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

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

WASHINGTON, DC, April 26, 2001.

I hereby appoint the Honorable Paul Ryan to act as Speaker pro tempore on this day.

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

PRAYER
Metropolitan Stephan F. Petrovich, Archbishop and Primate of New York, Ukrainian Autocephalous Orthodox Church in the U.S.A., offered the following prayer:

All powerful God, You know the hearts of all people and guide all things under Your powerful protection. Help us to always acknowledge Your greatness in comparison to our own human frailty and guide us as we continue to work to make Your will to be done on this Earth.

Bless our Nation which is founded on trust in You. Make us always grateful for the freedoms and blessings we enjoy in this great land of prosperity and mindful of the principles of liberty and justice for all, which our founding fathers and mothers have instilled in us.

In Your divine mercy, guide our Nation’s leaders, our elected officials and especially these men and women here today, always keeping in mind these awesome principles upon which our country is founded, never to forget that You call us all not to work for self-glory but to serve the greater good and always make them worthy of the work entrusted to them.

We ask You, O God, to give us the courage to work for peace in the whole world, that the example we give may lead others to sincerely desire the furtherance of the right to the pursuit of happiness for all humankind.

Amen.

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

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

PLEDGE OF ALLEGIANCE
The Speaker pro tempore. Will the gentleman from California (Mr. Waxman) come forward and lead the House in the Pledge of Allegiance.

Mr. WAXMAN 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. Landregan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 350. An act to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

WELCOME TO METROPOLITAN STEPHAN F. PETROVICH, ARCHBISHOP AND PRIMATE OF NEW YORK
(Mr. BALDACCI asked and was given permission to address the House for 1 minute.)

Mr. BALDACCI. Mr. Speaker, it is my honor to welcome His Beatitude, Metropolitan Stephan to the United States House of Representatives and to thank him for offering a very thoughtful prayer this morning. I appreciate his willingness to visit Congress and share those meaningful words with Members of the House.

Despite his distinguished position as the highest ranking official of the Ukrainian Orthodox Church in the United States, Metropolitan Stephan is widely recognized for his great humility in connection to the people he serves. His leadership in bringing people of diverse economic, social, and political backgrounds together in fellowship has made a positive difference in the lives of many Americans.

In addition to his services, Metropolitan Stephan has served our Nation in many other ways. A Vietnam veteran, His Beatitude has founded and supported a number of charitable organizations, including a health care program for seriously ill individuals, and efforts to supply humanitarian assistance to the people of Ukraine.

On behalf of my colleagues, I thank Metropolitan Stephan for joining us today and wish him the very best during his visit to Washington.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The Speaker pro tempore. The Chair will now entertain 10 one-minutes on each side.

NATIONAL PRETZEL DAY
(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, though many people do not know it, today has been designated by the industry as National Pretzel Day. This is a multi-million-dollar industry, and I have a
number of large pretzel producers in my district, including Auntie Anne’s, which you see in the shopping malls, Herr’s, Anderson, Sturgis, Hammond and others. Everybody, it seems, eats pretzels today; but few of us know about the history of the pretzel and that they were one of the world’s oldest snack foods.

Pretzels go back as far as 610 A.D., when young students in North Italian monasteries received them as rewards for correctly reciting their prayers. A monk designed the pretzel to resemble the way students cross their arms across their chest in prayer, and that is also where the pretzel gets its name. Pretzel comes from “pretiola,” the Latin word for “little reward.” Pretzels have come a long way in the last 1,400 years and they are now a multimillion dollar industry in the U.S., and they are very popular. I am very proud to say that many of America’s most popular pretzels come from Lancaster and Chester Counties in Pennsylvania.

GOLDEN JACKPOT AWARD GOES TO THE SECRETARY OF ENERGY

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

Mr. WAXMAN. Mr. Speaker, today I am announcing the new winner of the Golden Jackpot Award which has been created to recognize indefensible government decisions that benefit special interests at the expense of the public interest.

There are two worthy contestants for today’s award. The recent Bush administration decision to eliminate contraceptive coverage for women in the Federal health insurance plans and to freeze funding for family planning programs is an amazing example of a ridiculous policy aimed at satisfying right-wing groups that cannot distinguish between abortion and family planning.

Even this incredible decision pales next to Energy Secretary Spencer Abraham’s rollback of air conditioner efficiency standards at a time when America is facing its worst energy problems in 25 years. This is an obscene decision that has enormous implications. Because of the rollback, the United States will have to build over 40 new power plants by the year 2020.

The action benefits the manufacturers of air conditioners who contributed heavily to President Bush and Republicans, but it is a disaster for the American people, and Californians in particular. I give this award to Secretary of Energy Spencer Abraham.

REWARDING PERFORMANCE IN COMPENSATION ACT

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

Mr. BALLenger. Mr. Speaker, performance bonuses and gainsharing programs are a way for employees to share in the success of a company that they work for. Whether exempt or non-exempt, all employees should have the same opportunity to receive bonuses for their hard work. For many employers, the administrative costs associated with operating bonus programs for their hourly employees often end up costing more than actual bonuses. Because of this, current law virtually ensures that employers exclude hourly workers from bonus programs.

Today, I am reintroducing The Rewarding Performance in Compensation Act, which will help workers to share when their efforts that they have produce gains for the company. This legislation would amend the Fair Labor Standards Act to specify that an hourly employee’s regular rate of pay in calculating overtime would not be affected by additional payments that reward employees who meet certain goals.

Simply put, this bill would give hourly nonexempt employees the same access to bonuses that are exempt from professional employees that they already receive, and I ask my colleagues to support The Rewarding Performance in Compensation Act.

UNBORN VICTIMS OF VIOLENCE ACT

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

Mrs. MALoney of New York. Mr. Speaker, I rise in strong opposition to the so-called Unborn Victims of Violence Act, which will be before this body later on today.

First of all, we should have truth in advertising. This bill has nothing to do with protecting unborn victims which in it is defined as broadly as three cells, but everything in rolling back a woman’s right to choose. It is not about violence against pregnant women. It is about taking away a woman’s right to choose. It erodes Roe v. Wade. It will define for the first time the beginning of life in a criminal statute.

The domestic violence groups in America do not support it, but President Bush does. I have the statement of administration policy, President Bush’s policy, which is anti-woman, toothless in protecting women against violence; but it is very strong in depriving a woman of a right to choose.

I urge everyone to vote against this bill when it comes to the floor today.

SPIRIT OF VOLUNTEERS AND WORKERS IN SOUTHWEST MINNESOTA UPLIFTS COMMUNITY

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

Mr. KENNedy of Minnesota. Mr. Speaker, I want to speak today about the floods that have been wreaking havoc in southwest Minnesota and other areas around the country. A week ago, I was in Montevideo and in Granite Falls with Governor Ventura, and the floods that had begun in South Dakota and flooding that nature can cause; but I was uplifted by the spirit of volunteers and workers that came to help their communities with such a disaster.

I wanted to take this time to thank those communities and the leaders and the many youth who gave so much work and worked so hard to help their neighbors during this time of need: Carver County and Kevin Carroll; Chaska and Mayor Bob Roepeke; Granite Falls and Mayor Dave Smiglewski and Bill Lavin; Montevideo and Mayor Jim Curtis and Steve Jones; New Ulm and Mayor Arnolf Koelpin and Gary Glesner; Redwood Falls and Mayor Sara Tripplett and Jeff Weldon; Shakopee and Mayor Jon Brekke and Mark McNell; St. Peter and Todd Prafke and Jerry Hawbaker; and all the others who have worked so hard to help their communities. We applaud their efforts and we thank them.

PROCTOLOGIST SHOULD BE ADVISING JUDGES AT FRENCH BEAUTY CONTEST

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

Mr. TRAFICANT. Mr. Speaker, is she or is she not? Rumors persist that Miss France is not a big-boned diva but actually a man. Reports say that pageant officials said they are anxiously awaiting the bathing suit contest. Unbelievable. Maybe J. Edgar Hoover will crown the next Miss France, Mr. Speaker.

Hey, what is next? Will they have certification standards performed by licensed gynecologists for these pageants? Beam me up. This is not brain surgery. Even the University of Dayton School of Political Science can determine human genitalia.

I yield back the fact that a proctologist should be advising these judges at this French beauty contest.

UNBORN VICTIMS OF VIOLENCE ACT, A SHIELD OF PROTECTION TO UNBORN CHILDREN

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

Mr. GRAVES. Mr. Speaker, I rise today in strong support of H.R. 503, the Unborn Victims of Violence Act. This bill extends a shield of protection to those children that cannot protect themselves.
Under this bill, a criminal who commits a violent crime against a pregnant mother will be charged with a second offense on behalf of the second victim, the unborn child.

My home State of Missouri, along with 23 other States across our Nation, already recognize that unborn children who are victims of crimes must be protected from the violent actions of criminals. This legislation will extend the same level of protection to all mothers and their unborn children which is currently afforded to the mothers and children of Missouri and half the States across our country.

Our vote today will send a clear message to the criminals around this Nation that the laws of this land will not tolerate the violent actions against the mothers and their unborn children and will hold criminals strictly accountable for their heinous crimes.

I urge my colleagues to join me in supporting H.R. 503, Mr. Speaker.

MORE MONEY NEEDED FOR PUBLIC SCHOOLS

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

Mrs. McCARTHY of New York. Mr. Speaker, I rise today to express my support for more money for our public schools. Our public schools desperately need increased funding as we prepare our students for the next generation for the 21st century. Schools must modernize facilities, provide better training and pay for teachers, reduce class sizes and provide innovative learning experiences.

That is why I support the New Democrat's Three R's bill. This bill will increase education funding by $35 billion over 5 years. Right now we only spend 7 percent of our Federal budget on education. That means that some of our most needy schools are not getting enough funding. We need to do more for these schools, and we can.

Let us be honest here: We know that putting more money into the system is not going to solve all our problems. If our schools do the work and use this money to meet their goals, we will reward them with additional funding. But if they do not meet their goals after 3 years, there has to be accountability.

But there is a major difference in the way we approach funding in our schools and the way President Bush approaches it. While the President sends funding to the States without any direction, our approach is that we should send our Federal dollars back to our school districts.

Mr. Speaker, I urge all Members to give all of our schools the help they need by supporting the Three R's.

ENVIRONMENTAL EXTREMISTS DRIVING UP ENERGY COSTS

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

Mr. DUNCAN. Mr. Speaker, people all over this Nation are seeing their gas prices and utility bills go way up. Well, they can thank the environmental extremists, who have stopped or delayed almost every type of production in this Nation.

All over the country, small groups of elitist environmentalists protest every time that someone wants to find oil, dig for any coal, cut any trees or produce any natural gas. This destroys jobs and drives up prices and really hurts the poor and working people the most.

Most of these environmentalists seem to come from wealthy families, and perhaps they do not realize or care how much they are hurting lower income people. Their rules and regulations drive small businesses and small farms out of business, and thus help the extremely big businesses who fund them.

But unless people want their gas and utility bills to go much, much higher, they had better start opposing the left wing socialism that is prevalent in much of the environmental movement today.

TRIBUTE TO LUTRELLE FLEMING PALMER

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

Mr. RUSH. Mr. Speaker, I rise today to honor a veteran journalist, a political organizer, a constituent, a neighbor and a lifelong friend, Mr. Lutrelle Fleming Palmer. He recently retired after 50 years of hard-fought and committed activism.

Since 1950, Lu Palmer has been using the power of the pen and the radio to relay firsthand accounts of the triumphs and struggles of African Americans.

As a newspaper reporter, mainstream columnist, and black radio commentator, Lu always did it his way. He frequently took unpopular stands on highly controversial issues. Courageously, he always did so in a very public manner, because for Lu, informing his people was a top priority.

In 1981, he began to organize the politically independent organization, Chicago Black United Communities, or CBUC. Once again, Lu's motivation was to inform and galvanize the black community. The visionary efforts of Lu and CBUC were so successful that he is credited with playing a pivotal role in producing Chicago's first African-American mayor, Mayor Harold Washington.

Lu Palmer's talents, vision, insight, independent spirit and love for his people is commendable and should be recognized by this Congress.

So today, I ask my colleagues to join me in saluting the 50 year-career of the legendary Chicago radio and political activist, Mr. Lutrelle F. Palmer, Lu Palmer.

PROTECTING PREGNANT WOMEN AND UNBORN CHILDREN

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

Mr. CHABOT. Mr. Speaker, the House will today be taking up a very important piece of legislation, H.R. 503, the Unborn Victims of Violence Act. It is a very carefully constructed bill which will fill a gap which presently exists in Federal law.

Right now, under Federal law it provides no additional punishment for criminals who commit an act of violence against pregnant women and kill or injure the unborn children that they might be carrying.

I want to commend the gentleman from South Carolina (Mr. GRAHAM) for his leadership in preparing this long overdue piece of legislation. Let us protect pregnant women in this Nation, and let us also protect the innocent unborn children that they are carrying.

THE MEDICAID SAFETY NET HOSPITAL IMPROVEMENT ACT OF 2001

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

Mr. BARRETT of Wisconsin. Mr. Speaker, there are 47.2 million uninsured Americans. The critical care needs of this population, when met, is often provided by safety net hospitals. These institutions provide such care, often at a financial loss to the most needy among us.

Today the gentlewoman from New Mexico (Mrs. WILSON) and I will introduce the Medicaid Safety Net Hospital Improvement Act of 2001. This bipartisan measure raises the floor for Federal Medicaid allotments to States for hospitals that serve the uninsured, from 1 percent to 3 percent, alleviating some of the growing burden of providing uncompensated care to many of our Nation’s uninsured.

The legislation provides a more level playing field by raising the amount of Federal funds to States that have been undercompensated and does not impact the Federal allotments to other States. As Congress considers policies for improving health care access to America’s uninsured, we must not abandon the safety net already in place. I ask my colleagues to join me in supporting these critical hospitals and the vulnerable populations who depend on them.
RECOGNIZING NATIONAL VICTIMS’ RIGHTS WEEK

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

Mr. BARCIA. Mr. Speaker, I rise this morning in recognition of National Victims’ Rights Week. Presently the scales of justice are tilted against crime victims. For too long, victims of crime have gone unrecognized in our criminal justice system. Too often the victim is all but forgotten, left outside of the process. This is not right and must be changed.

Victims should not occupy the fringes of our criminal justice process. It was Supreme Court Justice Benjamin Cardozo who said: “Justice, though due of the accused, is due to the accuser also. The concept of fairness must not be strained until it is narrowed to a filament. We are to keep the balance true.”

As we remember victims of crime this week, we see the filament Justice Cardozo spoke of becoming increasingly thin. Our current system is not fair to victims, and the time has come for us to balance the scales of justice.

Our Nation was founded on the principles of equal protection under the law and equal justice for all. It is not until our Constitution guarantees the rights of victims that the scales of justice will truly be balanced.

APPOINTMENT OF MEMBERS TO HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Without objection, and pursuant to section 127 of Public Law 97-377 (2 U.S.C. 880–3), the Chair announces the Speaker’s appointment of the following Members of the House to the House of Representatives Page Board:

Mr. SHIMKUS of Illinois.
Mrs. Wilson of New Mexico.

There was no objection.

APPOINTMENT AS MEMBER OF FIRST FLIGHT CENTENNIAL FEDERAL ADVISORY BOARD

The SPEAKER pro tempore. Without objection, and pursuant to Section 12(b)(1) of the Centennial of Flight Commemoration Act (36 U.S.C. 143) and upon the recommendation of the minority leader, the Chair announces the Speaker’s appointment of the following citizens of the United States to the First Flight Centennial Federal Advisory Board:

Mr. Neil Armstrong, Lebanon, Ohio.

There was no objection.

APPOINTMENT AS MEMBERS OF JAMES MADISON COMMEMORATION ADVISORY COMMITTEE

The SPEAKER pro tempore. Without objection, and pursuant to section 5(b) of the James Madison Commemoration Commission Act (P.L. 106-550) the Chair announces the Speaker’s appointment of the following members on the part of the House to the James Madison Commemoration Advisory Committee:

Dr. Charles R. Kesler, Claremont, California.
Mr. Randy Wright, Richmond, Virginia.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON VETERANS’ AFFAIRS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Veterans’ Affairs:

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
Hon. DENNIS HASTERT,
Speaker of the House.

The Capitol, Washington, DC.

DEAR Mr. SPEAKER: Thank you for appointing me to the Permanent Select Committee on Intelligence.

In keeping with the Democratic Caucus rules and Rules of the House that limit me to serving on no more than two full committees I am resigning from my seat on the House Committee on Veterans’ Affairs.

Please notify me as to the disposition of this request. If you cannot reach me directly at 226-3787, please notify my Chief of Staff, Mark Brownell, at 225-2165.

Thank you in advance for your prompt attention to this matter.

Sincerely,

COLLIN C. PETERSON,
Member of Congress.

PROVIDING FOR CONSIDERATION OF H.R. 503, UNBORN VICTIMS OF VIOLENCE ACT OF 2001

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 119 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 119
Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 503) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes. The bill shall be considered as read for amendment. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and any further amendment thereto to final passage without intervening motion except: (1) two hours of debate on the bill, as amended, equally divided and controlled by the minority member of the Committee on the Judiciary; (2) the further amendment printed in the Congressional Record pursuant to clause 8 of rule XVIII and numbered 1, if offered by Representative Lofgren of California or her designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER) pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

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

Mrs. MYRICK. Mr. Speaker, on Tuesday the Committee on Rules met and granted a modified closed rule for H.R. 503, the Unborn Victims of Violence Act. The rule provides that the amendment printed in the Rules report shall be considered as adopted.

The rule provides for 2 hours of general debate, equally divided and controlled between the chairman and ranking minority member of the Committee on the Judiciary. The rule makes in order the amendment printed in the CONGRESSIONAL RECORD and numbered 1, if offered by the gentlewoman from California (Ms. LOFGREN) or her designee, which shall be considered as read and shall be separately debatable for 1 hour, equally divided and controlled by a proponent and an opponent.

Finally, the rule provides for one motion to recommit, with or without instructions.

This is a fair rule, which will permit a thorough discussion of all of the relevant issues. Indeed, after 2 hours of debate and consideration of a Democrat substitute amendment, we will be more than ready to vote on H.R. 503.

This is not a complex issue.

Mr. Speaker, on September 12, 1996, Gregory Robbins, an Air Force enlisted man, wrapped his fist in a T-shirt and brutally beat his pregnant 18-year-old wife. Soon after, his young wife gave birth to a stillborn 8-month-old fetus.

To their surprise and disappointment, the Air Force prosecutors concluded that, although they could charge Gregory Robbins with simple assault, they could not charge him with the death of the couple’s child. Why? Because Federal murder laws do not recognize the unborn. A criminal can beat a pregnant woman in the stomach to kill the baby, and the law ignores her pregnancy.

This is not just an isolated problem. Three years ago in my hometown of Charlotte, North Carolina, Ruth Croston and her unborn child were brutally murdered by her estranged husband. The husband later was charged with domestic violence, but the prosecutors could do nothing about the dead child.

It is wrong, and it has to be stopped. Fortunately, 24 States have adopted
laws that protect pregnant women from assaults by abusive boyfriends or husbands, and now it is time for the Federal Government to do the same.

The Unborn Victims of Violence Act would make it a Federal crime to attack a pregnant woman in order to kill or injure the fetus. The bill would apply in cases where the underlying assault is, in and of itself, a Federal crime, such as attacks by military personnel or attacks on Federal property.

This bill, introduced by my good friend the gentleman from South Carolina (Mr. GRAHAM), should have the support of everyone in Congress. Whether you are pro-life, such as myself, or pro-choice, we should all agree to protect young women from enforced, cruel, and painful abortions. All you have to do is ask the woman who just lost her child to such a violent attack. It is not the same thing as a simple assault. Clearly it is more serious and more emotionally jarring, and it should be treated accordingly.

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

Ms. SLAUGHTER. Mr. Speaker. If passed, this bill would mark the first time that our Federal laws would recognize the fetus in early stages of pregnancy as a crime victim, such as recognition as a crime victim, and to thus erode the fundamental notion that the Supreme Court considered the 14th amendment. In considering the issue of whether a fetus is a person, the Court noted that the unborn have never been accorded the status of law as persons in the whole sense, and concluded that “person,” as used in the 14th amendment, does not include the unborn.

The supporters of H.R. 503 would suggest that they are advancing the bill in an effort to combat domestic violence. If that is true, it is, at best, an awkward and, at worst, a dangerous effort. If the sponsors of H.R. 503 were truly concerned with the problem of violence against women, they would have supported full funding of the Violence Against Women Act. The amounts appropriated in the 2001 budget are more than $200 million short of the authorization levels.

Mr. Speaker, I strongly urge my colleagues to support this rule and to support the underlying legislation.

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

Ms. SLAUGHTER. Mr. Speaker. I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman for yielding me the customary 30 minutes.

Mr. Speaker, this is a modified closed rule that I will not actively oppose, but H.R. 503, the so-called Unborn Victims of Violence Act, deserves full and open debate. A truly open rule would have insured that no one was shut out of the process.

But everyone in the Chamber understands what is going on today. The majority did not bring this bill to the floor in a meaningful way. The majority brought the measure to the floor today to launch its battle to end a woman’s right to choose in the 107th Congress. But, more specifically, the majority is responding to the call of the National Right to Life Committee and their goal of achieving legal status under the 14th amendment, does not include the unborn child.

This distinct is a critical one because the substitute avoids the issue of “fetal rights” and “fetal personhood” that put the bill at odds with the principles of Roe v. Wade, medical science and common sense. Instead, the Lofgren-Conyers substitute recognizes it as the woman who suffers the injury when an assault causes harm to her fetus or causes her to lose the pregnancy.

The substitute also acknowledges the connection between the woman and her fetus without distinguishing the rights of one from the other. That is a very important point. The substitute, therefore, accomplishes the stated goals of H.R. 503, deterring violent acts against pregnant women that cause injury to their fetuses or termination of a pregnancy.

Mr. Speaker, it is unfortunate that the majority’s goal of averting violence against women in their developing pregnancies is secondary to the goal of undermining the reproductive rights of women. Rather than seeking to score political points in the abortion debate, we invite the majority to join us in crafting legislation that protects women and mothers from violence that threatens all those who are under their care.

I would note that H.R. 503 is unanimously opposed by groups concerned about ending domestic violence and protecting a woman’s right to choose, including the National Coalition Against Domestic Violence, the National Women’s Law Center, the National Council of Jewish Women, the Planned Parenthood Federation of America, and the People for the American Way.

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

Ms. SLAUGHTER. Mr. Speaker. I rise in strong support of the rule for consideration of the bill, H.R. 503. The Unborn Victims of Violence Act is a carefully constructed piece of legislation that will help fill the gap in Federal law with regard to protecting unborn children from violence.

Current Federal law provides no additional punishment for criminals who commit acts of violence against pregnant women and kill or injure their unborn children. Thus, except in those States that recognize unborn children as victims of such crimes, injuring or killing a fetus is not a Federal crime.

The supporters of H.R. 503 would correct this deficiency in the law by providing that an individual who kills an unborn child during the commission of certain predefined violent Federal crimes may be punished for a separate offense.

I would like to reiterate what the gentlewoman from North Carolina said about a particularly heinous case. This legislation would ensure that prosecutors have the tools they need to prosecute criminals like Gregory Robbins, who was an airman at Wright-Patterson Air Force Base in my State of Ohio, when he wrapped his flats in a T-shirt to reduce the chance that there might be bruising and visible wounds on the mother of the child and beat his 8-months pregnant wife in the face and abdomen, and he killed the unborn baby in doing that.

Military prosecutors were able to charge Robbins for the death because under Ohio law, there is a fetal homicide law, and they were able to do so under the Uniform Code of Military Justice. But had Mr. Robbins committed this act just across the Ohio River, just across from my district which is Cincinnati, in Kentucky, a State which has no fetal homicide law, he would have received no additional punishment for killing the unborn child.

By enacting H.R. 503, Congress will ensure that violent criminals who commit violent acts against pregnant women are justly punished for injuring or killing those unborn children. Without the Unborn Victims of Violence Act, the crimes against these innocent victims will continue to go unpunished.

Mr. Speaker, I urge my colleagues to support this rule, and I urge my colleagues to support the rule and H.R. 503 to provide meaningful protection for violence against unborn children. We ought to stop that in this country, and this is the appropriate legislation to do so.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.
I would like to take a moment to give the penalties from the Lofgren substitute, which are even stronger than those of the underlying bill. The Lofgren-Conyers substitute includes the following elements:

- A separate criminal Federal offense for harm to a pregnant woman, which protects the legal status of a woman.
- Two, it recognizes the pregnant woman as the primary victim of the crime that causes termination of the pregnancy.
- Three, it includes exactly the same sentences for the offenses as does the base bill, providing a maximum 20-year sentence for injury to the woman’s pregnancy, and a maximum of life sentence for termination of a woman’s pregnancy, and requires a conviction for the underlying predicate offense, requiring an intent to commit the predicate offense be proven.

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

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, I rise in strong support of H. Res. 119, the bill is to the request of the gentleman from Wisconsin.

Mr. Speaker, this rule is almost identical to the rule passed in the 106th Congress to consider similar legislation that provides for thorough consideration of H.R. 503 by authorizing 2 hours of debate and an opportunity for the minority to offer a substitute amendment which will be debated for 1 hour. This is a fair rule which will provide ample time for both debate and amendment.

Furthermore, the rule provides that the amendment committed in the Committee on Rules report, which makes a technical change to the Uniform Code of Military Justice shall be considered as adopted when the rule is adopted. I appreciate the indulgence of the Committee on Rules with regard to the small perfecting provision, and I would also like to thank the chairman of the Committee on Armed Services, the gentleman from Arizona (Mr. STUMP) for working with me to facilitate the consideration of this legislation.

Mr. Speaker, I urge all Members to support this rule.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in very strong opposition to the Rule for H.R. 503, "Unborn Victims of Violence Act of 2001." We should have had more opportunity to discuss extensively vital public policy matter in a serious way. This legislation has regrettably come to the House without more than nominal consideration of the consequences of the sponsor’s bill. We can and should do better, Mr. Speaker.

At this time, I would like to express my opposition to H.R. 503, the "Unborn Victims of Crime Act" because I believe this is a veiled attempt to create a legal status for the unborn. While we can support protecting pregnant women and the fetuses from intentional harm by others, this bill seeks to create a legal status that will give anti-abortion advocates a back door to overturning current law. I have seen similar legislation come before our committee and I am sorry to see it before the Congress yet again.

I believe that the cosponsors of this bill had good intentions when it was introduced, but the practical effect of this legislation would effectively overturn 25 years of law concerning the right of a woman to choose. That would be a travesty.

I sympathize with the mothers who have lost fetuses due to the intentional violent acts of others. Clearly in these situations, a person should receive enhanced penalties for endangering the life of a pregnant woman. In those cases where the fetus is killed, the effect of this crime is a devastating loss that should also be punished as a crime against the pregnant woman.

However, any attempt to punish someone for the crime of harming or killing a fetus should not receive a penalty greater than the punishment for crime for harming or killing the mother. By enhancing the penalty for the loss of the pregnant woman, we acknowledge that within her was the potential for life. This can be done without creating a new category for unborn fetuses. H.R. 503 would amend the federal criminal code to create a new federal crime for bodily injury or death of an "unborn child" who is in utero. In brief, there is no requirement or intent to cause such death under federal law. The use of the works as "unborn child," "death" and "bodily injury" are designed to inflame and establish in federal precedent of recognizing the fetus as a person, which, if extended further, would result in a major collision between the rights of the mother and the rights of the fetus. The proponents of this bill claim that the bill will not punish women who choose to terminate their pregnancies, it is my firm belief that this bill will give anti-abortion advocates a powerful tool against women's choice.

This bill will create a slippery slope that will result in doctors being sued for performing abortions, especially if the procedure is controversial, such as partial birth abortion. Although this bill exempts abortion procedures as a crime against the fetus, the potential for increased penalties would give abortion providers a reason to be afraid of the bill.

Supporters of this bill should address the larger issue of domestic violence. For women who are the victims of violence by a husband or boyfriend, this bill does not address the abuse, but merely the result of that abuse.

If we are concerned about protecting a fetus from intentional harm such as bombs and other forms of violence, then we also need to be just as diligent in our support for women who are victimized by violence.

In the unfortunate cases of random violence, we need to strengthen some of our other laws, such as real gun control and controlling the sale of explosives. These reforms are more effective in protecting life than this bill.

We do not need this bill to provide special status to unborn fetuses. A better alternative is to create a sentence enhancement for any intentional harm done to a pregnant woman. This bill is simply a clever way of creating a legal status to erode abortion rights.

Mr. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered. The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 503.

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

There was no objection.

UNBORN VICTIMS OF VIOLENCE ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, pursuant to H. Res. 119, the rule just passed, I call up the bill (H.R. 503) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes, and ask for its immediate consideration.

The Clerk reads the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 119, the bill is considered read for amendment.

The text of H.R. 503 is as follows:

H.R. 503

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 "Unborn Victims of Violence Act of 2001."

SEC. 2. PROTECTION OF UNBORN CHILDREN.

(a) In General.—Title 18, United States Code, is amended by inserting after chapter 90 the following:

"CHAPTER 90A—PROTECTION OF UNBORN CHILDREN

"Sec. 1841. Protection of unborn children.

"1841. Protection of unborn children

"(a)(1) Whoever engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

"(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment provided under Federal law for that conduct that had that injury or death occurred to the unborn child's mother.

"(B) An offense under this section does not require proof that—

"(i) the person engaging in the conduct had knowledge or should have had knowledge
that the victim of the underlying offense was pregnant; or

(ii) the defendant intended to cause the death of, or bodily injury to, the unborn child.

"(C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall, instead of being punished under subparagraph (A), be punished as provided under sections 1111, 1112, and 1113 of this title for intentionally killing or attempting to kill a human being.

(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

(3) Nothing in this section shall be construed to permit the prosecution—

(i) of any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

(ii) of any person for any medical treatment of the pregnant woman or her unborn child; or

(iii) of any woman with respect to her unborn child.

"(E) In this section, the term "unborn child" means a child in utero, and the term "child in utero" or "child, who is in utero" means a member of the species homo sapiens, at any stage of development, who is carried in the womb.

"(F) In this section—

(i) the term "unborn child" means a child in utero, and the term "child in utero" or "child, who is in utero" means a member of the species homo sapiens, at any stage of development, who is carried in the womb.

(ii) the term "unborn child" means a child in utero, and the term "child in utero" or "child, who is in utero" means a member of the species homo sapiens, at any stage of development, who is carried in the womb.

"(G) Nothing in this section shall be construed to permit the prosecution—

(i) of any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

(ii) of any person for any medical treatment of the pregnant woman or her unborn child; or

(iii) of any woman with respect to her unborn child.

"(H) As used in this section—

(i) the term "medical treatment" means a medical treatment related to a medical condition existing in a pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

(ii) the term "medical treatment" means a medical treatment related to a medical condition existing in a pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

(iii) the term "unborn child" means a child in utero, and the term "child in utero" or "child, who is in utero" means a member of the species homo sapiens, at any stage of development, who is carried in the womb.

"(I) Nothing in this section shall be construed to permit the prosecution—

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(iii) the term "unborn child" means a child in utero, and the term "child in utero" or "child, who is in utero" means a member of the species homo sapiens, at any stage of development, who is carried in the womb.

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(iii) of any woman with respect to her unborn child.

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(iii) of any woman with respect to her unborn child.

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(iii) of any woman with respect to her unborn child.

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(i) of any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

(ii) of any person for any medical treatment of the pregnant woman or her unborn child; or

(iii) of any woman with respect to her unborn child.

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(i) of any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

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(iii) of any woman with respect to her unborn child.

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(iii) of any woman with respect to her unborn child.

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(ii) of any person for any medical treatment of the pregnant woman or her unborn child; or

(iii) of any woman with respect to her unborn child.

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(ii) of any person for any medical treatment of the pregnant woman or her unborn child; or

(iii) of any woman with respect to her unborn child.

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(i) of any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

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(iii) of any woman with respect to her unborn child.

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(iii) of any woman with respect to her unborn child.

"(Y) Nothing in this section shall be construed to permit the prosecution—

(i) of any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

(ii) of any person for any medical treatment of the pregnant woman or her unborn child; or

(iii) of any woman with respect to her unborn child.

"(Z) Nothing in this section shall be construed to permit the prosecution—

(i) of any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

(ii) of any person for any medical treatment of the pregnant woman or her unborn child; or

(iii) of any woman with respect to her unborn child.
Another recent study of autopsies performed on women here in the District of Columbia revealed that an inordinate number of women who died of violence were also pregnant. This study prompted a call for an investigation by the General Accounting Office and the FBI.

Mr. Speaker, H.R. 503, the Unborn Victims of Violence Act of 2001, was designed to correct this deficiency in Federal law by providing that an individual who injures or kills an unborn child during the commission of certain predefined violent Federal crimes may be punished for a separate offense. The Subcommittee on the Constitution held a hearing on virtually identical legislation on March 15, 2001. The subcommittee held a markup on the legislation on March 21, 2001, and reported the bill without amendment by a voice vote. On March 28, 2001, the full Committee on the Judiciary held a markup and favorably reported H.R. 503, without amendment, by a recorded vote of 15 to 9.

Under the act, the punishment for an offense against the unborn child will be the same punishment that would have been imposed under Federal law had that conduct resulted in the same injury to the mother. For example, if an individual assaults a Federal official in violation of 18 United States Code Section 111, as a result of that assault, kills the official’s unborn child, the perpetrator may be punished for either second degree murder, voluntary manslaughter, or involuntary manslaughter, for killing the unborn child, the same punishment he would have received had the Federal official died as a result of the assault. By its own terms, the act does not apply to conduct relating to an abortion for which the consent of the pregnant woman was obtained or for which such consent is implied by law in a medical emergency.

So this is not an abortion bill. The act does not permit prosecution of any person for any medical treatment of the pregnant woman or her unborn child or the mother for any conduct with respect to the child.

The Unborn Victims of Violence Act of 2001 will provide just punishment for criminals like Reginald Anthony Falice, who on April 28, 1998, shot his 8-month-pregnant wife, Ruth Croston, at least five times as she sat at a red light in Charlotte, North Carolina. Falice was convicted by a Federal jury to life in prison for domestic violence and using a firearm in the commission of a violent crime, but because Federal law did not currently recognize the unborn as victims, he received no additional punishment for killing the near-full-term infant.

Ms. Croston’s brother, William Croston, testified before the Subcommittee on the Constitution regarding the tragic death of his sister and the failure of Federal law to recognize the murder of his unborn niece.

Or criminals who planted a bomb just outside of Tammy Lynn Baker’s apartment in Louisa, Virginia. Ms. Baker was near term with her unborn child when the bomb exploded on December 3, 1997, killing her and the unborn child.

Nearly 3 years later, Coleman Johnson, the unborn child’s father, was arrested on a Federal explosives charge for the death of Ms. Baker and is awaiting trial. His charges do not include the murder of his unborn child.

A similar incident occurred in Connellsville, Pennsylvania on January 1, 1999, when Deanna Mitts, who was 8 months pregnant, returned home from a New Year’s Eve celebration with her 3-week-old daughter in her lap who exploded in her apartment, killing Ms. Mitts, Kayla, and the unborn child.

Almost a year later, Joseph Minerd, the presumed father of the unborn child, was arrested for Deanna and Kayla’s murder, but is not being held criminally liable for the harm caused to the unborn child.

This legislation would also ensure just punishment for criminals like Gregory Robbins, an airman at Wright-Patterson Air Force Base, in Ohio who wrapped his fist in a T-shirt to reduce the chance he would inflict visible bruises, and beat his 8-months pregnant wife in the face and abdomen, killing their unborn baby.

Military prosecutors were able to charge Robbins for death of the unborn child by assimilating Ohio’s fetal homicide law through the Uniform Code of Military Justice. Had Mr. Robbins beaten his wife just across the state line in Kentucky, a State which has no fetal homicide law, he would have received no additional punishment for killing the unborn child.

By enacting H.R. 503, Congress will ensure that criminals who commit violent acts against pregnant women are justly punished for killing their children or injuring them. Without this bill, crimes against these innocent victims will go unpunished.

I have given the Members of the House a list of seventy seven cases. It shows the need for this legislation. It shows specifically that killing an innocent unborn child should be prosecuted to the fullest extent of the law.
The only way to do this is to pass H.R. 503, and I urge my colleagues to support this important legislation.

Mr. Speaker, at the request of the Chairman of the Armed Services Committee, Mr. Stump, I submit for the Record a letter he wrote to the Speaker relating to the floor consideration of H.R. 503, the "Unborn Victims of Violence Act of 2001."


Hon. J. Dennis Hastert, Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: In recognition of the desire expressed by Congress in the Federal criminal law, H.R. 503, the Unborn Victims of Violence Act of 2001, the Committee on Armed Services agrees to waive its right to consider this legislation. H.R. 503, as introduced and ordered reported by the Committee on the Judiciary on April 20, 2001, contains subject matter that falls within the legislative jurisdiction of the Armed Services Committee. The Armed Services Committee takes this action with the understanding that the Committee's jurisdiction over the provisions in question is in no way diminished or altered, and that the Committee's right to the appropriate inquiry will continue during any conference on the bill remains intact.

Sincerely,

Bob Stump, Chairman.

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

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

Mr. Speaker, I am delighted to join my colleagues in discussing today the subject that we are here today to discuss, the Unborn Victims of Violence Act. H.R. 503 merely provides an additional offense and punishment for those who injure or kill an unborn child during the commission of one of the existing predicate offenses set forth in the bill. If there is any question regarding the constitutionality of the act's reach, that question is addressed to the constitutionality of the predicate offense, not H.R. 503.

Opponents of this legislation also argue that it somehow violates the decision of the Supreme Court in Roe v. Wade. This argument is also without merit. To begin with, H.R. 503 simply does not apply to abortion. On page 4 of the bill, beginning on line 9, prosecution is explicitly dependent for any conduct relating to an abortion for which the consent of the pregnant woman has been obtained or for which such consent is implied by law."

So it does not apply to abortion. The act also does not permit prosecution

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to speculate as to the answer. When life begins, Roe court explicitly stated that it was not resolving the difficult question of when life begins, because "the judiciary, at this point in the development of man's knowledge, is not in a position to speculate as to the answer." That is what the Court said.

What the court held was that the government could not override the rights of the pregnant woman to choose to terminate her pregnancy by adopting of whom life begins. The Supreme Court explicitly confirmed this understanding of Roe in Webster v. Reproductive Health Services. That was a 1989 case.

Courts addressing the constitutional validity of laws that punish killing or injuring unborn children have recognized the lack of merit in the argument that such laws violate Roe and as a result have consistently upheld those State laws. For example, in Smith v. Newsome, which was decided in 1987, the United States Court of Appeals for the 11th Circuit held that Roe was immaterial to whether a State can prohibit the destruction of a fetus by a third party.

The Minnesota Supreme Court echoed that sentiment in 1990 in the case of State v. Merrill, holding that Roe v. Wade protects the woman's right of choice. It does not protect, much less confer on an assailant, a third-party unilateral right to destroy the fetus.

In 1994, the California Supreme Court held in People v. Davis that the Roe v. Wade principles are inapplicable to a statute that criminalizes the killing of a fetus without the mother's consent. In State v. Coleman, a 1997 case, the Ohio court, my State, the Court of Appeals stated, "Roe protects a woman's constitutional right. It does not protect a third-party's unilateral destruction of a fetus."

Opponents of this legislation have also argued that the use of the term "unborn child" is "designed to inflame." They contend that the use of this term may, in the words of those dissenting from the Committee on the Judiciary report, result in a major collision between the rights of the mother and the rights of the unborn.

This objection reflects nothing more than the semantical preferences of the most radical abortion advocates. It is based upon an apparent lack of knowledge of the widespread use of the term "unborn child" in the decisions of the United States Supreme Court and the United States Courts of Appeals, in State statutes and in State court decisions, and even in the legal writings of abortion advocates themselves.

The use of the term "unborn child" by the Supreme Court can be illustrated by Roe v. Wade, itself. In which Justice Blackmun used the term "unborn children" as synonymous with "fetuses." Justice Blackmun also used the term "unborn child" in Doe v. Bolton, the companion case to Roe, in which the court struck down Georgia abortion statute.

Subsequent Supreme Court decisions have also used the term "unborn child" as synonymous with fetus. These cases include City of Akron v. Akron Center for Reproductive Health, decided back in 1983; Webster v. Reproductive Health services, decided in 1989; and International Union v. Johnson Controls, decided in 1991.

There are so many decisions by the United States Courts of Appeal using the term "unborn child" that it would be too time consuming to go through them all.

There are also at least 19 State criminal statutes similar to H.R. 503 that currently use the term "unborn child" to define an offense, and these statutes have been consistently upheld by the courts.

Even abortion advocates such as Catharine MacKinnon have used the term "unborn child" as synonymous with the term "fetus." In an article that was published in the Yale Law Journal entitled "Reflections on Sex Equality Under the Law," Professor MacKinnon conceded that a "fetus is a human form of life" that is "alive." In her defense of abortion, Professor MacKinnon expressed her view that "many women have abortions as a desperate act of love for their unborn children."

Finally, opponents of H.R. 503 have argued that the bill lacks the necessary means requirement for a valid criminal law and is therefore unconstitutional. This argument reflects a lack of understanding of H.R. 503 and the well-established doctrine of transferred intent in the criminal law.

Under H.R. 503, an individual may be guilty of an offense against an unborn child only if he has committed an act of violence with criminal intent upon a pregnant woman, thereby injuring or killing her, solely upon the doctrine of transferred intent. H.R. 503 considers the criminal intent directed toward the pregnant woman to have also been directed toward the unborn child.

The transferred intent doctrine was recognized in England as early as 1576 and was adopted by the American courts during the early days of the Republic. A well-known criminal law commentator describes the application of the doctrine to the crime of murder in law as "a law that is remarkably similar to the language and operation of this legislation as follows: "Under the common-law doctrine of transferred intent, a defendant who intends to kill one person but instead kills a bystander, is deemed the author of whatever kind of homicide would have been committed had he killed the intended victim," which is essentially what we have under this legislation.

Mr. Speaker, it is clear that the legal challenges to this bill cannot withstand serious scrutiny. It is clear that this law does not in any way impact abortion. It is especially clear that the opposition of the bill, in fact, stems from a misreading of the very concept of unborn children. The opponents insist that a concept that is a well-recognized one in the law is somehow dangerous and subversive. These arguments should be soundly rejected. The only people who have anything to fear from this bill are the criminals who engage in violent acts against women and the unborn children that they are carrying.

So, again, let me remind my colleagues of what the true question is before us. Do you believe that a violent criminal who kills or injures an unborn child, a child who is loved and wanted by a mother and usually the father, should face an additional offense and punishment for their crime? I believe that the American people would answer that question with a resounding yes, and I hope the House would do the same today.

I thank the gentleman from South Carolina (Mr. GRAHAM) for his understanding of this issue. I thank the gentleman from Wisconsin (Mr. SENSENBRUNNER), chairman of the Committee on the Judiciary, for his leadership.

I urge Members to vote in favor of the Unborn Victims of Violence Act.

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

Mr. Speaker, I am delighted to hear from the gentleman from Ohio (Mr. CHABOT), the subcommittee chairman. I want to thank the gentleman from South Carolina (Mr. G RAHAM) for his leadership on this bill. I want to thank the gentleman from Ohio (Mr. CHABOT), chairman of the Committee on the Judiciary, for his leadership.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding to me. It is because the Subcommittee on the Constitution has jurisdiction over this particular issue, issues of privacy, issues of civil rights, a whole range of issues. Mr. CONYERS. Mr. Speaker, this is a civil rights bill?

Mr. CHABOT. Mr. Speaker, I believe it is a civil rights bill.

Mr. CONYERS. The gentleman from Ohio said this is a civil rights bill?

Mr. CHABOT. Mr. Speaker, I am saying that is one among many of the
other issues. I was going to say it also has jurisdiction over constitutional amendments and all kinds of issues.

Mr. CONYERS. All right. Is it a crime bill?

Mr. CHABOT. Pardon me?

Mr. CONYERS. Mr. Speaker, is it a crime bill? Yes or no?

Mr. CHABOT. Mr. Speaker, it is an issue that clearly is a crime against unborn children and as well as the mothers.

Mr. CONYERS. Mr. Speaker, the gentleman from Ohio is saying yes, I take it. It is sort of a crime bill.

Mr. CHABOT. Mr. Speaker, will the gentleman from Ohio 

Mr. CONYERS. I yield to the gentleman from Ohio. It is a crime bill.

Mr. CHABOT. Mr. Speaker, it is a crime bill as well as a constitutional issue.

Mr. CONYERS. Mr. Speaker, I thank the gentleman from Ohio. It took a half a minute of my time to get to that. But it is a crime bill that comes out of the Subcommittee on the Constitution in the Committee on the Judiciary.

Now, you think we do not know why, do you not? You think we thought that it was tossed there by accident. But it is tossed there because it is changing the fundamental constitutional law in the most controlling case on abortion in current Federal judicial practice, Roe v. Wade. That is why it went there.

So I think that we ought to put all these cards on the table and not try to denigrate one side because we have a bill that does the same thing as the primary bill. But the only thing that we do not do is that we do not redefine what an embryo is. We do not change the status of a fetus or a fertilized egg. We do not make them all persons, and you do. There it is. I say to the gentleman from Ohio (Mr. CHABOT). That is the difference. If my colleagues corrected that difference, we would all be supporting their bill.

It turned out that the Lofgren substitute is even more harsh on those who violate women who are pregnant. So I just wanted my colleagues to take that under consideration as we continue to debate.

Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD) who is the chairperson of the Women's Caucus.

Ms. MILLENDER-MCDONALD. Mr. Speaker, let me thank the ranking member for his leadership on this issue.

Mr. Speaker, I rise in strong opposition to H.R. 503. As the cochair of the Congressional Caucus on Women's Issues, I am insulted by this misleading piece of legislation. This legislation is deceptive, destructive, and a poor attempt to mislead and strip away a woman's reproductive rights. This bill is extremely volatile and has the potentiality to eradicate a woman's right to choose abortion as intended by the landmark case Roe v. Wade.

This bill, in fact, undermines a woman's right to choose as cited in the New York Times editorial yesterday, "The Reproductive Rights Under Attack." In fact, it says, "Packaged as a crime fighting measure, H.R. 503 is actually aimed at fulfilling a long-term goal of the right to life movement."

I stand firmly in the belief that women's reproductive decisions are private and their individual freedoms must be preserved. Those who support this bill claim that it is necessary in order to vigorously punish offenders who harm pregnant women. If the emphasis of the bill is to punish why is this not mentioned anywhere in the bill. Assault against pregnant women is serious. Legislation that has a separate agenda such as this one cannot provide the adequate protection to women.

I oppose H.R. 503 because its real purpose is to erode the reproductive rights of women. It is not intended to recognize violence against women. In fact, it does not even reference a woman. It could make matters worse for women who are seeking protection by encouraging prosecutors to pursue charges for harm to embryos or the fetus while ignoring the woman who has also been harmed.

Mr. Speaker, this is, indeed, a smoke screen. It is an affront to American women who wish to have their reproductive rights left to them. I say, if you are going to protect the rights of all other folks, the gun owners, the oil drillers, then protect the rights of women. I oppose H.R. 503.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the gentleman from Michigan (Mr. CONYERS) has questioned the Subcommittee on the Constitution considering this bill and has said that this is a wholesale assault on the constitutional rights granted women by Roe v. Wade. He is wrong.

Twenty-four States have statutes similar to the one that is being considered today. If those statutes which protect the rights of unborn children were successful such as the gentleman's constitutional right, every one of them would have been struck down by a Federal court, from the District Court to the Supreme Court level. They have not been, because it is not an assault on the constitutional right of a woman to choose.

Then we just heard from the gentlewoman from California (Ms. MILLENDER-MCDONALD) that this strips away women's reproductive rights. I would submit to the gentlewoman from California that, if the woman wanted to have an abortion, she would have had an abortion before the assault took place. In these cases that this bill will protect, the woman wants to have her child born.

So she has already made her choice, and that was for the child to be born. If someone takes away that child's right to life through a murder, then that person, that criminal, ought to be prosecuted twice. You do not want the criminal prosecuted twice when the woman has chosen to bring that child to term and have that child born alive.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I rise in support of this bill and agree with the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Ohio (Mr. CHABOT) that this issue has nothing to do with abortion. Unlike the substitute that will be offered later today, this bill specifically exempts any activity involving a legal abortion. This bill is directed at protecting the unborn child. It is an extension. In fact, this bill allows for an additional prosecution after a person has committed a violent act against the woman herself. Therefore, it does recognize the woman. In fact, it recognizes the woman first.

Mr. Speaker, this woman that we are talking about must be pregnant, but she must first be a victim of a crime of one of over 60 Federal statutes that are violent acts perpetrated against the woman. Only then will this legislation kick in. Basically, it also prosecute that perpetrator for the crime done against the unborn child.

I commend to my colleagues that this is a measure that respects the decision of the woman to bear her child. This is a measure that is an additional ability for the Federal Government to prosecute against an extreme act of domestic violence that causes not only harm to a woman, but also harm and often death to her unborn child.

Mr. Speaker, as a State Senator, I worked on issues of domestic violence, and was proud, in 1998, to support Pennsylvania's version of this bill. In fact, the vast majority of Senators and House members in Pennsylvania, both pro-choice and pro-life, supported this measure because we understand that domestic violence is a serious problem in our country. Unfortunately, statistics show that many of the children, the unborn children who are killed in these cases, their mothers are victims of domestic violence, as are they. In fact, as published in the Journal of the American Medical Association, March 21, 2001, a study that was done in Maryland recognized the highest percentage of pregnant women who die, die as a result of homicide.

Mr. Speaker, I submit to my colleagues that this is a serious issue of violence, a serious issue of domestic violence, and it should not be clouded by concern about future legislation or potential legislation that some believe may try to overturn Roe v. Wade.

Our ultimate concern here should be the real victims of crime. The real victims of crime continue to be women who are victims of domestic violence due to an outrageous crime. The real victims of crime are their unborn children, who often are the cause of the violence directed towards the mother.
Mr. Speaker, I submit to my colleagues that this is commonsense legislation. It is supported across the country, and it is constitutional.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. Lofgren).

Ms. LOFSGREN. Mr. Speaker, I think it is unfortunate that this Congress has apparently failed to take the opportunity to unite on something that I think we could agree on, namely, that it is wrong to assault women, it is wrong to assault pregnant women. It is a dreadful crime to cause a miscarriage through an assault on a woman. Instead of addressing these dreadful offenses we are back to that same old fight that divides this country, abortion.

Mr. Speaker, I know that there are Members of this House on both sides of the aisle who disagree on the question of abortion. Occasionally those viewpoint points are rooted in one’s religious beliefs. I accept the fact that this country has disagreements about abortion.

It is unacceptable that we would use the issue of violence against women and causing miscarriages as the entryway to having still another fight about choice.

Mr. Speaker, I believe the Unborn Victims of Violence Act will be found unconstitutional. The gentleman mentioned that there are State statutes that define a person as a zygote or an embryo, but those State statutes have not been tested in the Federal courts or in the Supreme Court, and are clearly at odds with Roe v. Wade. Instead we can adopt a substitute that will be offered later today that assures that any woman who is assaulted and, as a consequence of that assault, miscarriage and loses her opportunity to have a much-wanted child, occasions a separate prosecution. We should not tolerate behavior that causes miscarriage.

Any person who has lost a child, any person who has had a miscarriage, understands that is a devastating event that one never forgets and never gets over. I am hopeful that we can put the abortion debate to one side and reserve the argument about abortion for another day and come together with the Lofgren-Conyers substitute that will be offered later today and not entangle this very serious issue, of harming a pregnant woman, with that other fight, about abortion in one’s choice.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. DeLAY) just made clear in his speech a moment ago, as everybody I have heard on the other side has made clear in their speeches, the whole purpose of this bill is precisely to label the unborn fetus or zygote or blastocyst as a person in the whole sense, and concluded that “person,” as used in the 14th amendment of the Constitution, does not include the unborn.

As the gentleman from Texas (Mr. DeLAY) just made clear in his speech a moment ago, as everybody I have heard on the other side has made clear.
the earliest moments of conception as the same rights as the adult women who are carrying them. The implication is that anyone who does not share the metaphysical slant of the radical antichoice movement that a two-celled zygote is a person on exactly the same basis as the same rights as a child or adult must secretly favor infanticide.

This bill, by making the destruction of a fetus or even a zygote, a separate crime under new circumstances, would attach to the mother the same criminality as a child or adult, even if the sponsors have papered over their concern that there is no direct or proximate cause in the actual harm to the pregnant woman speaks volumes about that view. If causing a miscarriage is murder, then by implication so is abortion. Even if the sponsors have papered over their premise with language to the contrary, no one should be under any illusion that this is the real and only purpose of this bill.

Let us take the sponsors at their word. In the last Congress, the report of the majority of the Committee on the Judiciary made clear that their concern was that “except in those States that recognize unborn children as victims of such crimes, injuring or killing an unborn child during the commission of a violent crime has no legal consequence.” And that the bill’s purpose was “to narrow the gap in the law by providing that an individual who kills an unborn child during the commission of certain Federal crimes of violence will be guilty of a separate offense.” Providing such a separate offense clearly recognizes the fetus as the victim of the violence, a proposition that is at odds with the holding of the Supreme Court in reading the Constitution.

In fact, this legislation marks a major departure from Federal law by elevating the legal status of a fetus at all stages of prenatal development to the same as that of the pregnant woman or any other person who is the victim of the crime. This is what Mr. Speaker. It is against the whole scheme of Roe v. Wade, which recognizes a greater ability of the States to regulate, a greater interest in regulation in later stages of pregnancy, precisely because the Constitution recognizes that a fetus is not a full-fledged person from the moment of conception.

For anyone still in doubt about the real purpose of the bill, the National Right to Life Committee, in a memo distributed to members of the Committee on the Judiciary, laid it out.

They say that such a one-victim amendment, talking about the Lofgren amendment, would codify the fiction that when a criminal assailant injures a mother and kills her unborn child, there has been only a compound injury to the mother but no loss of any human life. The one-victim substitute would also enact the notion that when a criminal assailant kills a pregnant woman, the assailant should be punished for killing the mother, then again for depriving her of her pregnancy, but if there is only one victim, it shows the difference between us.

So the radical antichoice groups acknowledge that the only difference of opinion here is not how much to punish these offenses, because both this bill and the Lofgren substitute would give heavy punishment, although under certain circumstances, the Lofgren substitute might give lesser punishment than would this bill; the real difference is that this bill recognizes the crime of murder against a fetus or a zygote.

The bill is also unclear, as one of the majority witnesses testified in the committee hearings. Does it cover only an embryo after implantation or at conception? Put another way, is it only murder if you cause the miscarriage of a viable fetus or is it also murder if you cause the miscarriage of a not-yet-viable fetus or of a two-celled zygote at the moment of conception?

I think the sponsor of this legislation, the gentleman from South Carolina (Mr. Graham), should tell us what the real difference is that should have a simple, straightforward answer. Yet I used my entire 5 minutes at the Committee on the Judiciary trying to get an answer from the gentleman from South Carolina. He would not give me an answer. So I will ask him now, yes or no, is it murder to murder a two-celled zygote under this bill or is it not?

Mr. Graham. Mr. Speaker, will the gentleman yield?

Mr. Nadler. Yes or no. I do not have the time to have the whole explanation that is taken from the language of State law. Is causing a miscarriage murder of a two-celled zygote or not under this bill? Yes or no.

Mr. Graham. Mr. Speaker, the fact that the fetus attaches to the womb, that is what the prosecutor has to prove.

And if I may answer your question, the definition used in this bill is the exact same definition that the House endorsed and passed 417-0 that the gentleman from New York voted for. This is the same definition that he voted for July 25, 2000.

Mr. Nadler. Reclaiming my time, he will not give a yes or no answer because he might get away.

One last sentence on this whole thing. This bill is not about violence against women. That is why all the violence against women groups are opposed to the bill. This bill is simply to undermine Roe v. Wade, and it will not succeed.

Mr. Sensenbrenner. Mr. Speaker, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. Pitts).

Mr. Pitts. Mr. Speaker, look at this picture of Tracy Marciniak and her dead son. This little boy is not a zygote, not a blastocyst, not an embryo, not a fetus, not anything but a little baby, a little child who was brutally killed. His name was Zachariah. He was killed by his father, a man by the name of Glendale Black, 4 days before he was due to be born. He was beaten in the womb where he bled to death. And his father got away with it.

Yes, Glendale Black went to jail, but not because he killed Zachariah. He went to jail for assaulting Zachariah’s mother. At the time, it was not a crime to kill a woman’s baby in Wisconsin as long as he did it before he was born. If he had done it 4 or 5 days later, he might have gotten life imprisonment. Instead, he is now eligible for parole.

Wisconsin has since changed its law. If Tracy’s ex-husband committed the same crime today, he would be charged with killing her child as well as assaulting her. But the Federal Government has no such law. In Federal jurisdictions, that man could get away with killing again.

Look again at this picture. How can anyone say that this child is not a human being? How can anyone say that Zachariah should not have the same right to live as you and I have? How can anyone say that the crime Zachariah’s father committed was not more than just assault, but also taking a human life? Or as his mother Tracy herself says, “If you really think that nobody died that night, then vote for the one-victim amendment. But please remember Zachariah’s name and face when you decide.”

Mr. Speaker, America’s first war was fought to prove that each of us has an inalienable right to life as well as liberty and pursuit of happiness. We need to affirm that we still believe in these principles. We need to show that we still believe in God-given rights, the right to life. We need to pass this good legislation. We need to pass it unanimously. And we should reject the so-called one-victim amendment. Pretending that nobody died the night Glendale Black beat his wife and killed her baby is to deny reality. Even worse, it is to turn our backs on everything America stands for.

Mr. Conyers. Mr. Speaker, I am pleased to yield 5 minutes to the gentlewoman from New York (Mrs. Maloney).

Ms. Lofgren. Mr. Speaker. Will the gentlewoman yield?

Mrs. Maloney of New York. I yield to the gentlewoman from California (Mrs. Lofgren).

Mr. Speaker, I thank the gentlewoman for yielding.

I wanted to comment on the terrible crime that we just had a discussion of from the prior speaker. Clearly that was a horrible thing, and the monster who did that is now free. That is the wrong thing. That should be changed.

Unfortunately, H.R. 503 would not change a darned thing about that case. I understand from the mother that part of the problem with the prosecution was that the prosecutors could not prove that he had gotten life imprisonment. Under H.R. 503, there is also an intent requirement. Otherwise, absent intent, one is limited to the term of...
years of the underlying offense. In order to have Federal jurisdiction, the only assault that is cited in the bill is assault against a Federal officer.

So passing this bill would not prevent that terrible, terrible tragedy. I just thought it was important to note that.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman for her statement, her leadership on this, and also the ranking member’s.

I rise in opposition to the Unborn Victims of Violence Act and urge its rejection. Some Members on the other side of the aisle today have indicated that they do not believe that it is a direct attack on Roe v. Wade and a woman’s right to choose.

Mr. Speaker, I include for the RECORD editorials from the New York Times entitled “Reproductive Rights Under Attack,” and also editorials from the 1999 debate from the Washington Post, the St. Petersburg Times, and the Seattle Times, all in direct opposition to this bill. And all point out that it is a direct assault on Roe v. Wade.

The material referred to follows:

[from New York Times]

**Reproductive Rights Under Attack**

Congressional sponsors of abortion have no appetite for a direct and politically unpopular assault on Roe v. Wade. So they are pursuing other legislative strategies that would undermine women’s reproductive freedom. One of the most deceptive of these schemes is the benign-sounding Unborn Victims of Violence Act, which is expected to come up for a vote in the House this week.

Packaged as a crime-fighting measure unrelated to abortion, the bill is actually aimed at fulfilling a longtime goal of the right-to-life movement. The goal is to enshrine in law the concept of “fetal rights,” equal to but separate and distinct from the rights of pregnant women. In essence, the bill would create a fetus of a female embryo or other so-called “unborn child” to that of a “person” by amending the Federal criminal code to add a separate offense for causing death or bodily injury to a “child” who is “in utero.” The penalty would be equal to that imposed for injuring the woman herself and would apply from the earliest stage of gestation, whether or not the perpetrator knew of the pregnancy.

The vote this week represents a serious test. An identical bill passed the House last year by a 254-172 vote, and its present sponsors are plainly hoping the arrival of a new anti-choice administration will help gain passage this time around in the Senate.

Violence against women that results in compromising a pregnancy is a terrible crime. It may well deserve stiffer penalties, which some states have already imposed. But the bill’s sponsors are more interested in furthering a political agenda than in preventing crime. It may well deserve stiffer penalties, which some states have already imposed. But the bill’s sponsors are more interested in furthering a political agenda than in preventing crime.

This bill does not protect women in other states.

The sponsors make it sound as if it makes the fetus a person separate from the mother, though that same mother has a constitutional right to terminate a pregnancy. This is a useful rhetorical device for the pro-life world. But it is analytically incoherent.

—from The St. Petersburg Times, Oct. 2, 1999

“The bill’s sponsors ... claim the measure is not an attack on reproductive freedom, but a bill to fight crime. They point to the bill’s exceptions for legal abortion providers, medical caregivers and the mother herself as proof that it’s not anti-abortion. They are being disingenuous... The public not fooled. This bill is about abortion, not crime.”

—from The Seattle Times, Sept. 28, 1999

“It would make sense for Congress to enhance penalties for crimes against pregnant women, especially since pregnancy greatly increases a woman’s risk of domestic assault. It does not make sense for Congress to exploit the nation’s own issue—violence against women— to erode women’s reproductive rights. Its ludicrous to separate the pregnancy from the woman. In 1973, the Supreme Court made it clear that reproductive freedom is part of the constitutional right to privacy; the state can claim compelling interest only after the fetus can survive outside the womb. For a quarter century, the price of such freedom has been constant vigilance against laws like this.”


“Congressional sponsors of abortion rights have come up with yet another scheme to advance their agenda..... The measure aims to chip away at women’s reproductive freedom by granting new legal status to unborn children—under the deceptive benign guise of fighting crime.... BY creating a separate legal status for fetuses, the bill’s supporters are plainly hoping to build a foundation for a fresh legal assault on the constitutional underpinnings of the Supreme Court’s ruling in Roe v. Wade.”


We should all call for "truth in Advertising." The sponsors make it sound like they want to protect the fetus. Yet the definition is so broad that it would cover three cells. Make no mistake, this is an attack on a woman’s right to choose, and now we know clearly and squarely where the Bush administration stands.

Mr. Speaker, I include for the RECORD the Statement of Administration Policy on this bill.

EXECUTIVE OFFICE OF THE PRESIDENT,
Office of Management and Budget,

**Statement of Administration Policy**

(This statement has been coordinated by OMB with the concerned agencies)

H.R. 503—Unborn Victims of Violence Act of 2001

[Rep. Graham (R) SC and 95 cosponsors]

The Administration supports protection for unborn children and therefore supports the House passage of the legislation. The Administration would make it a separate Federal offense to cause death or bodily injury to a child, who is in utero, in the course of committing an assault on the mother. The bill also would make substantially identical amendments to the Uniform Code of Military Justice.

The Administration would strongly oppose any amendment to H.R. 503, such as a so-called “One-Victim” Substitute, which would define the bill’s crimes as having only one victim—the prospective one.

I might add, why are we here today? The Bush administration has told us that their top priority is education. Where is the education bill? The Bush administration has told us that they care about the Peace Corps. We rejected it today, and now we know clearly and I quote, “Enactment of the bill would be a landmark pro-life victory by recognizing the rights of the unborn.”

I include for the RECORD the pro-life organization’s statement.

**VICTORY: Unborn Victims of Violence Act Passes in the House**

Criminals who murder or assault a pregnant woman will now be held accountable to the violence inflicted on both victims, the mother and her unborn child. This week the Unborn Victims of Violence Act, sponsored by Representative Lindsey Graham (R-SC), passed the House of Representatives by a vote of 254-172. This bill recognizes that an unborn child who is injured or killed during the commission of a federal crime is a human victim, and the perpetrator could then be punished for the harm caused to this most vulnerable victim. This bill provides vital protection for expecting mothers and their unborn children. We applaud the House for passing such important legislation.

The House also rejected an attempt to water down the original act by opposing a substitute amendment offered by Representative Zoe Lofgren (D-CA) by a vote of 201-224. This victory is one step further in bringing justice for ALL humans, born and unborn.

Regrettably, the United States federal criminal law does not give unborn children the rights of personhood. A person can attack a pregnant woman, causing the death of her child and only be prosecuted for the assault on the mother! It is a federal crime to attack, injure, or kill a woman, but it is not considered a federal crime to do the same to the unborn child of the woman. However, legislation introduced by Representatives Lindsey Graham opposes to recognize the humanity of unborn children by using the same standard to punish violence enacted upon the unborn as any other person. This major pro-life bill would protect unborn children from acts of violence and enactment of the bill would be a landmark pro-life victory by recognizing the rights of the unborn.

This bill treats a fetus as separate from the mother, though that mother has a constitutional right to abortion. This bill does not protect women in any way. In fact, there is nothing in the bill about punishing the perpetrator for the crime against the woman. That is why the National Coalition Against Domestic Violence opposes this bill. According to experts,
current Federal law already provides authority for the punishment of criminals that harm fetuses.

Mr. Speaker, I include for the RECORD the statement from Ronald Weich, a former Special Counsel, U.S. Sentencing Commission, that goes into further detail.


Mr. Chairman and members of the Subcommittee: My name is Ronald Weich and I am a former Special Counsel of the United States Sentencing Commission and a partner in Zuckerman Spaeder LLP. I respectfully request that this written statement appear in the record of the Subcommittee’s hearing on H.R. 503, the Unborn Victims of Violence Act.

In this statement I analyze the criminal law and sentencing implications of the pending bill. I bring several qualifications to this task. From 1983 to 1987 I worked as an Assistant District Attorney in New York City, where I prosecuted a wide array of criminal cases. From 1987 to 1998, I served as Special Counsel to the United States Sentencing Commission and participated in drafting amendments to the federal sentencing guidelines. I then served on the staff of several Senate committees where I assisted in the development of federal crime and sentencing policy. I am now in private practice, but I continue to serve on the advisory board of the Federal Sentencing Reporter, a scholarly journal in which I have frequently published articles on sentencing law and policy. I am also a member of the Criminal Justice Council of the American Bar Association.

After reviewing H.R. 503 in light of my experience in the criminal justice system, my knowledge of federal sentencing guidelines and an examination of relevant case law, I reach one basic conclusion: this bill is unnecessary. Current federal law provides ample authority for the punishment of criminals who hurt fetuses. H.R. 503 adds nothing meaningful to the charging arsenal of federal prosecutors or the sentencing options available to federal judges.

Because the bill is unnecessary from a criminal law perspective, I suspect that its purpose, instead, is to score rhetorical points in the struggle over abortion rights. For reasons that I will explain, I object to the use of the federal criminal code as a battlefield in the abortion wars.

I write that the bill is unnecessary in light of current federal law and then explain why I believe it is an unwise addition to federal law.

I. H.R. 503 IS UNNECESSARY

Current federal law already provides sufficient authority to punish the conduct that H.R. 503 purports to punish.

At its core, the bill should be understood as attempting to prosecute the conduct that results in the death of a fetus. It is based on the premise that current federal law is insufficient to address this conduct.

Analytically separate from the question of whether a federal law is necessary is the question of whether a federal law is constitutional. The common law rule, evolved over centuries of Anglo-American jurisprudence, is that federal law does not apply to acts that are crimes only under state law. At the outset it should be understood that weich, a former special counsel, U.S. sentencing commission, that goes into further detail.

Weich, a former Special Counsel, U.S. Sentencing Commission, that goes into further detail.
American jurisprudence, is that an assault causing the death of a viable (or, in the
archaic phrase, “quickened”) fetus gives rise
to criminal liability. The rule in H.R. 503 is that an
assault intentionally causing “pain” to a weeks-old fetus gives rise to
criminal liability.3

Third, the bill is a transparent effort to undermine
women’s rights. Since H.R. 503 adds nothing meaningful to substantive federal
criminal law, its purpose is purely symbolic:
to bestow statutory personhood on fetuses, even though that is not viable.
It is no accident that the bill says nothing about injuries to pregnant women; instead
the newly created title is styled “Protection of Unborn Children Act.” An assault on that
cannot occur without an assault on the preg-
nant women, but the bill is deliberately
flared up unnecessarily in the federal crimi-
nal code. The criminal justice system is
built on ancient principles such as propor-
tional punishment and the requirement
that a wrongdoer have acted with intent
to cause harm (mens rea). In ignoring these
principles, H.R. 503 is an unsound piece of
legislation in the field of expertise. But as someone who cares
about the integrity of the criminal law, I re-
gret that this skirmish in the abortion wars
has occurred.

The alternative to this bill to be of-
fered later today fails to address a cen-
tral cause of violence against pregnant
women because it fails to recognize
that the child is often the primary tar-
get of the assailant. By protecting the child
we protect the mother. It is a funda-
mental axiom of Western civilization, the
belief in the sanctity of human life.
By failing to recognize crimes against
the life of the unborn child, we place
not only one life at risk but two. We
must correct this oversight in Federal law and ensure that criminals who prey
on pregnant women and their unborn
children pay the appropriate penalty
for their crimes.

I urge all of my colleagues to support
the Unborn Victims of Violence Act.
This Congress should seize this oppor-
tunity to extend the protection of the
law to the most defenseless in our soci-
ety.

Mr. CONYERS. Mr. Speaker, I yield 3
minutes to the gentlewoman from Cali-
ifornia (Ms. SOLIS).

Ms. SOLIS. I yield to the gentleman from
Michigan.

Mr. CONYERS. Mr. Speaker, I thank
the gentleman from Wisconsin (Mr. SEN-
SENBRN) for yielding me this time.

Mr. Speaker, I rise today as a new
Member of this body in strong support
of H.R. 503, the Unborn Victims of Vi-
olence Act, offered by my friend and col-
league, the gentleman from South Carolina (Mr. GRAHAM).

Mr. Speaker, it amazes this new
Member that there are those who op-
pose this initiative before the House,
which is simply an effort to defend un-
born victims. We not only all have an interest in protecting
mothers and their children from vio-
 lent attackers? Who in this House has
not read a story in the newspaper
about an expectant mother like that
that the embryo or the
fetus. Harm to the woman does not fac-
to the bill at all. The bill does not require prosecution of the crime
against the woman, and so to call it a
two-victim bill is a fallacy.

Mr. Speaker, I also would
like to join my Democratic colleagues
and rise in strong opposition to H.R.
503, the so-called Unborn Victims of Vi-
olence Act. While the bill supporters
claim that they want to protect preg-
nant women from crime, their bill does
not do this. Instead, the bill recog-
nizes for the first time a fetus as a per-
son, with rights separate and equal to
that of a woman.
I am disappointed that the sponsors of H.R. 503 would play politics with the issue of women's safety. Of course we can all agree that pregnant women deserve protection against crime and violence, but we all hold very different beliefs on how that right to protection should be achieved. Therefore it is simply irresponsible to confuse the two issues in H.R. 503, as this does.

That is why I am not voting for H.R. 503 in favor of the substitute amendment, which will be offered by my colleague the gentlewoman from California (Ms. LOFGREN). The Loften substitute, the Motherhood Protection Act, increases the penalty for attacking a pregnant woman. Let us work together to pass something we can all agree on, rather than playing politics, and let us preserve women's safety.

I urge my colleagues to oppose H.R. 503 and support the Loften substitute.

Mr. SENSENBRENNER. Mr. Speaker, in September of 1999, when this bill came before the House, one of the opponents of the bill said this, because the criminal attack on a woman causing her to lose a child and an abortion are too easy to confuse, we need to vote against this bill.

Now we are again hearing today that it is hard to distinguish between a criminal attack on a woman which kills her baby and an abortion. But I say, I think the American people can distinguish between the two of those, and I think Members of this body can.

We also heard today, and we heard in that earlier argument, that this bill would do a dangerous thing. It would recognize the legal status of an unborn child.

Now that is pretty dangerous, is it not, recognizing the legal status of an unborn child?

Is an unborn child illegal? Are they born into the world illegal? When do they pass from illegal to legal? I think if a mother wants to have a child, wants to have that child born, wants to raise that child, that child is legal.

I want to talk about something else, something else that the opponents I do not think would want to talk about, and I think Members of this body can. In fact, I think Members of this body can do it is an article in the March 2001 Journal of American Medicine, and it simply says one thing, the disturbing finding that a pregnant or recently pregnant woman is more likely to be a victim of homicide than due to any other cause. In fact, particularly pregnant woman is more likely to be a victim of homicide than die of any other cause.

It compared that to nonpregnant women in the same age group, and that was the fifth leading cause of death.

As that article asks the question, we ought to ask the same question. Only by having a clear understanding of the magnitude of pregnancy-associated mortality can there be comprehensive prevention.

In other words, pregnant women are victims of homicide in a far greater percentage than nonpregnant women. We need to understand that if we are to prevent these deaths.

How do we prevent it? Why does one think pregnant women are five times more likely to die of a homicide in this study and in an earlier study in the Journal of Public Health and in two studies in obstetrics and gynecology? I would say they are pregnant is making them a target. These studies certainly say that they are a target. This bill, and I praise the gentleman from South Carolina (Mr. GRAHAM) for offering it, is a needed attempt.

I think this becomes an attack on pregnant women.

I REMARKS UPON PASSAGE OF BILL IN 106TH CONGRESS

Mr. BACHUS. Mr. Chairman, I rise in support of the Unborn Victims of Violence Act and opposed to the amendment.

We have heard some very interesting statements out here on the floor today. One of the opponents of this bill said, we ought to vote against this act because, let me quote, "because the criminal attack on a woman causing her to lose a child, and an abortion, it is too easy to confuse these two." In other words, a criminal attack on a woman which causes her to lose her unborn child, she said the only difference in that and an abortion is, she said the only difference is the same except for the criminal intent, and we cannot always determine the difference.

Now, do my colleagues buy that? Do my colleagues buy Congress or the American people cannot distinguish between a criminal attack on a woman which causes her to lose her unborn child and an abortion? I do not think so. I think that is ludicrous.

Another reason we were told to vote against this act, we were told that the Federal court or the Federal jurisdiction may have jurisdiction over the mother, but they might not have jurisdiction over the unborn child.

In other words, an FBI agent who is pregnant, he or she is accusing or assailing or murdering her, but not her unborn child, because that would not be a Federal act.

Well, what do we do in those cases? Do we always try to charge or try to try that person who opposes it, said, we ought to try to try that person in the State court? Of course not. That is ludicrous.

The final thing which is probably the worst, is this statement, and I say this with respect to all Members: that this is the first occasion that this Congress or this Supreme Court has ever recognized the legal status of an unborn child. If we pass this act, we will be recognizing the legal status of an unborn child.

Well I ask you, is it an illegal status? Are unborn children illegal?

How about an unborn child whose mother has made a decision to keep that child? She wants to keep that child. She wants to have that child. She wants to raise that child. Is there anything wrong with recognizing the legal status of that child? Should that child have no status, no rights? Of course not.

[From JAMA, March 21, 2001]


(By Isabelle L. Horon and Diana Cheng)

Complete and accurate identification of all deaths associated with pregnancy is a critical first step in the prevention of such deaths. Only by having a clear understanding of the magnitude of pregnancy-associated mortality can comprehensive prevention strategies be formulated to prevent these unanticipated deaths among primarily young, healthy women.

Pregnancy-associated mortality is defined as a death occurring during pregnancy and in the postpartum period from any illness that is related to the pregnancy. In addition to deaths from complications of pregnancy, delivery, or the puerperium—such as hemorrhage, preeclampsia, orHELLP syndrome—the WHO definition also includes deaths occurring 43 to 365 days following termination of pregnancy. Since
cause-of-death information on death certificates cannot identify deaths from nonmaternal causes or deaths occurring 43 or more days following termination of pregnancy associated with pregnancy-associated deaths. Additional sources of data must be used for complete ascertainment of all pregnancy-associated deaths.

Previous studies on pregnancy-associated deaths have relied largely on linkage or records or the use of a check box on the death certificate to identify pregnancy-associated deaths. Only 1 study (Allen et al) in New York City used death certificates, linkage of records, and review of autopsy reports to identify pregnancy-associated deaths. However, this study did not include all pregnancy-associated deaths since only records for deaths occurring within 6 months of termination of pregnancy were collected, and medical examiner records for only certain causes of death were reviewed.

This article, based on Maryland resident data for the years 1993–1998, presents more comprehensive data on pregnancy-associated deaths since it includes all deaths occurring during pregnancy or within a year of termination of pregnancy. In addition, medical examiner records for all women of reproductive age who died during the study period, regardless of cause of death, were reviewed to identify pregnancy-associated deaths.

**METHODS**

Data for this analysis were collected from the following 3 sources: (1) review of death certificates to identify those recorded as a complicating cause of pregnancy, childbirth, or the peripartum (ICD-9 codes 630–667) was listed as an underlying or contributing cause of death; (2) linkage of death certificates of reproductive-age women with corresponding live birth and fetal death records to identify a pregnancy within the year preceding death; and (3) review of medical examiner records for evidence of pregnancy.

Vital records data were obtained from the Vital Statistics Administration of the Maryland Department of Health and Mental Hygiene. Identification of pregnancy-associated deaths through linkage of vital records was accomplished by matching death certificates for all women of reproductive age with live birth and fetal death records to identify pregnancies occurring in the year preceding death. Successful linkage of records was achieved by matching either mother’s Social Security number or mother’s name and date of birth on the death record with corresponding information on live birth and fetal death records. All linked records were manually reviewed to ensure accurate matching of causes of death.

Medical examiner records, which include autopsy reports and police records, were reviewed for all 4195 women aged 10 to 50 years whose deaths were investigated by the medical examiner during the study period. Maryland law mandates that the medical examiner investigate all deaths that occur by violence, suicide, casualty, unexpectedly, or in any suspicious or unusual manner. Death certificates were obtained for 116 women for whom medical examiner records indicated evidence of pregnancy.

With the exception of 1 death to a 14-year-old adolescent, all deaths identified through medical examiner records occurred among women who were within the traditional reproductive age group of 15 to 44 years. All deaths identified through death certificates and record linkage were among women between the ages of 15 and 44 years.

All death records that did not identify a maternal death as the cause of death (n = 184) were reviewed by trained nosologists to determine the underlying cause of death that would have been assigned if a history of pregnancy had been reported on the death certificate. Nosologists were provided with information on pregnancy outcome and, if available, the date of delivery, date of pregnancy termination, or gestational age. Revised underlying cause-of-death information was used to categorize data by cause of death.

**RESULTS**

A total of 247 pregnancy-associated deaths occurring between 1993 and 1998 were identified from the 3 data sources. Sixty-seven pregnancy-associated deaths (27.1%) were identified through cause-of-death information obtained from death certificates. Sixty-two of these records listed pregnancy complications as the underlying cause of death; the remaining 5 certificates listed pregnancy complications as a contributing, but not underlying, cause of death. Linkage of records identified 174 (70.4%) of all pregnancy-associated deaths and review of medical examiner records resulted in the identification of 116 (47.0%) deaths (Table 1).

**TABLE 1—NUMBER OF PREGNANCY-ASSOCIATED DEATHS BY PREGNANCY OUTCOME AND SOURCES OF DATA, MARYLAND, 1993–1998**

<table>
<thead>
<tr>
<th>Pregnancy outcome</th>
<th>Total deaths</th>
<th>Sources of data</th>
<th>Death certificates</th>
<th>Medical examiner records</th>
</tr>
</thead>
<tbody>
<tr>
<td>Live birth</td>
<td>247</td>
<td>67</td>
<td>174</td>
<td>59</td>
</tr>
<tr>
<td>Fetal death</td>
<td>18 (13.7%)</td>
<td>0</td>
<td>18</td>
<td>0</td>
</tr>
<tr>
<td>Thromboembolism...</td>
<td>60 (24.0%)</td>
<td>3</td>
<td>57</td>
<td>3</td>
</tr>
<tr>
<td>Undelivered</td>
<td>53 (21.6%)</td>
<td>0</td>
<td>53</td>
<td>0</td>
</tr>
<tr>
<td>Ectopic pregnancy</td>
<td>7 (2.8%)</td>
<td>0</td>
<td>7</td>
<td>0</td>
</tr>
<tr>
<td>Maternal causes</td>
<td>45 (18.3%)</td>
<td>4</td>
<td>41</td>
<td>4</td>
</tr>
<tr>
<td>All other undelivered</td>
<td>6</td>
<td>0</td>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td>Unknown</td>
<td>6</td>
<td>0</td>
<td>6</td>
<td>0</td>
</tr>
</tbody>
</table>

Sixty-five percent (n = 160) of pregnancy-associated deaths were identified through a single surveillance method. One hundred two (41.7%) were identified only through linkage of records, 45 (18.2%) only through review of medical examiner records, and 13 (5.3%) only through cause-of-death information provided on death certificates. Thirty-five percent of pregnancy-associated deaths were identified through more than 1 data source (n = 87).

One hundred eighty-two (73.7%) of the 247 pregnancy-associated deaths identified in this study followed a live birth, 5 (2.0%) followed a fetal death, 1 followed a therapeutic abortion, and 53 (21.4%) occurred among women who were pregnant at the time of death. Of the 53 deaths that occurred among pregant women, 5 were the result of ruptured ectopic pregnancies and 1 resulted from a molar pregnancy (Table 1). Eighty-four (34.0%) deaths occurred within 42 days of delivery or terminiation of pregnancy, and 81 (41.7%) deaths occurred 43 to 365 days following delivery or termination of pregnancy. The time of death was unknown for 7 women (Table 2).

**TABLE 2—NUMBER OF PREGNANCY-ASSOCIATED DEATHS BY CAUSE OF DEATH, SOURCE OF DATA, AND TIME OF DEATH, MARYLAND 1993–1998**

<table>
<thead>
<tr>
<th>Cause of death</th>
<th>All sources</th>
<th>Death certificates</th>
<th>Record linkage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>247</td>
<td>242</td>
<td>174</td>
</tr>
<tr>
<td>Accidental</td>
<td>187</td>
<td>182</td>
<td>143</td>
</tr>
<tr>
<td>Neoplasms</td>
<td>84</td>
<td>84</td>
<td>78</td>
</tr>
<tr>
<td>Hemorrhage</td>
<td>78</td>
<td>78</td>
<td>72</td>
</tr>
<tr>
<td>Hypertensive disorders</td>
<td>50</td>
<td>50</td>
<td>44</td>
</tr>
<tr>
<td>Cardiovascular</td>
<td>45</td>
<td>45</td>
<td>43</td>
</tr>
<tr>
<td>Infectious</td>
<td>27</td>
<td>27</td>
<td>24</td>
</tr>
<tr>
<td>Neoplasms</td>
<td>23</td>
<td>23</td>
<td>20</td>
</tr>
<tr>
<td>Substance abuse</td>
<td>13</td>
<td>13</td>
<td>12</td>
</tr>
<tr>
<td>Suicide</td>
<td>8</td>
<td>8</td>
<td>7</td>
</tr>
<tr>
<td>All other causes</td>
<td>37</td>
<td>37</td>
<td>33</td>
</tr>
</tbody>
</table>

1Deaths from any cause during pregnancy or within 1 calendar year of delivery or termination of pregnancy, regardless of the duration or anatomical site of the pregnancy. A single death may have been ascertained from more than 1 source, therefore columns do not sum to the total number of deaths.

The leading cause of pregnancy-associated death was homicide (n=50). All homicides were identified through record linkage or review of medical examiner records rather than from death certificates, as would be expected since homicide is not a maternal cause of death. Deaths from cardiovascular disorders, the second leading cause of death (n=48), were identified through all 3 data sources, although no single source was able to identify all deaths. Of the 26 deaths from cardiovascular disorders that occurred during pregnancy or within 42 days of delivery and should therefore have been classified as maternal deaths, only 8 were identified through death certificates. A substantial proportion of deaths from other maternal causes, including amnion inflection, could not be identified from death certificates since the physicians filling out the certificates failed to report that the women were pregnant or had recent pregnancies (Table 2).

All maternal deaths, by definition, occurred during pregnancy or within 42 days of delivery or termination of pregnancy. This included most deaths from embolism, hemorrhage, and hypertensive disorders of pregnancy as well as a substantial proportion of
deaths resulting from cardiovascular disorders and infection. Homicide was responsible for the majority of deaths during pregnancy (23 (43.8%)) and during the 42- to 365-day period following delivery or termination of pregnancy (21 (23.3%)), but accounted for only a small proportion of deaths occurring within 42 days of pregnancy (3 (6.6%), when obstetrical reasons were specified) and pregnancy-associated deaths. Cardiovascular disorders (n = 21) were the leading cause of death in the 42-day period following delivery or termination of pregnancy and the second leading cause of death (n = 18), following homicide, in the late postpartum period (Table 2).

Homicide, the leading cause of pregnancy-associated death, was responsible for 20.2% of all pregnancy-associated deaths. By comparison, homicide was the fifth leading cause of death of pregnant Maryland residents aged 44 years who had not had a pregnancy in the year preceding death and was responsible for 4 (6.4%) of total deaths among this group (n = 63). The information needed to correctly classify a maternal death. Analysis of data in this report indicated that 30 (34.5%) of the 87 deaths meeting the WHO definition of a maternal death were not linked to pregnancy independent of pregnancy. However, these factors did not explain the higher proportion of homicide deaths in the pregnant group. While adjustment for age at maternal death increased the proportion of deaths due to homicide to 11.2% among women who had not been pregnant in the year preceding death, the adjusted proportion is significantly lower than the figure of 20.2% among women who had been pregnant (z = 4.349, P < 0.001).

COMMENT

The necessity of multiple data sources substantially enhances pregnancy mortality surveillance because no single source can identify all pregnancy-associated deaths. Death certificates are designed to collect only a small subset of deaths that are pregnancy-related. Even these data are frequently not included in maternal mortality statistics because physicians completing death certificates fail to provide these details, and there is no one single standardized data source for identifying pregnancy-associated deaths. Multiple data sources are needed to identify deaths that remain difficult to detect, such as deaths that cannot be identified through linkage of records and deaths among women who had not delivered that pregnancy, but were autopsied. Although the use of multiple data sources substantially enhances pregnancy mortality surveillance, it is possible that some pregnancy-associated deaths may be unidentifiable in all populations. The identified causes of death in the reported cases are consistent with those recently identified in a study of pregnancy mortality risk factors. Although the proportion of deaths due to homicide among these populations is substantially lower than in the general population, the high proportion of deaths due to homicide among pregnant women in this study is consistent with previous findings from the US.
to ensure that early intervention is left unmoved by the terrible story of such violence?

vote against an amendment for full funding of the Violence Against Women Act? Why did the Republicans for full funding of the Violence Against Women Act? The gentleman from Michigan (Mr. CONVERS) is right. The reason it is not a two-victim bill is because there are laws all over the country preventing assaults against women who are pregnant in their own States. There are 21 States that make it a separate offense to take her unborn child’s life. At the Federal level, there is no such law. There soon will be.

That will coexist with Roe v. Wade. Roe v. Wade has never stood for the proposition that the State or Federal Government cannot protect the unborn against violent criminal activity. It stood for the proposition that the Federal-State government cannot interfere with abortion during the first trimester. We have an abortion first trimester and under certain circumstances thereafter.

Why did 254 Members of this body last year vote for this bill? All of them are not pro-life. I happen to be pro-life. I would applaud them for doing it. We may disagree on a woman’s right to choose, and America splits evenly on that. If you disagree with me on that issue, I will not question your politics, your religion, or your patriotism. I have my view; you have yours.

Mr. Speaker, first let me express my deep disgust at the gentleman from South Carolina (Mr. GRAHAM) where a hospital would give the results of a pregnant woman’s blood test to local law enforcement for the purpose of initiating legal action against them if they had used crack. Once we recognize the two-cell zygote or even a blastocyst just implanted in the womb as having a liberty interest of a pregnant woman, it would logically follow that the liberty interest of the mother could be restricted to protect the fetus. Do not believe the rhetoric that this is not an abortion bill. Women are already being prosecuted and imprisoned by courts, including courts in the sponsor’s own State, in order to protect the fetuses.

The whole purpose of Roe v. Wade was to protect the liberty interests of these women. The woman who sits in prison today could say that the legal consequences of making fetuses crime victims recognized in law really are. They can say what the real agenda is. The real agenda is to subject women’s liberty to the interests of the fetus and to make the fetus accepted as a person, and that is why this is an abortion bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 7 minutes to the gentleman from South Carolina (Mr. GRAHAM), the author of the bill.

Mr. GRAHAM. Mr. Speaker, this has been a spirited debate, a lively debate. I think it is good for the country to have this debate. I hate to interrupt my bill? I think they have sat down and read it, and they understand a couple of things about the bill, and I want to applaud them for doing it. We may disagree on a woman’s right to choose, and America splits evenly on that. If you disagree with me on that issue, I will not question your politics, your religion, or your patriotism. I have my view; you have yours.

But here is what I am so excited about from last year’s vote, and hopeful for this year that Congress has come together on this central theme, that once a woman chooses to have the baby, we are going to protect the baby and the mother. This body spends millions of dollars a year helping women through pregnancy. Low-income women get help from the Federal Government to make sure the child is fully developed. We help at-risk pregnancies. That is a good thing. That is not a bad thing. That is not about the abortion draft Roe v. Wade first trimester and under certain circumstances thereafter.

I think most Americans, even though we divide on the issue of abortion, would come together on the issue that if a woman has the child and some criminal takes that right away from the woman, we choose to put them in jail to the fullest extent of the law. That is what we do, and that is what 21 other States do.

Another red herring about the definition. The definition of the baby is exactly what exists in 11 other States and it withstood constitutional challenge and it is exactly what the House voted on July 25, 2000.
Let me tell you how important that is. 417-0, the House came together and said we are not going to execute a pregnant woman. Why? Does that infringe on Roe v. Wade? No. I think there would be riots in the streets in this country, from pro-choice and pro-life people. So what happened to that woman was executed, because nothing good is served. No public policy is advanced by taking that unborn child’s life. We have not helped anybody. We have done a bad thing, not a good thing.

So let us come together and do a good thing. Let us put criminals in jail who assault pregnant women to the fullest extent of the law, no more, no less, and my bill does that.

The definition will withstand constitutional scrutiny. It is a matter of proof. The two-cell zygote defense is a red herring. It is the same definition the body voted on before. It is the burden of proof problem for every prosecutor. If you said you could be prosecuted for pregnancy, you would have to prove that the pregnancy existed longer than 6 weeks. Prosecutors can do those things, and defense attorneys will have their objections.

This bill is well drafted. It makes a lot of common sense. It is not about the abortion debate; it is about America coming together protecting unborn life when we find consensus.

We should be looking for consensus, from both sides of this bill, to partial-birth abortion, to bring life into the world where we can. And when we have these debates about a woman’s right to choose, I honor your right to disagree with me, but that is not today. Today is about bringing the country together, this body together, to put people in jail that deserve to go.

As to the question does this really happen, let me tell you, it happens more than I thought it did. When I was a pilot in the Air Force, we had a handful of cases of pregnant women being assaulted and losing their child. There was no statute to prosecute them for that. That was frustrating. If this bill passes, they will have those tools.

Timothy McVeigh will be in the news again soon, and I respect the view of the gentleman from New York (Mr. NADLER) on the death penalty. I disagree with that. But we will be reminded about Oklahoma City soon.

You may not know this, but three women in that building were pregnant. One of them was the wife of Michael Lenz. They had a sonogram of the baby, she is showing it to office workers. The next day she goes to work, the building is burned, and the baby is killed. Mr. Lenz came to Congress 2 years ago and told us, “That day will mark me for life, but that day I lost two things, not one. I lost the mother of my child, my wife, but I also lost my unborn child.”

Without this bill, there is no recognition of him as being a victim of Oklahoma City. He should have been a victim.

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

Mr. Speaker, I just want to let the author of this bill, the gentleman from South Carolina who just spoke, know that what he claimed as a red herring really is not a red herring at all. The arguments made against this bill cannot be made more clear because this bill contradicts the definition of who a person is by writing it the way they did.

The Court in Roe, recognized the woman’s right to have an abortion as a right protected by the 14th amendment. In considering the issue of whether a fetus is a person, the Court noted, “Except in narrowly defined situations, the unborn have never been recognized in law as persons in the whole sense,” and concluded “person” as used in the 14th amendment does not include the unborn. The Court declined to grant fetuses the status of person because it recognized the difficulty in finding an end point to rights that the fetus might claim.

The current bill raises those same issues. In the 28 years since Roe, the Supreme Court has never afforded legal personhood to a fetus; and that, I would say to the gentleman from South Carolina (Mr. GRAHAM), is what the problem is about the bill; that, I would say to the gentleman from Ohio (Mr. CHABOT), is what the problem is about the bill; that, I would say to my dear chairman, the gentleman from South Carolina (Mr. SENSENBRENNER), is what the problem is about the bill.

The gentlemen are contradicting the definition of “person” by writing it in the way that they have. That is why the gentlewoman from California had to write a substitute, because we had to get that corrected. As a matter of fact, we go further to prosecute an assailant of a pregnant woman than you do.

So, let us not talk about that being a red herring. That is what the debate is all about.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I want to thank particularly the gentleman from South Carolina (Mr. GRAHAM) for doing an excellent job on shepherding this legislation through, as well as the chairman of our committee.

Yesterday I had a conversation in my office with a lady who is a student at Georgetown University; and I thought, well, I will just ask her her view of this legislation. I said, have you looked at this, the Unborn Victims of Violence Act? She said she had.

I said what is your view on it? She said she supported it. I asked are you pro-choice or pro-life? She said I am pro-choice.

So here is a pro-choice lady, a student at Georgetown University, very thoughtful, who recognized the importance of protecting women by extending the protection in this instance to the loss of the unborn child.

I asked her why, and she explained it particularly in those words, that there is something more that was paved whenever you have someone commit a violent act against a pregnant woman than that they be held accountable for all of the loss that occurs.

I think this is a thoughtful person. I think she describes where we should be able to come together, whether it is pro-choice or pro-life, that this is something we should be able to unite together on.

I believe it simply follows the leads of a variety of States that have already given legal protection in the circumstance where a pregnant woman is attacked and there is the loss of the unborn child. Arkansas is a great example of that.

Many people have referred to the case of Shawana Pace. It was my nephew, Representative Jim Hendren, who sponsored the fetal protection law in the Arkansas General Assembly, and I am thankful that was passed, because law allowed the perpetrators of the violence against Shawana Pace to be prosecuted.

It was simply an assault upon her, but what is the intentional death of that unborn child, literally days before that child was born, with the words saying, “Today, your child will die.” It was an intentional act. Other than under the fetal protection law, they could not have been prosecuted. So I think it does credit to the women.

The argument is made here that well, we are not fully supporting the Violence Against Women Act. I just want to tell my colleagues I have written to the appropriators and asked them to fully fund the Violence Against Women Act. I just want to tell my colleagues I have written to the appropriations committee.

I want to thank particularly the gentleman from South Carolina (Mr. GRAHAM) for doing an excellent job on shepherding this legislation through, as well as the chairman of our committee.
April 26, 2001

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Speaker, one thing that makes America great is its longstanding tradition to defend those incapable of defending themselves. Our Founding Fathers acknowledged the proverb to “speak up for those who cannot speak for themselves.”

It is our duty to stand up for the weaker members of society, and I believe the Unborn Victims of Violence Act does just that. Currently, when a woman who is pregnant is raped, when a woman and her preborn baby are harmed, the accused can only be prosecuted for harm to the mother. This sends the wrong message. It says there is only one victim in this situation, and nobody takes the truth. There are two victims harmed in this crime, the mother and her preborn baby.

My colleagues who oppose this bill want to offer a substitute that would recognize the mother as a victim, but not the baby. I would like to remind them again that half the States do not agree; fully 24 have homicide laws that recognize unborn victims.

Furthermore, and I know we discussed this today, I would like to bring to my colleagues’ attention a similar act that took place in the House last year. It was just over a year ago that we voted 417-0 to deny Federal funds to execute pregnant women. This bill specifically protects a “member of the species homo sapien at any stage of the development who is carried in the womb.”

If we are willing to protect preborn babies from Federal execution, why would we let a criminal harm an innocent life without facing specific penalties?

Let me say it again: If we are willing to protect preborn babies from Federal execution, why would we let a criminal harm an innocent life without facing specific penalties?

Those who say they believe in choice should be the strongest advocates of this bill. After all, any criminal who harms a preborn baby has interfered with a woman’s choice to carry that baby to term.

Mr. Speaker, I urge my colleagues to join me in voting to defend those who cannot defend themselves.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, let us be candid. This debate is all about preserving the woman’s right of choice. It is about preserving a woman’s right of choice at the beginning of this debate, it is about preserving a woman’s right of choice at the middle of this debate, and at the conclusion of this debate, it will be all about preserving a woman’s right of choice.

The women of America who are afraid of losing that right sincerely, and rightfully so, understand this debate. They understand that if the decision of this Chamber is to punish, to give jail time to go long periods of incarceration to any heinous criminal who attacks a pregnant woman, we would pass a bill that would do that with 435 votes, and the bill that the gentlewoman from California (Ms. LOFGREN) has brought before us does exactly that.

Now, why can’t intelligent members of this House, 435, come together on a bill that does justice with mercy? Why can’t we not destroy this bill like that?

The reason is that certain folks who want to take away a woman’s right of choice. And I understand that their beliefs are sincere, and I respect their beliefs, but their beliefs do not respect the U.S. Constitution. Those folks have proposed language that is trying to set the stage to end the right of choice in this country. It is a calculated, concerted, and long-term plan to do that.

Let me tell my colleagues why that is important. Every morning I walk by the U.S. Supreme Court building. I live right across the street from the Supreme Court building, and every morning I look at that building, and when one looks at that building, one understands that if one vote changes, as the current President of the United States will attempt to do, there will be no longer constitutional protection in this country for a woman’s right of choice, and that issue will be here in this Congress.

Those who resist the approach of the gentlewoman from California (Ms. LOFGREN), those who resist the thing that would get 435 votes, those who resist the approach that brings union, not disunion, to this Chamber, seek to set the stage for a legislative taking away of a woman’s right of choice as soon as the Supreme Court’s protection for a woman’s right of choice is taken away from American women. That is what this debate is about.

Support the Logren amendment. That is the goal we want to pursue, with 435 votes.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 30 seconds.

The gentlewoman from Washington is dead wrong. This is similar to bills that have been enacted into law in many States, and anybody who is charged for killing an unborn child would have used that constitutional argument as a defense. In no State has a Federal court or a State court struck down a similar law.

The woman who is assaulted and whose unborn child has been killed or maimed has already made her choice, and that is to bear that child. Why do we not respect that choice that that woman has made?

Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. DEMINT).

(Mr. DEMINT asked and was given permission to revise and extend his remarks.)
conceive a child. They had almost given up when unexpectedly they conceived twins, a double blessing. If someone had assaulted or otherwise committed a crime of violence against her that killed these children, one cannot tell me that punishment should only include the punishment of the woman when the unborn children were the innocent victims of the violence. If these two lovely children that the couple had longed for had tragically died in the commission of a crime of violence, the criminal must be held accountable.

This legislation takes the important step of recognizing that violence against an unborn child against the will of the mother, taking away the mother’s right to choose, can be prosecuted in a court of law. This is not a new concept. In fact, over half of the States in this Nation have State laws which protect unborn victims of violence in some form. I have with me today a copy of a chart that shows State homicide laws that recognize unborn victims, which will be inserted into the Record.

This legislation would not supersede those State laws, nor would it impose a new law for crimes which are under State jurisdiction. Rather, this bill recognizes an unborn child as a victim in the eyes of Federal criminal law.

Currently, if a criminal injuries or kills an unborn child during the course of a violent Federal crime, he has not committed an additional offense, other than the death of the child itself. But the bill fairly. If an unborn child dies because of a violent act perpetrated against his or her mother, then the criminal must be held accountable.

We have heard about an amendment to this legislation which would take away the recognition that a violent crime has occurred against an unborn child. I would urge my colleagues on both sides of the aisle to vote against this weakening amendment.

The title or the bill describes exactly what this bill is about: unborn victims of violence. This bill works to correct an unjust situation in which the life of an unborn child is lost, and there are no legal repercussions. I challenge my colleagues again on both sides of the aisle and on both sides of the abortion issue to hold criminals accountable for their violent crimes.

Mr. Speaker, I urge all of my colleagues to stand with me today and vote in favor of R. 503, the Unborn Victims of Violence Act.

STATE HOMICIDE LAWS THAT RECOGNIZE UNBORN VICTIMS

FULL-COVERAGE UNBORN VICTIM STATUTES (11)

The states with homicide laws that recognize unborn children as victims through the period of pre-natal development are:


Minnesota—The killing of an “unborn child” at any stage of pre-natal development is murder (first, second, or third degree) or manslaughter (first or second degree). It is also a felony to cause the death of an “unborn child” through operation of a vehicle, vessel, or aircraft. Minn. Stat. Ann. §§609.266, 609.2661, 609.268 (1997).


North Dakota—The killing of an “unborn child” at any stage of pre-natal development is murder, felony murder, manslaughter, or negligent homicide. N.D. Cent. Code §12.1-17.1-01 to 12.1-17.1-04 (1997).

Ohio—At any stage of pre-natal development, if it can be proved that the quick child was the offspring of a sexual act between “the male person who is or was married to the woman” and “the male person who is or was married to the woman in the womb of another” is killed, it is a murder, murder, voluntary manslaughter, or involuntary manslaughter. Ohio Rev. Code Ann. §§2903.01 to 2903.07, 2903.09 (Anderson 1996 & Supp. 1999).


Utah—The killing of an “unborn child” at any stage of pre-natal development is treated as any other homicide. Utah Code Ann. §§76-5-201 et seq. (Supp. 1996).

Wisconsin—The killing of an “unborn child” at any stage of pre-natal development is first-degree intentional homicide, first-degree reckless homicide, second-degree intentional homicide, second-degree reckless homicide, third-degree intentional homicide, third-degree reckless homicide, homicide by negligent handling of dangerous weapon, explosives or fire, homicide by intoxicated use of vehicle or firearm, or homicide by negligent operation of vehicle. Wis. Stat. Ann. §§939.35, 939.24, 939.25, 940.01, 940.02, 940.05, 940.06, 940.08, 940.09, 940.10 (West 1998).

PARTIAL-COVERAGE UNBORN VICTIM STATUTES (12)

States with homicide laws that recognize unborn children as victims, but only during part of the period of pre-natal development are:

Arkansas—The killing of an “unborn child” of twelve weeks or greater gestation is first-degree murder, manslaughter, or negligent homicide. Enacted April 9, 1999, 1999 AR H.B. 1329. (A separate Arkansas law makes it a battery to cause injury to a woman during a felony in which he is under and can cause a miscarriage or stillbirth, or to cause injury under conditions manifesting extreme indifference to human life and that results in a miscarriage or stillbirth.) California—The killing of an unborn child after the embryonic stage is murder. Cal. Penal Code §187(a) (West 1999).


Georgia—The killing of an “unborn child” after quickening is feticide, vehicular feticide, or feticide by vessel. Ga. Code Ann. §§17-3-70 (1996); §40-6-903.1 (1997); and §§5-7-12.3 (1997).


 STATES WITHOUT UNBORN VICTIMS LAWS, WHICH INSTEAD CRIMINALIZE CERTAIN CONDUCT THAT "TERMINATES A HUMAN PRENATAL EXISTENCE" OR THAT CAUSES A MISCARRIAGE (?)

Note: These laws are gravely deficient, because they do not recognize unborn children as victims, nor allow justice to be done on their behalf. These laws are included here for informational purposes.

Indiana—An individual who intentionally or intentionally "terminates a human pregnancy" without the consent of the pregnant woman commits a felony. This law also sets forth other crimes involving the termination of a human pregnancy, such as during the commission of a forcible felony. Ind. Code Ann. §35-41-2-6 (Burns 1994 & Supp. 1998).

Iowa—An individual who intentionally "terminates a human pregnancy" without the consent of the pregnant woman commits a felony. This law also sets forth other crimes involving the termination of a human pregnancy, such as during the commission of a forcible felony. Iowa Code Ann. §707.8 (West Supp. 1999).

Note: These states are gravely deficient, because they do not recognize unborn children as victims, nor allow justice to be done on their behalf. These laws are included here for informational purposes.
in specific levels of offense severity. Kan. Stat. Ann §21-3440 (1997). Also, injury to a pregnant woman through the operation of a motor vehicle which causes a miscarriage re-


New Mexico—It is a felony to injure a preg-

nant woman during the commission of a fel-
yony and cause her to undergo a miscarriage or stillbirth. N.M. Stat. Ann. §30-3-7 (Michie 1994). It is also a crime to injure a pregnant woman through the unlawful operation of a motor vehicle which causes her to undergo a miscarriage or stillbirth. N.M. Stat. Ann §§66-4-101.1 (Michie 1996).

