The House met at 10 a.m.
The Reverend Ira Combs, Jr., The Greater Bible Way Temple, Jackson, Michigan, offered the following prayer:
Of course let us remember, blessed are the brief, for they shall be heard again.

With bowed heads at this time, we want to, before giving the prayer, give honor to Congressman Nick Smith, the Honorable President George W. Bush, the Speaker of the House, and all the distinguished Members of this body.

Again with bowed heads, Almighty and Eternal God, our provider and continual sustenance, we Your public servants disrobe ourselves of our personal pride and bow our heads in humility.

We ask for forgiveness for our individual and collective shortcomings as a people. We petition Your divine assistance, requesting that You script our prayers to reflect a deep and abiding appreciation for the rich historicity our Pounding Fathers have left us in the creative inspiration of our Nation's Constitution and Bill of Rights.

Inspirate us as Republicans, Democrats, Independents and others to never forget the virtues upon which our Nation's democracy was founded, the precepts that are the cause of our current prosperity, and, finally, bless us with reverence for You as a loving and abiding Creator.

Help us seek peaceful and cooperative communion with You, our fellow man, our colleagues, and in each of our communities of faith, never forgetting and ever remembering that it is faith in You that has brought us, blessed us and kept us.

In Your mighty name we pray, and all the people said, Amen.

THE JOURNAL

The SPEAKER. 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. Will the gentleman from New York (Mr. McNulty) come forward and lead the House in the Pledge of Allegiance.

Mr. McNulty 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. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H. Con. Res. 108. Concurrent resolution honoring the National Science Foundation for 50 years of service to the Nation.

The message also announced that the Senate has passed with amendment, in which the concurrence of the House is requested, a bill of the House of the following title:
H.R. 428. An act concerning the participation of Taiwan in the World Health Organization.

The message also announced that pursuant to section 9355(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the United States Naval Academy—
the Senator from South Carolina (Mr. Hollings) (from the Committee on Appropriations); and
the Senator from Georgia (Mr. Cleland) (At Large).

The message also announced that pursuant to section 4355(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the United States Military Academy—
the Senator from Rhode Island (Mr. Reed) (At Large); and
the Senator from Louisiana (Mrs. Landrieu) (from the Committee on Appropriations).

The message also announced that pursuant to section 6968(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the United States Air Force Academy—
the Senator from Maryland (Ms. Mikulski) (from the Committee on Appropriations); and
the Senator from Maryland (Ms. Sarbanes) (At Large).

The message also announced that pursuant to section 194(a) of title 14, United States Code, as amended by Public Law 101–595, and upon the recommendation of the Chairman of the

This symbol represents the time of day during the House proceedings, e.g., 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Printed on recycled paper.
Committee on Commerce, Science, and Transportation, the Chair, on behalf of the Vice President, reappoints the following Senators to the Board of Visitors of the United States Coast Guard Academy—

the Senator from South Carolina (Mr. Hollings) (from the Committee on Commerce, Science, and Transportation); and

the Senator from Washington (Mrs. Murray) (At Large).

The message also announced that pursuant to section 2 of Public Law 106-20, United States Code, as amended by section 2 of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 138 is a structured rule providing for the consideration of H.R. 1466, the Foreign Relations Authorization Act, Fiscal Years 2002 and 2003. The rule waives 1 hour of general debate, equally divided and controlled by the chairman and the ranking minority member of the Committee on International Relations and the ranking minority member of the Committee on Rules. The rule waives all points of order against consideration of the bill and the committee amendment in the nature of a substitute. It provides that no further amendment to the bill shall be in order except those printed in the Committee on Rules report.

The rule provides that each amendment printed in the report shall be offered only in the order printed in the report except as specified in section 2 of the resolution. These amendments shall be offered by a Member designated in the report, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against such amendments.

Section 2 of the resolution allows the Chairman of the Committee of the Whole to permit amendments printed in the Committee on Rules report to be considered out of the order printed provided that the majority leader or his designee announces such a request from the floor no sooner than 1 hour before its consideration. Finally, the rule provides one motion to recommit, with or without instructions.

I support this fair rule which brings forth very important bipartisan legislation authorizing appropriations for 2002 and 2003 for the Department of State, U.S. Foreign operations and international organizations and commissions, international broadcasting activities, security assistance and for other purposes.

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The SPEAKER pro tempore (Mr. LaHood). The gentleman from Florida (Mr. Diaz-Balart) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. Hall), 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.

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Operations appropriations bills. It also sets forth authorities and restrictions under which U.S. foreign policy operations may be conducted during the next 2 years.

It is a good bill, Mr. Speaker. Some of the amendments that have been made in order can make the bill even better by addressing important issues, such as the Mexico City policy and United Nations funding. I believe the rule provides ample opportunity to discuss the pros and cons of the Mexico City policy concerning funding for international family planning organizations that offer abortions by allowing an amendment to strike an amendment that was adopted during the committee consideration of the bill. Members will have a clean vote on this issue after a thorough debate. As a believer in the right to life, I intend to support the Hyde-Barcia-Smith-Oberstar amendment because I believe in preserving the President’s legal authority to impose sanctions for human rights violations. The President should have the same authority as those before him. Preserving this policy will not take any funding away from the $425 million the administration has requested for use in population assistance around the world.

But my view is not what is important, Mr. Speaker. What is important is that this issue will be thoroughly available for debate. Last week, as Members debated the United Nations Economic and Social Council voted to remove the U.S. from the U.N. Commission on Human Rights for the first time since the commission’s inception in 1947. Fortunately, the U.N. Commission on Human Rights has more and more become a club of dictatorships, with the inclusion of such regimes as Sudan, China, Libya, Vietnam. The Cuban dictatorship is automatically reelected as a member each time. The expansion of the United States simply shows, in my opinion, the true nature of a significant portion of that commission. I am confident that the United States Congress through this legislation will make it clear that it takes note of what is unfortunately really happening to the United Nations.

In response to the U.N. actions, we will be debating the Hyde-Lantos-Sweeney amendment, which would send a strong signal to the governments that will be debating the Hyde-Lantos amendment to the United Nations. I am especially concerned about one amendment made in order to be offered by the gentleman from Ohio (Mr. HYDE) and the gentleman from California (Mr. LANTOS) to withhold some U.N. dues unless the United States is returned to its seat on the U.N. Human Rights Commission. I must state that I hold these gentlemen in the highest personal regard and I fully support the ultimate goal of their amendment. Like most Americans, I am outraged that the United States was removed from both the United Nations Human Rights Commission and the International Narcotics Control Board. Like the sponsors of this amendment, I want the United States to get back on these commissions in 2002. However, I strongly oppose the approach of the Hyde-Lantos amendment that hold our U.N. back dues hostage to the United States returning to these commissions.

This is the money we owe the U.N. and we have already agreed to pay it. As the gentlemen know, I am opposed to linking back payment of U.N. dues to any cause. With great reluctance, I broke from my pro-life colleagues who wanted to link payment of our dues to funding some international family
I would like to have struck from the bill all the money for population control. I will support the Mexican City language, but it really does not do that much. All funds are fungible, and if we provide hundreds of millions of dollars for population control and say the funds do not use it, it is just shifting some funds around. So there is no real prohibition on the use of American taxpayers' money for abortion if we do not strike all of these funds.

The United Nations have already laid plans and will not do much to improve the fact that it is hard to accommodate everyone, but nevertheless it is very important that this issue should not be linked to the payment of our arrears to the United Nations. I am afraid that the Hyde-Lantos amendment would only further undermine the operations of the U.N. and our ability to provide leadership. Despite my support for the bill, I reluctantly oppose the rule, and ask my colleagues to vote no on this unnecessarily restrictive rule. Should the rule pass, I ask my colleagues to vote no on the Hyde-Lantos amendment.

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

Mr. PAUL asked and was given permission to revise and extend his remarks.

Mr. PAUL. Mr. Speaker, I thank the gentleman from Florida (Mr. Diaz-Balart) for yielding me this time.

Mr. Speaker, I rise as a member of the Committee on International Relations but I would like to express my disappointment that of my amendments that were offered to the Committee on Rules, none of them were approved. That was a great disappointment to me.

I would raise for the rule, recognizing the fact that it is hard to accommodate everyone, but nevertheless it is very clear that I have been an outspoken opponent of the United Nations, and the amendments that we will be discussing will really not deal with the essence of whether or not we should be involved as we are in foreign interventionism. I think we are tinkering on the edges and will not do much to improve the bill even if some of the amendments are passed, some of which I will support.

I do think there are some serious things that we must consider. One is the issue of national sovereignty. To support H.R. 1666, one has to vote to give up some of our national sovereignty to the United Nations. There is $844 million for peacekeeping missions. We know now that we live in an age when we go to war not by declaration of the U.S. Congress but we go to war with U.N. resolutions. When we vote for this bill, if this bill is supported, that concept of giving up our sovereignty and going to war under U.N. resolutions is supported.

Planning organizations. Then, as now, I fully supported the end result but then, as now, I do not think that threatening to withhold our U.N. dues, our U.N. back dues, was the proper tactic.

Mr. Speaker, this is President Bush's view as well. Yesterday, the President's spokesman stated while the United States is disappointed with the results of the Human Rights Commission election, the President feels strongly that this issue should not be linked to the payment of our arrears to the United Nations. When we go to war not by declaration of the U.S. Congress but by a resolution of the U.N., it is not a proper way to address this subject, because it really does not deal with the essence of whether or not we should be involved in foreign interventions. I am afraid that the Hyde-Lantos amendment would really not deal with the essence of whether or not we should be involved in foreign interventions.

Mr. Speaker, today I will support the President's amendment and we will not do much to improve the fact that our sovereignty is being challenged to the United Nations. I am afraid that the Hyde-Lantos amendment would really not deal with the essence of whether or not we should be involved in foreign interventions.

Mr. Speaker, I rise to oppose this rule. I am disappointed that the Hastings-Allen amendment was not made in order. Our amendment would establish a special coordinator for Korea to negotiate the end of the North Korean missile program. We can negotiate away the North Korean missile threat, but only if we sit down at the negotiating table and discuss the subject. President Bush has refused to do so.

In denying the House a vote on our amendment, Republicans show they have no interest in getting rid of North Korean missiles. Why? Apparently because those missiles are needed to justify the President's extravagant, unworkable missile defense scheme.

It is far easier to defend against a missile that is never built than against a missile that has been launched. There is no real prohibition on the use of American taxpayers' money for abortion if we do not strike all of these funds. There was a demonstration not too long ago by the Serbs objecting to this. The idea that U.N. soldiers, paid by the American taxpayers, are now tax collectors on goods coming into the country is abhorrent. This should be abhorrent to all of us. It should be abhorrent to all Americans that we would have an international tax imposed by the United Nations.

Already the United Nations is involved in tax collecting. In Bosnia right now, in Serbia, the U.N. has as one of its functions collecting taxes on goods coming into the country. There was a demonstration not too long ago by the Serbs objecting to this. The idea that U.N. soldiers, paid by the American taxpayers, are now tax collectors on Bosnia should arouse our concern.

The only way, since we do not have the amendments to reject outright some of this wasteful and harmful funding, the only way we who believe that our sovereignty is being challenged to the United Nations. I am afraid that the Hyde-Lantos amendment would really not deal with the essence of whether or not we should be involved in foreign interventions.

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Mr. Speaker, we have crafted a fair rule, with 26 amendments made in order, over half from our friends from the other side of the aisle. The key issues have all been made in order for debate. We look forward to a vigorous debate on this important legislation.

Mr. Speaker, I reiterate my support for the rule and the underlying legislation.

Mr. MARKEY. Mr. Speaker, I rise in opposition to the rule. The Rules Committee has blocked an amendment offered by Mr. GILMAN and myself. This amendment, "Accountability to Congress for Nuclear Transfers to North Korea Act", would have provided for thoughtful consideration as the United States and its allies march non-aggressively towards providing nuclear power to North Korea.

North Korea is a signatory to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and, as such, is required to submit to inspections by the International Atomic Energy Agency (IAEA). However, North Korea has blocked the IAEA from performing inspections of certain nuclear facilities. This non-compliance was tacitly accepted by the U.S.-North Korean Agreed Framework of 1994, which arranged for the provision of $4.5 billion along with the destruction of North Korea's nuclear reactors.

North Korea, however, has blocked the IAEA from performing inspections of certain nuclear facilities. The non-compliance was tacitly accepted by the U.S.-North Korean Agreed Framework of 1994, which arranged for the provision of $4.5 billion along with the destruction of North Korea's nuclear reactors. Instead, the current agreement allows for the transfer of nuclear material to North Korea.

In order to fulfill its international obligations, it is important that we scrutinize carefully any transfers of nuclear equipment or technology. At the same time, we must recognize the precarious power pre-dominance which Washington finds itself in. The nuclear reactors won't be completed for years. And when—and if—they are, North Korea's electric grid is not capable of handling and transmitting the power that will be produced. The people of North Korea will still want for electricity, and we in the House of Representatives will have to decide what we should do in that situation.

So we have to balance the various issues; we have to be tough but fair-minded. We have to consider carefully any attempt to transfer nuclear technology or material to North Korea per the agreement, but we also have to agree to preserve the Agreed Framework, which helped to avoid potential military confrontation on the Korean Peninsula. And as part of ensuring stability there, we have to recognize the legitimate needs of the North Korean people.

The amendment offered by Mr. GILMAN and myself would have accomplished this task. First, it required that before any material or technology was transferred to North Korea under a nuclear cooperation agreement, Congress would have to approve any joint resolution any certification made by the President as specified by the North Korea Threat Reduction Act of 1999. This portion of the amendment passed the House of Representatives in the last Congress by a margin of 374 to 6 on May 15, 2000. Second, the amendment would have prohibited the assumption of liability by the United States government for accidents involving nuclear reactors in North Korea. This portion of the amendment passed the House of Representatives last May by a margin of 334 to 226, not voting 13 as follows:

[Roll No. 105]

YEA—as 226
Aderholt  Collins  Goode
Akinn  Combett  Goodlatte
Army  Conkny  Goodline
Bachus  Cox  Goss
Baker  Crane  Graham
Barger  Craig  Grau
Barcia  Culserhon  Graves
Barr  Cunningham  Green (WI)
Barrett  Davis, Jo Ann  Greenwood
Barton  Davis, Tom  Gruci
Basu  Deal  Gutknecht
Berbeser  DeKay  Hall (TX)
Biggert  DeMint  Halter
Bilottis  Doolittle  Hasting (WA)
Boehleen  Dunham  Hayes
Boehner  Dunn  Hayworth
Bonilla  Ehlers  Hefley
Bono  Edbrook  Herger
Brady (TX)  Emerson  Holsen
Brown (SC)  English  Hooks
Buray  Everett  Hочesta
Burr  Ferguson  Hostettler
Burton  Fletcher  Hultgren
Butler  Foley  Hutchinson
Callahan  Foxx  Hyde
Calvert  Fossella  Issa
Calvert (MD)  Frangusen  Issakson
Cannon  Gallegly  Issa
Cantor  Ganske  Istook
Castle  Gekas  Jenkins
Castle (AL)  Gibbons  Johnson (CT)
Cheeks  Gibbs  Johnson (IL)
Chablis  Gilmor  Johnson, Sam
Chablis  Gilmor  Jones (NC)
Chablis  Gilmore  Jones (NC)

Yeas 226—

The rule hides from these realities. It should be rejected.

Mr. DIAZ-BALART. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I hope that somehow, somewhere, the nuclear power plants will be built according to the satisfaction of everyone. North Korea will not be satisfied with their lack of electricity, and we in the House of Representatives will not be satisfied with being shut out of the decision-making process regarding nuclear transfers to North Korea.

The rule is not acceptable. It should be rejected.

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

The SPEAKER pro tempore (Mr. LAHood). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.
AMENDMENT PROCESS FOR H.R. 1, NO CHILD LEFT BEHIND ACT OF 2001

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

Mr. DIAZ-BALART. Mr. Speaker, today a "Dear Colleague" letter will be sent to all Members in amendment form. Then that the Committee on Rules is planning to meet the week of May 14 to grant a rule which may limit the amendment process on H.R. 1, the No Child Left Behind Act of 2001. The bill was ordered reported yesterday by the Committee on Education and the Workforce.

Any Member wishing to offer an amendment should submit 55 copies of their text of H.R. 1 as ordered reported by the Committee on Rules in room H312 in the Rayburn Building. Amendments should be drafted to the text of H.R. 1 as ordered reported by the Committee on Education and the Workforce. That text will be available at the Committee on Education and the Workforce and should check with the Office of the Legislative Counsel to ensure that their amendments comply with the Rules of the House.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1271

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1271.

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 1271.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2002 AND 2003

Mr. HYDE. Mr. Speaker, I ask unanimous consent that the rule be considered as having been read the first time. Under the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

The CHAIRMAN of the House, the gentleman from Illinois (Mr. HYDE), by unanimous consent, asked to have his name removed as a cosponsor of H.R. 1271.

Mr. HYDE. Mr. Speaker, I ask unanimous consent that the rule be considered as having been read the first time. Under the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the Rules of the House.

Mr. HYDE. Mr. Speaker, I ask unanimous consent that my name be removed from the bill.
The bill also designates Taiwan as the equivalent of a non-NATO ally, a designation which, among other things, permits it to purchase surplus U.S. military equipment. It creates a special envoy post for Sudan to work for a peaceful settlement of a conflict that has been marked by enormous human rights abuses, persecution of Christian and other minorities, and the deaths of an estimated 4 million people.

It increases funding for the activities of the broadcast services of Radio Free Europe, Radio Liberty, Voice of America, Radio Marti, and Radio Free Asia to nations including Russia, Cuba, China, North Korea and Vietnam, whose government-run and controlled media routinely suppress the democratic aspirations of their people.

It significantly reduces the U.S. share of dues paid annually to the United Nations. Our assessed rate for the U.N. regular budget is cut from 25 percent to 22 percent, while the U.S. share of peacekeeping operations will drop from about 32 percent to 28 percent, effective January 1, 2001.

Further reductions in peacekeeping will take place on a sliding scale, reaching about 27.5 percent in July of this year and falling further to near 25 percent by 2006. As part of the agreement to reduce the percentage of the U.N. budget paid by the United States, the U.S. is obliged to pay an arrearage of $582 million primarily for peacekeeping operations. I should note these latter funds were appropriated last year.

It includes a provision from the Contract With America which amends the U.N. Participation Act of 1945 to ensure that no agreement deploying U.S. troops is effective without the approval of Congress.

In sum, the bill provides ample safeguard that the U.N. and its specialized agencies will stay on their present course of management, budget, and personnel reform.

Now, these are some of the key aspects of this bill. Let me conclude by emphasizing one in particular; namely, that of security. The most important concerns the security of our people and diplomatic facilities around the world.

The State Department states that last year alone, there were over 50 significant incidents involving violence or intrusion at our diplomatic facilities. This year, the threat is even worse and the number of threats facing our men and women overseas in the Diplomatic Corps has grown exponentially. The bombing of our embassy in Belgrade is just one example, and, more recently, the tragic bombings in Africa are only the latest and most dramatic examples of the threat and challenges facing our diplomats abroad.

The sad and disturbing fact is that Americans serving in our Diplomatic Corps face the same day-in and day-out threats to their safety as those men and women who serve our Nation in the military. In fact, since the end of World War II, more American Ambassadors have been killed in the line of duty than generals and admirals.

We have done an excellent job in equipping our military with the best and latest technology and equipment. As a result, Mr. Chairman, our military is the best-trained, best-equipped, best-led force in the world. But, unfortunately, we have not done the same for the men and women who serve on the front lines of diplomacy.

As Secretary Powell noted at his confirmation hearing, diplomacy is our first line of defense. We must ensure that this line of defense is as strong and as well equipped as our military defense.

We need to upgrade the technology and the security of our embassies. Our bill contains authorities and resources Secretary Powell has requested to help him do just that.

Frankly, Mr. Chairman, I had hoped that Secretary Powell was going to be more ambitious in his request. Given his high standing in the Congress and in the country, I believe Congress would have supported a bolder request, but as he said in his hearing before our committee, there is always next year; which is why I am pleased that the bill provides flexibility for fiscal year 2003.

Mr. Chairman, there are a few important provisions contained in this bill...
that I would like to highlight. First, this legislation goes a long way towards paying our past dues to the United Nations. Despite last week’s deplorable vote on the U.N. Human Rights Commission, I still strongly support paying those arrears.

The United Nations is an indispensable partner in our dealings around the globe, and we must not lose sight of that fact. However, I, along with the rest of my colleagues and with the bulk of the American people, am outraged by the vote last week that put the United States off the U.N. Human Rights Commission and took the United States off the commission.

The United States has been the champion of human rights long before there was a U.N. Human Rights Commission or even a United Nations. We shall continue to champion human rights and chastise the abusers of those rights, regardless of our membership on any commission.

However, it is incomprehensible that any commission on human rights could include in its membership the worst abusers of human rights in the world. Last week’s vote makes a mockery of the commission.

The gentleman from Illinois (Chairman HYDE) and I will introduce an amendment that will add a new condition on paying U.N. arrears. The United States will not pay off all of its arrears to the U.N. until the United States once again becomes a member of the U.N. Commission on Human Rights.

Turning to some other important provisions, this bill contains a significant provision introduced by the gentlewoman from California (Ms. LEE) that overturns the President’s Mexico City policy. We will hear much about this provision from my colleagues as they argue that it funds abortions. While I believe in a woman’s right to choose, this provision has nothing to do with abortion. No U.S. Government money has gone towards funding abortion since 1973. It has been illegal since that year, and this bill does not change that.

Simply put, the provision of the gentlewoman from California (Ms. LEE) ensures that no foreign nongovernmental organization is denied our funding solely on the basis of health and medical services that it provides through non-U.S. government funds and that no foreign NGOs are restricted in using non-U.S. government funds for advocacy.

Our provision merely tries to safeguard that nongovernmental organizations in the United States speaking on behalf of all of us will have the same rights to free speech that our Constitution guarantees to every American citizen and every American organization. I hope that in the spirited debate that is soon to follow, Members will keep this fact in mind.

Some of the important elements of this bill include two provisions strengthening our relationship and commitment to Taiwan and the sense of the Congress provision urging U.S. reengagement with the Kyoto process regarding global climate change.

Lastly, Mr. Chairman, I was very pleased to work with the gentleman from Iowa (Mr. LEACH) in our successful effort in the bill to have the United States rejoin UNESCO, the United Nations Educational Scientific and Cultural Organization.

When UNESCO was founded half a century ago, its purpose was, “Since wars begin in the minds of men, it is in the minds of men that the defenses of peace must first be constructed.” This is as true today as it was the day UNESCO came into being. I earnestly hope that my colleagues will support our rejoining UNESCO which is so much in the American interest.

I also find it ironic that, while we are complaining of having been removed from the U.N. Human Rights Commission, we voluntarily remove ourselves from UNESCO. We still need to do is express our desire to rejoin.

This is a very good bill, Mr. Chairman. It is a bipartisan bill. Virtually every element of this bill has the support of some Republicans and some Democrats. This is in large part due to the leadership of the gentleman from Illinois (Chairman HYDE), and I want publicly to salute him for having conducted our hearings and the activities of the committee in a singularly fair and bipartisan fashion. I want to thank him for the open and collegial way in which he has brought this bill through the committee to this floor.

I hope my colleagues in the House will support the bill in the same bipartisan manner in which it was passed by our committee.

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

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume to the gentleman from California (Mr. LANTOS) for his overly generous comments. I can only respond by saying praise from Caesar is praise indeed.

Mr. Chairman, I yield 7 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I rise in strong support of the pending Foreign Relations Authorization Act crafted so ably by the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS), the ranking member.

I want to thank the gentleman from Illinois (Mr. HYDE) for his extraordinary leadership as chairman of the committee. I think we are off to a good start, and I commend him and thank him for his great leadership.

H.R. 1646, Mr. Chairman, authorizes a myriad of critical State Department functions, funding for international organizations, freedom broadcasting, democracy initiatives, public diplomacy, cultural, educational exchanges, refugee protection, and funding and conditions on such funding for the United Nations.

This legislation builds on our achievements in the last Congress regarding these issues and is especially important in strengthening security for our missions abroad. In light of the significant increase in threats to our personnel and embassies overseas, Congress has a sacred duty to ensure that every imaginable step be taken to make posting abroad as risk-free as humanly possible. This bill is a faithful attempt to achieve that goal.

First, the bill contains several disparate provisions from authorizing the transfer of naval vessels to Taiwan, Poland, Brazil, and Turkey; to the establishment of special envoyships within the State Department to Tibet and Sudan; to promoting police reform & peace in Northern Ireland.

After general debate, Mr. Chairman, the House will consider several amendments; and today it is my understanding that the U.N. amendments, so I would like to address some of those briefly.

First, let me urge my colleagues to strongly support a modest compromise amendment to be offered by the gentleman from Illinois (Chairman HYDE), and the gentleman from California (Mr. LANTOS) to condition the release of the third and final arrearage payment of $144 million, which would be released next year, on the U.S. reclaiming its seat on the U.N. Human Rights Commission.

Tragically, the U.N. Human Rights Commission, created to be a watchdog for human rights, has become seriously flawed and compromised. The membership includes some of the most egregious violators of human rights, including countries like China, Cuba, Syria, Libya, Vietnam, and Sudan.

This rogue’s gallery of torturers, persecutors, and bullies endangers the commission process to avoid scrutiny and to deflect criticism of their barbarism. In Geneva, the home of the Commission, and in foreign capitals, they aggressively lobby and intimidate nations to effectively silence and paralyze any actions against them; and it works.

The U.S. resolution, for example, condemning China for its pervasive violations of human rights, lost from a no action vote just a few weeks ago. It is no coincidence, Mr. Chairman, that Jiang Zemin made a blitzkrieg tour of Latin American nations who just happened to be on the commission immediately prior to the vote to shore up his vote count. In the end, money, contracts, and fear prevailed; and China again got off scot-free from scrutiny and exposure for its abusing its own citizens.

Mr. Chairman, permitting dictatorships on the commission, the U.N. Human Rights Commission, which Mary Robinson, the High Commissioner, has called the conscience of humanity, is an outrage. Dictators like China and Cuba, they are not the conscience of humanity. That is an oxymoron, and they do not belong there.
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It is time we demanded sweeping reformation of the commission itself. At the absolute minimum, and this is reflected in section 603 of the bill, human rights monitors should have unfettered access to any country, including its prisons, and the commission’s reports should be accessible to the public.

Next, I would like to urge Members to support the amendment of the gentleman from Texas (Mr. DELAY) because of the profoundly serious detrimental consequences the international criminal court would have on U.S. service members, especially our peacekeepers, and on elected and public officials.

Known as the Rome Statute of the International Criminal Court, 120 delegations voted to establish the tribunal in July of 1998. The Rome Statute, comprised of 128 articles, defines crimes with expansive definitions include genocide, crimes against humanity, war crimes, and aggression. The problem is, Mr. Chairman, there are serious questions as to how the definitions of these crimes will play out.

For example, the definition of war crimes includes extensive destruction and appropriation of property. What is that? The term aggression, Mr. Chairman, is still in the process of being defined.

Then there is the issue of the independence of the prosecutor. Our delegation in Rome had sought a check and a balance that would have vested final authority in the U.N. Security Council. They lost. A more nuanced and problematic two-tier approach was adopted that confers considerable powers to the prosecutor to self-initiate prosecution.

There are problems of constitutionality. As Members know, both Federal and international laws entered into and ratified are subordinate to the U.S. Constitution. While the accused enjoy some U.S.-style rights, there are no protections from unreasonable searches, and there are no requirements for a trial by jury.

As we have seen at the United Nations Commission for Human Rights, there is considerable chance that rogue nations will have influence, and I would submit undue influence, in both prosecutions and convictions. In the meting out of sentences, thus subjecting U.S. military personnel and public officials to criminal prosecution that a reasonable person might not think to be a war crime or aggression.

Last July, I asked Ambassador Scheffer, who was our lead negotiator at Rome, and Undersecretary Siolombe if past U.S. military actions from the bombing in Tokyo to Dresden to Hiroshima to Nagasaki or any action in Korea or Vietnam might be construed as a war crime. He pointed out that the United States, looking back, would have a good defense if such cases, in my hypothetical case had been tried. Then he underscored that our concern is with politically motivated prosecutions.

I do not want to put our military men and women, our peacekeepers, and in harm’s way. While this may be a well-intentioned court, it certainly has some very serious flaws. I think the amendment by the gentleman from Texas (Mr. DELAY) helps to rectify that, at least in terms of our participation.

Let me say that I take a back seat to no one for pushing for ad hoc tribunals. When the Rwandan as well as the Yugoslavia tribunal were in their infant stages, I offered the amendments in the committee to boost the funding; but it needs to be done on an ad hoc basis. And I do believe it needs to be done in a way that is more likely to lead to prosecution of serious war criminals and not these kinds of prosecutions that would be frivolous and unjust.

Mr. Chairman, I am also pleased that H.R. 1646 includes the Smith/King amendment regarding human rights and the peace process in Northern Ireland. As adopted by the Committee, our amendment, now Section 203, updates and modifies a provision Mr. KING and I authored two years ago to ban Federal funds from being used to support training or exchange programs conducted by the Federal Bureau of Investigation for the Royal Ulster Constabulary (RUC, Northern Ireland’s police force). Specifically, we are intent on ensuring that RUC members who are believed to have committed or condoned human rights violations, including any role in the murder of human rights attorney, Patrick Finucane or Rosemary Nelson, are “vetted out” or prohibited from any program sponsored or subsidized by the U.S. government. We hope that by example, those working on police reform in Northern Ireland will similarly isolate and “vet out” RUC members who condone human rights abuses. Section 203 of this new bill reinforces the ban on the funding—until the President certifies that human rights standards and vetting procedures were antecedent to an agreement—and requires a report, within 60 days of enactment, on the scope of previous training programs.

Section 203 also requires a second report that outlines the extent to which the British government has implemented the 175 recommendations listed in the Patten Commission on policing reforms in Northern Ireland. These recommendations include those recommendations that emphasize the integration of respect for human rights and emphasize efforts to recruit Catholics from the new police force. As you know, the RUC has proportionally far fewer Catholics than the population of Northern Ireland and the imbalance has underscored the RUC’s inability to achieve confidence in all communities who are signatories to the peace process. The required report will also provide information on the integration of members of the Garda Siochana (the national police force of the Republic of Ireland) or other experienced police force applicants into the senior ranks of the RUC by both the British and Irish governments, as envisioned by the Patten report.

Mr. Chairman, is still in the process of being developed. Section 203 requires a report on the implementation of the full Patten report is critical to a just and lasting peace in Northern Ireland.

Finally, Mr. Chairman, Section 203 requires that the report also include information on the status of the murder investigations of defense attorneys Rosemary Nelson and Patrick Finucane and the murder of Robert Hamill. In April 1999, the House of Representatives passed by resolution (H. Res. 128) condemn the murder of Mr. Hamill, who had testified before the International Relations Subcommittee on Human Rights on the status of police reform in Northern Ireland. The House is also on record calling for independent, RUC-free judicial inquiries into the Finucane and Nelson murders. To date, the British government has rebuffed the call, that has also been supported by numerous human rights organizations around the globe. The mandated report is designed to provide Congress with up-to-date information on these matters so that we can continue to effectively promote accountability and justice for these victims and their families.

Mr. LANTOS. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ asked and was given permission to revise and extend his remarks.

Mr. MENENDEZ. Mr. Chairman, I rise in support of this important legislation. I want to thank the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS), the ranking member, in particular, and my colleagues on the committee for making it possible to include in the bill various provisions that I have sponsored.

The bill includes a resolution I introduced in committee on the Kyoto Protocol that expresses the sense of the Congress that, first, global warming is a serious problem, and the United States must take responsible action to reduce emissions of carbon dioxide and other greenhouse gases from all sectors; and, second, that the United States continue to participate in ongoing international negotiations with the objective of completing the rules and guidelines for the Kyoto Protocol consistent with U.S. interest and respecting the integrity of the Protocol.

On another matter, last Thursday, the GAO reported that, despite years of effort from the Congress, the State Department has failed to make any significant progress in the recruitment and promotion of qualified minorities to senior management positions. I am glad we have developed this bill to ensure that the Department moves forward in its recruitment and promotion to senior most ranks of minorities. I have been working on this, this is my 9th year now, and I am glad to see the bill provides $2 million to increase minority recruitment into the Department and requires that a data bank track its results. I urge the President and Secretary Powell to make sure that we obtain results at the State Department in minority recruiting and promotion.

This bill also provides the National Endowment for Democracy with a modest increase for the first time in years.
This vital and cost-effective organization promotes internationally our fundamental American values, democracy and human rights. Promoting these values overseas is in our national interest since democracies make peaceful allies and good trading partners and neither terrorism nor proliferate dangerous weapons. By leading many efforts on the struggle for freedom worldwide, the NED enjoys strong bipartisan support as it advances our national security.

I urge my colleagues to support my amendment on the IAEA. Iran does not need a nuclear power plant or U.S. money to conduct a nuclear power plant and create a nuclear threat for that part of the world and for our country.

Mr. HYDE. Mr. Chairman, I am pleased to yield 2 1/2 minutes to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Chairman, I rise in support of H.R. 1646, and I commend the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS) for their leadership in bringing this legislation to the floor.

This legislation would authorize $3.2 billion for the State Department and amending several items for the enhancement of embassy security, significantly reduces the U.S. share of dues paid annually to the United Nations, and states that Congress maintain its commitment to relocate the United States Embassy in Israel to Jerusalem.

In addition, the measure increases funding for U.S. broadcast services and requires the United States to oppose nations seeking membership on the United Nations Human Rights Commission that fail to permit monitoring of human rights in their own territory.

I would like to highlight a provision of this bill that authorizes $15 million for the Middle East Radio Network. I thank the gentleman from Illinois (Mr. HYDE) for his leadership and guidance in securing this funding and commend the gentleman from Florida (Mr. WEXLER) and the gentleman from California (Mr. SHERMAN) for their efforts on behalf of this bipartisan provision.

Currently, Voice of America Arabic only reaches about 2 percent of the population in this region, far behind the British Broadcasting Corporation and other major international networks. The Middle East Radio Network initiative will serve to broaden the opportunity for open discussion and individual freedom to a region where anti-democratic rhetoric is strong.

This measure will authorize the resources for Middle East Radio Network programming that will be a combination of news, music, talk, and interaction with listeners. Featuring reliable news and discussion of issues relevant to the audience, the Middle East Radio Network will appeal to young adults and to news seekers of all ages.

Constant program themes will be individual choice and respect for others.

The MRN is a worthwhile program to promote Jeffersonian ideals and democratic principles. I would again like to thank the gentleman from Illinois (Mr. HYDE) for his support on this issue and the gentleman from Florida (Mr. WEXLER) and the gentleman from California (Mr. LANTOS) for their assistance in drafting this provision.

Unfortunately, I remain concerned about several provisions in the bill that are going to the committee markup for this legislation. Specifically, I opposed the Lee amendment overturning the Mexico City policy that prohibits the use of American tax dollars to fund foreign organizations that perform or actively promote abortion overseas. Under no circumstances should American taxpayers underwrite abortion activities in foreign countries.

In addition, I remain opposed to the Kyoto Protocol and UNESCO provisions that support elimination of these provisions from the bill.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume to mention to my good friend from Virginia that not one dime of American taxpayers are devoted to abortion purposes abroad.

Mr. HYDE. Mr. Chairman, I am delighted to yield 1 1/2 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA), my good friend and colleague.

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

Mr. FALEOMAVAEGA. Mr. Chairman, I am honored to join my colleagues in strong support of H.R. 1646, the Foreign Relations Authorization Act. I certainly commend the gentleman from Illinois (Mr. HYDE), chairman of our Committee on International Relations, and the gentleman from California (Mr. LANTOS) for their leadership and cooperation which resulted in this exceptionally bipartisan legislation.

The bill contains an uncontested provision urging the administration to continue negotiation of the Kyoto Treaty on the global warming, despite President Bush’s recent announcement to the contrary. Our colleagues understand that the American people view global climate change as a serious environmental challenge that must be addressed.

With only 4 percent of the world’s population, our Nation accounts for almost 25 percent of the carbon dioxide released into the atmosphere, one of the main causes of global warming. Mr. Speaker, as the world’s per capita exporter in fossil fuel emissions, our Nation has a moral responsibility and duty to lead global efforts to address climate warming.

What is needed are binding commitments from all nations of the world to remedy the problem of global warming, and the Kyoto Protocol is the means by which a fair and equitable solution to this serious and environmental problem can be achieved.

I also want to commend both the chairman and the ranking member for including a provision expressing the Congress’s condemnation of the human rights problems of West Papua, New Guinea, and especially also for the continuous funding of the East-West Center in Honolulu, Hawaii.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, foreign policy issues now matter even more on Chicagoland’s Main Street. The Seattle paper said it when the stockholders now will read “The Chicago-based Boeing Company.” On behalf of the people of the northern suburbs, I want to welcome the Boeing headquarters to our community. This move will make Chicago home to the Nation’s number two exporter, Motorola, and now America’s number one exporter, Boeing. Chicago, Illinois, America’s export capital.

This move is a coup for the mayor of Chicago, our Governor and Speaker Hastert. It is a testament to our infrastructure investments in road, rail, and aviation. To win the battles in the future, we must continue such investments.

Exporting jobs are the highest paid in America, and exports soften the blow of a recession and lead our way to economic growth. And Chicago is a dood town tonight.

I rise to congratulate the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for bringing this important foreign policy bill to the Congress. I would like to thank specifically the gentleman from New Jersey (Mr. SMITH) for his support for international broadcasting and specifically for Radio Free Asia.

RFA, like its predecessor, Radio Free Europe, and Radio Liberty, provides a critical service to the people living under oppression. Currently, RFA broadcasts to seven Asian countries in nine languages. This bill includes an extension of an increased authorization, which the broadcasting board of governors received last year as part of the China Permanent Normal Trade Relations bill. This increased funding for Radio Free Asia and Voice of America is desperately needed to combat the jamming practices of the Chinese Government.

During this time, when the U.S. is at a critical juncture with China, it is essential that various avenues are available to bring democracy to China and freedom to the Tibetan people and stability to the region. Radio Free Asia provides that very important link, a voice of democracy, freedom, and truth.

Radio Free Asia was the first to broadcast the Tiananmen Papers inside China, and it recently linked a Tibetan inside Tibet with the Dalai Lama’s private secretary in Darmalsa to discuss Commentary Tibetan Buddhism and provided critical news and information.
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to the Chinese during the recent plane incident.

I look forward to RFA’s continued service to create an even greater audience to bring democracy and freedom to Asia. I strongly support this bill. I congratulate the gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Mr. HYDE) and especially congratulate the gentleman from New Jersey (Mr. SMITH) on funding for Radio Free Asia.

Mr. SMITH. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California (Ms. LEE), a valued member of the committee, and my friend and colleague.

Mrs. LEE. Mr. Chairman, I rise today in strong support of H.R. 1646, as it passed out of committee with strong bipartisan support. I want to thank our chairman, the gentleman from Illinois (Mr. HYDE), and especially our ranking member, the gentleman from California (Mr. LANTOS), for their leadership. But I also want my colleagues to support the Hyde-Smith amendment, which will be offered next week, to strike our bipartisan pro-family planning language incorporated in the bill during our committee hearing.

The amendment added the text of H.R. 755, the bipartisan Lowey-Greenwood-Pelosi-Shays Global Democracy Promotion Act. Now, the Hyde-Smith amendment will eliminate vital family-planning funds. This is for family-planning programs. This amendment will eliminate this totally as it relates to our nongovernmental organizations that use their own privately raised funds for their own health care and counseling services.

And I want to remind my colleagues once again that per the 1973 Helms amendment, no United States funds, that is zero, no United States taxpayer funds go to fund abortions overseas. So we must defeat the Hyde-Smith amendment next week to ensure that women overseas have access to vital health care services that they need, and also which amounts to really the same health care services women in our own country are entitled to. Family-planning services are essential for the prevention of the spread of sexually transmitted diseases, including HIV and AIDS, which kills 7,000 people a day.

I also support this bill because it includes a bipartisan measure urging the United States to complete the Kyoto process and address the problems of global warming. I am proud to stand with my colleagues, the gentleman from New Jersey (Mr. MENENDEZ), the gentleman from Florida (Mr. HASTINGS) and the gentleman from American Samoa (Mr. FALEOMAVAEGA), in recognizing these dangers and in crafting the bipartisan global climate change amendment.

This amendment is so important. It incorporates many of the provisions of the language of the Kyoto, H.R. 17, the Carbon Dioxide Emissions and Global Climate Change Act. It is very important in terms of our leadership in the world with regard to the reduction of greenhouse gases. As passed by the committee, this bill helps to create a more forward-thinking foreign policy that truly advances our values, protects human rights, preserves the environment, and promotes peace.

Mr. LANTOS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. HOEFFEL), a valued member of the committee.

Mr. HOEFFEL. Mr. Chairman, I rise in strong support of the State Department authorization bill. Under the terms of this bill, we will rejoin the Kyoto Treaty negotiation on global warming, as we should; we will pay our dues to the United Nations, as we should; we will rejoin UNESCO, as we should; and we will lift the gag rule on international family planning, as we should.

I would like to point out two additional things that I sponsored in the committee. With the bipartisan support from Illinois (Mr. HYDE) and the leadership of our ranking member, the gentleman from California (Mr. LANTOS), these measures were included in the bill.

First, requiring the State Department to conduct a strategic study of our arms control and non-proliferation program; and, secondly, for the Bush administration to undertake a policy review of our relations with China. Both of these are needed in light of the unilateral deployment of a national missile defense and the unilateral reductions in the number of warheads. It is time for us to have a 5-year strategic plan developed and publicized, and I ask for approval of this bill.

Mr. LANTOS. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY), my friend and colleague.

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for yielding to me this time, and I rise in strong support of this bill. I wish to congratulate the chairman, the gentleman from Illinois (Mr. HYDE), and the ranking member, the gentleman from California (Mr. LANTOS), for their leadership. It has some important measures that will improve the United States’ standing in the international community.

The bill incorporates the Lee language, which successfully repeals the antiwoman, antidemocratic global gag rule. And the bill contains a provision which would urge the administration to continue negotiations on the Kyoto Treaty. Finally, the bill authorizes the release of the second and third installments of a 5-year $86 billion schedule of back payment of U.S. dues to the United Nations.

I am very concerned about the Hyde-Lantos-Sweeney amendment, which will deny the U.N. its rightful U.S. dues. We made a deal with the U.N., and now we want to go back on our word because the U.N. voted us off the Human Rights Commission. This really is not logical. The U.N. did not remove the U.S. from the Human Rights Commission, the action was made by the 54 member states of the U.N. Economic and Social Council. And to quote the Los Angeles Times, “It is hard to conceive of anything more foolish than making a payment of a legitimate debt conditional on action by a subsidiary of the U.N. body.”

Mr. Chairman, I urge a “no” vote on this particular amendment, a “yes” vote on the underlying bill.

Mr. HYDE. May I inquire how much time I have remaining, Mr. Chairman? The CHAIRMAN. The gentleman from Illinois (Mr. HYDE) has 10 minutes remaining, and the gentleman from California (Mr. LANTOS) has 13½ minutes remaining.

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding to me this time. Let me just respond very briefly. I thought we would be having this debate next week, but the Hyde-Smith amendment has been mentioned several times and a response is warranted.

Unfortunately, the underlying language that was adopted in committee would reverse the Bush-Mexico City policy. As a matter of historical record, I have been offering the pro-life language since 1981. We have never won, not once, in the Committee on International Relations; but this House in every instance has overturned what the committee had done in every instance as well. So I think that is important to point out, that at the end of the process, the House votes to uphold the Mexico City Policy.

It is simply inaccurate, to say we do not pay for abortions, when we fund abortion organizations overseas. It is a bookkeeping ploy to fund organizations that fund abortions. We are not fooled. The issue comes down to this: how important are the unborn children? Are they important or are they not?

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Mr. HYDE. Mr. Chairman, I urge a “no” vote on this particular amendment, a “yes” vote on the underlying bill.
Mr. HYDE. Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. Lee).

Ms. LEE. Mr. Chairman, I would like to clarify a couple of points that the gentleman from New Jersey (Mr. Smith) raised.

Mr. Chairman, let me first mention the purpose of family planning. Family planning’s purpose is to allow information to be distributed to women with regard to pregnancy prevention. Family planning information, family planning education, family planning counseling, prevents abortions. Women in developing countries oftentimes are living off of very minimal resources and do not have a lot of money, and they only have maybe one or two health clinics within a radius of 500 or 600 miles. They need to learn how to space their children.

That is what this amendment incorporated in the committee is about. It is about recognizing abortions through the use of family planning methods which provide information to women with regard to the spacing of their children and information with regard to how to prevent sexually transmitted diseases, including HIV and AIDS.

Mr. LANTOS. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I want to very briefly make some short comments with respect to the Hyde-Lantos amendment that will be coming up later on.

First of all, I think it is very important that the United States speak loudly and clearly that nations such as Sudan and Libya and China that are on the human rights committee, that this is an outrageous and hypocritical designation and vote, when some of the biggest violators of human rights are on this commission. The United States needs to use its diplomacy, and it needs to use as leverage its position in the world to make a very strong statement in opposition to this.

However, we cannot oversimplify why we did not get the commission. I think there are a variety of reasons for that. One, I think it is some reflection around the world of this so-called new foreign policy that the Bush administration has called aggressive unilateralism. Whether that be disagreement with our reluctance to be involved with AIDS or the Kyoto Protocol or the missile shield policy coming from the United States, other countries are having some reaction to this.

Secondly, we were maybe surprised and flat-footed in negotiating and trying to get the votes on this commission. France, Austria, and Sweden all worked us. We finished fourth. This is not the United Nations saying the United States can or cannot get off. We had to lobby 54 other countries for this vote. We finished fourth. We did not lobby well.

Mr. Chairman, I think this is a balanced approach that the gentleman from Illinois (Mr. Hyde) has introduced and that the gentleman from California (Mr. Lantos) and the gentleman from Massachusetts (Mr. Delahunt) have arrived at. It does not overdo and potentially exacerbate the problem. It is a somewhat measured step, but I think we have to work harder to build coalitions in the future.

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

Mr. LANTOS. Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts (Mr. Delahunt), a distinguished member of the Committee on International Relations.

Mr. DELAHUNT. Mr. Chairman, I thank the gentleman for yielding me this time.

Shortly we will be considering an amendment, labeled the American Security and Privacy Protection Act. It purports to protect American soldiers from the dangers they allegedly face from the International Criminal Court. In fact, it would do the opposite. The authors of the amendment make two claims about the International Criminal Court, and both are false.

Mr. Chairman, the first is that the court does not guarantee due process.
Clearly they have never read the treaty. It contains perhaps the most extensive list of due process rights ever codified: the presumption of innocence, the right to counsel, the right to remain silent, the right to confront one’s accusers, the privilege against self-incrimination—that is just to start.

The critics also complain that the treaty does not provide for trial by jury. Well, under our Constitution, the right to a jury trial does not apply to military actions on foreign soil. And the law is looked at by the Uniform Code of Military Justice, the law that does apply to crimes by military personnel, it does not provide for trial by jury either.

The second false claim is that the treaty places American soldiers at risk of prosecution abroad. Not only does it not do this, it helps prevent it from happening.

Under the treaty, Americans charged with war crimes would be tried by our military courts, not the International Criminal Court. The court has no jurisdiction unless our government, the American Government, is unable or unwilling to prosecute. And that is the treaty’s entire purpose. Not to replace national courts, but to ensure that crimes against humanity do not go unpunished when no legitimate justice system exists.

These provisions were added to the treaty at American insistence, and rightly so. The truth is that our soldiers are at greater risk today without the treaty. Today they can be prosecuted by any nation for actions within its borders. The treaty corrects this by giving primary jurisdiction over American soldiers to American courts.

Mr. Chairman, we have nothing to fear from this treaty and everything to gain, because we benefit from a world order that promotes stability, holds war criminals accountable, and it stems the rule of law. I hope that this amendment is rejected.

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

Mr. LANTOS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Chairman, I rise today in protest of the gag rule placed on our organization, Planned Parenthood Federation, that abortion is not a method of family planning. These groups are committed to reducing the number of abortions through counseling for contraception is widely and safely available. The Bush administration reinstated the gag rule this year to back its pro-life campaign supporters. As reflected in its other policies, this is hypocrisy masquerading as compassion.

Real compassion means that we should not impose restrictions on women and men in other countries that disempower and undermine their efforts to extricate themselves from poverty. We know that the economic stability, and the health and human rights of the nations around the world increases when women and men are able to effectively plan their families. Let’s show real compassion and real concern. Let’s keep the Global Democracy Promotion Act and reject the Hyde amendment.

Mr. WOLF. Mr. Chairman, I appreciate the work of Chairman HYDE and the International Relations Committee to bring this legislation to the floor today. While the bill contains some language that remains to be debated and which is cause for concern, I rise in strong support for the Hyde amendment that would authorize the Bush administration to provide international family planning assistance and the creation of a special envoy post for Sudan.

This position is critical in the work for a just peace to a civil war that has claimed over two million lives, has displaced an estimated four million from their homes, and threatens another two million with death due to famine.

And when special envoy post: If the United States sends a special envoy to Sudan, the United States should provide its own money, effectively hampering their ability to provide information on family planning.

Mr. Chairman, I request the rest of my remarks be added into the Record. We know that this policy of the Reagan, Bush, and now the second Bush administration has cost many lives and is a travesty that actually increases unintended pregnancies, illegal abortion, death, and disability.

The Bush administration has claimed that the gag rule prevents taxpayer money from supporting abortions abroad. Don’t be fooled. These activities have not been eligible for U.S. funds for decades. What has suffered are programs that provide women, men and young people with the information and services they need to make decisions and control their own lives. Programs such as HIV prevention, informational materials and medical referrals, condoms, emergency contraception, telephone hotlines, as well as career advice, skills training, Internet sites on reproductive health, and self esteem training to encourage abstinence.

It is a principal position of policies of family planning groups such as the International Planned Parenthood Federation, that abortion is not a method of family planning. These groups are committed to reducing the number of abortions through counseling.
They are kidnapped by slave raiders who sweep into destabilized regions following government attacks and capture women and children. It is clear that the government of Sudan tolerates, and even condones, these slave raids. Women and girls are used as concubines and domestic servants. Boys are used as farm hands, domestics and sometimes, sent to the front lines.

Former District of Columbia delegate, the Reverend Walter Fauntroy, and Joe Madison, a syndicated radio personality here in Washington, recently returned from Sudan where they witnessed the 21st century slavery firsthand. They recently spoke of their trip before a Congressional Human Rights Caucus hearing. Joe Madison noted that when he arrived in a slave camp, where 2,931 slaves were redeemed during his visit, he thought the scene before his eyes could have been staged for the movie “Roots,” except it was real. He and Delegate Fauntroy witnessed individual accounts of abuses many of the slaves suffered at the hands of their former slave masters.

They spoke to a 13-year-old boy, who had been sold to his sire by his 8-year-old sister because he refused to clean his fingers cut off because he refused to clean a goat pen.

They met a 20-year-old woman who had been enslaved for five years and was forced to have sex with her own brother while her baby was on the march north where she was ordered by her slave master to throw her baby to a slave master. And finally, Joe Madison was numbed by the story of a young mother whose baby’s throat was slit by a slave raider. The raider then cut the tottler’s head off. The mother, after being raped, was forced to carry the head of her child on the march north where she was ordered by her slave master to throw the child’s head into a fire. She remained a slave for several years.

Modern-day slavery in Sudan is just an airplane ride from the shores of America. There are real people with real stories and they are asking for our help. It would be easy for them to think that Americans don’t care about what is happening to them. But, Americans do care.

My office, as do many others in Congress, continues to hear from citizens from across our nation expressing their outrage at these atrocities and they demand that our government do something about them. I recently received 68 letters from students at Olivet Nazarene University in Bourbonnais, Illinois, about their concern for the plight of the Sudanese people. These students, like many other citizens around the world, are saying, enough is enough. Do something to stop the suffering of these innocent people.

Slavery is only part of the problem in Sudan. Starvation is only part of the problem. Unfortunately, bombing of innocent men, women and children is only part of the problem.

Now, a new term is becoming the norm in southern Sudan. “Scorched earth.” Oil has been discovered in vast amounts during the past two years. The Khartoum government has begun aerial and ground attacks in and around the oil fields in an effort to eliminate any livelihood that happens to inhabit the area. Oil companies from around the world are lining up to pump this “blood oil” to benefit the stock portfolios of their investors. For those who follow the situation in Sudan, names and terms such as the Nuba mountains, Heglig and Unity oil fields, upper Nile region, helicopter gunships, oil road, displacement, scorched earth and death are routinely reported in news accounts of the going atrocities against humanity. It is estimated that the Khartoum government is bringing in an additional $500 million a year from its new-found resource. Most of these additional funds are going to double the military spending in Sudan so that the suffering can increase on those living in the south.

Nearly two decades ago, I stated on this floor that, “what is needed is a comprehensive, just and permanent solution to end the fighting—a solution which provides the people of Southern Sudan the ability to practice their faith as they choose and determine their future. All the people of Sudan are suffering at the hands of the NIF regime, but the people of southern Sudan have been the real losers.”

Now, sadly to say, since those words were spoken in June 1999, another 400,000 innocent lives have been lost. A special envoy was created, in name only, but without the full support of President Clinton or his administration. My colleagues, I encourage you to speak out and encourage President Bush and his new administration to do whatever it takes to end the suffering in Sudan that has gone on for far too long.

Our nation has received many blessing over the past 225 years. Though things are not perfect, our citizens don’t worry about their homes, schools or churches being bombed by their government. Our men, women and children are not sold into slavery or starved because of their religious beliefs. Our nation was founded on religious principles. Luke 12:48 reminds us that to whom much is given, much is expected.

The United States can and must do more to facilitate the negotiation of a just peace in Sudan. The innocent in southern Sudan and those in the world who support the principles of freedom; life, liberty and the pursuit of happiness, are counting on this administration to make a serious effort to bring peace to Sudan in 2001.

Again, I thank Chairman Hyde and the committee for the work on this bill.

Ms. BROWN of Florida. Mr. Chairman, I rise in support of the Lee language included in this bill. President Bush’s gag rule is a destructive policy that threatens women’s health around the world.

This is not about abortion or protecting the tax money of the American people. This is about the fact that each year, more than 600,000 women die of pregnancy-related deaths that are preventable.

This is about the fact that more than 150 million married women in developing nations want contraceptives, but have no access to them.

This is about giving women an option, and some control over their lives. The Global Gag Rule does not prevent abortions. Instead, it forces women around the world to resort to life-threatening acts of desperation in the attempt to get rid of unwanted pregnancies.

Mr. Speaker I have met with family planning providers from across the world and they confirmed that this rule is the most important assistance they receive from the United States—especially the providers from the former Soviet Union and African nations. This is about promoting abortion—it’s about helping women and their families. Remember, foreign countries have been prohibited from using US funds for abortions since 1973.

Mr. Chairman, I urge my colleagues to support the Lee language in this bill.

Chairman, LANTOS. Mr. Chairman, we have no additional speakers, and I yield back the balance of my time.

Mr. HYDE. Mr. Chairman, I submit for the RECORD an exchange of letters between Chairman Stump and myself.


HON. HENRY J. HYDE, CHAIRMAN, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, WASHINGTON, DC.


HON. HENRY J. HYDE, CHAIRMAN, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, WASHINGTON, DC.

Dear Mr. Chairman:

The International Conference on Assistance for Demining and the American Demining and Mine Action Policy Summit focus on the humanitarian consequences of landmine contamination and the need for ongoing international assistance to remove landmines and other unexploded ordnance (UXO) from the battlefield and communities. It is widely acknowledged that a continuing commitment of funding is needed to ensure a steady progress toward meeting the target of a landmine-free world by 2025. At the Fourth Conference of the States Parties to the 1997 Mine Ban Treaty, the international community reaffirmed its commitment to ending the killer厄 mine problem and called for a comprehensive approach to landmine contamination and UXO threats.

In the United States, landmines and UXO present serious threats to US forces and others involved in peacekeeping or humanitarian efforts. Landmines can result in injury or death to military personnel and aid workers. The threat of UXO and landmines can limit the ability of the US military to engage in peacekeeping missions. Thus, US forces may find themselves in a conflict zone and unable to engage in their mission.

The US government has a strong commitment to the cause of landmine and UXO clearance. The United States is committed to promoting the principles of the 1997 Mine Ban Treaty. The US government continues to support the UN Mine Action Service (UNMAS) and other international efforts to promote and implement the Mine Ban Treaty. The US government also supports the work of NGOs and other organizations that work to clear landmines and UXO.

The United States is committed to providing financial assistance to countries that are actively engaged in landmine and UXO clearance. The US government provides support to countries through multi-lateral agencies such as the UN Development Program (UNDP) and the UN Mine Action Service (UNMAS). The US government also provides support to countries through bilateral programs.

The US government supports the implementation of the International Campaign to ban Landmines (ICBL). The ICBL, which operates independently of the UN, is a grassroots organization that works to end the use of landmines.

The US government supports the Global Partnership for Mine Action (GPMA). The GPMA is a public-private partnership that brings together governments, NGOs, and the private sector to support landmine and UXO clearance.

The US government supports the work of the US Mine Action Coordination Center (USMACC). USMACC is a joint military and civilian center that coordinates the US government’s efforts in mine action.

The US government supports the work of the US Mine War Casualty Compensation Program. The program provides compensation to families of US military personnel who were killed or injured by landmines.

The US government supports the work of the US Mine Ban Treaty Implementation Program. The program provides training and assistance to countries that are implementing the Mine Ban Treaty.

The US government supports the work of the US Mine War Casualty Compensation Program. The program provides compensation to families of US military personnel who were killed or injured by landmines.

The United States is committed to the cause of landmine and UXO clearance. The US government continues to support the UN Mine Action Service (UNMAS) and other international efforts to promote and implement the Mine Ban Treaty. The US government also supports the work of NGOs and other organizations that work to clear landmines and UXO.

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The US government supports the work of the US Mine Ban Treaty Implementation Program. The program provides training and assistance to countries that are implementing the Mine Ban Treaty.

Again, I thank Chairman STUMP and myself.

Sincerely,

ROBERT B. STUMP,
Chairman,

COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES.
Chapter 3—Nonproliferation and Export Control Assistance

Sec. 831. International counterproliferation education and training.

Sec. 832. Annual report on the proliferation of nuclear, chemical, and biological weapons.

Sec. 833. Fight international arms control and nonproliferation strategy.

Subtitle B—Strengthening the Munitions Licensing Process

Sec. 841. License officer staffing.

Sec. 842. Funding for database automation.

Sec. 843. Information and management program.

Sec. 844. Improvements to the automated export system.

Sec. 845. Congressional notification of removal of items from the munitions list.

Sec. 846. Congressional notification thresholds for allied countries.

Subtitle C—Authority to Transfer Naval Vessels

Sec. 851. Authority to transfer naval vessels.

Sec. 852. Authority to transfer naval vessels to other countries.

Sec. 853. Authority to transfer naval vessels to international organizations.

Sec. 854. Authority to transfer naval vessels to international organizations.

Sec. 855. Authority to transfer naval vessels to international organizations.

Sec. 856. Authorization of appropriations for transfer of naval vessels.

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education in the United States, to be known as “Sudanese Scholarships”.

(2) NATIONAL ENDOWMENT FOR DEMOCRACY.—

For the “National Endowment for Democracy”:

$59,000,000 for the fiscal year 2002 and $59,800,000 for the fiscal year 2003.

(3) REAGAN-FASCCELL DEMOCRACY FELLOWS.—

For a fellowship program, to be known as the “Reagan-Fascell Democracy Fellows”, for the promotion and protection of democracy and human rights, $100,000,000 for the fiscal years 2002 and 2003.

(4) DANTÉ B. FASCCELL NORTH-SOUTH CENTER.—

For “Dante B. Fascell North-South Center”:

$4,000,000 for the fiscal year 2002 and $4,000,000 for the fiscal year 2003.

(5) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For the “Center for Cultural and Technical Interchange between East and West”:

$13,500,000 for the fiscal year 2002 and $13,500,000 for the fiscal year 2003.

SEC. 104. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated under the heading “Contributions to International Organizations”:

$94,000,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003 for the Department of State to carry out the authorities, functions, duties, and purposes in section 201 of the Foreign Relations Authorization Act, Public Law 108-193, as may be necessary for the fiscal year 2003 for the Department of State to carry out the authorities, functions, duties, and purposes in section 201 of the Foreign Relations Authorization Act, Public Law 108-193, and such sums as may be necessary for the fiscal year 2003 for the Department of State to carry out the authorities, functions, duties, and purposes in section 201 of the Foreign Relations Authorization Act, Public Law 108-193.

(b) OF THE AMOUNTS AUTHORIZED TO BE APPROPRIATED:

(1) $5,500,000 IS AUTHORIZED TO BE APPROPRIATED TO THE UNITED STATES FOR THE OFFICE OF THE SPECIAL REPRESENTATIVE TO CUBA.

(2) $2,000,000 IS AUTHORIZED TO BE APPROPRIATED TO THE UNITED STATES FOR THE SPECIAL REPRESENTATIVE TO THE WESTERN HEMISPHERE.

(c) OF THE AMOUNTS AUTHORIZED TO BE APPROPRIATED UNDER SUBSECTION (A), $59,000,000 FOR THE FISCAL YEAR 2002 AND $59,800,000 FOR THE FISCAL YEAR 2003 IS AUTHORIZED TO BE APPROPRIATED ONLY FOR THE UNITED STATES CONTRIBUTIONS TO THE INTERNATIONAL ORGANIZATIONS.

(3) Of the amounts authorized to be appropriated pursuant to this title, $15,000,000 is authorized to be appropriated for the fiscal year 2003 for the advancement of democratic values, including support for the promotion of democracy and human rights, and freedom of expression by the Government of Cuba.

(4) $120,000,000 IS AUTHORIZED TO BE APPROPRIATED FOR THE FISCAL YEAR 2002 FOR UNITED STATES VOLUNTARY CONTRIBUTIONS TO THE UNITED NATIONS DEVELOPMENT PROGRAM FOR ASSISTANCE TO BURMA.

SEC. 105. CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.

There are authorized to be appropriated under the heading “Contributions for International Peacekeeping Activities”:

$944,139,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003 for the Department of State to carry out the authorities, functions, duties, and purposes in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

SEC. 106. GRANTS TO THE ASIA FOUNDATION.

Section 404 of the Asia Foundation Act (title IV of Public Law 98-144; 22 U.S.C. 4403) is amended to read as follows:

“(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) WORLD FOOD PROGRAM.—Of the amounts authorized to be appropriated under subsection (a), $5,000,000 for the fiscal year 2002 and $5,000,000 for the fiscal year 2003 are authorized to be appropriated only for the investigation and dissemination of information violations of freedom of expression by the Government of Burma.

(2) UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TERRORISM.—Of the amounts authorized to be appropriated under subsection (a), $5,000,000 for the fiscal year 2002 and $5,000,000 for the fiscal year 2003 are authorized to be appropriated only for assistance to the United Nations Voluntary Fund for Victims of Terrorism.

(b) LIMITATIONS ON AUTHORIZATIONS OF APPROPRIATIONS.—

(1) WORLD FOOD PROGRAM.—Of the amounts authorized to be appropriated under subsection (a), $5,000,000 for the fiscal year 2002 and $5,000,000 for the fiscal year 2003 are authorized to be appropriated only for the investigation and dissemination of information violations of freedom of expression by the Government of Burma.

(2) UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TERRORISM.—Of the amounts authorized to be appropriated under subsection (a), $5,000,000 for the fiscal year 2002 and $5,000,000 for the fiscal year 2003 are authorized to be appropriated only for assistance to the United Nations Voluntary Fund for Victims of Terrorism.

(c) ORGANIZATION OF AMERICAN STATES.—Of the amounts authorized to be appropriated under subsection (a), $59,000,000 for the fiscal year 2002 and $59,800,000 for the fiscal year 2003 are authorized to be appropriated only for the Department of State to carry out the authorities, functions, duties, and purposes in section 201 of the Foreign Relations Authorization Act, Public Law 108-193, and such sums as may be necessary for the fiscal year 2003 for the Department of State to carry out the authorities, functions, duties, and purposes in section 201 of the Foreign Relations Authorization Act, Public Law 108-193.

(d) NATIONAL LEAGUE FOR DEMOCRACY.—

Of the amounts authorized to be appropriated under section 201 of the Foreign Relations Authorization Act, Public Law 108-193, $59,000,000 for the fiscal year 2002 and $59,800,000 for the fiscal year 2003 are authorized to be appropriated only for grants to The Asia Foundation pursuant to this Act.

(e) NATIONAL ENDOWMENT FOR DEMOCRACY.—

Of the amounts authorized to be appropriated under the heading “Contributions to International Organizations”:

$5,500,000 is authorized to be appropriated for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003 for the Department of State to carry out the authorities, functions, duties, and purposes in section 201 of the Foreign Relations Authorization Act, Public Law 108-193, and such sums as may be necessary for the fiscal year 2003 for the Department of State to carry out the authorities, functions, duties, and purposes in section 201 of the Foreign Relations Authorization Act, Public Law 108-193.

(f) UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TERRORISM.—Of the amounts authorized to be appropriated under subsection (a), $5,000,000 for the fiscal year 2002 and $5,000,000 for the fiscal year 2003 are authorized to be appropriated only for assistance to the United Nations Voluntary Fund for Victims of Terrorism.

(g) UNITED STATES CONTRIBUTIONS TO THE INTERNATIONAL ORGANIZATIONS.—Of the amounts authorized to be appropriated under section 201 of the Foreign Relations Authorization Act, Public Law 108-193, $5,000,000 is authorized to be appropriated for the fiscal year 2002 and $5,000,000 for the fiscal year 2003 is authorized to be appropriated only for the investigation and dissemination of information violations of freedom of expression by the Government of Burma.

(h) BURMA.—Of the amounts authorized to be appropriated under section 201 of the Foreign Relations Authorization Act, Public Law 108-193, $5,000,000 is authorized to be appropriated for the fiscal year 2002 and $5,000,000 for the fiscal year 2003 is authorized to be appropriated only for the investigation and dissemination of information violations of freedom of expression by the Government of Burma.

(i) SOUTH AFRICA.—Of the amounts authorized to be appropriated under section 201 of the Foreign Relations Authorization Act, Public Law 108-193, $5,000,000 is authorized to be appropriated for the fiscal year 2002 and $5,000,000 for the fiscal year 2003 is authorized to be appropriated only for the investigation and dissemination of information violations of freedom of expression by the Government of Burma.

(j) UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TERRORISM.—Of the amounts authorized to be appropriated under subsection (a), $5,000,000 for the fiscal year 2002 and $5,000,000 for the fiscal year 2003 are authorized to be appropriated only for assistance to the United Nations Voluntary Fund for Victims of Terrorism.

SEC. 108. MIGRATION AND REFUGEE ASSISTANCE.

(a) MIGRATION AND REFUGEE ASSISTANCE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated for the Department of State for “Migration and Refugee Assistance”:

$817,000,000 for the fiscal year 2002 and $817,000,000 for the fiscal year 2003.

(2) LIMITE.
Subtitle B—United States International Broadcasting Activities

SEC. 121. AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—The following amounts are authorized to be appropriated to carry out the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act, and to carry out other authorities in law consistent with such purposes:

(1) INTERNATIONAL BROADCASTING OPERATIONS.—

(A) IN GENERAL.—For “International Broadcasting Operations”, $428,234,000 for the fiscal year 2002, and such sums as may be necessary for the fiscal year 2003.

(B) LIMITATIONS.—

(i) TRANSMISSION FACILITIES IN BELIZE.—Of the amounts authorized to be appropriated under subparagraph (A), $750,000 for the fiscal year 2002 is authorized to be appropriated only for enhancements to and costs of transmission from the facilities in Belize.

(ii) RADIO FREE ASIA.—Of the amounts authorized to be appropriated under subparagraph (A), $30,000,000 for the fiscal year 2002 and $30,000,000 for the fiscal year 2003 are authorized to be appropriated only for “Radio Free Asia”.

(2) BROADCASTING CAPITAL IMPROVEMENTS.—

For “Broadcasting Capital Improvements”, $16,900,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(3) BROADCASTING TO CUBA.—For “Broadcasting to Cuba”, $23,000,000 for the fiscal year 2002 and $23,000,000 for the fiscal year 2003.

(c) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR MIDDLE EAST RADIO NETWORK OF VOICE OF AMERICA.—In addition to such amounts as are made available for the Middle East Radio Network of Voice of America pursuant to the authorization of appropriations under subsection (a), $15,000,000 for the fiscal year 2003 is authorized to be appropriated for the Middle East Radio Network of Voice of America.

Subtitle C—Global Democracy Promotion Act of 2001

SEC. 131. SHORT TITLE.

This title may be cited as the “Global Democracy Promotion Act of 2001”.

SEC. 132. FINDINGS.

The Congress finds the following:

(1) It is a fundamental principle of American medical ethics and practice that health care providers should, at all times, deal honestly and openly with patients. Any attempt to subvert the physician-patient relationship would be intolerable in the United States and is an unjustifiable intrusion into the practices of health care providers when attempting to subvert their work.

(2) Freedom of speech is a fundamental American value. The ability to exercise the right to free speech, which includes the “right of the people to know” and the right to be informed, is essential to a thriving democracy and is protected under the United States Constitution.

(3) The Congress is committed to the broadcasting goal of United States foreign policy and critical to achieving sustainable development. It is enhanced through the encouragement of democratic processes and the promotion of an independent and politically active civil society in developing countries.

(4) Limiting eligibility for United States development and humanitarian assistance upon the willingness of a foreign nongovernmental organization to forgo its right to use its own funds to address a particular issue affecting the citizens of its own country directly undermines a key goal of United States foreign policy and would violate the United States Constitution if applied to United States-based organizations.

(5) Similarly, limiting the eligibility for United States assistance on a foreign nongovernmental organization’s own funds to address, within the democratic process, a particular issue affecting the citizens of its own country would violate the United States Constitution if applied to United States-based organizations.

(6) The promotion of democracy is a principal goal of United States foreign policy and critical to achieving sustainable development. It is enhanced through the encouragement of democratic processes and the promotion of an independent and politically active civil society in developing countries.


(a) IN GENERAL.—

(1) Notwithstanding any other provision of law, regulations, or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations—

(A) shall not be subject to requirements solely on the basis of health or medical services including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States;

(B) shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States non-governmental organizations receiving assistance under part I of such Act.

(b) In general.—

(1) The promotion of democracy is a principal goal of United States foreign policy and critical to achieving sustainable development. It is enhanced through the encouragement of democratic processes and the promotion of an independent and politically active civil society in developing countries.

