this important book. It required him to comb painstakingly through years of archival material and to conduct numerous interviews with participants and observers. While this was an arduous task, it allowed Mr. Wagner to weave each tale by day and directly from the testimonials of both those saved, as well as eyewitnesses to the events.

Mr. Speaker, this book, The Righteous of Switzerland: Heroes of the Holocaust shares with us the diplomats, Red Cross delegates, clergymen, nuns, and others of Switzerland whose examples of courage and bravery were moral beacons at a time of unparalleled darkness. I urge my colleagues to read this outstanding book.

TRIBUTE TO JOHN W. ANTHONY

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 22, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this time to pause a moment in remembrance of a great man, and a great friend. John W. Anthony passed away on March 9, at the age of 81. John has been associated with one type of ranch or another since the time of his birth in 1920. He purchased his first ranch in West Creek, Colorado. Then in 1950, his family purchased a ranch on Divide Creek near Rifle, Colorado.
Mr. Speaker, Western Colorado has lost a great husband, father, grand father, friend and neighbor. That is why I would like this body to take a moment and recognize John W. Anthony.

ADDRESS OF SECRETARY OF STATE COLIN L. POWELL TO THE AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE

HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2001

Mr. LANTOS. Mr. Speaker, on Monday of this week, Secretary of State Colin L. Powell addressed the annual meeting of the American Israel Public Affairs Committee (AIPAC) here in Washington. His remarks were outstanding. He set forth the Bush Administration’s views and policy on America’s relations with our strategic ally Israel and on the search for peace in that troubled and difficult region of the world.

Secretary Powell brings great depth of knowledge and understanding of our nations foreign and security policy. Our country is indeed well served to have a person of such broad international experience and distinction having the principal responsibility for the conduct of American foreign policy.

Mr. Speaker, Secretary Powell’s address to the AIPAC conference are of such importance that I request they be placed in the RECORD. I urge all of my colleagues in the House to read and carefully consider his excellent and thoughtful remarks.

REMARKS AT THE AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE

Secretary Colin L. Powell

Thank you very much, ladies and gentlemen. Thank you very much, ladies and gentlemen, and thank you, Tim, for that very kind introduction. It is a great pleasure to be back here to speak to AIPAC. Amazing that it has been ten years. And it is especially charming to be introduced as the son of an immigrant to the United States who entered the United States from the Pinen Island. I haven’t heard that in a long time.

There are many people here who don’t know what that means, but I tell you for those of you who were here ten years ago, you remember that there was a lot of speculation at that time that I was absolutely fluent in Yiddish. I do not believe the speculation. And when I was walking offstage to confirm it, I said, “Well, yes, I do understand a bissel.”

But I am pleased to be here this morning, and especially to see so many friends in the room. AIPAC has a long and commendable record of promoting the unique relationship that exists between the United States and Israel. Both countries are better for your efforts, and so I thank and congratulate you for all you have done.

We meet today in a world that is much different than that of world of ten years ago, a world that is changing still more every day. And where we were once defined by competition between two rival theological superpower blocs, the red and the blue side of the map, no longer engaged in a competition which I predicted to destroy humankind in a matter of minutes. Instead, today we find ourselves involved in competition which we have to work hard every day, Cold War red-and-blue characterizations of being either friend or foe. And making matters even more complicated is the reality that there are new powerful phenomena that affect the way we interact with each other. Ideas and dollars and drugs and terrorists cross national boundaries at the speed of light with impunity as a result of the information and technology revolutions. Old concepts of borders and political definitions are being shaken by the information and technology revolutions which are reshaping the world, the possibility of open markets and freedom reaching into the darkest corners of the world. And we are also committed to prevention of the world’s most dangerous weapons. Such collaboration, for example, is at the core of our policy with respect to Iraq. And we are committed to creating a new strategic framework, one defined by lower levels of nuclear weapons and a greater role for missile defense. This is time to change the nuclear equation of mutual assured destruction to a more sensible strategic arrangement.

Little of this can happen if we work alone. President Bush has made it clear that a hallmark of our foreign policy will be the need to consult and work closely with friends and allies worldwide. And he is at the center of our policy with respect to Iraq. Tim touched on it a moment ago. Iraq is still a challenge which is receiving early attention from the Bush Administration.