North Carolina—It is a felony to injure a pregnant woman during the commission of a felony and cause her to undergo a miscarriage or stillbirth. It is a misdemeanor to cause a miscarriage or stillbirth during a misdemeanor act of domestic violence. N.C. Gen. Stat. §14-18.2 (Supp. 1998).

Virginia—The premeditated killing of a pregnant woman with the intent to cause the termination of her pregnancy is capital mur-
der. Va. Code Ann. §18.2-31 (Michie Supp. 1998). It is also a crime to injure a pregnant woman with the intent to maim or kill her or to termi-


New York—Conflicting Statutes

New York—Under New York statutory law, the killing of an “unborn child” after twen-
ty-four weeks of gestation is homicide. N.Y. Pen. Law §125.00 (McKinney 1998). But under a separate statutory provision, a “person” who is the victim of a homicide is statu-

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

I just wanted to comment on the gen-
tleman’s argument about other cases having similar laws, and so why can we not do the same thing? The reason we have not done the same thing is that many of these State laws are obviously drafted differently. They do not use contro-

versial terms, some of them, as “unborn child” or “child in utero.”

The second thing is that none of these State laws have been validated or upheld in a Federal court, let alone a Supreme Court decision. They have not been tested. So I do not think that gives us a presumption that we can copy State law. I say to my colleagues, we should be creating Federal law that States may want to pattern themselves after.

Then, we might want to take into consideration the experience with State laws that have not been very fa-

vorable on this subject. Some of these laws have been used as excuses to jus-

"'tify prosecuting women for their con-
duct toward a pregnant, whole host of problems arise this way.

In South Carolina, ironically now, they prosecute women whose babies are

found to have drugs in their system; the mothers are prosecuted. In another case, the court ordered into custody a pregnant woman who refused medical care because of religious convictions, in an attempt to ensure that the baby be born safely. We had a National Pub-
lic Radio case about a pregnant woman being forced into custody at a State medical facility in Massachusetts to ensure that her baby was born safely. In another case, a court sent a student to prison to prevent her from obtaining a mid-term abortion in an attempt to ensure that the baby be born safely. So I say to my colleagues, let us stop pointing recklessly to all of these laws in State courts as if they are giving us a reason to make the same kind of un-
tested legislation that they are doing.

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

Mr. SENSENBRENNER. Mr. Speak-
er, I yield 3 minutes to the gentle-
woman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, despite the claims of my col-

leagues who oppose H.R. 503, this legis-

lation before us today is not about abor-
tion. It does not infringe on a woman’s legal right to abort her child. It does not infringe upon those in the medical profession who perform abortion. In fact, the only time this bill even mentions abortion is to protect the woman’s legal right to have one, and the doctor’s legal right to perform them. Yet, those who op-

pose this bill would like the American people to believe that this is an at-
tempt to reverse Roe v. Wade.

This leads me to ask my colleagues who oppose this bill, why the smoke screen? Why are they so fearful of pro-

tecting a pregnant woman and her un-

born child? Why are they standing in the way of legislation which provides protection for a woman against vio-

lence? Recognizing the unborn child as a victim of crime does not affect the woman’s legal right to abort the child.

Mr. Speaker, the smoke screen of abortion used by those in opposition to this bill will not work. The majority of Congress and the American people know that a woman and her unborn child must be protected against crimi-

nal acts of violence. When a pregnant woman is assaulted and bodily harm is brought about to her unborn child, there are two victims, not one.

This bill was introduced. Currently, under Federal law, if a criminal assaults or kills a woman who is pregnant and thereby causes the death or injury to that unborn child, the criminal faces severe consequences for taking or injuring this unborn life. That is why this bill is introduced, and that is why it is a tragedy that this worthwhile piece of legislation is being muddied in abortion politics by those who oppose this bill. Any bill that deals with the child in the womb.

It is unfortunate that those in oppo-
sition to this bill today believe that a victim such as Zachariah Marciniak, whose story has been described pre-

viously by my colleagues, was not a child or not a human being. I wonder how many of my colleagues would sug-

uggest that when planning for the mir-

acle of a birth, in painting the nursery, the father who lost his life at the Oklahoma City bombing, that the loss was even greater. He lost his wife and his unborn baby. In that awful tragedy, we as a nation lost not 168, but 171 peo-

ple, as three of the women killed dur-

ing that atrocity were with child. They were murdered along with their moth-

ers.

Consider also the fact that last year the House of Representatives passed the Innocent Child Protection Act by a vote of 417-0. This would allow a State or Federal Government for exe-

cuting a woman “while she carries a child in utero.” That bill, which again passed unanimously, defined “child in utero” the same way it is defined in the Unborn Victims of Violence Act. If the House is, without dissension, will-

ing to protect unborn children from execution, why is it controversial to also protect unborn children from a deadly assault?

MR. CONYERS. Mr. Speaker, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. GREENWOOD).

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

Mr. Speaker, those in the gallery, those watching this debate on national television around the Nation might as-

sume that the reason that we are spending these hours on the floor purs-

uing this legislation is because we are trying to solve a problem, that there is somehow a problem that exist that in this country because we are trying to protect children. This would be a priority for the attorneys general. This would be a priority for the attorneys in our counties. This would be a priority for the attorneys general. This would be a priority for the coalition against domestic violence.

That is really not why we are here. My friend, the gentleman from South Carolina (Mr. GRAHAM), is a good friend of mine. I admire him more than I ad-

mire many Members of this Congress. He is a good man.

But I think in truth we all know that this bill is here because it is aimed at abortion politics. This bill is
This bill will correct the failure of both Federal and military law to treat a criminal assault against a pregnant woman as an additional crime perpetrated against the unborn child. Currently, as has been said numerous times, if a person purposely kills an unborn child, who sets out to kill that unborn child, has not committed a Federal crime, as the law now stands.

Let me make three additional points. If I could, very quickly. This is not an amoral bill. I am not fallaciously putting forth on the issue of pro-choice pro-life. I do not understand why people come up here and stand and say that this is an abortion vote. I respect their opinion; but in reading the bill, I do not understand it.

Someone maybe can connect the dots for me on this, because if this bill is wrong, it is unconstitutional. It does not square with Roe v. Wade. This bill is not going to overturn Roe v. Wade; this bill will be constitutional with Roe v. Wade being cited. So if there is a problem there, this bill is not going to overturn Roe v. Wade. It will be the other way around.

This act specifically excludes abortion, an abortion procedure consented to by the mother. It also specifically excludes any action by the mother which results in harm to the unborn child. So all these South Carolina cases and other cases that have been cited would not apply here. They are not covered.

To me, it should not matter whether one is pro-choice or pro-life, one ought to be able to support this bill. As has been mentioned several times already, this definition is something that is not new to this House. Last year we voted 417-0 to prohibit the death penalty being given to a pregnant woman. We use that same definition.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I just want to remind my friend, who is a former member of the Committee on the Judiciary, who assured us that Roe v. Wade was not under attack, well, most people understand that it is under attack. That is why the National Abortion and Reproductive Rights Action League is opposed, Planned Parenthood Federation of America is opposed, the National Abortion Federation is opposed, the National Women's Law Center is opposed.

Does the gentleman think they do not understand this bill very much? I think they do.

The National Partnership for Women and Families, they are opposed. The Center for Reproductive Law and Policy, they are opposed. The American Civil Liberties Union, they are opposed. The Feminist Majority, they are opposed. The American Association of University Women, they are opposed. The National Abortion and Reproductive Health Association, they are opposed. The American Women's Medical Association, they are opposed.

The National Coalition Against Domestic Violence, they are opposed. The National Council of Jewish Women, they are opposed. The National Organization for Women, they are opposed. The Physicians for Reproductive Choice in Health, they are opposed. The People for the American Way, they are opposed.

Now, they do not understand what the Members are trying to do, do they? They do not get it? They have misunderstood the bill of the gentleman from South Carolina? All of these organizations, a dozen of them, should relax. Roe v. Wade is not under attack. The gentleman in the well on the Republican side just told us so. It is okay. Relax.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I stand here today in opposition to H.R. 503, the mother of a pregnant daughter and the mother-in-law of a pregnant daughter-in-law, a proud grandmother of Isabel and Eve, the sense that somehow I do not understand the incredible mystery and magic and holiness of a pregnancy because I do not support this legislation, I really resent that very much.

We look forward in our family to welcoming these two new babies, and a crime against a pregnant woman or a daughter-in-law would be absolutely devastating, and even more so because each is pregnant. We all agree on that.

That is the part that I do not get. We all do agree that we need to change the law to add penalties because a crime against a pregnant woman is really devastating. Why can we not agree on that? We have the Motherhood Protection Act, the Lofgren amendment, that does just that, it adds new penalties. It is not their bill or no bill. We could agree that we should increase the penalties.

I am happy to connect the dots for the gentleman on why this is an ant-abortion bill. It creates personhood for even a fertilized egg equal to that of a woman. That does not make any sense. Even if she does not know she is pregnant, that fertilized egg now has equal value to her.

We should create law that recognizes that this is a devastating crime, and we should increase the penalties if my daughter or my daughter-in-law is violently assaulted. We agree on that.

Why do we not, then, move forward as a body in agreement that we should pass this amendment? It does not detract. In fact, it increases the deterrent against violence against a woman at a time when more violence than other times occurs. Pregnancy is an incentive for violence against women. That is when it occurs more.

Let us get together and pass the Lofgren amendment.

Mr. CONYERS. Mr. Speaker, I am delighted to yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).
Mr. Speaker, most of the Members of the House remember that I served as a prosecutor and a judge before I came to Congress. In fact, I served as a prosecutor for 30 years. So, naturally, I have been interested in many other issues, and we have to do things so nothing happens to pregnant women.

But legislation is not the only answer to help pregnant women who are harmed. There are other ways in which we can help them. In fact, the Violence Against Women Act legislation could have helped women in this circumstance.

Let us look at why the Lofgren substitute actually, as we are discussing this concept called partial-birth abortion. As a new Member, I was unaware of a procedural bill that was out of line of a decision between mother and physician and God. But all of a sudden, this Congress began to talk about something called partial-birth abortion. It simply was a procedure that doctors were using to save the lives of mothers who wanted to have children. And God. But all of a sudden, this Congress began to talk about something called partial-birth abortion. It simply was a procedure that doctors were using to save the lives of mothers who wanted to have children.

Mr. Speaker, let me quickly discuss something that is extremely private and extremely important. When I first came to this Congress, we started discussing this concept called partial-birth abortion. As a new Member, I was unaware of a procedure that was out of line of a decision between mother and physician and God. But all of a sudden, this Congress began to talk about something called partial-birth abortion. It simply was a procedure that doctors were using to save the lives of mothers who wanted to have children.

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Mr. Speaker, the Lofgren substitute improves the bill. It is a good alternative. It punishes the perpetrators. I urge adoption of the amendment; and if the amendment is not adopted, I urge defeat of the ill-intentioned legislation.

Mr. CONYERS. Mr. Speaker, it is my pleasure to yield the balance of my time to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE), a ranking subcommittee member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished member of the Committee on the Judiciary.

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Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member for yielding me this time.

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Mr. Speaker, the Lofgren substitute improves the bill. It is a good alternative. It punishes the perpetrators. I urge adoption of the amendment; and if the amendment is not adopted, I urge defeat of the ill-intentioned legislation.
Roe v. Wade. Why? Because H.R. 503 does not speak to that woman who has been violated and abused. It simply says that we are trying it to that embryo. Why? Because we want to say to America that we are trying to destroy Roe v. Wade. That is not desirable to the American people. That is the constitutional law. That is the law of the land. That is the Supreme Court decision.

In committee, I tried to offer an amendment that would suggest to us whether the opposing side is truly sincere; but, the amendment said that replacing unborn children in H.R. 503 to violence during pregnancy, that gets to the issue. It says that, if there is violence during pregnancy that resulted in the loss or injury to the woman and then the fetus, then there would be penalty. But, no, they refused because they want to ensure that there is no relationship to that pregnant woman, there are no feelings about that pregnant woman. It is only to tear apart Roe v. Wade.

Let me say, Mr. Speaker, this is a constitutional issue because it comes to the Subcommittee on the Constitution of the House Committee on the Judiciary, and this very reason is to undermine Roe v. Wade.

I have passion and I have feelings about any woman who involuntarily is forced to lose that child that she is carrying. There is no doubt that our hearts are pure on both sides of the aisle. But this body is forced to follow the law. Vote for the Lofgren substitute and defeat that bill because this is an unconstitutional attack on the right to choose and the privacy of every American.

Mr. Speaker, I rise in very strong opposition of H.R. 503, “Unborn Victims of Violence Act of 2001.” This is an unacceptable attempt to create a legal status for the unborn, which would have had enormous adverse ramifications for women in America.

Let me be clear. I would like to express my opposition to H.R. 503, “Unborn Victims of Crime Act” because I believe this is a veiled attempt to create a legal status for the unborn. While we would all like to protect pregnant women and the fetus from intentional harm by others, this bill seeks to create a legal status that will give anti-abortion advocates a back door to overturning current law. I have seen similar legislation come before our committee and I am sorry to see it before the Congress yet again.

I believe that the co-sponsors of this bill had good intentions when it was introduced, but the practical effect of this legislation would effectively overturn 25 years of law concerning the right of a woman to choose. I sympathize with the mother who has lost fetuses because of the intentional violent acts of others. Clearly in these situations, a person should receive enhanced penalties for endangering the life of a pregnant woman. In those cases where the woman is killed, the effect of this crime is a devastating loss that should also be punished as a crime against the pregnant woman.

However, any attempt to punish someone for the crime of harming or killing a fetus should not receive a penalty greater than the punishment or crime for harming or killing the mother. By enhancing the penalty for the loss of the pregnant woman, we acknowledge that within her was the potential for life. This can be done without creating a new category for unborn fetuses. H.R. 503 would amend the federal crime code to create a new federal crime for bodily injury or death of an “unborn child” who is in utero. In brief, there is no requirement or intent to cause such death under federal law.

The use of the words as “unborn child,” “death” and “bodily injury” are designed to inflame and establish in federal precedent of recognizing the fetus as a person, which, if extended further, would result in a major collision between the rights of the mother and the right of a fetus. While the proponents of this bill claim that the bill would not punish women who choose to terminate their pregnancies, it is my firm belief that this bill will give anti-abortion advocates a powerful tool against women’s choice.

The state courts that have expressed an opinion on this issue have done so with the caveat that while Roe protects a woman’s constitutional right to choose, it does not protect a third party’s destruction of a fetus. This bill will now slope that will result in doctors being sued for performing abortions, especially if the procedure is controversial, such as partial birth abortion. Although this bill exempts abortion procedures as a crime against the fetus, the potential for increased civil liability is present.

Supporters of this bill should address the larger issue of domestic violence. For women who are the victims of violence by a husband or boyfriend, this bill does not address the abuse, but merely the result of that abuse. If we are concerned about protecting a fetus from intentional harm such as bombs and other forms of violence, then we also need to be just as diligent in our support for women who are victimized by violence.

In the unfortunate cases of random violence, we need to strengthen some of our other laws, such as real gun control and controlling the sale of explosives. These reforms are more effective in protecting life than this bill.

We do not need this bill to provide special status to unborn fetuses. A better alternative is to create a sentence enhancement for any intentional harm done to a pregnant woman. This bill is simply a clever way of creating a legal status to erode abortion rights.

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

Mr. Speaker, we have heard people opposed to this bill say time and time again that it puts away the right to choose, and they are so wrong. This bill respects the right of those who have chosen to carry their baby to term, because they want the baby to be born.

The opponents of the bill have massed their arguments saying that we are providing legal protection for fertilized eggs and zygotes and blastocysts, but they ignore the fact that this bill provides protection regardless of what stage of development the unborn child is.

They would turn around and say defeat this bill because this dead child as a result of an act of violence against a woman in my home State of Wisconsin should not be protected. This is a child that was about ready to be born before he was murdered. The man who committed this crime, because it was a man’s assault on the mother, is now out of prison.

We have to pass this bill so that somebody who kills a child like this one spends a lot of time in prison to pay for his crime.

Mr. GILMAN. Mr. Speaker, I rise today in opposition to a bill that I find troublesome on many levels. H.R. 503, the Unborn Victims of Violence Act, at first glance, seems to be a compassionate piece of legislation that harbors only good intentions towards women. However, Mr. Speaker, this legislation has a significant impact on the Supreme Court’s findings in Roe v. Wade.

This measure would conflict with the Supreme Court’s ruling in Roe v. Wade, and the constitution in general.

An alternative measure that I have reviewed and which I can support is the Lofgren substitute amendment.

Under the Lofgren proposal, a separate federal criminal offense would be created for any harm done to a pregnant woman: the pregnant woman being recognized as the primary victim of a crime causing the termination of a pregnancy. An offense would be created that protects women and punishes violence resulting in injury or termination of a pregnancy. The maximum 20-year sentence would be provided for the injury to a woman’s pregnancy and a maximum life sentence for termination of a woman’s pregnancy; and focuses on the harm to the pregnant woman, providing a deterrent against violence against women.

This amendment, otherwise known as the Motherhood Protection Act, provides for the full protection of expectant mothers against violent crimes without legislating any direct conflict with the highest court of the land.

If the supporters of H.R. 503 are truly concerned about protecting of pregnant women, then let us craft a bill that can be supported by all involved, and actually speaks to women’s rights instead of advancing the pro-life agenda in this backdoor fashion. A better alternative to this bill would be the Lofgren substitute amendment.
Due to the assault, Karlene’s uterus ruptured and Jasmine died. Gregory Robbins pled guilty to assault and battery to his pregnant wife and involuntary manslaughter for Jasmine’s death. Jasmine’s murder is no less tragic than Zachariah’s but at least her mother did not have to suffer the heartbreak of not having her murder recognized under our laws.

We live in a society that does not respect life and that troubles me. We have children dying from their husbands beat- ing their wives, and other violent crimes signifying that we as a culture do not value and treasure life as we should. A good first step towards recognizing the miracle of life is to ensure that those who take a life are punished for their crime.

We cannot bring back Zachariah or Jasmine or the other hundreds of unborn children vio- lently murdered. We can, and must, however, protect other unborn children from the same fate. We must respect life and make criminals pay for attacks against all Americans, born and in utero. Mr. CAPUANO. Mr. Speaker, today I rise in opposition to H.R. 503, the Unborn Victims of Violence Act. While many proponents of this bill contend that it is necessary to protect pregnant women who suffer results in the death of her fetus, I believe that this bill could jeopardize a woman’s right to choose. I say this because H.R. 503 attempts to legally recognize the fetus as a “person” with rights and interests separate from and equal to those of the woman. In fact, if H.R. 503 is en- acted into law, it will be the first time a federal law recognizes a zygote, embryo, or fetus as an independent victim of crime entitled to full legal rights distinct from the woman.

I would like to make it clear that I am not advocating leniency for a perpetrator of abuse against a pregnant woman. Instead, I believe that we need to recognize that the true victim of a violent act is the woman first and fore- most.

Last year, I supported the Motherhood Protec- tion Act which established a separate of- fense for abusive conduct against a pregnant woman resulting in the termination of her pregnancy. This crime would be punishable by a fine and imprisonment of up to 20 years, regardless of if it was intentional, the assailant could be sentenced to life in prison. I will support this substitute again today.

It is undeniably a tragedy when a violent act committed against a woman results in the termi- nation of her pregnancy. Actually, I believe it is a tragedy when violence against women, whether pregnant or not, is carried out. How- ever, I believe the best way to enforce the law is to help the woman, not unnecessarily bring the threat of recinding the right to choose into the debate.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in strong opposition of H.R. 503, the Unborn Vic- tims of Violence Act of 2001 and in support of the Lofgren-Conyers substitute.

While I support punishment for violent acts against women at any and every time, but most especially against pregnant women, the Unborn Victims of Violence Act of 2001 should be opposed. This bill as drafted will di- minish, rather than enhance the rights of women and do nothing to protect pregnant women from violence.

Additionally, it is worthy to note, that H.R. 503 is unanimously opposed by a plethora of groups whose mission is the protection of women’s rights and who oppose domestic vio- lence; including Planned Parenthood Federa- tion of America, the Women’s law Center, the American Medical Women’s Association, Na- tional Coalition Against Domestic Violence, National Council of Jewish Women and Peo- ple for the American Way.

I support the Lofgren-Conyers substitute because it would protect pregnant women while upholding a woman’s constitutional right to choose. We must focus on the goals that H.R. calls for, which is to end the violence against pregnant women that cause injury to their fetuses or the termination of a preg- nancy. We must do so, however, without opening the door to overturning Roe v. Wade and making an abortion a federal crime.

Mr. RYAN of Wisconsin. Mr. Speaker, I would like to submit for the RECORD an article about Tracy Scheide Marciniak, a fellow Wis- consinite. She was brutally beaten 4 days be- fore she was supposed to give birth to her born: Zachariah; would like to submit her story for the RECORD.

Her husband at the time punched her twice in the abdomen and brutally beat her. Her husband refused to call for help until it was too late. By the time she reached the hospital, Zachariah had died from blunt force trauma. Her ex-husband, Glendale Black, was con- victed of assaulting his wife, but not of mur- dering Zachariah, their unborn child.

In the aftermath of this violent crime, the Wisconsin Legislature enacted one of the na- tion’s strongest unborn victim’s laws. Regard- less, there is no coinciding federal law. If this incident were to happen today in a federal ju- risdiction, the killer would still only be pros- ecuted for assault. This needs to change.

H.R. 503, the Unborn Victims of Violence Act, can fix this injustice. Passage of this bill would make it a federal crime to harm an un- born child during a violent criminal act. Fed- eral judges could impose the same punish- ment as if injury or death occurred to the un- born: child’s mother, except for the death pen- alty.

I disagree with those who believe that Zach- ariah was not yet a human being. Had his mother gone into labor a week before her hus- band attacked her, Zachariah would today be a happy and healthy child. There was no dif- ference between the Zachariah that was in his mother’s womb when she was beaten with a Zachariah that may have been born a week earlier. He was still a living person. There should be no exception in the criminal code for violent acts on babies inside the womb as opposed to those who are in their mother’s arms. The current law makes no logical sense and should be changed according to this act. Zachariah is a biblical name. In the Bible, Zachariah and his wife Elizabeth were the faithful followers of God’s commandments. They never had any children and were both too old to do so. As Zachariah entered a room within the temple he presided over, Gabriel appeared before him and told him that he and his wife Zachariah had died from blunt force trauma for being faithful. Their child was blessed, as was Tracy’s child. In scripture, Zachariah means “God remembers.”

We will not forget Zachariah. Because of his hope, his life and his death will not only be deterred from hurting pregnant mothers, but from harming their unborn children.

ONE VICTIM . . . OR TWO?

My name is Tracy Scheide Marciniak.
On February 8, 1992, I carried within my womb an unborn baby boy, Zachariah. We were in our ninth month, only four days from delivery.

That night, the man to whom I was then married, Glendale R. Black, brutally beat me. He knew that I very much wanted my son. He punched me very hard twice in the abdomen. I could not breathe, and so I had to call for help, and prevented me from doing so.

When he relented, I was taken by ambulance to the hospital, where Zachariah was delivered by emergency Caesarean section. My son was dead. The physicians said he had bled to death within my womb because of blunt-force trauma. I nearly died, but I recovered.

In 1992, Wisconsin, where the crime occurred, did not have an unborn victims law, and state prosecutors were unable to convict Glendale Black under a law that required them to prove that the assault was intended to kill Zachariah. So, Black was convicted of his assault on me, but not of any charge that recognized the loss of Zachariah’s life. He is already eligible for parole.

In 1998, in response to my case and others like it, the Wisconsin Legislature overwhelmingly enacted one of the nation’s strongest unborn victims laws.

But federal law still fails to recognize unborn victims, like Zachariah. Even today, if Zachariah had been injured in the same manner under federal jurisdiction, his killer could be prosecuted only for assault.

That is wrong. Congress should approve the Unborn Victims of Violence Act (H.R. 503, S. 480). Under this bill, if an unborn child is injured or killed during the commission of a federal crime, the perpetrator should be prosecuted only for assault.

Opponents of the bill have put forth a counterproposition, known as the Lofgren Amendment. I have read it, and it is offensive to think that there is only one victim in such a crime—the woman who is pregnant.

Please hear me on this: On the might of February 8, 1992, there were two victims. I was nearly killed—but I survived. Little Zachariah died.

Any lawmaker who is thinking of voting for the Lofgren Amendment should first look at the picture of me holding my red friend, then vote for the ‘one-victim’ amendment. But please remember, Zachariah’s name and face when you decide.

Mr. BLUMENAUER. Mr. Speaker, today I voted in opposition to H.R. 503, the Unborn Victims of Violence Act. Since the landmark Roe v. Wade Supreme Court decision, Congress has slowly passed legislation that has eroded women’s reproductive choices. This is a personal and private decision that should be made by families, not the government, her family, her physician, and her beliefs, not subjected to increased levels of government interference.

Rather than being merely a good faith effort to protect pregnant mothers from violence, the “Unborn Victims of Violence Act” is actually a backdoor attempt to deconstruct government into individuals private lives. Harsh penalties already exist in 38 States for crimes against pregnant women that result in the injury or death of her fetus.

The overwhelming majority of crimes against pregnant women cause injury to her fetus. Blunt force trauma, domestic abuse, and drunk driving accidents, instances that are prosecutable under currently existing state laws. H.R. 503 would do nothing to add to the existing protections against these serious and prevalent crimes. Nearly one in every three adult women experiences at least one physical assault by their partner during adulthood. Drunk driving accidents continue to result in substantial loss of life in every city across the nation. Instead of focusing on ways that we could be more effective at achieving the goal of eliminating a woman’s reproductive freedom, we should be protecting women from violence and increase assistance to women in life threatening domestic situations.

I did support the Lofgren Amendment that would have enacted strict punishments for crimes that result in the injury or death of the fetus with out the inclusion of constitutionally questionable language. If protecting pregnant women from violent crime were truly our priority, Congress would have passed this amendment to H.R. 503.

Mr. BENTSEN. Mr. Speaker, I rise in strong opposition to H.R. 503, legislation that does nothing to end violence against pregnant women but rather is a backdoor attempt to give a fetus the same legal status as the assaulted woman. Specifically, this measure affords a pregnancy at “all stages of development” legal rights that are equal to, and separate from, those of the woman. Though abortion is explicitly excluded from this bill, it clearly establishes new legal rights for the “unborn child” and would work toward dismantling Roe v. Wade. The penalty would be equal to that imposed for injuring the woman herself and would apply from the earliest stage of gestation whether or not the perpetrator knew of the pregnancy.

In recent days, advocates of H.R. 503 have bombarded us with bone-chilling accounts of pregnant women being subject to heinous assaults. Clearly, no one in this body believes such acts of senseless violence should go unpunished. I strongly believe that violent crimes committed against women and in particular, pregnant women, should be punished to the fullest extent of the law. Moreover, we, as lawmakers, have a responsibility to ensure that Federal law properly addresses such violence. That being said, H.R. 503 does nothing to combat domestic violence. In fact, the National Coalition Against Domestic Violence has come forward in opposition to H.R. 503, arguing that it would only divert the attention of the legal system away from violence against women. Unfortunately, this bill is a canard, a red herring, purporting to do one thing while actually accomplishing another.

Mr. Speaker, rather than immersing this House in the theatrics of abortion politics, as the underlying bill does, Congress can make a difference in such heinous cases. The Lofgren substitute, known as the Motherhood Protection Act” would more effectively address the concerns of violence against pregnant women, creating a separate Federal criminal offense for harm to a pregnant woman. Specifically, under the Lofgren substitute, assaults of women who compromise a pregnancy would be subject to a maximum 20-year sentence and, if the assault results in termination, could mean a life sentence. Thus, under this measure, assaults that result in injury or death of an “unborn child” would be subject to the same punishment provided under federal law as for assault of a fetus. These penalties would be in addition to any punishment imposed on the assailant for the underlying offense. The key difference between the Lofgren alternative and H.R. 503 is that it does not create a new legal status for the “unborn child.”

Mr. Speaker, the question at hand is what Federal law can do to address assaults on pregnant women. I am certain that my colleagues agree that assaults should be punished to the fullest extent of the law. The penalties in the Lofgren substitute are equal to, and in some instances, actually stronger than, those in the underlying bill. Accordingly, Mr. Speaker, let’s put our difference on abortion aside and enact legislation that genuinely addresses harm to pregnant women and provides a deterrent to violence against women—the Motherhood Protection Act.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise today to support H.R. 503, the Unborn Victims of Violence Act. I commend the Gentlemen from South Carolina, Mr. GRAHAM on this fine piece of legislation.

Mr. Speaker, there is no greater joy than seeing your child for the first time. Personally, I would not trade that feeling for anything in the world.

However, there is no greater pain than losing a child. I have seen the pain in the eyes of potential parents who have suffered the loss of their unborn children. Mr. Speaker, if these parents had ever known the eyes of those parents, then you would know that you would never want to feel that pain yourself. Especially, when the unborn child was lost due to an act of violence. Under current Federal and Military laws, it is not a crime to end the life of an unborn child, regardless of the circumstances.

Mr. Speaker, today this body will rise up and take a stand against this atrocity. Today, we will make this act of violence a felony and illegal under all Federal law.

I urge all of my colleagues to protect the lives of the unborn, and protect pregnant women by voting for H.R. 503, the Unborn Victims of Violence Act.

Ms. McCOLLUM. Mr. Speaker, in the Minnesota State Legislature, I worked to secure health care for families, to fight against domestic violence, and to protect a woman’s right to reproductive health choices. In the Minnesota State Legislature, we addressed the issue of violence against women in all stages of life—working with women, their families and doctors.

I am particularly concerned about the legislation that we are considering today. It appears the intention of this legislation is to reverse the Supreme Court ruling of Roe versus Wade.

Fundamentally, this legislation seeks to redefine when life begins. I support the landmark decision of Roe versus Wade in 1973 that establishes a woman’s right to choose to terminate a pregnancy while also allowing individual States to determine the legality of such decisions as a pregnancy proceeds.

H.R. 503 fails to recognize that injury to a pregnancy is first and foremost an injury to a woman. This bill ignores the pregnant woman entirely, and in some instances, actually strengthens the violence against women. Crimes of this nature are more appropriately addressed by enhancing penalties for termination of, or injury to, a pregnancy.

H.R. 503 is said to be protection for pregnant women against a violent crime. But the words “mother,” “woman,” or “pregnant women” are not even mentioned in the language of the bill.
I would proudly support a bill to prevent and punish the violent crimes against women and especially pregnant women. This bill does not address where and when these crimes most often occur or how to stop them. This bill does not help the 37 percent of women who need to receive emergency help because of their husband or boy friend? Where is the legislation in maintaining a restraining order when a woman flees to another State because her life is in danger? If we want to protect women and their children from violence, let us debate funding for domestic violence shelters and hotlines that are overrun by women in danger to broadly address where violence occurs. I urge my colleagues to vote for the Lofgren substitute, which recognizes that when a violent crime is perpetrated against a pregnant woman and causes injury to or termination of her pregnancy, there is additional harm to that woman. Crimes committed against pregnant women are heinous and should be punished to the fullest extent. The Lofgren substitute actually provides harsher penalties on perpetrators of violent crimes against pregnant women than does H.R. 503. I strongly urge my colleagues not to jeopardize the decisions women can make about their own bodies and to vote no on H.R. 503 and yes on the Lofgren substitute.

Mrs. LOWEY. Mr. Speaker, I rise in opposition to this misguided bill. Let me make something perfectly clear from the outset: The loss or harm to a woman and her fetus is absolutely devastating to the woman, and yes on the Lofgren substitute. I urge my colleagues to vote for the Lofgren substitute. It gets us to the same ends, without the overtly political means. And if you’re serious about protecting women in this country from violence, let’s fully fund the Violence Against Women Act today. VAWA is the most effective way for us to help combat violence against women. Every year, over two million American women are physically abused by their husbands or boyfriends. A woman is physically abused every 15 seconds in this country. Of every three abused children becomes an adult abuser or victim. The Unborn Victims of Violence Act will do nothing for these women. But VAWA makes all the difference in the world.

My colleagues, please do not be fooled. The Unborn Victims of Violence Act is not about protecting pregnant women from violent acts. Rather, it is yet another anti-choice attempt to undermine a woman’s right to choose. I have stood on the House floor many times and asked my colleagues to work with me to find ways to help women improve their health, plan their pregnancies, and have healthier children. It is tragic that every day over 400 babies are born to mothers who received little or no prenatal care, every minute a baby is born to a teen mother, and three babies die from exposure to violence every hour. Three women will experience domestic violence in her adulthood.

Instead of finding new ways to revisit the divisive abortion battle, Americans want us to focus our efforts on providing women with access to prenatal care, affordable contraception, health education and violence prevention. If we truly want to protect women and their pregnancies from harm, then let us work together to enact legislation to help women have healthy babies and protect them from violent abusers. Please vote “no” on H.R. 503. Mr. PAUL. Mr. Speaker, while it is the independent duty of each branch of the Federal Government to act Constitutionally, Congress will likely continue to ignore not only its Constitutional obligations from Chief Justice William H. Rehnquist, as well. The Unborn Victims of Violence Act of 2001, H.R. 503, would amend title 18, United States Code, for the laudable goal of protecting unborn children from assault and murder. However, by expanding the class of victims to which unconstitutional (but already-existing) Federal murder and assault statutes apply, the Federal Government moves yet another step closer to a national police state. Of course, it is much easier to ride the current political climate. Our Nation is protected from what is perhaps the worst evil, totalitarianism. Who, after all, wanted to be amongst those members of Congress who would, in a strict liability offense insofar as the bill does not even require knowledge on the part of the aggressor that the unborn child exists. Murder statutes and common law murder require intent to kill (which implies knowledge) on the part of the aggressor. Here, however, we have the odd legal philosophy that an abortionist with full knowledge of his terminal act is not subject to prosecution while an aggressor acting without knowledge of the child’s existence is subject to nearly the full penalty of the law. (With respect to only the fetus, the bill exempts the murderer from the death sentence—yet another diminution of the unborn’s personhood status and clearly a violation of the equal protection clause.) It is becoming more and more difficult for congress and the courts to pass the smell test as government simultaneously treats the unborn as a person in some instances and as a non-person in others.

In his first formal complaint to Congress on behalf of the federal Judiciary, Chief Justice William H. Rehnquist said “the trend to federalize crimes that have traditionally been handled in state courts . . . threatens to change entirely the nature of our Federal system.” Rehnquist further criticized the yield- ing to the political pressure “to appear responsive to every highly publicized societal ill or sensational crime.” Perhaps, equally dangerous is the loss of another Constitutional protection which comes with the passage of more and more federal criminal legislation. Constitutionally, there are only three Federal crimes. These are treason against the United States, piracy on the high seas, and counterfeiting (and, because the Constitution was amended to allow it, for a short period of history, the manufacture, sale, or transport of alcohol was concurrently a Federal and State crime). “Concurrent” jurisdiction crimes, such as alcohol prohibition in the past and federalization of murder today, erode the
right of citizens to be free of double jeopardy. The fifth amendment to the U.S. Constitution specifies that no “person be subject for the same offense to be twice put in jeopardy of life or limb . . .” In other words, no person shall be tried twice for the same offense. However, while Congresswoman Marcinkikiai of Wisconsin, who was assaulted in the ninth month of her pregnancy. She was injured and her unborn son, Zachariah, was killed. Because Wisconsin at that time lacked a law to protect unborn victims of violence, the assailant was convicted only for the injury he did to Mrs. Marcinkikiai, and he is already eligible for parole. The Łofgren Substitute would impose a penalty of life in prison—which seems a harsh penalty, unless somebody has died. Consider the words of Tracy Marcinkikiai of Wisconsin, who was assaulted in the ninth month of her pregnancy. She was injured and her unborn son, Zachariah, was killed. Because Wisconsin at that time lacked a law to protect unborn victims of violence, the assailant was convicted only for the injury he did to Mrs. Marcinkikiai, and he is already eligible for parole. The Łofgren Substitute would impose a penalty of life in prison—which seems a harsh penalty, unless somebody has died. Consider the words of Tracy Marcinkikiai of Wisconsin, who was assaulted in the ninth month of her pregnancy. She was injured and her unborn son, Zachariah, was killed. Because Wisconsin at that time lacked a law to protect unborn victims of violence, the assailant was convicted only for the injury he did to Mrs. Marcinkikiai, and he is already eligible for parole.
Nor does the bill pertain to any action by a woman that results in harm to her own unborn child. Moreover, the laws of 24 states already recognize the “unborn child” as a victim of violent crimes for all or some of the baby’s period of pre-natal development. These laws are listed at www.nrlc.org/Whatsnew/Amidealaws.htm.

Numerous federal courts have ruled that these state unborn victims laws do not contradict Roe v. Wade or otherwise affect legal abortion. Moreover, the U.S. Supreme Court in 1989 found no problem with Missouri law that establishes the “unborn child” as a legal member of the human family for purposes far broader than those covered by the Unborn Victims of Violence Act. Indeed, the April 21 issue of National Journal (page 1173) quotes Heather Boonstra, senior public policy analyst at the Alan Guttmacher Institute, as “acknowledging that [Rep.] Graham’s bill would probably survive a court challenge.” For further discussion of the constitutional issues, see the Judiciary Committee report at ftp://ftp.loc.gov/pub/thomas/cp107/hr042.txt.

Some opponents of H.R. 503 have objected to the bill’s recognition of the “child in utero” as a member of the human family. Yet, on July 25, 2000, the House by a vote of 417-0 passed a bill that contained the same definition of “unborn child” that embodied the same basic legal principle. The roll call on that bill, and the text of the bill, are appended.

In NLC’s scorecard of significant congressional votes for 2001, a vote in favor of a one-victim substitute amendment to H.R. 503 will be accurately described as a vote to declare that when a criminal injures a mother and kills her unborn child, there has been no loss of a human life. Thank you for your consideration of NLC’s views on this legislation.

Sincerely,

DOUGLAS JOHNSON, Legislative Director.
PATRICIA COLL, Legislative Assistant.

Mrs. MINK of Hawaii. Mr. Speaker, I rise to express my opposition to H.R. 503, the Unborn Victims of Violence Act. H.R. 503 claims to protect unborn children from assault and murder by giving the fetus—at any stage of development from fertilization to term—a status as a member of the human family. Yet, on July 25, 2000, the House by a vote of 417-0 passed a bill that contained the same definition of “unborn child” that embodied the same basic legal principle. The roll call on that bill, and the text of the bill, are appended.

The purpose of H.R. 503 is not to protect pregnant women from violence, it simply seeks to confer the same legal status to an embryo or fetus as to the woman who is pregnant. In fact, this act would give even a fertilized egg this status. H.R. 503 seeks to establish in law the principle of “fetal rights” that are equal to but distinct from the rights of pregnant women. The bill seeks to undercut Roe v. Wade, in which the Supreme Court held that at no stage of development are fetuses persons under law. I wish that the Members of this body who so fervently want to overturn the right of women to a legal abortion would present an honest and straightforward bill to confer full personhood on an embryo or fetus. Let’s take a vote on that.

But we should not pretend that this bill is about protecting women from violence. If you want to protect pregnant women from violence, then it is important to address the problem of domestic violence by fully funding the Violence Against Women Act. The vast majority of attacks against pregnant women are domestic violence. In fact, this bill will only divert the attention of the legal system away from domestic violence or violence against women.

The National Coalition Against Domestic Violence opposes this legislation. Lofgren amendment. Mr. LANTOS. Mr. Speaker, H.R. 503 would undermine Roe v. Wade by recognizing for the first time in federal law a zygote, blastocyst, embryo, or fetus as a “person,” with rights equal to those of a woman. As a strong supporter of The Motherhood Protection Act, I am concerned that the “Unborn Victims of Violence Act” does not ensure that programs aimed at taking action against domestic violence are fully funded.

Mr. KLECZKA. Mr. Speaker, we all agree that violence against a pregnant woman, where harm is brought to not only the mother but also the fetus, is a most heinous offense. These acts of violence are tragic and should be recognized by increased federal penalties for those convicted of violence to a pregnant woman.

To accomplish this goal, I will be supporting The Motherhood Protection Act, which creates a new, separate federal criminal offense for harm done to a pregnant woman. This bill provides for a maximum twenty year sentence for injury to a woman’s pregnancy. Further, it provides a maximum life sentence for termination of a woman’s pregnancy.

The underlying Unborn Victims of Violence Act (H.R. 503) and The Motherhood Protection Act achieve the exact same goal and provide identical penalties. The only difference is that H.R. 503 includes a legal definition of when the fetus is considered viable, which is not necessary under the law. Justice demands it, and so should we. I urge each of my colleagues to join me in voting for the Unborn Victims of Violence Act.

Mr. STARK. Mr. Speaker, I rise today in opposition to H.R. 503, the Unborn Victims of Violence Act. I oppose this legislation because of its implications for the future of a woman’s right to legally terminate a pregnancy, not because I oppose punishing crimes against pregnant women—or anyone else—to the full extent of the law.

Don’t be fooled, this bill is an attack on the fundamental principles of Roe v. Wade. H.R. 503 would establish a zygote, blastocyst, embryo, and fetus as a person under federal law. Although the Supreme Court has held that fetuses are not persons under the 14th amendment, this bill would bestow separate rights on the fetus equal to that of the mother. The Lofgren substitute, on the other hand, creates a separate criminal offense for harm to a pregnant woman, while maintaining the woman as the primary victim of the crime. It also creates an offense for violence resulting in the injury or termination of a pregnancy.

I urge my fellow colleagues to oppose H.R. 503 and to support the Lofgren substitute. H.R. 503 disdoses the cornerstone underpinning Roe v. Wade. In contrast, the Lofgren substitute strengthens punishment for crimes against pregnant women without weakening a woman’s right to choose.

Mr. BARCIA. Mr. Speaker, I rise today as the Democratic Chair of the Pro-Life Caucus, to express my strong support for the Unborn Victims of Violence Act and to dispel some of the myths we’ve heard about it from those who are opposed to this commonsense, anticrime legislation.

Mr. Speaker, I am proud to be a co-sponsor of the Unborn Victims of Violence Act which promotes justice by holding violent criminals accountable for their conduct. It is unthinkable that under current federal law, an individual who commits a felony while pregnant against a pregnant woman receives no additional punishment for killing or injuring the woman’s unborn child during the commission of the crime. Where is the justice when a criminal can inflict harm upon a woman, even with the express purpose of harming her unborn child, and not be held accountable for those actions?

Approximately half of the states, including my home state of Virginia, have seen the wisdom of holding criminal accountable for their actions by making violent criminals liable for conduct that harms or kills an unborn baby. Unfortunately, our federal statutes provide a gap in the law that usually allows the criminal to walk away with little more than a slap on the wrist. Criminals are held more liable for damage done to property than for intentional harm done to an unborn child. This discrepancy in the law is appalling.

Regardless of whether you are pro-choice or pro-life, those of us who are parents can identify with the hope that accompanies the impending birth of a child. No law passed by Congress could ever heal the devastation created by the loss of a child or replace a child lost to violence. However, we can ensure that justice is done by making the criminals who take the life of an unborn child pay for their actions.

When a mother chooses to bring a life into this world and that life is cut short by a violent act, that criminal should be held accountable under the law. Justice demands it, and so should we. I urge each of my colleagues to join me in voting for the Unborn Victims of Violence Act.

Thank you.
their unborn children. These violent acts went unpunished and unpunished. For the sake of these women and their unborn children, Congress must correct this oversight in Federal law and pass the Unborn Victims of Violence Act. It is pro-woman, pro-child, and anti-criminal.

This bill and its goal seem pretty straightforward. How could anyone oppose it? After all, every Member of this body wants to protect women and children, and punish criminals. Well, Mr. Speaker, it appears that we have a simple misunderstanding about what this bill accomplishes. I want to take a moment to set the record straight.

Some of my colleagues are concerned that the Unborn Victims of Violence Act prevents women from obtaining a legal abortion. This assertion is simply not true. The Unborn Victims legislation specifically prohibits the prosecution of women who terminate their pregnancies through abortion. While I am pro-life and therefore very much opposed to abortion, I want to make it clear that this legislation has absolutely no impact on a woman’s legal ability to terminate her pregnancy. This is not an abortion bill.

Others in this body are concerned that the act undermines the Roe v. Wade decision by recognizing unborn children as having rights outside of the mother. In fact, the Unborn Victims of Violence Act has zero impact on Roe v. Wade. Because the Supreme Court has stated that unborn children already have legal rights outside the mother, specifically in tort and inheritance cases, and these rights do not preclude a woman from obtaining an abortion. This is not a bill which restricts abortion. It is a bill which punishes criminals who commit brutal acts of violence against women and their children.

Finally, we have heard from some who honestly believe that this act is somehow anti-woman. Mr. Speaker, the Unborn Victims of Violence Act not only reinforces existing laws which protect women against violence, but also ensures that the horrible emotional and physical anguish a pregnant woman would suffer from the death of her unborn child would not go unpunished due to a loophole in the law. It is hard for me to find any legislation more pro-woman.

In conclusion, Mr. Speaker, I urge my colleagues to support this important pro-woman, pro-child, and pro-academic legislation, and vote in favor of the Unborn Victims of Violence Act.

Mr. TERRY. Mr. Speaker, I submit to the C R E G I O N A L R E C O R D , and commend to my colleagues, the following document from the National Right to Life Committee. It provides important details on H.R. 503, the Unborn Victims of Violence Act.

**KEY POINTS ON THE UNBORN VICTIMS OF VIOLENCE ACT**

The Unborn Victims of Violence Act has been introduced in companion bills as H.R. 503, sponsored by Congressman Lindsey Graham (R-SC), and S. 480, sponsored by Senator Mike DeWine (R-OH). The full text is available at the N R L C website at www.nrlc.org/Unborn_Victims/index.html.

The Unborn Victims of Violence Act would establish a federal crime if an unborn child is intentionally killed during the commission of an already-defined federal crime of violence, then the assailant may be charged with a second offense, specifically the specific acts defined by law as federal crimes (such as certain crimes of violence). In current federal criminal law, an unborn child is not recognized as a victim with respect to the same conduct. For example, if a criminal beats a woman on a military base, and kills her unborn child, he can be charged only with the battery against the woman. The unborn child is not a victim of recognized by the law. This gap in federal law results in grave injustices, some real-world examples of which were described by Congressman Canady at a July 21, 1999 House Judiciary Constitution Subcommittee hearing on the issue.


Twenty-four (24) states have already enacted laws which recognize unborn children as victims. Eleven (11) of these states provide this protection throughout the period of in utero development. Fourteen states provide protection during specific stages of development. For detailed information on state unborn victims laws, see “State Homicide Laws That Recognize Unborn Victims” available at www.nrlc.org/Whatsnew/athomicidelaws.htm. The Unborn Victims of Violence Act would not supersede state unborn victims laws, nor would it impose such a law in a state that has not enacted one. Rather, the bill applies only to unborn children injured or killed during the course of already-defined federal crimes of violence.

The bill explicitly provides that it does not apply to any abortion to which a woman has consented, to any act of the mother herself (legal or illegal), or to any form of medical treatment. Nevertheless, NRLC supports the bill because it achieves other pro-life purposes that are worthwhile in their own right: the protection of unborn children from acts of violence other than abortion, the recognition that unborn children may be victims of such violent criminal acts, and the punishment of such acts.

In the real world, however, when an unborn child loses her life in a criminal attack, the parents and society mourn the death of a separate individual, rather than viewing it merely as an additional injury to the mother.

Moreover, arguments in favor of the one-victim proposal are internally inconsistent and illogical. Supporters of the one-victim approach insist that when a criminal injures a mother and kills her unborn child, there has been only a compound injury to the mother but no loss of any human life—yet, the Longfellow Amendment would have imposed a penalty (up to life in prison) on a legal abortion. The one-victim approach is an attempt to avoid any additional injury to the mother: the one-victim approach argues that when a criminal assaults a pregnant woman, the assailant should receive a lighter punishment for killing her and injuring her unborn child. He has claimed two victims.

The Unborn Victims of Violence Act has considerable vehemence among pro-choice and pro-abortion lawmakers such as NARAL, Planned Parenthood, and the ACLU. Even though the bill deals with acts of violence other than abortion, this pro-choice argument apparently compels the tabling of real victims, and imposes on the possible existence of unborn human beings in any area of the law. Thus, during the hearings on education, the pro-choice lawmakers proposed alternative legislation, the “Motherhood Protection Act” or Lofgren substitute amendment, which the House of Representatives rejected on September 30, 1999. This “one-victim” proposal did not mention the unborn child (by whatever name), but instead defined as an offense “interruption to the normal course of the pregnancy.” This approach would have codified a falsehood—the notion that there is only one victim in these crimes. In the real world, however, if an unborn child loses her life in a criminal attack, the parents and society mourn the death of a separate individual, rather than viewing it merely as an additional injury to the mother.

Moreover, arguments in favor of the one-victim proposal are internally inconsistent and illogical. Supporters of the one-victim approach insist that when a criminal injures a mother and kills her unborn child, there has been only a compound injury to the mother but no loss of any human life—yet, the Longfellow Amendment would have imposed a penalty (up to life in prison) on a legal abortion. The one-victim approach is an attempt to avoid any additional injury to the mother: the one-victim approach argues that when a criminal assails a pregnant woman, the assailant should receive a lighter punishment for killing her and injuring her unborn child. He has claimed two victims.

The Unborn Victims of Violence Act was obvious. Whatever one’s position regarding the morality of capital punishment as such, there is only one rational reason for delaying a lawfully ordered execution of a woman because she is pregnant—that is, carrying out the execution would turn the unborn child into a victim. The Unborn Victims of Violence Act would extend that same principle to the rest of the federal criminal code, recognizing that when a criminal injures a pregnant woman, he has claimed two human victims. The principle embodied in the Unborn Child Protection Act was obvious. Whatever one’s position regarding the morality of capital punishment as such, there is only one rational reason for delaying a lawfully ordered execution of a woman because she is pregnant—that is, carrying out the execution would turn the unborn child into a victim. The Unborn Victims of Violence Act would extend that same principle to the rest of the federal criminal code, recognizing that when a criminal injures a pregnant woman, he has claimed two human victims.

Moreover, arguments in favor of the one-victim proposal are internally inconsistent and illogical. Supporters of the one-victim approach insist that when a criminal injures a mother and kills her unborn child, there has been only a compound injury to the mother but no loss of any human life—yet, the Longfellow Amendment would have imposed a penalty (up to life in prison) on a legal abortion. The one-victim approach is an attempt to avoid any additional injury to the mother: the one-victim approach argues that when a criminal assails a pregnant woman, the assailant should receive a lighter punishment for killing her and injuring her unborn child. He has claimed two victims.
allow the government to win a conviction for harm to an unborn child only if it first proves that the defendant violated one of the 70 or so enumerated federal laws with respect to the mother.

Some opponents of the bill have charged that it would allow defendants to be convicted without a showing of intent to do harm, in the process of the criminal conduct. Under the bill, it is necessary to prove beyond a reasonable doubt that a defendant had intent to do criminal harm, at least towards the mother. If such criminal intent towards the mother is proved, then the defendant also will be held responsible for the harm done to the unborn baby, under the doctrine of “transferred intent.” This would, for example, make it possible to hold a defendant responsible for a homicide committed under the influence of a hallucinogenic drug.

(b) The punishment for a violation of subsection (a) is as follows:

(1) If the relevant provision of law set forth in subsection (c) is set forth in paragraph (1), (2), or (3) of that subsection, a fine under Federal law, or imprisonment for not more than 20 years, or both, but if the interruption terminates the pregnancy, a fine under title 18, United States Code, or imprisonment for any term of years or for life, or both; and

(2) If the relevant provision of law is set forth in subsection (c)(4), the punishment shall be a fine under title 18, United States Code, or imprisonment for not more than 20 years, or both, but if the interruption terminates the pregnancy, a fine under title 18, United States Code, or imprisonment for any term of years or for life, or both; and

(c) The provisions of law referred to in subsection (a) are the following:

(1) Sections 36, 37, 111, 112, 113, 114, 115, 229, 242, 244, 247, 248, 351, 831, 844(d), (h)(1), and (i), 1101, 1102, 1107, 1108, 1110, 1119, 1120, 1121, 1153(a), 1201(a), 1203(a), 1205(a), 1501, 1503, 1505, 1512, 1513, 1751, 1864, 1951, 1952(a)(1)(B), (a)(2)(B), and (a)(3)(B), 1958, 1959, 1962, 2113, 2114, 2116, 2118, 2139, 2191, 2231, 2241(a), 2246, 2261, 2261A, 2289, 2289, 2312, 2332a, 2332b, 2340A, and 2441 of title 18, United States Code.

(2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848).


This is stronger as well because it is constitutional unlike the underlying bill. I recently reread Roe v. Wade, something that I think all of us should do from time to time. Some of us had not read it since law school. It was good to be reminded in the language of the Justices, their consideration, first of the personhood of the fetus, but also the discussion of what can be regulated and when.

Clearly, and we all know this as people, the horrible situation of the woman who was assaulted, and she was 4 days away from delivery, and I do not want to get into the personhood arguments, but she induced labor. She lost her child in my view, and that was a tragedy. Our bill would protect that. But it also protects something else. If one is 6 weeks pregnant, the substitute that we are offering provides the same level of protection as the poor woman who was assaulted in the picture that has been used several times today.
In the endless debate on abortion, the term "extremist" is hurled across the aisle. I cannot imagine a more extreme posture than to deny the humanity of the unborn. If you hold the view that the unborn child is without value, you have to take your turn when the headline is on July 25, 2000, that tells you 472 to zero to forbid the execution of a woman while she carries a child in utero. That pregnancy must have meant something. So the fact of a pregnancy makes a difference.

An obstetrician treats two patients when he treats a pregnant woman. Specialists perform fetal surgery of incredible complexity, heart surgery, spina bifida, exchange transfusions, all sorts of surgery to save that baby. How many times have you heard proudly pictures of the sonogram? Tell these prospective parents their unborn child is without value.

Mr. Speaker, the Lofgren substitute dehumanizes the child in the womb. It echoes a line from a New York Times editorial yesterday, which cannot bring itself to describe the assault that kills a mother's child in the womb as anything more than a compromising a pregnancy. It replaces a colder phrase describing the death from violence in the womb than "compromising a pregnancy." That is like saying a drug dealer is an unlicensed pharmacist or a bank robber is a holder not in due course.

Listen to the words of a famous obstetrician, Dr. Joseph DeLee, who wrote in the Yearbook of Obstetrics and Gynecology in 1940 as the world was about to be plunged into a bloody war, "As the young couple exhibited proudly pictures of the sonogram? Tell these prospective parents their unborn child is without value.

Mr. Speaker, today we confront the same issue only today it is the unborn whose humanity is being threatened, not the adults. The question we are faced with is whether a preborn child has value; value sufficient to warrant protection in the law from a criminal assault, or whether the tiny, unborn infant can be inviolate, that is dehumanized, without value, without standing, without significance. Whether this little unborn is merely a randomly multiplying bunch of cells, a sort of tumor, like Shakespeare's sound and fury, signifying nothing.

A famous novelist, Saul Bellow, once wrote, "A great deal of energy can be invested in ignorance when the need for illusion is great." To rationalize the divesting of the little battered body of the unborn child, divest it of its humanity, its membership in the human family, is the ultimate indignity. My colleagues will not even call him a victim.

Mr. Speaker, I have borne children. I have also suffered a miscarriage; and I would like to say to the gentleman (Mr. HYDE) who just spoke before me who talked in terms of the Lofgren amendment dehumanizing the child, that the underlying bill dehumanizes the unborn child and I think that point needs to be noticed. We are talking about unborn children, and I take that very seriously. We are also talking about pregnant women who are bearing those fetuses that are also going to become children. Mr. Speaker, I think attention must be paid to the mothers.

I rise in support of the amendment offered today by my friend and colleague, the gentlewoman from California (Ms. Lofgren), which creates a separate Federal criminal offense for harm to a pregnant woman and specifically punishes violence against her resulting in injury to or the termination of a pregnancy. If we are trying to protect pregnant women, let us protect them. Let us not insult the intelligence of women in this country by attacking their rights under the guise of protecting their unborn fetuses.

Mr. Speaker, I have read Roe v. Wade. It was a decision of the Supreme Court after I was a practicing lawyer. I knew Harry Blackmun, the late Justice Blackmun, who drafted Roe v. Wade and whose experience in this area came from being general counsel to the Mayo Clinic. He carefully defined a framework in that decision that includes a definition of viability of the fetus. The underlying bill here would interfere with that definition and undercut Roe v. Wade.

Mr. Speaker, I urge support for this amendment and rise in opposition to the underlying bill.

Mr. Speaker, I rise today in strong opposition to H.R. 503, the Unborn Victims of Violence Act. Once again, opponents of choice are making an attempt to interfere with a woman's right to choose.

Supporters of H.R. 503 claim it increases punishments for individuals who commit violence against pregnant women. They claim it will help protect these women; however, the protection of the pregnant woman is never mentioned in the text of this bill.

Instead, the bill defines an unborn fetus as a person against whom a crime can be committed. It creates "fetal rights." Congress should not be involved in a woman's decision begins nor should it create "rights" for which we do not know the full repercussions.

I strongly support the alternative offered by my friend and colleague ZOE LOFGREN, which creates a separate federal criminal offense for harm to a pregnant woman and specifically punishes violence against her resulting in injury or the termination of a pregnancy. If we are trying to protect pregnant women, then let's protect them. Let's not insult the intelligence of women in this country by attacking their rights under the guise of protecting their unborn fetuses.

Roe v. Wade establishes a careful framework which includes a definition of viability of the fetus. H.R. 503 is a backdoor attempt to
Weaken Roe v. Wade and interfere with a woman’s right to make her own reproductive choices.

Mr. Speaker, let’s respect the women of this country. Let’s not undermine a woman’s Constitutional right to choose. Vote no on H.R. 503.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members that making reference to persons on the floor who are not Members of the House is not appropriate.

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

Mr. Speaker, the Lofgren substitute amendment would provide an enhanced sentence for a violent crime that causes an interruption to the normal course of the pregnancy resulting in prenatal injury, including termination of the pregnancy. This substitute clearly must be opposed.

First, the substitute ignores the injuries inflicted by violent criminals upon the unborn. It appears to operate as a sentencing enhancement. A sentencing enhancement is when you get attacked and the attacker throws you down and hurts your arm, your leg and your back, too. The attacker’s penalties get enhanced for the added injuries. The substitute amendment simply makes no sense except perhaps as the loss of an appendix or pancreas? I think not. Would you feel the same regret you felt for a bone if a bone were broken or a slipped disk in one’s back? Surely not.

The loss that a person would feel would be a distinct and a unique loss, and the criminal law should appropriately reflect that loss in a separate offense protecting the unborn children. It is our goal to protect them and the mothers in this instance. The law does not simply punish criminals. The law, and especially criminal law, embodies the judgment of civilized society. As such it must credibly and fully respect and reflect the magnitude of the loss felt when a woman loses her unborn child to violence. This can only be done by creating a separate offense to protect the separate unborn person.

Second, the substitute is hopelessly ambiguous. So ambiguous that it puts in jeopardy the prosecution of any criminal for violence against the unborn. The confusing verbiage in the substitute amendment is incomprehensible; and if adopted, it will almost certainly doom any prosecution for injuring or killing an unborn child during the course of the pregnancy. The confusion leaves the substitute amendment open to the charge that it would permit the prosecution of mothers who inflict harm upon themselves or their unborn children, or doctors who kill or injure unborn children during the process of medical treatment. This substitute as written is a magnet for a constitutional challenge.

What is the difference between an interruption of a pregnancy and an interruption that terminates the pregnancy? Does not any interruption of a pregnancy necessarily result in a termination of the pregnancy; or have supporters of the substitute amendment to finally develop a human being in some sort of suspended animation?

Mr. Speaker, what does the phrase “termination of pregnancy” mean. Does it mean only that the unborn child died, or could it mean that the child was just born prematurely without suffering any injuries?

These ambiguities make the substitute almost impossible to make any sense of. But maybe this is not what the substitute does. It is so ambiguous that it admits of several readings. It is more like a bowl of tea leaves.

Subsection (a) of the substitute amendment appears to operate as a mere sentence enhancement authorized by creating a separate offense for the predicate offense. Yet the language of subsection (b) describes the additional punishment imposed for the predicate offense. The bill is based on criminal conduct in the bill is not well-drafted. The reason why there is confusion and confusion is magnified by the fact that subsection (a) requires that the conduct injuring or killing an unborn child “result in the conviction of the person so engaging.” So does this indicate a conviction must be obtained before the defendant may be charged with a violation of subsection (a); or does it mean that the additional punishment must be imposed at the trial for the predicate offense, so long as it is imposed after the jury convicts based on the predicate offense.

Mr. Speaker, what charge necessary for the enhanced penalty to be imposed? The substitute amendment simply makes no sense except perhaps to criminals who will understand its significance crystal clear. They get away with the heinous crime.

Unlike the current language of the bill, the substitute stunningly contains no exemptions for abortion-related conduct, for conduct of the mother, or for medical treatment of the pregnant woman or her unborn child. This omission leaves the substitute amendment to the charge that it would permit the prosecution of mothers who inflict harm upon themselves or their unborn children, or doctors who kill or injure unborn children during the process of medical treatment. This substitute as written is a magnet for a constitutional challenge.

The substitute amendment also appears to mischaracterize the nature of the injury that is inflicted when an unborn child is killed or injured during the commission of a violent crime. Under the current language of the bill, a separate offense is committed whenever an individual causes a death or a bodily injury to a child who is in utero at the time the conduct takes place.

The substitute amendment seeks to transform the death of the unborn child into the abstraction “terminating a pregnancy.” “Bodily injury” inflicted upon the unborn child appears to become “prenatal injury.” Both injuries are described as resulting from an “interruption to the normal course of the pregnancy.”

These abstractions ignore the fact that the death of an unborn child occurs whenever a pregnancy is violently “terminated” by a criminal. They also fail to recognize that a “prenatal injury” is an injury inflicted upon a real human being in the womb of his or her mother.

For example, if an assault is committed, for example, on a Federal employee, and her unborn child subsequently suffers from a disability because of the assault, that injury cannot accurately be described as an abstract injury to a “pregnancy.” It is an injury to a human being. Our bill recognizes that the substitute amendment is simply to a human being. Our bill recognizes that the substitute amendment is simply an attempt to avoid constitutional attack because it contains no exemption for abortion-related conduct, for conduct of the woman, or for medical treatment. And finally the substitute amendment ignores the injuries inflicted by violent criminals upon unborn children, transforming those injuries into mere abstractions.

For these reasons, the substitute amendment should be rejected.

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

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

I would just note that the gentleman’s analysis, I thought, was both confused and confusing. The bill is well-drafted. The reason why there is no carve-out for abortion is that so far abortion is not a crime in America. The bill is based on criminal conduct in the prosecution.

Finally, I would just note that the gentleman may not know what a miscarriage is, but those of us who have had one do understand it.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise to express my wholehearted support for the Lofgren amendment and my strong opposition to the underlying bill without that amendment. We must be clear on one thing. H.R. 503, the underlying bill,
is a sneak attack on Roe v. Wade, and there is no question whether it would threaten a woman’s right to reproductive choice. At the same time, this bill does nothing to address the real need for Federal measures to prevent and prosecute violent crimes against women.

Mr. Speaker, we all agree that the loss of a pregnancy through violence to a woman is a tragedy for the woman and for her family. That is why I urge my colleagues to vote for the Lofgren amendment. The Lofgren amendment recognizes that a crime causing the end of a pregnancy is a crime against the woman. If my colleagues truly care about women and children, vote for the Lofgren amendment and vote no on H.R. 503 if the amendment is not included.

Mr. CHABOT. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. LARGENT).

Mr. LARGENT. Mr. Speaker, I thank my friend from Ohio for yielding me this time.

Mr. Speaker, I rise today in support of holding criminals accountable for their actions that affect the unborn. The Unborn Victims of Violence Act represents a much-needed clarification of current Federal code to protect preborn children from violent crime.

Last year, the House voted 415-0 in favor of the Innocent Child Protection Act. That act prevents any U.S. authorizing law enforcement to penalize a pregnant woman for a death sentence on a pregnant woman. There is no difference between the rationale of that bill and this one. If you believe in protecting an innocent, preborn child when the criminal mother is to be executed, you should agree that we must protect an innocent, preborn child when its innocent mother is attacked.

This bill supports women who want to carry a child to term, and it gives law enforcement the right to penalize someone criminally for aborting a child with her ability to do so. This bill is pro-choice, if you will. The choice in this case has already been made by the mother to keep the child, and when a criminal act takes away that woman’s choice, there should be legal remedies to mete out punishment for that crime.

I urge my colleagues to protect the rights of the unborn and all mothers who have chosen to carry a child to term. Support H.R. 503 and reject the substitute.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Connecticut (Mrs. JOHN-SON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong support of the Lofgren amendment. I would like to point out to the gentleman from Oklahoma (Mr. LARGENT) that actually I want to hold criminals accountable for crimes against pregnant women. Twenty-four States have higher penalties for assault of a pregnant woman and, in Connecticut, for assault of an elderly person. That is right and justified. If that is what this bill, the underlying bill, did, I would strongly support it. It is what the amendment does and that is why I support the amendment.

The amendment imposes much higher penalties, even up to the death sentence, on people who assault a woman who is pregnant. But it does something else.

I do find it almost unbelievable that my conservative colleagues would advocate such a radical piece of legislation. This legislation is truly extraordinary, because it changes the fundamental concept of law that has governed America since its founding. What is radical about this bill is not that it wants to punish people who assault pregnant women; I want to do that, too. What is radical about this bill is that for the first time under our laws, it will define fetal personhood. The consequences are going to be extraordinary.

What happens if a woman has a miscarriage because she worked too hard, she stayed up late, she drove herself, she did not take care of herself, and she has a miscarriage? Is she going to be a murderer? That may not be in this bill, but let me tell you, it is the next one down the road. What if, for good reason, for health reasons, she has to have an abortion? What if the doctor says, you will not survive if you do not have an abortion? Is the doctor then a murderer?

That is the underlying goal of this bill. Do not hide it from yourself. If you vote for it, know that you are voting for a radical change in the American legal statutes.

Mr. CHABOT. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, when a woman and a child are assaulted or, even more seriously than that, the child is killed, there are two victims. The problem currently with our law is that we only recognize one of those victims. That is the purpose of H.R. 503 and that is the problem with the substitute. It fails to recognize one of the victims.

The gentlewoman before me made reference to the foundational principles of this country. What is it that is unique, that defines America? Is America a different nation than other nations? Why is it that people have chosen to immigrate here? I would suggest that a great deal of our unique character is found in a sentence that says, “We hold these truths to be self-evident, that all men are endowed by their Creator with certain inalienable rights.” That is the purpose of our law, to create equal protection, because each life is important to us. That is a foundational American principle, and it is not currently in our law.

That is the purpose of H.R. 503. This substitute does not protect one of the victims or potential crimes, and that is the problem with the substitute.

I would urge my colleagues to vote against the substitute and to support the very foundational principle that America is based on, that all people deserve the protection of law.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. I thank the gentlewoman for yielding and for her leadership on this and so many other issues important to women.

Mr. Speaker, today in this Chamber we rise again to protect a woman’s right to choose. Yes, once again. This full-scale assault on a woman’s right to choose is dangerous and it is wrong. As a woman, I am deeply offended and angry.

First, President Bush reinitiates the global gag rule as one of his very first actions in office. And now we have the Unborn Victims of Violence Act before us today. Where is the compassion for women?

I deplore acts of violence against women and stand as a strong advocate against domestic violence and domestic abuse. However, while this legislation claims to protect pregnant women, the reality is that it will harm women. H.R. 503 represents a direct attack on the Supreme Court ruling of Roe v. Wade, and therefore a woman’s constitutional right to reproductive freedom. The National Coalition Against Domestic Violence has indicated that H.R. 503 would actually worsen the plight of women in domestic violence situations.

This substitute offered by the gentlewoman from California (Ms. LOFGREN) and the gentleman from Michigan (Mr. CONVYERS) is equally tough on crimes against women without weakening our reproductive freedom. The substitute recognizes the pregnant woman as the primary victim of a crime. However, it also allows for further punishment if that woman’s pregnancy is ended as a result of the attack.

If Congress wants to ensure safe pregnancies for both mothers and babies, we should be passing legislation to increase access to prenatal care and support and strengthen WIC nutrition programs and food stamp programs. But, instead, we are once again forced to speak out to defend women’s fundamental rights.

I urge my colleagues to recognize H.R. 503 for what it is, a misguided initiative, dangerous and harmful to women. I urge a no vote on H.R. 503 and support of this substitute.

Mr. CHABOT. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, we have once again heard this described as an assault on a woman’s right to choose. I want to reiterate that the woman has made her choice. She keeps that baby. It is the criminal that took away that choice. We just want to punish that criminal more severely than he is under existing law.

Mr. Speaker, I yield 4 minutes to the gentlewoman from South Carolina (Ms. GRAHAM), a proponent of this bill.

Mr. GRAHAM. I thank the gentleman for yielding me this time.

Mr. Speaker, we have once again heard this described as an assault on a woman’s right to choose. I want to reiterate that the woman has made her choice. She keeps that baby. It is the criminal that took away that choice. We just want to punish that criminal more severely than he is under existing law.
Mr. Speaker, the best way to describe how the substitute and the bill actually works in the real world is to tell a story that actually happened. You talk about an assault on Roe v. Wade; I am talking about an assault on Shawana Pace, an African American woman who lived in Arkansas. On August 26, 1999, she was kidnapped by three men, she was pregnant, she was near her due date, she had already named the baby Heaven once she got the ultrasound test back. She had a baby boy, and she had already named her unborn child Heaven.

Her boyfriend, the father, former boyfriend, paid three people $400 to kidnap her and terminate her pregnancy because he did not want to pay child support. They did that. They kidnapped her, they took her away. She is lying on the floor and they are beating her within an inch of her life, and one of them says, “Your baby is dying tonight.” Strangely enough, she was pleading for her baby’s life, not hers.

The good news in this story, if there is any, is that the three people plus the boyfriend, two of them are on death row in Arkansas because Arkansas, several weeks before, had passed a law recognizing the unborn child as a separate entity under that statute, the prosecutor was able to bring a murder charge, not enhance the punishment on the assault charge.

Now, I did not have the death penalty in this bill because I did not want to get into its debate, but, if this had happened in Federal jurisdiction, there would have been no enhancing of the assault charge, there would have been a murder charge because that is what they were hired to do, that is what they did, and I think most Americans would want them to be prosecuted for murder, not play some game of enhancing punishment that ignores what really happened.

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They can do that without affecting Roe v. Wade. That is why I had so many pro-choice votes last time. One can be pro-choice and still support this bill. It happened before, and it is going to happen again today. Those people that were hired to do a terrible thing get the full force of the law because there is a statute on the books in Arkansas that is just like the one that I am trying to pass here in Congress.

Rae Carruth, NFL football player, hired a person to kill his pregnant girlfriend. She refused to have an abortion. He did not want to pay for the child. The hit man charged $5,000 for the mother and $5,000 for the baby, charged him twice.

Let us punish him twice. That is what this bill does.

The substitute is just an irrational way to deal with the unborn. We can have an honest, healthy debate about abortion on my bill, but the right to have an abortion because it is the law of the land; but pro-choice and pro-life people should come together when the woman chooses to have the baby and put the full force and effect of the law against a criminal who is paid or otherwise takes that life away. They are not inconsistent.

It would be a better country if we passed this bill, and prosecutors will have more tools because if one takes the murder or assault charge off because they do not recognize the baby, the ability to fully prosecute that case is undermined, and I think most prosecutors would agree.

The gentleman from Pennsylvania (Mr. GREENWOOD) is my friend. He says this is an abortion on abortion. It is not. In his State, they passed this same law using the same words in 1998.

People still have the Roe v. Wade rights in Pennsylvania, but people assaulting pregnant women face stiffer penalties and more punishment because of what Pennsylvania did.

Let us do this at the Federal level. Let us come make sure that people in the future who take money or otherwise assault a pregnant woman and destroy the unborn child are prosecuted to the fullest extent of the law, no excuses, no apologies.

Mr. LOFGREN. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I just would like to note that the Arkansas statute is inconsistent with the Supreme Court decision, Meadows v. State, in Arkansas, and I do hope that the monster who killed this baby and who continues to use an instrument that does not walk because the statute is unconstitutional.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SCHIFF), a former prosecutor and a member of the Committee on the Judiciary.

Mr. SCHIFF. Mr. Speaker, I am not going to attempt to speak on the unique tragedy and trauma suffered with the loss of a child. I think other Members have already spoken to that, and could speak to it with a passion of familiarity that neither I nor any other male Member of this Chamber could. Instead, I would like to speak as a former prosecutor, someone who for 6 years went into court and prosecuted a variety of Federal crimes, and has experience not only with the job of prosecuting those cases but also handling the inevitable motions, the appellate process, the habeas corpus petitions and all of the delays attendant to litigating complex issues.

This is a criminal justice bill. This is a public safety measure. Its ostensible purpose is to use the vehicle of the criminal justice system to deter attacks on pregnant women, to incapacitate those who would commit them by lengthening the sentences, to bring about retribution on those who would commit such a heinous act. All of the purposes of the criminal justice system are served by both bill and substitute; but if one is a prosecutor and going into court under one law or going into court on another, they would certainly choose to go into court under a law that is less subject to constitutional challenge and attack.

The bill, as it is drafted, using definitions like a member of the species Homo sapiens at any stage of development who is carried in the womb, inures demands in fact, constitutional litigation. As a result, we cannot be assured in both motion and appeal to the highest courts of the land they will be required to litigate when life begins under the bill.

That is not required under the substitute. If it is our goal to give prosecutors that extra tool, as the gentleman from South Carolina (Mr. GRAHAM) mentioned, if it is our goal to allow prosecutors to take more vigorous action to have greater penalties at their beck and call to deter; to incapacitate, to bring about retribution for these crimes, let us choose a substitute which makes that possible without this unprecedented constitutional litigation.

Mr. CHABOT. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT).

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, I wonder if one would imagine with me an infant in a nursery in a hospital on life support. There is a terrorist bomb or an arsonist fire, and that infant and several others are killed. Prosecutors would agree that says that those babies that were not on life support were murdered but the baby on life support was not murdered?

Mr. Speaker, the preborn baby, in its mother’s womb, is simply on life support through the umbilical cord. When a pregnant woman is killed, clearly two lives are snuffed out. There are two murders. When a woman is assaulted, sometimes with the intention of killing that preborn child who is simply on life support in her womb, indistinguishable from a baby just born, clearly that also is murder.

This legislation is long past due. Defeat the amendment. Support the base bill.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY), a leader in the fight for rights for women.

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks and include extra-aneous material.)

Mrs. MALONEY of New York. Mr. Speaker, I thank very much the gentlewoman from California (Ms. LOFGREN) for yielding and congratulate her for her Congress-wide leadership on this issue and so many other issues before the committee protecting women.

Very simply, if one wants to punish people who attack pregnant women and injure or destroy their fetuses, then vote for the Lofgren substitute, because that is what it does. Its penalties are stricter. If, however, the goal is to declare fetuses to be separate people
under the criminal code and to thereby further the right-to-life movement, then the underlying bill is what should be voted for. That is what the difference is about. The Bush administration is clearly in the camp of the right-to-life movement.

Mr. Speaker, I would like to place in the RECORD the statement of administration policy that clearly supports the underlying bill that erodes a woman’s right to choose, knocks out one of the fundamental pillars under Roe v. Wade. Second, would it not be more honest to say that Roe v. Wade, robbed us of our capability to see and to understand and to empathize? Have unborn children now become mere objects, a dehumanizing and deplorable status that feminists once rightly rebelled against?

Does a mugger, Mr. Speaker, have an unfettered access to maim or kill a baby without response for a separate penalty for that crime? For years, Mr. Speaker, Congress has updated and strengthened laws and stiffened penalties for those who commit violence against unborn children. A victim is a victim no matter how small.

Last year, I am happy to say, I was the principal sponsor of bipartisan legislation, Public Law 106-386, the Victims of Trafficking in Violence Protection Act of 2000, a $3.4 billion comprehensive package of sweeping new laws designed to protect women from violence at home and overseas.

Women who are victims of violence need every legal protection, appropriate shelter and assistance a caring society has to muster; but I would respectfully submit to my friends, so do children. A victim is a victim no matter how small. Why is it so difficult to recognize an unborn child as a victim who is all too capable of suffering trauma, disfigurement, disability or death? Unborn children bleed and bruise easily. Unborn children are as vulnerable as their mothers to an assailant wielding a knife, a gun or a steel pipe. The amniotic sac is like a protective bubble, but it is not made of Kevlar. It pierces easily.

Earlier this week, Mr. Speaker, I met with Tracy Marciniak. Three years ago, her husband beat her and killed her child with a baseball bat. The child, Zachariah, died from bleeding; and this is what Tracy has said to all of us: “Congress should approve the Unborn Victims of Violence Act. Opponents of the bill have put forth a counter-proposal known as the Lofgren amendment. I have read it,” she said, “and it is offensive to me because it says there is only one victim in such a crime, the woman who is pregnant. Please hear me on this,” she goes on to say. “On the night of May 19, 1992, there were two victims. I was nearly killed but I survived. Little Zachariah died,” she goes on.

“Any law maker who is thinking of voting for the Lofgren one-victim amendment should first look at the picture of me holding my dead son at the funeral. Then I would say to that representative,” she continues, “if you really think that nobody died that night, then vote for the one-victim but please remember Zachariah’s name and face when you decide.”

Vote for the underlying bill and against the substitute.
abuser for the crime—murder—he committed on Zachariah. Why? Because Zachariah had no legal value or standing—and could be killed with impunity.

Tracy has written:

Congress should approve the Unborn Victims of Violence Act. Opponents of the bill have put forth a counter proposal, known as the Lofgren Amendment. I have read it, and it is offensive to me, because it says that there is only one victim in such a crime—the women who is pregnant.

Please hear me on this: On the night of February 8, 1992, there were two victims. I was the gentlewoman from California (Ms. Lofgren) and Mr. Speaker, under H.R. 503, if an unborn child is injured or killed during the commission of an already-defined federal crime of violence, the mother may be charged with a second offense on behalf of the second victim—the unborn baby.

Of significance, 24 states have enacted laws recognizing unborn children as victims of violent crime. In upholding the Minnesota statute, the Minnesota Supreme Court said Roe v. Wade does not confer much less confer on an assailant, a third party unilateral right to destroy the fetus.

The Lofgren amendment, stripped of its surface appeal trappings and enhanced penalty has one pro-abortion strategic objective: Denial that an unborn child has inherent dignity. Denial that an unborn child has worth. Denial that an unborn child has innate value. How incredibly sad—and dangerous.

The Lofgren amendment must be rejected. Ms. PELOSI. Mr. Speaker, I yield myself such time as I may come to.

Mr. Speaker, I would just note that the gentleman from New Jersey (Mr. Smith) asked, is there unfettered access for a mother to mourn her child at any time in the pregnancy? If one reads Roe, clearly post-viability, the ability to secure abortions is severely limited only to those cases where a woman's health is severely damaged. I think that needs to be made clear.

Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman from California (Ms. Lofgren) for yielding me this time, and for her great leadership on this issue.

Mr. Speaker, I want to commend the ranking member of the Committee on the Judiciary as well for facilitating the Lofgren amendment coming to the floor.

It is masterful, it really is, because it answers the concerns that are posed by the proposers of the original bill to expand the penalty for those who commit violence against pregnant women, and it does so in a way that achieves that goal but is constitutional.

Mr. Speaker, we can all agree that acts of violence against pregnant women are reprehensible and should be punished. We all agree that acts of violence that harm a fetus are obviously unacceptable and repulsive to us. We can all agree that we must prevent violence against women whether pregnant or not.

The gentleman from New Jersey (Mr. Smith), who just spoke, whom I hold in very high esteem, asked the question how could otherwise intelligent, caring people come to the floor and be opposed to this legislation that is being opposed by our colleagues on the other side? He said, could it be, he had a series of could-it-be’s, that we could ignore violence against a pregnant woman?

But we are not ignoring it. The Lofgren amendment addresses it very directly without doing violence to the issue.

I urge my colleagues to vote for the substitute proposed by my colleague. The substitute would create a separate Federal criminal offense for harm to pregnant women, but would not confer new legal status on the fetus.

So I respond to my colleague, could it be that, as a woman, I know a little bit more about this subject than maybe he does? Could it be that as a mother of five, a grandmother of four, and hopefully more grandchildren to come, that I understand the unspeakable violence against a pregnant woman is?

But if that is the issue, the gentlewoman from California (Ms. Lofgren) has responded to it. The bill on the floor is unconstitutional. It is a move to undo, which it cannot do, unless it is a constitutional amendment, but it is an attempt to undo Roe v. Wade.

In 1973, we all know the Supreme Court in Roe v. Wade stated that the unborn have never been recognized in the laws as persons in the whole sense.

The Court specifically rejected the theory that grants personage to the fetus because it may override the rights of pregnant women that are at stake.

I urge my colleagues to accept the solution that is here, that addresses the problem in a constitutional way, and does not do violence to a woman's rights.

Mr. CHABOT. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Pennsylvania, (Ms. Hart), a member of the Committee on the Judiciary.

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

Mr. Speaker, I support the substitute proposed by my colleague, the late amendment that that principle would be doing violence to the unborn child. Anybody who thinks there is no dead baby in this picture should vote for the Lofgren amendment. It does not, as is claimed by its supporters, accomplish the same goal that those who sponsored the original bill, the underlying bill, have. In fact, it does complicate and somewhat confuse the issue.

Claims have been made that are quite disingenuous regarding the underlying bill and also regarding the effectiveness of the proposed substitute. First, the underlying bill is very clear about the violent act that must be committed against the pregnant woman. Although those supporters of the substitute claim that the pregnant woman is not recognized as a legal entity, that is false. Federal law recognizes violence against everyone as a crime, and enumerates a number of different crimes which would be the basis for the actual use of this proposal, H.R. 503.

Any lawmaker who is thinking of voting for this substitute must realize that it does not refer to these particular laws. It in fact creates a separate offense which is unclear as to its effectiveness by prosecutors.

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

Mr. Speaker, before recognizing the gentlewoman from the District of Columbia, I would like to note that the criminal offenses in H.R. 503 are exactly the same as those in the substitute, except that we do require prosecution and then a separate prosecution for the miscarriage.

Ms. NORTON. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. Norton).

Ms. NORTON. Mr. Speaker, I thank the gentlewoman for yielding me time. Mr. Speaker, I am outraged at the use of old-fashioned abortion politics to get at a serious problem. Let me indicate just how serious the problem is. I participated recently in a press conference called by the American College of Nurses and Midwives here in the District of Columbia, now published in an AMA Journal.

In the District of Columbia, autopsies had been performed on pregnant women. What was discovered was that there were 13 homicides of pregnant women that had not been reported along with maternal deaths. These 13 unreported deaths accounted for 38 percent of pregnancy-associated deaths.

Now, these women had several things in common. They tended to be very young, 15 to 19; they were unmarried; they were murdered early in their pregnancy. There was no category in the FBI or accepted among the States to complete these deaths. I have written to...
My colleagues and I, and the FBI, are asking that a category be created, and I have written to the GAO asking that a study be done of such deaths throughout the country, because clearly what we found here is nationwide.

When is our answer this afternoon? Our answer is a clearly unconstitutional bill that defines a fetus as a person, in direct in-your-face violation of Roe v. Wade. There is a real problem out there. That problem is here in the Nation’s capital. It is in your districts as well.

The substitute, the Lofgren substitute, gives us an opportunity to do something about a horrible crime, rather than play the same old abortion politics we have been playing ever since Roe v. Wade. The name of nameless murdered pregnant women, unnoted even in the crime records, let us seize the opportunity to pass a constitutional bill that will help eliminate a crime of immense and unspeakable seriousness.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would remind all Members and persons in the Chamber that it is the Speaker’s policy that all audible devices be disabled before entering the House Chamber.

Mr. CHABOT. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LOFGREN) to take the position she does.

But let me address it as a father myself of two beautiful daughters and an adopted son.

If my wife was attacked and she was pregnant, or my daughters, and they both survived, then I would support the enhancement clause that the gentlewoman is trying to put in here. If either my wife or the unborn child was killed, then I would want justice, not enhancement, as a father, to know that a child that I was going to have that would not be born in this life because of some criminal act, I feel that is wrong.

In Bosnia there was a Muslim that offered a private a child and says, “Help me get my child to the hospital.” On the way, the Muslim man said that, “Help me, private.” The point is that they are all our children.

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

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

Mr. Hoeffel. Mr. Speaker, I thank the gentlewoman for yielding me time and to her leadership, and the ranking member for his leadership as well.

This should be a debate, Mr. Speaker, about protecting women against violence, specifically about protecting pregnant women against violence, and the Lofgren amendment, the Lofgren substitute, does just that. It makes a new and very specific crime against violence to a pregnant woman that injures the fetus or terminates the pregnancy. This is the only way to give such protection to pregnant women.

The underlying bill politicizes this issue. I do not think it is intended to politicize the issue, but it does, because that would be the status that the courts or Congress have ever given. It would give to the fetus the same legal status and a separate legal status from the woman, and that is the heart of the abortion debate. By writing their bill in such a fashion, they open up the whole floodgate to the very polarizing and politicized abortion debate that has not moved forward nor helped us deal with the issue at hand.

We should focus on potential injury to the human pregnant woman, and pass the Lofgren substitute that is carefully written, that is constitutional, that is effective. It avoids the polarizing debate that prohibits us from solving this problem. The Lofgren substitute gets the job done. Should we vote for it to protect women.

Ms. LOFGREN. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise in strong opposition to H.R. 503. The Unborn Victims of Violence Act is the first volley this term by the anti-choice legislators to restrict a woman’s right to choose. This bill would add to the Federal criminal code a separate new offense to punish individuals who injure or cause the death of a child which is in utero, regardless of the stage of development. It sounds innocent enough, but in essence it is a sham.

No one would argue that an attack on a pregnant woman that results in a miscarriage or an injury is not a tragedy. As one of the most vocal leaders in Congress on behalf of women and families, I have spoken on this House floor numerous times to end violence against women and domestic violence of all sorts.

But that is not what we are talking about here today. H.R. 503 eliminates the mother from the picture. She is of no concern. Instead, it affords an embro the legal status that should be hers as a human being. Precisely the goal that the authors of H.R. 503 and the National Right to Life Committee seek to achieve is reaching this status.

The supporters candidly admit that their purpose is to recognize the existence of a separate legal person, separate from its mother, before it is born. And supporters of both the substitute and of alternative tougher ways to address violence against the pregnant woman, each time citing the reason being that the alternative did not recognize embryonic personage.

Do not be fooled. This is an anti-choice bill disguised as a crime bill. I strongly urge my colleagues to vote for the Lofgren substitute which will provide the same penalties but does not see the fetus as a moralized creation.

Last Friday, the press reported that President Bush does not intend to launch a frontal attack on Roe v. Wade or let his Presidency become mired in this controversy. If that is true, then we hope that we will not see more of these bills. In the meantime, please vote for the Lofgren substitute.

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

Mr. Speaker, I hope that both pro-choice and anti-choice Members of this body will vote for the Lofgren-Conyers substitute. It provides stronger penalties and greater protections in the case of assault on a pregnant woman.

I note, and this is especially important to me and others who have spoken today from personal experience, that the protection will be to those who are in their 6th week of pregnancy, just as in their eighth month of pregnancy, and that is enormously important to us all.

Ms. LOFGREN. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I wanted to thank my colleague, the gentlewoman from California (Ms. LOFGREN), for the splendid substitute that she has let me help her work on, that we hope will bring us all back together.

Just a couple of points: Please let everyone that is voting on this measure know that the substitute is not a penalty enhancement. Lofgren-Conyers is not a penalty enhancement. It provides a new and separate offense for harm to an embryo or fetus, in injury or termination of her pregnancy.

It contains two separate offenses. We got that out of the way.

Okay, next. The substitute is tougher on criminals than is H.R. 503. Under the substitute, if a pregnancy is terminated, even unintentionally, the assailant can be sentenced to life in prison. By comparison, H.R. 503, the criminal must intentionally terminate pregnancy in order to get a life sentence. There is a big, big difference there.

Now, to the reality of the matter. Because the major bill, H.R. 503, underwhelms Roe v. Wade, it is not going to take it up. The Senate is not going to take up H.R. 503. We must come to that reality. They did not take it up in the last Congress; they will not take it up in this Congress in its present form. So if my friends on the other side of the aisle really want to protect unborn children, they will join us in supporting the substitute. So we are begging that our colleagues put
policy above the normal abortion politics.

Now, there is still the heart of the matter here that under the 14th amendment, as provided in Roe, “person” as used in the 14th amendment does not include unborn women’s rights. We cannot change that. We are not here to change it today. In the 28 years since Roe, the Supreme Court has never afforded legal personhood to a fetus. So in the name of all of the women and the men in this country who support the unborn’s right to choose, please join with me in supporting the Lofgren-Conyers substitute. We think it would be a beautiful way forward, and we will give this bill the life that it needs to go to the other body.

Mr. Speaker, I urge the support of the substitute and the rejection of the base bill, H.R. 503.

Mr. CHABOT. Mr. Speaker, I yield myself a second time. Once again, we keep hearing the term, “a woman’s right to choose”; and I just want to say again that the woman chose to have the baby, it is the criminal that took away her right by killing her baby. And we are just trying to make it tougher on those criminals and to make the penalties much tougher and make it a separate offense if they take that child’s life or harm that life.

Mr. Speaker, I yield the balance of my time to the gentleman from South Carolina (Mr. GRAHAM), a proponent of this bill.

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

I respectfully disagree with the gentleman from Michigan (Mr. CONYERS), my good friend. I am asking my colleagues to vote against the substitute and for the underling bill.

What one writes a bill that says you cannot prosecute someone under the bill who is performing a lawful abortion, you can never prosecute the mother for any of her conduct, you cannot hold them criminally responsible, one would think it would not be about abortion. But some people want to talk about that, and that is politics. That is okay. That is the way politics works.

I want to talk about the law and common sense. If one is a prosecutor and can pick between the substitute and my bill, I think every prosecutor I know of would pick my bill, because you could really have the full force and effect of the law against the criminal. All of those rights are not going to be enhanced by voting against my bill and for the substitute. The only person that wins is the criminal. In the Arkansas case, she was begging for her baby’s life and the criminal was saying, “Your baby is dying tonight.” Let us get together as a Congress in saying, once the woman chooses to have the baby and she is assaulted by a criminal who is paid to terminate her pregnancy through beating her and her baby to death, that that is a crime, not a fiction.

She is begging for the baby’s life; the man is saying, “I am going to take your baby away from you tonight.” Let us have a statute that allows that person to be prosecuted for what they intended to do, and that is, kill the unborn child; and in that statute, you protect Roe v. Wade rights.

The gentleman who voted for my bill last year, thank you. You can be pro-choice and not pro-abortion. People say that it is possible. This is a case of being pro-choice, but not being pro-abortion because there is no reason to let the criminal go or diminish their punishment where we have a reasonable approach. The substitute simply, because one is worried about abortion when it is not covered by the bill.

Let us focus our energies on putting criminals in jail when the mother chooses to have the baby. America will be better, prosecutors will have better tools, and we can go home and look pro-life and pro-choice people in the eye and say, Congress responded to a very serious event in a very logical way.

Please vote for the bill and against the underlying substitute. A lot is at stake. America will be better if we could pass this bill.

Mr. LEVIN. Mr. Speaker, I rise in strong support of the Lofgren substitute. Unlike the underlying bill before the House today, the substitute truly addresses the serious issue of violence against women and would impose stricter penalties for causing harm to a fetus or forcibly terminating a pregnancy than exist today.

Surely if we can find common ground on nothing else, we should all be able to agree that crimes against women that cause the loss of a pregnancy are tragic and deplorable acts. These crimes ought to be punished severely.

The fundamental problem with the underlying bill is that it ignores where and when these crimes most often occur. H.R. 503 establishes criminal punishments for those who harm a fetus while committing any one of 68 specified federal crimes. The difficulty with this approach is that the crimes themselves are not crimes if the women are actually tried in federal court, and many of the listed offenses are unlikely to result in harm to pregnant women. For example, how many pregnant women are impacted each year as a result of transactions involving nuclear materials? How many pregnancies are lost each year due to assaults or kidnappings of Members of Congress, the President’s cabinet or members of the Supreme Court? The answer is: not many.

At the same time, the bill is completely silent on the much more prevalent problem of domestic violence. It is estimated that domestic violence victimizes one million women a year. How can we discuss punishment of violence against pregnant women and ignore the crimes where this violence most often occurs? The Lofgren substitute, on the other hand, creates legal protection that truly helps women and punishes violence resulting in injury or termination of a pregnancy. It provides for a maximum 20-year sentence for injury to a woman’s pregnancy and up to a life sentence for violent conduct against a woman that interferes with her maternity. It makes it a federal crime. The substitute focuses on the harm to the pregnant woman, providing a deterrent against violence.

I urge my colleagues to support the Lofgren substitute and oppose the underlying bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong opposition to H.R. 503, “Unborn Victims of Violence Act of 2001.” I am pleased that the “Lofgren Substitute” to H.R. 503, “Unborn Victims of Violence Act of 2001,” brings the real issue of who is victimized in clear fashion. The substitute would replace the term “unborn children” where it appears in the appropriate places throughout the bill with “violence during pregnancy.” The reason is that those criminals and to make the penalties much tougher and make it a separate offense if they take that child’s life or harm that life.

Mr. Speaker, I yield the balance of my time to the gentleman from South Carolina (Mr. GRAHAM), a proponent of this bill.

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

I respectfully disagree with the gentleman from Michigan (Mr. CONYERS), my good friend. I am asking my colleagues to vote against the substitute and oppose the underlying bill. A lot is at stake. America will be better if we could pass this bill.

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I urge my colleagues to support the Lofgren substitute and oppose the underlying bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong opposition to H.R. 503, “Unborn Victims of Violence Act of 2001.” I am pleased that the “Lofgren Substitute” to H.R. 503, “Unborn Victims of Violence Act of 2001,” brings the real issue of who is victimized in clear fashion. The substitute would replace the term “unborn children” where it appears in the appropriate places throughout the bill with “violence during pregnancy.” The reason is that those women who have lost fetuses due to the intentional violent acts of others, I believe, however, that H.R. 503 would obscure the rights of women. The substitute would prevent this legislation from opening the door to future legislation by which a woman could be criminally or civilly liable for fetal injuries caused by behavior during her pregnancy that might have potentially adverse effects on her fetus including failing to eat properly, using prescription medication and neglecting, being exposed to infectious disease, engaging in moderate exercise or sexual intercourse or using general anesthetic or drugs to include rapid labor during delivery.

A new status of “human-ness” extended to the unborn fetus of a pregnant woman creates a situation of constitutional unseasiness. While the proponents of this bill claim that the bill would not punish women who choose to terminate their pregnancies, this bill will give anti-abortion advocates a powerful tool against women’s choice.

The state courts that have expressed an opinion on this issue have done so with the caveat that while Roe protects a woman’s constitutional right to choose, it does not protect a third party’s destruction of a fetus. This bill will create a slippery slope that will result in doctors being sued for performing abortions, especially if the procedure is controversial, such as partial birth abortion. Although this bill exempts abortion procedures as a crime against the fetus, the increased civil liability is present. Thus, disenchanted husbands and relatives would be able to bring suit who exercises her right to choose.

Supporters of this bill should address the larger issue of domestic violence. For women who are the victims of violence by a husband or boyfriend, this bill does not address the abuse, but merely the result of that abuse.

I urge my colleagues to vote in favor of the Lofgren Substitute. We do not need this bill to provide special status to unborn fetuses. A better alternative is to create a sentence enhancement for any intentional harm done to a pregnant woman. This bill is simply a clever way of creating a legal status to erode abortion rights.

Your SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 119, the previous question is ordered on the bill and on the amendment offered by the gentlewoman from California (Ms. LOGREN).

The question is on the amendment in the nature of a substitute offered by the gentlewoman from California (Ms. LOGREN).
The Speaker was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. LOFGREN, Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayeys 196, noes 229, not voting 6, as follows:

AYES—196

[Roll No. 88]

Abercrombie Gephardt Morris (VA)
Ackerman Gilman Morella
Allen Gonzalez Nadar
Andrews Napolitano
Baca Granger Neal
Baird Green (TX) Oney
Baladacci Greenwood Ove
Balducci Baldwin Ove
Barrett Baldwin Ove
Bass Hastings (FL) Pallone
Belmont Bechtel-Plesse
Belmont Beilenson
Berkley Bienwald
Blagojevich Holt Price (NC)
Bluman Rehak
Boehlert Hoekstra Ryan
Bonino Houghton Rodriguez
Booswell Hoey Ross
Brooker Boyle Rothman
Browder Branzell Roukema
Browning Braxton Sabin
Brown (FL) Bruce Sanford
Brown (OH) Buchanan Santarini
Carson Cuellar Sarmiento
Carson (IN) Carper Sarver
Carson (OK) Casto Schakowsky
Castle Clay Schott
Clayton Kilpatrick Sessions
Clyburn Kim Smith (WA)
Collins Condit Smith (TX)
Coyne Kucera Smith (WI)
Crowley Lampton Smith (WY)
Cummings Larson (WA) Snyder
Davis (CA) Larsen (CT) Solis
Davis (FL) Davis Levine
DeFazio Lewis (GA)
DeGette Logue Slaughter
DeLauro Lifsher Soluri
Deutch Loeber Soliz
Dickens Long (CT) Solon
Disch Turner (CT) Sorensen
Doggett Matheson Spencer
Dooley McCarthy (MI) Spence
Dunn McCarthy (MO) Spilka
EngelMcCullum Steele
EngelMcCollum Steny
Ehlers McDermott Steny
RheridgeMcGovern Streich
EvanWebber Meeks (NY) Sudder
Farr Meeks (NC) Sweeney
Fattah Menendez Waxman
Felder Molinaro Weiner
Ford Mica Wheeler
Frank Miller (NY) Wolf
Frelinghuysen Mink Wu
Frost Moore Wynia

NOES—229

Aderholt Akin Blanche
Alcon Armey Coble
Askins Bass (SC) Collins
Baker Ballenger Connell
Bereuter Bartlett Cox
Berry Bentsen Crabtree
Blair Billings Crapo
Blunt Boehner Chabot

The vote was taken by electronic device, and there were—ayeys 252, nays 172, answered “present” 1, not voting 7, as follows:

[YEA 172—]

Aderholt Alcon Armey Askins Bereuter Berry Blair Billings Blunt Boehner

Akin Atkins Barber Baxus Baker Ballard Ballenger Barton Bereuter Berry Blalock Blunt Boenner

Ackerman Ackerman Allard Andrews

Baird Baldacci Balkin Barrett Berman

Ballenger Akin Aderholt

Baldacci Balkin Barrett Berman

[45x123]

Ballenger Akin Aderholt Frelinghuysen Filner Dooley Dicks DeLauro Davis (FL) Crowley Conyers Boswell Boehlert Blagojevich Bishop Balkin

[45x149]

Ballenger Akin Aderholt

Baldacci Balkin Barrett

[25x20]April 26, 2001

CONGRESSIONAL RECORD—HOUSE

H1649

MESSRS. Young of Alaska, Crenshaw, Whitfield, Gilchrist and Portman and Mrs. Jones of Ohio changed their vote from “aye” to “no.” Mr. ROSS changed his vote from “no” to “aye.”

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a 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.

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

The yeas and nays were ordered.

[45x149]
Capps
Hilliard
Frost
Frelinghuysen
Frank
Fattah
Farr
Etheridge
Eshoo
Edwards
Deutsch
Delahunt
Davis (IL)
Davis (CA)
Coyne
Conyers
Clayton
Clay
Carson (OK)
Carson (IN)
Carson (CA)
Cardin
Boyd
Boucher
Bono
Boehlert
Blumenauer

present, I would have voted “aye” on rollcall No. 88 and “nay” on rollcall No. 89.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 503, UNBORN VICTIMS OF VIOLENCE ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 503, the Clerk be authorized to make technical corrections and conforming changes to the bill.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1051

Mr. KANJORSKI. Mr. Speaker, I ask unanimous consent, pursuant to clause 7 of rule XII, that my name be deleted as a cosponsor of H.R. 1051. My name was inadvertently included to this bill in a clerical error by committee staff.

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

There was no objection.

JOELLE RICE RETIRES AFTER 34 YEARS

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

Mr. HASTERT. Mr. Speaker, today I want to thank Joelle Rice, the assistant manager of the cloakroom, who is retiring from the Hill after 34 years of dedicated service. Joelle is responsible for making this House run smoothly. Day after day, Joelle keeps Members and staff up to date on what is happening on the floor. She lets us know what we are voting on, what time we are voting, and what time votes will end. Members have relied on her for years for good information; and no matter how busy she is and no matter how many phones are ringing off the hook, she delivers.

Thank you, Joelle, for all that you have done for us. You have served this Congress well. Joelle, we love you and your husband, Wes, the best in your future years together. Thank you.

Mr. BOEHNER. Mr. Speaker, will the gentleman yield?

Mr. HASTERT. Mr. Speaker, today I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, if I may close this and if I may dare speak for the body, Joelle, we wish you Godspeed; and in the best spirit of a Texas country western song, let me say, we miss you already, and you are not even gone.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, for the purposes of informing us of next week’s schedule, I am pleased to yield to the gentleman from Texas (Mr. ARMEY), the distinguished majority leader.
The House will next meet for legislative business on Tuesday, May 1, at 12:30 p.m. for morning hour and 2 p.m. for legislative business. The House will consider a number of measures under suspension of the rules, a list of which will be distributed to Member’s offices tomorrow. On Tuesday, no recorded votes are expected before 6 p.m.

On Wednesday, May 2, and Thursday, May 3, the House will consider the following measures, subject to rules: H.R. 10, the Comprehensive Retirement Security and Pension Reform Act; and H.R. 1088, the Investor and Capital Markets Fee Relief Act.

Mr. Speaker, this week the House and the Senate appointed conference committees for the budget resolution. Members should be advised that the budget resolution conference report may become available for consideration in the House at some point next week.

Mr. HOYER. Mr. Speaker, I thank the gentleman for giving us that information. I understand that the gentleman said that we are going to conference on the budget. We are not sure when it is coming back.

Mr. Speaker, does the gentleman have any guess as to whether, if it comes back, it will come back Wednesday or Thursday?

Mr. ARMEEY. Mr. Speaker, if the gentleman would continue to yield, obviously we intend to do the comprehensive retirement security act on Wednesday. That is fairly well scheduled. What we would want the House to do is act on that conference report any day, and I think one would realistically have to expect it may be Thursday before it comes back. Members will be concerned about their travel arrangements; and as has been our convention, Thursday is a day we return to our districts for work. And Thursday we will be out no later than 6 p.m. that evening.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Texas (Mr. ARMEEY), the majority leader, for that information.

ADJOURNMENT FROM FRIDAY, APRIL 27, 2001, TO TUESDAY, MAY 1, 2001

Mr. PLATTS. Mr. Speaker, I ask unanimous consent that when the House adjourned on Friday, April 27, 2001, it adjourn to meet at 12:30 p.m. on Tuesday, May 1, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALL OF THE PRIVATE CALENDAR ON TUESDAY NEXT

Mr. PLATTS. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with on Tuesday, May 1, 2001.

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

There was no objection.

HOUR OF MEETING ON WEDNESDAY, MAY 2, 2001

Mr. PLATTS. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, May 1, 2001, it adjourn to meet at 9 a.m. on Wednesday, May 2, for the purpose of receiving in this chamber former Members of Congress.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. PLATTS. Mr. Speaker, I ask unanimous consent that the business in order under the calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

OUR LADY OF LOURDES ACADEMY PLACES FIRST IN “WE THE PEOPLE … THE CITIZEN AND THE CONSTITUTION” COMPETITION

(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, once again students from Our Lady of Lourdes Academy, a school in my congressional district, came to Washington, D.C. for an outstanding performance in the national “We the People … The Citizens and the Constitution” competition. Our Lady of Lourdes Academy represented Florida proudly, and for the second consecutive year, placed first out of 50 competing schools from every state in the nation.


With the help and guidance of their teacher, Rosie Heffernan, these young ladies demonstrated vast knowledge and understanding of U.S. history, as well as the fundamental principles and values of our constitutional democracy.

I ask that my colleagues in the U.S. Congress join me in commending these fine students and their teacher for their participation in this program and for an outstanding victory and achievement this year.

EXPRESSING SENSE OF CONGRESS IN SUPPORT OF NATIONAL CHILDREN’S MEMORIAL FLAG DAY

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce be discharged from further consideration of the concurrent resolution (H. Con. Res. 110) expressing the sense of Congress in support of National Children’s Memorial Flag Day, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

Mr. GEORGE MILLER of California. Mr. Speaker, reserving the right to object, although I do not intend to object, I yield to the gentleman from Kentucky (Mr. FLETCHER).