(2) Limiting eligibility for United States development and humanitarian assistance upon the willingness of a foreign nongovernmental organization to forgo its right to use its own funds to address a particular issue affecting the citizens of its own country directly undermines a key goal of United States foreign policy and would violate the United States Constitution if applied to United States-based organizations.

(3) Similarly, limiting the eligibility for United States assistance on a foreign nongovernmental organization’s own funds to address, within the democratic process, a particular issue affecting the citizens of its own country would violate the United States Constitution if applied to United States-based organizations.

(4) Limiting eligibility for United States development and humanitarian assistance upon the willingness of a foreign nongovernmental organization to forgo its right to use its own funds to address a particular issue affecting the citizens of its own country directly undermines a key goal of United States foreign policy and would violate the United States Constitution if applied to United States-based organizations.

(5) Similarly, limiting the eligibility for United States assistance on a foreign nongovernmental organization’s own funds to address, within the democratic process, a particular issue affecting the citizens of its own country would violate the United States Constitution if applied to United States-based organizations.

Subtitle D—Basic Authorities and Activities

SEC. 201. CONTINUATION OF REPORTING REQUIREMENTS.

(a) REPORTS ON CLAIMS BY UNITED STATES FIRMS FOR LOSS OF SAUDI ARABIA.—

(1) Section 2802(b)(1) of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted by division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105-277) is amended by striking “seventh” and inserting “eleventh”.

(2) Section 2802(a) of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted by division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105-277) is amended by striking “2000,” and inserting “2003,”.

(b) REPORTS ON DETERMINATIONS UNDER TITLE II OF THE LIBERTAD ACT.—

(1) Section 704(a) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001, as amended by subsections 704(a)(1) and (6) of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted by division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105-277) is amended by striking “2000,” and inserting “2003,”.

(c) REPORT ON RELATED MATTERS.—

(1) The extent to which the Government of the United Kingdom has implemented the recommendations relating to the 175 policing reforms contained in the Patten Commission report issued on September 9, 1999, including a description of the integration of human rights, as well as recruitment procedures aimed at increasing Catholic representation, in the new Northern Ireland police force.

(2) The status of the murders of Patrick Finucane, Rosemary Nelson, and Robert Hamill, including the extent to which progress has been made on recommendations for independent judicial inquiries into these murders.

(d) REPORT ON RELATED MATTERS.—Not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 2002 and 2003, the President shall report on the following:

(1) The extent to which the Government of the United Kingdom has implemented the recommendations relating to the 175 policing reforms contained in the Patten Commission report issued on September 9, 1999, including a description of the integration of human rights, as well as recruitment procedures aimed at increasing Catholic representation, in the new Northern Ireland police force.

(2) The status of the murders of Patrick Finucane, Rosemary Nelson, and Robert Hamill, including the extent to which progress has been made on recommendations for independent judicial inquiries into these murders.

(e) REPORT ON RELATED MATTERS.—Not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 2002 and 2003, the President shall report on the following:

(1) The extent to which the Government of the United Kingdom has implemented the recommendations relating to the 175 policing reforms contained in the Patten Commission report issued on September 9, 1999, including a description of the integration of human rights, as well as recruitment procedures aimed at increasing Catholic representation, in the new Northern Ireland police force.

(2) The status of the murders of Patrick Finucane, Rosemary Nelson, and Robert Hamill, including the extent to which progress has been made on recommendations for independent judicial inquiries into these murders.

(f) REPORT ON RELATED MATTERS.—Not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 2002 and 2003, the President shall report on the following:

(1) The extent to which the Government of the United Kingdom has implemented the recommendations relating to the 175 policing reforms contained in the Patten Commission report issued on September 9, 1999, including a description of the integration of human rights, as well as recruitment procedures aimed at increasing Catholic representation, in the new Northern Ireland police force.

(2) The status of the murders of Patrick Finucane, Rosemary Nelson, and Robert Hamill, including the extent to which progress has been made on recommendations for independent judicial inquiries into these murders.

(b) REPORT ON RELATED MATTERS.—Not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 2002 and 2003, the President shall report on the following:

(1) The extent to which the Government of the United Kingdom has implemented the recommendations relating to the 175 policing reforms contained in the Patten Commission report issued on September 9, 1999, including a description of the integration of human rights, as well as recruitment procedures aimed at increasing Catholic representation, in the new Northern Ireland police force.

(2) The status of the murders of Patrick Finucane, Rosemary Nelson, and Robert Hamill, including the extent to which progress has been made on recommendations for independent judicial inquiries into these murders.
(3) Destruction of opium, from which heroin is derived, at its source in Colombia is traditional
ally one of the best strategies to combat the heroin crisis according to Federal law enforcement
officials from Colombia including destruction of opium at its source.

SEC. 205. REPEAL OF PROVISION REGARDING HUMAN RIGHTS MONITORING.

(a) In General.—The name of each United States business described in paragraph (2) and description of the counternarcotics activities carried out by the business in Colombia.

(b) Total value of all payments by the Department of State to each such business for such activities.

(c) A written statement justifying the decision by the Department of State to enter into an agreement with each such business for such activities.

(d) An assessment of the risks to personal safety and potential involvement in hostilities incurred by employees of each such business as a result of their activities in Colombia.

(E) A plan to provide for the transfer of the counternarcotics activities carried out by such United States businesses to Colombian nationals, in particular personnel of the Colombian antinarcotics police.

(4) Definition.—In this subsection, the term “United States business” means any corporation, partnership, or other organization that employs 3 or more individuals and is organized under the laws of the United States.

Subtitle B—Consular Authorities


The Secretary of State, acting through the Assistant Secretary of State for Consular Affairs, shall consult with the appropriate congressional committees based on the implementation of the Intercountry Adoption Act of 2000 (Public Law 106-279; 42 U.S.C. 1401 et seq.).

(a) Findings.—The Congress makes the following findings:

(1) There is a growing alarm concerning the spillover effect of Plan Colombia on Ecuador, a frontline state. The northern region of Ecuador, including the Sucumbios province, is an area of significant concern, as it faces the Colombian Putumayo zone, where there is no presence of military or law enforcement personnel.

(2) Activities relating to the implementation of Plan Colombia to disrupt incursions into Ecuadorian territory by drug traffickers and guerrilla and paramilitary groups from Colombia and a concomitant increase in the levels of kidnapping, violence, and disappearances of American and other foreign nationals, as well as discoveries of clandestine cocaine laboratories, are especially troublesome.

(3) Ecuador has stepped up its efforts to return the exodus of Colombian refugees and its own indigenous communities have been displaced from their ancestral villages.

(4) Ecuador has demonstrated its moral and political commitment in the fight against drugs. The agreement signed in November 1999 with the Israeli States to establish a forward operating location in Manta is a clear sign of this active stance.

(5) Ecuador is implementing a comprehensive program aimed at reinforcing its security mechanisms in the northern border, as well as converting the area into a buffer zone of peace and development.

(b) Report to Congress.—Not later than 60 days after the date of enactment of this Act, the Secretary of State shall submit to Congress a report which outlines a comprehensive strategy to address the spillover effect of Plan Colombia on Ecuador.

(c) International Assistance.—The report required by paragraph (2) shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives:

(1) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to Congress a report which outlines a comprehensive strategy to address the spillover effect of Plan Colombia on Ecuador.

(2) After 52 years of existence, Israel deserves to be treated as an equal nation by its neighbors and the world community.

(3) The government of Israel has been actively seeking to establish formal relations with a number of countries.

(4) The United States should assist its ally, Israel, in its efforts to establish diplomatic relations.

(5) Over 50 years of existence, Israel deserves to be treated as an equal nation by its neighbors and the world community.

(b) Report on Efforts to Promote Israel’s Diplomatic Relations with Other Countries.—Each such report shall contain the following:

(A) The name of each United States business described in paragraph (2) and description of the counternarcotics activities carried out by the business in Colombia.

(B) The total value of all payments by the Department of State to each such business for such activities.

C. A written statement justifying the decision by the Department of State to enter into an agreement with each such business for such activities.

D. An assessment of the risks to personal safety and potential involvement in hostilities incurred by employees of each such business as a result of their activities in Colombia.

(E) A plan to provide for the transfer of the counternarcotics activities carried out by such United States businesses to Colombian nationals, in particular personnel of the Colombian antinarcotics police.

(4) Definition.—In this subsection, the term “United States business” means any corporation, partnership, or other organization that employs 3 or more individuals and is organized under the laws of the United States.

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SEC. 206. HUMAN RIGHTS MONITORING.

Secured funds appropriated by paragraphs (1) during the previous 180-day period shall be authorized, in whole or in part, by the Department of State to conduct such activities.

(5) After 52 years of existence, Israel deserves to be treated as an equal nation by its neighbors and the world community.

B. A report on certain counternarcotics activities—

(1) Declaration of policy.—It is the policy of the United States to encourage the transfer of counternarcotics activities carried out in the Republic of Colombia to United States businesses that have entered into agreements with the Department of State to conduct such activities, to promote the transfer of such activities.

(2) Authorization Act, Fiscal Years 1994 and 1995 (8 U.S.C. 1353 note) is amended by striking “Secretary of Commerce” and inserting “Secretary of State”.

B. A report on certain counternarcotics activities—

(1) Declaration of policy.—It is the policy of the United States to encourage the transfer of counternarcotics activities carried out in the Republic of Colombia to United States businesses that have entered into agreements with the Department of State to conduct such activities, to promote the transfer of such activities.

SEC. 203. REPEAL OF PROVISION REGARDING HUMAN RIGHTS MONITORING.

(a) In General.—The name of each United States business described in paragraph (2) and description of the counternarcotics activities carried out by the business in Colombia.

(b) Total value of all payments by the Department of State to each such business for such activities.

(c) A written statement justifying the decision by the Department of State to enter into an agreement with each such business for such activities.


(2) by striking “$319,715,000 (fiscal year 2002)” and inserting “$414,000,000 (fiscal year 2002)” and “$422,000,000 (fiscal year 2003),”


The Secretary of State shall make best efforts to establish a branch office in Lhasa, Tibet, of the United States Consulate General in Chengdu, People’s Republic of China, to monitor political, economic, and cultural developments in Tibet.
SEC. 233. ESTABLISHMENT OF A DIPLOMATIC OR CONSULAR POST IN EQUATORIAL GUINEA.

The Secretary of State shall establish a diplomatic or consular post in Equatorial Guinea.

SEC. 234. PROCESSING OF VISA APPLICATIONS.

It shall be the policy of the Department of State to process immigrant visa applications of immediate relatives of United States citizens and United States nonimmigrant K-1 visa applications of fiancées of United States citizens within 30 days of the receipt of all necessary documents from the applicant and the Immigration and Naturalization Service. In the case of an immigrant visa application where the sponsor of such applicant is a relative other than an immediate relative, it should be the policy of the Department of State to process such an application within 60 days of the receipt of all necessary documents from the applicant and the Immigration and Naturalization Service.

SEC. 235. UNITED STATES POLICY WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL.

(a) CONGRESSIONAL STATEMENT OF POLICY.—The Congress maintains its commitment to relocating the United States Embassy in Israel to Jerusalem and urges the President, pursuant to the Jerusalem Embassy Act of 1995 (Public Law 104–45; 109 Stat. 398), to immediately begin the process of relocating the United States Embassy in Israel to Jerusalem.

(b) LIMITATION ON USE OF FUNDS FOR CONSULATE IN JERUSALEM.—None of the funds authorized to be appropriated by this Act may be expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.

(c) LIMITATION ON USE OF FUNDS FOR PUBLICATIONS.—None of the funds authorized to be appropriated by this Act may be available for the publication of material by the United States government which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

(d) RECORD OF PLACE OF BIRTH AS ISRAEL FOR PASSPORT PURPOSES.—For purposes of the registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon the request of the citizen or the citizen’s legal guardian, record the place of birth as Israel.

SEC. 236. DENUISAL OF VISAS TO SUPPORTERS OF COLOMBIAN ILLEGAL ARMED GROUPS.

(a) DENIAL OF VISAS TO PERSONS SUPPORTING COLOMBIAN ILLEGAL ARMED GROUPS.—Subject to subsection (b), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

(1) has willfully provided direct or indirect support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Self-Defense Forces of Colombia (AUC); or

(2) has willfully conspired to allow, facilitate, or promote the illegal activities of any group listed in paragraph (1).

(b) WAIVER.—Subsection (a) shall not apply if the Secretary of State determines and certifies to the appropriate congressional committees, on a case-by-case basis, that issuance of a visa to the alien is necessary to support the peace process in Colombia, for urgent humanitarian reasons, for significant public benefit, or to further the national security interests of the United States.

Subtitle C—Migration and Refugees

SEC. 251. UNITED STATES POLICY REGARDING THE INVOLUNTARY RETURN OF REFUGEES.

(a) In General.—None of the funds made available by this Act or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2661(c)) shall be available to effect the involuntary return by the United States of any person to a country in which the person has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, except on grounds recognized as precluding protection as a refugee under the United Nations Convention Relating to the Status of Refugees of July 28, 1951, and the Protocol Relating to the Status of Refugees of January 31, 1967, subject to the reservations contained in the United States Senate Resolution of Ratification.

(b) MIGRATION AND REFUGEE ASSISTANCE.—None of the funds made available by this Act or by section 2(c) of the Migration and Refugee Assistance Act shall be available to effect the involuntary return of any person to any country unless the Secretary of State first notifies the appropriate congressional committees of the imminent danger of an emergency involving a threat to human life the Secretary of State shall notify the appropriate congressional committees as soon as practicable.

(c) INVOLUNTARY RETURN DEFINED.—As used in this section, the term “involuntary return” means, by means of physical force or threats against one to which such person agrees to return, a person’s return to a country against the person’s will, regardless of whether the person is physically present in the United States and without the prior knowledge of the United States or the person of the place of the country of the person’s return.

SEC. 252. REPORT ON OVERSEAS REFUGEE PROCESSES.

(a) REPORT OVERSEAS REFUGEE PROCESSING.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall provide to the appropriate congressional committees a report on resettlement in the United States of aliens necessary to support the peace process in Colombia, for urgent humanitarian reasons, including the reasons for any decline in such use over the last 10 years and a plan for making more generous use of such categories in the future.

(b) CONTENTS.—The report shall include the following detailed information:

(1) United States practice for the identification of refugees who are particularly vulnerable or whose individual circumstances otherwise require urgent need for resettlement, including the extent to which the Department now insists on referral by the United Nations High Commissioner for Refugees as a prerequisite to consideration of such refugees for resettlement in the United States, together with a plan for the expanded use of alternatives to such referral, including the use of field-based nongovernmental organizations to identify refugees in urgent need of resettlement.

(2) The extent to which the Department makes use in overseas refugee processing of the designation of groups of special concern to the United States, together with the reasons for any decline in such use over the last 10 years and a plan for making more generous use of such categories in the future.

(3) The extent to which the United States currently provides opportunities for resettlement in the United States of individuals who are close family members of lawful residents of the United States, together with the reasons for any decline in such opportunities over the last 10 years and a plan for expansion of such opportunities.

(4) The extent to which opportunities for resettlement beyond the United States are currently provided to “urban refugees” and others who do not currently reside in refugee camps, together with a plan for increasing such opportunities, particularly for refugees who are in urgent need of resettlement.

(c) PERIODIC REPORTS.—Not later than 6 months after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report which outlines the status, plans, and activities of the task force. In addition to such other information as the Department may certify as appropriate, the report shall include the following:

(A) The objectives of the task force.

(B) Measures for achieving the objectives under subparagraph (A).

(C) The official of the Department with primary responsibility for the issue of “rightsizeing”.

(D) The plans of the Department for the reallocation of staff and resources on an ongoing basis as the task force establishes procedures to deal with the issues of “rightsizeing” overseas posts.

(E) A periodic report on the progress of the task force established under paragraph (1).

(F) An interagency working group on the issue of “rightsizeing” the overseas presence of the United States Government.

(G) Preliminary Report.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall establish an interagency working group on the issue of “rightsizeing” the overseas presence of the United States Government.

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outlines the status, plans, and activities of the interagency working group. In addition to such other information as the Secretary considers appropriate, the report shall include the following: (A) the working group's microscopic (B) Measures for achieving the objectives under subparagraph (A); (C) the official of the agency with primary responsibility for the issue of “rightshaving.” (3) PERIODIC REPORTS.—Not later than 6 months after the date of the enactment of this Act, and thereafter during the fiscal years 2002 and 2003, the Secretary of State shall submit to the appropriate congressional committees a report reviewing the activities and progress of the working group established under paragraph (1). SEC. 303. QUALIFICATIONS OF CERTAIN OFFICERS OF THE DEPARTMENT OF STATE. Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended— (1) by striking subsections (f) and (g); and (2) by inserting after subsection (e) the following new subsection (f): “(f) QUALIFICATIONS OF CERTAIN OFFICERS OF THE DEPARTMENT OF STATE.— (1) OFFICER HAVING PRIMARY RESPONSIBILITY FOR PERSONNEL MANAGEMENT.—The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to matters relating to personnel in the Department of State, or that officer’s principal deputy, shall have substantial professional qualifications in the field of human resource policy and management. (2) OFFICER HAVING PRIMARY RESPONSIBILITY FOR DIPLOMATIC SECURITY.—The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to diplomatic security, or that officer’s principal deputy, shall have substantial professional qualifications in the fields of (A) management, and (B) Federal law enforcement, intelligence, or security. (3) OFFICER HAVING PRIMARY RESPONSIBILITY FOR INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT.—The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to international narcotics and law enforcement, or that officer’s principal deputy, shall have substantial professional qualifications in the fields of management and Federal law enforcement.”. SEC. 304. UNITED STATES SPECIAL COORDINATOR FOR TIBETAN ISSUES. (a) UNITED STATES SPECIAL COORDINATOR FOR TIBETAN ISSUES.—There shall be within the Department of State a United States Special Coordinator for Tibetan Issues. (b) CONSULTATION.—The Secretary of State shall consult with the chairman and ranking minority member of the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives prior to the designation of the special coordinator. (c) CONGRESSIONAL OBJECTIVE.—The central objective of the special coordinator is to promote substantive dialogue between the Government of the People’s Republic of China and the Dalai Lama or his representatives. (d) DUTIES AND RESPONSIBILITIES.—The special coordinator shall— (1) coordinate United States Government policies, programs, and projects concerning Tibet; (2) vigorously promote the policy of seeking to protect the distinct religious, cultural, linguistic, and national identity of Tibet, and pressing for improved respect for human rights; (3) maintain close contact with religious, cultural, and political leaders of the Tibetan people, including regular travel to Tibetan areas of the People’s Republic of China, and to Tibetan refugee settlements in India and Nepal; (4) consult with Congress on policies relevant to Tibet and the future and welfare of the Tibetan people; (5) make efforts to establish contacts in the foreign ministries of other countries to pursue a negotiated solution for Tibet; and (6) take all appropriate steps to ensure adequate resources and appropriate support to fulfill the duties and responsibilities of the special coordinator. SEC. 305. UNITED STATES SPECIAL ENVOY FOR SUDAN ISSUES. Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by inserting after subsection (f) (as added by section 330 of this Act) the following new subsection (q): “(q) UNITED STATES SPECIAL ENVOY FOR SUDAN ISSUES.—(1) IN GENERAL.—There shall be within the Department of State a United States Special Envoy for Sudan Issues who shall be appointed by the President, and with the advice and consent of the Senate. (2) DUTIES.—In addition to such duties as the President and Secretary of State shall prescribe, the envoy shall work for a peaceful resolution of the conflict in Sudan and an end to abuses of human rights, including religious freedom, in Sudan.”. SEC. 331. REPORT CONCERNING RETIRED MEMBERS OF THE FOREIGN SERVICE AND MILITARY WHO ARE REGISTERED AS PERSONNEL OF A GOVERNMENT OF A FOREIGN COUNTRY. The Secretary of State shall submit, annually, a report to the appropriate congressional committees and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives concerning the participation by retired members of the Foreign Service and the military service who have retired, have been issued an identification which authorizes access to facilities of the Department of State, and are registered under the Foreign Agents Registration Act of 1938 as an agent of a government of a foreign country. The report shall specify each individual and the governments represented by that individual. SEC. 332. TIBETAN LANGUAGE TRAINING. The Secretary of State shall ensure that Tibetan language training is available to Foreign Service officers, and that every effort is made to ensure that a Tibetan-speaking Foreign Service officer is assigned to the consulate in China responsible for tracking developments in Tibet. SEC. 333. DEPENDENTS ON FAMILY VISITATION SECTIONS OF A FOREIGN COUNTRY. (a) IN GENERAL.—Section 501(b) of the Foreign Service Act of 1980 (22 U.S.C. 4081(b)) is amended by striking “Secretary” and inserting “Service, and members of.” (b) PROMULGATION OF GUIDANCE.—The Secretary shall promulgate guidance for the implementation of the amendment made by subsection (a) to ensure its implementation in a manner which does not substantially increase the total amount of travel expenses paid or reimbursed by the Department for travel under section 501 of the Foreign Service Act of 1980. (c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act. SEC. 334. THOMAS JEFFERSON STAR. Section 36A of the State Department Basic Authorities Act of 1956 (22 U.S.C. 270a) is amended— (1) in the section heading by striking “FOREIGN SERVICE” and inserting “THOMAS JEFFERSON FUND” and “FOREIGN SERVICE” and inserting “THOMAS JEFFERSON FUND”; and (2) by inserting “Foreign Service star” each place it appears and inserting “Thomas Jefferson Star”. SEC. 335. HEALTH EDUCATION AND DISEASE PREVENTION PROGRAMS. Section 904(b) of the Foreign Service Act of 1980 (22 U.S.C. 4044(b)) is amended by striking by subsection (a) shall take effect on the date of the enactment of this Act. SEC. 336. TRAINING AUTHORITIES. Section 2205(a) of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted in division G of Public Law 105-277) is amended by inserting “for all personnel” after “be directed.” SEC. 337. FOREIGN NATIONAL RETIREMENT PLANS. Section 4050(c)(1) of the Foreign Service Act of 1980 (22 U.S.C. 2652(c)(1)) is amended in the third sentence by striking “(C)” and all that follows through “covered employees.” and inserting “(C) payments by the Government and in-kind benefits provided by the Government in a financial institution in order to finance future benefits for employees, including provision for reten tion in the fund of accumulated interest and dividends for the benefit of the covered employees; or (ii) a Foreign Service National Savings Fund established in the Treasury of the United States, which (I) shall be administered by the Secretary of State, at whose direction the Secretary of the Treasury shall invest amounts not required for the current needs of the fund; and (II) shall be public monies, which are authorized to be appropriated and remain available without fiscal year limitation to pay benefits, to be invested in public debt obligations bearing interest at rates determined by the Secretary of the Treasury to consider both market yields on outstanding marketable obligations of the United States of comparable maturity, and to pay administrative expenses.”. SEC. 338. FUND FOR MINISTERIOUS EXECUTIVES AND DISTINGUISHED EXECUTIVES— (a) COMPARABLE TO PAYMENTS TO MINISTERIOUS EXECUTIVES AND DISTINGUISHED EXECUTIVES.—Section 4050(b)(3) of the Foreign Service Act of 1980 (22 U.S.C. 2652(b)(3)) is amended by striking the second sentence and inserting “Payments under this paragraph to a member of the Senior Foreign Service may not exceed, in any fiscal year, the percentage of base pay established under section 4507(e)(1)(T) of title 5, United States Code, for a Ministerial Executive, except that payments of the percentage of base pay established under section 4507(e)(1)(T) of title 5, United States Code, for Distinguished Executives may be made in any fiscal year to up to 1 percent of the members of the Senior Foreign Service.”. (b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 2001. SEC. 339. EMERGENCY MEDICAL ADVANCE PAYMENTS. Section 3927(a)(3) of title 5, United States Code, is amended to read as follows: “(3) to an employee of the Government, pursuant to section 408 of the Foreign Service Act of 1980, who— (A) pursuant to government authorization is located outside the country of employment; and (B) requires medical treatment outside the country of employment in circumstances specified by the President in regulations.”. SEC. 340. UNACCOMPANIED AIR BAGGAGE. Section 3924(d)(3) of title 5, United States Code, is amended by inserting after the first sentence the following: “At the option of the employee, in lieu of the transportation of the baggage of a dependent child from the dependent’s school, the costs incurred to store the baggage at or in the vicinity of the school during the dependent’s annual trip between the school and the employee’s duty station may be paid or reimbursed to the employee. The amount of the payment or reimbursement may not exceed the cost that the government would incur to transport the baggage.”. SEC. 341. SPECIAL AGENT AUTHORITIES. Section 37(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 270a(a)) is amended in paragraph (3)(F) by inserting “or President-elect” after “President”. SEC. 342. REPORT CONCERNING MINORITY EMPLOYMENT. During each of the years 2002 and 2003, the Secretary of State shall submit a comprehensive...
(a) Conduct of Recruitment Activities.—(1) In general.—Amounts authorized to be appropriated for minority recruitment under section 101(b)(1)(B)(iii) shall be used only for activities directly related to minority recruitment, such as recruitment materials designed to target members of minority groups and the travel expenses of candidates.

(b) Recruitment Activities at Academic Institutions.—The Secretary of State shall expand the efforts of the Department of State to include not less than 25 percent of the part B institutions (as defined under section 322 of the Higher Education Act of 1965) in the United States and not less than 25 percent of the Hispanic-serving institutions (as defined under section 302(a)(5) of such Act) in the United States.

(c) Evaluation of Recruitment Efforts.—The Secretary of State shall establish a database relating to efforts to recruit members of minority groups into the Foreign Service and the Civil Service and shall report to the appropriate congressional committees annually on the evaluation of such efforts. For each of the years 2002 and 2003, such a report may be part of the report required under section 342.

SEC. 343. USE OF FUNDS AUTHORIZED FOR MINORITY RECRUITMENT.

(a) Conduct of Recruitment Activities.—(1) In general.—Amounts authorized to be appropriated for minority recruitment under section 101(b)(1)(B)(iii) shall be used only for activities directly related to minority recruitment, such as recruitment materials designed to target members of minority groups and the travel expenses of candidates.

(b) Recruitment Activities at Academic Institutions.—The Secretary of State shall expand the efforts of the Department of State to include not less than 25 percent of the part B institutions (as defined under section 322 of the Higher Education Act of 1965) in the United States and not less than 25 percent of the Hispanic-serving institutions (as defined under section 302(a)(5) of such Act) in the United States.

(c) Evaluation of Recruitment Efforts.—The Secretary of State shall establish a database relating to efforts to recruit members of minority groups into the Foreign Service and the Civil Service and shall report to the appropriate congressional committees annually on the evaluation of such efforts. For each of the years 2002 and 2003, such a report may be part of the report required under section 342.

TITLE V—UNITED STATES EDUCATIONAL AND CULTURAL PROGRAMS OF THE DEPARTMENT OF STATE

SEC. 401. EXTENSION OF REQUIREMENT FOR SCHOLARSHIPS FOR TIBETANS AND OTHER NATIONALS OF THE BURMESE ETHNIC GROUP


SEC. 402. NONPROFIT ENTITIES FOR CULTURAL PROGRAMS.

(a) Findings.—The Congress makes the following findings:

(1) It is in the national interest of the United States to promote mutual understanding between the people of the United States and other nations.

(2) Among the means to be used in achieving this objective are a wide range of international educational and cultural exchange programs, including the J. William Fulbright Educational Exchange Program and the International Visitors Program.

(3) Cultural diplomacy, especially the presentation abroad of the finest of America’s creative, performing, and visual arts, is an especially effective means of advancing the United States national interest.

(4) The financial support available for international cultural and scholarly exchanges has declined by approximately 10 percent in recent years.

(5) Funds appropriated for the purpose of ensuring that the excellence, diversity, and vitality of the arts in the United States are presented to foreign audiences by, and in cooperation with, our diplomatic and consular representatives have declined dramatically.

(6) One of the ways to deepen and expand cultural and educational exchange programs is through the operation of nonprofit entities to encourage the participation and financial support of corporations and other private sector contributors.

(7) The United States private sector should be encouraged to cooperate closely with the Secretary of State and representatives of the Department to expand and spread appreciation of United States cultural and artistic accomplishments.

(b) Authority to Establish Nonprofit Entities.—Section 105 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2255) is amended by striking subsection (g) and inserting the following:

(9) Nonprofit entities for cultural programs.—(1) The Secretary of State is authorized to provide for the establishment of private nonprofit entities to assist in carrying out the purposes of this section. Any such entity shall not be considered an agency or instrumentality of the United States Government and shall be an entity, including the appointment of employees of the United States Government as ex officio nonvoting members of such a board or other administrative body.

(2) (D) Making recommendations with respect to specific artistic and cultural programs to be carried out by the entity.

(3) (F) The numbers of and percentages of members of all minority groups successfully completing and passing the Foreign Service examination.

(c) Appointment of Members of the Board of Directors.—(1) The solicitation and receipt of funds for an entity.

(2) The designation of a program in recognition of such contributions.

(3) Appointment of members of the board of directors or other bodies established to administer an entity, including the appointment of employees of the United States Government as ex officio nonvoting members of such a board or other administrative body.

“(D) Making recommendations with respect to specific artistic and cultural programs to be carried out by the entity.

“(2) (F) The numbers of and percentages of members of all minority groups successfully completing and passing the Foreign Service examination.

“(C) the number of members of all minority groups promoted at each grade of the Civil Service; and

“(B) the number of members of all minority groups promoted at each grade of the Foreign Service Officer Corps.

“(1) For the last preceding year for Civil Service employment at the Department of State for which such information is available—

“(A) the numbers and percentages of members of all minority groups who are Foreign Service officers at each grade; and

“(B) the numbers and percentages of members of all minority groups who are civil service employees at each grade of the Civil Service; and

“(C) the number of and percentages of members of all minority groups promoted at each grade of the Civil Service.

“(2) For the last preceding year for Foreign Service employment at the Department of State for which such information is available—

“(A) the numbers and percentages of members of all minority groups taking the written Foreign Service examination;

“(B) the numbers and percentages of members of all minority groups completing and passing the written Foreign Service examination;

“(C) the numbers and percentages of members of all minority groups entering the junior officers class of the Foreign Service;

“(E) the numbers and percentages of members of all minority groups who are Foreign Service officers at each grade; and

“(F) the numbers and percentages of members of all minority groups promoted at each grade of the Foreign Service Officer Corps.

“(1) For the last preceding year for Civil Service employment at the Department of State for which such information is available—

“(A) the numbers and percentages of members of all minority groups who are Foreign Service officers at each grade; and

“(B) the numbers and percentages of members of all minority groups who are civil service employees at each grade of the Civil Service; and

“(C) the number of and percentages of members of all minority groups promoted at each grade of the Civil Service.

“(2) For the last preceding Foreign Service examination and promotion cycles for which such information is available—

“(A) the numbers and percentages of members of all minority groups taking the written Foreign Service examination;

“(B) the numbers and percentages of members of all minority groups successfully completing and passing the Foreign Service examination;

“(C) the numbers and percentages of members of all minority groups entering the junior officers class of the Foreign Service;

“(E) the numbers and percentages of members of all minority groups who are Foreign Service officers at each grade; and

“(F) the numbers and percentages of members of all minority groups promoted at each grade of the Foreign Service Officer Corps.

“(2) Limitation.—Amounts authorized to be appropriated for minority recruitment under section 101(b)(1)(B)(iii) shall not be used to pay salaries of employees of the Department of State.

“(b) Recruitment Activities at Academic Institutions.—The Secretary of State shall expand the efforts of the Department of State to include not less than 25 percent of the part B institutions (as defined under section 322 of the Higher Education Act of 1965) in the United States and not less than 25 percent of the Hispanic-serving institutions (as defined under section 302(a)(5) of such Act) in the United States.

“(c) Evaluation of Recruitment Efforts.—The Secretary of State shall establish a database relating to efforts to recruit members of minority groups into the Foreign Service and the Civil Service and shall report to the appropriate congressional committees annually on the evaluation of such efforts. For each of the years 2002 and 2003, such a report may be part of the report required under section 342.

TITLE V—UNITED STATES INTERNATIONAL PROGRAMS OF THE DEPARTMENT OF STATE

SEC. 501. ELIMINATING STAFF POSITIONS FOR THE ADVISORY BOARD FOR CUBA BROADCASTING.

(a) Eliminating Position of Staff Director.—(1) Section 245 of the Television Broadcasting Act of 1962 (22 U.S.C. 1665c) is amended by striking “the” and inserting “the”. In the case of section 245(d) of such Act, such amendment is made by striking “the” and inserting “an”.

(2) Any funds made available through the elimination of the position under the amendment made by paragraph (1) shall be made available for broadcasting to Cuba.

(b) Prohibiting Paid Staff Positions.—The Advisory Board for Cuba Broadcasting is not authorized to employ administrative or support staff who are compensated by the Advisory Board.
(1) by striking section 226; and
(2) by striking the item relating to section 226 in the table of sections.

TITLe VI—INTERNATIONAL ORGANIZATIONS AND COMMISSIONS

SEC 601. UNITED STATES ARREARS PAYMENTS AND REFORM.

(a) ADDITIONAL RESTRICTIONS ON RELEASE OF ARREARS PAYMENTS RELATING TO UNITED STATES REFORM.-Section 475 of the United States Reform Act of 1999 (title IX of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; appendix G; 113 Stat. 1501A–415) is amended as follows:

(1) by striking section “911” and inserting “section 911(a)(1)”;
(2) Section 911(b) is amended by—
(A) redesignating paragraph (3) as paragraph (2);
(3) Section 911(c) is amended by—
(A) by striking “also”;
(B) by striking “in subsection (b)(4)” both places it appears; and
(C) by striking “satisfied, if the other conditions in subsection (b) are satisfied” and inserting “satisfied”;
(4) Section 911(b)(4) is amended—
(A) in the paragraph heading by striking “NEW BUDGET PROCEDURES” and inserting “BUDGET PRACTICES”; and
(B) by striking “Each designated specialized agency has established procedures for—” and inserting “The practices of each designated specialized agency—”; and
(C) in subparagraphs (A), (B), and (C) by striking “require” each of the 3 places it appears and inserting in the 3 places “result in”;
(5) Section 911(b)(5) is amended—
(A) in the paragraph heading by striking “NEW BUDGET PROCEDURES” and inserting “BUDGET PRACTICES”;
(B) by striking “Each designated specialized agency has established procedures to—” and inserting “The practices of each designated specialized agency—”; and
(C) in subparagraphs (A), (B), and (C) by striking “require” each of the 3 places it appears and inserting in the 3 places “result in”;
(6) AMENDMENT TO UNITED NATIONS REFORM ACT OF 1999.—The United Nations Reform Act of 1999 (title IX of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; appendix G; 113 Stat. 1501A–415) is amended as for follows:

SEC. 6. AGREEMENTS WITH SECURITY COUNCIL.—

(a) Any agreement described in subsection (b) that is concluded by the President with the Security Council shall not be effective unless approved by the Congress by appropriate Act or joint resolution.

(b) An agreement referred to in subsection (a) is an agreement providing for the numbers and types of United States Armed Forces, their degree of readiness and general locations, or the nature of facilities and assistance, including rights of passage, to be made available to the Security Council for the purpose of maintaining international peace and security in accordance with Article 43 of the Charter of the United Nations.

(c) Except as provided in section 7, nothing in this section may be construed as an authorization of the President to make available United States Armed Forces, facilities, or assistance to the Security Council.”.
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(d) AMENDMENT TO PUBLIC LAW 102–236.—Section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 22 U.S.C. 287e note) is amended—

(1) by striking “fiscal year after fiscal year 1993” and inserting “for—(A) fiscal years 1996 through 2001, and any fiscal year thereafter;”

(2) by striking “operation;” and inserting “operation; and

(3) by striking fiscal year 2002; and

(e) CONFORMING AMENDMENT TO PUBLIC LAW 92–544.—The last sentence of the paragraph headed “International Organizations” in Public Law 92–544 (22 U.S.C. 287 note), is amended—

(1) by striking “Appropriations are authorized” and inserting “Subject to section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236, 22 U.S.C. 287e note), as amended, appropriations are authorized”;

(2) by striking “operation;” and inserting “operation; and

(3) by striking “fiscal year 2002” and inserting “fiscal years 2002 and 2003 shall not be available for the payment of the United Nations assessed contribution for a United Nations peacekeeping operation in an amount which is greater than 28.15 percent of the total of all assessed contributions for that operation;”

(f) CONFORMING AMENDMENT TO PUBLIC LAW 105–277.—The undesignated paragraph under the heading “ARRAIGNMENT PAYMENTS” in title IV of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 101(b) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; 112 Stat. 2681–96) is amended by striking “member, and the share of the budget for each such assessment United Nations peacekeeping operation does not exceed 25 percent for any single United Nations member,” and inserting “members,”

(g) CONFORMING AMENDMENT TO PUBLIC LAW 102–113.—The undesignated paragraph under the heading “ARRAIGNMENT PAYMENTS” in title IV of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000, (as enacted into law by section 100(a)(1) of division B of Public Law 106–113; appendix A, 113 Stat. 1501A–42) is amended—

(1) in the first proviso, by striking “the share of the total of all assessed contributions for any designated specialized agency of the United Nations assessed contributions for that designated specialized agency does not exceed 22 percent for any single member of the agency,” and inserting “member,”

(2) by inserting immediately after the first proviso “i.e., (a) that none of the funds appropriated or otherwise made available under this heading for payment of arraignments may be obligated or expended with respect to a designated specialized agency of the United Nations until such time as the share of the total of all assessed contributions for that designated specialized agency does not exceed 22 percent for any single United Nations member,”

(3) by striking “five percent” and inserting “twenty percent”;

(h) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 602. TRAVEL BY ADVISORY COMMITTEE MEMBERS TO GREAT LAKES FISHERY COMMISSION ANNUAL MEETING.

Section 406(b) of the Great Lakes Fishery Commission Act of 1966 (70 Stat. 242; 16 U.S.C. 933(c)) is amended in the second sentence—

(1) by striking “five” and inserting “ten”; and

(2) by striking “each” and inserting “the annual”.

SEC. 603. UNITED STATES POLICY ON COMPOSITION OF UNITED NATIONS HUMAN RIGHTS COMMISSION.

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

(1) The United Nations Human Rights Commission is an important organ of the United Nations that plays a significant role in monitoring international human rights developments and can make an important contribution to advancing human rights around the world.

(2) The United States, however, continues to include countries that are themselves human rights violators.

(3) The United States Commission on Human Rights have a special duty to ensure that they are prepared to allow human rights monitors into their own country to investigate allegations of human rights violations.

(b) UNITED STATES POLICY ON MEMBERSHIP OF THE COMMISSION.—The President, acting through the Secretary of State, the United Nations Commission on Human Rights shall include member countries that does not provide a standing invitation to the following persons to monitor human rights in the territory of such country:

(1) Designated United Nations human rights investigators and rapporteurs,

(2) Representatives on non-governmental organizations that focus on human rights.

SEC. 604. UNITED STATES MEMBERSHIP IN THE UNITED NATIONS PEACEKEEPING ORGANIZATION FOR MIGRATION.

(a) CONTINUATION OF MEMBERSHIP.—The President is authorized to continue membership in the International Organization for Migration in accordance with the constitution of such organization approved in Venice, Italy, on October 19, 1953, as amended in Geneva, Switzerland on May 24, 1998, upon entry into force of such amendments.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of facilitating the repatriation of refugees and migrants, the Secretary of State is authorized to appropriate such funds as may be necessary from time to time for payment by the United States of its contributions to the International Organization for Migration and all necessary salaries and expenses incidental to United States participation in such organization.

SEC. 605. REPORT RELATING TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE.

Section 5 of the Act entitled “An Act to establish a Commission on Security and Cooperation in Europe” (Public Law 94–304; 22 U.S.C. 2207) is amended to read as follows:

“SEC. 5. (a) The Commission in carrying out its duties, the Secretary of State shall submit to the Commission an annual report discussing the overall United States policy objectives for the Organization for Security and Cooperation in Europe (OSCE), the OSCE implementation review process, and other activities of the OSCE. The report shall also include a summary of specific United States policy objectives with respect to participating states where there is a particular concern relating to the implementation of Organization on Security and Cooperation in Europe commitments or where an OSCE presence exists. Such summary shall address the role played by Organization on Security and Cooperation in Europe institutions, mechanisms, or field activities in achieving United States policy objectives. Each annual report shall cover the period January 1 through December 31, but shall be submitted not more than 90 days after the end of the reporting period, and shall be posted on the website of the Department of State.”

SEC. 606. RULES OF THE COMMISSION ON UNITED NATIONS ACTIVITIES.

(a) AMENDMENTS TO UNITED NATIONS PARTICIPATION ACT.—Section 4 of the United Nations Participation Act is amended—

(1) by striking subsections (b) and (c);

(2) by inserting after subsection (a) the following new subsections:

“(b) ANNUAL REPORT ON FINANCIAL CONTRIBUTIONS.—Not later than July 1 of each year, the Secretary of State shall submit a report to the designated congressional committees on the extent and disposition of all financial contributions made by the United States during the previous calendar year to international human rights organizations in which the United States participates as a member;”

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

(b) CONFORMING AMENDMENTS.—

(1) Section 2 of Public Law 81–806 (22 U.S.C. 262a) is amended by striking the last sentence.


TITLE VII—MISCELLANEOUS PROVISIONS

Subtitle A—General Provisions

SEC. 701. AMENDMENTS TO THE IRAN NONPROLIFERATION ACT OF 2000.

(a) REPORTS ON PROLIFERATION TO IRAN.—Section 2 of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 114 Stat. 39; 50 U.S.C. 2461 note) is amended—

(1) by striking the last sentence.

(b) ELECTION OF CHAIR OF COMMISSION.

Section 201(d) of the Commission on International Religious Freedom Act of 1998 (22 U.S.C. 6435a(d)(1)) is amended by striking “and selecting “systems” and inserting “systems, or conventional weapons”.

SEC. 702. AMENDMENTS TO THE NORTH KOREA THREAT REDUCTION AND ANTI-TERRORISM ACT OF 1999.

Section 822(a) of the North Korea Threat Reduction Act of 1999 (subtitle B of title VIII of division A of H.R. 3427, as enacted into law by section 309 of the Consolidated and Emergency Supplemental Appropriations Act, 2000 (Public Law 106–50) (113 Stat. 1301A–42) is amended by striking “such agreement,” both places it appears and inserting in both places “such agreement (or that are controlled under the Export Trigger List of the Nuclear Suppliers Group).”;

SEC. 703. AMENDMENTS TO THE INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998.


(b) AMENDMENTS OF APPROPRIATIONS.—

(1) Section 207(a) of such Act (22 U.S.C. 6435(a)) is amended by inserting “for each of the fiscal years 2002 and 2003” after “$3,000,000”;

(2) Section 208 of such Act (22 U.S.C. 6435(c)) is amended by inserting “the Secretary of State” after “the assistance program”;

(c) ELECTION OF CHIEF COORDINATOR.—

Section 201(d) of such Act (22 U.S.C. 6431(d)) is amended by striking “in each calendar” and inserting “after May 30 of each year”;

SEC. 704. PROCUREMENT OF NONGOVERNMENTAL SERVICES.—Section 208(c)(1) of such Act (22 U.S.C. 6435(c)(1)) is amended by striking “authorizes” and inserting “authority, in excess of $75,000 annually, except as otherwise provided in this title”;

SEC. 705. DONATION OF SERVICES.—Section 208(d)(1) of such Act (22 U.S.C. 6435(d)(1)) is amended by striking “services or” both places it appears.
(f) Establishment of Staggered Terms of Members of Commission.—Section 201(c) of such Act (22 U.S.C. 6431(c)) is amended by adding after paragraph (1) the following new paragraph:

“(2) Establishment of staggered terms.—Notwithstanding paragraph (1), members of the Commission shall serve on the Commission during the period May 15, 2003, through May 14, 2005, shall be appointed to terms in accordance with the provisions of this paragraph. Of the 3 members of the Commission appointed by the President under subsection (b)(1)(B)(i), 2 shall be appointed to a one-year term and 1 shall be appointed to a two-year term. Of the 3 members of the Commission appointed by the President pro tempore of the Senate under subsection (b)(1)(B)(ii), 1 of the appointments made upon the recommendation of the leader in the Senate that is appointed is the political party of the President shall be appointed to a one-year term, and the other 2 appointments under such clause shall be two-year terms. Of the 2 members of the Commission appointed by the Speaker of the House of Representatives under subsection (b)(1)(B)(iii), 1 of the appointments made upon the recommendation of the Speaker of the House of Representatives that is not the political party of the President shall be to a one-year term, and the other 2 appointments under such clause shall be two-year terms. Following the expiration of the term of a member appointed to a one-year term shall be filled by the appointment of a successor to a one-year term.”

(g) Vacancies.—Section 201(q) of such Act (22 U.S.C. 6431(q)) is amended by adding at the end the following: “A member may serve after the expiration of the term if the successor to a two-year term has not taken office. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term.’’

SEC. 704. CONTINUATION OF UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) Authority to Continue Commission.—Section 1334 of the Foreign Affairs Reform and Restructuring Amendments Act of 2001 is amended by striking “October 1, 2001” and inserting “October 1, 2005”.

(b) Repeal.—Section 404(c) of the Admiral James W. Nance and Mabel Donovan Foreign Relations Authorization Act, Fiscal Years 2001 and 2002 is amended by striking “A.H. 3427, as enacted into law by section 100(a)(7) of Public Law 106-113; appendix G; 113 Stat. 146” and inserting “A.H. 3427, as enacted into law by section 100(a)(7) of Public Law 106-113; appendix G; 113 Stat. 146”.

SEC. 705. PARTICIPATION OF SOUTH ASIA COUNTRIES IN INTERNATIONAL LAW ENVIRONMENT.

The Secretary of State shall ensure, where practicable, that appropriate government officials from countries in the South Asia region shall be eligible to attend courses at the International Law Enforcement Academy located in Bangkok, Thailand, and Budapest, Hungary, consistent with other provisions of law, with the goal of enhancing regional cooperation in the fight against international crime.

Subtitle B—Sense of Congress Provisions

SEC. 711. SENSE OF CONGRESS RELATING TO HIV/AIDS AND UNITED NATIONS PEACEKEEPING OPERATIONS.

It is the sense of the Congress that the President should direct the Secretary of State and the United States Representative to the United Nations to work with the United Nations to take steps to integrate the HIV/AIDS mitigation strategy as a component of United Nations peacekeeping operations.

SEC. 732. SENSE OF CONGRESS RELATING TO HIV/AIDS TASK FORCE.

It is the sense of the Congress that the Secretary of State should establish an international HIV/AIDS task force to coordinate activities on international HIV/AIDS programs administered by agencies of the Federal Government and to work with international public and private entities working to combat the HIV/AIDS pandemic.

SEC. 733. SENSE OF CONGRESS CONDEMNING THE DESTRUCTION OF PRE-ISLAMIC STATUES IN AFGHANISTAN BY THE TALIBAN REGIME.

(a) Findings.—The Congress makes the following finding:

(1) Many of the oldest and most significant Buddhist statues in the world are in Afghanistan, which, at the time that many of the statues were created, was one of the most cosmopolitan regions in the world and hosted merchants, travelers, and artists from China, India, Central Asia, and the Roman Empire.

(2) Such statues are part of the common heritage of mankind, which must be preserved for future generations.

(3) Calls upon the Taliban regime to stop destroying such statues; and

(4) Urges the Taliban regime to grant international organizations immediate access to Afghanistan to study and protect any that are at risk.

(b) Sense of Congress.—It is the sense of the Congress that:

(1) The destruction of all pre-Islamic statues in Afghanistan, among them a pair of 1,600-year-old, 100-foot-tall images of Buddha that are carved out of a mountainside.

(2) The religion of Islam and Buddhist statues have coexisted in Afghanistan as part of the unique historical and cultural heritage of that nation for more than 1,100 years.

(3) The destruction of the pre-Islamic statues contradicts the basic tenet of the Islamic religion that other religions should be tolerated.

(4) People of all faiths and nationalities have condemned the destruction of the statues in Afghanistan, including Muslim communities around the world.

(c) Report to Congress.—The Secretary of State should report to Congress on proposals to bring about arsenic-free drinking water to Bangladeshis and to facilitate treatment for those who have already been affected by arsenic-contaminated drinking water in Bangladesh.

SEC. 736. SENSE OF CONGRESS RELATING TO DISPLAY OF THE AMERICAN FLAG AT THE AMERICAN INSTITUTE IN TAIWAN.

It is the sense of the Congress that the chancery of the American Institute in Taiwan and the residence of the director of the American Institute in Taiwan should fly the flag of the United States in the same manner as United States embassies, consulates, and official residences throughout the world.

SEC. 737. SENSE OF CONGRESS REGARDING HUMAN RIGHTS VIOLATIONS IN WEST PAPUA AND ACEH, INCLUDING THE FIGHT OF JABAR SUDIQ HAMZAH, AND ESCALATING VIOLENCE IN MALUKU AND CENTRAL KALIMANTAN.

(a) Findings.—The Congress makes the following findings:

(1) Human rights violations by elements of the Indonesian Government and military in West Papua (Irian Jaya) and Aceh, while other areas including the Moluccas (Maluku) and Central Kalimantan have experienced outbreaks of violence by militia forces and other organized groups.

(2) Seven West Papuans were shot dead by Indonesian security forces following a flag-raising ceremony in the town of Merauke on December 2, 2000, and in a separate incident four others were reportedly killed by Indonesian security forces after a West Papuan flag was raised in Ternate on December 18, 2000.

(3) Indonesian police have attacked peaceful West Papuan civilians, including students in their dormitories at Cenderawasih University on December 15, 2000. This work resulted in the beating and arrests of some 100 students as well as the deaths of three students, including one in police custody in the capital city of Jayapura.

(4) To escape Indonesian security forces, hundreds of peaceful West Papuans have sought safety in refugee camps across the border in the neighboring state of Papua New Guinea (PNG).

(5) Indonesian paramilitary forces have announced that they are initiating “limited military operations” in Aceh, where the ExxonMobil gas company has suspended operations due to security concerns.

(6) On September 7, 2000, the body of Acehnese human rights lawyer Jafar Siddiq Hamzah, who had been missing for a month, was identified along with four other badly decomposed bodies, whose faces were washed in and whose hands and feet were bound with barbed wire, in a forested area outside of Medan, in North Sumatra.

(7) Jafar Siddiq Hamzah was a prominent human rights defender who worked with the American Friends Service Committee in the United States who resided in Queens, New York, who was last seen alive on August 5, 2000, in Medan, after which he failed to keep an appointment and apparently lost all contact with his family.

(8) As the founder and director of the International Forum on Aceh, which works for peace
and human rights in Aceh, Hamzah was an important voice of moderation and an internationally known representative of his people who made irreplaceable contributions to peace and respect among his homeland’s peoples.

(9) The Indonesian government has failed to release the results of Jafar Siddiq Hamzah’s autopsy report, and the inaccessibility of the report has implicated United States military and police forces have committed widespread acts of torture, rape, disappearance and extra-judicial executions against West Papuan and Acehnese civilians.

(10) In Maluku, where Muslim and Christian peoples lived in peace and respected with each other, hundreds have been killed and tens of thousands displaced during outbreaks of violence over the past three years.

(11) Militia forces known as the Laskar Jihad have arrived from Java and other islands outside Maluku to inflame hatred and perpetrate violence against Christians, and to create religious intolerance among the people of Maluku, and this has been exacerbated by some Indonesian leaders including Amien Rais, Chair of the People’s Consultative Assembly.

(12) Muslim and Christian leaders alike have called for the arrest of militia leaders in Maluku and asking for international assistance in ending this devastating conflict.

(13) The recent instance of widespread violence in Indonesia has broken out on the island of Kalimantan (Borneo), in the province of Central Kalimantan, where indigenous Dayaks brutally attacked the Madura inhabitants hundreds and causing thousands of others to flee.

(14) The people of the island of Madura who were resettled in Kalimantan under the auspices of the Soeharto government’s transmigration program, which served to strengthen the political control of the regime, have become scapegoats for official government policy, while the Dayaks have suffered from this policy and from official exploitation of the natural resources of their homeland.

(15) State Department to support the Government of Indonesia to take decisive action to halt sectarian violence in Maluku and to arrest those guilty of violence, including military leaders and armed forces officers guilty of complicity in their operations against civilians, and to maintain significant progress towards rehabilitation and reconstruction of local communities destroyed by the violence and rebuild the physical infrastructure of the communities.

(16) calls upon the Department of State to support the Government of Indonesia to take decisive action to halt sectarian violence in Maluku and to arrest those guilty of violence, including military leaders and armed forces officers guilty of complicity in their operations against civilians, and to maintain significant progress towards rehabilitation and reconstruction of local communities destroyed by the violence and rebuild the physical infrastructure of the communities.

(17) calls upon the Department of State to support the Government of Indonesia to take decisive action to halt sectarian violence in Maluku and to arrest those guilty of violence, including military leaders and armed forces officers guilty of complicity in their operations against civilians, and to maintain significant progress towards rehabilitation and reconstruction of local communities destroyed by the violence and rebuild the physical infrastructure of the communities.

(18) calls upon the Department of State to support the Government of Indonesia to take decisive action to halt sectarian violence in Maluku and to arrest those guilty of violence, including military leaders and armed forces officers guilty of complicity in their operations against civilians, and to maintain significant progress towards rehabilitation and reconstruction of local communities destroyed by the violence and rebuild the physical infrastructure of the communities.
(3) The Magen David Adom Society is the national humanitarian society in the state of Israel.

(4) The Magen David Adom Society follows all the principles of the International Red Cross and Red Crescent Movement.

(5) Since the founding of the Magen David Adom Society in 1933, the American Red Cross has recognized the organization as a sister national society and close working ties have been established between the two societies.

(6) The Magen David Adom Society has used the Red Shield of David as its humanitarian emblem since its founding in 1933 for the same purposes that other national Red Cross and Red Crescent societies use their respective emblems.

(7) Since the 1949 Geneva Conventions, the Magen David Adom has been refused admission into the International Red Cross and Red Crescent Movement and has been relegated to observer status without a vote because it has used the Red Shield of David.

(8) Magen David Adom is the only humanitarian organization equivalent to a national Red Cross or Red Crescent society in a sovereign nation that is denied membership into the International Red Cross and Red Crescent Movement.

(9) The American Red Cross has consistently advocated recognition and membership of the Magen David Adom Society in the International Red Cross and Red Crescent Movement.

(10) Representatives of the House of Representatives adopted H. Res. 464 on May 3, 2000, and the Senate adopted S. Res. 343 on October 18, 2000, expressing the sense of the House of Representatives and the Senate, respectively, that the International Red Cross and Red Crescent Movement should recognize and admit to full membership Israel's Magen David Adom Society with its emblem, the Red Shield of David.

(11) The Secretary of State testified before the Committee on the Budget of the Senate on March 14, 2001, and stated that admission of Magen David Adom to the International Red Cross movement is a priority.

(12) The United States provided $119,230,000 for the International Committee of the Red Cross in fiscal year 2000.

(a) Sense of Congress.—It is the sense of Congress that—

(1) the International Committee of the Red Cross should immediately recognize the Magen David Adom Society;

(2) the Federation of Red Cross and Red Crescent Societies should grant full membership to the Magen David Adom Society immediately following recognition by the International Committee of the Red Cross of the Magen David Adom Society as a full member of the International Red Cross;

(3) the Red Shield of David should be accorded the same protections under international law as the Red Cross and the Red Crescent;

(4) the United States should continue to press for full membership for the Magen David Adom in the International Red Cross Movement.

SEC. 746. SENSE OF CONGRESS URGING THE RETURN OF PORTRAITS PAINTED BY DINA BABBITT DURING HER INTERNMENT AT AUSCHWITZ THAT ARE NOW IN THE POSSESSION OF THE AUSCHWITZ-BIRKENAU STATE MUSEUM.

(a) Findings.—The Congress makes the following findings:

(1) Dina Babbitt (formerly known as Dinah Gottliebova), a United States citizen now in her late 70s or early 80s, was a portrait painter of doomed inmates of Auschwitz-Birkenau, under orders from Dr. Josef Mengele.

(2) Babbitt was ordered to paint the portraits by the infamous war criminal Dr. Josef Mengele.

(3) Dina Babbitt’s life, and her mother’s life, were saved only because she painted portraits of doomed inmates of Auschwitz-Birkenau, under orders from Dr. Josef Mengele.

(4) These paintings are currently in the possession of the Auschwitz-Birkenau State Museum.

(5) Dina Babbitt is unquestionably the rightful owner of the paintings she were produced by her own talented hands as she endured the unspeakable conditions that existed at the Auschwitz death camp.

(6) The paintings are available for the public to view at the Auschwitz-Birkenau State Museum and therefore this unique and important body of work is essentially lost to history.

(7) Continued injustice can be righted through cooperation between agencies of the United States and Poland.

(b) Sense of Congress.—The Congress—

(1) recognizes the moral right of Dina Babbitt to obtain the artwork she created, and recognizes her courage in the face of the evils perpetrated by the Nazi command of the Auschwitz-Birkenau death camp, including the atrocities committed by Dr. Josef Mengele;

(2) urges the President to make all efforts necessary to retrieve the seven watercolor portraits painted by Dina Babbitt and, while suffering a year-and-a-half-long internment at the Auschwitz death camp, and return them to her;

(3) urges the Secretary of State to make immediate diplomatic efforts to facilitate the transfer of the seven original watercolors painted by Dina Babbitt from the Auschwitz-Birkenau State Museum to Dina Babbitt, their rightful owner;

(4) urges the government of Poland to immediately facilitate the return to Dina Babbitt of the seven original watercolors painted by her that are in the possession of the Auschwitz-Birkenau State Museum; and

(5) urges the officials of the Auschwitz-Birkenau State Museum to transfer the seven original paintings to Dina Babbitt as expeditiously as possible.

SEC. 747. SENSE OF CONGRESS REGARDING VIETNAMESE REFUGEE FAMILIES.

It is the sense of the Congress that Vietnamese refugees who served substantial sentences in re-education camps due to their wartime associations with the United States and who, subsequently, were resettled in the United States should be permitted to include their unmarried sons and daughters as family members for purposes of such resettlement.

SEC. 748. SENSE OF CONGRESS RELATING TO MEMBERSHIP OF THE UNITED STATES IN UNESCO.

(a) Findings.—The Congress makes the following findings:

(1) The United Nations Educational, Scientific, and Cultural Organization (UNESCO) was created in 1946 with the support of the United States as an integral part of the United Nations systems, designed to promote international cooperation and exchanges in the fields of education, science, culture, and communication with the larger purpose of constructing the defense of peace against intolerance and inhumanism.

(2) In 1984, the United States withdrew from membership in UNESCO over serious questions of internal management and political polarization.

(3) Since the United States withdrew from the organization, UNESCO has addressed such criticisms by electing new leadership, tightening financial controls, cutting budget staff, and restoring recognition of intellectual property rights, and supporting the principle of a free and independent international press.

(4) In 1993, the General Accounting Office, after conducting an extensive review of UNESCO’s progress in implementing changes, concluded that new leadership in member states, the Director General of UNESCO, managers and employee associations demonstrated a commitment to management reform through their actions and statements.

(5) On September 28, 2000, former Secretary of State George P. Schultz, who implemented the withdrawal of the United States from UNESCO with a letter to the organization’s Director General in 1984, indicated his support for the United States renewal of membership in UNESCO.

(6) The participation of the United States in UNESCO programs offers a means for furthering the foreign policy interests of the United States through the promotion of cultural understanding and the spread of knowledge critical to strengthening civil society.

(b) Sense of Congress.—It is the sense of the Congress that the President should take all necessary steps to renew the United States participation in the United Nations Educational, Scientific and Cultural Organization (UNESCO).

SEC. 749. SENSE OF CONGRESS RELATING TO GLOBAL WARMING.

(a) Findings.—The Congress makes the following findings:

(1) Global climate change poses a significant threat to the United States, the American economy, public health and welfare, and the global environment.

(2) The Intergovernmental Panel on Climate Change, in its 1996 and 2001 reports, stated that observed warming over the last fifty years is attributable to human activities, including fossil fuel-generated carbon dioxide emissions.

(3) The Intergovernmental Panel on Climate Change has stated that it is likely that global warming has already contributed to changes in precipitation patterns, widespread impacts on natural and managed ecosystems, and some species populations.

(4) The Intergovernmental Panel on Climate Change has stated that in the last forty years, the global average sea level has risen, ocean heat content has increased, and snow and ice extent have decreased, which threatens to inundate low-lying Pacific island nations and coastal regions throughout the world.

(5) The Environmental Protection Agency predicts that global warming will harm United States citizens by altering crop yields, causing sea levels to rise, and increasing the spread of tropical infectious diseases.

(6) Industrial nations are the largest producers today of fossil fuel-generated carbon dioxide emissions.

(7) The United States has ratified the United Nations Framework Convention on Climate Change which states, in part, “the Parties to the Convention are to implement policies with the aim of returning greenhouse gas emissions to levels that they could have been in the year 1990.”

(8) The United Nations Framework Convention on Climate Change further states that “developing countries should take the lead in combating climate change and the adverse effects thereof.”

(9) Action by the United States to reduce emissions in concert with other industrialized nations, will promote action by developing countries to reduce their own emissions.

(10) A growing number of major American businesses are expressing a need to know how governments worldwide will respond to the threat of global warming.

(11) More efficient technologies and renewable energy sources will mitigate global warming and will make the United States productive and create hundreds of thousands of jobs.

(b) Sense of Congress.—It is the sense of Congress that the United States should demonstrate international leadership and responsibility in mitigating the health, environmental, and economic threats posed by global warming by—

(1) taking responsible action to ensure significant and meaningful reductions in emissions of carbon dioxide and other greenhouse gases from all sectors; and

(2) continuing to participate in international negotiations with the objective of completing the rules and guidelines for the Kyoto Protocol in a manner that is consistent with the interests of the United States and that ensures the environmental integrity of the protocol.
SEC. 746. SENSE OF CONGRESS REGARDING THE BAN ON SINN FEIN MINISTERS FROM THE NORTH-SOUTH MINISTERIAL councils OF NORTHERN IRELAND.

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

(1) The Good Friday Agreement established the North-South Ministerial Council to bring together those with executive responsibilities in Northern Ireland and the Republic of Ireland to discuss matters of mutual interest on a cross-border and all-island basis.

(2) The Ulster Unionist Party, Social Democratic and Labour Party, Sinn Fein and the Democratic Unionist Party comprise the North-South Ministerial Council meetings.

(3) First Minister David Trimble continues to ban Sinn Fein Ministers Martin McGuinness and Bairbre de Brun from attending North-South Ministerial Council meetings.

(b) SENSE OF CONGRESS.—The Congress calls upon First Minister David Trimble to adhere to the terms of the Good Friday Agreement and lift the ban on the participation of Sinn Fein Ministers and the Democratic Unionist Party from attending North-South Ministerial Council meetings.

SEC. 28. QUARTERLY REPORT ON PRICE AND AVAILABILITY ESTIMATES.

The information described in subsection (b) shall include an estimate of the quantity of the articles or services involved, the price and availability estimate required to complete major refurbishment work of not to exceed five years, and (B) a specified period of time required for the development and conduct of international nonproliferation education and training programs.

The President is authorized to furnish, on such terms and conditions as the President may determine, such personnel through their attendance in specific courses of instruction in the United States.

SEC. 29. FUTURE ANNUAL REPORTS ON PRODUCTION AND TRANSFERS TO MAJOR NON-NATO ALLIES.

The Congress calls for annual reports on the transfer by any country of defense articles and defense services obtained by such countries to utilize their resources, including defense articles and defense services transferred under the authority of section 516 of such Act to Albania, Bulgaria, Croatia, the Former Yugoslav Republic of Macedonia, Georgia, Kyrgyzstan, Latvia, Lithuania, Mongolia, the Philippines, Slovakia, and Uzbekistan.

SEC. 30. MINISTERS OF THE UNITED STATES AND NATO.

The Congress calls upon First Ministers and Senior Officials of NATO to recommend personnel for the education and training, and to administer specific courses of instruction:

(1) The Department of Defense (including national nonproliferation education and training); and

(2) The Department of Energy (including national nonproliferation education and training).
(h) MATTERS TO BE INCLUDED.—Each such report shall include, but not be limited to—
(1) the transfer of all aircraft, cruise missiles, artillery weapons, unguided rockets and multiple rocket systems, and related bombs, warheads and other weaponization technology and materials that the Secretary of State or the Secretary of Defense has reason to believe may be used to manufacture NBC weapons; and
(2) international transfers of MTCR equipment or technology to any country that is seeking to acquire such equipment or any other system that the Secretary of State or the Secretary of Defense has reason to believe could be used to manufacture NBC weapons.

(1) the transfer of all aircraft, cruise missiles, artillery weapons, unguided rockets and multiple rocket systems, and related bombs, warheads and other weaponization technology and materials that the Secretary of State or the Secretary of Defense has reason to believe may be used to deliver NBC weapons; and
(2) international transfers of MTCR equipment or technology to any country that is seeking to acquire such equipment or any other system that the Secretary of State or the Secretary of Defense has reason to believe could be used to deliver NBC weapons.

(3) P ERSON.—The term "person" means any United States or foreign individual, partnership, corporation, or other form of association, or any of its successor entities, parents, or subsidiaries.

(4) RELATIONSHIP WITH OTHER DEPARTMENTAL OR AGENCY REPORTS.—The term "weaponize" or "weaponization" means to incorporate into, or the incorporation into, usable ordnance or other militarily useful means of delivery.

(1) GENERAL.—The following provisions of law are repealed:


(B) Section 102 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (22 U.S.C. 5666).

(C) Section 1007 of the Iran-Iraq Arms Non-Proliferation Act of 1992 (Public Law 102-484).

(D) Paragraph (d) of section 585 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (as contained in section 101(c) of title I of division A of Public Law 104-108).

(E) Conforming Amendments.—Section 585 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, is amended—

(A) in paragraph (b), by adding "and" at the end, and

(B) in paragraph (c), by striking "; and" and inserting a period.

SEC. 833. FIVE-YEAR INTERNATIONAL ARMS CONTROL AND NONPROLIFERATION STRATEGY.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall prepare and submit to the appropriate congressional committees a five-year international arms control and nonproliferation strategy. The strategy shall be developed by the Department of State in consultation with the other United States arms control and nonproliferation agencies and organizations and shall—

(1) be consistent with the arms control and nonproliferation strategy of the United States as set forth in the National Security Strategy of the United States, as issued by the President pursuant to section 202 of the National Security Act of 1947 (50 U.S.C. App. 2401(b)(4)); and

(2) be consistent with the arms control and nonproliferation strategy of the United States as set forth in the National Security Strategy of the United States, as issued by the President pursuant to section 202 of the National Security Act of 1947 (50 U.S.C. App. 2401(b)(4)).
305. Penalties for unlawful export information activities

(a) CRIMINAL PENALTIES.—(1) Any person who knowingly fails to file or knowingly submits false or misleading export information through Automated Export Declaration (SED) (or any successor document) or the Automated Export System (AES) shall be subject to a fine not to exceed $10,000 per violation, or imprisonment for not more than 5 years, or both.

(2) Any person who knowingly reports any information on or uses the SED or the AES for the purpose of evading or impairing a criminal penalty imposed on the person for a violation or for the purpose of evading or impairing a criminal penalty imposed on the person for a violation of this section.

(b) CIVIL PENALTIES.—(1) When a civil penalty is sought for a violation of this section or of section 304, the charged party is entitled to receive a formal complaint specifying the charges against him or her and the charges are then to be contested in a hearing before an administrative law judge. Any such hearing shall be conducted in accordance with sections 556 and 557 of title 5, United States Code, and is amended by stricking "other than by mail".

(2) If any person fails to pay a civil penalty imposed under this chapter, the Secretary may file an action in an appropriate court of the United States to recover the amount imposed (plus interest at the prevailing rate of interest from the date of the final order). No such action may be brought more than 6 years after the order imposing the civil penalty becomes final. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

(3) The Secretary may remit or mitigate any penalties imposed under paragraph (1), if, in his or her opinion:

(A) the penalties were incurred without willful negligence or fraud; or

(B) other circumstances exist that justify a remission or mitigation of such penalties, collection of such penalties, or limitation of actions pursuant to this section.

(4) Any amount paid in satisfaction of a civil penalty imposed under this section or section 304 shall be deposited into the general fund of the Treasury and credited as miscellaneous receipts.

(c) ENFORCEMENT.—(1) The Secretary of Commerce may designate officers or employees of the Customs Service (or any successor organization) to conduct investigations pursuant to this chapter. In conducting such investigations, those officers or employees may, to the extent necessary or appropriate to the enforcement of this chapter, exercise such authorities as are conferred upon them by other laws of the United States, subject to policies and procedures approved by the Attorney General.

(2) The Commissioner of Customs may designate officers or employees of the Customs Service (or any successor organization) to conduct investigations pursuant to this chapter.

(d) REGULATIONS.—The Secretary of Commerce shall issue regulations for the implementation and enforcement of this section.

(e) EXEMPTION.—The criminal fines provided for in this section are exempt from the provisions of section 571 of title 18, United States Code.

(f) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of title 13, United States Code, is amended by striking the item relating to section 305 and inserting the following: "§305. Penalties for unlawful export information activities.

(h) REQUIREMENT FOR INFORMATION SHARING.—The Secretary of State shall conclude an information sharing arrangement with the heads of United States Customs Service and the Census Bureau to authorize the sharing of data through the Automated Export System to parallel information currently collected by the Department of State.

(i) SECRETARY OF TREASURY FUNCTIONS.—Section 303(a)(3) of title 13, United States Code, is amended by striking "and officers of the Department of Commerce designated by the Secretary"

(j) FILING EXPORT INFORMATION, DELAYED FILING, PENALTIES FOR FAILURE TO FILE.—Section 305 of title 13, United States Code, is amended—

(1) in subsection (a), by striking "the penalty of $1,000 and inserting "a penalty sum of $10,000";

(2) in the third sentence, by striking "a penalty not to exceed $1,000 for each day's delinquency beyond the prescribed period, but not more than $1,000 shall be exacted" and inserting "the Secretary of Commerce (and officers and employees of the Department of Commerce designated by the Secretary) may impose a civil penalty not to exceed $1,000 for each day's delinquency beyond the prescribed period, but not more than $10,000 per violation";

(3) of a designating subsection (b) as subsection (c); and

(4) by inserting after subsection (a) the following:

"(b) Any person, other than a person described in subsection (a), required to submit export information, shall file such information in accordance with section 305, or, if not filed or filed pursuant to this chapter. In the event any such information or reports are not filed within such prescribed period, the Secretary of Commerce (and officers and employees of the Department of Commerce designated by the Secretary) may impose a civil penalty not to exceed $1,000 for each day's delinquency beyond the prescribed period, but not more than $10,000 per violation."