Our goal is to strengthen the international coalition that for a decade has helped to keep the peace in this important part of the world. And as I did in the region, I discussed with friends across the region how best to continue to prevent the Iraqi regime from acquiring or developing weapons of mass destruction. The means to reconstruct its military forces.

As a result of those consultations, we are now exploring the idea of separating the arms control elements of the UN sanctions, while addressing the legitimate humanitarian needs of the Iraqi people. And we believe this can be done and must be done to protect the children and the people of the region from these terrible weapons. We will have more to say about Iraq following the completion of our policy consultation and our further discussions with our key partners.

The same holds true for our policy towards Iran. We are studying Iran in considerable depth and breadth, and as you know, however, it is apparent that certain aspects of Iranian Government behavior—the support for terrorism, repression of the rights of the Iranian people, especially those of Jewish descent, unfairly charged and harshly imprisoned—are of deep concern. This is of deep concern to the United States and to the American people, and we will not turn aside and ignore this kind of behavior.

We are also concerned about Iranian efforts to develop these programs and to increase its conventional military strength. Indeed, I have gone so far as to raise with senior Russian officials the role that Russia is playing in these dangerous and destabilizing efforts. We will not overlook what Russia is doing to cause this sort of problem.

At the same time, we are aware of the intellectual and political foment taking place within Iran. Things are changing, and we are watching and we watch these developments closely and hopefully.

Clearly there is a great deal going on around the world that merits our attention, from the Persian Gulf to North Korea, and from Macedonia to the Democratic Republic of the Congo. But my focus this morning will be on the Middle East and, in particular, on Israel and on the search for peace. And let me begin with Israel.

As Governor George W. Bush said to your conference a year ago, America and Israel share a special friendship. Ladies and gentlemen, I am here today to reaffirm this friendship. It involves every aspect of life.

From the realms of politics and economics to those of security, the relationship is strong. This relationship between fellow democracies is and will remain rock solid. It is an unconditional bond that is both deep and wide, one based on history, on interests, on values, and on principle. We are dedicated to preserving this special relationship between Israel and America. We recognize that Israel lives in a very dangerous neighborhood. So we will work, we will look for ways to strengthen and expand our valuable strategic cooperation with Israel so that we can help preserve Israel’s qualitative military edge.

Our collaboration in missile defense is one prominent area that comes to mind in this regard. The simple fact of the matter is we believe that a secure Israel within internationally recognized borders remains a cornerstone of the United States foreign policy. There is no substitute. For me, this is not just policy; it is also personal. I have traveled to Israel on many occasions, as a young man, as a general working for the Secretary of Defense, as National Security Advisor to President Reagan, as Chairman of the Joint Chiefs of Staff for President Bush, and just a few weeks ago as Secretary of State for the latest President Bush.

No matter in what capacity I visited, my reaction was always the same. Israel is a country blessed with a people of extraordinary talent and vision and courage. From the moment of my first visit, I committed myself to doing all that I could to do to ensure that those people would always have the support they needed from the United States so that they could live in safety and peace.

We meet here this morning ten years after the liberation of Kuwait, and almost ten years since the 1991 Madrid Conference that brought Israeli and Palestinian representatives to the table for the first time. We have made some remarkable achievements. Like many of you, I was...
there on the South Lawn of the White House in September of 1993 to witness the signing of the Declaration of Principles that laid the foundation for subsequent Israeli-Palestinian negotiations. Providing a bridge between the two peoples, the declared intention was to put an end to the conflict forever. It was a plane, a touch of hope, a moment of peace. I have no magic formula. I cannot snap my fingers and make the current situation go away or turn it around. What I can do, however, is to lay some basic ideas that will guide the approach of the United States under the Bush Administration as we approach the Middle East and the Israel-Palestina

CONGRESSIONAL RECORD — Extensions of Remarks

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wherein the repetition may communicate a few ideas that we believe can contribute to the prospects for peace.

First and foremost, the violence must stop. Violence provokes armed reaction, not compromises. Leaders have the responsibility to denounce violence, arrest it in its tracks, strip it of legitimacy, stop it. Violence is a dead end.