Mr. FLETCHER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of National Children’s Memorial Flag Day and encourage national, state, and local agencies and private organizations to recognize the Children’s Memorial Flag. This year all 50 States, plus the District of Columbia, will either fly the flag or recognize it in an appropriate manner.

Mr. Speaker, every year in the United States, thousands of children die unnecessary deaths. Of these children, three a day die from physical abuse or neglect, and unintentional accidents are the leading cause of death in those children ages 1 to 14. Of children who died of abuse and neglect in 1996, 86 percent were under the age of 5, nearly 40 percent were less than a year old. Our children are our future.

Mr. Speaker, this is the reason that I support the National Children’s Flag Day. I would call on my colleagues to do the same and hope that this raises the recognition that we should take as a nation to ensure the safety of our children.

Mr. GEORGE MILLER of California. Mr. Speaker, continuing under my reservation, I rise in strong support of this resolution.

Mr. Speaker, I yield to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY asked and was given permission to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, I thank the gentleman from Kentucky and the gentleman from California for joining me to show our support for National Children’s Memorial Flag Day. The fourth Friday of every April has come to be known as National Children’s Memorial Day. This is a day to remember the children we have lost to violence and to raise awareness about the continuing problem of violence against children. It is a day to fly the Children’s Memorial Flag in remembrance. This flag depicts six figures of children. Each child holds their hands to the middle of the flag. Each child is depicted with a chalk outline of one child. This chalk outline symbolizes the devastating loss of lives.
Almost daily we are reminded of the violence that plagues our children and the Nation. The statistics are startling. Among the 26 richest nations, the United States accounted for 73 percent of the homicides in which a child was the victim. Three children a day die as a result of child abuse or neglect. Too many children are lost to violence. So many of these deaths are preventable. I want this day to remind us that we must do a better job of keeping our children safe. Children are the most vulnerable members of our society. We as a nation have an obligation to guide and protect them. We all must work together to end the violence against our children.

Tomorrow, all 50 State governments and the District of Columbia will participate in National Children’s Memorial Flag Day. Many States are flying or displaying the children’s memorial flag on or near their State capital. Other States are participating by issuing proclamations. In Nevada, because of the diligence of Donna Husted, chair of the Nevada Children’s Advocacy Alliance, the children’s memorial flag is being flown over the Nevada State capital, the Nevada Department of Child Protective Services, City Hall in Las Vegas, the Clark County government building, and the Clark County Child Protective Services building. I commend Donna Husted for her efforts and thank her on behalf of all the loved ones of the children we have lost.

This day is a community effort, a community effort that involves everyone. It crosses racial and ethnic lines. It crosses religious lines. It crosses party lines. I encourage all of my colleagues to support the goals of National Children’s Memorial Flag Day. It is a day to remember, to remember the innocent lives we have lost.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman for her statement.

Mr. STARK. Mr. Speaker, I am pleased to join with my colleague SHELLEY BERKLEY to support this concurrent resolution that honors National Children’s Memorial Flag Day.

This concurrent resolution supports the commemoration of the 4th Friday of each April as National Children’s Memorial Flag Day. In addition this resolution encourages national, State, local, and private organizations to fly the Children’s Memorial Flag to remember the children lost to violence and to raise public awareness about the continuing problem of violence against children.

I support this resolution nationally because of its successful observance in my Congressional district. In 1996, the Alameda County Board of Supervisors adopted the Children’s Memorial Flag Project, and established a National Children’s Memorial Day on the fourth Friday in the month of April to remember children who have died by violence. I want to commend Supervisors Gail Steele of Alameda County for her tireless work and dedication to get this resolution adopted. In addition, the California Assembly formally declared the fourth Friday in April as a statewide annual observance day. The Child Welfare League of America has adopted Alameda County’s Children’s Memorial Flag and promotes it nationally.

This Congressional resolution is particularly timely in the wake of the two school shootings in California at Granite Hills High School in El Cajon, California and Santana High School in Santee, California. Unfortunately, acts of violence against children happen far too often. According to the Child Welfare League of America, three children die from abuse and neglect in the U.S. each day, and ten children die a day as a result of gun violence. In fact, more children lose their lives to criminal violence in the U.S. than in any of the 26 industrialized nations of the world. We have lost far too many children in violent, preventable deaths. I encourage my colleagues in Congress to work with renewed resolve to ensure that our children have a full opportunity to become healthy and productive adults. Even one child lost is one child too many.

I urge my fellow members to support the National Children’s Memorial Flag Day concurrent resolution through unanimous consent. Mr. GEORGE MILLER of California. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 110

Whereas the fourth Friday of each April is National Children’s Memorial Flag Day, when many State and local governmental agencies and private organizations fly the Children’s Memorial Flag to remember children lost to violence and to heighten public awareness of the need for communities to help vulnerable children and families; Now, therefore, be it

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

(1) supports National Children’s Memorial Flag Day; and

(2) encourages national, State, and local agencies and private organizations to fly the Children’s Memorial Flag:

(A) to remember children lost to violence; and

(B) to raise public awareness about the continuing problem of violence against children.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 110.

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

There was no objection.

APPOINTMENT OF MEMBERS TO COMMISSION ON SECURITY AND cooperation in Europe

The SPEAKER pro tempore. Without objection, and pursuant to section 3 of Public Law 94–304, as amended by section 1 of Public Law 99–7, the Chair announces the Speaker’s appointment of the following Members of the House to the Commission on Security and Cooperation in Europe:

Mr. HOYER of Maryland.

Mr. CARDIN of Maryland.

Ms. SLAUGHTER of New York.

Mr. HASTINGS of Florida.

There was no objection.

APPOINTMENT OF MEMBER TO BOARD OF VISITORS TO UNITED STATES COAST GUARD ACADEMY

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:

Mr. TAYLOR of Mississippi.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. The Speaker’s 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:

On H. Con. Res. 106, Commending the Crew of the U.S. Navy EP-3 Following the Accident with a Chinese Aircraft

The SPEAKER pro tempore. 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, I rise today to commend the crew of the U.S. Navy EP-3 aircraft for their outstanding performance of duty following the collision with the Chinese F-8 fighter on April 1 and during their subsequent detention by Chinese authorities on the island of Hainan, China. I want to make several points about this incident. First, our plane and its crew did nothing to precipitate this incident. They were flying straight and level, on autopilot, at a slow speed in international airspace. They were performing a routine and legitimate reconnaissance and surveillance mission similar to those performed by many other countries around the world.

It was the Chinese jet that flew in front of and dangerously close to our EP-3 aircraft. It was the Chinese pilot who displayed poor and unprofessional airmanship, causing his plane to collide with ours. To me, it is simply implausible to suggest a slow and level
flying multi-engine turboprop airplane could fly into a fighter jet aircraft. I do not think there is any question about who was really at fault in this accident. It was the Chinese pilot.

Once the collision occurred, our pilot and crew doing what they could do. They transmitted multiple ‘Mayday’ signals to alert others to their in-flight emergency. They tried to alert the Chinese that they would have to divert for an emergency landing in China. And our plane landed on Hainan Island only because it was an emergency.

Our pilot and crew deserve high praise for safely landing the aircraft despite severe structural damage and in circumstances under which this collision occurred, the Navy EP-3 aircraft should be returned. It is clear under international law that under the circumstances under which this collision and the emergency landing of our plane occurred, the Navy EP-3 airplane is the property of the United States. It should be returned to us.

Finally, if Chinese aircraft continue to intercept and employ aggressive tactics against our airplanes when we resume our reconnaissance and surveillance flights off the coast of China, we should not. Our flights are lawful and are carried out in international airspace and are important to the national security of the United States. Moreover, the Chinese demand that the United States shut down any reconnaissance and surveillance flights off the coast of Vietnam. This is a violation of our rights and our sovereignty.

Mr. Speaker, Americans are immensely proud of the 24 members of the EP-3 crew and share the joy of their families and friends on the crew’s safe return to the United States. Our men and women in uniform make personal sacrifices and take great risk every day to keep our Nation free. We should not take them for granted. In this case, we should all be grateful that the 24 service members of the Navy EP-3 have returned safely. I applaud them for their professionalism and performance of duty under most arduous circumstances.

HUMAN CLONING

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

Mr. WELDON of Florida. Mr. Speaker, I rise today to speak on the issue of human cloning.

What would it be like if we had five Michael Jordans to suit up an entire team? Or what if there were two of you to accomplish more in a 24-hour day? The prospect of human cloning has been the stuff of science fiction novels for years. On February 27, 1997, Ian Wilmut from the Roslin Institute in Scotland cloned Dolly the sheep, a feat which has triggered international debate on the issue of human cloning. Since that time, scientists have cloned mice, cows and pigs. Richard Sewall announced he would clone a human being.

President Clinton called for a 5-year moratorium on human cloning and advised the National Bioethics Advisory Commission to review human cloning. They recommended that cloning humans for reproductive purposes is unsafe and unethical. I would certainly agree

If you speak to Dr. Wilmot, he will tell you that they had something on the order of attempts to produce Dolly, with most of those attempts ending in miscarriage, but many, many of them resulting in the birth of sheep with very, very severe birth defects. To even consider doing such a procedure for the purpose of creating a human being is immoral and unethical in the worst possible way. However, cloning technology is available that could allow biotechnology companies and researchers to produce human embryos.

This issue of cloning human embryos, I must stress, is not an issue of fetal tissue research or an issue of stem cell research. It is an issue of cloning human embryos. This year, Panos Zavos of the University of Kentucky and his Italian colleague, Severino Antinori, have begun the work of creating a global consortium for the purpose of producing a human clone. Dr. Brigitte Boisselier, the Director of Clonaid, which has part of the Raelian movement attached to it, has stated that they have already been offered substantial sums of money to begin the process of working on developing children through the process of human cloning.

I believe the time now is right and the time is ripe for the Congress of the United States to act, and that is why I have introduced legislation today that would make human reproductive cloning, as well as embryonic cloning, illegal in the United States of America.

Now, I want to stress that some people who favor embryonic cloning like to refer to this as therapeutic cloning. Indeed, this term has already been established in the press. I have yet to see two reporters bring this issue up. Therapy implies that there is some sort of useful purpose for these embryonic clones. I would assert that if you look at the medical literature, there is no defined therapeutic purpose for cloning human embryos today in science. Therefore, this term is a misnomer.

The proper term is destructive cloning, or embryonic cloning, the cloning of a human embryo, the cloning of a human being for the purpose of merely doing research on it and then further to proceed to just simply destroying it, or destructive cloning.

I think this process displays a profound disrespect for human life, and it needs to be made illegal in the United States of America.

Many countries in Europe have already taken action on this issue and have made human cloning illegal. This is what my bill attempts to do. The bill has been introduced in the Senate as well by the Senator from Kansas, Sam Brownback.

I would encourage all of my colleagues to consider seriously getting much more well informed on this issue and signing on to my legislation. It is timely. It is right. We need to do it.

VICTIMS OF ARMENIAN GENOCIDE

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

Mr. SCHIFF. Mr. Speaker: Sarkis Papazian, Elizabeth Khatchadourian, David Khatchadourian, Haroutioun Barseghian, Annik Mugurdichian, Mari Zadoian, Ghazar Ghazarian, Zkon Chouldjian, Takvor Kazandjian, Hagop Kazandjian, Avedis Aghjayan, Garabed Garabedian, Tavriz Garabedian, Shoushanig Garabedian. These are a few, a precious few, of the more than 1.5 million men, women, and children who lost their lives in the first genocide of the 20th century.

Ardeni Gureghian, Nazenii Kalustian, Antoine Kalayan, Antranig Antoian, Ruben Gureghian, Anoushig Antoian, Mardiros Alemian, Haigaz Alemian, Hapartz Alemian, Calouz Alemian, Arakel Alemian, Irakli Garabedian, Serpouhi Nahabedian Tetezian: 1.5 million people whose lives were as precious to them as our lives are to us, who loved
their children and were loved; who aspired for a better life just as we aspire for a better life for ourselves and our families.

Nabbed Nahabedian, Hampartsoon Tetetzian, Sarkis Tetetzian, Kouren Tetetzian, Marnos Meneshian, Hovyan and John Meneshian, Nerses Meneshian, Elmost Meneshian, Voski Meneshian, Mgerdich Meneshian. Pray for us; they would say, as Ambassador Morgenthau recalls in his memoirs; pray for us, they said as they left their homes in which they had lived and their ancestors had lived for 2,500 years. We will not see you again in this life, they said, but we shall meet again. Pray for us.

Kevork Meneshian, Hampar Meneshian, Eknadlos Meneshian, Hripsime Meneshian, Senekereem Meneshian, Edmund Kalayan, Boghos Arzougaldjian, Flor Megerdichian, Ohanes Nigoghosian, Karekin Sherestanian. This administration, our administration, the U.S. administration, prides itself for being plain spoken, for not engaging in the diplomatic nuances that often make a moral judgment, a moral position of a nation ambiguous.

Then let us be plain spoken. Let us call genocide, genocide. Let us not minimize the deliberate murder of 1.5 million people by the Ottoman Empire. In this Congress, in this administration, let us be frank. By acknowledging the facts, and the facts of the 20th century, we will give the families of the victims the justice and the peace that all the principles of humanity require.

Krikor Zohrab, Vartkes Serengoulia, Siamanto, Daniel Varoujan.

YORK COUNTY SCIENCE FAIR WINNERS AND DELTA-CARDIFF VOLUNTEER FIREFIGHTERS

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

Mr. PLATTS. Mr. Speaker, I rise today in honor of four of my constituents from back home in Pennsylvania who were recently recognized for their outstanding achievements. The first two constituents are young women who have demonstrated true educational excellence in the areas of science and engineering, while the second two constituents are gentlemen who have dedicated most of their lives to community service.

It brings me great pleasure to bring the accomplishments of these four individuals before the United States House of Representatives and our Nation.

Earlier this year, two students, Jessica Brillhart, a sophomore at Dallastown Area High School, and Anne Jensen, a sophomore at YOGET Suburban High School, in my district, were named co-grand champions in the York County Science and Engineering Fair. Jessica Brillhart won her prize for a project called “The Sound of Music.” Jessica picked ten categories of music ranging from classical to heavy metal in 20 noises, such as a dog barking, a chandelier tinkling, and water rushing. She matched each musical style with the corresponding sound wave. A survey of 35 individuals then proved that there was, in fact, a correlation between the noises that people found pleasing and their favorite music.

Anne Jensen won the co-grand champion status for her project called “Haze and Ground Level Ozone.” Anne constructed a haze monitor to measure the amount of sunlight that filters through the atmosphere. She determined through calculations based on the results of the monitor that haze and the amount of ground-level ozone were not directly proportional, contrary to her original hypothesis.

Nevertheless, the haze monitor turned out to be a very impressive and complex piece of machinery. Both Jessica and Anne will now be going to California to compete in an international science fair against 1,200 other students from throughout our Nation, as well as 40 other nations around the world.

Jessica’s and Anne’s ingenuity, inventiveness, and imagination are certainly worthy of much praise. I proudly congratulate these outstanding young citizens from across my district on their champion success at the York County Science and Engineering Fair.

Mr. Speaker, I also recently had the honor of attending the Delta-Cardiff Volunteer Fire Company’s annual banquet. At that event, I was pleased to join with the fire company’s president, Mr. Bill Griffith, and many other citizens there that evening in honoring two dedicated individuals, Mr. John Williams and Mr. Ralph Morris, for going above and beyond the call of duty.

John Williams, a retired Federal employee, has served as a member of the volunteer fire company for 65 years. That is correct, he has been a member of that volunteer fire company for 65 years. During that time, he has held just about every office possible; ambulance captain, chief, treasurer, and has served as a member of the board of directors. He also served as president of the fire company for 20 years.

Mr. Williams currently serves as an administrative adviser and is every bit as active today in the operation of the fire company as he has been in the past. He resides in Delta, Pennsylvania, with his wife and two grown sons who are also active volunteers.

Mr. Speaker, I am also proud to recognize the dedicated service of Mr. Ralph Morris, a member of the fire company for 42 years. Mr. Morris was born and raised in Delta and has given back many years of service voluntarily.

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Mr. Speaker, I am also proud to recognize the dedicated service of Mr. Ralph Morris, a member of the fire company for 42 years. Mr. Morris was born and raised in Delta and has given back many years of service voluntarily. A small business owner for much of his life, Mr. Morris also served in various capacities at the fire company. He was chairman of the board, captain, and assistant chief.

It is my understanding that Mr. Morris remains very active and often drives the fire truck in responding to emergency calls. I know his wife and daughter are very proud of his long service.

All four of these individuals I have recognized this afternoon would probably never ask for this sort of individual attention and recognition, but I was moved by the common theme they share: dedication, dedication to reaching a goal and dedication to their various efforts.

In today’s fast-paced world, we so often overlook giving such deserving citizens who have distinguished themselves through hard work a pat on the back. I am pleased to have the opportunity to do just that here today in paying tribute to their service to our community and their success in their academic endeavors.

PASSAGE OF UNBORN VICTIMS OF VIOLENCE ACT

Mr. PLATTS. Mr. Speaker, with my remaining time, I just want to touch on one other issue, a very important issue, completely separate, and that is to voice my pleasure at the support of this House in the passage of H.R. 503, the Unborn Victims of Violence Act. I am pleased to be able to say that legislation, was proud to vote in favor of it with the majority of my colleagues.

I can so well remember 5½ years ago seeing the first ultrasound of my son TJ, who will turn 5 next month, at 30 weeks in utero; and that picture from that ultrasound remains on my desk today as the first picture of our child; not of a fetus but our child. I am delighted with the success of H.R. 503.

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

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

OUR UNITED STATES STEEL INDUSTRY IS STRUGGLING

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

Mr. ENGLISH. Mr. Speaker, I am brought to the floor by two recent bits of news that were called to my attention, one that fills me with foreboding and another that fills me with hope.

Yesterday, I received sad news from my district. Another local steel company, Machnies Steel, had filed for bankruptcy, a company that has been a long partner and a long contributor in our community, a company that I visited only a few weeks ago as I traveled my district to announce my chairmanship of the Congressional Steel Caucus;
a company that is progressive and in which management has been making a major capital investment; a modern steel company. This company had filed for protection under our bankruptcy laws.

Their CEO called it, and I quote, "a last resort as it struggled with the double blow of a domestic slump in the industry and surging energy costs."

I must say this is not the first time recently this has happened in my district. Earlier this year, we received the news that an employee-owned company, Erie Forge and Steel, another long-standing institution in our community, had filed for bankruptcy. They cited a variety of reasons for this, including foreign dumping and a slow economy.

The fact is, this is part of a pattern we are seeing around the country. America’s steel industry is struggling. We are experiencing a steel crisis. A major core industry of our manufacturing being threatened, and in the process we face the risk that a major strategic part of our manufacturing sector could be hollowed out in the near future.

Our companies are facing predatory trade practices from our foreign competitors, and so it was encouraging to me to read on Tuesday that the U.S. Department of Commerce had made a preliminary determination confirming that a number of our foreign trade competitors were dumping hot-rolled steel in the U.S. market. I have to say this is a very important decision and a very encouraging one. This preliminary ruling found that 11 countries had been violating our trade laws, including Argentina, China, India and Taiwan, and were benefiting from countervailable subsidies as high as 40 percent.

This finding points to major infringements not only of international trade norms but also our anti-dumping laws. This preliminary decision is good news for our domestic steel industry. It means that beginning this week, we collected a bond from the importers in the amount of the preliminary dumping margin, providing immediate relief to our employers. If, in the final determination, the decision stands that these countries are indeed dumping on U.S. markets, anti-dumping orders will be issued.

The problem of dumping, Mr. Speaker, is not unique to western Pennsylvania employers but, rather, is part of a bigger picture of what is happening nationwide with the steel industry facing a cascade of layoffs. The companies that were injured by unfair trade practices in this decision are not only from Pennsylvania; but they are also from Kentucky, Illinois, North Carolina, Indiana, and Ohio.

This decision by the Commerce Department is an important and initial recognition of how severe the problem of dumping is as it faces our domestic industry.

I would like to commend the Bush administration for their quick action in this area. It is good to know that President Bush is willing to enforce the existing trade laws. But this is only a beginning. I urge the administration to continue to take action to protect American workers and their jobs when they face clearly unfair competition.

The economic slowdown in the United States and East Asia intensifies the need for enforcement of our trade laws. Yes, there was a drop in steel imports last year; but we have analyzed that change, clearly this only reflects a buildup of excess inventory. The steel industry continues to be flat on its back facing a depression even as we debate whether other areas of the economy are heading toward a recession.

We must be very vigilant against dumping and unfair trade practices by our competitors. I encourage President Bush to look at all of his options, including seeking an action under section 201 and our efforts to dramatically strengthen domestic trade laws that allow the administration to police our markets.

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 Washington (Mr. INSLEE) is recognized for 5 minutes.

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

REVIEWING THE PRESIDENT’S FIRST 100 DAYS

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

Mr. BROWN of Ohio. Mr. Speaker, as we approach the 100th day of the Bush presidency, we have seen history made. President Bush just may have compiled the worst environmental record in the shortest time of any President.

Let us run through the milestone of the Bush administration’s environmental policy: Pealed the arsenic standard; unilaterally declared the Kyoto agreement on global warming dead; abandoned a campaign pledge seconded by his EPA administrator to reduce carbon dioxide emissions; supported drilling in the Arctic National Wildlife Refuge.

And the manner in which the Bush White House has executed its environmental policy makes matters even worse. The President, who repeatedly claimed during his campaign that the previous administration had failed to author a consistent principled energy policy, seems to be making environmental policy based on no principle at all, but rather on the basis of what he can get away with at the behest of the oil companies, at the behest of the mining companies, at the behest of the chemical companies.

It is no secret that the Bush administration owes these big polluters for the President’s election last year, and they are cashing in their chips fast.

The White House seems to be disregarding the advice of its own Environmental Protection Agency Administrator, Christie Todd Whitman. Earlier this year, Administrator Whitman publicly acknowledged the issue of global warming and said that President Bush would honor his campaign promise to regulate carbon dioxide as a pollutant. She recommended by memo that he do so, only to be publicly rebuked. It seems Administrator Whitman was told, along with the rest of us, that the White House was simply abandoning his campaign pledge.

Then, earlier this week, Whitman was publicly rebuked again by her boss. Just 2 days ago, Bush spokesman Ari Fleischer appeared to chide the EPA administrator for confusing “Sunday when she announced that a White House energy task force would not recommend oil drilling in the Arctic National Wildlife Refuge in Alaska. He clarified that Vice President Cheney’s task force would in fact recommend that oil drilling be allowed in the Refuge after all.

When big oil talks, this administration listens. It is no big surprise, considering Vice President Cheney as an oil executive last year, in 1 year as an oil executive, made $36 million.

Strangely, it now seems possible that Christine Todd Whitman, not necessarily a great friend of the environment when she was Governor of New Jersey, is actually the one administration official willing to occasionally, occasionally oppose the naked assault on the environment.

As cochair of the Water Infrastructure Caucus in the House, the Bush administration decision that has irked me most is his weakening of the arsenic standard. Those of us who pushed for a stronger, safer new arsenic standard during a 5-year administrative process know that EPA’s January decision ordering arsenic levels in American drinking water reduced, strengthened, if you will to 10 parts per billion, was quite simply the right thing to do.

EPA took this action in response to a National Academy of Science report, not a partisan group, not an ideological group, a scientific group, which recommended that the 1942 standard of 50 parts per billion be reduced “as promptly as possible.”

Arsenic’s toxic properties have been common knowledge for a long time. Two hundred years ago, Napoleon’s death was attributed by some to arsenic poisoning at the hands of the
British. In 1942, there was sufficient concern about the dangers of arsenic in our country for a 50 parts per billion standard to be put into place. But during the last 5 years, in response to the Safe Drinking Water Act, EPA asked the National Academy of Sciences to specifically investigate the danger posed by smaller quantities of arsenic.

The Academy produced reams of evidence that arsenic is not only a toxic, which we all know, but a potent carcinogen that causes bladder cancer, lung cancer, skin cancer, and has also been linked to kidney and liver cancer, birth defects and reproductive problems. Newborn babies and small children are at the greatest risk of health problems from the arsenic in water.

By adopting an updated standard, the U.S. would not be leading the developing world, but joining it. Our allies in Europe and Great Britain and in Japan had already put into place arsenic standards to protect the public’s health.

In the face of all this evidence, the Bush administration still put the new drinking water standard on hold. Score another win for America’s largest corporations.

In my home State of Ohio, 137,000 residents may be drinking water with arsenic levels higher than the standard recommended by the World Health Organization. This standard puts the U.S. on the same levels as India, Bangladesh, Bolivia, and China.

When you look at the President’s campaign finance reports, you see the reason. In the last election, mining companies gave $5 million to Republicans, the chemical industry gave $10 million. We ask the President to reconsider.

SATELLITE BILLS

A bill of the Senate of the following title was taken from the Speaker’s table and, under the rule, referred as follows:

S. 350. An act to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes; to the Committee on Energy and Commerce, in addition to the Committee on Transportation and Infrastructure 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.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 3 o’clock and 37 minutes p.m.), the House adjourned until tomorrow, Friday, April 27, 2001, at 10 a.m.

OATH FOR ACCESS TO DECLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

April 26, 2001

CONGRESSIONAL RECORD — HOUSE

H1657


EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

161. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department’s final rule—Packaging and Transfer or Transpor- tation of Materials of National Security In- terest—received April 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

162. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department’s final rule—Explosive Detection Program—re- ceived April 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

163. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department’s final rule—Extension of DOE O 311.1A, Equal Employment Opportunity and Diversity Pro- gram—received April 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

164. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department’s final rule—Security Conditions—received April 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


167. A letter from the Director, Defense Security Cooperation Agency, transmitting the proposed lease of defense articles to Turkey [Trans- mittal No. 03-01], pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

168. A letter from the Acting Assistant Secretary for Legislative Affairs, Depart- ment of State, transmitting certification of a proposed license for defense articles and defense services to Norway [Transmittal No. DTC 013-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

169. A letter from the Acting Assistant Secretary for Legislative Affairs, Depart- ment of State, transmitting certification of a proposed license for defense articles and defense services to Japan [Transmittal No. DTC 010-01], pursuant to 22 U.S.C. 2776(d); to the Commit- tee on International Relations.

170. A letter from the Acting Assistant Secretary for Legislative Affairs, Depart- ment of State, transmitting certification of a proposed license for defense articles and defense services to Turkey [Transmittal No. DTC 014-01], pursuant to 22 U.S.C. 2776(d); to the Commit- tee on International Relations.

171. A letter from the Acting Assistant Secretary for Legislative Affairs, Depart- ment of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commer- cially under a contract to Canada [Trans- mittal No. DTC 008-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

172. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department’s final rule—DoE Facilities Technology Partnering Program—received April 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

173. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department’s final rule—De minimis National Security Interests—received April 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Defense Authorization.

174. A letter from the Acting Assistant Secretary for Legislative Affairs, Depart- ment of State, transmitting certification of a proposed license for defense articles or defense services sold commer- cially under a contract to Republic of Korea [Transmittal No. DTC 016-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

175. A letter from the Acting Assistant Secretary for Legislative Affairs, Depart- ment of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commer- cially under a contract to Italy [Transmittal No. DTC 005-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

176. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department’s final rule—DoE Facilities Technology Partnering Program—received April 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Defense Authorization.

177. A letter from the Acting Assistant Secretary for Legislative Affairs, Depart- ment of State, transmitting certification of a proposed license for defense articles or defense services sold commer- cially under a contract to Canada [Trans- mittal No. DTC 007-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

178. A letter from the Acting Assistant Secretary for Legislative Affairs, Depart- ment of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commer- cially under a contract to Japan [Transmittal No. DTC 006-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

179. A letter from the Acting Assistant Secretary for Legislative Affairs, Depart- ment of State, transmitting certification of a proposed license for defense articles or defense services sold commer- cially under a contract to Italy [Transmittal No. DTC 003-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

180. A letter from the Acting Assistant Secretary for Legislative Affairs, Depart- ment of State, transmitting certification of a proposed license for defense articles or defense services sold commer- cially under a contract to the Netherlands [Transmittal No. DTC 004-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

181. A letter from the Acting Assistant Secretary for Legislative Affairs, Depart- ment of State, transmitting certification of a proposed license for defense articles or defense services sold commer- cially under a contract to Japan [Transmittal No. DTC 005-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

182. A letter from the Acting Assistant Secretary for Legislative Affairs, Depart- ment of State, transmitting certification of a proposed license for defense articles or defense services sold commer- cially under a contract to Italy [Transmittal No. DTC 004-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

183. A letter from the Acting Assistant Secretary for Legislative Affairs, Depart- ment of State, transmitting certification of a proposed license for defense articles or defense services sold commer- cially under a contract to Canada [Trans- mittal No. DTC 007-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

184. A letter from the Acting Assistant Secretary for Legislative Affairs, Depart- ment of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commer- cially under a contract to Japan [Transmittal No. DTC 006-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

185. A letter from the Acting Assistant Secretary for Legislative Affairs, Depart- ment of State, transmitting certification of a proposed license for defense articles or defense services sold commer- cially under a contract to Japan [Transmittal No. DTC 005-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

186. A letter from the Acting Assistant Secretary for Legislative Affairs, Depart- ment of State, transmitting certification of a proposed license for defense articles or defense services sold commer- cially under a contract to Japan [Transmittal No. DTC 004-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.
H. R. 1598. A bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly creations created by the donor; to the Committee on Ways and Means.

By Mr. PAUL:

H. R. 1599. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income the value of the use of animals which are raised and sold as part of an educational program; to the Committee on Ways and Means.

By Mr. HOUGHTON (for himself, Mr. RANGEL, Mr. SAM JOnson of Texas, Mr. CRANE, Mr. ARMey, Ms. DUNN, Mr. MATsui, Mr. JEFFERSON, Mr. Levitt of Georgia, Mrs. JOHNSon of Connecticut, Mr. WATKINS, Mr. POLK, Mr. RAMSTAD, Mr. HERGER, Ms. HART, Mrs. THURMAN, Mr. BECKER, Mr. HAYWORTH, Mr. POMEROY, and Mr. ENGLISH):

H. R. 1600. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the use of foreign tax credits under the alternative minimum tax; to the Committee on Ways and Means.

By Mr. McINNIS (for himself, Mr. TARREll, Mr. MARYott, Mr. MATsui, Mr. POMEROY, Mr. RAMSTAD, and Mr. ENGLISH):

H. R. 1601. A bill to amend the Internal Revenue Code of 1986 to facilitate electric cooperative participation in a competitive electric power industry; to the Committee on Ways and Means.

By Mr. BALLANGER:

H. R. 1602. A bill to amend the Fair Labor Standards Act of 1938 to provide that an employee’s “regular rate” for purposes of calculating overtime compensation will not be affected by certain additional payments; to the Committee on Education and the Workforce.

By Mr. BARRETT (for himself and Mr. JOHNSon of Connecticut, and Mr. ENGLISH):

H. R. 1603. A bill to amend the Internal Revenue Code of 1986 to grant relief to participants in multiemployer plans from certain section 415 limits on retirement plans; to the Committee on Ways and Means.

By Mr. BARRReTT (for himself and Mrs. WILsoN):

H. R. 1604. A bill to amend title XIX of the Social Security Act to increase the floor for the use of foreign tax credits under the alternative minimum tax; to the Committee on Education and the Workforce.

By Mrs. BONO (for herself and Mr. VILAZ-QUElZ, Mrs. LOWEY, Mr. BERKLEY, Mr. LANGEVIN, Mr. MENENDEZ, Mr. TOWNS, Ms. KELLY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FRANK, Mr. CLEMENT, Mr. ACKERMAN, Mr. MINDER-McDONALD, Mr. JEFFERSON, Mr. CLYBURN, Mr. BILL, Mr. BERMAR, Mr. GUTHERIE, Mr. UDALL of New Mexico, Mr. STRICKLAND, Mr. HONDA, Mr. BARRReTT, Mr. BALDacci, Mr. Wu, Mr. CUMmINGS, Mr. FORD, Mr. MEEKs of New York, Mr. LARSEN of Washington, Mrs. DAVIS of California, Mr. PHuELS, Ms. SANCHEz, Ms. LOyPOReN, Ms. CARMoN of Indiana, and Ms. Sollit):

H. R. 1613. A bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes; to the Committee on Resources.

By Mr. HOEFPFEL (for himself and Mr. MALONY of Connecticut):

H. R. 1614. A bill to amend the Elementary and Secondary Education Act of 1965 to reauthorize and make improvements to that Act, and for other purposes; to the Committee on Education and the Workforce.

By Ms. JACKsoN-LEE of Texas:

H. R. 1615. A bill to expand 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. KELLER (for himself and Mr. DIAZ-BALART):

H. R. 1616. A bill to amend the Immigration and Nationality Act to provide for the granting of United States citizenship, through the issuance of a certificate of citizenship, to any person who, after obtaining the status of an alien lawfully admitted for permanent residence, completes 3 years of honorable service on active duty in the Armed Forces, and for other purposes; to the Committee on the Judiciary.

By Mr. KUCINIC (for himself, Mr. ANdrews, and Mr. SOUDEr):

H. R. 1617. A bill to authorize youth entrepreneurship education; to the Committee on Education and the Workforce.

By Mr. LOPEZ:

H. R. 1618. A bill to amend the Internal Revenue Code of 1986 to allow an individual who...
is entitled to receive child support a refundable credit equal to the amount of unpaid child support and to increase the tax liability of the individual required to pay such support to the amount of the unpaid child support; to the Committee on Ways and Means.

By Ms. LOFGREN:
H.R. 1619. A bill to amend the Internal Revenue Code of 1986 to increase the limitation on capital losses applicable to individuals; to the Committee on Ways and Means.

By Mrs. MALONEY of New York (for herself, Mr. HORNE, Mr. MCNULTY, Mr. DUPTCH, Ms. LEE, Ms. BERKLEY, Mr. BRIDGES, Mr. ENGEL, NEAL of Massachusetts, Mr. WEXLER, Ms. McCARTHY of Missouri, Mr. LANTOS, Ms. JACKSON-LEE of Texas, Mr. MALANI, Mr. ALLARD, Ms. HART, Mr. ANDREWS, Ms. CALDER, Mr. BRENNER, Mr. SCHAKOWSKY, Mr. WEINER, Mr. PAUL, Mr. SCHAFFER):
H.R. 1620. A bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust; to the Committee on Education and the Workforce.

By Ms. McKinney (for herself and Mr. WATERS):
H.R. 1621. A bill to establish the Arabia Mountain and National Heritage Area in the State of Georgia, and for other purposes; to the Committee on Resources.

By Mr. GEORGE MILLER of California (for himself, Mrs. MINK of Hawaii, Ms. WOOLSEY, Ms. SOLIS, Mr. ANDREWS, Mr. WU, Mr. KILDEE, and Mr. HINOJOSA):
H.R. 1622. A bill to reduce the costs of Federal student loans to students and their families, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PICKERING (for himself and Mr. OSWALD):
H.R. 1623. A bill to provide for the preservation and restoration of historic buildings at historically women's public colleges or universities in the District of Columbia; to the Committee on Resources.

By Ms. PRYCE of Ohio (for herself, Mr. HORSON, Mr. FOLEY, Mrs. CAPP, Mr. BLUNT, Mr. HALL of Ohio, Mrs. MYRICK, Mr. SNYDER, Mr. ESHLEMAN, and Mr. BENTSEN):
H.R. 1624. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of all oral anticancer drugs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD:
H.R. 1625. A bill to establish the Samuel Kelner Commission on Youth; to the Committee on Education and the Workforce.

By Mr. RAMSTAD (for himself and Mr. TOM DAVIS of Virginia):
H.R. 1626. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies in the establishment of the law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact laws to provide for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THUNE (for himself, Mr. POMROY, Mrs. EMERSON, Mr. JOHNSON of Illinois, Mr. KENNEDY of Minnesota, Mr. GRAVES, Mr. SHIMKUS, Mrs. CLAYTON, and Mr. MORAN of Kansas):
H.R. 1636. A bill to amend the Internal Revenue Code of 1986 to allow allocation of small ethanol producer credit to patrons of cooperative, and for other purposes; to the Committee on Ways and Means.

By Mr. TIERNEY (for himself, Mr. BLAGOJEVICH, Ms. LOPUREN, Mr. MURPHY, Mr. GORMAN, Mr. CLAY, Mr. FAHR of California, Mr. CONYERS, Mr. CARSON of Oklahoma, Ms. WOOLSEY, Mr. LANTOS, Mr. DAVIS of California, Mr. KAPUTHUR, Mr. McDERMOTT, Mr. BARRETT, Mr. HOFFEL, Mr. PASCHELL, Mr. EVANS, Mr. KING, Mrs. MALONEY of New York, Mr. FRANK, Mr. MARKES, Mr. BALDWIN, Mr. BLUMENAUER, Mr. FATTAH, Mr. WAXMAN, Mr. PALLONE, Mr. ROKHNER, Mr. ROUSEN, Mr. ROUKEMA (for herself and Mr. FRANK):
H.R. 1639. A bill to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail; to the Committee on Ways and Means.

By Mrs. ROUKEMA (for herself and Mr. FRANK):
H.R. 1639. A bill to increase the mortgage loan limits under the National Housing Act for multifamily housing mortgage insurance; to the Committee on Financial Services.

By Mr. MYSTON (for himself and Mr. ARMSTRONG):
H.R. 1639. A bill to increase the mortgage loan limits under the National Housing Act for multifamily housing mortgage insurance; to the Committee on Financial Services.

By Mr. SCARBOROUGH (for himself, Mr. DAVIS of Florida, Mr. SHAW, Mr. STEVENTON, Mr. DEUTCH, Mr. THURMAN, Mr. KELLER, Mr. HASTINGS of Florida, Ms. BROWN of Florida, Mr. CHESSAWAY, Mr. BILLI-HARKS, and Mr. FOLEY):
H.R. 1631. A bill to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf off the State of Florida, and for other purposes; to the Committee on Resources.

By Mr. SHADEGG (for himself, Mr. ARMSTRONG, Mr. SHERMAN, Mr. SOUDER, and Mr. MERRILL):
H.R. 1632. A bill to provide for the compensation of the people and Government of the United States for offensive damages as a result of the attack on, and occupation of, Kuwait by Iraq in 1990; to the Committee on International Relations.

By Mr. STUPAK:
H.R. 1633. A bill to reaffirm and clarify the Federal relationship of the Burt Lake Band of Chippewa Indians and for other purposes; to the Committee on Resources.

By Mr. STUPAK:
H.R. 1634. A bill to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community and the Sault Tribe by any member of the tribe who has at least 50 years of age shall be disregarded in determining the eligibility of the member or household, under various means-tested programs; to the Committee on Resources.

By Mr. STUPAK:
H.R. 1635. A bill to provide that the first $5,000 received from the income of an Indian tribe by any member of the tribe who has attained 50 years of age shall not be disregarded in determining the eligibility of the member or household, under various means-tested public assistance programs; to the Committee on Resources, and in addition to the Committee on Natural Resources, 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. TOOMEY (for himself and Mr. SCHAPPERS):
H.R. 1636. A bill to amend title XVIII of the Social Security Act to facilitate the use of geographic reclassifications of hospitals from one urban area to another urban area do not result in the lower wages in an urban area in which the hospital was originally classified; to the Committee on Ways and Means.

By Mr. TOOMEY (for himself and Mr. SCHAPPERS):
H.R. 1637. A bill to reform the financing of federal debt in 1995; to the Committee on House Administration, and in addition to the Committee on Energy and Commerce, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOOMEY (for himself, Ms. HOOLY of Oregon, Mr. GEORGE MILLER of California, Ms. KAPTUR, Mr. Sweeney, Mr. HALL of Ohio, Mr. PALLONE, Mr. WATT of North Carolina, Mr. THOMPSON of California, and Ms. DELAUR:)
H.R. 1638. A bill to amend title XVIII of the Social Security Act to prohibit the use of private contracts under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, and 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. TOWNS:
H.R. 1639. A bill to amend title XIX of the Social Security Act to allow States that provide Medicaid prescription drug coverage to cover drugs medically necessary to treat obesity; to the Committee on Energy and Commerce.

By Ms. WATERS (for herself, Mr. BACHUS, Ms. MALONEY of New York, Mr. SANDERS, and Ms. LEE):
H.R. 1640. A bill to amend title XVIII of the Social Security Act to provide for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOOMEY (for himself, Mr. PAUL, and Mr. SCHAPPERS):
H.R. 1641. A bill to amend title XIX of the Social Security Act to require States that provide Medicaid prescription drug coverage to cover drugs medically necessary to treat obesity; to the Committee on Energy and Commerce.

By Ms. WATERS (for herself, Mr. BACHUS, Ms. MALONEY of New York, Mr. SANDERS, and Ms. LEE):
H.R. 1642. A bill to add to the list of the Enhanced Heavy Indebted Poor Countries (HIPC) Initiative, and for other purposes; to the Committee on Financial Services.

By Mr. TOWNS:
H.R. 1643. A bill to amend title XIX of the Social Security Act to require States that provide Medicaid prescription drug coverage to cover drugs medically necessary to treat obesity; to the Committee on Energy and Commerce.

By Mrs. WATERS (for herself, Mr. BACHUS, Ms. MALONEY of New York, Mr. SANDERS, and Ms. LEE):
H.R. 1644. A bill to amend title XIX of the Social Security Act to prohibit human trafficking; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
H. CON. RES. 110. Concurrent resolution expressing the sense of the Congress in support of National Children's Memorial Flag Day; to the Committee on Education and the Workforce, considered and agreed to.

By Mr. WELDON of Pennsylvania (for himself, Ms. SANCHEZ, and Ms. NORTON):

Mr. KNOX, Mr. PETRI, Mr. MORAN of Virginia, Mr. DOLLOITTLE, Mr. FRANK, and Mr. CLAY:

H. Res. 125. A resolution expressing the sense of the House of Representatives that the National Capital Planning Commission should adopt a plan that permanently returns Pennsylvania Avenue to the use of residents, commuters, and visitors to the National Capital Planning Commission; and that the President should adopt and implement provisions to the Committee on Government Reform.

By Mr. RANGEL:

H. Res. 126. A resolution expressing the sense of the House of Representatives that Sugar Ray Robinson should be recognized for his athletic achievements and commitment to young people; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. Thomas.
H.R. 25: Mr. LaFalce.
H.R. 37: Mr. Blumenauer and Ms. Sanchez.
H.R. 57: Mr. Baca.
H.R. 97: Mr. Maloney of Connecticut, Mr. Sweeney, Mrs. Bono, Mr. Thompson of Mississippi, and Mr. Thompson of California.
H.R. 98: Mr. Walden of Oregon, Mr. Schaffer, Mr. Green of Wisconsin, Mr. Larsen of Washington, Mr. Sherman, and Mr. Berin- ter.
H.R. 127: Mr. Crane and Ms. Sanchez.
H.R. 157: Mr. LaTourette.
H.R. 179: Mr. McClintock and Ms. Waters.
H.R. 190: Mr. Paul.
H.R. 190: Mr. Burrell of North Carolina, Mrs. N-Thurman, Mr. Hyde, Mr. Doolittle and Mr. Walsh.
H.R. 219: Mr. Mica.
H.R. 224: Mr. Largent.
H.R. 232: Ms. Sanchez.
H.R. 236: Mr. Brady of Texas and Mrs. Wilson.
H.R. 267: Mr. Green of Wisconsin, and Mr. Reichelderfer.
H.R. 270: Mr. Andrews and Mr. Sabo.
H.R. 280: Mr. Gutknecht and Mr. Deal of Georgia.
H.R. 336: Ms. Waters.
H.R. 340: Mr. Sandlin, Mr. Hastings of Florida, Ms. Brown of Florida, Mrs. Thurman, Mr. Olver, and Mr. Waters.
H.R. 428: Mr. Skelton, Mr. Nussle, and Mr. Traupman.
H.R. 437: Mr. Foley and Mr. Largent.
H.R. 498: Mr. Brown of South Carolina, and Mr. Green of Wisconsin.
H.R. 464: Mr. Rangel, Mrs. Maloney of New York, Ms. Slaughter, Mr. McHugh, Mr. George of California, Ms. Delauro, Mr. Davis of Illinois, Mr. Evans, Mrs. Mink of Hawaii, Mr. Kucinich, Mr. Frost, and Ms. Kilpatrick.
H.R. 478: Mr. Frost.
H.R. 491: Mr. Lantos, Ms. Jackson-Lee of Texas, Mr. McDermott, Mr. Rohrabacher, Mr. Towns, Mr. George Miller of California, Mr. Frost, Mr. Honda, and Ms. McGovern.
H.R. 500: Mr. Bonior.
H.R. 510: Mrs. Maloney of New York and Mr. Baca.
H.R. 519: Mr. Cunningham.
H.R. 570: Mr. Bryant, Mr. Gonzalez, Mr. LaHood, and Mr. Hutchinson.
H.R. 586: Mr. Meeks, Mr. Mica, Mr. Quinn, Mr. Pallone, Mr. Frost, Mrs. Morella, Mr. Payne, and Mr. Baldacci.
H.R. 583: Mr. Townsend of Virginia, Mr. Blunt, Mr. Thune, and Mrs. Roybal-Allard.
H.R. 600: Mr. Bishop, Mr. Hillery, Mr. Gonzalez, Mr. Hyde, Mr. Blumenauer, Mr. Fresh, Mr. Stump, Mr. Pastor, Mr. Wolinsky, Mr. Pomroy, Ms. Woolsey, Mr. Lucas of Kentucky, Mr. Levin, and Ms. Roybal-Allard.
H.R. 612: Mr. Rush, Ms. Sanchez, Ms. Waters, Mr. Pence, Mr. Stearns, and Mr. Green of Texas.
H.R. 622: Mr. Mica.
H.R. 623: Mr. Waters.
H.R. 638: Mr. Towns, Mr. Sabo, Ms. Woolsky, Mr. Conyers, and Mr. Matsu.
H.R. 655: Mr. Baca.
H.R. 659: Mr. Gutierrez, Mr. Hill, and Mr. Sununu.
H.R. 664: Mr. Gallahery, Ms. Schakowsky, Mr. Conyers, Mr. Condit, Mr. Lampson, Ms. Solis, Mr. Hall of Texas, Mr. Frelinghuysen, Ms. Waters, Mr. Udall of Colorado, Mr. McCollum, Mr. Sken, Mr. Weller, Mr. Fark of California, Mrs. Clayton, and Mr. Sandlin.
H.R. 668: Mr. Strickland, Mr. LaTourette, Mr. Cunningham, Mr. McCollum, Ms. Brown of Florida, Mr. Ramstad, and Mr. Tib. 
H.R. 669: Mr. Tauscher and Ms. Loeppen.
H.R. 690: Mr. Markey.
H.R. 717: Mr. Hoyer, Mr. Baca, Ms. Pelosi, Mr. Boucher of Virginia, Mr. Thompson of Mississippi, and Ms. Pelosi.
H.R. 716: Mr. McKeon, Mr. Ramstad, and Mr. Ballenger.
H.R. 717: Mr. Peterson of Pennsylvania, Ms. Maloney of New York, Mr. Lucas of Kentucky, Mr. Spratt, Mr. Heffley, Mr. Parker, and Mr. Pascrell.
H.R. 721: Ms. Carson of Indiana, Mr. LoBiondo, Mr. Shows, Ms. LaFalce, Mr. Boy, Mr. Ortiz, and Mr. Menendez.
H.R. 752: Mr. Isra.
H.R. 770: Mr. Sawyer.
H.R. 774: Mr. Shays and Mr. Gutierrez.
H.R. 777: Mrs. Emerson, Mr. Shays, and Mr. Kildee.
H.R. 783: Ms. Sanchez.
H.R. 790: Mrs. Thurman.
H.R. 808: Mr. Ross, Mr. Rangel, Ms. LaTourette, Mr. Graham, Ms. Delauro, Mrs. Clayton, Ms. Millender-McDonald, Mr. Royer, Mr. Ford, Mr. Baca, Mr. Mathes, Mr. Duncan, Mr. Johnson of Georgia, Ms. Velazquez, Mr. LaFalce, Mr. LoBiondo, and Mr. John.
H.R. 849: Mr. Johnson of Illinois, Ms. Delauro, Mr. Rodriguez, Ms. Solis, Ms. Schakowsky, Mr. Rush, Mr. Conyers, Mrs. Thurman, Mr. Shows, Mr. Lampson, Mr. Hall of Texas, and Mr. Wynn.
H.R. 862: Ms. Sanchez.
H.R. 868: Mr. Brown of South Carolina, Mr. Barcia, Mr. Otter, Mr. Mica, Mr. Largent, Mr. Geares, and Mr. Diaz-Balart.
H.R. 912: Mr. Swingle, Mr. Costello, Mr. Kanjorski, and Mr. Doggett.
H.R. 917: Mr. Weiner.
H.R. 931: Mr. Udall of Colorado, Mrs. Jo Ann Davis of Virginia, Mr. Luther, Mr. Schaffer, Mr. Riley, Mr. Delahunt, Mr. Lucas of Kentucky, and Mr. Gary G. Miller of California.
H.R. 954: Mr. Allen and Ms. Carson of Indiana.
H.R. 959: Mr. Honda and Ms. Sanchez.
H.R. 964: Ms. Lowey and Ms. Sanchez.
H.R. 968: Mr. Bilirakis, Ms. Kilpatrick, Mr. Obester, and Ms. Sanchez.
H.R. 969: Mr. Sam Johnson of Texas, Mr. Pitts, and Mr. Bachus.
H.R. 978: Mr. Abercrombie and Mr. Boren.
H.R. 981: Mr. Blunt and Mr. Filner.
H.R. 983: Mr. Trouville, Mr. Smith of New Jersey, and Mr. Ramstad.
H.R. 1005: Mr. Osborne.

CONGRESSIONAL RECORD — HOUSE April 26, 2001
April 26, 2001

CONGRESSIONAL RECORD—HOUSE

H1661

H.R. 1016: Mr. McNulty.
H.R. 1019: Mr. Cox, Mr. Doolittle, and Mr. Scarborough.
H.R. 1020: Mr. Cummings, Mr. Berry, Mr. Hillard, Mr. Boyd, Mr. Ryun of Kansas, Mr. Kleczka, Mr. Kanjorski, Mr. Carson of Oklahoma, Mr. Towns, Mr. Stupak, Mr. Pascrell, and Mr. Greenwood.
H.R. 1026: Mrs. Thurman and Mr. Ross.
H.R. 1035: Mr. McDermott.
H.R. 1037: Mr. Ferguson.
H.R. 1043: Mr. Inslee and Mr. Levin.
H.R. 1044: Mr. Inslee.
H.R. 1088: Mr. Otter.
H.R. 1093: Mr. Berry.
H.R. 1094: Mr. Bercuter.
H.R. 1119: Ms. Millender-McDonald.
H.R. 1121: Mrs. Thurman.
H.R. 1127: Mr. Ney and Mr. Barton of Texas.
H.R. 1129: Ms. Millender-McDonald and Ms. McKinney.
H.R. 1130: Ms. Millender-McDonald and Ms. McKinney.
H.R. 1134: Mr. LaHood, Mr. Green of Wisconsin, Ms. Baldwin, Mr. Moran of Kansas, and Mr. Ramstad.
H.R. 1143: Mr. Pallone, Mr. Doyle of California, and Mr. Frost.
H.R. 1162: Ms. DeGette, Mr. Gonzalez, Mr. Waxman, and Ms. Baldwin.
H.R. 1170: Mrs. Thurman, Mrs. Woolsey, and Mr. Ortiz.
H.R. 1180: Mr. Waxman and Mr. Bercuter.
H.R. 1189: Mrs. Sanchez and Mr. Jackson of Illinois.
H.R. 1192: Mr. Clay, Mr. Upton, Mr. Lewis of Kentucky, Mr. Tienney, Mr. Owens, Mr. Payne, Mr. Holt, Mr. Puckering, Ms. Carson of Indiana, Mr. Pomeroy, Mr. John, Mr. Frank, Mr. Mollohan, Mr. Wynn, Ms. Delauro, Mr. Sanders, Ms. Norton, Mrs. Morella, Mr. Neal of Massachusetts, Mr. Ferguson, Mr. Bercuter.
H.R. 1194: Mr. Oberstar and Mr. Kind.
H.R. 1195: Mr. Frost, Ms. Schakowsky, Mr. Bongioneer, and Ms. DeGette.
H.R. 1199: Ms. McCollum, Mr. Oberstar, Mr. Luther, Mr. Ramstad, Mr. Kennedy of Minnesota, Mr. Abercrombie, Mr. Moore, Ms. DeGette, Mr. Underwood, Mr. Hinchey, Mrs. Mink of Hawaii, Mr. McDermott, and Mr. McGovern.
H.R. 1220: Mr. Bonilla, Mr. Thornberry, Mr. Nethercutt, Mr. Gilman, Mr. Stenholm, and Mr. Paul.
H.R. 1232: Ms. Pelosi and Ms. Sanchez.
H.R. 1256: Mr. Holt, Mr. Nadder, Mr. Frank, Mr. Towns, Mr. Owens, Mr. Neal of Massachusetts, Mr. Rothman, Mr. Cummings, Ms. Berkley, Mr. Engel, Mr. Cardin, Ms. Eshoo, Ms. Pelosi, Mrs. Davis of California, Mr. Meeks of New York, Mrs. Lowey, Ms. Velazquez, Mr. Farr of California, Mr. Gutierrez, Mr. Evans, Mr. Stark, Mr. Markey, Mr. Sherman, Mr. Matsui, Mr. Baldacci, Mr. Ackerman, Mr. Pascrell, Mrs. Capps, Mr. Rush, Mr. Lipinski, Ms. Hoolery of Oregon, Mr. LaBiondo, Ms. Eddie Bernice Johnson of Texas, Ms. Slaughter, Mr. Reyes, Ms. Norton, Mr. Udall of Colorado, Mr. Grucci, Mrs. Clayton, Mrs. Mink of Hawaii, Ms. DeGette, Ms. Sanchez, and Mr. Walsh.
H.R. 1257: Mr. Kind, Mr. Gonzalez, and Mr. Holden.
H.R. 1262: Mr. Sandlin, Mr. Owens, Mr. Davis of Illinois, Mr. Payne, Ms. Jackson-Lee of Texas, Mr. Gilmore, Mrs. Farr of California, Ms. Schakowsky, and Mr. Kucinich.
H.R. 1263: Mr. Turner.
H.R. 1271: Mr. Mica.
H.R. 1280: Mr. Foley and Ms. Waters.
H.R. 1285: Mr. Hinchey.
H.R. 1287: Mr. Bentsen.
H.R. 1291: Ms. Sanchez, Mr. Stearns, and Mr. Allen.
H.R. 1304: Ms. Sanchez.
H.R. 1306: Mr. Schiff.
H.R. 1330: Ms. Morella, and Mrs. Davis of California.
H.R. 1342: Mr. Deal of Georgia, Mr. Crane, Mr. Foley, and Mr. Goode.
H.R. 1354: Mr. Sweeney, Mr. Holdren, Mr. Hillary, Mr. Honda, Mr. Jefferson, Mr. Clyburn, and Ms. Solis.
H.R. 1357: Mr. Collins, Mr. Ferguson, and Mr. Levin.
H.R. 1358: Mr. Knollenberg.
H.R. 1366: Mrs. Harman, Mrs. Davis of California, Ms. Roybal-Allard, Mrs. Bono, Ms. Lofgren, and Mr. Royce.
H.R. 1367: Ms. Sanchez.
H.R. 1369: Ms. Eshoo.
H.R. 1372: Mr. Brown of South Carolina.
H.R. 1412: Mr. Spratt, Mr. Frost, Ms. Jackson-Lee of Texas, Mr. Kirk, Mr. Barton of Texas, Mr. McDermott, Mr. Ney, Mr. DeMint, and Mr. Royce.
H.R. 1434: Mr. Matsui, Mr. Ehlers, Mr. Fal calibrated, and Ms. Rivers.
H.R. 1436: Mr. Frank, Mr. Horr filho, Mr. Israel, and Mr. Oberstar.
H.R. 1438: Mr. Kleczka, Mr. Chambliss, and Mr. Smith of Michigan.
H.R. 1441: Ms. Sanchez.
H.R. 1475: Mr. Cardin, Mr. Rothman, Mr. Ehrling, Mr. Rush, Mr. Schiff, Ms. Millender-McDonald, Mr. Davis of Illinois, Mr. Levin, Mr. Matheson, Mr. McDermott, Mr. Waxman, Mrs. Thurman, Mr. Lipinski, Mr. Smith of Washington, Mr. Mehan, Mr. Walsh, Mr. Whittingfield, Mrs. Kelly, Mr. Borel, and Ms. Waters.
H.R. 1476: Mr. Sandlin.
H.R. 1477: Mrs. Jones of Ohio.
H.R. 1479: Mr. Baca, Mr. Deal of Georgia, Mr. Herriges, Mr. Moran of Kansas, Mr. Pickering, and Mr. Wamp.
H.R. 1487: Mr. Isakson, Mr. Wu, Ms. Lantos, and Mr. Price of North Carolina.
H.R. 1536: Ms. Hinojosa, Mr. Boucher, Mr. Good, Mr. McDermott, Mr. Balducci, Mr. Frost, Mr. Picardi, Mr. McHugh, and Mr. Schaffner.
H.R. 1537: Mr. Brown of Ohio.
H.R. 1538: Ms. Roukema, Mr. English, and Mr. Smith of New Jersey.
H.R. 1524: Mr. Weller, Mr. Sensenbrenner, Mr. Mica, and Mr. Cannon.
H.R. 1541: Mr. Murtza, Mr. Filner, Mr. Simmons, and Mr. Pascrell.
H.R. 1553: Mr. Tom Davis of Virginia.
H.R. 1592: Mr. Simpson.
H.J. Res. 6: Mr. Winder.
H.J. Res. 36: Mr. Moakley, Mr. Platts, Mr. Bryant, and Mr. Stupak.
H.Con. Res. 16: Mr. Payne, Ms. Lee, Mr. Lantos, Mr. Meeke of New York, Mr. Hillard, Ms. Merk of Michigan, Mr. Towns, Mr. Crowley, Ms. Kilpatrick, Mr. Faleomavaega, and Mr. Thompson of Mississippi.
H.Con. Res. 17: Mr. Sandlin, Mr. Carson of Indiana, Mr. Lee, and Mr. Pallone.
H.Con. Res. 21: Mr. Sessions.
H.Con. Res. 58: Mr. Gallegly and Mr. Towns.
H.Con. Res. 68: Mr. Bland of Georgia, Mr. Stupak, and Ms. Norton.
H.Res. 72: Mr. Deutsch.
H.Res. 120: Mr. Sweeney.
H.Res. 123: Mr. Hayworth, Mr. Pence, Mr. Hostettler, and Mr. Collins.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:
H.R. 1051: Mr. Kanjorski.
The Senate met at 10 a.m. and was called to order by the Honorable GEORGE ALLEN, a Senator from the State of Virginia.

PRAYER

The guest Chaplain, Rev. Monte Frohm, of Good Shepherd Lutheran Church, Reston, VA, offered the following prayer:

Merciful Father, You are the source of all authority and power. You hold in Your hand all the nations of the world, including our own beloved United States of America. You have ordained the powers that be for the punishment of evildoers and for the praise of them that act rightly.

We humbly beg You to so guide the men and women of this Senate, that they might in due modesty and with undying hope pursue Your gracious will and purpose. Enlighten them with Your vision for our Nation, equip them with Your strength, instill in them a spirit of integrity that mirrors Your truth, and grant them patience in well doing that reflects Your long-suffering mercy.

May their labors yield a nation that is marked by justice and peace, righteousness and unity, gratitude and hope. As each of us is created in Your image, so let our common life reflect Your glory.

O Lord, our troubles are many, but Your strength is great. Our fears confound us, but Your promise gives hope. Our sins are many, but Your mercy is deep. Leave us not to our own devices, but work Your gracious purpose through us, to the glory of Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE ALLEN led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma, the acting majority leader, Mr. NICKLES, is recognized.

SCHEDULE

Mr. NICKLES. Mr. President, today we will be in a period of morning business until 11 a.m. Following morning business, it is expected that the Senate can begin consideration of S. 149, the Export Administration Act. Senators interested in this legislation are encouraged to be present on the floor at 11 a.m.

In addition, negotiations are continuing on the education bill, and consideration of that bill is expected in the not too distant future. As announced, there will be no session of the Senate on Friday.

I thank my colleagues for their attention.

The Senate from Nevada is recognized.

Mr. REID. Mr. President, I want to mention that I am glad we are going to attempt to get to the Export Administration Act. I think that is what it is called. It is a very important measure. Senator Graham and I worked with Senator Enzit and other Senators trying to get that considered last year and we were unable to do that. I was happy to see in today’s press—and I only read the Washington Post, and that may not be the best paper to read, but I read it—the indication that President Bush expressed in statements to the press several times yesterday that he was going to have to work with us, compromise on taxes and education.

I say this because I don’t think it shows a sign of weakness of the President. I think it shows a maturity he knows—of course, because he worked with the Texas Legislature for 6 years as Governor—that legislation is the art of compromise, and he is going to have to compromise some of his positions. We will also have to compromise some of ours. This is the beginning of, I hope, some productivity in the Congress.

I think we did our job yesterday by passing by a 99–0 vote the brownfields bill from the Environment and Public Works Committee. I hope this is the beginning of a very productive session of Congress.

Mr. NICKLES. Mr. President, I appreciate my colleague’s comments. I have always enjoyed working with Senator REID. I think this can be a very productive month. This can be a month that we finish the budget and the tax bill, and we can finish the education bill. It is a month in which we can accomplish a lot for the American people that will make a difference in their lives and in their paychecks.

A lot of times people wonder what do we do and are there real results and are there real differences in what we do. Considering the education bill and tax measures pending, we can make a lot of difference, whether you are talking about the marriage penalty or a $500 tax credit per child, cutting taxes across the board, reforming education, giving more power to parents and teachers. We can do all that this month. By Memorial Day, we can have great, significant accomplishments by working together. I look forward to working with my friend and colleague from Nevada.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.
RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the time until 11 a.m. shall be under the control of the Senator from Wyoming, Mr. Thomas, or his designee.

The Senator from Tennessee.

EDUCATION

Mr. Frist. Mr. President, I rise to speak briefly this morning on an issue about which we have heard a lot in the last few days and in which a number of us have participated diligently over the last several months. The subject is education. Kindergarten through 12th grade. What is the outcome, as we will know, in large part determines how successful one is later in life—how well equipped one is to deal with challenges in an increasingly challenging world.

This important issue has caused many of us to reflect over the last several years on what has been accomplished in the last 35 years with Federal intervention in education. What we have found, for the most part, is that in spite of major expenditures by the Federal government—a small fraction of what is spent across the country but a huge and growing investment, to the tune, in just one program, title I, of about $120 billion focused on disadvantaged children—the results have been disappointing.

They have been disappointing to Republicans, Independents, and Democrats. They are disappointing because through careful study, through careful documentation, people have come to realize that we have not succeeded. By practically every single measurement, the results have been flat.

Some people say that is a good result; we could have gotten worse.

But there is no reason in a time of economic prosperity and increasing prominence of the United States in the world order—we are the superpower—for results to be flat when billions of dollars are being expended.

When we peel away the layers and look at the results, we see growing achievement gaps between the served and underserved; between those financially well off and those less financially well off; between minority and non-minority. However one looks at the achievement gap over the last 35 years, it has deteriorated; it has gotten worse.

The subject is complex. It is hard. It is not a matter of just more money, smaller class size, or better school buildings. Society has changed. The challenges before us have changed. Our responsibility is to look at the last 35 years and address what has not worked and, through debate, hearings, and discussions, come forth with a policy that will reverse the trend of achievement level to drop flat. No net results after an increase in attention and after an increase of dollars is not an acceptable outcome.

From both sides of the aisle, we have heard over the last several years—and very appropriately so for President Bush's first 100 days. Education is his No. 1 policy priority. We have made significant progress on tax relief, spending, and a number of military and defense issues.

Now we come back to what is most important to the United States of America—where we are today and where we want to be 5 years from now, 10 years from now, 20 years from now in what is becoming a smaller and smaller world.

The President's top priority is education. We have heard it from all sides; we have seen it in the newspapers and other media; and we have said it ourselves on the campaign trail. But the messages from the words of President George W. Bush, and that is "to leave no child behind." When you say "leave no child behind," you look at an individual and wonder how, in spite of 20, 50, 100, 150, 200 programs, we will weather the storm of the Congress that says here is another good program to address a particular problem, we fall short. In spite of hundreds of different federal education programs, and in spite of $120 billion spent in a single program, title I, we continue to fail.

Leaving no child behind means we probably have to change our targeting. Many of us believe we should channel increased resources to the child who is disadvantaged, not just the child's performance. That has not been possible from a political standpoint.

In leaving no child behind, the solution means we should focus on the child. We do not focus on the child, the individual, learns. We focus on the child. We do not focus on more money for still another program. That has been tried again and again. It means we need to make sure the child, the individual, learns.

Right now, we have testing and some general accountability measures. People argue about national standards, State standards, and local standards. That needs to be debated.

But for 35 years we never said of the child: we will follow you over time so we can determine whether you are falling, staying the same, or progressing and, based on that, determine the proper action for this body.

We need to make sure kids learn. That will require increased accountability.

Haste do we do that? The bill that will be put forward and marked up in the Health Education Committee, the BEST bill, is strong on accountability. Through the bipartisan working groups that have been very actively involved over the last 2 months, that accountability can be strengthened. We need to reward schools that are performing well. If schools are not doing well, we will have to give them the tools, the equipment, the resources, and the chance to do better. When they repeatedly fail, year after year after year and if a child is locked into such a school, at some point we have to reconstitute the school or give the parents the opportunity to take their child out of that failing environment that society has created and put them in an environment where they have a real chance to learn.

Students in persistently failing schools should not be trapped there. They are trapped today. We need to do something about it. We have not been able to do anything about it in 30 or 35 years. The failure is in part because of Federal involvement. It is in part a failure of the current system. We need to change the system. That means make sure kids learn, with accountability. No. 2, give the parents a choice. No. 3, let's proceed with reform.

No longer can people sit back and say: here is the system of 760 programs, let's pour more money into that system and we will be OK. We know that won't work. Therefore, we have to have reform. We have to have modernization of that system.

The good news is Democrats and Republicans together and from a policy standpoint understand modernization means today. It means flexibility, knowing what works and what doesn't work, taking what works and putting it on a pedestal and supporting it. Yes, that means financially. More money will be put in education.

We heard the President of the United States say again and again and again over the last several days, especially as we are at the negotiating table, that he is willing to put more money than has been put into education or the year before that or the year before that. This President will invest in education if we agree to link it to reform, to modernization, to flexibility, to accountability, to having some element of parental involvement. Nobody cares more about that individual child than the parents.

Global competition is one of the reasons we can stand up and say we are falling today in spite of our good intentions, in spite of teachers who are working hard, getting up each morning, teaching all day, preparing through the night and working summers to become even better teachers. In spite of their best efforts, we are falling.

The National Assessment of Educational Progress, NAEP, is the only test using an accurate and careful statistical sampling from a cross-section study across the country of what happens at a certain point in time in various States and districts. It is also longitudinal, comparing what happens after 1 year to 3 years to 5 years to 10 years later.
A recent NAEP study confirmed that our current education system is not working. The statistics, the data, are very accurate. As a scientist and someone who depends on statistics, I am convinced it is good data. The data show that the achievement gap is not closing, it is widening.

I am hopeful we can address the issue of education now or next week in a way that links that policy to the debate we are talking about, which is how much more money it will take to succeed.

There are four levels of achievement. They are: advanced, proficient, basic, and below basic. You can track each of these. Looking at the below basic category is fascinating. Take one element, such as reading. In the below basic level, for the most part, too many students simply cannot read. Mr. President, 37 percent of those tested scored below basic. Even more disturbing is the fact that 63 percent—almost two-thirds of black fourth graders, 54 percent of students in urban areas, and 60 percent of poor children—scored below basic. That means they cannot read.

Secretary Paige—a wonderful leader—articulates through his experience what is really happening on the ground: “After spending $125 billion of title I money over 25 years, we have virtually nothing to show for it.”

The data also show how well we are performing internationally. Look at math and science: We have a majority in high school; so we are thinking about college. As a physician, math and science are two fields that mean a lot to me as we predict how well prepared people will be in this new economy fueled by technology and dissemination of information. In math and science, we are not first in the world. We are not fifth in the world. We are not tenth in the world. We are not fifteenth in the world. The United States is seventeenth in math and eighteenth in science.

What does that say as we go out and compete in this global economy for jobs, for economic growth?

We have a wonderful opportunity to go forward under the leadership of President George W. Bush. He has put on the table a very clear agenda that stresses accountability; an agenda that focuses on what works; an agenda that will reduce the red tape and bureaucracy that is handcuffing our teachers; and an agenda that will increase flexibility and local control. It is an agenda where needs can be identified locally and an agenda that empowers parents.

I very much appreciate the opportunity to participate in this discussion. I am hopeful I will be able to turn to the bill next week. It means at the end of 2 weeks from now we can have a bill that will engage in a major modernization of education, where we truly can say that the United States of America has stepped up to that big challenge, that challenge of leaving no child behind.

I yield the floor.

I suggest the absence of a quorum. The ACTING PRESIDENT pro tempore will please call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask the Clerk to place the order for the quorum call dispensed with and that I be yielded 10 minutes or until a Senator arrives at which time I will yield the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise once again to continue remarks from a few minutes ago on education, and I will do so until another Senator arrives to speak. I want to take a moment to bring my colleagues up to date on the underlying bill that came out of the Committee on Health, Education, Labor, and Pensions. It is a bill called BEST—I mentioned it earlier—the Better Education Student Transitions Act. It is a bill we debated in the Committee and most probably will be the bill that is brought forward once we further progress in discussions on the appropriate amount of money to invest.

This particular bill, which will be modified and debated and discussed on the floor, has four principles about which I want to briefly comment. What it does, is to embody what President Bush has focused on and that is this: performance accountability, that enterprise works best when authority and responsibility are aligned. Good results occur when responsibilities are accompanied by latitude and flexibility so that judgments can be made on information that is available and when those who are responsible for teaching, for making decisions for education, for leaving no child behind, are held accountable.

Those principles are very simple. They link innovation, responsibility, flexibility, and results.

The BEST bill has four components to it. No. 1, it will increase accountability for student performance. It is just remarkable, I believe, and it is important for our colleagues to understand and people around the country to understand, that we as a government are investing taxpayer money without demanding accountability—no measurement, no results, are required. We are investing in a system and we don’t know if it works. As I mentioned earlier the data that has come out this morning shows the current system does not work.

First and foremost, accountability: States and school districts and schools that improve achievement that eliminate or narrow that achievement gap which we know is getting worse those entities, will be praised, will be rewarded in the underlying bill. The flip side of that is those schools and those districts; and even those States that continue to fail after they receive new resources and a fair clause to show progress—they will then be sanctioned. They will be held accountable. That is something basic. It is something we do in our homes. It is something we do in our small businesses. We do it in our everyday lives. But when it comes to government, for reasons for the last 35 years we have not done it. Now is the time to do it. And we are going to do it.

The parents will have new information on how their children are progressing. They will no longer be limited to just assessing at night and talking to their child, or talking to other parents at night. That will continue, of course, but parents will know much more about whether the schools are succeeding. For the first time, assessments can be compared across communities and States, and across the U.S. and even to other countries. Parents will know that their schools are being held accountable as well.

Parental involvement is crucial, we can do a lot here in Washington, DC, in this great Capital and this great body, but ultimately it has to be the millions of parents who are out there holding accountable the schools, the teachers, the school districts, and the local governments.

There are going to be annual State reading and math assessments for grades three through eight. That is something I feel very strongly about.

Two, the BEST bill focuses on what works. Federal dollars will be spent on effective research-based programs and practices. Funds will be targeted to improve schools and enhance teacher quality.

That ultimate goal has to be to have a student and a classroom that is safe and drug free, but with a good teacher at the head. Therefore, the “t” in the BEST bill means teachers. And the focus will be on teachers.

Third, the BEST bill will also reduce bureaucracy and increase flexibility. Additional flexibility is provided to States and school districts, and flexible funding will be increased at the local level.

Finally, this bill will empower parents. Parents don’t now have the information to be able to hold schools accountable or make decisions. They will be given that information about the quality of their child’s progress and their child’s school. Students in persistently low-performing schools will be provided options so that they are not locked in a bad school.

It is important as we go forward to understand what the underlying bill is. It is a sweeping introduction of the four principles: accountability, focusing on what works, reducing bureaucracy and increasing flexibility, and empowering parents.

I look forward to discussing that in greater detail as we, hopefully, get to this bill next week. I think the BEST bill is a great start for what we all want, and that is to leave no child behind.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.
CLIMATE CHANGE

Mr. LIEBERMAN. Mr. President, I rise today to speak with colleagues about global warming, which quite literally is a cloud that is looming on our horizon. As many have feared, there is evidence that this cloud has recently grown more ominous.

Over the last few months, in fact, the United Nation’s Intergovernmental Panel on Climate Change released its third report on global warming. This report was authored by over 700 expert scientific conclusions. I am afraid, offer convincing evidence of a planet in distress, one that is slowly overheating with very serious—some would say disastrous but certainly very serious—consequences for those who will follow us on this Earth.

According to these scientific experts, unless we find ways to stop global warming, the Earth’s average temperature can be expected to rise between 2.5 and 10.4 degrees Fahrenheit during this next century—a large proportion of which in temperature will profoundly affect the Earth’s landscape in very real and consequential terms. Sea levels could swell enormously, potentially submerging literally millions of homes and coastal properties under our present day oceans. Precipitation would become more erratic, leading to droughts that would make hunger an even more serious global problem than it is today. Diseases such as malaria and dengue fever would spread at an accelerating pace, several weather disturbances and storms triggered by climate phenomena, such as El Nino, would be aggravated by global warming and become, I am afraid, more routine.

Unfortunately, that is not the first time we have heard such disconcerting predictions, which in their way are so extreme that they may be hard for some to believe, although I find as I go around my State and on occasion around the country that the public is reading these reports and understands this issue—at least a lot of the political leadership. The public has been reading these reports and understands that something is happening with the weather that will affect life on this planet unless we do something about it.

For years, scores of scientists from throughout the world have issued warming after warning attesting to the harmful effect of increasing amounts of carbon dioxide and other greenhouse gases. While it is true that there have been some efforts to curb the release of these gases, I am afraid we have spent a lot more time debating the credibility of the warnings than doing something about them.

Truly, this new data does not end the serious debate about whether global warming is a fact. This most recent scientific report is the most advanced study we have had on the subject. I personally conclude that the science is beyond any reasonable doubt. This latest report reminds us, the threat is being driven by our own behavior. Remember the old Pogo cartoon: We have met the enemy and it is us. That is, unfortunately, the case with global warming. Let me quote the scientists in the report directly.

There is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities.

Human beings have added more than 3 billion metric tons of carbon to the atmosphere every year for the past two decades. In fact, the current levels of carbon dioxide are likely the highest they have been in 20 million years of history.

In the face of this mounting evidence, what have we done? I am afraid we have a statement from President Bush saying that he “takes the issue of global warming very seriously.” But, unfortunately, thus far the acts that have followed that statement do not match the statement.

I am afraid the only global cooling that will occur during this administration is the cooling of our foreign relations with countries around the world, including some of our foremost allies who are very anxious to work with us to do something about global warming. Last month the administration unilaterally announced, without consultation with Congress, and apparently without consultation with our allies or others around the world, that it had “no interest in implementing” the Kyoto Protocol. In doing so, the administration did not just back away from the process that resulted in the accord, and that action not only undermines our global environment but it also undermines our credibility with our allies.

This is one issue that is so serious and will so profoundly affect the lives of our children and grandchildren and those who follow us here on Earth that it is one of the greatest nation in the world’s efforts to stop this problem, to deal with it, and not be viewed by most of the rest of the world as loners going our own way not listening to science experts and not acting responsibly.

I am afraid the Bush administration has also walked away from its chief domestic initiative on climate change, which was a very hopeful initiative, when it reversed the President’s campaign pledge to adopt a market-based trading mechanism regulation of carbon dioxide emissions from powerplants. Those emissions account for up to 40 percent of our Nation’s carbon dioxide emissions and 10 percent—one-tenth—of the global carbon dioxide emissions at this point coming from American powerplants.

We have to take firm and decisive action—we ought to be taking it together; we ought to be taking it across party lines and international borders and agree to act. This is a challenge because we are talking about a problem whose beginnings we can see now but whose worst effects will probably, hopefully, not be felt until some years have passed.

This requires leadership—political leadership—to avoid a problem whose worst effects most of us will not experience in our lifetimes, but it is the responsible thing to do to take such action.

Kyoto set a framework. I was at Kyoto when that agreement was negotiated. It is not a perfect document by far. But considering the fact that we were dealing with so many of the nations of the world, approaching this problem from different places, it is a framework for international cooperation.

I hope the administration, on second look, will view it that way, will go to
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the international meeting in Germany in July, which is the next step in the Kyoto process, will consult with our allies and others in the world, and will find a way, together with us—both parties in Congress—to move forward to deal with this problem.

We deal with serious problems every day in the Senate. It is part of the challenge and, indeed, the excitement of the privilege we have to serve our Nation. It is when we deal with those problems effectively that we have together—all of the moments of greatest satisfaction.

This, in the long run, is one of the largest problems which any of us in this Chamber will ever confront. The sooner we get together and make some progress to deal with it, the better will be the world’s future.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will please call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—S. 149

Mr. LOTT. Mr. President, there has been a lot of discussion and effort over the past couple of years put into trying to address the export administration issue. I know that Senator GRAMM and the ranking Democrats and Senator SARBANES have worked on this issue. I know there are a number of Senators who have reservations about this whole area and this particular piece of legislation.

It is my understanding that the new administration has had input and a number of important concerns have been addressed. I understand this is an area where we need to be careful to make sure we do it in the right way and that we pay attention to very important security concerns.

I think one of the only ways, though, to have those issues properly aired and addressed, and hopefully resolved, is to begin the discussion and see if we can get a final agreement and move on this legislation.

I ask unanimous consent that the Senate turn to the consideration of calendar No. 26, S. 149, the export administration bill.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. Mr. President, I object. The PRESIDING OFFICER. Objection is heard.

EXPORT ADMINISTRATION ACT OF 2001—MOTION TO PROCEED

Mr. LOTT. Mr. President, I now move to proceed to S. 149, and I understand that there are some opening statements that can be made. I hope that we can work through the objections so that we can actually move to the legislation. I move to proceed to the bill at this time.

The PRESIDING OFFICER. The question is on agreeing to the motion, and it is debatable.

The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I thank the majority leader for moving to bring this bill to the floor of the Senate. As many of my colleagues know, the Congress has not reauthorized the Export Administration Act on a permanent basis since the early 1990s. As a result, we have been in a period where we have sought to get multilateral action on export controls to protect critical national security secrets, but we have had a very difficult time standing on those issues among our allies when we do not even have a regime in place to monitor exports coming out of the United States of America.

I think it is a terrible indictment of the Congress that for so many years we were unable to restore our export control authorities. I understand that these are very difficult issues, and they are difficult for a very simple reason: the Nation has apparently conflicting goals. We want to export high-tech items, we want to dominate the world in new technology, we want new innovations to occur in America, and we want to be the principal beneficiary of the technological revolution that is changing our lives and the life of every person who lives on the planet. And to do these things, we want Americans to be able to sell high-tech products on the world market.

Wages in these industries are among the highest wages in the world. They really will determine the future of economic development on the planet, and it is a very high American priority to see that we generate these new technologies, that we generate these new jobs, and that Americans be the highest paid workers on the planet.

Our problem comes in that we also have an objective of trying to prevent sensitive technologies that have defense applications from getting into the hands of people who might, at the current time or in the future, become adversaries of the United States of America. First of all, I think we have to admit to ourselves that there is an apparent conflict in these two goals and, hence, you have the difficulty in dealing with this problem.

Now, I want our colleagues to understand that the Banking Committee has very large jurisdiction as it relates to national security. In fact, other than the Armed Services Committee, no committee in Congress has authorizing jurisdiction in defense that rivals the Banking Committee.

Let me give some examples. The Defense Production Act is under the exclusive jurisdiction of the Banking Committee. The Trading with the Enemy Act is under the exclusive jurisdiction of the Banking Committee. The International Emergency Economic Powers Act, which has frequently been used for export control purposes, is under the exclusive jurisdiction of the Banking Committee.

The Export Administration Act, which is before us today, is under the exclusive jurisdiction of the Banking Committee.

Sanctions bills that imposes economic sanctions against any country, whether it be the Iran-Libyan Sanctions Act, or whether it be any sanctions imposed in the future, would be imposed in legislation that falls under the jurisdiction of the Banking Committee.

Quite frankly, I believe some of this dispute is about jurisdiction. I did not write the rules of the Senate, but I believe that when this jurisdiction was put under the Banking Committee, it was the right decision because the Banking Committee is basically the Banking and Economic Committee.

These issues have to do with economic matters that have defense implications. I think the decision was made in placing these items within the jurisdiction of the Banking Committee.

We have spent 2 years exercising our responsibility in trying to come up with a workable and, I believe, if I may say so modestly, a superior Export Administration Act. We have held extensive hearings on the Export Administration Act. I want to show my colleagues some of the studies that have been done that we looked at, and these authors of these studies appear before our committee.

The first, of course, is the now famous Cox Commission report. This was focused on China, and it was focused on the loss of American defense secrets. The Cox Commission report made a series of recommendations. Those recommendations are now embodied in the bill that is before the Senate.

Rather than trying to go through all of the elements of this lengthy report at this time, which obviously would empty the Chamber for several days as I would be standing alone talking about them, given how voluminous they are, I will share with the Senate one point that Chris Cox made in presenting these reports to us and giving us the recommendations which we have incorporated in this bill.

And this is critically important because I have colleagues who say that this bill is not the time to act this bill because of our recent problems with China. I say to my colleagues, we should have done this in 1995, but given the problems we have had with China,
given their irresponsible behavior, we need this bill in place now more than ever. If it was not the time to do this 3 weeks ago, it is the time to do it today. I say the time to do it was 5 years ago, and we certainly need to do it today.

Chris Cox, in looking at the loss of technology to China, cautioned the committee on something that I think every Member of the Senate, as we begin this debate, needs to be cautious about. What he cautioned us about was doing things on technologies where we pound our chest and act as if we are doing something, when in reality we are not achieving anything.

One of the things I am very proud to say about this bill is that there is no feel-good provision in this bill. Everything we did we did because we believed it would work, not because it simply made us feel good to place it in the bill.

The quote I want to read from Chris Cox is the following:

"We ought not to have export controls to pretend to make ourselves a safe country. We ought to have export controls that work, and you have to assume that if the Ministry of State Security in the People's Republic of China can gain access to the computers at Los Alamos, they can probably gain access to the Radio Shack in Europe.

One of the fundamental principles of this bill is that we want to focus our attention on technologies that have defense implications, that are significant, and where we have some hope of being successful in controlling those technologies. When a million copies of a computer have been manufactured, when they are sold at Radio Shack in Bonn, when there are a million distributed worldwide, there is no possibility that we can keep that computer from falling into anyone's hands who might be potentially hostile to the United States of America.

We might want to do it. We might wish we could keep an agent from a foreign country from going into Radio Shack in Bonn and buying this computer, but when there are a million copies of it worldwide, only divine intervention could keep someone who wanted that computer from having it.

So rather than waste our time and energy on products that are sold by the millions, we try to focus our attention in this bill on trying to deal with those technologies where we have some realistic hope of being successful. Our current Secretary of Defense, Donald Rumsfeld, said it best when he said we need to build higher walls around a smaller number of things, and that is what we have done.

The next point that I want to raise is from one of the witnesses before our committee I think reinforces what Congressman Cox said. It is from Donald Hicks, who is the former Under Secretary of Defense for Research and Engineering, who was Chairman of the Defense Science Board Task Force on Globalization and Security. Here is what Donald Hicks said. He refers to what he calls the "utter futility of the U.S. attempt to control unilaterally technologies, products, and services that even its closest allies are releasing on to the world market."

This study in my hand is the study that was given to Under Secretary Hicks making this point.

The next quote I want to give is from John Hamre, who is the former Deputy Secretary of Defense. We all knew him when he was the staff director of the Armed Services Committee. Here is what he says in this subject:

"America needs effective export controls to protect its national security. Our current system of export controls fails that test and falls badly. In approving 99.4 percent of the requests, we are not really protecting our security. In fact, we are diverting resources from protecting the most important technologies and products."

That is a critical point of this bill. When we have a system where we are approving 99.4 percent of the requests for licenses, we have a system where many things are in the system that should not be in the system. We are granting licenses on computers that are being manufactured by the millions and sold all over the world.

We try to focus our attention where it can do us the most good. Frank Carlucci, the former Secretary of Defense and former National Security Adviser, gets right to the heart of it when he says:

"But we should do only that which has an effect, not that which simply makes us feel good. Many technologies are uncontrollable, and even out of the control. Others can and will be supplied by our competitors. Our job, your job, is to strike the right balance. Don't help our enemies. But at the same time, allow encouragement and research to flourish."

We have spent 2 years looking at all of these studies, having the authors of these studies appear before our committee, and in each and every case their recommendation to us is quit doing things that make you feel good. Quit forcing us into a mechanism where we are having to deal with thousands of items, when 10 are really important. By dealing with thousands, we are not paying enough attention to the 10 that ultimately affect American security.

We have put together a bill that I believe dramatically improves the export control process, the export control review mechanism that is used, and greatly enhances national security. I am proud to say this bill is supported by the President. The President said in very simple terms, "I believe we've got a good bill and I urge the Senate to pass it quickly." He said this in the East Room of the White House on March 28.

The bill before the Senate has been endorsed by the Secretary of Defense, by the Secretary of State, by the President's National Security Adviser. We gave them an opportunity when the new administration came in, to take the bill we had worked on, and go through it in detail. They suggested some 21 changes. We adopted those changes. In several cases I thought the previous bill was stronger, but we adopted those changes. I think in the process, on net, we have improved the bill.

What does the bill do? The bill strengthens national security. No. 1, and most importantly of all these other things, while it doesn't sound as robust as these other things I will mention, it is actually more important. We focus the attention of the export administration process on defense-sensitive items where we have some hope of being successful.

We set up a procedure whereby the President is given tremendous powers to negotiate international agreements with our major trading partners to cooperate to try to prevent sensitive technologies from getting into potentially hostile hands.

We establish new criminal and civil penalties for knowing and willful violation. One of our problems is the current situation we face is, for example, that with the question of an illegal transfer of missile technology to China, given the laws that are in place, even if the parties are convicted, the penalties would be too small to call the penalties in this bill trivial. The penalties in this bill begin with $5 million for a violation. In the case of multiple violations, the penalties could run into the hundreds of millions of dollars. We have tough prison sentences for knowing and willful violations. When we have those penalties, we affect people's behavior, which is what we need to do.

Again, it is very difficult to enforce these laws. It is difficult to prove intent. Knowing it is difficult to catch people, we wanted to have very severe penalties when they are apprehended, prosecuted, and convicted.

We strengthened the hand of the national security agencies by, for the first time, giving them a formal procedure by which to be involved in this process. We were very concerned that in the previous administration the Defense Department was in a position of not being in concurrence with some decisions that were being made but not having an effective way to show it did not agree. So we provided a process whereby if any member of the review panel—and we would assume in general the Defense Department—objects, that individual, with the concurrence of the designated political appointee in his or her department, has the ability to object and force that decision to the next highest review level. That is a substantial strengthening, in my opinion, of the process.

We have greater predictability in the process, as well, which is important both for national security and economic reason.

I will end with this: We do have a clothing provision. At some point that petition may be filed, because it is critical to national security we get on with this process.
I conclude by talking about the balance we are trying to establish. We want a balance that allows us to provide for the national security of the United States, but on the other hand, we want to be able to be the dominant high-tech manufacturer in the world.

Please don’t tell me that the good speech we could make, most high-tech companies have operations worldwide, so when the world is developing a new product, they can develop it in Germany or they can develop it in Dallas, and where we could prevent things that is cumbersome or inefficient or costly or overly burdensome, they will develop these products in Germany and not in Dallas. That is harmful to our security, and it is harmful to people who are working in America.

This bill is good for security because it restores the expired control authority. It adopted the recommendations from the studies I referred to earlier, such as the Cox Commission and the commissions, that we had under the cold war export control regime, which we had under the multilateral agreements, and where we could prevent things where we could prevent things from being sold by one country or another to our potential adversaries. This bill first, sets up the best system we can set up given we are acting unilaterally, but it also gives the President strong new directive to go to England, to go to Germany, to go to Japan, and try to work out multilateral agreements, and then this bill automatically makes no sense and it burdens the process is producing, even though it is answer, which is what the current process works. They know what the process is. They know how the process works. They know what the applications.

Finally, it creates a framework compatible with the high-tech economy in which we live and work. We have currently set into static law the number of MTOPS, millions of theoretical operations per second. The computer could generate as a condition for export, when we know that this number is doubling every 6 months. So what did this provision of the law do? What it did was put American producers at a disadvantage because they would have to go through our export control process, while their competitors in Germany and Japan could rush right out into the marketplace. Our producers would fool around, trying to get a Presidential decision to update the standard, generally with legions of high-tech people coming to kiss the President’s ring and in some cases attend his fundraisers.

That is an unworkable system. It breaches the law. It hurts America. It does not enhance security. So we in this bill we repeal the MTOP limit and set out a process where the focal point is not on something that is doubling every 6 months—we cannot change that, we can try. I do not question the sincerity of the critics of this bill. I do not think their hearts are any less pure than mine. But I would like to say that I don’t take a backseat to anybody in America in supporting national defense. I was in the House, and I helped write the budget in 1981 that rebuilt defense and helped fund Peace Through Strength that tore down the Berlin Wall. I am concerned about American security. I am in the Army. I am from a part of the country that lost a war. I understand something about national security and why it is important. So while I do not doubt that I have colleagues who have national security concerns, I have those concerns as well. They are reflected in this bill and its provisions.

I believe we put together a good bill. I know that not everybody agrees with that. We got a vote of 19–1 in the Banking Committee. We brought it to S. 149. We set it out what they do and why they do it and how it works. The quality of this bill is in large part due to the work that he did and the work he did with Senator Johnson on the International Finance and Trade Subcommittee. I thank my colleagues. I thank Senator Enz and Senator Johnson for the great work they have done. I have never seen a Member get as involved in issues as Senator Enz has been involved in this process. I have never seen a Member of the Senate who went to the actual meetings of these agencies and sat for hours, trying to figure out what they do and why they do it and how it works. The quality of this bill is in large part due to the work that he did and the work he did with Senator Johnson on the International Finance and Trade Subcommittee.

I thank Senator Sarbanes. This is a bipartisan effort. Senator Sarbanes and I are far apart on some kind of mythical, philosophical line. But I think the reality is that we have been very effective in legislating and we have been effective because we have tried to work on a bipartisan basis. If we can work in a bipartisan basis, it can be done.

I thank my colleagues for their leadership and their cooperation. I am hopeful we will pass this bill. I hope after the debate our colleagues who are concerned about the bill, will be convinced—not necessarily to be for it—but will be convinced that maybe it is an improvement over the status quo, and maybe it is not quite as bad as they would think.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBAEES. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is debating the motion to proceed to S. 149.

Mr. SARBANES. I thank the Chair. Mr. President, I urge the Senate to adopt the motion to proceed and give itself the opportunity to move to the substantive consideration of S. 149, the Export Administration Act of 2001. The adoption of this motion to proceed would enable Senators, then, to consider the bill on its merits, to offer amendments, if they have them, to alter the direction they think is desirable. I think this is important legislation. I am frank to say I think this bill before us...
is well crafted and deserves the support of the Senate. But in any event, whatever your attitude on that question is, I certainly think this issue, and this legislation dealing with this issue, deserves to be considered by the Senate. I very much hope, after we consider this opportunity for some discussion, we will be able to move ahead and consider the bill on its merits. I understand it is the leadership's intention to file a cloture motion—the leadership, as I understand it, on both sides of the aisle, in order to enable us to get to this legislation. I hope that will not be necessary. I think there is a compelling argument for taking up this bill and addressing this issue.

Let me say a few words about the bill itself. Earlier this year, I was pleased to join with my colleagues, Senator Enzi, Senator Johnson, and Senator Gramm, in introducing this legislation. It was reported out of the Banking Committee on a bipartisan vote of 19–1, and so there was a strong majority within the committee. That was on March 22 that we met and marked up the bill and reported it to the floor of the Senate.

The Export Administration Act provides the President authority to control exports for reasons of national security and foreign policy. I think there is a strong national interest in Congress reauthorizing the Export Administration Act. If we do not do that by August, then we will not have an Export Administration Act. And, in fact, we are now working under a temporary extension of the Export Administration Act, passed in the last Congress, which will expire in August.

Before we passed that temporary extension, we were dealing under the International Economic Emergency Powers Act. Let me be very clear about this because it is very important. We need to understand what the situation has been and the situation is like if we do not act on this legislation. The Export Administration Act has not been reauthorized since 1996, except for temporary extensions in 1993, 1994, and last year. In other words, for most of the past decade we have been operating without an Export Administration Act. We are now in the framework of a temporary extension that expires on August 20 of this year.

Without these temporary extensions, in other words, we are now under the policy authorization the President has to impose export controls has been exercised pursuant to the International Economic Emergency Powers Act—the so-called IEEPA.

In one way, it is highly desirable for the Congress to put in place a permanent statutory framework for the imposition of export controls. That is what this bill will do. That underscores the importance of considering this legislation. Export controls should not be imposed without the necessary economic authority of the President.

One example of the reason for depending on IEEPA is that penalties that may be imposed under export controls under IEEPA are significantly less than those imposed by this legislation. In other words, reliance on IEEPA and the President's extraordinary authority under that legislation still leaves us falling short in terms of the penalties for violations of export controls for what this legislation provides.

It is ironic that this bill is being in effect contested on these national security grounds when in fact it does more to provide national security concerns than the existing IEEPA scheme.

The IEEPA scheme is also weak in the sense we are quite worried that it will be subject to a court challenge, which in effect would make the limited penalties that it contains inapplicable. I think that has to be kept very much in mind as we consider taking up this legislation.

This legislation has been worked over very carefully. I think it represents a strong case for providing the President authority to control exports for reasons of national security and foreign policy while at the same time responding to the need of U.S. exporters to compete in the global marketplace.

We have two major objectives we are trying to harmonize. I think this legislation does it in a balanced way.

In preparation for acting on this legislation, the Banking Committee held two hearings in this Congress. We held a number of hearings in previous Congresses and two hearings with representatives of industry groups and foreign and Defense Department officials. Extensive consultation took place with representatives of the current administration, including representatives of the Defense Department, the State Department, the intelligence agencies, the Commerce Department, and the National Security Council.

Prior to the introduction of the legislation in the Banking Committee, Condoleezza Rice, Assistant to the President for National Security Affairs, sent a letter to the committee. I will quote it because I think it is important. I will quote it actually in full. The Assistant to the President for National Security Affairs in a letter to the chairman of our committee stated:

The Administration has carefully reviewed the current version of S. 149, the Export Administration Act of 2001, which provides authority for controlling exports of dual-use goods and technologies. As a result of its review, the Administration has proposed a number of changes to S. 149.

Actually a number of colleagues were involved in urging the administration to seek such changes, including colleagues I see on the floor now and who remain, I take it, concerned about this legislation.

To go back to the letter:

The Secretary of State, Secretary of Defense, Secretary of Commerce, and I agree that these changes will strengthen the President's national security and foreign policy authorities to control dual-use exports in a balanced manner, which will permit U.S. companies to compete more effectively in the global market place. With these changes, S. 149 represents a positive step towards the reform of the U.S. export control system established by the Export Administration Act of 2001, which incorporates these changes into S. 149, the Administration will support the bill.

We will continue to work with the Congress to ensure that our national security needs are incorporated into a rational export control regime.

Mr. SARBANES. Mr. President, a major effort was made by the committee to work through the list of proposals by the administration. Those proposals were incorporated into the bill during the Banking Committee's markup. I thought the administration's recommendations were a balanced set of proposals. I believe they strengthened the overall bill.

Subsequent to that and subsequent to the committee reporting the bill out, the President in remarks to high-tech leaders at the White House on March 28 urged quick passage of this bill by the Senate.

In that appearance at the White House—and I will quote briefly from the President's—actually, he started off by saying to this group:

Thanks for coming. I appreciate that warm welcome. And welcome to the people's house. It's a nice place to live. And I'm glad I'm living here.

That is the President talking.

He went on and said to the high-tech group:

I've got some good news and you may have been watching the Senate Banking Committee. But after a lot of work with industry leaders and the administration and members of the Senate, the Export Administration Act—a good bill—passed the Banking Committee 19–1.

He then goes on to say that “this has been crafted as a good bill. And I urge the Senate to pass it quickly.”

Mr. President, I ask unanimous consent that these remarks of the President in a meeting with high-tech leaders be printed in the Record at the conclusion of my remarks today.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SARBANES. Mr. President, I commend very strongly Senator Enzi, who was chairman of the relevant subcommittee in the last Congress and chair of the International Trade and Finance Committee, and Senator Johnson, who is the ranking member of that subcommittee, for their extraordinary work on behalf of this legislation. They worked tirelessly both in the last Congress and again in this Congress to help bring us to this point.

I commend Senator Gramm and the staff of all Senators and the committee staff for their strong efforts to develop a bipartisan consensus on this legislation.

Senator Hagel and Senator Bayh, who have taken over these positions now in the new Congress on the subcommittee, also made constructive contributions in moving this legislation forward this year.
Let me say this about the legislation. It generally tracks the authority provided the President under the Export Administration Act, which expired in 1990, as I indicated earlier. But a significant effort was made with the excellence of the legislative counsel’s office to delineate these authorities in a more clear and straightforward manner.

We made a very strong effort to inject an element of clarity and directness into the statute which would make it possible for the executive branch agencies to administer the statute and for the exporters to comply with it.

The bill makes a number of significant improvements to the EAA. It provides, for the first time, a statutory basis for the resolution of interagency disputes over export license applications. The intent is to provide an orderly process for the timely resolution of disputes while allowing all interested agencies a full opportunity to express their views.

This is very important. There is an orderly process now by which disputes can be moved up the ladder in order to be resolved. So any concern that any department or agency of the Government has as they work through this interagency process can be heard and dealt with and resolved, and, if necessary, at the final level, be resolved at the Presidential level. This orderly process was an issue of great concern to the President, to the national security community, and to industry.

I think we have reached a reasonable resolution of the issue in this bill. This was an issue on which Senator ENZI and Senator JOHNSON spent countless hours in order to try to work out arrangements that would be acceptable to all. As I have indicated, now they are acceptable to the agencies and the departments of the executive branch across the board. Not one department or agency has said now and again to us that they think this is not a workable system under which they can operate.

The bill significantly increases both criminal and civil penalties for violations of the Export Administration Act, reflecting the seriousness of such violations.

The bill provides new authority to the President to determine that a good has mass market status in the United States and should therefore be controlled. We on this issue have worked with industry leaders and the administration and the agencies to try to establish a system of tiers to which countries would be assigned based on their perceived threat to U.S. national security. The intent of this provision is to provide exporters a clear guide as to the licensing requirements of an export of a particular item to a particular country.

The bill would also require that any foreign company that declined a U.S. request for a postshipment verification of an export would be denied licenses for future exports. The President would have authority to determine if affiliates of the company and to the country in which the company is located.

You get a sense of the reach of some of these provisions in providing important protections for national security concerns.

We also included a provision in the committee to make a number of technical corrections and incorporate the suggestions made by the administration.

The bill contains a provision from the expired EAA relating to the imposition of export controls on crime control and detection instruments that inadvertently had not been included in the bill as introduced.

So, to close, let me just again underscore that this is a very carefully crafted piece of legislation. It is a very balanced piece of work. I believe that the Senate, when it finally is able to get to the substance of the bill, will provide broad support for it, just as it had broad support in the committee.

Again, I underscore that though it is asserted now that the protections are inadequate for national security and foreign policy, that runs so counter to the situation in which we find ourselves. If you compare what is in this bill with the existing arrangements, or with the previous arrangements under the EAA, this bill has done a good job of providing clarity and providing process of procedure of the arrangements to be followed, which gives to the exporters more definition and more certainty in how they proceed. What the rules of the road are, while at the same time retaining for the administration, ultimately for the President, very significant powers in controlling exports.

As I indicated, it establishes tough new criminal and civil penalties for export control violations. It strengthens our ability to control critical technologies by building a higher fence around the truly sensitive items. That is very important. The things we are trying to accomplish is a focus on the truly sensitive items. It grants the President special control authorities for cases involving national security, international obligations, and interdepartmental and interagency discipline in licensing decisions by codifying the role of national security agencies in the licensing process and then streamlining licensing procedures, and it encourages U.S. participation in strong multilateral export control regimes.

We have a short timeframe to deal with this legislation this year, given that the short-term extension of the EAA expires this summer in August. We need to put in place a permanent statutory framework for the imposition of export controls. I believe this legislation is that framework. I strongly urge my colleagues to support the motion to move to consider this legislation and subsequently to enact it.

Mr. President, I yield the floor.

REMARKS BY THE PRESIDENT IN MEETING WITH HIGH-TECH LEADERS, MARCH 26, 2001

The technology that you all have helped develop obviously gives us an incredible military advantage, and that’s going to be important. And it’s an advantage, by the way, that we tend–we make sure we can keep the peace, not just tomorrow, but 30 years from now. We’ve got to safeguard our advantages, but we’ve got to take advan–the use of this technology, not of that 20 years ago.

The existing export controls forbid the sales abroad of computers with more than a certain amount of computing power. With computing power doubling every 18 months, these controls had the shelf life of sliced bread. They don’t work.

So in working with the Senate, we’re working to tighten the control of sensitive technology products with unique military applications, and to give our industry an equal chance in world markets. And I believe we’ve got a good bill. It’s a bill that I heard from you all during the course of the campaign. The principles we discussed are now a part of this bill. I want to thank Senator PHIL GRAMM for his hard work in working with us and industry and some members of the Senate to make sure the bill that has been crafted is a good bill. And I urge the Senate to pass it quickly.

Mr. SHELBY. Mr. President, I objected to the motion earlier to proceed to the Export Administration Act. I want to share some of my concerns in why I did that.

I, too, serve on the Banking Committee. I have been on it 15 years. I worked with Senator GRAMM, Senator h. I worked with Senator JOHNSON. It is a great committee. It is the committee of jurisdiction for this legislation. I also happen to be chairman of the Select Committee on Intelligence. And this is why I am concerned about this piece of legislation today.

Yesterday, we in the Intelligence Committee spent 2 hours being briefed on the damage of our national security from China’s seizure of sensitive technologies aboard or on board the EP–3 reconnaissance plane, which remains, as of this hour, in Chinese custody.

Chinese technicians are picking that plane apart, and I do not believe they
The economic benefits of increased high technology exports are quickly apparent and relatively obvious; the national security implications are less immediate, less obvious, and often classified.

Therefore, before voting on this legislation, every Senator should have the benefit of the extensive briefings that Senators WARNER, HELMS, THOMPSON, KYL, MCCAIN, and I have had.

Should the Senate now vote to take up the EAA, I intend to join my colleagues from the other national security committees in setting forth in detail our concerns about the national security implications of this bill.

We believe the case is compelling for those who are willing to listen. That is why I object to proceeding with the bill so soon.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. PRESIDENT, I rise today in support of this historic legislation before the Senate. I regret that there is resistance to the motion to proceed. I believe it would be best to proceed to the consideration of this legislation so that we can debate the merits of the legislation, and, for those who object, to provide opportunities for them to offer amendments to be debated on their merits in the course of our consideration.

Whether we vote forward today or are delayed a couple more days, it is important that we move ahead as expeditiously as we can on passage of the Export Administration Act reauthorization.

This legislation is the culmination of many long hours of bipartisan cooperation to modernize America’s export laws to reflect our rapidly changing world. It was first put together last year, when I served as ranking member of the Subcommittee on International Trade and Finance of the Banking Committee. Senator ENZI, my Republican colleague from Wyoming, served as chairman of that subcommittee. We were able to pass similar legislation out of the committee on a 20-0 vote. This year Senator ENZI and I have moved on to other subcommittees but have remained actively involved in this issue.

I particularly commend Senator ENZI for his continued strong leadership and the way he has put into this effort. The consequence of that work during this Congress has been the legislation before us that passed out of the Banking Committee on a bipartisan vote of 19-1 and which has the support of the President and the United States, the Secretary of Defense, the Secretary of State, the Secretary of Commerce, as well as the National Security Adviser to the President.