(k) ADDITIONAL PENALTIES.—

(1) IN GENERAL.—Section 305 of title 13, United States Code, is amended to read as follows:

"§305. Penalties for unlawful export information activities

(a) CRIMINAL PENALTIES.—(1) Any person who knowingly fails to file or knowingly submits false or misleading export information through Automated Export Declaration (SED) (or any successor document) or the Automated Export System (AES) shall be subject to a fine not to exceed $10,000 per violation, or imprisonment for not more than 5 years, or both.

(2) Any person who knowingly reports any information on or uses the SED or the AES for the purpose of evading or impairing a criminal penalty imposed on the person for a violation or for the purpose of evading or impairing a criminal penalty imposed on the person for a violation of this section.

(b) CIVIL PENALTIES.—(1) When a civil penalty is sought for a violation of this section or of section 304, the charged party is entitled to receive a formal complaint specifying the charges against him or her and the charges are then to be contested in a hearing before an administrative law judge. Any such hearing shall be conducted in accordance with sections 556 and 557 of title 5, United States Code, and is amended by stricking "other than by mail".

(2) If any person fails to pay a civil penalty imposed under this chapter, the Secretary may file an action in an appropriate court of the United States to recover the amount imposed (plus interest at the prevailing rate of interest from the date of the final order). No such action may be brought more than 6 years after the order imposing the civil penalty becomes final. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

(3) The Secretary may remit or mitigate any penalties imposed under paragraph (1), if, in his or her opinion:

(A) the penalties were incurred without willful negligence or fraud; or

(B) other circumstances exist that justify a remission or mitigation of such penalties, collection of such penalties, or limitation of actions pursuant to this section.

(4) Any amount paid in satisfaction of a civil penalty imposed under this section or section 304 shall be deposited into the general fund of the Treasury and credited as miscellaneous receipts.

(d) ENFORCEMENT.—(1) The Secretary of Commerce may designate officers or employees of the Customs Service (or any successor organization) to conduct investigations pursuant to this chapter. In conducting such investigations, those officers or employees may, to the extent necessary or appropriate to the enforcement of this chapter, exercise such authorities as are conferred upon them by other laws of the United States, subject to policies and procedures approved by the Attorney General.

(2) The Commissioner of Customs may designate officers or employees of the Customs Service (or any successor organization) to conduct investigations pursuant to this chapter.

(f) EXEMPTION.—The criminal fines provided for in this section are exempt from the provisions of section 571 of title 18, United States Code.

(g) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of title 13, United States Code, is amended by striking the item relating to section 305 and inserting the following: "§305. Penalties for unlawful export information activities."
(4) TURKEY.—The President is authorized to transfer to the “Oliver Hazard Perry” class guided missile frigates Estocin (FFG 15) and Samuel Eliot Morrison (FFG 13). Each such transfer shall be under section 21 of the Arms Export Control Act (22 U.S.C. 2761). The President is further authorized to transfer to the Government of Turkey the ‘“Knot” class frigates Thomas C. Hart (FF 1092), Donald B. Beary (FF 1085), McCandless (FF 1084), Reasoner (FF 1063), and Bocen (FF 1079). The transfer of these 6 “Knot” class frigates shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321).

(5) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERS OF EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321) pursuant to authority provided by subsection (a) shall not be counted for the purposes of subsection (g) of that section in the aggregate value of excess defense articles transferred to countries under section in any fiscal year.

(6) COSTS OF TRANSFERS.—Notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321(e)(1)), any expense incurred by the United States in connection with a transfer authorized to be made on a grant basis under subsection (a) shall be charged to the recipient.

(7) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the national forces of such country, performed at a United States Navy shipyard or other shipyard located in the United States.

(8) EXPIRATION OF AUTHORITY.—The authority provided under subsection (a) shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

Subtitle D—Miscellaneous Provisions

SEC. 861. ANNUAL FOREIGN MILITARY TRAINING REPORTS.

Section 650(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2416) is amended—

(1) by striking ‘‘Not later than January 31 of each year’’; and

(2) by inserting ‘‘upon request by the chairman or ranking member of the Committee on International Relations of the House of Representatives or the Committee on Foreign Relations, Senate, and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.’’

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. DELAY. Mr. DELAY. Mr. Chairman, I offer an amendment.

Amendment No. 1 offered by Mr. DELAY: Page 90, after line 8, add the following:

Subtitle B—American Servicemembers’ Protection Act

SEC. 862. FINDINGS.

Congress makes the following findings:

(1) On July 17, 1996, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy, adopted the ‘‘Romano Statute of the International Criminal Court.’’ The vote on whether to proceed with the Statute was 120 in favor to 7 against, with 21 countries abstaining. The United States voted against final adoption of the Rome Statute.

(2) As of April 30, 2001, 139 countries had signed the Rome Statute and 30 had ratified it. Pursuant to Article 126 of the Rome Statute, the Statute will enter into force on the first day of the month after the 60th day following the date on which the 60th country deposits an instrument ratifying the Statute.

(3) Since adoption of the Rome Statute, a Preparatory Commission for the International Criminal Court has met irregularly to draft documents to implement the Rome Statute, including Rules of Procedure and Evidence, Elements of Crimes, and a definition of the Crime of Aggression.

(4) During testimony before the Congress following the adoption of the Rome Statute, the lead United States negotiator, Ambassador David Scheffer stated that the United States could not sign the Rome Statute because certain critical negotiating objectives of the United States had not been achieved. For example, it was a concern of the United States that the Rome Statute not provide for exceptions that do not serve the cause of international justice.

(5) Ambassador Scheffer went on to tell the Congress that ‘‘Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the Court’s jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the most fundamental principles of treaty law, it would also hinder the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives. Other contributors to peacekeeping operations will be similarly exposed.’’

(6) Understanding these concerns, President Clinton directed that the United States sign the Rome Statute on December 31, 2000. In a statement issued that day, he stated that ‘‘[t]he United States is among the final 60 countries to ratify the Rome Statute. “I will not, and do not recommend that my successor submit the Treaty to the Senate for advice and consent until our fundamental concerns are satisfied.” ’’

(7) Any American prosecuted by the International Criminal Court will, under the Rome Statute, be denied protections to which all Americans are entitled under the Bill of Rights to the United States Constitution, such as the right to trial by jury.

(8) Members of the Armed Forces of the United States deserve the full protection of the United States Constitution whenever they are stationed or deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect the members of its Armed Forces, to the maximum extent possible, from such prosecutions carried out by United Nations officials under procedures that deny them their constitutional rights.

In addition to exposing members of the Armed Forces of the United States to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior United States officials may be prosecuted by the International Criminal Court. Particularly if the Preparatory Commission finalizes the Crime of Aggression over United States objections, senior United States officials may be at risk of criminal prosecution for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression. No less than members of the Armed Forces of the United States, senior officials of the United States Government deserve the full protection of the United States Constitution, with respect to official actions taken by them to protect the national interests of the United States.

SEC. 863. WAIVER AND TERMINATION OF PROHIBITIONS OF THIS ACT.

(a) AUTHORITY TO INITIALLY WAIVE SECTIONS 635 AND 637.—The President is authorized to waive the prohibitions and requirements of sections 635 and 637 for a single period of one year. Such a waiver may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court has entered into a binding agreement that—

(A) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

(i) covered United States persons;

(ii) covered allied persons; and

(iii) individuals who were covered United States persons or covered allied persons; and

(B) ensures that no person described in subparagraph (A) is arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court.

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(b) Authority to Extend Waiver of Sections 636 and 637.—The President is authorized to waive the prohibitions and requirements of sections 636 and 637 for successive periods of one year each upon the expiration of a previous waiver pursuant to subsection (a) or this subsection. Such a waiver may be issued only if the President at least fifteen days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court—(A) remains party to, and has continued to abide by, a binding agreement that—

(i) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity—

(I) covered United States persons;

(II) covered allied persons; and

(III) individuals who were covered United States persons or covered allied persons; and

(ii) ensures that no person described in clause (i) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court; and

(B) there is reason to believe that the United States is a party, and in connection with the execution or issuance of any letter rogatory, to prevent the transfer of classified national security information to the International Criminal Court pursuant to Article 93 (relating to seizure of property, asset forfeiture, execution of searches, arrests, seizures, and other judicial process, taking of evidence, and serving of warrants and other process) of the Rome Statute.

(c) Authority to Waive Sections 634 and 636 with Respect to an Investigation or Prosecution of a Named Individual.—The President is authorized to waive the prohibitions and requirements of sections 634 and 636 with respect to an investigation or prosecution of a named individual by the International Criminal Court. Such a waiver may be made only if the President has determined that—

(I) a waiver pursuant to subsection (a) or subsection (b) is not warranted; and

(ii) there is reason to believe that the International Criminal Court is not a party to the International Criminal Court Convention on Evidence Taking in Criminal Matters, to the United Nations Convention against Corruption, and to the United Nations Convention on the Prevention, Punishment, and Eradication of Crimes against Internationally Protected Persons, and such a waiver is in the national interest of the United States.

(d) Operation and Assistance.—No agency or entity of the United States Government or of any State or local government, including any component with the International Criminal Court, may provide financial support or other cooperation, support, or assistance to the International Criminal Court in a request for cooperation submitted by the International Criminal Court pursuant to Part 9 of the Rome Statute.

(e) prohibition on responding to requests for cooperation by the International Criminal Court.—No agency or entity of the United States Government or of any State or local government, including any component with the International Criminal Court, may provide financial support or other cooperation, support, or assistance to the International Criminal Court in a request for cooperation submitted by the International Criminal Court pursuant to Part 9 of the Rome Statute.

(f) Certification.—The certification referred to in subsection (c) and (e) must include a certification by the President that members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution by the International Criminal Court.

(g) Authorization of Use of Assistance.—The United States shall exercise its rights to the extent that it determines necessary to the success of such operations; or

(h) Exemption from Foreign Agreements.—The United States may not participate in an operation without risk of criminal prosecution by the International Criminal Court pursuant to Article 93 (relating to seizure of property, asset forfeiture, execution of searches, arrests, seizures, and other judicial process, taking of evidence, and serving of warrants and other process) of the Rome Statute or seek to obtain, or exercise, the rights referred to in subsection (b) except in connection with the following articles of the Rome Statute:

(i) Article 89 (relating to arrest, extraordinaire, and transit of suspects);

(ii) Article 90 (relating to provisional arrest of suspects);

(iii) Article 93 (relating to seizure of property, asset forfeiture, execution of searches, arrests, seizures, and other judicial process, taking of evidence, and serving of warrants and other process);

(iv) Article 94 (relating to cooperation in judicial matters); or

(v) Article 96 (relating to the transfer of classified national security information).

(h) Authorization of Use of Assistance.—The United States shall exercise its rights to the extent that it determines necessary to the success of such operations; or

(i) Exemption from Foreign Agreements.—The United States may not participate in an operation without risk of criminal prosecution by the International Criminal Court pursuant to Article 93 (relating to seizure of property, asset forfeiture, execution of searches, arrests, seizures, and other judicial process, taking of evidence, and serving of warrants and other process) of the Rome Statute or seek to obtain, or exercise, the rights referred to in subsection (b) except in connection with the following articles of the Rome Statute:

(i) Article 89 (relating to arrest, extraordinaire, and transit of suspects);

(ii) Article 90 (relating to provisional arrest of suspects);

(iii) Article 93 (relating to seizure of property, asset forfeiture, execution of searches, arrests, seizures, and other judicial process, taking of evidence, and serving of warrants and other process);

(iv) Article 94 (relating to cooperation in judicial matters); or

(v) Article 96 (relating to the transfer of classified national security information).

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(i) Article 89 (relating to arrest, extraordinaire, and transit of suspects);

(ii) Article 90 (relating to provisional arrest of suspects);

(iii) Article 93 (relating to seizure of property, asset forfeiture, execution of searches, arrests, seizures, and other judicial process, taking of evidence, and serving of warrants and other process);

(iv) Article 94 (relating to cooperation in judicial matters); or

(v) Article 96 (relating to the transfer of classified national security information).
be, has provided written assurances that such information will not be made available to the International Criminal Court.

(c) CONSTRUCTION.—The provisions of this section are intended to prohibit any action permitted under section 638.

SEC. 637. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE TO PARTIES TO THE INTERNATIONAL CRIMINAL COURT.

(a) PROHIBITION OF MILITARY ASSISTANCE.—Subject to subsections (b) and (c), no United States military assistance may be provided to the government of a country that is a party to the International Criminal Court.

(b) WAIVER.—The President may waive the prohibition of subsection (a) with respect to a particular country:

(1) for one or more periods not exceeding one year each, if the President determines and reports to the appropriate congressional committees that it is vital to the national interest of the United States to waive such prohibition,

(2) permanently, if the President determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel in such country,

(c) EXEMPTION.—The prohibition of subsection (a) shall not apply to the government of:

(1) a NATO member country;

(2) a major non-NATO ally (including, inter alia, Australia, Egypt, Israel, Japan, the Republic of Korea, and New Zealand); or

(3) a covered allied person.

SEC. 638. AUTHORITY TO FREE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES HELD CAPTIVE BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.

(a) AUTHORITY.—The President is authorized to use all means necessary and appropriate to bring about the release from captivity of any person described in subsection (b) who is being detained or imprisoned against that person’s will or on behalf of the International Criminal Court.

(b) COVERED PERSONS.—The authority of the President is limited to:

(1) Covered United States persons.

(2) Covered allied persons.

(3) Individuals detained or imprisoned for offenses taken while the individual was a covered United States person or a covered allied person, and in the case of a covered allied person, upon the request of such government.

(c) AUTHORIZATION OF LEGAL ASSISTANCE.—When any person described in subsection (b) is arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court, the authority under subsection (a) is limited to:

(1) for the provision of legal representation and other legal assistance to that person (including, in the case of a person entitled to assistance under section 1607 of title 10, United States Code, representation and other assistance in the manner provided in that section); and

(2) for the provision of exculpatory evidence on behalf of that person.

(d) BRIBES AND OTHER INDUCEMENTS NOT AUTHORIZED.—The authority of subsection (a) does not authorize the payment of bribes or the provision of other incentives to induce the release from captivity of a person described in subsection (b).

SEC. 639. ALLIANCE COMMAND ARRANGEMENTS.

(a) REPORT ON ALLIANCE COMMAND ARRANGEMENTS.—Not later than 6 months after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is a party that could be made a party to the International Criminal Court.

SEC. 640. WITHHOLDINGS.

Funds withheld from the United States share of assessment of the United Nations or any other international organization during any fiscal year pursuant to section 705 of the Fiscal Years 2000 and 2001 as enacted by section 1008(a)(7) of Public Law 106-113; 113 Stat. 486, are authorized to be transferred to a Department of State, Diplomatic and Consular Programs Appropriations Act, or transferred from the Diplomatic and Consular Programs Appropriations Act, or transferred from the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

SEC. 641. NONDELEGATION.

The authority vested in the President by sections 633, 635(c), and 637(b) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law.

SEC. 642. DEFINITIONS.

As used in this Act and in sections 705 and 706 of the Fiscal Year 2001:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘‘appropriate congressional committees’’ means the Committee on Armed Services of the Senate and the Committee on Appropriations of the House of Representatives.

(2) CLASSIFIED NATIONAL SECURITY INFORMATION.—The term ‘‘classified national security information’’ means information that is classified or classifiable under Executive Order 12958 or a successor Executive Order.

(3) COVERED ALLIED PERSONS.—The term ‘‘covered allied persons’’ means military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country, a major non-NATO ally (including, inter alia, Australia, Egypt, Israel, Japan, the Republic of Korea, New Zealand, or Taiwan, for so long as that government is not a party to the International Criminal Court and wishes its officials and other persons working on its behalf to be exempted from the jurisdiction of the International Criminal Court.

(4) COVERED UNITED STATES PERSONS.—The term ‘‘covered United States persons’’ means members of the Armed Forces of the United States, elected or appointed officials of the United States Government, and other persons employed by or working on behalf of the United States Government, for so long as the United States is not a party to the International Criminal Court.

(5) EXTRADITION.—The terms ‘‘extradition’’ and ‘‘extradite’’ include both ‘‘extradition’’ and ‘‘extradite’’ as those terms are defined in article 102 of the Rome Statute.

(6) INTERNATIONAL CRIMINAL COURT.—The term ‘‘International Criminal Court’’ means the court established by the Rome Statute.

(7) MAJOR NON-NATO ALLY.—The term ‘‘major non-NATO ally’’ means a country that has been so designated in accordance with section 517 of the Foreign Assistance Act of 1961.

(8) PARTY TO THE INTERNATIONAL CRIMINAL COURT.—The term ‘‘party to the International Criminal Court’’ means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn that instrument from the Rome Statute pursuant to Article 127 thereof.

(9) PEACEKEEPING DEPARTMENT OF THE UNITED STATES.—The term ‘‘peacekeeping or peace enforcement operation under chapter VI of the Charter of the United Nations’’ means any military operation to maintain or restore international peace and security that—

(A) is authorized by the United Nations Security Council under chapter VI of the Charter of the United Nations; and

(B) is paid for from contributions of United Nations members that are available for peacekeeping or peace enforcement activities.


(11) SUPPORT.—The term ‘‘support’’ means assistance of any kind, including financial support, material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(12) UNITED STATES MILITARY ASSISTANCE.—The term ‘‘United States military assistance’’ means—

(A) assistance provided under sections 701 through 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2301 et seq.);

(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees;

(C) military training or education activities provided or sponsored by any agency or entity of the United States Government.
Mr. DeLAY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, when the United States sends its Armed Forces into harm’s way, we do it to defend freedom and to maintain our commitment to the sacred covenant of our founding documents. It would be an irony of the cruelest sort if the men and women of America send out to defend the spirit of our Constitution were denied its protections.

We send a lot of American Armed Forces. We should not ask them to sacrifice their constitutional rights merely to serve as pawns for an International Criminal Court that may pursue political vendettas at the expense of the individual American soldiers. If the Congress allowed such a thing to happen, we would not only be abdicating our duty to the Nation, we would be abandoning the sacred covenant between Congress and our men and women in uniform.

The birth of this rogue court forces Members to choose between appeasing international bureaucrats and defending the rights of our servicemembers. The choice is stark, defined and, I think, unavoidable. There is no middle ground here. Members can side with the United Nations or defend our military.

Last week, we were reminded how fickle the U.N. can be when a cabal of human rights abusing nations were voted onto the Human Rights Commission. The United States was booted off. Now these same people may become the highest authority on international law. But make no mistake, unlike the Commission on Human Rights whose power is mainly rhetorical, the ICC poses a real threat to our American military personnel being tried by the International Criminal Court. That court, once it comes into being on a permanent basis, is not designed to deal with servicemen and servicewomen performing peacekeeping or other duties overseas. The International Criminal Court is designed to deal with international criminals.

At the end of World War II, the United States led the way in obtaining international justice by helping to establish the Nuremberg trials and playing the key role in the Nuremberg Tribunal. At the moment, international criminals who perpetrated the most outrageous violations of human rights, including mass rape and mass murder, are before the International Criminal Court which deals with events in the former Yugoslavia during the early 1990s.

In dealing with this legislation, Nobel prize winner Elie Wiesel wrote to the committee in part as follows:

Fifty years ago the United States led the world in the prosecution of Nazi leaders for the atrocities of World War II. The triumph of Nuremberg was not only that individuals were held accountable for their crimes but that they were tried in a court of law supported by the community of nations.

A vote for this amendment would mean our acceptance of the impunity of the world’s worst atrocities. The memory of the victims of past genocide and war crimes compels us to take this issue, the issue of an International Criminal Court, seriously.

Now, it is important to note that the proposals discussed in Rome were not perfect. We were proposing modifications and amendments. And I think it is critical we remain engaged in that process. But to flat out oppose the creation of an International Criminal Court is not worthy of this body. I would also mention, Mr. Chairman, as the gentleman from Massachusetts (Mr. DELAHUNT) so accurately and effectively indicated a few minutes ago, that our servicemen and women will be tried by military courts of our own if they engage in transgressions. And international criminal courts are designed to punish U.S. servicemen is one that escapes me and many of my colleagues.

I urge my colleagues to reject this amendment which is unquestionably well intended but is widely off the mark. We are talking about international war criminals such as the ones in Bosnia, such as the ones in Kosovo, the Second World War in Germany and not American servicemen and women doing their duty.

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

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, I rise in strong opposition to this amendment, and I ask all of my colleagues to oppose it as well. Clearly there is not a single Member of this House on either side who is not fully, enthusiastically and without any reservation in favor of protecting our military personnel serving abroad. That is clearly not the issue that this amendment raises. As my friend and colleague from Massachusetts so eloquently and precisely outlined, there is no chance of American military personnel being tried by the International Criminal Court. That court, once it comes into being on a permanent basis, is not designed to deal with servicemen and servicewomen being tried by military courts.

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

Mr. DELAY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from South Carolina (Mr. SPENCE), the former chairman of the Committee on Armed Services.

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

Mr. Chairman, as a member of the Committee on Armed Services, I rise in strong support of this amendment. I commend the gentleman from Texas (Mr. DELAY) for bringing this important amendment to the floor. It would protect American military and government personnel from prosecution by an international criminal court operating outside United States sovereignty.

America’s men and women in uniform are our best and brightest. They risk their lives every day all around the world in defense of our country’s freedom and values. They should not be subjected to the risk of prosecution by an international body that operates on procedures inconsistent with the United States Constitution. This amendment would prevent this from happening.

Last November, 12 former high-ranking United States Government officials, including former Secretaries of State, Defense and Directors of Central Intelligence, supported legislation similar to this amendment that would extend protection from international prosecution to our military personnel.

During his confirmation process, Secretary Rumsfeld warned that without such protection, U.S. personnel could be exposed to politically motivated prosecution.

Even former President Clinton, who signed the treaty last December, conceded that it contained significant flaws and refused to recommend its ratification by the Senate.

Mr. Chairman, this amendment would give our military personnel the legal protection they deserve, and I urge my colleagues to support it.

Mr. LANTOS. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, it is an honor for me to have this opportunity to talk with the gentleman from California and with my colleagues about the International Criminal Court. As a survivor of the Holocaust, he is a steadfast reminder to all of us that these kinds of war crimes are right in front of us every single day.

It is amazing to me that we would be standing in the well of this House talking about this issue, the amendment of
the gentleman from Texas (Mr. DELAY), when we have Rwanda, Burundi, Kosovo, Sierra Leone, Cambodia, East Timor, Saddam Hussein, all of these places that need international criminal courts that do not have them. We are the leaders in the world in terms of human rights. We ought to be the leaders when it comes to the International Criminal Court.

This amendment is a farce. I wish I could say as gently as the gentleman from New York (Mr. ISRAEL) does that the gentleman from Texas was well intentioned. This amendment is a lie, because this amendment makes you think that you are going to keep American servicemen from being prosecuted when that is a lie. Right now if a servicemember under the American flag commits a war crime, they are tried by our own military court. If the DeLay amendment passes, they are going to be tried by the country in which they commit that crime. Who do we want trying our servicemembers? Do we want some Saddam Hussein trying our servicemembers if we do not sign this treaty? Do we want them to be the ones to try our servicemember? I do not.

I would be able to go to bat with the gentleman from Texas in front of anybody on this issue because the facts are that if we pass the DeLay amendment, we are actually going to end up doing what the gentleman from Texas purported he does not want us to do. That is, if we sign this treaty our servicemen are tried by other countries internationally because that is the law of the International Criminal Court.

Today’s amendment, based on “the American Servicemen’s Protection Act” sounds great—of course we all want to protect American servicemen. As a former member of the Armed Services Committee, I have spent many days in markup and debates over bills to support our Armed Forces. But if we scratch beneath the surface, this amendment is not about protecting our military, it is about risking our current position of global leadership on human rights abroad. It will thwart the efforts of one of the most important international bodies that is about to come to fruition, the International Criminal Court.

Since coming to Congress I have been highly supportive of an I.C.C., and I strongly believe in its principal which is that human rights abusers, who commit crimes against humanity or genocide, should be brought to justice. I do not support an amendment that the Rome Statute needs complete revision, as I respectfully understand the gentleman from Texas does, you should oppose this amendment. It is crucial that we recognize, as the leaders of the free world, that the only way to achieve a Court that we can live with is to stay engaged in the continuing negotiations over the scope, purpose, and construction of it. A permanent international criminal court which can bring future perpetrators of war crimes to full and complete justice is in our interests.

President Clinton recognized the importance of this effort and that is why he signed the Rome Statute in December; bringing us into the company of 139 other nations including 17 NATO allies who have signed the Rome Treaty.

When 139 nations have signed this treaty and many have indicated that they are close to ratification, why would we alienate ourselves from this many of our global partners. This amendment would simply assure that the members of the ICC will feel free to ignore our concerns.

I would also like to address the concerns about our Armed Forces or politically motivated prosecution. There is no doubt that under the Rome Statute American soldiers who are accused of war crimes will never be impacted because we have a thorough system of military justice in our own country that would prevent the need for any further review. The ICC won’t take this power away, it cannot.

In closing, I want to assure that everyone in this chamber understands the message that we will send to the international community if we pass this amendment.

To quote, from Elie Wiesel, famous human rights advocate who opposed the bill that this amendment is based on

A vote for this legislation would signal US acceptance of impunity for the world’s worst atrocities. For the victims of past genocide and war crimes, I urge you to use your positions . . . to see that this legislation is not passed.

Mr. Wiesel is right—let us think about the implications and the signal we will send—oppose this amendment.

Mr. DELAY. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. GILMAN), chairman emeritus of the Committee on International Relations.

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

Mr. Chairman, I am pleased to rise in support of the American Servicemen’s Protection Act, the amendment offered by the gentleman from Texas (Mr. DELAY), our distinguished majority whip. The proposal of an international criminal court has appeal to some members of our international community, but the international court that is now being considered by the U.N. is the wrong sort of a court. It will be the equivalent of a world-ranging independent prosecutor without any responsible constraints. The world criminal court could threaten American servicemen, government officials, and the servicemen and officials of our allies, including Israel. The Arab League has already indicated it will make Israel the first target of this court.

The DeLay amendment would help slow down the process of the acceptance of this court and would keep American authorities from cooperating with it. We need to send a strong message that we would simply accept this court as presently constituted. The passage of the DeLay amendment and its enactment into law would accomplish that task.

Accordingly, I urge our colleagues to support the DeLay amendment.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 1 1/2 minutes to the gentleman from New York (Mr. ISRAEL).
crime. The ICC serves as a danger to the security of Israel because of some members of the international community’s stated opposition to the legitimacy of that state.

Mr. Chairman, I strongly urge the passage of the DeLay amendment.

The creation of a permanent, supranational court with the independent power to judge and punish elected leaders represents a decisive break with fundamental American ideals of self-government and sovereignty. It would con- stitute a transfer of authority to judge the actions of U.S. officials, away from Americans to an unelected and unaccountable international bureaucracy.

Certain United Nations’ members have a long history of anti-Israeli rhetoric and activity. In October of 2000, for example, the U.N. Commission on Human Rights condemned Israel for supposedly causing the recent violence in the Middle East, going so far as to accuse it of “war crimes” and “crimes against humanity.” It is possible, perhaps likely, that these same countries would use the ICC to further their Israel agenda. I strongly urge the passage of the American Servicemembers’ Protection Act amendment to protect the notion of National sovereignty in America and around the world.

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

Mr. DELAY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.

Mr. SMITH. Mr. Chairman, I thank my friend, the gentleman from Texas (Mr. DELAY), for yielding me this time.

Mr. Chairman, I rise in strong support of the DeLay amendment. Mr. Chairman, let me just read a statement: “As it currently stands, the Rome Treaty could expose service members and the government officials of nonparty states to criminal liability based on politically-motivated charges brought by other states that object to the nonparty state’s international policies.”

Mr. Chairman, that statement was made last year by Secretary of Defense Cohen on behalf of the Clinton administration. I think Members do not fully realize that this process has gone on for years. We have held hearings in the full International Relations Committee on this. There are serious flaws. Just as we saw with the U.N. Human Rights Commission, rogue states are now in charge of and acting as the “conscience of humanity,” to quote the chief of that commission. We are talking about the Sudan and China, and countries like Cuba. They now will sit with the black robes on and will judge our peacekeepers.

I support ad hoc tribunals, but this grant of authority in the Rome Treaty goes far beyond that.

Mr. Chairman, I urge in support of the amendment offered by my good friend, Tom DeLay. I was an original cosponsor of the American Servicemen’s Protection Act introduced by Mr. Tom Delay in the last Congress.

This important amendment would prohibit U.S. cooperation with the International Criminal Court (including restrictions on U.S. military participation in UN peacekeeping operations and the transfer of U.S. classified national security information, and the provision of U.S. military personnel and certain other persons held captive by or on behalf of the Court. I am among a debate which occurred at the OSCE Parliamentary Assembly meeting last year regarding the International Criminal Court. Our European allies were lambasting the United States, among others, for not supporting the Rome Statute of the ICC. The Rome Statute is an agreement in fact called on “all member States to ratify the Rome Statute of the future International Criminal Court without delay.” Members of the U.S. delegation to the OSCE PA (which I led) expounded on the provisions which were most objectionable to my views, including the fact that I believe that the United States should not either accept or reject the treaty in its entirety. I would warn the Bush administration about its possible meeting last year regarding the International Criminal Court should 60 States ratify the Treaty and should the ICC have the force of international law. Some supporters of the ICC have belittled concern that the United States—or other countries, for that matter—might find itself the target of politically driven prosecutions. For a moment, the reaction in some quarters to the use of force by NATO against Serbia in 1999. Serbia is suing eight NATO countries before the International Court of Justice right now for their participation in the NATO campaign; there are also charges by Serbian citizens that have been brought against 15 NATO countries before the European Court of Justice. More troubling are the accusations that were leveled by a group of lawyers from several countries who sought to have some 60 government officials from NATO countries, including NATO’s Supreme Commander Gen. Wesley Clark, charged by the International Criminal Tribunal for the Former Yugoslavia. The accusations included “willful killing, willfully causing great suffering or serious injury to body or health, extensive destruction of property and wantonly, employment of poisonous weapons or other weapons to cause unnecessary suffering.”

Human rights organizations raised concerns about NATO’s attack on TV and radio transmission facilities, dropping cluster bombs and destroying power plants inside Serbia. Others argued that NATO’s rules of engagement, which called for pilots to fly high out of range of Serbian missiles, endan- gered civilians and were thus prohibited under international humanitarian law.” Ironically, many of the same groups that had urged intervention to stop and pre- vent “war crimes” and atrocities only de- nounced NATO for its action. While I respect human rights groups that have raised legitimate questions about the conduct of the campaign, some NATO critics have clearly revealed a knee-jerk anti-American sentiment in their accusations. For the record, the Chief Prosecutor of the Yugoslav Tribunal considered the materials submitted to her regarding NATO actions and declined to pursue charges against any NATO officials.

Inevitably, if the U.S. assumes a leadership role in maintaining peace and security and promoting human rights around the globe, the enemies of peace, security and human rights will continue to seek ways to undermine our efforts. Unfortunately, the current ICC statute does not provide sufficient safe-guards against the initiation of politically motivated prosecu- tions.

The concerns raised by the United States regarding the Rome Statute are well-founded and I urge my colleagues to support fully the amendment offered by Mr. Delay. This will help provide a model of protection for our men and women in uniform who may be serv- ing on the territory of a country which has rati- fied the Treaty.
The International Criminal Court

Hearings before the Committee on International Relations, House of Representatives, One Hundred Sixth Congress, Second Session, July 25 and 26, 2000

Select Committee on Benghazi

Yes, Mr. Chairman.

Mr. Smith of New Jersey. The concept of a permanent International Criminal Court charged with prosecuting the gravest of crimes against humanity is not a new one. The idea was proposed and dismissed at the conclusion of the Nuremberg and Tokyo War Crime Tribunals that followed World War II.

In recent years the idea has gained new momentum, driven largely by memories of the horrific crimes committed in Rwanda and the former Yugoslavia. I share the ideals of many ICC supporters. If we could construct an entity that would impartially prosecute only genocidal tyrants and war criminals, I would support it without hesitation, but we do not inhabit an ideal world. The difficulty is in devising a system that will prosecute only Pol Pot, but not President Clinton, that will indict Ratko Mladic but not Norman Schwarzkopf.

I am concerned that the Rome Statute of the International Criminal Court fails to accommodate the fact that it is susceptible to serious abuse and manipulation. As it took form, the draft statute ballooned from an instrument focused on well-evidenced crimes into an encyclopaedia of still-emerging human rights law. The resulting statute is a 30,000 word document that covers 77 pages. It contains sweeping language that, in many cases, appears to define crimes up to the imaginations of international lawyers.

For example, according to article VI the crime of aggression includes, "causing serious mental harm" to members of a "national, ethnic, racial or religious group." It is true that similar language is contained in the Convention Against Genocide, but the United States took a reservation to the jurisdiction of the World Court over the definition of genocide. This is not because we intend to commit genocide, but because the United States was unwilling to surrender its sovereignty to a body that might be manipulated by hostile parties using the vague language of the convention as an ideological hobbyhorse.

Similarly, article V asserts ICC jurisdiction over any "politicized aggression," a term that is not defined in international law or even in the Rome Statute itself, a point that I made repeatedly at the OSCE parliamentarian hearings. It is a term that has been bandied about this month. In the context of domestic law, such vagueness would be problematic. In the more combative context of international law it is dangerous.

In addition to the problems posed by its vague definitions, the statute also claims a jurisdictional reach that is without precedent. It has not even ratified it, the statute claims ICC jurisdiction over any defendant who may have committed a crime in a signatory state regardless of whether the defendant had ever set foot in that territory. By claiming to bind the subjects of non-signatory states, it significantly expands the ICC's reach, and I take a back seat to no one in promoting that principle of complementarity, which is now enshrined in the Rome Statute, and I can go into some of those.

Finally, the Rome Statute gives the ICC prosecutor a vast amount of personal power with little or no oversight. The statute drafters rejected a U.S. proposal that the prosecutor only be allowed to proceed on cases referred either by a sovereign state or by the Security Council. Instead, the ICC prosecutor may initiate investigations and prosecutions on his own authority without control or oversight by any national or international party.

Under article 44, the prosecutor may also accept any offer of, "gratis personnel offered by non-governmental organizations to assist with the work of any of the organs of the Court."

I have long been a supporter of the important work done by International NGO's, particularly relating to the protection of human rights and the provision of humanitarian relief, but it is also true that these same organizations support many other NGO's who look to international bodies to promote agendas that go far beyond the domestic policies that are important in their home country. The combination of the independent prosecutor's extreme discretion with staff provided by well-funded extremist NGOs could lead to serious problems and partisanship by the ICC. These are a few of the problems that I have with the present form of the Rome Statute.

I would say finally, Mr. Chairman, as you know, I take a back seat to no one in promoting the principle of complementarity, which is non-negotiable for the United States, as it is for so many of its most responsible supporters, and I just would say finally, Mr. Chairman, as you know, I take a back seat to no one in promoting—in the past and present—both the Rwanda War Crimes Tribunal and the International War Crimes Tribunal for the Balkans.

When we were holding early hearings in our subcommittee, the Helsinki Commission offered language and amendments to boost the U.S. donation to those important tribunals and so I take a back seat to no one, but this I think has some very real problems that need to be addressed. I yield back.

Mr. Smith. That is not the question I am asking.

Ambassador Scheffer. No, I know. Mr. Smith. Fast-forward those military actions that this country undertook with our Arab friends during the Gulf War, I think we already have a shot across the bow in the Middle East, not at all. We are far more precise.

Mr. Smith. But there is no doubt a reasonable man or woman could use the Rome Statute in cases analogous to matters of historical fact, where military decisions were made which resulted in huge casualties. Thankfully, at least, the consequence of Hiroshima and Nagasaki was the ending of the war. But there is an argument that has been made over the years, since as to the advisability of those actions.

I think it is fair question. Past is prologue. We may be faced with this in the future. We all know that NATO, in terms of its war doctrine, would rely on superiority, at least during the Soviet days, rather than quantity, Quality was what we would rely on. There is the potential that a United States President, or a French Prime Minister, or a British Prime Minister may have to make a decision some day to use nuclear weapons. It is not beyond the realm of possibility, and it is a highly speculative. Those things have to be thought through.

Since we have the historical record, I think it needs to be plugged in to see whether or not this would have triggered a war crimes prosecution.

Ambassador Scheffer. Well, we were careful in the drafting of the statute, as well as the elements of crimes, to establish very high barriers to actually launching investigations and prosecuting the crimes. Not isolated incidents, there has to be systematic widespread events. There have to be plans and policies to directly assault civilian populations. If military necessity dominates the reasoning behind the use of particular military force, then that is in conformity with international law and it is in conformity with the statute.

But if you are asking me, speculate as to whether or not it can conceivably be drawn that the United States takes a particular type of military action without describing what the intent was behind it, the plan or the policy behind it, I can’t answer questions like that because you have to go through the chain of command and ask an answer whether or not this statute would actually apply to that particular use of military force.

Mr. Smith. Well, one of the more perverse outcomes would be that our military strategists would be faced with factoring in not...
just what is in the best interests of the United States and our allies, and how are we more likely to achieve a military end to a conflict, they would also have to factor in whether or not such an action would violate the Rome Statute.

Let me also say, our nuclear doctrine rests on deterrence, and if the Russians were to attack us, I would hope, we would advert to the Russian cities. How would that fit into a Rome Statute world?

Ambassador Scheffer, Congressmen, this statute specifically provides very high barriers that have to be met.

Mr. Smith. But crimes of aggression aren’t even defined yet.

Ambassador Scheffer. And it is contrary to U.S. Federal law as well as the Uniform Code of Military Justice to violate the laws of war. So I would assume the plan or policy of the United States would not be to violate the laws of war. If it were the plan or policy to violate the laws of war, then we have a lot to answer for. But if it is not the policy to violate the laws of war, there should be symmetry between our actions and what has been set forth in the statute, which we agree with.

We agree that the crimes set forth in the statute are crimes under customary international law which we must adhere to. We are not certain what is in the statute in terms of the list of crimes, we agree with them. They must be complied with.

Mr. Smith. And again, signing a document that has not defined crimes of aggression—

Ambassador Scheffer. And by the way, I noticed that in your opening statement, I did want to respond to that point. That process in the Preparatory Commission now is to try to determine, can there be a definition for aggression? The crime of aggression is not defined in the statute, unless there has been an agreement among the states parties to the statute at the 7-year review conference as to what is the definition of that crime. So you can’t—there is no way to prosecute that crime until such a definition has been arrived at. And we have a very significant coalition of governments in total agreement with us as to how to proceed in those talks to define the crime of aggression.

Interestingly enough, under the statute, if one is a state party to the statute, you have every reason to believe that process in the Preparatory Commission now is to try to determine, can there be a definition for aggression? The crime of aggression is not defined in the statute, unless there has been an agreement among the states parties to the statute at the 7-year review conference as to what is the definition of that crime. So you can’t there is no way to prosecute that crime until such a definition has been arrived at. And we have a very significant coalition of governments in total agreement with us as to how to proceed in those talks to define the crime of aggression.

Mr. Smith. Mr. Slocombe, Secretary Slocombe, if I could respond to the hypothetical posed earlier about not just our deterrence strategy, which is based on the obliteration of cities, unless something has changed there that I don’t know about, but also the bombing of Hiroshima, Nagasaki, and the firebombing that took place in Germany. If the Rome Statute were in effect, would that have precluded those actions? I think the rejected allegations with respect to Kosovo are a good example.

Mr. Slocombe. If I could, Mr. Chairman, I would like to see us sign this. But we have got to iron out the issues were ironed out, you probably would have never to go back to World War II or to the Vietnam War. I think many of the allegations were of war crimes, but on disagreement concerning the laws of war, and, therefore, therefore, the totality of that statute. And once on is in a court, once you concede the principle of jurisdiction, there are no guarantees as to the result.

Mr. Smith. So it would be possible that a Hiroshima, Nagasaki type action or the firebombing in Japan and in Germany could be prosecuted in the future if such a thing were?

Mr. Slocombe. As we have said repeatedly, our concern in respect of this statute, in respect of the Court, is precisely the concern about politically motivated, in effect, bad faith prosecutions. Exactly.

Mr. Smith. But what about a good faith belief by someone who honestly believed Hiroshima was a war crime? I mean is it possible that that could happen?

Mr. Slocombe. Well, there is no decision on that. Our concern, our concern is with the United States military justice system, the prosecution and prosecute vigorously well-founded allegations that American personnel have violations of the laws of war. We do not need the International Criminal Court to deal with that problem. So that is a non-problem. Our concern is not whether or not there would be valid prosecutions of American military personnel. Our concern, rather, is as I said, and as we have said repeatedly, our concern is with politically motivated prosecutions based on unfounded allegations of war crimes, but on disagreement with U.S. or other alliance policies, of which I think the rejected allegations with respect to Kosovo are a good example.

Mr. Smith. Could I ask, and ask you to provide for the record, that the Pentagon undertake an analysis as to whether or not Rome would apply to World War II actions like I mentioned before?

Ambassador Scheffer, I think if these other issues were to be litigated, probably would like to see us sign this. But we have got to know what we are heading toward, and we need to look back before we look forward. Such an analysis hasn’t been done, really should be done.

Mr. Slocombe. It has been done, is that the reason we opposed the treaty.

Mr. Smith. Has it been done, look back at past conflicts?

Mr. Slocombe. Well, I don’t know that anyone did in the mind of saying Dresden could have been prosecuted, I think they did it in the mind of saying you don’t have to go back to World War II or to the Vietnam War to say that it is not war. The administration voted against the text and have refused to sign the treaty.

Mr. Smith. And Ambassador Scheffer, you agree with that, that there couldn’t be political motivated prosecutions?

Ambassador Scheffer. Precisely.

Mr. Smith. Ambassador Scheffer, Yes. Yes.

Mr. Smith. Do you, Ambassador Scheffer, personally, Mr. President Clinton made a mistake when he decided against signing the treaty in 1998?

Your mistake is not one, Ambassador. I am sorry, Congressmen. My answer to your other questions was yes.
Mr. SMITH. Again, what is the likelihood of doing it? I mean Secretary Bolton and—

Ambassador SCHIEFFER. It could be 50-50 at this stage.

Mr. SMITH. Secretary Bolton and Eagleburger, former Secretary of State, have made it clear that they thought we lost the fight 2 years ago.

Ambassador SCHIEFFER. Well, as I said, we simply do not share their vision of either having lost or waging this campaign. I think you have more of the reeves of it to recognize that other governments truly do not want, at least many other governments, truly do not want to see the United States walk out of this process. They know how valuable we can be in the long-run for this Court and therefore I would hope that we could persuade them that a reasonable accommodation within the Treaty regime of U.S. interests is going to be to the betterment of the entire process and to the Court itself.

Mr. SMITH. I would respectfully suggest that we did lose it 2 years ago. We are trying to fix it now, and I obviously wish you success. The U.S. has already stated to our colleagues in other governments in letters that the Secretary of Defense has sent to his counterparts, we would have to re-evaluate our ability to participate in military contingencies if we cannot prevail on that, and I think that is a fairly powerful consequence.

In addition to that, I think governments truly are having to gauge what is the consequence if the United States cannot be a good neighbor to this treaty. It will very likely cripple the operation of this Court if we cannot be a player in it.

Mr. SMITH. How would it affect peacekeeping? Mr. SCOWCROFT, you might want to add your views on peace-making as well.

Ambassador SCHIEFFER. I think it could have a very negative impact on that. Wait?

Mr. SCOWCROFT. What the Secretary of Defense said in his letter was unfortunately a negative result—that is, a negative result with respect to the article 98 effort—could have a major impact on our decision whether to participate in certain types of military contingencies.

That is what he said. I would not see that as an absolute judgment that we will never send American troops overseas in any situation, but it would have a factor we would have to take into account.

Mr. SMITH. Just getting back to the legislation, and I know in its current form you have not supported it. Scary you don’t support it, but you can not at least admit there is some value in again broadcasting to the world that we are very serious and that the Congress if it votes along about there being very negative consequences if this thing proceeds and we are included, having not been made a party to it, having not ceded or signed it?

Ambassador SCHIEFFER. Well, I think there is some value to it and the mere existence of the legislation I think has sent that signal very loud and clear.

What I am saying is that actual adoption of this legislation would then have the reverse effect on our ability to actually negotiate our common objective.

Mr. SMITH. Let me just take that one step further. I mean the President obviously would have to veto the bill if he thought it was not the right vehicle.

But let me point out that the Congress also has a constitutional prerogative to fund peacekeeping. We obviously provide the necessary and requisite moneys for our military. It seems to me that we need to be very much a part of this because the outcome could be a disaster going forward for the world and for U.S. men and women in uniform who may be deployed overseas.

As I have read this, and I have read just about everything I can get my hands on, I have grave concerns. I said at the outset that no one could have been more favorably inclined toward ad hoc tribunals than I am. When we had the first hearings in the Helsinki Commission on what became the Yugoslavian Tribunal we were being told by its leader, the man that was charged by the United Nations to take on the responsibility, that it was designed to fail, that he had been given insufficient resources, that it was nothing but fluff in order to placate certain individuals across the world, but it really was not a serious effort.

Now if we go in the other extreme and all of a sudden pass or enact something that potentially could prosecute the President or our President’s counterpart, or the Supreme NATO Allied Commander, I think we have erred significantly as well, and I don’t think there has been enough vetting of this issue.

I think a very small group of people have decided this. As I mentioned earlier, you know, I really want to take a look at who the actual participants were. We have heard that NGO’s were filling the seats and taking on the responsibility of negotiating rather than the respective governments, who were kind of like brushed aside or designated hitters were making decisions. That is serious if that indeed turns out to be the case.

So I think there has been far less scrutiny brought to this, and hopefully these hearings are the beginning of even more focus by the Congress, but I thank you for your testimony.

Mr. TANCREDO. Mr. Smith, do you have any comments?

Mr. TANCREDO. No.

Mr. SMITH. Ambassador SCHIEFFER. Thank you, Mr. Chairman.

Mr. SMITH. Mr. SCOWCROFT, thank you for your comments. We look forward to working with you in the future.

Ambassador SCHIEFFER. Thank you, Mr. Chairman.

Mr. SCOWCROFT. Thank you, Mr. Chairman. [Whereupon, at 11:31 a.m., the Committee was adjourned.]

Mr. LANTOS. Mr. Chairman, I yield 1½ minutes to my colleague, the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. Mr. Chairman, there are the beginning of even more focus by the Congress and I know in its current form you have not supported it. Scary you don’t support it, but you can not at least admit there is some value to it and the mere existence of the legislation I think has sent that signal very loud and clear.

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Mr. TANCREDO. Mr. Chairman, do you have any comments?

Mr. TANCREDO. No.

Mr. SMITH. Mr. SCOWCROFT, thank you for your comments. We look forward to working with you in the future.

Ambassador SCHIEFFER. Thank you, Mr. Chairman.

Mr. SCOWCROFT. Thank you, Mr. Chairman. [Whereupon, at 11:31 a.m., the Committee was adjourned.]

Mr. LANTOS. Mr. Chairman, I yield 1½ minutes to my colleague, the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. Mr. Chairman, I am grateful that the distinguished majority whip, the gentleman from Texas (Mr. DELAY), has given me this time, and I appreciate his efforts and his diligence in defending our men and women in uniform who, but for this amendment, might be
subject to arbitrary and capricious actions of rogue nations bent on perverting the International Criminal Court.

None other than President George Washington warned his posterity about certain relations with foreign governments. He warned about liberty at risk.

The system of law that is likely to be practiced in the ICC is outside of our Constitution and our rule of law. It does violence to the very common law that has been the law of the United States.

There is little doubt that the framers of the Constitution would reject this peculiar foreign legal system outright as a form of tyranny. The notion that our citizens, men and women in uniform, would be subject to the whims of a foreign court is anathema to the principles of the American founding.

American citizens and their military personnel should never be subject to laws not created by the American people. The fear voiced by George Washington must control our debate today.

Mr. DE LAy. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Committee on International Relations.

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

Mr. HYDE. Mr. Chairman, I thank the gentleman from Texas (Mr. DE LAy) for yielding me this time.

Mr. Chairman, I think it would be a terrible mistake to submit our military to this International Criminal Court. First of all, double jeopardy. If we read the Statute of Rome, it is left being investigated or prosecuted by a state which has jurisdiction over it without yielding me this time.

Mr. DE LAy in expressing serious concern over the subject matter of his amendment, that is, the International Criminal Court (ICC).

Considering the detestable substance of the balance of H.R. 1646, there is little doubt that the framers of the Constitution would reject this peculiar foreign legal system outright as a form of tyranny. The notion that our citizens, men and women in uniform, would be subject to the whims of a foreign court is anathema to the principles of the American founding.

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the commission Cuba, China and Sudan. Cuba is run by a dictator who has no regard to human rights and imprisons people at his will. China oppresses religious freedom and detains individuals without due process. And, the government of Sudan has killed 2 million Christians over the past few years. Sudan also still engages in slavery. Those who are arguing that the United States should sign up to a treaty that allows these nation's to put American citizens and service members on trial, are putting these brave men and women in jeopardy.

The United Nations conference ignored U.S. objections and endorsed a plan for establishing a permanent international criminal court. the American representatives at the negotiations on this treaty, under pressure from the Republicans in Congress, sought to obtain a guarantee that U.S. military personnel and agents could never be held liable to this court. This was rejected. This represents a dangerous potential for usurping national autonomy, and I will continue to work to see that this proposal is fully rejected. Our Founding Fathers warned us about foreign entanglements. Certainly, ceding national autonomy falls into this category.

I will continue to oppose any effort to permit the U.S. to join this “court.” I am pleased that President Bush has expressed his objections, and that it has made it clear that it would reject this treaty. Mr. Delay's amendment will be an important step in stopping this problematic agreement.

Ms. McCollum. Mr. Chairman, I rise today to oppose the Delay amendment to H.R. 1646. The International Criminal Court (ICC) will be a permanent court to try individuals, not countries, for the most serious crimes of concern to the international community. These would be heinous crimes such as genocide and widespread systematic torture and rape. The horrendous crimes in Bosnia, Rwanda, Sierra Leon, Kosovo and far too many other countries have awakened the international community to the need to punish the criminals responsible for inhuman acts of violence. The same concerns that led to the trials at Nuremberg and to the creation of ad hoc tribunals for the Former Yugoslavia and Rwanda, and the existence of established international criminal law have made the ICC more feasible now.

The Court will hear a case only when no national court is available or willing to hear it. In the case of the United States, our courts would decide whether to try a case or submit it to the ICC. In theory the ICC could try Americans. However, the ICC would only intervene when the U.S. chooses to relinquish its right to try a case. In practical terms, it is highly unlikely the American judicial system would be unwilling or unavailable to try a case.

Also, it is important to remember that Americans arrested abroad for committing a crime are already subject to prosecution by other countries. In the highly unlikely event of an American being arrested abroad for war crimes, in many cases a trial in the ICC would be fairer and the country might well agree to turn the accused over to the ICC.

The U.S. Government has taken great pains to require that the accused receive a fair trial and be accorded the due process of law. The draft statute defines the rights of the accused in accordance with the rights guaranteed in the International Covenant on Civil and Political Rights and the Declaration of Human Rights. They include the presumption of innocence, the right to counsel, the right to confront one's accusers, and the right to a speedy trial.

I support the U.S. participation in the ICC as well as a treaty that seeks justice for the victims of genocide, torture, rape and systematic violence against civilian men, women and children.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. Delay).

The question; and the Chairman announced that the ayes appeared to have it.

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. Delay) will be postponed.

It is now in order to consider amendment No. 2 printed in House Report 107-62.

AMENDMENT NO. 2 OFFERED BY MR. HYDE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. Hyde:

Page 76, after line 12, insert the following new subsection (and redesignate the subsequent subsections accordingly):

(a) ADDITIONAL RESOLUTION ON RELEASE OF ARREARAGE PAYMENTS RELATING TO UNITED STATES MEMBERSHIP ON THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS AND USE OF SECRET BALLOTS.—In addition to the satisfaction of all other preconditions applicable to the obligation and expenditure of funds authorized to be appropriated by section 911(a)(3) of the United Nations Reform Act of 1999, such funds may not be obligated or expended until the Secretary of State certifies to the appropriate congressional committees that—

(1) the United States has obtained full membership on the United Nations Commission on Human Rights for a term commencing after May 3, 2001; and

(2) (A) neither the United States nor any specialized agency of the United Nations takes any action or exercises any authority by any vote of the membership of the body by a secret ballot which prevents the identification of each vote with the member casting the ballot; or

(B) a detailed analysis of voting within the United Nations and specialized agencies of the United Nations has demonstrated to the satisfaction of the Secretary of State that the unrepresentative action of the United States may jeopardize the United Nations and that analysis has been transmitted to the appropriate congressional committees.

The CHAIRMAN. Pursuant to House Resolution 195, the gentleman from Illinois (Mr. Hyde) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. Hyde).

Mr. HYDE. Mr. Chairman, I ask unanimous consent to yield 10 minutes of my time to the gentleman from California (Mr. Lantos) and that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Chairman, I yield my time to the gentleman from California.

Mr. Chairman, my amendment requires that the final tranche of arrearage payments to the United Nations and other designated agencies be contingent upon a certification by the Secretary of State that the United States has regained its seat on the United Nations Commission on Human Rights.

I urge support for this amendment that expresses our strongest possible concern over the vote on May 4 by the 55 members of the Security and Social Council to remove the U.S. from its seat on the Human Rights Commission, a seat I might add that we have held continuously since the Commission’s inception in 1947.

In response to this mistake about the message being sent to the U.S. with this unprecedented action to remove our strong and uncompromising voice from the proceedings of this body. This is a deliberate attempt to punish the United States for its insistence that we tell the truth about human rights abuses, wherever they occur; including in those countries represented on the Commission such as China and Cuba.

The U.N. Secretary General, Kofi Annan, spoke for many other member states when he noted in a statement in the aftermath of this vote that the United States has played a leading role over the years in drafting landmark documents, such as the Universal Declaration of Human Rights, and has been a key member of the Commission. The U.S. made a major contribution to the work of the United Nations in the field of human rights.

In response to this inexcusable and inexcusable decision, it is appropriate that the U.S. send its own message to U.N. member states, and particularly the members of the western European group. If allowed to stand, this decision would remove the United States from the Human Rights Commission into just one more irrelevant international organization.

If our voice is stilled, other countries will have even greater difficulty in speaking openly and plainly about rampant human rights abuses around the world.

The adoption of this amendment will assist the administration in its efforts to take whatever steps are necessary over the next year to restore our voice and vote in this body.

To those critics who say we are overreaching and overreacting, I would argue that to do anything less would be a repudiation of our own values and principles of freedom, democracy, and respect for human rights enshrined in the U.N. Charter and in our own Constitution.

I urge the adoption of this amendment, and I am so pleased to share its support with the distinguished gentleman from California (Mr. Lantos).

Mr. Chairman, I reserve the balance of my time.
Mr. McKinney. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentlewoman from Georgia (Ms. McKinney) is recognized for 20 minutes.

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

Mr. Chairman, I rise to oppose the Hyde-Lantos-Sweeney amendment, and I find myself in agreement with the Bush administration on this issue. I agree that the United Nations has a poor record in some important areas. All we need to do is look at United Nations behavior in Rwanda and Srebrenica where it aided and abetted in the needless slaughter of 1 million Rwandans and thousands of Bosniacs. Even that, however, is no reason to withhold paying back dues that the United States owes to the United Nations.

How can we expect the United Nations to improve its performance or to respect us if we go back on our word and refuse to pay our bills? I know that Secretary of State Colin Powell would never agree with going back on our word to the world community, but that is exactly what this amendment will do.

President Bush’s spokesperson said yesterday, “While the United States is disappointed with the results of the Human Rights Commission election, the President feels strongly that this issue should not be linked to the payment of our dues to the United Nations and other international organizations.”

However, it is important that while we talk today about human rights around the world and human rights abusers, and even human rights abusers who now sit on the United Nations Human Rights Commission, we must also talk about ourselves.

We cannot continually stand before the world community with finger pointed outward while never looking inward. And look inward we must. We must look at the way we treat others right here in this country.

Christopher Hitchens has written a powerful piece on Henry Kissinger’s policies that resulted in deaths all over Asia, in Vietnam, in Indonesia, in East Timor. Hitchens also discusses U.S. policy in Chile. Problems created decades ago that we still suffer the repercussions of today.

I have written tomes myself in disgust at Madeleine Albright’s Africa policy which has led the U.S. joint and armed with hand choppers and rapists of little 12-year-old girls in Sierra Leone, purposely delayed U.S. response in the Rwanda genocide, and then rewarded those at the U.N. and inside our own government who turned a blind eye to what was happening in Africa’s Great Lakes region.

Africa is still suffering from what we did not do to help people who wanted to escape dictatorship and establish democracy and the rule of law. What other suffering will we create or ignore?

But then I cannot talk about the U.S. position on human rights without discussing what is happening right here in America. What about the human rights of America’s black men who are dying on the streets? What about the human rights of America’s black people?

On the streets of America, I see homelessness and poverty. Here in the Nation’s Capital, I see black man after black man after black man sleeping on the streets. They sleep in makeshift cardboard beds, they sleep on sidewalk benches, over heating grates, and under bridges. Black women lie clad in newspapers during the night on the same block as the White House. They are discarded like trash on the streets of America.

On the streets of America, I see racial profiling. The Justice Department admits that blacks are more likely than whites to be pulled over by police, imprisoned, and even put to death. Yet only 2 days ago a Cincinnati grand jury refused to charge a Holiday vacation for a white police officer in the fatal shooting of an unarmed black man.

Another black man last week was driving his 10- and 8-year-old daughters to school. He was approached by a white policeman, who pulled his gun and shot him in the neck, killing him instantly as the two little girls ran screaming in horror down the street.

The FBI said blacks and whites have about the same rate of drug use, yet while the majority of people arrested for drug abuse are white, the vast majority of those incarcerated are black.

Government studies on health disparities confirm that blacks are less likely to receive surgery, transplants, even prescription drugs, than whites. A black baby born in Harlem today has less chance of survival at the age of 5 than a baby born in Bangladesh.

I serve in the Congress where the Congressional Black Caucus is shrinking, and yet sections of the Voting Rights Act will soon expire, and, quite frankly, after crippling Supreme Court decisions, there is not much left of affirmative action to mend.

I believe this state of affairs is no accident. We are what we are because it was meant to be.

In the FBI’s own words, its counterintelligence program, then known as COINTELPRO, had as a goal to expose, disrupt, misdirect, discredit or otherwise neutralize the activities of black organizations and to prevent and, in a quote, black leaders from gaining respectability.

We need only remember that Geronimo Pratt spent 27 years in prison for a crime that he did not commit.

Twenty-six black men were executed in the year 2000. Some of them were probably innocent. And we started this year by executing a mentally retarded black woman.

Now the Bush administration tells us that they are not going to participate in the United Nations Conference on Racism scheduled to take place in the Republic of South Africa in August of this year. I say shame on the Bush Administration for boycotting the United Nations Conference on Racism and urge my colleagues to defeat this amendment.

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

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

Mr. Chairman, I deeply regret that my good friend the gentleman from Illinois (Mr. Hyde) and I had to offer this amendment to condition our U.N. arrears payment on the resumption of our membership on the U.N. Human Rights Commission.

I think it is important to analyze what happened at the vote in Geneva carefully. There are three seats reserved for the western nations and there were four candidates. I predict that every single time this should happen in the future, we will be rejected, because we are the most articulate and principled and outspoken proponents of human rights.

Austria does not irritate anybody. The Austrians are getting the votes, but the United States is not getting the votes, because we speak out on human rights violations in Cuba and China and Sudan and Libya and Syria and whatever we want over the world. And then we are many more human rights violators, Mr. Chairman, than countries that honor human rights.

So in a very fundamental and mechanical sense, the failure of our being on the Human Rights Commission as we speak is the result of the failure of our European friends to act together; and I hope that next year when this similar vote will take place, they will designate only two of their members, so the United States will be the third one and we will be voted again to serve on the Human Rights Commission of which we have been, since its inception, the single most important, most powerful, and most principled member.

It is a separate issue. Mr. Chairman, that 14 members apparently who have given our Department of State written assurances that they will vote for us, taking advantage of the secret ballot, chose not to do so.

The gentleman from Illinois (Chairman Hyde) and I are proposing a reasonable and moderate amendment. Our amendment calls for paying our current tranche which is due, almost $600 million, without any delay, and to make our last payment, over $200 million, contingent upon the United States being voted back on to the U.N. Human Rights Commission.

Earlier this morning I had an opportunity to have a lengthy telephone conversation with the Secretary General of the United Nations, Mr. Kofi Annan; and I explained to him the procedure, which he clearly understands. It is our intention to pay every dime
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we owe the United Nations, but we will simply not turn the other cheek as the Sudans and the Lybias of this world declare the United States unfit to serve on the Human Rights Commission of the United Nations.

One flaw, however, in the entirety of our legislation calls on our representative at the U.N. to insist that no nation may serve on the U.N. Human Rights Commission that does not allow on its territory international human rights monitors. I believe the provision prevails, the Cubans and the Chinas and the Sudans and the Lybias of this world will have no opportunity to serve on the Human Rights Commission.

The Hyde-Lantos amendment is a reasonable response to an outrage that was perpetrated in Geneva. I urge all of my colleagues to support it.

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

Mr. HADE. Mr. Chairman, with great pleasure, I yield 1 minute to the distinguished gentleman from New York (Mr. GILMAN).

Mr. GILMAN asked and was given permission to revise and extend his remarks.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in support of the Hyde-Lantos-Sweeney amendment. The failure of the U.N. to reelect our Nation to the Human Rights Commission is outrageous. Our Nation has been a member of the commission since 1946. Our Nation is being penalized obviously for speaking out for human rights abuses.

This commission has become a refuge for despots and scoundrels, indicative of our Nation’s inattention to this problem for the past 8 years, regrettably allowing powerful nations such as China to dominate the commission.

The Human Rights Commission has become a closely knit group of human rights abusers. The Chinese, Cuban, Libyan, and Syrian commission members have incarcerated thousands of political prisoners. It is hypocritical that these nations which practice slavery, is also a commission member.

Denying our Nation membership while allowing those despotic governments to become members underrates that we have not effectively challenged those dictatorships.

This is a truly a sad day for democracy, for the rule of law, and for the United States. Accordingly, I strongly urge my colleagues to support the Hyde-Lantos-Sweeney amendment.

Ms. MCKINNEY. Mr. Chairman, I am very pleased to yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentlewoman for yielding me this time and for her leadership.

Mr. Chairman, I rise today in strong opposition to the Hyde-Lantos-Sweeney amendment, which withholds U.S. payments to the United Nations in retaliation for the removal of the U.S. from the Human Rights Commission.

Although I share the displeasure of the chair and ranking member of the Committee on International Relations on the loss of the United States’ seat, payment of arrears to the U.N. should not be jeopardized in retribution.

This action is not only unfair to the United Nations, which does not nominate nor elect members to the commission. The 54 members of the U.N. Economic and Social Council elect members of the commission in a secret ballot. Payment of our long-standing debt to the U.N. should not be jeopardized, particularly at a time when the United Nations has met nearly every condition of the Helms-Biden agreement.

A deal is a deal. The U.S. agreed to pay nearly $1 billion in debt to the U.N. if the U.N. met certain conditions. The United Nations has kept their end of the deal.

We demanded that the U.N. reduce the amount the U.S. pays to the U.N. regular budget. The U.N. did. We demanded that they reduce the amount the U.S. pays to the U.N. peacekeeping budget, and the U.N. did. We demanded that they form an Office of Inspector General, and they did. We demanded they maintain a zero growth budget, and they did. We demanded that they did not charge us interest on the delinquent bills, and they have not charged interest.

Now, after the United Nations has met all of our demands and it is our time to honor our commitment, we have new demands.

It is not even logical. The United Nations did not remove the United States from the Human Rights Commission. That action was by the 54 member states of the U.N. Economic and Social Council. It is not fair. To penalize the U.N. for the actions of individual member states violates every sense of fair play. It is like failing the whole class for the actions of one child.

My opponents here today will say that the U.S. deserves a seat on the commission, and it does. But the U.N. cannot put us back on the commission any more than they could prevent us from being taken off. So why penalize the U.N.?

Also, it is not productive. Requiring new conditions for payment of a long-standing debt when a deal has already been made will not only not win us back a seat, but could very well jeopardize our relations with the very nations who we need to vote in favor of us to put us back on the commission.

Secretariat statements do not want additional conditions. President Bush does not want additional conditions. These are the people charged with implementing our Nation’s foreign policy. Just yesterday, the President spokesperson said, and I quote, “The United States wants the U.N. to pay its debt, and payment to the United Nations, that is separate and apart from this current matter.”

The Atlanta Constitution wrote a long statement, but I will just quote a short part: “Unfortunately, Members of the House are threatening to ‘get back’ by withholding U.N. dues. Seeking retribution against the world body is the wrong reaction from Congress or the administration. After all, the U.N. hasn’t just U.S. detractors who participated in the coup, but also some of our allies: France, Sweden and Austria, who didn’t cast enough votes to help the U.S. retain a seat.”

The New York Times wrote on May 10, and I quote: “Members of the House, angry that the United States last night lost its seat on the U.N. Human Rights Commission, want to withhold a further planned U.N. payment of $244 million unless the seat is restored next year. It’s hard to conceive of anything more foolish than making payment of a legitimate debt conditional on an action by a subsidiary U.N. body that the U.N. doesn’t even control.”

The New York Times wrote on May 5: “Such a response would ignore the underlying issues that caused the revolt and only worsen American relations with the United Nations. Payment of Washington’s back dues is vital to maintaining American influence in the U.N.”

And the San Francisco Chronicle’s headline today says, “U.S. Should Pay Its Dues.”

It sort of reminds me of the old book, everything I learned in kindergarten is all I need to conduct my life in a reasonable way. We made a deal. They have held up to their end of the deal. It is wrong for us to turn around and change the rules.

Mr. Chairman, I stand here in support of the Bush administration urging that we live up to our end of the commitment and pay our dues at the United Nations. I oppose the Hyde-Lantos amendment and other conditions put on this requirement that we have agreed to.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume to respond to the gentlewoman from New York (Mrs. MALONEY), and I would like to respond to some of these editorials.

Some of us do not accept the sanctity of our Western European friends. They would stand on firmer moral ground if they would stand with the United States in our dealings with Iran or Iraq or other totalitarian states.

Actions have consequences. The United States was fully prepared to make these payments, but the situation has changed with encouragement on the part of some of our “friends.” There is great glee that the United States was booted off the U.N. Human Rights Commission where unquestionably we were the most important, most valuable, most articulate, and most principal member for over half a century.

And while I am very pleased to see my colleagues defend the administration in this instance, I do not. I believe the Bush administration is dead wrong in saying that we should turn
the other cheek. Actions have consequences. We had an arrogant and irresponsible action: booting the leading champion of human rights off the U.N. Human Rights Commission. The gentleman from Illinois (Mr. HYDE) and I am proposing a modest proposal, a temporary withholding of a portion of our dues. Our U.N. fellow members have an option. If they would like to get this payment, they will vote the United States back on to the Commission. If they do not, it will cost them $244 million. And I urge France or Australia or anybody else to come up with that money, because certainly the United Nations needs those funds.

I think it is important that we do not engage in blaming the United States first. We are the least responsible party for this action. The people who are responsible for this action are the Chinese, who went around trying to get votes against us by economic incentives and by threats; the Cubans, who did the same thing; a number of our "friends," who shall remain nameless.

Mr. Chairman, I proudly join my friend, the gentleman from Illinois (Mr. HYDE) in this measure. This will teach the Chinese a lesson: action has consequences. They have taken an irresponsible action, and we are giving them an opportunity to rectify it.

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

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY).

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

Mr. SWEENEY. Mr. Chairman, I would like to respond as well to the gentlewoman from New York (Mrs. MALONEY), my friend and colleague, from the perspective that I am pleased to join the gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Mr. HYDE), and the gentleman from New York (Mr. SWEENEY), my good friends, because I do not believe that trying to blackmail nations into supporting us ever really works. I think that is really not the way to go.

I agree with everything the gentleman from California (Mr. LANTOS) said, and I have more respect for him than almost anyone else in this body when it comes to these matters, and he was right on the money in everything he says; but what our reaction ought to be different.

There has been a buildup of anger at the United States because frankly, we have not been paying our dues. I know we are on track to do it now, but it was a long struggle; and it was many, many years before we went on track. There has been anti-U.N. rhetoric from this body and in other places, and there is some anger at the fact that we have not ratified a convention on the elimination of all forms of racial discrimination, the Kyoto Protocol and other treaties as well. That is not an excuse for the U.N., but the question is, how do we react? How do we react to this at all?

I do not believe that these votes at the U.N. should be linked to the payment of arrears. We owe them money, and we ought to pay it. We ought to express our outrage. There are other ways to do it. I do not think that withholding the money is the right way to go.

Jeanne Kirkpatrick, for whom I have enormous respect, said, frankly, somebody was not watching the store. We could point fingers at everybody and do a lot of finger pointing all the way around, but that really does not have any beneficial effect. I think we have made our point known. The administration, the Bush administration, opposes this amendment. We have to now decide what the best way to go is. I just think that this may do us a lot of good in expressing our personal pique, but I think in the long run it is counterproductive.

So I reluctantly urge a "no" vote on the amendment.

Mr. HYDE. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. ARMY), the distinguished majority leader.

Mr. ARMY. Mr. Chairman, I thank the gentleman from California (Mr. HYDE) for yielding the time to me.

Let me say, Mr. Chairman, this is a serious issue. It raises the question of the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS), the ranking member, for bringing this to the floor.

Mr. Chairman, I look around this Chamber, and I see the Members of this body that have traveled the globe out of concern to speak up for human rights, to reach out a hand of comfort and support for the
beleaguered people across this globe repeatedly.

Year in and year out, our Members from this Chamber make that trek to show that America knows and America cares. I look across this country and I see the heart of the American people that reaches out to all the world for freedom, dignity, justice, respect.

I look across this Nation’s history and I find a legacy of courage, commitment. This Nation has led its heroes to the cause of liberty on behalf of the nations of all the world time and again.

Without this Nation’s leadership, there would be no United Nations. Without this Nation’s participation, the United Nations could not endure to this day. The United Nations expels this Nation, the greatest Nation in the history of the world, for the defense and protection of human rights from the very organizations which will yet provide as a matter of patronage support to an institution that makes a mockery out of the concern for human rights and makes of itself a farce in that regard.

Mr. Chairman, yes, we are here right today doing the right thing. And I implore my colleagues, if my colleagues believe in the cause of liberty, freedom, safety, security, respect and decency, vote yes for this amendment. Send the world a message, America cares and America dares to stand up for any lost soul, beleaguered and tortured in any half of the nations of all the world time and again.