Second, the status quo is costly and, if allowed to drift, will only lead to greater tragic consequences. Israelis and Palestinians are survived by the current situation. Both sides require a dialogue that will lead to mutually acceptable political, economic and security arrangements—transitional or permanent, partial or whole.

Third, the parties themselves hold the keys to their own futures. It is only within the context of a vision to make difficult decisions and defend them to their own publics. Unilateral actions in the territories should be avoided. Turning to the United States or other outside parties to pressure one or another party, or to impose a settlement, is not the answer. Departing and passing new UN resolutions is unlikely to make a contribution. In the end, there is no substitute for the give and take of direct negotiations. At the end of the day, Israelis and Palestinians will either be partners or antagonists.

Fourth, both parties have a stake in the restoration of the status quo ante bellum. They need to work to rebuild the level of trust and confidence that had existed. Israelis and Palestinians must each take steps to build confidence in one another with evidence that their respective leader can then point to in order to regulate their own compromises.

And fifth, the United States stands ready to assist, not insist. (Applause.) Again, only the parties themselves can determine the pace and scope and content of any negotiations. And the United States is committed to the endgame, to the success, to the realization of a peaceful resolution that is a着眼 on the needs of all, and to determine what it is we can all do together to promote the prospects for peace in the region.

The need to reverse recent momentum could not be more apparent. It is difficult to speak of the contemporary Middle East and not speak of tragedy. Here we stand, at the dawn of the 21st century, and here with the potential to bring more peace and prosperity to some of the world’s poorest and most war-ravaged peoples than has ever been enjoyed such fruits of life in the history of the world. The Middle East stands out, but hardly in a way to be envied. Too much of the region’s present is mired in old disputes, too many resources are being devoted to the instruments of war, too many lives are being cut short.

I look forward to the day when the children of this region—all the children of this region—can grow up to be full participants in their own societies and enjoy the fruits of good government, peace, and freedom for all people. We are open, indeed anxious, to hear the needs of all, and to determine what it is we can all do together to promote the prospects for peace in the region.

One of the most profound lessons of the last several years is that the prospects for peace in the region.

My emphasis today on Israel and the Palestina

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Israel throughout its history; we have demonstrated again and again that our roots are intertwined, as they are with all nations who share our beliefs in openness and democracy. So let there be no question about our commitment to Israel; let there be no question that America will stand by Israel today; and let there be no question that America will stand by Israel in the future."

Today I am proud to say these words remain true. Today I am proud to stand in front of you, not as Chairman of the Joint Chiefs of Staff of the Armed Forces of the United States, but as Secretary of State of the United States of America. The Secretary of State has been given the privilege to helping President Bush formulate and execute his foreign policy, and we will have no greater priority than to work with Israel, to work with the Palestinians, to work with all the others in the region to bring peace, a peace that surpasses all understanding of peace that the region needs.

I’m a former person of war, now I will pursue peace for all the peoples of the region. Shalom.

TRIBUTE TO THE WOMEN’S FUND OF SILICON VALLEY

HON. ZOE LOFGREN
OF CALIFORNIA

HON. MIKE HONDA
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2001

Ms. LOFGREN. Mr. Speaker, I with my colleague from California, Mr. HONDA, wish to congratulate the Women’s Fund of Silicon Valley, on the occasion of the 2001 Annual Women of Achievement Awards. The Women’s Fund of Silicon Valley is a non-profit organization that has recognized, honored and supported the work of women and girls since 1972.

The Women’s Fund presents annual awards to women of achievement in 14 categories: arts, communications, community service, business, education, elected public service, entrepreneurship, labor, professional, public service, science and technology, small business, sports and volunteerism.

The Women’s Fund has provided scholarships for training and education to help women and girls achieve their goals. The Women’s Fund also generously contributes to local non-profit organizations that serve women and girls.

The Women’s Fund of Silicon Valley has worked on behalf of women and girls in California for almost twenty years. We are grateful to the organization and its members for making it possible for women and girls to achieve their dreams.
HIGHLIGHTS

The House passed H.R. 247, Tornado Shelters Act, to authorize communities to use community development block grant funds for construction of tornado-safe shelters in manufactured home parks.

House committee ordered reported the Marriage Penalty and Family Tax Relief Act of 2001.