While there are some who raise the specter of diminished security concerns, I do not agree. In fact, not only is there overwhelming bipartisan congressional support for this balanced piece of legislation, but the people who are most knowing or most in the position to advocate for strong national security in America, our President and the Secretaries of Defense and State, are all supportive of this legislation. To raise the specter of China strikes me as something that I thought they would very carefully by our President and our defense establishment in the course of endorsing and supporting this bill.

The fact is, under this legislation, our national security would be strengthened, not weakened. Yes, sales of technology items could be made to China but only those items which our defense establishment and our President endorse as appropriate sales and which are otherwise available on the open market.

I have had the great pleasure of working on a team with Senators ENZI, GRAMM, SARBAINES, and their staffs, to craft this legislation. I thank them for their professionalism and their cooperation on this effort. It is rare that legislation of this importance comes before the Senate with this level of bipartisan support, and the cooperation and support of the White House and the defense and commerce establishments of the United States. It is rare day that legislation of such consensus comes before us. I had hoped we would not lose this opportunity to advance the interests of our national security and our economy at the same time.

I am gratified for the support of the Bush administration and their willingness to express their support for the legislation.

I also note with appreciation the role Senators GRAMM and SARBAINES have played. We have had constructive participation across the board, and that spirit contributed to the construction of the newly amended version of S. 149 that is before the Senate today.

As my colleagues know, we live in a truly global economy. America has enjoyed unprecedented growth in recent years in large part because of the expansion of our marketplace overseas. American businesses look well beyond our borders for customers, and exports play a critical role in keeping our economy strong. We have also seen enormous changes in the goods, services, and the technologies American companies produce.

Back in my home State of South Dakota, we have seen a 172 percent increase in high-tech employment over this past decade. Our workers have benefited from the good jobs and fair salaries that the high-tech sector brings. The goods, the services, and the technologies they produce are in tremendous demand throughout the world.

However, we must not be naive. Certain products and technologies can be used for the wrong purpose. But we must not allow fear to prevent us from crafting laws that face those issues head on and establish a balance between economic growth and national security, and our other needs.
The Export Administration Act is a thoughtful, balanced bill. EAA is an important step toward ensuring our continued ability to export American goods to the rest of the world. At the same time, EAA includes the necessary safeguards to ensure that our export policies protect our vital national security interests.

Since EAA’s expiration in 1990, Congress has declined numerous opportunities to reauthorize the EAA. I lament those missed opportunities, and strongly urge our colleagues not to squander the opportunity before us today.

Reauthorization has become still more urgent as the courts consider the legality of our reliance on an expired EAA, and on the annual temporary extensions we provided in the underlying legal authority claimed under the International Economic Emergency Powers Act. I fear the day that one of these challenges will ultimately succeed and strip this Congress of any control over the dual-use technologies. Contrary to what some of my distinguished colleagues may argue, reauthorization of the EAA in fact greatly enhances our national security.

We had a simple goal when we embarked on this bipartisan effort: reduce or eliminate controls on exports with no security implications, and tighten controls on exports that raise security concerns. These principles are not controversial; yet crafting legislation that puts these principles into practice has been difficult to accomplish.

We worked very closely with concerned Senators, the national security establishment, the administration, and the impacted industries. I believe we addressed the major concerns in a balanced manner.

We increased the penalties on export violations, so that violators of export control laws will pay a real price for breaking the law. We made realistic assessments as to what items should be decontrolled based on foreign availability and mass market standards.

It does us no good to be trying to limit the export of items that can be found anywhere on the open market throughout the world.

In one respect, however, I am disappointed. I am disappointed that we were forced to drop title IV, which lifted the practice of using food and medicine as a means to pressure other nations. It is my understanding that a majority of the national farm groups believe our language could potentially delay regulatory actions with respect to the lifting of sanctions.

But as important as that legislation is, I also acknowledge that there are other forms, other vehicles, legislatively for those issues to be taken up at a time when we need to focus primarily on the export of high-technology products and the defense implications of those exports in the course of this debate. I am confident there will be other opportunities to raise the larger issue of economic sanctions on agricultural and medical products throughout the world.

My colleagues, the Export Administration Act is a good bill. It is a balanced bill. It is good for America and for Americans.

S. 149 strengthens our national security—it doesn’t weaken it. To those who argue against this legislation in light of recent events with China, I respectfully refer to them to the Cox Report that specifically recommended reauthorization of the EAA as a way to strengthen our national security with respect to exports to China. The EAA is a strategic, intelligent response to the real threats that face America.

America benefits when our businesses prosper. Exporting technology has long been an American success story. The high-tech field will lead our economy into the next century. We understand, new technologies could prove dangerous in the wrong hands, and our national security depends in part on limiting that now.

At issue is, I also acknowledge that there are legitimate objections with respect to exports to China. The EAA is a strategic, intelligent response to the real threats that face America.

It is pretty clear that what that is all about is national security. It doesn’t say anything in this bill or anything in the legislation on the books now that would make it more exciting to the high-tech field. At issue is, I also acknowledge that there are legitimate objections with respect to exports to China. The EAA is a strategic, intelligent response to the real threats that face America.

Again, in closing, I commend the leadership of Senator Enzi, my friend from Wyoming, and his staff for the work they have devoted to this effort, as well as to Chairman Gramm and the ranking member, Senator Sarbanes, who have worked with us and with their staffs throughout this entire effort.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized. Mr. THOMPSON. Mr. President, I support the chairman of the Intelligence Committee, and his staff, in supporting the need for the EAA as a balanced approach to these critical issues. I regret that we may not proceed today on the motion. If that is the case, I have great confidence that with the cloture motion we will be back on this legislation within a very short period of time.

Again, in closing, I commend the leadership of Senator Enzi, my friend from Wyoming, and his staff for the work they have devoted to this effort, as well as to Chairman Gramm and the ranking member, Senator Sarbanes, who have worked with us and with their staffs throughout this entire effort. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized. Mr. THOMPSON. Mr. President, I support the chairman of the Intelligence Committee, and his staff, in supporting the need for the EAA as a balanced approach to these critical issues. I regret that we may not proceed today on the motion. If that is the case, I have great confidence that with the cloture motion we will be back on this legislation within a very short period of time.

First of all, I wish to state my reasons for supporting an objection to proceeding at this time.

I do not think this bill is going to be delayed indefinitely. It is, I wish to do this. I think the Export Administration Act ought to be reauthorized. I have thought that for a long time.

The question is, What is going to go in the act when we reauthorize it? We have had a vigorous bipartisan debate in the Senate. I would venture to say also inside the House, among our Members, as to what we ought to do about controlling or decontrolling certain sensitive items in this country. We all have the same goals, but we have markedly different views regarding certain aspects of how to achieve those goals. We now are being—after having about 21 hours’ notice—asked to take up a piece of legislation which has numerous implications which is controversial, which is going to take some time in order to consider amendments which we think can benefit and strengthen the bill. It is going to take some time in that regard. It is simply asking something that we should be fitting in in the middle of a week for a day, or day and a half, and either dispose of it or continue it on to another time. We ought to try to get together and set aside some time, a reasonable time—I would be in favor of a time agreement to do that—so amendments can be heard and we can debate the merits of the bill.

This is not the time to do that. It is going to take more time than what we have right now. It is also going to take in some respects in a very general sense, balancing our concern over commerce with national security is what we are about. But that is not what the Export Administration Act is all about. That is not what export controls are about.

It is pretty clear that what that is all about is national security. It doesn’t say anything in this bill or anything in the legislation on the books now that would make it more exciting to the high-tech field. What it says is that you protect national security. In the bill before us, the purposes are set out. The purposes of national security export controls are the following: To restrict the export of items that would contribute to the military potential of countries so as to prove detrimental to the national security of the United States and to stem the proliferation of weapons of mass destruction.

This is what this bill before us states is the purpose of these controls. That is with what we are dealing.

As we proceed, I hope we do not think we should strive so hard to draw a 50-50 balance with regard to the considerations involved because they are heavily weighted, to say the least, toward national security. That, of course, is the basis of our concern.

In terms of the timing, it is my understanding that the administration’s position is they want to draft an Executive order that will strengthen the visibility and the voice of other Federal agencies in the interagency dispute resolution process that will give the Department of Defense greater visibility and a major role in the commodity classification process and ensure that deemed exports are covered, which are not covered by this law. Those are three very important provisions that the administration says it would want to address by means of an Executive order.

I think we are entitled to see that Executive order. I believe we would
want to consider whether or not to make them a part of the legislation. They are very important items, as important as several of the items that are in the legislation.

It is only proper, considering the severity of the issues with which we are dealing, that we have all of the cards on the table and that we deal with them in an appropriate manner.

Also—and the chairman of the Intelligence Committee alluded to this—is this the wrong time to bring this up for another reason. It has broad ramifications and broad applications with regard to many different items and many different countries, but this is, in many respects, a China trade bill.

Much of the impetus among the commercial world for getting this passed has to do with decontrolling previously controlled items, many of which are high-technology items, many of which have high-value items, and many of which would be going to China. They have a vast potential market. Only about 10 percent of the items we export to China are controlled items. So it is not a large part of what we are doing right now.

Apparent is, with China’s concentration on high tech and their need for our supercomputers and other sensitive matters, that trade will pick up and the desire among industry to more easily export without having to apply for a license, that trail of what granting a license entails. That is what this is all about.

At a time when the Chinese leadership is issuing belligerent statements with regard to our policy toward Taiwan, right after they detained 24 American crew members and, as the chairman of the Intelligence Committee pointed out, we are feverishly trying to destroy computer aboard those aircraft planes and other items of hardware and software, at a time when the Chinese are engaged in a rapid military buildup and have 300 missiles on their coastline that they have used against Taiwan, at a time when they are detaining Chinese American scholars against their will, I do not think this is the time to send the message to China that we are going to engage not only in business as usual but become even more liberal in our policies of sensitive exports. We had best wait until that dust settles a little bit before we take it up.

We have had a policy in this country for some time of controlling certain items under the sensitive category with regard to supercomputers, milling machinery, centrifuges, and a host of items which have dual use, both civilian and potential military use.

It has always been a concern as to how we allow our civilian trade without the items being used by the military. We find from time to time, on the rare occasions we check on them, that China has diverted from civilian to military use. The Cox Commission pointed out to us that they are using our high technology to benefit their military. It is not that we have to speculate about that.

This Congress has responded in various ways with regard to high-performance computers which can be used for simulation, for nuclear testing, reliability, and without actually doing the testing of the bombs. They can use the computers to test the efficiency of their bombs by use of high-speed computers. So Congress in 1998, as a part of the National Defense Authorization Act, provided, with regard to these high-speed computers, that there should be a national security assessment to see to what extent we might be harming ourselves.

That act also provided for postshipment verifications for tier III countries, such as China; in other words, the high-speed computers are actually being used in China.

It also required congressional review with regard to notification thresholds. We require our exporters to notify the shippers when using certain things at certain levels. If the President is going to change that notification threshold, he needs to notify Congress.

The bill before us would basically do away with all of those requirements and would abrogate those requirements that Congress set down in 1998. If we take these broad categories of items totally off the books and say there is no licensing at all, there will be no way to determine what is being shipped to whom. There will be no ability for a cumulative effect analysis. This particular item or that particular item does not have a serious effect but the cumulative effect of all of them might. That is a requirement of the law that has not been observed in the last decade, as far as I know.

This is going to be the basis of the discussion. That is not to say we cannot improve and close some of these openings that I believe are unfortunate and uncalled for and deleterious to those issues on which we all agree.

We hear all this talk about building bigger fences around a smaller and smaller number of items, but I do not see where the fences are. I would like to have explained to me how we are building higher fences by this act, because this is a decontrolling, in large part. There are certainly other provisions, but I see nothing where there is a tightening of the process in building higher fences. We are winding up with more openings in that fence instead of building a higher fence.

Substantively, the bill before us is a good improvement over the first draft last year. We had certain concerns about it. We had a lot of discussions about it. Let’s get it dealt with.

The administration has come in and just within a few days—they have two people confirmed in the Department of Defense right now. That is with what we are dealing. When we talk about the administration and all these various agencies that have a piece and a part of this as we go through the licensing process, let’s keep that in mind.

It will be the better part of a year before this administration is intact because of the scandalous difficulty we have in getting people through this process in our Government. It has been going on for a long time.

We do not want input of people who are appointed by the President and confirmed by the Senate. If this bill was part of the law today, as far as defense is concerned, as far as appealing something, for example, in the export control process, it would either have to be Mr. Wolowitz because they are the only ones who fit that criteria. That is totally unworkable.

Another reason not to rush is that we do not have an administration that is fully staffed in the relevant departments.

One of the key provisions involves foreign availability, the idea if under the Secretary’s determination, after consulting with others, the Secretary of Commerce determines that foreign availability of an item, they will lift controls, the idea being it will not do any good to try to control that.

There is probably some truth to that. It may very well be we are trying to control more than can be controlled. The real question is not whether or not we on this side of the issue or our colleagues on the other side of the issue can sit here and determine what ought or ought not be controlled. The question is, can we work upon a procedure where on the questionable items, we know they will get full, fair, and complete consideration by people who ought to be considering the products. That is the question. We are not talking about things all over the world, through Radio Shacks around the world. Keep in mind, we are not talking about restricting any of these items from being exported. We are talking about whether we ought to have a license requirement.

Most of these items are going to be exported anyway. The difference is whether or not it will take 30 or 45 days or whatever the normal amount of time is. Sometimes goods are held up longer than that. Sometimes they are held for national security reasons and this cannot be explained to the person making the application. There is a bit of delay there. In most cases it is not a great delay.

Some say our competitors are so hot on our trail, our European allies are so close to us in technology that the month delay will mess up a large number of sales. That is not very credible as far as I am concerned. We have the lead in so many areas that going through the licensing process, if it goes through as it should and is supposed to, is not going to make the difference in terms of this commercial activity.

We need to think through the foreign availability argument. If the genie is out of the bottle and none of these things can be controlled, why do we still have restrictions on rogue nations? If we furnish Saddam with the
computers, wouldn't that be better than having somebody else furnish them, if he is going to have them anyway, or the centrifuges or the milling machines—they are sensitive—that go to make nuclear items? There are certain good arguments, good reasons to be made out there that why not supply it with our companies so we know exactly how it works. I find it a bit inconsistent to say none of this stuff is controllable. It is out there; you can't do anything with it. But we want to make sure real sure we keep these controls on rogue nations—Iran, Iraq, and the bad guys. Clearly there is a limit. Clearly there is a line. Maybe we have not drawn the line in the right place in times past. Maybe even the old end top criteria is out of date. It has been going so rapidly up it has become almost irrelevant. Many have been critical of the Clinton administration for raising it so rapidly and now it will be done away with altogether. I am going to take a long look at that. People say you cannot regulate computing power. You have to regulate or deal with the software. You have to deal with the application being made with the use of the computer. It is a different kind of world with which we are dealing.

We have to be careful. While acknowledging that technology has greatly expanded and there are more things in the world that perhaps can't be controlled, there are areas where we do not want to open the floodgates. The question is, what are those areas and what kind of procedure will we have to ensure that those are not sent along with the rest? When we deal with thousands and thousands of items, it is not an easy answer.

The President, it has been pointed out, under this bill, can have a set-aside if there is a threat to national security. On this business of balancing commercial interests over national security. On this business of balancing national security implications. I assume this is a direct threat. I don't know.

Mr. McCAIN. So my further question is, a direct threat. I don't know. But the President cannot do this until there is a threat to national security. Then on he makes the determination that there is a threat to national security, he has to leap more hurdles than if he were going to decontrol that. If he makes the designation, he has to report to Congress and justify himself. Then under this bill he is required to pursue negotiations to try to get the countries making this available to quit making it available. He has to notify Congress about that. Then the President has to review this matter every 6 months.

Remember, this is a matter that is a threat to national security. He is required to review it every 6 months so it can be lifted if the circumstances change. He has to report that to Congress and justify not lifting it. Then the President, after having gone through all of that, if the set-aside is still standing, has to re-examine his set-aside if there is still not a high probability that there will be any changes made in terms of the foreign availability picture, and if there is no agreement under any circumstances after 18 months, the President can make a determination. We make the President do a lot of things and place burdens on him to do that.

As far as mass marketing is concerned, it has to be a serious threat to national security. He is required to make a determination that there is a threat to national security. For some reason, if the item in question is mass marketed, just in the United States, presumably, the President has a set-aside if there is a serious threat to national security. We will want to debate and see whether or not we can improve that language, whether or not we want to set that high standard for a President to stop an export, that it has to reach that high level when we know already that the Chinese are using our high technology to benefit their military.

The penalties are great in this bill. There is no question about that. But clearly if it has already been decontrolled, there is no danger of any penalty coming into play.

My concern is this: We have a couple of basic trends going on in this country. One is that we are moving pell-mell out of control. We have opened the bottle. There is no question about that. The last administration certainly liberalized our control procedures. The Chinese and others certainly took advantage of that. We are still moving in that direction. Perhaps we should, to one extent or another. But there is no question that using the word "decontrolling" with regard to matters of high technology, with regard to matters of dual use, with regard to matters that have military significance, we are saying, "What, me worry?" and rapidly decontrolling. This would enhance that process and take it to another level.

Mr. McCAIN. Will the Senator yield for a question?

Mr. THOMPSON. I am glad to.

Mr. McCAIN. Is there any doubt in the Senator's mind that over the past 8 years of the previous administration—is there any doubt in his mind that sensitive technology that affects American national security was transferred to China, Iraq, and other nations?

Mr. THOMPSON. No, there is no doubt in my mind, Senator.

Mr. McCAIN. So my further question is, if sensitive technology which affects American national security was transferred to China, Iraq, and other nations, are we going in the right direction with this legislation or are we going in the opposite direction of loosening these controls, according to this legislation?

Mr. THOMPSON. There is no question that we are loosening. There is no question that it will inure to the benefit of the Chinese, who are well known to be concentrating especially on high-technology matters, building up their military, building up their missile capability—both ICBMs and shorter range missiles.

I think the best witness on this, Representative Cox, has been quoted a few times. The Cox Commission stated in July 1999:

The People's Republic of China was diverting U.S. manufactured high-performance computers for unlawful military operations. Specifically, it was using American-made computers to design, model, test, and maintain advanced nuclear weapons. The commission clearly stated that the illegal diversion of high performance computers benefitted the People's Republic of China military is facilitated by the lack of effective post-sale verifications of the locations and purposes for which the computers are being used. High-performance computer diversion for PRC military use is also facilitated by the steady relaxation of U.S. export controls over the sale of high-performance computers. The committee added that U.S. origin high-performance computers have been obtained by the PRC through unauthorized exportations in the research and development of missiles, satellites, spacecraft, submarines and military aircraft, just to name a few.

Mr. McCAIN. If there is no doubt in the Senator's mind, and I think it has been clearly established in several cases— I think one was the case of Loral where the Chinese missile technology was increased through the transfer of technology—I am curious, if it is a severe problem, and obviously our relations with China have improved recently, to say the least, our sanctions efforts against Iraq have been eroded by the disappearance or dramatic reduction in the coalition that imposed sanctions on Iraq, yet we are now trying to pass legislation in very short order that reduces these controls that inhibit our ability to examine these systems and their export to these countries.

Finally, could I ask the Senator, how many discussions have you had with Chiang and other colleagues from Tennessee and my colleague from Arizona, Senator Kyl, and Senator Shelby? Have they tried to involve you in negotiations, conversations, or amendments?

Mr. THOMPSON. We have had extensive conversations on this one over the past, I guess, year and a half. My desire would be that—this has been off the table now for some time. Until yester- day, our discussions with Chiang have not been brought back up. But now that it has been brought back up, it is back on the table, as we all knew it would be and should be, that we would sit down again on some proposed amendments to see if we could agree on some. We might be able to do so.

As I say, I think they have improved the bill. It is all in the eye of the beholder. The thinking was it was a bill right where it ought to be. The administration came along and made 23 changes, and perhaps they didn't understand they were adopted. Presumably, it is a better bill. Maybe it can be even a better bill.
Up until yesterday, the negotiations did not go the way I would have liked for them to go, frankly, but I cannot complain about not having been included in discussions. We have had a lot of discussions.

What I would like to do is address the question of the Senator, though, a little bit more directly, the other question he asked. The question is: Why? I think the answer would be that for some of these items, there is foreign availability. If there are out there and France or Germany, or Russia, let's say, is supplying China with these items, why shouldn't we?

It raises a question—I did not plan on getting into the substance of the debate as much today as we will later on—as to whether or not there is a moral dimension to our foreign policy, whether or not there is a moral dimension to our export policy, whether or not, because some other entity is supplying somebody with something they should not have, that devastates our national security potentially—and these items I am talking about, some of them, are serious threats to our national security, as acknowledged in the bill, if it is mass marketed—whether or not, that would hurt them, we ought to be supplying them.

I would not feel any better to find American troops shot down with technology supplied by American companies if I knew there was mass marketing of those products. In the last year, the PRC reportedly was illegally using American supercomputers to improve their nuclear programs. Just 2 months ago, we learned that Chinese technicians were installing fiber optic cable for Iraqi air defenses, a clear violation of U.N. sanctions.

Worse yet, this assistance and technology which were provided to Chinese companies by American firms when President Clinton decontrolled this equipment over the objections of NSA and Commerce in 1994 aided Saddam Hussein in his quest to shoot down American and allied pilots.

I don't know if it proved whether or not this very strand of fiber optic was used down there or not. But what apparently is pretty clear is that we took this Chinese company from a startup and, because of business that we did with it, put it in a position where they could go down to Iraq and help Saddam Hussein put down our pilots. That merits serious consideration. It does not merit a day or a day and a half of discussion in some kind of desire to balance what we are talking about with our commercial interests.

Mr. MCCAIN. May I ask a final question—and I would like to state I agree with Senator THOMPSON. This is a very serious issue. It brings into question the influence of big money and big business in American politics. But would the legislation that we are discussing facilitate the ability of the Chinese to acquire that technology and transfer it to Iraq or would it have been made more difficult?

Mr. THOMPSON. I have not thought it through. I think after it was decontrolled in 1994, over the objections of the National Security Agency, the cat was out of the bag. I am not sure it would have made any difference. I think the answer is that we are dealing with today would further decontrol a host of additional items that heretofore you had to have a license to get.

Some of those I would venture to say the major majority of those things—would be harmless. But my concern is whether or not we have a procedure to catch the ones that are not harmless. That is what we are trying to do with here. I hope we can move in that direction.

Mr. JOHNSON. Will the Senator yield for a question?

Mr. THOMPSON. I will be happy to.

Mr. JOHNSON. I am interested, given the remarks today, whether the Senator views President Bush’s support for this legislation, support expressed by our Secretary of Defense and Secretary of State, as reflecting an inadequate consideration of the implications relative to China and inadequate consideration of the moral dimensions of our policy and getting them to understand certainly an inadequate consideration of the national security fundamentals of our Nation. Does the Senator suggest the Bush administration is in error in their support of this legislation?

Mr. THOMPSON. I would respond to the Senator that my concentration has to do with my own obligation. I respect the members of this administration who have taken a look at this in a few days, and with the few people they have had take a look at it.

I respect their opinion. I weigh it very seriously. We are another branch of Government. We have obligations also. The Senator from Texas points out that the Bush administration has a lot of jurisdiction. That is true. The chairman of the Intelligence Committee has a lot of jurisdiction. The chairman of the Foreign Relations Committee has a lot of jurisdiction.

The chairman of the Armed Services Committee has a lot of jurisdiction. They are all concerned about this. I am concerned about it.

I would like to always be in agreement with all of my friends. Sometimes it is not easy.

I referred to the Cox Commission report. As I say, he has been quoted in regard to this piece of legislation. I am not sure where he stands on this piece of legislation. I am sure he supports the Export Administration Act reauthorization, as I do, but it has been said that the bill addresses the major findings and recommendations of the Cox Commission report. Upon closer examination, many of the Cox Commission's conclusions are not addressed. For example, the Cox Commission recommended that the Government conduct a comprehensive review of the national security implications of exporting high-performance computers to the PRC. Yet S. 149 does away with that requirement.

The Cox Commission also recommended reestablishing higher penalties for violations, which was done, but the evidentiary standard was lowered and promotes the sale of high-performance computers to the PRC for commercial but not military purposes provides the PRC establishes an open and transparent system to conduct on-site inspections of the end use of these machines.

This bill takes these recommendations in an opposite direction. We are going to have an opportunity to go through in detail the extent to which this comports with the recommendations of the Cox Commission.

The Rumsfeld Commission, of course, points out that one of the more serious concerns that we have had in Congress for some time is the proliferation of weapons of mass destruction. Even though we were getting a lot of their capability from China and Russia, I think perhaps the most significant and troubling part was the fact that our intelligence was not aware of the extent of these things.

Intelligence is not perfect—nobody’s intelligence and no country’s intelligence. I think they do a good job on most occasions, but they were behind the curve on this.

I simply reiterate that in matters of this importance it is not something we ought to take to the floor and discuss in general terms, talk about balancing, and do in a day and a half. We need to be concerned about what else is not going to be caught by this process. We need to be concerned about the extent to which some of these rogue nations have the ability, or rapidly developing the ability to hit the United States with missiles and weapons of mass destruction, and the fact that that was not getting a lot of their capability from China and Russia, I think perhaps the most significant and troubling part was the fact that our intelligence was not aware of the extent of these things.

For example as was pointed out, if someone disagrees with a determination as to whether or not an item ought to be controlled, it can be escalated by a majority vote. But it can only be escalated by someone who has been appointed by the President and has been confirmed by the Senate.

Hopefully, we will have these departments staffed. We have Defense, we have Commerce, and we have several other Departments that have a place in this. But they are grossly understaffed and will be for some time.

Incidentally, the process has never been taken to the President of the United States in the history of process, if you want to know about the practical application of this thing. But it looks pretty good on paper, and maybe it will work.

Do we really want to have that escalation done only by someone appointed by the President? Shouldn’t he be able
to delegate that somewhere for someone to handle that kind of paperwork on the thousands of the items that are going to be coming to the floor. Is the intention to make it such a high level to escalate that there will be much less escalation so that people will truly have some objections will not bother under that kind of a system? I think we have seen that before.

We had extensive hearings before the Governmental Affairs Committee with our inspector general, who looked at all of this. In the comments to the presentation at that time that the Defense Department was under the impression that there was inadequate input by the Defense Department.

Will this cure that? I do not know. It looks to me as if it is more difficult under this regime to raise a question. They are supposed to be included under the bill. Are they really going to have a practical voice? Those are the kinds of things we need to look at.

Agreement to doing this now after having learned about the consideration of it yesterday was not because I necessarily opposed the reauthorization of the Export Administration Act. I do not. The world is not going to stop because we didn't get the motion to proceed. I would be happy to agree to a time agreement. What we are faced with right now is unlimited debate on whether we get to debate.

So I would like to have some kind of a time agreement, if we got passed this motion to proceed—which is unlimited debate on whether to debate—then we have unlimited debate on unlimited amendments. So there is the capability of binding both chambers in any amendment that anybody wants with no time limits on any of those amendments or debate on the entire bill. So I would be just delighted if we could proceed and look at those amendments.

I am talking to the Senator from Tennessee's response about the extensive meetings that we had previously. I am sure he has noticed that in this bill there are extensive changes that resulted from those meetings. The most particular one is the Presidential set-aside, the Presidential set-aside that allows the President ultimate authority over every bit of national security, which is what the President should have. We did allow that in every instance and that is national security. We did not think it had to be in the bill, but it is in the bill now. We think that change alone makes the biggest difference in national security in the history of the United States, but particularly in the history of export administration.

We have some things in this bill that are absolutely crucial. We have some things that need to be done for national security. I am not talking about basic national security, where everybody who looks at national security says we need this Export Administration Act. We do not need a temporary extension of it. We do not need a temporary delay. We will have some control over national security. That is what has happened to the national security problems we have had since the act expired in 1994.

These problems we are talking about in relation to China and I am glad we are having that discussion—you will recall we said, bring this bill up any time; we do not care what kind of international crisis there has been with China; it is a good time to discuss national security, no matter what the timing with China. We did not expect it to be quite this timely, but we are willing to work with that because we want to make sure this country's secrets are not out of action.

Most of what has been referred to happened after the act expired in 1994. When it expired in 1994, we were faced with an Executive Order and the President would do some of his emergency powers. What is the big difference with that? Penalties are the big difference with that. Penalties dropped down to $10,000 a violation. On the multi-million-dollar contracts we are talking about around the world, $10,000 is less than a contingency. It is less than the cost of an ad in many cases.

Mr. President, $10,000 is not a penalty. It is not a deterrent.

Penalties are an important part of this act. The penalties have gone down. We have them under a short extension of that old bill that lacks a lot of the security we need, purely by an agreement that we would extend it until August 20 of this year. That means on August 20 of this year we are back to the same old bind where companies can violate national security for less than the cost of an ad. It should never happen in our country.

When I became chairman of the International Trade and Finance Subcommittee, with Senator JOHNSON as the ranking member, and found out that the main piece of business we had to face was this Export Administration Act, we started digging into it. We have kind of lived together for a couple years, going to meetings, meeting with anybody we possibly could who had an interest in it, trying to find out how the process worked, looking at what had happened to it before. There were 12 previous attempts to get this passed. How important is this important to the country not make it through on 12 successive attempts? Well, I am getting a better and better idea every day. Part of the reason is that we are so security minded we would lock up all exports in exchange for security. But that will not provide security. So we need a system that will work. Bringing everybody together on a mechanism that will work has been an interesting and difficult process.

I want to thank my colleagues on the Banking Committee for their support and their recognition that this legislation is needed to strengthen our export control system. I do appreciate the support of the administration. President Bush and his team immediately realized that the reauthorization of the EAA was vital to the national security and the economic interests of this country.

With the few changes that were made by request of the Committee, during markup, the bill received the endorsement of President Bush's national security team. That includes the Secretary of State, the Secretary of...
Mr. ENZI. I am glad the Senator raised that point because we have export security that is being executed at the moment. We do not need this bill for export security to begin. It is happening right now. The people who are in place right now are in charge of our national security and administration. They are having to deal with inadequate legislation to be able to do what needs to be done.

So while the staff isn’t there, they are still having to comply with licensing. I do not know how they are doing it except that there are still many civil service employees who have been around, and will be around, and are dealing with these problems. But the problem goes on right now. It does not matter whether this bill is in place or whether we are operating on the extension of the old one.

There are some definite improvements in this Export Administration Act that absolutely need to be in place to continue providing proper security. I hope that, first of all, we do not have to continue to operate under that old Export Act, regardless of who is in place, and, secondly, that that old Export Act does not expire on August 20 without an extension. It needs something extensive such as this bill does.

I congratulate the chairman of the Banking Committee, Senator Gramm. He has probably been more involved at a member level on this bill than perhaps anybody else. He has involved all of us in that process; at least whenever Senator Johnson and I have asked him to be at a meeting, he has been at the meeting. He has been willing to participate, learn the bill in tremendous detail, and work on it that way.

The same is true with Senator Sarbanes. There has never been a time Senator Johnson or I have invited him that he did not show up to help out in some process. We would go through this particular bill for about 20 years and understands it to a higher level than most of the people we have run into who have been involved. His comments have been extremely valuable, and a couple of times he has even reinced in my enthusiasm a little bit, making very good points that needed to be incorporated. He has been one of the Senators who contributed very much by listening to the other side in the debates to make sure we got these processes incorporated.

I have already mentioned Senator Johnson and his help on the subcommittee. I don’t know how many panels we served on, answering questions about how this works and how it could work better. That has always been our approach to the bill: How can we make it better? How can we improve it so that it works?

This legislation is unfinished business left from the 106th Congress. The activity Senator Johnson and I engaged in didn’t happen this year. As soon as we got chairmanships, we started working on the bill. That was our prime emphasis for the 2 years of the last session. It took all of that time. It took all of that time to go through the process of understanding exactly how the bill works, reviewing previous failures, visiting the Department of Commerce. Of course, the Cox report, that just by being elected a Senator, one gets a top security clearance. I understand why that is and I am glad that it happens. I understand we have had a pretty good review of our background by the time we get elected, whether we want it or not. I went over and received a briefing and read the document. I wanted to be sure the ideas we were generating for solving the problem followed the direction of the people who were really concerned and focused on the Export Administration Act and the security of the country, particularly as it related to China.

I was convinced and am convinced that we did what can be done legislatively. There are a lot of other processes that need to be handled in the executive branch, to deal with this, but that is not legislation. We deal with the legislative part.

We also lived with people from the Departments of Defense, Commerce, State, and Agriculture. I want to thank Dr. Hamre and Secretary Reinsch for their dedicated devotion to coming up with a solution. Both of them had worked intensively on this issue from their own positions in Defense and Commerce. Without their interaction and daily meetings and telephone calls, we would not have been able to get to the reasonable position that we have.

I was able to get some people on my staff for a very short period of time and dealt with license applications. I wanted to know what the person putting in the license had to go through. Then following that, because of the concern over enforcement and particularly the postshipment verification, I brought somebody into my office who was an enforcement officer, somebody who had actually done some of these things on site, somebody who knew how to calculate old penalties under IEEPA versus the penalties under EAA and how to propose it. It was very similar, absolutely crucial to what we are doing.

Of course, this was reviewed and endorsed by the Clinton administration. Now the Bush administration has taken a look at it, and it has been endorsed by them. We have many people from both sides of the aisle who have been looking at this, working on it, and hoping that at some point, after extensive debate and amendment, it would come to a vote.

So what we are debating today is whether or not we ought to proceed. We could save a lot of time if we proceeded to offering amendments. All of those
amendments won't be debated on the floor. If there are some that deal with a top secret security, those will be dealt with as we do with that kind of an amendment. If some of the discussion or parts of the discussion cannot be in the Chamber, it will be held in one of the committee rooms. We have done that before. In fact, two of the hearings held were done under those circumstances so that the people in the intelligence community who needed to comment on the classified portions they saw could get those problems directly to us.

We invited every Member of the Senate, but we haven't had every Member of the Senate listen to it. Those of us who have attended, who have worked on this bill, think we have incorporated the solutions that were brought out in the hearings into this bill.

What happened on it last time? We ran out of time. It is pretty easy to run out of time on a bill, I am finding. This one is in trouble of running out of time. I am hoping, because we were able to bring up this version at this point in time, that that will not be the case.

We need this bill. I emphasize, the re-authorization provides authority to control exports for commercial or dual-use items. I need to mention that because we are not talking about munitions. That is a separate process. That needs to be reviewed, too. In fact, one of the suggestions we had was that the fines in this bill should not get out ahead of the fines in the munitions bill. This is way out ahead of the fines in the munitions bill. It was our suggestion that maybe if we cut the fines back a little bit, that the munitions bill could be brought up to this so that there were sufficient fines in that bill.

At any rate, we don't want the two competing to talk about that very much because that has been one of the difficulties with this. It gets confused with munitions and satellites. These are the dual-use items. These are items that, yes, there could possibly be a military application for them. If there is a military application that would be detrimental to the security of this country, we have put in the provision that the President of the United States can set aside any other permission that the President of the United States can set aside any other permission that the President of the United States produces, we don't stand a chance of keeping up. So this bill focuses and gets some concentration and handles the problem.

I do hope to agree with Mr. Cox that S. 149 is structured in a way that will focus on the jugular, not the capillary. As everybody is aware, Mr. Cox chaired the Select Committee on U.S. National Security and Military Commercial Concerns with the People's Republic of China. I mentioned that before. It investigated several export-control-related problems concerning China and offered recommendations to improve our export control systems. He noted during his testimony before the Banking Committee last year that: 'We ought not to have export controls to pretend to make ourselves safe as a country. We ought to have export controls that work. That is what S. 149 aims to do. It will make export controls work. It will make export controls effective. The bill would establish a strong, but flexible, export control framework that can adapt to our national security needs in today's globalized and uncertain world. It tells us that as situations change, the administration should be provided with the flexibility it needs to adapt to that change. S. 149 does not lock the U.S. into a policy position toward any particular country or any particular item. It sets the framework that the administration would have to use items. If they are cooperating with us and our allies, they will be rated better. If they are a rogue state, they will be rated terrible, and that can vary as we find out things about a country. There is no country referred to by name in this bill, and that is so that the President and the Congress have the total flexibility in dealing with any country as they become friends or as they become enemies.'

Additionally, it will establish tough new criminal and civil penalties for export control violations much greater than are in the current law. Those penalties were outdated and needed to be enhanced, and they have been enhanced dramatically. These penalties will deter potential violators, rather than be computed as part of doing business.

The bill establishes a program to increase compliance with the freight-forwarding firms—the people shipping the items. This will in turn allow enforcement to detect and interdict possible illegal shipments. That is an improvement over the old system. It increases the overseas presence of enforcement agents who conduct prelicense and postshipment checks.

A very important part of the bill is its emphasis on multilateral export controls—the report that we put out this last Tuesday. Many dramatic changes have occurred in the past decade that present additional challenges to the effective control of sensitive technology. The U.S. now is rarely the only producer of militarily useful high-tech products. The effects of globalization, such as increased flows of trade, foreign investment, and international communications have contributed to the more widespread production and availability of high-tech products. The threats are now different and more varied, if you will. Therefore, there was the urging of the administration to strengthen the existing multilateral export control regimes. Multilateral export controls are
the most effective controls. The U.S. has to exercise its leadership in this area now more than ever, and the bill provides a mechanism for encouraging and, in fact, forcing that.

Our position of world leadership in stemming the transfer of weapons of mass destruction is compromised by our failure to enact a more permanent national vehicle to authorize our export control program. Passage of S. 149 will reaffirm U.S. leadership in the area of export controls. U.S. leadership in this area has been lacking in large part because of Congress’ failure to re-form and reauthorize EAA. If we don’t have good controls in place, it is very difficult for us to talk to our allies and ask them to join us in these multilateral processes.

I look forward to the President signing this bill. It is essential that the EAA be reauthorized and reformed this year before August 20. Passage of S. 149 will advance both our national security and objectives.

Is this the final answer? No. There is always going to be more work that is needed to be done on national security. Times change. We have had a drastic change in the times. The Iron Curtain came down. But this bill operates the same way. We always have to be working on it, and we have to have something in place now. We ought to be proceeding to the debate on this bill. We should be talking about those amendments that were referred to earlier and debating them now. We should be proceeding on the debate.

If we can proceed on the debate, we can reach a logical conclusion that will solve the security problems of the United States, or at least begin the process. I could answer some of the other things, and I should answer some of the other things that were mentioned. Computers is one of the items that was brought up, and it was mentioned that taking out a provision that has been present for a decade. Well, the way the computers operate new, as everybody in the country knows, has changed dramatically. They are not the same mechanism they once were. They are being linked in unusual ways to provide capabilities using older machines or less capable machines than some of the brand new machines. Another discovery: I sat by a guy on the airplane and he was talking to me about what needs to be done. I had to check out what he said. He said the U.S. was no longer producing any supercomputers; that Japan is the only country producing them. Do you know that he is right? We have some special linkages of computer chips that provide as much or more capability than the supercomputer that Japan makes. But if you are talking about a single computer, Japan makes the supercomputer; we don’t. That takes out some of the mechanism for measurement that we used to have. We need to have some new measurements. That is recognized by the Department of Defense and the Department of Commerce and the Department of State and the security agencies. So that is why we have made some provisions to do something with computers.

Foreign availability: A lot of what was talked about isn’t current law. The change in foreign availability is that we have a Presidential set-aside. We give the President authority to set aside in national security instances. We change the word “significant” down to “detrimental” so it would be easier. But we are talking about the President of the United States. Who determines whether the President of the United States sets it aside for a significant security reason or a detrimental security reason? Actually, the President of the United States determines that. So whatever he says is detrimental or significant would be detrimental or significant. It is very easy for him to justify any of his actions.

We also call for multilateral controls when foreign availability is put in place so it is not just the United States saying what cannot be done, it is all of the countries that produce that product saying it cannot be so. That is the only way to do it. I have to talk a little bit about the appeals process because there is some confusion on that. I suspect a lot of the reason we are not debating this right now, why we are not proceeding to this legislation is that there is some confusion.

I have a little trouble with the suggestion that we are moving ahead too fast. We did it last year. We met extensively with the President of the United States last year. We talked to all of the parties—all of the parties—who were willing to sit down and talk again this year. We brought it to committee. We debated it in committee. We had amendments from the President’s staff. Those were circulated, and the people who were opposing our motion to proceed had meetings with the President.

When we passed it out of committee, everybody had to suspect that at the first possible moment we could bring up this bill, particularly in light of the August 20 deadline, that we would bring it up for the security of this Nation. We wanted to bring it up as soon as possible. This is one of those gaps in legislative time that came up. We were asked: Do you want to bring it up now, particularly in light of what has happened with China? We said: We need to bring this up at any time we can, particularly in light of what has happened with China, both now and in the past.

We are not afraid of any amendments. There are ways that a bill can always be a part of whatever legislation we have this legislative process in which 100 people participate. It is so everybody can have a say from their perspective. The group as a whole can determine whether that is something that needs to be a part of whatever legislation is being considered at that time.

I ask unanimous consent that, following my remarks, the summary of EAA discussions that me and my staff have had with different groups be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

ENZI. Mr. President, under the present appeals system, for someone to appeal a decision on licensing at the committee level, they have to talk to their boss and educate their boss enough about that particular license so their boss can file the appeal. There has been a lot of tension, particularly in the military, of someone having to disturb somebody further up the line over a decision. Uniformly people agreed there was some difficulty with that.

We have provided for an appeal in the first round by the person sitting on that committee. He prepares the documents now. As it gets up to the decision level, then the decision has to be made by people who are in office. Did China get our secrets? Yes, China got our secrets. Does this bill stop that? This bill stops it to the best ability I know, and it is certainly better than doing it under an Executive order, an emergency provision by the President.

This bill is needed. We should be debating it. We should be proceeding with whatever amendments are needed. The country desperately needs this bill.

Again, I thank Senator Gramm, Senator Sabin, and particularly my ranking member on subcommittee, Senator Johnson, for all of the hours they have spent on this legislation. We are still willing to spend hours. We want to have a debate. We want to proceed.

I yield the floor.

EXHIBIT 1
SUMMARY OF EAA DISCUSSIONS, 1999–2000
Jan. 28, 1999, 3:30 p.m.—Enzi staff meets with Thompson staff to discuss issues regarding reauthorization of EAA.
Feb. 8, 1999, 10 a.m.—Enzi staff meet with Gary Milhollin, Wisconsin Nuclear Arms Control Project.
Feb. 8, 1999, 2 p.m.—Enzi staff meet with NSA staff.
Feb. 9, 1999, 10 a.m.—Enzi staff meet with Senate Intelligence Committee staff member (Joan).
Mar. 18, 1999, 3 p.m.—Enzi staff meet with WMD Commission staff.
April 28, 1999, 1 p.m.—Enzi staff meet with KY staff.
July 6, 1999, 9 a.m.—Banking staff meet with Cox Commission investigator.
July 10, 1999, 10 a.m.—Banking Committee Hearing on Export Control Issues in the Cox Report.
July 17, 1999, 10 a.m.—Banking Committee Hearing on Emerging Technology Issues and
Reauthorization of the Export Administration Act.

June 22, 1999, 10:30 a.m.—Enzi meets with John Boehner, State Department.

June 24—Banking Committee Hearing on Reauthorization of the Export Administration Act: Government Agency Views.

June 24, 10 a.m.—Banking Committee Hearing on Reauthorization of the Export Administration Act: Private Sector Views.

June 28, 1999, 4 p.m.—Enzi staff meet with Mack staff.

July 29, 1999, 9:30 a.m.—Enzi staff meet with Kyi staff.

July 30—Negotiations: Numerous meetings with Administration (BXA, State, Defense, intelligence), industry, Senators and staff to discuss ETAA.

Sept. 16, 1999, 9 a.m.—Banking Committee meeting with AIPAC staff.

Sept. 23, 1999, 10 a.m.—Banking Committee Vote 20-0 to Approve Export Administration Act of 1999.

Sept. 27, 1999, 11 a.m.—Banking Committee meets with DoD staff to discuss S. 1712 issues.

Oct. 6, 1999, 10 a.m.—Banking Committee meets with AIPAC staff.

Oct. 10, 1999, 10 a.m.—Enzi meets with Cochran staff and he will not hold up consideration of the bill.

Oct. 20, 1999, 11:30 a.m.—Enzi meets with Kyi. Bill listens to his staff at all when putting bill together.

Oct. 23, 1999, 4:15 p.m.—Warner meets with Gramm/Enzi. Warner staff (SASC Joan) says she has not seen the reported bill. Warner commits that his staff will review the bill and get back to us.

Oct. 28, 1999, 4 p.m.—Gramm/Enzi meet with Kyi to discuss consideration of bill. Lott says window is narrow. Will consider if it will only take one or two days.

Nov. 1, 1999, 6 p.m.—Banking Committee staff meet with GRSC staff (Marshall Billingslea). He provides us with extensive list of concerns, mostly jurisdictional in nature.

Nov. 4, 1999, 3 p.m.—Banking Committee staff meet with SASC staff. SASC says they don't know how the bill will impact military since military now incorporates more off the shelf commercial items.

Nov. 5, 1999, 1:30 p.m.—Banking Committee staff meet with SASC staff, Hamre, NSA.

Dec. 1—Banking Committee staff meet with Thompson staff (Curt Silvers introduces Chris Ford, new staff).

Fri., Jan. 21, 12:30 a.m.—Banking Committee staff to meet with Marshall Billingslea.

Wed., Feb. 2, 10 a.m.—Banking Committee staff with SASC staff.


Wed., Feb. 28, 6 p.m.—Warner staff host impromptu meeting with DoD and DOC officials and with SASC hearing room; walk through differences [4 hours].

Tue., Feb. 29—Senators Warner, Helms, Shelby, Thompson, B. Smith send a letter to Senator Lott to express 'continuing concerns' about S. 1712, stating that 'even with its proposed managers' amendment' the bill fails to address concerns, and objecting to its consideration.

Tue., Feb. 29—Senators Abraham and Bennett send a letter to Senator Lott and Daschle urging that they make Senate consideration of S. 1712 a priority.

Wed., Mar. 1, 2 p.m.—Gramm, Enzi, Sarbanes, Johnson staff meet in business community in Banking hearing room.

Fri., Mar. 3, 2 p.m.—Senators Gramm and Enzi meet with Senators Warner, Helms, Kyl, and Thompson in Senator Gramm's office; finish walking through their concerns [3.5 hours).

Mon., Mar. 6, 11 a.m.—Senator Gramm meets with Senator Kyl in Senator Gramm's office to discuss concerns [1 hour].

Mon., Mar. 6, 1 p.m.—Senators Gramm, Enzi, Johnson, with Sarbanes staff, meet in Senator Gramm's office to discuss concerns raised [1 hour].

Mon., Mar. 6, 3:30 p.m.—Senators Gramm and Enzi meet with Senators Warner, Helms, Shelby, Kyl, and Thompson in Senator Gramm's office; finish walking through their concerns [2 hours].

Tue., Mar. 7, 8 a.m.—Senators Gramm and Enzi meet with business community in Banking hearing room to discuss ongoing member negotiations.

Tue., Mar. 7, 4:30 p.m.—Gramm and Enzi staff meet with Warner, Helms, Kyl, Thompson, and Shelby.

Tue., Mar. 7, 10 a.m.—Senators Gramm, Enzi, Warner, Helms, Shelby, Kyl, and Thompson meet with Senators Kyl, Helms, Shelby, and Thompson in Senator Gramm's 'office; finish walking through their concerns [3 hours].

Tue., Mar. 7, 11 a.m.—Lott staff schedules staff meeting/canceled by Lott staff.

Wed., Mar. 8, 12 p.m.—Lott staff holds second meeting with Gramm, Enzi, Warner, Helms, Shelby, Thompson and Kyi staff in Senator's office [2.5 hours].

Thu., Mar. 9, 1 p.m.—Banking staff hold informational briefing re S. 1712 for all Senate staff in Banking hearing room.

Fri., Mar. 10, 1 p.m.—Lott staff hosts third meeting with Gramm, Enzi, Warner, Helms, Shelby, Thompson, and Kyi staff in leader's office; Gramm/Enzi staff provide document outlining provisions that may be accepted. [45 min].

Tue., Feb. 22 9:30 a.m.—Senator Lott meets with Senators Gramm, Enzi, Warner, Kyl, Shelby, Thompson, and Kyi in leader's office; Senators Gramm and Enzi identify three key issues in contention; agree to provide Managers' Amdt.

Mon., Feb. 23—Gramm and Enzi staff provide Managers' Amendment CRA000.098 to other senators' staff.

Fri., Feb. 25—Senator Thompson sends a letter to Senator Lott and the other senators, expressing 'grave concerns' about S. 1712.

Mon., Feb. 28, 4 p.m.—Senator Warner holds SASC hearing on EAA; Senators Enzi and Johnson among witnesses.

Mon., Feb. 28, 6 p.m.—Warner staff host impromptu meeting with DoD and DOC officials and Gramm, Enzi, Sarbanes, Johnson, Levin staff in SASC hearing room [2.5 hours].

Tue., Feb. 29—Senators Warner, Helms, Shelby, Thompson, and Enzi meet in SASC hearing room [2.5 hours].

Tue., Feb. 29—Senator Enzi, Johnson, with Sarbanes staff, meet in Senator Gramm's office; walk through their concerns [3.5 hours].

Wed., Mar. 1—Senator Warner announces sudden SASC hearing for Thurs. 29th, cites 'extremely difficult' need for 'immediate discussion' between Banking and other senators.

Wed., Mar. 1—Senator Warner sends a letter dated March 23 from Senator Warner to Senator Lott expressing continuing concerns and objecting to its consideration. Senator Warner press releases statement saying S. 1712 must be strengthened, and states that 'the four chairmen have not received any legislative language which we feel is essential to making our decisions on this.'
President CHENEY, who has some administration supports this bill. I do not think there is a question about whether Secretary Powell or Vice President Cheney would risk national security for the dynamics of any legislation, but yet they strongly support this bill.

Our current Secretary of Defense, Don Rumsfeld—we all recall that Secretary Rumsfeld is on his second tour of duty as Secretary of Defense. I ask the same of one of our Secretary Rumsfeld: Would he, in fact, be supporting a bill that would jeopardize the national security interests of this country? I do not think so, nor do I think President Clinton would have risked the national security interests of this country, nor do I believe President Bush would risk the national security interests of this country.

So this talk about national security not being well thought through and not being prioritized, that somehow we are selling out to big business and commercial interests, with all due respect, that is nonsense. That is complete fabrication.

Senator ENZI talked a bit about the current law, current rules, restrictions, and regulations that we are dealing with today. Does it enhance our national security? Is it relevant to today’s challenges? No, it is not. This update, this new bill makes our export control regime relevant to the challenges of a very complicated new world.

America is faced with a very challenging dilemma. We live in an unpredictable and dangerous world. Part of our dilemma is a result of the fact that America leads the world in products and technologies that can be used for the best possible technologies, ends, and purposes and also the worst technologies, ends, and purposes.

Again, the economic interest for America is greater than our national security interest. We all agree America’s national security interest is its most fundamental interest, so let’s not cloud this debate about that.

While always putting our national security first, our responsibility and challenge is to develop a workable and relevant balance that allows America’s economic and trade interests to be protected as well. That is the challenge. In fact, our economic and trade interests are very much integral and part of our national security interest. They are not separate. You do not deal with trade and economic interests in this vacuum and national security interest in this vacuum. It doesn’t work that way.

The Export Administration Act of 2001 is a very important piece of legislation. It represents an effort to deal with this balance, to come to grips with the realities of this balance: How do we ensure we continue to sustain our economic growth and yet ensure, as best we can, that Saddam Hussein and other dangerous tyrants on the world stage do not gain access to our technologies that could aid in advancing their weapons programs, detrimental to our national security interests and the national interests of the world.

We will begin to build a missile defense system in the near future because of the real and growing threat posed by infant ballistic missile programs in other nations. The world’s collective effort to prevent proliferation is a constant threat to civilization. We need an export control regime that recognizes the real threats to this Nation, to our allies, to all the world and, at the same time, recognizes the utter futility of trying to control everything.

This bill is based on the premise we need to build a higher fence around a smaller number of items, just as Senator ENZI said a few minutes ago. In the 1970s, you could track high-performance computers abroad because there were fewer of them, less sophisticated, less powerful, easy to do in a bipolar world—the Soviet Union and the United States. Today, computers with nearly unlimited power are far more powerful than anything we saw in the 1970s or the 1980s, with far more capacity and capability, are available at Radio Shack. Are we going to shut down Radio Shack? Let’s get real with a sense of economic sense in how we deal with this.

Many components manufactured and sold in the United States are reproduced by foreign competitors with little lapse of time or effort. The world is simply too integrated to care, may not like that, but it is a fact of life. Capabilities abroad advanced so far to put the old system in jeopardy are not working, and we are dealing now with an old system that, in fact, is not effective. The President of the United States, Secretaries of Commerce and Defense, our entire intelligence community, and our business community can all work within this legislative structure to provide a flexible export regime and continue to protect our national security interests and world threats.

Our exports must recognize the realities of today’s worldwide interconnected economy. The President, United States, Secretaries of Commerce and Defense, our entire intelligence community, and our business community can all work within this legislative structure to provide a flexible export regime and continue to protect our national security interests. This bill establishes a system which meets both our security and commercial concerns. Only a control regime that raises the fence on the most critical dual-use technologies makes sense, and our dilemma on exporting technology can only be solved by making control of critical technology a critical issue. Exporters and national security officials need clarity.

We should not treat exporters as unpatriotic or unconcerned about proliferation or our national security interests. I have heard in the Senate over the last year not so veiled charges to that point. I have heard in the Senate that much as the almighty dollar is most important for many of the corporations of America. My goodness, what are we saying?
I come from the business world. I am a businessman personally offended by that kind of statement. I don’t know one businessman—there may be a businessman out there—I do not know one responsible corporate citizen in this country who would say to me privately or publicly that the interests of his or her company are more important than the national security interests of this country. It isn’t true. Be careful about throwing around loose language, saying many of America’s companies and corporations are more concerned about their bottom line than the national security interests of this country. That is not correct.

This legislation provides a structure that will allow our exporters to be partners in the overall objective of helping to prevent weapons development by the world’s most dangerous and irresponsible dictators. We need to work more closely with our allies to continue to enhance multilateral controls and reporting on the movement of sophisticated technologies.

America continues to provide the leadership and the negotiating process, as we have from the beginning, for more effective, multilateral controls. This bill ensures continued U.S. participation in multilateral export control regimes that support U.S. national security objectives. The United States will continue to exercise its leadership in export controls worldwide under this bill.

In conclusion, I acknowledge Chairmen Gramm and Senators Enzi, Sarbanes, and Johnson. These four have worked tirelessly, effectively, over the last 2 years to bring together a responsible, relevant piece of legislation of which we can be proud, and I am proud of being part of it. They have developed a commonsense and strong proposal for improving the current system. I look forward to continuing to work with them to get this legislation enacted so we can update America’s approach to export controls as we look to this hoped-for new world where all 6 billion people reside together. That is doable. Let’s get on with the work at hand.

I yield the floor.

Mr. JOHNSON. I ask unanimous consent to have printed in the RECORD a document I received from the White House and their Office of Management and Budget, a statement of administration policy expressing support for S. 149 and also certifying that there is minimal ‘pay-go’ consequence to this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY

The Administration supports S. 149, as reported by the Senate Banking Committee. The importance for controlling exports of dual-use goods and technologies. The Administration believes that S. 149 would allow the United States to successfully meet its national security and foreign policy objectives without impairing the ability of U.S. companies to compete effectively in the global marketplace. As reported, S. 149 includes a number of changes that the Administration sought to strengthen the President’s national security and foreign policy objectives, including emergency powers. The Administration will continue to work with Congress to ensure that our national security needs are incorporated into a rational export control regime. The Administration believes that S. 149 will allow the United States to successfully meet its national security and foreign policy objectives without impairing the ability of U.S. companies to compete effectively in export controls worldwide under this bill.

PAY-AS-YOU-GO SCORING

S. 149 would affect receipts and direct spending; therefore, it is subject to the pay-as-you-go (PAYGO) requirement of the Omnibus Budget Reconciliation Act (OBRA) of 1990. OMB’s preliminary scoring estimates is that the PAYGO effect of this bill is minimal. Final scoring of this legislation may deviate from this estimate.

The PRESIDING OFFICER. The Senator from Arizona?

Mr. KYL. Mr. President, first, I express regret the Senate is being asked to take up this legislation at this time. As pointed out earlier, the Export Administration Act, which this bill reauthorizes, with changes, has not been reauthorized for over a decade. It is not as if there is an emergency to do it this week. We have lived without a reauthorized bill for over 10 years.

What we have done is reauthorized it on a year-to-year basis from time to time—most recently, last year. I believe it is in October that reauthorization runs out, so we have to take some action before that time. I believe we should. I believe the Senate should act before that time. I suspect there will be some amendments offered. I suspect there will be a healthy debate.

But at the end of the day, in one form or another, the bill will pass and the Export Administration Act will be reauthorized as significantly modified, President Bush, when campaigning, campaigned on that promise, and he has made good on that promise by supporting this legislation. I appreciate what he has done for his own administration, and I think it would be wrong to suggest that it was the administration that requested the bill be considered at this time.

The administration was asked by a group of Senators who have expertise in national security matters to evaluate the bill that is before us. In less than a 2-week period that evaluation was complete, and it was done largely by people about whom Senator Thompson was talking this morning, who are not new additions to this administration. Meeting this morning with Secretary Rumsfeld, we found that there are only two confirmed positions in the Defense Department—Secretary Rumsfeld and the No. 2 person in the Defense Department. Secretary Wolfowitz. That is it. Sillat is not as if a new Bush team has evaluated this legislation, has had the time to give it the kind of critical look I had hoped it would be able to do.

Mr. JOHNSON. Will the Senator yield for a question?

Mr. KYL. I would like to continue making a point. The Senator has had quite a bit of time. I will note, however, I have heard the questions of my colleague. The question is the same: Essentially, as a good Republican, why wouldn’t you support the Republican administration with all its expertise on this? I guess part of my answer is if the Senator from South Dakota is willing to vote against the White House, I will go along with the White House. At this point, the recommendations of this administration on all matters from here on, I would almost be persuaded to sit down and to pocket his votes on the tax cuts, education bill, all the defense matters that come before us, and everything else.

The fact is, reasonable people can differ. The Senator from South Dakota can agree with the administration on some things and disagree with them on others, just as people on this side of the aisle can do. So it is not a great argument to say if you belong to the party of the President, you have to walk in lockstep with the President or somehow there is a suggestion that your position is tainted.

But I will go on with my point.

Mr. JOHNSON. If I might respond?

Mr. KYL. I will be happy to yield for a moment.

Mr. JOHNSON. I will be very brief. I appreciate the Senator’s thoughtful remarks. I do not want to delay his proceeding with those.

The question is not whether the Senator supports the White House on each and every issue. The question simply is, Does the Senator support the administration and Colin Powell and the defense establishment of this administration on this specific issue?

The point the President has made is that he wished this legislation would be brought up in a very timely, very expeditious manner. The question is not whether he supports the President—or of either of our parties, all the time. Certainly we do not. The question is whether there was a disagreement with the defense establishment on this administration on this specific issue?

Mr. KYL. I appreciate the question being reasked by the Senator from South Dakota, and my answer is as I indicated and as I will continue to demonstrate in my remarks. I think it would be a mistake for us to take the position on either side that this is an all-or-nothing proposition. It is not. I respect, for example, the work of Senator Enzi from Wyoming, a member of the Banking Committee, who has worked very hard on this issue, and in good faith, and his colleague Senator Gramm. There is no one in this body for whom I have greater respect than Senator Gramm, the chairman of the Committee. Because they are putting this legislation forward at this time, and some other Senators disagree on national security grounds as to whether it is exactly the right bill to be passing at this time, I would think it absolutely appalling that anyone would question in any way their commitment to national security because that would simply be wrong.

By the same token, it would be wrong for anyone to question the sincerity or the knowledge of those who
may oppose every jot and tittle of this legislation on the grounds that they are somehow either not in synchronization with the administration, not in favor of free trade, or somehow caught in cold war legislation, or something of that sort.

Anytime you get that kind of personal suggestion in a debate, it lowers the tone of the debate and is not productive to a rational and constructive solution to the problem.

What is the problem? We need to reauthorize the law in a way that properly melds both the trade and national security ramifications. There are those in this body with a great deal of expertise in national security matters who have come to the conclusion that the bill that came out of the Banking Committee would in some respects be inimical to national security and have asked for an opportunity, a greater opportunity, to try to work out some of the differences they have with the sponsors of the bill.

These are not people without expertise. We are talking about committee chairmen of every committee in this body that has jurisdiction over national security matters; specifically, Senator JORDAN, chairman of the Armed Services Committee, who I believe is going to be here within the hour to speak to the issue; Senator SHELBY, who is chairman of the Intelligence Committee on which I sit; Senator THOMPSON, who chairs the Governmental Affairs Committee, the committee that had the jurisdiction to look into Chinese espionage and other matters; Senator MCCAIN, chairman of the Commerce Committee and also a member of the Armed Services Committee; and Senator HELMS, chairman of the Foreign Relations Committee. All of these Senators have extensive experience in matters relating to our national security.

I have added up the combined years of wisdom represented by them, but it is not inconceivable. They have all raised a red flag. None of them has said they are opposed to reauthorization of an Export Administration Act. All of them assume we are going to do this. But all would like to do so in a way that accommodates both interests. These Senators simply are not of the view that we have had the opportunity to do that yet.

I spoke on the issue of timing a moment ago. There is another reason I think it is unfortunate that the legislation is brought up right now. Not only is it not critical that it be done this week or even this month, I am fearful that having this kind of debate at this time could very well send the wrong signal to China. China is very much in the news today. It holds our reconnaissance aircraft. It improperly held American crewmen for 11 days. It is no longer any concern or shouldn’t be. It is just because the cold war is over there is no longer any concern or shouldn’t be. It is simply no longer a state of the art. There are things that are simply no longer state of the art. They are simply no longer state of the art. They are simply no longer state of the art.

In some sense, this whole question of whether or not those who are involved in trying to preserve our national security—a very false dichotomy—but to the extent that is the way it is played—and it will be played that way by the media—we send a very bad message to our friends in China. It is a message that trade trumps national security. That is wrong. It would be an incorrect interpretation. But that is a message that I believe you will be in the headlines and in the papers to the extent that people pay attention to this debate.

I am trying to bend over backwards not to characterize it that way. The provisions of the bill are not prior to this bill are very important. They are not important. They believe they have crafted a bill that will be played that way by the media—and it is a message that trade trumps national security. That is the way it is interpreted. It would be the wrong message at this crucial time in our sensitive relations with China. China represents only something like 1 percent of our trade and much less than that relates to dual technology.

In some sense, this whole question about what kind of export controls to put on dual technology items is much overblown. It is not nearly as important as a lot of people would have us believe. We are not talking about an amount of trade that is going to affect the U.S. economy, or even any specific segment of our economy. We are talking about a very small number of items.

I happen to agree with the authors of the bill that there are many items that can be decontrolled. That is the word we use. It is now possible because of the evolution in technology to take items that were at one time deemed to have negative connotations off the list because they are now less important. They are simply no longer state of the art. They are simply no longer state of the art.

That is one of the features of the bill that I think is good. I think we all agree with that. But I also think it would be a big mistake to assume that just because the cold war is over there is no longer any concern or shouldn’t be any concern on our part and any justification for controlling the exports of technologies which have dual uses; that is to say, both civilian uses and military
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uses. It would be just as wrong to characterise the proponents of this legislation as believing in that.

There is a middle ground. I think one of the problems with the legislation that has not been adequately addressed is that we have never had a regime that has been introduced. The regime that exists with China doesn’t necessarily mean we should forget about any kind of restrictions with respect to its export, irrespective of whether its export might result in its use in military equipment that could be used against the United States. It doesn’t mean that at all.

Yet because of provisions of this bill, it is going to be very difficult to regulate the export of items which one can argue are available either in the United States or abroad. Why is that argument so important?

When it comes to U.S. military equipment, we have always had superior technology, and while it is possible that a particular item might be available in another country—I am just speaking hypothetically. But let’s say the French manufacture it, the Israelis manufacture it, and maybe the Germans manufacture it as well as the United States. It doesn’t necessarily stand to reason that those items are equal and that purchasers of those items are indiscriminate with respect to whom they buy it. If that were the case, it wouldn’t much matter unless the U.S. products were a whole lot cheaper. These other countries are going to be able to export their products in any event.

The truth is that in most cases, even when U.S. products are more expensive—in some cases much more expensive—the items that are sought because other countries understand that for various reasons the U.S. product is superior. Some of these products have intelligence components associated with them. They know that in certain cases other countries have certain capabilities with respect to that equipment that makes their use suspect. Not so with the United States. They know they can buy these products from the United States and have no worry about being compromised thereby. They cannot be so sure with respect to the very same item that they might buy from someone else.

Just because an item is available somewhere else doesn’t necessarily mean that it is comparable, or that the United States should allow our product to be exported even when we know that its use will be embedded in military equipment and it could be used against the United States.

That is part of the problem. While the legislation itself grants to the President, and only the President, the ability to waive certain of these requirements, even the President is limited in how often he can do it. He can only do it for 6 months at a time, and after 18 months even he can’t control the item or require an export license for it.

There are some significant concerns that I think we have to be aware of before we just necessarily assume that because we are all for free trade—and most of us are for free trade—therefore, we ought to adopt this legislation.

The very fact that the President just this week announced his willingness to allow exports of dual-use items from the United States to Taiwan because of the threat that China poses to Taiwan should give us some pause. China is the same country which bought fiberoptic-cable technology from American companies. What we have helped the Iraqis imbed those fiberoptic cables in Iraqi air defenses causing the United States enough concern that in February the President ordered U.S. jets—and British jets accompanied ours—to carry out strikes against those very same Iraqi air defense systems. It was because of the upgrade through the installation of the fiberoptic cables provided and installed by China.

Fiberoptic cable is a dual-use item, and it is of considerable strategic importance. Its export to China is permissible under Senate bill S. 149. Let there be no mistake, fiberoptic cable not only increases the amount of data that can be transmitted, virtually exponentially, it is also extraordinarily difficult to intercept signals in fiberoptic cable as opposed to, for example, through microwave transmissions or through regular copper wire.

This is an item that is in clear use all over the United States. You can buy it on the market. But when it is applied to certain kinds of military uses, such as military equipment, it can become very dangerous to the United States. We have actually taken action against it for that reason.

Why should we liberalize its export to countries? If Iraq could have gotten that equipment and China could have gotten that equipment from anywhere else in the world, why didn’t they? They buy it from the United States because we have the best products. If we deny that for military use to countries in the world that we do not want to have it, then they are going to have to accept an inferior product, one which presumably, at least, hopefully, we would have to argue is better than our own particular product.

Let me try to also put in perspective what all the bill relates to. There are literally thousands of items on the list of dual-technology materials or services that could be, in effect, decontrolled through this legislation. I certainly do not have time to go through all of them. Let me give you some ideas of what some of these are. I have a list of 50 of them. In the time, I will be happy to go through in some detail because I think it is most illustrative in relation to those who believe there is not much of a problem.

One of my colleagues said that you can get all from Radio Shack. The truth is, you cannot buy all this from Radio Shack. Yet it has enough availability to escape the requirements of an export license.

We talked about the Chinese company that helped Iraq outfit its air defenses with fiberoptic equipment. This results in high-speed switching and routing. That equipment is all provided by U.S. companies which, by the way, would like to sell some additional items various communications technology, to the very same Chinese firm that provided this technology to Iraq. Is that what we want to be doing? I am not so sure. I think we want to think about this very carefully.

There is a middle ground. I think one of the problems with the legislation is the authority to deny an export license for this kind of dual-use technology to a company such as the Chinese company that bought it in this case. Yet under this bill these technologies would be determined to be dual-use technology, and we would meet the mass market criteria in the bill. Therefore, unless the President himself exercised the authority that I talked about, they would be eligible for export.

That is a very recent example. Let’s go back to look at some other examples. There were news stories at the time of ball-bearing grinders purchased from the United States. Since then, there have been quite a few public reports, although much of it is classified. But the fact is, in the 1970s the Soviet Union purchased ball-bearing grinders from the United States ostensibly for its use in civil industry. It used them, in fact, to produce pin-sized bearings for use in the SS–18 guidance system.

The SS–18 is the most fearsome weapon on the Earth today—a nuclear-tipped intercontinental ballistic missile. These ball bearings are crucial to the guidance system of ensuring the very high degree of accuracy which this missile possesses. Those are the missiles that could incinerate every American living today. The guidance systems are perfected because of the ball bearings produced by equipment that the United States sent.

These precision machine tools and ball bearings are controlled by the Commerce Department under the authorities granted by the Export Administration Act. But under the legislation pending here, these items would be available to foreign sources. The bill prohibits export controls on them unless the President is able to set aside
the determination. And he can only do that for 6 months at a time.

Submarines have to be quiet in order to be effective. The advantage of United States submarines is that they are the quietest submarines in the world. The other side cannot detect them, and we can pretty much go where we want to at will.

The dual-use technology control list contains numerous technologies that can be used to make submarines quieter. This technology is to some extent available from foreign suppliers. Its export should be regulated to prevent nations such as China from freely purchasing it from American companies.

While foreign submarine manufacturers such as Russia and Sweden have made great strides in submarine technology, we think U.S. technology is superior, and it is unique to U.S. submarines, and, if nothing else, its export could compromise the vital capability of U.S. submarines.

There are those in Government who also like to talk about something a lot more mundane. I am choosing examples almost at random, but this caught my eye: a variety of devices that can be used to torture prisoners.

We are talking about human rights, folks. These devices that can be used to torture prisoners—some of which are as mundane as electric prods and shock batons and shackles, and so on—are controlled for export due to human rights reasons. You could buy these on the open market. If you are a bad guy, and you go shopping for them, you can find them somewhere in the world.

Should the United States be selling them to countries that we know engage in human rights abuses? That is the kind of consideration that distinguishes America from many of the rest of the nations of the world. We just do not sell equipment and items to other countries that we know will be used to hurt people improperly, even though that equipment can be obtained from other places.

It is perhaps a small point, but I think it makes a big difference. Even if people can buy something from someplace else, it is not necessarily a good idea for the United States to be selling it, again, partially because of the signals that we send.

I may, if I have a little time later, also talk about more detailed issues of technology related to the production of nuclear weapons, nuclear reactors, tritium plants, fissile material, liquid and solid propellant rocket engines, chemical and biological processing equipment, encryption software, flow-forming machines, for a variety of production applications. All of these are items that are on the dual-use control list.

I am going to talk a bit about maraging steel and gas centrifuges in production applications. All of these are also very sophisticated and, in some cases, very dangerous military uses.

The question is, just because you can buy them for civilian purposes, should the United States be allowing the export of these items without some control, to nations of the world that we believe would or could use them against us?

In some cases, we use the export control regime for the purpose of not prohibiting the export but providing some conditions on it or limiting it in some way. Part of the ability to calibrate what we allow to be exported is lost as a result of the specifics of this legislation.

I am sure my colleagues would agree with me—those who are supporting this legislation—that in some cases we may want to ultimately grant the export license but to have certain conditions on them.

One of the conditions we have had in the past, for example, has to do with who the end user is. There are some fairly well-known cases of situations in which we thought that the end user was a civilian entity, and it turned out not to be the case. I have in mind two cases. One of the cases is where McDonnell Douglas—a very prominent company; a company that was formerly in my State, as a matter of fact—thought it was selling machine tools for the manufacture of civilian aircraft, and it turned out that they were used in the production of military aircraft.

We also had some very sophisticated computers that we did not want to go to a military end user in China. It went, I think, to a research institute. But it ended up in the wrong hands. My recollection is, in that case, because of some limitations we had put on the export license, we were able to pull it back.

There are cases where if you have some ability to regulate the specifics of how the license is granted, you can actually prevent items from falling into the wrong hands.

I haven’t talked about computers yet. We know that high-performance computers are one of the main areas of contention here because the evolution of the technology is so rapid now that the fact that in many forums it is available on the shelf in fairly huge quantities. Every- one asks: Why would they be buying so many of those? The speculation is, of course, that it just might be because they want to apply them to one of their military uses.

I mentioned maraging steel before. This is a very special kind of steel that is used in the manufacture of solid rocket motor cases, propellant tanks, and interstages for missiles as well as in the enrichment of uranium. It would be decontrolled because its application in commercial rocketry and also the fact that in many forums it is available in other countries. There are many other items.

I will summarize a couple: Corrosion resistant valves used in the enrichment of uranium for nuclear weapons; they are also used in the commercial paper, chemical, and cryogenic industries. This is a list of pretty deadly serious military applications of items that none-theless would be decontrolled under this legislation because of their applicability to civilian uses as well.

I talked in the beginning about a concern I had that this legislation is being debated at the wrong time. I hope I am not, by articulating this list of items—and again, we can talk about a lot more—leaving the impression that there is no role for the approach of this legislation to get rid of a lot of items on the list to be used in civilian and military applications. The legislation moves in the right direction because there are a lot of items that
don’t have to have this kind of regulation. There are some that do. The question is, have we discriminated properly in drawing the dividing line between those that do and those that do not?

There is another provision of this bill that I find especially interesting. It asks whether or not something would be automatically exempt from the export control regime. It has to do with how much value an embedded component has. On the surface, you would say, what difference should that make? If you have a very highly classified component and it represents only, let’s say, 10 percent of the cost of an item, simply because it is only 10 percent of the cost of the overall item, should that mean that the entire item is decontrolled and another country has the ability, then, to reverse engineer the entire component so that it can take out the part that is highly classified?

That is what this legislation allows. It says that a certain percentage of the value is in this very highly controlled component, you can go ahead and sell it. There is sort of a presumption that it can’t be all that big a deal if it is only a small percentage of the value, 10 percent or 25 percent. A case that I don’t think has been included in this legislation, because of action that the Congress took last year to take it out of the Commerce Department and put it back with the State Department, but which obviously we had to act on or it would have been the case of rocket motors. I shouldn’t say rocket motors, rather, the so-called kick motors that are in many cases embedded in satellites. These are very highly classified items. We take a satellite that we want to launch, and when it is kicked into its final orbit by this little motor, it can actually perform the way we want it to perform.

In the case of China, for example, the Chinese have made it a condition for some of the companies doing business in China that those companies allow China to launch a certain percentage of the satellites that they want to launch. So those companies, in order to do business in China, have to agree to that, and they have. These satellites are supposed to be under the control of Americans at all times because they are very sophisticated. We don’t want them to fall into the wrong hands and to be reverse engineered. We don’t want them to be stolen or, in certain percent of them, that certainly applies to an item such as the kick motor embedded in the satellite.

We recall that a couple years ago there was a great deal of evidence of the fact that certain American companies had allowed satellite launches in China without adequate security, the result of which was that we believe there was some compromise of American technology by the Chinese. It is not only the kick motors. There are other things, too. Hallmark Composites did not act last year to retrieve those satellite items from the Commerce Department and put them back on what was called the munitions list, where the State Department would have the authority to require license, we wouldn’t have had the same degree of control over them that we do today. This is the kind of thing that can happen.

Again, the timing is wrong here because we are forced to talk about situations involving China over and over and over again. I don’t particularly care to do that. This is a time when it would be nice if we could kind of lower the rhetoric and try to develop a relationship with China which very clearly states our goals and tries to deal with China in a way that doesn’t result in more belligerency on their part.

By the authors of the legislation being insistent on bringing it up now, some of us have no choice but to use examples that are, unfortunately, very real examples of where we believe that sensitive technology has been either sold to or acquired by China in ways that we did not prevent. I wish we didn’t need to talk about that at this time, but since they are very real examples, we will talk about them. Again, I hope the message isn’t misunderstood. This is not about either having this technology or not having this technology. The authors of this legislation agree with me and I with them that we can do both. We have to do both. We will do both. But this will be portrayed as trade trumping national security. That would be a mistake.

With the indulgence of my colleagues, I will continue now to discuss some of this other technology that I mentioned would be impacted by this legislation. I talked before about the bearings and gas centrifuge. Here are some of the countries where this product is of particular interest. This, again, is the high-alloy steel that has very high yield strength. Pakistan has used it for uranium enrichment centrifuges; India for its polar satellite launch vehicle; Russia and Iran, special alloys for missiles.

I talked before about the bearings and gas centrifuge. There are military applications for high uranium production, and there is some evidence that China has sold this technology to Pakistan for the production of nuclear weapons in Pakistan. The centrifugal isotope separation plant, equipment and components, the military applications of the isotope separation plant has played a significant role in warhead production. The plant is primarily a centrifuge enrichment facility, and it has produced about 40 percent of the Soviet Union’s enrichment uranium. I talked about explosive detonators earlier.

Aluminum alloys is another very interesting case. This is obviously very useful in rocket technology and missile technology for casings. China has developed a welded aluminum alloy used in the design of the torpedoes built. It manufactures aluminum alloy casings. India is manufacturing heavy-duty aluminum alloy extruded composition and has conducted studies on this that are very significant relating to its satellite launch vehicle.

All of these are items that would be impacted by this legislation. The ceramic composite materials are a new area. They are very interesting materials because they don’t conduct electricity. Therefore, they have some very unique military applications. They have been used in ballistic missiles and reentry vehicle antenna windows, for example. They are also used in the way, by companies in France, Germany, India, Japan, Russia, as well as the United States.

Laminates: Again, missile parts are often made from these other kinds of materials. Composite structures and laminates are materials used in rocket systems, including ballistic missiles and space vehicles, and they are produced in a whole variety of countries, including the United States.

There are military applications to something called crucibles. These are used to melt and reduce and cast uranium and plutonium for nuclear explosive devices. I realize when I read about things people may not be familiar with; we are not talking about just putting things on the open market. What I am saying, folks, is they would be items that are no longer controlled under the dual technology control regime under the old Export Administration Act, which everybody would like to see reauthorized, with some changes. Because of the liberalization under this act, these items, in effect, became decontrolled.

In the early 1990s, for example, the U.S. was licensed to sell a significant volume of this equipment for making crucibles for high-performance furnace systems. It found its way to Iraq and to other nuclear proliferation countries. There is a nuclear weapons program, and for its nuclear weapons design and research center. This particular item at that time, because of a law that existed, was stopped by Presidential order. That would not be possible today if this legislation were to pass.

Guidance sets for missiles—you might think this is pretty technical stuff that we should not be selling on the open market. But there are items here that have dual uses. So ballistic missile guidance sets are often built to fit into a particular missile to be used in a hostile environment, and it would perform with a high degree of accuracy. It could have both civilian and military uses. They are produced in a whole variety of countries, in addition to the U.S.

There are services as well as products—and I will not go into all of these. We are not just talking about military applications of specific pieces of equipment. We are also talking about certain kinds of services showing people how to do certain kinds of things.

We talked about propulsion systems and components. Here are some of the military applications of that. On one occasion, they were disguised as automotive spare parts on the airwaves of a
certain country and were destined for Libya. This was very recently, by the way. Some of the paperwork indicated that the seized shipments had already reached Libya, I might add.

The China Aerospace Science and Technology Corporation, which was sanctioned by the U.S. in August of 1993 for missile proliferation activities, designed and researched propulsion systems, among other things. Russia aided Iran with the design of guidance and propulsion systems, some of which found their way into the Shahab 3 and Shahab 4 ballistic missiles for Iran. There are a variety of examples that I can give you.

Ramjet vehicles—are we familiar with those—for both commercial and military applications. These, too, would be subject to the provisions of this legislation.

And I hate to talk about China again, and I won't right now. But I want to have this discussion right now. Chinese engineers were arrested for trying to steal some blueprints from a plant in the Ukraine. Yet these very items would be subject to sale because they are produced by a variety of countries and have dual applications.

Without getting into a lot of detail, I will indicate the nature of some of these other activities or products. Propellant additives, propellant control systems, propellant production equipment, radar software—you can easily understand why that could be a dual item—radiation-hardened computers. The applications here for military use are obvious.

Ramjet engines: The military applications there, I think, are fairly obvious; rocket motor mounts and sounding rockets as well. These all have to do with space, and also aircraft, such as airframe design, navigational systems, depleted uranium, fly-by-wire flight control. Obviously, that is the way our commercial aircraft is now designed. It is also a very important military design. We have various kinds of noise—acoustic mounts and valves and other kinds of things that are used in quieting for the Navy, primarily.

Precision tracking systems: We are all familiar with how we are able both in civilian and military applications to precisely track using the global system. Yet many of those items would also be covered by this legislation and no longer require license: side-looking airborne radar, sonar signal processing equipment, underwater breathing apparatus, wind tunnel applications.

Mr. ENZI. Will the Senator yield for a question?

Mr. KYL. Yes.

Mr. ENZI. Mr. President, is the Senator aware that we are not doing away with the control list and any item on the list continues to stay on the list unless it goes through the process? Is the Senator aware that we have added country tiering so that rogue states are taken care of that way?

Mr. KYL. Yes. Is China defined as a rogue state in the legislation?

Mr. ENZI. It could be.

Mr. KYL. But it is not.

Mr. ENZI. It doesn't say any particular state.

Mr. KYL. I answer the Senator that I am aware that the items are not automatically dual-use by virtue of what I talked about before—and I think the Senator was here—because of availability for commercial purposes, the items will also be available under the dual technology regime that is contemplated by the legislation.

Mr. SARBANES. If the Senator will yield, the legislation specifically gives the President the authority to continue to control any item. I don't think the items the Senator is listing would be mass market items under this legislation. But even if one or a few were to be sold classified, the President has the authority under this legislation to deny that category and to continue to control the item.

Mr. KYL. Of all—

Mr. SARBANES. I don't understand.

Mr. KYL. Does my colleague want an answer to his question?

Mr. SARBANES. There are examples that happened under the previous regime. This bill will actually improve the regime.

Mr. KYL. The Senator has mischaracterized what I said. I pointed out a couple of instances in which these items got into the wrong hands in the past. But under the previous law, the authority to pull them back, I did cite some examples. We would not have that authority under the legislation as the Senator has written it. Moreover, I am perfectly aware that many of these items would not necessarily be mass marketed. Yet every one of them would be subject to the definition of availability, foreign availability, or U.S. availability.

That is precisely why I picked these items because under any reasonable definition, you would have to say, yes, those are available somewhere. Now, if the Senator is telling me some of those look serious and I don't think we would want to consider them available, then I say we have to be more careful about how we draft this legislation.

On that point I agree with the Senator, but as to the first point, the Senator raised the suggestion—I heard it made several times: The President has the authority to waive this. No, the President does not have the authority to waive this. The authority is very constricted. The President, and only the President—as if he did not have anything else to do—can three times for 6 months only, for a total of 18 months, waive the applicability of that section.

Mr. GRAMM. That is not right.

Mr. KYL. That is absolutely correct, and I would be happy to cite the provision of the legislation. To think it is going to work very well—

Mr. SARBANES. Would the Senator do that for us?

Mr. KYL. To think it would work very well to have a regime in place where the President is going to have to continually be waiving its requirements I think is going at it the wrong way.

Therefore, while it is important for any President to have a waiver component—we frequently have national security waivers of one kind or another—if you set up the presumption that it is going to be sold and require only the President to stop it, you are going to be putting a pretty big burden on him. So the past, the previous one has been effectively the other way. Part of this is due to the fact that there is no really clear way of defining availability. I talked to that before the Senator arrived.

Mr. President, my colleague from Wyoming may wish to join in this. If so, that is perfectly fine with me. I stand corrected. The authorization for this current extension of the EAA runs through a date in August—August 31?

Mr. ENZI. August 20.

Mr. KYL. Not October. We will either have to pass a resolution extending the date beyond that, which I presume would be relatively easy. I act on the reauthorization of the EAA in some form prior to that time.

Frankly, that is fine with me. As I have said now several times, the effort of the Banking Committee to rewrite this legislation in light of changed circumstances in the last decade is a laudable effort, and there are a lot of changes that need to be made in the legislation. There is no argument about that. That, frankly, is what President Bush campaigned on and what he said he was for. That is perfectly appropriate.

We are talking about details. It is evident that reasonable people—or at least I hope the chairmen of these committees would be deemed to be reasonable; certainly my friends in this administration are extraordinarily competent on these matters. I believe with a little bit of time reasonable people will be able to resolve whatever differences exist. I know some are not quite that sanguine about those prospects.

I also am aware of the fact that the administration has an idea which is a good one. That is, not everything in this regard ought to be put in the legislation itself, which can become relatively inflexible. As we have seen, it is a little bit harder to change than an administrative action. Therefore, the administration has in mind developing an Executive order that would implement this legislation and related legislation in such a way as to provide the President with a little more flexibility to handle particularly those situations that arise very quickly.

The shelf life of some of the equipment we are talking about is very short, and therefore sometimes there may be a need to act with alacrity. Under the provisions of the bill, it may be a little slow, though they intend to speed it up.

There are also intelligence considerations which I cannot go into at this
point, but they, too, can be dealt with by means of an Executive order.

I applaud those members of the administration who raised this as a possible way of dealing with some of these issues. The fact is they have not had time to do this, and I fully appreciate that. Those of us who have laborious discussions about the legislation would very much appreciate the opportunity to await the drafting of that order. As I said, I suspect that will remove many of the concerns some of us have just about the bill itself.

That said, I go back to the point I made in the beginning, which is, this is the wrong time to bring up this legislation.

I also, again with some trepidation, make the following point: Some of my colleagues have said: Look, bringing it up now actually helps you because you are able to talk about a situation that has rubbed the American public pretty raw these days, and that is a belligerently or overly hostile China. In fact, China has obtained a lot of its technology in the past, not all of it properly so, as pointed out before. So actually this is a good time to bring this up because you will be at your strongest in selling the legislation. There would not be anything else we can do to this legislation right now when it could only make it easier for China to obtain this equipment.

At the same time, some of these folks say: Look, this legislation is actually tighter and stricter. We are enhancing national security. Mr. President, you cannot have it both ways. It is my view the legislation is not tight enough, that it could result in technological acquisition by countries that would use that technology against the United States and that we do not want to do that; there are ways to prevent that.

Our argument is over some relatively narrow points. If we appreciate that, then we can also appreciate that it is possible to come together on those, come to closure on those without necessarily engaging in a great long public debate which I really do not think serves anybody’s purpose at this point in time, especially given the circumstances that exist with respect to our current relationship with China.

My hope is the authors of the legislation who have not yet to say, all right, let’s talk about this for a little bit, get a date certain to bring up the legislation, and see what additional fixes are needed, if necessary, and get additional amendments that might be offered so we can persuade colleagues if there are certain changes to make, we can do that and take it up at a time when perhaps nerves are not quite as raw.

Frankly, I fully expect the administration to engage at that point in time, because they have a great deal of expertise and they are all people whom I know people on this side of the aisle respect a great deal. So we will be taking their views very much into consideration.

That is my hope. I hope our leadership will focus on elements of this President’s agenda of which everybody on our side of the aisle is very much in favor, including this tax cut and education proposals.

By virtue of the fact I had to be on the floor, I missed discussion of the tax proposals that I very much hoped to attend because we are trying to put together the final package that will effectuate President Bush’s campaign promise of tax relief for all Americans. I hope we can take that up next week. If not, we will take up education reforms next week and take the tax bill up the week after that.

If we are stuck debating the Export Administration Act, all of that gets delayed. That is not good for the American people. My hope is the authors of the legislation will be willing to work with us and defer this until we take up the education reforms. I hope there is a little bit more important, in my view, and then come back to this with plenty of time to do it prior to the time the authorization expires. If need be, we can clearly do a temporary resolution of that, until we are able to act upon it later this year.

With that, I relinquish the floor at this time.

The PRESIDING OFFICER (Mr. FITZGERALD). Time yields to Mr. ENZI.

Mr. ENZI. Mr. President, I need to remind the Senator from Wyoming, the administration, to answer some of the items that have been raised. I appreciate the Senator correcting the date on which the present extension of the EAA runs out. I know that confusion came from me. I am involved in another bill with a sunset at a later date, and I mentioned the wrong date. August 20 is the drop-dead date on the Export Administration Act.

Can we extend it again? It was extended last time under a unanimous consent agreement in both Houses. That won’t necessarily happen again. Unanimous consent is not the easiest thing to get. We were running out of time under appropriations last time and believed that was an appropriate action to take. However, it is not necessarily the same action that will be taken again.

We are running out of time to solve the export administration problem. Education works around here. If you put a bill, I am on the Health, Education, Labor, and Pensions Committee. We did the education bill. It actually went through committee faster than any other ESEA bill of which I am aware. Normally it takes a couple of weeks for debate. It went through the committee in 2 days. Normally the bills come out of that committee along party lines. It came out unanimously. There are still details on which to work.

I think we will have an Elementary and Secondary Education Act reauthorized shortly. I would not want to stand in its way. However, it is not ready or we would be debating that now. There are still details being worked out.

That leaves a window. It was mentioned that taxes need to be debated. I am one of the proponents of the tax cut and have been working steadily to get that and would respond in the way of the bipartisan approach. However, the tax cut isn’t ready for floor debate. It will be.

Education will be ready. Taxes will be ready. And then something else extremely important to this country—appropriate elements will come. We have to finish 13 appropriations bills. That is supposed to be over by October 1, but that usually takes us well into October, sometimes into November. That is past. October 20, without an opportunity to do this extensive debate that is purported to be needed.

One of the things we have done is killed 4 hours—not really “killed” because everybody needed to make their statement and get their stance out on the Export Administration Act. I am going to bring that up. Mr. President, I think it is important to make the following point: Some of my colleagues have said: Look, bringing it up now actually helps you because you will be at your strongest in selling the legislation. Those produced the suggestions in the bill. We are running out of time to solve the situation.

I have had some Members on the other side say, we know what will happen; we have done that. We have to do that and would not stand in the way of education works around here. If you don’t have the majority of the vote, you lose on your amendment. There is a point to which people see amendments as being reasonable and helpful. A Senator introduced a point where they see it as stopping all trade.

There is a balance. We still intend to be a country that has a good economy—not just a country that is militarily capable of being the best in the world. This bill has been a deliberate and timely attempt to reach that kind of situation.

What we need is the amendment suggestions through the debate process, I submitted the list earlier. It is in the bill. You can look at it. You can look at the suggestions we have had—probably not all of them, but the ones we recorded as having. Those produced the suggestions in this bill.

Now a perfect bill will prevent any law from being in place. There isn’t such a thing as a perfect bill. When I was legislating on the State level, as well as here, I had a pretty good idea when I was holding hearings on a bill that there was somebody in the audience who knew a loophole to that bill and they were not about to share it until they had taken advantage of it. However, we hope to catch as many of those as possible when it is being considered. That is why we have 100 people, we have 100 different opinions—at least 100 different opinions from 100 different perspectives contributing to a bill.

When we debate whether we go ahead and debate, we are not making any ploys toward a final solution. On the China issue, there probably isn’t a time that could be more sensitive. But the ones who are talking about greater security than what this
The bill provides would have it to their advantage to talk about it because of the timing of the situation with China. We don't have any problem debating it. We don't have any problem considering amendments to this bill, even in light of the situation. The reason we don't is that we are not certain we have addressed those issues. If we missed something, we need to know about it and take action.

Everybody keeps saying there are a very small number of items that need to be regulated. How do we go about doing that? Give me a suggestion if you have one other than the way we are doing it.

There was a comment that there is a new regime, that we are talking about things readily available in either foreign or mass markets; that these other countries have access to all of those things and we will give up all of our control. Not true. We have tried to address keeping control in every possible way. The bill is a control list. We didn't get rid of the control list. The wording in the bill says any item that is controlled now will continue to be controlled until the committee makes a decision otherwise. So if it is controlled, it will be a control item. Items mentioned were controlled and were against the law, but they were done anyway.

How did somebody get away with that? I imagine things will still be done illegally no matter what kind of bill we pass because we don't handle ethics and morals; we just handle the law.

One of the problems we have under the law is, for about a 6-year period we did not have sufficient findings to get anybody's attention of the fines and penalties and prevention, more so than beating somebody up after it happens—although that has to be there for the bad actors.

We have a number in this bill that will give people's attention. For those people who are talking about this bill not having enough security, the last version, the one we could have done it, was a control list. We didn't get rid of the control list. The wording in the bill says any item that is controlled now will continue to be controlled until the committee makes a decision otherwise. So if it is controlled, it will be a control item.

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Mr. THOMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The legislative clerk proceeded to call the roll.

Mr. THOMPSON. 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. THOMPSON. Mr. President, we have had considerable discussion about the President’s authority under this proposed legislation. The point has been made that we have a fail-safe provision—that the President can always intervene and stop some item from being exported that should not be exported. But I think if you examine the legislation, you would have to conclude that through this legislation the drafters have made it difficult for the President to intervene and step in under those circumstances even in matters that constitute a threat to the national security.

If you look at section 212, which gives the President the right to set aside the foreign availability status—as you recall, under this legislation, something that heretofore has been controlled required a license. If there is a determination made by the Commerce Secretary that it is a matter of foreign availability under the criterion that they come up with, it will be decontrolled. This is only to reverse that later on when we found out that many of the transfers had taken place.

We remember regretfully the time President Clinton signed a waiver to allow the transfer of guidance technology that was produced by the Local Corporation. That is something that would be very dangerous for the other side to have.

Considering what little we do have left in terms of technology, I cannot imagine in this day and age in our Nation’s history to be making it easier to transfer technology from a pure national security standpoint than right now. So I am hoping my colleagues will look at what has happened over the last 8 years, has happened over the last 2 weeks, and come to the conclusion that maybe this is a good idea for sometime in the future. It is not a good idea for this time.

I yield the floor.

Mr. BRYAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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We remember regretfully the time President Clinton signed a waiver to allow the transfer of guidance technology that was produced by the Local Corporation. That is something that would be very dangerous for the other side to have.

Considering what little we do have left in terms of technology, I cannot imagine in this day and age in our Nation’s history to be making it easier to transfer technology from a pure national security standpoint than right now. So I am hoping my colleagues will look at what has happened over the last 8 years, has happened over the last 2 weeks, and come to the conclusion that maybe this is a good idea for sometime in the future. It is not a good idea for this time.

I yield the floor.
order for him to intervene on behalf of national security because of a direct threat to this country, the determination that has been made will go away and the thing can still be shipped unless he complies with the provisions I just read—if at the outside it is an 18-month time period. I have been reporting back that they have concluded their negotiations successfully.

So then it says:

Action On Expiration Of Presidential Set-Aside

Upon the expiration of a Presidential set-aside under paragraph (3) with respect to an item, the Secretary shall not require a license or other authorization to export the item.

Then we get to the final point. If the President, after going through this process, has not followed each of these items in any way, then the item is still shipped even though it is originally made a determination that it constituted a threat to national security.

My point is this. I do not particularly object to any particular provision. I have not thought about it enough, quite frankly. I did not realize yesterday we were going to have this debate in this much detail. But my point is this. Clearly, we are making it kind of tough on the President to intervene on behalf of national security, even when there is a threat to the national security of the United States.

He is going to look at this—somebody on his behalf, hopefully, will look at it beforehand—and look at the onerous requirements, including entering into negotiations with foreign countries, reporting requirements time after time to congressional committees and certifications, in effect, as to what they are doing, giving up-to-date reports on how negotiations are going.

The President has to make the determination because under the act you cannot delegate. He has to do it himself. This is a burden on the President. While it is true that the President, under some circumstances, can intervene on behalf of national security, an easy path for the President to take. That has to do with regard to matters of foreign availability status.

There is another section—I am not going to put you through the entire section 201, but there is another section called the “Presidential Set-Aside Of Mass-Market Status Determination.” So even though there is a determination that an item is mass-marketed in this country:

If the President determines that—

And I am reading from the provision—decontrolling or failing to control an item constitutes a serious threat to the national security of the United States, and exporting such an item would advance the national security interests of the United States, or [et cetera]

the President may set aside the Secretary’s determination that an item is mass-market status with respect to the item.

Why it requires a threat to national security under the foreign availability set-aside, and a serious threat to the national security for the mass-market status determination, I do not know. But there is that distinction.

So here, even more than was applicable in the preceding discussion we had, it focuses our attention on a matter where the President of the United States could make a determination that something is a serious threat to the national security and still “[i]n any case in which export controls are maintained on an item . . . the President shall promptly report the determination.”

He must give reasons for the determination to the committees that I just mentioned and “shall publish notice of the determinations in the Federal Register not later than 30 days after the Secretary publishes notice of the Secretary’s determination that an item has mass-market status.”

The President shall review a determination made under subsection (a) at least every 6 months.

Here is a President who has made a determination that something is a serious threat to the national security of our country, and we, as a Congress, require him to review that because we want to make sure that the President did not make a mistake and say something was a serious national security threat when it was not, presumably. He is required to review it every 6 months. I quote:

Promptly after each review is completed, the Secretary shall submit a report on the results of the review to the Committee on Banking, Housing, Urban Affairs of the Senate and the Committee on International Relations of the House of Representatives.

So, again, my point is not that there is anything intrinsically wrong with any particular part of what I just read. It is that clearly this legislation is designed to make things more easily subject to export. It is clearly designed to decontrol even to the point where we give the President authority to step in. We are setting up several steps for the President to go through over a period of time before he can do that.

So I want to make sure anyone who might be listening to this understands that, yes, the President can step in under some circumstances with regard to certain determinations but that he cannot snap his fingers, and he cannot pick up the phone, he cannot write out a memo; he has to go through a procedure that is a long-drawn-out procedure involving several steps if he wants to do that.

One of the things we are going to have to ask ourselves when we deal with this in a little bit more detail is whether or not, in matters involving a serious threat to this country, it is so important for us to lower the export standards that we are not willing to give the President a little more leeway, that maybe even if he justifies it to Congress with a memo, he has to go through this whole process for him, are we not willing to give the President perhaps a little more leeway in making a determination that under the words of the statute is a serious threat to our national security?

That is a serious question. That is one question that we are going to have to answer. That gets back to why we are in this Chamber today. We are still on a motion to proceed. That is why we believe it is appropriate to notify us 24 hours in advance, and to try to push for a resolution of this matter in such a short timeframe, when amendments have not been fully drafted, when the Executive order that the administration is working on has not been drafted.

These are serious matters, serious questions. I may be overly concerned about what I just talked about. I am not sure. I have not had a chance to really digest it. All I know is that it is not enough to say that the President can step in and, lickety-split, there is no problem; he has taken care of the problem. It is not that simple at all.

Mr. KYL. Will the Senator from Tennessee yield for a question?

Mr. THOMPSON. I am delighted to yield.

Mr. KYL. Apart from the steps the President has to take if he is going to obtain this national security waiver, so that the item would be controlled, how long does that order last? And isn’t there a limitation so that he can only issue that three times, for 6 months at a time, after which the President no longer has any control? In other words, the longest period of time he can control an item is 18 months. And after that, even the President has no authority.

Mr. THOMPSON. That gets back to the provisions in subsection (3) (A) (B) (C) and (D) on pages 200 and 201 in the document I think we are all looking at. It talks about the expiration of the Presidential set-aside. It says: “A determination by the President described in subsection (a)(1)(A)(ii) or (ii) shall cease to apply with respect to an item . . .” and it sets up conditions under which it ceases to apply with respect to the earlier of several dates. The Senator is right; there is an 18-month maximum period.

If some of these things happen earlier than 18 months, it would cease to apply then, as I understand it.

Mr. KYL. Will the Senator yield for a question?

Mr. THOMPSON. Yes, I will. Mr. KYL. I am beginning to see the problem. We have ignored page 183 which is the section that, when we went through those extensive negotiations, we added that supersedes all of these 18-month, 6-month paragraphs about which we have been talking. Those are options. But undoubtedly the option the President would take would be the one on page 183, which allows the President to override anything in section 204, which are provisions that deal with components. They have heard about, which is the foreign availability and mass-market status determination. This is a much easier section for him to use.
Mr. THOMPSON. This is very good, if I may respond. We did indeed talk about this. I was interested to see whether or not it was your view that this provision you just described did in effect contradict what I just read. And I ask the Senator if he will agree with me—are these pages I have been discussing with regard to criteria for Presidential set-aside under 212—does that not make those requirements under the enhanced controls superfluous and, if it does, in what case would 212 apply when the enhanced controls provision would not apply?

Mr. ENZI. We had the language in section 212 in the versions when we were asked to override those sections. The President could use that. It is a mechanism. We thought that that provided Presidential control, even before we had our discussions. But we were specifically asked for sections 204 and 211, that we do something that was more overriding and more comprehensive, and we did.

Mr. THOMPSON. But 212 is not discretionary. The language of 212, and in certain important respects, requires the President to do certain things—the President has to decide whether to implement those controls during or irrelevant negotiations, etc. Cetera. So if the language remains there, it is mandatory language, and it seems there might be some inconsistency there. I am wondering whether or not one of the things we might talk about is maybe paring this thing down a little bit in terms of some of this language in that it does appear—if my friend agrees that the enhanced control provisions are overriding. It does appear that this language would be superfluous and, if it remains, it is a contradictory provision, wondering if perhaps that would be the basis of some discussion.

Mr. ENZI. It wasn’t our intent to make it contradictory, but it was language that was already there. The request was to override those sections, and we did that by putting in another one. Perhaps there could be a way to address this.

Mr. THOMPSON. With all due respect, I suggest there is more to it than that. It is not a matter of shortening it or making it more difficult. We have one provision here that says the President can intervene and override, in effect, if he goes through several steps, including negotiating with foreign countries. Then we have another provision—although the standard is a little bit different—that lets him do the same thing without going through all those steps. Mr. ENZI. The criteria you mentioned of foreign availability is current law. That is what the President is forced to do at the moment.

Mr. THOMPSON. I am not saying I necessarily object to any portion of this. I am saying there is an inconsistency here.

Mr. ENZI. We were trying to get the administration, whatever administration it was, to work more on multilateral controls because everybody agrees that multilateral controls have more impact than unilateral controls. That is why we were encouraging the President to negotiate with the other governments to get them to fall in line on the controls so that we would have an effective multilateral control process as well. That was covered in the report we put out last Tuesday.

Mr. THOMPSON. Well, I understand it might be desirable for the President to do that. For my part, I would rather have an Export Administration Act that allows the President to negotiate with foreign leaders on these matters.

I will also suggest that when the President makes the determination under this enhanced control provision, the item that is on one of these lists would constitute a significant threat to the national security, he ought to be given quite a bit of leeway. It might be a good idea to negotiate with foreign leaders; it might be a good idea to do a lot of things. We have to ask ourselves how many hoops we want the President to jump through if, in fact, he makes a determination that it constitutes a significant threat to national security.

Mr. ENZI. I am not trying to negotiate the details of the bill with my friend today. This is one of the benefits of discussing this today and one of the reasons we are not ready to put a bill to bed. I don’t claim to have all the answers to it. I haven’t had a chance to think all the details through. But I believe we really need to ask ourselves how many hoops we want the President to jump through if, in fact, he makes a determination that it constitutes a significant threat to national security.

All these requirements I read a while ago having to do with the President negotiating, with reporting to Congress, having the thing expire—it even expires under the provision—that is greatly different from the enhanced control provision that doesn’t put any of those requirements on him if he determines that there is a significant threat to national security.

We don’t want a couple of years from now having to be the one to decide what we meant when we drafted this legislation. We need to decide here in this Chamber, after thorough debate and consideration, just exactly how that ought to be worded and whether or not we want to have what appears to me to be inconsistent provisions in the legislation.

I thank my friend for his comments. It is the basis for some discussion, as far as I am concerned, in an attempt to reach some resolution. I was not aware we were going to debate all the details. I welcomed the opportunity to have that. The issue before us today is whether or not this is the right time, in the midst of all the developments on the country right now and everything that is happening internationally, to choose to signal to the world that we want to liberalize our export policies with regard to dual-use, high-tech, military-related items when we know the primary beneficiary of it is going to be China.

It is not a good time, and that is the reason I join my colleagues in opposing the motion to proceed. I do look forward, however, to working with my colleagues across the aisle to try to craft useful policies that will protect our national security.

Mr. KYL. Mr. President, I wonder if the President from Arizona is recognized.

Mr. KYL. Mr. President, I wonder if the Senate from Wyoming might respond to a question I have. As I read the bill, the section that he cited before, which relates to an override of sections 204 and 211, does not apply to section 212. Section 212 has to do with foreign availability, 204 deals with incorporated parts and components. The mass marketing section is 213.

As I read the President’s authority under enhanced controls in that section, the Senator referred to, on page 183, it deals with sections 204 and 211 only.

Mr. ENZI. Section 211 covers both foreign availability and mass market status. You are talking about the section of the mass market.

Mr. KYL. So the significant threat override authority would apply to any of the three items that we just talked about.
Mr. ENZI. Yes. Mr. KYL. I thank the Senator. Mr. ENZI. We are hoping that adequate time will be given to the Senate for their oversight and their understanding of what is going on. We have always wanted that. Mr. KYL. I thank the Senator for his information.

Mr. MCCAIN. Mr. President, I join Senators THOMPSON, SHEELBY, KYL, and other members in objecting to the rushed consideration of the Export Administration Act of 2001.