The real reason why we have been thrown off the U.N. Human Rights Commission is because they want to silence what is clearly the strongest voice of America in the cause of human rights. The U.S. has insisted that the Commission tell the honest and unvarnished truth about human rights violations the world over. Some of the other nations on the Commission, such as China, Cuba, Vietnam, Malaysia, Libya, Algeria, Saudi Arabia, and now Sudan, have problems with the truth—especially at it pertains to human rights.

I urge a yes vote on the amendment. Mr. Chairman, last year the Congress voted to outsource the dispute over so-called “United Nations arrearages". The agreement was simple: we would pay almost all of the disputed amount, provided the United Nations would agree to treat the United States more fairly when it came to dues, peacekeeping assessments, and other issues—and provided the UN would also take concrete steps to put its own house in order.

Then the UN’s Economic and Social Council (ECOSOC) took an action that again raises grave doubts about what kind of an organization it is. During the last 6 days, Mr. Chairman, editorial writers have been working overtime trying to explain away the outrageous vote to deprive the United States of the seat it has held since 1947 on the U.N. Human Rights Commission. As a result, the central theme of these editorials is to blame America first. If only we had ratified the Kyoto Convention, or the CEDAW agreement, or the International Criminal Court. Or if only we had paid those disputed arrearages a little quicker. If only we had not been so “unilateral" which is precisely what we would have stayed in the good graces of ECOSOC and kept our seat on the Human Rights Commission.
Mr. Chairman, the editorial writers are even more wrong this time than they usually are. The vote to exclude the United States from the Commission was primarily a vote to silence the strongest voice on the Commission in favor of human rights. The United States has insisted that the commission tell the honest and unvarnished truth about human rights violations the world over. And some of the other nations on the Commission, such as China, Cuba, Viet Nam, Malaysia, Libya, Algeria, Saudi Arabia, and now Sudan, have problems with the truth.

Mr. Chairman, not only did this year’s Human Rights Commission members vote for a “no-action” motion that prevented the Commission from even debating the human rights record of the People’s Republic of China. It also voted for a resolution on Sudan that did not even mention the word “slavery,” and for a resolution on the Israeli-Palestinian conflict that did not mention human rights violations committed by the Palestinian Authority. I was there in Geneva with ILEANA ROS-LEHTINEN and LINCOLN DIAZ-BALART—we are resented for saying these things.

Mr. Chairman, instead of excluding countries from the Human Rights Commission because they are too strong on human rights, the U.N. should be concerned about excluding governments that routinely engage in torture, extrajudicial killings, rape as an instrument of terror, forced abortion, forced sterilization, and other forms of persecution on an account of race, religion, or political opinion. If being in arrears can result in the loss of a vote in the General Assembly—which is the rule—surely barbaric behavior will be punished by a nation from the U.N. Human Rights Commission. Without these important reforms, the Commission will be in grave danger of becoming, as our colleague Mr. DIAZ-BALART has observed, no more than a “club of tyrannies.”

For these reasons, Mr. Chairman, I urge a “yes” vote on the amendment and a “yes” vote on the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. HYDE).

Mr. Chairman, not only did this year’s Human Rights Commission members vote for a “no-action” motion that prevented the Commission from even debating the human rights record of the People’s Republic of China. It also voted for a resolution on Sudan that did not even mention the word “slavery,” and for a resolution on the Israeli-Palestinian conflict that did not mention human rights violations committed by the Palestinian Authority. I was there in Geneva with ILEANA ROS-LEHTINEN and LINCOLN DIAZ-BALART—we are resented for saying these things.

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For these reasons, Mr. Chairman, I urge a “yes” vote on the amendment and a “yes” vote on the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. HYDE).

The time is taken, and the Chairman announced that the ayes appeared to have it.

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois (Mr. HYDE) will be postponed.

AMENDMENT No. 1 OFFERED BY MR. TANCREDO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. TANCREDO
Mr. TANCREDO. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, during committee consideration of this bill, an en bloc amendment was adopted authorizing the $67 million per year that it would cost the United States to rejoin UNESCO and added a sense of Congress provision that the President should renew the membership and participation of the U.S. in this organization.

My amendment would strike these provisions from the bill. I am well aware that several of my colleagues have argued that this agency has reformed itself over the past 15 years, but serious arguments against rejoining UNESCO remains. I believe that UNESCO can best be described as an organization in search of a mission. Unfortunately when it does stumble upon the mission, it is almost always one that is quite perverse.

As I mentioned just a minute ago, it would cost us some $67 million per year to get back in question whether this is a wise use of resources.

David Malone, the president of the International Peace Academy in New York and a former Canadian Foreign Ministry official, is not optimistic about prospects for reform by the new Director General of UNESCO, Mr. Koichiro Matsura of Japan. “The problem of UNESCO is that successive heads have turned it into a personal patronage machine, neglecting programs to fight illiteracy,” Mr. Malone went on to say, “we used to all know what the UNESCO objectives were. Now nobody knows what UNESCO does beyond the World Heritage sites, and whoever consults UNESCO now on science?”

By the way, UNESCO is the organization that has charge of the man and the biosphere sites, another one of those peculiar entities that this House, by the way, has struck down several times.

An article from The New York Times from March of last year reported that the new director general plans to use millions of dollars of his organization’s funds to help restore colonial Havana. It is not at all clear to me why we should be rejoining an organization which is promoting tourism in Cuba.

According to an independent audit by the Canadian government, UNESCO rarely evaluates the cost effectiveness of its programs or sets specific objectives. It is an annual budget of close to $400 million. It continues to promote such things as the New World Information Order. This is the name of this organization, quote, ‘Presenting and Reclaiming Our Intangible Heritage’ and ‘Planet Society, a Worldwide Exchange Network for a New Art of Living on Earth.’

One of the arguments of the proponents of rejoining UNESCO appears to be based on the principle that the U.S. should be a member of every major organization in the United Nations. Mr. Chairman, in light of our summary exclusion from U.N. Economic and Social Council, the International Narcotics and Drug Control Board and the Commission on Human Rights, now is the time to critically review our existing memberships in the United Nations organizations and not the time to rejoin another U.N. body at enormous expense.

Finally, the U.S. government now gives $2 million to $3 million annually to UNESCO in voluntary contributions to cover projects we believe to be worthwhile. If we were to rejoin, we would be obliged to fund the good and the bad alike.

In conclusion, Mr. Chairman, I urge my colleagues to vote for the amendment.

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

Mr. LANTOS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Iowa (Mr. LEACH), whose action was strongly approved by members of the Committee on International Relations.

Mr. LEACH. Mr. Chairman, I thank the distinguished gentleman from California (Mr. LANTOS) for yielding time on this issue.

Mr. Chairman, I cannot say that UNESCO is the most important international body that has ever been created. I can say it is a credible international body. The United States chose to withdraw from UNESCO in the 1980s for a variety of reasons. Some stem from management styles; some stem from politicized kinds of issues. But in each of these circumstances, there has been reform.

We object to not being reelected to another U.N. body and we may be, in the eyes of some, poor losers.

But the fact of the matter is, in UNESCO, we are a poor winner. We have achieved the objects that we wanted. Not to return implies that, when the United States gets its way, we continue to put our head in the sand.

It is interesting that Secretary of State George Shultz, who signed the withdrawal notice in the 1980s, now supports returning. There are 188 member nations of UNESCO. While UNESCO does have a cost, for the United States to say we cannot afford our share is a bit awkward for the world’s wealthiest country.

I do acknowledge that there is a costliness of Paris. Having said that, France was our first ally. For the United States simply to be opposed to institutions in Paris is not a very credible circumstance.

Finally, let me say education, science, culture are esoteric. On the other hand, they matter in the world. For the United States of America to argue we are better off with empty chair diplomacy is an error if not an oxymoron. Therefore, for very decent. I do believe the objections that apply to UNESCO itself but also have ramifications for our whole role in international organizations in the world today, it is very
Mr. TANCREDO. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I urge the adoption of the amendment offered by the gentleman from Colorado (Mr. TANCREDO) to strike this new commitment of funds is prudent, and I believe it deserves support. This amendment to the authorization bill would provide an enormous amount of money, $130 million over 2 years. That is more than half a billion dollars over 10 years, $60 million a year thereafter for the U.S. to become a part of UNESCO.

The reason why I urge support for this amendment is the recent fiasco surrounding our U.N. Human Rights Commission. The United Nations Human Rights Commission was a scoring system. It had hundreds of employees who were engaged in propaganda and indoctrination. The United States was one of the very few countries that supported the U.N. Human Rights Commission, and it was a fiasco for the American people. The U.N. Human Rights Commission was disastrous for the U.S. It was a disaster for the American people.

The United States is a different body. It has cleaned up its act. Furthermore, UNESCO continues to be plagued with poor management practices. This is just the sort of a situation that the recent fiasco surrounding our U.N. Human Rights Commission membership should warn us against being forced to bear costs all out of proportion to any influence we may have to bear.

I urge support for the Tansedo amendment striking the UNESCO provision from the authorization bill.

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

Mr. Chairman, arguably the most respected Republican Secretary of State of recent decades is George Shultz. In 1984, Secretary Shultz recommended that we withdraw from the United Nations; and many of us, myself included, supported him. We were now to rejoin UNESCO at that time was a corrupt anti-American organization. It has cleaned up its act. Our former Secretary of State, Republican George Shultz, and our former Secretary of State Madeleine Albright, Democrat, are now recommending now that we rejoin UNESCO.

I find it almost ludicrous that we spent the previous hour debating the United States being voted off a U.N. body. Here we have an opportunity of joining a U.N. body, the Educational, Scientific and Cultural Organization. It is waiting for us with open arms. We are debating as to whether we should adopt an amendment which has over 180 members. The United States is conspicuous by its absence, and the lack of a United States voice on UNESCO is hurting our foreign policy and international interests.

I urge support for the amendment of the gentleman from Colorado (Mr. TANCREDO), to preserve the action taken in the Committee on International Relations, and usher in a new era of U.S. participation in UNESCO.

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

Mr. TANCREDO. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. SMITI).

Mr. SMITH of New Jersey. Mr. Chairman, section 104 would provide an enormous amount of money, $130 million over 2 years. That is more than half a billion dollars over 10 years, $60 million a year thereafter for the U.S. to become a part of UNESCO.

The authors of this amendment have thought it through very, very carefully. It is no wonder that there was never a balanced budget on this House floor for 40 years or people wanted to dump money into welfare without reform. As the gentleman friend from California (Mr. CUNNINGHAM), I believe that UNESCO would address these emerging threats by promoting good government, universal education, sustainable development, and disease control. I urge my colleagues to oppose the Tansedo amendment.

Mr. TANCREDO. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I rise in strong support for this amendment. If one takes a look across this country, and people talk about reducing the debt, they talk about money for education, health care, but yet they want to put $1 billion into the United Nations. They want to spend $67 million a year for UNESCO.

I mean, think about it. That money is going to take away from the World Health Fund. It is going to take away from the Children’s Fund and things that are effective to a risky scheme like UNESCO that they say, quote, has changed. It has not.

The authors of this amendment have thought it through very, very carefully. It is no wonder that there was never a balanced budget on this House floor for 40 years or people wanted to dump money into welfare without reform. As the gentleman friend from California (Mr. CUNNINGHAM), I believe that UNESCO would address these emerging threats by promoting good government, universal education, sustainable development, and disease control. I urge my colleagues to oppose the Tansedo amendment.

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

Mr. Chairman, arguably the most respected Republican Secretary of State of recent decades is George Shultz. In 1984, Secretary Shultz recommended that we withdraw from the United Nations; and many of us, myself included, supported him. We were now to rejoin UNESCO at that time was a corrupt anti-American organization. It has cleaned up its act. Our former Secretary of State, Republican George Shultz, and our former Secretary of State Madeleine Albright, Democrat, are now recommending now that we rejoin UNESCO.

I find it almost ludicrous that we spent the previous hour debating the appropriate for the United States to re-
area of education and science around the world. The U.S. participation in such an organization can only strengthen its ability to carry out the fine work it performs every day. In fact, the United Kingdom, which also withdrew from UNESCO, has taken a step with the United States in 1984, had returned as a full member of this worthy organization.

The recent decision by the Taliban government in Afghanistan to destroy the historical Buddhist statues demonstrate how that the preservation and restoration of cultural treasures sometimes cannot be left solely in the hands of national governments. From preserving these statues to preserving Timbuktu, the role of UNESCO is still important today.

During a week in which we lost two important seats on the United Nations commissions, it is important we send a message to the international community that the United States is ready and willing to participate whenever it is called to duty.

Therefore, I strongly urge my colleagues to oppose this amendment.

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

Mr. Chairman, I would just note in response to my colleagues discussion here that I do not believe the Taliban asked permission from UNESCO when they blew up those statues, and of course they never would have.

That is the whole point here. UNESCO is irrelevant in this whole issue.

Mr. Chairman, I yield the balance of my time to the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the committee.

Mr. HYDE. Mr. Chairman, I want to lend my unqualified support for the Tancredo amendment. There are one or two organizations in the world we do not have to join and do not have to subsidize to survive, and one is certainly UNESCO.

$65 million a year at least for 2 years takes money away from the World Health Organization, the Food and Agriculture Organization, things that are useful, that do have an agenda, that works for the people.

This money the State Department does not want, has not asked for it. If we go ahead with this, we are going to have to take something else.

We withdrew in 1984, and we have gotten along famously since then without this heavy subsidization to an organization whose aims are amorphous at best.

One of the things they do, I find this hard to believe, is they are engaged in a project of renovating downtown Havana. Now, that may be a wonderful thing if one lives in Havana, but I do not see why the taxpayers from my district should pay for something like that.

The sense of taking money away because of the Human Rights Commission and trusting it forward because someone thinks it is a good idea to belong to UNESCO does not make a lot of sense. I think we can save the $65 million. What a wonderful thing that would be.

We do not need to join UNESCO. Let those other countries that like that sort of thing do it. So I would support the Tancredo amendment with great enthusiasm.

Mr. LANTOS. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman for yielding me this time. Let me applaud both the chairman and the ranking member for bringing this important legislation to the floor of the House.

I think if one asks the American people, one will find out that the American people are concerned about world affairs; and to dismiss the myth, they are concerned and they want to be engaged.

So I come to the floor of the House to, first of all, support the United Nations and the fact that we are engaged, we are in conversation, we are speaking to individuals in countries that we heretofore have opportunity.

World peace is truly more viable than world war. I think it is important to support UNESCO. We need to understand what it does. It promotes free press. It promotes education. It only costs 25 cents per American. It allows us to promote the cultural values of these Nations and have the cultural exchange of these Nations.

And I believe that we should stand here today and acknowledge the importance of world affairs, the importance of America being engaged in world affairs, the importance of freedom, and the importance of the United Nations. And I hope as we do that, we will find that this Nation will get its seat on the Human Rights Commission and will lead out in world affairs in the 21st century.

Mr. Chairman, I rise to oppose the Tancredo amendment to H.R. 1646, the State Authorization Bill. This amendment would strike language in the bill directing the President to rejoin the United Nations Educational, Scientific, and Cultural Organization (UNESCO) and strike language authorizing payment of the U.S. assessed contribution to the organization.

I strongly urge you to vote “no” on the Tancredo amendment. It fails to recognize the great progress UNESCO has achieved in reforming its management and mission. It fails to appreciate the significant benefits Americans would enjoy with U.S. membership in UNESCO. And it fails to seize the opportunity to exercise American leadership and further our national interests.

When the United States withdrew from UNESCO in 1984 under Secretary of State George Shultz, I fully supported the decision, as did many of our Democratic and Republican colleagues. At the time, UNESCO was chronically mismanaged and corrupt, and had become a forum for spreading anti-American propaganda and suppressing free speech.

But since then, UNESCO has reinvented itself. Under the leadership of its new Director General, Koichiro Matsuura, UNESCO has adopted a culture of reform that has yielded concrete progress toward improving management, stamping out corruption, streamlining personnel, and putting the organization’s financial house in order. Today, UNESCO is an efficient and effective champion of free education and scientific collaboration worldwide.

This dramatic progress has not gone unnoticed. In 1993, the General Accounting Office (GAO) audited UNESCO and concluded that it had made “good progress toward implementing improvements and demonstrated a commitment to management reform.” And as a recent article appearing in the International Herald Tribune on the reverse side observes, UNESCO has overcome ideological divisions to forge a “new spirit of activism” that “aims to spread knowledge and preserve diversity.” In light of these changes at UNESCO, former Secretary of State Shultz, in a letter dated September 26 of last year, reversed his position and indicated his support for America’s re-entry into UNESCO. Secretary Shultz was one of those who advocate for U.S. withdrawal from UNESCO in 1984—and he is right to advocate U.S. reentry into UNESCO today.

Membership in UNESCO is clearly in U.S. National interests. As the Director of Central Intelligence George Tenet recently testified, this is the greatest threat to U.S. national security from abroad include instability caused by official corruption, endemic poverty, mass illiteracy, environmental disruptions, and the spread of infectious diseases. UNESCO addresses each of these emerging threats by promoting good government, universal education, sustainable development, and preventative disease control. U.S. membership in UNESCO will enable us to better combat the threats Americans face in the 21st century.

I urge my colleagues to vote “no” to the Tancredo amendment tomorrow and support strengthening America’s leadership role by rejoining UNESCO.

Mr. LANTOS. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I thank my friend for yielding me this time, and I rise in opposition to the Tancredo amendment.

Like the gentleman from California (Mr. LANTOS), I fully supported the decision to withdraw the U.S. from UNESCO because of its anti-American, anti-Western, and anti-Israeli stance. Today, however, UNESCO has reformed itself, improved its management, stamped out corruption, and put UNESCO’s financial house in order.

UNESCO is no longer the proponent of anti-Western propaganda it once was. It no longer espouses anti-U.S., anti-Israeli, and anti-Western rhetoric. And we can see today that UNESCO is an U.S. agency for spreading knowledge and preserving diversity.

May 10, 2001

CONGRESSIONAL RECORD — HOUSE

Mr. HYDE. Mr. Chairman, I thank the distinguished gentleman for yielding me this time, and I rise in opposition to the Tancredo amendment.

Like the gentleman from California (Mr. LANTOS), I fully supported the decision to withdraw the U.S. from UNESCO because of its anti-American, anti-Western, and anti-Israeli stance. Today, however, UNESCO has reformed itself, improved its management, stamped out corruption, and put UNESCO’s financial house in order.

UNESCO is no longer the proponent of anti-Western propaganda it once was. It no longer espouses anti-U.S., anti-Israeli, and anti-Western rhetoric. And we can see today that UNESCO is an U.S. agency for spreading knowledge and preserving diversity.
human rights, core U.S. interests, such as economic development and trade, and American values in every country. It is a tiny fraction, the $59.8 million, of what the U.S. spends on military expenditures when instability abroad escalates into conflict and refugee migrations. This is the purpose for which the U.S. founded UNESCO with its allies in 1945, conflict prevention, and that is why I think we should not support this amendment.

Mr. LANTOS. Mr. Chairman, I yield myself the balance of my time.

Mr. LEACH. Mr. Chairman, I rise in strong opposition to the Tancredo amendment, which would strike language in the bill urging the administration to rejoin the United Nations Educational, Scientific and Cultural Organization, and providing funding for that purpose. I commend the gentleman from Iowa, Mr. LEACH, for introducing the UNESCO provision into H.R. 1646 at the markup of the House Foreign Affairs Committee. I strongly agree with Mr. LEACH that UNESCO has undergone substantial reforms and made important changes to address the management problems and anti-American bias that existed when the U.S. withdrew in 1984. The reforms have been independently confirmed by a GAO study in 1993.

The 188-Member States of UNESCO pursue a common objective of contributing to peace and security internationally by promoting collaboration among nations through education, science, culture and communication. UNESCO’s global agenda addresses threats on the U.S., such as environmental crises and infectious disease, and promotes democratic values such as freedom of speech and press, universal education and human rights.

Mr. Chairman, now that UNESCO has been reformed, it is appropriate and in our national interest that the United States participate with this organization in pursuit of these worthy goals. I urge our colleagues to oppose the Tancredo amendment.

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

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

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

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) will be postponed.

SEQENTIAL VOTIONS POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments which further proceedings were postponed in the following order: amendment No. 1 offered by the gentleman from Texas (Mr. DELAY), amendment No. 2 offered by the gentleman from Illinois (Mr. HYDE), and amendment No. 3 offered by the gentleman from Colorado (Mr. TANCREDO).

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

AMENDMENT NO. 1 OFFERED BY MR. DELAY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. DELAY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignates the amendment.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 282, noes 137, answered “present” 1, not voting 11, as follows:

[Roll No. 106]

AYES—282

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Cunningham
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[House Votes]
The vote was taken by electronic device, and there were—aye 252, noes 165, answered “present”—1, not voting 13, as follows:

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The result of the vote was announced as above recorded. The Clerk redesignated the amendment.

The recorded vote has been demanded.

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. HYDE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—aye 252, noes 165, answered “present”—1, not voting 13, as follows:

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The result of the vote was announced as above recorded. The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—aye 252, noes 165, answered “present”—1, not voting 13, as follows:

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May 10, 2001

CONGRESSIONAL RECORD — HOUSE

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from Texas (Mr. ARMENY) to inquire about the schedule for next week.

Mr. ARMENY. Mr. Speaker, I thank the gentleman from Michigan (Mr. BONIOR) for yielding.

Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week. The House will meet next week for legislative business on Tuesday, May 15 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, including the following bills: H.R. 1727, the Fallen Hero Survivor Benefit Act; and H.R. 586, the Foster Care Promotion Act.

A complete list of suspensions will be distributed to Members' offices tomorrow.

On Tuesday, no recorded votes are expected before 6 p.m.

On Wednesday and the balance of the week, the House will consider the following measures: Continued consideration of H.R. 1464, the State Department Authorization Act; H.R. 622, the Hope for Children Act; and H.R. 1, the No Child Left Behind Act.

Members should note that given the busy schedule expected for next week on many important pieces of legislation, votes on Friday, May 18, are expected in the House, as was outlined in the House schedule distributed to all Members at the beginning of the year.

Mr. BONIOR. Mr. Speaker, may I ask the gentleman from Texas (Mr. ARMENY) on what day he expects the education bill to come before us?

Mr. ARMENY. Mr. Speaker, will the gentleman from Texas (Mr. ARMENY) yield to the gentleman from California?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMENY. Mr. Speaker, I believe the gentleman asked about the education bill. The education bill, we should expect to have a floor consideration of that on the floor on Thursday at the earliest. I believe the Committee on Education and Labor will be making an announcement that the Members should file amendments with the committee no later than noon on Tuesday, May 15.

Mr. GEORGE MILLER of California. Mr. Speaker, will the gentleman yield?

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

Mr. GEORGE MILLER of California. Mr. Speaker, if I may ask the majority leader a question about the committee during the deliberations on H.R. 1, the education bill. During the consideration of H.R. 1, the education bill, in the committee a number of Members on both sides of the aisle will have amendments during that consideration on the assumption that they would then be able to have an opportunity to offer those amendments on the floor.

I have been having Members ask me all day about potential amendments. Has the gentleman considered the amendment with the Committee on Rules on the kind of rule, the time that might be allotted to this legislation?
Mr. ARMEY. Mr. Speaker, will the gentleman yield?
Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, first of all, I would like to thank the gentleman from California (Mr. George Miller) for the inquiry. Let me just say that the only condition, I believe, that the Committee on Rules has indicated now is the preprinting requirement, filing requirement, for Tuesday, May 15. Obviously, this legislation is a matter of enormous consequence on both sides of the aisle, and I can only say that I know of no predisposition on the part of the Committee on Rules to lack generosity, nor certainly any disposition on the part of the leadership to encourage that. So I would just encourage the gentleman that we ought to just go forward and make our case before the committee with the expectations of fair consideration.

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

Mr. BONIOR. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Speaker, I thank the gentleman from Michigan (Mr. Bonior) for yielding.

Mr. BONIOR, as the gentleman from California (Mr. George Miller) mentioned, during the committee process certain numbers of Members did withhold amendments. We told them we would try, in fact, to work with them as we did. I would suggest to my colleague from California that we have worked together closely through the committee process, and as the Committee on Rules is doing the deliberations on the rule I would continue to work closely with the gentleman.

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

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, if I may, I would encourage then perhaps the chairman and the ranking member might get together and see what recommendations they together might make before the Committee on Rules.

Mr. BONIOR. Does the gentleman from Texas (Mr. Arney) anticipate any late nights next week?

Mr. ARMEY. Mr. Speaker, I thank the gentleman again for his inquiry. I suppose one would realistically expect that a late night would be possible on Wednesday evening. Since there is a most high probability of working on Friday and a sense of desire to complete the work on the education bill, one could anticipate some late night work on Thursday night as well.

Mr. BONIOR. When can we expect the reconciliation bill on taxes to come to the floor?

Mr. ARMEY. Mr. Speaker, again, I thank the gentleman for his inquiry. I must say right now I have no insight to give California (Mr. George Miller) but it is our hope to complete that before the Memorial Day recess, but as of this moment we wait upon the Senate. We can only give the gentleman further advice as we know more.

Mr. BONIOR. I thank the gentleman from Texas (Mr. Arney).

ADJOURNMENT TO MONDAY, MAY 14, 2001

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

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

There was no objection.

HOUR OF MEETING ON TUESDAY, MAY 15, 2001

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on May 14, 2001, it adjourn to meet at 12:30 p.m. on Tuesday, May 15, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. 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 Texas?

There was no objection.

HAPPY MOTHER’S DAY

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that it be the will of this House that every mother in America have a wonderful weekend.

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

There was no objection.

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute requests.

GOOD-BYE TO FRIEND JENNIFER BYLER AND HER DAUGHTER SARAH

(Mrs. Jo Ann Davis of Virginia asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that it be the will of this House that every mother in America have a wonderful weekend.

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

There was no objection.

FREE AND FAIR ELECTIONS ARE STILL A HALLMARK OF DEMOCRACY

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

Mr. HYDE. Mr. Speaker, free and fair elections are still a hallmark of democracy. Those countries which still harbor Communist regimes can look with envy upon Italy, where within 7 days...
the electorate will choose its national leadership in a free and fair election. I would like to congratulate in advance all those who worked so hard to make democracy in Italy a reality.

FRED WILLICH, OUTSTANDING SMALL BUSINESSMAN FROM KANSAS

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

Mr. RYUN of Kansas. Mr. Speaker, as we observe the National Small Business Week, I would like to take this opportunity to recognize an outstanding small businessman from Kansas.

Fred Willich is the founder and president of an interior design company in Manhattan, Kansas, called Hi-Tech Interiors. Fred has exemplified the true character of an entrepreneur. When he started his business, Fred utilized Kansas State University’s Small Business Development Center as a resource in his community. Then Fred gave back to his community in times that were difficult.

Because of this, Fred has been named the Kansas Small Businessman for the year 2001.

Our country was founded by entrepreneurs who believed in hard work, creativity, and the free enterprise system. Fred has built on this American spirit of success through his ownership of an American small business. He should be a role model for all of us.

CONGRATULATIONS TO WILLIAM K. HURT, SMALL BUSINESS WEEK’S WINNER IN COLORADO

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

Mr. HEFLEY. Mr. Speaker, as the previous speaker just said, this week small business owners are recognized for their personal achievements and outstanding contributions to our communities.

Small businesses across America employ more than half of the country’s private workforce. The contributions of small businesses impact our Nation’s economy greatly, and small business owners deserve to be commended for their personal achievements as well as their contribution to society.

William K. Hurt, the owner of Shields Real Estate, is Colorado’s Small Business Week State Winner. Mr. Hurt is a deserving winner as he continues to make a significant contribution to our community and our economy.

Shields Real Estate is an excellent example of a successful small business in my hometown of Colorado Springs. The business was founded in 1983 in an atmosphere not already lacking in real estate companies; but through hard work, a keen eye for value, and the development of a full-service real estate firm with 22 full-time employees, Mr. Hurt is an outstanding example of an entrepreneur who is contributing to his local community. I applaud his accomplishments and am glad to recognize him for his contributions.

Small businesses are the backbone of our Nation’s economy. I hope that Congress will encourage the development and prosperity of small businesses.

SPECIAL ORDERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Mr. PAUL of Texas, speaking pro tempore, said:) I am anxious to present several amendments in dealing with especially the United Nations. Unfortunately, those amendments were not permitted.

The amendments that we are dealing with I see as being very small token efforts to improve the bill, but not really dealing with the essence of whether or not we should be in the United Nations or further funding the peacekeeping missions and doing many of the things that I believe sincerely should not be engaged in if we followed the Constitution, and many Americans agree with this.

I think we are at a point now where a growing number of Americans feel like we are not getting a fair shake from the United Nations. I have been preaching this message for quite a few years, but I believe the United Nations itself is starting to make my point.

Just recently, in the last week, the United States was kicked off the Human Rights Commission, as well as the International Control Board. This is an affront to our dignity and ought to point out to us that, although we pay the largest amount of money for peacekeeping missions and the largest amount of dues, here it is today because there is disagreement, we are humiliated by being kicked off these commissions.

I do not see the benefits of belonging to the United Nations. I see too many disadvantages. It is like we are trying to bring people together, that would be one thing; but we have gone to an extreme. This is an extreme position, as far as I am concerned, to belong to the United Nations and deliver so much of our sovereignty to the United Nations today.

Essentially since World War II, we have gone to war under U.N. resolutions. No longer does the President come to the Congress and ask for a declaration of war. The United Nations resolutions are passed, and we send our troops throughout the world fighting and being engaged in war. That is not the way it is supposed to be. The Constitution is very clear on when we should be involved in war.

The conditions are not improving at all. They are asking for more and more funding. At the same time we sacrifice more and more of our sovereignty. On occasion we will stand up and say no, we do not want to participate in the Kyoto treaty or the International Criminal Court, and that is good. But the whole idea of this world government under the United Nations I think is something we should really challenge.

Just January of this past year, it was noted that the United Nations proposed for the first time, although not really passed, that we have an international tax plan to raise billions of dollars to be spent for international activities. Now, you say well, that is probably just a proposal and it will never happen. But even today, in Bosnia, the United Nations peacekeepers are being engaged in war, and they are asking for more and more money, and ought to point out to us that, although our sovereignty is starting to make my point.

I would like to congratulate in advance all those who worked so hard to make democracy in Italy a reality.
there collecting taxes. So it is already happening that we are involved in tax collecting.

I think that is the wrong way to go, and certainly we should be considering slashing these funds, I would like to have seen the removal of all the funds for peacekeeping missions. There is no national sovereignty reasons why we should put American troops under U.N. command in areas like Bosnia. I think that is the wrong way to go, I do not think the American people support this, and that we should all reconsider our position and our relationship in the United Nations.

There are hundreds of millions of dollars here for population control around the world. Some would say, well, as long as we write some little sentence in here and say “please do not use any of the money for abortion,” that will alleviate their conscience about sending tax dollars over to do abortions in places like China and other places in the world. Well, that does not work, because all funds are fungible. Funds can be shifted around. If we send the money, it can be used. If we specifically say “do not use them,” they can just shift the funds around, so I see that as not being a very good idea.

I would like to strike all the funds for population control. If we feel compelled to help other countries and teach them about birth control, it will allow them to shift the funds around, so I see that as not being a very good idea.

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

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

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to: (The following Members (at the request of Mrs. Davis of California) to revise and extend their remarks and include extraneous material.)

Ms. Norton, for 5 minutes, today.

Mr. DeFazio, for 5 minutes, today.

Mr. Pallone, for 5 minutes, today.

Mr. Davis of Illinois, for 5 minutes, today.

Mr. Shows, for 5 minutes, today.

Mr. Bentsen, for 5 minutes, today.

The following Members (at the request of Mr. Paul) to revise and extend their remarks and include extraneous material.:

Mr. Paul, for 5 minutes, today.

Mr. Horn, for 5 minutes, today.

Mr. Jones of North Carolina, for 5 minutes, today.

Mr. Burton of Indiana, for 5 minutes, today.

ADJOURNMENT

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

The motion was agreed to: accordingly (at 2 o’clock and 36 minutes p.m.), under its previous order, the House adjourned until Monday, May 14, 2001, at 2 p.m.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred to as follows:

1849. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Walter H. Crane, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.


1851. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Robert E. Crippen, U.S. Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

1852. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Walter S. Hogle, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

1853. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Department's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Determination of Risks; and Payment of Benefits—received April 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.


1855. A letter from the Deputy Secretary, Department of Defense, transmitting a report entitled, "Installation First Responder Preparedness," as required by Section 1831 of the Floyd D. Spence National Defense Authorization Act for FY 2001; to the Committee on Armed Services.

1856. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Department's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Determination of Risks; and Payment of Benefits—received April 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1857. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into pursuant to 5 U.S.C. 112(b)(a); to the Committee on International Relations.

1858. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the designation of certain organizations as "foreign terrorist organizations"; to the Committee on International Relations.

1859. A communication from the President of the United States, transmitting the First Annual Report of the Convention Against Corruption; to the Committee on International Relations.

1860. A letter from the Executive Director, Committee on Foreign Relations, to the Committee for Persons Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions to and Deletions from the Procurement List—received May 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1861. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's second annual performance report for FY 2000; to the Committee on Government Reform.

1862. A letter from the Assistant General Counsel, National Archives and Records Administration, transmitting the Administration's final rule—John F. Kennedy Assassination Records Review Board; to the Committee on Government Reform.


1864. A letter from the Assistant Acting Attorney General, Department of Justice, transmitting a report regarding the results of a study on the impact of the Twenty-First Amendment Enforcement Act, which Congress passed in 2001, on the victims of Trafficking and Violence Protection Act of 2000; to the Committee on Judiciary.


1867. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS–350B, BA, B1, B2, and D; and AS–355E, F, F1, P2, and N Helicopters [Docket No. 2000–70–001 FR] (RIN: 2120–AA01) received April 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.
Committee on Transportation and Infrastructure.  

1878. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Committee's final rule—Standards for Durable Medical Equipment, Prospective Payment System for Medicare Part B, Final Rule (Docket No. 99-2559; RIN: 0935-AG74) received April 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Committee on Transportation and Infrastructure.  

1879. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Committee's final rule—Standards for Durable Medical Equipment, Prospective Payment System for Medicare Part B, Final Rule (Docket No. 99-2559; RIN: 0935-AG74) received April 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Committee on Transportation and Infrastructure.  

1880. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Committee's final rule—Standards for Durable Medical Equipment, Prospective Payment System for Medicare Part B, Final Rule (Docket No. 99-2559; RIN: 0935-AG74) received April 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Committee on Transportation and Infrastructure.  

1881. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Committee's final rule—Standards for Durable Medical Equipment, Prospective Payment System for Medicare Part B, Final Rule (Docket No. 99-2559; RIN: 0935-AG74) received April 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Committee on Transportation and Infrastructure.  

1882. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, transmitting the Committee's final rule—Review of Benefit Claims Decisions (RIN: 0935-AG74) received May 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Committee on Transportation and Infrastructure.  

1883. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, “Evaluation of Medicare’s Competitive Bidding Demonstrations for Durable Medical Equipment, Prosthetics, Orthotics and Supplies”: jointly to the Committee on Ways and Means and Energy and Commerce.  

TIME LIMITATION OF REFERRED BILL  

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:  

H. 1088. Referral to the Committee on Government Reform extended for a period ending not later than May 18, 2001.  

PUBLIC BILLS AND RESOLUTIONS  

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:  

By Mrs. MORELLA (for herself, Mr. GOODLIEF, Ms. BARTLETT, Mr. CANTOR, Mr. TOM DAVIS of Virginia, Mr. SCHROCK, Mr. MORAN of Virginia, Mrs. J O ANN DAVIS of Virginia, Mr. WOLF, Mr. SCOTT, and Mr. BOUCHER):  

H.R. 1799. A bill to designate a United States Post Office located in Nathalie, Virginia, as the “Lewis F. Payne United States Post Office Building”.  

By Mr. KIND (for himself, Mr. LEACH, Mr. GILCHREST, Mr. EVANS, Mr. NUSSELE, Mr. PETZEN of Minnesota, Mr. BRIDWELL, Mr. BLUMENAUER, Mr. KILDRE, Ms. BALDWIN, Mr. SMITH of Washington, Mr. PALLONE, Mr. LUTHER, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Mr. DEFAZIO, Mr. MANZULLO, Mr. TANNER, Mr. PETRI, and Mr. FORD):  

H.R. 1600. A bill to establish the Upper Mississippi River Stewardship Initiative to monitor and reduce sediment and nutrient loss in the Upper Mississippi River; to the Committee on Agriculture, and in addition to the Committee on 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. GOODE (for himself, Mr. GOODLIEF, Mr. CANTOR, Mr. TOM DAVIS of Virginia, Mr. SCHROCK, Mr. MORAN of Virginia, Mrs. J O ANN DAVIS of Virginia, Mr. WOLF, Mr. SCOTT, and Mr. BOUCHER):  

H.R. 1795. A bill to require the imposition of sanctions with respect to the Palestinian Liberation Organization (PLO) or the Palestinian Authority if the President determines that these entities have not complied with certain commitments made by the entities, and for other purposes; to the Committee on International Relations.  

By Mr. BLUMENAUER:  

H.R. 1796. A bill to amend the Internal Revenue Code of 1986 to treat charitable remainder per stirres in a similar manner as charitable remainder annuity trusts and charitable remainder unitrusts; to the Committee on Ways and Means.  

By Ms. DUNN:  

H.R. 1797. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for qualified energy management devices, and for other purposes; to the Committee on Ways and Means.  

By Ms. DUNN (for herself, Mr. ERIHLS, Mr. McDERMOTT, and Mr. RAMSTADT):  

H.R. 1798. A bill to amend title XVIII of the Social Security Act to establish procedures for obtaining parte for new clinical diagnostic laboratory tests for which payment is made under the Medicare Program; 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. GOODE (for himself, Mr. GOODLIEF, Mr. CANTOR, Mr. TOM DAVIS of Virginia, Mr. SCHROCK, Mr. MORAN of Virginia, Mrs. J O ANN DAVIS of Virginia, Mr. WOLF, Mr. SCOTT, and Mr. BOUCHER):  

H.R. 1799. A bill to designate a United States Post Office located in Nathalie, Virginia, as the “Lewis F. Payne United States Post Office Building”.  

By Mr. KIND (for himself, Mr. LEACH, Mr. GILCHREST, Mr. EVANS, Mr. NUSSELE, Mr. PETZEN of Minnesota, Mr. BRIDWELL, Mr. BLUMENAUER, Mr. KILDRE, Ms. BALDWIN, Mr. SMITH of Washington, Mr. PALLONE, Mr. LUTHER, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Mr. DEFAZIO, Mr. MANZULLO, Mr. TANNER, Mr. PETRI, and Mr. FORD):  

H.R. 1600. A bill to establish the Upper Mississippi River Stewardship Initiative to monitor and reduce sediment and nutrient loss in the Upper Mississippi River; to the Committee on Agriculture, and in addition to the Committee on 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. GRANGER:  

H.R. 1801. A bill to designate the United States courthouse located at 501 West 10th Street in Fort Worth, Texas, as the “Eldon B. Mahon United States Courthouse”; to the Committee on Transportation and Infrastructure.  

By Mr. HERGER (for himself, Mr. JEPFEN, and Mr. ENGLISH):  

H.R. 1602. A bill to amend the Internal Revenue Code of 1986 to modify the depreciation of property used in connection with electricity; to the Committee on Ways and Means.  

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By Mr. HINCHHEY:
H. R. 1803. A bill to provide for public library construction and technology enhancement; to the Committee on Education and the Workforce.

By Mr. HINCHHEY:
H. R. 1804. A bill to require Medicare providers to disclose publicly stated performance in order to promote improved consumer information and choice; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUTCHINSON (for himself, Mr. HOLDEN, Mr. BURK of North Carolina, Mr. MORA of Virginia, Mr. CHABOT, Mr. MURPHY of California):
H. R. 1805. A bill to provide small businesses certain protections from litigation excesses and to limit the product liability of nonmanufacturer product sellers; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Rhode Island (for himself, Mr. CUMMINGS, Ms. MCCOLLUM, Mr. HASTINGS of Florida, Ms. BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. CLAY, Mr. BUTZEL, Mr. BALDWIN, Ms. STRICKLAND, Mr. MCKINLEY, Mr. RANGEL, Mr. DELAHUNT, Mr. BERMAN, Mr. MCGOVERN, Mr. HILLARD, Mr. PAYNE, Mr. Wynn, Mr. LANDESKOG, Mr. MURPHY of Mississippi, Mr. YORK, Mr. LANGOWN, and Mr. OWENS):
H. R. 1806. A bill to provide for the adjustment of the national defense to the phaseout of certain ships and aircraft to that of lawful permanent residence; to the Committee on the Judiciary.

By Mr. KOLBE:
H. R. 1807. A bill to establish the High Level Commission on Immigrant Labor Policy; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, 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 Mrs. MALONEY of New York (for herself and Mr. QUINN):
H. R. 1808. A bill to amend title 38, United States Code, to provide housing loan benefits for the purchase of residential cooperative apartment units; to the Committee on Veterans Affairs.

By Mrs. MALONEY of New York (for herself, Mr. KELLY, Mr. RANGEL, Mr. GILMAN, Mr. BONIOR, Mr. QUINN, Mr. McGovern, Mr. SMITH of New Jersey, Ms. PELosi, Mrs. MORELLA, Mr. TOWNS, Mr. Wynn, Mr. Oberstar, Ms. MINK of Hawaii, Ms. WOOLSEY, Mr. HELMS, Mr. GONZALEZ, Mr. LANGOWN, Mrs. THURMAN, Ms. MILLINDER-McDONALD, Mr. HASTINGS of Florida, Ms. LEE, Mr. HILLARD, Mr. LEWIS of Georgia, Mr. LANTOS, Mr. CUMMINGS, Mr. WEXLER, Ms. JACKSON-LEE of Texas, Mrs. TAUSCHER, Mr. CAPUANO, Ms. HARMAN, Mr. NEKES of New York, and Mr. KILDEE):
H. R. 1809. A bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage of cancer screening; to the Committee on Education and the Workforce, and in addition to the Committee on Education and the Workforce, Ways and Means, 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. MCGOVERN (for himself, Mr. SCARBOROUGH, Mr. MOAKLEY, Mrs. MORELLA, Mr. SHAYS, and Mr. EVANS):
H. R. 1810. A bill to repeal the statutory authority for the Western Hemisphere Institute for Security Cooperation (the successor institution to the United States Army School of the Americas) in the Department of Defense, to provide for the establishment of a joint congressional committee to conduct an assessment of the kind of education and training that is appropriate for the Department of Defense to provide to military personnel of Latin American nations, and for other purposes; to the Committee on Armed Services.

By Mr. McNINIS:
H. R. 1811. A bill to provide permanent funding for the payment in lieu of taxes program, and for other purposes; to the Committee on Armed Services.

By Mr. MENENDEZ (for himself, Mr. BONIOR, Mr. FROST, Mr. Etheridge, Mr. BALDacci, Mr. BENZSEN, Mr. GORDON, Mr. DOLAN, Mr. WOOLSEY, Mr. DeFazio, Mr. EVANS, Mr. HOPFEL, Mr. JACKSON-LEE of Texas, Mr. MCGOVERN, Ms. McCARTHY of Pennsylvania, Mr. BETZ, Ms. HOOLEY of Oregon, Mr. STRICKLAND, and Ms. SCHAKOWSKY):
H. R. 1812. A bill to require programs that enhance school safety for our children; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, 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. MORAN of Kansas:
H. R. 1813. A bill to amend title 10, United States Code, to revise the rules under the military Survivor Benefit Plan for termination of an annuity paid to a surviving spouse upon remarriage before age 55; to the Committee on Armed Services.

By Mr. OLIVER (for himself, Ms. DELAURO, Mr. LARSON of Connecticut, Mrs. JOHNSON of Connecticut, Mr. NEAL of Massachusetts, and Mr. MALONEY of Connecticut):
H. R. 1814. A bill to amend the National Trails System Act to designate the Metacomet-Monadnock-Sunapee-Mattabesett Trail extending through western New Hampshire, western Massachusetts, and central Connecticut for study for potential addition to the National Trails System; to the Committee on Resources.

By Mr. OLIVER (for himself, Mr. GILCHREST, Mr. INSLEE, Mr. JOHNSON of Connecticut, Ms. LOPFREN, Mr. BOSELEHT, Mr. UDALL of Colorado, Ms. SOUTHWICK, and Ms. CHADWICK):
H. R. 1815. A bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks; to required fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight; to raise the fuel economy of the Federal fleet of vehicles, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAYNE:
H. R. 1816. A bill to amend the Federal Food, Drug, and Cosmetic Act to safeguard public health and provide to consumers food that is safe, unadulterated, and honestly presented; to the Committee on Energy and Commerce.

By Mr. PALLONE:
H. R. 1817. A bill to establish a comprehensive program to ensure the safety of food products intended for human consumption which are regulated by the Food and Drug Administration; to the Committee on Energy and Commerce.

By Mr. PETERSON of Minnesota (for himself and Mr. DELAHUNT):
H. R. 1818. A bill to amend title 22, United States Code, to eliminate authority for employment and for employees and agents of the United States to assist foreign countries in interception of aircraft suspected of drug-related operations; to the Committee on International Relations.

By Mr. SHOWS (for himself, Mr. BALDWEN, Mr. BARCIA, Mr. BONIOR, Mr. BOWSHELL, Mr. BOUCHER, Mr. BOYD, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. BURR of North Carolina, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Ms. CLAYTON, Mr. CONDIT, Mr. CONVERSE, Mr. COSTELLO, Mr. CRAMER, Mr. DAVIS of Illinois, Mr. DeFazio, Mr. EVANS, Mr. FILNER, Mr. FRANK, Mr. GONZALEZ, Mr. GOOSE, Mr. HART, Mr. HINCHHEY, Mr. HINOJOSA, Mr. HOLDEN, Mr. JACKSON of Illinois, Ms. KAPITUR, Mr. Kildee, Ms. KILPATRICK, Mr. KUNICH, Mr. LA Tourette, Ms. LEE, Mr. LEWIS of Georgia, Ms. MCCARTHY of Missouri, Mr. MCGOVERN, Mr. MCKEEGH, Mr. MCKINLEY, Ms. MILLINDER-McDONALD, Mr. GROBOK MILLER of California, Mr. MURTHA, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEHER, Mr. ROWBOD, Mr. PALLONE, Mr. PICKERING, Mr. QUINN, Mr. REYES, Ms. ROS-LEHTINEN, Ms. ROYBAL-ALLARD, Mr. SANDERS, Mr. SPICKARD, Mr. STUPAK, Mr. TAYLOR of Mississippi, Mr. THOMPSON of Mississippi, Mrs. THURMAN, Mr. TURNER, Mr. VELAZQUES, Mr. WITHEF, and Ms. WOOLSEY):
H. R. 1819. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives and job training grants for communities affected by the migration of businesses and jobs to Canada or Mexico as a result of the North American Free Trade Agreement; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, 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. SNYDER:
H. R. 1820. A bill to amend the Defense Base Closure and Realignment Act of 1990 to authorize an additional round of military base closures and realignments; two-step process that first identifies those military bases that may not be considered for closure or realignment; to the Committee on Armed Services, and in addition to the Committee on Rules, 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. THUNE (for himself and Mrs. COLEMAN):
H. R. 1821. A bill to amend the Internal Revenue Code of 1986 to reestablish the marketing cost of farmers, in relation to adding value to a farmer's product by feeding it to animals and selling the animals and to grant a de minimis judgment to the extent relating to the organization of farmers' cooperatives; to the Committee on Ways and Means.
H.R. 665: Mr. Moore.
H.R. 674: Mr. Biondi.
H.R. 678: Mr. Blunt.
H.R. 687: Mr. Carson of Oklahoma and Mr. Wyatt of North Carolina.
H.R. 727: Mr. McHugh, Mr. Towns, Mr. Hoeffel, Mr. McIntyre, Mr. Gonzalez, and Mr. Owens.
H.R. 786: Mr. Delahunt.
H.R. 817: Mr. Gillmor.
H.R. 823: Mr. Jefferson of Texas.
H.R. 831: Ms. Velazquez, Mr. Upton, Mr. Hoeffel, Mr. Manzullo, Mr. Langevin, Mr. Tanner, Mr. Tierney, Mr. Udall of Colorado, Mr. Woolsey, Mrs. Kelly, Ms. McCarthy of Missouri, Mr. Rogers of Michigan, Mr. Kennedy of Minnesota, Mr. Putnam, Mr. Tom Davis of Virginia, Mr. Hastings of Washington, Mr. Kennedy of Rhode Island, Mr. Cantor, Mr. Sensenbrenner, Mr. Mascolo, Mr. LoBiondo, Mr. Pryce of Ohio, Mr. Graves, Mr. Kildee, Mr. Quinn, Mr. Gavelsky, and Mr. Sweeney.
H.R. 848: Mr. Schiff, Mr. Cramer, Mr. Ney, Ms. Jackson-Lee of Texas, Mr. Kucinich, Mrs. Morella, Mr. Mascara, and Mr. Clay.
H.R. 912: Mr. Nethercutt and Mr. Meekhan.
H.R. 933: Mr. Tieneye.
H.R. 938: Ms. McKinney, Mr. Lee, Ms. Eshoo, Ms. Eddie Bernice Johnson of Texas, Mr. Delahunt, Mr. Tierney, and Mr. Filner.
H.R. 951: Mr. Souder, Mr. Rogers of Michigan, Mr. Kildee of Michigan, Mr. and Mr. Enderle of Hawaii, Mr. Weller, Mr. Tancredo, Mr. Simpson, and Mr. Blunt.
H.R. 963: Mr. Balcerski.
H.R. 967: Ms. Delauro, Mr. Platts, Ms. Woolsey, Ms. Norton, Mr. Greenwood, Mr. Souder, Mr. Borski, and Ms. Kilpatrick.
H.R. 994: Mr. Lantos.
H.R. 1020: Mr. LaHood, Mr. Oberstar, Mr. Meré of New York, and Mr. Gillum.
H.R. 1024: Mr. Higgin, Mr. DeFazio, Mr. Simmons, Mr. McNulty, Mr. Otter, Mr. Mabry, Mr. Clay, Mr. Weller, Mr. Cooksey, Mr. Duncan, Mr. Graves, and Mr. Nethercutt.
H.R. 1026: Mr. McCarthy of Missouri.
H.R. 1035: Mr. Boucher, Mr. Wolf, and Mr. Schiff.
H.R. 1036: Ms. Baldwin, Mr. DeFazio, Mr. Maloney of Connecticut, Mr. McGovern, Mr. Udall of Colorado, Mr. Capuano, Mr. Crowley, Mr. Pomeroys, Mr. Paschell, Mr. Holden, Mr. Brandy of Pennsylvania, Mr. Hoeffel, Mr. Inslee, Mr. Weiner, Mr. Larson of Connecticut, Mr. Smith of Washington, Mr. Moore, Ms. Schakowsky, Mr. Waxman, Mr. Berman, Mr. Rodriguez, Mr. Pelosi, Mr. Peice of North Carolina, Ms. Jackson-Lee of Texas, Mr. Frank, Mr. Hill, Mr. Davis of Illinois, Mr. Clayton, Ms. Millender-McDonald, Ms. Slaughter, Mr. Sanders, Mr. Nadler, Mr. Israel, Mr. Carson of Oklahoma, Mr. Murtha, Mr. Blumenauer, Mr. Delahunt, Mr. Etheridge, Mr. Clay, Mr. Stark, Mr. Reyes, Mr. Underwood, Mr. Bishop of California, Mr. Hoeffel, Mr. Inslee, Mr. Schiff, Mr. Breyer, Mr. Udall of New Mexico, Mr. Gonzalez, Mr. Lewis of Georgia, Mr. Blagoyiv, Mr. Larson of Washington, Ms. DeGette, and Mrs. Capps.
H.R. 1071: Mr. Baldacci, Ms. Baldwin, Mrs. Christensen, Mr. Frank, Mr. Kilpatrick, and Mr. Thomas of Mississippi.
H.R. 1093: Mrs. Thurman and Mr. Hayes.
H.R. 1104: Mrs. Thrum and Mr. Hayes.
H.R. 1121: Mr. Rehberg.
H.R. 1143: Mr. Wynn, Ms. Pelosi, and Mr. Kilpatrick.
H.R. 1155: Mr. Gibbons, Mr. Hulsey, Mr. Larson of Connecticut, and Ms. Eshoo.
H.R. 1170: Mr. Strickland and Mr. Baldacci.
H.R. 1171: Mr. Terry and Mr. Latham.
H.R. 1181: Mrs. Roukema.
H.R. 1230: Mr. Souder and Mr. Combest.
H.R. 1236: Ms. McCarthy of Missouri.
H.R. 1265: Mr. Bereuter, Mr. Olver, Ms. McGovern, Ms. Lee, Mr. Allen, Mr. Sanders, Mr. McDermott, and Mr. Reiber.
H.R. 1290: Ms. Kilpatrick.
H.R. 1293: Mr. Crowley.
H.R. 1291: Mr. Tiahrt and Mr. Edwards.
H.R. 1296: Mr. Ney, Mr. Sessions, Mr. Turner, Mr. Putnam, Mr. Thompson, and Mrs. Green of Texas.
H.R. 1305: Mr. Pence and Mr. Upton.
H.R. 1335: Ms. Solis and Mr. McGovern.
H.R. 1354: Mr. Hall of Ohio and Mr. Meeks of New York.
H.R. 1360: Ms. Woolsey and Mr. Baird.
H.R. 1400: Mr. Boswell.
H.R. 1401: Mr. Gonzalez, Mr. Dooley of California, Mr. Tancredo, and Mrs. Emerson.
H.R. 1406: Mr. Engel, Ms. Carson of Indiana, Mr. Gonzalez, and Mr. Hastings of Florida.
H.R. 1414: Mr. Ose, Mr. Baker, and Mr. Norwood.
H.R. 1494: Mr. Frank.
H.R. 1509: Mr. Gonzalez, Mr. Underwood, Mr. Petchy of Ohio, and Mr. Welch.
H.R. 1511: Mr. Pickering, Mr. Doolittle, Mr. Taylor of Mississippi, and Mr. Smith of New Jersey.
H.R. 1541: Mr. Snyder, Mr. Edwards, and Mr. Holden.
H.R. 1545: Mr. Hinchey and Mr. Coksrey.
H.R. 1597: Ms. Woolsey, Mr. Paschell, and Ms. Carson of Indiana.
H.R. 1598: Mr. Snyder.
H.R. 1600: Ms. Kilroy, Mr. Frank, Ms. Waters, Mr. Sweeney, and Mr. Moore.
H.R. 1601: Mr. Watkins, Mr. Barr of Georgia, and Mr. Jenkins.
H.R. 1602: Mr. Boren, Mr. Norwood, Mr. Barr of Georgia, and Mr. DeMint.
H.R. 1611: Mr. Otter, Mr. Sessions, and Mr. Foley.
H.R. 1623: Mr. Isakson, Mr. Corle, Mr. Callahan, Mr. Spratt, and Mr. Norwood.
H.R. 1624: Mr. Bonior, Mr. Lucas of Oklahoma, Mr. Owens, Ms. Eshoo, and Mr. Barrett.
H.R. 1636: Mr. Gutknecht.
H.R. 1642: Mr. LaFalce, Mr. Jackson of Illinois, Mr. Meeks of New York, Mr. Meek of Florida, Ms. Millender-McDonald, and Mr. Leach.
H.R. 1650: Mr. Frank, Mrs. Mink of Hawaii, Mr. Bonior, and Ms. Norton.
H.R. 1666: Mr. Lofgren.
H.R. 1669: Mr. Rangel, Ms. Kilpatrick, Ms. Lee, Mr. Clay, Mr. Conyers, and Mr. Paul.
H.R. 1696: Mrs. Roukema, Mr. Isakson, and Mr. Boehlert.
H.R. 1716: Mr. Horn, Mr. Frank, and Mr. Frank.
H.R. 1750: Ms. Carson of Indiana, Mr. McGovern, and Mr. Stupak.
H.R. 1755: Mr. Carson of Indiana, Mr. McGovern, and Mr. Stupak.
H.R. 1776: Mr. Bentsen, Ms. Jackson-Lee of Texas, and Mr. Lampson.
H.R. 1786: Mr. Boyd, Mr. Hinchey, and Mr. Hilliard.
H.Con. Res. 56: Mr. Dingell, Mr. Young of Florida, Ms. Waters, Mr. McHugh, and Mr. Nussle.
H.Con. Res. 104: Mr. Mascara, Mr. Wolf, and Ms. Solis.
DELETION 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. 1271: Mr. Davis of Illinois.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk’s desk and referred as follows:

The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 162 petitioning the United States Congress to condemn the invitation extended by President George W. Bush to Ian Paisley and the anti-Catholic rhetoric that Ian Paisley espouses; and that the Legislature reaffirms its support for peace and freedom in Northern Ireland; to the Committee on International Relations.
The Senate met at 9:30 a.m. and was called to order by the Honorable MIKE CRAPO, a Senator from the State of Idaho.

The PRESIDING OFFICER. Today’s prayer will be offered by our guest Chaplain, the Reverend John Johnson, First Presbyterian Church, Merrillville, IN.

PRAYER

The guest Chaplain, Rev. John Johnson, offered the following prayer:

God Almighty, Creator of all that is, our Maker, Redeemer and Sustainer, and Lord of this great Nation, we give You thanks for and ask Your blessings upon these men and women whom You have called as Senators to serve You and us, Your people.

We ask that You be with them in that role, inspire them to seek to do not what is popular and easy but what is just and right in Your eyes. May Your Spirit inspire them to do as You would have them do in jobs that ask so much of mere mortals. In all they do, may we be privileged to see their love for truth, justice, compassion, liberty, and peace.

Lord God, we are mindful of the human cost that each bears by being a Senator. Each is first and foremost a child of God, and to be true to You, we offer sincere and honest prayers for the personal well-being of each Senator. Bless each in home and family; help each to know that when pummeled by critics or pressure, by turning to You, all may know the peace, tranquility, and comfort of a loving God.

We pray all this to You whose love is not limited but is for all Your children. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO 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.

APPONTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MIKE CRAPO, a Senator from the State of Idaho, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. CRAPO thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore reserved leadership time.

The PRESIDING OFFICER. The Chair appoints the Honorable MIKE CRAPO to perform the duties of the Chair.

Mr. LUGAR. Mr. President, I have the privilege of welcoming to our guest Chaplain, the Reverend John Johnson. We are indeed fortunate to have Reverend Johnson with us today. He is a true Renaissance man and public servant. He brings to us his vast experience, not only in the ministry, but also in academia, business, law, and volunteerism.

Reverend Johnson has a master's degree in physics. He studied as a Churchill Scholar at Cambridge University in England. He has a Juris Doctor degree from the University of Chicago. And he has had a successful business career, creating a leading technology company.

Not content to stop there, Reverend Johnson earned his Master's of Divinity degree in 1997 and now is ordained as a minister in the Presbyterian Church. Reverend Johnson currently serves as interim minister at the First Presbyterian Church in Merrillville, Indiana.

Amidst these multiple careers he even found time to run for the U.S. House of Representatives in 1990 from Indiana’s Fifth District and for the Indiana Republican gubernatorial nomination in 1992.

Reverend Johnson has remained active in the academic community, and he has generously volunteered his time to many organizations including the United Way Campaign, the YMCA, the Indiana Corporation for Science and Technology, and the Public Broadcasting System.

He is a dear personal friend. It is a privilege to thank him for joining us and for his inspiring words of prayer for us this morning.

Mr. BYRD. Mr. President, I join the Senator from Indiana in welcoming to the Senate the Reverend Mr. Johnson. We are grateful for his presence and for his prayer.

Tennyson said that more things are wrought by prayer than this world dreams of. And the Bible tells us that blessed is the Nation whose God is the Lord. Thank God for our forefathers who built this Nation on religious principles, who had faith in a higher power.

If Providence had designs for this country and its people, may we never get away from the offering of prayer in the opening of the two bodies of the legislative branch of government.

There are those in this country who would have us do away with that. May there always be men and women in this body and the other body who will stand for prayer, stand up for the Creator.

I haven’t seen Him, nor have I seen electricity. But I dare not put my finger in an open socket because I know it is there.

I thank the Senator for having his minister in our midst this morning.

*This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.*
Mr. BYRD. Mr. President, the Senate will soon vote on the conference report for the fiscal year 2002 budget resolution. I will vote against this conference report. This budget is a bad deal for America. It fails to address critical deficiencies in our Nation’s schools, our Nation’s drinking water and sewage systems, our Nation’s law enforcement, and energy independence. The list goes on and on like Tennyson’s brook—almost forever. Instead of addressing these deficiencies, instead of planning for the future, this is a budget resolution that places short-term, partisan political gratification ahead of the long-term needs of the Nation.

This Nation faces daunting challenges—if you drove just in this morning to work, or yesterday morning, you can see what I am talking about, the daunting challenges that confront this country on the highways—in the next two decades. We will continue increasing increasingly to face those daunting challenges.

The baby boom generation will begin to retire around the year 2008. That is not far away. Because of the demands of that generation, both the Social Security and Medicare trust funds are expected to be running in the red by 2016—15 years from now. Not a single dime—not one thin dime—is devoted to shoring up Social Security, and the resources allotted to Medicare and prescription drugs are totally inadequate.

We know that 75 percent of our Nation’s school buildings are inadequate to meet the needs of the Nation’s children. But how many dollars are devoted to building and renovating school buildings? How many dollars are devoted to making classrooms smaller? Zero. Zilch. Zip.

The American Society of Civil Engineers, earlier this spring, graded the Nation’s infrastructure. How did we do? Abysmal: D–; airports, D–; highways, D–; bridges, D–; schools, D–; transit, D–; drinking water, D. Overall, in 10 different categories, the Nation’s infrastructure received an average grade of D+. Now my old coal miner dad would have given me a good thrashing if I had brought home a report card with a D on it. I could have depended on that. Well, the dog must have eaten that report card. Our Nation’s infrastructure is not that I would not love to help you, but you are going to make it impossible. Those who vote for this conference report are going to make it impossible for me and for the Appropriations subcommittee ranking members to help you. Hear me: I would love to help you, but you are going to make it impossible when you vote for this conference report, because you are going to cut discretionary spending levels to the point that we cannot help you.

Again, for nondefense programs, the level provided in the conference report is $5.5 billion below the level necessary to keep pace just with inflation. This level will leave no resources for increases that we all recognize are necessary for education, for infrastructure, for research and development, and for the promotion of our energy independence. We have an energy shortage in this country right now—rolling brownouts. You are going to hear more about them. But what are we doing about it? We are not doing anything positively in this budget conference report. I will tell you what we are doing. We are cutting the moneys for basic research—fossil fuel research—into the ground. The increases being debated on the floor for elementary and secondary education cannot be fully funded. The resources levels provide for less than $13 billion above fiscal year 2001 for all nondefense programs. The elementary and secondary education

The ACTING PRESIDENT pro tempore. The distinguished acting majority leader.

SCHEDULE

Mr. LUGAR. Mr. President, I respond to the distinguished whip by saying that has been spoken for us.

May God add his blessings to the word that has been spoken for us.
President called this a "people's budget." Imagine that. The President called this a "people's budget." I would almost laugh out loud if it weren't so serious. Imagine that—the President calling this a "people's budget." Well, that may be true if your definition of "people's budget" is limited to those lucky individuals who receive six figure salaries. If you limit "the people" in your State to those who are spending their mornings sipping Starbucks coffee and perusing the Wall Street Journal to check on the status of their stocks and bonds, then you are talking about the people.

It may be a people's budget if the people are limited to those lucky souls who spend their winters in the Bahamas and their summers on a Caribbean cruise. But this is not a people's budget for the coal miners, not for the locomotive engineers, not for the brakemen on the railroads, not for the cleaning ladies, not for the schoolteachers. It is not a people's budget for the folks flipping hamburgers for minimum wage. Ask them. They are the people, too, and they have been left out, o-u-t, and left behind in this whale of a deal for the well-to-do. President Bush, the President of all the people of the Nation, says: It's a good budget for the working people of America.

He said it. I didn't say that. That may be true if your definition of "working people" is the folks who hop on your cell phone to tell him to put another million on titanium futures. That may be true if your definition of "working people" is those who wash the grime, the coal dust out of their hands dirty. They are the people and to produce the electricity for this Senate Chamber, after long, long years of digging coal and staying up late trying to make ends meet. They are the working people. They are the people who get their hands dirty while trying to feed their families. Those are the working people. Who are the working people? Who are the working people, struggling on low pay in a hot classroom while trying to impart some wisdom to our Nation's children.

The working people are the cops on the beat who risk their lives daily and nightly, who try to keep some order in these mean and dangerous streets and alleys. Working people are the coal miners who end up crippled, who end up sick after long, long years of digging coal from the rugged Earth to produce the electricity for this Senate Chamber, and to produce the electricity for this Nation. They are the people who get their hands dirty. They are the people who wash the grime, the coal dust out of their eyelashes, out of the wrinkles in their faces, grown old too early. They are the working people.

Mr. President, they are the working people, the coal miners, the welders in the shipyard, the produce salesmen in the country, the farmers who toil in the hot Sun of the June and July and August days. They are the working people, Mr. President. They are not the people Mr. President is talking about when he says it contains "reasonable levels of spending." That may be true if you think that costing the American driving public nearly $6 billion a year because one-third of this Nation's roads are in poor condition, is "reasonable."

Why don't we fix America's roads? If you think highway congestion is bad now, what will it be 5 years from now? Those of you who spent an hour and 10 minutes yesterday morning to drive ten miles to work in this Capitol, if you think congestion is bad now, think of what congestion will be 5 years from now, or 10 years from now? The President calls the spending levels in this budget "reasonable." In this Nation, we have so many unsafe or obsolete bridges that it will cost $10.6 billion every year for the next 20 years to fix them.

We have 54,000 drinking water systems which will cost $11 billion to make them comply with Federal water regulations.

We have more than 2,100 unsafe dams in this country. Do we recall Buffalo Creek Dam in southern West Virginia? It broke several years ago. Scores of lives were lost. And there are 2,100 unsafe dams in this country today which could cause loss of life.

We have energy delivery systems which rely on old technology.

We have outdated and crumbling schools which will require $3,800 per student to modernize.

This budget provides little or no money to address any of these needs. It allows for current services adjusted for inflation for all discretionary programs, including defense. Do you know what that means? But for nondefense programs, the conference report is $5.5 billion below the amount necessary to keep pace with inflation. It means this Nation is essentially frozen in its ability to address backlogs or to anticipate needs.

The backlogs are worsening, and the needs are going unaddressed because the funding levels endorsed by this White House are far too low.

Anyone who calls these levels "reasonable" needs a reality check. Take off the rose-colored glasses, Mr. President; take them off, and once the warm Cheery glow of tax cut fever has subsided, we will still have a nation that is very badly sliding. This huge tax cut will savage our nation's real and growing needs; it will sap the energy away from the engine that makes this economy run; it will benefit the jet set, but leave the rest of America behind.

The President claims that he wants to restrain the size of Government, but his budget focuses only on limiting the part of the budget that is subject to the annual appropriations process. That is only one-third of the budget. It is growing smaller by the day. The rest of the budget is on auto pilot.

I assure Senators that discretionary spending will not be the cause of any future deficits—and we very well could—it will be because of the massive tax cuts contained in this conference report and the growth of mandatory programs. Discretionary spending is currently only 6.3 percent of the gross domestic product, less than half of what it was in 1967. Under the Budget resolution, it would fall to 5 percent by 2011. Mandatory spending is currently 9.7 percent of GDP, more than double the level in 1967, and under the Budget conference report, mandatory spending will grow to 11 percent of GDP in 2011.

Not only does this resolution not constrain mandatory spending, it includes seven new reserves that empower the House and Senate Budget Committee chairmen to increase spending for mandatory programs.

I have a great deal of faith in our budget chairman, Mr. DOMENICI, and I recognize all the hard work we have had in the Senate since the Budget Act became law, but I do not care if it is a Republican or Democrat chairman, I do not support giving that kind of power to any budget chairman. Democrat or Republican, I would not want it myself if I were a chairman.

I am very concerned that these powers which are being given to the Budget Committee chairmen will be used in a partisan way.

This budget resolution was produced in negotiations between White House officials and the Republican leadership. There was no involvement—none—of the Democratic Leadership or the ranking members of the Senate Budget Committees. To add insult to injury, this Budget Resolution would empower the Budget Committee chairmen to allocate funding to mandatory programs without assurances that the minority will be consulted. This is just one more example of the one-sided nature of this Budget Resolution. But as Milton said in Paradise...
Lost "who overcomes by force has overcome but half his foe." There is no balance in this budget. It is tipped too far to the tax cut side. As a see-saw, it lifts some people up with generous tax givebacks, but it leaves this nation's needs on the floor on the ground.

It is a "for now" budget designed to please a select group, and it was gussied up and trotted out by one party from behind locked doors.

Since January's inauguration, we have had lip service being paid to bipartisanship. Lip service. We have heard plenty of lip service being gussied up and trotted out by one party. It is a one-sided way the budget eggs were cooking of this final budget omelet, barely a pinch of bipartisanship in the mixture. The plain unvarnished truth is that there has been no room for them at the inn. There was no room for them at the inn.

The President, in his remarks congratulated the Republican Budget Committee chairman of the House and Senate. He congratulated the Republican Leaders or the Ranking Members of the House and Senate Budget Committees. When it was time for the rubber to meet the road, bipartisanship never made a wiggle under the cracks in that door. Some Democrats may be willing to vote for this budget—they may be willing to sit at the President's table for this tax-cut feast. But, make no mistake, they were not in the kitchen when the meal was being cooked. They did not get to decide what went in the stew and what stayed out.

The President, in his remarks congratulated the Republican Budget Committee chairman of the House and Senate. He congratulated the Republican Leaders of the Senate and the House. He lauded a few Democrats, but there is no mention in his remarks of the Democratic Leaders or the Ranking Members of the House and Senate Budget Committees. They were not privy to the budget pseudo-conference. There was no room for them at the inn. That is no accident. The plain unvarnished truth is that there has been barely a pinch of bipartisanship in the cooking of this final budget omelet, and the result certainly shows in the one-sided way the budget eggs were scrambled.

There simply is not enough money to adequately fund the 13 authorization bills, get that—there is not enough money to adequately fund the 13 appropriation bills, and so, once again, appropriators will have to scrimp and parse and cannibalize in order to do our work.

For those Senators who vote for this budget deal, I say go ahead and write your press releases. Put yourselves on the back. Tell your constituents how you voted to cut taxes. That is an easy vote. But as to Social Security? There is no dime in the bill for Social Security. Forget it.

Well hast thou fought the better fight, whose single hast maintained against revolting multitudes the cause of truth. The PRESIDING OFFICER (Mr. ENSIGN). Who yields time?

Mr. CONRAD. Mr. President, I yield 10 minutes to the Senator from South Carolina, the very distinguished senior member of the Senate Budget Committee.