Senate

Chamber Action

Routine Proceedings, pages S2681–S2794

Measures Introduced: Ten bills and three resolutions were introduced, as follows: S. 593–602, S. Res. 62–63, and S.J. Res. 10. Page S2730

Measures Passed:

Competitive Market Supervision Act: Senate passed 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, after agreeing to the committee amendment in the nature of a substitute, and the following amendments proposed thereto:

Gramm Amendment No. 142, to require a study to be conducted by the Securities and Exchange Commission for the purpose of determining the extent to which reductions in fees are passed on to investors. Pages S2785–92

Gramm Amendment No. 143, to provide for a demonstration project under title 5, United States Code, relating to compensation of employees of the Securities and Exchange Commission. Pages S2788–89

National Safe Place Week: Committee on the Judiciary was discharged from further consideration of S. Res. 25, designating the week beginning March 18, 2001 as “National Safe Place Week”, and the resolution was then agreed to. Page S2792

Campaign Finance Reform: Senate continued consideration of S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform, taking action on the following amendments proposed thereto:

Adopted:

Cochran Modified Amendment No. 137, to provide for increased disclosure of election-related reports and information. Pages S2686, S2690–91

Wyden Modified Amendment No. 138, to provide that the lowest unit rate for campaign advertising shall not be available for communications in which a candidate directly references an opponent of the candidate unless the candidate does so in person. Pages S2692–97

By a unanimous vote of 99 yeas (Vote No. 45), McConnell (for Nickles/Gregg) Amendment No. 139, to strike section 304, with respect to the codification of the Beck Decision, regarding nonunion member payments to labor unions. Pages S2698–S2703

Landrieu Modified Amendment No. 124, to develop standards for software, and to make software meeting such standards available to candidates for election to Federal office for filing disclosure reports in electronic form and making receipts and disbursements available to the public on the Internet. Pages S2703–04, S2713–14

Rejected:

Hatch Amendment No. 136, to add a provision to require disclosure to shareholders and members regarding use of funds for political activities. (By 60 yeas to 40 nays (Vote No. 44), Senate tabled the amendment.) Pages S2682–86

Pending:

Specter Amendment No. 140, to provide findings regarding the current state of campaign finance laws and to clarify the definition of electioneering communication. Pages S2704

Helms Amendment No. 141, to require labor organizations to provide notice to members concerning
their rights with respect to the expenditure of funds for activities unrelated to collective bargaining.

A unanimous-consent time agreement was reached providing for further consideration of Helms Amendment No. 141 (listed above) to the bill at 8:45 a.m., on Friday, March 23, 2001, with a vote to occur thereon at approximately 9 a.m.  

Constitutional Amendment—Agreement:  A unanimous-consent time agreement was reached that, pursuant to the agreement of February 7 with respect to S.J. Res. 4, proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections, the Senate proceed to that resolution on Monday, March 26, 2001, at 2 p.m. Further, that final passage of the resolution occur on Monday at 6 p.m.

Nominations Received: Senate received the following nominations:

- Faryar Shirzad, of Virginia, to be an Assistant Secretary of Commerce.
- Michele A. Davis, of Virginia, to be an Assistant Secretary of the Treasury.
- Andrew S. Natsios, of Massachusetts, to be Administrator of the United States Agency for International Development.
- Larry D. Thompson, of Georgia, to be Deputy Attorney General.
- Tim S. McClain, of California, to be General Counsel, Department of Veterans Affairs.
- 44 Air Force nominations in the rank of general.
- 2 Coast Guard nominations in the rank of admiral.
- 8 Marine Corps nominations in the rank of general.
- 1 Navy nomination in the rank of admiral.
- A routine list in the Air Force, Army, Coast Guard, Marine Corps, Navy.

Executive Communications:  

Messages From the House:  

Measures Referred:  

Statements on Introduced Bills:  

Additional Cosponsors:  

Amendments Submitted:  

Authority for Committees:  

Record Votes: Two record votes were taken today. (Total—45)

Adjournment: Senate met at 9 a.m., and adjourned at 6:41 p.m., until 8:45 a.m., on Friday, March 23, 2001. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S2793.)