This legislation, which governs the exports of sensitive technology to overseas buyers, has critical ramifications for American national security. Republicans in Congress rightly raised grave concerns over the Clinton Administration's export control policies, which had the effect of being linked to campaign donations, and which we know improperly enhanced Chinese and Iraqi military capabilities. This Republican Congress, and our Republican Administration, must ensure that our national security controls on sensitive exports are properly balanced, the flow from falling into the hands of those who would do America harm.

This bill does not yet meet that threshold. Since the beginning of this year, six Senators, including Senator KYL, have tried for over 2 years to work with the sponsors of this bill, and with the Bush Administration, to ensure that S. 198 strikes the proper balance between our country's commercial and national security concerns.

I will save my specific, technical concerns about this legislation for the full floor debate on this measure, whenever it should occur. At this time, let me say that the bill's restrictions on presidential authority to regulate national security-related exports, the enhanced role given the Secretary of Commerce in the national security decision-making process, and the liberalization of exports of all goods, however dangerous to U.S. security interests, that may be otherwise available for sale in the United States or overseas pose problems that need to be resolved before the Senate can properly address this legislation.

As Chairman of the Commerce Committee, and as a strong supporter of free trade, it comes as no surprise to me that American businesses dominate world markets and have propelled the Information Age. Unlike businesses, however, we in this body have responsibility not only for the prosperity of this country, but also for its security in an uncertain and hostile world.

It's clear, far less than 1 percent of total U.S. exports fall under the jurisdiction of the EAA. Within that small proportion of exports that are sensitive, we have an obligation to ensure that these goods are appropriately controlled so that the peace and prosperity we enjoy are not threatened. Have no doubt, our enemies, be they foreign nations or terrorist groups, have no qualms whatever with buying American products and putting them to military use. In this time of peace, let us work to sustain the dynamism of our economy while safeguarding our people by striking the right balance between the commercial and national security provisions in this bill. We have much work to do. That is why I join my distinguished colleagues in objecting to consideration of this measure until we have had the chance to prepare amendments and continue our work with the Administration to improve the bill.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I don't want to interrupt the flow of debate. I have a matter I would like to discuss that doesn't pertain to the matter before us. I see my good friend from Virginia. Mr. Warner. He may want to comment on this debate. If that is the case, then I will yield for this discussion to go forward, so that we want to necessarily interrupt the flow.

Mr. WARNER. Mr. President, I have joined my colleagues for the purpose of contributing to the debate at hand. I think maybe I need 10, 12 minutes. I think this measure, whenever it is covered, I don't wish to be redundant, but there are some points I would like to make.

Mr. DODD. I am happy to yield to my colleague from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I reflected, as I approached the Chamber, that in my 23 years in the Senate, I don't know if I have ever opposed my good friend and my good friend from Texas—we could be doing a disservice to our country.

At the present time, I believe it is premature to move this bill through the Senate, for two very good reasons: the need to review and examine, our new President, sufficient time to provide Congress with the promised details on how it plans to implement this legislation. I know full well that it has been stated—and I believe it is fact—that in the past, the Administration has contributed a number of suggestions—which I think is 21—in the Banking Committee. The distinguished manager of the bill is present, and they have incorporated all of those. But, when I look at it and listen and talk with the administration, those areas in which we have special concern are to be brought forth in an Executive order.

Very simply, we are just saying allow time for the administration to do the Executive order. I worry spending a lot of time on the floor with amendments if we should go ahead with the bill and proceed in addressing issues that may be better left to the discretion of the executive branch.

Secondly, moving this bill at this time without establishing consensus sends a wrong signal and could complicate a very difficult and tenuous policy toward China, which is still evolving. I cannot think, therefore of a situation where China could result in an increase of exports of high technology to China. I think we should listen carefully to the people in this Nation on this issue. This China policy is not just reserved to the bureaucrats in Washington—I say that respectfully—that the administration, the branch and the Congress. The people of this Nation have very deep-rooted concerns about our relationship with China, and this subject goes to the very heart of those relationships.

Let me add in a serious reservations about bringing up the bill at this time, as I said. We are still awaiting specifics from the administration on how it will...
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Implement this bill. We need to give the administration enough time to respond to our inquiries and deliver on their promises of additional information.

The administration reviewed this bill at the request of myself, Senators MCCAIN, SHELBY, THOMPSON, HELMS, and KYL. We had one meeting with the National Security Adviser on this issue. While the review was conducted without the benefit of working level political officials in place with responsibilities for national security concerns, I am confident the administration did the best it could given the timeframes and the people with whom they had to do the job.

Based on this review, the administration came up with a series of legislative changes that the Banking Committee included in its bill. This was a positive step, and I commend them. I support it, although I would have preferred this review take place with the benefit of working level administration participation; that is, these amendments that have been adopted, together with other commitments that they have made to Congress on other issues.

More remains to be done. We have not received specific comments or recommendations from the Department of Defense. That input, in my judgment, is critical. The Banking Committee’s bill, including the changes made to the bill at the request of the administration, provides for even less protection for national security than changes proposed to us by the last administration.

When the National Security Committee chairmen of the Senate were briefed on the results of the administration review, we were informed at that time that an interagency agreement had been reached on how the administration would enhance national security controls during implementation of the bill. We were then informed that the national security protections that we have sought would be included in an Executive order that would implement S. 149.

Despite several inquiries on the part of my staff and others to get the information that we sought, we have not been able to get any specifics on what is in this interagency agreement or what might be in the Executive order.

This information is critical in helping this Senator, and I think to not only the team we have put together, but also the other advocates for national security protections that have been sought would be included in an Executive order that would implement S. 149.

Finally, I have a question about how it intends to implement the national security protections.

Many of my concerns, as well as those of my colleagues, may be alleviated by the details of the administration’s implementation plan. If, however, we do not get an answer from the administration in a reasonable amount of time, I urge the major

ity leader to chair a working group of interested members to work to clear as many amendments as possible prior to taking the legislation up on the floor, so as not to waste a great deal of time.

At this time, in the absence of additional administration involvement, I have fundamental concerns with this bill. This bill continues the trend of dismantling our export control structure. During the height of the cold war, this Nation had a carefully formulated and carefully crafted export control policy—a consensus—both here at home and with our allies—that we needed to protect our Nation’s technology. The bottom line: It must never be used against us.

This consensus has broken down with the end of the cold war. Technology is proliferating, and this bill will continue that trend. If our pilots are shot down over Iraq or put in harms’ way due to enhanced communications and computing technologies that enhance precision guidance systems, Iraqis need to look no further than to the lack of will and leadership over the last decade to control this technology. While this proliferation of technology may be inevitable, we need to understand the implications of that trend to freer trade in advance technology. With that understanding, we must do whatever it takes to protect our soldiers, sailors, airmen and marines as they face these new threats.

Since the fall of the Berlin Wall, we have witnessed a slow demise of the cold war consensus on export controls. I make three observations:

First, we have seen a dramatic liberalization—primarily through Executive orders of successive Presidents—of export controls. We are only controlling about 6 percent of what we controlled during the height of the cold war.

Second, because of the decline in defense R&D, technology innovation is primarily advancing in the commercial realm. This makes dual use export controls, rather than the defense sector. This technology innovation is primarily advancing in the commercial realm. This makes dual use export controls covered by the EAA even more critical in protecting our national security.

Finally, as a result of both of these developments, we are witnessing the global spread of advanced technology that was once solely in the military realm. This threat will require a significant investment in defense capability to counter.

Simply putting export control policy has gotten out of balance. The Export Administration Act before the Senate, as currently drafted, tips the balance even further toward meeting commercial needs versus national security needs. There is a predominant emphasis in this bill on export decontrol, without, in my judgment, an adequate assessment of the national security impact of that decontrol. The bill now gives the Commerce Department the predominant role. I believe that this bill must be brought back into balance with enhanced DOD authorities and discretion. As now drawn, this bill also unnecessarily limits the President’s discretion to control items for legitimate national security reasons.

At a minimum, we must address in this bill:

No. 1, the need to protect militarily sensitive technology. DOD and the intelligence community must be able to protect sensitive technology from falling into the hands of potential adversaries. Technologies which, if proliferated, would undermine U.S. military superiority must be controlled. The national security agencies must be able to block any decontrol or export that might harm national security now or in the future. For example, hot section engine technology and other technologies that DOD and the intelligence community consider critical need to be protected.

No. 2, the need to enhance the role of the Secretary of Defense and the intelligence community in the export control process. We have not received specific comments or recommendations from the Department of Defense. That input, in my judgment, is critical. The Banking Committee’s bill, including the changes made to the bill at the request of the administration, provides for even less protection for national security than changes proposed to us by the last administration. At a minimum, the concurrence of the Secretary of Defense should be required in matters relating to products that should be controlled. The process for reviewing export licenses, the rules for any interagency dispute process, and regulations implementing dual use export controls; and

No. 3, the need to ensure that the national security impacts of any proposed decontrol are well understood and articulated before decontrols are allowed to proceed. This assessment should be based on how this technology can be used as part of, or to develop, a foreign military or intelligence system or capability. Ongoing assessments need to be made to assess the cumulative impact of decontrols and the proliferation of technology.

This last point is critical. Congress needs to look at the impact on national security of export decontrol and the global diffusion of technology. We need to assess the degree of technology proliferation that is occurring and the risk that our adversaries will use this technology to gain some type of asymmetric advantage over our forces. Global technology proliferation could put at risk our military superiority. Future historians may look back on the rapid decontrol and leakage of Western technology as the biggest national security lapse of the post-cold-war period.

We should also want to ensure that unnecessary restraints on the ability of the private sector to compete in the global marketplace are removed. It is in our interest that U.S. businesses are able to maintain their commercial and military superiority and that they are able to compete. However, when hard decisions must be made, national security must always be the paramount consideration.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Connecticut.

Mr. DODD. Mr. President, I came to speak on an education matter, but I
have enjoyed the last 45 minutes. I thank my colleagues from Tennessee, Virginia, and Arizona. I serve on the Banking Committee and have great respect for my colleague from Wyoming who chairs the subcommittee that deals with these issues.

The committee had extensive hearings going back into last year. The Senator from Wyoming deserves a great deal of credit—I know my colleagues share these views—for his tireless efforts on behalf of our banks. It affects not only the desires of exporters, but also takes into consideration the very important national security issues that our colleagues from Virginia, Tennessee, and Arizona have raised this afternoon.

The committee sent out this bill in March after seven different hearings with extensive testimony. I have been supportive of this effort. I say that the Senator from Virginia, that he raises some very good points. This is not a debate that is going to attract nightly news attention. It can get rather detailed, as the Senator from Tennessee pointed out when he started talking about these various provisions and what is intended by them.

As I listened, I clearly heard the spirit with which my colleagues raised these concerns, and they are concerned to which we should all pay attention. I know my colleague from Wyoming does. I, for one, thank them. I do not know what is going to happen with the debate. I hope my colleagues can address some of these concerns. Some amendments may be necessary. I suspect they will get broad-based support.

So, I came over to give a speech about education and I got educated, myself. I thank my colleagues, and I appreciate the points they raise. They are very valuable. The point raised about China is worthy of valuable note.

Mr. WARNER. Mr. President, I thank the Senator for his courtesy as always. It is a very simple equation. The bill got the attention of the administration; now administration. Secretary Rumsfeld, for example, has in place today only three persons who have reached the full confirmation process and are now sworn into office. Six more have been processed by the advisory-and-consent procedures of my committee and will come before the full Senate next week.

The administration is struggling to put together this highly technical response. I think they should be given a reasonable period of time before we blow into a legislative process in this Chamber.

Mr. President. I thank my colleague. Mr. DODD. Mr. President, I thank my good friend and colleague from Virginia.

Mr. President. I am not going to take much time. I see my good friend from West Virginia who always has worthwhile information to share with this body. I see my colleague from Louisiana is here as well.

I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION

Mr. DODD. Mr. President, I am here to continue to raise my voice and express concerns about the forthcoming debate regarding elementary and secondary education.

During almost my entire service in the Senate, I have been fortunate to serve on what is now called the Health, Education, Labor, and Pensions Committee.

I have had the privilege of serving with many wonderful Members, Democrats and Republicans, over the years, who have dedicated themselves to improving the quality of public education in America: Senator Pell, Senator Stafford, Senator Kennedy, the present ranking member, Senator Jeffords, the present chairperson of the committee. It is a committee I am committed to seeing to it that this Nation provides our children the best educational opportunities possible. I believe that the Members of the Committee, today, are anxious to continue that tradition.

I do not know exactly when this matter will come before the Senate for consideration, but I am troubled that during the process of negotiation, while we are trying to work out our differences, not all the issues are on the table, and we are going to come up with a package.

It has been most worthwhile for us to deal with the issues of accountability. Our colleague from New Mexico, Senator Bingaman, has for years championed the cause of the accountability of our schools across America, both as a Member of this body, and earlier as a Member of the other body. He brings to this debate years of experience and knowledge and I am particularly grateful to him for his help.

Over the years we typically have passed education bills that enjoyed broad support, 90 or 95 votes, to support our elementary and secondary schools. I enjoyed being part of those truly bipartisan efforts.

Every day, about 50 million children attend public schools in the United States. Many of them, through Title I of the Elementary and Secondary Education Act, depend on Congress to provide them with resources that they need to help them get the education they need and deserve. Yet, we spend only about 2 cents of every Federal dollar on public education. In my view, we have not been a very good partner with our local communities in helping to improve the quality of education. Another—probably surprising—fact is that the Federal government contributes only about 7 cents to every dollar spent on education. Our small towns, cities, counties, and States provide the other 93 cents education.

So, I believe what needs to be done about public education, we really haven’t put our money—your money—where our mouth is. A couple weeks ago, we debated the budget of our country. The great debate was over the size of the tax cut that the President has proposed. Virtually every Member, in fact, virtually everyone I know, believes that a tax cut makes sense, given the budget surpluses projected.

But how much of a tax cut? The President wants $1.6 trillion, based on ten-year economic projections. I don’t know of a single economist worth his salt who believes this project with any degree of certainty what America’s and the world’s economic situation will be a decade from now. Yet the President of the United States and those who support him on this matter want to spend $1.6 trillion of this budget over the next 10 years on a tax cut. And, Mr. President, $680 billion of that $1.6 trillion, will go to individuals who presently earn more than $300,000 a year. Over that same period, the President would increase spending on education by about one-sixteenth of what he would spend on tax cuts for the wealthy.

I think in that context that we really ought to do better than spending only 2 percent of our budget to support America’s education. The administration and others say that full funding for title I of ESEA, which provides Federal dollars to the most needy school districts in America, is just too costly; that full funding for special education is too costly; that we can’t afford it. But, we can afford $680 billion for a tax cut for people who make more than $300,000 a year which by the way is about twice as much as the Federal, State, and local governments combined spend on education in this country.

I represent the most affluent State in America on a per capita income basis. Some of my constituents want a tax cut. I have represented my State for more than two decades in the U.S. Congress, and I have a fairly good idea of how people in Connecticut feel on issues.

On this issue, the overwhelming majority of my constituents, including those from the most affluent communities, tell me that we need this size tax cut, in light of the economic forecast and the many needs that America has. And, these are the people who would be the direct beneficiaries of the proposal the President is advocating.

This tax cut threatens to throw us back into the situation I encountered when I arrived in this body 20 years ago. I had been here a year, I say to my colleague from West Virginia, when I was asked to vote on a tax cut proposal that was, I thought was dangerous then. I wasn’t sure. I was a new Member.

I was one of 11 people who voted against the tax cut proposal, and as I look back over 20 years of public service in this body, I don’t think I ever cast a better vote. And I don’t know how many Members who were here that day who wouldn’t like to have that vote back because of the great harm it did.
to our country, throwing us into a deficit that took our national debt from $900 billion to almost $5 trillion in a little less than a decade.

Today, we have come out of that situation for a lot of reasons which I will not go into at this moment. But we have been given a second chance not to make the same mistake we did two decades ago. In the midst of this, we are going to have a debate about educational needs. The President has said many times that this is his No. 1 priority. But what he has not said is that what he is proposing in this budget is an expansion of the National Assessment of Educational Progress, that imposes strict new mandates on local communities—that they can’t afford on their own—but won’t commit the resources to match.

Unlike the defense authorization or the agriculture bill, which we consider every year, we won’t consider the elementary and secondary education bill again for seven years. This is our one chance to establish our educational priorities as we start the new global millennium.

A child entering an elementary school in Connecticut today is not competing with a child from Louisiana or West Virginia or Oregon. They are competing with children from Beijing, Moscow, Australia, South Africa, and Europe. We are in a global economy. We have to produce the best educated, best prepared generation America has ever produced. And in no small measure what we do in the next few years will set the direction for America or not. We are successful in that endeavor.

We talk about testing teachers and testing students. Well, we are about to take a test, ourselves. The test is whether we can get beyond politics in discussing an education bill, as we used to do around here. It is an embarrassment that we spend only two cents of each dollar of the national budget on education, when the President says that education ought to be our top priority. I agree with the President on that. I agree that we need to help schools get class sizes down to a level where teachers can teach and kids can learn. That ought to be a part of this negotiation. Teachers do a magnificent job every day. I am somewhat biased in this. My mother told me, if I have about 30 years in the public schools of my State. She taught in the private schools; in the Montessori system of teaching before that. I have a brother who taught 25 years at the university level and another three sisters taught for 40 years apiece in the public school system in my State. All three are now gone, but they prided themselves on that and dedicated themselves as teachers. One of them was a Fulbright scholar. She taught in the Hartford Public High Schools. So I come to this debate and discussion, I suppose, with somewhat of a bias in that I have grown up with two generations of my family dedicated to teaching young people.

Nothing makes me more angry than when I hear people suggest that teachers do not care. Maybe there are some, but I have never met one. The ones I have met, the ones I know, could have chosen other career paths in their lives and been financially rewarded to a far greater extent than they were as teachers. But they were dedicated to improving the educational quality of their pupils.

This Nation is built on a number of great things. One of the best is a commitment to education by a group of people who educate succeeding generations of Americans. Those teachers embrace the values incorporated in our Declaration of Independence and our Constitution. We ought to applaud them every single day and thank them.

I listen to teachers talk about what needs to be done. And, we need to help them do it. We need to help schools get larger classes that will help them to teach. Our Public School Teachers Associations want to pay attention to that. We ought to listen to our PTAs and school boards, people who work every day with these issues. When I talk about class size, school construction, afterschool programs, teacher pay, those are not my ideas; these are not issues the Senator from Louisiana or the Senator from West Virginia or the Senator from Oregon thought up on our own. We were back listening to the folks at home who told us this is what is needed to make the system work better.

In the remaining hours and days here, before we begin a debate on this subject matter, let us not be co-architects of a plan we will come to regret.

There are those who are anxious to see the public educational system of this country disappear. I know that sounds like a radical thought, but there are those who believe it. I believe we may be about to see a self-fulfilling prophecy ingrained in it, to produce the result that schools do not work and that we have to come up with alternatives to those to educate people in this country.

For my colleagues in the coming days, I will find that common ground and put these items on the table. I am negotiable these items as well before we come to the floor with an education bill that runs the risk of testing kids and holding schools accountable but not providing the resources that our most needy schools require to implement reforms.

I apologize to my colleagues for taking a bit more time than I thought I would, but I thank you for your attention, and I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I congratulate my colleague on his speech this afternoon. I share his thoughts, so beautifully and so eloquently expressed on this Senate floor. I salute him, and I will be working shoulder to shoulder with him to advance the education of our children.

During a recent break, I read a book by Sir Francis Bacon. The book is entitled, “The Advancement Of Learning.” He was talking about some of the same things we are talking about today: the need for equipment in our educational institutions; the need to pay, the need to remunerate the people who teach in these schools. So I think we are—we were about to say “walking in good footsteps.” I hesitated because Sir Francis Bacon was impeached and went to the tower for a while. But anyway, I congratulate my friend.

Mr. President, I understand my friend and colleague from Louisiana is also interested in speaking. May I ask her how much time she would need?
Ms. LANDRIEU. I could probably use 5 minutes, if the Senator could be so gracious to allow that, for comments on education.

Mr. BYRD. I have three speeches. I am not noted for brevity in my speeches, but I am not very about it, too much because Cicero was once asked which of Demostenes' speeches, he, Cicero, liked the best.

Cicero's answer was, "the longest." He liked the longest of Demostenes' speeches the best. Of course his speech "On the Old Age" was probably the greatest speech ever made.

I wonder if the distinguished Senator will let me do my first speech, which will require less than 10 minutes. Then I ask unanimous consent that I may yield to the Senator for her remarks, and that I retain the floor so I might complete my other two speeches.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR STROM THURMOND

Mr. BYRD. Mr. President, this morning's Washington Post contained a front page story on our distinguished colleague Senator THURMOND. I am the Senator in this body who has served longest with Senator THURMOND. I served with Senator THURMOND when Senator THURMOND was a member of the party on this side of the aisle. So, having served with Senator THURMOND for many years, I have been reading the story, thinking how nice it was that the paper would devote time for the most part respect each other off the Senate floor as well as on the Senate floor.

However, midway through the story, the Post journalist quotes a Senator who 'agreed two tidily only if he was granted anonymity.'

I am speaking candidly today, and I don't do so with anonymity.

At any rate, the story quotes the unnamed Senator as saying, "In talking about Senator THURMOND, 'At what point do you draw the line?'" That is the question I kept asking myself as I read this inappropriate, tasteless, cheap-shot piece of journalism: At what point do you draw the line?

That is the very question the Washington Post should have been asking before they chose to print their tabloid tripe: At what point do you draw the line?

May I suggest that the real story here is not Senator THURMOND's age. The real story should be that he loves his country so much that he gave up his draft exemption status during World War II in order to enlist in the U.S. military and take part in the invasion of Normandy and the liberation of France. For his patriotism, he was awarded Senator THURMOND for his patriotism. He didn't have to do that, but he did it.

As I read the story, I was filled with dismay, then revulsion. Contrary to my expectation, what I was reading was not a demeaning drivel filled with denigrating language and insensitive images.

As I read, I kept asking myself, what is the point of this story? Is there any purpose to be served by it? This is certainly not a news story. Yet, it is on the front page of a major national newspaper—a newspaper that is read around the world everyday, a newspaper that is a great newspaper.

I can see neither a point nor a purpose to the story other than a pathetic attempt to demonize an outstanding man and a long serving, distinguished federal lawmaker.

Every senior citizen in America ought to be offended by this orgy of pejorative rhetoric which aims only to viciously exploit something as normal as the human aging process.

We are all going to be old one day, if we live long enough. We ought to be conscious of that fact. We should be conscious of it every day regardless of what pursuit we follow in life.

Is there no decency anymore? Is there no respect for anything anymore?

The people of South Carolina continue to place their confidence and their trust in Senator THURMOND. They elected Senator THURMOND to represent their State in the U.S. Senate. And they have elected him and reelected him many times. That is their judgment, and I respect their judgment, and so should everybody else.

The Senate is a collective body of 100 men and women who have been elected by the people of their various States to make the Nation's laws. We are a special body. One-thousand, eight hundred and sixty-four men and women have served in the Senate since the first day it met in 1789.

We are a special body. While we may have our disagreements on this floor, I believe that the Members of this body for the most part respect each other off the Senate floor as well as on the Senate floor.

Is there no decency anymore? Is there no respect for anything anymore?

Is there no authority? Is there no respect for the authorities?
and Democratic side—our budgets have not reflected that because when items are a No. 1 priority, they get greater than an inflationary increase. They get significant increases in the budget to reflect that No. 1 status. That is simply not happening in the area of education to help us reach our title I status.

So we want to fight for reform. We want to fight for accountability. But we must have those investments to make those reforms real or it is an empty promise and we are going to be leaving even behind millions of children, as Senator DODD said.

Let me just share with you, first, a chart that shows that money does matter. There have been hundreds of studies done, but let me just share one with you. This is a New York study that was recently done that links the rises in school financing to test scores.

In New York, 39 low-performing schools were targeted. These are schools that were failing to meet academic targets. These schools were targeted, and they were given a set of reforms: higher standards, testing, all of the things that we want to do; and, in addition, money, anywhere from $500,000 to $1 million was invested, for smaller classes, longer school days, and teacher training.

Do you know what happened. Children began to learn because the reforms were matched with the dollars. In this particular study, we saw an increase in percent in reading, 35 percent in math, based on the reforms and the investment.

I could share with you hundreds of studies and case examples in Louisiana, New York, and California where it proves the point that money matters. Will money correct the problem? I don’t think so. We are on the threshold of realizing substantially.

I believe passionately that if we do not match that historic commitment to excellence and accountability with an historic increase in funding, we are going to leave many millions of our children behind, disappoint communities around this Nation, with unfunded mandates and broken hearts and broken promises. We simply cannot do that. We need to increase funding substantially.

Let me share another number for the record. The proposed tax cut will return $609 billion this year. The current education budget provides only $2 billion extra. Mr. President, with $69 billion for investments in tax cuts, $2 billion for investments in education, it is not nearly enough.

The three R’s bill that I have been supporting and promoting asks for an $8 billion increase in education. That would be a significant start—more than the rate of inflation. Not only would the increase help to match our commitment to reform and accountability, but the targeting aspect is also important.

Let me share one other chart today. One of the problems, as I have tried to outline, is inadequate funding and the real need to match these new accountability standards—new testing standards and new standards of excellence—with real dollars to help our schools to meet these new targets. But equally important is the amount of the funding is the way the funding is distributed.

Right now, we are missing the mark. We are missing our targets. The Federal Government provides a portion of education dollars to the State, and all of us agree—Republicans and Democrats alike—that the primary role of the Federal Government is to help level the playing field so that whether you are in a poor community or a poor State, you have a fair opportunity for an excellent education. Regardless of the fact that he or she might live in a district where there is no capacity for raising taxes, that student should still have a chance for a good education.

Our targets are missing the mark. Depicted in the center of this chart are the schools that are up to 100 percent of poverty. After 35 years, we are still not funding 100 percent of the poorest children in our Nation. We have not reached them. We have tried for 35 years, but we are not reaching the target. When you move out to those schools that are between 50 and 75 percent of poverty, we only reaching 80 percent of our children. When you move out further, to those schools that are between 35 to 50 percent of poverty, we are reaching less than 50 percent of our children. We need 100 percent for the poorest children. We need 100 percent for those schools between 50 and 75 percent of poverty. And we need at least 75 to 100 percent for those schools at 35 to 50 percent of poverty. If we do not, the promise that we make to our children in this country, many of whom live in States such as Louisiana, West Virginia, California, and New York—and they exist in every part of this Nation—will simply be empty. It is not fair.

As I conclude, let me just say that not only is it not fair; it is not smart because our Nation will not function at its highest capacity. We cannot remain conscious little 3½-year-old daughter is not on Capitol Hill. It is Take Your Daughter to Work Day. While my own precious little 3½-year-old daughter is not with me today because she is not quite old enough to appreciate the significance of this day, I do have three beautiful little girls from Louisiana whom I have adopted for the day and a whole Girl Scout troop here from Capitol Hill. Troop 4062. I will submit their names for the Record.

I want the Record to reflect that they were here today working with us to help make this Senate and this country a better place. I wish them all much success. I am glad that so many of our Senators and staff invited the young girls today to share this experience with us.

I thank the Senator for yielding the time and ask unanimous consent to print the names in the Record.
The role of television

Mr. BYRD. Mr. President, I want to take a few minutes to discuss an issue that I have addressed several times before on this floor—that is, the role of television in the lives of the American people. Today’s television would have you believe that the television program “Who Wants to Be a Millionaire?” is a guide on how to find the perfect mate; that “Temptation Island” is a guide to stable relationships; that Al Bundy is a paragon of parental nurturing, while his wife, Peg Bundy is reflective of virtuous American womanhood; that “Who Wants To Be A Millionaire?” is educational television.

I am ashamed and embarrassed that according to a survey by the Annenberg Public Policy Center at the University of Pennsylvania, 70 percent of the parents surveyed regard “Who Wants to Be a Millionaire?” as educational television.

I regret to say that the sorry state of television is becoming the sorry state of America: 59 percent of Americans can name three Stooges, but only 17 percent of the American people can name three Supreme Court Justices; only about 50 percent of the American people could identify the Vice President of the United States, but 95 percent could identify Homer, Bart, and Marge Simpson.

Three years ago, I came to this floor to express my shock and utter amazement at the details of a story in Time magazine entitled, “Everything Your Children Already Know About Sex.” The story told us how our children are learning their sexual values from television programs like “Dawson’s Creek,” which boasted of a character who lost her virginity at the age of 12 while drunk. There was “Buffy the Vampire Slayer” in which a male vampire turned bad after having sex with 17-year-old Buffy.

“Why are we letting our kids watch this morally degrading, thoroughly demeaning, junk on the airwaves? I asked.

But from that low point, television has only continued to degenerate. It seems that many television programs are busily intent on answering the question, “how low can you go?” with the glee that they put before us.

The land, the society, the country that once produced the works of James Fenimore Cooper, Herman Melville, and Nathaniel Hawthorne, now gives us the works of Howard Stern and Jerry Springer. No wonder the late Steve Allen, a pioneer in the television industry, complained that television had become a “moral sewer.”

When I think of television today, I seriously wonder whether Charles Darwin’s theory of evolution is being stood on its head by popular culture. Evolution implies progress. Going from the musical accomplishments of Bee Gees, Bach, and Mozart, to the groans and moans of HBO’s “Sex in the City” is anything but progress.

By the age of 18, the average American child will have viewed about 200,000 acts of violence on television. Before that child leaves elementary school, the child will have watched, on the average, about 20,000 murders and more than 80,000 other assaults. This means that during their most formative years, our children will witness approximately 100,000 acts of violence.

But the problem with television is more than the content of the programs alone. It is the nature of the beast—or should I say, the nature of the boob tube. There are 102 million TV homes in the USA: 42 percent of them have three or more sets. The average American spends four hours of each day—that amounts to two full months of each year—that we spend in front of the boob tube. Forty percent of the American people stare at the boob tube even while eating.

The negative impact of too much television is becoming more and more apparent as more and more studies have demonstrated: the link between television violence and real violence; the link between television and increasing obesity among young people; the link between television viewing and declining interest in the fine arts; the link between television viewing and low academic performance. To put it bluntly, Mr. President, television is helping to create a morally irresponsible, overweight, lazy, violent, and ill-informed society.

Mr. President, this week, April 23–29, is national “TV Turnoff Week.” Turn it off! Let’s have more turnoff weeks; make it 52 weeks of the year, national “TV Turnoff Week.” This is an effort sponsored by the TV-Turnoff Network, a grass-roots organization that has organized thousands of schools, clubs, community organizations, and religious groups to get the American people to turn off their television viewing for one week to discover that there is actually life beyond the boob tube. The group has won the support and endorsements of dozens of powerful organizations, such as the American Medical Association. They have certainly won my support and my hearty endorsement. Hallelujah! Turn off that TV.

The organization’s motto is, “Turn off TV. Turn on life.” Their point is well taken. Life should be more rewarding and interesting than sitting in front of a box and becoming mesmerized with morally degrading, mind-numbing nonsense. That is what it is.

Instead of sitting in front of the television for 4 hours a day, get some exercise! Get out-of-doors. Go for a walk, a hike, a bike ride, or swim. It will be far better for your health.

Instead of sitting in front of the television for 4 hours a day, read a good book! Read Emerson’s Essays, Carlyle’s “History of the French Revolution,” read history, read the Bible, read Milton’s “Paradise Lost, Paradise Regained.” Read “Robinson Crusoe.”

Read something that is worth reading. I ask, which will make one a better person, spending hours watching “Survivor,” “Big Brother,” and “The Weak- est Link,” or using the time to read a good literary work by Shakespeare, Dickens, or Goethe. Groucho Marx said that he found television to be very educational because, “Every time somebody turns on a set, I go into the other room and read a book.” I like that. I say, “Life off TV.”

Simply turn off the television set and read a good book.

Instead of sitting in front of the television for 4 hours a day, spend some time with the family. Family members can take the opportunity to go on a trip together to the local museum or art gallery, or simply talk to each other during dinner. Make your family the center of home life, not the television set. Studies by professor Barbara Brock at Eastern Washington University found that in TV-free families, parents have about an hour of meaningful conversation with their children every day, compared with the national average of 38 minutes a week. Here would be an opportunity for parents to emphasize their Hollywood’s—to their most precious asset—their children.

I don’t want to leave the impression that all television is bad. I have seen some very educational, very informative, very uplifting, very wood pictures, shows, and plays on television. There is much programming that is truly educational. I have been to one movie since I have been in Washington. I have been in Washington now 49 years. I have never been to a movie since I left that movie. I didn’t stay and watch it through. I became bored and I walked out. Yul Brynner was, I think, the main player in that movie. I walked out. But just within the last few weeks, I watched a picture in which Yul Brynner played. I believe it was—I am trying to remember now. I have watched some good pictures recently. I watched “The Ten Commandments,” which was a good picture. That may have been it. Yul Brynner plays in it. I believe I liked him in it too. So I don’t want to leave the impression that all television is bad. I think that C-Span, PBS, and the History Channel
provide worthwhile viewing to the audience. I also believe that programming like Ken Burns’s series on the Civil War is quality programming that expands our knowledge and deepens understanding.

But I do want to emphatically stress that there is much more to life than the boring, degrading, demeaning fare on the boob tube. I urge the American people to use this week to break your addiction to television. Just say no! As the TV-Turnoff Network urges, “turn off TV.”

In addition to becoming healthier, both mentally and physically, one might be able to name three Justices on the Supreme Court.

One might even be able to name the Vice President of the United States.

Mr. President, I applaud the efforts of the TV-Turnoff Network and urge them to keep up the good work. And I urge my colleagues and the American people to participate in national “TV Turnoff Week.”

Mr. President, I have another statement I want to make. But I am very conscious of the fact that my favorite U.S. Senator on this side of the aisle has spoken on the floor waiting. I am very willing to set aside my speech and listen to my colleague before I proceed further.

(Mr. ENZI assumed the chair.)

Mr. ENZI. Mr. President, if the Senator will yield the floor to the Senator from West Virginia, who is typically courteous, as always, I am very grateful for his thoughtful. I welcome the opportunity to continue to listen to his very fine statements. There are many important things that are happening in the Nation’s Capitol and around this country today, but I think if the American people will pause and listen to the good advice of my friend and colleague about the importance of reading as opposed to television, in his excellent presentation, I think this would be a wiser and more thoughtful country.

I commend the Senator for his statement and the subject matter. I look forward to continue listening.

Mr. BYRD. Mr. President, I thank my colleague. But I want to give him a second chance. I want to give my friend a second chance. I want to warn him that this is poetry month. I am all ready to talk about poetry, and I am ready to at least render my memorization of at least 12 poems. So I will give my colleague one more chance. If he would like to make his speech now before I start, I would be happy to yield.

Mr. KENNEDY. The Senator may be even more reluctant to interfere. We have a good taste of listening to him quote poetry. All of us are enormously impressed that when the Senator travels back to West Virginia, he takes time to learn and to memorize poems. As a result of that experience, and a very long and distinguished career, the Senator has an encyclopedic reservoir of knowledge of poetry and an incredible encyclopedic memory for poetry that always seems to be right for every special occasion. I look forward to hearing some of those this afternoon.

Mr. BYRD. Mr. President, I thank Senator KENNEDY. I really have enjoyed my long service with the distinguished senior Senator from Massachusetts. I have had a great deal from him, and I prize that friendship.

Mr. KENNEDY. If the Senator will yield, does the Senator intend to mention that wonderful poem about the ambulance down the valley? That was always one of my favorites. I don’t know whether the Senator planned to include that.

Mr. BYRD. I did not plan to include it, but I will be happy to try to do that. Mr. KENNEDY. I thank the Senator. Mr. BYRD. I thank the Senator. That is very thoughtful of him and very good of him. I appreciate his interest in that particular poem, among others.

Let’s do it this way. I will make my speech and do the poems that I have included, and I will give the Senator a chance to make his speech, and if he is still interested in my giving that poem, I will be happy to, or I will be happy to wait until another day.

Mr. KENNEDY. I thank the Senator.

A CELEBRATION OF POETRY

Mr. BYRD. Mr. President, this is entitled “Looking Up At Him”:

From branch to branch and sweetly sang
What made his breast so round and red;
Twas “looking at the sun,” he said;
I asked the roses, one by one,
Unfold their petals to the sun,
I asked them what made their tints so bright,
They answered, “looking to the sky”;
I saw the roses, one by one.

Twas “looking at the sun,” he said;
I asked the violets, sweet and blue,
That morning equally lay
Whence came their colors, then so shy;
Sparkling in the morning dew,
I asked the violets, sweet and blue,
Twas “looking at the sun,” he said;
I asked the violets, sweet and blue.

Mr. President, this month, our nation recognizes National Poetry Month, a celebration of poetry and its place in American society. Like spring, poetry offers man a rebirth of his inner spirit. Poetry expresses our humanity, and, through meter, makes music of the spoken word as it rhythmically sways and floats through our imaginations. It is the laughter of children, the gentle rustle of an autumn breeze, and the pitter-patter of a sun shower. Poetry is simply put, is beauty defined.

Man comes a pilgrim of the universe,
Out of the mystery that was before
The world, out of the wonder of old stars.

And this great country of ours. It brings to my mind a poem by Will Dromgoole. One might think this is a man who wrote this poem—Will Dromgoole, but it is a female author.

An old man going a lone highway
Came at the evening, cold and gray,
To a chasm vast and wide and steep,

And the evening star,
To a chasm vast and wide and steep,

And the evening star,
To a chasm vast and wide and steep,

And the evening star,
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And the evening star,
To a chasm vast and wide and steep,

And the evening star,
To a chasm vast and wide and steep,
A nest of robins in her hair;  
Upon whose bosom snow has lain;  
who intimately lives with rain.  
Poems are made by fools like me,  
But only God can make a tree.

Other poems delve into more complex and profound regions of the human experience. The poet resonates deeply and touches the deep chords of our senses, echoing through our imaginations over and over again. Thomas Moore’s “The Scent of the Roses,” comments on love, death, and poignant memories:

Let fate do her worst, there are relics of joy.  
Bright dreams of the past that she cannot destroy,  
That come in the night-time of sorrow and care,  
And bring back the features that joy used to wear.  
Long, long be my heart with such memories filled.

Like the vase in which roses have once been distilled,  
You may break, you may shatter the base if you will;  
But the scent of the roses will hang round it still.  
Nothing has the capacity of poetry to condense the pain and the beauty of living and to reach the spiritual side of our nature. A talented poet can elicit tears with only a few lines of verse, while the novelist must reach for plot twists and character development to garner a similar response. In no form of expression is there the power of poetry to reach such an audience as poetry.

Listen to William Earnest Henley’s “Invictus” and its description of the author’s triumph over an infection that almost cost him his only leg and threatened his life:

Out of the night that covers me  
Black as the Pit from pole to pole,  
And村镇 the stars that shine  
Scars the living eye with its swift and keen

In the fell clutch of circumstance  
I have not winced norflagged back.

But the heart has carved hiseditions over and over again. Thomas Moore’s “The Scent of the Roses,” comments on love, death, and poignant memories:

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Nothing has the capacity of poetry to condense the pain and the beauty of living and to reach the spiritual side of our nature. A talented poet can elicit tears with only a few lines of verse, while the novelist must reach for plot twists and character development to garner a similar response. In no form of expression is there the power of poetry to reach such an audience as poetry.

Listen to William Earnest Henley’s “Invictus” and its description of the author’s triumph over an infection that almost cost him his only leg and threatened his life:

Out of the night that covers me  
Black as the Pit from pole to pole,  
And村镇 the stars that shine  
Scars the living eye with its swift and keen

In the fell clutch of circumstance  
I have not winced norflagged back.

But the heart has carved hiseditions over and over again. Thomas Moore’s “The Scent of the Roses,” comments on love, death, and poignant memories:

Let fate do her worst, there are relics of joy.  
Bright dreams of the past that she cannot destroy,  
That come in the night-time of sorrow and care,  
And bring back the features that joy used to wear.  
Long, long be my heart with such memories filled.

Like the vase in which roses have once been distilled,  
You may break, you may shatter the base if you will;  
But the scent of the roses will hang round it still.  
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Long, long be my heart with such memories filled.
But the glory of the Present is to make the
Past is too much with her, and the peo-
I know that Europe's wonderful, yet some-
But, oh, to take your hand, my dear, and
I like the gardens of Versailles with flashing
And it's sweet to dream in Venice, and it's
In the land of youth and freedom beyond the
My heart is turning home again, and there I
But now I think I've had enough of anti-
Among the famous palaces and cities of re-
Tis fine to see the Old World, and travel up
Of the 20th century. This poem, "Amer-
TRIBUTE TO JIM ENGLISH
Mr. DASCHLE. Mr. President, I come to
Mr. President, Senator KENNE
Oh, it's a home again, and home again, Amer-
I want a ship that's westward bound to
To the blessed Room Enough beyond the
Where the air is full of sunlight and the flag
Mr. President, Senator KEN
I shall quote another poem:
I saw them tending a building down,
With a "Ho, heave, ho," and a lusty yoll.
I said to the foreman, "Are these men skilled
He laughed, and then he said, "No, indeed,
Just common labor is all I need;
I can easily wrench in a day or two,
Which takes builders years to do."
I said to myself as I walked away,
"Which of these roles am I trying to play?
Am I a builder who works with care,
Building my life by the rule and square?
"Which of these roles am I trying to play?
I can easily wreck in a day or two,
That which takes builders years to do."
Mr. President, I yield the floor.
Mr. President, I yield the floor.
Our fathers in a wondrous age,
Eve yet the earth was small,
Ensured to us a heritage,
And doubted not at all,
That we, the children of their heart,
Whence did beat so high,
In later time should play like part
For our posterity
Then, fretful, murmur not they gave
So great a charge to keep.
Nor dream that awestruck time shall save
Their labor while we sleep.
Dear-bought and clear, a thousand year
Our fathers in their live,
Make we likewise their sacrifice,
Defrauding not our sons.
I shall close with one of the poems by
Henry Van Dyke, another poet and es-
sayist, popular in the closing days of
the 19th century and the early decades of
the 20th century. This poem, "America
For Me," has been very popular
with my own constituents for whom I
have quoted it so many, many times,
during my travels in the West Virginia
hills.
Tis fine to see the Old World, and travel up
and down
Among the famous palaces and cities of re-
nown.
To admire the crumple castles and the
stature of the kings,
But now I think I've had enough of anti-
quated things.
So it's home again, and home again, America
for me!
My heart is turning home again, and there I
long to be,
In the land of youth and freedom beyond the
ocean bars,
Where the air is full of sunlight and the flag
is full of stars.
Oh, London is a man's town, there's power in
the air;
And Paris is a woman's town, with flowers in
her hair;
And it's sweet to dream in Venice, and it's
great to study in Rome
But when it comes to living there is just no
place like home.
I like the German fir-woods, in green battal-
ions drilled,
I like the gardens of Versailles with flashing
fountains filled;
But, oh, to take your hand, my dear, and
ramble for a day
In the friendly western woodland where Na-
ture has her way!
I know that Europe's wonderful, yet some-
thing seems to thrill:
The Past is too much with her, and the peo-
ple looking back,
But the glory of the Present is to make the
Future free.
We love our land for what she is and what
she is to be.
Oh, its a home again, and home again, Amer-
ica for me!
Mr. President, Senator KEN
I shall quote another poem:
I saw them tending a building down,
A group of men in a busy town;
With a "Ho, heave, ho," and a lusty yoll.
They swung a sledge with mighty blow.
I said to the foreman, "Are these men skilled
the type you'd hire if you had to build?"
He laughed, and then he said, "No, indeed,
Just common labor is all I need;
I can easily wrench in a day or two,
Which takes builders years to do."
I said to myself as I walked away,
"Which of these roles am I trying to play?
Am I a builder who works with care,
Building my life by the rule and square?"
It is a tribute as well to our distinguished colleague, Senator Byrd, that he has had the remarkable service of such an outstanding member of his staff over the years. We will all miss Jim very much. We thank him for his extraordinary service to the Senate and the nation, and we extend our best wishes to Jim and his family for a long and happy retirement in the years ahead.

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 1

Mr. LOTT. Mr. President, I think it is essential that we go forward with our education reform package. A lot of good work has been done in the Health, Education, Labor, and Pensions Committee. Senators on both sides of the aisle—Republican and Democrat—have worked hard. They reported out a bill overwhelmingly from the committee. A great deal of negotiation has gone on since then between members of the committee, the House and Senate, both parties, and the administration. A lot of the reform language has been agreed to, with a lot of understanding about the amount of funds that will be necessary to implement this legislation.

But the important thing is that we go forward. I do not think you could ever get every detail worked out and agreed to in advance. It is called the legislative process. You go to the Chamber, you have debate, you have amendments, you have votes, you get a result, and you pass the bill.

Over the past couple years, I have quite often been criticized that I would not let the Senate work its will. And now, for a week, the Democrats have been blocking going to the bill, blocking the motion to proceed to the education bill.

This is the highest priority for this President, I believe for the Congress, both parties, and for the children.

I believe that if we go forward and have a good debate and have amendments that we will get a result that will be good in improving the quality of education in America.

Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 23, S. 1, the Elementary and Secondary Education Act.

The PRESIDING OFFICER. Is there an objection?

Mr. WELLSTONE. Reserving the right to object, I say to the majority leader that where I would dissent from his remarks is that actually there is a lot of negotiation going on. I think Senators on our side have made some very basic points. One is, it is important what is in the bill before it comes to the floor. Two, I think we are quite far apart, although hopefully we at some time will be together about whether or not we will be able to get the investment in children, to make sure that the children and the teachers and the schools have the tools to succeed. This is really a choice between whether or not you want to put so much of the funds on the table for the President, the majority leader, Robin-Hood-in-reverse tax cuts, with over 40 percent of the benefits going to the top 1 percent of the population, or you are willing to make the investment in education and children.

I announced the goal of leaving no child behind. But it cannot be done on a tin cup budget. We are looking at the whole issue of kids with special needs, the IDEA program, the title I program, afterschool programs, teacher recruitment, smaller class size, and doing something about these dilapidated buildings.

So my hope is we will be able to resolve what are important differences. But I think the Democrats are very committed to this discussion about education, very committed to doing it right. If, in fact, we are going to call this piece of legislation, as the President has, the BEST, then we ought to be doing our best for children.

I have no doubt that the people in Minnesota and the people across this country are looking for a real commitment of resources and the Federal Government living up to its obligation. We should be accountable. Just as we call for the teachers and the children to be accountable, we should be accountable as well. That is what we are going to be strong on.

I object.

Mr. LOTT. To clarify, does the Senator object to bringing up and going forward with the education bill?

Mr. WELLSTONE. I said I object to going forward with the education bill while we are in negotiation, while we do not know what is in the bill, while we do not have a commitment yet on the investment of resources and the Federal Government and the Senate and the House living up to our commitment to children and education in the country.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I now withdraw the pending motion to proceed to S. 149.

The PRESIDING OFFICER. The Senator has that right. The motion is withdrawn.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—MOTION TO PROCEED

Mr. LOTT. I now move to proceed to S. 1, the Elementary and Secondary Education Act.

I say to the Senator from Minnesota, there have been many days of negotiation. A lot of progress has been made. Everybody acknowledges that. But this bill should have been taken up in March. Now here we are almost in May and we are still negotiating. If we are going to have everything wrapped up before the end of May, the floor of the Senate, there would not be much for the Senate to do around here.

Ordinarily, you get as much of an agreement as you can, get a bill reported out, and bring it to the floor. Negotiations are not to end. They are going to continue. But on some of them we are not going to be able to reach an agreement.

I say to my colleague, in a State that is trying to improve education, and, again, as a son of a schoolteacher, if just money would solve the problem, we would have a higher quality of education in America than we do today.

We have spent well over $130 billion over the past several years for the title I program. I don't want to demean that program. It has done some good and can do more good, if we give a little more flexibility at the local level where the money can be used, where it may be used differently in Minnesota than it would be in Texas, give a little flexibility to make sure you are addressing the needs of those title I children in an appropriate way.

But just money is not enough. We have to have some real reforms. Money is part of it. I admit that. The President has asked for more money for the reading program. The President has indicated he supports more funding for title I and for IDEA and for bilingual education.

We are making progress. He is moving in the right direction. But I don't know if we can ever come up with enough money in this area or a lot of the other areas to suit every Senator. They can always find some way—it is easy—to say "give me more."

One of the reasons we ought to have tax relief is to let the people keep a little bit more of their money to help the children with their education. The reason why I think we ought to double the child tax credit; let the parents get more of the benefit of their money to help their children with their needs. Let them decide if they need a little tutoring, if they need a computer, whatever it may be.

One of the reasons parents can't always do what they need for their own children is that they don't get to keep enough of the money that they earn here in the world would we take from the mouths of labor the bread that they have earned? That is a quote from Thomas Jefferson—a great line.

At any rate, some Senators are adamantly against objecting to proceeding to the education bill. I think that is a mistake. I think we ought to move forward. I suspect that some of the amendments that would be offered—and maybe the Senator from Minnesota would support and I would oppose—probably will pass. What are they worried about? We can bring this to a satisfactory conclusion that would be
good for everybody. This is a win-win opportunity. Let’s not blow it.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the pending motion to proceed so that we can get under way. I have let the Senate basically mark time now for the last week without achieving any real progress or closing the negotiations. I think it is time we guarantee that we can get on the bill.

The PRESIDING OFFICER (Mr. BENNETT). The motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk reads as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on the motion to proceed to Calendar No. 23, S. 1, an original bill to extend programs and activities under the Elementary and Secondary Education Act of 1965.

Trent Lott, Judd Gregg, Susan Collins, Tim Hutchinson, Strom Thurmond, Frank Murkowski, Pat Roberts, Richard Lugar, Jeff Sessions, Mike Crapo, Judd Gregg, Susan Collins, and Jesse Helms.

Mr. LOTT. Mr. President, I have consulted with Senator DASCHLE and advised him that I would be filing cloture. This is not a surprise on his part. I know Senator KENNEDY was aware of it. I am sorry he was not on the floor because he has been working very hard doing a good job.

Under the rules, this vote then would occur on Tuesday. I ask unanimous consent that this cloture vote occur at 9:30 a.m. on Tuesday and that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT ON FOREIGN TRAVEL

Mr. SPECTER. Mr. President, I want to make a statement on a recent trip I have made to the Mideast. I want to alert my colleagues to the fact that beyond what is available in the news media, the situation in the Mideast is so serious it is really hard to describe.

The concern I have is that the violence is likely to move beyond the borders of Israel and Lebanon and into the Middle East. There may be targeting other installations, perhaps even U.S. installations.

I had an opportunity to talk with the Israeli leaders, including Prime Minister Sharon, who has the understandable position that he is not going to negotiate for peace until the violence has ended.

I had an opportunity to talk with Palestinian Authority Chairman Yasir Arafat, who makes representations which simply are not true. Arafat makes the contention that he has issued an unequivocal edict for the Palestinian Authority to cease to engage in terrorist activities as an example a speech he made at the Arab summit. When that speech is examined, it is so conditional as to be meaningless.

We had an opportunity to travel as well to Damascus where conversations were held with Foreign Minister al-Shara.

The situation between Israel and Syria is very tense. Israel retaliated against Syrian radar installations because of the Hezbollah attacks against Israel from southern Lebanon. Hezbollah being backed by Iran with the concurrence of Syria.

The trip I made occurred during the past Easter recess, and I will describe it in some detail in the course of this floor statement.

Upon coming back to the United States, I had written to the President urging him to appoint a special representative in the Mideast, just as that had been the practice going back to the days when Henry Kissinger shuttled for President Nixon, special envoy being appointed by President Jimmy Carter, President Ronald Reagan, President George H. W. Bush, and President Bill Clinton.

Mr. President, from April 7 to April 21, we traveled from New York City to London, Florence, Ashkelon, Tel Aviv, Jerusalem, Cairo, Damascus, Beruit, Souda Bay, Crete, and Rome en route to Philadelphia.

In London, we met at the British Ministry of Defense with Ian Lee, the Director of the NATO and European Security Policy Department, and Deputy Director, A. D. Richards. The meeting touched on a range of issues. Among those were President Bush’s position on missile defense, the British outreach to rogue nations, the viability of NATO absent a Soviet threat, Mr. Parry replied that it is still necessary.

CLOTURE MOTION

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Mr. LOTT. Mr. President, I send a report on foreign travel, which simply are not true. Arafat makes the contention that he has issued an unequivocal edict for the Palestinian Authority to cease to engage in terrorist activities as an example a speech he made at the Arab summit. When that speech is examined, it is so conditional as to be meaningless.

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Mr. Lee stated that the British reaction to President Bush’s position on missile defense and its effect on the ABM Treaty and general support. They have an appreciation for the risks and agree with the United States on the threats. However, they are waiting to see what the actual proposal would be.

Mr. Lee stated that the United Kingdom was at a different stage than the United States in regards to its relation with several rogue nations. Its mission in Iran is moving toward having an ambassador while it continues an effort to establish diplomatic ties to Libya.

I next met with Mr. Emry Jones Parry, the Political Director and Deputy Undersecretary of State for the Europe and Commonwealth Office.

Also attending was Mr. Jonathan Darby, the U.S. Desk Officer, Foreign and Commonwealth Office, and Mr. Mort Dworken, the Charge d’ Affairs at the American Embassy.

When questioned about the proposed European Defense Force, Mr. Parry offered insight as to why Mr. Blair, who is a strong supporter of NATO, had come out in favor of an European defense force. According to Mr. Parry, Mr. Blair apparently believes that by being in Europe focusing on the force structure, European nations will be more likely to put money into it as well as spend the money on what they should in a NATO context.

I asked Mr. Parry the idea of a European defense force has been around since 1952. He said it is not designed to remove the U.S. from the theater, but make it more likely to have the U.S. there because the Europeans would be pulling more of their own weight.

On the issue of the International Criminal Court, Mr. Parry stated that the U.K. is generally in favor of it. It believes there is a need for a forum to hold those accountable who would otherwise escape justice because of a lack of interest in their home jurisdiction.

I was surprised when I told him that War Crimes Tribunal Prosecutor Carla Del Ponte was thinking of indicting General Wesley Clarke and other NATO officers for targeting civilians and for recklessly endangering them in targeting military objectives. Mr. Parry said it was his understanding that that British troops could not come under indictment because of provisions that the United Kingdom would take care of its own.

When I asked why we are putting so much into NATO in light of the loss of the Soviet threat, Mr. Parry replied that NATO’s actions in Kosovo show that it is still necessary.

Our conversation then turned to the U.K.’s actions with Iran and Iraq. Mr. Parry noted that Britain was looking to keep a relationship with the nations, and then if firm action was later required, the relationship could be adjusted accordingly.

I then asked Mr. Parry if the Europeans might eventually be on board the idea of missile defense. He responded that the assumption in Britain was the United States would go ahead and deploy a missile defense system, if it would work. The British position is that they will do what is necessary to ensure its success, but would like it to be “arranged in such a manner as to generate greater solidarity on the issue.”

We then had substantive discussions in a working tea with the Baroness Scotland of Asthall QC, the Parliamentary Under-Secretary of State for Foreign & Commonwealth Affairs with ministerial duties including North America. Over tea at the House of Lords, we discussed the American-British relationship. She also described her background and how she came to be in the House of Lords.
After having tea in the House of Lords, we then walked across Parliament to the House of Commons Central Lobby, where I was met by the Rt. Hon. Geoffrey Johnson Smith, MP, with whom I had a wide ranging discussion of issues. Smith and I had debated in New York when he represented Oxford and I was on the Penn team.

Later that same day, we met with the country team headed by Mort Dworken, Charge d' Affairs; Tom Hamby, Foreign Agriculture Minister-Counselor with the U.S. Department of Agriculture; Ed Kaska, Economic Affairs Officer; Captain Stu Barnett, USN, Defense Attaché; and Sonya Tsiros, Political Officer.

We initially asked about the current status of the foot and mouth epidemic and were told the disease was still not under control. The British Government was undertaking a massive control program to eradicate the virus. This included the slaughter of over 1 million head of livestock with another half million yet to be killed. In addition, the government was restricting movement in the countryside including the closure of such historic sites as Stonehenge.

Tom Hamby, from the U.S. Department of Agriculture, noted that the U.S. currently has sixty veterinarians in the country both to help as well as become educated on successful ways to combat the disease. He described the effort much like a military campaign so that if the virus gets to the U.S., we will have people trained and on the ground to fight it.

We inquired into the political and economic effect of the disease and found that both had been affected. Prime Minister Blair postponed the national elections until June 27th due to the severity of the disease. Economically, the disease had yet to show its full weight. Although the U.K. has less than 2% of its Gross Domestic Product in agriculture, the closure of the English countryside had a clear economic affect in regards to tourism. At the time there was no definitive number on the economic impact.

Early the next morning, we traveled to Florence, Italy where our first meeting was with a trio of lawyers with the famed Ferragamo family businesses to discuss trademark protection. During the meeting, we were told that the majority of Ferragamo products which are illegally copied originate in Asia. We asked how counterfeiting was detected, and whether there were any trouble in distinguishing the quality between counterfeit goods. The answer was yes, there often is a difference in the quality of the leather and accessories. But that is not always the case. Now counterfeits can often be of a very good quality, and be very difficult to differentiate.

We were surprised that the Italian government doesn’t do more to stop this form of theft, especially since so many of the designers come from Italy, and asked how much litigation they are involved in to protect the Ferragamo name. Most litigation, it turns out, is of a civil nature and is injunctive in nature. Even though most actions are civil, it is very difficult to get damages based upon the design of Italian law.

As for criminal actions, it is recognized as a form of larceny, but the criminal courts consider it to be of nominal value and not as important as other crimes. We were told that in one case often cited by the courts, a customer went to buy a “Ferragamo” purse and paid a low price for it. The court reasoned that since the price was so low, the purchaser had to know it was a counterfeit. Based on this, and therefore, no fraud occurred. I commented that by prosecuting a few white-collar criminals, a real deterrent effect could be achieved.

Later that day, we discussed a wide range of transnational/European issues over lunch with Consul General Hilarion Martinez at his home above the American Consulate. During the course of our discussion, he stated that although American students widely purchases the product. The consuls said that in Florence and all throughout Italy, it was difficult to get Italian students to come to the U.S., because Italian Universities often do not recognize the credit hours bestowed by American Universities, absent a one on one agreement between the institutions.

Early the next day, we set out to visit the Georgetown campus in the hills above Florence. Upon arrival, we were greeted by Ms. Heidi Flores, the Director of the Georgetown program. The campus is located on a beautiful villa overlooking the whole of Florence, and was established in 1981 when the facility was donated to the university. It has 27 students currently enrolled and 6 faculty. Other similar programs in the area include New York University, Syracuse, Smith College, California State, Florida State, Stanford, and the Universities of Michigan and Wisconsin.

We asked them who it was that we could talk to about producing a reciprocal agreement between the U.S. and Italy which would seek to recognize credits equally. The Minister of Universities was identified as the appropriate individual. He could give substantial background information regarding the problem.

During my visit at the Georgetown campus, we met Cuffe Owens a student and a nephew of my colleague Senator Joe Biden.

After returning to the city, we met with Mr. Patrick McCormick, the Director of Communications for the UNICEF Innocenti Research Centre on Piazza SS. Annunziata. Mr. McCormick gave me a brief on the activities of his center which was founded in 1988 “to strengthen the research capability of the United Nations Children’s Fund, UNICEF, and to support its advocacy for children worldwide.” We touched on the work involving trafficking in children, religious persecution in the Sudan and child protection. His first hand accounts of children as young as five being used as soldiers and camp slaves in Sierra Leone was quite troubling. His organization continues to push for the education of young children which they see “as central to poor countries economic well-being.”

After leaving UNICEF’s Research Center, we participated in a press conference at the Florence City Hall, Palazzo Vecchio regarding a joint effort between Italian Police and Microsoft in Livorno, Italy in which a large counterfeiting operation was uncovered. Attending were representatives of Microsoft, and local government officials.

At the news conference, the Microsoft representatives stated that counterfeiting was most prevalent in Tuscan leather industry. They said that they had started a law enforcement action in Florence. They said that the reproduction or cloning was so good that it took Microsoft experts some 15 minutes to tell the difference between a counterfeit product and a genuine product. They said that they had located in the past year in Europe some 25 million Microsoft counterfeit products on the market at a loss of 1.7 billion dollars.

According to Microsoft, the national (Italy) rate for illegal/counterfeit Microsoft sales was in the 31-37 percent category. In Brescia, the national retail Microsoft sales was in the 31–37 percent category. In Brescia, the illegal reproduction of the copyright law in 1999, and have since been reduced to 29 percent. The law provides for fines and a jail sentence and also has provisions for search and entry. There have been some efforts to apply the copyright infringements to internet apparently to online sales.

We had an opportunity to discuss with the attorneys whether there had been any criminal prosecutions brought under the new law. They responded with a lengthy description of the process. Apparently, there had been several prosecutions and then asked if there had been a use of the search and entry law, and he said that they had one such case where counterfeit products had been transported from Singapore to Holland to Milan. The Microsoft experts aided the police in the search and entry, and then helped to identify counterfeit products.

In Israel, we met with Prime Minister Ariel Sharon, former Prime Minister Ehud Barak and Foreign Minister Silvan Shalom. Our first meeting was with Mr. Peres when I first met in Tel Aviv in 1980 and have seen him on many occasions since, both in the United States and in Israel.
Minister Peres was in good spirits, displayed his great sense of humor, proceeded to give a comprehensive discourse on the state of affairs in the Middle East, and to respond to our questions. Minister Peres started our conversation by saying that terrorism was as uncommon as needed to be. The topic of conversation on our minds was the escalating violence on the border with Gaza, and the northern border with Lebanon. Peres was firm in his conviction that when the time to negotiate a comprehensive, everything must be on the table, no impositions on the Israelis, and no impositions on the Palestinians.

Peres then asked me to explain to Palestinian Authority Chairman Arafat whom I was scheduled to meet later in the trip, that some of Sharon’s words are very tough, but that the Israelis have several guiding principles. They will respect signed agreements as long as both sides respect them. Israel, he said, is ready to make painful compromises for peace, including reemployment in the territories. He also added that the final proposal offered under former President Clinton is dead since he left office. He stated that he thought it was a big mistake on Arafat’s part not to accept that deal.

Peres stated that it is currently very hard to negotiate because of all the anger. Arafat’s delivering of “impossible” speeches only makes it more difficult. His view is that the Palestinians think Israelis are militarily harsh in the territories, and that in order to move forward, a different climate must be created there.

The best thing that can happen is to change the conditions there. The answer for the Palestinians is not the battlefield, but the bargaining table as it has historically been.

I asked Minister Peres whether Arafat could control terrorism. He replied, “The Iranians are people who say the opposite of what they think and do the opposite of what they say.” That does not necessarily mean that what they do does not confirm to what they think.”

After our meeting with Ambassador Lubrani, we drove from Tel Aviv to Jerusalem where we met the next morning with Prime Minister Ariel Sharon. Also in attendance was Binyamin Ben-Eliezer, the Minister of Defense, and Dan Halutz, the Policy Advisor to the Prime Minister.

Our meeting was conducted with a backdrop of an escalating conflict. During the previous evening, Israeli planes had bombed a Syrian radar installation in Lebanon in retaliation for the actions of Hezbollah in south Lebanon. I started my conversation with the Prime Minister by noting that the Egyptian Foreign Minister had asked me to talk to Chairman Arafat. The Prime Minister Sharon wasted no time in delivering his message. The policy of the Israeli government would be to draw a distinction between the civilian population and terrorists, supporters of terrorists, and instigators. He stated that he plans to ease the conditions in the territories. And at the time, stated he was ready to show flexibility except in one area, under no circumstances will he be flexible with the security of the Israeli citizens.

Although Sharon did express some willingness to negotiate, it was clear that in his eyes the plan pushed by President Clinton in his waning days in office, is dead. “Peace is more painful than war.” Sharon assured me, under the “threats of terror.” The violence must stop. The Prime Minister noted the violence occurring in Gaza, and stated that the violence could not continue. The Israelis wouldn’t accept it. “We are not going to pay for it. We have the natural right to exist and defend ourselves.”

I told Sharon that we were planning on driving from Damascus to Beirut as part of our trip. The current situation that exists in south Lebanon, is not what was contemplated by the withdrawal agreement. Hezbollah wasn’t supposed to occupy the positions they currently hold.

Sharon then stated that Iranian influence continued to grow in the area, with the approval of Syria. “Iran is building an independent center of international terror, which could not have been done without the support of Syria. Syria could have stopped them.”

Sharon then noted that the actions of the previous evening in bombing the Syrian facility was a warning to Syria. He wanted to send a signal that Israel was not going to have the possibility of Israeli soldiers being killed in Israel. Negotiations do not currently exist with Syria. First must come the Palestinian question. “Israel can’t negotiate on two fronts when peace requires painful concessions.”

Out talk concluded with Prime Minister Sharon noting that the immediate threat to stability in the region
remained Tehran, and that only the United States could lead the anti-terror struggle in the free world.

After our meeting with Sharon, we flew to Cairo, Egypt and at approximately 6 p.m., had a meeting with Dr. Osama el-Baz, Advisor to President Mu巴拉k. Dr. el-Baz and I talked at some length about the current situation in the Middle-East, the U.S. role, and about my meeting with Chairman Arafat later that evening. During that meeting, I interrupted the U.S. intelligence questions, so I called CIA Director George Tenet in Washington to get the current status report.

Dr. el-Baz arranged a boat ride and dinner for us on the Nile river where we met with a variety of Cairo’s leading citizens including journalists, professionals, businessmen and industrialists. I was questioned about why the U.S. continued to support Israel when Israel has responded with disproportionate force to the actions of the Palestine Liberation Organization. I was told that the U.S. was trying to carry out the Camp David Accords in which their great President Anwar Sadat had invested so much time and effort, and that Israel had agreed to discuss peace once the violence stopped.

Shortly before 10:30 p.m., we arrived at Chairman Arafat’s guest house. After meeting quite a number of his colleagues Dr. el-Baz, Chairman Arafat and Arafat’s chief deputy, Saeb Erakat and I went upstairs to a private room so we could have, as Osama el-Baz said, a tete-e’-tete. Arafat and Erakat were visibly disturbed about the status of the violence between Israel and the Palestinian Authority. They were especially distressed because, as they told us immediately upon our arrival, Israel was taking forceful military action against Gaza as we spoke.

During the course of our discussion which lasted more than an hour, we were interrupted six or eight times by Arafat’s men who came in and handed Arafat written messages. Arafat spoke in Arabic which was interpreted by Erakat on detailing the action being taken by Israeli military with helicopters and missiles.

Arafat and Erakat described the situation as very serious recounting the number of Arabs who had been killed and wounded and then reciting the number of Israeli casualties which showed a lower number of Arab casualties. Erakat was especially fervent in pleading for some help as to a way to break the impasse.

After a considerable discussion, I said that I would venture a possible approach which was not a recommendation because I thought that would not be appropriate. I then said that one approach might be for Arafat to make a public statement that the cycle of violence was untenable, and that while he would much prefer to have a joint statement with Sharon, he would make a unilateral statement directing all Palestinians to stop any acts of violence. I said to Arafat that the instruction to stop any acts of violence would be in accordance with his famous letter of September 9, 1993 which was the inducement for Prime Minister Rabin and Peres to meet with Arafat at the White House on September 19, 1993. In that letter Arafat renounced the use of violence and said he would take disciplinary action against any of his people who violated his direction.

Arafat then said that he had said all the things I had mentioned. Erakat then said that not only had Arafat made these statements in a speech at the Arab summit, but that Shimon Peres had asked Arafat to make these statements from his own lips, and that Arafat had done so.

Dr. Osama el-Baz and I both stated that we had not heard any such statement. If any such statement was ever made, it was double in a long speech and was followed or preceded by many conditions.

I told Arafat that there was considerable anti-Palestinian Authority sentiment in the Congress with some 87 members of the Senate and over 200 members of the House writing a letter urging action that the Palestinian Authority be ousted from its Washington office.

At one point I asked Arafat why he had not accepted the very generous offer from Barak on territorial concessions in the West Bank and significant concessions on Jerusalem. Arafat replied that he had accepted that offer on a number of occasions including his meeting with President Clinton at the White House. Again, Arafat’s statement did not comport with the facts since he had imposed so many conditions.

I said that my staff and I had met with Prime Minister Sharon earlier that day and that Sharon had said, in peace talks, that peace was more painful than war because in peace you had to make concessions. I thought from that, it was apparent that Sharon was interested in peace talks.

Erakat commented that he had expected a call from an Israeli contact. I told Erakat that I would call the contact which I did the next day. When I telephoned Erakat later in the day, he confirmed that the Israeli contact had called I.

Further told Arafat that Sharon had told me earlier in the day that he was prepared to allow Palestinians to come into Israel for work providing there was no security risks. Sharon had specified that he was not giving this in exchange for anything from the Palestinian Authority because he did not want it viewed that Israel was making concession or buying peace in any way.

I asked Arafat if there was any substance to the contention that the Palestinian Authority was improving relations with Israeli forces destroyed in a raid just a few days earlier. The U.S. Embassy compound in Beirut is the most heavily fortified embassy in the world. Standing in the middle of the compound, as a stark reminder, are the remains of the prior Embassy that was destroyed by a bomb.

While remaining in the compound overnight, we received an in depth briefing on the current situation in Beirut and Lebanon, with insight provided by Ambassador David Satterfield, Deputy Chief of Mission to David Hale. As Ambassador Satterfield pointed out, Lebanon was very badly divided because of its charter (its form of a constitution) which divided authority between three Lebanese factions. He commented about what the potential to regain its status as “Paris of the Middle-East,” but that there would have to be major economic reforms. He also commented that the Prime Minister Rafik Hariri had been discussing with the World Bank and International Monetary Fund about ways to get financing which could lead to a revitalization of Beirut. Satterfield also noted that Hezbollah was a very strong force in Southern Lebanon, with only a few hundred fighters.

Beirut still shows the scars of its savage civil war with its once beautiful hotels reduced to shells. There is a rebuilding effort, however, and its central business district has been rebuilt to some extent.

We drove back from Beirut to Damascus. Ambassador Ryan Crocker hosted a dinner for visiting Assistant Secretary of State for Near Eastern Affairs Edward Walker and our party. We had a wide ranging conversation about the current state of affairs in the Middle East. I reported on our trip to Beirut, which Ambassador Ryan noted with some interest as he was the Ambassador to Beirut when our embassy was last attacked.

The next morning we met with Syrian Foreign Minister Faruq al-Shara and Deputy Foreign Minister Walid al-Mu’allim. At the start of our meeting we discussed my last visit to Syria, which was for President Assad’s funeral. I told FM al-Shara that my fellow Senators were very interested in Syria, and then mentioned that I had just been to see Chairman Arafat in Egypt. I discussed my recent travels in the area and related that everyone was looking forward to the June 24 meeting. The Foreign Minister asked me what Israel was seeking, and I told him of my discussions with Prime Minister Sharon
who stated that he is determined to avoid Israeli loss of life and will act accordingly. I also told him that the Israelis intended to ease up on the borders as long as there were no threats to security; the Israeli government position was that all the violence must stop for Israel to talk to the PLO. I then encouraged him to talk to the Israelis.

Foreign Minister Shara said I had persuaded Syria, or perhaps, more accurately been a factor, to enter into negotiations with Israel in my numerous discussions with former President Hafiz El-Assad during the 1980's and 1990's. I had first visited Damascus in 1984 and had met with President Assad almost every year from 1986 to 1998. Minister Shara stated that only after beginning discussions with the Israelis did it become apparent that they didn't want peace. I reminded him that both sides came very close on the Golan and that a dialogue must continue.

On April 3, we turned back to Iraq, China and recent American politics as well as efforts to exchange Parliamentarians with Iran.

We left Damascus and flew into Souda Bay, Crete, which houses the U.S. Naval Support Activity Souda Bay, and Fleet Air Reconnaissance Squadron Two, VQ-2, a unit responsible for reconnaissance missions for the Mediterranean, and which is the counterpart to the unit that was involved in the recent mishap with a Chinese pilot in international waters off the coast of China. I was met by Captain Steve Hoefel, the Base Commanding Officer and was set up in quarters for the night. That night, Rear Admiral Steve Tomaszewski, the Commander of the Mediterranean Air Fleet, flew in for a brief to be held the next morning.

On Friday, April 21, we received a classified brief on the mission of the base and discussed activities. The base's main responsibility is to support and resupply the forward-deployed Navy and Marine Corps forces. It has the largest fuel storage facility, largest ammo storage facility and the deepest port in the Mediterranean, and is strategically located near the Mid-East.

We toured the base, and the port facility located nearby. A large amount of construction was occurring on the dock with the installation of new facilities for service sailors and Marines all the amenities of home when they dock. I was pleased to find two Pennsylvanians among the many Navy Construction Battalion sailors working on the structures.

We also had the opportunity to tour an EP-3 aircraft similar to that which remains in China, and were briefed on the various station's responsibilities during flight operations, as well as talk to several of the crew members. We also had the opportunity to see an E-3 AWACS on the runway.

From Crete we flew to Rome where we received a brief by the Charge d'Affairs William Pope, and Margaret Dean, Minister-Counselor for Economic Affairs. We discussed the effect of the European Union on NATO, reviewed the current areas of work for the embassy, and the effect of the strong U.S. dollar on tourism. In addition, I briefed them on parts of my visit to Florence including our meeting with the attorneys for Ferragamo, and our visit to the Georgetown campus.

Margaret Dean was familiar with the case that the Ferragamo attorneys had won. She stated that in both pur-

purchased counterfeit goods at such a low price that the judiciary reasoned the purchaser could not have believed the goods to be authentic, and therefore found no fraud in the case. She stated that often, because of that case, sellers of counterfeit goods often go so far to label the goods as "fake" to avoid prosecution.

The Embassy reported that it doesn't have any one overriding area that it covers and has several areas of concentration which include tourism, trade disputes, military issues, and the Mid-East situation. Charge d'Affairs Pope reported that Italy had changed a lot and had become a fairly different place in the last decade. He reported a recent high-tech emphasis that has helped propel the country's economy to the 6th largest in the world. The country has also benefitted from the increase in tourism generated by the strong American dollar.

On April 25, we flew from Rome to Philadelphia.

I yield the floor.

IN APPRECIATION OF ALYCE AND JACK BERGGREN

Mr. DASCHLE. Mr. President, I appreciate the opportunity today to honor two very special people from my hometown of Aberdeen, SD. Alyce and Jack Berggren have contributed tirelessly to their communities. I know my appreciation, Kathryn Cole has helped seniors in their communities. I know my contribution to the Northern Black Hills' Retired Seniors Volunteer Program.

Today, the directors and volunteers of this RSVP program gathered at their annual recognition banquet to celebrate the dedication and hard work of Kathryn Cole, who is retiring from this RSVP community after 21 years of service. In fact, for 20 of those years, Kathryn served as the director of this inspiring program.

The generous gift of Kathryn Cole's time and experience has benefited those around her in countless ways, and I truly applaud her "can-do" spirit, her determination, and her dedication to the betterment of the communities of the Northern Black Hills area. From Spearfish to Belle Fouche to Lead, Kathryn has sent hundreds of volunteers to serve and support local communities. With her warm spirit, she has always made a special effort to ensure that volunteers have the opportunity to participate in the activities that both interest and inspire them. From tutoring at local schools to delivering Meals on Wheels to offering services to the High Plains Heritage Museum in the Matthews OperaHouse, Kathryn has made an immeasurable contribution to the Northern Black Hills.

There is a special feeling of satisfac-
tion that comes with volunteering. Through her tremendous leadership, Kathryn Cole has helped seniors experience that satisfaction with service to their communities. I know my
I briefly touched on, some of the most important businesses that once thrived were away from the downtown area. Local the State, we have seen a huge shift in town areas slowly die. I know that in industry and prospective residents. including this legislation will help restore contamination. I am hopeful that passing the bill authorizes $150 million per year to help State and local governments perform assessments and cleanup at brownfields sites. Further, $50 million per year is also authorized to establish brownfields programs, more than double the current level of funds available through the current EPA program.

Pumping federal tax dollars back into localities and fostering partnerships with States and their local communities can help our communities of the negative aspects such as crime and contamination while rejuvenating downtown economies.

Economics and Environmental health are not mutually exclusive. This bill would allow the sale of areas to be cleaned up, thus providing both economic and environmental benefits. It is a win-win for everyone—cities and citizens alike.

I am hopeful that New Mexico, as well as many other communities across the nation, will see great benefits as a result of this legislation. I hope that we are successful at reviving the ghost towns that currently exist in many downtown areas and that they will once again come alive with prosperity.

CRIME VICTIMS’ ASSISTANCE ACT
OF 2001

Mr. KENNEDY. Mr. President, victims of crimes deserve to have their voices heard and to be notified of important events in the criminal justice system relating to their cases, and they deserve enforceable rights under the law. Today, this is why my colleagues and I are re-introducing the Crime Victims Assistance Act. It is especially appropriate that we do so this week, which is National Crime Victims’ Rights Week. Our bill defines the rights of victims and establishes an effective means to implement and enforce these rights. Equally important, it does so without taking the drastic, unnecessary, and time-consuming step of amending the Constitution. Our bill provides enhanced protections to victims of both violent and non-violent federal crimes. It assures victims a greater voice in the prosecution of the criminals who injured them and their families. It gives victims the right to be notified and consulted on detention and plea agreements; the right to be heard at sentencing; the right to be notified of the escape or release of a criminal or a grant of executive clemency; and the right to a speedy trial and prompt disposition, free from unreasonable delay.

The rights established by this bill will fill existing gaps in federal criminal law and will be a major step toward guaranteeing that victims of crime receive fair treatment. Our bill achieves these goals in a way that does not interfere with the efforts of the States to protect victims in ways appropriate to each State’s unique needs.

Rather than mandating that States modify their criminal justice procedures in particular ways, our bill authorizes the use of federal funds to establish effective and enforceable victim-rights compliance. It increases resources for the development of state-of-the-art systems for notifying victims of important dates and developments in their cases. It provides funding for the development of community-based justice programs relating to those rights. Finally, it creates and funds additional personnel in federal law enforcement agencies to assist victims in obtaining their rights. These initiatives will provide victims with the counseling, information, and assistance they need in order to participate in the criminal justice process to the maximum extent possible.

There is no need to amend the Constitution to achieve these important goals. The Constitution is the foundation of our democracy. It reflects the enduring principles of our country. The framers deliberately made the Constitution flexible so that it was never intended to be used for normal legislative purposes. If it is not necessary to amend the Constitution to achieve particular goals, it is necessary not to amend it. Our legislation is well-designed to establish enforceable rights for victims of crime, and I urge my colleagues to support it.

LOCAL LAW ENFORCEMENT ACT
OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation. I introduced with Senator KENNEDY last month the Local Law Enforcement Act of 2001 which would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

Today, I would like to detail a heinous crime that occurred Nov. 7, 1998 in Easton, MA. An Easton teenager threw a large rock at a 17-year-old boy he thought was gay, kicked him in the head and yelled, swore and called the victim a “fag.” The victim suffered a broken nose and a concussion. A week before the assault, the perpetrator told friends he hated gay people and thought they should be beaten up.
I believe that government’s first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

NUANCE MATTERS, GETTING TAIWAN POLICY RIGHT?”

Mr. BIDEN. Mr. President, as we were reminded yesterday, words matter in diplomacy. Wednesday morning, the President of the United States appeared on national television in an interview taped Tuesday night with Charles Gibson of ABC News. In that interview, the President was asked if the United States had an obligation to defend Taiwan if it was attacked by China.

President Bush replied, “Yes, we do, and the Chinese must understand that. Yes, I would.” The interviewer pressed further, asking, “With the full force of the American military?”

President Bush replied, “Whatever it took to help Taiwan defend itself.” He did not elaborate at that time.

A few hours later, the President appeared back off this startling new commitment, stressing in an interview on CNN that the United States would not commit U.S. forces to the peaceful way of life is not upset by the President’s National Security Adviser claimed that, “the Taiwan Relations Act makes very clear that the United States is not obligated to defend Taiwan in the event of a conflict with China. The point of that policy, which I support, is to retain the right to use force to defend Taiwan, while reserving to the United States all the decision-making authority about the circumstances in which we might, or might not, commit U.S. forces. Otherwise, the United States might find itself drawn into a conflict between China and Taiwan even in the event of a unilateral Taiwanese declaration of independence, something the President said yesterday he would not support.”

This policy of strategic ambiguity was consistent with our One China policy and also with our desire that the Taiwan question be resolved only through peaceful means.

Well, today I guess we have a new policy, and I am calling it the policy of “ambiguous strategic ambiguity.”

What worries me is not just what the President said, but the utter disregard for the role of Congress and the vital interest of our key Pacific Allies, specifically Japan.

Perhaps the President is unaware that without using U.S. bases in Japan, we would be hard-pressed to make good our commitments to use U.S. forces to defend Taiwan in the event of a conflict with China.

Perhaps he is unaware of how sensitive an issue this is for the Japanese government which has taken great pains to avoid explicitly extending the U.S.-Japan Security Alliance to a Taiwan contingency.

I was quick to praise the President’s deft handling of the dispute with China over the fate of the downed U.S. surveillance aircraft.

But in this case, as in his rocky summit meeting with South Korean President Kim Daejung, the President has damaged U.S. credibility with our allies and sown confusion throughout the Pacific Rim.

Words matter. Nuance matters.

Diplomatic events, the challenge of engaging North Korea, the emergence of a reformist prime minister in Japan, and the threat of political instability in Indonesia, will surely test America’s resolve and diplomatic agility in the Pacific during the months ahead.

WORLD INTELECTUAL PROPERTY DAY

Mr. HATCH. Mr. President, it is with great pleasure that I rise today to pay tribute to the first celebration of “World Intellectual Property Day.”

Last fall, the World Intellectual Property Organization dedicated April 26th as “World Intellectual Property Day” with the objective of highlighting the valuable contributions intellectual property makes to economic, cultural and social development and to raise public awareness of just what intellectual property is all about.

World Intellectual Property Day, which includes patents, trademarks and copyright protections, is hardly a household phrase, but its significance to all Americans should not be underestimated. Intellectual property is really about creativity and innovation; it is about ideas that start out as just a dream, but then go on to become the creations and products that enrich our daily lives and improve our standard of living.

Included among our Founding Fathers’ many accomplishments were the express intellectual property protections of Article I, Section 8 of our Constitution. This section is so seemingly simple, “to promote the progress of science and the useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries”; it has done more to shape our Nation’s economic growth than almost any other provision in the Constitution.

Indeed, one of the most significant results of this constitutional provision was the creation of the U.S. patent system. Today, more than six million patents have been issued, for inventions
ranging from Farnsworth's cathode ray tube to the airplane to life-saving pharmaceuticals. The value of our patent system was perhaps best summarized by President Abraham Lincoln, himself a patent holder, when he noted that it "adds the fuel of interest to the spark of genius."

We also are world leaders in copyrighted works. Books, movies, music, and other examples of American creativity entertain and enlighten the world, and make a generous contribution of trade.

Our country's technological prowess and our high standard of living stem from the creativity, determination, and entrepreneurial drive of our citizens and the protection we provide for their creations. So, today, as nations around the world mark "World Intellectual Property Day," let us take pride in the fact that our intellectual property system is recognized as the most effective in the world. As we look to the future, let us also pledge ourselves to ensuring that the United States remains the world's pre-eminent provider and protector of intellectual property.

CHRONIC INFECTIOUS CHILDHOOD DISEASES

Mr. JEFFORDS. Mr President, I rise today to bring attention to the single most common chronic infectious childhood disease, namely dental decay. In fact, it is five times more common than asthma and seven times more common than hay fever. Young children with severe decay, affecting multiple teeth, may need to be treated in a hospital under general anesthesia. This level of treatment is unnecessarily costly. An estimated $100 million each year is spent for operating room charges associated with treating severe decay in very young children.

One of the most effective ways to reduce the burden of tooth decay, before it starts, is community water fluoridation. Since 1945, water fluoridation has been the cornerstone of the nation's oral health, by safely, inexpensively and effectively preventing tooth decay regardless of an individual's socioeconomic status or ability to obtain dental care. Today, close to 144 million Americans receive this benefit through fluoridated water. Unfortunately, more than 100 million others do not.

This is especially disturbing, because water fluoridation remains the most equitable and cost-effective method of delivering fluoride. The average lifetime cost for fluoridation per person is less than the approximate cost of one dental filling.

In my home State of Vermont, three communities with over 7,000 residents, do not benefit from community water fluoridation. According to the Vermont Department of Health, high school students in one of these communities have the worse dental health in the State, by a significant margin. Because of the high disease rate in these three communities, they have responded by developing dental clinics to serve low-income residents. Although we applaud these communities for responding accordingly, the old adage holds true here, an ounce of prevention is worth a pound of cure.

Dental sealants have also proven to be an effective method of preventing tooth decay. Studies have shown that sealants can reduce tooth decay by over 70 percent. Despite the proven effectiveness of this method, only three percent of low-income children have had sealants applied to their teeth.

The inequities in oral health care are especially apparent in Medicaid patients. In 1993, only 1 in 5 children and adolescents covered by Medicaid received preventive dental service such as application of fluoride or sealants. Alarmed by these statistics, Senator Russ Feingold and I, along with 26 of our colleagues, wrote to the Health Care Financing Administration asking them to explore what Medicaid could do to improve access to comprehensive dental services for underserved children.

Oral health is a key determinate of overall health. It is essential that we continue to pursue these low-cost and effective measures to ensure that all children in this country, regardless of income and geography, are free of dental disease.

TRIBALLY CONTROLLED POSTSECONDARY VOCATIONAL AND TECHNICAL INSTITUTIONS

Mr. CONRAD. Mr. President, I would like to engage the Chair of the HELP Committee in a colloquy regarding eligibility for Section 117 of the Carl Perkins Vocational and Applied Technology Education Act. Section 117 authorizes funding for Tribally Controlled Secondary Vocational and Technical Institutions. The funds have been awarded annually to the two existing tribally controlled postsecondary vocational institutions that are devoted to providing vocational and technical education, United Tribes Technical College and Crownpoint Institute of Technology. Historically, these two institutions have not received assistance under the Tribal Technical College and University Assistance Act, so the Perkins funds are key to their existence.

On March 28, 2001, the Department of Education issued a Request for Proposals, RFP for funding under Section 117 that would open up funding for this program to the tribal colleges. The Department is operating under the mistaken view that the 1998 Perkins Amendments changed the previous Perkins law with regard to eligibility for these funds. In fact, it was not the intent of Congress to in any way alter the language of Section 117. Following when it enacted the 1998 Perkins Amendments. The members of the North Dakota and New Mexico delegations disagrees with the Department and have written to Secretary Paige stating our view that the 1998 Perkins amendments did not change the eligibility for what is now the Section 117 program. Do the Chairman and Ranking Member of the HELP Committee agree with our view? Mr. JEFFORDS. Yes, I agree with the Chairman and Ranking Member of the HELP Committee agree with our view.

Mr. DOMENICI. The Crownpoint Institute of Technology and United Tribes Technical College depend on Perkins funding for their core operational funds, and the Department should not make radical changes in eligibility for what is currently a very effective program.

Mr. BINGAMAN. No change was made. We included a parenthetical reference to the definition of "institution of higher education," this has no practical effect as both the 1980 and 1998 Perkins laws require that a grant recipient be an institution of higher education. The Department should continue providing grants for Section 117 under the current regulations unless and until new regulations are issued pursuant to the Administrative Procedures Act. Crownpoint Institute of Technology and United Tribes Technical College were intended to be the only beneficiaries of this section.

Mr. DORGAN. Thank you. I would like to include for the RECORD a copy of the letter from the North Dakota and New Mexico delegations to Secretary Paige on this matter. I would also like to include in the RECORD a letter from Dr. Jim Stanley, President of the American Indian Higher Education Consortium, that the Department's RFP that would open up Section 117 program to the tribal colleges. Dr. Stanley notes that such an
action would likely result in the closing of the doors of the tribally controlled postsecondary vocational institutions.

The letters follow:

WASHINGTON, DC
March 27, 2001.

HON. ROD PAUL

Dear Secretary Paul: We write to express serious concerns about the process used by the Department of Education in issuing the March 23, 2001, Federal Register grant announcement for Section 117 of the Carl Perkins Vocational and Technical Education Act. Section 117 is specific to tribally controlled postsecondary vocational institutions, of which there are two: United Tribes Technical College (UTTC) and Crowpoint Institute of Technology (CIT). We understand that the March 23 notice has been withdrawn for technical reasons but that the Department intends to reissue the notice shortly. The March 23 notice makes drastic changes in Section 117 eligibility and uses of funds that are inconsistent with the existing program regulations in 34 CFR Part 410. The eligible applicant pool would be expanded to include tribally-controlled community colleges for the first time and the uses of the funds would be restricted. If put into place, these changes could result in closure of the two institutions that have depended on this funding for their core operations. The Perkins funds support the ongoing operations of UTTC and CIT, just as funds under the Tribal Colleges and Universities Act supports the ongoing operations of UTTC and CIT. We ask that you not reissue the notice regarding Section 117 but rather use the existing regulations. Pending that, the FY 2001 Perkins funds should be issued under the current regulations.

We view the March 23 notice as an end-run around the regulatory process; it is, in effect, a set of new regulations without the benefit of any formal process or consultation with the affected parties. The 1998 amendments to the Perkins Act were signed into law on October 31, 1998—almost two-and-a-half years ago—and no regulations have been issued. Now the Department asserts that the 1998 amendments “substantially revised” the tribally controlled postsecondary vocational institutions and wants to waive the regulatory process on the grounds that there is no time to issue regulations if the awards under Section 117 are to be made in a timely manner. This is disingenuous and certainly not in keeping with the federal government’s policy of working with tribes on a government-to-government basis, including consultation with tribes and tribal organizations on policy matters that will affect them.

Again, we urge you to direct that the March 23 grant announcement not be reissued but rather use the existing regulations for Tribally Controlled Postsecondary Vocational Institutions for this grant period. If the Department finds that new regulations are warranted for the 1998 Perkins Act Amendments, such regulations should be issued through the Administrative Procedures Act in consultation with the affected tribal parties.

We appreciate your attention to this important matter.

Sincerely,

KENT CONRAD,
PETE DOMENICI,
JEFF BINGAMAN,
U.S. Senate.

CONGRESSIONAL RECORD — SENATE — S3983
April 26, 2001

Mr. BIDEN. Mr. President, I rise to call my colleagues’ attention to an article by the distinguished First Amendment scholar, Ronald Dworkin, “Free Speech And The Dimensions Of Democracy.” The article appears in If Buckley v. Valeo: A First Amendment Blueprint for Regulating Money in Politics, sponsored by the Brennan Center for Justice at New York University’s School of Law.

Professor Dworkin’s work illustrates a theme of mine during the recent debate on campaign finance reform: the shocking state of our current political life is a perversion of the public discourse envisioned by the Founding Fathers, a perversion directly rooted in the mistaken understanding of the First Amendment underlying the Supreme Court’s decision in Buckley v. Valeo, 424 U.S. 1 (1976).

As Professor Dworkin puts it, “[o]ur politics are a disgrace and money is the root of the problem.” There is no need to detail the disgraceful state of our political life brought about by politicians’ need to chase dollars. Members of this body, myself included, described the current state of affairs in all its painful and embarrassing detail during the recently concluded debate on campaign finance reform.

Professor Dworkin’s article makes explicit what many of us have argued in supporting Senator Hollings’ proposal to amend the Constitution so that campaign finance could be regulated. Senator Hollings’ Amendment is not an affront to the First Amendment, as some have
portrayed it; it is an affront to Buck-ley, which was wrongly decided. Sen-ator HOLLINGS’ Amendment is restora-tive: it returns First Amendment juris-rudence to what it was before the ill-conceived Buckley decision.

In holding that limitations on cam-paign expenditures violate the First Amend-ment, Buckley mistakenly equates money and speech. But, as Jus-tice Stevens pointed out recently in Nixon v. Shrink Missouri Govern-ment PAC, 528 U.S. 377 (2000), money is not speech or prop-erty.

Professor Dworkin’s article shows that the mistaken factual premise in Buckley is rooted in a fundamental misconception of First Amendment jur-isprudence. Senator HOLLINGS’ effort to make clear that reasonable limits can be imposed constitutionally on campaign expenditures would restore that jurisprudence by overturning Buckley.

The First Amendment and most of the important decisions interpreting it presuppose a democracy in which citi-zens are politically equal, not only as judges of the political process through voting, but also as participants in that process through informed polit-ical discourse. Reasonable regulations on cam-paign expenditures would enhance speech and contribute to a more ra-tional political discourse. Professor Dworkin illustrates this point through a historical and philosophical analysis of First Amendment precedent. He threat-ens that unrestricted campaign expendi-tures pose to the values under-lying the First Amendment. Treating money as speech debases genuine democratic dialogue.

Justice Brandeis made this point in another way in his justly famous dis-sent in Whitney v. California, 274 U.S. 357, 375 (1927): "Those who won our independence believed that the final end of the state was to make men free to develop their faculties, and that in its government the deliberative forces should prevail over the arbitrary. They val-ued liberty both as an end and as a means. They deemed the security of the happy and courageous to be the secret of liberty; ... [They believed] that the greatest menace to freedom is an inert people; that public discourse is a political duty and that this should be a fundamental principle of the American government.

The damage that unrestricted cam-paign expenditures has done to our public discourse is clear. If speech is speech, then inevitably one will need money, and large amounts of it, to speak politically. The result, in Pro-fessor Dworkin’s words, is that our last two presidential campaigns were “as much a parody of democracy as democ-racy itself.”

I will not repeat Professor Dworkin’s analysis of the legal precedents inter-preting the First Amendment and Buck-ley’s distortion of them, except to point to the oddity that Buckley at times recognizes the constitutional ju-risprudence it undermines. It does so in holding that, in contrast to campaign expenditures where any limit purport-edly violates the First Amendment, Congress may constitutionally place limits on campaign contributions. The latter holding, as Professor Dworkin points out, is premised on a principle deeply rooted in First Amendment ju-risprudence: reasonable restrictions on activity in the political realm, like contributing money, may be erected to protect core First Amendment values, like equality of political discourse. That is all that most proponents of campaign reform want to do, and that is all that the Hollings Amendment will do.

AMERICAN PRISONERS OF THE HOLOCAUST

Mr. HOLLINGS. Mr. President, in September of 1944, the 106th Infantry Division embarked for Europe and soon joined heavy fighting at the Battle of the Bulge. But one member of the divi-sion, the Academy Award-winning filmmaker Charles Guggenheim, was left behind and due to a minor illness. His connection with this brave group and the 350 American soldiers taken prisoner after the battle and sent to a Nazi camp in Berga, Germany led Mr. Guggenheim to undertake a new documentary, which is the subject of an excellent New York Times article by Roger Cohen. So that more Ameri-cans can be educated about the events leading up to the Holocaust and the un-speakable horrors inflicted upon Ameri-cans as well as Europeans, I ask that Mr. Cohen’s article be printed in the RECORD.

The article follows:

[From the New York Times, Apr. 17, 2001]

WHERE G.I.’S WERE CONSUMED BY THE HOLOCAUST’S TERROR; A FILMMAKER HELPS TIW memories of a wartime Guilt

(BY ROGER COHEN)

BERGA, Germany. Four plain wooden crosses stand in the cemetery above this quiet town in eastern Germany. One of them is inscribed “Unknown Allied Soldier.” He is unlikely to be an American, because the G.I.’s who died here were exhumed after World War II and taken home. But the mys-tery of who he is is only one of many hanging over Berga and its former Nazi camp.

On a cold, late March day, with snow fall-ing on the graves, a thin, soft-spoken Amer-i-can stands filming in the cemetery. He has hired some local volunteers, one of whom is portraying a Nazi guard, as two others turn the bones of the Army officers to the sunlight. The simu-lated corpses whose limp feet dangle out of sacks. The scene has an eerie luminosity in the silence of the snow.

The weather is cinematographically per-fect. It is also unseasonably cold and infer-nally damp. The American, Charles Guggenheim, shivers as he says: “This is a slow business, and it’s not something like this. Sort of like watching grass grow.”

But for him the fate of the American sol-diers imprisoned and worked to death more than a half-century ago in Berga has become something of an obsession.

Time may be needed for an obsession to take hold, time for the half-thoughts, nag-ging regrets and suppressed memories to coa-lace into a determination to act. Mr. Guggenheim, a documentary filmmaker who has won four Academy Awards, waited a long time to embark on this movie. His daughter, Grace Guggenheim, has a theory as to why. “This is sort of a survivor’s guilt story,” she said.

In September 1944 Mr. Guggenheim, now 77, was with the American 106th Infantry Divi-sion, preparing to go to Europe. But when the soldiers were captured, they were mobilized with a foot infection. He remained in Indiana while his fellow infantrymen were plunged, within weeks, into the Battle of the Bulge: two regiments were lost. Thousands of American soldiers were captured, and sev-er-al hundred who were Jewish or who “looked” Jewish ended up in Berga. Up to now, their fate has received little attention, partly because the surviving sol-diers long tended to repress the trauma.

“I could have been one of those captured or the killed,” Mr. Guggenheim mused. “I never wished I had come to Europe. Anyone in the infantry who wishes for war has something wrong with them. But I’ve thought a lot: why in the hell am I here and they not? Per-haps in the next life they’ll get even. I’m trying not to believe in a next life.”

This life seems fragile enough when gazing at little Berga, a place outside time. It was exploited by the Nazis before being taken over by the Russians, who mined uranium in the area. In 1990 it was made part of a united Germany.

Unemployment here stands at about 24 per-cent, so Mr. Guggenheim had no problem finding volunteers for a project where an atmosphere of desolation was not difficult either: beside the unused red-brick textile factory of a vanished Jewish family (named Engel), stray cats and junk-yards, watched by old men standing huddled against the cold. Germany’s ghosts, its myr-iad secrets, are almost palpable in a place like this.

Among the onlookers near the cemetery is Sabine Knuppel, a municipal worker. She says she has photographs of the “old days” in Berga: a lighted swastika glowing among trees heavy with snow. None of the old people in town like to talk about those days, she says, when the Nazis set up a satellite camp to Buchenwald in the middle of town and used the slave laborers imprisoned there to dig tunnels into the rock cliffs bordering the Elster River.

All that, she continues, constitutes a “lost world.” But once there were perhaps 1,000 prisoners working in the tunnels, where the Nazis planned to install a factory producing synthetic fuel. But until now, nobody in the town knew there were Americans among the prisoners, Mr. Knuppel says.

After the war the Russians blew up many of the tunnels. In their vestiges bats estab-lished a vast colony now officially designated as a German nature reserve. Along the wooded banks of the Elster, the former en-trances to the tunnels may still be seen; they are barred with steel doors.

The layer of earth in which the secrets are more tangible is a place like Berga than in the west of the country, where postwar prosperity wiped away most traces of tragedy. Mr. Guggenheim, whose award-winning docu-mentaries include “J. F. K. Remembered” and an account of the civil rights movement called “A Time for Justice,” has been digging into the secrets for two years now. He has interviewed 40 American survivors of Berga for a documentary tentatively titled “G.I. Holocaust.”

Mr. Guggenheim’s company and WNET, the public-television station in New York, centers on what happened to a group of American soldiers captured behind the lines during the Battle of the Bulge (which began on Dec. 16, 1944) and later transported to Berga.
American prisoners of war were persecuted time to Mr. Guggenheim; the notion that spoke about their experiences for the first Bard, “Forgotten Victims” (Westview Press), the 1994 thesis, and a 1994 book by Mitchell interrogated the events at Berga for a master’s de-
an Army officer, Mack O’Quinn, who inves-
tigated the events at Berga for a master’s de-

Mr. Guggenheim said it was still a shock that this happened to Americans, bringing home the realization that if the Nazis had won the war, “they would have gotten us, too.”

A descendant of German Jews, he grapples with ambivalent feelings about the country, unable to forget what a “civilized nation” did to it. He said this was caused by how civil postwar German society is.

He also grapples with how to find an appropriate treatment of a Holocaust movie, troubled by what he feels is the frequent trivialization of the Holocaust in film. Too often, he said, Hitler’s crimes have become a “quick fix for involvement” and a good fix for raising money from Jewish families. Like sex and violence, the Holocaust “demands people’s attention, even if they do not feel good about it.”

His answer to the ethical dilemma is the sobriety of his research and treatment: painstaking interviews, careful reconstruc-
tion of a little-known chapter in the war, at-
tention to detail. The scenes filmed in Berga will supplement a core of archival film, photo-
tography and interviews. “What is most moving to me is the way the survivors have talked about themselves and each other, often for the first time,” he said. “In many instances they had never talked about this before.

Dr. Shapiro was among those who sup-
pressed his memories. “It took 50 years for all of us to begin to come to terms with it,” he said. “I worked with the American and Soviet armies closing in, the camp at Berga was ordered evacuated, and a death march began for hundreds of prisoners. At least another 150 died in the ex-

ning days before advance units of the Amer-
ican 11th Armored Division liberated the

prisoners on April 22, 1945, near Cham in southeastern Germany.

The rate of attrition—more than 70 Ameri-
can dead in just over two months after ar-
ival at Berga—was among the highest for any group of G.I.’s taken prisoner in Europe. Dr. Shapiro weighed 98 pounds on his libera-
tion; he cannot recall the last days of the forced march despite repeated efforts to do so. “I had become a zombie,” he said.

Time has passed, but Dr. Shapiro’s voice still cracks a little as he thinks back. Peri-
dic nightmares trouble him. “I traveled the Europe of war as if I were in the Europe of the Jews of Europe,” he continued. “I was put in a boxcar, starved, put on a death march. It was a genocidal type of approach.”

That history will be written by Mr. Guggenheim’s. After the war he asked a re-
turning member of the 106th Division about a Jewish soldier he had known and was told the man had died in a German mine. But where, how, why?

The questions lingered in his mind for more than a half-century before taking him where an infected foot prevented him from going in 1944: to a remote town in Germany where the bat-filled tunnels are now sealed off, the floor, regularly beaten, the soldiers were herded out to work 12 hours a day in the dusty tunnels.

The “purpose was to kill you but to get as much of you before they killed you,” Milton Stolon of the 106th Division told Mr. Guggenheim. Gangrene, dysentery, pneu-
monia, diphtheria did their work. In the space of nine weeks about 35 soldiers died.

The persecution of American prisoners at Berga has remained little-known because many of the victims, like Dr. Shapiro, chose not to talk about the half-century after the war. With the cold war to fight and West Germany a postwar ally, the United States government had little interest in opening its archives and investigating conflict between Americans and Germans.

In recent years, however, the research of an American lawyer, who interrogated the events at Berga for a master’s degree thesis, and a 1994 book by Mitchell Bard, “Forgotten Victims” (Westview Press), have thrown light on the treatment of the G.I.’s. Still, many of the soldiers said they spoke about their experiences for the first time to Mr. Guggenheim; the notion that Americans were persecuted as Jews or Jewish sympathizers has not re-
eceived broad attention.

TRIBAL COLLEGES AND
UNIVERSITIES

Mr. CONRAD. Mr. President, I would like to engage the Senior Senator from Iowa in a colloquy about funding for the Nation’s 32 tribal colleges and uni-

versities.

These schools, located in 12 States, serve more than 250 federally recog-
nized tribes nationwide. The colleges serve students older than the tradi-
tional college age who are seeking an-
other chance at a productive life. The vast majority of tribal college students are first-generation college students.

However, the States provide little, if any, funding to the tribal colleges and universities because the vast majority of tribal colleges are not Federal lands. Additionally, non-Indians account for about 20 percent of tribal college enrollments, although the States do not provide financial support for these students.

The Senator from Iowa agree that the Federal Government needs to play a significant role in funding these schools?

Mr. HARKIN. Yes, I agree with the Senator from North Dakota. The Fed-
eral Government provides the core op-
erating funds for the tribal colleges and universities. Without this funding, many of them would have to close their doors.

Mr. CONRAD. And is it the view of the Senator from Iowa that this fund-
ing have not reached the level author-
ized by the Tribally Controlled Col-
leges and Universities Assistance Act?

Mr. HARKIN. The Senator from North Dakota is correct. Although an-
nual appropriations for tribal colleges have increased in recent years, the per-
Indian student funding is still less than two-thirds the level authorized by law and significantly lower than the public support given to mainstream commu-
nal postwar German society is.

Mr. CONRAD. I thank the Senator. I would also like to note that the need for federal funding is especially critical for these schools because most tribal colleges and universities were founded less than 25 years ago and are located in rural and impoverished areas, and they do not have access to alumni-
based funding sources and local financial support.

Mr. JOHNSON. Given the cir-
cumstances described by the Senator from North Dakota and my own know-
edge of the five tribal colleges in my own State, I ask that every effort be made in Fiscal Year 2002 and beyond to fund the colleges at the level at which they are authorized in the Tribally Controlled College and University As-
sistance Act. Would the Senator from Iowa agree that with respect to the education funding amendment adopted by the Senate that this will be a pri-

Mr. HARKIN. Yes, I agree with the Senator from North Dakota that a por-
tion of the funding provided by my amendment should be used to help close the gap between the level of funding authorized by the Tribally Con-

controlled college and University As-
sistance Act and the level of funding the colleges are currently receiving. I be-
lieve the funding in my amendment is sufficient to meet the needs of the trib-
al colleges and universities as well as the other educational needs through-
out the country.