Mr. HOLLINGS. Mr. President, the distinguished gentleman from West Virginia said: Tell your mother on Mother's Day that you increased taxes. If you turn to page 4 of the conference report, you will find that the debt goes up from $5.6 trillion to $6.7 trillion—$1.1 trillion.

As we left the last fiscal year, we ended with a $23 billion deficit, which we had reduced, over the 8 years, from $103 billion, and now this very minute we are running a slight surplus. But when you vote for this particular measure, and this is our main reason for appearing here this morning, it is to remind everybody that this is Reaganomics II. It is happening here today.

Mr. President, let me speak about the distinguished Senator from West Virginia reminded us, I have been on the Budget Committee since its institution 25 years ago. I have been the chairman, I hasten to comment that our distinguished ranking member from North Dakota, has done an outstanding job under the most difficult of circumstances.

Let me tell you about the difficult circumstances, because the very reason for our budget process 25 years ago was to give all the Members a look-see at every facet of Government spending here in Washington. Prior to that time, we had 13 appropriations bills, we had 13 authorization bills, and the authorizers authorized without regard to appropriating and the appropriators appropriated without regard to the authorization and the one—namely, defense—didn't know what education was doing, or housing didn't know what the highways were doing.

So we got together in a comprehensive look-see, where the President would submit his budget, we would go before the Budget Committee, and in detail, each one of the particular appropriation measures would be debated, marked up, reported out, and then come to the floor of the Senate. Here we passed this budget without hearing the President. He didn't give it until it had passed the House, until it had passed the Senate—absolutely ridiculous. Why? Because he wouldn't sell his tax cut. He knew the great reason for the prosperity and comeback of our Democratic Party is that we showed we were fiscally responsible. For 8 years we gave us the greatest prosperity. But it is a sophomoric approach, this "tax cuts, tax cuts, the Government is too big, the money belongs to you," and all that nonsense—and not paying the bills. So the President went to 28 some States. You can't sell a tax cut? He couldn't sell beer on a troop train, I can tell you that right now.

He went everywhere, and he didn't sell his tax cut, so he rammed it, and the leadership on the other side of the aisle went along with it, and the media didn't report it. That is another reason I appear here, because this instrument is an atrocity, a clear, absolute abuse of the process.

We had a deliberate debate back when President Clinton came to office to find in what direction the country was going to head. Mr. Daschle used to say: It is not whether I am conservative or whether I am liberal, it is whether I am headed in the right direction.

We debated. The President submitted his budget. We had 30 amendments before that Budget Committee. We reported it out, and the last instrument—namely, reconciliation—was not
passed until August. We had a real old hoedown, and we said we were going to cut the size of Government. Yes, we were going to cut spending. And, yes, we were going to increase taxes.

When we increased Social Security taxes, the distinguished Senator from Texas told us that he was going to hunt Democrats down like dogs in the street and shoot you.

Where is the Republican tax cut for Social Security? Instead, they are going to keep the Social Security trust fund. If you don’t think so, come on up and I will give you a bet.

Congressman Kasich, chairman of the House Budget Committee, said: If this thing works, I’ll give you my house in downtown Washington.

But it worked. We made a great comeback paying down the debt. Now some of you may go along with this “Cut taxes, cut taxes:” and buying the people’s vote, when in essence the debt increases. It goes up.

We had no debate. We had no mark-up. We had no report. We passed it without all that. Then we got the conference, we told we were not going to be conferers. Oh, they invite you to the White House when you cannot vote, you just stand up and grin and smile and bow. But when you got a vote in the conference committee, they said no, you wrote back because you’re not going to vote with us.

Thank God we weren’t parliamentarians. He wouldn’t agree. They fired him. They would like to fire us. That is why they said we will give you all the rhetoric about education, because you look at the report after it comes out: Zero increase for education. What does that mean to us in the game? It means you are going to have to get a majority of 60 votes in order to get your increase—whether it is for class size or whether it is for construction or whether it is for teacher counseling or any of these other things that we need in public education—namely, teachers’ pay. No, you are not going to get it.

All of this exercise has been the best off-Broadway show, as they see it, because they are just smiling to themselves: We are going to destroy this Government and we are just as much against education as we were for that 20-year crusade to abolish the Education Department.

What happens on the so-called immediate rebate to get the economy going? By 94 votes to 6, every Republican voted for my $85 billion rebate plan. But instead of the $85 billion rebate of $85 billion, they came in here with $101 billion over 2 years, and they are going to go to the Finance Committee—you can read the reconciliation instructions, and they translate: We are going to use the stimulus dollars for tax cuts.

The White House told us this morning in the few minutes given me is that we have tried our best under Senator Conrad’s leadership. We have called their hand at every turn. We have been very courteous, very tactful in trying to get the report. We know the distinguished chairman of the Budget Committee has to practically do what the Senator from Texas tells him. And the Senator from Texas is told, in the Office of Management and Budget, that the Office of Management and Budget tells the President what he wants. So you want to get on the record how it is being worked this year: It is a total abuse, an absolute atrocity. There is no question about it. Everybody seems to go along. And the headline will say: We passed the budget. No, we don’t even have a defense figure.

We don’t have a budget. We have a tax cut. That is what the President wanted. That is what they had back with Reaganomics I: $750 billion. Now this is going to go up to about $1.6 trillion. If you analyze it carefully, it will probably be nearer to $2.6 trillion.

The PRESIDING OFFICER. The Senator’s time has expired. Mr. HOLLINGS, the distinguished Chair.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Mr. President, I yield the very outstanding Senator, who is a member of the Senate Budget Committee, Mr. HOLLINGS from South Carolina, for his remarks this morning.

As I understand it, Senator BREAUX wants time off of Senator DOMENICI’s allocated time. Senator BREAUX wants time off of Senator DOMENICI’s allocated time. The staff director for Senator DOMENICI tells me that is acceptable to their side.

We had lined up Senator CLINTON to go next on our side. I don’t know if Senator BREAUX would like to go at this point.

I would like to recognize Senator CLINTON.

Mr. BREAUX. Absolutely. Mr. CONRAD. How much time would the Senator like?

Mrs. CLINTON. Oh, 6 minutes.

Mr. CONRAD. I yield 6 minutes to the Senator from New York, an outstanding member of the Senate Budget Committee, who has made a real contribution to the work on our side of the aisle on the Senate Budget Committee.

The PRESIDING OFFICER. The Senator from New York is recognized for 6 minutes.

Mrs. CLINTON. Mr. President, I thank my ranking member, the Senator from New York, the Senator from South Carolina who, as my good friend from South Carolina has put so well, has led with honesty and directness, and believes so passionately in the issues that we are addressing today.

I rise because I cannot remain silent in the face of both a budget process and a budget product that I think will be so harmful to our country. I really wish I did not have to rise today. I wish, given the opportunities that lie before us as a nation, what we were debating was the kind of balanced approach to the budget that I could wholeheartedly support—a balanced approach that included an affordable, reasonable tax cut, that fairly went to all Americans, giving every one of our families a Mother’s Day present, as Senator BYRD so wonderfully reminded us around the corner.

I wish this budget were back with the kind of confidence this is about the investments that we need to make our country rich and smarter and stronger in the years ahead. And I wish this budget continued to pay down the debt in the way that we had been doing. Over the last 3 years we have paid down the debt by more than $600 billion of our debt. We took it off the backs of all these schoolchildren who are watching us. We said: We are not going to pass on the debts of your parents. Your grandparents, the oldest generation, did not leave us in debt the way that this country did in the 1980s with the quadrupling of our national debt. I cannot stand here and say that.

I look at all these faces. I meet with schoolchildren from throughout New York every day. I could say: I am going to go to the Senate Chamber and support a budget that will invest in education the way we need it, that will continue to pay down the debt so that you are not faced with the day when your children are even younger, and that it will invest in Social Security and Medicare so that you do not have to worry about your parents, your grandparents, or yourselves. Unfortunately, I cannot say that. Unfortunately, I cannot say that.

I have thought hard about what it is that has happened in the Senate in the last several months because I sat through 16 hearings in the Budget Committee. They were informative, very helpful hearings, laying out the priorities of our Nation, talking about the amount of money we had that we could count on, not pie in the sky, not projections that were unlikely ever to come true but realistically what it was we, as a nation, could count on. And then, I wonder could we have a Congress, pay down the debt, and invest in education, health care, the environment, as well as taking care of Social Security and Medicare?

I do not exactly know what happened, how we arrived at this point. We had those hearings, and then we were shut out of the process. We did not have a markup, which is a device in a committee to get everybody together to try to hammer out a bill.

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what it was going to be and felt compelled to come and present it to us. I was proud of the Senate when, in the process of the budget debate, we made some good changes. We made those changes not only on the tax cut side but on the investment side as well. I thought: If the House can go along with that, maybe at the end of the process we can have a better balance. I did not think it went far enough, but I was proud of the fact that we had a negotiation.

What we have today has zero increases in education. We have spent a heck of a long time talking about education. The President says it is his first priority. I can only look at the documents I am handed. I have only been handed them recently. I was not part of the process, even though I serve on the Budget Committee. And it looks to me as if we are turning our back on education.

As I thought back, I could not think of any analogy, I could not think of any guidance that would help illuminate what it is we are going through. So I went back and looked at 1981. What happened then? Senator Conrad said: Pass this big tax cut, and we are going to have surpluses. And we went further and further and further in debt.

It is always easier to pass a tax cut. Who doesn’t want a tax cut? I want a tax cut. But I don’t want to have a tax cut at the expense of hurting my country. I don’t want a tax cut at the expense of preventing the kind of investment in education that we need. I don’t want a tax cut where I have to go and tell my mother that Medicare may not be viable for the rest of her natural life. I don’t want that kind of tax cut.

The PRESIDING OFFICER. The Senator’s time has expired.

Mr. CONRAD. Mr. President, I give an additional minute to the Senator from New York.

Mrs. CLINTON. So I, with great regret, do not want to express the disappointment I feel in that we had an opportunity to do what our country needs—to invest in education, health care, the environment, pay down our debt, and provide affordable tax cuts—but, instead, we are taking a U-turn back to the 1980s. Mark my words, we will be back here—maybe under the same President, or maybe under a different President—having to fix the fiscal situation we are throwing our country into today. I lived through that, and I do not look forward to it. But I will be a responsible Member of this body in trying to fix the problem that we are causing for our Nation because of this tax cut and budget.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. The Senator from Louisiana is recognized for 10 minutes off Senator DOMENICI’s time.

Mr. BREAUX. Mr. President, I thank the ranking Democrat on the Budget Committee for his consideration in allowing me to have the time that I need to make comments on this budget. I also thank Senator DOMENICI for being willing to yield the time to me. Vice President AL GORE, as a candidate, suggested a tax cut of $500 billion. This budget consists of a $1.25 trillion tax cut over the next 10 years, plus a $100 billion stimulus package in the first 2 years. Some would think that is too high and some that it is far too low and not enough.

It is, in fact, sufficient to give money back to all Americans with a balanced and a fair tax cut.

We can, within this budget, reduce all marginal rates. We can, within this budget, create a new 10-percent bracket for lower income Americans, which would also benefit all income Americans. We can, within this budget, reduce the estate tax to a level that already eliminates everything from prevailing at all. We can, within this budget, fix the alternative minimum tax problem. And we can, within this budget, increase the child credit that families take. We can make it refundable, and we can make it retroactive to the budget. And we can help education within the tax structure of this budget by making tuition taxes deductible for all American families. We can, within this budget’s tax structure, fix the margins.

With regard to spending contained in this budget, it is important for us to put the figures in proper perspective. Last year our Democratic President, President Clinton, proposed a budget for discretionary spending calling for $614 billion. The House and Senate Republicans and the budget, indeed, ended up saying we were going to spend $596 billion for discretionary spending. We ended up spending $635 billion.

We did that because of emergencies that occurred during the year. We did that because of new spending priorities that were brought to our attention during the year that were unforeseen at the time of the budget enactment. This Congress responded to those needs as they occurred. This Congress will respond to those needs as they occur in the upcoming months of this fiscal year.

This budget provides $661 billion in discretionary spending. That is without any emergency money being designated. It is not designated because it is clear that this Congress will add that emergency money as the emergencies occur. If there is a hurricane, if there is an agricultural emergency, if there is an earthquake, if there are any other kinds of emergencies, it is clear, from the history of this body, that this Congress will address those needs because they are true emergencies.

That $661 billion is a $27 billion increase over last year. This is a $47 billion increase more than President Clinton asked for last year when he submitted his budget to the Congress.
I know some of my colleagues will argue that it is not enough, that we don’t have enough money, for instance, for education in this budget. My reading on education is that there will be a lot more money than last year for education. President Bush has offered a $4.6 billion increase for the Department of Education over last year’s $18.3 billion in spending. That is larger than the $3.6 billion President Clinton won for this fiscal year.

As the master of putting together good policy deals, has said:

We have exceeded the budget every year in education appropriations, and we are going to do it again.

That is a correct assessment of what we are going to do and have done in the past, when it comes to meeting the educational needs of the people of this country. We will provide sufficient funds to educate our children.

It is important to bear in mind that most of the money for education comes from the local and State levels. In fact, 94 percent, on average, of the money on education doesn’t come from Washington; it comes from the States; it comes from the local communities that fund the educational programs they determine are their priorities. On average, only 6 percent of the total education budget comes from Washington. DC. The money will not be adequate to address the demands.

My recommendation is that we pass this imperfect document to allow the Finance Committee and the Appropriations Committee to begin their work. This document is important as an outline of our priorities, but it is written on paper. It is not written in concrete. It can and will be modified as we have done so every single year as we move through the legislative process.

This is a time of great emotion. It is a time of great pressure. Our leaders, Tom Daschle and Kent Conrad on the Budget Committee and also Senator Domenici and Senator Lott, have had a very difficult time in trying to reach an agreement in truly a divided Government. I respect all of them for their sincerity and their honesty and their dedication to try to reach an agreement that everyone can support.

It is, however, time for us to move ahead. There is other work to be done. Now is the time to begin that work by adopting this budget and moving on to the next step.

I yield the floor.

Mr. DOMENICI. Mr. President, I thank Senator Breaux for his assessment of where things are. I think he included in his remarks that there is still a contingency fund of $500 billion. For those who thought we might do other things and that we have to, that is still in this budget. I think what Senator Breaux said about the appropriated account is right on the money. We don’t know where the appropriators are going to put the money, no matter what we say in this Chamber.

But there is a $31 billion increase year over year, and $6.3 billion more than the President asked for, if you really are talking apples and apples and the money to be spent by the appropriators. I think Senator Breaux summarized that just about right. I thank him for his support.

I yield the floor.

Mr. CONRAD. Mr. President, I thank the distinguished Senator; my ranking member, was going to yield to somebody on his side before he and I used our final time.

Mr. CONRAD. I thank the Senator. The Senator from Minnesota requested time. I yield 5 minutes to Senator Dayton.

Let me alert Senators on our side that I now have, other than the wrap-up reserved for Senator Domenici and myself, only have 2 minutes. I alert colleagues to the circumstance that exists:

I yield to the Senator from Minnesota, Mr. Dayton, for 5 minutes.

Mr. DAYTON. Mr. President, I thank the distinguished Senator, my colleague from North Dakota for granting me this time, and also for his outstanding leadership on this issue on behalf of our Democratic caucus.

I rise to say that I intend to vote against this budget today because I believe it allocates too much to the richest Americans and too little to our schoolchildren, senior citizens, veterans, and most of our other citizens. It also wrongly provides a blank check for additional military spending without congressional review or approval.

This budget purports to be a bipartisan creation. In fact, I am told that the Democratic Senators on the Senate-House conference committee were completely excluded from the deliberations and decisions about this budget agreement. As a result, a bipartisan Senate amendment to increase funding for elementary and secondary education was eliminated. The amendment of my colleague, Senator Wellstone, which increased funding for veterans’ programs, was eliminated. Funds for farm aid, prescription drug coverage, Head Start, health care, child care, transportation, and other important government services were reduced. Except for military, all other federal government discretionary services were cut by 2 percent below their inflation-adjusted baselines.

Why? Why, despite huge projected budget surpluses, must the funds for these essential public services be denied? For a tax cut which favors the rich, rather than working, middle-income Americans.

There is enough surplus projected to provide immediate tax cuts and rate reductions for all American taxpayers, so long as they are taxpayers in the first two tax brackets. Unfortunately, this budget places greed ahead of need. People who already have the most get even more, while people who have the least receive even less.

There is no compassion in this budget. There is no bipartisanship in this budget. There is no new education funding to “leave no child behind” in the budget. Its pretenses are a sham. Its promises are a scam.

Furthermore, this budget expressly does not protect either the Social Security or the Medicare Trust Funds from being raided for other spending programs. Instead, it sets up an all-purpose contingency fund, which pretends to cover every imagined funding need. First, however, it must fund a literal blank check for whatever additional military spending the Secretary of Defense shall recommend to the chairmen of the Senate and House Budget Committees. In an unprecedented procedure, with no further congressional review or approval, these two men alone can add whatever additional spending are proposed by the Secretary of Defense. Thus, this budget provides blank checks for the military, big checks for the rich, and bounced checks due to insufficient funds for all other Americans.

I support, and will vote for, a large tax cut benefitting all Minnesota taxpayers. I also support, and will fight for, additional federal funds for special education, for student aid, for prescription drug coverage, for farm price supports, for veterans’ health care, for flood victims, and for other important government services. I believe in a balanced budget. I believe we have enough resources available to us to improve the quality of life for our citizens and to reduce taxes. I believe this budget squanders that opportunity. That is why I am voting against it.

I yield the floor.

Mr. CONRAD. Mr. President, how much time remains?

The PRESIDING OFFICER. Eighteen minutes.

Mr. CONRAD. Mr. President, I yield 3 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I thank my colleague from North Dakota.

I think this budget proposal on the part of my Republican colleagues should be called “leave no dollars behind” when it comes to Robin-Hooding the benefits going to the top 1 percent of the population. That is what we have.

I had an amendment to provide $17 billion for veterans’ health care over the next 10 years, filling in those gaps to make sure we would do well and say thanks to our veterans—eliminated.

I joined with Senator Harkin to provide $250 billion for education, after-school programs, and title I kids with special needs—you name it. It was eliminated from the budget proposal.

This is about the most hard-hitting thing I can say, because I really believe
in the chair of this committee, a Senator for whom I have tremendous respect. He is a great Senator. But I am in profound disagreement with his proposal.

I have been following the discussion about the reallocation of funds that will be proposed on the Democratic side will have the courage to challenge this education bill on the floor, which will not have the resources.

Senators, if you love children, then you do not rob them. If you love this little boy or girl, then you do not take their childhood away. If you love these children, you help them for 10 years from now, or 7 or 8 years from now. You must be willing to step up to the plate and make sure you invest some money so these kids will all have the best opportunity to learn. That means that they are kindergarten ready. That means you help the kids who come from low-income backgrounds. That means, just as Senators' children when they go to school, and our grandchildren, they have the best teachers and the schools and the technology and all of the facilities. This is no way to love children. That is to say, do not rob them by not making the investment in children in Minnesota and around the country and instead giving 40 percent plus of the benefits to the top 1 percent of the population.

These are distorted priorities. There is going to be a pitance for children and education, a pittance for health care, near enough for affordable prescription drug costs for the elderly.

Whatever happened to that campaign promise? I resist this budget. I will vote against this budget. I am going to have a lot of amendments on this education bill that are going to make people step up to the plate, and we will see who is willing to talk about the resources for children and education.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, how much time do I have?

The PRESIDING OFFICER. Twenty-nine minutes.

Mr. DOMENICI. I understand Senator Frist is going to come down and wants to use a little time. Would you please instruct me when I am down to 15 minutes remaining. I hope not to use that.

I first want to say to the distinguished new Senator, Mr. DAYTON, that I listened carefully to his remarks. Everyone is entitled to their opinion. But we have not given a carte blanche to the Defense Department of the United States.

We were confronted with a very interesting situation. One, the President asked for a low number for defense, with the assumption in this budget that the task force, headed by the Secretary, his top-to-bottom review, could not come up with the answers of what we needed by way of change by the time we were doing this work. What would one do? Would one shut all of that out and say whatever it is when that task force is finished, they can wait until next year?

We allocated to the appropriators the amount of money the President asked for in defense, low number. Then we said if and when the task force is finished—and we are still in this year—whatever the task force recommends in changes we will put in the defense pot allocated in this budget. But it would have to have the full House and the Congress of the United States item by item, line by line, and system by system. You might say that is an open door for defense with no controls.

You said subject to no congressional controls. I don't believe that is the case. What I just described is true. And is that without congressional concurrence? I think not.

I don't know any other way we could have done it. We could have said we would put it in the new budget with a new defense number and debated that thoroughly and then came back, and we would have had the year behind us before we could have done anything. Guess what. They would come along and appropriate and say: Too late. It has taken too long. We are putting it in, in excess of the budget.

We are trying to have a little common sense on defense.

In my closing remarks, I will allude to some other aspects, but a lot has been said about spending. Is there enough in this budget for the appropriators to spend?

Let me suggest it is pretty clear that there are many who would accept a much higher number. But I want to tell you the numbers as they are.

It is $31.3 billion above the 2001 budget available to be appropriated. Take out all of the things that are not spending and just do apples and apples. It is $31.3 billion.

Of that number, $6.2 billion is new money over and above the President's budget. That means you have what the President recommended, plus $6.2 billion more, which gives you $31.3 billion over last year to spend. This $611.3 billion, which is the number, is real money. It will be sent to the appropriators to be spent. With that figure, we assume—and that is all we can do—that $44.5 billion of it will go to the Department of Education, for the year 2002. We assume—and that is all we can do—that there will be an 11.5-percent increase. This is new money. Nobody can say that 11.5 percent isn't well above inflation. What kind of money are we talking about in the 4.6? The highest ever level of funding for education of disabled children, a $460 billion increase in title I, including a 78-percent increase in assistance to low-performing schools; a $1 billion increase in Pell grants; $1 billion for new innovative choice; $7 billion to ensure accountability with State assessments. We can go on. There is $472 million to encourage schoolchildren, some kind of innovative choice that we might pass; $63 billion to serve 916,000 Head Start children.

I guess it is easy to stand up and say there is nothing in this budget for education. I just read it to you. Actually, the appropriators will probably do more than giving them more to spend, and they have always favored more money for education. So, frankly, whatever we have heard rhetorically on the floor about education, we have done better by education than we have in recent years. I believe it is the highest, most dedicated budget for education that we have ever produced.

I note the presence of the Senator from Tennessee. Would the Senator like to speak to the matter before us?

Mr. FRIST. For 4 or 5 minutes.

Mr. DOMENICI. How much time do I have?

The PRESIDING OFFICER. The Senator has 23 minutes.

Mr. DOMENICI. The Senator wants 5 minutes. And then Senator NICKLES wants 5 minutes. I yield to them in that order.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 5 minutes.

Mr. FRIST. Mr. President, I rise because I think in 30 minutes or so we will be voting on the conference report. I want to give my colleagues my strongly felt support for what we have accomplished today. I believe, in a very consistent way, represent what at least I hear as I travel around the country, and through the State of Tennessee, from every day people who are looking at their lives, the qualities of life, looking at Washington, DC, and Government and what it can be both for them and against them, and they tell you simple things. Those things are: We do have a debt today, which one generation has given another. Please address that debt.

They say we have some important things to pay for, and that is the role of Government. That includes things such as Medicare, research in health care, education, defense of the country. And they say: After you pay down that debt—and in this conference report we pay down that debt from $2.4 trillion from where it is, and they say: Thank you, that is what we want.

They say: What about teacher quality? We have $2.6 billion in the budget for grants and we know, when we look at that teacher-pupil interaction in the classroom, that this is important. In higher education for Pell grants, they say: After graduating from high school, let's give people that opportunity to have, in essence, a pool of resources to take wherever they choose to go, and that is Pell grants—and indeed it is in this bill—for disadvantaged students; we assume $98 billion for Pell grants. They say: In health care, make sure you address the problem of prescription drugs. Very specifically in this budget $300 million is provided for expansion of Medicare prescription drug benefits. The exact
Mr. Domenici. Mr. President, I compliment my friend and colleague, the chairman of the committee, Senator Domenici, for his work. We have been on the Budget Committee for many years. I have been on it for 20 years and have worked closely with him. Most of the time, unfortunately, the budgets are pretty partisan. I wish they weren't. I know Senator Domenici wishes they weren't. Many times they are difficult to put together. This has been one of the toughest. It is not an easy task in any way, shape, or form. Certainly, with a 50-50, evenly divided Senate, it is a very difficult task.

In this bill we think about the future in the field of health research. The resolution includes the President's $2.8 billion increase in the National Institutes of Health. It goes through the defense spending, agriculture, attention to the veterans. Then they say: After addressing the debt, after protecting the Social Security trust fund, after protecting that Medicare trust fund, both of which give security to our seniors today, let us keep, instead of sending to Washington, DC, a little bit more of our earned money.

Indeed, we do that. All of this is our money, say the people throughout Tennessee, not yours because you represent the Federal Government. So if after we invest in those priorities of health care, education, quality of life, agriculture, defense, and the veterans—after we make that commitment to substantially pay down that debt, allow us to keep the dollars with us. Trust us, the American people, to spend, to save, to invest.

"Trust us," the people across Tennessee tell me. We do that by allowing the taxpayer to keep $1.35 trillion over the next 11 years in their pockets, instead of on April 15 sending it to Washington, DC, when it is not needed.

In addition to that $1.35 trillion that we allow taxpayers to keep is the $100 billion stimulus, which answered the question: "What are you doing today to restore that hope in our economy, that hope in job creation?" And the answer is that we are taking $100 billion and targeting it for a short-term stimulus to help turn this economy around—something that everybody feels each and every day—a change, something different than 2 years ago, than 3 years ago.

Finally, in this bill we authorize the additional tax relief, or debt relief, if surpluses exceed those expectations.

Mr. President, this conference report reflects what the American people want. There is compromise and negotiation that has taken place, one, we like to see taxpayers keep a little bit more money in their pockets as we look to the future. But recognizing the realities of this body pulling together people of the aisle, I believe the conference report is strong, and it reflects the will and spirit of people throughout Tennessee. Therefore, I look forward to heartily supporting this conference report as we go forward.

I yield the remainder of my time.

The PRESIDENT. The Senator from Oklahoma is recognized.

Mr. Nickles. Mr. President, I compliment my friend and colleague, the chairman of the committee, Senator Domenici, for his work. We have been on the Budget Committee for many years. I have been on it for 20 years and have worked closely with him. Most of the time, unfortunately, the budgets are pretty partisan. I wish they weren't. I know Senator Domenici wishes they weren't. Many times they are difficult to put together. This has been one of the toughest. It is not an easy task in any way, shape, or form. Certainly, with a 50-50, evenly divided Senate, it is a very difficult task.

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I yield the remainder of my time.
Mrs. FEINSTEIN. Mr. President, a month ago I voted in support of the budget resolution which passed the Senate and which contained $688 billion in discretionary spending for the fiscal year 2002 and $1.18 trillion in tax cuts.

I continue to support the elements of the tax package that made half of the budget agreement. I support providing broad-based tax relief, eliminating the marriage penalty, and providing significant estate tax reform.

And I believe that a stimulus package providing significant estate tax reform.

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will vote against the fiscal year 2002 budget resolution conference report now before the Senate.

In approving this budget, Congress is missing a significant opportunity to address some of our nation’s most critical priorities. Key among these needs is education. A nation that does not invest in its people, that does not provide its citizens with an excellent education, that does not ensure that its children can read, and that does not train them for eventual entry into the workforce is irresponsible.

We must grant the American people a tax cut. We must pay down the debt. We must protect social security. But we must not ignore a most critical responsibility, to provide a free and adequate education to every child in America.

I was proud to play a key role in making the tax cut contained in this budget more responsible. I have the greatest respect for my centrist colleagues who worked to strike a balance. But I cannot support a budget that puts large tax cuts and unlimited defense spending ahead of educating our nation’s children. By voting against this budget agreement today, I affirm my commitment to my country’s children.

I am one of the nation that will continue my efforts to bring more resources to our schools and children to improve education.

I cannot hide my disappointment that the Congress once again will not fulfill its pledge to fully fund special education. This year, I tried and failed to have language included in the budget that would have made the Individuals with Disabilities Education Act, IDEA, mandatory spending.

When I first arrived in Congress, one of the very first bills that I had the privilege of working on was the Education of All Handicapped Children Act of 1975. As a freshman Member of Congress, I was proud to sponsor that legislation and to be named as a member of the House and Senate conference committee along with then Vermont Senator Bob Stafford.

At that time, despite a clear constitutional obligation to education all children, regardless of disability, thousands of students with disabilities were denied access to a public education. Passage of the Education of All Handicapped Children Act offered financial incentives to states to fulfill this existing obligation. Recognizing that the costs associated with educating these children was more than many school districts could bear alone, the Federal government pledged to pay 40 percent of the additional costs of educating these students.

The budget resolution that is before the Senate continues to make a mockery of this pledge. However, I will work with members of the Senate Appropriations and Finance Committees both to increase annual spending for IDEA and convert the program into mandatory spending. Additionally, the budget sets overall discretionary education spending at a level below what was passed in the Senate and below what is needed for our children and the future of our country.

The budget resolution allows up to $1.35 trillion in tax cuts over eleven years. While I agree some level of tax cuts must be considered, I am troubled with making surplus assumptions ten years into the future. The level of tax cuts called for in this resolution gives the Congress little leeway should projected surpluses not materialize.

A budget that sets the overall level of tax cuts that will be considered by the Congress this year under reconciliation rules, I intend to be an aggressive advocate for children when the tax bill is debated in the Finance Committee. I will also strongly advocate that the Congress not attempt this year to exceed $1.35 trillion in tax cuts by writing additional tax bills. We can and should enact all of this year’s tax cuts within a ceiling of $1.35 trillion.

We dare not risk a return to the era of deficits, especially with the coming retirement of millions of baby boomers and the burden that this will place on the Social Security and Medicare systems.

On the positive side, I am pleased that this resolution protects Social Security. Not one penny of the Social Security surplus is touched. Second, it balances the budget every year without counting Social Security surplus.

Thirdly, this resolution retires the national debt held by the public—about $2 trillion over the next ten years.

I should add that it has been a pleasure these past weeks to work with a bipartisan group of centrist Senators who believe that tax relief is warranted, but not at the expense of education, veterans health, job training, child care, environmental and other important discretionary programs. This budget, if passed by Congress, is an expression of political intent, priorities, and a starting point for bargaining. Much work remains to be done to pass the 13 appropriations bills that actually fund the Federal Government. In areas where I disagree with the budget resolution, I plan to work hard with appropriators to adjust spending levels and turn this budget into reality.

Mr. KOHL. Mr. President, I rise today with great disappointment to oppose this budget. I am disappointed that I am forced to vote against a tax cut number, $1.25 trillion over the next ten years, that I support and think is reasonable. I am disappointed that Congress, by the slimmest of margins, is passing a budget that includes zero funding for education reforms, school modernization, teacher training, or any education initiative that will empower our local communities to improve their schools.

But mostly I am disappointed that a budget that left this chamber a reasonable compromise, with significant investment in education, veterans, and Medicare and an over $1 trillion tax cut, has returned a political document in bipartisan clothing.

I want to make it clear that I do not oppose the tax cut set up by this budget. I believe that we can afford, and should, to give our citizens a tax cut of over $1 trillion. In fact, I have every intention of voting for the tax cut bill that will be on the floor in the next couple of weeks. Our strong economy, and our fiscal discipline over the last few years makes it possible to let taxpayers keep more of their money, while making essential investments in our children, our communities, our veterans and our seniors.

The Senate vote last month proved that. We had 65 votes, mine included, for a budget that envisioned a $1.2 trillion tax cut, an unprecedented increase in education investment, a substantial commitment to veterans health, significant debt reduction, and the deserved title of bipartisan. This budget before us today chooses to keep the tax cut, and I support that, but to sacrifice investment on education, health care, NIH, and other domestic priorities. Why? In order to allow a blank check for defense spending.

Let me repeat that. This budget allows an unspecified and unlimited amount of resources to go to defense while holding flat spending on education and other domestic programs, which is passing a budget before us right now has less education spending than any other budget considered this year—the Senate Budget Resolution passed last month had more, the House Budget Resolution passed last month had more, the President’s budget submission had more. I pride myself on being a tightwad when it comes to spending taxpayer money, but I have always said the one area I will not shortchange is our children’s education. The President’s budget offer for education on the table, yet that is exactly what we have before us today.

I very much wanted to support this budget today, I look forward to supporting portions of it in the future. And I sincerely hope that, as we work through the tax and spending bills this year, we return to the compromise and broad support that marked the Senate Budget Resolution—and reject the extremism and political polarization that soiled the final budget before us.

Mr. BIDEN. Mr. President, when I came to the Senate almost 30 years ago, we were just entering what became a generation of Federal deficit spending. We lost the key to balanced spending. We must fulfill the promise to match our spending with our income.

The economic impact of those decades of deficits was profound. The accumulating debt grew faster than our economy, and we slipped from our position as the world’s leading creditor nation to the world’s biggest borrower.

While the Federal Government borrowed money as if nobody else needed...
it, private borrowers from first-time home buyers to major corporations all paid more for their loans. Our inability to balance our budgets was a dead weight burden on the economy here, and our high interest rates affected interest rates as well.

But perhaps the most important cost of those deficits was the loss of faith suffered by Americans in their Government. A lot of factors contributed to that cynicism and skepticism, but I am convinced that the cumulative effect of decades of unbalanced budgets was a major reason Americans for so long held their Government in such low esteem.

Those deficits had another major effect. As we struggled every year to match our spending with our income, the priorities I came to the Senate to fight for, support for those among us who need it most, protection of the environment, quality education for everyone, safe streets and homes, those priorities were the first hit by spending cuts.

And as we cut back on those programs, we cut back on the basic responsibilities of democratic government. The era of budget deficits was marked by a deficit of democracy itself.

Today, we can congratulate ourselves on not only balancing our budgets, but on producing substantial budget surpluses. On the foundation of an historical economic boom, the longest period of high-productivity growth in our history, we have restored the health of our Federal budgets.

History will judge how we manage this success, what we do with the opportunity before us. Will we build a foundation for future growth, will we pay down the burden of debt that we built up in the generation of deficits, will we continue to meet the demands of our citizens for world class education, health care, and technology, for safe streets, clean air and water? Or will we put all of this at risk, along with the hard-won victory over deficits?

I will vote against the Budget Resolution before us today, because it gives the wrong answer to those questions.

As the distinguished ranking member of the Appropriations Committee reminded us so eloquently last week, Americans rightly expect us to make sure that the basic functions of government are taken care of: When we fail to provide the safe streets, the clean water, the good schools, that the citizens of the world’s richest nation have every reason to expect, we have failed to live up to our responsibilities. I am sorry to say that this budget marks such failure.

Because of the size of the tax cuts, $1.35 billion, and their shape, they increase in cost in future years, this budget puts at risk all we have gained. Our Federal budgets.

We have real needs in this country, as the distinguished Senator from West Virginia reminded us last week. Almost a third of our bridges are in need of repair, many of our school rooms are crumbling, our water and sewer systems are in disrepair. In the midst of all this, the economy, which has created in the last decade, our public investments have failed to keep pace.

This budget fails to provide any new funds for education, for health care, for crime control and protective, for safer roads and bridges—none. This budget spends less per citizen, after inflation, for all of those priorities.

The President claims, and I believe him, that he wants to spend more on education. I support him in that effort. However, because there is not enough money in this budget to keep present levels of support for any domestic priorities, any increase in education spending will be out of poverty, out of drug interdiction, out of health care research.

There is no increase in spending for education, unless you count a vague promise that we would like to spend more, but a budget is not about vague promises. It should tell us the facts about how much we have to spend on our priorities. And the sad fact is that this budget has no new money for education, period.

This budget fails to meet the basic test of facing up to reality, there are more demands on our budget than there are funds to meet them, and this budget gives us no idea of where the cuts will fall to pay for any of the new priorities we face.

When the Senate voted on its version of the budget last month, we called for $225 billion in additional investments in education. That money is gone from the Budget Resolution before us today, gone.

In fact in this resolution, there is actually $5.5 billion less than last year’s spending for education, allowing for inflation.

The Federal budget is already smallest it has been since 1980 as a share of our economy. It is simply not realistic to assume that it will continue to shrink, in real terms, not just next year but for the next ten years. But that is just what this budget assumes.

These cuts in domestic priorities will happen even if the economic projections on which this budget is based, ten-year projections that have proved wrong every time in the past, even if those projections turn out to be true. If the economy grows more slowly, if we face natural disasters, national security threats or other inevitable but unpredictable emergencies, there will be even more cuts.

But there are other assumptions built into the budget, assumptions that I believe will prove wrong no matter what happens to those economic projections. This budget assumes we will do nothing to protect millions of Americans from increases in the alternative minimum tax, that we will fail to renew popular and important programs such as the research and development tax credit, it assumes that we can undertake a major overhaul of our defense policy with a relatively small increase in spending. Statements by Defense Secretary Rumsfeld suggest hundreds of billions of dollars in new spending, that is not in this budget.

If any of those assumptions, or a lot other similar costly issues that are assumed away in this budget, prove to be wrong, there will be even less money for education, for health care research, for clear air and water, for cops on the beat.

But this budget does not face up to those problems, it assumes them away. With the underlying health of our economy, with the hard work we put into restoring balance to our budgets, I am convinced we can afford tax cuts, tax cuts that would in any other context sound huge.

Prudent budgeting, that makes full allowance for domestic and defense priorities and that is cautious about ten-year economic forecasts that have huge margin of error, would still leave room for hundreds of billions of dollars in tax cuts.

There is no economic reason behind the tax cut numbers in this resolution. Those numbers date back to the Republican primaries in 1999, when the economy was booming, the stock market was soaring and unemployment was falling. The Bush campaign picked a tax cut number they thought would help them beat Steve Forbes in the New Hampshire primary.

They certainly were not concerned with formulating a ten-year budget plan during a slack economy. But those are the numbers we are told are still basically right for today.

As we go into this thinking that we can afford a tax cut of this size, and a defense build-up many times greater than this budget allows for, with promises to increase spending on education, expectations that health care spending will go up, some kind of plan to shore up Social Security and Medicare with funds from outside those systems, I think we can all see where we are headed.

One of the first things to go will be the programs that we use to pay down the debt, the burden that raises interest payments today and that our children and grandchildren will have to pay off. For all the talk about the surpluses belonging to the American people, we have to remember that the national debt belongs to you and me.

Playing fast and loose with the assumptions in the budget could leave us with a bigger debt, and higher continuing interest payments on the debt burden, than we would have if we stayed in the position that restored balance to our budgets.

We have come too far to go that way again.
This budget does not build on the successes of the last decade; it threatens to return us to the time when we failed to make the hard choices that Americans expect us to make. I will vote against this budget resolution, and I hope that others will do the same.

Mr. CARNARVON. Mr. President, last month, I joined a bipartisan group of centrist Senators to support a $1.25 trillion tax cut along with an economic stimulus for this year. The tax cut agreed upon after negotiations with the House and Senate Representatives totals $1.35 trillion. I support a tax cut of this size and think that the people of Missouri also believe it to be a commonsense compromise.

This tax cut should provide immediate tax relief to help stimulate the economy, cut personal income taxes for all taxpayers, eliminate the marriage penalty, and eliminate the estate tax for all family farms and family-owned small businesses. I also want to ensure that the tax relief is distributed fairly and responsibly by focusing on the people who need tax relief the most—the working men and women of America.

The other key component of the budget voted on by the Senate last month approximates a $60 billion investment in education over the next decade. That budget plan included sufficient funds to meet the Federal Government’s commitment to fund 40 percent of the cost of special education programs for disadvantaged students, $70 billion for the Individuals with Disabilities Education Act at a cost of $120 billion over ten years. Earlier this week, the Senate agreed to fully fund the largest federal education program for disadvantaged students at a cost of $130 billion. The vote on that amendment was 79-21.

I am a newcomer to the Federal budget process, but it defies common sense to be voting to support major increased investments in education on the one hand, while on the other hand voting for budget cuts that do not meet these commitments.

Some of my colleagues have stated that the lack of education funding in the budget should not be of concern because, eventually, Congress will provide additional support for education during the appropriations process. But I ask, what purpose does a budget serve if we vote based on an intention not to abide by that intention? So, while I strongly support the $1.35 trillion in tax cuts for the American people contained in the conference report, I cannot support this budget agreement. I look forward to working with my colleagues on the committee calendar scheduled for later this month and on the appropriations bills that follow. Hopefully, in the end, we will provide both a tax cut of $1.35 trillion that provides needed tax relief to the public and an investment plan that meets our vital national priorities.

Mr. DODD. Mr. President, today the Senate will complete action on the conference report to the 2002 budget resolution. While we all know that a budget resolution is a non-binding document, it serves as a statement of purpose, and it is, nonetheless, still an important document because it should serve as the blueprint that reflects the priorities for America. Sadly, the document before us does not fulfill that purpose.

At the outset, let me first express my disappointment with the process that was undertaken to produce this misguided conference report. In the Senate, Budget Committee members were denied the opportunity to mark up a budget resolution and the decision was made to bring one directly to the floor for consideration without any committee input. The conference report itself was negotiated by the White House and Republican congressional leaders without allowing Democratic members a meaningful seat at the table. As a result, the Senate will be voting on a partisan conference report that is flawed, unbalanced, and out of touch with the needs of American people. We need to take a lesson from this year’s experience to improve upon how we deal with one of the most important pieces of legislation that we consider as a body each year. This conference report isn’t worthy of the Senate and it is certainly not worthy of the Americans it is intended to serve.

The budget outlined in this conference report fails on a number of important counts and I take this opportunity to outline why this budget is wrong for this country and why I will be voting against it.

First, this conference report is unrealistic as it fails to take into account numerous costs that will most likely be incurred in the months and years ahead. Specifically, it ignores the cost of Alternative Minimum Tax reform, something that we all know will be absolutely necessary as more and more taxpayers find themselves subject to this tax. It does not address the additional costs incurred with the tax cut required in the conference report or the funds that will be needed for the extension of popular expiring tax provisions. It also does not consider the costs that are likely to arise as a result of the President’s National Defense Review. Preliminary estimates indicate that this new defense spending could carry a price tag of at least $250 billion over the next 10 years. Yet, none of these costs are reflected in the document before us.

Second, the conference report provides no safeguards for Social Security and Medicare. We seem to be moving in the wrong direction on Social Security and Medicare at a time when the demands being placed on them will be at their greatest. These trust funds should not become a piggy bank, but I fear that this conference report does nothing to ensure that they are protected.

Third, one of this conference report’s most obvious failures, is the fact that it limits our ability to invest in the priorities that are so important to the American public like preserving the environment, law enforcement, new highways, and quality health care. One of the areas in which I, personally, take the greatest exception is the conference report’s utter disregard for education.

Many of us in the Senate agree that education is one of the most critical priorities facing our nation. Proof of this was evident during the Senate’s consideration of the budget resolution where the Senate voted for a $135 billion over the next 10 years the title I of the Elementary and Secondary Education Act, which helps to meet the educational needs of the poorest, most vulnerable children in our country.

And does this conference report reflect any of these bipartisan votes? No. It rejects them and provides no new dollars for us to commit to education in this country. It prevents us from making any of those investments on behalf of the neediest school children in America that the Senate has gone on record as supporting.
I am aware that the conference report provides a $6.2 billion earmark for education. Arguably, this money is a mirage. It is in the form of non-binding, unenforceable “sense of the Congress” language expressing that Congress should spend this money on education. This is in no way a guarantee and it is a far cry from the resources that the Senate believed were necessary to truly improve education in this country.

The one thing that is abundantly clear in this conference report is the amount of money that will be spent on a tax cut. I find it interesting that the language in the report with respect to the tax cut is straightforward and directs Congress to cut taxes by $1.25 trillion over the next 10 years. Yet, we can’t be the same Congress that is sold on a house of cards made up of rosy budget scenarios for the next 10 years. Any downturn in the economy, are of which we are now beginning to experience, threatens to topple this house of cards.

Mr. President, the $5.6 trillion surplus that President Bush and others are counting on to pay for huge tax cuts is based on mere projections over the next decade. It is not real. Many in Congress have been talking about the $5.6 trillion surplus as if it is already money in the United States Treasury. It is not.

While none of us hope that the budget surpluses are lower than we expect, to be responsible we need to understand that this is a real possibility. In its budget and economic outlook released in January, CBO devotes an entire chapter to the uncertainty of budget projections. CBO warns Congress that there is only a 10 percent chance that the surpluses will materialize as projected by saying: “Considerable uncertainty surrounds those projections.” This is because CBO cannot predict what legislation Congress might pass that would alter federal spending and revenues. In addition, CBO says—and anyone whose watched the volatility of our markets over the past few months knows—that the U.S. economy and federal budget are highly complex and are affected by many factors that are difficult to predict.

With all of this uncertainty in projecting future surpluses, it is amazing to me that the budget resolution is still on a fixed $1.3 trillion tax cut. I was one of five Senators still in the Senate who voted against the Reagan tax plan in 1981. We saw what happened there: We had a huge tax cut, defense spending boomed, and the national debt quadrupled.

The conference report includes the full $1.5 billion increase in budget authority ($32.4 billion total) for essential Department of Justice programs to help state and local law enforcement programs contained in the Leahy-Harkin amendment that unanimously passed the Senate. However it reduces the outlays increase to $1.1 billion ($31.8 billion total) in FY 2002. The conference report also waters down the Sense of the Senate language to drop any references to the grant programs that are targeted for cuts by the President.

I cosponsored and supported a successful, bipartisan amendment in the
Senate to increase funding for agriculture conservation programs on private lands by $1.3 billion. This funding was to support nationally-successful programs like the Environmental Quality Incentive Program, the Farmland Protection Program, and the Wildlife Habitat Incentive Program—programs that truly help farmers and ranchers keep their working lands and that help private landowners enhance their communities’ water quality, open space, and wildlife habitat.

Unfortunately, through communities all over the nation have asked Congress for help to protect and restore water quality and open space. Republican legislators chose to strike funds for our amendment in the final conference report.

The conference report also ignores communities’ cries for cleaner energy and energy conservation—especially communities in the Northeast who breathe the downwind fumes of 1960’s-era, high-production power plants in the west. By following the Bush plan to significantly cut funding for the Department of Energy’s conservation, energy efficiency, and clean energy programs, the Republican negotiators continue the retreat from the 21st century energy needs of our people.

During consideration of the budget resolution in the Senate, I joined many of my colleagues in supporting amendments to increase funding for education reform. Before the conference report, the Senate’s education amendment that passed resolution and therefore reflects essentially the same as the House-approved version of these important amendments, this conference report conference report ignores the Senate’s actions and does not provide sufficient funds for our students, teachers and schools.

This conference report contains no increase for K-12 or higher education discretionary spending. Mandatory spending for education and training is essentially the same as the House-passed resolution and therefore reflects none of the Senate’s bipartisan actions.

The conference report rejects the Harkin education amendment that provided increased funds for so many important education programs. It rejects the Jeffords/Breaux amendment, which increased funding for the Individuals with Disabilities Education (IDEA) Act—fulfilling the Federal government’s responsibility. This conference report also fails to accommodate the Hagel-Harkin amendment—adopted unanimously by the Senate to the Elementary and Secondary Education Act (ESEA)—without additional cuts to student loan programs.

At a time when the Senate is debating reauthorization of ESEA and considering a significant change to our educational programs, it makes the sense to me that we reduce education funds as is the case in this conference report. If we really want to leave no child behind, then we must acknowledge that we have a financial responsibility to support our children’s education. This conference report fails to do that.

The conference report includes a $1 billion increase in discretionary veterans health spending. That increase barely covers inflation in the Department of Veterans Affairs’ current programs, let alone provides the department flexibility to increase the availability and quality of care. I am also concerned that this budget squeezes this nation’s military retirees, health research programs, leaving investigations into spinal injuries and war wounds at inadequate levels.

This conference report also drops a provision passed by the Senate that allows military retirees to receive their full VA disability and retire pay earned during their lifelong service. Once again, the other side has made it a priority to top-off the bulging piggy-banks of the wealthy with change pilled from the fixed income needs of our country.

Mr. President, after years of hard choices, we have balanced the budget and started building surpluses. Now we need to act for the future. Our top four priorities should be paying off the national debt, passing a fair and responsible tax cut, saving Social Security, and creating a real Medicare prescription drug benefit. This budget fails far short of these priorities. For the sake of our economy and the working families of America, I will vote against this budget resolution.

Mr. KENNEDY. Mr. President, yesterday I cited chapter and verse how this Republican budget flunks the test of education reform. It puts tax cuts for the wealthy first, and the needs of America’s children last. But that is not the only fundamental flaw in this budget. America’s seniors, too, will be left out and left behind.

Too many elderly Americans today must choose between food on the table and the medicine they need to stay healthy or to treat their illnesses. Too many are choosing to severely cut back on their doctor prescribed, or don’t even fill needed prescriptions—because they can’t afford the high cost of prescription drugs.

Too many seniors are paying twice as much as they should for the drugs they need, because they are forced to pay full price, while almost everyone with a private insurance policy benefits from negotiated discounts.

Too many seniors are ending up hospitalized—at immense cost to Medicare—because they are choosing to not receive the drugs they need at all, or can’t afford to take them correctly.

Pharmaceutical products are increasingly the source of miracle cures for a host of dread diseases, but senior citizens are left out and left behind in this republican budget.

The crisis senior citizens face today will only worsen if we refuse to act, because insurance coverage continues to go down, and drug costs continue to go up.

Twelve million senior citizens—one third of the total—have no prescription drug coverage at all. Only half of all senior citizens have prescription drug coverage throughout the year. Coverage through employer retirement plans is plummeting. Medicare HMOs are drastically cutting back. Medigap plans are priced out of reach of most seniors. The sad fact is that the only affordable, affordable drug coverage today are the very poor on Medicaid.

Prescription drug costs are out of control. Since 1996, costs have grown at double-digit rates every year. In the last several months, this trend has continued. This week, cost increases continue to accelerate, with prescription drug costs growing an enormous 18.8 percent last year. No wonder access to affordable prescription drugs has become a crisis for so many elderly Americans.

Every Member of Congress understands that this is a crisis—but this budget offers no solution. It refuses to give senior citizens the help they deserve. Yet it gives lavish tax breaks to medical insurers.

Compare the language in this budget for prescription drugs to language on tax cuts and you have a sense of the relative priorities in this budget.

If the Republicans gave a real priority to coverage of prescription drugs under Medicare, there would be a reconciliation instruction—not a reserve fund. The budget resolution could require the Finance Committee to report a prescription drug bill and set a date for action. On the GOP resolution does for tax cuts.

If Republicans gave a real priority to this proposal, they would not condition life-saving prescription drugs for seniors on “reforming” Medicare. The supporters of the resolution are saying that prescription drugs for seniors will be held hostage to controversial reforms in other parts of Medicare. But the resolution contains no requirement that the tax code must be reformed before the nominees get tax breaks.

If the Republicans were serious about a prescription drug proposal, the resolution would specify that the reserve fund is for coverage of prescription drugs under Medicare. That is what senior citizens want and deserve. But this resolution doesn’t require that. These funds are available for any program that “improves access to prescription drugs for Medicare beneficiaries.” That could be a welfare program or a program to improve coverage of Medicare. It could even be President Bush’s proposed block grant that would reach only one-third of senior citizens.

At bottom, the amount the resolution allocates for Medicare prescription drugs is grossly inadequate. The maximum it provides is $300 billion over ten years. But, according to the Congressional Budget Office, senior citizens will have to spend $1.1 trillion on prescription drugs over the next ten years. The maximum amount that can be placed under this resolution is only about a quarter of that amount. That is not the kind of help senior citizens need, and it is not what
Mr. LIEBERMAN. Mr. President, I rise today to express my serious disappointment with the budget resolution and to explain why I cannot vote for it. This resolution is irresponsible. It is irresponsible to the citizens and businesses that adhere to the fundamental economic principles for which we stand, and to the values that define us as Americans. As I have stated often, the government does not create jobs or economic success. However, by following the principles that the government can create an environment in which the private sector thrives. Fiscal responsibility produced an environment that enabled the historic economic growth of the past several years and the unprecedented surplus we have today. I am sorry to say this resolution abandons that discipline.

Government should tend to the people’s money with the same care and consideration that individuals, families, and businesses demonstrate when handling their dollars. As I look at the budget resolution that we are voting on, I conclude that it lacks not only fiscal responsibility, but also a sense of reality. It is based entirely on large projected surpluses that materialize. And, if these surpluses are not realized, this budget resolution puts us at risk of returning to deficit spending financed by borrowing from the Social Security and Medicare Trust Funds.

The tax cut provided for in this budget resolution simply is too large. At the very least, it will cost $1.35 trillion over 11 years. In addition, if you add in other required or likely to pass tax provisions, including AMT reform, increased interest payments, extension of expiring tax provisions, pension reforms and business tax cuts, this package easily rises to above $2 trillion. While I support significant tax cuts, that amount is more than we can afford. The budget is not nearly enough to support the projected surplus on a tax cut that is too large and it uses too little of the surplus for other priorities. Additionally, this resolution does not seriously address debt reduction. Aside from funds already committed to the Medicare and Social Security Trust Funds, this budget does not devote a single dollar over the entire decade towards paying down our national debt. Because this resolution is so irresponsible, it is indefensible. The Medicare and Social Security Trust funds will be available for debt reduction if they are used instead for the tax cut. Sadly, this budget resolution sacrifices the unique opportunity that we have at this point in time to solve the problems of debt—the key to low interest rates and economic growth.

This budget resolution sets us on course for an appropriations train wreck later this year and in the future. The spending levels do not even come close to our long-lasting impact on our economy. I urge my colleagues to look closely at this resolution. It is not what the American people deserve, nor is it what they expect it to be. In support of progress and prosperity, I must vote no and I encourage my centrist colleagues to do the same.

Mr. NELSON of Nebraska. Mr. President, I want to express my support for the conference report on the budget resolution. My affirmative vote on this report will be cast for several reasons, but the most important one among them is that this resolution provides the American people with a substantial tax cut—without neglecting our national budgetary obligations. The concerted effort from Senators and Members of Congress on both sides of the aisle in the negotiating process has culminated in a victory for America’s taxpayers. The vote on the budget resolution will succeed in doing a great deal for our country and for our future. Today we are authorizing the third largest tax cut in the history of our Union. The men and women of Nebraska, as well as the men and women across the Nation, will directly benefit from the $1.25 trillion tax cut over 11 years that we are authorizing for fiscal discipline and blithely over spends a surplus whose size six months down the road or six years down the road is not the best that the President sets our country on a dangerous path toward resurrecting the deficits we worked so hard to eliminate over the past several years. Finally, this resolution does not do up because the President recognizes that a resolution in Congress prefer to sound the call for compassionate conservatism rather than engage in honest accounting. It is “dejavu economics.” It commits us to the same fiscal mistakes of the early 1980s that had a horrendous and long-lasting impact on our economy.

So I call on centrists of both parties here in the Senate to not waste a decade’s worth of hard work invested in re-building our economy. I urge my colleagues to look closely at this resolution. It is not what the American people deserve, nor is it what they expect it to be. In support of progress and prosperity, I must vote no and I encourage my centrist colleagues to do the same.
role of Congress and the administration to deliver it. This conference report is our delivery vehicle.

Of even greater consequence than the tax cut spread over 11 years is the inclusion of a $100 billion up-front stimulus which will help us out of the recession, and put $225 billion into paying down more of the national debt, and funding agriculture. As a result, I will vote in favor of this conference report.

While the final outcome of the budget resolution cannot be described accurately as a triumph for bipartisanship, it can be characterized as a triumph for American taxpayers. It is my hope that we will forge ahead on other issues in a stronger and more cohesive spirit, more united in our efforts and less divided in our cause. It is time to make "politics as usual" synonymous with progress, not partisanship.

The PRESIDING OFFICER (Mr. Al-Laniz—). The Senate from North Dakota, Mr. CONRAD. Mr. President, I yield myself the remaining time and I ask the Chair if he would inform me when I have 5 minutes remaining.

The PRESIDING OFFICER. The Senator from North Dakota will be notified.

Mr. CONRAD. I thank the Chair. Mr. President, first, I thank the chairman of the Budget Committee for his courtesy as we have considered the budget conference report. I respect him. I admire him. I have affection for him. I disagree with him with respect to this budget, and I disagree with him strongly with respect to this budget.

I do not believe this is the right budget plan for our country, and it is not an opinion that I hold alone. We have heard on our side of the aisle how deficient we believe this budget is.

I noticed in this morning's New York Times the lead editorial was entitled "An Irresponsible Budget Plan." I will read this lead editorial in full:

"The theme of this budget is tax cuts first, sweep up afterward. It's the wrong way around. Budget resolutions are supposed to foster fiscal responsibility. This one will have the opposite effect.

Unfortunately, that is the case. The reason for it is quite clear. First, this entire budget is based on a 10-year forecast—indeed, there is no money in the budget. These are projections over 10 years. The people who made the projections have warned us of the uncertainty. In fact, they told us that in the fifth year alone, based on the previous variances in their forecasts, we could have anywhere from a $50 billion deficit to more than a $1 trillion surplus.

In fact, they have told us there is only a 10-percent chance the forecast number that is being used, that is being based on, is not correct. There is a 45-percent chance there will be more money; a 45-percent chance there will be less money. And that forecast was made 8 weeks ago before we saw additional weakness in the economy.

Just yesterday, we saw the productivity growth forecast come out on the first quarter of this year. They were expecting a 1-percent increase. Instead, they got a reduction. If there is just a 1-percent reduction in productivity over the period, instead of having a $5.6 trillion gap for the 2-year, $100-billion economic stimulus package prescribed by this conference report, we will have a $3.2 trillion surplus. It seems to me that advises caution in what we do on this budget resolution.

Those are not the only defects of this budget. There are huge chunks of spending that are not even in this budget, that have not been included. For example, here is a story from USA Today, Friday, April 27. "Billions Sought for Arms." The story says that the Secretary of Defense and this administration are expected to seek a large boost in defense spending, $200 billion to $300 billion over the next 6 years.

Is none of that money in the budget. None of that money is in the budget. Why not? Perhaps we heard the reason in an interview this last weekend on "Meet the Press." The Secretary of Defense was there. He was asked:

Will you get the $10 billion more in defense money this year that you need?

His response:

I don't know. I have not gone to the President. He was under no pressure after some of the studies had been completed and until the tax bill was behind us. . .

That is the real reason this budget is unreal. It is the real reason this budget is irresponsible, because they are not telling us the full story. They do not really have the budget before us. What they have is a part of the budget because they know what we know. If they put the full budget in place on one piece of paper, on one document, it would not add up. That is the problem with this budget.

It goes to education. The President says education is his highest priority, and yet there is no new money in this budget for education. In an interview this last weekend, we considered the budget, we passed the Harkin amendment that added $225 billion for education. It took $450 billion away from the tax cut and put $225 billion into education and put $225 billion into paying down more of the debt. What came back from the conference committee? Not one penny of that amendment survived.

We passed a bipartisan amendment on the floor of the Senate when the budget resolutions were passed in the Senate, when we considered the budget, we passed the Harkin amendment that added $225 billion for education. It took $450 billion away from the tax cut and put $225 billion into education and put $225 billion into paying down more of the debt. What came back from the conference committee? Not one penny of that increase came back from the conference committee. That is true throughout the education budget.

We have heard a lot of talk that somehow there is money in this budget, new money for education. Here is the document. Here it is by fiscal year. What it shows is that in the budget authority and outlays over what is in the so-called baseline is zero. It is zero for 2002; it is zero for 2003; it is zero for every single year.

There were a lot of brave speeches about education being the priority, but it is clearly not a priority in the budget because there is no new money in the budget for education.

It doesn't stop there. Not only is it the case that the defense buildup that we all know is going to be announced, perhaps as early as next week, is not in the budget, the President says education is a priority, but that is not in
the budget. And then we see the President has a meeting at the White House and says he is going to strengthen Social Security but there is no money in the budget for that.

We have an editorial from the Columbus Dispatch that says:

The tax-cut proposal works against the President’s plan to begin privatizing Social Security. Experts differ on how much this “transition cost” will be, but it won’t be cheap—thus, the Bush’s 10-year, $1.3 trillion tax cut would deprive the Government of the cash it would need to pay for the $1 trillion transition cost for the first 10 years of Bush’s Social Security privatization plan.

The goals are contradictory.

Do you see a pattern? The administration is calling for a major defense buildup but the money is not in the budget. The President says education is a top priority but the money is not in the budget. The President says he is going to fix Social Security but the money is not in the budget.

Why? I think we all know the reason why. Because if the money were in the budget for the defense buildup, if the money were in the budget for the education initiatives, if the money were in the budget to strengthen Social Security, then the budget does not add up. In fact, it would show they are raiding the Medicare trust fund by over $200 billion. They are raiding the Social Security trust fund by over $200 billion. That is the dirty little secret of this budget. It is the reason whole chunks of what is really intended have been left out.

Over in the House they had two missing pages. It stalled the budget work for a week. Two missing pages? There is more than two missing pages. There are whole chunks of the real budget that have been left out because they know it doesn’t add up.

As we look ahead, it is critical to understand we are in a period of surplus now. These projections of surpluses may hold. They may not. But at least we have a projection of surpluses. We know when the baby boomers start to retire that these surpluses turn to massive deficits. Then the question will be: What did we do when we had the opportunity to prepare for what was to come?

This is what we are doing. The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. CONRAD. I thank the Chair for advising me of the time.

If we go back to the budget that is before us and put back the defense buildup the administration is going to call for and which is authorized in this budget, although the numbers are not included, we went back and corrected the alternative minimum tax that is going to affect over 35 million taxpayers in this country, one in every four taxpayers who think they are going to get a tax cut but are going to be surprised when they find out they are not. We also further explored the alternative minimum tax and it costs $200 billion to fix it; if we put in the education amendment that passed on the Senate floor last week on a unanimous consent basis; if we put in the emergencies that we all know are going to occur that run on average $5 billion a year; and if we put in the associated interest costs with those items, what we find is that we would be deep into the Social Security trust fund. That is the reason all of those items have been left out—because this budget does not add up.

Mr. CONRAD. I ask our colleagues to oppose this budget resolution so we do not repeat this history.

The PRESIDING OFFICER. The Senator from New Mexico controls time.

Mr. DOMENICI. Am I correct now, there is no time remaining on the other side and I have how many minutes?

The PRESIDING OFFICER. The Senator has 12 minutes.

Mr. DOMENICI. So our fellow Senators ought to know, we are going to finish in a timely manner and the vote will be sometime after 11:30.

First, I thank all the wonderful staff on both sides of this budget battle. Much more work goes into this than anybody thinks.

In particular, I say to Bill Hoagland, the staff director on our side, and to his staff, thank you so much for all you have done. It has been a great effort.

Mr. President, fellow Senators, those who are listening, this budget for prosperity now and prosperity in the future, plain and simple. It is the largest commitment of money for education in our Nation’s history. I will go into some details on that momentarily. It keeps our wars, Social Security and Medicare are not touched. Their funds are not used.

I know that Senator BYRD said today on the floor that when your mother calls you—implying on Mother’s Day—tell her that the Social Security trust fund is being raided, and whatever else she said we should be responding to our mothers on Mother’s Day.

I have another response. My mother is not alive. But if she were to call me, I would say: Your Social Security is intact and fully protected. Medicare is fully protected. But also, mother, there is $300 billion in this budget for prescription drugs and reform of the Medicare program—$300 billion. The House wanted only $146 billion. There is $300 billion to get started on the program. There is $300 billion that can be used.

I say, in addition to my mother, that this budget is good for me, one of your children, and for the other three children, and for the grandchildren, six of whom are working. I am just describing a family. Do you know that it is good for them, mother? Because we are going to give them back some of their hard-earned tax money. You know they are hurting because of gas prices. They are hurting because of electric bills. Everybody is working on some way to fix that.

But wouldn’t it be nice if, in fact, your sons and daughters and grandchildren this year and next year got a very significant tax reduction?

Frankly, I could go on and on as to what this budget accomplishes.

But let me suggest that to bring into this debate the subject of Social Security and Medicare is just another part...
of the same old argument. Whenever tax cuts for the American people are close at hand and we are going to do something for them, every argument in the world that can be invented from a budget standpoint is offered in opposition. It is a wonder that the American people cut by cut will go back to the Americans in an orderly way for such things as child credits, marriage tax penalty, which everybody knows should be done, and marginal rate reductions with bigger cuts at the bottom end than at the top end.

I don’t know what else we can do. I believe we have done everything in this budget that you can do in a rational way to make sure that the surplus is handled in a proper manner and that it is the right things we feed on it, use it, and get money out of that surplus for things we must have.

I have already disagreed with my friend on the other side. But I don’t disagree from the standpoint of his views, and his own opinions. I would not be asking people to vote for a budget resolution that touched the Social Security trust fund. I wouldn’t be asking them to vote for one that touched Medicare because it doesn’t. But neither would I ask them to vote for a budget resolution that some would want that would spend all the money instead of having any of it for the taxpayers of America.

We have heard all kinds of ideas of what should be in this budget. If anybody is adding it up and listening to us, I guess you would conclude that the Government of the United States is going to take care of every problem in the United States, and if we just didn’t give the taxpayers back any money, we would be out there solving all of them.

We know that isn’t true. This budget is an increase over last year. In fact, I know that the House and the Senate would do it in their own way.

I see the chairman of the House Budget Committee. I want to tell the Senate that I believe on the nondiscretionary side of this budget there is a little bit more than 5 percent over last year. The House started at 4; the President started at 4. That is $6.2 billion more we have for education and other things of significance.

I want to close my remarks where I started. This budget is for prosperity. Now, because it has $100 billion that will go back to the American taxpayers in these next 2 years, this one and the next, and it is a budget for the future because for America to prosper we have to have low taxes and low tax rates. It has been our history that we compete not just against this moment but also against innovation, and through people investing their money, time, talents, and working hard. If you have high taxes, you get less of those things in an economy. That is just it.

Senator Nickles also told us about how much we are paying in taxes as a group of people, as Americans. It is very high. We are going to reduce it a little bit—but not very much. $1.25 billion over ten years is not very much. In fact, when you look at that as part of the total tax take, what we are going to give back to the American people is rather insignificant.

I close by saying to everyone here: This is your chance today but not the last chance because there is a $500 billion surplus remaining. But this is your chance to say to the American people before we spend all of your tax money that isn’t needed, we are going to give you a little bit of it to be used as you see fit because we trust you. Not only do we trust you, but we think the less you are taxed, the harder you work, and the more you will invest in your life, in productivity, in growth of the right things, and the more you will sit around the family table saying what you can do with your money instead of saying the Government is taking so much of your money.

In conclusion, this has been as tough as it can be. I have been at budgeting for many years. It is tough because there are people on both sides of the aisle, in the White House, and in the House of Representatives, who have their own opinions and nothing was going to change anybody’s opinion. A lot of opinions have been changed. There have been many compromises, which is what we have to do to get our work done. This compromise package is the best we can do this year. I believe it is good for our future. I believe the American people, in about 6 months, will say it is a very good budget. And, yes, I believe those wondering where the education money is coming from will be very happy. There will be over an 11 percent or perhaps as much as a 12 percent increase in education with some highlighted at higher increases than that.

I think that is what we ought to be doing. The highest priority on the domestic side is education.

I want to say to President Bush, you didn’t get everything you wanted, Mr. President, but I want to compliment you because you have made us change direction. You have moved us in the direction of giving back taxes to the American people rather than giving them the last cut after the debt. They are going to get some of those taxes back next year, next year, and the year after. That is a new direction. Mr. President, you ought to be proud of it.

We will implement it in due course, and, frankly, I think that we will all say this was a job well done, as hard as it was.

I close by saying if we don’t want to do this now, when will we do it? How much of those cuts will we have to have? I believe we have enough surplus that we should leave part of it in the hands of the taxpayers.

I yield such time as I might have. The Presiding Officer. All time is yielded.

Mr. DOMENICI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to the conference report. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 53, nays 47, as follows:

[Roll call Vote No. 98 Leg.]

YEAS—53

Allard
Allen
Baucus
Bennett
Bond
Breaux
Budow
Bunning
Burns
Campbell
Baucus
Craig
Crapo
Daschle
Domenici
Dodd
Nelson (NE)
Nelson (NM)

NAYS—47

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cassidy
Cochran
Cochran
Corzine
Crespin
Daschle
Dayton
DeWine

The conference report was agreed to. Mr. DOMENICI. I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank everyone who participated in this debate. I believe we have a good product and now we will implement it over the next year.

Once again, I thank everybody who participated on both sides of the aisle. We have a good product. Now everybody can begin to implement it. It means different things to different people, but in the end, it is pretty clear we are going to have a significant tax reduction plan in place. Let’s hope, as we work through it, we will get some of the other things that most of us believe are in this budget resolution and see if we can carry them out in the ensuing months.

I thank the ranking member on the Budget Committee for the way he conducted himself, the information he put together, and the knowledge he has obtained. It has been a pleasure working with him. I thank him very much.
The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I congratulate the chairman of the Budget Committee for his victory today and for the way he has conducted himself. I appreciate the relationship we have. We disagree on this budget, but I have great respect for him as a Senator and as a person.

I also thank the staff on both sides. They worked incredibly hard in these last 2 days, in some cases almost around the clock. I thank my staff director, Mary Naylor, for her extraordinary efforts, Sue Nelson, Jim Horney, and the entire group of budget staffers on our side.

I also want to recognize the professionalism of the staff director on the Republican side. Bill Hoagland is a consummate professional, as are the other members of the staff on the Republican side. We have a very professional working relationship. They have worked very hard to produce this document.

One of the great things about the Senate and the Congress is we will be back. These battles are not over. We have a different sense of what the priorities should be for the country, and we will be speaking out on those issues in the days ahead.

Again, I congratulate those on the other side who prevailed on this vote. I look forward to a continuing debate on what should be the fiscal course for the country.

I thank the Presiding Officer and yield the floor.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—Resumed

The PRESIDING OFFICER. The Presiding Officer, the clerk will report the pending business.

The senior assistant bill clerk read as follows:

A bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

Pending:

Jeffords amendment No. 358, in the nature of a substitute.

Kennedy (for Murray) amendment No. 378 (to amendment No. 358), to provide for class size reduction programs.

Kennedy (for Dodd) amendment No. 382 (to amendment No. 358), to remove the 21st century community learning center program from the list of programs covered by performance agreements.

Cleland amendment No. 376 (to amendment No. 358), to provide for school safety enhancements, including the establishment of the National Center for School and Youth Safety.

Biden amendment No. 386 (to amendment No. 358), to establish school-based partnerships between local law enforcement agencies and local school systems, by providing school resource officers who operate in and around elementary and secondary schools.

Specter Modified amendment No. 388 (to amendment No. 378), to provide for class size reduction.