Committee Meetings

(Committees not listed did not meet)

FOOD SAFETY AND INSPECTION SERVICE
Committee on Agriculture, Nutrition, and Forestry: Committee concluded oversight hearings to review activities of the Food Safety and Inspection Service, focusing on allegations of corruption in the meat inspection program in the New York City metropolitan area, after receiving testimony from Roger C. Viadero, Inspector General, and Thomas J. Billy, Administrator, Food Safety and Inspection Service, both of the Department of Agriculture.

DEFENSE AUTHORIZATION—MILITARY STRATEGY AND OPERATIONAL REQUIREMENTS
Committee on Armed Services: Committee concluded open and closed hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on military strategy and operational requirements, after receiving testimony from Gen. Joseph W. Ralston, USAF, Commander-in-Chief, United States European Command; and Gen. Tommy R. Franks, USA, Commander-in-Chief, United States Central Command.

BUSINESS MEETING
Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported S. 149, to provide authority to control exports, with amendments.

DEBT MANAGEMENT
Committee on the Budget: Committee concluded hearings to examine management activities of the Department of the Treasury with respect to paying off the publicly held debt by the year 2011, and related international economic and financial implications, after receiving testimony from Gary Gensler, former Under Secretary of the Treasury for Domestic Finance, and Edwin M. Truman, Institute for International Economics, both of Chevy Chase, Maryland; F. Ward McCarthy, Jr., Stone & McCarthy Research Associates, Princeton, New Jersey; and Albert M. Wojnilower, Craig Drill Capital, New York, New York.

NATIONAL PARK SERVICE CONCESSIONS MANAGEMENT
Committee on Energy and Natural Resources: Subcommittee on National Parks, Historic Preservation,
and Recreation concluded oversight hearings to review the National Park Service’s implementation of management policies and procedures to comply with the provisions of Title IV of the National Parks Omnibus Management Act (P.L. 105–391), relating to concession reform, after receiving testimony from Richard G. Ring, Associate Director, Park Operations and Education, National Park Service, Department of the Interior; Joseph K. Fassler, Alexandria, Virginia, on behalf of the National Park Hospitality Association; Philip H. Voorhees, National Parks Conservation Association, and William P. Horn, Birch, Horton, Bittner and Cherot, on behalf of America Outdoors, both of Washington, D.C.; and Curt Cornelssen, Pricewaterhouse Coopers, Boston, Massachusetts.

PRESCRIPTION DRUGS AND MEDICARE FINANCING

Committee on Finance: Committee held hearings to examine issues related to the projections of future Medicare spending and growth, as well as restructuring of the program, focusing on designing and funding prescription drug benefits for Medicare beneficiaries, receiving testimony from Dan L. Crippen, Director, Congressional Budget Office; David M. Walker, Comptroller General of the United States, General Accounting Office; Richard S. Foster, Chief Actuary, Health Care Financing Administration, Department of Health and Human Services; and Patricia Neuman, Johns Hopkins University School of Hygiene and Public Health Department of Health Policy and Management, Baltimore, Maryland, on behalf of the Henry J. Kaiser Family Foundation.

Hearings recessed subject to call.

NATIONAL SECURITY THREATS

Committee on Foreign Relations: Committee met in closed session to receive a briefing on the intelligence assessment of emerging national security threats from George J. Tenet, Director, Central Intelligence Agency.

DC METROPOLITAN POLICE DEPARTMENT


HEALTH CARE SERVICES

Committee on Health, Education, Labor, and Pensions: Subcommittee on Public Health concluded hearings to examine the United States health care safety net system and the challenges facing providers who care for the uninsured and medically underserved, focusing on the authorization of several programs including the Consolidated Health Centers Program, the National Health Service Corps, and the Healthy Communities Access Program, after receiving testimony from Claude Earl Fox, Administrator, Health Resources and Services Administration, Department of Health and Human Services; Dennis S. Freeman, Cherokee Health Systems, Talbot, Tennessee, on behalf of the American Psychological Association and the Tennessee Primary Care Association; Velma Lopez Hendershot, InterCare Community Health Network, Bangor, Maine, on behalf of the National Association of Community Health Centers, Inc.; Robert P. Moser Jr., Greeley Family Practice, Tribune, Kansas; and John G. O’Brien, Cambridge Health Alliance, Cambridge, Massachusetts, on behalf of the National Association of Public Hospitals and Health Systems.