Mr. CONRAD. I thank the Senator for his remarks. I am pleased that the Senator from Iowa, who is a champion

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of education, shares my strongly-held view that Congress must continue work toward current statutory federal funding goals for the tribal colleges. I look forward to continuing to work with him on this.

TRIBUTE TO SENATOR JENNINGS RANDOLPH AND HIS FIGHT FOR THE 26TH AMENDMENT

Mr. ROCKEFELLER. Mr. President, I rise today to pay tribute to Senator Jennings Randolph on the anniversary of the passage of the 26th Amendment. In 1971, a young West Virginian named Debbie Phillips skipped a day of high school. Skipping school is usually frowned upon by parents and teachers, but Debbie, then 18, was anything but another student trying to ditch chemistry, algebra, and history. In fact, Debbie was missing school in order to make history: that day, she registered to vote under the newly-ratified 26th Amendment to the Constitution at the Kanawha County Court House in Charleston, WV. A year later, the 26th Amendment also allowed Debbie to seek an appointment as a delegate at a national convention, making her the first West Virginian under 21 years of age to file for public office. I was the Secretary of State in West Virginia at the time, so Debbie came to my office to register. Her actions, and those of millions of other young Americans who accepted the 26th Amendment’s invitation to participate in the political process, show how critical young people are to our democracy. These extraordinary developments were made possible by a great man and a friend of mine—Senator Jennings Randolph, my predecessor as Senator form West Virginia and the “Father of the 26th Amendment.” Senator Randolph drafted the amendment and worked tirelessly for its passage, based on his belief that America’s youth had a right to be part of our political process. The ratification of the amendment marked a great moment in our country’s history. It has allowed young adults to speak for themselves and have their voices heard in the greatest democratic society in the world.

Thirty years ago Saturday, the State of West Virginia ratified the 26th Amendment. This action came in the midst of the Vietnam War, when nearly half of all the soldiers that America lost were younger than 21. Despite making the ultimate sacrifice for their country, those young soldiers had been unable to vote for the President that was sending them to war. In addition, they were paying taxes and participating in society in every other way; yet they were unable to vote. Senator Randolph changed that forever.

Tomorrow, West Virginia Secretary of State Joe Manchin is holding an event at our State Capitol encouraging schools to register voters under his West Virginia SHARES program—Saving History and Reaching Every Student. It is so important that young people realize what an awesome power Senator Randolph’s crusade brought them. Young Americans were excited to have the right to vote in the early 1970s, but today many 18- to 21-year-olds do not even bother to register. With the responsibility of voter participation among citizens between the ages of 18 and 24 has decreased in each Presidential election. Secretary of State Manchin’s project is therefore of utmost importance. It is essential that we let young people know of their right, and indeed their responsibility, to vote, and help them register to do so.

Again, I salute Senator Randolph for his tireless efforts to allow Debbie Phillips and countless other young people to improve our democracy.

TAX SIMPLIFICATION

Mr. FEINGOLD. Mr. President, I rise to speak on a report issued yesterday by the Joint Committee on Taxation and hearings that are being conducted today in the Finance Committee on the subject of tax simplification. Last week, on April 1, millions of Americans prepared income tax returns, completing the last step in a process that many found arduous, burdensome, and needlessly confusing. The tax code has become increasingly complex since its last major reform in 1986. Taxpayers now needlessly spend hours filling out their returns or are forced to pay others to prepare their tax returns for them. The government has thus imposed a kind of tax on paying taxes. In response to this complexity, most people have apparently thrown up their hands and paid others to fill out their returns. The Internal Revenue Service recently estimated that through the first week of April, about 57 percent of all individual income-tax filers used paid preparers. That rate was up from 56 percent last year.

Paid tax preparers report that they did a booming business this year. Through March 30, H&R Block’s revenue for tax preparation services rose by more than 10 percent over last year, to $1.5 billion. Its average fee rose to about $109.

Aside from using paid preparers, to avoid tax complexity, many Americans forgo tax benefits to which they are legally entitled. For example, many people use the standard deduction, even though they would save money by itemizing their deductions. The General Accounting Office recently estimated that on more than half a million tax returns for 1998, taxpayers did not itemize even though they were eligible to do so. Mortgage interest payments alone would have reduced their taxes or increased their refunds. GAO estimated that the resulting overpayments may have totaled $311 million, or $96 per tax return.

Earlier this year, the IRS’s acting national taxpayer advocate issued a report to Congress in which he summed up: Complexity “remains the No. 1 problem facing taxpayers, and is the root cause of many of the other problems on the Top 20 list.”

All this complexity comes with substantial costs to our economy. Treasury Secretary Paul O’Neill said recently, “The [tax] code today encompasses 9,900 pages and 3.8 million words. While every word in the code has some justification, in its entirety it is an abomination. It imposes $150 billion or more of annual cost on our society with no value creation. The cost of filling out the income tax form is undermining Americans’ confidence in the system. When people’s interaction with the Federal Government is dominated by complex and burdensome tax forms, it can impair the people’s trust in government generally.

We need tax reform and simplification. And now is the perfect time to do something about it.

In a fine Brookings Institution Policy Brief issued this month, scholars Len Burman and Bruce Alcon write:

Tax complexity is like the weather: everyone talks about it but nobody does anything about it. . . . Unlike the weather, though, policymakers can do something about complexity. If they do not simplify the tax system now, when there are surplus funds to pay for simplification, they will have lost a golden opportunity.

Burman and Alcon are right. Tax simplification needs to be an important part of this year’s tax policy debate. If Congress is to enact a greatly simplified tax code, it needs to have a thorough understanding of the problem as well as specific proposals to consider. Comprehensive studies of the issue can provide a needed impetus.

The Report of the Secretary of the Treasury Donald Regan, for example, laid the groundwork in substantial part for the 1986 reform.

I chaired the Taxation Committee of the State Senate in Wisconsin when we reformed the tax code in the mid-1980s. Democrats controlled both houses of the Legislature, and we had a Democratic Governor, but we used the Regan tax reform proposal as the basis for much of our own tax reform. The result was a greatly simplified tax system.

Following on that model, in last year’s budget resolution, I offered an amendment calling for the Joint Committee on Taxation to conduct a study of means by which we might simplify taxes. The Senate Budget Committee adopted the amendment unanimously. And the budget resolution that Congress adopted on April 13 of last year included it as section 336. That section included it as section 336. That section said, in relevant part: “It is the sense of the Senate that . . . the Joint Committee on Taxation shall develop a report and alternative proposals on tax simplification by the end of the year.”

The staff of the Joint Committee on Taxation, under the direction of Chief of Staff Lindy Pauli, took this and other requests along these lines seriously. They consulted with academics,
former chiefs of staff of the Committee, and former Commissioners of the IRS. Staff reviewed proposals that have been made, and considered particular issues. The resulting report, released yesterday, suggests ways to accomplish the same policy goals that underlie the current income tax code, but in less duplicative or less convoluted ways.

I am glad to see that the Joint Committee has released its report. Similarly, I am gratified that Finance Committee Chairman Chuck Grassley is holding a hearing today to receive the report and discuss this important subject.

Although I do not agree with every suggestion put forth in the report, I am convinced that this report and these hearings are exactly the kind of institutional step that we need to take if we are to reform the tax code.

Here are examples of areas where Congress could well simplify the tax code:

- **The AMT:** The complicated Alternative Minimum Tax is beginning to affect more and more middle-income taxpayers.
- **Capital Gains:** Ever since the 1997 law created differing capital gains rates for differing holding periods, the capital gains form has become very complicated. Some have proposed an exclusion from capital gains income for the first several hundred dollars of capital gains income, so that modest investors in mutual funds would not be subjected to filling out the capital gains schedule.
- **The Earned Income Tax Credit:** At the Finance Committee hearing today, Richard Lipton, head of the American Bar Association tax section, argued for simplifying the earned-income tax credit for working families. In Mr. Lipton’s words, “In effect, Congress has given the poor a tax break with one hand and then taken it away with the other by making it so difficult to understand.”
- **Child Credits:** Robert Cherry and Max Sawicky of the Economic Policy Institute have proposed a universal unified child credit that combines the dependent care credit, the earned income tax credit, the child credit, and the additional child credit. Similar work has been advanced by David Ellwood and Jeff Lieberman of Harvard University’s John F. Kennedy School of Government. Congress could well examine combining various child credits to make them fairer and easier to use.

The Standard Deduction: We could expand the standard deduction so that fewer taxpayers need to itemize their deductions.

- **The Personal and Dependent Exemptions:** Alternatively, we could expand the personal and dependent exemptions.
- **The Nanny Tax:** Congress has simplified the law raising the threshold of wages paid for filing employer taxes and by incorporating the filing into the form 1040. The threshold could be further raised.

Education Incentives: Today’s code contains several different education incentive provisions, including tuition credits, like Lifetime Learning or the Hope Credit, Education IRAs, State deductible tuition programs, limited interest deductions, and employer provided assistance. These provisions contain numerous and differing eligibility requirements. Congress might work to harmonize these programs.

A simplified tax code makes good economic policy sense. We would improve the economy’s efficiency if we could minimize the impact of the tax code on the economic decisions of businesses and individuals.

- **The tax code’s complexity frustrates average households.** This is a real issue with many people of fairly modest means. I hold listening sessions in each of Wisconsin’s 72 counties every year, and I frequently hear of people’s frustrations with the tax code’s complexity.

I am gratified to see that the Joint Committee on Taxation has addressed the budget resolution’s request seriously, and has produced its extensive recommendations on our tax system.

We need to advance the process of simplification further. I look forward to working with colleagues in the Finance Committee and the Senate on ways to reform and simplify the tax code.

INFORMATION BROKERS

Mr. NELSON of Florida. Mr. President, the Washington Post reported this morning that several prominent banks, insurance companies and law firms regularly purchased consumers’ confidential financial information from an information broker that illegally gathered the data using “pretext” calling. This despicable practice involves a caller who contacts a business or government entity and uses a person’s social security number, or other personally identifiable information, to trick an unsuspecting clerk to provide confidential information about everything from a person’s checking account balance to her investment portfolio.

The prohibition against this fraudulent practice was recently strengthened by Congress through the Gramm-Leach-Bliley Act, but reports of abuse have continued. Information brokers with little regard for people’s privacy continue to flourish because they are convinced that other businesses and financial institutions will pay them to acquire the information they need.

And there is evidence that other businesses and financial institutions will pay them to acquire the information they need.

If a company isn’t required to get a customer’s express consent prior to selling, sharing or disclosing his information, then the customer has little opportunity to stop the spread of inaccurate information.

Earlier this year, I introduced legislation that, if passed, would help minimize the extent of the damage that can occur when financial institutions purchase information from these suspect firms. My bill would require a consumer’s express consent before a financial company can share personally identifiable financial information with its affiliates and express written consent before it can transfer personally identifiable medical information. I want to put the consumers in control. Consumer control ensures that personally identifiable medical and financial information is being shared, bought, or sold; and, it’s being done without the consent of the consumer. This practice must stop. And it is our job to pass legislation that will stop it.

I call on my colleagues in the Banking committee to move forward with this legislation as soon as possible, so that it can be considered by the full Senate. Now is the time to close the financial privacy loophole so that we prevent a further erosion of our privacy rights.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, April 25, 2001, the Federal debt stood at $5,681,916,000,000, Four trillion, six hundred eighty-one billion, nine hundred sixteen million, twelve thousand, four dollars and thirty-four cents.

One year ago, April 25, 2000, the Federal debt stood at $3,425,956,000,000, Three trillion, four hundred twenty-five billion, nine hundred twenty-five million, nine hundred sixty-eight million.

Five years ago, April 25, 1996, the Federal debt stood at $5,092,768,000,000, Five trillion, ninety-two billion, seven hundred sixty-eight million.

Ten years ago, April 25, 1991, the Federal debt stood at $3,425,956,000,000, Three trillion, four hundred twenty-five billion, nine hundred fifty-six million.

Fifteen years ago, April 25, 1986, the Federal debt stood at $3,714,810,000,000, Four trillion, six hundred eighty-one billion, ninety-one million, which reflects a debt increase of more than $3 trillion, $3,678,420,012,044.34, Three trillion, six hundred seventy-eight billion, four hundred twenty-five million, twelve thousand, four dollars and thirty-four cents during the past 15 years.

ADDITIONAL STATEMENTS

IN HONOR OF NAVY LIEUTENANT SHANE OSBORN

- Mr. JOHNSON. Mr. President, I rise today to honor South Dakota’s native...
son, Lt. Shane Osborn, the Navy pilot whose leadership and piloting skills saved the lives of the crew detained in China for the first part of April.

Even at three years of age, Shane exhibited a fascination with planes. Shane's two of four propellers out of commission, a smashed nose cone, and destroyed navigational instruments, the American plane dropped nearly 7,500 feet toward the China Sea. With sheer will and brute force, Shane managed to bring the plane under control and land safely on the Chinese island of Hainan.

During the ensuing days as Shane and his crew were held by Chinese officials, the Chinese Ambassador and urged his government to release the American crew as quickly as possible. I also passed along to the Ambassador an email message Shane's father, Doug, wrote to his son. As the parent of a young child, I understand the fear and uncertainty one feels when their child is suddenly placed in harm's way. However, when I spoke with Doug Osborn, I was reminded also of the immense pride and love that parents feel for their son or daughter in the military.

I commend Lt. Shane Osborn for his heroism in safely landing the disabled American plane and his leadership as mission commander during the 11 days the American crew was detained in China. Shane symbolizes the very best that we have come to expect from the men and women in our military. I will continue to be an advocate on military issues in Congress and make sure that military families like Shane receive the “quality of life” benefits they and their families deserve. After the numerous sacrifices the men and women in our military make for our country, we in Congress can be expected to do no less.

HONORING CADET CHIEF PETTY OFFICER THEA I. PECK AS NAVAL SEA CADET CORPS CADET OF THE YEAR

Mr. SANTORUM. Mr. President, I would like to extend my most sincere congratulations to Cadet Chief Petty Officer Thea I. Peck. On April 28, 2001, she will be awarded the Willis E. Reed Cadet of the Year Award, which recognizes the Naval Sea Cadet who has excelled in all areas of Naval Sea Cadet Corps. She was initially selected as Mid-Atlantic Cadet of the Year for 2000 out of six states including Pennsylvania, which then lead to her selection as the program-wide Cadet of the Year. This recognition is outstanding and amplifies Cadet CPO Peck's leadership, maturity, dedication, and patriotism.

The NSCC was established in 1938 in part of the Department of the Navy to develop an appreciation for the United States Naval history, customs, traditions, and its significant role in national defense. Its purpose is also to develop patriotism, confidence, and pride in our nation's youth and help them to develop strong moral character and good citizenship. It also gives participants a real-life look at military opportunities.

Cadet CPO Peck has been a member of the Naval Sea Cadet Corps Program for over five years. She has completed several training courses over her tenure in the program including time spent at the Foreign Exchange Program with the United Kingdom and Medical Staff Training at Bethesda Naval Hospital. In all of her training periods, Cadet CPO Peck earned the highest performance marks illustrating her dedication to the program and the United States Navy.

In addition to excelling in the Naval Sea Cadet Corps, Cadet CPO Peck is an impeccable student. With a high school grade point average of 3.95, and as a student in all advanced classes, she has mastered time management and the ability to balance academics and outside activities. She has achieved a number of achievements for her work in various science fairs, and she is also an outstanding athlete, lettering in indoor track, swimming, lacrosse and soccer.

Over her tenure, Cadet CPO Peck, well-rounded young adult who has chosen to take advantage of all that life has to offer. As a member of the Senate Armed Services Committee, I am grateful to have her credit to Cadet CPO Peck for her dedication to the United States Navy through the Naval Sea Cadet Corps. With so many opportunities ahead after high school, I am confident that whichever avenue she chooses to pursue, she will bring great energy and leadership.

I ask my Senate colleagues to join me in congratulating this fine young leader as she is recognized as the 2001 NSCC Cadet of the Year and recipient of the Willis E. Reed Award.

HONORING REVEREND DR. KENNETH L. SAUNDERS, SR.

Mr. CORZINE. Mr. President, I want to bring to the attention of my colleagues a great man in the State of New Jersey, Reverend Dr. Kenneth L. Saunders, Sr.

Reverend Saunders is a man of integrity who is committed to the spiritual, mental, social, civil and economic well-being of his congregation and residents of the City of Piscataway.

Reverend Saunders has dedicated his life to public service. As Council President of the City of Piscataway, he insures that everyone has a voice. Reverend Saunders is also an outstanding advocate for children and their families.

Reverend Saunders is a true American, who believes that all people should have access to America’s Promise. He has the enviable gift of being able to bring people together to work for a common cause. Reverend Saunders is an unselfish man whose motivation is not self-gratification. He possesses a higher calling.

This week, Reverend Saunders is celebrating 12 wonderful years of pastoral ministry at North Stelton A.M.E. Church in Piscataway. Under his unparalled guidance. It also gave participants a real-life look at military opportunities.

PIKE COUNTY INDIANA SCHOOL CORPORATION

Mr. LUGAR. Mr. President, I am delighted to rise today with my colleague Senator BAYH to congratulate the Pike County School Corporation located in Petersburg, IN on being named “One of the Best 100 School Districts in the United States” for the year 2000 by the Wall Street Journal and Offspring magazine. The Pike Country school administrators, teachers, and students should take great pride in this outstanding accomplishment. This award is based on academic excellence in standardized testing such as the SAT, ACT, Indiana's ISTEP+ test, the number of National Merit Scholars produced by the district, community living costs, and dollar expenditures per student.

In October 1996, I had the distinct honor of meeting with the student body at Pike Central Middle High School. I was able to address the student body and saw first hand the hard work and dedication of the school’s administrators and teachers. After addressing the student body I had the pleasure of going for a run with a group of Pike County students. It was a high honor to be standing on the floor of the Senate today reflecting on that visit and recognizing Pike County schools for their outstanding achievements.
National recognition of Pike County’s educational accomplishments is particularly timely as the Senate commences debate on President Bush’s Education program. The schools of Pike County have set standards that all school districts across the great nation strive to emulate. Five years ago, Pike County School Corporation developed and implemented a district-wide plan to improve scores at all grade levels. They aggressively used standardized tests at all grade levels to ensure that our standards were being met and student weaknesses were being addressed. Their efforts resulted in a significant increase in the percentage of students from Pike County meeting Indiana’s academic standards. Also, the number of students attending college after high school graduation nearly doubled during the 1998–99 school year, the year that was used for the national study conducted by Offspring Magazine.

Using Title I funds, the Pike County School Corporation developed an early-childhood program that targeted preschool and kindergarten children. Using a corporation-developed assessment process, four-year-old students were placed into the county’s three early childhood schools for half-day preschool classes, with five-year-olds invited to participate in extended-day kindergarten. This program has played an important role in the dramatic rise of Pike County ISTEP+ test scores at the third grade level.

Additionally, and of particular note, Pike County School Corporation was able to accomplish these goals while spending approximately $6,500 per student year, one of the lowest spending rates per student in the country. As quoted from Offspring magazine, “the hallmark of a top-rated school district isn’t necessarily how much money it has to spend, but how it spends the money it has.”

This great achievement is a tribute to the superlative efforts of the members of the local school board, the school administration, teachers, and support staff of the PCSC. I congratulate Pike County School Corporation and the Pike County community, and wish them continued academic success.

NALC FOOD DRIVE STATEMENT
• Mrs. BOXER. Mr. President, this year marks the ninth anniversary of “Stamp Out Hunger,” the largest one-day food drive in the United States. I strongly commend and congratulate the National Association of Letter Carriers, NALC, for sponsoring this annual event, and marvel at its rapid expansion, beginning in only ten cities in 1992, it now spans over 10,000 cities and towns across our nation.

More than 1,500 NALC branches, including the California State Association, who carriers in my State, will participate in this year’s “Stamp Out Hunger.” On May 12, the second Saturday in May, residents across the country will be asked to place boxes and bags of food next to their mailboxes, where postal workers will pick them up, sort them, and deliver them to community food banks, shelters and pantries.

The success of this program can be seen in the staggering volume of donations: more than 382 million pounds of food have been collected in the program’s history. However, what impresses me most is the strong commitment of our nation’s postal workers and carriers. More than one way we will put an end to poverty is to follow their example and take action, become involved, make a concerted effort. I urge all Americans to participate in “Stamp Out Hunger” on May 12 to put an end to the poverty that is plaguing far too many children, men and women in our communities and across our nation.

EISLEBEN LUTHERAN CHurch
• Mr. BOND. Mr. President, I rise to make a few comments on the 150th anniversary of the Eisleben Lutheran Church in Scott City, MO.

Since the first congregation of nineteen members gathered on April 30th 1848, Eisleben Lutheran Church has grown to become a part of Missouri history. Eisleben Lutheran Church’s first house of worship was a log cabin built in the area now known as Scott City. The area surrounding the church was mostly wooded hills and large swamps which were impassible much of the year. In 1867 the second facility known as Rock Church was built.

Today the congregation worships in a church that was completed in 1913 using the stones from the original Rock Church. The congregation of the Eisleben Lutheran Church have maintained a long history of service to the Scott City community, as well as the international community by supporting missionary efforts all over the world.

Over the past 150 years Eisleben Lutheran Church has witnessed and been a part of many historical events. Their devotion to the preservation and continued growth of the church is commendable. I am pleased to join with the Scott City community and the State of Missouri in congratulating the congregation of the Eisleben Lutheran Church.

WILSON H.S. STUDENTS EXCEL IN COMPETITION
• Mr. HOLLINGS. Mr. President, I would like to recognize a group of students from Wilson High School in Florence, SC who recently participated in the “We the People . . . The Citizen and the Constitution” national finals in Washington, D.C. April 21–23. They tested their knowledge of American history and government against 49 other student groups from across the country in a familiar format to those of us in the Senate, a congressional hearing. During the simulated hearing, students testified as constitutional experts before a panel of judges. Fifteen students, led by their teacher Yvonne Rhodes, represented Wilson at the competition. They were: Lakisha Boston, Synette Carier, Christine Cheeks, Rebecca Derrick, Ashanti Drummond, Elizabeth Fortnum, Albert Hayward, Anthony Henderson, Benjamin Ingram, Janny Liu, Christina Moss, Jason Owens, Anna Stewart, Tyler Thomas and Dheepa Varadarajan. I commend these students for their impressive performance in the “We the People . . . The Citizen and the Constitution” program administered by the Center for Civic Education. Their interest in the foundation of our government is refreshing and will prepare them to become active, responsible citizens and community leaders.

GARFIELD MIDDLE SCHOOL 50TH ANNIVERSARY
• Mr. DOMENICI. Mr. President, I rise today to ask my colleagues to join me in congratulating Garfield Middle School in Albuquerque, which is celebrating its 50th anniversary today, April 26. Built to serve Albuquerque’s growing North Valley, the school first opened for the 1950-51 school year. First built with the intention of serving as an elementary school, Garfield actually became the fourth public junior high school to open in my hometown.

Mr. Walter McNutt was Garfield Middle School’s first principal. It was under this distinguished man that I served as a public school teacher shortly after graduating from the University of New Mexico. I taught math and coached baseball at the school in the 1955-56 school year.

The Garfield Middle School’s long-held mission has been to foster a sense of community among its students, parents, and school staff, a means of boosting pupil achievement.

With a multi-cultural enrollment ranging over the years from 650-1,200 students, Garfield has earned a number of award-winning and nationally-recognized programs.

I am proud to also point out that Garfield is actively involved in a program that is close to my heart, Character Counts. The school is nationally recognized as having one of the finest Character Counts programs in the United States. At the school they teach the six pillars of good character: responsibility, respect, trustworthiness, fairness, citizenship, and caring.

I applaud Garfield Middle School for its accomplishments and as it celebrates its 50th Anniversary, we wish them much continued success in the future.

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 executive branch of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 4:23 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H. R. 503. An act to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and destruction on Armed Forces property, 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 3 of Public Law 94–304, as amended by section 1 of Public Law 99–7, the Speaker appoints the following Members of the House of Representatives to the Commission on Security and Cooperation in Europe: Mr. HOYER of Maryland, Mr. CARDIN of Maryland, Ms. SLAUGHTER of New York, and Mr. HASTINGS of Florida.

The message also announced that pursuant to 14 U.S.C. 194(a), the Speaker appoints the following Member of the Board of Visitors to the United States Coast Guard Academy: Mr. TAYLOR of Mississippi.

The message further announced that pursuant to section 5(b) of the James Madison Commemorative Commission Act (Public Law 106–550), the Speaker appoints the following members on the part of the House of Representatives to the James Madison Commemoration Advisory Committee: Dr. Charles R. Kesler of Claremont, California and Mr. Randy Wright of Richmond, VA.

The message also announced that pursuant to section 12(b)(1) of the Centennial of Flight Commemoration Act (36 U.S.C. 145), and upon the recommendation of the Minority Leader, the Speaker appoints the following citizen of the United States to the First Flight Centennial Federal Advisory Board: Mr. Neil Armstrong of Lebanon, Ohio.

MEASURE REFERRED

The following concurrent resolution was read, and referred as indicated:

EC–1614. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Guidelines on Leveraged Lease Advance Rulings” (Rev. Proc. 2001–28) received on April 24, 2001; to the Committee on Finance.

EC–1615. A communication from the Administrator of the National Nuclear Security Administration, Department of Energy, transmitting, pursuant to law, a report concerning a High-Energy-Density Physics Study; to the Committee on Appropriations.

EC–1616. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, a report of the designation of acting officer in the position of Acting Administrator, Federal Insurance Administration; to the Committee on Banking, Housing, and Urban Affairs.

EC–1617. A communication from the Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled “Equal Employment Opportunity; Updating of EEO Polices and Procedures” (RIN 2560–AC73) received on April 23, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1618. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer in the position of Director of Defense Research and Engineering, Department of Defense; to the Committee on Armed Services.

EC–1619. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination in the position of General Counsel for Regulatory Law, Office of the Secretary, Department of Defense, Legislative Affairs; to the Committee on Armed Services.

EC–1620. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer in the position of Deputy Secretary of Defense (Comptroller); to the Committee on Armed Services.

EC–1621. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary of Defense (Comptroller); to the Committee on Armed Services.

EC–1622. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination in the position of Deputy Secretary of Defense; to the Committee on Armed Services.
EC-1635. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of State Implementation Plans: California” (FRL6970–6) received on April 23, 2001, to the Committee on Environment and Public Works.

EC-1641. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of State Implementation Plans: Illinois” (FRL6970–6) received on April 23, 2001, to the Committee on Environment and Public Works.

POM-20. A resolution adopted by the House of the Legislature of the State of Utah relative to Indian Health Services; to the Committee on Appropriations.

HOUSE RESOLUTION NO. 8

Whereas, since the mid-1980’s the Navajo Nation and Indian Health Services have planned the construction of the Red Mesa Health Center and staff quarters to improve access to health care for the residents in southeast Utah and northeast Arizona;

Whereas, local land users donated 75 acres of land on Red Mesa for the development of the Red Mesa Health Center and staff quarters;

Whereas, all of the necessary documents including legal and environmental clearance have been completed and the site has been legally withdrawn by the Navajo Nation for the project; and

Whereas, the United States Congress appropriated design funds in fiscal year 2000 for the design of the Red Mesa Health Center;

Whereas, the Indian Health Services has hired an architectural firm and the project is currently in design;

Whereas, a construction manager also has been hired and the completion of the Red Mesa project once it is designated and construction funds are appropriated;

Whereas, the Red Mesa Health Center, where adults and pediatric medical service, diagnosis and laboratories, short stay nursing beds, dental physical therapy and 24-hour emergency care;

Whereas, most of the services that would be provided by the Red Mesa Health Center are currently unavailable in the proposed service area and the local people have to travel to Shiprock, New Mexico, to receive these services;

Whereas, travel distance to Shiprock for the user population is an average of 60 miles;

Whereas, Indian Health Services planned the Red Mesa Health Center with 93 units of staff quarters due to the remoteness if the site;

Whereas, housing availability is critical in the recruitment and retention of medical doctors, nurses, and other health professionals on the land;

Whereas, it is vital that the staff quarters be constructed at the same time as the health center to operate with adequate staffing: Now, therefore, be it Resolved, That the House of Representatives of the State of Utah urges the United States Indian Health Services to spend $48.5 million in construction funds as part of the Indian Health Services budget for fiscal year 2002 for the Red Mesa Health Center and staff quarters at Red Mesa, Arizona. Be it further Resolved, That a copy of this resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the United States Senate, and the United States Congress to appropriate $48 million in construction funds are appropriated; to the Committee on Appropriations.

Whereas, President Bush’s tax relief plan will increase access to the middle class for hard working families, treat all middle class families more fairly, encourage entrepreneurship and growth, and promote charitable giving and education; and

Whereas, under President Bush’s tax relief plan, the largest personal and business deductions will go to the lowest income earners:

Now therefore, be it Resolved, That the Legislature of the state of Utah urges the United States Congress to work to pass the tax relief plan introduced by President Bush.

Be it further Resolved, That a copy of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Utah’s congressional delegation.

POM-22. A joint resolution adopted by the Legislature of the State of Utah relative to the convening, rescheduling of any and all existing applications to Congress for a constitutional convention previously made; to the Committee on the Judiciary.

WHEREAS, the Legislature of the state of Utah, acting with the best of intentions, has, at various times, previously made applications to the Congress of the United States of America for one or more constitutional conventions for general purposes or for the limited purposes of considering amendments to the Constitution of the United States of America on various subjects and for various purposes;

WHEREAS, former Justices of the United States Supreme Court and other leading constitutional scholars are in general agreement that a constitutional convention, notwithstanding whatever limitations have been specified in the applications of the several states for a convention, would have within the scope of its authority the complete redrafting of the Constitution of the United States of America, thereby creating an immeasurable peril to the rights and liberties of the people and to the constitutional principles under which we are presently governed;

WHEREAS, the Constitution of the United States of America has been amended many times in the history of the nation and may yet be amended many more times, and has been interpreted for 200 years and been found to be a sound document which protects the rights and liberties of the people without the need for a constitutional convention;

WHEREAS, there is no need for—rather, there is great danger in—a new constitution, the adoption of which would only create lesser changes in America in the process of another two centuries of litigation over its meaning and interpretation; and

WHEREAS, such changes or amendments as may be needed in the present Constitution may be proposed and enacted, pursuant to the process provided therein and previously used throughout the history of this nation, without resort to a constitutional convention: now, therefore, be it

Resolved, By the Legislature of the state of Utah that any and all existing applications to the Congress of the United States of America for a constitutional convention or conventions hereof be made by the Legislature of the state of Utah under Article V of the Constitution of the United States of America for any purpose, whether limited or general, be hereby repealed, rescinded, and

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:
WHEREAS, the current system is unfair to widows and widowers because they must forego either their own benefit or their deceased spouse’s benefit (or both), and may claim the widower’s benefit only after attaining qualification age themselves regardless of the age of the deceased spouse;

WHEREAS, the current system is unfair to women who leave employment to raise families because many women in Utah and throughout the United States work and pay retirement taxes into the system for many years but never complete the required 10 years or 40 quarters, before leaving employment, making them ineligible for retirement benefits;

WHEREAS, retirement security is best achieved by regularly saving and investing one’s own money over a lifetime of work, and public policy regarding Social Security should support, facilitate, and encourage saving rather than discourage or deter it;

WHEREAS, the objective of Social Security privatization is for workers to have legal ownership in a retirement asset that can be used and ultimately passed on to heirs;

WHEREAS, even with modest return assumptions, the private, individually owned account can be expected to produce a significantly enhanced retirement income;

WHEREAS, private individually owned accounts accrue value and future benefits to the workers regardless of future congressional actions;

WHEREAS, private, individually owned accounts grow on behalf of the worker whether or not the worker completes 40 quarters of coverage (Congressions);

WHEREAS, private, individually owned accounts can be passed on by inheritance to spouses, children, or grandchildren, affording the opportunity to select from inheritance and endowment funds;

WHEREAS, with the individual retirement benefit a low of just a few dollars per month to a high of approximately $1,400 per month, and the average monthly retirement benefit currently at about $845 per month, Social Security retirement benefits amount to a below poverty level subsistence for many retirees;

WHEREAS, although Social Security was originally intended to merely supplement other core retirement income sources, the high tax rate prohibits many workers from ever adequately saving and investing, and as a consequence, Social Security has become the core retirement income source for many Americans;

WHEREAS, national demographics have shifted significantly since the system was created as a part of President Roosevelt’s New Deal policies;

WHEREAS, in 1945, 41.9 workers supported each retiree, and today just 3.3 workers support each retiree;

WHEREAS, the ratio is expected to dwindle to 2.5 workers supporting each retiree within the next 30 years, making the current system unsustainable;

WHEREAS, receipt currently exceed benefit payments, yet, Social Security Trustees estimate that benefit payments will exceed tax receipts, producing annual deficits, beginning in approximately 15 years, or the year 2015;

WHEREAS, the Social Security Trustees estimate the cumulative annual deficits for years 2010 through 2075 to total $15.3 trillion;

WHEREAS, it is unethical to perpetuate a system that accrues benefits for a current generation of retirees at the expense of younger workers who will likely never collect benefits but will inherit the mounting debt;

WHEREAS, the current system is unfair to future tax payers in the form of higher payroll taxes being paid into the system, a worker retains no legal right nor claim to any amount or benefit, but is subject to future congresses who will set the benefit rates;

WHEREAS, the current system is unfair to those who die prematurely because it is possible to pay for a lifetime into the system yet draw only minimal benefit or even no benefit prior to death and leave no residual value to any heir;

WHEREAS, the current system is unfair to widows and widowers because they must forego either their own benefit or their deceased spouse’s benefit (or both), and may claim the widower’s benefit only after attaining qualification age themselves regardless of the age of the deceased spouse;

WHEREAS, the current system is unfair to women who leave employment to raise families because many women in Utah and throughout the United States work and pay retirement taxes into the system for many years but never complete the required 10 years or 40 quarters, before leaving employment, making them ineligible for retirement benefits;

WHEREAS, Social Security is a federal program administered by the federal government and not by the states.
Resolved, That the Legislature urge that the legislation not disrupt the benefits paid to existing Social Security recipients. Be it further

Resolved, That a copy of this resolution be sent to the President of the United States House of Representatives, the Speaker of the United States House of Representatives, the United States Department of Agriculture, and the members of Utah’s congressional delegation.

POM-25. A concurrent resolution adopted by the State of Utah relative to remembering those affected by Cold War nuclear testing; to the Committee on the Judiciary.

HOUSE RESOLUTION No. 1

Whereas, January 27, 2001, marks the 50th anniversary of the beginning of nuclear testing at the Nevada test site on January 27, 1951;

Whereas, many Utahns and many other citizens of the United States of America living downstream from the Nevada test site suffered as a result of Downwinders, Inc. and the members of Utah’s congressional delegation.

POM-26. A concurrent resolution adopted by the Legislature of the State of Utah relative to the appropriation of funds; to the Committee on Appropriations.

Whereas, 1.25 million acres of land in the state of Utah is infested with crickets and grasshoppers;

Whereas, $22.5 million in crop losses have occurred in Box Elder and Tooele counties alone with an additional $5 million in damages in 16 other counties resulting from the infestation;

Whereas, crickets and grasshoppers have migrated to and, where no insectsicides were sprayed, to surrounding private lands;

Whereas, on March 15, 2000, Governor Leavitt issued a declaration of agricultural emergency, sought federal disaster relief, and issued a letter of the United States Department of Agriculture, requesting federal commodity credit corporation funds for the relief of affected Utah farmers;

Whereas, during 1999 and 2000, available state funds and limited federal assistance were used to treat affected lands, but little progress was made because of the lack of the federal assistance came late in the treatment season;

Whereas, the cricket and grasshopper infestation will be larger in 2001, with continued large economic losses to property owners and agricultural operators;

Whereas, available state funds will be insufficient to adequately control the situation; and

Whereas, since the program originated on federal lands, the federal government should fund a substantial portion of the effort to eliminate the infestation and assist those whose livelihood has been devastated: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, urges the United States Congress to provide funds sufficient to relieve Utahans of the devastating economic impact of the state’s cricket and grasshopper infestation. Be it further

Resolved, That a copy of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Department of Agriculture, and the members of Utah’s congressional delegation.

POM-27. A concurrent resolution adopted by the Legislature of the State of Utah relative to environmental preservation; to the Committee on Energy and Natural Resources.

Whereas, the existence of Glen Canyon Dam and Flaming Gorge Dam has allowed the seven Colorado River Basin states to share and cooperatively plan for the beneficial use of water for millions of citizens;

Whereas, Lake Powell and Flaming Gorge Reservoir provide water regulation and flood control by way of the Colorado River system for the citizens of the seven states;

Whereas, electric generating facilities at Glen Canyon Dam and Flaming Gorge Dam provide electricity to more than a million households;

Whereas, millions of visitors annually enjoy the recreational amenities and world-renowned fisheries at Lake Powell and Flaming Gorge Reservoir;

Whereas, the construction of the Glen Canyon Dam and the Flaming Gorge Dam has created a rich riparian habitat below the dams that did not previously exist: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, urge the United States Congress and the Department of Interior officials to hold the water, power, recreation, and environmental benefits of Lake Powell and Flaming Gorge Reservoir, and the water regulation and flood control benefits to United States citizens of Glen Canyon Dam and Flaming Gorge Dam. Be it further

Resolved, That the Legislature and the Governor urge the United States Congress and the Department of Interior officials to oppose any effort to breach or remove Glen Canyon Dam or Flaming Gorge Dam, or drain Lake Powell or Flaming Gorge Reservoir, without further congressional direction.

Resolved, That the Legislature and the Governor urge Congress and Department of Interior officials to prohibit the use of federal funds for any studies concerning the breaching or removal of Glen Canyon Dam, Flaming Gorge Dam, Lake Powell, or Flaming Gorge Reservoir. Be it further

Resolved, That copies of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of Utah’s congressional delegation, and Department of Interior officials.

Reports of Committees

The following reports of committees were submitted:

By Mr. MCCAID, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 319: A bill to amend title 49, United States Code, to ensure that air carriers meet their obligations under the Airline Customer Service Agreement, and provide improved service in order to meet public convenience and necessity. (Rept. No. 107–13).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:
CONGRESSIONAL RECORD — SENATE
April 26, 2001

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HAGEL (for himself, Mr. KENNEDY, Mr. SCHUMER, Mrs. CLINTON, Mr. DURBIN, Mr. REID, and Mr. KERRY):

S. 778. A bill to expand 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. INOUYE:

S. 779. A bill to amend the Internal Revenue Code of 1986 to treat certain hospital and education campaign about organ and tissue donation and the Registry, and for other purposes; to the Committee on Finance.

S. 780. A bill to amend the Internal Revenue Code of 1986 to allow individuals who do not itemize their deductions a deduction for a portion of their charitable contributions, and for other purposes; to the Committee on Finance.

By Mr. AKAKA (for himself and Mr. JEFFORDS):

S. 781. A bill to amend section 3702 of title 38, United States Code, to extend the authority for housing loans for members of the Selected Reserve; to the Committee on Veterans' Affairs.

By Mr. INOUYE:

S. 782. A bill to amend title III of the Americans with Disabilities Act of 1990 to require, in conjunction with commencing a civil action with respect to a place of public accommodation or a commercial facility, that an opportunity be provided to correct alleged violations, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mr. KENNEDY, Mr. FEINGOLD, Mrs. MURRAY, Mr. JOHNSON, Mr. SCHUMER, and Mr. HARKIN):

S. 783. A bill to enhance the rights of victims in the criminal justice system, and for other purposes; to the Committee on the Judiciary.

By Mr. MURKOWSKI:

S. 784. A bill to amend the Internal Revenue Code of 1986 to increase the limitation on capital losses and individual may deduct against ordinary income, and to allow individuals a 3-year capital loss carryback and unlimited carryovers; to the Committee on Finance.

By Mr. BROWNBACK (for himself, Mr. MURKOWSKI, and Mr. JOHNSON):

S. 785. A bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to establish a carbon sequestration program to permit owners and operators of land to enter into a program to increase the sequestration of carbon, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself, Mr. FEINGOLD, Mr. KENNEDY, Mr. SCHUMER, Mrs. BOXER, Mr. STABENOW, Mr. HARKIN, Mr. KERRY, Mr. LEAHY, Mr. Wyden, Mr. REID, Mr. TORRICELLI, and Mr. CORZINE):

S. 786. A bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes; to the Committee on Interior and Related Agencies.

By Mr. GREGG:

S. 787. A bill to prohibit the importation of diamonds from countries that have not become signatories to an international agreement establishing a certification system for exports and imports of rough diamonds that have not unilaterally implemented a certification system meeting the standards set forth herein; to the Committee on Finance.

By Mr. SCHUMER:

S. 788. A bill to amend the Public Health Service Act to establish a National Organ and Tissue Donor Registry that works in conjunction with State organ and tissue donor registries, to create a public-private partnership to conduct an aggressive outreach and education campaign about organ and tissue donation and the Registry, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HUTCHINSON (for himself and Mr. WARNER):

S. 789. A bill to amend title 37, United States Code, to establish an education savings plan to encourage reenlistments and extensions of service by members of the Armed Forces in critical specialties, and for other purposes; to the Committee on Armed Services.

By Mr. BROWNBACK (for himself, Mr. BOND, and Mr. SMITH of New Hampshire):

S. 790. A bill to amend title 13, United States Code, to prohibit human cloning; to the Committee on Judiciary.

By Mr. THURMOND:

S. 791. A bill to amend the Federal rules of Criminal Procedure; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself, Mr. KOHL, Mrs. CLINTON, and Mr. BYRD):

S. 792. A bill to prohibit the targeted marketing to minors of adult-rated media as an unfair or deceptive practice, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INHOFE:

S. 793. A bill to amend the Internal Revenue Code of 1986 to allow individuals who do not itemize their deductions a deduction for a portion of their charitable contributions, and for other purposes; to the Committee on Finance.

By Mr. THOMPSON (for himself, Mrs. LINCOLN, Mr. GRASSLEY, and Mr. BAUCUS):

S. 794. A bill to amend the Internal Revenue Code of 1986 to facilitate electric cooperative participation in a competitive electric power industry; to the Committee on Finance.

By Mr. THOMPSON (for himself, Ms. COLLINS, Mr. CONRAD, Mr. FIEST, Mrs. LINDEN, Mr. DEWINE, and Mr. KERRY):

S. 795. A bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies; to the Committee on Finance.

By Mrs. BOXER (for herself, Mr. REID, Mr. LIEBERMAN, Mrs. CLINTON, Mr. CORZINE, Mr. KENNEDY, and Mr. WELLSTONE):

S. 796. A bill to amend the Safe Drinking Water Act to ensure that drinking water consumers are informed about the risks posed by arsenic in drinking water; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY (for himself and Mr. KERRY):

S. Res. 76. A resolution congratulating the Eagles of Boston College for winning the 2001 men’s ice hockey championship, considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 77. A resolution to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Governmental affairs; considered and agreed to.

By Mr. CAMPBELL (for himself, Mr. DODD, and Mr. VOINOVICH):

S. Con. Res. 54. A concurrent resolution congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the tenth anniversary of the reestablishment of their full independence; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 19

At the request of Mr. DASCHLE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 19, a bill to protect the civil rights of all Americans, and for other purposes.

S. 39

At the request of Mr. STEVENS, the name of the Senator from Nebraska (Mr. NELSON of Nebraska) was added as a cosponsor of S. 39, a bill to provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, and for other purposes.

S. 99

At the request of Mr. KOHL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 99, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide child care assistance for dependents of their employees, and for other purposes.

S. 133

At the request of Mr. BAUCUS, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 133, a bill to direct the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes.
At the request of Mr. Reid, the name of the Senator from Hawaii (Mrs. Akaka) 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. 170

At the request of Mr. Hutchinson, the names of the Senator from Tennessee (Mr. Thompson) and the Senator from Nebraska (Mr. Hagel) were added as cosponsors 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. 237

At the request of Mr. Harkin, the name of the Senator from Michigan (Mr. Levin) was added as a cosponsor of S. 247, a bill to provide for the protection of children from tobacco.

S. 247

At the request of Mr. Bingaman, the name of the Senator from Michigan (Ms. Stabenow) was added as a cosponsor of S. 270, a bill to amend title XVIII of the Social Security Act to provide a transitional adjustment for certain sole community hospitals in order to limit any decline in payment under the prospective payment system for hospital outpatient department services.

S. 270

At the request of Mrs. Boxer, the name of the Senator from Maryland (Mr. Sargen) was added as a cosponsor of S. 270, a bill to amend title XVIII of the Social Security Act to provide a transitional adjustment for certain sole community hospitals in order to limit any decline in payment under the prospective payment system for hospital outpatient department services.

S. 270

At the request of Mr. Bingaman, the name of the Senator from Michigan (Ms. Stabenow) was added as a cosponsor of S. 270, a bill to amend title XVIII of the Social Security Act to provide a transitional adjustment for certain sole community hospitals in order to limit any decline in payment under the prospective payment system for hospital outpatient department services.

S. 270

At the request of Mr. Cochrane, the names of the Senator from Maryland (Mr. Sargen), the Senator from Iowa (Mr. Grassley), the Senator from South Dakota (Mr. Johnson), and the Senator from New Mexico (Mr. Domenech) were added as cosponsors of S. 403, a bill to improve the National Writing Project.

S. 403

At the request of Mr. Cochrane, the names of the Senator from Idaho (Mr. Crafo), the Senator from Michigan (Mr. Levin), and the Senator from Wyoming (Mr. Thomas) were added as a cosponsors of S. 413, a bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

S. 413

At the request of Mr. Haged, the name of the Senator from Wyoming (Mr. Enzi) was added as a cosponsor of S. 466, a bill to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act.

S. 466

At the request of Mr. Domenici, the name of the Senator from Indiana (Mr. Lugar) 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. 515

At the request of Mr. Graham, the name of the Senator from Pennsylvania (Mr. Specter) was added as a cosponsor of S. 525, a bill to expand trade benefits to certain Andean countries, and for other purposes.

S. 525

At the request of Mr. DeWine, the name of the Senator from Minnesota (Mr. Dayton) was added as a cosponsor of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 540

At the request of Mr. Domenici, the name of the Senator from Wyoming (Mr. Thomas) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 543

At the request of Mr. Crapo, the name of the Senator from New Hampshire (Mr. Smith, of New Hampshire) was added as a cosponsor of S. 549, a bill to ensure the availability of spectrum to amateur radio operators.

S. 549

At the request of Mr. Hutchinson, the names of the Senator from Georgia (Mr. Miller) and the Senator from Hawaii (Mr. Inouye) were added as a cosponsors of S. 580, a bill to expedite the construction of the World War II memorial in the District of Columbia.

S. 580

At the request of Mr. Conrad, the name of the Senator from Arkansas (Mrs. Lincoln) was added as a cosponsor of S. 587, a bill to amend the Public Health Service Act and title XVIII of the Social Security Act to sustain access to vital emergency medical services in rural areas.

S. 587

At the request of Mr. Baucus, the name of the Senator from Michigan (Mr. Levin) was added as a cosponsor of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

S. 697

At the request of Mr. Reed, the name of the Senator from Delaware (Mr. Biden) was added as a cosponsor of S. 767, a bill to extend the Brady background checks to gun shows, and for other purposes.

S. J. Res. 7

At the request of Mr. Hatch, the names of the Senator from New Hampshire (Mr. Gregg) and the Senator from Arizona (Mr. Boren) were added as cosponsors of S. J. Res. 7, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S. Res. 16

At the request of Mr. Thurmond, the name of the Senator from Nevada (Mr. Ensign) was added as a cosponsor of S. Res. 16, a resolution designating August 16, 2001, as “National Airborne Day.”

S. Res. 19

At the request of Mr. Specter, the name of the Senator from Oregon (Mr. Smith, of Oregon) was added as a cosponsor of S. Res. 19, a resolution to express the sense of the Senate that the Federal investment in biomedical research should be increased by $3,400,000,000 in fiscal year 2002.

S. Res. 63

At the request of Mr. Campbell, the names of the Senator from South Dakota (Mr. Daschle) and the Senator from New Jersey (Mr. Corzine) were added as a cosponsors of 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.

S. Res. 68

At the request of Mr. Johnson, the name of the Senator from Nebraska (Mr. Nelson, of Nebraska) was added as a cosponsor of S. Res. 68, a resolution designating September 6, 2001 as “National Crazy Horse Day.”

S. Con. Res. 28

At the request of Ms. Snowe, the names of the Senator from Illinois (Mr. Durbin) and the Senator from Pennsylvania (Mr. Specter) were added as a cosponsors of S. Con. Res. 28, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enslaved people in the occupied area of Cyprus.

S. Con. Res. 33

At the request of Mr. Gregg, the name of the Senator from Idaho (Mr. Craig) was added as a cosponsor of S. Con. Res. 33, a concurrent resolution supporting a National Charter Schools Week.

S. Con. Res. 33

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Hagel (for himself, Mr. Kennedy, Mr. Schumer, Mrs.
S. 778. A bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by clarifying the certification petition and labor certification filings; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, it’s a privilege to join Senator HAGEL, Senator LOTT, and Senator CLINTON in introducing legislation to extend section 245(i), a vital provision of U.S. immigration law, which enables persons who are eligible for green cards to adjust their status in the U.S., rather than having to return to their country of origin to do so. Last year, Congress made a major effort to bring greater fairness to the nation’s immigration laws. The Legal Immigration Family Equity Act was a sensible compromise worked out on a bipartisan basis to deal with many of the injustices that have been so harmful and so unfair to so many immigrant families in recent years. Included in the legislation was a partial restoration of 245(i).

Under last year’s legislation, however, immigrants are required to file their petition by April 30th to qualify for 245(i). This fast-approaching deadline is causing fear and confusion around the country. Eligible immigrants are struggling to file their petitions by this deadline, because not enough attorneys and legal service organizations are available to handle their cases.

The legislation we are introducing will extend the deadline to April 30, 2002, and provide needed and well-deserved relief to members of our immigrant communities. Spouses, children, parents and siblings of permanent residents and U.S. citizens will be able to adjust their status in the U.S., and avoid needless separation from their loved ones. Similarly, businesses will be able to retain valued employees. In addition, the INS will receive millions of dollars in additional revenues, at no cost to taxpayers.

Extending the section 245(i) deadline is pro-family and pro-business, and it is also good economic policy and good immigration policy. It is consistent with the goal of legislation to reunite immigrant families.

Representatives KING and RANGEL have introduced similar legislation in the House. Congress needs to act quickly to pass this important legislation. I hope that our Republican and Democratic colleagues will join us in supporting this needed extension.

By Mr. INOUYE:

S. 779. A bill to amend the Internal Revenue Code of 1986, to treat certain hospital support organizations as qualified organizations for purposes of section 514(c)(9); to the Committee on Finance.

Mr. INOUYE. Mr. President, I rise to introduce legislation that would extend to qualified hospital support organizations the debt-financed property rules that currently apply to tax-exempt education institutions and pension funds. This measure is of great importance to the 18,000 inpatients and the more than 200,000 outpatients who receive health care services from the Queen’s Health System of Hawaii. Currently, Federal tax laws that were enacted in 1969 stand between the wishes of Queen Emma Kaleleonalani who, in 1885, bequeathed land to the Queen Emma Foundation to support the Queen’s Health System, and the citizens of Hawaii who depend on the Queen’s Health System for health care services.

The foundation is a nonprofit, tax-exempt, public charity. Its purpose is to support and improve health care services in Hawaii by committing funds it may foundation-owned properties to the Queen’s Medical Center, an accredited teaching hospital in Honolulu that maintains an emergency room open to all, regardless of ability to pay, and that admits Medicare and Medicaid patients. The foundation and its members of the Queen’s Health Systems, which also operates Molokai General Hospital, a small community hospital on the island of Molokai. Additionally, Queen’s operates clinics on various islands, provides home care services, supports nursing programs at Hawaiian colleges and universities, operates a medical library, holds health fairs, and provides other educational services for the benefit of the Hawaiian community.

Presently, the funds that enable the foundation to support these services are generated by Foundation-owned properties that were bequeathed more than 100 years ago by Queen Emma. Most of the land is now encumbered by long-term, fixed-rent commercial and industrial ground leases. The returns from these ground leases are extremely low, and under their terms, the foundation is unable to increase rents to keep pace with the appreciation of land values in Hawaii. The foundation would like to increase its cash flow by buying out the current leases and re-leasing the land at existing market rates. The foundation knows that this would improve the improvements on its lands to further enhance their revenue-generating potential. However, current debt-financed property rules under the unrelated business income tax would subject the revenues earned by the foundation from these improvements to income tax, significantly reducing the funds available to the foundation to meet its obligation to provide quality health care services to the citizens of Hawaii.

Colleges, universities, and pension funds are currently exempt from the debt-financed property rules. The foundation seeks the same treatment that presently applies to educational institutions and pension funds. 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. 779.

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

SECTION 1. TREATMENT OF CERTAIN HOSPITAL SUPPORT ORGANIZATIONS AS QUALIFIED ORGANIZATIONS FOR PURPOSES OF DETERMINING ACQUISITION INDEBTEDNESS.

(a) In General.—Subparagraph (C) of section 514(c)(9) of the Internal Revenue Code of 1986 (relating to real property acquired by a qualified organization) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting "; or", and by adding at the end the following new clause:

"(iv) a qualified hospital support organization (as defined in subparagraph (I));"

(b) Qualified Hospital Support Organizations.—

(1) In General.—For purposes of subparagraph (C)(iv), the term ‘qualified hospital support organization’ means, with respect to each eligible indebtedness (including any qualified refinancing of such eligible indebtedness), a support organization (as defined in section 509(a)(3)) which supports a hospital described in section 119(d)(4)(B) and with respect to which—

(i) more than half of its assets (by value) at any time since its organization—

(I) were acquired, directly or indirectly, by gift or devise, and

(II) consisted of real property, and

(ii) the fair market value of the organization’s real estate acquired, directly or indirectly, by gift or devise, exceeded 10 percent of the fair market value of all investment assets held by the organization immediately prior to the time that the eligible indebtedness was incurred.

For purposes of this subparagraph, the term ‘eligible indebtedness’ means indebtedness secured by real property acquired by the organization, directly or indirectly, by gift or devise, the proceeds of which are used exclusively to acquire any leasehold interest in such real property or for improvements on, or to the real property, of such real property. For purposes of clause (i)(I), the term ‘investment assets’ means assets of the organization described in section 509(a)(3) which supports a hospital described in section 119(d)(4)(B).

(2) Effective Date.—The amendments made by this section shall be effective as of the date of the enactment of this Act.

S. 780. A bill to amend the Internal Revenue Code of 1986 to allow individuals who do not itemize their deductions a deduction for a portion of their charitable contributions, and for other purposes; to the Committee on Finance.

Mr. INHOFE. Mr. President, I rise today to introduce legislation that...
would create a new era in charitable giving across America. My bill, the Neighbor to Neighbor Act, includes provisions that would allow tax-free distribution of IRA accounts for charitable purposes, and give non-itemizers the same deduction that itemizers would enjoy. It would also allow the deduction for charitable gifts of long-term capital gain property to be subject to an annual limit of 50 percent of adjusted gross income instead of the current 30 percent deduction. It would increase the carryover period for charitable deductions from five years to ten years; and it would exclude a charitable deduction from the three percent reduction rule.

My bill would also allow a taxpayer to deduct charitable contributions up until April 15th, and finally, the Neighbor to Neighbor Act would repeal the current two percent excise tax on private foundations.

My bill would simplify one of the most complex provisions in the tax code. The tax code should reward the generosity of good-hearted Americans, it should not penalize those who choose to give to those in need. IRA non-itemizers would be permitted to make distributions from their IRAs directly to charities, either outright, or in exchange for a charitable gift annuity, a charitable remainder unitrust, or a charitable remainder trust. IRA non-itemizers would be permitted to make distributions from their IRAs to a charitable remainder unitrust, a charitable remainder unitrust, or a charitable remainder trust. IRA non-itemizers would be permitted to make distributions from their IRAs to a charitable remainder unitrust, a charitable remainder unitrust, or a charitable remainder trust.

I have numerous examples, totaling hundreds of millions of dollars, from people who have wanted to donate their excess IRA assets to charity, but were unable to because of the current tax penalties. For example, the ability to rollover an IRA to charity would mean literally millions of dollars for Boston College. Syracuse University lost a 1.5 million-dollar gift because the donor could not rollover her IRA into a charitable remainder trust. A 71-year-old male donor with a 1.3 million IRA wanted to make a life in-division gift to a major public university in Texas. He wanted to receive annual income payments that would help ensure the care of his wife, who is in the early stages of Alzheimer’s. Given the tax consequences of such a gift under current law, the donor has not been able to make the charitable contribution.

The husband of a hospital volunteer at a medical center in Tennessee would like to establish a charitable trust to benefit cancer research in honor of his late wife. He wanted to use retirement plan assets of 1.8 million to establish this cancer research fund, to provide himself with annual payments for retirement income, and to reduce the tax burden on his heirs, would be greater for IRA assets than other appreciated securities. He has been advised against such a gift because of tax disincentives under current law.

These are just a few examples of how the current law levies significant taxes and presents serious disincentives to charitable gifts of these assets. Under current law, any IRA withdrawal is fully taxable as ordinary income in the year in which it occurs. A donor who withdraws IRA funds to make a charitable gift is subject to tax on the entire amount withdrawn. Under very best of circumstances, this amount might be offset by a charitable deduction, but even then there are significant tax penalties.

My bill, which allows the tax-free distribution of individual IRA accounts for charitable purposes, is good public policy. Although IRA assets were originally intended as a supplement to retirement income, withdrawal is now allowed, under certain circumstances, to assist in financing a home or a college education. It is equally appropriate for public policy to allow financially successful individuals, who have reached a point where their retirement assets are not needed for retirement, to use those assets, not for personal benefit, but to support charities that better the lives of others.

The Neighbor to Neighbor Act would also allow these charitable contributions, but do not itemize their federal income tax deductions, to be entitled to a “direct” charitable contribution deduction. Since three out of four taxpayers do not itemize, the ability to contribute to charity would be available to the most taxpayers. A report by Price Waterhouse Coopers estimates that the deduction for non-itemizers would translate into 11 million more donors, and could increase giving by as much as 14.6 billion dollars in one year.

The deduction also does not provide an equal treatment for all donors, and it encourages fundraising efforts to focus on a small group of potential donors. By expanding the charitable contribution deduction, the Neighbor to Neighbor Act would increase the charitable giving.

People should not face disincentives that burden charitable giving. My bill would allow the deduction for gifts of long-term capital gain property to public charities to be subject to an annual limit of 50 percent of adjusted gross income instead of the current 30 percent limitation. The carryover period for charitable deductions that cannot be fully used in a given tax year, due to the applicable percentage limitation, would be increased from the current five year to ten years.

The current percentage limitations on the deductibility of charitable contributions of long-term capital gain property to public charities, coupled with the reduction in the tax rates applicable to realized, long-term capital gains, are having a chilling effect on individuals who have reached a point where their IRA assets are not needed for retirement, to use those assets, not for personal benefit, but to support charities that better the lives of others.

Finally, this bill would repeal the excise tax imposed on the investment income of private foundations. Private foundations are section 501(c)(3) charities that fund the work of a full range of other charitable entities across the country. They are often founded by individuals or families, and their income stream comes primarily, if not entirely, from earnings on their investments.

Repeal of the excise tax would have the effect of increasing charitable contributions by hundreds of millions of dollars every year. This is because private foundations are required, annually, to pay out five percent of their assets to charitable and community needs. Since the excise tax counts as a credit toward the distribution requirement, repeal would require an increase in charitable distributions by an equal amount.

The excise tax was originally enacted in 1969 as an “audit fee,” intended to offset the cost of IRS oversight of private foundations. But today, the tax collects far more than the IRS needs to conduct audits. In 1999, the excise tax collected $500 million dollars in revenue. And this year, the budget of all exempt-organization activities at the IRS is only 59 million dollars. Moreover, audits of private foundations fell from 1,200 in 1990 to 191 in 1999. This “audit fee” is not being used for its intended purpose.

The wayward use of these revenues is a good reason to repeal the tax, but not as important as the work we increasingly call on charities to perform. With the focus of the President and the Congress on charitable giving, I believe the passage of the Neighbor to Neighbor Act would be one of the most effective steps we could take.
If we hope that charities will join state and federal government efforts to provide services for disadvantaged people and otherwise address important societal needs, then Congress should enhance the tax incentives that encourage voluntary philanthropy. Private philanthropy, like public charities, are publicly supported to the extent that they receive tax preferences. The provisions of the Neighbor to Neighbor Act are reasonable, efficient steps that will help charities address our common challenges; challenges we increasingly call on individuals and the private sector to take.

In an article for The Journal of Gift Planning, President Bush stated, “I believe that the government’s highest calling is often simply to do no harm—to instead be an enabler, a catalyst that creates a climate that allows America’s nonprofits to flourish. A government that serves those who are serving their brothers and sisters. A government that rallies the armies of compassion to heal our nation’s ills, one heart and one act of kindness at a time.” I believe that the Neighbor to Neighbor Act does just that, and I urge my colleagues to join me in support of this legislation.

By Mr. AKAKA (for himself and Mr. JEFFORDS):

S. 781. A bill to amend section 3702 of title 38, United States Code, to extend the authority of the Home Loan Guaranty Program to members of the Selected Reserve; to authorize the Department of Veterans Affairs to extend the authority of the Department of Veterans Affairs Home Loan Guaranty Program to members of the Selected Reserve; and to amend title 38, United States Code, to establish a VA Loan Guaranty Program for members of the Selected Reserve.

SECTION 1. EXTENSION OF AUTHORITY FOR HOUSING LOANS FOR MEMBERS OF THE SELECTED RESERVE.

Section 3702(a)(2)(E) of title 38, United States Code, is amended by striking “September 30, 2015” and inserting “September 30, 2017.”

By Mr. INOUYE:

S. 782. A bill to amend title III of the Americans with Disabilities Act of 1990 to require, as a precondition to recovering attorneys’ fees and expenses, that the businesses must pay costly plaintiffs’ attorneys’ fees and expenses.

I believe this legislation is a reasonable means to ensure that businesses will be given notice of violations of the ADA and that businesses comply with the ADA before costly litigation is begun. This would foster greater compliance with the ADA by allowing businesses to expend their resources on making their properties more accessible to the disabled, rather than on attorneys’ fees.

Please be assured that I simply want to close a loophole in the ADA that unscrupulous lawyers have exploited. I do not suggest or approve of any changes to the ADA that would weaken its substantive requirements for reasonable accommodation to persons with disabilities. We must ensure that the progress begun more than a decade ago continues as we work to make public accommodations more accessible to everyone.

By Mr. LEAHY (for himself, Mr. KENNEDY, Mr. FENGOLD, Mrs. MURRAY, Mr. JOHNSON, Mr. SCHUMER, and Mr. HARKIN):

S. 783. A bill to enhance the rights of victims in the criminal justice system, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, this past Sunday marked the beginning of National Crime Victims’ Rights Week. We set this week aside each year to focus attention on the needs and rights of crime victims. I am pleased to take this opportunity to introduce legislation with my good friend from Massachusetts, Senator KENNEDY, and our co-sponsors, Senators FENGOLD, MURRAY, JOHNSON, SCHUMER and HARKIN. Our bill, the Crime Victims Assistance Act of 2001, represents the next step in our continuing efforts to afford dignity and recognition to victims of crime.

My involvement with crime victims began more than three decades ago when I served as a State’s Attorney in Chittenden County, VT, and witnessed first-hand the devastation of crime. I have worked ever since to ensure that the criminal justice system is one that respects the rights and dignity of victims of crime, rather than one that presents additional ordeals for those already victimized.

I am proud that Congress has been a significant part of the solution to provide victims with greater rights and assistance. Over the past two decades, Congress has passed several bills to this end. These bills have included: the Victims Witness Protection Act of 1982; the Victims of Crime Act of 1984; the Victims’ Bill of Rights of 1990; the Victims’ Rights and Restitution Act of 1990; the Violence Against Women Act of 1994; the Mackinac Island Restitution Act of 1996; the Victims Rights Clarification Act of 1997; the Victims with Disabilities Awareness Act of 1998;
and the Victims of Trafficking and Violence Protection Act of 2000.

The legislation that we introduce today, the Crime Victims Assistance Act of 2001, builds upon this progress. It provides for comprehensive reform of the Federal system to establish enhanced rights and protections for victims of Federal crime. Among other things, our bill provides crime victims with the right to consult with the prosecution prior to detention hearings and the entry of plea agreements, and generally requires the courts to give greater consideration to the views and interests of the victim at all stages of the criminal justice process. Responding to concerns raised by victims of the Oklahoma City bombing, the bill provides standing for the prosecutor and the victim to assert the right of the victim to attend and observe the trial.

Assuring that victims are provided their statutorily guaranteed rights is a critical concern for all those involved in the operation of justice. Our bill would establish an administrative authority in the Department of Justice to receive and investigate victims’ claims of unlawful or inappropriate action on the part of criminal justice and victim services. Department of Justice employees who fail to comply with the law pertaining to the treatment of crime victims could face disciplinary sanctions, including suspension or termination of employment.

In line to improve the implementation of the Federal system, the bill proposes several programs to help States provide better assistance for victims of State crimes. These programs would improve compliance with State victim’s rights laws, promote the development of state-of-the-art notification systems to keep victims informed of case developments and important dates on a timely and efficient basis, and encourage further experimentation with the community-based restorative justice model in the juvenile court setting.

Finally, the Crime Victims Assistance Act would make several significant amendments to the Victims of Crime Act, VOCA, and improve the manner in which the Crime Victims Fund is managed and preserved. Most significantly, the bill would eliminate the cap on VOCA spending, which has prevented more than $700 million in Fund deposits from reaching victims and essential services.

Congress has capped spending from the Fund for the last two fiscal years, and President Bush has proposed a third cap for fiscal year 2002. These limits on VOCA spending have created a growing sense of confusion and unease by many of those concerned about the future of the Fund.

We should not be imposing artificial caps on VOCA spending while substantial unmet needs continue to exist. The Crime Victims Assistance Act replaces the cap with a formulaic approach, which would ensure stability and protection of Fund assets, while allowing more money to go out to the States for victim compensation and assistance.

These are all matters that can be considered and enacted this year with a simple majority of both Houses of Congress. They need not overcome the delays and obstacles necessitated by proposing to amend the Constitution. They need not wait the hammering out of implementing legislation before making a difference in the lives of crime victims.

The Judiciary Committee has held several hearings over the last five years on a proposed constitutional amendment regarding crime victims. Unfortunately, the Committee has devoted not a minute to consideration of legislative initiatives like the Crime Victims Assistance Act, which Senator Kennedy and I first introduced in the 105th Congress, to assist crime victims and better protect their rights. Like many other deserving initiatives, it has taken a back seat to the constitutional amendment debate that continues.

I regret that we have not done more for victims this year, or during the last few years. I have on several occasions noted my concern that we not dissipate the momentum that was being made by focusing exclusively on efforts to amend the Constitution. Regrettfully, I must note that the pace of victims legislation has slowed noticeably and many opportunities for progress have been squandered. One notable exception was the Victims of Trafficking and Violence Protection Act of 2000, which included a Leavy-Feinstein amendment dealing with support for victims of international terrorism. Senator Feinstein cares deeply about the rights of victims, and I am pleased that we could work together on some practical, pragmatic improvements to our federal crime victims’ laws.

I look forward to continuing to work with the Justice Department, victims groups, prosecutors, judges and other interested parties on how we can most effectively enhance the rights of victims of crime. Congress and State legislatures have become more sensitive to crime victims rights over the past 20 years and we have a golden opportunity to make additional, significant progress this year to provide the greater voice and rights that crime victims deserve.

I would like to acknowledge several individuals and organizations that have been extremely helpful with regards to the legislation that we are introducing today: Dan Eddy, National Association of Crime Victim Compensation Boards; Steve Derene, Wisconsin Department of Justice Office of Crime Victims Services; Susan Howley, National Center for Victims of Crime; and John Stein, National Organization for Victim Assistance. I would also like to thank Kathryn M. Farfan, the Acting Director, Office for Victims of Crime, and Heather Cartwright and Carolyn Hightower of that office, for their work on this project.

While we have greatly improved our crime victims assistance programs and made advances in recognizing crime victims rights, we still have more to do. That is why it is my hope that Democrats and Republicans, supporters and opponents of a constitutional amendment on this issue, will join in advancing this important legislation through Congress. We can make a difference in the lives of crime victims right now, and I hope Congress will make it a top priority and pass the Crime Victims Assistance Act before the end of the year.

I ask unanimous consent that the text of the bill and the section-by-section analysis be printed in the RECORD. There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 783

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 “Crime Victims Assistance Act of 2001.”

(b) Table of Contents.—The table of contents for this Act is as follows:

TITLE I—VICTIM RIGHTS IN THE FEDERAL SYSTEM

Sec. 101. Right to consult concerning detention.

Sec. 102. Right to a speedy trial.

Sec. 103. Right to consult concerning plea.

Sec. 104. Enhanced participatory rights at trial.

Sec. 105. Enhanced participatory rights at sentencing.

Sec. 106. Right to notice concerning sentence adjustment.

Sec. 107. Right to notice concerning discharge from psychiatric facility.

Sec. 108. Right to notice concerning executive clemency.

Sec. 109. Procedures to promote compliance.

TITLE II—VICTIM ASSISTANCE INITIATIVES

Sec. 201. Pilot programs to enforce compliance with State crime victim’s rights laws.

Sec. 202. Increased resources to develop state-of-the-art systems for notifying crime victims of important dates and developments.

Sec. 203. Restorative justice grants.

Sec. 204. Funding for Federal victim assistance personnel.

TITLE III—VICTIMS OF CRIME ACT AMENDMENTS

Sec. 301. Crime victims fund.

Sec. 302. Crime victim compensation.

Sec. 303. Crime victim assistance.

Sec. 304. Victims of terrorism.

TITLE IV—VICTIMS RIGHTS IN THE FEDERAL SYSTEM

Sec. 401. Right to consult concerning detention.

(a) Right to Consult Concerning Detention.—Section 995(a) of the Victims’ Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)) is amended by striking paragraph (2) and inserting the following:

“(2) A responsible official shall—

(A) arrange for a victim to receive reasonable protection from a suspected offender and persons acting in concert with or at the behest of the suspected offender;

(B) consult with a victim prior to a detention hearing to obtain information that can
be presented to the court on the issue of any threat the suspected offender may pose to the safety of the victim.”.

(b) COURT CONSIDERATION OF THE VIEWS OF VICTIMS.—Chapter 207 of title 18, United States Code, is amended—

(1) in section 3142—

(A) in subsection (g)—

(i) in paragraph (3), by striking “and” at the end;

(ii) by redesignating paragraph (4) as paragraph (5); and

(iii) by inserting after paragraph (3) the following:

“(4) the views of the victim; and;” and

(B) by adding at the end the following:

“(d) whether time is of the essence in need of consideration by the defendant to a fair trial.”.

(2) in section 3156(a)—

(A) in paragraph (4), by striking “and” at the end;

(B) in paragraph (5), by striking the period at the end and inserting “; and;” and

(C) by adding at the end the following:

“(8) one or more family members or relatives designated by the court; and”.

SEC. 103. RIGHT TO CONSULT CONCERNING PLEA.—

(a) Right to Consult Concerning Plea.—Section 3510 of title 18, United States Code, is amended to add at the end the following:

“(7) the impact of the offense upon the victim concerning punishment, if the victim is present.’’.

(b) Application to Televized Proceedings.—Rule 32(h)(3)(E) of the Federal Rules of Criminal Procedure is amended—

(1) in subdivision (c)(3)(E), by striking “if the sentence is to be imposed, but the right of allocution under subdivision (c)(3)(E) may be exercised instead by—”;

(2) by redesignating subsection (d) as subdivision (d); and

(3) by inserting after subdivision (c) the following:

“(D) whether time is of the essence in need of consideration by the defendant to a fair trial.’’.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after enactment of this Act, the Judicial Conference of the United States shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to provide enhanced opportunities for victims to be heard on the issue of whether or not the court should accept a plea of guilty or nolo contendere.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference of the United States under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference of the United States—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendments made by subsection (b), then the amendments made by subsection (b) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations for amending the Federal Rules of Criminal Procedure are otherwise provided by law, if the Judicial Conference of the United States shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to provide enhanced opportunities for victims to participate during the presentencing and sentencing phase of the criminal process.

(b) ENHANCED PARTICIPATORY RIGHTS AT TRIAL.—

(a) Amendments to Victim Rights Clarification Act.—Section 3510 of title 18, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

“(c) Application to Televized Proceedings.—This section applies to any victim viewing proceedings pursuant to section 239 of the Violent Crime Control and Effective Death Penalty Act of 1996 (42 U.S.C. 10608), or any rule issued thereunder.

(d) STANDING.—

(1) IN GENERAL.—At the request of any victim of an offense, the attorney for the Government may assert the right of the victim under this section to attend and observe the trial.

(2) VICTIM STANDING.—If the attorney for the Government declines to assert the right of a victim under this section, then the victim has standing to assert such right.

(3) APPELLATE REVIEW.—An adverse ruling on a motion or request by an attorney for the Government or a victim under this subsection is in turn preliminarily conditioned under the rules governing appellate actions, provided that no appeal or petition shall constitute grounds for delaying a criminal proceeding.’’.

(b) Amendment to Victims’ Rights and Restitution Act of 1990.—Section 3512(b) of the Victims’ Rights and Restitution Act of 1990 (42 U.S.C. 10606(b)) is amended—

(1) by striking paragraph (4) and inserting the following:

“(4) The right to be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim at trial would be materially affected if the victim heard the testimony of other witnesses.”;

and

(2) in paragraph (5), by striking “attorney” and inserting “the attorney for the Government”.

SEC. 105. ENHANCED PARTICIPATORY RIGHTS AT SENTENCING.—

(a) VIEWS OF THE VICTIM.—Section 3553(a)(1) of title 18, United States Code, is amended—

(1) in paragraph (6), by striking “and” at the end;

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

“(7) the impact of the crime upon any victim of the offense as evidenced by any information may have upon the right of the victim concerning punishment, if the victim is present.’’;

and

(2) by amending subdivision (f) to read as follows:

“(f) DEFINITION. For purposes of this rule, ‘victim’ means any individual against whom an offense has been committed for which a sentence is to be imposed, but the right of allocution under subdivision (c)(3)(E) may be exercised instead by—

(1) a parent or legal guardian if the victim is below the age of eighteen years or incompetent;

(2) one or more family members or relatives designated by the court if the victim is deceased or incapacitated;

if such person or persons are present at the sentencing hearing, regardless of whether the victim is present.’’.

(b) Amended—

(1) IN GENERAL.—The amendments made by subsection (a) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to provide enhanced opportunities for victims to participate during the presentencing and sentencing phase of the criminal process.

(b) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference of the United States under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference of the United States—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendments made by subsection (b), then the amendments made by subsection (b) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2).

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations for amending the Federal Rules of Criminal Procedure are otherwise provided by law, if the Judicial Conference of the United States shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to provide enhanced opportunities for victims to participate during the presentencing and sentencing phase of the criminal process.
described in that paragraph, and those recommendations are different in any respect from the amendments made by subsection (b), the recommendations made pursuant to paragraph (a) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overtaking those recommendations; and

(C) fails to comply with paragraph (2), the amendments made by subsection (b) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendation for judicial reform of the United States under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

SEC. 106. RIGHT TO NOTICE CONCERNING SENTENCE ADJUSTMENT.

Paragraph (6) of section 503(c) of the Victims' Rights and Restitution Act of 1990, as redesignated by section 103 of this Act, is amended by striking subparagraph (A) and inserting:

"(A) the scheduling of a parole hearing or a hearing on a recommendation for early release from custody for the offender;"

SEC. 107. RIGHT TO NOTICE CONCERNING DISCHARGE FROM PSYCHIATRIC FACILITIES.

Paragraph (6) of section 503(c) of the Victims' Rights and Restitution Act of 1990, as redesignated by section 103 of this Act, is amended by striking subparagraph (B) and inserting:

"(B) the escape, work release, furlough, discharge or conditional discharge, or any other release from custody of the offender, including an offender who was found not guilty by reason of insanity;"

SEC. 108. RIGHT TO NOTICE CONCERNING EXECUTIVE CLEMENCY.

(a) NOTICE.—Paragraph (6) of section 503(c) of the Victims' Rights and Restitution Act of 1990, as redesignated by section 103 of this Act, is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

"(C) the grant of executive clemency, including any pardon, reprieve, commutation of sentence, or remission of fine, to the offender; a
"(b) REPORTING REQUIREMENT.—The Attorney General shall submit biannually to the Committees on the Judiciary of the House of Representatives and the Senate a report on the execution of the clemency matters or cases delegated for review or investigation to the Attorney General by the President, including for each year—

(1) the number of petitions so delegated;

(2) the number of reports submitted to the President;

(3) the number of petitions for executive clemency granted and the number denied;

(4) the name of each person whose petition for executive clemency was granted or denied and the offenses of conviction of that person for which executive clemency was granted or denied; and

(5) with respect to any person granted executive clemency, the date that any victim of an offense that was the subject of that grant of executive clemency was notified, pursuant to Department of Justice regulations, of the grant of executive clemency and whether such victim submitted a statement concerning the petition.

SEC. 109. PROCEDURES TO PROMOTE COMPLIANCE WITH STATE CRIME VICTIMS' RIGHTS LAWS.

(a) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Attorney General of the United States shall promulgate regulations to enforce the rights of victims of crime described in section 502 of the Victims' Rights and Restitution Act of 1990 concerning the following activities:

(A) A compliance authority established and operated under a pilot program under this section shall—

(A) receive and investigate complaints relating to the provisions or violations of the rights of a crime victim; and

(B) issue findings following such investigations.

(2) ELIGIBILITY.—A compliance authority established and operated under a pilot program under this section may—

(A) pursue legal actions to define or enforce the provisions or violations of the rights of crime victims; and

(B) review procedures established by public agencies and private organizations that provide services to victims, and evaluate the delivery of services to victims by such agencies and organizations;

(C) coordinate and cooperate with other public agencies and private organizations concerned with the implementation, monitoring, and enforcement of the rights of victims and enter into cooperative agreements with such agencies and organizations for the fulfillment of the rights of crime victims; and

(D) ensure a centralized location for victim services information;

(E) recommend changes to State policies concerning victims, including changes in the system for providing victim services;

(F) provide public education, legislative advocacy, and development of programs for systemic reform; and

(G) advertise to advise the public of its services, purposes, and procedures.

(b) PREFERENCE.—To be eligible to receive a grant under this section, States shall submit an application to the Director which includes assurances that—

(1) the State has provided legal rights to victims of crime at the adult and juvenile levels;

(2) a compliance authority that receives funds under this section will include a role for—

(A) representatives of criminal justice agencies, crime victim service organizations, and the educational community;

(B) medical professionals whose work includes work in a hospital emergency room; and

(C) a therapist whose work includes treatment of crime victims;

(3) Federal funds received under this section will be used to supplement, and not to supplant, non-Federal funds that would otherwise be available to enforce the rights of victims of crime;

(d) ELIGIBILITY.—To be eligible to receive a grant under this section, States shall submit an application to the Director which includes assurances that—

(E) coordinate and cooperate with other public agencies and private organizations concerned with the implementation, monitoring, and enforcement of the rights of victims; and

(F) provide public education, legislative advocacy, and development of programs for systemic reform; and

(G) advertise to advise the public of its services, purposes, and procedures.

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"(A) the scheduling of a parole hearing or a hearing on a recommendation for early release from custody for the offender;"

SEC. 108. RIGHT TO NOTICE CONCERNING EXECUTIVE CLEMENCY.

(a) NOTICE.—Paragraph (6) of section 503(c) of the Victims' Rights and Restitution Act of 1990, as redesignated by section 103 of this Act, is amended by striking subparagraph (B) and inserting:

"(B) the escape, work release, furlough, discharge or conditional discharge, or any other release from custody of the offender, including an offender who was found not guilty by reason of insanity;"

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(A) A compliance authority established and operated under a pilot program under this section shall—

(A) receive and investigate complaints relating to the provisions or violations of the rights of a crime victim; and

(B) issue findings following such investigations.

(2) ELIGIBILITY.—A compliance authority established and operated under a pilot program under this section may—

(A) pursue legal actions to define or enforce the provisions or violations of the rights of crime victims; and

(B) review procedures established by public agencies and private organizations that provide services to victims, and evaluate the delivery of services to victims by such agencies and organizations;

(C) coordinate and cooperate with other public agencies and private organizations concerned with the implementation, monitoring, and enforcement of the rights of victims and enter into cooperative agreements with such agencies and organizations for the fulfillment of the rights of crime victims; and

(D) ensure a centralized location for victim services information;

(E) recommend changes to State policies concerning victims, including changes in the system for providing victim services;

(F) provide public education, legislative advocacy, and development of programs for systemic reform; and

(G) advertise to advise the public of its services, purposes, and procedures.

(b) PREFERENCE.—To be eligible to receive a grant under this section, States shall submit an application to the Director which includes assurances that—

(E) coordinate and cooperate with other public agencies and private organizations concerned with the implementation, monitoring, and enforcement of the rights of victims; and

(F) provide public education, legislative advocacy, and development of programs for systemic reform; and

(G) advertise to advise the public of its services, purposes, and procedures.
(C) such other information as the Director may require.

(g) REVIEW OF PROGRAM EFFECTIVENESS.—
(1) IN GENERAL.—The Director of the National Institute of Justice shall conduct an evaluation of the pilot programs carried out under this section to determine the effectiveness of the compliance authorities that are designated by the director of the program in carrying out the mission and duties described in subsection (c).

(2) REPORT.—Not later than 5 years after the date of enactment of this Act, the Director of the National Institute of Justice shall submit to the Committee on the Judiciary of the Senate a written report on the results of the evaluation required by paragraph (1).

(h) GRANT PERIOD.—A grant under this section shall be made for a period not longer than 4 years, but may be renewed for a period not to exceed 2 years on such terms as the Director may require.

(1) AUTHORIZATION OF APPROPRIATIONS.—
(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, to remain available until expended, $3,000,000 for each of fiscal years 2003, 2004, and 2005.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, in addition to funds made available by section 1402(d)(4)(C) of this title, $1,400,000 for each of fiscal years 2002, 2003, and 2004.

(2) R EPORT.—Not later than 5 years after the date of enactment of this Act, the Director of the Office for Victims of Crime shall conduct a study and report to Congress not later than 3 years after the date of enactment of this Act on the effectiveness of programs that receive grants under this section.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, in addition to funds made available by section 1402(d)(4)(C) of this title, $4,000,000 for each of fiscal years 2002, 2003, and 2004.

(3) FUNDING FOR FEDERAL VICTIM ASSISTANCE PERSONNEL.—
(a) IN GENERAL.—There are authorized to be appropriated to carry out this section, in addition to funds made available by section 1402(d)(4)(C) of this title, $1,400,000 for each of fiscal years 2002, 2003, and 2004.

(b) Voluntary Programs.—A program funded under this section shall be fully voluntary for both victims and offenders.

(c) REPORT.—The Director of the Office of Victims of Crime shall conduct a study and report to Congress not later than 3 years after the date of enactment of this Act on the effectiveness of programs that receive grants under this section.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, in addition to funds made available by section 1402(d)(4)(C) of this title, $1,400,000 for each of fiscal years 2002, 2003, and 2004.

(c) FUNDING FOR VICTIM ASSISTANCE PERSONNEL.—
(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to enable the Attorney General, through the Director of the Office for Victims of Crime, to retain 400 full-time or full-time equivalent employees to serve as victim witnesses and victim witness advocates in Federal law enforcement agencies.

(b) VICTIMS ASSISTANCE.—Employees retained pursuant to this section shall provide assistance to victims of criminal offenses investigated or prosecuted by a Federal law enforcement agency and otherwise improve services for the benefit of crime victims in the Federal system.

(c) ALLOCATION OF FUNDS FOR COSTS AND ADMINISTRATION.—Section 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)) is amended—
(1) in each of paragraphs (1) and (2), by striking ‘‘40’’ and inserting ‘‘60’’; and
(2) in paragraph (3), by striking ‘‘5’’ and inserting ‘‘10’’.

(d) Allocation of Funds for Costs and Grants.—Section 1402(d)(4) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(d)(4)) is amended—
(1) in subparagraph (A), by striking ‘‘48.5’’ and inserting ‘‘50’’;
(2) in subparagraph (B), by striking ‘‘48.5’’ and inserting ‘‘50’’; and
(3) in subparagraph (C), by striking ‘‘3’’ and inserting ‘‘5’’.

(e) Antiterrorism Emergency Reserve.—Section 1402(d)(5) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(d)(5)) is amended to read as follows:
‘‘(4)(A) Notwithstanding subsection (c), the Director may set aside up to $50,000,000 from the amounts remaining in the Fund as an antiterrorism emergency reserve fund. The Director shall obligate the amounts expended in subsequent fiscal years by setting aside up to 5 percent of the amounts remaining in the Fund in any fiscal year.

(2) The antiterrorism emergency reserve fund shall be used for supplemental grants under section 1404B (42 U.S.C. 10603(b)) and to provide compensation to victims of terrorism under section 1404C (42 U.S.C. 10603(c)).’’

SEC. 202. INCREASED RESOURCES TO DEVELOP STATE-OF-THE-ART SYSTEMS FOR NOTIFYING CRIME VICTIMS OF IMPORTANT DATES AND DEVELOPMENTS.

The Victims of Crime Act of 1984 is amended by inserting after section 1404C the following:
‘‘SEC. 1404D. VICTIM NOTIFICATION GRANTS.—
‘‘(a) In General.—The Director may make grants as provided in section 1404C(c)(1)(A) to State, tribal, and local prosecutors’ offices, law enforcement agencies, courts, jails, and correctional institutions, and to qualified private entities, to develop and implement state-of-the-art systems for notifying victims of crime of important dates and developments relating to the criminal proceedings at issue on a timely and efficient basis.

(b) State-Of-The-Art Systems.—Systems developed and implemented under this section may be integrated with existing case management systems operated by the recipient of the grant.

(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, in addition to funds made available by section 1402(d)(4)(C) of this title—
(1) $10,000,000 for fiscal year 2002;
(2) $5,000,000 for fiscal year 2003; and
(3) $5,000,000 for fiscal year 2004.

(d) False Claims Act.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of Title 31, United States Code (commonly known as the ‘‘False Claims Act’’), may be used for grants under this section.’’

SEC. 204. FUNDING FOR FEDERAL VICTIM ASSISTANCE PERSONNEL.

(a) In General.—There are authorized to be appropriated to carry out this section, in addition to funds made available by section 1402(d)(4)(C) of this title, $1,400,000 for each of fiscal years 2002, 2003, and 2004.

(b) Voluntary Programs.—A program funded under this section shall be fully voluntary for both victims and offenders.

(c) REPORT.—The Director of the Office of Victims of Crime shall conduct a study and report to Congress not later than 3 years after the date of enactment of this Act on the effectiveness of programs that receive grants under this section.

(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, in addition to funds made available by section 1402(d)(4)(C) of this title, $4,000,000 for each of fiscal years 2002, 2003, and 2004.

SEC. 205. RESTORATIVE JUSTICE GRANTS.

The Victims of Crime Act of 1984 is amended by inserting after section 1404D, as added by section 1401 of this Act, the following:
‘‘SEC. 1404E. RESTORATIVE JUSTICE GRANTS.

(a) In General.—The Director may make grants as provided in section 1404C(c)(1)(A) of this title to States, tribal, and local prosecutors’ offices, law enforcement agencies, courts, jails, and correctional institutions, and to qualified private entities, for the development and implementation of community-based restorative justice programs and community-based juvenile justice programs.

(b) Community-Based Restorative Justice Program.—In this section, the term ‘‘community-based restorative justice program’’ means a program based upon principles of restorative justice and a concern for maintaining offenders safely in the community.

(c) Mission.—The mission of a program developed and implemented under a grant under this section shall be—
(1) to promote the community through processes in which individual victims, offenders, and the community are all active participants;
(2) to ensure accountability of the offenders to their victims and community; and
(3) to equip offenders with the skills needed to live responsibly.

(d) Voluntary Programs.—A program funded under this section shall be fully voluntary for both victims and offenders.

(e) Report.—The Director of the Office of Victims of Crime shall conduct a study and report to Congress not later than 3 years after the date of enactment of this Act on the effectiveness of programs that receive grants under this section.

(f) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, in addition to funds made available by section 1402(d)(4)(C) of this title, $1,400,000 for each of fiscal years 2002, 2003, and 2004.

(g) False Claims Act.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of Title 31, United States Code (commonly known as the ‘‘False Claims Act’’), may be used for grants under this section.

SEC. 206. FUNDING FOR FEDERAL VICTIM ASSISTANCE AND SUPPORT PERSONNEL.

(a) In General.—There are authorized to be appropriated such sums as may be necessary to enable the Attorney General, through the Director of the Office for Victims of Crime, to retain 400 full-time or full-time equivalent employees to serve as victim witnesses and victim witness advocates in Federal law enforcement agencies.

(b) Victims Assistance.—Employees retained pursuant to this section shall provide assistance to victims of criminal offenses investigated or prosecuted by a Federal law enforcement agency and otherwise improve services for the benefit of crime victims in the Federal system.

(c) Allocation of Funds for Costs and Administration.—Section 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)) is amended—
(1) in each of paragraphs (1) and (2), by striking ‘‘40’’ and inserting ‘‘60’’; and
(2) in paragraph (3), by striking ‘‘5’’ and inserting ‘‘10’’.

(b) Relationship of Crime Victim Compensation to Means-Tested Federal Benefits.—The Victims of Crime Act of 1984 (42 U.S.C. 10602(a)) is amended by striking subsection (c) and inserting the following:
‘‘(c) Exclusion from Income, Resources, and Assets for Purposes of Means Tests.—Notwithstanding any other law, for the purpose of any maximum allowed income source, or requirement in any Federal, State, or local government program using Federal funds that provides medical or other assistance (or payment or reimbursement of the cost of such assistance), any amount of crime victim compensation that the applicant receives through a crime victim compensation program under this section shall not be included in the income, resources, or assets of the applicant, nor shall that amount reduce the amount of the assistance available to the applicant from Federal, State, or local government programs using Federal funds, unless the total amount of assistance that the applicant receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime.’’.
S. 784. A bill to amend the Internal Revenue Code of 1986, to increase the limitation on capital losses any individual may deduct against ordinary income, and to allow individuals a 3-year capital loss carryback and unlimited

By Mr. MURKOWSKI

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140(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)) is amended by adding at the end the following:

"(e) An agency of the Federal Government performing local law enforcement functions in and on behalf of the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any other territory the possession of the United States may qualify as an eligible crime victim assistance program for the purpose of grants under this subsection, or for the purpose of granting any other amount that the victim was awarded to a victim under this subsection.

(b) PROHIBITION ON DISCRIMINATION AGAINST CERTAIN VICTIMS.—Section 1404(b)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(3)) is amended by—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting "and";

(3) by adding at the end following: "(F) does not discriminate against victims because they oppose the death penalty or disagree with the way the State is prosecuting the criminal case.";

(c) ADMINISTRATIVE COSTS FOR CRIME VICTIM ASSISTANCE.—Section 1404(b)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(3)) is amended by striking "5" and inserting "10";

(d) GRANTS FOR PROGRAM EVALUATION AND COMPLIANCE EFFORTS.—Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting ";", program evaluation, compliance efforts," after "demonstration projects;

(e) FELLOWSHIPS AND CLINICAL INTERNSHIPS.—Section 1404(c)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(3)) is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by striking the period at the end and inserting "; and";

(3) by adding at the end following: "(E) use funds made available to the Director under this subsection—

"(i) for fellowships and clinical internships; and

"(ii) to carry out programs of training and special workshops for the presentation and dissemination of information resulting from demonstrations, surveys, and special projects.

SEC. 303. VICTIMS OF TERRORISM.

(a) ASSISTANCE TO VICTIMS OF INTERNATIONAL TERRORISM.—Section 1404(b)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(1)) is amended by adding after the provisions of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(3)) is amended by adding at the end the following:

"(a) an amount that the victim was awarded to a victim under this subsection shall be reduced by any amount that the victim was received in connection with the same act of terrorism and from the Crime Victims Fund under title VII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

(b) COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.—Section 1404(b)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(2)) is amended by adding at the end the following:

"amount that the victim was awarded to a victim under this subsection shall be reduced by any amount that the victim was received in connection with the same act of terrorism and from the Crime Victims Fund under title VII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

SEC. 304. VICTIMS OF CRIME ACT AMENDMENTS

Sec. 101. Right to consult concerning detention. Requires the government to consult with the victim prior to obtaining information that can be presented to the court on the issue of any threat the suspected offender may pose to the victim. Requires the court to consider such information in determining whether the suspected offender should be detained.

Sec. 102. Right to a speedy trial. Requires the court to consider the interests of the victim in the prompt and appropriate disposition of the case, free from unreasonable delay.

Sec. 103. Right to consult concerning plea. Requires the government to make reasonable efforts to notify the victim of, and consider the victim's views about, any proposed or contemplated plea agreement. Requires the court, prior to entering judgment on a plea, to consider such views of the victim on the issue of the plea.

Sec. 104. Enhanced participatory rights at trial. Provides the prosecutor and the victim to attend and observe the trial. Extends the Victim Rights Clarification Act to apply to televised proceedings. Amends the Victims Rights and Restitution Act of 1990 to strengthen the rights of crime victims to be present at court proceedings, including trials.

Sec. 105. Enhanced participatory rights at sentencing. Requires the probation officer to include as part of the presentence report any victim impact statement submitted by a victim. Extends to all victims the right to make a statement or present information in relation to the sentence. Requires the court to consult the victim's views concerning punishment, if such views are presented to the court, before imposing sentence.

Sec. 106. Right to notice concerning sentence adjustments. Requires the government to provide the victim the earliest possible notice of the scheduling of a hearing on modification of probation or supervised release for the offender.

Sec. 107. Right to notice concerning discharge from psychiatric facility. Requires the government to provide the victim the earliest possible notice of the proposed discharge or conditional discharge from a psychiatric facility of an offender who was found not guilty by reason of insanity.

Sec. 108. Right to notice concerning executive clemency. Requires the government to provide the victim the earliest possible notice of the anticipated clemency to be granted to the offender. Requires the Attorney General to report to Congress concerning executive clemency matters delegated for review or investigation to the Attorney General.

Sec. 109. Procedures to promote compliance. Establishes an administrative system for enforcing the rights of crime victims in the federal system.

TITLE II—CRIME VICTIMS' RIGHTS INITIATIVES

Sec. 201. Pilot programs to enforce compliance with victim's rights laws. Authorizes the establishment of pilot programs in five States to establish and operate compliance authorities to promote compliance and effective enforcement of State laws regarding the rights of victims of crime. Compliance authorities would oversee complaints relating to the provision or violation of a crime victim's rights, and issue findings following such investigations. Authorizes appropriations to make grants for these pilot programs.

Sec. 202. Increased resources to develop state-of-the-art systems. Authorizes appropriations for grants to develop and implement crime victim notification systems.

Sec. 203. Restorative justice grants. Authorizes appropriations for grants to develop and implement community-based restorative justice programs in juvenile court settings.

Sec. 204. Funding for federal victim assistance personnel. Authorizes appropriations to retain 400 full-time or full-time equivalent attorneys to serve as mediators and victim witness advocates in Federal law enforcement agencies. These positions are currently funded with money from the Crime Victims Fund.

TITLE III—CRIME VICTIMS' RIGHTS ACT AMENDMENTS

Sec. 301. Crime Victims Fund. Replaces the annual cap on the Fund with a formula that ensures stability in the amounts distributed to the States, while preserving the amounts remaining in the Fund for use in future years. Continues the practice of using Fund money to pay for victim assistance programs that would be in place if a certain position or position were not funded through direct appropriations. Increases the portion of the Fund that shall be available for OVC for direct assistance grants and for assistance to victims of federal crime. Permits OVC to retain a maximum of $50 million in an anti-terrorism emergency reserve that can be replenished with up to 5 percent of the amounts retained in the Fund after the annual Fund distribution.

Sec. 302. Crime victim compensation. Increases from 40 to 60 percent the minimum threshold for the annual grant to State crime victim compensation programs. Clarifies that a payment of compensation to a victim shall not reduce the amount of assistance available to that victim under other government programs.

Sec. 303. Crime victim assistance. Authorizes States to give VOCA funds to U.S. Attorney's Offices in jurisdictions where the U.S. Attorney is the local prosecutor. Prohibits States that receive VOCA grants from discriminating against victims because they oppose the death penalty or disagree with the way the State is prosecuting the criminal case. Requires OVC to make grants to eligible crime victim assistance programs for program evaluation and compliance efforts. Allows OVC to use funds for fellowships and clinical internships and to carry out training programs.

Sec. 304. Victims of Terrorism. Technical amendment to section 2003 of the Trafficking Victims Protection Act of 2000 (PL 106–38), which inadvertently reversed the existing exclusion under VOCA of individuals eligible for other federal compensation under the Omnibus Diplomatic Security and Antiterrorism Act of 1996 (ODSA). The exclusion of individuals eligible for compensation under ODSA should have been applied to section 1404C of VOCA, which covers direct compensation to victims of international terrorism, and not to section 1404B, which covers assistance to victims of terrorism.
order to be printed in the RECORD, as
losses in the market this year. The last time I looked, you had to
have gains for this to make any dif-
fair to give that same benefit to indi-
create some complexity for taxpayers
year, and shall be treated as a short-term cap-
porations. If their capital losses exceed
immediately.
future capital gains.
would take until 2014 to write off those losses.
the capital loss/ordinary income
would not succeed. The best way to
to write off a greater portion of their loss imme-
The bill also allows individuals the
opportunity to carry back losses in the
same fashion that is allowed to cor-
porations. If their capital losses exceed
their capital gains they would be able to
carry back those losses to offset capital gains incurred in prior years. While I recognize that this may create some complexity for taxpayers since it would require the filing of amended returns, I believe it is an approp-
riate and fair way to deal with capital losses. If a corporation can take advantage of this benefit, it seems only fair to give that same benefit to indi-
viduals.
I would certainly like to see the capital
gains rate lowered. But as one Wall Street executive recently was quoted:
"The last time I looked, you had to
have gains for this to make any dif-
gerence;" I certainly think the proposal I offered would certainly make a difference to many millions of tax-
patients who have suffered grievous losses in the market this year.
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:

Be it enacted by the Senate and House of Rep-
resentatives of the United States of America in Congress assembled,
SECTION 1. TRENDMENT OF CAPITAL LOSSES OF
TAXPAYERS OTHER THAN CORPORA-
TIONS.
(a) INCREASED LIMITATION ON LOSSES AL-
LOWABLE AGAINST ORDINARY INCOME.—Sec-
scription 1211(b)(1) of the Internal Revenue Code of 1986 (relating to limitation on capital losses of taxpayers other than corporations) is amended
(1) by striking "$3,000" and inserting
"$20,000", and
(2) by striking "$1,500" and inserting
"$10,000".
(b) CARRYBACK AND CARRYOVERS OF CAP-
ITAL LOSSES.—Subsection 1212(b)(1) of the Inter-
nal Revenue Code of 1986 (relating to capital loss carrybacks and carryovers of taxpayers other than corporations) is amended to read as follows:
"(1) CARRYBACKS AND CARRYOVERS.—
"(A) IN GENERAL.—If a taxpayer other than a corporation has a net capital loss for any taxable year (the 'loss year')—
"(i) the excess of the net short-term capital loss over the net long-term capital gain for the loss year shall be a capital loss carryback to each taxable year pre-
ceding the loss year and a capital loss carry-
over to each taxable year succeeding the loss year, and shall be treated as a short-term capital loss in such year, and
"(ii) the excess of the net long-term capital loss over the net short-term capital gain for the loss year shall be a capital loss carryback to each of the 3 taxable years pre-
ceding the loss year and a capital loss carry-
over to each taxable year succeeding the loss year, and shall be treated as a long-term capital loss in each of such taxable years.
"(B) AMOUNT CARRIED TO EACH TAXABLE
YEAR.—The entire amount of the loss which may be carried to another taxable year under subparagraph (A) shall be carried to the earliest of the taxable years to which the loss may be carried. The portion of such loss which may be carried to any other taxable year shall be the excess (if any) of the capital loss over the portion of such loss which, after applic-
ation of subparagraph (C), was allowed as a carryback or carryover to any prior taxable year.
"(C) AMOUNT WHICH MAY BE USED.—An
amount shall be allowed as a carryback or carryover from a loss year to another taxable year only to the extent—
"(i) such amount does not exceed the ex-
cess (if any) of—
"(I) the sum of the losses from the sale or exchange of capital assets in such other tax-
able year plus losses carried under this para-
graph to such other taxable year from tax-
able years prior to such loss year, over
"(II) gains from such sales or exchanges in
such other taxable year, and
"(ii) the allowance of such carryback or carryover does not increase or produce a net operating loss for any taxable year ending after December 31, 2000.
(c) CONFORMING AMENDMENTS.—
(1) Section 1212(b)(2)(A) of the Internal Revenue Code of 1986 is amended by striking "paragraph (A) or (B) of paragraph (1)" and inserting "clause (i) or (ii) of paragraph (1A) of this section".
(2) Section 1212(c) of such Code is amended by striking subsection (c).
(d) EFFECTIVE DATE.—The amendments made by this section shall apply to capital losses arising in taxable years beginning after December 31, 2000.

By Mr. GREGG:
S. 787. A bill to prohibit the importation of diamonds from countries that have not become signatories to an international agreement establishing a certification system for exports and imports of rough diamonds or that have not unilaterally implemented a certification system meeting the standards set forth herein; to the Com-
mittee on Finance
Mr. GREGG. Mr. President, the pur-
purpose of the Conflict Diamonds Act of 2001 is to eliminate the illegal diamond trade that has fueled violent conflicts in the African nations of Sierra Leone, Liberia, Angola, Burundi, and the Central African Republic. The sale of illicit diamonds has allowed criminal gangs like the Revolutionary United Front in Sierra Leone to buy arms and supplies in an effort to expand their influence. In the process, they have inflicted un-
speakable pain, including torture and amputation, on the innocent people they encounter.
The Conflict Diamonds Act of 2001 bans the importation into the United States of diamonds from countries that fail to adopt an effective diamond control system. Under this legislation, no diamond that has ever been in the possession of the RUF or any other rebel group will be allowed to enter the United States. This includes diamonds that pass through another country for cutting or setting. The Conflict Dia-
monds Act of 2001 authorizes the Presi-
dent of the United States to ban the importation of diamonds and diamond jewelry from countries if he believes the shipments from those countries violate the legislation’s intent. Those who knowingly violate the import ban would be subject to criminal and civil penalties under existing U.S. Customs law. The Customs Service would be au-
thorized to seize illicit shipments. The import ban would take effect six months after enactment, regardless of the status of negotiations for an intern-
ational agreement.
I ask unanimous consent that the text of the bill be printed in the RECORD, as
follows:

Be it enacted by the Senate and House of Rep-
resentatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.
This Act may be cited as the “Conflict Dia-
monds Act of 2001.”
TITLE I—PROHIBITION ON IMPORTATION
OF CONFLICT DIAMONDS
SEC. 101. FINDINGS.
The Congress finds that—
(1) The use of funds from illegitimate dia-
mond trade to support conflicts in Africa has resulted in the deaths of millions of people and the suffering of millions more; the following:
"(2) U.N. Security Council Resolution 1173 of
June 12, 1998 requires the United States and all other U.N. members to take the nec-

ecessary measures to prohibit the direct or indirect importation from Angola to their ter-

(3) U.N. Security Council Resolution 1306 of July 5, 2000 requires the United States and all other U.N. members to take the necessary measures to prohibit the direct or indirect importation of all rough diamonds from Sierra Leone into their territory that are not controlled by the Government of Sierra Leone through its Certificate of Origin regime.

(4) U.N. Security Council Resolution 1344 of March 8, 2001 requires the United States and all other U.N. members to take the necessary measures to prevent the direct import of all rough diamonds from Liberia, whether or not such diamonds originated in Liberia;

(5) The United States has issued Executive Orders to implement Resolution 1173 and Resolution 1306, additional measures are needed to ensure compliance with, and prevent circumvention of, these resolutions;

(6) Although the President of the United States has issued Executive Orders to implement Resolution 1173 and Resolution 1306, additional measures are needed to ensure compliance with, and prevent circumvention of, these resolutions;

(7) Further measures are needed to prevent rough diamonds originating in other rebel-controlled conflict areas from entering the global stream of commerce in which legitimate diamonds are sold.