Voelchich amendment No. 389 (to amendment No. 358), to modify provisions relating to State applications and plans and school improvement to provide for the input of the Governor of the State involved.

Carnahan amendment No. 374 (to amendment No. 358), to improve the quality of education in our schools.

Wellstone amendment No. 403 (to amendment No. 358), to modify provisions relating to State assessments.

Reed amendment No. 425 (to amendment No. 358), to revise provisions regarding the Reading First Program.

AMENDMENT NO. 403

Mr. WELLSTONE. Mr. President, I call up amendment No. 403. The PRESIDING OFFICER. The Senator’s amendment is now pending.

Mr. WELLSTONE. I thank the Chair. Mr. KENNEDY. Will the Senator yield for a question?

Mr. WELLSTONE. I will be pleased to yield for a question.

Mr. KENNEDY. I am wondering if the Senator would like to have a rollcall vote.

Mr. WELLSTONE. I would like to have a rollcall vote. I ask for the ayes and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Will the Senator be willing to enter into a reasonable time period? It is the noon hour now, just for notice to our Members. We had a good debate on this amendment. It is a very important one. I want to do whatever permits the Senator to make his case again.

Mr. WELLSTONE. I see a unanimous consent request which I think will be fine. I say to my colleague from Massachusetts, like other Senators, I have other amendments to this bill and there will be plenty of time for extended debate later.

This is a good amendment for the Senate to go on record. I am pleased to agree to a time limit.

Mr. President, I will have the floor.

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. JEFFORDS. Mr. President, will the Senator yield so I can propound a unanimous consent request regarding the Senator’s amendment?

Mr. WELLSTONE. I will be pleased to do so.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that with respect to the Wellstone amendment No. 403, the time between now and 1:45 p.m. today be evenly divided in the usual form, with no second-degree amendments in order. I further ask unanimous consent that the vote occur in relation to the Wellstone amendment at 1:45 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota.

Mr. CONRAD. Mr. President, first, I will be clear about this amendment. With this amendment, we want to make sure, as we talk about accountability and testing, that this is done the right way. In many ways this amendment—really, in all ways, this amendment tracks the consensus in the testing community, the work of the Committee on Economic Development, which is the arm of the business community which is very pro-testing.

We are saying a number of things:

First, it is extremely important that this testing that is done—after all, we are talking about testing every year from age 8 through age 13—that this testing that is done meet the criterion that is comprehensive; that is to say, there are multiple measures for any kind of testing that is done in our country. It is terribly important that it is done.

Second, it is important that it be coherent, that there is a connection, there is a relationship that the testing actually tests the curriculum and the subject matter being taught. It seems to me that is the very least we can do for our local school districts.

Third, as we continue, it is important we be able to measure progress over time, how these children are doing. Moreover, this amendment says that States will provide evidence to the Secretary that the tests they use are of adequate technical quality for each purpose for which they are used. It is very important that this be done the right way.

Finally, it says itemized score analyses should be provided to districts and schools so tests can meet their intended purpose, which is to help the people on the ground, the teachers and the parents, know specifically what their children are struggling with so they can help them do better.

I am absolutely amazed that this amendment has not been accepted. I thought there would be a real consensus behind this amendment. The reason I say this is all across the country, in case colleagues have not taken note of this, they are having a very negative reaction to testing being done this wrong way. We have a very distinguished educators at the higher end level saying we ought not rely on the SAT as a single test. We have parents, children, young people—really starting in the suburbs, interestingly enough—who are rebelling. We are having more and more reports coming out that the really gifted teachers, the very teachers we need in the school districts where children are most underserved, are leaving the profession because they do not want to teach to the standardized test; they do not want to be drill instructors.

In addition, there has been, I think, some very important, moving writing that has come out. Marc Fisher, a columnist with the Washington Post, wrote a piece on May 8. The headline is, “Mountain of Tests Slowly Crushing School Quality.” I recommend this piece to my colleagues.

What Marc Fisher is saying, on the basis of what a lot of teachers and a lot of parents are saying, is that if you just have the standardized tests, if you do not do this the right way, if you do
not have multiple measures, if you do not have tests that are actually testing the curriculum that is being taught, then what you are going to have all across the country is drill education.

It is a sad sight to see when you have 8-year-olds and 9-year-olds sitting in straight rows—I have seen it on television—and you have a teacher saying: 2 plus 2 is 4; 3 plus 3 is 6; 5 plus 5 is 10. This goes for education, drill education, for standardized tests, for worksheets that have to be filled out. It is so deadening, and not one Senator would want his or her children to be taught that way or would want to see a teacher have to teach that way. But if we are not careful, that is what is going to happen.

My understanding is the administration is opposed to this amendment. I am amazed that any education Senator would be opposed to this amendment.

There is another piece that Marc Fisher wrote today which is a real heartbreaker. ‘Schools Find Wrong Answers to Test Pressure’ is the headline. I am just going to quote the latter part of this piece.

Michael West, a professor at Virginia Commonwealth University, tells me that at his daughter’s school, students who pass this week’s tests have been told they can skip the final week of school. There’s a great lesson: First prize—you don’t learn.

The headline has brought with it a tidal wave of mediocre teaching materials.

Julie Phillips, a teacher who recently moved from the New York suburbs to Montgomery County, Maryland, says, “Great books are tossed on the heap so that students can practice writing about short, fable-like tales that test prep writers concoct to imitate what is on the tests. It is so disheartening.”

Listen to a third-grade teacher who has taught in a Fairfax County school for 30 years. Here are a few of the things she says she has had to eliminate from her classroom since the SOL tests took over the curriculum:

“We would have a whole biography unit. We would read a biography of a famous American. We would talk about the elements of a biography. Then the children would choose the best American for a report and they would write their own autobiography. Finally, they would write a biography of one of their parents. It really got the children talking to their parents about their lives. I typed this up and bound it as a book which the children illustrated. (I don’t have time anymore. I have to teach to the SOLs.)

“I would have a poetry unit. We would explore the various forms of poetry and the children would write at least one poem in each of six forms. They would illustrate them and turn them into a book. Something for them to keep forever. (I don’t have time anymore. We read some poems and picked out the rhyming words so they can pass their SOLs.)

“I would teach reading twice a day so the children would have a chance to succeed. But today you cannot even vote for an amendment that would assure quality of testing so we do not drive the best teachers out of the profession.”

Mr. REID. Will the Senator yield?

Mr. WELLSTONE. I am pleased to yield.

Mr. REID. Senators are wondering what is going to be happening in the next couple of hours. With the courtesy extended to me by the Senator from Minnesota, the Senator has told me he wishes to speak for another 20 minutes or thereabouts on the amendment that is pending. Approximately; is that right?

Mr. WELLSTONE. Approximately. I am not sure exactly.

Mr. REID. The only thing we have. Senator MR. LINCOLN is here. She is going to speak for 15 minutes on an amendment she is going to offer. The opposition would ask for 15 minutes. We wanted to have a couple of votes at about quarter until 2.

Mr. WELLSTONE. I certainly want to accommodate other Senators, but I want to hear the arguments against this amendment. I want people to come out here and debate this amendment. I want to have a chance to respond to those arguments.

Mr. REID. Whatever time the Senator has, they will have that time, and if they choose to speak against it, they certainly can. I am wondering if we could have the Senator’s agreement that we could have a couple of votes at quarter to 2. The Senator from Arkansas wishes 30 minutes equally divided on her amendment, which would leave the rest of the time for the Senator from Maryland.

Mr. WELLSTONE. I am pleased to. I want to reserve 5 minutes before the vote to have a chance to summarize and, I say to my colleague from Arkansas, I will certainly try to finish my initial responses. I certainly would like to know what is the basis of the opposition to this amendment.

Mr. REID. If I may say to my friend from Vermont, I ask unanimous consent she is going to offer. The opposition would ask for 15 minutes. We wanted to have two votes at 1:45. We will do our best to accommodate the amendment for a while and come back.

Mr. REID. The amendment is so important. Then I would be pleased to yield the floor and we can move to the Lincoln amendment for a while and come back.

Mr. WELLSTONE. I am not going to agree to have my amendment set aside right now. I haven’t made the case for the amendment. I object. I probably will take another 15 minutes to explain why I think the amendment is so important.

Mr. REID. Reserving the right to object. I ask that the amendment to allow the Lincoln amendment be allowed one-half hour.

Mr. WELLSTONE. I am not even finished. I am not going to agree to have my amendment set aside right now. I haven’t made the case for the amendment. I object. I probably will take another 15 minutes to explain why I think the amendment is so important.

Mr. REID. I am pleased to yield the floor and we can move to the Lincoln amendment for a while and come back.

Mr. WELLSTONE. I am pleased to. I ask the Lincoln amendment be allowed one-half hour.

Mr. REID. We are planning on having two votes at 1:45. We will do our best to get to that.

Mr. JEFFORDS. That is something we can work out.

Mr. WELLSTONE. If we would not keep jumping on the floor with the unanimous consent requests, I could be finished in about 8 minutes, and then you can have the floor and we can come back.

Mr. President, I ask unanimous consent that these two pieces by Marc Fisher be printed in the Record.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 10, 2001]

SCHOOLS FIND WRONG ANSWERS TO TEST PRESSURE

(By Marc Fisher)

The fifth-grade girl stands in the foyer of Bethesda Elementary School, capsized in tears. “What’s the matter sweetie?” a concerned mother asks. “Can I help?”

The girl sobbs and sobs. She cannot speak. Finally, she gulps: “I’m a few minutes late, I missed the bus and now I can’t go on the playground.”

The mother: “They won’t let you go on the playground if you miss the bus?”

Girl: “No, not the regular playground. There’s a special MSPAP playground, but you can’t go on it unless you come on time and bring your special red pen.”

It has come to this. The MSPAP—Maryland School Performance Assessment Program—is Maryland’s state-mandated standardized test for children in grades 3, 5, and 8.
It is used to compare how well schools perform. It is, therefore, something principals and teachers desperately want students to take seriously.

How tests got there. Bethesda Elementary set up a special playground with triple the usual time for students to play and an array of extra games. “If you’re on time every day, are you going to do your best to pass the test? They know that if you work hard, you’re going to have fun.”

And if you miss the bus, what happens? “You go to regular recess,” the principal says.

Just imagine the ribbing those kids get. No wonder the little girl was weeping.

We dwell on the cheating scandals that have hit Montgomery schools two years running, as panicked principals and terrified teachers mortgage their consciences to get the scores up at any cost. This week, at Silver Spring International Middle School, the principal and six other staffers were removed after students were given extra time to muck up the SOLs.

Those cases are clear enough. Let’s look instead at the supposedly ethical ways in which schools twist and tweak kids to get them to perform artificially.

In Virginia, where the Standards of Learning tests are much more deadening than the relatively creative MSPAPs, Michelle Crotts, the principal at Tallwood High School in the English in Rockingham County in the Shenandoah Valley, administered the test this week with a heavy heart.

Our school had offered a five-point bonus on their final grade if they pass the SOL test in each subject area,” she says. “So a student would average for a course who passed an SOL earns an A. Last year, I had two students who failed my course because they did not bother to do most of the coursework, yet these students passed the class because of the five added points. Talk about grade inflation!”

Michael West, a professor at Virginia Commonwealth University, tells me that at his daughter’s middle school, students who pass this week’s test have been told they can skip the final week of school. There’s a great lesson: Don’t learn.

In Maryland, there are MSPAP snacks and MSPAP parties. In Virginia, there are entire classes devoted to preparing for the SOL tests. At Carl Sandburg Middle School in Fairfax County, “Friday SOL prep classes have been going on” since the depth of winter, says eighth-grader Ijeoma Nwatu. “We’ve recently been given workbooks with test-taking skills, vocabulary terms, graphs and stories.” On Friday, the children will work on SOL posters, which, they’ve been told, will build self-esteem.

The testing mania has brought with it a tideal wave of mediocre teaching materials. Julie Phillips, a teacher who recently moved from New York suburbs to Montgomery County, says, “Great books are tossed on the ground, that the children illustrated. (I don’t have time any more, I have SOLs.)”

“I would teach a poetry unit. We would explore the various forms of poetry and the children would write at least one poem in each of the six forms. I would let them and we would bind them as a book. Something for them to keep forever. (I don’t have time anymore. We read some poems and picked out the rhyming words so they can pass their SOLs.)”

“I would teach reading twice a day so the children who were behind could catch up. I was able to raise some children by two years in one school year. (I don’t have time anymore. I have to teach to the SOLs. I have to teach how to fill in bubbles.)" Frustrated by the new test-driven curriculum, this teacher has decided to leave her profession. Is that school reform?

[From the Washington Post, May 8, 2001]

MOUNTAIN OF TESTS SLOWLY CRUSHING SCHOOL QUALITY
(By Marc Fisher)

Those who say the culture wars are over must not have children of school age. The struggles that have divided the nation for 20 years—the phonics fracas, the New Math mess, the tiff over teaching morality—pale next to the flood of the many states, including the District, when they work over and over on the state-mandated MSPAPs.

For example, Caleb Rossiter, who teaches statistics at the Prince George’s Community College, and the most creative teaching, the most inspired schools because that is the test-driven curriculum, this teacher has decided to leave her profession. Is that school reform?

Mr. WELLSTONE. Mr. President, let me explain what this amendment does.
By the way, so we can be clear we already know—I am going to summarize—we actually already know which children are doing well and which children are not doing so well. Children who come from families who are low income, do not have nearly the access to technology, we already know which children are doing well and which children are not doing so well. Children who attend schools that don’t have anywhere near the same resources that more affluent schools provide—the same opportunities other children have for the very best developmental childcare, children who attend schools that don’t have anywhere near the same opportunities who live in inadequate housing and all too often their parents move two or three times during the school year, children who are in schools where sometimes during the school year there are two or three or four teachers, when in fact you try to teach and can’t, and who do not have the best teachers, students who are in schools where the teachers don’t make nearly the salaries and don’t have nearly the access to technology, we already know which children are not going to do well on these tests. We already know.

Actually, what we are going to do—and I will speak more about this next week—is that is incredibly cruel. We are going to fail these children again because all of this authorization is fiction. We have no agreement on any resources. We just had a budget that gives instructions to appropriate funds which means we are going to have but a pittance.

I will have a particular amendment next week that says we do the testing when we live up to the Dodd amendment and fund title I at that level. By the way, when we are talking about these children and about full funding over 10 years, why are we waiting 10 years, I ask my colleagues. If a child is 8 years old, 10 years from now when we fully fund these programs, although we don’t have any commitment to do so yet, that child will be 18. Childhood is once. You don’t recover your childhood. Why aren’t we helping these children now? Where in the budget are resources to help these children now? Where is the commitment to help these children now? Instead, you are going to have people pounding their chests saying they are all for accountability.

These tests don’t do a thing when it comes to getting a good teacher; when it comes to a smaller class size, or when it comes to making sure children come to kindergarten ready. None of that is accomplished. I say to my colleagues, at the very minimum let’s at least not drive out good teachers. Let’s not make the mistake of discouraging the very best women and men from going into teaching. Get out good teachers by forcing them to be involved in drill education where they basically are having to teach the tests and that is all that it is about and no more. So they drop social studies, they drop music, they drop theater, and they drop art. None of it is tested.

This amendment says we make the commitment that these tests around the country, if we are going to talk about accountability, are comprehensive. Don’t use just one measurement. In addition, they are coherent. They are a measurement that the curriculum is being taught, that they are continuous, and we can see how a child is doing over a period of time.

We are saying the States need to provide evidence to the Secretary that the tests they use are adequate and of technical quality for each purpose for which they are used. Why wouldn’t you want to go on record making sure we have the high-quality tests used for the purposes for which they are supposed to be used?

Finally, the itemized test scores are provided to the schools so the parents and others know where the children are struggling and how they can do better.

I am telling you, if we don’t do this, there are two things that are going to happen. There is going to have either a lot of children who are going to be held back or put into lower reading groups or math groups or whatever or you are going to have a lot of schools that are going to be identified as failing. In effect, based on the basis of single standardized tests.

We all draw from our personal experience. I can certainly tell you that based upon my own personal experience, I am glad that many more schools are looking at more than SATs. I wasn’t supposed to graduate from the University of North Carolina based on SAT scores. I worked hard and did great. I wasn’t supposed to be a graduate of graduate school on the basis of SAT scores. I was lucky enough to get a doctorate degree at age 24.

These tests are not always accurate. Why in the world would you want to defy what every single person in the testing field says, you should never rely on a single standardized test. You must have multiple measures.

I know there are some students and perhaps some teachers in the gallery today.

The second thing that is going to happen is you are going to drive out the best teachers. You are going to make it impossible for the very communities, the schools, and the very kids who need the best teachers to get the best teachers because you are going to channel everybody down the road of having to teach the standardized test, to teach the test. What could be more educationally dead.

Second, without the resources, it is a mockery. It is an absolute mockery. We already know what works and what doesn’t work. All we have to do is look at the schools that our children and our grandchildren attend. That is all we have to do.

The schools that Senators’ children and grandchildren attend are good schools. They are beautiful. They are inviting. The landscape is lovely. The teachers are highly paid. The classes are small. They don’t drill education. It is exciting and rewarding. And our children and grandchildren, before kindergarten, have been read to, can now spell the alphabet, and know computers. They are sophisticated and are ready to learn.

We already know we don’t need tests to tell us what works. All we need to do is live up to our rhetoric and be accountable. We will not be accountable if we jam down the throats of every school district in every State in the United States of America a test without at least some standards to make sure they are high-quality tests that do not lead to what will only be a disaster for education, for these children, and for their teachers. We will not be doing our job if we do not provide the resources to go with the accountability.

Today in this amendment I am focusing on the quality of teaching. I would love to find out why—I had the understanding there was strong support for it. Now I understand there isn’t. I would like to know in what ways the administration disagrees with this amendment.

I yield the floor.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Wellstone amendment be laid aside, and the Senate then turn to the Lincoln amendment No. 45, with 15 minutes under the control of Senator Lincoln and 5 minutes under the control of Senator JEFFORDS, with no second-degree amendments in order, and, further, following that debate, the remaining time until 1:45 be divided equally on the Wellstone amendment.

I further ask consent that the vote occur in relation to the Lincoln amendment following the Wellstone amendment at 1:45 p.m. today, with 2 minutes prior to the vote for explanation.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, the Senator from Minnesota is in the Chamber. That would give the Senator from Minnesota approximately 50 minutes in additional time to debate the amendment.

I ask the Senator, would that be sufficient?

Mr. WELLSTONE. Mr. President, I actually, first of all, am pleased to speak after the Senator from Arkansas. Second of all, as far as time that I need, I said what I needed to say. I am just interested in what in the world is the opposition to a high-quality testing amendment? I would like to hear what it is people have to say in opposition. So I only need time to respond.

If the Senator from Vermont, and others, support the amendment—which I do—they will not need to respond. If other Senators don’t want to come to the Chamber and debate, then there is no one to respond to, so I will
not need a lot of additional time. I already said what I needed to say on this amendment.

Mr. REID. Further reserving the right to object, Mr. President, it is the understanding of the two managers of the bill—one of whom is not here—on these two amendments there would be no second-degree amendments?

Mr. JEFFORDS. That is correct.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I say to my friend from Vermont, the Senator from Arkansas is on her way to the Chamber. She will be here momentarily. In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. LINCOLN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 451 TO AMENDMENT NO. 358

Mrs. LINCOLN. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN] proposes an amendment numbered 451 to amendment No. 358.

Mrs. LINCOLN. I ask unanimous consent in the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding and authorize appropriations for, part A and part D of title III of the Elementary and Secondary Education Act of 1965)

At the appropriate place, add the following:

SEC. 902. SENSE OF THE SENATE; AUTHORIZATION OF APPROPRIATIONS.

(a) Sense of the Senate.—It is the sense of the Senate that Congress should appropriate $750,000,000 for fiscal year 2002 to carry out part A and part D of title III of the Elementary and Secondary Education Act of 1965 and thereby—

(1) provide that schools, local educational agencies, and States have the resources they need to assist all limited English proficient students in attaining proficiency in the English language, and meeting the same challenging State content and student performance standards that all students are expected to meet in core academic subjects;

(2) provide for the development and implementation of bilingual education programs and language instruction educational programs that are tied to scientifically based research, and that effectively serve limited English proficient students; and

(3) provide for the development of programs that were to prepare and improve the professional training of educational personnel who work with limited English proficient students.

(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out part A and part D of title III of the Elementary and Secondary Education Act of 1965—

(1) $1,100,000,000 for fiscal year 2003;

(2) $1,400,000,000 for fiscal year 2004;

(3) $1,700,000,000 for fiscal year 2005;

(4) $2,100,000,000 for fiscal year 2006;

(5) $2,400,000,000 for fiscal year 2007; and

(6) $2,800,000,000 for fiscal year 2008.

Mrs. LINCOLN. Mr. President, before I begin, I ask unanimous consent to add as cosponsors to the amendment Senator BINGAMAN and Senator KENNEDY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Thank you, Mr. President.

Before I describe the specifics of my amendment, I want to take just a few moments to commend Senators JEFFORDS and KENNEDY for their tireless efforts in crafting the bipartisan proposal that is before the Senate today. As someone who works hard to bridge the partisan divide in Washington, I think each Member of this body owes the managers of this particular bill a debt of gratitude for bringing Senators with very different points of view together to find common ground on the most important bill we will likely consider this year.

They have done an excellent job. They have worked tirelessly together. I certainly commend both of them for their good manners and for the diligence with which they have gone about this very important issue. They have demonstrated real leadership in this debate by placing the education of our children above partisan advantage. I am proud to join this bipartisan effort to reform our system of public education by helping States and local school districts raise academic achievement and deliver on the promise of equal opportunity for all students.

I think the way this bill has been brought up also accentuates the opportunity we have to move in a timely way. As the mother of small children who will start kindergarten this fall, I certainly understand that the more time we waste in addressing this critical issue, the more at risk we put more and more young people across this Nation of not being able to achieve their goals.

So I am pleased to note that the bill before us reflects many of the priorities that are important to me and the 500,000 or so children who live in my State of Arkansas. As many of my colleagues know, I have worked with Senator LIEBERMAN and other new Democrats over the last 18 months on a bold ESEA reform proposal known as the three R’s bill. Our bill took a new approach to Federal education policy by combining the concepts of increased funding, targeting, flexibility and accountability to help our school districts meet higher standards.

If there is one thing we have come to know about education, it is that you do not get something for nothing. We have to make a priority in this Nation of investing in education. This bill and this session gives us that opportunity to meet the mark and to actually do what it is we say we want to do.

One fundamental component of our plan, which is also a part of the BEST bill, is a commitment to give States the resources they need to help all limited English proficient students attain proficiency in the English language and achieve high levels of learning in all subjects.

The amendment I offer today recognizes that we aren’t doing enough at the Federal level to provide the vast majority of LEP students in this Nation with the educational services they need to be successful under this new framework. This year, we will spend $460 million to serve LEP and immigrant students but only 17 percent of eligible children will benefit from these programs.

My amendment calls on Congress to appropriate $750 million for language instruction programs and services in fiscal year 2002. Also, my amendment would authorize additional funding over the next 6 years so LEP and immigrant students could receive services under title III within 7 years. Under this approach, funding will be distributed to States and local districts through a reliable formula based on the number of students who need help with their English proficiency. It is so essential, if we are going to ask these students to meet the performance standards in our schools, that we indicate we have left the status quo of education in this country beyond to the 21st century. We must give them the tools in order to do so.

If you have visited many schools in your States lately, you have probably heard about the challenges schools and educators face in serving the growing number of students in need of LEP programs. From 1989 to the year 2000, the enrollment of limited-English-proficient students in our Nation’s schools grew by 104 percent, from 2 million to an estimated 4.1 million during this same time period, total school enrollment grew only by 14 percent.

My State of Arkansas is a prime example of the trend that is occurring across this great Nation, especially in Southern States. According to the most recent census estimates, the Hispanic population in our State of Arkansas grew 337 percent since 1990, which is believed to be the largest percent of growth in this Nation. Not surprisingly, the number of LEP students in Arkansas has increased dramatically in recent years as well. Since 1994, the number of LEP students enrolled in Arkansas public schools has increased by 89 percent, from 17,628 students to 32,719 students today.

Other States have experienced a similar increase in the number of students in need of services under title III. By fiscal year 1999 and the year 2000, the percentage of immigrant students grew dramatically in the following States: Connecticut by 72 percent; Georgia by 39 percent; Louisiana...
by 34 percent; Michigan by 35 percent; Missouri, our neighboring State to the north, grew by 50 percent; Oregon by 28; Tennessee by 33 percent; and Utah by 38 percent.

The amendment would do more to serve these students and the educators who are responsible for teaching them is clear. Providing more resources alone won’t bring about reform or help close the achievement gap which persists between LEP and non-LEP students. Under the BEST bill, States will have to establish and meet annual performance goals for LEP students or face sanctions. In addition, all LEP students will pass States’ proficient level of performance within 10 years. This is a new approach that represents an important change from the past where too often low expectations for LEP students and immigrant students has resulted in low performance in the classroom. Our Nation and its economy cannot tolerate that approach to educating our children any longer.

In closing, I hope my colleagues will support the amendment which expresses a strong commitment to enhance educational opportunities for LEP students by increasing and distributing Federal resources for LEP programs in a reliable way and requiring LEP and immigrant students to meet higher standards. If we are going to ask these students to master English and meet the same challenging State content and student performance standards that all students are expected to meet, which we must do under this bill, then we need to provide States and local school districts with the resources they need to meet this new challenge.

I thank all of my colleagues for their support and encourage their vote in favor of the amendment. Attention to this issue is growing in so many of our States.

I yield the floor and suggest the absence of a quorum.

Mr. WELLSTONE. Mr. President, I ask unanimous consent to modify my time. In a few moments, I am going to really will not need to take much more time. In a few moments, I am going to make sure we have the necessary language that deals with quality, and again I, in particular, would emphasize the importance of comprehensiveness, multiple measures, and coherence, tests measuring the curriculum and what is being taught, and that it is continuous so that we see how children are doing over time. I don’t know how other Senators will vote, but I certainly promised to have had the discussion with my colleague from Vermont.

I send my amendment to the desk and ask that the amendment be modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 403), as modified, reads as follows:

On page 46, strike line 19 and replace with the following:

"assessments developed and used by national experts on educational testing."

"(b) be used only if the State provides to the Secretary evidence from the test publisher or other relevant sources that the assessments used are of adequate technical quality for each purpose required under this Act, and such evidence is made public by the Secretary upon request."

On page 51, between lines 15 and 16, insert the following:

"(K) enable itemized score analyses to be prepared and submitted by the State at any time and containing such information as may be determined by the Secretary to be necessary to enable the Secretary to determine the quality and fairness of assessments with respect to the purpose described in subsection (a)."

Mr. WELLSTONE. Mr. President, I want to hear from my colleagues from Vermont, sometimes when I feel particularly indignant—and I do right now about where we are heading with this bill, and I have a Senator on the floor whom I respect and like to work with, I don’t want the Senator from Vermont to think this is aimed at him.

My third concern, which I will talk about next week, is that we are just going to kind of wash our hands thin when it comes to prekindergarten and what is being done for them, and keep them thin when it comes to the additional title I help, which could be pre-K, or extra reading help, or after school, and we are going to keep them thin when it comes to whether or not their schools have the resources and they are able to get the best teachers; and then we are going to put them to the scale, test them, and fail them again.

This doesn’t work. The "accountability" without resources doesn’t work. But at least this amendment deals in part with the accountability piece, which is to make sure we don’t confuse accountability testing and a single standardized test as one and the same thing. It is not.
from Vermont for his very useful suggestions. As I say, next week I am going to have some amendments that are going to say, basically, put up or shut up. We voted for the title I authorization—not money. So at least let's not do this testing until we in fact fund it and to have amendments that say that, and I am going to talk about the funding of prekindergarten. If you are going to start testing 8-years-olds, I guarantee you what has much more to do with what 8-years-olds do in school is what happens to them before kindergarten. That is absolutely true. That is what is so wrong about the direction in which we are heading. I will speak about that at great length next week.

I yield the floor.

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I want to comment briefly on Senator WELLSTONE’s objection, it is so ordered. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Vermont.

Mr. KENNEDY. Mr. President, first I want to say I am very hopeful that the Senate will overwhelmingly support the amendment of the Senator from Minnesota, Mr. WELLSTONE. He spoke very clearly and effectively about his presentation today. I made comments yesterday about the importance of developing a test which is going to be comprehensive and effective. We do not have the simple rote answers to rote kinds of questions, but real examinations of the thinking process of children and where they need help and assistance.

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going to be in Florida, Texas, and California. But we know of the expansion of and the need for these programs in many other areas of our country, including Arkansas, as the Senator has pointed out.

On this chart, the red line shows that the limited-English-proficiency enrollment has increased by 100 percent in the last 10 years, while total enrollment has basically been rather flat over that period of time.

What we also know is, if we do not provide these programs, effectively, these children, almost out of definition, are going to fail in terms of new accountability and testing standards. That, we know. That is a given.

The question is—here, this afternoon, in a few minutes—whether we are going to go on record and say, look, this is a particular group of children who are part of our public school systems—as a result of a variety of factors; the changes in immigration patterns; the changes in immigration laws—who need assistance.

There are many children who are falling into this category. We know, as sure as we are standing in this Chamber today, that if we do not adopt the Lindy’s Act, we are looking at millions of children the kinds of benefits that we know are successful because they have demonstrated success.

I have a number of examples where we have seen local communities that were able to provide benefits, such as what would be included in the amendment of the Senator from Arkansas. They have seen dramatic changes in their whole academic attitude. The result is that these children have really blossomed with those kinds of programs. Without them, we are going to be reaching only a very small number of these children who would otherwise be eligible—only 17 percent under the Bush budget. Over the 4 million limited-English proficient students nationwide, we are only serving 900,000 at the present time. We aim to serve more. But we need the resources.

We are hopeful, with this legislation, to try to build on tried and tested efforts that have been initiated in different parts of the country and that have been demonstrated to be constructive and productive in enhancing academic achievement—to offer these out to local communities, to let local communities decide these decisions, and if these decisions have given them additional kinds of flexibility. Then we would have accountability in terms of the teachers, in terms of the schools, in terms of the parents, and also new accountability for disadvantaged children who are facing enormous kinds of challenges every single day. Many students struggle with learning English, and meeting challenging academic standards.

If we are really interested in getting a fair start for these children, if we are really interested in children being left behind, we have, we believe, a program that can do that. But if we do not provide the kinds of targeting assistance with these programs for children who have the limited English proficiency, then effectively we are writing them off, make no mistake about it.

That is what is at stake. That is what is so important.

If we are really interested, we ought to recognize that this is a defined group of children who we have in our schools, and we ought to make sure the children are going to benefit from these programs.

The red line on the chart—which brings us up to the year 2000—shows that the limited English proficient population now numbers more than 4 million students. That number is going to continue to grow. So the question is, Are we going to recognize what is happening in our schools today—what has happened over the last 10 years and what is going to happen in the next 5 years? If we are really interested in trying to make sure these children are not going to be left behind, this is the amendment that can make a major difference.

I congratulate the Senator from Arkansas. I think this is one of the most important amendments we will consider under a variety of aspects. It is the crutch upon which the other provisions in Title III of this legislation really depend. If we do not provide resources for this program, then the other aspects of this legislation are going to fail millions of children. That is wrong.

We ought to take what we know. The good Senator from Arkansas has done that and has offered us an opportunity to make this legislation even stronger. We saw a modest increase in our authorization coming out of the committee. But that increase is clearly not enough to do the job. The Lincoln amendment will do the job. I am very hopeful that it will be accepted in the Senate.

Mr. President, whatever time I have remaining, I am glad to yield to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey has 9 ½ minutes.

Mr. TORRICELLI. Mr. President, I thank the Senator from Massachusetts for yielding.

In the last few weeks this Senate has begun to focus on what is, by any measure, the most pressing issue before the country and simply the quality of education for America's schoolchildren.

It is a quality-of-life issue. It is an economic issue. It is even a national security issue. A great nation cannot long endure in its position if the quality of education for its children is not paramount. You cannot lead economically, socially, culturally, or even militarily for long if you do not lead in the quality of education for your children.

This reality, I believe, has focused the Senate's attention on funding standards and quality of education. I believe the debate has been promising. The Senate adopted the Dodd amend-

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In the Nation, we have hired 30,000 towards that national goal. In my State of New Jersey, 1,500 new teachers are at work today who would not be in place, reducing class size, but for this initiative.

A balanced program in the Senate will have accountability; it will construct new classrooms. But it must also reduce class size. Every study that has ever been chartered has made it clear that the single greatest variable in the quality of education is having more teachers teaching fewer students. Overcrowded classrooms are a direct threat to the ability of our children to learn. We must take disadvantaged students and have them engaged in the classroom to increase performance.

An important element is going to be not only recruiting but also retaining teachers who otherwise are leaving the classroom, who can only be retained by improvements in discipline, but also easing the burden by smaller class size and, of course, by compensation.

In the next decade in New Jersey, more than one-third of our 93,000 teachers are going to retire. It is going to happen. It is a clock that is ticking. Nationwide in the next 11 years, 2.4 million teachers will retire.

As I believe this debate has demonstrated, we have moved beyond a partisan debate. The most significant element in this education discussion is that Democratic and Republican ideas are now being melded together. It is a great moment for the Senate. If we can preserve the Clinton administration’s efforts at hiring new teachers to reduce class size, combine the efforts of Democrats in the Senate for school construction to improve the quality of the infrastructure, and take the Bush administration’s proposals for accountability and testing and discipline, this Senate can be proud of what we have done. The Harkin and Dodd amendments on special education, on title I, on full funding of IDEA are important beginnings. But it is in the balance whether good legislation can now be made great, reducing class size, constructing the schools that America’s children need and deserve.

I believe every Member of the Senate can be proud of this debate to date. Now let’s finish and make a good bill great.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. Fifty seconds.

Mr. KENNEDY. Mr. President, both the Wellstone and Lincoln amendments are very important.

One is to make sure we have quality testing that reflects an accurate evaluation of the progress children are making and where the needs are so teachers can work on them and so the children can excel. The other is to make sure the programs are made available to the children who need the kind of assistance that limited-English programs provide and that has been demonstrated to be effective. We are talking about the neediest children in the country. We are talking about the poorest of the poor, living in enormously trying circumstances, who are trying to understand and make academic progress. Let’s make sure that all the support will be there for them.

I believe the yeas and nays have been asked for, Mr. President.

The PRESIDING OFFICER. They have.

The Senator from Tennessee has 11 seconds.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, my understanding is we will have a vote at any moment.

The PRESIDING OFFICER. The Senator is correct.

Mr. WELLSTONE. I thank the Chair. I will take a moment or two to summarize this amendment.

Again, the amendment focuses on quality testing. The amendment says that everything we are doing within this Elementary and Secondary Education Act which has to do with these tests that are going to take place every year must meet the professional standards. In particular, what I am focused on is that there be multiple measures, not a single measurement: that, again, there be coherence; that the actual curriculum that is being taught is what is being measured; and that we also focus on continuity and are able to look at a child’s progress over time.

I am not at all excited about any of the direction here, but any way I can make this bill a better bill, I want to. I certainly hope my colleagues will vote for this amendment.

Again, this budget resolution that was passed tells the story loudly and clearly. We are not going to have the resources going to the schools and the children. Next week I will have amendments that say we go with the testing and accountability; in fact, we have provided the funding for title I; when, in fact, we have provided funding for early childhood development; when we have done the job by way of getting the tools to the schools and the children and the teachers so they can succeed. That is going to be a long story next week.

For now, I am hoping there is good, strong support for this quality of testing amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, how much time remains?

The PRESIDING OFFICER. There is no time remaining on either side.

UNANIMOUS CONSENT AGREEMENT

Mr. FRIST. Mr. President, I ask unanimous consent that at 2 p.m. on Monday, the Senate resume consideration of S. 1 and the Reid amendment No. 460 and there be up to 1 hour for debate to be equally divided in the usual form with no second-degree amendments in order.

I further ask unanimous consent that following that debate, the amendment to be laid aside and at 4 p.m. the Senate resume consideration of amendment No. 376 offered by Senator CLELAND and there be up to 1 hour for debate on that amendment with no second-degree amendments in order.

I further ask unanimous consent that a vote occur in relation to that amendment following the Reid amendment with 2 minutes prior to the vote for explanation.

I further ask unanimous consent that a vote occur in relation to the Reid amendment at 5:30 p.m. on Monday.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, it is my understanding that there would be no second-degree amendments to the amendments of Senators REID and CLELAND.

Mr. FRIST. That is correct.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The question now is on agreeing to the Wellstone amendment No. 403, as modified.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 50, nays 47, as follows:

(Rollcall Vote No. 99 Leg.)

YEAS—50

Akaka
Baucus
Bayh
Biden
Bingaman
Breaux
Byrd
Campbell
Cantwell
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Grasso
Ingolby
Inouye
Jennings
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Shaheen
Stabenow
Torricelli
Wellstone
Wyden

NAYS—47

Allard
Allen
Bennett
Baucus
Burns
Brownback
Bunning
Cochran

[End of Rollcall Vote No. 99 Leg.]
The amendment (No. 463), as modified, was agreed to.

Mr. FEINGOLD. I move to reconsider the vote.

The Senator from Arkansas.

The PRESIDING OFFICER. The amendment (No. 451) was agreed to.

Mr. GRASSLEY. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 451

The PRESIDING OFFICER. There are now 2 minutes evenly divided on the Lincoln amendment No. 451.

MR. HELMS. Who yields time?

The Senator from Arizona.

The PRESIDING OFFICER. The amendment numbered 534.

Mr. NICKLES. I announce that the Senator from Arkansas (Mr. Ensign) is recognized for 1 minute.

Mrs. LINCOLN. Mr. President, the amendment on which we are about to vote reconfirms our commitment to give States the resources they need to help all students with limited English proficiency to attain proficiency in the English language and achieve high levels of learning in all subjects.

This year we spent $460 million to serve LEP and immigrant students, but only 17 percent of eligible children will benefit from these programs. This amendment calls on Congress to appropriate $750 million for language instruction programs and services in 2002. It would also authorize additional funding over the next 6 years.

The critical part of this is that these children are also going to be judged by standards and tests. We want to be able to give these school districts the capabilities to give these children the tools they need in order to be successful within these standards and these tests. It is absolutely essential if what we want to do in this Nation is to leave the status quo of education and move on to something that is progressive.

The PRESIDING OFFICER. The Senator from Nevada (Mr. Ensign) is recognized.

Mr. ENZI. We have all worked on this issue because probably every one of us has had some experience that caused us to realize we must do more to recruit teachers into our classrooms. I had the experience of having a very good friend in Greenville, TX, who was a Latin major in college. She taught Latin in a private school, but when she moved to Greenville, she did not have the teacher certification for public school, so she didn’t have the teacher certification, even though she had taught Latin in private school and that was her major in college.

So I started thinking, what are we doing, when we have a shortage of teachers—especially in rural classrooms, in urban classrooms, in high-growth areas, where we have subjects that are not being taught—subjects such as math, science, languages—yet we have artificial barriers to bringing people who have expertise into the classroom?

So I modeled the Careers to Classroom Program—along with my co-sponsors—along the lines of the Troops to Teachers Program, which Senator DeWine will speak about later, which has been so successful in taking retired military personnel who would like to have another career, who are 40, 45, 50 years old, and bringing them into the classroom with all of their myriad of great experience and giving the children in our country the chance to experience this kind of expertise.

This is Careers to Classroom because now we have a number of people who have done very well early in their careers, and they would like to change careers, or they would like to retire from the computer industry. We want to lure those qualified people into the classroom. We want to target the classes that don’t have them. We have teacher shortages. So this amendment simply puts forward another opportunity for our school districts to give alternative certification, expedited certification, to encourage teachers to go into these areas where we have teacher shortages.

In this legislation, individuals with demonstrable skills in high-need areas would be given the chance to help a school that has need for teachers in their field. It would provide limited stipend assistance for individuals involved in State alternative certification programs and will agree to
teach in rural schools, schools with the most pressing teacher shortages, and schools with the highest percentage of students from low-income families. So we give incentives through stipends to help them get that teacher certification.

Second, to help offset the additional costs these high-needs schools incur when they accept individuals in the Careers to Classrooms Program, the provision allows States to award grants to such schools to meet these costs.

In other words, we are rewarding the school districts for creativity, for going the extra mile to bring qualified teachers into the classroom, and we are rewarding the person who is willing to go into the classroom by giving assistance for that alternative certification. I ask that we pass this bill. It is one more way our public schools can give every child an opportunity to reach his or her full potential. That is the goal of public education. It is why public education is so important. We want every child to reach his or her dreams with a public education.

We like private schools. We like parochial schools. We think home schools are fine for many students. But we also want our public schools to be the foundation of our country, and that is exactly what adding more options and more incentives for creativity will do.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. I thank the Chair. Mr. President, I congratulate my colleagues from Texas, Minnesota, and New York for their hard work they have done on this bill. The bill is before the Senate because of the heart of the challenge we face in the next few years in education. We know a lot of things are important in education. We know we have to have a good building, laboratory equipment, and good books. We know to have different items, but we know the most important thing in education is the teacher.

As my high school principal, Mr. MAIONE, told me years ago, there are only two things that really count in education: One is a student who wants to learn and the other is a teacher who can teach. This amendment goes directly to the heart of this issue.

We face a challenge in this country. In the next few years, we will have to produce 1.6 million to 2.6 million new teachers just to replace the teachers today who are getting ready to retire—1.6 to 2.6 million. We know from our experience that the greatest challenge with regard to recruiting these teachers is in the poorer parts of the country—in the inner cities many times, in areas of Appalachia. This is where it is so vitally important for us to attract, retain, and keep the best teachers we can. We absolutely have to do that. This amendment is targeted directly at that.

I wish to talk for a moment about the part of the bill that we refer to as the Troops to Teachers. This is not a new program. It is a program, frankly, we had to fight last year to keep afloat. It is a program that has been proven to work.

The concept is very simple. Every year in this country we have tens of thousands of men and women who retire from the military, and they retire many times at, at least from my point of view now, a relatively young age, the age of 57. They have a lot of time ahead of them, and they have a great deal of experience. We want to encourage as many of these people as we can who have already proven they can lead other people to go into education, to teach, to take that leadership ability and lead our young people and mold them and work with them, to, in turn, become leaders.

It has been a very successful program. This bill expands that program. Let me briefly tell the Members of the Senate what the results of this program have been.

A 1999 study found that 30 percent of Troops to Teachers, 30 percent of the people who go from the military into teaching under this program, are minorities. That is compared to only 10 percent of all teachers. Thirty percent of these former troops are now teachers and teaching math. Many of them are involved in teaching science. These are two subjects for which we know it is always difficult to find quality people to teach and people who have that background.

Twenty-five percent of the Troops to Teachers teach in urban schools; 90 percent are male, compared to the current teaching force, which is 74 percent female. Many educators tell us we need more males to go into teaching, particularly in K–6, 7, 8, the primary education. Troops to Teachers has proven this will, in fact, work and helps to do that.

I congratulate my colleagues for their work on this issue. The Troops to Teachers provision is something I have worked on for some time. I have had the chance in my State of Ohio to meet with people who have been troops who are now teachers. It is phenomenal to see their enthusiasm but, more importantly, to see the enthusiasm of their students. It really makes a difference in these children’s lives.

This is an amendment that goes right at the heart of our concerns and our concerns and that is to improve the quality of teaching in this country and to continue to do what we can to recruit the best people we can and put them into education and let them teach our young people.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I am so pleased to join my colleagues supporting this amendment to the Careers to Classrooms. I commend my good friend from Texas who brought all of us together, took all of our various ideas, and came up with a amendment that I believe will make a tremendous difference in one of the most serious problems facing us in education. This is an issue all of us who joined together as original cosponsors have worked on because it is one that came to us in our respective States.

I brought along just three sample headlines from 3 different years. The first, from August of 1998, from the Buffalo News, reports that more than half of the teachers in New York State,
201,000, were headed for retirement in the next 10 years.

Then a year later, in August 1999, the New York Times ran a story on the front page alerting the public that as children were heading back to school, cities and towns across our country were struggling to fill the teacher slots, especially in our poorest neighborhoods, and especially in difficult subjects such as math and science and special education.

Then, again, in August 2000, the New York Times focused on Westchester County where I live, highlighting the fact that faced with retirements and other departures from the profession, superintendents were spending their time desperately searching for teachers to be there when school opened.

I think all of us who joined together on this amendment do not want to see these headlines anymore. We think it is time that, from August 2000 on, the headlines should read that our country is coming together to answer the call to recruit and retain more teachers. I am so pleased that this amendment highlights what I see as all of the necessary major points.

As Senator HUTCHISON said, it supports alternative routes to certification. I have heard so many stories similar to the one she told about her friend, the Latin teacher, who could not get a job in the public schools. As Senator DEWINE points out, it continues to support and fund the very successful Troops to Teachers Program. As Senator WELLSTONE points out, to provide the incentives that our high-need school districts will require in order to place them at the head of the queue to try to attract teachers. I am pleased it will permit each local school district to develop a local corps of people who are able to provide bonuses for midcareer professionals interested in becoming teachers.

I have often said if we give signing bonuses to athletes we ought to give signing bonuses to teachers. There is not any more important job in our country. All too often our teachers are relegated to the margins of our concerns. The teacher corps would also be able to make scholarships available for recent college students and create new career ladders for teacher aides to become fully certified teachers. A lot of our teacher’s aides want to become teachers. If they are performing well, if they have the requisite academic skills, we ought to encourage their development.

It will also provide additional mentoring, support, and professional development that is needed to become an effective teacher.

All in all, I am so pleased that we have an opportunity to address this important issue in this bill because if we do not address the quality and the quantity of our teaching force, we are not going to be able to deliver the other promises we are trying to make and keep with the children, teachers, and parents of our country.

I know in New York City we are looking desperately to fill the slots that are needed for our teachers. This kind of program of alternative certification and additional mentoring, similar to what we call the New York City Teaching Fellows Program will help us recruit and retain our teachers.

In addition to promoting alternative routes to full certification, I am pleased that in the underlying bill as part of S. 1 we have the National Teacher Recruitment Campaign to alert prospective teachers from across the country about these new resources and routes to teaching and include a National Teacher Recruitment Clearinghouse so someone, anywhere in the country, can sign on to the Web and find out information about where they are living now or where they hope to move so we can really attract people who are the best and the brightest into teaching.

I am excited about this opportunity. I commend all my colleagues who have worked in a collegial and bipartisan manner, representing States from Texas to Ohio to Minnesota to New York, to forge a clear message that teacher recruitment and retention is not a partisan issue. It is at the root of how successful we can be in improving education. I am so pleased we are going to have a chance to vote on this amendment and send that clear message to the country.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank all of my colleagues who have spoken so eloquently. I thank Senator WELLSTONE, Senator CLINTON, Senator DEWINE, and I have each addressed a separate part of this bill. We have each addressed something from our own States that we have seen that caused us to come to this amendment. I have often said if we give signing bonuses to athletes we ought to give signing bonuses to teachers.

All of us who joined together on this amendment do not want to see these headlines anymore. We think it is time that, from August 2000 on, the headlines should read that our country is coming together to answer the call to recruit and retain more teachers. I am so pleased that this amendment highlights what I see as all of the necessary major points.

The amendment (No. 534) was agreed to. The PRESIDING OFFICER. Is there any further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 534) was agreed to.

Mrs. HUTCHISON. Thank you, Mr. President. I think we have taken a great step forward. I hope in the final bill this and the other amendments we are all seeking in public education.

Mrs. CLINTON. Mr. President, thanks to my colleague, especially for her leadership on this issue.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.
Those three groups of people are gone. New Deal, not too many people who lived in the shadow of the Depression are going into professions now; Women, thank God there are many more opportunities; and, again, thank God we don’t have the Vietnam war that drove men into teaching.

As a result, because of that, our teachers are old.

This chart shows the age of teachers in America. This big bump shows who lived in the shadow of the Depression. This bump shows how many of our teachers retire, and they are going to have to be replaced. The $64,000 question for education is, Who is going to replace them?

One thing we know. Today, to choose to teach is to choose financial sacrifice. Teacher salaries do not compare with other possible options facing graduates. In fact, over the past 4 years salary offers for college graduates in all fields are twice that of those for new teachers. Isn’t that incredible? That in America, where we value education, salaries for teachers grew at half the rate of others?

This chart tells the story about why we are having such difficulty attracting good teachers. The starting salary for computer programming is $44,000, for accounting is $37,000, for market research is $34,000, and for a paralegal is $45,000. But the starting salary for a teacher with a bachelor’s degree in America is $26,700.

So a qualified young person, idealistic though they may be, can often make $10,000, $15,000, or even $20,000 more starting out by going into another profession.

What job could be more important than teaching? It is the most important job in America in the 21st century. Teaching should be an exalted profession; medicine and law were in the 20th century. That is not just something that sounds nice; that is if we want to keep America the leading country in the world.

Yet this most important job has become less and less and less attractive compared to other jobs financially. That means that quality has become less important than simply filling vacant teacher slots. We have seen it all. We have seen in my city they now are going abroad and finding teachers around the world to find young men and women to teach, particularly in math and science. The board of education in New York City found itself lucky that it had a gold mine of Yugoslavian students who wanted to come teach, and Austrian students who wanted to come teach. And they are good to have—but better than nothing. But how many of them are going to stay here and become career teachers and gain the invaluable experience in the first 3 or 4 years that a teacher gains?

We cannot continue in this manner. We cannot have so many math and science teachers not experienced in math and science. We cannot have this global search for people who might teach for a year. We cannot have it for a lot of reasons.

Today’s economy depends on the quality of our children. Of young people, the quality of the education we provide in our schools, and consequently, our children’s success depends on the education they receive.

As you can see from the chart, in my own State of New York City alone, 11,000 teachers could retire by this year’s end. And remember that previous chart: One-third of our teachers are eligible to retire in 5 years. That means our country will have to hire or replace close to 2 million teachers over the next decade. And New York State will need to hire 80,000 teachers over the next 5 years.

Studies tell us that teacher qualifications account for more than 90 percent of the differences in students’ math and reading scores.

I believe in having more teachers. I support having 100,000 new teachers. But let me tell you this. I would rather have a really good teacher for 21 students than a mediocre teacher for 18. So as we are having 100,000 new teachers, I would much rather see us get the best quality teachers, even if it means slightly bigger class size.

We, of course, in an ideal world, should not have a battle between one and the other. But quality and training, that is what the studies show. The bad news is that more than 12 percent of all newly hired teachers enter the teaching workforce with no training at all. More than 1 out of 10 teachers do not pass a single bit of training. They hire you and throw you in a classroom. Isn’t that amazing? Would we do that to somebody who is working in a foundry on an assembly line? Would we do it in almost any other job? No. But where it is, as a third of all teachers lack a major or even a minor in the subject they teach. And 33 percent of new teachers nationwide lack full certification.

We all talk about education. We all think that it is the key to our future. And the people who are going into teaching are often financially underpaid, which means, frankly, we do not get the highest quality, and they are untrained when they enter the classroom.

I do not think anyone in this Chamber, from the most conservative to the most liberal, would dispute this statement: Every American child deserves to be taught by a highly qualified, motivated teacher.

So what does that mean? It means that scarce Federal dollars—and they are scarce; particularly, I might add, with this huge tax cut they are even more scarce—it means that scarce Federal dollars should be used to support programs to recruit and retain highly qualified teachers, especially in those districts with the highest need.

I have been working on this piece of legislation since I came to the Senate 2 years ago. We put together something called the “Marshall Plan for Teachers.” I am proud to say that a lot of the things in this amendment—and the ideas were not mine alone; lots of my colleagues, others—were very much like the “Marshall Plan” that we introduced and talked about.

I am very proud to have worked with so many of my colleagues—of course, Senator Kennedy in the lead, and Senators Burr, Enthusiasm, Wellstone, Clinton, DeWine, and Biden—on this amendment to provide Federal support for States and local districts to recruit and retain midcareer professionals and to attract young people into the teaching profession. To me, it is the most important part of this bill.

There are many important parts. Federal dollars will help establish, expand, or enhance programs that provide alternative routes to certification, such as the National Troops to Teachers Program in my city of New York. Dollars will be targeted to the areas where they are needed most—districts and schools with high numbers of low-income families, high numbers of unqualified teachers, and high teacher turnover.

Similar to legislation I introduced this Congress, our amendment would provide funds that could be used to recruit new teachers through incentives, such as scholarships and stipends, as long as these efforts are linked to effective retention activities such as mentoring programs and high-quality, in-service professional development opportunities.

We know that 20 percent of new teachers leave the profession within their first 3 years of service. And nearly 10 percent leave within the first year. We must be committed to providing incentives to attract highly qualified people and provide the resources and opportunities to keep people teaching.

The amendment would support collaboration—partnerships, if you will—between local districts, parents, colleges, and universities, and community leaders to develop effective recruitment and retention strategies.

In addition, we would support accelerated paraprofessional-to-teacher programs and State and region-wide clearinghouses for recruitment and placement.

And we would expand upon the successful Troops to Teachers Program.

Because accountability is so crucial to the success of our efforts, the amendment would require an evaluation report from the Secretary to determine whether we have increased the number of certified, highly qualified teachers teaching the subject areas in which they have experience, decreased teacher shortages in high-need subject areas, and increased teacher retention. It is time to make a change.

This amendment will get us on the way to what I know is a goal shared by all of
us: a qualified teacher in every classroom in America. Thank you, Mr. President.

Mr. KENNEDY. Will the Senator yield?

Mr. SCHUMER. I am happy to yield to our friend and leader from Massachusetts.

Mr. KENNEDY. I thank my friend and colleague from New York for offering this amendment. I would appreciate his opinion on this. I have seen, in a number of different situations, where there are many individuals in different professions who are skilled in math and science and other areas in the new economy. And there are individuals who are retiring.

If they had some way, some pathway to go into teaching, we would find that there is a great deal of interest. What the Senator is attempting to do is create a pathway for individuals who may have gone into a career for a period of time, who may have been able to have achievement in terms of their professional careers but then, with this kind of an opportunity that is included in the Schumert amendment, they would be able to have a career change and, with the kind of training and what they would bring to teaching, achievement in a number of different potential areas, they would be able to be of a real advantage to these students.

Many of us have seen, for example, the Troops to Teachers Program where we have had a number of members of the U.S. Navy, particularly in the areas of—well, the submarine fleet comes the closest in the State of Washington, I believe, where a number of the people who retired from the Navy stayed in the area. These are people with enormous kinds of understanding and a great deal of training in terms of math and in terms of science. When they were offered this opportunity to engage in such a situation—it is also true for a number of districts in Florida and in other communities where there were significant numbers of retirees in the military—when they opened up the opportunity for these servicemen to go into teaching, they just went in droves. The positive impact it has had in the schools in the areas of math and science has been absolutely extraordinary.

As I was listening to the Senator, it seems to me that this is sort of a particular situation, but there are going to be other professions as well where individuals, through the Senator’s amendment, could get into the areas of teaching and have a rewarding and satisfying and inspiring career and also make a real difference in terms of children’s appreciation for learning as well as enhancing their skills academically.

Mr. SCHUMER. I thank the Senator for his question. He is right on the money, as usual. There are so many people in modern America in the military— the Troops to Teachers—so many other professions who retire early; they receive their pensions after 25 years; they say they are not going to work at this job any longer because they are getting a good pension, whatever, who would love to teach, who would just love to teach.

There are no inadvertent barriers in the way.

In this bill, we allow them to go teach. These days they could have 15 or 20 productive years as a teacher after their original career. The Senator is correct to point this out—is make it a lot easier for them to go into teaching. There are no inadvertent barriers in the way.

One of the things we do in this amendment—and the Senator is correct to point this out—is make it a lot easier for them to go into teaching. There are no inadvertent barriers in the way.

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I myself, as everyone here, have been invited to teach. Celtic to Cunningham Junior High School and teach 8th grade social studies for a day or come to Madison High School and teach 11th grade history for a morning. I guess I am not atypical. I love it. When these people who have retired, who have spent their whole life teaching, get a taste of teaching, they love it.

One of the things we do in this amendment—and the Senator is correct to point this out—is make it a lot easier for them to go into teaching. There are no inadvertent barriers in the way.

Mr. SCHUMER. I thank the Senator from Vermont not only for his insight but for his great leadership on this bill. One of the reasons we have such a broad and bipartisan bill is because of the Senator’s leadership, as well as my friend from Massachusetts.

Teaching is so fulfilling. It is a great job, if people get a taste of it, as both Senators from Massachusetts and Vermont have said. Whether you are a retired military person or a retired person from technology or a retired small businesses person, I say: Look at teaching. If we can pass this legislation with the amendment that so many of us on both sides of the aisle have put together, we will make it easier for you to get into teaching.

Given the importance of teaching to America and given what a fulfilling job it is, maybe this amendment will really help the children of this generation, and certainly generations in the future get the tremendous experience they had from great teachers as we each did as we went through elementary and secondary school.

I thank the Senator for those nice words as well as for his leadership.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the amendment be stricken from the bill. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I plead with my fellow Members of the Senate who may still be here that we are waiting for another Senator to hopefully offer an amendment. We have some 270 remaining to be brought to our attention. Hopefully, we will be here for a little length of time anyway. I am not sure how long. Now is the time.

I yield the floor to Senator BYRD.

The PRESIDING OFFICER. The Senator from West Virginia.
A local educational agency that receives a grant under subsection (a) shall carry out activities under the grant in partnership with one or more of the following:

(1) An institution of higher education.

(2) A nonprofit history or humanities organization.

(3) A library or museum.

Mr. Byrd. Mr. President, I started school in a two-room schoolhouse 75 years ago, in 1923. It was 1934 that John W. Clarksburg of Clarksburg was nominated on the 103rd ballot for the office of President of the United States. He was defeated by Calvin Coolidge.

My first teacher was a woman by the name of Carrico. Her husband had lost his arm as a brakeman on. I believe, the N&W railroad. Mrs. Carrico was my first teacher and she taught the lower grades.

We started out in the Primer and the main character in that primer was Baby Ray. And there were two rooms, as I say. In the other room, a man by the name of Lawrence Jennings taught the upper grades. I went through the Primer in about 3 weeks. I promoted myself when it came to geography.

There was a geography book. I can remember it as though it were yesterday; it was Fryes Geography. Well, I liked geography; I liked the maps and the pictures. So I went home one night and said to the man who raised me, a coal miner—he was my uncle by marriage—I want a copy of Fryes Geography. I like that book. He said, Well, we will go to Matoaka, which was about 5 miles away. This was all in Mercer County, in southern West Virginia. We caught the passenger train, went down to Matoaka and bought Fryes Geography.

I took it to school on Monday. The teacher Mrs. Carrico, said, I didn’t tell you to get this. I said, Well, I have to have it and I want to study it. You teacher let me keep that book and let me study along with the class in which the book was being taught.

Well, I came to love my teachers, and we had a category on that report card that was denominated Deportment. My old coal miner dad told me, if you get a whipping in school, I will give you another whipping when you get home. I wanted to please that coal miner dad, and I wanted to please those teachers. Back in those days, I say to Senator Kennedy, the history book was by Muzzie.

It did not have a lot of pictures in it. It was full of narrative. I often ask the young people who serve us—we have different pages from year to year to let me see their history book. I ask the students, the pages: Who is Nathan Hale? If an American history book does not tell us about Nathan Hale, I do not think it is much of a history book.

Who was Nathan Hale? Nathan Hale was a young school teacher, 21 years of age. When George Washington asked for a volunteer to go behind the British lines and spy on the British fortifications and bring back drawings of the British gun placements, and so on, this young man by the name of Nathan Hale, age 21, schoolteacher, volunteered to go.

He went behind the British lines. He accomplished his mission. On the night before he was to return to the American lines, he was arrested as a spy, took off, of course, the drawpans and the papers were in his clothing. The next morning, September 22, 1776, he was brought before a gallows, and he
That under it; you go around it.

We did not have any running water. If we wanted to go to the toilet, we had to go outside to a privy behind the house. No radio. Never heard of television. You see, that was in the twenties.

I will never forget those books. Those history books, I can say, made me want to study the violin. I loved to do it. I memorized my lessons. I loved to try to make something out of myself.

Mr. Byrd, who raised me, wanted me to go to school and to learn and to get a better education than he had been given. As I say, if he went to the second grade, I do not know that he did not want me to be a coal miner. He wanted me to get an education. And in those days, when I graduated from the Mark Twain School, it was something to have a high school education. I heard it said by my elders: If you don’t get a high school education, you are not going to amount to much. You have to have a high school education.

We had great teachers, good high school teachers. W.J.B. Corman, William Jennings Bryan Corman, was the principal of the high school.

When we moved out of that hollow, Wolf Creek Hollow in Mercer County, and moved to a coal camp, I enrolled at the Mark Twain School. The principal of that school, when he learned that I could recite whole chapters from the history book, took me up before the senior class and had the pupils in the senior class and recite history.

So, I loved my teachers. We were talking about the history of our country a few days ago, he wanted me to do it. My favorite was Mary Grace Lilly. I remember her. That was Babe Ruth or Jack Dempsey—these are some years later. But history, history had an impact on me, that is why we can truthfully say, and mean it, that history repeats itself—meaning that history repeats itself. And it does. It repeats itself.

When Adam and Eve were placed in the Garden of Eden, H2O was water. Water was made up of two atoms of hydrogen and one atom of oxygen. And it is still that way. It has never changed. It is still H2O.

A Teacher builded a temple
With loving and infinite care.
Planning each arch with patience,
Laying each stone with prayer.

None praised her unceasing efforts,
But the temple the Teacher builded
Was unseen by the eyes of man.

Gone is the Builder
Was unseen among the living.

Pillars and groins and arches
None praised her unceasing efforts,
Building each story one by one,
To what I am today. They shaped me.

As I say, if he went to the second grade, I do not know that he did not want me to be a coal miner. He wanted me to get a better education than he had been given. As I say, if he went to the second grade, I do not know that.

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When Adam and Eve were placed in the Garden of Eden, H2O was water. Water was made up of two atoms of hydrogen and one atom of oxygen. And it is still that way. It has never changed. It is still H2O.

It is the same with human nature. Human nature has never changed. Cain slew Abel, and men are still slaying their brothers. It has not changed. That is why we repeat that history, say, and mean it, that history repeats itself—not in every precise and particular detail, but one needs to know history.
An unfortunate trend of blending history with a variety of other subjects to form a hybrid called "social studies" has taken hold in our schools. I am not against social studies, but I want history. If we are going to have social studies, let's have history. Further, the history books provided to our young people, all too frequently, gloss over the finer points of America's past. My amendment provides incentives to help spur a return to the teaching of traditional American history.

Every February our nation celebrates the birth of two of our most revered presidents—George Washington, the father of our country who victoriously led his ill-fitted assembly of militiamen against the armies of King George, and Abraham Lincoln, the eternal martyr of freedom, whose powerful voice and iron will shepherded a divided nation toward a more perfect Union. Further, the history books provided to our young people, all too frequently, gloss over the finer points of America's past. My amendment provides incentives to help spur a return to the teaching of traditional American history.

Study after study has shown that the history books that perpetuate this wonderful, glorious experiment in representative democracy. The Glovers brought Washington across this country might perhaps have a similar life's experience, and, as a result of that, we would have a better and a stronger nation.

As Memorial Day or the Fourth of July approaches, our children may never fully appreciate the lessons that were taught about the Founding Fathers of America and our history. Further, the history books provide us with a knowledge of the American past, but they are not history. To fully appreciate the historical significance of our country's founders, we must read and study their words and their lives.

These two American giants of history. Further, the history books provide us with a knowledge of the American past, but they are not history. To fully appreciate the historical significance of our country's founders, we must read and study their words and their lives. They were not just names in history books; they were real people with real lives and real experiences.

But Dave McCullough wrote to me about his new book, "Rediscovering America: The Story of Our Land," which he has written with his son, David Jr. McCullough. The book is going to be published in about 8 weeks. It has already sold over 100,000 copies. I don't think they have under-estimated both the success of the book and the interest of Americans for knowledge about our past.

One of those related to David McCullough's book is the fact that this was the place where George Washington assumed command of the American forces in the Revolution. As David McCullough reminds us, this was the first symbol of national unity of a southern general commanding northern troops. Others had signed up for the American Revolution for periods of time, but the Glivers, which was a small band of soldiers who had been organized by Colonel Glover, committed themselves for the duration of the war.

But we are going to continue to try to make this a country that theGlivers, which was a small band of soldiers who had been organized by Colonel Glover, committed themselves for the duration of the war.

We were subsequently enormously important because they were the ones who brought Washington from Brooklyn Heights over to New York when the British fleet came into New York Harbor at a very key time in 1776. And when the wind was blowing from the northeast, it kept the British troops out. The Glivers brought Washington back into the main of New York, which would not have been possible.

But Dave McCullough wrote to me about papers that were there that were not as well cataloged or kept and were in danger of deterioration. These were magnificent handwritten notes of John Adams and John Quincy Adams that were directly relevant to the early years of the founding of this country. Senator Byrd was good enough to review—find out for himself, actually, as I did—expected to do one of that material and made his own independent judgment about the importance of preserving those in terms of...
our national history. As a result of his efforts, some extraordinarily important early documents involving the founding of this country are now carefully preserved for future generations.

So when Senator BYRD talks about his love of history, we all know it and have been part of what he has done all these years. He has also witnessed it in our relationship with Senator BYRD on different issues.

I thank him for offering this amendment.

Some years ago, I was on the Bicentennial of the American Constitution committee. I was on that committee that Chief Justice Berger chaired with a number of our colleagues, Senator HATCH, Senator THURMOND—a number of our colleagues.

From that, which was the bicentennial of the Constitution, one enduring, continuing, and ongoing force from that period was the establishment of the Madison Fellows. And there are two Madison Fellows from each State, each year, who are selected through a very rigorous selection process. They receive a stipend for a period of study and then basically commit to teach the Constitution for the rest of the time they are teaching. We have now two in each State of the Union.

We found during that period of time there was so little understanding about the Constitution. We found the challenge that we had so many people who could not even read the Constitution. On of the small efforts that came out of that was a literacy corps to try to help in terms of reading.

We have seen a number of different efforts since that time. There are some important initiatives in this legislation to improve reading for the young people in this country. This was a serious deficiency. But I can just say, as we reviewed at that time the importance of developing knowledge about the Constitution, we saw, as well, the failure in too many of our schools of the understanding, the appreciation of being taught good history.

The good Senator’s amendment can help immeasurably in developing a better understanding and awareness in history for our students. I appreciate the way the amendment is structured as well because it gives some special effort to our neediest communities that perhaps do not have the resources to read the Constitution. On of the many roles that comes out of that is literacy corps to help in terms of our history and give them the recognition that they can participate in this program and be able to do so on a very even basis with any of the other communities in the country. So I think it is structured in a very compelling way as well.

I thank the Senator for both his statement and, most of all, for his earlier comments. I know every Member in this body is extremely busy, but if Americans want to know the value of an educational resource, it means in terms of an individual, read Bob BYRD, West Virginia, Thursday.

Thank you. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I commend my colleague from Massachusetts for this dialogue. I was in this Chamber, I think it was probably a week ago, when the very similar circumstances the Senator from Massachusetts asked the Senator from West Virginia to bring together his memories of his childhood and the importance of history and the importance of a good education.

So I am most pleased to have had the opportunity to hear the Senator speak. I wish more Members had the opportunity to be able to do that because it is a step back into history and a move forward in our ability to understand this great Nation of ours.

I thank the Senator from West Virginia so much for his efforts and for the amendment he has offered today.

Mr. KENNEDY. Mr. President, if I could say one final word, I particularly appreciated the Senator from West Virginia made about his teachers and the names of his teachers. And Fryes, is that the geography book?

Mr. BYRD. Fryes.

Mr. KENNEDY. And the history book was—

Mr. BYRD. Muzzie.

Mr. KENNEDY. Muzzie. So I was glad to hear that.

I might just mention one of my great teachers was Arthur Holcombe, who was President of the Union who was probably the leading teacher—and certainly was at Harvard—about the Constitutional Convention. When he taught, you had a feeling you were right at the Constitutional Convention. I was fortunate to have him the last year he taught at Harvard. He taught my father when he went to Harvard, and he taught my three brothers. He taught about the Constitutional Convention. So he had a pretty good grasp of the topic by that time. But it was also a course that made a profound impact and impression on me, and one I will never forget.

I thank again the Senator for his good words and his good work today.

Mr. JEFFORDS. Let me share another moment, too. When the Senator mentioned who his teachers were, I thought, let’s see if I can remember my teachers. They were Miss Anderson, Miss Maughn, Miss Burns, Miss Brown, Miss Waterman, Miss Burns for the first six grades. I remember them just as if it were yesterday.

Mr. BYRD. Yes.

Mr. JEFFORDS. But it is amazing what influence teachers have on students, and others. The principal at the high school I went to was a good friend who was a real mentor to me, also.

So we have to do all we can to make sure every child in this country has the ability to get as good an education and have as wonderful teachers as we all had.

Mr. BYRD. Mr. President, I thank both of my colleagues for their generous comments.

I sat and marveled, with great admiration, at the recollections that were expressed by Senator KENNEDY and at what he had to say today about some of the things that have happened in his great State as we try to contemplate the American Revolution, and then his comments—our reference to David McCullough; and his reference to John Adams.

Some few years ago I read John Adams’ “Thoughts on Government.” John Adams, I think, has been underappreciated—or really has never been fully appreciated, as he should be.

During the Constitutional Convention, he had had his “Thoughts on Government” printed and had passed this work around among the members of the convention. It had a great impact on the members and influenced them very much in their deliberations.

I am glad that David McCullough, who is the right man for the job, is going to have this publication soon concerning John Adams, which leads me to say that knowing of David McCullough’s interest in John Adams and knowing of John Adams’ influence upon the Framers of the country, I have been interested in trying to get an appropriation for an appropriate monument to John Adams. I understand that David McCullough is also supporting and promoting that idea. I am very much for it.

I thank Senator KENNEDY for what he has done about John Quincy Adams. John Quincy Adams suffered a stroke on February 23, 1848, as he spoke in Statuary Hall. He was a vigorous opponent of America’s entry and participation in the Mexican war. He was making this very emotional speech, and he had a stroke. He was taken to the office of the Speaker of the House of Representatives and died 2 days later—John Quincy Adams. He was elected to nine terms in the House, after having served as President.

Mr. KENNEDY, we are not supposed to address each other in the first person in this body, but I want to tell you, I really enjoyed what you had to say. I am glad that you have such an appreciation of American history and the great patriots who gave us the Constitution. Senator KENNEDY is a student of history sui generis.

Mr. JEFFORDS. And an important part of history.

Mr. BYRD. I thank my friend, Mr. JEFFORDS, for his recollections of teachers. I remember a Miss McCone who taught history. And she asked me a question one day. I said: Huh? And I kept on studying. I was paying attention to my reading, and Miss McCone had not said at any point. Now that I knew, she had walked around the room and she came up behind me and gave me a resounding slap on the cheek and said: ROBERT, don’t you ever say “huh” to me again.