MEMBER TRIBES OBJECTIVES

Committee on Indian Affairs: Committee held hearings to examine the legislative priorities and objectives of national, regional, and inter-tribal organizations that represent tribal governments, receiving testimony from Susan Masten, Yurok Tribe, Eureka, California, and Thomas R. Ranfranz, Flandreau Santee Sioux Tribe, Flandreau, South Dakota, both on behalf of the National Congress of American Indians; and Jefferson Keel, Chickasaw Nation, Ada, Oklahoma.

Hearings recessed subject to call.

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 28.
House of Representatives

Chamber Action

Bills Introduced: 47 public bills, H.R. 1, 1160–1205; 1 private bill, H.R. 1206; and 10 resolutions, H.J. Res. 40–41; H. Con. Res. 77–82, and H. Res. 98–99, were introduced. Pages H1112–15

Reports Filed: No Reports were filed today.

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Bass to act as Speaker pro tempore for today. Page H1063

Guest Chaplain: The prayer was offered by Rev. Rebecca Hartvigsen, Home of Guiding Hands, San- tee, California. Page H1063

Motion to Adjourn: Rejected the LaFalce motion to adjourn by a yeas and nay vote of 71 yeas to 336 nays, Roll No. 56. Pages H1069–70

Suspensions: The House agreed to suspend the rules and pass the following measures which were considered pursuant to H. Res 92, the rule that provided for consideration of suspensions on Wednesday, March 21, 2001, or Thursday, March 22, 2001:

Coast Guard Personnel and Management Safety: H.R. 1099, to make changes in laws governing Coast Guard personnel, increase marine safety, renew certain groups that advise the Coast Guard on safety issues, make miscellaneous improvements to Coast Guard operations and policies (passed by a yea and nay vote of 415 yeas with none voting “nay”, Roll No. 58). The bill was debated on Wednesday, March 21; and

Public Safety Officer Medal of Valor: H.R. 802, amended, to authorize the Public Safety Officer Medal of Valor (passed by a yea and nay vote of 414 yeas with none voting “nay”, Roll No. 59). Pages H1066–68, H1074–75

Joint Economic Committee: The Chair announced the Speaker’s appointment of Representative Saxton to the Joint Economic Committee. Page H1075

House Commission on Congressional Mailing Standards: The Chair announced the Speaker’s appointment of Representative Ney, Chairman, and Representatives Aderholt, Reynolds, Hoyer, Frost, and Thompson of Mississippi to the House Commission on Congressional Mailing Standards. Page H1075

John C. Stennis Center for Public Service Training and Development: The Chair announced the Speaker’s reappointment of Representative Pickering to the Board of Trustees of the John C. Stennis Center for Public Service Training and Development for a term of six years. Subsequently, read a letter from the Minority Leader wherein he announced his appointment of Representative Lewis of Georgia to Stennis Center for Public Service Training and Development: H. Res. 98, for a term of six years. Pages H1112–15

Advisory Committee on the Records of Congress: The Chair announced the Speaker’s reappointment of Mr. Timothy J. Johnson of Minnetonka, Minnesota to the Advisory Committee on the Records of Congress. Subsequently, read a letter from the Clerk wherein he announced his appointment of Ms. Susan Palmer of Aurora, Illinois to the advisory committee. Page H1075

Tornado Shelter Act: The House passed H.R. 247, to amend the Housing and Community Development Act of 1974 to authorize communities to use community development block grant funds for construction of tornado-safe shelters in manufactured home parks by a recorded vote of 401 ayes to 6 noes, Roll No. 61.

Agreed To:

Frank amendment that authorizes the appropriation of $50 million for the construction or improvement of tornado or storm-safe shelters for manufactured housing;

Trafficic amendment that encourages the purchase of American-made equipment and products and requires the Secretary of Housing and Urban Development to provide a notice to that effect (agreed to by a recorded vote of 396 ayes with none voting “no”, Roll No. 60);

LaFalce amendment that clarifies that the shelters shall be located in low-to-moderate income neighborhoods; and

LaFalce amendment that clarifies that the shelters shall serve the residents of the area in which it is located and will not be made available for the exclusive use of a particular neighborhood. Pages H1083–84, H1084–85

The Clerk was authorized to correct section numbers, punctuation, and cross references and to make other technical and conforming changes in the engrossment of the bill.