(8) Since legitimate diamond trade is of great economic importance to developing countries in Africa, no law should be enacted, nor regulation or other measure implemented, that would impede legitimate diamond trade or diminish confidence in the integrity of the legitimate diamond industry.

SEC. 102. DEFINITIONS.

(a) The term “diamond” means a natural mineral consisting of essentially pure carbon, crystallized in the isometric system with a gravity of approximately 3.52, and a refractive index of 1.0.

(b) The term “rough diamond” means a diamond that is unworked or simply sawn, cleaved, or cut, or that is not associated with arms insurgents, rebel forces, or any other movement using violence against civilians or internationally recognized governments.

SEC. 103. RESTRICTIONS ON THE IMPORTATION OF DIAMONDS.

(a) No person may enter into the customs territory of the United States or aid or abet an attempt to enter any diamond directly from a country that is subject to a United Nations Security Council resolution similar to those identified in subsection (a) or that has not implemented an international agreement that establishes a certification system for exports and imports of rough diamonds, that has not unilaterally implemented such a system, or in another country described in subsection (b) as defined in subsection (c) of section 105 of this Act.

(b) The term “conflict diamond” means a diamond that is unworked or simply sawn, cleaved, or cut, or that is not associated with arms insurgents, rebel forces, or any other movement using violence against civilians or internationally recognized governments.

SEC. 104. PROHIBITION OF OTHER IMPORTS TO PREVENT CIRCUMVENTION OF U.N. RESOLUTIONS.

The President of the United States is authorized to prohibit the importation of diamond jewelry, including rings to assist the victims of conflicts in other countries except for rough diamonds whose country of origin has been certified as either the Republic of Angola or the Republic of Sierra Leone through the Certificate of Origin regime described in section 103 (a) or (b), if there are reasonable grounds to believe that such prohibition is necessary to carry out U.N. Security Council Resolution 1173, 1306, or 1344, or any other Resolution banning the exportation or importation of conflict diamonds.

SEC. 105. IMPLEMENTING MEASURES.

(a) The Secretary of the Treasury of the United States is authorized to make such rules and regulations as may be necessary to carry out the provisions of this Act. The public will be notified and given an opportunity of at least 30 days to comment on all proposed rules and regulations before they take effect.

(b) These regulations will provide that an importer is entitled to rely on the country of origin marking that is required under 19 U.S.C. § 1304 and that is accompanied by a certification that the diamond is from a “cooperating” country as defined in this section. The Secretary of the Treasury will revise and update this list as necessary. For purposes of this subsection, the Secretary of the Treasury will find that a country is “cooperating” in good faith to establish and enforce a unilateral certification system meeting the standards described in subsection (b) of section 203 or taking action to ensure that it is not facilitating trade in conflict diamonds. The Secretary of the Treasury, in consultation with appropriate agencies, shall develop and publish criteria that will be used to evaluate whether a country will be deemed a cooperating country. These criteria will be subject to public notice and comment before adoption in final form.

(d) The Secretary of the Treasury may extend cooperating country status for more than six months after the initial designation, but shall provide to Congress an explanation of the reasons for why such an extension is necessary.

The President of the United States shall ensure that implementation of and compliance with Title I of this Act is monitored by appropriate agencies or by an independent body.

SEC. 106. PENALTIES FOR NON-COMPLIANCE.

(a) No person who enters into the customs territory of the United States or aids or abets an attempt to enter any diamond directly from a country that is subject to a United Nations Security Council resolution similar to those identified in subsection (a) or that has not implemented an international agreement that establishes a certification system for exports and imports of rough diamonds, that has not unilaterally implemented such a system, or in another country described in subsection (b) as defined in subsection (c) of section 105 of this Act or the implementing regulations for Title I will be subject to civil and criminal penalties in effect under the customs laws of the United States, as set forth in Title 19 of the United States Code (including subchapter I of that title) and defenses that apply under Title 19 of the United States Code will apply to penalties that are sought to be assessed under this subsection.

(b) If the Customs Service has reasonable cause to believe that a person has violated the provisions of subsection (a) of this section and that administrative procedures are necessary to prevent the introduction of merchandise into the customs territory of the United States, the Customs Service will issue an order of seizure to the person concerned, and may provide for the retention or conversion of the merchandise pending the outcome of an administrative proceeding commenced by the United States in the Court of International Trade for the recovery of any monetary penalty under this Act.

SEC. 201. FINDINGS.

The Congress finds that—

(1) The most effective and desirable means of eliminating international trade in conflict diamonds is through international cooperative efforts involving governments, the private sector, civil society, and appropriate international organizations;

(2) The initiatives of the world diamond industry have been reflected in the World Federation of Diamond Bourses and the International Diamond Manufacturers Association in Antwerp on July 19, 2000, as well as in the efforts of the Working Group on African Diamonds and the World Diamond Council in developing proposals for a global certification system for rough diamonds, and important efforts at international cooperation and may provide effective mechanisms that could be incorporated in an international agreement to eliminate trade in conflict diamonds;

(3) Eliminating imports of rough diamonds from countries where conflict diamonds are mined, transshipped, or subsequently shipped is the most effective way to eliminate trade in conflict diamonds.
SEC. 202. SENSE OF CONGRESS—NEGOTIATION OF INTERNATIONAL AGREEMENT.

It is the sense of the Congress that the President, in negotiations with respect to the trade in conflict diamonds, and seek to conclude an international agreement to eliminate trade in conflict diamonds as soon as possible. The system implemented for the agreement shall be transparent and subject to independent verification and monitoring. Participants in such an agreement should include all countries that either export or import diamonds or diamond jewelry.

SEC. 203. OVERALL NEGOTIATING OBJECTIVE OF THE UNITED STATES AND ESSENTIAL ELEMENTS OF AN INTERNATIONAL AGREEMENT.

(a) The overall negotiating objective of the United States is to establish an effective global certification system covering the major exporting and importing countries of rough diamonds that will eliminate trade in conflict diamonds.

(b) The elements of an effective global certification system for rough diamonds that the United States should seek in its negotiations are as follows:

(1) Rough diamonds, when exported from the country in which they were extracted, must be sealed in a secure, transparent container bag by appropriate government officials of that country.

(2) The sealed container described in paragraph (1) must include a fully visible government document certifying the country of extraction and recording a unique export registration number and the total carat weight of the rough diamonds enclosed.

(3) A database containing information described in paragraph (2) must be established for rough diamond exports in each exporting country, including countries engaged in the re-export of rough diamonds.

(4) No country may allow importation of rough diamonds unless they are sealed in a secure, transparent container bag by appropriate government officials of that country, including countries engaged in the re-export of rough diamonds.

(5) Provisions shall be made for physical inspection of sealed containers of rough diamonds by appropriate authorities.

(6) Rough diamonds may be freely imported and exported from a country that implements and enforces a rough diamond certification system that contains the elements specified in paragraphs (1) through (4), or a system that is its functional equivalent, provided that the country of extraction need only be specified when rough diamonds are exported from such country and need not be specified when rough diamonds are exported from a country that implements and enforces such a rough diamond certification system.

SEC. 204. CONSULTATIONS WITH CONGRESS.

The President of the United States shall consult periodically with Congress in developing and negotiating proposals for an international agreement as described in sections 202 and 203.

SEC. 205. REPORT TO CONGRESS.

The President of the United States will submit to Congress a draft bill implementing the provisions of any agreement that is negotiated no later than 90 days after entering into that agreement.

SEC. 207. EFFECTIVE DATE.

Title II will take effect on the date of enactment of this Act. Title II will take effect on the date of enactment of this Act.

TITLE III—OTHER PROVISIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Such sums as may be necessary are hereby authorized to be appropriated to implement the provisions of this Act, including such sums as are necessary to assist the governments of Sierra Leone and Angola to establish and maintain a diamond certification system.

SEC. 302. SEVERABILITY.

If any provision of this Act or the application of such provision to any person or circumstance is held invalid, it is the intent of Congress that the remainder of this Act and application of such provision to other persons or circumstances will not be affected thereby.

SEC. 303. GAO REPORT.

The General Accounting Office shall report to Congress on the effectiveness of this Act no later than three years after the date of enactment of this Act.

By Mr. HUTCHINSON (for himself and Mr. WARNER):

S. 789. A bill to amend title 37, United States Code, to establish an education savings plan to encourage retention of members of the Armed Forces in critical specialties, and for other purposes; to the Committee on Armed Services.

Mr. HUTCHINSON. Mr. President, today I am introducing a bill that will provide military personnel the ability to provide for the education of their spouses and children in return for their commitment to continue to serve in the armed forces.

The purpose of such this bill is to promote retention of members of the armed forces in critical specialties by establishing a bonus savings plan that will provide significant resources for meeting the expenses encountered by service members in providing for the education of members of their families.

I met with the Senior Enlisted Advisors of the four armed services and the Coast Guard. These Senior Enlisted Advisors are the top enlisted person in their respective services.

The job is to advise the Service Chiefs on matters pertaining to enlisted personnel. These experienced senior leaders are among the most significant resources available to the generals and admirals, and those of us here in Congress, as we seek answers to questions on recruiting, retention, and quality of life. These enlisted leaders know first-hand and fully understand the life, the demands on and concerns of enlisted personnel in their services.

In my meeting with the Senior Enlisted Advisors, I sought their insight on what factors enlisted service members consider when making that critical decision as to whether to continue their active service or leave the military. I found myself talking to the very people who have faced the stress of these decisions; who have sat with their spouses and families and discussed whether to stay in the military or leave and seek a career outside the military. They were very frank and candid in their discussions.

One thing I learned is that, like many of us, enlisted service members had the goal of giving their children better opportunities than they had. To a person, the Senior Enlisted Advisors said that being able to provide educational opportunities for their families is an important goal and would be a powerful retention tool.

My bill will provide enlisted service members in critical specialties, who agree to serve a six-year term, resources that can be applied to cover educational expenses. When these Savings Bonds are redeemed to cover educational costs, the income, under the current tax code, is tax exempt. My bill does not modify the tax code. My proposal will take advantage of current tax law as it pertains to United States Savings Bonds used for educational purposes.

Any personnel who have less than three years of service when they reenlist or extend their commitment will receive Savings Bonds with a face value of $5,000. For those service members who have between three and nine years of service, they will receive Savings Bonds that can be redeemed to cover educational expenses. When these Savings Bonds are redeemed to cover educational costs, the income, under the current tax code, is tax exempt. My bill does not modify the tax code. My proposal will take advantage of current tax law as it pertains to United States Savings Bonds used for educational purposes.

A Service Member who reenlists at the two-year point and receives $5,000 in Savings Bonds subsequently reenlists at the end of his six-year commitment—now with eight years of service—would receive an additional $10,000 in Savings Bonds, for a total of $15,000. This service member could reenlist again at the conclusion of the second six-year term,—now in his 14th year, and would receive an additional $15,000 for a career total of $30,000 in United States Savings Bonds that can be used for educational purposes. All tax free.

My bill will provide military personnel with the capability to provide for the education of their spouses and children while investing in America.

I am introducing this bill today to enhance the benefits President Bush announced at Fort Stewart, Georgia, on Monday. The President announced that his budget will include $5.7 billion in additional benefits for military personnel; $1.4 billion to increase military
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pay and allowances; $3.9 billion for military health care; and $0.4 billion for improvements to military housing. These increases are much needed and the announcement was enthusiastically received by the men and women who know the sacrifice their loved ones make in service of their country. My bill enhances President Bush’s initiatives by providing educational opportunities that are unavailable today to the children of military personnel. I will hold hearings this year in the Armed Services Committee to further develop each of these initiatives.

My bill furthers the educational opportunities for military families, increases military readiness by retaining the highly-trained and experienced military personnel we need to continue to be the preeminent military force in the world, and accomplished these lofty goals by investing in America. I urge my colleagues to examine my bill and join Senator Warner and I as co-sponsors of this important initiative.

I ask unanimous consent that the text of the bill be printed in the RECORD.

The Senate being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 789
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE.
It is the purpose of this Act to promote the retention of members of the Armed Forces in critical specialties by establishing a bonus savings plan that provides significant resources for meeting the expenses encountered by the members in providing for the education of the members of their families and other contingencies.

SEC. 2. EDUCATION SAVINGS PLAN FOR RE-ENLISTMENTS AND EXTENSIONS OF OBLIGATED SERVICE.
(a) ESTABLISHMENT OF SAVINGS PLAN.—(1) Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

"332. Incentive bonus: savings plan for education expenses and other contingencies
"(a) BENEFIT AND ELIGIBILITY.—The Secretary concerned shall purchase United States savings bonds under this section for a member of the armed forces who is eligible as follows:
"(1) A member who, before completing three years of service on active duty, enters into a commitment to perform qualifying service.
"(2) A member who, after completing three years of service on active duty but not more than nine years of service on active duty, enters into a commitment to perform qualifying service.
"(3) A member who, after completing nine years of service on active duty, enters into a commitment to perform qualifying service.
"(b) QUALIFYING SERVICE.—For the purposes of this section, qualifying service is service on active duty in a specialty designated by the Secretary concerned as critical (whether such specialty is designated as critical to meet wartime or peacetime requirements) for a period that—
"(1) is not less than six years; and
"(2) does not include any part of a period for which the member is obligated to serve on active duty under an enlistment or other agreement for which a benefit has previously been paid under this section.
"(c) FORMS OF COMMITMENT TO ADDITIONAL SERVICE.—For the purposes of this section, a commitment means—
"(1) in the case of an enlisted member, a reenlistment; and
"(2) in the case of a commissioned officer, an agreement entered into with the Secretary concerned.
"(d) AMOUNT OF BONDS.—The total of the face amounts of the United States savings bonds purchased for a member under this section for a commitment shall be as follows:
"(1) in the case of a member for which a benefit has previously been paid under this section, the total of the face amounts of any United States savings bonds previously purchased for the member under this section.
"(2) in the case of a member under paragraph (1) of subsection (a), the amount equal to the excess of $15,000 over the total of the face amounts of any United States savings bonds previously purchased for the member under this section.
"(3) in the case of a purchase under subsection (a) of the member's basic pay under section 505 of this title, which amount shall be deferred and withheld for the payment of any income taxes if the total amount computed under subsection (a) of the benefit provided under this section.
"(4) AMOUNT DEDUCTED FOR TAXES.—The total amount deductible from the basic pay of the member shall be equal to the amount that bears the same ratio to the total amount paid for the service (described in paragraph (2) of subsection (a)) for that commitment by that member that the excess of $15,000 over the total of the face amounts of any United States savings bonds previously purchased for the member under this section bears to the total amount of the benefit provided under this section.
"(5) REIMBURSEMENT OF BENEFIT.—The Secretary concerned may repay an amount to a member under section 331 of this title that the Secretary concerned is required to pay to a person under this section.
"(6) REPORT ON SERVICE.—The Secretary concerned shall report on the service of members under this section to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.
"(k) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary concerned for the Coast Guard when the Coast Guard is not operating as a service in the Navy.
"

(b) EFFECTIVE DATE.—Section 332 of title 37, United States Code (as added by subsection (a)), shall take effect on October 1, 2001, and shall apply with respect to reenlistments and other agreements for qualifying service (described in that section) that are entered into on or after that date.

By Mr. THURMOND:
S. 791. A bill to amend the Federal Rules of Criminal Procedure; to the Committee on the Judiciary.

Mr. THURMOND. Mr. President, I rise today to introduce the Video Teleconferencing Improvements Act. This bill will expand the use of video teleconferencing in criminal court matters, and promote a safer and more efficient federal court system. The federal court is just like all society, is benefiting from constant advances in technology today. Video teleconferencing is one example of this movement. It allows proceedings to operate more efficiently and at lower costs, while maintaining many of the benefits of courtroom appearances.

The use of video teleconferencing is becoming increasingly common in federal district and appellate courts for a variety of proceedings, such as prisoner civil rights complaints and certain appellate matters. The state courts are also benefiting from video technology in many ways, including for pretrial criminal proceedings. However, in federal court, the use of this technology in criminal matters is almost nonexistent because the federal rules apparently require the defendant’s physical presence in court.

This legislation would amend the Federal Rules of Criminal Procedure to allow the judge to hold pretrial proceedings, including the defendant’s arraignment and initial appearance, through video teleconferencing. It would also allow for the sentencing to occur in this manner in special, limited circumstances.

Today, some districts have extremely high volumes of criminal cases that they must process. This is especially true in the Border States, where the number of immigrants who are caught crossing the Mexican Border or committing crimes in the United States has skyrocketed and continues to rise. This creates a great burden and expense on the Marshals Service, which must transport the prisoners, often for very long distances from the holding facility to a far away courthouse. This type of transportation presents the possibility for escape and can create a security risk for law enforcement, court personnel, and the public.
Pretrial proceedings are often very short and routine. If they can be conducted through video, the inmates can stay at the secure facility, greatly decreasing risk and costs. If Marshals could spend less time on other duties, such as apprehending dangerous fugitives from justice. Moreover, this process would help the courts efficiently manage their increasing caseloads.

Similarly, I believe that video teleconferencing could be very important for sentencing defendants in certain limited circumstances. This is especially true if there is a safety or security risk in transporting the prisoner to the courthouse.

For example, in an ongoing case in South Carolina, a dangerous repeat offender was sentenced to a long prison term at the maximum security federal prison in Florence, Colorado. However, the court of appeals required that he be sentenced again. The Federal Bureau of Prisons considered him a danger to transport. He had a long history of psychiatric problems and violent behavior, including repeatedly assaulting prison guards and other inmates. In this case, he had even threatened the sentencing judge and the Assistant U.S. Attorney. Rather than transporting the prisoner back to South Carolina, the judge sentenced him by video teleconferencing. However, the case is now on appeal, and there is legal precedent not allowing this practice. In my view, there is simply no reason why a judge should be prohibited from sentencing by video in these circumstances.

This legislation is not an attempt to eliminate criminal defendants from appearing in person before the judge. Defendants would still be in court for all phases of the trial, which this bill would not effect. In fact, criminal trials should be conducted in person because the accused has the constitutional right to confront the witnesses against him. Further, even with these changes, the judge would maintain the authority to hold any pretrial or sentencing hearing in person if he/she wished. This bill would simply give him the authority to conduct certain routine matters, other than the trial, through video teleconferencing.

The Rules Committee of the Judicial Conference has been considering this video technology for some time, and recently proposed some of the specific changes that are included in this legislation. I hope they will provide judges discretion to conduct pretrial proceedings by video teleconference, and go even further than the formal proposals that they have considered to date. My legislation will help eliminate legal impediments to the reasonable use of video teleconferencing and help courts take advantage of new technology. These reforms are needed today.

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. 791
Be it enacted by the Senate and House of Representa- 
tives of the United States of America in Con- 
gress assembled, That—

SECTION 1. SHORT TITLE.
This Act may be cited as the “Video Teleconferencing Improvements Act of 2001”.

SEC. 2. AUTHORIZATION OF VIDEO TELECONFER- 
ENCING FOR THE INITIAL APPEAR- 
ANCE.
Rule 5 of the Federal Rules of Criminal Procedure is amended by adding at the end the following:

“(d) VIDEO TELECONFERENCING.—Video teleconferencing may be used to conduct an appearance under this rule.”

SEC. 3. AUTHORIZATION OF VIDEO TELECON- 
FERENCING FOR THE ARRANGI-
MENT.
Rule 10 of the Federal Rules of Criminal Procedure is amended—

(1) by striking “Arraignment” and inserting “(a) In GENERAL, Arraignment;” and
(2) by adding at the end the following:

“(b) VIDEO TELECONFERENCING.—Video teleconferencing may be used to arrange a def-
endant.”.

SEC. 4. AUTHORIZATION OF VIDEO TELECON- 
FERENCING FOR CERTAIN PRO- 
CEEDINGS.
Rule 43 of the Federal Rules of Criminal Procedure is amended—

(1) in subsection (a), by striking “The” and inserting “Except as otherwise provided in this rule, Rule 5, or Rule 10, the”; and
(2) in subsection (c)—
(A) in paragraph (3), by striking “or” at the end;
(B) in paragraph (4), by striking the period at the end and inserting “; or” and
(C) by adding at the end the following:—
“(5) when—
(A) the proceeding is the sentencing hear-
ing; and
(B)(i) the defendant, in writing, waives the right to be present in court; or
(ii) the court finds, for good cause shown in exceptional circumstances and upon appro-
priate safeguards, that communication with a defendant (who is not physically present before the court) by video teleconferencing is an adequate substitute for the physical presence of the defendant.”.

SEC. 5. EFFECTIVE DATE.
This Act and the amendments made by this Act, shall apply to a criminal complaint filed after the date of enactment of this Act.

By Mr. LIEBERMAN (for himself, Mr. KOHL, Mrs. CLINTON, and Mr. BYRD):

S. 792. A bill to prohibit the targeted marketing to minors of adult-rated media as an unfair or deceptive prac-
tice, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LIEBERMAN. Mr. President, I rise today to join with Senators KOHL, CLINTON, and BYRD today in introduc- ing legislation to stop the entertain-
ment industry from deceptively marketing adult-rated material to children, legislation that hopefully will make the hard job of raising kids in to-
day’s culture a little easier for Amer-
ica’s parents.

As my colleagues may recall, Federal Trade Commission released a groundbreaking report last fall document-
ing the seriousness of this prob-
lem. Specifically, the FTC found that the movie, music, and video game in-
dustries had been routinely and aggres-
sively targeting the sale of heavily-vio-
 lent, adult-rated products to children. Some companies were going so far as to create special groups, labellar-
er films with 9- and 10-year olds and to pass out promotional materials for other violent R-rated movies at Camp-
fire Girl meetings and Boys and Girls Clubs.

This report engendered a lot of out-
rage, and with good reason. These in-
dustries were making a mockery of the ratings systems that they had created and promoted. They were also making an end run around America’s parents, in effect cutting out the middle mom and dad to target violent, harmful ma-
terials directly to children. The report also generated a number of promises from the offending industries to change the way they market and strengthen their self-regulatory programs.

This week, the FTC released a follow-
up report to evaluate how well the en-
tertainment industry has done in keep-
ing its promises, and there was some encouraging news. The FTC found in their snapshot survey that the movie and video game industries had made real progress in limiting their adver-
sing in popular teen venues and in providing more rating information in their marketing.

Other independent analyses show similarly encouraging results. Ad reve-
ues for R-rated films on MTV are ap-
parently declining. Disney, Warner Brothers, and Fox theaters have stopped marketing adult-rated movies to children. And several other studios have decided against making or distributing heav-
vily-violent movies that were once regu-
larly targeted at kids.

But much as I appreciate this progress, I cannot really give a full-
blow hooray for Hollywood, because the FTC report makes clear that this problem has not been solved. Some video game makers and movie studios, including those that have pledged not to unfairly target kids, are still adver-
tising adult-rated products in places popular with young teens. And the leading music companies and their trade group, the RIAA, have sadly been MIA, doing little if anything to re-
spond to the FTC report and curb the marketing of obscenity-laced records to kids.

I am also concerned about the future. The FTC rightly recommended that the lasting solution to this problem is re-
sponsible self-regulation, specifically, uniform policies adopted by the ent-
ertainment industry prohibiting the tar-
getting of adult-rated material to chil-
dren and meaningful sanctions to en-
force those standards.
to date only the video game industry has agreed, and commendably so, to meet this recommendation and truly police themselves. That means there is no permanent mechanism of accountability for the movie and music industries. The current self-regulatory system or standard that says it is wrong to market adult-rated material to children. And I fear that the competitive pressures in these markets are so intense that they will once again lead companies to do exactly what once the scrutiny goes away.

That is why I feel we must go forward with a legislative response. The bill we are introducing today would provide a narrowly-tailored shield to help protect our children from this kind of unfair and unhealthy targeting. It would treat the marketing of adult-rated movies, music recordings, and video games to children like any other deceptive act that harms consumers, and give the FTC the same authority it has under the current false and deceptive advertising laws to bring actions against companies that engage in deceptive practices. In particular, it would give the FTC the authority to penalize companies that violate this provision with civil fines of up to $11,000 per violation.

Some will claim this is censorship. But the truth is we’re not empowering the FTC to regulate content in any way or even to make judgments about what products are appropriate for children. We are simply saying that if you voluntarily label a product as being unsuitable for kids, and then turn around and market it in a way that directly contradicts that rating, you should be held accountable, just like any other company that misleads consumers. That’s not censorship, that’s common sense.

The bottom line here is that the First Amendment is not a license to deceive. And this legislation translates that important principle into policy. It says to the people who run the entertainment industry that they cannot have it both ways. They cannot label their products for adults and target them to kids. And they cannot continue to undermine their ratings and undercut the authority of parents.

I ask my colleagues today on both sides of the aisle for their support on this bill and the ongoing effort to help protect their children from harmful media. I think the cattle and ask unanimous consent that my state-ment and bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 792

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

TITLE I—TARGETED MARKETING OF ADULT-RATED MEDIA TO CHILDREN

SEC. 101. PROHIBITION ON TARGETED MARKETING TO MINORS OF ADULT-RATED UNFAIR OR DECEPTIVE PRACTICE.

(a) IN GENERAL.—The targeted advertising on marketing to minors of an adult-rated motion picture, music recording, or electronic game shall not be treated as targeted advertising or marketing to minors—

(C) For purposes of this section, the advertising or marketing to minors of an adult-rated motion picture, music recording, or electronic game shall be treated as targeted advertising or marketing to such product to minors if—

(1) the advertising or marketing

(A) is in any product directed to minors; or

(B) is presented to an audience of which a substantial proportion is minors; or

(2) The Commission determines that the advertising or marketing is otherwise directly directed to or targeted at minors.

SEC. 102. SAFE HARBOR.

(a) IN GENERAL.—The advertising or other marketing to minors of an adult-rated motion picture, music recording, or electronic game shall not be treated as targeted advertising or other marketing to minors for purposes of section 101, if the producer or distributor responsible for the advertising or other marketing adheres to a voluntary self-regulatory system with respect to such product that satisfies the criteria under subsection (b) and is subject to the sanctions referred to in subsection (b)(3).

(b) CRITERIA.—The Federal Trade Commission shall, by rule, establish the criteria referred to in section (a). Under such criteria, a voluntary self-regulatory system shall include the following elements:

(1) An age-based rating or labeling system for the product in question,

(A) prohibitions on the targeted advertising or other marketing to minors of such product; and

(B) other policies to restrict, to the extent feasible, the sale, rental, or viewing by or to minors of such product; or

were not treated as targeted advertising or other marketing to minors for purposes of section 101(b)(1)(A) and

(3) Procedures, including sanctions for non-compliance with the prohibitions and other policies referred to in paragraph (2).

SEC. 103. REGULATIONS.

(a) IN GENERAL.—The Federal Trade Commission shall prescribe rules that define with specificity the acts or practices that are deceptive acts or practices under section 101(b)(1)(B).

(b) IN GENERAL.—This Act may be cited as the “Video Marketing Accountability Act of 2001”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Children have easy access to a variety of media and entertainment options without leaving their own homes. The vast majority of homes with children have a VCR, a CD player, and either a video game console or a personal computer.

(2) Children, and especially teenagers, spend a large amount of time listening to music, seeing movies, and playing video games.

Specifically:

(A) Children ages 8 through 13 spend approximately 3 hours per week in a movie theater, on average. In addition, 62 percent of children ages 9 through 17 spent an average of 52 minutes per day watching videotapes. (B) 82 percent of children play video games, and do so for 33 minutes per day, on average.

(C) Children ages 14 through 18 listen to music approximately 2½ hours per day on average.

(3) Teenagers spend tens of millions of dollars annually on movies, music, and video games, making them a highly valuable demographic group to the producers and distributors of entertainment products.

(4) Media violence can be harmful to children. Most scholarly studies on the impact of media violence find a high correlation between exposure to violent content and aggressive or violent behavior. Additional studies find a high correlation between exposure to violent content and a desensitization to and acceptance of violence.

(5) On September 11, 2000, the Federal Trade Commission reported that companies in the music, movie, and video game industries routinely target children under age 17 in the advertisement of adult-rated products. Specifically:

(A) The Commission found that 80 percent of the R-rated movies studied had been targeted to children. Marketing plans for 64 percent of the R-rated movies studied explicitly mentioned children under age 17 as part of the target audience.

(B) The Commission found that all marketing plans for music recordings with explicit content labels either explicitly mentioned children under age 17 as part of the target audience or called for ad placement in media that would reach a majority or substantial percentage of children under age 17.

(C) The Commission found that 70 percent of Mature-rated video games studied were targeted to children, and 51 percent explicitly mentioned children under age 17 as part of the target audience. In addition, the Commission found that 91 percent of the video games studied had at one time expressly identified children under age 17 as the core, primary, or secondary audience of an M-rated game.

(6) To correct this problem, the Commission called on these industries to adopt voluntary, uniform policies expressly prohibiting these practices and to enforce these policies with real sanctions for violations.

(7) To date, as the Commission noted in a follow-up report released on April 24, 2001, only the video game industry has agreed to adopt such a marketing code. The Commission also noted that, despite some encouraging changes in behavior since the release of the Commission’s original report in 2000, a number of companies in all three industries have not sufficiently marketed adult-rated products in venues popular with children.

(8) Because the entertainment industry continues to target its advertising of adultrated products to children, there is need for narrowly targeted legislation to prohibit, as a false and deceptive trade practice, the targeting of children in the advertisement and other marketing for adults, and to authorize the Federal Trade Commission to stop these practices.

(b) ACTIONS BY COMMISSION.—

(1) IN GENERAL.—The Commission shall provide, by way of enacting section 101, or a rule of the Commission under section 103, in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this title.

(2) PARTICULAR RULES.—A rule prescribed under section 103(b)(1) shall be treated as a rule prescribed under section 18a(3)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)), and any violation of a rule prescribed under such section 103 shall be treated as a violation of a rule respecting unfair or deceptive acts or practices under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) RIGHTS AND LIABILITIES OF PARTIES.—Any person or entity that violates section 101, or a rule of the Commission under section 103, shall be subject to the penalties, and entitled to the privileges and immunities, provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of that Act were incorporated into and made a part of this title.

TITLE II—OTHER MATTERS

SEC. 201. STUDY OF MARKETING PRACTICES OF ENTERTAINMENT INDUSTRIES REGARDING ADULT-RATED MATERIALS.

(a) In General.—The Federal Trade Commission shall conduct a study of the advertising and other marketing practices of the motion picture industry, music recording industry, and electronic game industry regarding adult-rated motion pictures, music recordings, and electronic games.

(b) Matters to be Studied.—In conducting the study under subsection (a), the Commission may examine:

(1) whether and to what extent the industries referred to in that subsection direct to minors the advertising and marketing of adult-rated materials;

(A) whether such materials are advertised or promoted in media outlets in which minors are present in substantial numbers or comprise a substantial percentage of the audience; and

(B) whether such industries use other marketing practices designed to attract minors to such materials;

(2) whether and to what extent retail merchants, movie theaters, or others who engage in the sale or rental for a fee of products of such industries engage in activities to educate the public, industry members, retail merchants, movie theaters, or others who engage in the sale or rental for a fee of the products of such industries with such policies;

(3) whether and to what extent such industries require, monitor, or encourage the enforcement of their voluntary rating or labeling systems by industry members, retail merchants, movie theaters, or others who engage in the sale or rental for a fee of the products of such industries;

(4) whether and to what extent such industries engage in activities to educate the public in the existence, use, or efficacy of their voluntary rating or labeling systems, and

(5) whether and to what extent the policies and procedures referred to in paragraphs (2), any activities referred to in paragraphs (3) and (4), and assurances by such industries are effective in restricting the access of minors to adult-rated materials.

(c) Factors in Determination.—In determining whether the products of an industry are adult-rated for purposes of subsection (b), the Commission shall use the voluntary industry rating or labeling system of the industry, both as in effect on the date of the enactment of this Act and as modified after that date.

(d) Authorities.—In conducting the study under subsection (a), the Commission may use its authority under section 6(b) of the Federal Trade Commission Act (15 U.S.C. 46(b)) to require the filing of reports or answers in writing to specific questions, as well as to obtain information, oral testimony, documents, or tangible things.

(e) Reports.—

(1) Requirement.—The Commission shall submit to Congress and the public two reports on the study under subsection (a), as follows:

(A) An initial report, not later than two years after the date of the enactment of this Act.

(B) A final report, not later than six years after that date.
April 26, 2001
CONGRESSIONAL RECORD — SENATE
SEC. 2. NOTICE CONCERNING RISKS POSED BY ARSENIC IN DRINKING WATER.
Part F of the Safe Drinking Water Act (42 U.S.C. 300j-21 et seq.) is amended by adding in the end the following:

"SEC. 1466. NOTICE CONCERNING RISKS POSED BY ARSENIC IN DRINKING WATER.

(a) IN GENERAL.—A consumer confidence report prepared by a community water system under section 141.154 of title 40, Code of Federal Regulations (or a successor regulation), shall include a short educational statement concerning arsenic that—

"(1) uses language such as the following: 'While your drinking water meets EPA's standard for arsenic, it does contain arsenic. EPA's standard is based on the possible health effects of arsenic, but also on the costs of removing arsenic from drinking water. EPA continues to research the health effects of arsenic ingestion, which is a mineral known to cause cancer in humans at high concentrations and is linked to other health effects such as skin damage and circulatory problems.'; or

"(2) uses substantially similar language developed by the community water system in consultation with the State agency having jurisdiction over drinking water matters.

(b) APPLICABILITY.—Subsection (a) applies to any community water system that is required to provide consumer confidence reports under part O of title 40, Code of Federal Regulations (or a successor regulation); and

"(B)(A) with respect to a report required to be delivered under that subpart not later than July 1, 2001, detects arsenic in the drinking water provided by the community water system at a level that is above 0.025 milligrams per liter but below the maximum contaminant level; and

"(B) with respect to a report required to be delivered under that subpart not later than July 1, 2001, detects arsenic in the drinking water provided by the community water system at a level that is above 0.055 milligrams per liter but that is equal to or below the maximum contaminant level.".

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 76—CONGRATULATING THE EAGLES OF BOSTON COLLEGE FOR WINNING THE 2001 MEN'S ICE HOCKEY CHAMPIONSHIP.

Mr. KENNEDY (for himself and Mr. KERRY) submitted the following resolution, which was considered and agreed to:

S. RES. 76
Whereas the Boston College Eagles men's ice hockey team had a remarkable season, concluding by defeating the tenacious Fighting Sioux of the University of North Dakota 3–2 in overtime.

Whereas the victory by the Boston College Eagles marked the first national championship in ice hockey for Boston College since 1972.

Whereas the championship victory concluded a brilliant season for Boston College in which the team compiled a record of 33 wins, eight losses, and two ties.

Whereas the winning overtime goal for Boston College by Krys Kolanos produced the victory.

Whereas coach Jerry York, who grew up in Watertown, Massachusetts and starred on the 1967 Boston College team, deserves great
credit for taking the Boston College Eagles to the “Frozen Four” NCAA finals for the past four years;

Whereas eleven players on the Boston College Eagles team grew up in Massachusetts or played high school hockey in the state;

Whereas the Eagles’ victory was also made possible by goals by Chuck Kobasew and Mike Lephart, and by goalie Scott Clemmensen, who played a magnificent game by making 34 saves for the Eagles;

Whereas the Boston College Eagles are flying high after winning the 2001 National Collegiate Athletic Association Men’s Ice Hockey Championship; now, therefore, be it

Resolved, That the Senate commends the Eagles of Boston College for winning the 2001 National Collegiate Athletic Association Men’s Ice Hockey Championship.

Mr. KENNEDY. Mr. President, on April 7, the Boston College Eagles Ice Hockey Team defeated the Fighting Sioux of the University of North Dakota 3–2 in overtime to win the NCAA national championship. The victory marked the first national championship in ice hockey for Boston College since 1949, and all of us in Massachusetts are proud of them for their outstanding season.

An overtime goal for Boston College by Krys Kolanos produced the victory and made up for last year’s 4–2 defeat by North Dakota in the championship game. Chuck Kobasew and Mike Lephart each scored in the second period for BC’s other goals. Freshman Chuck Kobasew—named the Frozen Four Most Outstanding Player—and senior Mike Lephart each scored in the second period for BC’s other goals.

By WEEL–AM sports announcer Ted Sarandis served as master of ceremonies at Monday’s celebration, where small children in kid-sized BC hockey shirts cheered the champions alongside adults and current students in maroon and gold regalia. One alumnus in the crowd received special notice: James Fitzgerald, ’49, who scored the winning goal in BC’s 1949 championship. University President William P. Leahy, S.J., thanking coach Jerry York and his players for “a memorable season,” said their efforts exemplified the institution dedicated to excellence, in the classroom, the laboratory and the hockey rink.

Cellucci, preparing to start his new job as United States ambassador to Canada, said his last proclamation as governor was to designate April 9, 2001, as “BC Eagles Hockey Day in Massachusetts.”

Menino extended his congratulations not only to the team but also to the parents “who drove you to the hockey rinks all those mornings.”

“Wow!” said Athletic Director Gene DeFilippo as he began his remarks. “Does it get any better than this?” He rattled off an impressive list of individual and team achievements by the team’s eight seniors, in- cluding 117 victories, four Frozen Four and three NCAA title game appearances.

York, who was treated to a standing ovation and cheers of “Jer-EE! Jer-EE!” by the crowd, thanked his assistants and support staff, and praised the players for “representing this world-class university in a world-class manner.”

After senior captains Brian Gionta, Bobby Allen and Lephart offered their own thanks, the Boston College hockey team had waited for arrival. To the strains of “We Are the Champions,” the players skated around the rink holding aloft the NCAA championship trophy.

The team has at least one more celebration in its future: an invitation to the White House, on a date to be confirmed later.

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, legislative bodies, regulatory agencies, and court-appointed officials for access to the records of the Permanent Subcommittee on Investigations.

Whereas, the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate shall be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, legislative bodies, regulatory agencies, and court-appointed officials for access to the records of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs.
Congressional Record — Senate

April 26, 2001

Whereas from 1940 to 1991, thousands of Estonians, Latvians, and Lithuanians were executed, imprisoned, or exiled by Soviet authorities through a regime of brutal repression, and Russification in their respective nations;

Whereas despite the efforts of the Soviet Union to eradicate the memory of independence, the Baltic people never lost their hope for freedom and their long-held dream of full independence;

Whereas during the period of “glasnost” and “perestroika” in the Soviet Union the Baltic people led the struggle for democratic reform and national independence; and

Whereas, in the years following the restoration of full independence, Estonia, Latvia, and Lithuania have demonstrated their commitment to democracy, human rights, and the rule of law, and have actively participated in a wide range of international structures, pursuing further integration with European political, economic, and security organizations: Now, therefore, be it

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

(1) congratulates Estonia, Latvia, and Lithuania on the tenth anniversary of the restoration of their full independence;

(2) calls on the President to continue to build the close and mutually beneficial relations the United States has enjoyed with Estonia, Latvia, and Lithuania since the restoration of the full independence of those nations.

Mr. CAMPBELL. Mr. President, today I am joined by Senators Dodd and Voinovich, fellow members of the Commission on Security and Cooperation in Europe, in submitting a Concurrent Resolution congratulating the people of Estonia, Latvia, and Lithuania on the tenth anniversary of the restoration of their full independence.

The resolution also calls on the President of the United States to build upon the close and mutually beneficial relations with Estonia, Latvia, and Lithuania that have existed since the restoration of their full independence.

This year marks the tenth anniversary of the reestablishment of full independence to the Baltic nations of Estonia, Latvia, and Lithuania after almost five decades of illegal and brutal incorporation into the Soviet Union. The Baltic nations were independent between World War I and World War II. Their freedom and independence were stolen from them in a secret deal struck between Hitler and Stalin.

During the Soviet era, thousands of Estonians, Latvians, and Lithuanians were executed, imprisoned or exiled by the Soviet regime as Moscow attemped to suppress any resistance to its rule. Besides physically persecuting individuals, the Soviet Union also tried to destroy the rich heritage of the Baltic people, by degrading their culture and attempting to replace their native language with Russian.

It didn’t work. The Baltic people never gave up their hope for freedom and their long-held dream of independence.

Moreover, during the Soviet period of “glasnost” and “perestroika,” the Baltic people led the struggle for democratic reform and national consciousness. In the ten years following the restoration of their full independence, Estonia, Latvia, and Lithuania have demonstrated their commitment to democracy, human rights, and rule of law at home. At the same time, they have actively participated in a wide range of international structures, pursuing further integration into European political, economic and security organizations.

Earlier today I had the pleasure to meet with President Viko-Freiberga of Latvia, in my capacity as Chairman of the Commission on Security and Cooperation in Europe. I was joined by Co-Chairman Chris Smith and fellow Commissioner ZACH WAMP. President Viko-Freiberga’s visit is an impressive leader during our wide-ranging discussion of Euro-Atlantic cooperation and Latvia’s development since the restoration of independence. Therefore, it is fitting that we introduce this resolution today, coinciding with President Viko-Freiberga’s working visit to Washington.

I urge my colleagues to join in supporting this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 353. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 353. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

TITLE—EXEMPTION FOR AGRICULTURAL COMMODITIES, MEDICINE, AND MEDICAL SUPPLIES.

SEC. 01. EXEMPTION FOR AGRICULTURAL COMMODITIES, MEDICINE, AND MEDICAL SUPPLIES.

Notwithstanding any other provision of law, the export controls imposed on items under title III shall not apply to agricultural commodities, medicine, and medical supplies.

SEC. 02. TERMINATION OF EXPORT CONTROLS REQUIRED BY LAW.

Notwithstanding any other provision of law, the President shall terminate any export control mandated by law on agricultural commodities, medicine, and medical supplies upon the date of enactment of this Act except for a control that is specifically reimposed by law.

SEC. 03. EXCLUSIONS.

Sections 01 and 02 do not apply to the following:

(1) The export of agricultural commodities, medicine, and medical supplies that are subject to national security export controls.

(2) The export of agricultural commodities, medicine, and medical supplies to a country against which an embargo is in effect under the Trading With the Enemy Act.

FOR PURPOSES OF THIS TITLE, THE TERM “AGRICULTURAL COMMODITY” MEANS ANY AGRICULTURAL COMMODITY, FOOD, FIBER, OR LIVESTOCK (INCLUDING LIVESTOCK, AS DEFINED IN SECTION 602(C) OF THE EMERGENCY LIVESTOCK FEED ASSISTANCE ACT OF 1988 (TITLES VI OF THE AGRICULTURAL ACT OF 1949 (7 U.S.C. 1712)), AND INCLUDING INSECTS), AND ANY PRODUCT THEREOF.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the three hearings have been scheduled before the Committee on Energy and Natural Resources to consider the President’s proposed FY 2002 budget.

The Committee will hear testimony from the following:

1. The Department of the Interior on Tuesday, May 8, 2001, beginning at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

2. The Forest Service on Tuesday, May 8, 2001, beginning at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

3. The Department of Energy on Tuesday, May 10, 2001, beginning at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

For further information, please call Trici Heninger, Staff Assistant at (202) 244-7875, regarding the Department of the Interior and the Department of Energy hearings, and Kathleen Elder, Staff Assistant at (202) 244-7556, regarding the Forest Service hearing.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT OF THE SENATE COMMITTEE ON APPROPRIATIONS

Mr. MRUKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a joint oversight hearing has been scheduled before the Committee on Energy and Natural Resources and the Subcommittee on Energy and Water Development of the Committee on Appropriations.

The hearing will take place on Thursday, May 3rd, 2001 at 10 a.m., on room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to conduct oversight on the state of the nuclear power industry and the future of the nuclear industry in a comprehensive energy strategy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, D.C. 20510-6150.

For further information, please call Colleen Deegan, Counsel, Energy Committee at (302) 224-8115 or Clay Sell, Clerk, Energy and Water Subcommittee at (202) 224-7260.
Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 26, 2001, at 9:30 a.m., in open session to consider the nominations of Edward C. Aldridge to be Under Secretary of Defense for Acquisition and Technology; William J. Haynes II to be general counsel of the Department of Defense; and Powell W. Moore, to be Assistant Secretary of Defense for Legislative Affairs, and in executive session thereafter.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, April 26, 2001, immediately following the nomination hearing, on S. 718—Amateur Sports Integrity Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, April 26, 2001, at 9:30 a.m. to conduct an oversight hearing. The committee will consider national energy policy with respect to fuel specifications and infrastructure constraints and their impacts on energy supply and price.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be authorized to conduct a hearing to receive testimony on the Corps of Engineers program for FY02 on Thursday, April 26 at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 26, 2001 at 10 a.m. and 2:30 p.m. to hold a hearing and a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

Privilege of the Floor

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Nicky Yuen on my staff be allowed floor privileges during the duration of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.
WHEREAS, in recognition of his belief in, and Harvard University’s continued commitment to, public service as a value of higher education, Neil L. Rudenstine worked to establish the Committee on Public Leadership at Harvard University’s Kennedy School of Government to prepare individuals for public service and leadership in an ever-changing world; and

WHEREAS, in order to make a Harvard University education available to as many qualified young people as possible, during Neil L. Rudenstine’s tenure, the University expanded its financial aid budget by $8,300,000 to help students graduate with less debt; and

WHEREAS, Neil L. Rudenstine has made Harvard a good neighbor in the community of Cambridge and greater Boston by launching a $21,000,000 affordable housing program and by creating more than 700 jobs; and

WHEREAS, Neil Rudenstine built an academic career of great distinction, including 2 bachelor’s degrees, 1 from Princeton University and the other from Oxford University, a Rhodes Scholarship, a Harvard Ph.D. in English, recognition as a scholar and authority on Renaissance literature, and presiding positions in higher education: Now, therefore, be it

RESOLVED, SECTION 1. HONORING NEIL L. RUDENSTINE.

The Senate—

(1) expresses deep appreciation to President Neil L. Rudenstine of Harvard University for his contributions to higher education and to the spirit of public service that characterized his decade as Harvard University’s President, for his many years of academic leadership at other universities, and for the grace and elegance that he brought to all he has done; and

(2) wishes him well in every future endeavor, anticipating the continuing benefit of his thoughtful expertise to American higher education.

SEC. 2. TRANSMITTAL.
The Secretary of the Senate shall transmit a copy of this resolution to Neil L. Rudenstine.

FARMER BANKRUPTCY

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 256, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 256) to extend for 11 additional months the period for which chapter 12 of title 11 of the United States code is reenacted.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate is finally turning its attention to retroactively renewing Chapter 12 of the Bankruptcy Code, which protects family farmers and helps them prevent foreclosures and forced auctions of their farms.

Unfortunately, many family farmers have been left in legal limbo in bankruptcy courts across the country since Chapter 12 of the Bankruptcy Code expired on July 1, 2000. Last year, the House of Representatives passed narrow legislation to retroactively renew Chapter 12, but that legislation died in the Senate. I worked to adopt the House-passed bill last year to renew Chapter 12, along with a number of Democratic Senators, but the Senate Majority Leader never scheduled a vote on the bill.

This year, Representative Nick Smith and Representative Tammy Baldwin introduced H.R. 256 to retroactively renew Chapter 12. Thanks to their bipartisan efforts the House passed the bill on February 28 by a vote of 408-2. I commend them for their leadership in securing House passage of this legislation.

Earlier this month, Representatives Smith and Representative Baldwin wrote to me about trying to secure quick Senate passage of H.R. 256. I agreed that the Senate should act immediately to renew Chapter 12 of the Bankruptcy Code and send their legislation to the President for his signature into law. I am glad the Majority Leader is finally taking up our request to take up and pass H.R. 256.

During the debate earlier this year on comprehensive changes to the bankruptcy system, some proponents of the controversial reform bill claimed that it must be passed to restore Chapter 12 to the Bankruptcy Code. I hope today’s action to pass a stand alone Chapter 12 bill will make it clear to all that the Senate does not have to pass a mammoth bankruptcy reform bill to provide family farmers with bankruptcy protection.

I also hope today’s action will put an end to any efforts to use Chapter 12 as leverage to enact controversial bankruptcy legislation. Our family farmers deserve better.

I strongly support H.R. 256 to retroactively give our family farmers bankruptcy protection if they fall on hard times. It is past time for Congress to pass important legislation to help family farmers and protect the American way of life.

I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate’s action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

DEPARTMENT OF STATE

James Andrew Kelly, of Hawaii, to be an Assistant Secretary of State (East Asian and Pacific Affairs), Paula J. Dobriansky, of Virginia, to be an Under Secretary of State (Global Affairs). United States Agency for International Development

Andrew S. Natsios, of Massachusetts, to be Administrator of the United States Agency for International Development.

Mr. KENNEDY. Mr. President, I strongly support the nomination of Andrew Natsios. Andrew has ably served the State of Massachusetts as a Representative in the State House and as Chief Financial Officer for the State. He is an outstanding choice for the important post of Administrator for the Agency for International Development, and I’m confident he’ll serve our country with great distinction.

The Agency plays an invaluable role for the United States, bringing the hope of a better life to those in need around the globe through humanitarian aid and development projects.

Its Administrator must understand the challenges facing the Agency both internally and externally. He must be a strong and effective manager. He must be committed to improving the Agency as an institution and have the ability to advance its development mission effectively.

I’m confident that Andrew possesses the skills to accomplish these goals and that he will enhance the agency’s valuable work around the world.
Andrew has spent much of his distinguished career working on these important issues—most notably as the Assistant Administrator for the Bureau of Food and Humanitarian Assistance at the Agency for International Development, as Director of the Office of Foreign Disaster Assistance, and as Vice President of World Vision. Because of his outstanding ability, he was appointed as special coordinator to manage U.S. Government relief efforts during the Somalia famine.

Andrew has written extensively on the challenges posed by humanitarian and intervention assistance and disaster response to U.S. foreign policy interests. He has also lectured at Boston College, the University of Massachusetts, and Northeastern University.

Because of his strong management skills, Andrew was called in to Chair the Massachusetts Turnpike Authority and to oversee the Central Artery Tunnel Project—the nation’s largest public project. We all agree that his management has restored credibility to the project. He also served as Governor Cellucci’s Chief Financial Officer for Massachusetts and was responsible for a $20 billion state budget.

Andrew has the vision, skills and ability to lead the Agency for International Development very effectively in the years ahead. His knowledge and experience, and his strong commitment to improving the agency will strengthen all of its vital missions.

I look forward very much to working with him as the Administrator of the Agency for International Development.
CONGRESSIONAL RECORD — SENATE

April 26, 2001

CONFIRMATIONS

Executive nominations confirmed by the Senate April 26, 2001:

DEPARTMENT OF STATE

JAMES ANDREW KELLY, OF HAWAII, TO BE AN ASSISTANT SECRETARY OF STATE (KOREA, JAPAN, AND MONGOLIA).

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

ANDREW S. NATHAN, OF MASSACHUSETTS, TO BE ADJUVANT OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

THE ABOMIEN NOMINATIONS CONFFIRMED BY THE SENATE, AND APPOINTED TO RESIDENCE OR THE ANY DUTY CONSTITUTED COMMITTEE OF THE SENATE.

CONGRESSIONAL RECORD — SENATE

S4017
Beyond the constraints of the law, the alternative minimum tax and the use of foreign tax credits can subject taxpayers to double taxation. This occurs when adjustments and credits provided to those subject to the AMT are not accounted for on foreign income. The bill being introduced will eliminate the 90 percent limitation on the use of foreign tax credits that are used to support U.S. jobs, research and development, and to ensure that individuals and businesses are not taxed twice on the same income. The elimination of this limitation is a priority. This bill to eliminate the 90 percent limitation on foreign tax credits is simple: to provide relief from double taxation. When it comes to the alternative minimum tax (AMT), this basic principle of providing relief from double taxation falls by the wayside. The AMT was enacted to ensure that individuals and businesses that qualify for various “preferences” in the tax rules nevertheless are subject to a minimum level of taxation. However, the foreign tax credit provisions of the AMT operate to ensure double taxation. Under these AMT rules, the allowable foreign tax credit is limited to 90 percent of the taxpayer’s AMT alternative minimum tax liability. Because of this limitation, income that is subject to foreign tax is subject also to the U.S. AMT. The result is double (and even triple) taxation of income that is used to support U.S. jobs, research and experimentation and other activities.

There is no rational basis for denying relief from double taxation to that class of taxpayers that are subject to the AMT. Accordingly, the bill being introduced will eliminate the 90 percent limitation on foreign tax credits for AMT purposes. With the elimination of this limitation, relief from double taxation will be provided to taxpayers that are subject to the AMT in the same manner as it is provided to those taxpayers that are subject to the regular tax. Concern regarding the unfairness of the AMT limitation on the use of foreign tax credits is not new. Indeed, the House in 1995 passed a provision repealing the 90 percent limitation as part of a complete package of AMT reforms. Overall reform of the AMT, for individuals and businesses, remains a high priority. This bill to eliminate the 90 percent limitation on foreign tax credits for AMT purposes represents an important step in that direction. We urge our colleagues to join us in cosponsoring this legislation.

**A BILL TO REPEAL THE LIMITATION ON THE USE OF FOREIGN TAX CREDITS UNDER THE ALTERNATIVE MINIMUM TAX**

**HON. AMO HOUGHTON OF NEW YORK**

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 26, 2001*

Mr. HOUGHTON. Mr. Speaker, I am pleased to join my colleagues from New York, Mr. RANGEL, together with a bipartisan group of our colleagues, in introducing a bill which would eliminate a fundamental unfairness in the application of the U.S. tax law to taxpayers that have income from foreign sources.

The bill would repeal the present-law limitation on the use of foreign tax credits under the alternative minimum tax that has the effect of subjecting taxpayers to double taxation on foreign income. This bill is identical to the one introduced in the 106th Congress, except for advancing the effective date by a year.

A U.S. citizen or domestic corporation that earns income from sources outside the United States generally is subject to tax by a foreign government on that income. The taxpayer is also subject to U.S. tax on that same income, even though it is earned outside the United States. Thus, the same income is subject to tax both in the country in which it is earned and in the United States. However, the U.S. tax rules provide that the foreign taxes paid on their foreign source income as an offset against the U.S. tax with respect to that same income. The basic principle of this foreign tax credit is simple: to provide relief from double taxation.

Mr. RANGEL, together with a bipartisan group of our colleagues, are cosponsoring this legislation.

IN HONOR OF MAYOR GERALD GILKEY

**HON. ROY BLUNT OF MISSOURI**

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 26, 2001*

Mr. BLUNT. Mr. Speaker, I rise today to salute Mayor Gerald Gilkey on his 42 years of public service to the Lamar city government. Mayor Gilkey retired from public life on April 16th, 2001. His exceptional career with the City of Lamar began in April 1959, with six years as a councilman in Lamar city government. In 1965, he was elected mayor, a position to which he would be re-elected 17 times; serving an astounding total of 36 years.

Mayor Gilkey has diligently served the people of Lamar, Missouri for over three decades. His dedication to public service and to the community of Lamar is to be commended. The
Mayor has worked tirelessly to ensure that Lamar continues to grow. Under his dedicated leadership, the city developed a 45 acre city park that includes a multiple outdoor sports complex, walking trails and picnic areas. Recently, Mayor Gilkey led the effort to build Southside Missouri’s first aquatic park located in the Lamar City Park. A $1.3 million water treatment plant was built due to the Mayor’s leadership. Mayor Gilkey was instrumental in guiding the construction of an 800 seat, state of the art, “Thiebaud” auditorium that is used by the community, area schools and organizations.

Mayor Gilkey is the recipient of numerous awards including the Lamar Chamber of Commerce, “Man of the Year” in 1990; in 1982 he shared “top newsmaker” with the city council. In 1994, he was honored with the “Outstanding Community Service” award from the Lamar Rotary Club. In 1997 at the Home-maker Cooking Show, he was awarded Lamar Democrat’s MVP. Mayor Gilkey’s presence can also be found throughout the Southwest corner of Missouri. He has served on count- less boards and committees where his vision- ary representation helped influence the growth and improvement of the area.

On June 18, 2001, Gerald and his wife Betty will celebrate their 59th wedding anniversary. Mayor Gilkey has had a great partner and in 1961, Gerald and Betty purchased what is now the Gilkey Automotive Group, and their son, Steve, is now the general manager.

Mr. Speaker, it is clear that we will miss an inspirational member of the Lamar community with Mayor Gilkey’s retirement from public service. I am sure that I speak for many when I say that his tireless work will not soon be forgotten and that we are thankful. I would like to personally wish him well in this new stage of his life and know that he will continue to be a presence in Lamar, Missouri. I am certain that my colleagues will join me in honoring this remarkable man.

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 26, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to wish Colorado’s oldest town a happy 150th birthday. Nestled in the Sangre de Cristo mountains is the small town of San Luis, which was founded in 1851. Since then it has been home to many families over the last century and a half.

On April 5, 1851, San Luis de la Culebra was founded by Carlos Beaubien and estab- lished by settlers from northern New Mexico. According to Governor Bill Owens, San Luis’ “rich and beautiful heritage” is attributed to its food, music, language, celebrations and his- toric buildings.

Under the protection of a group of soldiers from the War Department, the settlers built homes and began to plant. The town contin- ued to grow and in 1851 when Colorado was made a territory, San Luis became the county seat of the newly established Costilla County.

As part of the celebration, Governor Owens proclaimed April as the Oldest Town in Colo- rado Month, and April 5 as the Oldest Town in Colorado Day. The proclamation refers to San Luis’ founding on April 5, 1851, following the pattern of land grants. Carlos Beaubien then gave the people of San Luis the grant of La Vega, a common grazing area which is the last remaining true commons in the United States.

Specifically, the proclamation acknowledges the San Luis Museum and Cultural Center, the Stations of the Cross Shrine and Los Caminos Antiquus Scenic and Historic Byway.

Mr. Speaker, we are all proud of the rich heritage the city of San Luis has established over the last 150 years. And it is with great pleasure that I ask this Congress to recognize San Luis and wish them a happy birthday.

A BILL TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO PRO- VIDE A SPECIAL RULE FOR MEMBERS OF THE UNIFORMED SERVICES AND THE FOREIGN SERVICE, AND OTHER EMPLOY- EES IN DETERMINING THE EX- CLUSION OF GAIN FROM THE SALE OF A PRINCIPAL RESI- DENCE

HON. AMO HOUGHTON
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 26, 2001

Mr. HOUGHTON. Mr. Speaker, I am pleased to join with several of my colleagues in introducing our bill, which would address an inequity caused by a change in the Internal Revenue Code in 1997. The proposed change would simply adjust an oversight and bring fairness and equality to the Code by recog- nizing the unique circumstances in which mem- bers of the Foreign Service, the Uniformed Services and U.S. business persons who are working abroad. The bill is the same as the one introduced in the 106th Congress, except that the applicability for business persons to which this provision has been added. The bill is retroactive to May 1997, when the change occurred.

The Code was changed in 1997 to provide a benefit to taxpayers who sell their principal residence—a change more generally bene- ficial than the prior law. Members of the foreign service abroad for longer and more frequent periods than in the past. With the globalization that is occurring, and affecting most economies, it is essential that our multinational companies compete on a worldwide basis. Globalization is certainly a major factor in our economy. In 2000, exports and imports for the U.S. totaled about $2 trillion—over 20% of our economy.

The problem arises because it is difficult for these individuals to fit into the mold we cre- ated in the 1997 law change. This result oc- curs because their posting abroad and at home is controlled by others. The bill would al- leviate this problem for Foreign Service and Uniformed Services members by suspending the five year period for ownership and principal use for any periods during which the tax- payer was under official orders to serve at a duty station away from his or her home. This change would retain the 5 year look-back and the 2 year principal residence rules, but would address the unfairness issue applicable to members of the Foreign Service and Uni- formed Services. The bill would also address the issue for business persons by suspending for up to five years, the five year principal resi- dence test for an individual relocated abroad by his or her employer.
The proposed correction of this problem is not new. In fact, the Taxpayer Refund and Relief Act of 1999, H.R. 2488, which was passed by both the House and the Senate included provisions to correct the problem for all three groups. Unfortunately, the bill was vetoed for reasons unrelated to this proposal. Recently, we in the House have been focusing on tax bills that benefit and directly affect the American people—and this bill does just that. We urge our colleagues to join in cosponsoring this legislation.

TRIBUTE TO CHARLIE BROWN
HON. JAMES E. CLYBURN
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 26, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a good friend and former student, Charlie Brown of Hilton Head Island, South Carolina. Mr. Brown was recently named a recipient of the J. Willard Marriott Award of Excellence for 2001.

Mr. Brown is the Community Relations and Supplier Diversity Manager for Marriott Vacation Club International on Hilton Head Island. He is a consummate team player, noted for assisting anyone in need and being the first to lend a helping hand. Mr. Brown has become legendary for always being the first to arrive after a hurricane to assist with evacuations and to see where he can be of the most help.

Committed to his community as well as his job, Mr. Brown helped to establish the Hilton Head Medical Center Community Relations Work Group in 1997. He worked toward the start of this group after seeing a need for more open lines of communication between the minority community and the Hilton Head Medical Center and Clinics. Mr. Brown has also been instrumental in seeing the vision of a Minority Business Council on Hilton Head move from the talking stage to fruition.

Selflessly devoting his time, Mr. Brown serves on the boards of the Hilton Head Island Community Foundation, Hilton Head Island American Heart Association, Beaufort County First National Bank, and the NAACP/Housing Initiative Project. In addition, he is the chairman-elect of the Head Chamber of Commerce and the chairman of the Island Recreation Center Fastline Track Club.

Mr. Speaker, I ask you to join with me and my fellow South Carolinians in honoring Mr. Charlie Brown. He is a wonderful example of commitment to community and community alike and is well-deserving of the Marriott Award of Excellence.

HONORING THOSE WHO MAKE SENSE OF YESTERDAY’S EVENTS
HON. ROY BLUNT
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 26, 2001

Mr. BLUNT. Mr. Speaker, in 1961 work began between two Germanies on a concrete wall 28 miles long which would divide a people and become the physical symbol of the division between two great world powers.

In 1961 the international manned space race began in earnest with Russia beating the United States to the first major goal by placing Cosmonaut Yuri Gagarin into orbit.

In 1961 the robust air carrier TWA became the first airline to offer in-flight movies on international flights.

In 1961 the former African colony of Tanganyika became an independent country.

In 1961 President John F. Kennedy was inaugurated as the nation’s youngest President.

And in 1961 two young historians and academicians began their teaching careers at Southwestern Baptist College in Bolivar, Missouri.

Forty years later the Berlin wall exists only in scattered pieces around the world and Germany once again stands as a single nation. American and Russian astronauts today jointly man the International Space Station. TWA has merged into American Airlines and Tanganyika has joined with Zanzibar to become Tanzania. President Kennedy was felled by an assassin’s bullet. What has remained unchanged is that Drs. Harlie Gallatin and Frank Cunningham are still helping students at what is now Southwest Baptist University not only learn the details of history, but understand how events of past decades, centuries and millennia effect our lives today.

I rise today to commend these two men who are scholars in every sense of the word, dedicating their lives to their discipline and their students. Near the beginning of their careers when I was a student near the end as University President, I benefited from their scholarship as well as their example in commitment to Faith and family.

Through the years thousands of young people have not only learned about the heritage of our nation and world, but have developed a deep love and respect for history. Many of those students now make significant contributions to the betterment of our nation and world as civic and governmental leaders, educators, scientists, ministers and at least one congressman.

At the end of this academic year Dr. Gallatin retires as Chairman of the Department of History and Political Science at the University where he has worked tirelessly to develop faculty, curricula, and students. He has seen the school grow from a junior college to a four year institution and finally to a University. Dr. Cunningham although retiring from the full-time faculty in 1996 continues to remain active in the department as Emeritus Senior Professor of History.

Today, I want to thank these two men for their commitment both to the discipline of history and to their sharing a respect for and insight into history with all those young lives they have touched over the past four decades. Both these men repeatedly went out of their way to help struggling students understand difficult concepts, and learn to examine significant events with a discerning eye. They helped students view historic events without having to reject their religious faith. They have not invested their lives in vain.

My colleagues in this chamber often wrestle with the issues of history; how our actions will impact future generations and how we will be viewed. I know they join me in thanking Drs. Gallatin and Cunningham for their work in helping us to use the events of yesterday to craft solutions challenges of tomorrow.

THE REWARDING PERFORMANCE IN COMPENSATION ACT
HON. CASS BALLENGER
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 26, 2001

Mr. BALLenger, Mr. Speaker, today, I am reintroducing the “Rewarding Performance in Compensation Act” which will help workers to share, financially, when their efforts help produce gains for the company in productivity, sales, fewer injuries, or other aspects of performance. The Rewarding Performance in Compensation Act would amend the Fair Labor Standards Act (FLSA) to specify that an hourly employee’s regular rate of pay for the purposes of calculating overtime would not be affected by additional payments that reward or provide incentives to employees who meet productivity, quality, efficiency or sales goals. By eliminating disincentives in current law, this legislation will encourage employers to reward their employees and make it easier for employers to “share the wealth” with their employees.

The pressures of worldwide competition and rapid technological change have forced most employers to seek continuous improvement in productivity, quality, and other aspects of company performance. Employees often seek to encourage and reward employee efforts to improve productivity, quality, etc. through what are called “gainsharing” plans—linking additional compensation to measurable improvements in company, team, or individual performance. Employees are then shared between the company and the employees. The payouts are based directly on factors under an employee’s control, such as productivity or costs, rather than on the company’s profits. Thus employees directly benefit from improvements that they help to produce by increasing their overall compensation.

Unfortunately, employers who choose to implement such programs for their hourly employees can be burdened with unpredictable and complex requirements by the FLSA, which clearly did not envision these types of “pay based on performance” plans.

For example, if a bonus is based on production, performance, or other factors, the payment must be divided by the number of hours worked by the non-exempt employee during the time period that the bonus is meant to cover, and added to the employee’s regular hourly pay rate. This adjusted hourly rate must then be used to recalculate the employee’s overtime rate of pay. The employer is then responsible to pay the difference between the old overtime pay rate and the new recalculated overtime pay rate. For other types of employees, such as executive, administrative, or professional employees who are exempt from minimum wages and overtime, an employer can easily give financial rewards without having to recalculate rates of pay.

Simply put, this legislation would amend the FLSA to allow employers to give non-exempt hourly employees gainsharing or performance bonuses without making employers go through the cost of recalculating hourly and overtime pay. This would give hourly non-exempt employees the same access to bonuses and
HONORING HAROLD ELAM

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this time to honor a pillar of the Grand Junction community. Harold Elam is one of the leading citizens of Western Colorado. Throughout his life, Harold has made the Western Colorado a better place to live. For that, I would like this body to pay tribute to him.

Harold currently owns Elam Construction, which has been a business staple in Western Colorado for a very long time. Under Harold’s leadership, the company has been very civic minded, both on a local and state level. Elam Construction has helped out numerous citizens and organizations in Grand Junction and throughout the State of Colorado. “Harold is so generous that he has made the local area and the state a better place to live,” said Caroline Suplizio, a friend of Harold’s and a leader in the community herself.

Harold gives generously to a number of important organizations, like Mesa County School District 51, Mesa State College, Canyon View Park and the Grand Junction Symphony. He sponsors wonderful events such as the Elam Symphony Classic as well as the Elam Tennis Classic.

Harold has been the recipient of many awards, including the 1999 National Award for Community Involvement, and the “Quality in Construction Award” given by NAPA. He has also been named the honorary Conductor of the year for his outstanding philanthropic contribution to the community symphony and the State of Colorado. This year, the Grand Junction Symphony is honoring Harold as the “Philanthropist of the Year.” A fitting tribute to an outstanding man.

Mr. Speaker, Harold Elam has been an incredibly generous member of our community. His generosity has been a tremendous boon and for that I would like to recognize him and thank him with this Congressional Tribute.

Harold, your community, state and nation are proud of you, and we’re all grateful for generosity, service and positive leadership.

RECOGNIZING THE WEST SIDE MAGNET SCHOOL, TROUP COUNTY, GEORGIA

HON. BOB BARR
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. BARR of Georgia. Mr. Speaker, although the magnet school concept is not new to the public school system, West Side Magnet School of the Troup County School System in the Seventh District of Georgia has accomplished a goal that most would find challenging.

The school was ranked first (with an 87.3 score) of 35 schools in the nation, given exemplary status, and received national recognition from the Getty Trust and National Arts Education Consortium. It was one of only six schools in the nation to be tested for a period of five years to see if the new curriculum combinations result when arts are combined with school reform.

Principal Nancy Stevens says the school’s accomplishments are a direct result of support from the school system and the arts community, which includes arts support from the Chattahoochee Valley Art Museum, LaGrange College, the opera guild, and The LaGrange Symphony.

The study found the top scoring schools shared the following characteristics: “strong” and supportive leadership either from the principal or key staff, an openness for learning, and support for arts “both in the school and the community.” The study and its findings will be published in 2002.

I hope all Members of the United States Congress will join me in recognizing the hard work of everyone who has contributed to making the West Side Magnet School a success.

TRIBUTE TO LOWELL SELVIN

HON. NANCY PELOSI
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to a unique individual who is a champion for social justice, a leader in his community, and a trailblazer in the business world.

Lowell Selvin proves time and again, through his words and deeds, that one person can truly make a difference. On May 5, 2001, Congregation Kol Ami of Los Angeles will honor Lowell with its Shomer Tzedek (Guardian of Justice) Award for his untiring commitment to progressive social empowerment and to causes greater than himself.

While the many endeavors Lowell Selvin is involved in are far too numerous to mention, a few highlights help illustrate the vision, energy, and compassion of this remarkable man.

In business, after successfully merging and integrating PlanetOut and Gay.com, Lowell became Chief Executive Officer of PlanetOut Partners, the largest gay and lesbian online services company in the world. In this capacity, Lowell uses his two decades of business acumen, honed by advising some of America’s leading corporations, to provide the LGBT community with a platform to network, grow, and conduct commerce with business partners around the world.

In his community, Lowell is on the board of the Los Angeles Gay and Lesbian Center and guided this groundbreaking agency’s strategic planning process in its formative years. With his help, this organization is now the largest agency of its kind in the world.

Lowell is on the National Advisory Board of Wendy’s Hope, a group devoted to supporting lesbians with cancer. Working in collaboration with Feed the Children, Lowell also founded Arbonne Children’s Trust. In addition, he helped found Congregation Kol Ami.

It is my honor to recognize the achievements of my constituent, Lowell Selvin, and to join with Congregation Kol Ami in acknowledging his contributions and on-going commitment to social justice and the betterment of his community.

COLONEL THOMAS M. (“MITCH”) DOCKENS

HON. SOLOMON P. ORTIZ
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. ORTIZ. Mr. Speaker, I rise to commend a soldier, patriot and exceptional leader, Colonel Thomas M. (“Mitch”) Dockens, the Commander of the Corpus Christi Army Depot (CCAD), who will receive the prestigious 13th annual John W. Macy, Jr. Award co-sponsored by the Secretary of the Army and the Army Civilian Personnel Alumni Association.

This award recognizes excellence in the leadership of civilians and accomplishment of mission through the civilian workforce. Col. Dockens’ exceptional leadership of the CCAD work force is recognized for the period of July 15, 1999, through December 31, 2000; but his exemplary office and leadership were both recognized and appreciated in South Texas where his good works are legendary.

Col. Dockens has been an extraordinary leader of the United States Army’s only depot-level rotary wing (helicopter) repair facility in the world.

Col. Mitch Dockens is a uniquely qualified officer to lead a civilian workforce. He knows how to bring people together; he can speak to management and labor, and is respected by both. He knows how to produce the best product for the fighting men and women at the best price for the U.S. taxpayer. The mutual respect he has fostered at CCAD is the secret weapon of this one-of-a-kind asset in the United States Army. He and his lovely wife Lynne, who treats the base as extended family, have reinforced the morale at CCAD.

The Corpus Christi Army Depot, with 2,654 civilian employees, is the largest industrial employer in South Texas and is responsible for the repair, overhaul and maintenance of a wide variety of rotary wing aircraft and related engines and components for the Army, Navy, Air Force, Marines, and friendly foreign nations.

Let me give you one example of Col. Dockens’ leadership. Last year, when defective transmission gears threatened the CH-47 and Apache helicopter’s flight safety, the Army looked to the private sector to inspect and replace the defective parts. However, the Army found no private sector firm capable of completing the work within the Army’s established time frames. The potential contractors had too much commercial work that they were contractually obligated to complete before they could address the Army’s safety issue. With the fleets grounded, CCAD was the only available repair source able to meet the Army’s time frames. In fact, CCAD completed the work on the Apache helicopter fleet before the potential private sector source said it could even begin the repair.

The award Col. Dockens will receive is named for John W. Macy, Jr., a distinguished public official who served four presidents and
led the efforts to recognize outstanding individuals in the Army in the field of civilian personnel management.

Col. Dockens’ first assignment was the 18th Airborne Corps at Fort Bragg. As he moved up through the ranks in the Army, he commanded a host of operations before deploying to COAD. Just before his service at COAD, he attended the U.S. Army War College in Carlisle, PA, and served as Chief, Material Readiness Division, Office of the Deputy Chief of Staff for Logistics.

His awards include the Bronze Star, Meritorious Service Medal, 5th Leat, the Army Commendation Medal, Army Achievement Medal, National Defense Service, Overseas Ribbon, Saudi Arabia Kuwait Liberation Medal, Kuwait Liberation Medal, NATO Medal. He is a Senior Army Aviator and is Airborne and Air Assault qualified.

Col. Dockens was named the Macy award winner on April 13, 2001, and will receive the award in an official presentation from Acting Secretary of the Army, Dr. Joseph Westphal, at a Pentagon ceremony on Thursday, May 3, 2001. I feel that it is an honor to have the opportunity to commend this military leader of a civilian workforce and honor him for his work and his outstanding leadership.

CENTRAL NEW JERSEY CELEBRATES THE 125TH ANNIVERSARY OF THE PENNINGTON PUBLIC LIBRARY

HON. RUSH D. HOLT OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. HOLT. Mr. Speaker, I rise today in celebration of the 125th anniversary of the Pennington Public Library. In 1876 a dozen local women took it upon themselves to found a library within the village of Pennington. With a late-Victorian zeal for self-improvement, the group organized the Ladies’ Library Association of Pennington and forever changed the history of this small town.

The Pennington Public Library began with a single bookcase and a purchase fund of $49. In 1889, the library boasted approximately 1,200 volumes. Today, the library has over 3,700 cardholders that enjoy over 23,000 books, 60 magazines, six newspapers, and one computer, complete with Internet capability.

Libraries are true community centers. They create environments where students can do their homework, townspeople can gather, families can interact, seniors can learn new skills, and job seekers can find advice. They are masters at building partnerships, linking everyone from day care centers, garden clubs and 4H clubs to Head Start and junior colleges, to extend their reach throughout the community.

Although much has changed over the years, Pennington Library’s mission is the same—to supply useful and profitable reading for the community and implant in the minds of our youths an everlasting desire for information.

Today, a dedicated group of volunteers continue to carry out this 19th-century mission.

For over 125 years the Pennington Public Library has remained an integral part of the Hopewell community. I urge all my colleagues to join me today in recognizing the Library’s steadfast dedication to serving the growing needs of our community.

HONORING THE WORK OF THE SMALL BUSINESS ADMINISTRATION’S COLORADO DISTRICT OFFICE

HON. SCOTT McINNIS OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to say thank you to the men and women of the Small Business Administration’s Colorado District office for all that they do to help small business owners live the American Dream.

In July of 1953, Congress passed the Small Business Act, which created the Small Business Association. Their function was to “aid counsel, assist and protect, insofar as is possible, the interests of small business concerns.” In 1964 the SBA created the Equal Opportunity Loan Program to aid poverty. SBA’s programs now include financial and federal contract assistance, management assistance, and specialized outreach to women, minorities, and armed forces veterans.

Over the past ten years, the SBA has helped almost 435,000 small businesses nationwide get more than $94.6 billion in loans. In Colorado alone, they have assisted nearly 17,000 customers in 2000 and contributed to the economy by helping to create and retain over 9,000 jobs. They contributed more than $319.8 million in loan guarantees, and almost $4.13 billion in government contracts.

In 2000, the Mi Casa Women’s Resource Center expanded into Colorado Springs to assist women interested in starting their own business. This is an outstanding example of the type of ventures that SBA supports in Colorado and throughout the United States.

Mr. Speaker, small business in Colorado would not be as it is today if it were not for the Small Business Administration’s dedication and help that they offer for people to live the American dream. For that, my friends at the SBA deserve hearty thanks and congratulations.

THE ARTISTS’ CONTRIBUTION TO AMERICAN HERITAGE ACT

HON. AMO HOUGHTON OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. HOUGHTON. Mr. Speaker, I am pleased to join my colleague from Maryland, Mr. CARDIN, together with a bipartisan group of our colleagues, in introducing the “Artists’ Contribution to American Heritage Act of 2001.” The bill would alleviate an unfairness in the tax law as it applies to charitable donations of property by the taxpayer/creator and significantly enhance the ability of museums and public libraries to acquire important original works by artists, writers and composers, and ensure the preservation of these works for future generations. The proposed legislation is the same as we introduced in the 106th Congress, except for advancing the effective date by a year.

Since 1969, the law has provided that the creator of the artistic property is only allowed a charitable deduction equal to the cost of the materials that went into the property. For example, an established artist who donates a painting to the local museum is allowed a deduction for the cost of the canvas, brushes and paint, etc. used to produce the painting. Of course, these amounts are de minimus. There is no real tax incentive to contribute such works of art for the public to enjoy. In fact, the tax law works in the other direction. It makes more financial sense to the creator to sell his or her work. If a creator or art buff buys a painting that appreciates over time, because the artist becomes well-established or was a known and collected artist when the painting was purchased, the collector is allowed a deduction for fair market value when the painting is contributed to the local museum. This is the fairness issue.

There has not always been such disparate tax treatment. Before 1969, the artists/taxpayer discouraged such contributions—the deduction was based on fair market value. The law was changed, primarily because of the perception that some taxpayers were taking advantage of the law through less than accurate valuations of their charitable gifts.

After the change in 1969, the donor generated art work (paintings, manuscripts, compositions, artistic and historically significant correspondences, papers) to qualifying charitable organizations and governmental entities dropped significantly. Creators were more likely to sell their works than to contribute them.

There have been significant changes in the valuation process since 1969. All taxpayers making charitable contributions of art work (other than donor generated art work) are required to: (a) provide and/or retain relevant information as to the value of the contribution; (b) provide appraisals by qualified appraisers, or in some cases, (c) subject them to review by the IRS’s Art Advisory Panel, depending on the dollar amount of the contribution. These changes would apply to creator-generated property under our proposal.

In addition to the valuation safeguards already in the law, our proposal would add additional protections to prevent abuse. These include the following: (a) limiting the value of the deduction to the amount the creator received from similar property and/or similar activities, (b) providing that the deduction can only be claimed in the year of contribution, i.e. the carry over rules do not apply, (c) limiting the deduction to property created at least 18 months before the contribution, allowing a deduction for the true market value of the property, (d) excluding contributions of property (letters, memos, etc.) created by taxpayers in their role as employees or officers of an organization.

The benefit to the nation when artists are encouraged to contribute their work during their lifetime cannot be overemphasized. It allows the public, historians, scholars and others...
to learn from the artist his/her aesthetic aims for the work; how it was intended to be displayed, performed or interpreted; and what influences affected the artist.

Our proposal represents an important step in providing some tax incentive, with needed safeguards, for the creators and moves toward putting them on the same footing as collectors who contribute similar property. Most importantly, it could make the difference in a decision by the creator/donor to contribute some of their created art works to a museum or public library, rather than sell them in the marketplace. That way important works are preserved in the public domain and we all benefit. We urge our colleagues to join us in cosponsoring this legislation.

TRIBUTE TO TRACY YOUNG COOPER

HON. JAMES E. CLYBURN
OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES
Thursday, April 26, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to congratulate Mrs. Tracy Young Cooper, a teacher at C.A. Johnson High School in Columbia, South Carolina. Mrs. Young was recently named South Carolina’s “Teacher of the Year.”

A 29-year-old Columbia native, Mrs. Cooper is a product of Richland School District I schools where her parents were well known educators. She earned a bachelor’s degree in English hoping to one day work in broadcast journalism. After attending graduate school, she instead chose to follow in the footsteps of her parents, Mary and Bobby Young of Columbia, and pursue a teaching career. She has been teaching for four years.

Mrs. Cooper, the first African-American to win South Carolina’s teaching award in 11 years and the fourth since 1969, initially taught English and reading, and is currently a curriculum-resource teacher. In that position, she aids her principal with administrative duties, but spends most of her time working with colleagues, including serving as a mentor to first-year teachers.

Mrs. Cooper is a graduate of Columbia High School and earned her bachelors degree in English from Georgetown University in Washington, D.C. She holds a master’s of arts in teaching from the University of South Carolina and is working toward her doctorate in education at my alma mater, South Carolina State University.

Mrs. Cooper is truly an ambassador for education. Last year, she spent 3 weeks in Japan as a participant in the prestigious Fulbright Memorial Teacher Fund Program, which works to bridge the cultural gap between the U.S. and Japan. I commend Mrs. Cooper and wish her the best as she continues to promote the teaching profession and expand her efforts to improve the quality of life of South Carolina’s children. Mrs. Speaker, please join me and my colleagues in congratulating Mrs. Tracy Young Cooper as South Carolina’s 2001 “Teacher of the Year.”

STOCKTON LADY TIGERS

HON. ROY BLUNT
OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES
Thursday, April 26, 2001

Mr. BLUNT. Mr. Speaker, the counties comprising the Seventh Congressional District of Missouri are quickly becoming a center of sports excellence for women’s teams. Not only are we home to the Lady Bearcats of Southwest Missouri State University which reached the NCAA Final Four this past week, but also the state’s 2–A High School Champions. The Lady Tigers of Stockton Missouri used their talent and hard work to turn personal tragedy into a commitment for achievement and success.

In late September, 2000 17 year old Rachael Budd died of injuries suffered in a car crash. Rachael was a member of the girls basketball team and a leader on the court, in the classroom and among her peers. Additionally, the team lost two other starters to serious injuries that sidelined them for the entire season.

The Stockton Girls High School Basketball team of 2001 was built around five seniors on the 14-member squad. They never lost to a 2–A school en route to a 25-win season capped in March by overwhelming Notre Dame of Cape Girardeau in the state finals. The team dedicated their final game to the memory of Rachael Budd.

Along the way the Stockton girl’s coach Tony Armstrong earned “coach of the year” honors and his daughter Jenna Armstrong was named to the First-Team All State squad.

Girls high school sports in America have achieved a place of great pride. They have given young women a new platform for competition and achievement allowing them to showcase their talent, hard work and vision. Their teamwork brings communities together and forges new personal friendships.

I know that my colleagues join me in commending the spirit, the competitive excellence and the community support that have shaped the girls basketball program at Stockton High School.

INTRODUCTION OF THE REWARDING PERFORMANCE IN COMPENSATION ACT

HON. CASS BALLINGER
OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES
Thursday, April 26, 2001

Mr. BALLINGER. Mr. Speaker, today, I am reintroducing the “The Rewarding Performance in Compensation Act” which will help workers to share, financially, when their efforts help produce gains for their company in productivity, quality, or other aspects of performance. The Rewarding Performance in Compensation Act would amend the Fair Labor Standards Act (FLSA) to specify that an hourly employee’s regular rate of pay for the purposes of calculating overtime would not be affected by additional payments that reward or provide increased benefits to employees who meet productivity, quality, efficiency or sales goals. By eliminating disincentives in current law, this legislation will encourage employers to reward their employees and make it easier for employers to “share the wealth” with their employees.

The pressures of worldwide competition and rapid technological change have forced most employers to seek continuous improvement in productivity, quality, and other aspects of company performance. Employers often seek to encourage and reward employee efforts to improve productivity, quality, etc. through what are called “gainsharing” plans—linking additional compensation to measurable improvements in company, team, or individual performance. Employees are given individual or group productivity goals and the savings achieved from improved productivity, or the gains, are then shared between the company and the employees. The payouts are based directly on factors under an employee’s control, such as productivity or costs, rather than on the company’s profits. Thus employees directly benefit from improvements that they help to produce by increasing their overall compensation.

Unfortunately, employers who choose to implement such programs for their hourly employees can be burdened with unpredictable and complex requirements by the FLSA, which clearly did not envision these types of “pay based on performance” plans.

For example, if a bonus is based on productivity, performance, or other factors, the payment must be divided by the number of hours worked by the non-exempt employee during the time period that the bonus is meant to cover, and added to the employee’s regular hourly pay rate. This adjusted hourly rate must then be used to recalculate the employee’s overtime rate of pay. The employer is then responsible to pay the difference between the old overtime pay rate and the new recalculated overtime pay rate. For other types of employees, such as executive, administrative, or professional employees who are exempt from minimum wage and overtime, an employer can easily give financial rewards without having to recalculate rates of pay.

Simply put, this legislation would amend the FLSA to allow employers to give non-exempt hourly employees gainsharing, or performance bonuses without making employers go through the cost of recalculating hourly and overtime pay. This would give hourly non-exempt employees the same access to bonuses and gaining sharing programs that exempt employees receive.

Performance bonuses and gaining sharing programs are a way for employees to share in the success of the company they work for. Whether exempt or non-exempt, all employees should have the same opportunity to receive bonuses for their hard work.

HONORING THE LATE JAMES PAGE KYLE

HON. SCOTT MCMNIS
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES
Thursday, April 26, 2001

Mr. MCMNIS. Mr. Speaker, I would like to take this opportunity to pay respects to one of Western Colorado’s leading citizens. James Page Kyle, who passed away on March 30. He was 83 years old. Many people throughout Western Colorado benefited from Jim and
Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to the service of the Honorable Judge Reynaldo G. Garza, a patriot from South Texas who has served our community and our country for 40 years on the federal bench. This weekend, Judge Garza will be honored for his nearly half-century of service.

Judge Garza practiced law in Brownsville before enlisting in the United States Air Force during World War II. He resumed his law practice after the war and was appointed to the United States District Court for the Southern District of Texas in 1961 by the late President John F. Kennedy. He was the first Hispanic jurist to be appointed to the federal bench in South Texas. By 1974 he was the Chief Judge for the Southern District of Texas. Just five years later, President Jimmy Carter appointed him to the Fifth Circuit Court of Appeals.

Judge Garza’s deep devotion to education has always been a common thread running throughout his life and service. In front of young audiences, he recalls what his father told his children on his death bed. His father told them he did not leave them wealth, but he did leave with a good education, something that no one could ever take away. Judge Garza has also said many times, “I do not worry about an educated man in my court for he knows how to take care of himself. I do worry about the uneducated one who is the victim of unscrupulous people who are always trying to take advantage.”

Judge Garza sought political office twice before becoming a Federal Judge. In 1941 he was elected to the School Board of the Brownsville Independent School District, and in 1947, he was elected City Commissioner of the City of Brownsville. He served on the Texas Education Standards Committee and the Committee of Twenty-Five on Education Beyond the High School, which resulted in the creation of the Coordinating Board of Colleges and Universities. He also served as a member of the Select Committee on Higher Education.

His interest in international affairs is evident by his service on the Latin-American Relations Committee of the Brownsville Chamber of Commerce, and on the Valley Chamber of Commerce. He is also one of the original members of the International Good Neighbor Committee of the Brownsville Chamber of Commerce. He is a member of the Committee of Twenty-Five on Education Beyond the High School, which resulted in the creation of the Coordinating Board of Colleges and Universities. He also served as a member of the Select Committee on Higher Education.

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Mr. HOLT. Mr. Speaker, earlier this week, on April 24, we commemorated the 86th anniversary of one of the most harrowing events in modern history—the beginning of the Armenian Genocide. From 1915 to 1923, over one and a half million Armenians were killed by Turks in inter-communal warfare.

Hundreds of Armenian leaders, writers and professionals in Constantinople were rounded up, deported and killed. Five thousand of the poorest Armenians were butchered in the streets and in their homes. Men, women and children were driven into the desert between Jerablus and Deir ez-Zor to die of starvation, disease and exposure. In 1915, the New York Times reported that families were burned alive in wooden houses or chained together and drowned in Lake Van.

To this day, the human rights abuses and atrocities that were committed against the Armenians by the Turks remain disturbing and continue to have a tremendous impact on the stability of this region.

During a campaign speech in February 2000, President Bush stated, “The Armenians were subjected to a genocidal campaign that defies comprehension and commands all decent people to remember and acknowledge the facts and lessons of an awful crime in a century of bloody crimes against humanity. If elected President, I would ensure that our nation properly recognizes the tragic suffering of the Armenian people.”

It is important to remember the President of his pledge. As a Member of the Congressional Armenian Caucus, I joined my colleagues in signing a letter to President Bush addressing the need to uphold his promise to recognize the Armenian Genocide as what it was—genocide. We cannot let this statement become an empty campaign promise.

Mr. Speaker, the Congress of the United States remembers Armenians. It is time for the world to deal honestly with this senseless genocide and redress this tragedy. I urge my colleagues to join me in condemning the genocide and honor the memory of 1.5 million innocent victims.

Mr. MCINNIS. Mr. Speaker, for 73 years Coloradans have celebrated special events and occasions by giving that special piece of jewelry from L. Cook Jewelry on Main Street in Grand Junction. After 26 years of running the store, the Dan and Connie Rosenthal are retiring, leaving scores of memories and a legacy of service behind. I would like to take this opportunity to thank them for their years of service to the community. They feel the tug of retirement’s strings. Dan has been in the store every Christmas season of his life. Both of them look forward to getting out and enjoying life together and with their daughter. It’s very sad to saying goodbye, but we’re going out on top,” said Mr. Rosenthal. “We are really going to miss all of our customers.”

Much of L. Cook’s success has come from the same kind of relationships for 73 years. Tullie recalls spending time in the store discussing fishing and hunting with Dan’s father. “People would gather here all day long to discuss their hunting and fishing war stories,” said Tullie.

Mr. Speaker, although the community is losing a fine jeweler and a good friend, Dan and Connie have earned well the right to slow down a little and a move that will turn them more time to spend with each other and their daughter. As they do, I want to wish them all the best in the future and say thanks for the service to our community. Dan and Connie, yours was a job well done.

Mr. PALLONE. Mr. Speaker, I would like to call attention of my colleagues to a friend and constituent of the sixth district whose devotion to his family was paralleled only by his dedication to the labor community. Born in New York City and raised in the Lafayette section of Jersey City, Michael J. Shannon, Jr., moved to South Amboy, New Jersey in 1966 where he continued to reside with his family.

Michael began his career working his way from shop steward to chief steward at the Maxwell House coffee plant in Hoboken. Facilitating the United Food and Commercial Workers International Union Local 56 as an organizer, business agent, and official, Michael was ultimately elected local vice president. In addition to these services, he also served as vice president of the Monmouth-Ocean Counties Central Labor Council (AFL–CIO) and was a member of the Rutgers University Trade Union Consulting Council. Because of his dedication and commitment to the labor community, Michael is being honored with the Tenth Annual Partnership Award from the Monmouth County Workforce Investment Board. This award is being presented to recognize Michael’s outstanding achievement as a leader in organized labor.

Michael was also a committed husband and father to his wife Patricia and two children, Bridget and Michael. He served our country as a corporal in the Marine Corps and received a honorable discharge. He viewed his community involvement being an important part of his life, Michael was a third degree member of the Knights of Columbus Council 426.
It is my sincere hope that my colleagues will join me in honoring Michael J. Shannon, Jr. for his inexhaustible enthusiasm and many achievements in the progress of organized labor and his community.

INTRODUCTION OF THE AGRICULTURE EDUCATION FREEDOM ACT

HON. RON PAUL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 26, 2001

Mr. PAUL. Mr. Speaker, I rise to introduce the Agriculture Education Freedom Act. This bill addresses a great injustice being perpetrated by the Federal Government on those youngsters who participate in programs such as 4-H or the Future Farmers of America. Under current tax law, children are forced to pay federal income tax when they sell livestock they have raised as part of an agricultural education program. Think about this for a moment. These kids are trying to better themselves, earn some money, save some money and what does Congress do? We pick on these kids by taxing them.

It is truly amazing that with all the hand-wringing in Congress over the alleged need to further restrict liberty and grow the size of government "for the children" we would continue to tax young people who are trying to lead responsible lives and prepare for the future. Even if the serious social problems today's youth face could be solved by new federal bureaucracies and programs, it is still unfair to pick on those kids who are trying to do the right thing.

These children are not even old enough to vote, yet we are forcing them to pay taxes! What ever happened to no taxation without representation? No wonder young people are so cynical about government!

It is time we stopped taxing youngsters who are trying to earn money to go to college by selling livestock they have raised through their participation in programs such as 4-H or Future Farmers of America. Therefore, I call on my colleagues to join me in supporting the Agriculture Education Freedom Act.

STILL A NATION AT RISK

HON. BOB SCHAFFER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 26, 2001

Mr. SCHAFFER. Mr. Speaker, today marks the eighteenth anniversary of "A Nation at Risk." The sobering report on declining student performance in American public schools was first published in 1983 by the National Commission on Excellence in Education (NCEE), its impact on the American education empire has been tragically negligible.

Created in 1981, the NCEE was appointed by then Secretary of Education T.H. Bell and was comprised of university presidents, high school principals, teachers, a former governor, and school board members. The commission’s purpose was to define the problems afflicting American education and to provide solutions,” according to its chairman, David Pierpont Gardner.

In its report entitled “A Nation at Risk: The Imperative for Educational Reform,” the NCEE noted the United States, which once enjoyed “unchallenged preeminence in commerce, industry, science and technological innovation, is being overtaken by competitors throughout the world.” Eighteen years later, the United States is still at risk.

Last October, a subcommittee of the U.S. House attributed the nation’s stagnant student achievement to the government’s failure at prioritizing student performance and its reluctance to reward results. America’s poorest children are trapped in schools that can’t teach. Moreover, the Congressional “Education at a Crossroads” report exposed rampant waste, fraud and abuse within the U.S. Department of Education. While states and local schools are held to strict standards for use of federal funds, the Department cannot account for hundreds of millions of dollars.

Despite the NCEE’s early warning that America’s education system is at risk, little has changed. The government’s monopoly on public school services remains unchallenged. Except for poor children in a few courageous communities, real school choice is a privilege for only the rich.

Yet while state and local schools receive billions more in federal spending, they are constrained by new burdensome regulations, unfunded mandates and paperwork requirements which divert scarce resources from classrooms. Today there are more than 760 education-related programs administered by 39 federal agencies at a cost of $120 billion a year, according to the National Center for Education Statistics.

The federal government’s first big offensive into local school management occurred in 1965 with the passage of the Elementary and Secondary Education Act (ESEA). Since that time, federal policy has consistently expanded its bearing on America’s classrooms and has tied the hands of state legislators and local school board members, despite the U.S. Constitution’s suggestion of state and local primacy of authority. Results have been pathetic.

For example, the federal government’s most massive program, Title I, was designed to improve the academic level of poor and underserved students. Federal investments totaling $118 billion since 1965 have left 19% of Title I schools still failing to make adequate annual achievement gains, officially classified as “in need of improvement.”

In testimony before Congress, Colorado’s state schools chief, Dr. William Moloney explained the government’s failure: “ESEA has remained, as always, a neutral phenomena based on inputs rather than results; more on accounting than accountability, an entity always more interested in what you were rather than what you were doing.”

Eternally hopeful for their children’s futures, taxpayers have shown remarkable patience with the government’s education monopoly. So have Republicans. Since capturing the majority in Congress, the GOP has substantially outspent Democrats pumping billions into government-owned schools. In 1983, the average expenditure per student was $3,300, while the average today tops $8,000. Still, American students trail their international peers considerably.

According to the 1999 Third International Mathematics and Science Study Repeat (TIMMS-R), American students have not improved in the areas of math and science since the first TIMMS test in 1995. The comparison included students in 38 industrialized countries. According to the Center for Education Reform, American 8th graders are outranked by 18 other nations in math and by 17 others in science.

President George W. Bush has boldly called on Congress to “leave no child behind.” He outlined his desire to empower parents, emphasize local control of schools, send dollars to the classroom and improve basic academic results. Incredibly, Congress has so far drafted a 900-page-thick bill, translating Bush’s sensible objectives into sizable new programs, fresh mandates, scant choice, and an outrageous 11.5% increase in federal education spending over last year.

Before another year of dust begins to settle on “A Nation at Risk,” President Bush and the Congress should reassess Washington’s education spending and regulatory frenzy. Republicans should stake their majority on free-market solutions to school reform, dramatically slash the bureaucracy, and give parents the power—money—to parents of school-aged children.

America’s schoolchildren deserve to be treated like real Americans; like they matter. So long as Republicans look to the federal education empire for solutions to school reform, dramatically shrink the bureaucracy, and give real decision-making power—money—to parents of school-aged children.

HONORING WORLD WAR II VETERAN C.U. “PEG” O’NEILL

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 26, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute and give thanks to a Colorado resident who risked his life for our country in World War II. C.U. “Peg” O’Neill joined the U.S. Army in 1943. He became a C-47 pilot, and was stationed in England.

Peg flew 11 missions into war-torn Europe. “We could see the German antiaircraft fire coming straight at us,” said Peg in an article from the Montrose Daily Press. “We lost four planes out of our squadron of 18 planes that night.” Peg’s first mission began in England on June 5, 1944, were 1,000 C-47 cargo transports flew to the coast of France. The paratroopers mission on D-Day, was to disrupt German communications, secure bridges, and incite confusion among the Germans. This was a far cry from his days working at the Hartman Brothers Auto Dealership in Montrose.

Peg participated in the battle for Nijmegen Bridge. During the famous mission for the “bridge to far,” Peg survived a mid-air collision with another allied plane, a near miss from anti-aircraft fire. “The Germans had opened the sea gates and had flooded the fields,” said Peg of his first mission. “I had 14 men from the 101st Airborne to drop. The lightest man weighed 258 pounds in full field gear. Some of them had to get out of the swamps. They were drowned.”

Peg returned to the dealership after the war with several medals, and most of all, his life
and his health. Peg earned the Air Service Medal with seven bronze stars and the presti-
gious Presidential Citation, which was award-
ed to his squadron for its valor on the eve of
D-Day.

Mr. Speaker, men like Peg O'Neill deserve
our thanks and praises for the life-threatening
situations they faced during World War II. Peg's story is only one of many stories from
our World War II soldiers. We owe them our
thanks now and in the future.

TRIBUTE TO KENT KRUKEWITT

HON. TIMOTHY V. JOHNSON
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 26, 2001

Mr. JOHNSON of Illinois. Mr. Speaker, re-
cently, Mr. Kent Krukewitt was named a Mas-
ter Farmer by Prairie Farmer magazine. I rise
today to congratulate Mr. Krukewitt on this
prestigious achievement. Kent represents the
fourth generation of his family to farm in
Champaign County. Not only does he farm ap-
proximately 1,800 acres, he is also a leader in
the local campaign to get farmers online, con-
nected with the world and to information that
can help them conduct business and commu-
nicating with landowners. Kent's eventual goal
is to create a secure link on his extensive
Web site that allows landowners to dial in and
find out information regarding their fields. There are very few members of a community
that serve their fellow citizens with the ambi-
tion and dedication that Kent has displayed over
the years. Kent a current co-chairman of the
CCNet Ag Task Force, dith commissioner, and
active member of the Homer United Meth-
odist Church has also served as past presi-
dent of the Champaign County Farm Bureau.
Illini FS director, member of the Champaign
County Zoning Board of Appeals, and member
of the Homer School Board. I am proud and
honored to have such a dedicated and influen-
tial person in the 15th District.

RECOGNITION OF MAGGIE WALKER

HON. SCOTT MCINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 26, 2001

Mr. MCINNIS. Mr. Speaker, I would like to
thank the Bacon Family Foundation for their
awards on the non-profit Board of Directors of Open
Options for many years, and was key to the
development of the Southern Road group
home.

In addition to her many professional accom-
plishments, Sarah traveled widely in Asia and
Central America, and particularly enjoyed ex-
ocic and challenging destinations. Sarah was active in Chinese adoptive groups and in en-
suring the continued interest of her adopted
children in their native culture. Sarah and her
daughters were active members of the All
Souls Unitarian Universalist Church.

She is survived by her two young daugh-
ters, Kai Li (7) and An Mei (3) McCamman;
his partner Rick Zbinden; her mother, Ger-
trude Wachob McCamman formerly of Ven-
tura, CA and now of Kansas City, sisters Claire Westdahl of Atlanta, GA, Jean McCamman of Oakland, CA; brother John McCamman of McLean, VA. She was devoted
aunt to Meaghan, Sarah and Michael
McCamman of Virginia and Steven and Jon
Westdahl of Georgia. Sarah leaves behind
many friends and associates.

Mr. Speaker, please join me in offering the
McCamman family are sincerest thoughts and
prayers as they cope with the loss of their be-
loved sister, aunt, mother, and friend.

HONORING THE “CITIZENS OF THE
YEAR,” THE BACON FAMILY

HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 26, 2001

Mr. RADANOVICH. Mr. Speaker, I rise
today to mourn the loss of Sarah Patricia
McCamman, who died suddenly at her home
on Tuesday, April 17. She was the sister of
John McCamman, my Chief of Staff, who has
been with me since I started my career here in
the House of Representatives.
I am very proud of the contributions which the Armenian people have made to our great Nation. They’ve distinguished themselves in the arts, in law, in academics, in every walk of life and they continue today to make significant contributions in communities across our country today.

It’s essential not only publicly acknowledge what happened, but also understand that we are teaching present and future generations about the Armenian Genocide. We need to bring this legislation to enlighten our young people and to remind ourselves that what we stand for around the globe that we, as Members of the United States Congress, and as citizens of this great Nation, must raise our voices.

I have every year at this time, in a proud but solemn tradition to remember and pay tribute to the victims of one of history’s most despicable acts of inhumanity, the Armenian genocide of 1915 to 1923.

In 1915, 1.5 million women, children, and men were killed, and 500,000 Armenians were forcibly deported by the Ottoman Empire during an eight-year reign of brutal repression. Yet, America, the greatest democracy in the world, has not made an official statement regarding the Armenian genocide and it is my hope that the Congress will have the courage to bring the resolution to the floor of the House for a vote.

It’s fundamental that we learn from our past and never let this kind of tragedy happen again. Opponents have argued that passage of a resolution would severely jeopardize U.S.-Turkey relations.

A resolution is not an indictment of the current Turkish government nor is it a condemnation of any former leader of Turkey. The United States and Turkey can and will be able to continue its partnership should the Congress adopt this important resolution.

Mr. Speaker, as the only Member of Congress of Armenian and Assyrian descent, I am very proud of my heritage. Like many Americans, I learned from my grandparents of the hardship and suffering endured by so many at the hands of the Ottoman Empire. That is how I came to this understanding and this knowledge and why I bring this story to the House of Representatives.

It is my sincere hope that my colleagues will join me in honoring the Monmouth County Association for the Blind for their service to the blind, the visually impaired, and the general public.

INTRODUCTION OF LEGISLATION RELATIVE TO THE REPEAL OF THE SELECTIVE SERVICE ACT AND RELATED PORTIONS OF THE US CODE (APRIL 26, 2001)

HON. RON PAUL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 26, 2001

Mr. PAUL. Mr. Speaker, I am today introducing legislation to repeal the Selective Service Act and related parts of the US Code. Also, I am placing the attached article from the Taipei Times in today’s CONGRESSIONAL RECORD. I fear that this source is not widely read among many in this body and the nation, so I am hopeful this action will serve to bring this letter to a much wider audience. The person who writes this letter is a law student in Taiwan. His arguments against conscription are similar to those offered by people in the United States. It is one student argues that conscription is a violation of civil liberties, a costly and inefficient system that harms society and the economy as well as the rights of the individual conscripted, and a system that harms national defense rather than helping it. While we do not currently have conscription in the US we do have draft registration and each argument against the draft is equally applicable to our current selective service system and the registration requirement. I urge my colleagues to seriously consider the arguments against conscription raised in this article and cosponsor my legislation to repeal the Selective Service Act.

[The Taipei Times on line edition, Thurs. Apr. 26, 2001]

CONSCRIPTION IS HARMING TAIWAN
By Chang Yung-chien

Some time ago, the media reported on would-be conscripts scrambling to grab a place in the “alternative service,” or military conscription. There is now an uproar over President Chen Shui-bian’s future son-in-law, who escaped doing his term of military service because he had gout. The issue of military service has again struck a sensitive chord in Taiwan’s society.

Why do so many people feel disgruntled?

This writer has always advocated a volunteer military recruitment system. But this seems to be a politically incorrect view in a country that faces extraneous difficulties in getting enough recruits and the increased burden that would be imposed on government coffers are the usual reasons given against a volunteer system. I find these reasons totally incomprehensible.

Military recruitment is a public policy matter. It needs to undergo an analysis for cost-effectiveness. Why do we have “reserve officers” and “alternative service” systems? We have them precisely so that skilled people can be more valuable for the country if they are pulled out from the ranks to serve as platoon leaders or as cheap labor for high-tech companies. Once this point is clear, then the alternative service system will seem quite strange. Someone with a PhD in electrical engineering would be working in a high-tech company anyway if he were not...
doing alternative service. The only difference is that he would be getting a reasonable salary for his work. The conscription system forces conscripts to provide the same service for nothing. By comparison, an outstanding female with a PhD in electrical engineering can get paid according to her market value because she does not have to do military service. Why should we use a conscription system to provide cheap labor to corporations?