I never said “huh” to Miss McCone again.

Mr. KENNEDY. Mr. President, if there is no further discussion of this
particular amendment, we are prepared to accept it.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 402.

The amendment (No. 402) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. I again thank both of the Senators.

Mr. JEFFORDS. Mr. President, we have had a wonderful moment here, and I now would like to give the opportunity for others to come and give their moments if they so desire.

VOTE EXPLANATION

Mr. DODD. Mr. President, yesterday, during rollcall vote No. 96, the Mikulski amendment, and No. 97, the McConnell amendment, as modified, I was necessarily absent to attend the funeral of a dear friend, Larry Cacciola, of Middletown, Connecticut.

Had I been present, I would have voted “aye” for each amendment.

MORNING BUSINESS

Mr. JEFFORDS. 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.

The Senator from Nebraska.

Mr. HAGEL. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY AND CLIMATE CHANGE POLICY

Mr. HAGEL. Mr. President, in the midst of the energy challenges facing our Nation lies a very unique opportunity. We have a chance to develop energy and environmental policies that work together. A clean environment and a strong energy policy need not be mutually exclusive. The forces of reality have brought us to this point. We have an energy problem that we cannot ignore. We also have a new administration which is re-evaluating our environmental policies, as any new administration would do, to ensure that what we are pursuing, and how we are pursuing it, is relevant, realistic, and achievable.

In the past, there has been a division of these issues. Energy and environmental policies have been considered separately—and mostly at odds with one another. This has led to an unnecessary gap of confidence in both efforts. We have an opportunity to reverse this division and create integrated policies to pursue both critically important objectives of a steady energy supply and a clean environment.

In the next few days, President Bush will release the administration’s new energy policy. This policy will provide a balanced approach to our supply and demand imbalance we are now facing in this country. It will reflect our absolute need for a wide and deep energy supply portfolio, including the use of renewable energy and alternative energy sources. It would have been easy to lay down the gauntlet and lay tough choices. But that’s what got us into this mess. For the last 8 years, this country drifted without an energy policy, and today we are literally paying the price.

Gas prices have hit record levels and are predicted to continue rising. The energy shortages in California will spread to other areas of this country during the hot summer months when the demand for energy will continue to outstrip supply.

Finding solutions to problems requires bold ideas, common sense, imagination and sometimes unpopular choices. President Bush has shown courage and leadership for his willingness to address these problems and develop solutions. As we create a comprehensive and balanced policy to address our energy needs, we need to take into account our environmental priorities, particularly in the area of climate change.

Just one example of where we can do this is nuclear energy production. Like solar and wind power, nuclear power produces no greenhouse gases—zero emissions. It is one of the most cost effective, reliable, available, and efficient forms of energy we have. Vast improvements in technology have made it one of the safest forms of energy production. Having nuclear energy play a vital role in our energy policy will enhance not only our energy supply but our environmental health as well.

President Bush has assembled a cabinet-level environmental task force to review climate change. They have been listening to and learning from some of the world’s foremost meteorologists, climatologists, physicists, scientists, and environmental experts. The President has said that his administration will offer a science based, realistic, and achievable alternative to the Kyoto protocol.

That is the responsible thing to do. President Bush merely stated the obvious when he declared the Kyoto protocol dead. Although his actions have been criticized, the forthrightness and clarity are refreshing on this issue. The Kyoto protocol would never have been in a position to be ratified by the U.S. Senate. The Clinton-Gore administration knew this as well. That is why they never submitted the treaty to the Senate even for debate and consideration.

Despite the heated rhetoric on this issue from the other side of the Atlantic, no major industrialized nation has ratified the Kyoto protocol. In fact, Australia has said it will follow in rejecting the treaty. There is a reason for that. The Kyoto protocol would not work. It left out 134 nations, some of the largest emitters of greenhouse gases. A treaty claiming to attempt to reduce global emissions of greenhouse gases has no chance of being effective when it exempts some of the largest greenhouse gas emitters in the world—nations like France, India, South Korea, Brazil, and 130 other nations.

My colleague from West Virginia, Senator BYRD, whom I worked with in 1997 on S. Res. 98, addressed this point last week. S. Res. 98, or the Byrd-Hagel resolution, which the Senate agreed to by a vote of 95 to 0, stated that the United States should not agree to any treaty in Kyoto, or thereafter, which would place binding limits on the United States and other industrialized nations unless “the overall result of any such agreement also mandates new specifically scheduled commitments to reduce greenhouse gas emissions for Developing County Parties within the same compliance period.” As Senator BYRD stated, this country should not agree to any international agreement to limit greenhouse gas emissions.

From the moment it was signed, the Kyoto protocol was never a realistic or achievable way to control climate change. In the meantime, we’ve lost precious time when we could have been exploring achievable and realistic ways to reduce greenhouse gas emissions. We have an opportunity now to discard an unworkable protocol and build a new consensus that will address climate change, and initiate efforts that are realistic and achievable.

The United States is still a party to the Framework Convention on Climate Change (Rio Treaty), which was signed by the United States and ratified by the U.S. Senate in 1992. We should go back to the framework of that treaty, before the Berlin Mandate that excluded developing countries from participation, and lay the groundwork for future international efforts. This gives us a strong base to work from. Many of the discussions during the negotiations for the Kyoto protocol have worked to build consensus on areas that will need to be part of any future initiative—flexible measures to reduce greenhouse gas emissions, the role of carbon sinks, and other areas. We can build on this progress in developing an alternative to Kyoto.

If we are creative and if our partners will work with us in good faith, we can negotiate arrangements that are responsible and proactive. By addressing this issue domestically, the United States can demonstrate our commitment to climate change and show that for the first time, this challenge can be done in an integrated way that ensures a sound energy supply and economic stability. The world will not be better off if the
United States slips into an energy crisis or if our economy falters. Both would set off shock waves that would reverberate around the world. By creating our own integrated policy, we can provide direction for how the world can address the dual challenges of energy and climate change.

Senators MURkowski and BREAUX have introduced a comprehensive energy bill, of which I am an original co-sponsor, that will increase our domestic resources, and increase the use of renewable and alternative fuels. In the last Congress, Senators MURkowski, BYRD, CRAIG, and I had legislation that would dramatically increase funding for the research and development of technologies to provide cleaner energy sources, and to incentivize efforts to reduce or sequester greenhouse gases. We are building upon that legislation and will be reintroducing it soon. It will improve our scientific knowledge and lay out positive steps that we can take now to ward off climate change.

A forward-looking domestic policy will demonstrate our commitment to this important issue, enhance what we genuinely know about climate change, create more efficient energy sources, include the efforts of our agricultural sector, and have the additional effect of reducing air pollutants.

Mr. President, as I stated earlier, we have an historic opportunity to create policies that will address both our energy and environmental priorities in a way that is not mutually exclusive. Policies that compliment each other and work together. As we enter the 21st century, we face a world that is integrated like never before in history. Just as foreign policy cannot be considered separate from national security or trade policy—energy policy cannot and should not be considered separate from environmental and economic policy.

What we do in one policy area has dramatic implications for another—both in our country and across the globe. Building sound policies for our future requires that we create integrated policies to address the challenges facing America and the world.

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Mr. BYRD. Mr. President, I thank the Chair. 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. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN SERVICEMEMBERS’ PROTECTION ACT

Mr. HELMS. Mr. President, in reject- ing U.S. membership in the U.N. Human Rights Commission, the strongest voice for freedom in the world has been silenced at and by the United Na- tions.

Clearly, Members of the United Na- tions are far more comfortable with a definition of human rights which is agreeable to rogue nations like Libya and Sudan. This is precisely the sentiment which created the International Criminal Court. If the signatories to the Rome Treaty proceed to establish a permanent International Criminal Court, we should review our insurance policy against politicized prosecution of American soldiers and officials.

This bill is just that protection, and let me be absolutely clear, the Rome Treaty, if sent to the United States Senate for ratification, will be dead on arrival.

Notwithstanding the fact that the Senate will not ratify this treaty, it is, to my knowledge, the first treaty which would be applicable to the U.S. even without the United States consent. This is, to say the least, an appalling breach of American sovereignty and it will not stand.

But, there will be real consequences if the United States remains silent in this matter. It is easy to imagine the U.S. or Israel becoming a target of a U.N. witch hunt, with offi- cials or soldiers being sent before judges handpicked by undemocratic countries.

I am pleased that the able Senator from Georgia, ZELL MILLER, is joining in the introduction of this bill. It will help President Bush signal that the United Nations will have to go back to the drawing board when dealing with war crimes. If any such treaty creating a war crimes court includes the opportunity for a U.S. veto, I will make certain that the Senate vetoes the treaty.

GUNS AND SUICIDE

Mr. LEVIN. Mr. President, this week, May 6–12, is National Suicide Preven- tion Week. Suicide is the eighth lead- ing cause of death in the United States. This devastating tragedy takes the lives of more than 30,000 Americans each year, and brings suffering and loss to the lives of the friends and family who are left behind. Citing suicide as a

“national public health problem,” the Surgeon General recently an- nounced a national strategy for suicide prevention. Central to the strategy is promoting awareness of the fact that suicide is, indeed, preventable and that we must all do our part to help end this tragedy.

One of the Surgeon General’s main goals for preventing suicide is to re- duce access to lethal means of suicide of which guns are the most deadly. I commend the Surgeon General for rec- ognizing the need to address the role that guns play in our Nation’s stag- gering suicide rate. Firearms account for 60 percent of all suicides, making them the most commonly used method of suicide and:

Each year more Americans die in suicides by firearms than in murders by firearms. The national suicide preven- tion strategy recommends a public campaign to reduce the accessibility of lethal means of suicide, including fire- arms, and urges the gun industry to improve firearm safety design. These aims are backed by evidence that limited access to lethal means of suicide and self-harm can be an effective strategy to prevent suicide attempts and other self-destructive behaviors. In fact, studies have shown that there is a separate, additional risk of suicide when there is a handgun in the home. Moreover, limiting access to lethal means of suicide, especially handguns, can reduce the number of suicide at- tempts that are fatal. While more than 650,000 Americans attempt suicide each year, the chance that the attempt will be fatal increases dramatically in those cases where a handgun is used.

The relationship between handguns and suicide is even stronger among young people.times a young person in this country kills him- self or herself, over 60 percent of the time with a firearm. And these numbers are continuing to increase: the youth suicide rate has nearly tripled since 1952, making suicide the third leading cause of death among young people 15 to 24 years of age. There is no question that the increased access young people have to guns has been a major factor in this rise. In fact, one of the most rapidly rising suicide rates in this country is among young African-American makes, increasing 165 per- cent between 1980 and 1996, and this rise can be attributed almost entirely to suicides by firearms.

The Surgeon General has stated that “we should make it clear that suicide prevention is everybody’s business. I believe the Surgeon General is right. Suicide is a national problem that de- mands our attention and our commit- ment. Congress should do its part to help prevent suicide by encouraging the manufacture of safer handguns and by closing the loopholes that allow young people easy access to handguns.
THE MOSCOW HELSINKI GROUP

Mr. CAMPBELL. Mr. President, May 12th marks the twenty-fifth anniversary of the founding of one of the most significant human rights groups of the 20th century, the Moscow Group to Monitor Implementation of the Helsinki Final Act.

On August 1, 1975, the United States, Canada, and thirty-three nations of Europe, including the Soviet Union, signed the Final Act of the Conference on Security and Cooperation in Europe, the Helsinki Final Act. Among the agreements was a section devoted to respect for human rights and fundamental freedoms.

The Soviet government viewing the document as a great foreign policy victory published the text, in its entirety, in "Pravda," the Communist Party’s widely circulated newspaper. That move proved to be decisive for the cause of human rights in the Soviet Union. A small group of human rights activists in Moscow, led by Professor Yuri Orlov, read the Helsinki Accords carefully and decided to take their government at its word.

On May 12, 1976, at a press conference initiated by Dr. Andrei Sakharov, the group announced the creation of "Moscow Group for Assistance in Implementation of Helsinki Agreements," soon to be known simply as the Moscow Helsinki Group.

Needless to say, the Soviet authorities were not pleased. A group of private citizens would publicize their government’s deplorable human rights record. The KGB swept down on the Moscow Helsinki Group and made its work almost impossible. Members were imprisoned, sent to “internal exile,” expelled from the country, slandered as foreign agents, and harassed.

Despite considerable hardship and risks, members of the group persisted and their work served to inspire others to speak out in defense of human rights. In 1986, smaller groups sprang up elsewhere in the Soviet Union dedicated to seeking implementation of the Helsinki Final Act. By 1982, the three remaining members at liberty in Moscow were forced to suspect their public activities.

Eventually, domestic and international pressure began to bear fruit and helped usher in dramatic changes under Soviet leader Mikhail Gorbachev. Political prisoners and prisoners of conscience began to be freed and longstanding human rights cases were resolved.

In 1989, the Moscow Helsinki Group was reestablished by former political prisoners and human rights activists. In 1996, President Boris Yeltsin signed a decree formally recognizing the contribution of the Moscow Helsinki Group in the campaign to respect for human rights in Russia.

Mr. President, ten years after the fall of the Berlin Wall, the Moscow Helsinki Group continues to promote human rights and fundamental freedoms in the Russian Federation. Working with a network of human rights centers throughout the country, the Moscow Group provides a wide range of assistance to Russian citizens and residents seeking information about human rights.

As Chairman of the Commission on Security and Cooperation, I congratulate the Moscow Helsinki Group on its 25th anniversary and wish its members the best in their continued endeavors.

Thank you, Mr. President. I yield the floor.

FREEDOM RIDERS

Mr. DURBIN. Mr. President, today, after the Senate finishes its business for the week, many of us will be returning to our home states. I will be flying to my home state of Illinois. And I can anticipate that the trip, for the most part, will be without incident. However, this wasn’t the case for African Americans 40 years ago. Forty years ago, desegregation laws in bus and train stations, as well as their waiting rooms and restaurants, prohibited African Americans from enjoying the same facilities as their white counterparts. The Supreme Court issued a ruling calling for the desegregation of facilities used in interstate travel. However, this had to be tested.

The Congress of Racial Equality selected a group of students to make a two week trip through the South in nonviolent protest of racial segregation and discrimination laws. Congressman John Lewis was one of those students who was later joined by Rev. Martin Luther King, Jr. These civil rights activists became known as the Freedom Riders.

But unlike the travel we are all used to, their ride was filled with fear and brutality. Prior to embarking on this historic journey, the students were told to make out their last will and testament, just in case. But like most young people in those days, they thought themselves invincible. They had no idea how truly dangerous and bloody their mission would become.

One white rider, Jim Zwerg, who joined the riders because he could no longer stand the injustice, had three of his vertebrae cracked, all of his teeth fractured, his nose broken, and suffered from a concussion. The Klan thought that he and other white Riders were betraying them.

On Mother’s Day in Alabama, the young Freedom Riders were greeted by a mob of 200 with stones, baseball bats, lead pipes and chains. One Freedom Rider bus had its tires slashed and was stopped by an angry mob. An incendiary device was thrown inside the bus causing it to fill with smoke. And the angry mob held the door closed so that the Riders would burn inside.

The Riders were saved when the fuel tank exploded causing the mob to back away from the bus and allowing the Riders to escape before the bus was completely engulfed.

The Freedom Riders never made it to their destination of New Orleans. But they achieved their objective. Attorney General Robert Kennedy ordered that the Supreme Court in this voting segregation in interstate bus and rail travel unconstitutional be enforced.

The Freedom Riders became an inspiration to thousands to join the cause of tearing down racial inequality. It was a critical moment in the civil rights movement. About 300 protesters had joined the crusade, including our colleague Senator Lieberman. This weekend marks that historic day 40 years ago.

I want to recognize and pay tribute to my colleagues and original Freedom Rider Representative John Lewis, as well as Senator Joe Lieberman, who also took an active role in the South in the early 1960s volunteering to register African Americans to vote.

But even after 40 years, our nation still confronts racial problems everyday. In cities all across America, we can plainly see evidence of inequality, and injustice.

I am concerned that African Americans represent 12 percent of the U.S. population (some sources reflect 13 percent) and 13 percent of its drug users. Yet African Americans comprise 35 percent of people convicted of drug offenses and 50 percent of those convicted of drug possession. Five times as many whites use drugs as African Americans, but African Americans comprise the greatest majority of drug offenders and sent to prison. Race appears to be a clear factor.

Yet, I also believe, there is still hope. I believe that justice can, and will prevail, if we are all diligent in pursuing the goals of peace and respect for each other that the brave men and women of the Freedom Riders set forth for the nation to follow back in 1961.

I am hopeful because we know that our system of criminal justice works. It may not be perfect, but it always strives to do right.

On September 15, 1963, a violent bomb went off in the Sixteenth Street Baptist Church in Birmingham, Alabama, blasting the silent tranquility of that Sunday morning. That devastation also claimed the lives of four young African American girls, Addie Mae Collins, Denise McNair, Carole Robertson, and Cynthia Wesley, who were preparing for a church youth service that day.

Almost 40 years after this brutal hate crime, a commission finally prevailed last week when a Birmingham jury convicted Thomas Blanton of plotting the church bombing. During the closing argument, United States Attorney Doug Jones said, “It’s never too late for the truth to be told. It’s never too late for wounds to heal. It’s never too late for a man to be held accountable for his crimes.”

That’s right. It is never too late to pursue justice in the face of injustice. And it is never too late to thank the Freedom Riders and all the other civil rights activists of the 1960s for their courage in standing up for justice.
DEMOCRACY UNDER SIEGE IN BELARUS

Mr. CAMPBELL. Mr. President, I wish to update my Senate colleagues on developments in Belarus in my capacity as Chairman of the Commission on Security and Cooperation in Europe, the Helsinki Commission. The Commission has closely followed events in Belarus especially as they impact democracy, human rights and the rule of law.

May 7 marked the second anniversary of the disappearance of Yuri Zakharenka, the former Belarusian Minister of Internal Affairs. In 1999, General Zakharenka, who had been critical of Belarusian leader Alexander Lukashenka and had attempted to form a union of officers to support democracy, was put in a car by unidentified men and taken away. He has not been heard from since. His fate is probably similar to other prominent Belarusian opposition figures who have disappeared over the last few years, notably Victor Hanchar, Antaloy Krasovsky and Dmitry Zavadsky. The Belarusian authorities have had no success in investigating these disappearances; indeed, there are indications the regime of Alexander Lukashenka may have been involved. Opinion polls in Belarus have shown that a clear majority of those who are aware of the disappearances believe that they are the work of the Lukashenka regime.

These disappearances embody the climate of disregard for human rights and democracy that has persisted since the election of Mr. Lukashenka in 1994. That disregard has intensified following his unconstitutional power grab later this year. Unfortunately, recent developments in Belarus do not inspire confidence that these elections will meet even the lowest standards for free and democratic elections. Despite commitments made to the OSCE, Belarusian authorities continue to unlawfully restrict freedom of assembly and to beat and detain participants in peaceful demonstrations, as illustrated by the April 21 protest by youth activists. On April 27, Valery Shchukin, deputy of the disbanded Belarusian parliament, received a three month sentence for the dubious charge of “malicious hooliganism.” On May 7, prominent opposition activists noted Victor Hanchar, Antaloy Krasovsky and Dmitry Zavadsky disappeared.

Lukashenka continues his harsh assault on OSCE’s efforts to develop democracy, characterizing domestic elections observers supported by the OSCE Advisory and Monitoring Group (AMG) as “an army of brawlers and collaborators.” This is only the last in a series of incredible accusations against the international community, including far-fetched allegations that $500 million had been earmarked in support of the opposition candidates. On April 25, the OSCE Representative on Freedom of the Media Friemut Duve canceled his visit to Belarus to protest the denial of a visa to his senior advisor, a U.S. diplomat, for reasons which had earlier served at the U.S. Embassy in Minsk. The visit was to have examined the difficult media environment in Belarus, especially in light of the forthcoming presidential elections.

I continue to have concerns that Presidential Directive No. 8, which imposes restrictions on assistance from abroad offered to NGOs for democracy building and human rights including election monitoring, could be used to block NGO activities and important OSCE AMGroup projects in Belarus.

These and numerous other recent occurrences call into question the Belarusian government’s willingness to comply with freely undertaken OSCE commitments and raise doubts as to whether the Lukashenka regime intends to conduct the upcoming elections in a manner consistent with international standards.

As Chairman of the Helsinki Commission, I call upon the Belarusian authorities to conduct a real and public investigation of the disappearances. Furthermore, I urge the Belarusian Government to take the steps necessary in order for the presidential elections to be recognized as free and democratic as outlined by the March 7 Final Statement of the Parliamentary Troika. These: transparency and democracy in the preparation and implementation of the elections, in particular the process of registration of the candidates, the composition of electoral commissions and counting of votes; equal access for all candidates to the mass media; refraining from harassment of candidates, their families and supporters; and carrying out their work for all those engaged in domestic election observation.

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 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to detail a heinous crime that occurred September 22, 2000 in Roanoke, V.A. Ronald Edward Gay, 53, allegedly walked into the Backstreet Café and opened fire on patrons, killing one person and wounding six others.

Gay told police that he shot seven people in a gay bar because he was angry about jokes people made about his last name. He allegedly walked into the café, shot first degree murder in the death of Danny Lee Overstreet. Police have said that Gay admits shooting people “to get rid of, in his term, ‘fags’,” saying that Gay was upset over the fact that people made fun of his last name.”

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 Act of 2001, which I have introduced, is a symbol that can become substance. I believe by passing this legislation we can change hearts and minds as well.

SUPPORT FOR PUBLIC POWER

Mr. JOHNSON. Mr. President, on April 24, 2001, I voted to report S. 206, legislation which would repeal the Public Utility Holding Company Act, out of the Senate Banking Committee. I did so with strong reservations. I have been one of the strongest supporters of public power during my service in Congress. Public power has been extremely beneficial for my State. Without the initiative and determination of the municipal utilities and the rural cooperatives in the early part of this century, South Dakota and the neighboring states would not have received electricity as soon as they did. Since then, these entities have provided South Dakotans with reliable electricity and energy services.

In addition, I have had a long record of support for public power. This includes authoring an amendment during committee consideration in the House of Representatives that helped stop the sale of the public power administrations that House Republicans attempted to sell in 1995. Moreover, I have worked closely with the rural electric coops, municipal owned utilities and rural telephone coops on a number of issues. Recently, I was graciously given an award from the South Dakota Rural Electric Cooperatives and the Congressional Leadership Award from the National Telephone Cooperative Association in recognition of the work we have done together.

I have concerns about S. 206 and am not committed to voting for it on the floor. I believe that more needs to be done to ensure that sustainable, competitive markets are in place that will keep prices affordable and that will discourage undue concentration. I pledge to work with all parties on this effort so that any legislation that is considered will be fair to public power and its concerns.

CONGRATULATIONS TO THE RUSSIAN JEWISH CONGRESS

Mr. SMITH of Oregon. Mr. President, I rise today to congratulate the Russian Jewish Congress for laying the cornerstone of the Archipova street Community Center near the Moscow Choral synagogue. I think it is also important to thank the Chief Rabbi of Moscow, Rabbi Pinchas Goldschmidt, a critical supporter of the Russian Jewish Congress, for the restoration of the Choral Synagogue dome which was destroyed under an anti-Semitic decree.
of the pre-revolutionary Moscow government.

The Russian Jewish Congress was established in January 1996. In the years since then it has been a stalwart combatant of racism and anti-Semitism in Russia and has taken significant steps throughout the Federation. In 1998 the Congress completed the Holocaust Memorial Complex on Poklonnaya Gora in Moscow, the first Holocaust museum in Russia. In addition the Russian Jewish Congress arranged for the restitution of funds disbursed to Holocaust survivors in Russia to be tax exempt.

Finally, I would like to note the work of Mr. Yuri Luzhkov, Mayor of Moscow, for his initiative to restore places that he referred to, that he saw with his own eyes. That in addition to the Warsaw Ghetto that is the eternal reminder of our people’s sacrifice, and courage that took place under the worst of all possible conditions.

And I especially felt that, Vladka, after reading your poignant account of the resistance. I commend that to you, as I do the real sacrifice and courage that took place in the Warsaw Ghetto. Vladka describes the feeling of standing on the brink of an abyss. She conveys the sense of despair that pervaded the emptied, raved ghetto. She recalls that, “All roads in the ghetto seemed to lead to Treblinka; there was no escape.”

And yet at the moment when all seemed lost, something changed. And she tells the story of the resistance and describes the hidden hope and the gathering storm of courage brewing beneath the ruins. She eloquently writes, “A spark had been smoldering ... in the ghetto, and then it began to glow, slowly, tentatively at first, then ever more fiercely.”

As I watched the women climb the steps to light the candles, I thought about that flame. I thought about the flame of determination and yes, even triumph. That flame that today stands as the greatest rebuke, not only to the Nazis, but anti-Semites and even anti-peace those of us who can strongly as possible the need for our government. But more than that, as a fellow human being, I am also pleased to be here with the Governor, the Mayor, and my friend and partner, Senator Schumer.

I would only add to the strong words that Senator Schumer has just expressed, for most of us, if not all of us. That in addition to the Jewish people and the people of Israel, protecting themselves, the government and the people of the United States must stand with the government and people of Israel in that endeavor. And we will reassert as strongly as possible the need for our government to continue the production of arms.

What brings us here today as we commemorate the six million Jewish martyrs and the 50th Anniversary of the Warsaw Ghetto Uprising is to relive the pain for those of us who can’t possibly imagine. But to honor and respect the survivors and to join together in pledging that the sacrifice and the spirit was never extinguished, never given in vain.

I remember being in Warsaw with Ben and Vladka and looking at some of the same places that he referred to, that he saw with his own eyes. That in addition to the Jewish people and the people of Israel, protecting themselves, the government and the people of the United States must stand with the government and people of Israel in that endeavor. And we will reassert as strongly as possible the need for our government to continue the production of arms.

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Now, more than at any other time in history, the world’s wellbeing depends upon the awareness of humankind’s interlocking fate. We Holocaust survivors, for whom there were so many enemies and so few rescuers, are determined to extend our commitment to remembrance, education and documentation by bearing witness to what we experienced as fully as possible.

We now stand at a half-century’s distance from the events which shaped our lives and reshaped history. We look back and remember. Our memory is a warning, for all people and all time.

Let us remember!

**Nomination of John P. Walters**

Mr. McCaIN. Mr. President, I am pleased to announce my strong support for President Bush’s selection of John P. Walters as the next Director of the Office of National Drug Control Policy.

John will bring two decades of drug policy experience in the non-profit sector and in government to his mission as the nation’s drug czar. His passionate commitment to improving the quality of our society by decreasing drug use through effective drug education and intervention programs has already touched the lives of many Americans. I trust that the Bush Administration will give him the resources and authority his position requires as a sign of its determination to cut drug use in America and provide the moral leadership essential to this task.

Many of John’s advocates will note his impressive record of public service in the fields of drug interdiction, treatment, and education. John distinguished himself during the first Bush Administration as Deputy Director for Supply Reduction, Chief of Staff and National Security Director, and Acting Director of the Office of National Drug Control Policy. During the Administration of President Reagan, John served as Chief of Staff and Counselor to the Secretary of Education, as well as Assistant to the Secretary, the Secretary’s Representative to the National Drug Policy Board, and the Secretary’s Representative to the Domestic Policy Council’s Health Policy Working Group.

But John’s work outside of government is equally admirable. John is currently serving as President of the Philanthropy Board, a national association of charitable donors who are doing great work in our communities. He was previously President of the New Citizenship Project, an organization created to promote greater civic participation in our national life. John also served on the Council on Crime in America, a bipartisan commission on violent crime co-chaired by former Drug Czar Bill Bennett and former Attorney General Griffin Bell.

In 1986, John created the Madison Center, a non-profit organization dedicated to early childhood education and drug abuse prevention. From 1982 to 1985, he served as Acting Assistant Dir-

**The Very Bad Debt Boxscore**

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, May 9, 2001, the Federal debt stood at $5,643,286,010,418.43, five trillion, six hundred forty-three billion, six hundred eight million, ten thousand, four hundred eighteen dollars and forty-three cents.

One year ago, May 9, 2000, the Federal debt stood at $5,662,963,000,000, five trillion, six hundred sixty-two billion, nine hundred sixty-three million.

Five years ago, May 9, 1996, the Federal debt stood at $5,088,229,000,000, five trillion, eighty-eight billion, eight hundred twenty-nine million.

Ten years ago, May 9, 1991, the Federal debt stood at $3,435,605,000,000, three trillion, four hundred thirty-five billion.

Fifteen years ago, May 9, 1986, the Federal debt stood at $2,012,034,000,000, two trillion, twelve billion.

Twenty years ago, May 9, 1976, the Federal debt stood at $331,234,010,418.43, three trillion, six hundred thirty-one billion, two hundred thirty-four million.

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**Additional Statements**

**Maupin Receives Patrick Henry Award**

Mr. HOLLINGS. Mr. President, The Wilson Center for Leadership in the Public Interest at Hampden-Sydney College in Virginia annually presents the Patrick Henry Award to alumni who have been honored by dedication to public service. I’m proud to congratulate Colonel Joe Maupin, U.S. Army retired and my Lowcountry Representative in Charleston, SC, who is among the three who will be receiving the 2001 Patrick Henry Award this evening.

Some of my colleagues may remember Colonel Maupin from his time as Chief of Army Liaison here in the Senate, his last assignment before retiring from the Army after 22 years of service. During those 22 years, Joe attended Officer Candidate School, commanded several Field Artillery Batteries, was selected as a Major for Battalion Command and was inducted into the Field Artillery Hall of Fame. I am fortunate to have benefitted from Joe Maupin’s dedication to public service, his willingness to get the job done, his ability to relate to people from all walks of life, his sense of humor, and, most of all, his friendship. I can think of no one more deserving of the Patrick Henry Award than Joe Maupin.

My heartfelt congratulations go out to him and to his wonderful wife, Shirley, who made it possible for him to pursue not one, but two careers in public service.

**In Remembrance of Stephen Green**

Mrs. BOXER. Mr. President, earlier this week, this country suffered a tremendous loss with the passing of Steve Green.

Steve was a veteran reporter and editorial columnist and a very dear person. He worked as a journalist for forty years, covering issues ranging from Congress to national security to social policy.

I got to know Steve as he kept a watchful on Congress for the Copley News Service and the San Diego Union-Tribune. He had a quick wit, a keen intellect and a great nose for a story. Above all, he was scrupulously fair in his reporting. And he believed that as a journalist it was his role in life to help this country realize its tremendous potential. How very blessed we are that we have been used his talent with words, and his insight to make us a better, more informed people.

With a wink Steve could puncture the biggest ego. He had the uncanny ability to be skeptical without being critical. He cared for the people he covered without coddling them. He followed serious issues without losing his sense of humor.
Let me read from an article filed by Steve’s colleague and Copley News veteran reporter Findlay Lewis:

Mr. Green’s 40-year newspaper career embraced a range of interests and assignments, including a political column that was syndicated across the country. In recent years, his reporting focused on Congress, national security issues and social welfare policy. His work in these and other areas earned him a reputation as a quick study and an incisive writer, who could quickly penetrate to the heart of complex issues.

Steve Green was a colleague I admired greatly,” said Richard G. Klein, editor in chief of Copley Newspapers. “He thrived on professionalism, which leaves a great legacy for all to follow. He was a man of enormous courage. A native of Malden, Mass., he graduated from Boston’s Northeastern University, where he began his newspaper career. While pursuing his undergraduate degree, Mr. Green filed stories for the wire services and several Boston dailies, and also served as editor of the college newspaper.

Former colleagues at the (Washington) Star describe Mr. Green in those years as a tireless reporter, who never allowed himself to be beaten on a story by rivals from the larger and better-staffed Washington Post.

“He had a knack for getting scoops,” recalled Barbara Cochran, one of his editors at the time and president of the Radio-Television News Directors Association. “When he had a good story going he would get this grin on his face—when he felt he had the goods.”

His tenure at the (Washington) Post was followed by an editing stint at the Miami News before arriving at The San Diego Union in 1979 as state and politics editor. In the latter capacity, Mr. Green directed the Union’s coverage of the 1980 presidential election and as head of the state political campaigns two years later.

In 1983, Mr. Green joined the Union's editorial board before returning to Washington in January 1984 to fill the newly created position of managing editor in the Washington Bureau of the Copley News Service.

Considered a shrewd student of American politics and foreign affairs by his peers, Mr. Green pursued those interests in a column syndicated service and given frequent prominent display by The Washington Times on its op-ed page.

By the early 1990s, Mr. Green had returned to reporting coverage of Congress, a beat that he knew well from his duty with Washington newspapers. He wrote in depth about the financing problems likely to confront the nation’s social welfare programs, such as Social Security and Medicare, and also played a role in the bureau’s coverage of President Clinton’s impeachment crisis in the Capitol.

He later took over the Pentagon beat before falling ill.

Survivors include his wife, Ginny Durrin of Washington, a filmaker; two daughters from a previous marriage—Jennifer Green of San Jose, and Alison Green of Arlington, Va.; brother, Edward Green of Rockville, Md.; sister, Judy Schoen of Lawrenceville, N.J.; and sister also survive.

Steve Green was a wonderful man, a wonderful journalist and anyone who knew him will miss him deeply.

CONGRATULATIONS TO MIKE MILLER

Mr. JOHNSON. Mr. President I rise today to congratulate Mike Miller from Mitchell, SD. Mike, a starting small forward for the Orlando Magic, has been selected as the National Basketball Association, NBA, Rookie of the Year. As the fifth overall draft pick from the University of Florida, he averaged 11.9 points, 4.0 rebounds and 1.7 assists this year. Mike scored in double figures every year and scored a season-high 28 points against the Milwaukee Bucks on March 23. Although those statistics are very impressive, perhaps the most impressive part of Mike’s rookie season was the leadership he chose to assume with the injury to his teammate Grant Hill. He responded to the challenge of filling the shoes of a perennial NBA all-star and he came to be a trusted go-to, clutch player. Of course he showed this type of poise when he made the game winning shot against Butler in last year’s NCAA tournament.

By winning this award, Mike has joined the ranks of the Hewitt to ever play basketball. Bill Chamberlain, Oscar Robertson, Michael Jordan and Shaquille O’Neal are just a few of the basketball luminaries who Mike joins as winners of this award. Those in South Dakota who knew Mike was destined for great things. As a three-time all-state selection and a two time state champion in South Dakota, Mike has showcased his abilities for many years. As a father of three children I know how proud Tom and Sheryl Miller must feel today. I join the rest of the State of South Dakota in congratulating Mike on his remarkable accomplishment and look forward to cheering him on as his career moves forward.

TRIBUTE TO THE REVEREND LEON H. SULLIVAN

Mr. FEINGOLD. Mr. President, I rise today to remember the Reverend Leon Sullivan, a civil rights leader who spent his life breaking down the barriers of racial prejudice, and building in their place a more just world for all of us. Among his many accomplishments, Reverend Sullivan helped to found the famous Sullivan Principles, which helped to topple Apartheid in South Africa, and he founded Opportunities Investment Centers, OICs, which have brought new hope and new job skills to the lives of people in my state of Wisconsin, and around the world.

With everything he did, Reverend Sullivan was both an idealist and a pragmatist. He righted the wrong of prejudice not just by calling for change, but by charting the course by which that change could occur. Leon Sullivan was born in West Virginia in 1922, where his quest for racial justice began in early childhood. He desegregated a restaurant in his hometown at the age of 14, and worked his way through graduate school as the first African-American coin-box collector for the Bell Telephone Company. Later, as pastor of the Zion Baptist Church in Milwaukee, he and his congregation worked the highly successful Selective Patronage Program, which boycotted businesses that refused to hire minorities.

TRIBUTE TO BOTTOMLINE TECHNOLOGIES

Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Bottomline Technologies of Portsmouth, New Hampshire, for the honor...
of being named the 2001 Business of the Year by Business NH Magazine.

Bottomline Technologies is a Portsmouth-based firm that has become a global leader in business-to-business Internet-based transaction processing. The company was founded by Dan Walsh in the high technology sector of the New Hampshire business community. It is an honor and a privilege to represent them in the U.S. Senate.

TRIBUTE TO REVEREND MARK HURLEY

- Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Reverend Mark J. Hurley, the former bishop of the Catholic Diocese of Santa Rosa, California. Bishop Hurley passed away on Monday February 5, 2001, after surgery for an aneurysm. Mark Hurley was one of two priests born to a proud Irish Catholic family. His brother, Francis Hurley, is the Archbishop of Anchorage, Alaska.

- I had the great fortune to make the acquaintance of Mark Hurley several years ago while traveling in California. He was a deeply religious man, as you would expect, and a very learned individual and the author of several books. He lectured about the tragedy of abortion and wrote extensively about medical and genetic research and individual privacy. But he will be remembered most of all for his extraordinary work as the bishop of the six-county North Coast diocese from 1969-1986.

- Pope Paul VI appointed Mark Hurley second bishop of the Santa Rosa diocese in 1969. Prior to his appointment, he was a teacher and administrator for Catholic high schools in San Francisco, Marin and Contra Costa counties. He was vicar general of the Archdiocese of San Francisco. He would become Santa Rosa’s longest-serving bishop since the diocese was created. Most importantly, Bishop Hurley was credited with saving the diocese from financial ruin. When he took office the diocese was over $12 million in debt, including $7 million owed to parishes and other organizations within the diocese. By imposing strict spending limits, a building moratorium and other cutbacks he was able to orchestrate the financial recovery that was so desperately needed.

- After his tenure, Pope John Paul II rewarded Reverend Hurley’s efforts by transferring him to the Vatican where he served as ex-custos of the Sacred Congregation for Catholic Education and a member of the Secretariat for Non-Believers. He returned to the United States and retired in San Francisco— the same city in which he was born on December 13, 1919. He was acknowledged by many as an intellectual and a world leader on religious matters, but it was his successful tenure as bishop of Santa Rosa for which he will be remembered most.

- Robert Walsh, president of Common Man Restaurants of Ashland, Concord, Lincoln, Windham, Meredith and Tilton, New Hampshire, on being named the 2001 Business of the Year by Business NH Magazine.

- The Common Man Family of Restaurants and owner, Alex Ray, operate nine restaurants throughout the Granite State and employ more than 400 people. Alex was the recipient of the New Hampshire Lodging and Restaurant Associations’ “Restaurateur of the Year” in 1996.

- The company is a strong supporter of community and national charitable organizations. For the past 10 years, the Common Man Family of Restaurants has donated more than $300,000 to Easter Seals and was recognized nationally for organizing and hosting the most successful food-raiser for the March of Dimes in New Hampshire, raising more than $40,000. They also created a scholarship program for Plymouth Regional High School students who are interested in pursuing a career in the culinary arts.

TRIBUTE TO CONCORD HOSPITAL

- Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Concord Hospital of Concord, New Hampshire, for the honor of being named the 2001 Business of the Year by Business NH Magazine.

- Concord Hospital serves the citizens of the local community with a state-of-the-art technology facility and staff. The hospital is the only one in the Granite State to provide computers at patients’ bedside to permit secure access to medical information and data and to track patient charges for supplies and medical procedures.

- The Concord Hospital continues to keep abreast of the changing technologies within the industry by becoming the first cardiac catheterization laboratory in our state to use digital equipment for patient procedures. It also uses the only FDA approved computer-aided detection systems for breast cancer.

- The Hospital has paid 132 of its employees to participate in community committees and projects. It has also provided cash donations to other organizations and has created a database of health and human service providers and services for New Hampshire Helpline information service.

- The Concord Hospital is a good neighbor to the citizens of Concord and state. I commend them for their dedication and service to the health care community in New Hampshire. It is an honor and a privilege to represent them in the U.S. Senate.

TRIBUTE TO THE COMMON MAN FAMILY OF RESTAURANTS

- Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the Common Man Family of Restaurants of Ashland, Concord, Lincoln, Windham, Meredith and Tilton, New Hampshire, on being named the 2001 Business of the Year by Business NH Magazine.

- The Common Man Family Restaurants and owner, Alex Ray, operate nine restaurants throughout the Granite State and employ more than 400 people. Alex was the recipient of the New Hampshire Lodging and Restaurant Associations’ “Restaurateur of the Year” in 1996.

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The Common Man Family of Restaurants also participated in the Smithsonian Folklife Festival by preparing traditional New Hampshire cuisine for over 50,000 people during the 10-day event. I personally had the opportunity to sample their delicious warehous.

Alex Ray and The Common Man Family of Restaurants have been an asset to the citizens of New Hampshire. I commend them for their service and dedication to the people and communities of our state. It is an honor and a privilege to represent them in the U.S. Senate.

TRIBUTE TO CONCORD COMMUNITY MUSIC SCHOOL

Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the Concord Community Music School of Concord, New Hampshire, for the honor of being named the 2001 Business of the Year by Business NH Magazine.

New Hampshire’s largest and oldest community music school, Concord Community Music School is celebrating its 17th anniversary this year. The primary mission of the school is to provide access to music for all people of New Hampshire while having the best resources available.

Concord Community Music School has touched the lives of many Granite State citizens. In 2000, over 43,000 people received 80,100 musical services thanks to the school. The school also provides weekly lessons and classes at the facility and provides performances at public events.

Concord Community Music School generously reaches out to area citizens with its Music in the Community Initiative. The program is a partnership with area schools, human service agencies and hospitals in New Hampshire which provide scholarships to at-risk students, disabled people, senior citizens and pre-schoolers from low income families.

Concord Community Music School has been a dedicated and caring neighbor to the citizens of New Hampshire. I commend them for their contributions to the cultural, educational and economic communities of our state. It is an honor and a privilege to represent them in the U.S. Senate.

TRIBUTE TO NIXON PEABODY LLP

Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Nixon Peabody LLP of Manchester, New Hampshire, for the honor of being named the 2001 Business of the Year by Business NH Magazine.

The New Hampshire office of Nixon Peabody LLP was established in 1992, and is one of the top 50 law firms in the United States with 11 East Coast offices including 20 in the Granite State. The firm has been instrumental in New Hampshire’s premier business deals and has established itself in our state by assuming the role of a strong corporate citizen.

Active within the Manchester community, staff members from Nixon Peabody serve on several nonprofit boards including: Kevin Fitzgerald as president and chairman of the Manchester Community Music School’s board, W. Scott O’Connell as vice president of the Farnum Center, and James Hood as chairman of New Hampshire’s International Trade Advisory Committee.

Staff members and clients have also served the City of Manchester with charity and concern. Victims of a recent apartment house fire were provided with clothing and furniture by a client of the firm after a fire that left more than 50 people homeless.

I commend Nixon Peabody LLP for their contributions to both the business and civic communities in our state. It is an honor and a privilege to represent them in the U.S. Senate.

TRIBUTE TO BELKNAP LANDSCAPE COMPANY, INC.

Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Belknap Landscape Company, Inc. of Gilford, New Hampshire, on being named the 2001 Business of the Year by Business NH Magazine.

Belknap Landscape Company, Inc., has been owned for the past 13 years by Hayden McLaughlin, who is a member of several industry organizations and works to inform people about landscaping benefits. The company was the recipient of the Blue Chip Award, Leon Patterson Award for Landscape Excellence, and numerous national safety awards.

Belknap Landscape Company, Inc. has participated in many community events and outreach programs. The company was active in the development of the Kirkwood Gardens in 1995 and continues to sponsor the gardens and annual “Wildflower Day” which benefits the gardens and Science Center. They are involved in other community projects including: the Frides of the New Hampshire Music Festival, New Beginnings, the United Way, and the New Hampshire State Police Association.

They have donated materials and staff manpower to the Squam Lakes Association waterfront area. Hayden also makes annual contributions to the New Hampshire Horticulture Endowment Fund and he is a mentor in the Associated Landscape Contractors of America “One-on-One” Mentor program.

Belknap Landscape Company, Inc. and Hayden McLaughlin have been strong stewards of the environmental and business communities in New Hampshire. I commend them for the positive contributions they have made to the citizens of the Granite State. It is an honor and a privilege to represent them in the U.S. Senate.

TRIBUTE TO THE TALARICO DEALERSHIPS

Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the Talarico Dealerships of Manchester, Merrimack and Milford, New Hampshire, on being named the 2001 Business of the Year by Business NH Magazine.

The Talarico Dealerships and Stephen Talarico, president and CEO, conduct business by a company mission statement of providing quality service to customers with trained professional employees and “to be supportive to our community and committed to the education of our youth.”

The Talarico Dealerships recognize the importance of giving back to the community and have generously contributed to civic programs including the Manchester Riverwalk Development Project and Souhegan Valley Chamber of Commerce First Annual Golf Tournament.

The company was among the first automobile dealerships in the country to install custom designed, thermo-reactor stainless steel Devilbiss spray booths at its Body Magic Auto Collision Center. Talarico Dealership was also the first dealership in the Granite State to have a service department managed completely by women.

Stephen Talarico was named Souhegan Valley Chamber of Commerce Business Leader of the Year in 1999. His Merrimack Used Car Superstore became one of the top five used car volume dealerships in New Hampshire in 2000.

The Talarico Dealerships and Stephen Talarico have been good neighbors to the citizens of Manchester, Merrimack and Milford, New Hampshire. I commend them on their dedication and service to the communities of the Granite State. It is an honor and a privilege to represent them in the U.S. Senate.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:35 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:
Executive Reports of Committees

The following executive reports of committees were submitted:

By Mr. GRAMM for the Committee on Banking, Housing, and Urban Affairs:

Kenneth I. Juster, of the District of Columbia, to be Under Secretary of Commerce for Export Administration.

Grant D. Aldonas, of Virginia, to be Under Secretary of Commerce for International Trade.

Maria Cino, of Virginia, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

Robert Glenn Hubbard, of New York, to be a Member of the Council of Economic Advisers.

(There were above nominations were reported with the recommendation that they be confirmed subject to the nominees’ commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HATCH for the Committee on the Judiciary:

Larry D. Thompson, of Georgia, to be Deputy Attorney General.

Daniel J. Bryant, of Virginia, to be an Assistant Attorney General.

Charles A. James, Jr., of Virginia, to be an Assistant Attorney General.

(There were above nominations were reported with the recommendation that they be confirmed.)

Introduction of Bills and Joint Resolutions

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

H.R. 146. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Great Falls Historic District in Paterson, New Jersey, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 581. An act to authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management.

Measures Referred

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

S. 700. An act to establish a Federal interagency task force for the purpose of coordinating actions to prevent the outbreak of bovine spongiform encephalopathy (commonly known as "mad cow disease") and foot-and-mouth disease in the United States.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

S. 184. A bill to amend the Immigration and Nationality Act to provide that aliens who commit acts of torture, extrajudicial killings, or other specified atrocities abroad are inadmissible and removable and to establish within the Criminal Division of the Department of Justice an Office of Special Investigations, to provide for that Act with respect to all alien participants in war crimes, genocide, and the commission of acts of torture and extrajudicial killings abroad; to the Committee on the Judiciary.

By Mr. MCCONNELL (for himself and Mr. LIEBERMAN):

S. 863. A bill to provide small businesses certain protections from litigation excesses and to limit the product liability of nonmanufacturer product sellers; to the Committee on the Judiciary.

By Mr. REID (for himself and Mr. WASSERMAN):

S. 866. A bill to amend the Public Health Service Act to provide for a national media campaign to reduce and prevent underage drinking in the United States; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CONRAD (for himself and Mr. COCHRAN):

S. 867. A bill to amend the Internal Revenue Code of 1986 to increase the unified credit exemption and the qualified family-owned business interest deduction, and for other purposes; to the Committee on Finance.

By Mr. FEINSTEIN:

S. 868. A bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage and group health plans provide coverage of cancer screening; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BARKIN (for himself, Mr. KENNEDY, Mr. MCCAIN, Mr. KERRY, Mr. ROCKEFELLER, and Mrs. BOXER):

S. 869. A bill to amend the Fair Labor Standards Act of 1938 to provide for certain provisos relating to child labor; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH of New Hampshire (for himself and Mr. INHOFE):

S. 870. A bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for public-private partnerships in financing of highway, mass transit, high speed rail, and intermodal transfer facilities projects, and for other purposes; to the Committee on Finance.

By Mr. CLELAND (for himself, Mr. KERRY, Mr. REID, and Mr. DAYTON):

S. 871. A bill to amend chapter 83 of title 5, United States Code, to provide for the computation of annuities for air traffic controllers in a similar manner as the computation of annuities for law enforcement officers and firefighters; to the Committee on Governmental Affairs.

Submission of Concurrent and Senate Resolutions

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DORGAN (for himself, Mr. DASCHLE, Mr. REID, Mr. DURBIN, Mrs.
At the request of Mrs. HUTCHISON, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 11, a bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty by providing that the income tax rate bracket amounts, and the amount of the standard deduction, for joint returns shall be twice the amounts applicable to unmarried individuals, and for other purposes.

S. 123

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 123, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 131

At the request of Mr. JOHNSON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 131, a bill to amend title 38, United States Code, to modify the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 177

At the request of Mr. AKAKA, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 177, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 191

At the request of Mr. SHELBY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 191, a bill to amend the Internal Revenue Code of 1986 to phase out the taxation of social security benefits.

S. 247

At the request of Mr. CONRAD, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 247, 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. 392

At the request of Mr. SANTORUM, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 392, a bill to amend the Internal Revenue Code of 1986 to create Individual Development Accounts, and for other purposes.

S. 427

At the request of Mr. GRASSLEY, the names of the Senator from Indiana (Mr. BAYH) and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. 427, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 671

At the request of Mr. SCHUMER, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 671, a bill to provide for public library construction and technology enhancement.

S. 766

At the request of Mr. KERRY, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 766, a bill to amend the Social Security Act to establish programs to alleviate the nursing profession shortage, and for other purposes.

S. 738

At the request of Mr. MCCAIN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 738, a bill 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, and for other purposes.

S. 742

At the request of Mr. GRASSLEY, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Alaska (Mr. STEVENS), the Senator from Georgia (Mr. MILLER), the Senator from Connecticut (Mr. DODD), the Senator from Vermont (Mr. LEAHY), the Senator from Oregon (Mr. SMITH), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 742, a bill to provide for pension reform, and for other purposes.

S. 760

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 760, a bill to amend the Internal Revenue Code of 1986 to encourage and accelerate the national wildlife refuges, retail sale, and consumer use of new motor vehicles that are powered by fuel cell technology, hybrid technology, battery electric technology, alternative fuels, or other advanced motor vehicle technologies, and for other purposes.

S. 790

At the request of Mr. BROWNBACK, the name of the Senator from Arkansas (Ms. LINCOLN) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 790, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 795

At the request of Mr. THOMPSON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 795, a bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies.

S. 804

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 804, a bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks; to require fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight; to raise the fuel economy of the Federal fleet of vehicles, and for other purposes.

S. 805

At the request of Mr. WELLSTONE, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 805, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, ocuopharyngeal, distal, and emery-dreifuss muscular dystrophies.

S. 826

At the request of Mr. BROWNBACK, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from Utah (Mr. HATCH), the Senator from Ohio (Mr. DEWINE), the Senator from Illinois (Mr. DURBIN), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 826, a bill to establish the National Museum of African American History and Culture within the Smithsonian Institution.

S. 839

At the request of Mrs. HUTCHISON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 841

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 841, a bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for out-patient psychiatric services under the Medicare Program.
S. 850  

At the request of Mr. Chaffee, the name of the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 850, a bill to expand the Federal tax refund intercept program to cover children who are not minors.

S. 857  

At the request of Mr. Helsm, the name of the Senator from Alabama (Mr. Sessions) was added as a cosponsor of S. 857, a bill to protect United States military personnel and other elected and appointed officials of the United States from criminal prosecution by an international criminal court to which the United States is not a party.

S. 858  

At the request of Mr. Hutchinson, the name of the Senator from Missouri (Mr. Bond) was added as a cosponsor of S. 858, a bill to amend Title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small business with respect to medical care for their employees.

S. RES. 13  

At the request of Mr. Warner, the names of the Senator from Vermont (Mr. Jeffords) and the Senator from Oklahoma (Mr. Inhofe) were added as cosponsors of S. J. Res. 13, a joint resolution conferring honorary citizenship of the United States on Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette.

S. RES. 16  

At the request of Mr. Thurmond, the names of the Senator from New Hampshire (Mr. Gregg), the Senator from North Dakota (Mr. Dorgan), the Senator from Massachusetts (Mr. Kennedy), the Senator from Pennsylvania (Mr. Specter), and the Senator from Utah (Mr. Hatch) were added as cosponsors of S. Res. 16, a resolution designating August 16, 2001, as "National Airborne Day."

S. RES. 75  

At the request of Mr. Hutchinson, the name of the Senator from South Carolina (Mr. Hollings) was added as a cosponsor of S. Res. 75, a resolution designating the week beginning May 13, 2001, as "National Biotechnology Week."

S. CON. RES. 15  

At the request of Mr. Brownback, the names of the Senator from Virginia (Mr. Allen), the Senator from Oklahoma (Mr. Inhofe), the Senator from Colorado (Mr. Allard), and the Senator from New York (Mrs. Clinton) were added as cosponsors of S. Con. Res. 15, a concurrent resolution to designate a National Day of Reconciliation.

S. CON. RES. 17  

At the request of Mr. Sarbanes, the name of the Senator from Nebraska (Mr. Nelson) was added as a cosponsor of S. Con. Res. 17, a concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

AMENDMENT NO. 389  

At the request of Mr. Voinovich, the name of the Senator from New Jersey (Mr. Corzine) was added as a cosponsor of amendment No. 389.

AMENDMENT NO. 426  

At the request of Mr. Conrad, the name of the Senator from North Dakota (Mr. Dorgan) was added as a cosponsor of amendment No. 426 to S. Res. 15, an original bill to extend programs and activities under the Elementary and Secondary Education Act of 1965.

AMENDMENT NO. 441  

At the request of Mr. Voinovich, the name of the Senator from New Jersey (Mr. Corzine) was added as a cosponsor of amendment No. 441 to S. 451, an original bill to extend programs and activities under the Elementary and Secondary Education Act of 1965.

AMENDMENT NO. 451  

At the request of Mrs. Lincoln, the names of the Senator from New Mexico (Mr. Bingaman) and the Senator from Massachusetts (Mr. Kennedy) were added as cosponsors of amendment No. 451.

At the request of Ms. Landrieu, her name was added as a cosponsor of amendment No. 451, supra.

AMENDMENT NO. 461  

At the request of Mr. Dorgan, the name of the Senator from New York (Mr. Schumer) was added as a cosponsor of amendment No. 461 to S. 451, an original bill to extend programs and activities under the Elementary and Secondary Education Act of 1965.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Thomas (for himself, Mr. Conrad, Mr. Domenici, Mr. Johnson, Mr. Roberts, and Mr. Nelson of Nebraska):  

S. 839. A bill to amend the Public Health Service Act to establish a mental health community education program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. Thomas. Mr. President, I rise today to introduce the Rural Mental Health Accessibility Act of 2001 with Senator Conrad, Senator Domenici, Senator Johnson, Senator Roberts, and Senator Nelson from Nebraska. Like all of the rural health bills I’ve worked on with my colleagues in the Senate Rural Health Caucus, I am proud of the bipartisan effort behind this important legislation.

I believe, the Rural Mental Health Accessibility Act of 2001 is crucial because it reflects the unique needs of rural communities to improve access to mental health services.

Many people do not seek mental health services because of the stigma associated with mental illnesses. This is especially true in rural areas where anonymity is more difficult to obtain. This legislation creates the Mental Health Community Education Grant program, which permits states and communities to conduct targeted public education campaigns with particular emphasis on mental illnesses, mental retardation, suicide, and substance abuse disorders. This new program will go a long way in reducing the discrimination surrounding mental health issues.

More than 75 percent of the 538 nationally designated Mental Health Professional Shortage Areas are located in rural areas and one-fifth of all rural counties in the nation have no mental health services of any kind. Frontier counties have even more drastic numbers as 95 percent of these remote areas do not have psychiatrists, 68 percent do not have psychologists and 78 percent do not have social workers. While I’m proud that every county in my home state of Wyoming now has a psychologist, there are still several counties that are severely underserved and are designated as a Mental Health Shortage Area.

Due to the scarcity of mental health specialists in rural communities, primary care providers are often the only source of treatment. However, primary care providers do not receive the specialized training necessary to recognize the signs of depression and other mental illnesses in their patients. The Rural Mental Health Accessibility Act of 2001 authorizes an Interdisciplinary Grant Program that universities and other entities to establish interdisciplinary training programs where mental health providers and primary care providers are taught side-by-side in the classroom, with clinical training conducted in rural underserved communities. This will encourage greater collaboration amongst providers and increase the quality of care for rural patients.

I am particularly concerned that suicide rates among rural children and adolescents are higher than in urban areas, especially in western and frontier states. Additionally, 20 percent of the nation’s elderly population live in rural areas, but only 9 percent of our nation’s physicians practice in rural areas. This bill authorizes $30 million for 20 demonstration projects, equally divided, to provide mental health services to children and elderly residents of long term care facilities located in rural areas. These projects will also provide mental illness education and targeted instruction on coping and dealing with the
stressful experiences of childhood and adolescence or aging.

To prepare for further expansion of mental telehealth, this bill requires the Director of the National Institute of Mental Health in consultation with the Office of Rural Health Policy to report to Congress on the efficacy and effectiveness of mental health services delivered through the utilization of telehealth technologies.

In crafting this legislation I and my colleagues worked with numerous outside organizations with an interest in mental health issues. As a result of this collaboration, the Rural Mental Health Accessibility Act of 2001 is strongly supported by the National Rural Health Association, the National Association for the Mentally Ill, the American Psychiatric Association and the American Psychological Association.

I believe this legislation is critically important to the health and well-being of our rural communities. I strongly urge all my colleagues to support the rural areas in their states by becoming cosponsors of the Rural Mental Health Accessibility Act of 2001.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Subpart 1 of part D of title III of the Public Health Service Act (42 U.S.C. 238q) is amended by adding at the end the following:

"SEC. 330L. MENTAL HEALTH COMMUNITY EDUCATION PROGRAM.

"(a) Program Authorized.—The Director of the Office of Rural Health Policy (of the Health Resources and Services Administration) shall award grants to eligible entities to conduct rural mental health community education programs.

"(b) Definitions.—In this section:

"(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means an entity, public or private school, mental health clinic, rural health clinic, local public health department, nonprofit private entity, federally qualified health center, rural Area Health Education Center, Indian tribe and tribal organization, and any other entity deemed eligible by the Secretary.

"(2) RURAL AREA.—The term ‘rural area’ means a rural area as defined in section 1866(d)(2)(D) of the Social Security Act, or such an area in a rural census tract of a metropolitan statistical area determined under the most recent modification of the Goldsmith Modification, originally published in the Federal Register on February 27, 1992 (57 Fed. Reg. 6725), or such geographical area that the Director designates as a rural area.

"(c) DURATION.—Grants awarded under subsection (a) shall be awarded for a period of 5 years.

"(d) USE OF FUNDS.—An eligible entity that receives a grant under subsection (a) shall use funds received under such grant to administer a mental health community education program to rural populations that provide information to dispel myths regarding mental illness and to reduce any stigma associated with mental illness.

"(e) APPLICATION.—An eligible entity desiring a grant under subsection (a) shall submit an application to the Director at such time, in such manner, and containing such information as the Director may reasonably require, including:

"(1) a description of the activities which the eligible entity intends to carry out using amounts provided under the grant;

"(2) a plan for continuing the project after Federal support.

"(f) A MOUNT.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 2002, and such sums as may be necessary for fiscal years 2003 through 2006.

"SEC. 330J. INTERDISCIPLINARY GRANT PROGRAM.

"(a) Program Authorized.—The Director of the Office of Rural Health Policy (of the Health Resources and Services Administration) shall award grants to eligible entities to establish interdisciplinary training programs that include mental health care providers or primary health care providers.

"(b) Definitions.—In this section:

"(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a public university or other educational institution, educational institution that includes a hospital or clinic, or any other entity that includes an educational institution, that includes a hospital or clinic, or any other educational institution, or any other entity that includes a hospital or clinic, or any other entity that includes an educational institution.

"(2) RURAL AREA.—The term ‘rural area’ means a rural area as defined in section 1866(d)(2)(D) of the Social Security Act, or such an area in a rural census tract of a metropolitan statistical area determined under the most recent modification of the Goldsmith Modification, originally published in the Federal Register on February 27, 1992 (57 Fed. Reg. 6725), or such geographical area that the Director designates as a rural area.

"(c) DURATION.—Grants awarded under subsection (a) shall be awarded for a period of 5 years.

"(d) USE OF FUNDS.—An eligible entity that receives a grant under subsection (a) shall use funds received under such grant to administer an interdisciplinary, side-by-side training program for mental health care providers and primary health care providers, that includes providing, under appropriate supervision, health care services to patients in underserved, rural areas without regard to patients’ ability to pay for such services.

"(e) APPLICATION.—An eligible entity desiring a grant under subsection (a) shall submit an application to the Director at such time, in such manner, and containing such information as the Director may reasonably require, including:

"(1) a description of the activities which the eligible entity intends to carry out using amounts provided under the grant;

"(2) a description of the manner in which the activities funded under the grant will meet the mental health care needs of underserved rural populations within the State; and

"(3) a description of the manner in which the activities funded under the grant will meet the mental health care needs of underserved rural populations within the State; and

"(3) a description of the network agreement with partnering facilities.

"(f) EVALUATION.—Each eligible entity that receives an award under this section shall submit to the Director of the Office of Rural Health Policy (of the Health Resources and Services Administration) an evaluation describing the programs authorized under this section and any other information that the Director deems appropriate.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $100,000,000 for fiscal year 2002 and such sums as may be necessary for fiscal years 2003 through 2006.

"SEC. 330K. STUDY OF MENTAL HEALTH SERVICES DELIVERED WITH TELEHEALTH TECHNOLOGIES.

"(a) IN GENERAL.—The Director of the National Institute of Mental Health, in consultation with the Director of the Office of Rural Health Policy, shall carry out a study of mental health services delivered remotely using telehealth technologies as compared to individuals with mental illness treated face-to-face.

"(b) Mandatory Activities.—Research described in subsection (a) shall include—

"(1) objective measurement of treatment outcomes for individuals with mental illness treated remotely using telehealth technologies as compared to individuals with mental illness treated face-to-face; and

"(2) any other variables as determined by the Director.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to
carry out this section such sums as may be necessary.

SEC. 330L. MENTAL HEALTH SERVICES DELIVERED VIA TELEHEALTH.

(a) Program Authorization.—(1) In general.—The Secretary, acting through the Director of the Office for the Advancement of Telehealth of the Health Resources and Services Administration, shall award grants to eligible entities to establish demonstration projects for the provision of mental health services to special populations as defined remotely by qualified mental health professionals using telehealth and for the provision of education regarding mental illness as delivered remotely by qualified mental health professionals and qualified mental health education professionals using telehealth.

(2) Number of demonstration projects.—Ten grants shall be awarded under paragraph (1) to provide services for the children and adolescents described in subsection (d)(1)(A) and not less than 6 of such grants shall be for services rendered to individuals in rural areas. Ten grants shall also be awarded under paragraph (1) to provide services for the elderly described in subsection (d)(1)(B) and not less than 6 of such grants shall be for services rendered to individuals in rural areas. If the maximum number of grants to be awarded under paragraph (1) is not awarded, the Secretary shall award the remaining grants in a manner that is equitably distributed between the populations described in subparagraphs (A) and (B) of subsection (d)(1).

(b) Definitions.—In this section:

(1) Eligible entity.—The term ‘eligible entity’ means a public or nonprofit private telehealth provider network which has as part of its services mental health services provided by qualified mental health providers.

(2) Qualified mental health education professionals.—The term ‘qualified mental health education professionals’ refers to teachers, community mental health professionals, nurses, and other entities as determined by the Secretary who have additional training in the delivery of information on mental illness to children and adolescents or who have additional training in the delivery of information on mental illness to the elderly.

(3) Qualified mental health professionals.—The term ‘qualified mental health professionals’ refers to providers of mental health services currently reimbursed under Medicare who have additional training in the treatment of mental illness in children and adolescents or who have additional training in the treatment of mental illness in the elderly.

(4) Special populations.—The term ‘special populations’ refers to the following 2 distinct groups:

(A) Children and adolescents located in primary and secondary public schools in mental health underserved rural areas or in mental health underserved urban areas.

(B) Elderly individuals located in long-term care facilities in mental health underserved rural areas.

(5) Telehealth.—The term ‘telehealth’ means the use of electronic information and telecommunications technologies to support long-distance clinical health care, patient and professional health-related education, public health, and health administration.

(c) Amount.—Each entity that receives a grant under subsection (a) shall receive not less than 75 percent of the total budget outlined for equipment.

(d) Use of Funds.—(1) In general.—An eligible entity that receives a grant under this section shall use such funds—

(A) for the populations described in subsection (b)(3)(A)—

(i) to provide mental health services, including diagnosis and treatment of mental illness, in primary, and secondary public schools as delivered remotely by qualified mental health professionals using telehealth;

(ii) to provide education regarding mental illness (including violence, social isolation, and depression); and

(iii) to collaborate with local public health entities and the eligible entity to provide the mental health services;

(B) for the populations described in subsection (b)(3)(B)—

(i) to provide mental health services, including diagnosis and treatment of mental illness, in long-term care facilities as delivered remotely by qualified mental health professionals using telehealth;

(ii) to provide education regarding mental illness to primary staff (including physicians, nurses, and nursing aides) as delivered remotely by qualified mental health professionals and qualified mental health education professionals using telehealth, including early recognition of the signs and symptoms of mental illness, and instruction on coping and dealing with stressful experiences of children and adolescents (such as violence, social isolation, and depression); and

(iii) to collaborate with local public health entities and the eligible entity to provide mental health services.

(2) Other uses.—(A) For the populations described in subsection (b)(3)(A) and (B) of subsection (d)(1)—

(i) to acquire telehealth equipment to use in primary and secondary public schools and long-term care facilities for the purposes of this section;

(ii) to develop curriculum to support activities described in subsections (d)(1)(A)(i) and (d)(1)(B)(i); and

(B) to qualified mental health professionals and qualified mental health education professionals on a reasonable cost basis as determined by the Secretary for services rendered.

(3) Prohibited uses.—An eligible entity that receives a grant under this section shall not use funds received through such grant to—

(A) purchase or install transmission equipment (other than such equipment used by qualified mental health professionals to deliver mental health services using telehealth under the project); or

(B) build upon or acquire real property (except for minor renovations related to the installation of reimbursable equipment).

(e) Equitable distribution.—In awarding grants under this section, the Secretary shall ensure, to the greatest extent possible, that such grants are equitably distributed among geographical regions of the United States.

(f) Application.—An entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary determines to be reasonable.

(g) Report.—Not later than 5 years after the date that such entity receives such a grant under this section, the Secretary shall prepare and submit a report to the appropriate committees of Congress that shall evaluate activities funded with grants under this section.

(h) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $300,000,000 for fiscal years 2002 and such sums that are required to carry out this program for fiscal years 2003 through 2009.

(i) Sunset provision.—This section shall be effective for 7 years from the date of enactment of this section.


Hon. Craig Thomas, U.S. Senate, Hart Office Building, Washington, DC.

DEAR SENATOR THOMAS: on behalf of the 220,000 members and 1,200 affiliates of the National Alliance for the Mentally Ill (NAMI), I am pleased to offer our support for the Rural Mental Health Accessibility Act of 2001. As the nation’s largest organization representing children and adults with severe mental illnesses and their families, NAMI is pleased to support this important legislation. Thank you for your leadership in bringing this bipartisan measure forward.

Accessing mental illness treatment and services is a particular challenge for individuals living in isolated rural communities. The challenges related to geographic isolation are too often further compounded by the stigma associated with severe mental illnesses such as schizophrenia, bipolar disorder, major depression and severe anxiety disorders. Advances in scientific research and medical treatment of mental illnesses have been tremendous in recent years. Your legislation will bring these advances in research and treatment to underserved rural areas. The initiatives contained in the Rural Mental Health Accessibility Act—community education to address stigma, training for providers, funding a telehealth services program—are an important step forward for expanding access to treatment in sparsely populated regions of our country. NAMI looks forward to working with you to ensure passage of this legislation in 2001.

Thank you for your leadership on this important issue for individuals with severe mental illnesses and their families.

Sincerely,

Jacqueline Shannon, President.


Hon. Craig Thomas, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR THOMAS: on behalf of the National Rural Health Association, I would like to convey our strong support for the Rural Mental Health Accessibility Act of 2001.

While a lack of primary care services in rural and frontier areas has long been acknowledged, the scarcity of rural mental health services has only recently received increased attention. At the end of 1997, 76% of designated mental health professional shortage areas were located in nonmetropolitan areas with a total population of over 30 million Americans.

The Rural Mental Health Accessibility Act of 2001 would provide important first steps toward increased access to mental health care services in rural and frontier areas. The stigma associated with having a mental disorder and the lack of anonymity in small rural communities and under-treatment of mental disorders among rural residents. Your legislation...
Mr. CONRAD. Mr. President, today I am pleased to join my colleagues as a cosponsor of the Rural Mental Health Accessibility Act of 2001. This bipartisan effort would take important steps toward improving access to mental health care in rural America.

This issue is particularly important to me and my constituents in North Dakota. Sadly, as compared to the rest of the United States, North Dakota has the second-highest suicide rate among children. In 1999, the state had the sixth-highest suicide rate among teenagers 15 through 19 years of age. As a result, over the 10 year period from 1987 to 1996, the percentage of deaths due to suicide among North Dakota’s children and teens was double the national average. Clearly, suicide makes a much greater impact on child mortality in North Dakota than it does in the rest of the United States, and it is a leading cause of death in this age group.

In many rural and frontier communities, the stress on families and individuals grows greater with each passing season. Farm financial stress has been related to individual psychological problems and an increased risk of mental disorders, including depression, substance abuse, and suicide.

It is important to keep in mind that rural areas have a prevalence of mental illness similar to urban areas. The difference is that people in rural areas have less access to health care, especially mental health care. Availability of mental health treatment is scarce in remote rural areas. Additionally, there remains a strong stigma surrounding mental illness and its treatment. The bill we introduce today would address both of these problems: reducing the stigma and increasing access to mental health services in rural areas.

Our bill addresses the problem of stigma through $50 million in grants for the provision of mental health education programs. Existing state and community efforts could be sustained and expanded through these grants, and new efforts could obtain early support. In addition, our bill would establish a $150 million grant program to foster close interaction between mental health professionals and primary care physicians. The grants would be available to public universities or educational institutions to develop side-by-side training programs for mental health care professionals and primary care providers. These provider teams would give care to patients in underserved, rural areas without requiring them to pay for care.