H. Res. 93, the rule that provided for consideration of the bill was agreed to by a yea and nay vote of 246 yeas to 169 nays, Roll No. 57. Pursuant to the rule, the Bachus amendment in the nature of a substitute, printed in the Congressional Record of March 19 and numbered 1, was considered as an original bill for the purpose of amendment.

Concurrent Resolution on the Budget: Agreed that it be in order on Tuesday, March 27, 2001 for the Speaker, as though pursuant to clause 2(b) of rule XVIII, to declare the House resolved into the
Committee of the Whole House on the State of the Union for a period of debate on the concurrent resolution on the budget; that debate not exceed three hours; that two hours of such debate be confined to the congressional budget and be equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, and that one hour of such debate be on the subject of economic goals and policies and be equally divided and controlled by Representatives Saxton and Stark or their designees; that after such debate, the Committee of the Whole rise without motion; and that no further consideration of the concurrent resolution on the budget be in order except pursuant to a subsequent order of the House.

Legislative Program: The Majority Leader announced the legislative program for the week of March 26.

Meeting Hour—Monday, March 26: Agreed that when the House adjourns today, it adjourn to meeting on Monday, March 26 at 2 p.m. in pro forma session.

Meeting Hour—Tuesday, March 27: Agreed that when the House adjourns on Monday, March 26, it adjourn to meeting on Tuesday, March 27 at 12:30 p.m. for morning-hour debate.

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, March 28.


Agreed to the Chabot amendments to the text and preamble.

North Atlantic Assembly: The Chair announced the Speaker’s appointment of Representatives Deutsch, Borski, Lantos, and Rush to the United States Group of the North Atlantic Assembly.

Quorum Calls—Votes: Four yea and nay votes and two recorded votes developed during the proceedings of the House today and appear on pages H1069–70, H1073–74, H1074, H1074–75, H1084–85, and H1085–86. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 3:59 p.m.

Committee Meetings

FEDERAL FARM COMMODITY PROGRAMS

Committee on Agriculture: Continued hearings on Federal Farm Commodity Programs, with the livestock industry. Testimony was heard from Barb Determan, President, National Pork Producers Council; Cindy Siddoway, President, American Sheep Industry Association; Peggy Vining, Vice President, International Operations, Purdue Farms; and Wythe Willey, President-Elect, National Cattlemen’s Beef Association.

Hearings continue March 28.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense held a hearing on Medical Programs. Testimony was heard from the following officials of the Department of Defense: Lt. Gen. Paul K. Carlton, USAF; Vice Adm. Richard A. Nelson, USN; Lt. Gen. James B. Peake, USA; Dr. Jarrod Clinton, Acting Assistant Secretary, Health Affairs; and Dr. James Sears, Executive Director, TRICARE Activity.

LABOR, HHS, EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services and Education continued appropriation hearings. Testimony was heard from public witnesses.

TRANSPORTATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation held a hearing on Federal Highway Administration. Testimony was heard from Vincent F. Schimmoller, Deputy Executive Director, Federal Highway Administration, Department of Transportation.

VA, HUD, AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies continued appropriation hearings. Testimony was heard from public witnesses.

INNOVATIVE RESEARCH COMPANIES

Committee on Armed Services: Subcommittee on Military Research and Development held a hearing on Innovative Research Companies. Testimony was heard from Innovative Research Companies.

OVERSIGHT—ELECTRICITY MARKETS: CALIFORNIA

Committee on Energy and Commerce: Subcommittee on Energy and Air Quality concluded oversight hearings
on Electricity Markets: California. Testimony was heard from William Keese, Chairman, Energy Commission, State of California; and public witnesses.

FEDERAL MEDICAL PRIVACY REGULATIONS
Committee on Energy and Commerce: Subcommittee on Health held a hearing on Assessing HIPAA: How Federal Medical Privacy Regulations Can Be Improved. Testimony was heard from public witnesses.

OVERSIGHT—TELEWORK POLICIES
Committee on Government Reform: Subcommittee on Technology and Procurement Policy held an oversight hearing on “Toward a Telework-Friendly Government Workplace: Successes and Impediments in Managing Federal Telework Policies.” Testimony was heard from Steven Cohen, Acting Director, OPM; David L. Bibb, Acting Deputy Director, GSA; S. Mark Lindsey, Acting Administrator, Federal Railroad Administration, Department of Transportation; and public witnesses.