Moreover, society as a whole has paid an enormous invisible price for the conscription system. Friends of mine waited almost a year being held in jail—doing nothing (of course, two years of military service are also spent doing nothing). Still more people see their lifetime plans interrupted. They waste the most productive years of their lives in long military reports that do not help the nation’s economy or the people’s livelihood.

How many people have left the country before conscription age just to evade those two years, and come back only after they are too old for conscription? How many people have cut their fingers, damaged their eyesight, or otherwise harmed their bodies? How can it be worth the price of a single life? How many mutations have we had in the armed forces?

Our president, who can carry his wife to hands. And the president’s son-in-law is busy running in and out of the National Taiwan University Hospital every day and yet does not meet the physical conditions to serve as a military officer. These and countless other examples may all be legal, but when a question about “fairness” enters the public mind, a feeling of being treated unfairly follows.

I would also like to ask: Why can’t I finish my studies before serving my country? Even if I have to serve two years as a conscript, I would now like to honor her.

For 45 years Mildred’s byline appeared in the Daily Sentinel. When she first started out in the media, women reporters were traditionally assigned births, deaths and weddings, but she soon changed that. She started at the Sentinel as the society editor and a copy editor. She finally convinced then publisher Walter Walker to let her cover breaking news stories. Eventually she covered everything from politics to crime, earning the reputation of a talented and ethical journalist.

She is described by her friends as determined, civic minded and thoughtful. “She was an intelligent, independent woman,” said William Robinson. “She was a great supporter of the soul of Grand Junction. She enjoyed life and she enjoyed having people around her who enjoyed life.”

Mildred was active in a whole array of community affairs. She was a strong voice for the Mesa College to become a state college. She served on the Mesa County Art Center board of directors. She was the first chair of the executive board of the Gifted Child Committee and was chairman of the Civil Defense Committee for Grand Junction during World War II. She also started the Sub for Santa program in Mesa County. Because of her love of books, also Mildred served as the director of the Junior Great Books Program for District 51 for 11 years.

Mr. Speaker, Mildred Hart Shaw will truly be missed by her family, friends, and peers, but she will be remembered by her community. She was a vital force in the community, and her memory will live on long after her physical presence.

As for the question of not finding enough recruits, this should not be a problem as long as theitional Defense offers competitive salaries. If serving in the military simply means lacking around, then such service may be worth less than NT$10,000 a month. But such a sacrifice should be no such assumption.” If being a soldier is a high-risk profession, there should be a high salary to compensate for that risk. That may increase expenditures for the government, but it must be remembered that only people who can freely enter various professions on the job market can maximize their value.

Unless we believe that the average productivity of conscription-age males is worth less than NT$10,000 or so per month (the monthly salary of a normal soldier), we cannot but agree that society as a whole would gain more wealth in the long run than it loses with the government coffers to lose. Such losses might even be offset by increased government revenue from taxes on the gains made by the normal soldier who would be working in society instead.

No talk about “honor” solves any problems. Everyone sets out from a rational, self-interested standpoint. What the state should do is ensure the benefits for society as a whole, not limit its thinking to military service. Maintaining a conscription system certainly does more harm than good. Those who would be rewarded for being a soldier or even a citizen “being a soldier is a good experience” should ask themselves whether they would be willing to do it again.

HONORING MILDRED HART SHAW

HON. SCOTT McNINIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. McNinnis, Mr. Speaker, it is with great sorrow that I now ask that Congress take a moment to pay its respects to a leader in the Grand Junction community. Mildred Hart Shaw passed away on March 25, 2001 at the age of 91. Mildred has been a model citizen of the Western Slope since 1933. Her dedication to service to Colorado, I would now like to honor her.

For 45 years Mildred’s byline appeared in the Daily Sentinel. When she first started out in the media, women reporters were traditionally assigned births, deaths and weddings, but she soon changed that. She started at the Sentinel as the society editor and a copy editor. She finally convinced then publisher Walter Walker to let her cover breaking news stories. Eventually she covered everything from politics to crime, earning the reputation of a talented and ethical journalist.

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HON. JOHN D. DINGELL
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. Dingell, Mr. Speaker, I rise to pay tribute to one of the finest public servants the state of Michigan has ever known. This past Friday, my dear friend Richard Austin passed away. Richard was a man of elegance, grace, dignity, honor, compassion and great intellect. The citizens of Michigan have suffered a tremendous loss.

Richard was Michigan’s longest serving Secretary of State, having diligently served Michiganders for nearly two and a half decades, from 1970 to 1994. He was a pioneer in many areas, from breaking the color barrier by becoming the first African-American to hold statewide office in Michigan. When Richard was sworn in, voter registration was at the top of his agenda. In his mind were the memories of the lives lost during the Freedom Rides and the voter registration activities in the South and Mississippi. He remembered the black Americans who fought and died for the right to cast a ballot.

Richard Austin knew the disenfranchisement and intimidation that for so long was a part of our history. And thus did Austin appreciate and understand the importance of the vote, and how precious it is. That is the foundation of our democracy, that “one man, one vote” is the cornerstone of American freedom, that every man and woman was equal inside the voting booth and that liberty, freedom and justice are predicated on access to the ballot box.

Richard thought long and hard about how to eliminate barriers to democratic participation, how to make it easier to vote, and how to encourage and increase voter registration. Austin’s solution was the Motor Voter Act. Motor Voter was Austin’s brainchild, and it was a very simple concept: register voters in the same office where you register drivers. Austin
championed the idea and saw it signed into law in Michigan in 1975. To his continuing credit, Michigan’s experiment was so successful, it served as the model for the federal government when it passed the nationwide act in 1993—a full 18 years after Michigan. It is an association, an accomplishment, that has bettered this great nation, and it is a fitting tribute to one of Michigan’s finest public servants.

Richard is in a better place now. He is survived by his wife of 61 years, Ida, and their daughter, Marcia, who will miss him. Goodbye Richard and God Bless you.

INTRODUCING THE REPETITIVE FLOOD LOSS REDUCTION ACT OF 2001

HON. KEN BENTSEN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 26, 2001

Mr. BENTSEN. Mr. Speaker, I rise to introduce legislation, the Repetitive Flood Loss Reduction Act of 2001, to reform the National Flood Insurance Program (NFIP) at a very critical time. The Bush Administration has proposed the most severe NFIP reduction policy seen in years. According to the FY 2002 budget, “flood insurance will no longer be available for several thousand ‘repetitive loss’ properties,” but does not provide a definition. My proposal reforms the program by including pre-disaster mitigation and facilitating voluntary buyouts of repetitively flooded properties and defines such properties as those with cumulative losses exceeding fair market value. I am confident that an effective pre-disaster mitigation and buyout program will both reduce costs to taxpayers, protect residents in flood-prone areas, and avoid writing off thousands of families’ most valuable asset—their home.

I have long championed removing repetitive loss properties from the NFIP, and I drafted my legislation in consultation with the Federal Emergency Management Agency and the Harris County, Texas, Flood Control District, one of the nation’s most experienced and most innovative flood control districts. I consider this legislation to be a superior alternative to the Administration’s proposal, and I look forward to working with the Administration, my colleagues, constituents, and other interested parties so that fair NFIP reform can be reached.

The need for this legislation was underscored by the 1999 Higher Ground report by the National Wildlife Federation (NWF) that the NFIP has made flood insurance payments exceeding the value of the properties involved to thousands of repetitively flooded properties around the nation. This report, found that from 1978 to 1995, 5,629 properties by improved homes had received $416.4 million in payments, far in excess of their market value of $307.5 million. My state of Texas led the nation in the volume of such payments, with more than $144 million, or $44 million more than the market value, paid to 1,305 repetitively flooded homes. The Houston/Harris County area, which I represent, had 132 of the 200 properties that generated the largest flood insurance payments beyond their actual value.

These include one property in South Houston that received a total of $929,680 in flood insurance payments from 17 flooding incidents, and another property near the San Jacinto River that received $806,591 for 16 flooding incidents, about seven times the actual value of the home.

Other areas of the country with large numbers of such properties include New Orleans and Orleans Parish, LA; St. Charles County, MO; Jefferson Parish, LA; East Baton Rouge Parish, LA; and Puerto Rico. Altogether, according to the NWF report, although repetitive loss properties represent less than two percent of all properties insured by the National Flood Insurance Program, they claimed 40 percent of all NFIP payments during the period studied.

Since its creation in 1968, the NFIP has filled an essential need in offering low-cost flood insurance to homeowners who live inside 100-year flood plains, and the program has helped to limit the exposure of taxpayers to disaster costs associated with flooding. Insurance minimizes risk and liability; it goes hand in hand with economic growth. However, the NFIP reform policy creates a risk to homes and flood management benefits. The legislation establishes a firm damage standard of repetitive flood losses in excess of 125 percent of the value of the property (or structures) to become subject to and receive priority for buyout offers. It also provides incentives for acceptance of buyout offers by establishing increased NFIP premiums and deductibles for owners of substantial repetitive loss properties who decline buyout offers.

Intergovernmental Coordination: The legislation authorizes the FEMA director, in consultation with regional flood plain administrators, to develop and periodically update a list of repetitive flood loss properties, which will provide a consistent data base for all levels of government. This consistent approach to assessing, ranking, and reporting of repetitive loss properties will result in better targeting of assistance to areas of greatest need.

This legislation authorizes the appropriation of $100 million for fiscal year 2000 to carry out the pre-disaster mitigation and repetitive flood loss property buyout program. I believe this is a cost-effective investment that will reduce the financial exposure of the American taxpayer by better protecting or removing the highest risk properties from the National Flood Insurance Program.

HONORING COLORADO MOUNTAIN COLLEGE’S “COMMUNITY ADJUNCT FACULTY OF THE YEAR”

HON. SCOTT MCI NNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 26, 2001

Mr. MCI NNIS. Mr. Speaker, it is my great privilege to join my colleagues in recognizing and to say thank you to Colorado Mountain College’s “Adjunct Faculty of the Year” Marcia Hund. Marcia was selected from 1,000 community college faculty members for her ability to teach and for her understanding of students. For that, Marcia deserves the recognition of this body.

Marcia teaches the fundamentals of math, and is an instructor in the CMC’s Rifle Center Learning Lab. And after school she volunteers...
as a tutor for Literacy Outreach, teaching adults otherwise unaffiliated with CMC how to read. Marcia is also involved with the students as a faculty advisor. She has worked on CMC’s Adjunct Faculty Pay Plan Committee, and has been an active member in the National Association of Developmental Education. We are very excited that Marcia has been chosen as the college’s adjunct faculty of the year,” said Dean Harry Silver in a recent Glenwood Springs Post Independent article. “Marcia epitomizes our adjunct faculty.”

Marcia came to CMC 14 years ago as a science and ecology teacher. She soon began teaching developmental classes. “Students will come after failing, sometimes again and again in school, and see success as an impossible dream. The wonderful part is for me to see them succeed and see that they can learn,” said Marcia.

Marcia’s supervisor Karen Dunbar says she has the ability to present information to the students in a kind and gentle manner. “I really do love working with adults who have had problems in school in the past. … It’s more than a job for me, it’s something I feel is a valuable contribution, and I’m good at it.”

Mr. Speaker, for the last 15 years Marcia Hund has helped out numerous students trying to finish their education, and for that she deserves the thanks of Congress. I know she will continue to do an outstanding job with her students. For that, we are all grateful.

COMMEMORATING THE 15TH ANNIVERSARY OF THE GLENS FALLS NATIONAL BANK AND TRUST COMPANY

HON. JOHN E. SWEENEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 26, 2001

Mr. SWEENEY. Mr. Speaker, I rise today to commemorate a historic institution in the 22nd District of New York. The Glens Falls National Bank and Trust Company is the oldest bank in Warren County.

In 1851, the bank was founded by a dozen pioneering businessmen from the local lumber, limestone, and insurance industries. Under the leadership of its first president, Benjamin Burhans, the bank recorded more than seven thousand dollars in deposits in its first month alone.

Despite times of turmoil, such as the Civil War, the Great Depression and the two World Wars, Glens Falls National Bank was able to not only prosper, but grow as a dedicated establishment to downtown Glens Falls and the North Country. Although the bank currently has 23 branches, 350 employees, and over one billion dollars in assets, this landmark has prospered and has been an active member in the North Country. The bank and its employees have been chosen as the college’s adjunct faculty of the year.” said Dean Harry Silver in a recent Glenwood Springs Post Independent article. “Marcia epitomizes our adjunct faculty.”

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Glens Falls National is a true pillar of the North Country. The bank and its employees donate money, time, and hard work to more than 300 charitable and community causes including Glen Falls Hospital, the United Way, and the Adirondack Balloon Festival.

Mr. Speaker, as a proud resident of the 22nd Congressional District of New York, I ask my colleagues to join me in commemorating the 150th Anniversary of the Glens Falls National Bank and Trust Company.
I look forward to working with my colleagues on this vital effort to enhance the national security of the United States while ensuring that critically important U.S.-ownership standards are maintained.

A TRIBUTE TO RAY GEORGE, DARE DEPUTY FOR MONTEREY COUNTY, CA

HON. SAM FARR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 26, 2001

Mr. FARR of California. Mr. Speaker, I rise today to honor Deputy Ray George of the Monterey County Sheriff’s Department and their Drug Abuse Resistance Education (DARE) program. As you may know the DARE program helps bring a multi-faceted approach to staying away from drugs in the classrooms of 5th and 6th graders around the world. Deputy George is one of three full-time deputies assigned to the Monterey County DARE program, and it is for his recent fund-raising efforts that I wish to honor him here.

Mr. Speaker, the Monterey County DARE program, currently under Deputy George, Deputy Vince Hernandez, and Deputy Karen Gentile, was founded in 1993 by Deputy Fabian Barrera. In the past 8 years, they have coordinated with the local police departments through the county, as well as the schools to bring their courses that aim at helping young people face drug abuse in their lives. Some of the key topics they try to bring to their students include: building self-esteem; the consequences of drug use; decision making skills; recognizing and resisting peer pressure; techniques to say no; and ways to deal with stress.

Deputy George recently organized a black-tie fund raiser in Monterey, and his hard work was made clear with the success of this event. Everyone present that evening, myself included, felt that these deputies help bring a crucial message to our communities. Their dedication to this cause is commendable, and I would like to especially honor Deputy George for his commitment to excellence. The service of local officials such as these are an asset to our nation, and I thank the Speaker for this chance to honor them.

TRIBUTE TO BILLY DEFRANK LESBIAN AND GAY COMMUNITY CENTER

HON. ZOE LOFGREN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 26, 2001

Ms. LOFGREN. Mr. Speaker, I rise today to commend the Billy DeFrank Lesbian and Gay Community Center of San Jose. On April 28th, the DeFrank Center will celebrate 20 years of service to the Santa Clara Valley.

The DeFrank Center opened on Keyes Street in downtown San Jose in 1981. Services in what was then a 2 room storefront included a hotline, counseling, and a switchboard. Today, the Billy DeFrank Lesbian and Gay Center serves a large and diverse community. Lesbian, gay, bisexual and transgender people of all ages and backgrounds find resources here that are not available elsewhere. Each month over a thousand people visit the DeFrank Center’s head offices and many more call the switchboard. Over 140 meetings, workshops, health programs and special events take place at the DeFrank Center each month.
I am proud of the caring staff and corps of volunteers whose dedication has built the Billy DeFrank Lesbian and Gay Community Center. It is because of their hard work that the DeFrank Center is “a place to call home,” and I thank them for their 20 years of service to our community.

Mr. SCHIFF. Mr. Speaker, I rise today to pay tribute to an exceptional leader in the Third Congressional District of Illinois. I would like to honor Cyril “Barry” Lambert on his retirement from the Village of Summit’s Board of Trustees and salute his many years as a dedicated Village Trustee. He is retiring from service to the Village on May 7, 2001, which also happens to be his 74th birthday.

Barry started his career as Village Trustee over 33 years ago, and is the longest serving elected official in the Village of Summit’s history. During his political career he has taken an active role in the community and has chaired many committees, including the Police and Fire Committee, the Community Development Committee and the Street and Sanitation Committee.

Mr. Lambert is a veteran of World War II, and served in the United States Navy. He is a member of the V.F.W. Post 6863, and the American Legion Post 735. He is active at St. Joseph’s Church in Summit, and participates in the Holy Name Society there. He is also a member of the Summit Senior Citizens.

Barry is well regarded in the community for his personable character, honesty and integrity. He and his wife, Mary, are the parents of Evelyn, Donna, Barry, Mary Beth and Nancy, grandparent to Christopher, Nicole, Rose and Sarah, and great-grandparents to Christopher.

Mr. Speaker, as Barry leaves behind a long and rich history at the Village of Summit’s Board of Trustees, I would ask that my colleagues join me in honoring this great man.

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the memory of Rev. Leon H. Sullivan. Rev. Sullivan was a giant of a man who leveraged the economic power of black Americans for social change from urban Philadelphia to the continent of Africa.

As the pastor of the Zion Baptist Church in North Philadelphia where he served for 28 years, he was towering force. His booming voice spread a message of love of God and selfhelp for his people.

Rev. Sullivan, who founded the nation’s largest community-based job training program, was regarded as a leader by world leaders. Presidents and corporate heads sought his advice. In 1991, he was awarded the Medal of Freedom by President George Bush. U.N. Secretary-General Kofi Annan says Rev. Sullivan showed the world what one person can do.

Early on in his life, Leon Sullivan was confronted by racism. At the age of 9, while attempting to buy a soda at a drugstore in his hometown in Charleston, West Virginia he was informed he could not sit at the counter. Subsequently he told interviewers that this was a life transforming moment that instilled in him a lifelong commitment to confront injustice.

Rev. Sullivan was known throughout the world because of the establishment of OIC centers in the U.S. and in 17 African nations; the sponsorship of the Sullivan Principles that helped to dismantle South African apartheid; and, his leadership in civil rights. But he was also known and will be remembered for his ability to reach and touch and make a difference in lives of the people of his community.

His death leaves a void in Philadelphia, the nation and the world. His legacy is monumental.

Mr. GALLEGGY. Mr. Speaker, I rise to pay tribute to J. Handel Evans, who came to my congressional district five years ago to found Ventura County, California’s first four-year public university, and then retired as California State University, Channel Island’s first president after a resounding success.

The obstacles Handel faced were enormous. The campus was formerly a state psychiatric hospital. The buildings needed to be refurbished, the school needed a sound financial foundation to augment funding the state would provide, and it needed the support of the state’s budget writers.

With skill and patience, Handel built teams and coalitions to achieve his—and our community’s—goal.

One example of his skill and perseverance stands out. Last year, the university’s ability to open on time was endangered because of a budget battle with the governor. Gov. Davis was withholding a $10 million state budget earmark for CSU Channel Islands because of a dispute over another CSU campus.

Handel reacted by enlisting every state elected official in the area—from both political parties—and others to pressure the governor to release the funding. Without the funding, the university would have been unable to hire faculty and other staff necessary to run a university.

Gov. Davis released the funds, and the university will open on time.

How important is it to launch a new university with such skill and perseverance? It is crucial if you want to attract top professors to instruct our young men and women. The school will open with 23 instructors. When the call went out for applicants, 2,300 responded. That’s a huge number when one considers our nation still enjoys nearly full employment and the nation faces a teacher shortage.

CSU Channel Islands will help with that problem as well.

Once opened, the Channel Islands campus will serve public schools and educators by providing continuing education to current and future teachers. With annual student enrollments in California projected to grow at a steady rate of about 80,000 per year, it is estimated that nearly 300,000 additional qualified teachers will be needed in California classrooms over the next 10 years. CSU Channel Islands will help my community, the state of California and our nation meet teacher demand.

Those teachers will provide quality education to our children. Our children will then be better prepared to compete in an ever-changing economic environment.

Handel has handed the reins of the university to Richard Rush, formerly president of Minnesota State University at Mankato. He has the background and skills to continue building on the foundation Handel has laid.

And, Handel and his wife, Carol, have decided to remain in Camarillo, near the university. I know he will continue to be involved in its continued growth.

Mr. Speaker, I know my colleagues will join me in thanking J. Handel Evans for launching what will be known as a top-notch teacher’s university and wish him and Carol a long and healthy retirement.
Award, the Senior Girl Scout Challenge, as well as designing and implementing a Girl Scout Gold Award project in cooperation with an adult Girl Scout volunteer.

The honorees and a brief summary of their accomplishments for the Girl Scout Gold Award follow: Kyle Johnson, a senior at Zeeland Laboratory, a web page for Zeeland Community Education; Noorain Khan, a Forest Hills Central junior, designed an Islamic Education Youth Director position; Tonya Leeuw, a freshman at Grand Valley State University, utilized her love of gardening by landscaping a portion of the grounds of the new Byron Community Ministries building; Lauren Magnifico, a junior at Grandville High School, organized the registration records of the Grandville Little League program; Kandace Heinz and Heidi Porter, juniors at Thornapple-Kellogg High School, developed a program titled Colorguard Basic Mini-Camp and Video.

Mr. Speaker, I am delighted to recognize the achievements of this select group of young women who have gone above and beyond the call of duty in their scouting duties. The hard work and determination they have exhibited during their pursuit of the Gold Award will serve as valuable lessons as they enter adulthood. I ask that my colleagues join me in applauding this special and dedicated group of young achievers.

SHEDD AQUARIUM CELEBRATES ITS OCEANARIUM’S 10TH ANNIVERSARY

HON. DANNY K. DAVIS OF ILLINOIS IN THE HOUSE OF REPRESENTATIVES Thursday, April 26, 2001

Mr. DAVIS of Illinois. Mr. Speaker, please join me in recognizing the John G. Shedd Aquarium as it celebrates the tenth anniversary of its world-renowned Oceanarium. Shedd’s Oceanarium is the largest indoor marine mammal habitat in the world. More than 18 million visitors from Illinois and around the world have gained a better understanding of the environment and marine mammals by visiting the Oceanarium.

Shedd Aquarium is an international leader in aquatic education as well as animal husbandry, care and training. The Aquarium spearheads numerous conservation initiatives, both locally and abroad, participating in animal rescue efforts and performing in-house studies ranging from sensory biology to animal health. Shedd will commemorate the Oceanarium’s anniversary with a year-long celebration filled with exciting activities and never before offered behind the scenes glimpses, the unveiling of a new marine mammal show, chances to meet one-on-one with animal-care specialists and an opportunity to eat breakfast with the dolphins.

The Oceanarium has contributed to the body of knowledge about marine life and enhances public understanding and appreciation of aquatic life and conservation. Shedd’s participation in the North American Cooperative Beluga Breeding Program allows scientists to study the behavior of beluga whales and other animals that can’t easily be studied in the wild, gaining a better understanding of whale biology and behavior. After seeing the beluga whales up close visitors to the Oceanarium gain a greater appreciation of the special nature of marine mammals and how humans impact their survival in the wild.

On April 27th, Shedd launches a new presentation, “Totally Training”. The “Totally Training” experience gives visitors to the Oceanarium the unique opportunity to watch marine mammal presentations evolve daily as the dolphins and other animals learn new behaviors. Shedd’s marine mammal presentations educate by showing natural behaviors of animals—such as dolphins porpoising (jumping). After each presentation, Shedd’s expert marine mammal trainers will be available to talk to guests one-on-one.

Mr. Speaker, Shedd Aquarium’s “Oceanarium Turns 10” celebration highlights a decade of achievements in conservation and education. Since its doors opened in 1991, the Oceanarium has been changing the way Chicagans and the world think about the environment and marine mammals.

CONGRATULATING THE BEVERLY HIGH SCHOOL BAND AND CHORUS

HON. JOHN F. TIERNEY OF MASSACHUSETTS IN THE HOUSE OF REPRESENTATIVES Thursday, April 26, 2001

Mr. TIERNEY. Mr. Speaker, I rise today to applaud a group of 180 students in my Congressional District who visited Washington, DC yesterday morning to entertain gatherers at the Lincoln Memorial. The Beverly High School Band and Chorus deserves to be commended for their hard work and persistence it takes to perform at such a high level, and I ask my colleagues to join me in congratulating them.

In addition to a wonderful experience here yesterday, these students have learned many valuable lessons from being part of this talented and impressive group. Clearly, for a band and chorus to be successful, it must work as one. Teamwork is a lesson these students have learned well, and it will be one that they carry with them as they encounter new challenges in the years ahead.

Practice and perseverance have become second nature to the members of this organization. These are cornerstones of living, and these students already have a strong grasp on these concepts at a young age.

Finally, Mr. Speaker, each one of these students, as well as their teachers and chaperones, have found joy in this adventure that began in the Sixth Congressional District of Massachusetts and ended in glory at the Lincoln Memorial. They have made all the people in the Commonwealth proud of their work, and they have provided examples of leadership to all they know. I wish them all the best of luck in their future endeavors, and I am confident that the lessons they have learned will not be forgotten.

PERSONAL EXPLANATION AND STATEMENT REGARDING SOUTH SUBURBAN THIRD AIRPORT

HON. JERRY WELLER OF ILLINOIS IN THE HOUSE OF REPRESENTATIVES Thursday, April 26, 2001

Mr. WELLER. Mr. Speaker, I was unavoidably detained in Springfield, Illinois on April 24, 2001 in order to testify on the merits of the proposed South Suburban Third Airport before the Illinois House Aviation Committee. As a result, I was unable to cast votes for Roll Call votes numbered 85 and 86. Had I been able to be present for votes, I would have voted nay on Roll Call vote number 85, the Motion to Instruct Conferences on H. Con. Res. 83, The Congressional Budget for Fiscal Year 2002. I would have voted yea on Roll Call vote number 86, on motion to suspend the rules and pass H.R. 428 as amended, concerning the participation of Taiwan in the World Health Organization.

Mr. Speaker, I missed these votes because I believe that the development of the South Suburban Third Airport is vitally important to Illinois economy and the Nation’s aviation infrastructure. I testified in support of developing the proposed South Suburban Airport and Governor Ryan’s appropriation request of $15 million for land acquisition. If the State of Illinois is to remain economically competitive, the air capacity must be increased. Governor George Ryan’s decision to move forward with land acquisition shows bold leadership to achieve both.

Seventeen years ago, the Federal Aviation Administration ordered the States of Illinois,
Indiana, Wisconsin, and the City of Chicago to evaluate the region’s future aviation needs and to determine possible solutions. The Chicago Area Capacity Study was formed by Illi-
nois, Indiana, Wisconsin, and Chicago to look for a new site. That study concluded in 1988 that Chicago needed a supplemental airport to relieve O’Hare airport. Subsequent studies found there was a need for additional capacity by the year 2000, and that the supplemental capacity should be lo-
cated at a new South Suburban Airport.

As the results of that study accurately forecasted the future, in 2000, Chi-
hicago built a gridlock as the runways, air-
space and ground transportation network near the airports reached capacity. Today, peak travel times to and from O’Hare and Downtown often exceed one hour. Remote parking access to or from the terminals can often take 35 to 45 minutes.

The gridlock at O’Hare and Midway not only affects Chicago and its suburbs, but the entire state and nation. When air capacity is limited, airlines focus on the most profitable routes (international and ignore less lucrative business (short-range domestic routes). As we have seen, the process of dumping shorter flights in favor of long, higher profit routes has already begun at O’Hare. In the past two years, O’Hare eliminated service to 13 Midwestern markets, but added service to more than 20 foreign cities. This shift has hurt the downtown Illinois economy and limited transportation options for its residents.

Chicago’s capacity problems are well-docu-
mented. Numerous studies, including ones by the U.S. DOT and Calumet River, 47 miles of railroads, 1,000 acres of wetlands, several toxic landfills, and about 100 residents to more than three million. Major

sign and ability for future growth. Further, the South Suburban Airport is less expensive than other options. The cost of an inaugural South Suburban Airport is approximately $560 mil-
ion, compared to $1.5 billion for building one runway at O’Hare. The third airport can also be built sooner than adding an additional run-
way at O’Hare. Operations: in 4 to 5 years, but it would take 8 to 15 years to design and build an additional runway at O’Hare. The South Suburban Airport would be cleaner than the existing airports as it would be sufficient in size to absorb noise and air pollution. It has less road and rail access, but less ground congestion.

Mr. Speaker, I appreciate the opportunity to clarify why I missed Roll Call Votes on April 24, 2001 and to further explain the importance of the proposed South Suburban Airport.

THE IMPORTANCE OF COUNTY GOVERNMENT

HON. JOE BARTON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. BARTON of Texas. Mr. Speaker, in recog-
nition of National County Government Week, I rise today to speak on the importance of county government and to highlight the nu-
merous contributions county governments make in the everyday lives of citizens. Today, counties fill an especially challenging role as they continue to meet the complex demands of modern society.

In Texas, we have 254 counties that serve the needs of more than 18 million Texans. The responsiveness of county government to the needs of the community is a long-standing tradition in Texas. Texas law mandates, with certain exceptions, that all county courthouses be centrally located so that each citizen can travel to the seat, vote, and return home in a day. Most county seats fall within five miles of the county’s center.

The structure of Texas county government has its roots in the “municipality,” the local unit of government under Spanish and Mexi-
can rule. These large areas, embracing one or more settlements and rural territories, are the foundation of the governmental organization of our present day counties. The Texas Constitu-
tion declared counties as the functional agents of the state, or as an “arm of the state.” Unlike cities, the areas of responsibility authorized to counties are specifically spelled out in laws passed by the Legislature.

Texas counties range in size from less than 100 residents to more than three million. Major
responsibilities include county development planning; building and maintaining roads and recreational facilities; and in some cases, county airports; constructing and operating jails; operating the judicial system; maintaining public records; collecting property taxes; issuing vehicle registration and transfers; and registering voters. Counties also provide law enforcement, conduct elections and provide invaluable health and social services to indigent members of the community. In this way, the county structure, more than any other form of government, plays a central role in the every-
day functions of communities.

At the heart of each county is the commis-
sioners court. These members of the court collectively conduct the general business of the county and oversee financial matters. Each Texas county has four precinct commis-
sioners and a county judge who serve on this court. Functions of the county, run by individ-
uals employed by the commissioners court, in-
clude such departments as public health and human services, personnel and budget, and in some counties, public transportation and emergency medical services. Elected officials, found in most counties, include county attor-
eys, county and district clerks, county treas-
urers, sheriffs, tax assessor-collectors, justices of the peace, and constables.

In the last twenty years, a growing number of federal and state responsibilities have been delegated or mandated to the local level, con-
fiming the importance and necessity of local county governments in Texas. Each day, counties deliver a long list of services and work to respond to the ever-changing needs of our dynamic state.

Counties across America provide solutions at the local level that help bring communities together. I believe this traditional form of local county government, which fulfills a multitude of services to communities, is truly indispensable to its citizens.

NATIONAL COUNTY GOVERNMENT WEEK

HON. E. CLAY SHAW, JR.
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. SHAW. Mr. Speaker, in recognition of National County Government Week, I rise today to honor the contributions and achieve-
ments of our county governments.

We have the opportunity this week to reflect upon the importance of our county govern-
ments and show our appreciation for our county officials. As a former mayor, I am very familiar with the role of county government and the need for government at all levels to cooperate in order to best serve Americans, and I appreciate the hard work done at the county level.

I have the privilege of representing the three South Florida counties of Miami-Dade, Broward, and Palm Beach. These county go-

governments serve a diverse population. This population is truly a microcosm of our state and our country. The needs facing these com-

unities can be found in every corner of the state as well. County government has been successful in addressing these needs, and we in Congress can learn a lot from them.

The backbone of county government is the people who provide the vital services that are essential to our health, safety, and well-being. The school teachers, the social workers, the firefighters, the police, and others who are de-

voting their lives to public service help form the fabric of our government.

County government is the government closest to the people. It is often the face of gov-

erment to most of our population. It is our ob-
ligation as Members of Congress to help sup-
port county governments all across the coun-
try in order that they may more effectively serve Americans.
Mr. ETHERIDGE. Mr. Speaker, I rise today with my colleagues from other tobacco producing states to introduce a bill to put an end to discrimination against tobacco farmers. For almost eight years, hard-working, God-fearing, taxpayers tobacco farmers have been denied access to the funds provided by the federal Market Access Program, commonly known as MAP.

More than $90 million in MAP funds are available from the U.S. Department of Agriculture (USDA) to promote U.S. agricultural products overseas. Under MAP, agricultural industry trade associations, cooperatives, and state or regional trade groups each year are invited to submit proposals to USDA’s Foreign Agricultural Service (FAS) to conduct approved foreign market development projects for various U.S. agricultural, fishery and forestry products. Examples include consumer promotions, market research, technical assistance, and trade services. MAP funds have been used to promote a wide range of products from sunflower seeds to catfish and cotton to hops for use in making beer.

Since 1993 USDA has been prohibited from using MAP funds to promote tobacco leaf sales overseas. This is patently unfair, and it is time for this discrimination to end. The future of American agriculture is tied to international trade. Currently, 25% of farmers’ gross income comes from exports. The futures of thousands of Tar Heel tobacco farm families depend on exports, and I am not going to stand by and watch other commodities benefit from federal funds to access these markets while tobacco farmers are left out in the cold.

It is high time that tobacco is treated like the legal product that it is, and this legislation is a step in the right direction. I call on President Bush, Secretary Bush, and my colleagues to support this bill and give our struggling tobacco farm families an opportunity to not just survive, but thrive.

COMMENDING ARMENIAN GENOCIDE

SPRECH OF
HON. STEVEN R. ROTHMAN
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 26, 2001

Mr. ROTHMAN. Mr. Speaker, today I join with my colleagues in commemorating the 86th anniversary of the Armenian Genocide. Along with the Armenian-American community in my district and with people of goodwill throughout the country, Congress today is observing the death of 1.5 million Armenians from the years 1915–1923.

As we gather today, many of my constituents and I have participated in solemn services held in the memory of the martyrs of the Armenian Genocide. Whether at St. Leon Armenian Apostolic Church in Fair Lawn, Saints Vartanantz Armenian Apostolic Church in Ridgewood, or at Saint Thomas Armenian Apostolic Church in Tenafly, thousands of Americans of Armenian descent will be joining together in Northern New Jersey this evening to ensure that the world does not forget the first crime against humanity of the 20th century.

And so let me offer my solidarity with those remembering the Armenian Genocide today. And let me also emphasize that we should today not only remember the martyred, but as well, the survivors of the Armenian genocide.

Thomas Stehman, who witnessed the Armenian genocide, is still living today, those who endured the horrors of 1915, are heroes for all time.

Today, the people of Armenia and her Diaspora are proudly looking to rebuild their country. From the ashes of despair born of the genocide, and from the ravages of seven decades of Communist rule, Armenians the world over are striving to secure a safe and prosperous future for Armenian and Nagorno-Karabagh.

As Armenian-Americans rebuild their homeland, and as they seek to secure an economically prosperous state, founded on firm democratic principles, I will stand by them.

Let me conclude my brief remarks today by encouraging the young people of America to never forget the tragedy and lessons of 1915. Because as George Santayana wisely remarked, ‘Those who forget history are condemned to repeat it.’ And if no clearer evidence of these prescient words are necessary let us remind one another today that before commencing the Holocaust, Hitler himself stated, ‘Who today remembers the Armenians?’

As a Jew, I avoid the term and being ever mindful of the Holocaust, I join with my colleagues today in observing the Armenian Genocide. And I promise to stand firm against the shameful efforts of those who today seek to deny the Armenian Genocide.

COMMENORATING ARMENIAN GENOCIDE

SPRECH OF
HON. NYDIA M. VELÁZQUEZ
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 24, 2001

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to join with my colleagues to remember a dark chapter in history and to honor and remember the 1.5 million Armenian Christians victims who lost their lives at the hands of the Ottoman Empire during 1915 to 1923. I would like to thank the Co-Chairs of the Armenian Caucus, the gentlemen from New Jersey, Representative FRANK PALLONE and the gentlemen from Michigan, Representative JOE KNOLLENBERG for organizing this special order commemorating the 86th anniversary of the Armenian genocide—one of the greatest tragedies of history and the first genocide of the 20th century.

Today, I join with Armenian-Americans in my congressional district, the Armenian-American community throughout the United States and the Armenian community abroad in observing the tragic events of this past week. It is important that we remember and learn from history, because if we ignore the lessons of the past, we are destined to repeat history.

Archbishop Desmond Tutu, in the Preface to the Encyclopedia of Genocide, published in 1999 by the Institute on the Holocaust and Genocide in Jerusalem, writes: ‘It is sadly true what a cynic has said, that we learn from history that we do not learn from history. And yet it is possible that if the world was conscious of the genocide that was committed by the Ottoman Turks against the Armenians, the first genocide of the twentieth century, then perhaps humanity might have been more alert to the warning signs that were being given before Hitler’s madness was unleashed on an unbelieving world.’ The facts of the Armenian Genocide are clear and amply documented as demonstrated by official reports and accounts by the U.S. Ambassador to the Ottoman Empire, Henry Morgenthau, Sr. In a July 1915 report to the Department of State, U.S. Ambassador Morgenthau, Sr., reported: ‘a campaign of race extermination is in progress under a pretext of reprisal against rebellion.’

As we remember the past and mourn those who lost their lives, their homes, their families and their freedom, let us pledge to do all that we can to ensure that the Armenian Genocide is properly recognized and remembered to prevent such atrocities from occurring in the future.

U.S. MARINE OFFICERS’ GOLDEN ANNIVERSARY

HON. ROBERT A. UNDERWOOD
OF GUAM
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 26, 2001

Mr. UNDERWOOD. Mr. Speaker, this week, fifty veterans and retirees are gathering in Washington to celebrate the Golden Anniversary of their commissioning as officers of the United States Marines. Although their officers’ class (11th SBC) was a relatively small one at a little over 200 members, their backgrounds portray a remarkable tapestry of American. They came from hometowns in 34 States of the Union, the District of Columbia, and the Territory of Guam; and, they earned their baccalaureate degrees came from over 100 colleges and universities throughout the land. In 1951, against the backdrop of a raging war in the Korean Peninsula, they volunteered and took the oath to support and defend the United States of America. And defend it they did, sustaining their share of combat casualties, both wounded and killed in action. One of their members, Sherrod E. Skinner, was awarded the Medal of Honor posthumously; another, John Word, received the nation’s second highest state award, the Navy Cross. Others still, received the medals and decorations for heroism and valor shown on the awards list.

Although only a relatively few members of the class became career officers, many served and retired from the Marine Corps Reserve while pursuing careers in law, education, religious ministry, athletics, engineering, business, and politics. Among those who went into
politics is someone well known to many of us, my predecessor, General Ben Blaz, who was elected to the Congress after retiring from the Marines. As a former Member of Congress, Ben will be escorting his comrades to this chamber where deliberations and decisions were made that committed them to combat in Korea and Vietnam.

There is a marvelous irony in my having the privilege to call my colleagues’ attention to the contributions that these courageous men of the Corps have made to our country, both in war and peace. During the Spanish-American War, a young man from Gastonia, North Carolina joined the Marines and was part of the contingent that was sent to Guam to formally occupy the island. He was so enchanted by the island and, I hasten to add, its lovely señoritas, that he chose to stay in Guam. In time, he married a native girl and started a family. His name was James Underwood. He was my grandfather.

Mr. Speaker, I thank you for extending me the honor of paying tribute to these veterans and retirees of the Corps and to salute them, in behalf of our grateful nation, on the Golden Anniversary of their commissioning as officers of Marines.

(Roster of members/wives of deceased members of the 11th SBC Marines celebrating the 50th Anniversary of their commissioning as Officers of Marines, May 3-5, 2001):


PERSONAL EXPLANATION

HON. LOIS CAPPS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 26, 2001

Mrs. CAPPS. Mr. Speaker, due to recent death of a close family member, I was unable to attend votes this week. Had I been here I would have made the following votes:

Rollocal No. 85—"Yes," No. 86—"Yes," and No. 87—"No."

NATIONAL AUTISM AWARENESS MONTH

HON. RONNIE SHOWS
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 26, 2001

Mr. SHOWS. Mr. Speaker, I rise today as a proud member of the Congressional Autism Caucus to remind my colleagues that the month of April is National Autism Awareness Month, and that tomorrow, Mississippi, and many other states will recognize April 27th as National Autism Day. The ribbon that I wear is the International symbol for autism, symbolizing the complexity of this disorder. The different colors and shapes represent the diversity of the people and families living with autism, while the brightness of the ribbon signals hope—the hope to be found through increasing research, resources and awareness.

This month gives us an opportunity to celebrate the progress we have made in understanding Autism, and the goals we must continue to fulfill. This century we have come a long way in overturning the misconceptions of what autism is. We know that autism is a developmental disability that over 400,000 people in the United States are estimated to have. We know that it is four times more likely to be diagnosed in boys as in girls. We know that there are many degrees of severity of autism, but that all autistics tend to exhibit deficient social behavior, language and cognitive development. What we still don’t know enough about, is what causes Autism.

Last year, Congress passed landmark bipartisan legislation entitled the Developmental Disabilities Act of 2000, which was signed into law last October. Within this legislation were major provisions for the creation of five regional “centers for excellence” for research into autism, administered the National Institute for Mental Health, as well as education programs on autism for the community. The bi-partisan spirit of cooperation, fueled by the thousands of involved parents, teachers, and doctors in the autism community, enabled us to do what we were intended to do in Congress; to provide a voice and resources for those most in need of advocacy.

So, what do we do now? As Congress looks forward to debating education legislation, we should be vigilant in our support for the Individuals with Disabilities Education Act. In 1975, the U.S. Congress passed the Individuals with Disabilities Education Act, also known as IDEA, mandating that local school districts provide appropriate education to students with special needs. Understanding that this could be a costly endeavor, Congress agreed to fund up to 40 percent of the average per pupil expenditure. However, to date, Congress has only provided States with about 14 percent of the funds promised.

I have listened to countless parents of children with disabilities in my district talk about the struggles and challenges they have in getting their schools to properly educate their children. The years of frustration parents have endured in attempting to get their children appropriate assistance is disgraceful. Parents, particularly those of children who have special needs, should have strong partnerships with their schools. Instead, due to an often appalling lack of resources, our parents and teachers sometimes find themselves having adversarial relationships. This helps no one, least of all the child, whom our schools seek to educate.

National Autism month reminds us to reflect on our responsibilities to do a better job of keeping the IDEA promise. As members of Congress, we should celebrate how far we have come in meeting the needs of children with disabilities, but remember that our job is far from over, and our goals far from being fulfilled.

TRIBUTE TO HON. DOUGLAS ‘TIM’ JAMESON—A GREAT FLORIDIAN AND A GREAT AMERICAN

HON. CARRIE P. MEEK
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 26, 2001

Mrs. MEEK of Florida. Mr. Speaker, I rise today to pay tribute to the late Douglas L. “Tim” Jamerson, the former Florida Education Commissioner, Labor Secretary, and state legislator who died of cancer this past Saturday at age 53.

I will not recount his incalculable, enormous contributions, other than to say that without Doug Jamerson, Florida would be much less than it is today. Without Doug Jamerson Florida would not be one of the greatest state’s in this union.

Mr. Jamerson understood that he was the first African American to serve as Florida’s Commissioner of Education. He understood that gave him an obligation beyond his own race. He understood that Floridians would be looking at what he did very carefully, but he also understood that his role was that of doing what he could to improve education in a far more universal sense. Through his many efforts—as Education Commissioner, Labor Secretary, and State Legislator, guidance counselor and friend, he improved the quality of life for millions of Floridians, many more who were not Black, and not the least of them women.

Doug Jamerson, throughout his life, reminded us that Florida is a state of opportunity, and America is a country of great promise, but that that promise and opportunity has not yet been totally fulfilled. Doug reminded us all that we all have a duty to help our state and our nation fulfill its true promise.

The words of the great poet Henry Wads-worth Longfellow in his eulogy to Charles Sumner, apply equally to Doug Jamerson.

Wadsworth said:

Were a star quenched on high for ages and would its light still traveling downward from the sky shine on our mortal sight so when a great man dies for years beyond our ken the light behind lies upon the paths of men.

Douglas Jamerson is a uniquely special individual who was a thoughtful and a principled public servant whose life will serve as a reminder of everything that we must all strive to become. He has taught us all, that its not how many years you live, but what you accomplish in the years you have. Doug Jamerson accomplished much in his 53 years.

HONORING SUSAN MUSGRAVE AND THE LOS ALAMOS CHAMBER OF COMMERCE

HON. TOM UDALL
OF NEW MEXICO
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 26, 2001

Mr. UDALL of New Mexico. Mr. Speaker, when a deadly fire devastated Los Alamos, New Mexico, and surrounding communities in May, 2000, Susan Musgrave, the executive director of the Los Alamos Chamber of Commerce stepped up to the challenge of helping the community recover and rebuild. There are
hundreds of unsung heroes from the Cerro Grande fire, and Ms. Musgrave is one of them.

The intense Cerro Grande fire forced local residents to evacuate and essentially closed down Los Alamos for eight days. When residents were allowed to return on May 15, they found the fire had left more than 420 people homeless and destroyed a number of local businesses. To help the town get back on its feet, the Chamber took the lead in coordinating relief and rebuilding efforts.

I can distinctly remember Ms. Musgrave and others who met with me and my staff during this time to see what they could do and to continue to provide us with assistance. Within five days after the fire, in conjunction with local banking institutions, the Chamber had established a loan fund for Los Alamos businesses. These businesses could apply for a six-month loan up to $25,000 with a 7.5 percent interest rate. The Chamber paid the interest expense on the loans for six months.

Through this effort, more than $640,000 in loans were made available to 37 companies in Los Alamos. Businesses were able to take care of short-term financial needs and stabilize the effects of lost revenue after being closed for almost eight days. A Web site for construction contractors interested in helping Los Alamos rebuild was on line within a week of the disaster.

Thanks to generous donations from member businesses and individuals, the Chamber was able to extend help to others with an immediate need for funds, including renters and homeowners without insurance. By May 20, gifts in the amount of $1,000 were distributed to 97 families who had lost their homes. As the fund grew, the Chamber was able to make a second distribution in the amount of $500 to the same individuals. The Chamber’s total contribution topped $142,000. In addition, 12 college students who lost their homes were each given $1,000 towards their recovery needs.

The Chamber also helped spread the word that Los Alamos was once again “open for business” through an innovative advertising campaign. In 2000, 80 percent of the costs for member businesses who took out advertisements to let the community know their businesses were up and running again. The Chamber set up a similar advertising campaign with the State of New Mexico’s Economic Development Department as a means to successfully bring tourists back to the area.

The Chamber’s good deeds did not go unnoticed. Ms. Musgrave was named New Mexico’s Chamber Executive of the Year 2000 by the New Mexico Business Journal and the Association of Commerce and Industry. She was also recognized for her exceptional and exemplary services to the Chamber and the community.

Thanks to the Los Alamos Chamber of Commerce’s strong leadership and coordination, Los Alamos rebounded quickly. And, the Chamber has earned respect and gratitude from its member businesses and the local community.

Additionally, since then the recovery has continued. Ms. Musgrave has continually been involved in seeking to correct the technical setbacks that have faced victims of the Cerro Grande fire. She has kept me informed of the concerns of local businesses and the community in general.

Joey Ramone, the gawky, geeky, lovable-loser singer of the Ramones, died last Sunday of lymphatic cancer, never to be under-estimated again. His real name was Jeffrey Hyman; he was 49.

As the music world celebrates the 25th anniversary of punk, the band’s imprint—its goofy fury and delinquent humor—echoes in the music of latter-day punks like Green Day and Blink 182, but in the strain of self-aware, loser comedy that has become the dominant adolescent rattle: “The Simpsons” and “South Park,” pro wrestling and MTV’s bittishly moronic “Jackass.”

Mickey Leigh, Joey’s younger brother, who played in a band called the Ramblers, described the Ramones as a reaction to the Queens streets where the band members grew up. “The humor was inherent to Forest Hills, a Jewish neighborhood, and to the small circle of rejects and misfits that we were,” said Mr. Leigh, who, like his brother, was bar mitzvahed. (Several other Ramones were not Jewish.) “We were always on the outside, rejected by the girls—not by all girls, but by the pretty ones, who preferred guys with cars. Our protective shell was to shock people.”

Picked on in Forest Hills, Joey made himself a star of anti-charisma, fronting a band whose legend died on failure as easily as success. When my friends and I heard the Ramones in the late ’70s, as underachieving college students, we formed our own band—awful, but even at our lousiest, we knew it. Joey, I think we were post-awful.

A set by the Ramones was a furious race to the finish line, blurring bubble-gum riffs and cartoon pathologies: “Now I Wanna Sniff Some Glue,” “Teenage Lobotomy,” “I Wanna Be Sedated.” What you came away with depended in large part on how you took the joke.

“We thought punk rock was going to be the biggest thing ever,” said John Holmstrom, 48, a cofounder of Punk magazine, which coined the name for the music. “I thought we were going to be this smart—punk was a shock to everyone at CBGB when one by one it didn’t happen.”

Charlotte Lesser, Joey’s mother, always got a kick out of joke. Ms. Lesser ran an art gallery and is a commercial artist. At CBGB, the Bowery dive where the band got started, people used to call her Mama Ramone, she said, adding: “CBGB struck me as too narrow, too crowded, and it had the worst bathrooms you ever saw. But I always saw the whole thing as a funny show.”

The Ramones emerged just when the radical thrust in pop music was turning in on itself Hip-hop whittled down disco; punk trimmed rock ‘n roll to its loudest essentials. Writing about the Ramones and CBGB in The Village Voice in 1975, James Wolcott observed, “No longer is the rock impulse revolutionary—i.e., the transformation of oneself and society—but conservative: to carry on the rock tradition.” For all their locomotive mayhem, the Ramones were preservationists. Even the name hinted back, to the days when Paul McCartney, as a Silver Beatle, called himself Paul Ramon. Joey would make fun of this. I think the impulse had much to do with age. Lou Reed, punk’s eminence grise, born in 1942, was able to sing of a girl whose life was saved by rock ’n roll. Reed’s childhood began before rock, the music bred transformation, both personal
and societal. Joey Ramone, born in 1951, arrived as the shutter was closing on this perspective. Punk was a loud call to embrace these moments of transition, when the world was redefining itself for the world after.

For later punks, these moments were only hearsay. By the time Kurt Cobain, born in 1967, took up the legacy of the Ramones, the music could simply be alternative, but not revolutionary.

In his engagingly lurid memoir, “Lobotomy: Surviving the Ramones” (1997), Dee Dee Ramone observed, “A Ramones story can’t really have a happy ending.” To the end, Joey lived in a one-bedroom apartment in the East Village, originally decorated by his mother but long since submerged in his accumulated clutter. On good days he walked around the neighborhood in an odd, obsessive-compulsive fashion, always walking past a curb, then back to touch it before moving on.

He became fixated by the stock market; the last great song he wrote, said his friend Arturo Vega, the band’s artistic director, was a love song to Maria Bartiromo, the CNBC business anchor.

Last week, fans turned the doorway of CBGB into a shrine and filled Internet message boards with tributes—a testament not just to Joey but to the eternal loneliness of adolescence.

Micky Leigh continued to ponder the deceptive complexity of the Ramones’ music. “The intelligence was well disguised.” he said. Then he paused. “Maybe there wasn’t that much intelligence. ’’ But there was, and warmth as well. And for a still-growing legion of misfits, there is community. As Joey sang, in a signature line culled from the movie “Freaks,” “Gabbagaba gabba, we accept you, we accept you, one of us.”

RE-OPEN PENNSYLVANIA AVENUE

HON. CONSTANCE A. MORELLA
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 26, 2001

Mrs. MORELLA. Mr. Speaker, nearly six years ago Secretary of the Interior Robert Rubin ordered Pennsylvania Avenue closed to vehicular traffic in front of the White House. The Secretary did so with the powers granted to him as head of the Secret Service, which allow him to “temporarily” shut down any road in the District of Columbia to protect Presidential safety.

As anyone who has been stuck in the gridlock while trying to drive across town certainly knows, that “temporary” blockade still exists. And it exists much to the detriment of our nation’s capital, where unsightly concrete barriers make us look like a city under siege, as well as to the detriment of the city of Washington, D.C., which has suffered serious economic consequences as a result.

It’s high time to re-open Pennsylvania Avenue and return Pierre L’Enfant’s grand boulevard—his vision for a Federal bulwark—to its proper role as an uninterrupted link between the White House and the Congress and as a vital east-west artery for the District of Columbia.

The National Capital Planning Commission is now evaluating what impact the security measures around the White House, the national mall and Federal buildings have on our nation’s capital. The first subject they will be tackling is Pennsylvania Avenue, and the Commission expects to make a recommendation on the Avenue to the President by July.

I am today introducing a Sense of the House resolution urging the Commission to adopt a plan that restores vehicular traffic—and, with it, a sense of democratic openness—to Pennsylvania Avenue. I do so with the support of ELEANOR HOLMES NORTON and other members of the local congressional delegation—TOM DAVIS and JIM MORAN—and other colleagues who share our concern about the closure of one of America’s most famous avenues. D.C. Mayor Anthony Williams and the City Council are fully behind our efforts to re-open the Avenue as well.

To be sure, the security of the President remains paramount to us. But we cannot build a glass bubble around the White House. I am convinced there are prudent steps we can take—including slightly reconfiguring the road and using pedestrian bridges to block truck traffic from the stretch of Pennsylvania Avenue in front of the White House—that will allow us to re-open the road while protecting those who live, work and visit the White House.

EXTRA MILE AWARDS
HON. JAMES P. McGOVERN
OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES
Thursday, April 26, 2001

Mr. McGOVERN. Mr. Speaker, today I rise to salute the recipients of the “Extra Mile” Awards given by the VNACare Network, Inc. The Extra Mile Award for Caregivers recognizes dedication of family caregivers who go the extra mile in caring for a loved one. These individuals inspire with their never-ending energy, devotion, and compassion. The Extra Mile Award for Staff is presented to employees who go above and beyond expectations. Their dedication to the VNACare Network makes life easier for those in the office and improves the quality of life for patients and their families.

The Caregiver Award is being given to Gilda Ryan of Ipswich, Massachusetts for her constant care and love of her daughter Julie. Staff working with her say this 80-year-old dynamo is a fearless advocate, loving caregiver and her tenacity throughout these past 20 years has allowed her daughter to receive the absolute best care available. She is a true model to nurses and home health aides alike in character and caregiving. Leo Lavigne of Hudson, Massachusetts is also receiving the award for taking care of his wife Frances. His caring and careful attention to her complex medical problems has prompted the staff to call her a very greatly endearing woman who ille- rate the nursing shortage. Richard Law of Worcester, Massachusetts is being recognized for his steadfast, hands-on, loving, and devoted care of his late wife Mary during her last days. He stayed strong—even though his heart was breaking—so that Mary would not feel like a burden to her family. Alan Basmajian and Family of Burlington, Massachusetts are recognized for their courage, commitment, honesty, and love during the last days of their wife and mother, Linda. Her goal of seeing her daughter graduate from eighth grade was realized with incredible support from her family.

The Staff “Extra Mile” award is being given to Kathy Cronin-Reardon of Gloucester, Massa- chusetts for her extraordinary caring and compassion. Her workweek does not consist of 40 hours; she works countless extra hours going unrecognized and even unappreciated at times for the sake of the families and patients that need her in difficult times. Laurine Frykberg of Worcester, Massachusetts is being recognized for her willingness to help both patients and staff alike. She is credited with bringing the term “flexibility” to a new level, covering New Year’s Eve staff shortage with a smile dressed in her evening attire. Sandra Stone of the Watertown, Massachusetts office is an exceptional Home Care Aide who adapts readily to changing department needs with an outstanding commitment to patients needing coverage. Her quiet calmness and professionalism soothes the anxious—both patients and family members. Ana Rodriguez is being recognized for her exemplary work as a Home Care Aide Scheduling Coordinator. Not only has she been a cohesive factor in unifying the office staff, but also she is praised by family members and clinicians for her positive, enthusiastic, and consistent efforts. Finally, Marion Ray is being recognized for her record in the performance of her main responsibility of timely billing and collection of accounts, her ability to manage a large staff with great skill, and her diligence, work ethic and “can do” attitude.

Mr. Speaker, it is a great honor for me to recognize these outstanding individuals, and to thank them for all they have done to improve the lives of the people of Massachusett.

TRIBUTE TO THE BRONX SHEPHERDS RESTORATION CORPORA- TION

HON. JOSE F. SERRANO
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Thursday, April 26, 2001

Mr. SERRANO. Mr. Speaker, once again it is an honor for me to recognize The Bronx Shepherds Restoration Corporation on its twenty second anniversary. Following is a congratulation letter I wrote to the Executive Director for their continued service to the people of my congressional district.

Mr. THEODORE JEFFERSON, Executive Director, Bronx Shepherds Restora- tion Corp., Bronx, NY.

DEAR TED: On the auspicious occasion of the 22nd Anniversary of The Bronx Shep- herds Restoration Corporation I want to be amongst the first to once again congratulate you on the outstanding job you do. Your pro- gram has greatly enhanced the lives of the people of our district and your continued commitment to them gives us all hope.

The Bronx Shepherds Restoration Corpora- tion has served as a model for other agencies seeking to serve neighborhoods such as ours. I believe that as role models you will continue to impact upon more organizations, and in this way in the very near future the development of our Bronx Community will amaze those that did not think such stability and prosperity possible.

Your organization has always provided the support services necessary for individuals to develop into active members of society. The Bronx Shepherds Restoration Corporation’s record of helping residents find affordable housing, education, and better health care
for our senior citizens is both invaluable and impressive.

Once again, congratulations to the Bronx Shepherds on the occasion of their 22nd anniversary. I am eternally grateful for your work in helping our community resolve the many dilemmas that we encounter. I look forward to the continued growth and development of your Community Action and wish you and your staff every success.

TRIBUTE TO HENRY P. BECTON

HON. MARGE ROUKEMA
OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mrs. ROUKEMA. Mr. Speaker, I rise today to honor Henry P. Becton, Director Emeritus of the Diabetes Association (ADA), for his “legacy of discovery in diabetes care”.

It is estimated that 300 million people will be affected by diabetes by the year 2005. Currently, 16 million Americans have the disease and many more are undiagnosed. We desperately need more education and research. BD has been instrumental in furthering efforts to treat and cure diabetes. I am proud that the ADA has chosen to honor Henry and BD as partners in their fine work.

BD has a long history of supporting the development of products and services to people with diabetes. In fact in 1924, BD began to manufacture all-glass syringes for insulin injection. New diabetes initiatives include platforms for enhanced insulin delivery, our inhaled liquid insulin program and the blood glucose monitoring platform.

Some other facts about BD’s work with the ADA include:

BD worked in partnership with the ADA to increase awareness of diabetes and promote National Diabetes Awareness Month (now merged each November).

BD is a member of ADA’s Banting Circle, denoting participation at the highest level of corporate sponsorship. (The Banting Circle is named for the discoverer of insulin.)

BD provides free products and programs for the 20,000 children who attend ADA summer camps each year. Many BD people volunteer at the camps; others bike, walk and jog to raise funds for diabetes programs and research. In each BD “getting started kit” provided to new diabetes patients and new-to-insulin patients, BD also includes information about the ADA to introduce patients to the organization.

Many BD employees have supported ADA programs by serving in leadership positions throughout the ADA. BD has and continues to offer professional workshops in conjunction with the ADA for healthcare professionals and families as well as patients dealing with the disease.

Henry Becton has been a tireless advocate for advancing diabetes research and treatment. Henry and his colleagues at the Diabetes Care Fund supported non-profit public education initiatives, research activities, and programs to benefit people with diabetes.

Throughout a century of growth, Becton Dickinson’s commitment to raising the quality of health care worldwide has remained constant. I can testify to the high standards of personal character and integrity that Henry Becton has brought to the business community and philanthropic and civic communities of New Jersey. I congratulate Henry Becton and wish him many years of continued success.

AFORDABLE STUDENT LOANS

HON. GEORGE MILLER
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today in support of the Affordable Student Loan Act, which I am introducing today. Student loans—like Pell grants and work-study jobs—are essential to providing all Americans with the opportunity to earn a college degree.

Now more than ever, a college education is one of the best investments of a lifetime. In the workplace, a college degree is worth 75 percent more than a high school diploma, or $65,000 over a career.

Our children should pursue their academic dreams, but the loan burdens we ask them to shoulder are increasingly troubling. Student loan volume has more than doubled over the last seven years to $35 billion a year. The average student loan debt at four-year public colleges is $12,000. At four-year private colleges, it is $14,300. College graduates with high loan debts may think twice about entering public service, be more likely to default, and delay the purchase of their first home.

To make matters worse, the Federal Government needlessly raises the cost of student loans by charging a fee of up to 4 percent of the loan principal. Students borrowing $1,000 actually receive as little as $960. However, they will still be expected to repay the full $1,000, plus interest.

Nearly all of these fees—up to 3 percent on guaranteed student loans and up to 4 percent on direct student loans—are origination fees, enacted in 1981 to reduce the deficit. Because their only purpose is to raise revenue, the fees are often called “the student loan tax.” They do not pay for administrative costs or serve any program purpose.

Nor are the fees necessary to limit the federal cost of student loans. For example, on direct student loans, the Federal Government will “earn” more than $5 for every $100 in origination fees. This year, even after paying for all administrative and default costs. If Congress eliminated on all fees, students would still pay a surcharge—rather than receive a subsidy—on loans through the Direct Student Loan program this year.

Students who borrow guaranteed loans also pay up to 1 percent insurance fee into reserve funds to pay future default costs. Because these reserve funds are larger than necessary to pay for defaulted loans, the large majority of guaranty agencies waive this fee.

Finally, eliminating the fees will benefit all students. Over the last two years, the Department of Education reduced interest rates and fees on its direct student loans to match terms available from banks on federally guaranteed
Mr. TOWNS. Mr. Speaker, in honor of National Minority Health Month, today I am introducing the Medicaid Obesity Treatment Act of 2001 to elevate the visibility of a national health epidemic that is wreaking particular havoc upon our minority communities. For too long, obesity has escaped adequate attention from both policymakers, scientists and the general public. With this bill, which will simply provide Medicaid coverage for medically necessary treatments for chronically obese beneficiaries, I hope to raise the level of attention to this devastating illness. The Medicaid Obesity Treatment Act of 2001 is the first legislation ever introduced in the Congress to specifically address the need to ensure access for all Americans to drug therapies designed to treat obesity and its related comorbidities, and I am proud to be its sponsor.

Obesity has truly become a national health care crisis. The National Center for Health Statistics reports that 60 percent of Americans over 20 years of age are overweight or clinically obese. Weight-related conditions represent the second leading cause of death in the United States, and result in approximately 300,000 preventable deaths each year.

According to the Surgeon General, the prevalence of overweight and obesity has almost doubled among America’s children and adolescents since 1980. It is estimated that one out of five children is obese. The epidemic growth of overweight during childhood or adolescence is particularly threatening to the national health because it often persists into adulthood and increases the risk for some chronic diseases later in life.

The prevalence of obesity in America is at an all-time high, affecting every State, both rural and urban, and particularly hard in the minority community, where these drugs have the potential to save lives. This provision is based upon the outdated notion of obesity as a “lifestyle choice” and the notion of anti-obesity medication as cosmetic in nature. These notions, and the provision based upon them, are no longer valid scientifically, and must be stricken from the law. Medically necessary medicine for the treatment of chronic obesity should be covered under Medicaid like any other medically necessary drug. This is the purpose and goal of this bill.

Although this expansion in Medicaid coverage might incur some marginal cost to the overall program, requiring states to cover proven obesity medication may actually reduce Medicaid expenditures as a result of decreases in the costs associated with treating obesity-related comorbidities such as diabetes and heart disease. Given the numerous collateral benefits of reducing obesity, in addition to the underlying treatment of obesity for the disease that it is, it makes good sense and good public policy to provide Medicaid beneficiaries across to life saving antiobesity medicines.

Finally, as the Congress looks towards the formation of a prescription drug benefit for all Americans, we must be wary of simply importing the outdated notions implicit in Medicaid coverage decisions which might have the effect of denying medically necessary weight loss drugs. Any prescription drug benefit must provide coverage for medically necessary medications for chronic obesity consistent with its coverage of other medically necessary disease treatments.

Obesity is a growing epidemic across the nation which must be addressed with more than just words. This bill offers an important first step towards stemming the tide against this preventable killer. During this year’s observance of National Minority Health Month, I am pleased to introduce this bill to both highlight the epidemic of obesity, which strikes particularly hard in the minority community, and to do something substantive about it. I encourage my colleagues to join me in supporting it.

**TAX LIMITATION CONSTITUTIONAL AMENDMENT**

SPEECH OF HON. JAMES R. LANGEVIN
OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES

**Wednesday, April 25, 2001**

Mr. LANGEVIN. Mr. Speaker, I rise in opposition to H.J. Res. 41, the Tax Limitation Constitutional Amendment. On its face, this amendment requires a two-thirds majority vote in Congress to pass legislation increasing internal Federal revenues, except in time of war or military conflict. While I support a simpler, fairer and more efficient tax code, I cannot back this fiscally irresponsible proposal, which would unnecessarily tamper with the Constitution and undermine its principle of majority rule.

This resolution would deny Congress its legislative ability to address weaknesses in our current tax code and possibly close outdated and costly tax loopholes. Further, this constitutional amendment would prevent us from passing reconciliation that would reduce future deficits by making balanced spending cuts and raising revenues, unless there are tax cuts of equal size.

The philosophical battle over supermajorities was waged after the Articles of Confederation was enacted. During this debate, our Founders became convinced that supermajorities were unfeasible and that a simple majority—our present system for the passage of tax bills—was the most practical. For centuries, our government has abided by this fundamental principle and concluded that our republic should be compromised of a simple majority vote were required for revenue bills and other day-to-day legislative matters routinely before us.

We all want to protect hard-working families from tax increases, but requiring a two-thirds vote to raise revenues to pay for spending initiatives that we have already authorized would make funding our national priorities even more problematic. Furthermore, this constitutional amendment would make it extraordinarily difficult to extend the solvency of Social Security and Medicare and reduce our national debt. Finally, this legislation is largely unworkable, given the vagueness and ambiguity of its language. If Congress is truly concerned about guarding the American public from unwarranted tax increases, it should pass meaningful tax reform legislation, maintain a balanced budget, and trust American citizens to elect representatives who will legislate in their best interests.

For these reasons, I cannot support this proposed change to the Constitution. I strongly urge my colleagues to vote against this imprudent measure.
I had the opportunity to work with Jessie when she headed the Rocky Flats project in Colorado. I took an immediate liking to her— not just because of her professionalism and no-nonsense style, but also because she seemed to me to enjoy working hard, while maintaining a sense of good humor.

Her tenure at Rocky Flats was highly successful. She led agency efforts to keep the commitment, first made by Energy Secretary Federico Pena, to give a high priority to finishing full cleanup and closure of rocky Flats on a much earlier timetable than had previously been proposed.

I know I speak for all of my colleagues in the Colorado delegation in wishing her the very best as she undertakes important new responsibilities at the Department of Energy.

A recent editorial by the Denver Post put it right by calling Jessie Roberson a "top flight" pick. For the information of our colleagues, I submit that editorial for the RECORD:

[From the Denver Post, April 3, 2001]

ROBERSON A TOP-FLIGHT PICK

U.S. Energy Secretary Spencer Abrahams is getting some top-flight help in cleaning up the nation’s Cold War legacy: Jessie Roberson, who headed the Department of Energy’s Rocky Flats closure project in Colorado, is being selected to manage DOE's entire environmental cleanup program nationwide.

Roberson will be the second Rocky Flats veteran to move into a key DOE post. Earlier, the White House announced it would nominate Robert Card, Undersecretary of Energy. Card previously headed Kaiser-Hill, the contractor doing the cleanup at Rocky Flats, the mothballed nuclear bomb trigger factory north of Golden.

The Rocky Flats crew, led by Roberson and Card accomplished, in just three years of teamwork, more progress toward cleanup and closure than the facility had logged in the previous decade.

It's understandable that Abrahams would look toward the people who brought DOE past success to move the entire department toward its future goals.

Roberson is an excellent choice. She is a nuclear engineer who in 1996 was named the national Black Engineer of the Year for Professional Achievement in Government. That same year, she took the reins at Rocky Flats, where her personable but no-nonsense style got the flagging project on track.

In 1999, the Democratic Clinton administration tapped Roberson for the Defense Nuclear Facilities Board, which provides independent oversight at DOE nuclear sites on all issues affecting health and safety.

Now the Republican Bush Administration also has recognized the value of her 17 years of nuclear safety experience.

As assistant energy secretary for environmental management, Roberson will oversee the cleanup of all the country’s Cold War atomic sites. Among them: Hanford, the toxic and radioactive nightmare in eastern Washington. Savannah River, the South Carolina reactor and processing plant that must be shuttered. And Rocky Flats, the once place DOE has scored real progress toward cleanup.

With Abrahams at the top and Card in the No. 2 slot, Roberson will round out DOE’s civilian management team.

The department’s environmental management job, in fact, is one of the toughest positions in the federal government today. There likely isn’t a better person around to tackle the task, however, that Jessie Roberson.
Mr. GILMAN. Mr. Speaker, today I stand to recognize and salute a dear friend and a wonderful human being, Walter Arbib.

A resident and native of Israel before moving to Canada in 1988, Walter Arbib started his career as an Israeli tourist agent and took advantage of the normalized relations between Israel and Egypt for his business. As his work progressed and new horizons seemed to dawn, Walter came upon the idea of moving his work into the international relief area. Already, at this point, as co-owner of a number of SkyLink discount travel offices, Walter established his headquarters in Toronto, Canada and was the catalyst for a dream that has grown exponentially since that time. What began as a group of small travel offices has evolved into SkyLink Group which includes SkyLink Express, and air courier business; SkyLink Travel, a discount airline ticket agency; Sishost Corp., an Internet-based application hosting platform; and Dollar Rent-A-Car.

At a cursory glance, the SkyLink group of companies seems no more than an affordable, expansive travel group. However, Walter Arbib's vision has gone much further than simply affordable travel. SkyLink Aviation, Inc. is an internationally licensed operator of aircraft and helicopters which specializes in Air Support Project Management, Air Charters, Aviation Support, Aircraft Maintenance, Air Courier, Executive Aircraft, Flight Planning and Clearance Services. In short, SkyLink supplies much needed air support for humanitarian and other missions throughout the globe.

Walter's clientele has become as diverse as the United Nations (incidentally one of SkyLink’s first contracts). Foreign governments, as well as the United States, have hired Walter Arbib and SkyLink to deliver food to refugees, evacuate workers, and fly into dangerous areas to provide aid and transportation. SkyLink owns approximately fourteen planes and four helicopters, but leases the bulk of its aircraft from a network of companies, sometimes as many as one hundred planes can be involved in any given operation in a matter of hours. Walter’s company is always on call. If an emergency request comes through, SkyLink is prepared to act immediately.

Often, Walter doesn’t even wait for a call before his aircraft are on their way to participate or spearhead disaster relief halfway across the globe. During severe flooding in Mozambique, SkyLink started to move their helicopters before Walter was even asked. His pro-active approach to work is a combination of good business sense and an understanding of the international need for an operation like SkyLink. Walter Arbib and SkyLink have received thankful letters and honors from many countries that are grateful for the service that he has provided.

SkyLink’s work can sometimes deviate from the stated objective. The most illustrative example occurred in 1994 when SkyLink was hired to bring aid to Rwanda, in the midst of war. During this operation, SkyLink’s Operations Manager discovered nine hundred orphans with two aid workers struggling in abysmal working conditions. A decision was quickly made that SkyLink would donate its aircraft and manpower to the first wave of supplies, and would help set up an adequate shelter for the orphans. Back at headquarters, Walter stated matter-of-factly that he had heard this incredible story from his manager, and decided to lend a helping hand, because those children were in the middle of nowhere and the people in the field said that they were not leaving before they had a chance to help. Such devotion and goodwill is ever-pervasive in SkyLink under Arbib’s leadership.

Walter Arbib has prospered because of SkyLink’s extensive business ventures, but never lost sight of the main reason that this business is such a success on a number of levels. More often than not, the SkyLink symbol can be seen on the helicopters and planes evacuating refugees or bringing aid and supplies to needy citizens of other countries. While this has meant greater profits for Walter, it also fills him with a sense of pride that even in a business venture, comfort and aid can be brought to the needy throughout the world.

The international community is extremely grateful to this humanitarian whose work many times provides the difference of life or death for countless people in the path of danger.
HIGHLIGHTS
The House Passed H.R. 503, Unborn Victims of Violence Act.

Senate

Chamber Action
Routine Proceedings, pages S3933–S4017

Measures Introduced: Nineteen bills and three resolutions were introduced, as follows: S. 778–796, S. Res. 76–77, and S. Con. Res. 34.

Measures Reported:
S. 319, to amend title 49, United States Code, to ensure that air carriers meet their obligations under the Airline Customer Service Agreement, and provide improved passenger service in order to meet public convenience and necessity, with an amendment. (S. Rept. No. 107–13)

Measures Passed:

Congratulating Boston College Men's Ice Hockey Team: Senate agreed to S. Res. 76, congratulating the Eagles of Boston College in Massachusetts for winning the 2001 National Collegiate Athletic Association Men's Ice Hockey Championship.

Honoring Neil L. Rudenstine: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. Res. 65, honoring Neil L. Rudenstine upon his retirement as the 26th President of Harvard University in Cambridge, Massachusetts, and the resolution was then agreed to.

Farmer Bankruptcy Extension: Senate passed H.R. 256, to extend for 11 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted, clearing the measure for the President.

Legal Counsel: Senate agreed to S. Res. 77, to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs.

Export Administration Act: Senate began consideration of the motion to proceed to consideration of S. 149, to provide authority to control exports.

Subsequently, motion to proceed was withdrawn.

Elementary and Secondary Education Act Authorization: Senate began consideration of the motion to proceed to consideration of S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965.

A motion was entered to close further debate on the motion to proceed to consideration of the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Tuesday, May 1, 2001, at 9:30 a.m.

Nominations Confirmed: Senate confirmed the following nominations:
Andrew S. Natsios, of Massachusetts, to be Administrator of the United States Agency for International Development.
James Andrew Kelly, of Hawaii, to be an Assistant Secretary of State (East Asian and Pacific Affairs) vice Stanley O. Roth.
Paula J. Dobriansky, of Virginia, to be an Under Secretary of State (Global Affairs).

Nominations Received: Senate received the following nominations:
Stephen L. Johnson, of Maryland, to be Assistant Administrator for Toxic Substances of the Environmental Protection Agency.

2 Marine Corps nominations in the rank of general.

1 Navy nomination in the rank of admiral.

Routine lists in the Navy.

Executive Communications:
Pages S3990–91

Petitions and Memorials:
Pages S3991–93

Executive Reports of Committees:
Pages S3993–94

D355
Adjournment: Senate met at 10 a.m., and adjourned at 6:07 p.m., until 2 p.m., on Monday, April 30, 2001. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S4016.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—JUSTICE
Committee on Appropriations: Subcommittee on Commerce, Justice, State, and the Judiciary concluded hearings on proposed budget estimates for fiscal year 2002 for the Department of Justice, after receiving testimony from John Ashcroft, Attorney General, Department of Justice.

APPROPRIATIONS—NATIONAL NUCLEAR SECURITY ADMINISTRATION
Committee on Appropriations: Subcommittee on Energy and Water Development concluded hearings on proposed budget estimates for fiscal year 2002 for the National Nuclear Security Administration, Department of Energy, after receiving testimony from John A. Gordon, Under Secretary for Nuclear Security/Administrator, and Adm. Frank L. Bowman, USN, Director, Naval Nuclear Propulsion Program, both of the National Nuclear Security Administration, Department of Energy.

ERGONOMIC STANDARDS
Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education concluded hearings to examine the costs, benefits and feasibility of the Occupational Safety and Health Administrations ergonomics standards, after receiving testimony from Elaine Chao, Secretary of Labor; Stanley J. Bigos, University of Washington School of Medicine, Seattle; Bradley Evanoff, Washington University School of Medicine Division of General Medical Sciences, St. Louis, Missouri; Baruch A. Fellner, Gibson, Dunn and Crutcher, Margaret M. Seminario, AFL-CIO, Franklin E. Mifer, United Automobile, Aerospace and Agricultural Implement Workers of America, Derry Dean Sparlin, Jr., Gibson, Dunn and Crutcher, and Jacqueline Nowell, United Food and Commercial Workers International Union, all of Washington, D.C.; Nortin M. Hadler, University of North Carolina Hospitals, Chapel Hill; Jeremiah A. Barondess, New York Academy of Medicine, on behalf of the National Research Council/Institute of Medicine, and Eric Frumin, Union of Needletrades, Industrial and Textile Employees, both of New York, New York; Kim Burton, University of Huddersfield, Huddersfield, United Kingdom; Jane Derebery, Concentra Health Services, Austin, Texas; Laura Punnett, University of Massachusetts Department of Work Environment, Lowell; David C. Alexander, Auburn Engineers, Inc., Auburn, Alabama; and Heidi Eberhardt, Somerville, Massachusetts.

APPROPRIATIONS—TREASURY
Committee on Appropriations: Subcommittee on Treasury and General Government concluded hearings on proposed budget estimates for fiscal year 2002 for the Department of the Treasury, after receiving testimony from Paul H. O’Neill, Secretary of the Treasury, who was accompanied by an associate.

APPROPRIATIONS—TRANSPORTATION
Committee on Appropriations: Subcommittee on Transportation concluded hearings on proposed budget estimates for fiscal year 2002 for the Department of Transportation, after receiving testimony from Norman Y. Mineta, Secretary of Transportation.

NOMINATIONS
Committee on Armed Services: Committee concluded hearings on the nominations of Edward C. Aldridge, of Virginia, to be Under Secretary for Acquisition and Technology, William J. Haynes II, of Tennessee, to be General Counsel, and Powell A. Moore, of Georgia, to be Assistant Secretary for Legislative Affairs, all of the Department of Defense, after the nominees testified and answered questions in their own behalf. Mr. Aldridge was introduced by Senator Warner, and Mr. Moore was introduced by Senator Thompson.

AUTHORIZATION—STRATEGIC AIRLIFT AND SEALIFT
NOMINATION
Committee on Commerce, Science, and Transportation: Committee concluded hearings on the nomination of Theodore William Kassinger, of Maryland, to be General Counsel of the Department of Commerce, after the nominee, who was introduced by Senator Cleland, testified and answered questions in his own behalf.

AMATEUR SPORTS INTEGRITY
Committee on Commerce, Science, and Transportation: Committee concluded hearings on S. 718, to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing drugs by athletes, after receiving testimony from Senator Reid; Representatives Osborne, Berkley, Gibbons, Roemer, and Graham; Gary Williams, University of Maryland, College Park; Tracy Dodds Hurd, Cleveland Plain Dealer, Rocky River, Ohio; Danny Sheridan, USA Today, Mobile, Alabama; Howard J. Shaffer, Harvard University Medical School Division on Addictions, Boston, Massachusetts; William C. Friday, University of North Carolina, Chapel Hill, on behalf of the Knight Commission on Intercollegiate Athletics; Michael F. Adams, University of Georgia, Athens; Terry W. Hartle, American Council on Education, Washington, D.C.; William S. Saum, National Collegiate Athletic Association, Indianapolis, Indiana; Edward Looney, Council on Compulsive Gambling, Trenton, New Jersey; Titus Lovell Ivory, State College, Pennsylvania; and Pete Newell, Rancho Sante Fe, California.

UNSOLICITED COMMERCIAL E-MAIL
Committee on Commerce, Science, and Transportation: Subcommittee on Communications concluded hearings to examine the problem of unsolicited commercial e-mail (spam), the consumer protection issues raised by its widespread use, the Federal Trade Commission’s program to combat deceptive and fraudulent spam, and proposed legislation that would deter it, after receiving testimony from Representative Goodlatte; Eileen Harrington, Associate Director for Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission; Jerry Cerasale, Direct Marketing Association, Inc.; Jeremiah S. Buckley, Goodwin Procter, on behalf of the Electronic Financial Services Council, and David P. McClure, U.S. Internet Industry Association, all of Washington, D.C.; David Moore, 24/7 Media, New York; Jason Catlett, Junkbusters Corporation, Green Brook, New Jersey; and Harris L. Pogust, Sherman, Silverstein, Kohl, Rose and Podolsky, Pennsauken, New Jersey.

NATIONAL ENERGY POLICY
Committee on Energy and Natural Resources: Committee concluded oversight hearings to consider national energy policy with respect to fuel specifications and infrastructure constraints and their impacts on energy supply and price, after receiving testimony from Gary Heminger, Marathon Ashland Petroleum, Findlay, Ohio; Thomas L. Robinson, Robinson Oil Corporation, San Jose, California, on behalf of the National Association of Convenience Stores and the Society of Independent Gasoline Marketers of America; Daniel S. Greenbaum, Health Effects Institute, Cambridge, Massachusetts; Don H. Daigle, ExxonMobil Refining and Supply Company, Fairfax, Virginia; and Craig Moyer, Manatt, Phelps and Phillips, Los Angeles, California, on behalf of the Western Independent Refiners Association.

FOREST SERVICE ROADLESS AREA RULEMAKING
Committee on Energy and Natural Resources: Subcommittee on Forests and Public Land Management concluded oversight hearings to examine the energy implications of the Forest Service Roadless Area Rulemaking which prohibits new road construction and reconstruction and the cutting, sale, and removal of timber in certain inventoried roadless areas on National Forest System lands, focusing on the Department of Agriculture and the Department of Energy assessment of how the roadless rulemaking affects the energy resource potential of roadless areas, and their plans to address the issue, after receiving testimony from H. William Hochheiser, Manager, Oil and Gas Environmental Research, Office of Fossil Energy, Department of Energy; Randle G. Phillips, Deputy Chief for Programs and Legislation, Forest Service, Department of Agriculture; Jeffrey Eppink, Advanced Resources International, Inc., Arlington, Virginia; Peter Morton, Wilderness Society, Denver, Colorado; Rollin Sparrowe, Wildlife Management Institute, Washington, D.C.; Greg Schaefer, Arch Coal Inc., St. Louis, Missouri, on behalf of the National Mining Association and the Colorado, Utah and Wyoming Mining Associations; Edmund P. Segner, EOG Resources, Inc., Houston, Texas, on behalf of the Domestic Petroleum Council, American Petroleum Institute, Independent Petroleum Association of America, and Public Lands Advocacy; and Tom McGarity, University of Texas School of Law, Austin.

ARMY BUDGET
Committee on Environment and Public Works: Subcommittee on Transportation and Infrastructure concluded hearings to examine the President’s proposed budget request for fiscal year 2002 for the Army
Corps of Engineers Civil Works program, after receiving testimony from Claudia L. Tornblom, Deputy Assistant Secretary for Management and Budget/Office of the Assistant Secretary for Civil Works, and Lt. Gen. Robert B. Flowers, USA, Chief of Engineers, U.S. Army Corps of Engineers, both of the Department of the Army.

NOMINATIONS

Committee on Finance: Committee concluded hearings on the nominations of Grant D. Aldonas, of Virginia, to be Under Secretary of Commerce for International Trade, John B. Taylor, of California, to be Under Secretary of the Treasury for International Affairs, and Scott Whitaker, of Virginia, to be Assistant Secretary of Health and Human Services for Legislation, after the nominees testified and answered questions in their own behalf.

FEDERAL TAX CODE COMPLEXITY

Committee on Finance: Committee held hearings to examine the complexity of the federal tax code and proposed recommendations to create a more efficient and simplified tax code, receiving testimony from Lindy L. Paull, Chief of Staff, Joint Committee on Taxation; Claudia Hill, Cupertino, California, on behalf of the National Association of Enrolled Agents; Richard M. Lipton, on behalf of the American Bar Association, and Pamela J. Pecarich, American Institute of Certified Public Accountants, both of Washington, D.C.; and Betty M. Wilson, MGM Mirage, Las Vegas, Nevada, on behalf of Tax Executives Institute, Inc.

Hearings recessed subject to call.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the nominations of John Robert Bolton, of Maryland, to be Under Secretary for Arms Control and International Security, Paula J. Dobriansky, of Virginia, to be Under Secretary for Global Affairs, Lincoln P. Bloomfield, Jr., of Virginia, to be Assistant Secretary for Political-Military Affairs, Richard Nathan Haass, of Maryland, for the rank of Ambassador during his tenure of Service as Director, Policy Planning Staff, and James Andrew Kelly, of Hawaii, to be Assistant Secretary for East Asian and Pacific Affairs, all of the Department of State, and Andrew S. Natsios, of Massachusetts, to be Administrator of the United States Agency for International Development.

Prior to this action, committee concluded hearings on the nomination of Mr. Kelly (listed above), after the nominee, who was introduced by Senators Inouye and Akaka, testified and answered questions in his own behalf.

ASSISTED LIVING

Special Committee on Aging: Committee concluded hearings to evaluate current developments in assisted living facilities, focusing on consumer protection, state regulations, staff training, and assistance with medications, after receiving testimony from Senator Clinton; Esther Gallow, Booker T. Community Outreach, Inc., Monroe, Louisiana; Bill Southerland, Bill Southerland’s Residential Care Homes, Eagle, Idaho; Karen Love, Consumer Consortium on Assisted Living, and Emelia-Louise Kilby, both of Arlington, Virginia; and Margaret Thompson, Thompson, White and Associates, Huntsville, Alabama, on behalf of the Assisted Living Federation of America.
James Madison Commemoration Advisory Committee: The Chair announced the Speaker’s appointment of Dr. Charles R. Kesler of Claremont, California and Mr. Randy Wright of Richmond, Virginia to the James Madison Commemoration Advisory Committee.

Page H1610

Committee Resignation—Veterans’ Affairs: Read a letter from Representative Peterson of Minnesota wherein he resigned from the Committee on Veterans’ Affairs.

Page H1610

Unborn Victims of Violence Act: The House passed H.R. 503, to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, by a yea and nay vote of 252 yeas to 172 nays with 1 voting “present”, Roll No. 89.

Pursuant to the rule, the amendment printed in H. Rept. 107–50 that makes a technical change to the title of the new section in the Uniform Code of Military Justice was considered as adopted.

Page H1613

Rejected the Lofgren amendment in the nature of a substitute, numbered 1 and printed in the Congressional Record of April 24, that sought to establish a federal crime for violent or assaultive conduct against a pregnant woman that interrupts or terminates her pregnancy by a recorded vote of 196 ayes to 229 noes, Roll No. 88.

The Clerk was authorized to make technical corrections and conforming changes to the bill.

Page H1650

Earlier, H. Res. 119, the rule that provided for consideration of the bill was agreed to by voice vote.

Pages H1610–12

National Children’s Memorial Flag Day: The House agreed to H. Con. Res. 110, expressing the sense of the Congress in support of National Children’s Memorial Flag Day.

Pages H1651–52

Commission on Security and Cooperation in Europe: The Chair announced the Speaker’s appointment of Representatives Hoyer, Cardin, Slaughter, and Hastings of Florida to the Commission on Security and Cooperation in Europe.

Page H1652

Board of Visitors to the United States Coast Guard Academy: The Chair announced the Speaker’s appointment of Representative Taylor of Mississippi to the Board of Visitors to the United States Coast Guard Academy.

Page H1652

Legislative Program: The Majority Leader announced the legislative program for the week of April 30.

Pages H1650–51

Meeting Hour—Tuesday, May 1: Agreed that when the House adjourns on Friday it adjourn to meet at 12:30 p.m. on Tuesday, May 1 for morning-hour debate.

Page H1651

Private Calendar: Agreed to dispense with the call of the private calendar on Tuesday, May 1.

Page H1651

Meeting Hour—Wednesday, May 2: Agreed that when the House adjourns on Tuesday, it adjourn to meet at 9 a.m. on Wednesday, May 2.

Page H1651

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of May 2, 2001.

Page H1651

Senate Messages: Messages received from the Senate appear on page

Page H1607

Referral: S. 350 was referred to the Committees on Energy and Commerce and Transportation and Infrastructure.

Page H1656

Quorum Calls—Votes: One yea-and-nay vote and one recorded vote developed during the proceedings of the House today and appears on Pages H1649 and H1649–50. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 3:37 p.m.

Committee Meetings

FEDERAL FARM COMMODITY PROGRAMS

Committee on Agriculture: Continued hearings on Federal Farm Commodity Programs, with the sugar industry. Testimony was heard from Ray VanDriessche, President, American Sugarbeet Growers Association.

Hearings continue May 2.

AGRICULTURE, RURAL DEVELOPMENT, FDA APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies held a hearing on the Secretary of Agriculture. Testimony was heard from Ann M. Veneman, Secretary of Agriculture.

COMMERCE, JUSTICE, STATE AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State and Judiciary held a hearing on the Secretary of State. Testimony was heard from Colin L. Powell, Secretary of State.

DISTRICT OF COLUMBIA APPROPRIATIONS

Committee on Appropriations: Subcommittee on the District of Columbia held a hearing on Economic Development. Testimony was heard from the following officials of the District of Columbia: Eric Price, Deputy Mayor, Planning and Economic Development; Elinor R. Bacon, President and CEO, and
John Roderick Heller, Vice Chair, both with the National Capital Revitalization Corporation; John M. Derrick, Jr., Chairman, Greater Washington Board of Trade; and Richard Monteith, President, Chamber of Commerce, District of Columbia.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development held a hearing on the Bureau of Reclamation. Testimony was heard from the following officials of the Department of Interior: Gale Norton, Secretary; and J. William McDonald, Regional Director, Pacific Northwest Region, Bureau of Reclamation.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held a hearing on the Forest Service. Testimony was heard from Dale Bosworth, Chief, Forest Service, USDA.

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services and Education held a hearing on the Office of Elementary and Secondary Education, the Office of Educational Research and Improvement and the Office of Bilingual and English Language Minority Affairs, the Office of Special Education and Rehabilitation Services, and on the Office of Vocational and Adult Education. Testimony was heard from the following officials of the Department of Education: Thomas M. Corwin, Acting Deputy Assistant Secretary, Elementary and Secondary Education; Sue Betka, Deputy Assistant Secretary, Office of Educational Research and Improvement; Arthur Love, Acting Director, Office of Bilingual and English Language Minority Affairs; Francis Corrigan, Deputy Director, Office of Special Education and Rehabilitation Services; and Robert Muller, Deputy Assistant Secretary, Office of Vocational and Adult Education.

TRANSPORTATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation held a hearing on the National Highway Traffic Safety Administration. Testimony was heard from L. Robert Shelton, Executive Director, National Highway Traffic Safety Administration, Department of Transportation.

MILITARY FACILITIES CONDITIONS—EFFECTS ON READINESS AND QUALITY OF LIFE

Committee on Armed Services: Subcommittee on Military Installations and Facilities held a hearing on the conditions of military facilities and their effects on readiness and quality of life. Testimony was heard from the following officials of the Department of Defense: Maj. Gen. Robert L. Van Antwerp, Jr., USA, Assistant Chief of Staff, Installations Management, Department of the Army; Rear Adm. David Pruett, USN, Deputy Chief of Naval Operations (Logistics), Director of Facilities and Engineering, Department of the Navy; Maj Gen. Earnest O. Robbins, USAF, The Civil Engineer, Department of the Air Force; and Brig. Gen. Michael Lehnert, USMC, Assistant Deputy Commandant, Installations and Logistics (Facilities), Headquarters, U.S. Marine Corps.

COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT


HHS PRIORITIES REFLECTED IN BUDGET

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled “Priorities of the U.S. Department of Health and Human Services Reflected in the Fiscal Year 2002 Budget.” Testimony was heard from Tommy G. Thompson, Secretary of Health and Human Services.

INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT


HUD BUDGET

Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing on the budget of the Department of Housing and Urban Development. Testimony was heard from Mel Martinez, Secretary of Housing and Urban Development.

AUTISM—INCREASED RATES

Committee on Government Reform: Concluded hearings on “Autism—Why the Increased Rates?—A One Year Update.” Testimony was heard from the following officials of the Department of Health and Human Services: Owen M. Rennert, M.D., Scientific Director, National Institute of Child Health and Human Development, NIH; Karen Midthun, M.D., Director, Office of Vaccine Research and Review, FDA; and Coleen Boyle, Chief, Developmental Disabilities Branch, Centers for Disease Control and Prevention.
EFFECTIVE SOCIAL SERVICES—ROLE OF COMMUNITY AND FAITH-BASED ORGANIZATIONS

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy, and Human Resources held a hearing on “The Role of Community and Faith-Based Organizations in Providing Effective Social Services.” Testimony was heard from John J. Dilulio, Jr., Director White House Office of Faith-Based and Community Initiatives; Katie Humphreys, Secretary, Family and Social Services Administration, State of Indiana; and public witnesses.

FTS 2001

Committee on Government Reform: Subcommittee on Technology and Procurement held a hearing on “FTS 2001: How and Why Transition Delays Have Decreased Competition and Increased Prices.” Testimony was heard from Linda Koontz, Associate Director, Government-wide and Defense Information Systems, GAO; Sandra Bates, Commissioner, Federal Technology Service, GSA; Brig. Gen. Gregory Premo, USA, Deputy Director, Operations, Defense Information Systems Agency, Department of Defense; James Flyzik, Chief Information Officer, Department of the Treasury; and public witnesses.

FEDERAL PRISON INDUSTRIES COMPETITION IN CONTRACTING ACT

Committee on the Judiciary: Subcommittee on Crime held a hearing on H.R. 1577, Federal Prison Industries Competition in Contracting Act of 2001. Testimony was heard from Representative Hoekstra; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Recreation and Public Lands approved for full Committee action, as amended, H.R. 400, to authorize the Secretary of the Interior to establish the Ronald Reagan Boyhood Home National Historic Site.

The Subcommittee also held a hearing on the following bills: H.R. 37, to amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails; H.R. 640, Santa Monica Mountains National Recreation Area Boundary Adjustment Act; and H.R. 1000, William Howard Taft National Historic Site Boundary Adjustment Act of 2001. Testimony was heard from Representatives Bereuter, Sherman and Portman; Kate Stevenson, Associate Director, Cultural Resources, Stewardship and Partnerships, National Park Service, Department of the Interior; and public witnesses.

FEDERAL FACILITIES—MAXIMIZING POWER GENERATION

Committee on Resources: Subcommittee on Water and Power held an oversight hearing on Maximizing Power Generation at Federal Facilities. Testimony was heard from J. William McDonald, Acting Commissioner, Bureau of Reclamation, Department of the Interior; and public witnesses.

ENERGY DEPARTMENT BUDGET REQUEST

Committee on Science: Subcommittee on Energy held a hearing on Department of Energy Fiscal Year 2002 Budget Request. Testimony was heard from the following officials of the Department of Energy: James F. Decker, Acting Director, Office of Science; Robert S. Kripowicz, Acting Assistant Secretary, Fossil Energy, Office of Fossil; Steven V. Cary, Acting Assistant Secretary, Office of Environment, Safety and Health; Abraham E. Haspel, Acting Director, Office of Energy Efficiency and Renewable Energy; William D. Magwood, IV, Director, Office of Nuclear Energy, Science and Technology; and James M. Owendoff, Deputy Assistant Secretary, Office of Environmental Management; and public witnesses.

AIRLINE DELAY REDUCTION ACT

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on H.R. 1407, to amend title 49, United States Code, to permit air carriers to meet and discuss their schedules in order to reduce flight delays. Testimony was heard from public witnesses.

RAINY DAY FUNDS

Committee on Ways and Means: Subcommittee on Human Resources held a hearing on “Rainy Day” and other special TANF (Temporary Assistance for Needy Families) Funds. Testimony was heard from Paul L. Posner, Director, Federal Budget Issues, GAO; Joel E. Potts, TANF Policy Administrator, Department of Job and Family Services, State of Ohio; and public witnesses.

BRIEFING—CHINA OVERVIEW

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on China Overview. The Committee was briefed by departmental witnesses.

COMMITTEE MEETINGS FOR FRIDAY, APRIL 27, 2001

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.
House

No Committee meetings are scheduled.

CONGRESSIONAL PROGRAM AHEAD
Week of April 30 through May 5, 2001

Senate Chamber

On Monday, Senate will resume consideration of the motion to proceed to consideration of S. 1, Elementary and Secondary Education Act Authorization.

On Tuesday, Senate will continue consideration of the motion to proceed to consideration of S. 1, Elementary and Secondary Education Act Authorization, with a vote on the motion to close further debate on the motion to proceed to occur at 9:30 a.m.

During the remainder of the week, Senate may consider any other cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Special Committee on Aging: May 3, to hold hearings to examine new prescribing technologies for prescription drugs, 2:30 p.m., SD–608.

Committee on Appropriations: May 1, Subcommittee on Energy and Water Development, to hold hearings on proposed budget estimates for fiscal year 2002 for certain Department of Energy programs relating to Energy Efficiency Renewable Energy, science, and nuclear issues, 10 a.m., SD–124.

May 1, Subcommittee on Interior, to hold hearings on proposed budget estimates for fiscal year 2002 for the Forest Service, Department of Agriculture, 10 a.m., SD–138.

May 1, Subcommittee on Commerce, Justice, State, and the Judiciary, to hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Commerce, 10 a.m., S–146, Capitol.

May 2, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Labor, 9:30 a.m., SH–216.

May 2, Subcommittee on VA, HUD, and Independent Agencies, to hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Veterans’ Affairs, 10 a.m., SD–138.

May 3, Subcommittee on Agriculture, Rural Development, and Related Agencies, to hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Agriculture, focusing on assistance to producers and the farm economy, 10 a.m., SD–138.

May 3, Subcommittee on Commerce, Justice, State, and the Judiciary, to hold hearings on proposed budget estimates for fiscal year 2002 for the Department of State, 10 a.m., SD–192.

May 3, Subcommittee on Energy and Water Development, with the Committee on Energy and Natural Resources, to hold joint oversight hearings on the state of the nuclear power industry and the future of the industry in a comprehensive energy strategy, 10 a.m., SD–366.


Committee on Armed Services: May 1, to hold hearings to examine the report of the panel to review the V–22 Program, 9:30 a.m., SH–216.

May 1, Subcommittee on Emerging Threats and Capabilities, to hold hearings to examine the United States military’s capabilities to respond to domestic terrorist attacks involving the use of weapons of mass destruction, 2:30 p.m., SR–222.

May 3, Full Committee, to hold hearings to examine the lessons learned from the attack on U.S.S Cole, on the report of the Crouch/Gehman Commission and on the Navy’s Judge Advocate General Manual Investigation into the attack, including a review of appropriate standards of accountability for United States military services, to be followed by closed hearings (in Room SR–222), 9:30 a.m., SD–106.

Committee on Commerce, Science, and Transportation: May 1, to hold hearings to examine climate change issues, 9:30 a.m., SR–253.

May 2, Subcommittee on Oceans and Fisheries, to hold hearings on individual fishing quotas, 9:30 a.m., SR–253.

May 2, Subcommittee on Science, Technology, and Space, to hold hearings on certain cloning issues, 2:30 p.m., SR–253.

May 3, Full Committee, business meeting to consider pending calendar business, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: May 3, with the Committee on Appropriations, Subcommittee on Energy and Water Development, to hold joint oversight hearings on the state of the nuclear power industry and the future of the industry in a comprehensive energy strategy, 10 a.m., SD–366.

Committee on Environment and Public Works: May 2, to hold hearings to examine the science of global climate change and issues related to reducing net greenhouse gas emissions, 9:30 a.m., SD–628.

Committee on Foreign Relations: May 1, Subcommittee on European Affairs, to hold hearings to examine religious freedom in western Europe, 10:15 a.m., SD–419.

May 1, Subcommittee on East Asian and Pacific Affairs, to hold hearings to examine the future relationship between the United States and China, 2 p.m., SD–419.

Committee on Governmental Affairs: May 3, to hold oversight hearings to examine federal election practices and procedures, 10 a.m., SD–342.

Committee on the Judiciary: May 1, to hold hearings to examine the legal issues surrounding faith based solutions, 10 a.m., SD–106.

May 2, Full Committee, to hold hearings on the Department of Justice nominations, 10 a.m., SD–226.

May 2, Subcommittee on Antitrust, Business Rights, and Competition, to hold hearings on the implementation of the Telecommunications Act and its impact on competition in the industry, 2 p.m., SD–226.
May 3, Subcommittee on Immigration, to hold hearings to examine certain aspects of United States immigration policy, focusing on asylum issues, 2 p.m., SD-226.

Committee on Small Business: May 1, to hold hearings to examine the Small Business Administration’s funding priorities for fiscal year 2002, 10 a.m., SR-428A.

House Committees

Committee on Agriculture, May 2 and 3, to continue hearings on Federal Farm Commodity Programs, 10 a.m., on May 2 and 9:30 a.m., on May 3, 1300 Longworth.

May 2, Subcommittee on Conservation, Credit, Rural Development and Research, hearing to review energy supply and demand issues affecting the agricultural sector of the U.S. economy, 2 p.m., 1300 Longworth.

Committee on Armed Services, May 1, Subcommittee on Military Procurement, hearing to receive recommendations on the V–22 Osprey program, 2 p.m., 2118 Rayburn.

May 3, Subcommittee on Military Installations and Facilities, hearing on the implementation of the Military Housing Privatization Initiative, 10 a.m., 2212 Rayburn.

Committee on Education and the Workforce, May 2 and 3, to mark up H.R. 1, No Child Left Behind Act of 2001, 10:30 a.m., on May 2 and 9:30 a.m., on May 3, 2175 Rayburn.

Committee on Energy and Commerce, May 1, Subcommittee on Energy and Air Quality, hearing on the Electricity Emergency Act of 2001, 1 p.m., 2123 Rayburn.

May 3, Subcommittee on Health, hearing entitled “Evaluating the Effectiveness of the Food and Drug Administration Modernization Act,” 10 a.m., 2322 Rayburn.

Committee on Government Reform, May 1, Subcommittee on National Security, Veterans’ Affairs, and International Relations, hearing on Combating Terrorism: Management of Medical Stockpiles, 2 p.m., 2203 Rayburn.


Committee on House Administration, May 1, hearing on Campaign Finance Reform, 3 p.m., 1310 Longworth.

Committee on International Relations, May 2, to mark up the Foreign Relations Authorization Act for fiscal years 2002 and 2003, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, May 2, Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing on the U.S. Copyright Office, 3 p.m., 2141 Rayburn.

May 3, Subcommittee on Crime, oversight hearing on the “Reauthorization of the United States Department of Justice Part 1–Criminal Law Enforcement Agencies,” 10 a.m., 2141 Rayburn.

Committee on Resources, May 3, Subcommittee on Energy and Mineral Resources, oversight hearing on Geothermal Resources on Public Lands: The Resource Base and Constraints on Development, 10 a.m., 1334 Longworth.

May 3, Subcommittee on Fisheries Conservation, Wildlife and Oceans, oversight hearing on the following: U.S. Fish and Wildlife Service; National Oceanic and Atmospheric Administration; and on the National Marine Fisheries Service budgets for fiscal year 2002, 9:30 a.m., 1324 Longworth.

Committee on Science, May 2, Subcommittee on Research, hearing on Improving Math and Science Education so that No Child is Left Behind, 2 p.m., 2318 Rayburn.

May 2, Subcommittee on Space and Aeronautics, hearing on NASA Posture, 10 a.m., 2318 Rayburn.

May 3, Subcommittee on Energy, hearing on Energy Realities: Rates of Consumption, Energy Reserves, and Future Options, 10 a.m., 2318 Rayburn.

Committee on Small Business, May 2, hearing on the short-term and long-term implications of the procurement policies of the Pentagon that favored China, and other foreign countries, as the suppliers of berets for the Army rather than this Nation’s small business, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, May 2, Subcommittee on Water Resources and Environment, hearing on the following: Army Corps of Engineers’ budget and priorities for fiscal year 2001; and on EPA’s Budget and Priorities for fiscal year 2002, 9:30 a.m., 2167 Rayburn.

May 3, Subcommittee on Coast Guard and Maritime Transportation, hearing on Coast Guard fiscal year 2002 budget request, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, May 1, Subcommittee on Health, hearing on Medicare+Choice: Lessons for Reform, 2 p.m., 1100 Longworth.

May 3, Subcommittee on Select Revenue Measures, hearing on Energy Tax, 10 a.m., 1100 Longworth.

Joint Meetings

Commission on Security and Cooperation in Europe: May 2, to hold hearings to examine the current status of human rights and democracy in Ukraine and the role of the United States in assisting Ukraine’s development as an independent, market-oriented democracy in the face of the current political crisis, 9:30 a.m., 334 Cannon Building.
Next Meeting of the SENATE
2 p.m., Monday, April 30

Senate Chamber

Program for Monday: After the recognition of two Senators for speeches and the transaction of any morning business (not to extend beyond 3 p.m.), Senate will resume consideration of the motion to proceed to consideration of S. 1, Elementary and Secondary Education Act Authorization.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Friday, April 27

House Chamber

Program for Friday: Pro forma session.

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