COMMITTEE FUNDING
Committee on House Administration: Ordered reported amended H. Res. 84, providing for the expenses of certain committees of the House of Representatives in the One Hundred Seventh Congress. The Committee also considered other pending business.

OVERSIGHT—EXECUTIVE ORDERS AND PRESIDENTIAL DIRECTIVES
Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held an oversight hearing on Executive Orders and Presidential Directives. Testimony was heard from Representative Hansen; and public witnesses.

OVERSIGHT
Committee on the Judiciary: Subcommittee on Courts, the Internet and Intellectual Property held an oversight hearing on “ICANN, NEW gTLDs, and the Protection of Intellectual Property.” Testimony was heard from public witnesses.

OVERSIGHT—FEDERAL LAND OIL AND GAS RESOURCE BASE
Committee on Resources: Subcommittee on Energy and Mineral Resources held an oversight hearing on Estimated Oil and Gas Resource Base on Federal Land and Submerged Land: How Much Oil and Gas can these Lands Produce? Testimony was heard from the following officials of the Department of the Interior: P. Patrick Leahy, Associate Director, Geology, U.S. Geological Survey; and Carolita Kallaur, Associate Director, Offshore Minerals Management, Minerals Management Service; and a public witness.

MISCELLANEOUS MEASURES
Committee on Resources: Subcommittee on National Parks, Recreation and Public Lands approved for full Committee action the following bills: H.R. 107, amended, to require that the Secretary of the Interior conduct a study to identify sites and resources, to recommend alternatives for commemorating and interpreting the Cold War; H.R. 146, Great Falls Historic District Study Act of 2001; H.R. 182, amended, Eight Mile River Wild and Scenic River Study Act of 2001; H.R. 581, to authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management; and H.R. 601, amended, to ensure the continued access of hunters to those Federal lands included within the boundaries of the Craters of the Moon National Monument in the State of Idaho pursuant to Presidential Proclamation 7373 of November 9, 2000, and to continue the applicability of the Taylor Grazing Act to the disposition of grazing fees arising from the use of such lands.

NUCLEAR SAFETY VIOLATIONS
Committee on Science: Subcommittee on Energy held a hearing on H.R. 723, to amend the Atomic Energy Act of 1954 to remove an exemption from civil penalties for nuclear safety violations by nonprofit institutions. Testimony was heard from Eric J. Fygj, Acting General Counsel, Department of Energy; Gary Jones, Associate Director, Energy, Resources, and Science Issues, GAO; and public witnesses.

OFFICE OF ADVOCACY—EXPLORE WAYS TO IMPROVE
Committee on Small Business: Held a hearing to explore ways to improve the Office of Advocacy and to make that Office a more effective voice for small business within the Federal Government and the Private sector. Testimony was heard from public witnesses.

MARRIAGE PENALTY AND FAMILY TAX RELIEF ACT

Joint Meetings
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 certain veterans organizations, after receiving testimony from William Schmidt, American Ex-Prisoners of War, George C. Duggins, Vietnam Veterans of America, Col. Robert F. Norton, USA (Ret.), The Retired Officers Association, Raymond Boland, National Association of State Directors of Veterans Affairs, and Arthur C. Stahl, AMVETS, all of Washington, D.C.

COMMITTEE MEETINGS FOR FRIDAY, MARCH 23, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on foreign Relations: business meeting to consider the nomination of Richard Lee Armitage, of Virginia, to be Deputy Secretary of State; and the nomination of Marc Isaiah Grossman, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Under Secretary of State (Political Affairs), Time to be announced, S–116, Capitol.

House

No committee meetings are scheduled.
Next Meeting of the SENATE
8:45 a.m., Friday, March 23
Senate Chamber

Program for Friday: Senate will continue consideration of S. 27, Campaign Finance Reform, with a vote on or in relation to Helms Amendment No. 141, to occur at approximately 9 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES
2 p.m., Monday, March 26
House Chamber

Program for Monday: Pro forma session.

Extension of Remarks, as inserted in this issue.

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