Other provisions of our bill address the access problem to mental health services found in the majority of rural communities. Since mental health care in rural communities is often provided solely by primary care clinics, our bill establishes a $150 million grant program to foster close interaction between mental health professionals and primary care physicians. The grants would be available to public universities or educational institutions to develop side-by-side training programs for mental health care professionals and primary care providers. These provider teams would give care to patients in underserved, rural areas without requiring them to pay for care.

It is my hope that the Rural Mental Health Accessibility Act will strengthen existing community efforts to fight mental illness by encouraging the formation of new and innovative programs. I am pleased to join Senator Thomas and others in this effort. I urge my colleagues to support this important legislation.

By Mr. GRASSLEY (for himself, Mr. BINGAMAN, Mr. MURKOWSKI, Mr. JEFFORDS, Mr. CONRAD, Mr. BREAUX, Mr. ROCKEFELLER, Mr. DASCHLE, Mr. BAUCUS, and Mrs. LINCOLN):

S. 860. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers; to the Committee on Finance.
those owned and operated by rural letter carriers.

When delivering greeting cards or bills, or packages ordered over the Internet, Rural Letter Carriers use vehicles they currently purchase, operate and maintain. In exchange, they receive a reimbursement from the Postal Service. This reimbursement is called an Equipment Maintenance Allowance (EMA). Congress recognizes that providing a vehicle to deliver the U.S. Mail is not typical vehicle use. So, when a rural carrier is ready to sell such a vehicle, it’s going to have little trade-in value because of the typically high mileage, extraordinary wear and tear, and the fact that it is probably right-hand drive. Therefore, Congress intended to exempt the EMA allowance from taxation in 1988 through a specific provision for rural mail carriers in the Technical and Miscellaneous Revenue Act of 1988.

That provision allowed an employee of the U.S. Postal Service who was involved in the collection and delivery of mail on a rural route, to compute his or her deductible business expenses as 50 percent of the standard mileage rate for all business use mileage. As an alternative, rural carrier taxpayers could elect to utilize the actual expense method, business portion of actual operation and maintenance of the vehicle, plus depreciation. If EMA exceeded the allowable vehicle expense deductions, the excess was subject to tax. If EMA fell short of the allowable vehicle expenses, a deduction was allowed only to the extent that the sum of the shortfall and all other miscellaneous itemized deductions exceeded two percent of the taxpayer’s adjusted gross income.

The Taxpayer Relief Act of 1997 further simplified the tax returns of rural letter carriers. That Act permitted the EMA income and expenses “to wash,” so that neither income nor expenses would have to be reported on a rural letter carrier’s return. That simplified taxes materially 120,000 rural carrier taxpayers, but the provision eliminated the option of filing the actual expense method for employee business vehicle expenses. The lack of this option, combined with the dramatic changes the Internet is having on the mail, specifically on rural carriers and their vehicles, is a problem I believe Congress can and must address.

The mail mix is changing and already Postmaster General has, understandably, encouraged rural carriers to purchase larger right-hand drive vehicles, such as Sports Utility Vehicles, SUVS, to handle the increase in parcel loads. Large SUVS are much more expensive than traditional vehicles, so without the ability to use the actual expense method and depreciation, rural carriers must use their salaries to cover vehicle expenses. Additionally, the Postal Service has placed 11,000 postal vehicles on rural routes, which means those carriers receive no EMA.

These developments have created a situation that is contrary to the historical congressional intent of using reimbursement to fund the government service of delivering mail, and also has created an inequitable tax situation for rural carriers. If actual business expenses exceed the EMA, a deduction for those expenses should be allowed. To correct this incorrect provision introducing a bill today that reinstates the ability of a rural letter carrier to choose between using the actual expense method for computing the deduction allowable for business use of a vehicle, or using the current practice of deducting the reimbursed EMA expenses.

Rural carriers perform a necessary and valuable service and face many changes and challenges in this new Internet era. We must make sure that the current practice of deducting the reimbursed EMA expenses.

Mr. BINGAMAN. Mr. President, I rise today to introduce this important legislation with the Chairman of the Finance Committee and several of our colleagues that would reduce the costs incurred by rural letter carriers by allowing them to deduct the actual expenses they incur when using their own vehicle to deliver the mail. For many years, rural letter carriers were allowed to calculate their deductible expenses by using either a special formula or keeping track of their costs. In 1997, Congress changed the treatment for letter carriers, but disallowed them the ability to use the actual expense method (business portion of actual operation and maintenance of the vehicle, plus depreciation) for calculating their costs. The result is that many letter carriers are unable to account for the real expenses they incur when using their own vehicle to deliver the mail. This problem has been exasperated by the increased need for larger vehicles by rural letter carriers, in part, due to the volume and size of parcels. Road conditions and severe weather have also increased vehicle costs because of the necessity to have a SUV or four wheel drive vehicle. These letter carriers must often purchase special vehicles with right hand drive capabilities which are more expensive than the regular counterpart and may have little to no value when it is time to trade them in for a new one. It is important that these mail carriers are not forced to pay these costs out of their own pockets.

Although the Internet has made the world seem smaller, purchased goods must still be delivered. The benefits of internet purchases in remote locations is limited if the purchased item cannot be delivered. For this reason, in rural states, such as New Mexico, the letter carriers play an important role in delivering the majority of the state’s mail and parcels. On a daily basis, across the nation rural letter carriers drive over 3 million miles delivering mail and parcels to over 30 million families. We need to be sure that we have not created a tax impediment for these dedicated individuals. I look forward to working with the Chairman and my colleagues to get this legislation passed this year.

By Mr. BOND: S. 861. A bill to enhance small business access to Federal contracting opportunities and provide technical advice and support that small businesses need to perform contracts awarded to them, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. BOND. Mr. President, today I offer a bill to make a successful pilot program at the Department of Defense, make it permanent, and extend it governmentwide. For the past decade, DOD has had a program in place to try to develop and maintain small business suppliers as a vital part of our Nation’s defense industrial base. This program, the Mentor-Protégé program, has also been a principal source of opportunity for small business, to offset some of the federal government’s procurement practices that have squeezed small business out of contracting.

Those two goals, the enhanced vendor base and improved opportunity, are worth emphasizing before I discuss the provision embodied in this bill. Why is small business participation in contracting important?

Far too often, small business is seen as just another social or economic development program. In Federal contracting, it is much more than that. Small business is a critical, vital, indispensable part of our nation’s preparedness for its defense.
We have been working here in the Senate toward trying to shore up our defense preparedness. For the better part of a decade, DOD has had more and more missions with fewer and fewer resources. Now that we are trying to overcome this neglect with additional funding, we must assume that our economic base is strong, as well. It will do little good to have the money to buy defense-related goods and services if there are no vendors available willing to sell them.

The DOD Office of Small and Disadvantaged Business Utilization has an excellent slogan that drives this point home. “Small Business: A Readiness Multiplier.”

So, keeping small business involved in contracting is a matter of self-interest for our Nation. It is a matter of having the goods, the services, the resources for the warfighter to take into battle.

Second, small business must have access to contracting as a matter of economic opportunity. The Government is an enormous customer. It averages about $180 to $190 billion worth of contracting every year. No one else has that kind of presence in the marketplace.

If the Government spends the lion’s share of its money on a handful of large insider corporations, it distorts the marketplace. It tends to give unfair advantage to the winning firms, purely because the Government’s enormous purchasing power.

To avoid harming our economy with that kind of market distortion, the small business program seeks to disperse Government contracts among a variety of vendors. The small business program is not so much an intervention in the economy as it is a dilution of the distortion that would otherwise occur.

Unfortunately, over the last decade the Government has increasingly squeezed small business out of contracting. As part of the “Reinventing Government” effort, acquisition has been streamlined.

Now, I don’t mean to suggest that all acquisition reform has been harmful. In fact, burdensome processes and bureaucracy also tend to discourage small business. Large businesses are more likely to have lawyers and contracting staff to wade through the bureaucracy. The excessive emphasis on process tends to crowd out small business.

But in some areas we have gone too far. Contract bundling is a good example of this. By rolling several small contracts into large packages, the Government has made things simpler and faster for the contracting officers. It is administratively simpler to handle one bundled contract than ten smaller ones.

However, that often crowds out small business. A small business owner looks at one of these huge contracts and says, “Even if I won that contract, I couldn’t carry it out. It’s too big, and the requirements are too complex.” So she, and it is often women business owners that suffer, she doesn’t even bother to bid.

Those two issues, the need to improve opportunity and to strengthen our economic base, why we need to take specific steps to restore small business access to procurement opportunities.

Fortunately, we have a successful model to build on. In the Fiscal 1991 defense authorization bill, the Congress adopted a provision to help small firms develop the technical infrastructure necessary to perform Federal contracts effectively. This pilot program, the Mentor-Protege program, provided for prime contractors either to be reimbursed for their added costs in providing technical assistance to small firms, or to receive credit for accomplishing their subcontracting plans in lieu of reimbursement.

Experience under the Mentor-Protege pilot program has been very positive. We have learned a lot about what it takes to get small businesses ready to be serious players in Federal procurement. For firms that are simply delivering a specific order for a product, performing on that delivery order is often simple enough. But longer term, larger contracts are more complex. They require sustained effort over many months or years. They require a firm to commit to and achieve intermediate milestones on time. They require the firm to maintain quality standards month in and month out, year in and year out. This can be extraordinarily challenging.

Mentor firms have demonstrated that they can help train small protege firms to develop that infrastructure, so necessary to be successful in larger Federal contracts.

I have a case history right here that I call to the attention of my colleagues. I call particular attention to Mr. Lopez’ experience in successfully receiving Federal contracts, only to have the reality sink in that he was originally unprepared to carry them out. His experience is truly instructive of what small business owners encounter daily, and I call his letter to the attention of my colleagues. I will ask unanimous consent that the text of the bill and supplementing letters be printed in the RECORD.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

S. 861

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 “Governmentwide Mentor-Protege Program Act of 2001”.

SEC. 2. MENTOR-PROTÉGE PROGRAM.

The Small Business Act (15 U.S.C. 631 et seq.) is amended:

(1) by redesignating section 36 as section 37; and

(2) by inserting after section 35 the following:

SEC. 36. MENTOR-PROTÉGE PROGRAM.

“(a) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a Program to be
(e) MENTOR–PROTEGE AGREEMENT.—

(1) IN GENERAL.—Before providing assistance to a protege firm under the Program, a mentor firm shall enter into a mentor–protege agreement with the protege firm requiring the assistance to be provided by the mentor firm.

(2) CONTENTS OF AGREEMENT.—The agreement required by paragraph (1) shall include—

(A) a developmental program for the protege firm, in such detail as may be reasonable and necessary, including production, inventory control, and quality assurance; and

(B) the anticipated number and type of subcontracts to be awarded to the protege firm;

(3) CERTIFICATION. —A mentor firm may provide to a protege firm—

(i) assistance using mentor firm personnel, in—

(A) general business management, including organizational management, financial management, procurement, marketing, business development, and overall business planning;

(B) engineering and technical matters, including production, inventory control, and quality assurance; and

(C) any assistance designed to develop the capabilities of the protege firm under the developmental program referred to in subsection (e)(2)(A); and

(ii) advance payments under subcontracts referred to in paragraph (2).

(f) INELIGIBLE SMALL BUSINESS CONCERNS.—Nothing in this section shall be construed to consider any small business concern to be ineligible to receive any assistance under the Program.

(g) INCENTIVES FOR MENTOR FIRMS.—

(1) REIMBURSEMENT FOR PROGRESS OR ADVANCE PAYMENT.—The head of the agency for which a mentor firm is contracting to provide assistance to a protege firm shall be reimbursed for the costs of the assistance furnished under a subcontract pursuant to this section.

(2) REIMBURSEMENT FOR MENTORING ASSISTANCE.—

(A) MENTOR FIRM.—The head of the agency for which a mentor firm is contracting to provide assistance to a protege firm from 1992 or 1993 in amounts as prescribed in subsections (i) and (j) of subsection (f), shall be reimbursed for the costs of the assistance furnished under a subcontract pursuant to this section.
that the small business concern has participa-
ted in the Program, or has received assist-
ance pursuant to any developmental assist-
ance agreement authorized under the Pro-
gram.

"(3) ADMINISTRATION REVIEW.—

"(A) IN GENERAL.—Upon determining that the mentor-protege program administered by the sub-
ject agency conforms to the standards set forth in the rules issued under subsection (j)(1), the Administrator may not re-
quire a small business concern that is enter-
ing into, or has entered into, an agreement under subsection (e) as a protege firm, or a firm that makes an application under subsection (c)(1) to submit any other document required by the agency in the administration of the Program to the Administrator for review, approval, or any other purpose.

"(B) EXCEPTION.—The Administrator may require submission for review of an agree-
ment entered into under subsection (e), or an application to carry out subsection (c)(1), if the agreement or application relates to—

(i) a mentor-protege program admin-
istered by the agency that does not conform to the standards set forth in the rules issued under subsection (j)(1); or

(ii) a claim for reimbursement of costs submitted to the Administrator under subsection (g)(2)(C) that the Ad-
ministrator has reason to believe is not au-
thorized under this section.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $30,000,000 for each of fiscal years 2002 through 2004.

ANTEON CORPORATION,

Senator CHRISTOPHER S. BOND,
Chairman, Small Business Committee, Russell Senate Office Building, Washington, DC.

DEAR SENATE BOND: Anteon Corporation is a mid-sized Government contractor that has been a Department of Defense Mentor since March 1999. As the Head Mentor to the Anteon Mentor-Protege Program, I am proud to be able to share with you the benefits that have accrued to our proteges, to the small business community, and to our Government.

The Mentor-Protege Program is a significant government-wide initiative designed to mentor small disadvantaged businesses by providing them with technical and management assistance. Anteon’s objective was to mentor several small businesses to help them grow, become mature, and successfully compete in the DOD’s small business market. Anteon stands ready to assist the Department of Defense, the Congress and the Federal executive in any way possible to ensure the continued success and growth of this important program.

Sincerely,

M.N. SCOTT ULVI,
Director, Mentor-Protege Programs,

Senator CHRISTOPHER S. BOND,
Chairman, Small Business Committee, Russell Senate Office Building, Washington, DC.

DEAR SENATE BOND: I would like to make you aware of what I consider to be the most important small business program currently available to small businesses whether they be minority owned, veteran owned, woman-owned, or otherwise. The Mentor-Protege Program is so important that it transcends government, corporate, and personal boundaries.

This program has enabled my company, Engineering Services Network, Inc., to realize tremendous success. At a time when the Mentor-Protege Program promised continued and increasing support from the Federal government and our Executive Branch leaders, it has."
project management in order to perform successfully. On the business side, the basic and key concepts of developing a solid business plan were foreign to me. The significance and meaning of assets and liabilities were as unfamiliar to me as the standard operational procedures of an M1 Tank. It was a cook book, not a business manual.

After two years of slowly building the organization to 18 employees, surviving delivery order to delivery order, and continually asking ourselves whether the effort was worth the reward, two pivotal events occurred:

1. The company received its 8a status from the Small Business Administration.
2. We entered into an informal Mentor-Protege relationship with Anteon Corporation.

The 8a program was instrumental in opening doors to market areas in which our corporation would not normally compete. Our informal mentor protege relationship with Anteon provided us access to training resources that allowed us to understand some of the basic concepts of doing business in the DOD area. This was an important factor for ESN at such a critical point in our business life.

In 1999, ESN and Anteon took the next natural step in advancing our relationship by entering into a formal Mentor-Protege relationship through the Defense Information Systems Agency (DISA). In the short four years since its birth, the company had grown to 28 employees and had limped along with limited success. The formal Mentor-Protege relationship established a more structured and focused approach to assisting ESN with its developmental needs. Our mentor introduced us to cutting edge and critical ideas, not only in technology but in our financial and other responsibilities as a company. They have helped us implement key management controls including budgeting and financial management and are largely responsible for catalyzing ESN’s commitment to achieve ISO 9000 certification in 2001. Our mentor has helped us build a foundation that will take ESN far into the 21st century. After only two short years in our formal Mentor-Protege relationship with Anteon we employ 87 people, which would not have been possible without our Mentor’s help.

Our formal Mentor-Protege relationship was recognized by the Department of Defense in March 2001 with the award of the prestigious Nunn-Perry Award. As a result of the progress we have made, ESN has increased its revenue to $286 million in 2001. Our mentor has helped us build a foundation that will take ESN far into the 21st century. After only two short years in our formal Mentor-Protege relationship with Anteon we employ 87 people, which would not have been possible without our Mentor’s help.

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Without the Mentor-Protege Program there would be no “ESNs” to contribute to the important cause of keeping our nation safe and free by protecting our country and the important cause of keeping our nation safe and free by protecting our country.

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Mrs. FEINSTEIN. Mr. President, I rise today to introduce the “State Criminal Alien Assistance Program Reauthorization Act of 2001,” a bipartisan legislation that would authorize funds to relieve State and county governments of some of the high costs of incarcerating criminals who have entered this country illegally and are later convicted of felonies or multiple misdemeanors. I am pleased to be joined in introducing this bill by Senators Jon Kyl, Bob Graham, John McCain, Harry Reid, Jeff Bingaman, and John Kerry.

The broad principle on which this bill is based is simple: the control of illegal immigration is a Federal responsibility. The Federal government’s failure to control illegal immigration, and the financial and human consequences of this failure are, thus, Federal responsibilities as well.

More and more, the fiscal consequences of illegal immigration are being felt deeply at the state and local levels. The “State Criminal Alien Assistance Program Reauthorization Act of 2001” would properly vest the fiscal burden of incarcerating illegal immigrants who commit crimes with the Federal government. This bill would do this by authorizing up to $750 million for federal reimbursement to the States and county governments for the direct costs associated with incarcerating undocumented felons. At the initiative of my colleague Florida Senator Bob Graham, the Federal government took the first steps in 1994 in addressing these costs by authorizing reimbursements to State and local governments through the State Criminal Alien Assistance Program, SCAAP, established by the Violent Crime and Law Enforcement Assistance Act of 1994. Since 1997, the authorization level for SCAAP has been $650 million. Last year, the provision authorizing SCAAP through the Violent Crime Reduction Trust Fund expired.

Enactment of the reauthorization legislation would constitute an acknowledgment that these costs, though borne by other levels of government, remain the Federal government’s obligations.

Winning enactment of this authorization bill is half of what Congress needs to do to provide adequate funding to states and counties for this important program. Congress must appropriate an adequate level of funding for SCAAP, and my colleagues and I will be working in the Appropriations Committee to assure that this is done.

This bill would help all states that are experiencing increasing costs from incarcerating undocumented felons, both low-impact and high-impact states. Even in historically low impact states and counties SCAAP funding has been on the rise. SCAAP funding to Fairfax County, Virginia, for example, has increased from $2 million in FY 1998 to $20.5 million in FY 2000. In the County of Outagamie, Wisconsin, SCAAP funding has jumped from $0 in FY 1999 to $548,458 in FY 2000. In the State of Mississippi, SCAAP funding rose from $47,171 in FY 1999 to $780,795 in FY 2000.

Clearly, these numbers suggest that the increasing costs to states and local governments for incarcerating criminal aliens is not just a problem for States on the southwest border but, rather, it is a nationwide problem.

High impact States, like California, continue to face enormous criminal alien incarceration costs. In February 1997, there were 17,904 undocumented felons in the California correctional system with Immigration and Naturalization Service holds. By the end of February 2001, there were 20,937 illegal alien inmates in the system with INS holds. This year, California taxpayers can expect to spend $576.1 million for what is, indeed, a Federal obligation. In fact, 1995, the fiscal year when SCAAP was awarded, California has spent a total of $3.8 billion in costs directly associated with incarcerating undocumented criminal aliens.

Local counties often shoulder a disproportional share of the burden of criminal aliens as well. In California, for example, counties are responsible for providing local law enforcement, detention, prosecution, probation and indigent defense services. While SCAAP only reimburses a portion of the costs directly related to the incarceration of undocumented criminal aliens, most other indirect criminal justice expenditures, are fully borne by County taxpayers.

Furthermore, while funding levels for SCAAP has remained about the same, the number of local governments applying for the awards has greatly increased over the past few years. In fiscal year 1996, local governments were reimbursed at a rate of approximately 60 percent for the costs of incarcerating criminal aliens convicted of a felony or two or more misdemeanors when only 90 jurisdictions applied for reimbursement. Last year, 361 local jurisdictions applied for SCAAP funding, and reimbursement amounted to less than 40 percent of the costs incurred by these jurisdictions.

SCAAP funding is especially important to Los Angeles County, which has a larger undocumented immigrant population than any single state except California, and operates the nation’s largest local criminal justice system. Los Angeles County also has a violent crime rate which is far higher than the national average, and accounts for about one out of every 16 violent crimes committed in the United States.

A recent study conducted by the Los Angeles County Sheriff’s Department concluded that 23 percent of the County’s inmate population consisted of criminal aliens in 2000. The study further found that the impact of criminal aliens on the criminal justice system in Los Angeles County had doubled from approximately $75 million in 1990 to more than $150 million in 1999.
There are numerous other jurisdictions in California that are significantly affected by criminal aliens, including the border counties of San Diego and Imperial. Like Los Angeles County, these counties are not being adequately reimbursed for the costs associated with the incarceration of criminal aliens.

In FY 1999 San Diego and Imperial counties spent a combined $56 million on law enforcement and indirect costs involving criminal aliens. In addition, whether criminal or not. These costs include criminal alien incarceration, justice and court costs, emergency medical care, autopsies, and burials of indigents. SCAAP compensated these counties for only $8 million or 15 percent of these costs which went solely to the cost of incarcerating criminal aliens.

Border counties, however, are taking a hit in other areas: San Diego, has to spend 7 percent of its total public safety budget to cover other costs, including indigent defense, court and emergency medical costs; Imperial County spends 16 percent of its public safety budget to cover these costs.

The public financing in California makes it extremely difficult for local governments, especially county governments, to increase their sources of revenue. This problem is greatly exacerbated when they are also forced to pay for costs related to the Federal responsibility of controlling illegal immigration.

Without the ability to raise taxes in any significant way to deal with the costs associated with criminal illegal aliens, counties are forced to cut back on other expenditures that would otherwise benefit the legal resident population.

It is unfortunate that at a time when Congress is concerned about unfunded mandates, the Administration has seen fit to proposed cutting SCAAP funding by almost $300 million for fiscal year 2002. Given the increasing numbers of illegal aliens that California and other states incarcerate each year, the Administration’s decision in this regard is perplexing.

If the Administration has its way, States and local counties would face an unfair set of choices with real consequences: either cut other essential local law enforcement programs and community services, or raise local taxes. Neither of these are acceptable options.

I am pleased that this legislation has the support of such organizations as the National Association of Counties and the California Correctional Peace Officers Association. I ask for unanimous consent that their letters in support of this measure be printed in the RECORD.

I also ask unanimous consent that the letter to President Bush, signed by a bipartisan group of Senators, expressing concern about the proposed cuts in SCAAP funding and the text of the bill be printed into the RECORD.

I join my colleagues in introducing the SCAAP reauthorization bill today in hopes that it will go further to alleviate some of the fiscal hardships States and local counties incur when they must take on a Federal responsibility. I look forward to working with my colleagues to move it through the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows;


Section 241(h)(5) of the Immigration and Nationality Act (8 U.S.C. 1225a(h)(5)) is amended—

(1) by striking “and” at the end of subparagraph (E);
(2) by striking the period at the end of subparagraph (F) and inserting “; and”;
(3) by adding at the end the following new subparagraph:

“(G) $750,000,000 for each of fiscal years 2002 through 2006.”


Hon. George W. Bush, President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We write out of deep concern over your Fiscal Year 2002 Budget proposal to cut funding for the State Criminal Alien Assistance Program (SCAAP) by nearly 50 percent. We ask that you reconsider this recommendation and, instead, at a minimum, support funding this program at $750 million. SCAAP is a vitally important program that assists states in recovering the costs associated with the incarceration of criminal aliens. We would strongly oppose cuts in this important program.

As you are well aware, control of our nation’s borders is under the exclusive jurisdiction of the Federal government. Unfortunately, Federal efforts are often not adequate to combat illegal immigration. As a consequence, such high impact states as California, New Mexico, Texas, Florida, New York, Washington, Nevada and Massachusetts continue to face extraordinary costs associated with incarcerating criminal aliens. Much of these costs are borne by counties, some of which are among the poorest in the nation and traditionally operate with slim budgets and staffing.

By some estimate the total annual cost to states and county governments exceeds $1.6 billion. In light of this growing burden, your FY 02 budget proposal inexplicably recommends cutting this urgently needed program by $300 million.

Unless the Administration supports and Congress appropriates sufficient funds for SCAAP, our state and local governments will continue to unfairly shoulder the burden of bearing the costs of a Federal responsibility. Given the upward trend in incarceration costs, any shortfall in SCAAP funding would force states to draw funds away from other, cash-strapped crime control and prevention programs. In short, the impact on the states would be devastating.

Therefore, we urge you to support funding for this important program at a level of $750 million.

Sincerely,
Dianne Feinstein,

Hon. George W. Bush,
The President, The White House, Washington, DC.

DEAR MR. PRESIDENT: The National Association of counties strongly supports the State Criminal Alien Assistance Program (SCAAP) at least at its full authorization level. However, we believe the program needs to be funded at a much higher level than proposed, in order to address the serious short-fall in meeting costs to counties.

As of today, SCAAP serves counties at a rate of 40 percent of actual expenses. To truly meet our annual costs for the incarceration of alien undocumented criminals, this considerable increase in funding would be needed. Moreover, due to recent changes in the administration of the program, significant costs such as inmate recreation and drug treatment expenses are no longer recognized.

While immigration policy is solemnly within federal responsibility, many of the expenses associated with it burden counties and state governments. Costs of providing services for undocumented aliens extend to county hospitals and county health department and county human service agencies. With the upward trend in incarceration costs, counties depend even more on federal programs such as SCAAP since most of our local correctional agencies are at or near capacity.

We strongly urge you to fund SCAAP at least at its full authorization level.

Sincerely,
Larry E. Naake,
Executive Director.

Pinellas County Sheriff's Office,

Senator Bob Graham,
Senate Hart Building,
Washington, DC.

DEAR MR. PRESIDENT: We write to you in response to your Fiscal Year 2002 budget proposal to cut funding for the State Criminal Alien Assistance Program (SCAAP) by more than 50 percent. We urge you to produce the program but rather secure funding at a minimum of the current appropriation level. As of today, SCAAP only partly reimburses the actual expenses borne by state and local governments. To truly meet our annual costs for the incarceration of alien undocumented criminals, a considerable increase in the funding would be needed. Due to recent changes in the administration of the program, significant costs such as inmate recreation and drug treatment expenses are no longer recognized.

While immigration policy is solemnly within federal responsibility, many of the expenses associated with it burden local jurisdictions. Costs of providing services for undocumented aliens extend, for example, to the municipal police, local hospitals and health care department. With the upward trend in incarceration costs, counties depend even more on federal programs such as SCAAP since any undocumented alien caught committing a state felony or several misdemeanors enters the state or county criminal justice system.

Therefore, we urge you to reconsider your proposed cuts for SCAAP and instead secure financial assistance for the states and counties.

Sincerely,
Everett S. Rice,
Sheriff.
COLLIER COUNTY SHERIFF’S OFFICE,
Re State Criminal Alien Assistance Program (SCAAP).

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We write to you in response to your Fiscal Year 2002 budget proposal to cut funding for the State Criminal Alien Assistance Program (SCAAP) by more than 50 percent. We urge you not to reduce the program but rather secure funding at a minimum of the current appropriation level. As of today, SCAAP only partially reimburses the actual expenses borne by state and local governments. To truly meet our annual costs for the incarceration of undocumented criminals, a considerable increase in the funding would be needed. Due to recent changes in the administration of the program, significant costs such as inmate recreation and drug treatment expenses are no longer recognized.

While immigration policy is solely within federal responsibility, many of the expenses associated with it burden local jurisdictions. Costs of providing services for undocumented aliens extend to local law enforcement agencies, local hospitals, and health care departments. With the upward trend in incarcerations costs, counties depend even more on federal programs such as SCAAP since any undocumented alien caught committing a state felony or several misdemeanors enters the state or county criminal justice system.

We strongly urge you to reconsider your proposed cuts for SCAAP and instead secure financial assistance for the states and counties.

Sincerely,
DON HUNTER
Sheriff.

HILLSBOROUGH COUNTY SHERIFF’S OFFICE,

Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: Enclosed is the original handwritten letter to President Bush regarding the State Criminal Alien Assistance Program. I appreciate the pro active stance that you have taken to counter the proposed funding cuts.

We have examined Senate Bill 169 and do not feel that it is a reasonable alternative. Each county and state, regardless of its geography, should have equal opportunity to apply for reimbursement using the same formula and criteria.

The other questions that you posed regarding the efficiency and effectiveness of the current SCAAP program are on point, but we do not have supporting statistics or documentation readily available. I would simply suggest that the current funding for the program in its current form is of greatest importance.

Thank you again for taking the lead to protect the SCAAP program.

Sincerely,
CAL HENDERSON
Sheriff.

CALIFORNIA CORRECTIONAL
PEACE OFFICERS ASSOCIATION,

Hon. DIANE FEINSTEIN,
U.S. Senate, Washington, DC.

DEAR SENATOR FEINSTEIN: I understand you will be introducing legislation tomorrow to increase the SCAAP authorization level to $750 million annually. The National Association of Counties (NACo) receives the dollars it spends. Again, CPOA commends you for your leadership in this area. Please contact our Washington representative, Shannon Lahey if we can be of any assistance to you in securing the passage of this important legislation.

Sincerely,
MIKE JIMENEZ
Executive Vice President.

NATIONAL ASSOCIATION OF COUNTIES,

Hon. DIANE FEINSTEIN,
U.S. Senate, Washington, DC.

DEAR SENATOR FEINSTEIN: I write to you in support of the State Criminal Alien Assistance Program. NACo recognizes that securing the nation’s border from illegal immigration is clearly the responsibility of the federal government and that Congress should fully reimburse counties for the costs of incarcerating undocumented aliens.

We look forward to working with you on this issue.

Sincerely,
LARRY E. NAZEE
Executive Director.

Mr. GRAHAM. Mr. President, I rise today, with my colleagues Senators FEINSTEIN, KYL, and others, to reauthorize the State Criminal Alien Assistance Program, or SCAAP.

SCAAP was created as part of the 1994 Violent Crime Control and Law Enforcement Act because the federal government recognized the responsibility we have to alleviate the impact of immigration policy on state and local governments.

The federal government has sole jurisdiction over national immigration policy, and we should do all possible so that our federal decisions and actions do not cause a financial burden on states and localities.

SCAAP is a reimbursement program that sends dollars to our counties and states to help offset the costs associated with jailing illegal or criminal aliens.

SCAAP also established and now facilitates a process to better identify undocumented criminals and to expedite the transfer of illegal aliens from state facilities and county jails to federal institutions in preparation for deportation, or other federal proceedings.

Thus, I was greatly concerned looking through the President’s budget that this program was cut by more than 50 percent this year.

At the moment, SCAAP only provides reimbursement for about 37 cents of every dollar a state spends on criminal aliens.

We strongly cover half the costs as is, and this is before the program was cut in half in this most recent budget.

For FY’99, state and local governments incurred $1.5 billion in costs associated with criminal aliens which were eligible for reimbursement under SCAAP. In FY’98, costs to state and local governments were even higher: $1.7 billion. This past year, $1.6 billion was spent by state and local governments on these concerns. Yet, we funded the program at $585 million in each of those years.

It’s not as much reimbursement as is needed, but the reimbursement gives an appropriate and respectful amount of relief to state and local law enforcement budgets for the benefits they are providing to the federal government.

The National Governors Association has the reauthorization of this program as one of their top priorities for this year. I am certain that they also join me in asking that the program at least maintain current levels of last year, if not a funding increase that will get them a more fair reimbursement for the dollars they spend.

The National Association of Counties supports reauthorization and full funding of SCAAP.

They make the point that state and local taxpayers should not have to bear the costs of criminal aliens. They are a federal responsibility, and should be transferred to federal custody in an expedited manner.

Last year, every state, and more than 220 local governments received reimbursement under SCAAP.

This affects us all. I do not want to see the federal government backtrack on our obligation to state and local governments in the area of immigration.

Lastly, statements in the President’s budget about this program concern me.

Two reasons were given for the cut of $295 million which this program endured.

The first was that it “reimburses a relatively small portion of states’ incarceration costs.”
This statement is true. As I’ve said, it only reimburses state or local governments about 37 cents of each dollar they spend on illegal immigrants and criminal aliens.

However, this is no reason to further cut the program. If anything, if we agree that it is correct that illegal immigrant policy is a federal responsibility, then it is reason to fully fund the program.

I have never seen a rationale given where there is clear federal jurisdiction, like in the case of the GAO’s report that shows approximately 20 percent of the costs that they incur because of federal immigration policy. And, secondly, to expedite the transfer of criminal aliens from the state and local facilities where they may be originally held, into the federal system. But that again, in and of itself, does reduce crime.

But I find it unfair that a program should be penalized with a 50 percent budget cut because it failed to achieve a goal that was never intended for the program.

Whichever side of the immigration debate you may be on—a more expansive immigration policy, or a more restrictive immigration policy—if you agree with the premise that immigration is the responsibility of and obligation of the federal government—then you should join us in our efforts to reauthorize and fully fund the SCAAP program.

I commend my colleagues, especially Senator Feinstein and Senator Kyl, for their tireless work on this issue. I look forward to seeing the program reauthorized and funded at an appropriate level this Congress.

Mr. MCCAIN. Mr. President, I am pleased to distinguish this bill from the Hatch-Leahy Act that did not get passed by the Senate, on November 5, 1999, as the Anti-Torture, Alien Deportation Act of 2001. I introduced similar legislation in the last Congress, and was pleased when the proposal garnered bipartisan support in both the House and the Senate. The measure was introduced in the last Congress by Representatives FOLEY, FRANKS and ACKERMAN as H.R. 2642 and H.R. 3058, and has again been introduced on April 4, 2001, by Representatives FOLEY and ACKERMAN as H.R. 1449. Moreover, the legislation passed the Senate, on November 5, 1999, as the “Denying Safe Havens to Internationals and War Criminals Act,” S. 1754, but unfortunately was not acted on by the House. The problem of human rights abusers seeking and obtaining refuge in this country is real, and we need an effective response with the legal and enforcement changes proposed in this legislation.

The premise of our bill, and of current law governing this type of federal reimbursement to the states, is that controlling illegal immigration is principally the responsibility of the federal government, not the states. Local jurisdictions in many areas of our country, and especially along the southwest border, are burdened by the excessive costs of incarcerating criminal illegal aliens and providing emergency medical care to illegal immigrants. In a typical year, the federal government reimburses states and localities for less than 40 percent of these costs.

Regrettably, the Bush Administration’s proposed FY 2002 budget would slash SCAAP funding by 50 percent, which would result in approximately $475 million. The National Governors Association, of which members deal with the problem of illegal immigration on a daily basis, believe we should increase, not cut, funding for this program, and I agree. SCAAP money flows to all 50 states and 350 local governments, with more applying for this assistance every year. Rather than forcing local residents to subsidize local jails and hospitals because of our government’s failure to adequately reimburse them for illegal alien incarceration and medical costs, I hope we will take responsibility as a nation for protecting our borders and covering the contingencies that arise at the local level when we fail to do so. The Criminal Alien Assistance Program is an important expression of our government’s commitment to border control, and to the quality of life of Americans who suffer the costs of illegal immigration. I thank my colleagues for considering the merits of this bill.

By Mr. REID:

S. 863. A bill to require Medicare providers to disclose publicly staffing and performance in order to promote improved consumer information and choice; to the Committee on Finance.

Mr. REID. Mr. President, I rise today to introduce the Patient Safety Act. This legislation would require Medicare to mandate that hospitals and clinics, to publicly disclose staffing ratios and performance data in order to promote improved consumer information and choice.

As we celebrate National Nurses Week, it is hard to ignore our nation’s burgeoning nurse staffing crisis. As the baby-boom population ages and begins to require more nursing care, this shortage will only get worse. Inadequate staffing levels not only diminish patients’ working conditions, but they affect the quality of care patients receive. A recent report by the Department of Health and Human Services, Nurse Staffing and Patient Outcomes in Hospitals, confirmed that the number of nurses in a hospital makes a difference in the quality of care patients receive.

One recommendation that came out of the study was the need to develop a system for routinely monitoring outcomes of hospital patient care sensitive to nursing and nurse staffing. The Patient Safety Act would help to accomplish this goal by requiring health care institutions to make public specified information on staffing levels, mix and patient outcomes. At a minimum, they would have to make public: the number of registered nurses providing direct care; the number of unlicensed personnel utilized to provide direct patient care; the average number of patients per registered nurse providing direct patient care; patient mortality rate; incidence of adverse patient care incidents; and methods used for determining and adjusting staffing levels and patient care needs.

In addition, health care institutions would have to make public data regarding complaints filed with the state agency, the Health Care Financing Administration (HCFA) or an accrediting agency related to Medicare conditions of participation. The agency would then have to make public the results of any investigations or findings related to the complaint.

I urge my colleagues to join me in supporting this bill that would improve the safety of patients by encouraging higher nurse to patient ratios, and ultimately help retain nurses in the face of a nationwide nursing shortage by encouraging safe work environments.

By Mr. LEAHY (for himself, Mr. LIBERMAN, and Mr. LEVIN):

S. 864. A bill to amend the Immigration and Nationality Act to provide that aliens who commit acts of torture, extrajudicial killings, or other specified atrocities abroad are inadmissible and removable and to establish within the Criminal Division of the Department of Justice an Office of Special Investigations having responsibilities under that Act with respect to all alien participants in war crimes, genocide, and the commission of acts of torture and extrajudicial killings abroad; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to introduce with Senators LIBERMAN and LEVIN the Anti-Torture Alien Deportation Act of 2001. I introduced similar legislation in the Senate, and was pleased when the proposal garnered bipartisan support in both the House and the Senate. The measure was introduced in the last Congress by Representatives FOLEY, ACKERMAN as H.R. 2642 and H.R. 3058, and has again been introduced on April 4, 2001, by Representatives FOLEY and ACKERMAN as H.R. 1449. Moreover, the legislation passed the Senate, on November 5, 1999, as the “Denying Safe Havens to Internationals and War Criminals Act,” S. 1754, but unfortunately was not acted on by the House. The problem of human rights abusers seeking and obtaining refuge in this country is real, and we need an effective response with the legal and enforcement changes proposed in this legislation. The loss last week by the United States of its seat on the U.N. Human Rights Commission is highly embarrassing and unfortunate, but by ensuring that our country is a safe haven for human rights abusers, we can lead the world by our actions.
War criminals and human rights abusers have used loopholes in current law to enter and remain in this country. I have been appalled that this country has become a safe haven for those who exercised power in foreign countries through rape, murder and torture innocent civilians. For example, three Ethiopian refugees proved ample, three Ethiopian refugees proved and torture innocent civilians. For example, three Ethiopian refugees proved when they lived in that country. The court’s descriptions of the abuse are chilling, and included whipping a naked woman with a wire for hours and threatening her with death in the presence of several men. The court’s award of compensatory and punitive damages in the amount of $1,500,000 to the plaintiffs was subsequently affirmed by an appellate court. See Abebe-Jira v. Negewo, 72 F.3d 844 (11th Cir. 1996). Yet, while this was on appeal, the Immigration and Naturalization Service granted him citizenship.

As Professor William Aceves of California Western School of Law has noted, this is "a glaring and troubling limitation in current immigration law and practice. This case is not unique. Other aliens who have committed gross human rights violations have also gained entry into the United States. The center of the issue is that we have opened the border to find a home in America. When I first introduced this bill in 1999, the Pulitzer prize-winning paper, the Rutland Herald, opined on October 31, 1999, that:

"For the U.S. commitment to human rights to mean anything, U.S. policies must be strong and consistent. It is not enough to denounce war crimes in Bosnia and Kosovo or elsewhere and then wink as the perpetrators of torture and mass murder slip across the border to find a home in America."

The Clinton Administration recognized the deficiencies in our laws. One Clinton Administration witness testified in February, 2000:

"Right now, only three types of human rights abuse could prevent someone from entering or remaining in the United States. The types of prohibited conduct include: (1) genocidal or particularly severe violations of religious freedom; and (2) Nazi persecutions. Even these types of conduct are narrowly defined."

The Clinton Administration admitted the deficiencies in our laws. The Clinton Administration witness testified in February, 2000:


The Anti-Atrocity Alien Deportation Act closes these loopholes. The Immigration and Nationality Act, INA, currently provides that (i) participants in Nazi persecutions during the time period from March 23, 1933 to May 8, 1945, (ii) aliens who engaged in genocide, and (iii) aliens who committed particularly severe violations of religious freedom, are inadmissible to the United States and deportable. See 8 U.S.C. §1182(a)(2)(G) & (3)(E) and §1227(a)(4)(D). The Justice Department’s specialized Office of Special Investigations (OSI) and the 3799 Attorney General order to investigate only Nazi war criminals, not any other human rights abuser. The bill would expand the grounds for inadmissibility and deportation to (1) add new bars for aliens who have engaged in acts, outside the United States, of "torture" and "extraordinary" and (2) remove limitations on the current bases for "genocide" and "particularly severe violations of religious freedom."

The definitions of "torture" and "extraordinary killing" are derived from the Torture Victim Protection Act, which implemented the United Nations’ "Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment." These definitions were already sanctioned by the Congress. The bill incorporates the definition of "torture" codified in the federal criminal code, 18 U.S.C. § 2340, which prohibits:

an act committed by a person acting under the color of law, intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control. 18 U.S.C. § 2340(1).

"Severe mental pain or suffering" is further defined to mean:

prolonged mental harm caused by or resulting from (A) the intentional infliction or threatened infliction of severe physical pain or suffering; or (B) the administration or application, or threatened administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality; and (C) the threat of imminent death; or (D) the threat that the person will be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality. 18 U.S.C. § 2340(2).

The Torture Victim Protection Act also included a definition for "extraordinary killing." Specifically, this law establishes civil liability for wrongful death against any person "who, under actual or apparent authority, or color of law, of any foreign nation ... subjects an individual to extraordinary killing," which is defined to mean "a deliberate killing not authorized by a previous judgment procured by a regular court affording all the judicial guarantees which are recognized as indispensable by civilized peoples. Such term, however, does not include any such killing that, under international law, is lawfully carried out under the authority of a foreign nation."

The bill would not only add the new grounds for inadmissibility and deportation, it would expand two of the current grounds. First, the current bar to aliens who have "engaged in genocide" defines that term by reference to the "genocide" definition in the Convention on the Prevention and Punishment of the Crime of Genocide. 8 U.S.C. 1182(a)(3)(E)(ii). For clarity and consistency, the bill would instead replace the current definition in the federal criminal code, 18 U.S.C. § 1981(a), which was adopted pursuant to the U.S. obligations under the Genocide Convention. The bill would also broaden the reach of the provision to apply not only to those who "engaged in genocide," as in current law, but also to cover any alien who has ordered, incited, assisted or otherwise participated in genocide. This broader scope will ensure that the genocide provision covers a more appropriate range of levels of complicity.

Second, the current bar to aliens who have committed "particularly severe violations of religious freedom," as defined in the International Religious Freedom Act of 1998, IRFA, limits its application to foreign government officials who engaged in such conduct within the last 24 months, and also bars from admission the individual’s spouse and children, if any. The bill would delete the reference to prohibited conduct occurring within 24-month period since this limitation is not consistent with the strong stance of the United States to promote religious
freedom throughout the world. As Professor Aceves opines:

This provision is unduly restrictive... The 24-month time limitation for this prohibition is also unnecessary. A perpetrator of human rights abuses who should not be allowed to seek asylum by merely waiting two years after the commission of these acts. William J. Aceves, supra, 20 Mich. J. Int’l L., at 683.

In addition, the bill would remove the current bar to admission for the spouse of an alien. This is a serious sanction that should not apply to individuals because of familial relationships that are not within an individual’s control. None of the other grounds relating to serious human rights abuse prevent the spouse of a child of an abuser from entering or remaining lawfully in the United States. Moreover, the purpose of these amendments is to make those who have participated in atrocities accountable for their actions. That purpose is not served by holding the family members of such individuals accountable for the offensive conduct over which they had no control.

Changing the law to address the problem of human rights abuses seeking entry and remaining in the United States is only part of the solution. We also need effective enforcement. As one expert noted:

[Strong institutional mechanisms must be established to implement this proposed legislation. At present, there does not appear to be any agency within the Department of Justice with the specific mandate of investigating, identifying, and prosecuting military perpetrators of human rights atrocities. The importance of establishing a separate agency for this function can be seen in the experiences of the Office of Special Investigations. 20 Mich. J. Int’l L., at 689.]

We need to update OSI’s mission to ensure effective enforcement. Our country has long provided the template and moral leadership for dealing with Nazi war criminals. The Justice Department created a special unit, OSI, which was designed to hunt down, prosecute, and remove Nazi war criminals who had slipped into the United States among their victims under the Displaced Persons Act, as an example of effective enforcement. Since the OSI’s inception in 1979, 61 Nazi perpetrators have been stripped of U.S. citizenship, 49 such individuals have been removed from the United States, and more than 150 have been denied entry.

OSI, which was established almost 35 years after the end of World War II and it remains authorized only to track Nazi war criminals. Specifically, when Attorney General Civitelli established OSI within the Criminal Division of the Department of Justice, that office was directed to conduct all “investigative and litigation activities involving individuals who prior to and during World War II, under the supervision of or in association with the Nazi government of Germany, its allies, and other affiliated countries, were accused of having ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion.” (Attorney Gen. Order No. 851-79). The OSI’s mission continues to be limited by that Attorney General Order.

Little is being done about the new generation of international human rights abusers. The question “whoever is going to find safe harbor in the United States may lead well-meaning people to call for immediate expulsion. Such individuals certainly should not be enjoying the good life America has to offer. But when we make a decision that a prosecution should not be allowed to proceed, the answer is clear: they should be in the dock. That is the essence of accountability, and it should be the central goal of any scheme to penalize human rights abusers.


I appreciate that this part of the legislation has proven controversial within the Department of Justice, but others have concurred in my judgment that the OSI is an appropriate component of the Department to address the problem of military perpetrators of human rights violations. As the number of Nazi war criminals inevitably declines, the OSI can begin to enforce U.S. immigration laws against perpetrators of genocide and other gross violations of human rights.

Similarly, the Rutland Herald noted that the INS has never deported an immigrant on the basis of human rights abuses, by contrast to OSI’s active deportations of ex-Nazis, while maintaining a list of 60,000 suspected war criminals with the aim of barring them from entry. Based on this record, the Rutland Herald concluded that the legislation correctly looks to OSI to carry out the additional responsibilities called for in the bill.

It resolves a turf war between the INS and the OSI in favor of the OSI, which is as it should be. The victims of human rights abuses are often victimized again when, seeking refuge in the United States, they are confronted by the draconian policies of the INS. It’s a better idea to give the job of finding war criminals to the office that has shown it knows how to do the job.

Unquestionably, the need to bring Nazi war criminals to justice remains a matter of great importance. Funds would not be diverted from the OSI’s current mission. Additional resources are authorized in the bill for OSI’s expanded duties.

Finally, the bill directs the Attorney General to report to the Judiciary Committees of the Senate and the House on implementation of the new requirements in the bill, including procedures for referral of matters to OSI, any revisions made to INS forms to reflect amendments made by the bill, and the procedures developed, with adequate notice to the public, to obtain sufficient evidence and determine whether an alien is deemed inadmissible under the bill.
We must honor and respect the unique experiences of those who were victims in the darkest moment in world history. We may help honor the memories of the victims of the Holocaust by pursuing all human rights abuses by war criminals who enter our country. By so doing, the United States can provide moral leadership and show that we will not tolerate perpetrators of genocide, extrajudicial killing and torture, least of all here.

I ask the unanimous consent that the text of the bill and a sectional analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 864

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 “Anti-Aatrocity Alien Deportation Act of 2001.”

SEC. 2. INADMISSIBILITY AND REMOVABILITY OF ALIENS WHO HAVE COMMITTED ACTS OF TORMURE OR EXTRAJUDICIAL KILLINGS ABOARD


(1) in clause (ii), by striking “has engaged in conduct described in section 212(a)(3)(E)” and inserting “has engaged in conduct described in section 212(a)(3)(E), or in section 212(a)(3)(F), or in section 212(a)(3)(G)”;

(2) by adding at the end the following:

“(9) one who at any time has engaged in conduct described in section 212(a)(3)(E) (relating to participation in genocide, or commission of acts of torture or extrajudicial killings) or 212(a)(3)(G) (relating to severe violations of religious freedom);”

(b) Removal. Section 237(a)(4)(D) of such Act (8 U.S.C. 1227(a)(4)(D)) is amended—

(1) by striking “clause (i) or (ii)” and inserting “clause (i), (ii), or (iii)”;

(2) in the subparagraph heading, by striking “a participant in” and inserting “an individual who participated in”;

(c) Effective Date. The amendments made by this section shall apply to offenses committed before, on, or after the date of the enactment of this Act.

SEC. 3. INADMISSIBILITY AND REMOVABILITY OF FOREIGN GOVERNMENT OFFICIALS WHO HAVE COMMITTED PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM

(a) Section 212(a)(2)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(G)) is amended by adding at the end the following:

“(9) Foreign government officials who have committed particularly severe violations of religious freedom.”

(b) Section 241(a)(1)(A) of such Act (8 U.S.C. 1231(a)(1)(A)) is amended by adding at the end the following:

“(9) an alien who has engaged in conduct described in section 212(a)(9)(F) that is punishable under United States law to which the alien is subject by the law of the alien’s country of origin or nationality, and on the basis of which the alien is removable to that country;”

SEC. 4. BAR TO GOOD MORAL CHARACTER FOR ALIENS WHO HAVE COMMITTED ACTS OF TORTURE, EXTRAJUDICIAL KILLINGS, OR SEVERE VIOLATIONS OF RELIGIOUS FREEDOM

Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended by adding at the end the following:

“(E) PARTICIPATED IN THE COMMISSION OF SEVERE VIOLATIONS OF RELIGIOUS FREEDOM. Any alien described in section 212(a)(9)(G) is deportable.”

SEC. 5. ESTABLISHMENT OF THE OFFICE OF SPECIAL INVESTIGATIONS

(a) Amendment of the Immigration and Nationality Act. The Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(E)) is amended by adding at the end the following:

“(F) ALIENS WHO HAVE COMMITTED ACTS OF TORTURE, EXTRAJUDICIAL KILLINGS, OR SEVERE VIOLATIONS OF RELIGIOUS FREEDOM. The Attorney General, in consultation with the Commissioner of Immigration and Naturalization, shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on implementation of this Act that includes a description of the actions taken by the Office of Special Investigations pursuant to the requirements of this section.

(b) Availability of Funds. There are authorized to be used out of any appropriation for the Office of Special Investigations the sum of $10,000,000, to remain available until expended, to hire personnel and pay such personnel’s expenses in connection with the implementation of this Act.

(c) Effective Date. The amendments made by this section shall apply to offenses committed before, on, or after the date of the enactment of this Act.

SEC. 6. REPORT ON IMPLEMENTATION OF THE ACT

Not later than 180 days after the date of enactment of this Act, the Attorney General, in consultation with the Commissioner of Immigration and Naturalization, shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on implementation of this Act that includes a description of the actions taken by the Office of Special Investigations pursuant to the requirements of this section.

SEC. 7. SHORT TITLE
This Act may be cited as the “Anti-Aatrocity Alien Deportation Act of 2001.”

SUMMARY
This bill would make the following four changes in current counter-terrorism and immigration law: the capa- bility against aliens who have committed atrocities abroad and then try to enter or re- main in the United States:

1. Amend the Immigration and Nationality Act (INA) to expand the grounds for inadmissibility and deportation to cover aliens who have engaged in acts of torture, as defined in 18 U.S.C. 2440, and extrajudicial killing, as defined in the Torture Victim Protection Act, abroad, as well as expand the scope of the current prohibitions on aliens who have engaged in genocide and particularly severe violations of religious freedom.

2. Amend the INA to make clear that aliens who have committed torture, extrajudicial killing or particularly severe violations of religious freedom abroad do not have “good moral character” and cannot qualify to be U.S. citizens or for other immigration benefits.

3. Direct the Attorney General to establish the Office of Special Investigation (OSI) within the Criminal Division and expand the OSI’s authority to investigate, remove, denaturalize, prosecute, or extradite any alien who participated in torture, genocide or extrajudicial killing abroad—not just Nazi war criminals.

4. Direct the Attorney General, in consulta- tion with the INS Commissioner, to report to Congress, and to the Committee on Foreign Relations and the Senate and House of Representatives on implementation of procedures to refer matters to OSI, revise INS forms, and procedures to obtain adequate evidence to support “hit lists” of aliens deemed inadmissible under the bill.

The bill would also expand the grounds for inadmissibility and deportation to cover aliens who have committed torture, as defined in 18 U.S.C. 2440, and extrajudicial killing abroad, so that torture and extrajudicial killing abroad and clarify and expand the scope of the genocide bar.

Not later than 180 days after the date of enactment of this Act, the Attorney General, in consultation with the Commissioner of Immigration and Naturalization, shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on implementation of this Act that includes a description of the actions taken by the Office of Special Investigations pursuant to the requirements of this section.
Specifically, section 109(a) defines genocide as "those who, whether in time of peace or in time of war, . . . with the specific intent to destroy, in whole or in substantial part, . . ." and section 109(d) includes a list of specific acts of torture or cruel, inhuman, or degrading treatment or punishment that would trigger the inadmissibility bar. The definitions of torture and extrajudicial killing are contained in the Torture Victim Protection Act, which serves as the legislative basis for section 109(d). This section of the bill would amend section 237(a)(4)(D) of the INA, which enumerates grounds for deporting aliens who have been admitted into or are present in the United States. The same conduct that would constitute a basis of inadmissibility under subsection (a) is a ground for deportation under this subsection of the bill. Under current law, assisting in Nazi persecution and engaging in genocide are already grounds for deportation. The bill will make it clear that persons who have committed any act of torture or extrajudicial killing would also be subject to deportation. In any deportation proceeding, the burden would remain on the government to prove by clear and convincing evidence that the alien's conduct brings the alien within a particular ground of deportation.

The definitions of "torture," "extrajudicial killing," and "cruel, inhuman, or degrading treatment or punishment" are contained in the Torture Victim Protection Act, which serves as the legislative basis for section 109(d). This section of the bill would amend section 237(a)(4)(D) of the INA, which enumerates grounds for deporting aliens who have been admitted into or are present in the United States. The same conduct that would constitute a basis of inadmissibility under subsection (a) is a ground for deportation under this subsection of the bill. Under current law, assisting in Nazi persecution and engaging in genocide are already grounds for deportation. The bill will make it clear that persons who have committed any act of torture or extrajudicial killing would also be subject to deportation. In any deportation proceeding, the burden would remain on the government to prove by clear and convincing evidence that the alien's conduct brings the alien within a particular ground of deportation.

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Mr. McConnel. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 865

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 ‘‘Small Business Liability Reform Act of 2001’’.

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

Sec. 1. Short title; table of contents.
Sec. 2—Small business lawsuit abuse protection.
Sec. 3—Product seller fair treatment.
Sec. 4—Effective date.

TITILE I—SMALL BUSINESS LAWSUIT ABUSE PROTECTION

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Sec. 4—Effective date.

TITILE II—PRODUCT SELLER FAIR TREATMENT

SECTION 1. FINDINGS.

Congress finds that—

(1) the United States civil justice system is inefficient, unpredictable, unfair, costly, and impedes competitiveness in the marketplace for goods, services, business, and employees;

(2) the defects in the United States civil justice system have an adverse effect on interstate commerce by decreasing the availability of goods and services in commerce;

(3) there is a need to restore rationality, certainty, and fairness to the legal system;

(4) the spiralling costs of litigation and the magnitude and unpredictability of punitive damage awards and noneconomic damages and noneconomic awards have continued unabated for at least the past 30 years;

(5) the Supreme Court of the United States has recognized the ‘‘excessive’’ nature of the damage award.

SECTION 2. DEFINITIONS.

For purposes of this Act—

(1) the term ‘‘business lawsuit abuse protection’’ means a provision to reduce the costs of litigation and to limit the liability of nonmanufacturer product sellers; to the Committee on the Judiciary.
SEC. 106. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

Subject to subsection (b), this title does not apply as of a date prescribed by this section shall be applied by the court and shall not be disclosed to the jury.

SEC. 104. LIMITATION ON JUICE AND SEVERAL LIABILITY FOR NONECONOMIC LOSS FOR SMALL BUSINESSES.

(a) GENERAL RULE.—Except as provided in section 106, in any civil action against a small business, punitive damages may, to the extent recovery for that loss is allowed any governmental entity).

(b) AMOUNT OF LIABILITY.—

The term ‘“alcohol product” means any product that contains more than 1/10 percent of alcohol by volume and is intended for human consumption.

(c) CLAIMANT.—The term ‘“claimant” means any person who brings an action covered by this title and any person on whose behalf such an action is brought. If such an action is brought through or on behalf of an estate, the term includes the claimant’s decedent. If such an action is brought through or on behalf of a minor or incompetent, the term includes the claimant’s legal guardian.

(3) COMMERCIAL LOSS.—The term ‘“commercial loss” means

(A) any loss or damage solely to a product itself;

(B) loss relating to a dispute over the value of a product; or

(C) consequential economic loss, the recovery of which is governed by applicable State commercial or contract laws that are similar to the Uniform Commercial Code.

(4) COMPENSATORY DAMAGES.—The term ‘“compensatory damages” means damages awarded for economic and noneconomic losses.

(5) DRAM-SHOP.—The term ‘“drum-shop” means a drinking establishment where alcoholic beverages are sold to be consumed on the premises.

(6) ECONOMIC LOSS.—The term ‘“economic loss” means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for that loss is allowed under applicable State law.

(7) HARM.—The term ‘“harm” means any physical injury, illness, disease, or death or damage to property caused by a product. The term does not include commercial loss.

(8) MANUFACTURER.—The term ‘“manufacturer” means

(A) any person who—

(i) is engaged in a business to produce, create, make, or construct any product (or component part of a product); and

(ii) designs or manufactures the product (or component part of the product);

(B) a product seller, but only with respect to those aspects of a product (or component part of a product) that are created or affirmed, before product is in the stream of commerce, the product seller—

(i) produces, creates, makes, constructs, designs, or formulates an aspect of the product (or component part of the product) made by another person; or

(ii) has engaged another person to design or formulate the product (or component part of the product) made by another person; or

(C) any product seller not described in subparagraph (B) that holds itself out as a manufacturer to the user of the product.

(9) NONECONOMIC LOSS.—The term ‘“noneconomic loss” means loss for physical or emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), injury to reputation, and another nonpecuniary loss of any kind or nature.

(10) PERSON.—The term ‘“person” means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity).
(11) PRODUCT.—
(A) IN GENERAL.—The term “product” means any object, substance, mixture, or raw material in a gaseous, liquid, or solid state of matter that (i) is capable of delivery itself or as an assembled whole, in a mixed or combined state, or as a component part or ingredient; (ii) is produced for introduction into trade or commerce; (iii) has intrinsic economic value; and (iv) is intended for sale or lease to persons for commercial or personal use.
(B) EXCLUSION.—The term “product” does not include—
(1) tissue, organs, blood, and blood products used for therapeutic or medical purposes, except to the extent that such tissue, organs, blood, and blood products (or the provision thereof) are sold or otherwise rendered applicable State law, to a standard of liability other than negligence; or
(ii) electricity, water delivered by a utility, natural gas, or steam.
(12) PRODUCT LIABILITY ACTION.—
(A) GENERAL RULE.—Except as provided in subparagraph (B), the term “product liability action” means each civil action brought on any theory for a claim for any physical injury, disease, death, or damage to any property for harm caused by the product, if—
(i) the sale or use of a product; or
(ii) the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim against a defendant who is a citizen of a foreign nation on the ground of inconvenient forum; or
(7) supra modify any statutory or common law, including any law providing for an action to abate a nuisance, that authorizes a person to act to prevent civil damages or civil penalties, cleanup costs, injunctions, restitution, recovery of punitive or exemplary damages, or any other form of relief, for response to the contamination of the environment or for the remediation of the environment (as defined in section 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(8))).

SEC. 204. LIABILITY RULES APPLICABLE TO PRODUCT SELLERS, RENTERS, AND LESSORS.

(a) GENERAL RULE.—
(1) IN GENERAL.—In any product liability action covered under this title, a product seller shall be liable to a claimant only if the claimant establishes that—
(i) the product that allegedly caused the harm is the subject of the complaint; and
(ii) the failure to exercise reasonable care with respect to the product; and
(iii) the failure of the product to conform to the warranty caused the harm to the claimant; or

SEC. 301. EFFECTIVE DATE.

This Act shall take effect with respect to any action commenced after the date of the enactment of this Act without regard to whether the harm that is the subject of the action occurred before such date.

By Mr. REID (for himself and Mr. WARNER)
S. 866. A bill to amend the Public Health Service Act to provide for a national media campaign to reduce and prevent underage drinking in the United States; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I rise today along with my good friend and colleague Senator WARNER because I am deeply concerned with the underage drinking occurring in America. Alcohol is currently the number 1 drug problem for America’s youth. Alcohol kills 6.5 times more young people in America than all other illicit drugs combined, Pacific Institute for Research and Evaluation.

Drinking under the age of 21 is illegal in all 50 states, yet 10.4 million kids in America consume alcohol illegally, starting on average at just 13 years of age. Health People 2010 Study, Health and Human Services. In my own state of Nevada, there has been a 3-percent increase since 1997 in the number of teens who report drinking. Nevada’s youth ages 12-17 are third nationally in reported illicit drug or alcohol dependence and 5th in binge alcohol use, National Household Survey, 1999.
Alcohol is a major contributing factor in approximately half of all youth homicides, suicides, motor vehicle crashes, death and disability in Nevada, Nevada Youth Risk Behavior Survey, 1999. Alcohol is clearly the drug of choice for teenagers throughout America and will be conducted by the Department of Health and Human Services.

This bipartisan legislation will educate America’s youth and their parents about the dangers and consequences of underage drinking. The National Media Campaign to Prevent Underage Drinking Act of 2001 is to establish a national campaign to reduce and prevent underage drinking in America and will be conducted by the Department of Health and Human Services.

The purpose of our bill the “National Media Campaign to Prevent Underage Drinking Act of 2001” is to establish a national campaign to reduce and prevent underage drinking in America and will be conducted by the Department of Health and Human Services. The purpose of our bill the “National Media Campaign to Prevent Underage Drinking Act of 2001” is to establish a national campaign to reduce and prevent underage drinking in America and will be conducted by the Department of Health and Human Services.

This independent campaign should be established and should be conducted by the Department of Health and Human Services. Modeled after the Anti-Drug Campaign, the National Media Campaign to Prevent Underage Drinking will be separately funded and conducted by the Office of Public Health and Science, in conjunction with the Surgeon General, and will be based on scientific research. I ask unanimous consent that the text of the National Media Campaign to Prevent Underage Drinking Act of 2001 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 866
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Media Campaign to Prevent Underage Drinking Act of 2001”.

SEC. 2. DEPARTMENT OF HEALTH AND HUMAN SERVICES, OFFICE OF PUBLIC HEALTH AND SCIENCE; PROGRAM FOR NATIONAL MEDIA CAMPAIGN TO PREVENT UNDERAGE DRINKING.

Title XV of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by adding at the end the following:

“SEC. 1711. NATIONAL MEDIA CAMPAIGN TO PREVENT UNDERAGE DRINKING. (a) REQUIREMENT TO CONDUCT A NATIONAL MEDIA CAMPAIGN.—

(1) IN GENERAL.—The Secretary shall develop, implement, and conduct a national media campaign in accordance with this section for the purpose of reducing and preventing underage drinking in the United States.

(2) ADMINISTRATION.—The Secretary shall carry out this section through the Office of Public Health and Science and in consultation with the Surgeon General of the Public Health Service.

(b) BASED ON SCIENCE.—The Secretary shall develop, implement, and conduct the national media campaign based upon reputable academic and scientific research on youth attitudes and the prevalence of underage drinking in the United States, as well as on the scientific research on mass media prevention campaigns.

(4) SUPPLEMENT; NOT SUPPLANT.—In developing, implementing, and conducting the national media campaign based upon replicable academic and scientific research on youth attitudes and the prevalence of underage drinking in the United States, the Secretary shall supplement (and not supplant) existing efforts by State, local, private, and nonprofit entities to reduce and prevent underage drinking in the United States and shall coordinate with other Federal agencies and departments, including the Centers for Disease Control and Prevention, the National Institute on Drug Abuse and Alcoholism, the Substance Abuse and Mental Health Services Administration, the National Institute on Drug Abuse, the Department of Justice, the Department of Transportation, and the Office of National Drug Control Policy.

(c) TARGETING.—The Secretary shall, to the maximum extent feasible, use amounts available under subsection (e) for media that focuses on, or includes specific information on, prevention or treatment resources for consumers within specific geographic local areas. The Secretary shall ensure that the national media campaign includes messages that are language-appropriate and culturally competent to reach minority groups.

(9) USE OF FUNDS.—(1) ADVERTISING.—Of the amounts available under subsection (e), the Secretary shall devote sufficient funds to the advertising portion of the national media campaign to meet the stated reach and frequency goals of the campaign.

(2) AUTHORIZE USES.—(A) IN GENERAL.—Amounts available under subsection (e) for the national media campaign may only be used for the development of the campaign and the following:

(i) the development of a comprehensive strategy planning document;

(ii) the purchase of media time and space;

(iv) out-of-pocket advertising production costs;

(v) testing and evaluation of advertising;

(vi) evaluation of the effectiveness of the media campaign; and

(c) REPORTS TO CONGRESS.—

(1) COMPREHENSIVE STRATEGY.—Not later than 6 months after the date of enactment of this section, the Secretary shall develop and submit to Congress a comprehensive strategy that identifies the nature and extent of the problem of underage drinking, the scientific basis for the strategy, including a review of the existing scientific research, target audiences, goals and objectives of the campaign, message positioning that will be effective in changing attitudes and behavior, a campaign outline and implementation plan, an evaluation plan, and the estimated costs of carrying out the plan.

(2) ANNUAL REPORTS.—The Secretary shall annually submit to Congress a report on the...
activities for which amounts available under subsection (e) were obligated during the preceding year, including information for each quarter of such year, and on the specific parameters of the media campaign including whether the campaign is achieving identified performance goals based on an independent evaluation.

(b) Appropriation report.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to Congress a report on the progress of the national media campaign based on measurable outcomes previously provided to Congress.

(d) Definition.—For purposes of this section, the term "cancer" means any use of alcoholic beverages by individuals who have not attained the age at which (in the State involved) it is legal to purchase such beverages.

(e) Funding.—

(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are appropriated such sums as may be necessary for each of fiscal years 2002 through 2007.

(2) LIMITATION REGARDING COMPREHENSIVE CANCER PLAN.—Of the amounts appropriated under paragraph (1), the Secretary may not spend more than $1,000,000 to carry out subsection (c)(1).

By Mrs. FEINSTEIN:
S. 968. A bill to amend the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage and group health plans provide coverage of cancer screening; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, today I am introducing a bill to require health insurance plans to cover screening tests for cancer. Congresswomen CAROLYN MALONEY and SUE KELLY are introducing a companion bill in the House today.

The bill requires plans to cover screening tests including mammography and clinical breast examinations for breast cancer, pap tests and pelvic examinations for gynecological cancers, colorectal screening for colon and rectum cancers, and prostate screening for prostate cancer.

To address future changes in scientific knowledge and medical practice, the bill allows the Secretary to change the requirements upon the Secretary’s initiative or upon petition by a private individual or group. This provision is included because we do not yet have screening tests for many cancers, including brain tumors, leukemia Hodgkin’s disease, and ovarian, liver and pancreatic cancers. These are often not detected until they produce symptoms, at which point the cancer may have advanced significantly.

The American Cancer Society has described “screening” as “the search for disease in persons who do not have disease or who do not recognize that they have symptoms of disease.” Screening, as defined by the American medical Association, is defined as any test or products provided to an individual without apparent signs or symptoms of an illness, injury, or disease for the purpose of identifying or excluding an undiagnosed illness, disease or condition.” One of the most common screening procedures is the mammogram, which millions of women get annually to determine if there are suspicious lesions or lumps in the breast.

A major effort to reduce the number of cancer-related deaths and to increase survival is to increase cancer screening rates. The American Cancer Society (ACS), predicts that 563,100 Americans will die of cancer this year. With appropriate screening, one-third of cancer deaths could be prevented, says ACS.

Screening is the greatest single tool for finding cancers early. Cancers found early are cancers that do not grow or metastasize and are cancers that can be treated more successfully than those that are found late. Early detection can extend life, reduce treatment, and improve the quality of life.

For example, people can have colon cancer long before they know it. They may not have symptoms. Patients diagnosed by a colon cancer screening have a 90 percent chance of survival while patients not diagnosed until symptoms are apparent only have a 8 percent chance of survival.

Screening for cancers, such as cancers of the breast, tongue, mouth, colon, rectum, cervix, prostate, testis, and skin, account for approximately half of all new cancer cases. If all Americans had regular cancer screenings, the five-year survival rate for cancers of the breast, tongue, mouth, colon, rectum, cervix, prostate, testis and skin could grow from 81 percent to 95 percent.

Screening costs less than treatment. For example, Medicare pays from $100 to $400 for a colorectal cancer screening test. The cost of treating colorectal cancer from diagnosis to death costs over $51,000, according to the Institute of Medicine.

To put cancer deaths in perspective, the number of Americans that die each year from cancer exceeds the total number of Americans lost to all wars that we have fought in this century. The American Cancer Society says that over 1.3 million new cancer cases will be diagnosed in the U.S. this year. Despite our increasing understanding of cancer, unless we act with urgency, the cost to the United States is likely to become unmanageable in the next 10 years. The incidence of cancer in 2010 is estimated to increase by 29 percent for new cases, and cancer deaths are estimated to increase by 25 percent. Cancer will surpass heart disease as the leading fatal disease in the U.S. by 2010. With our aging U.S. population, unless we act now to change current cancer incidence and death rates, according to the September 1998 report from the Cancer March Research, Task Force, we can expect over 2.0 million new cancer cases and 1.0 million cancer deaths per year by 2025. Listen to these startling statistics: One out of every four deaths in the U.S. is caused by cancer. That more than 1,500 American...
S 870. A bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for public-private partnerships in financing of highway, mass transit, high speed rail, and intermodal transfer facilities projects, and for other purposes; to the Committee on Finance.

Mr. SMITH of New Hampshire. Mr. President, today I rise to introduce the Multi Modal Transportation Financing Act. The United States faces a significant shortfall in funding for our highway and bridge infrastructure needs. It is incumbent upon us to look at new and innovative ways to make the most of limited resources to address these significant needs. This bill will lift the existing restrictions on tax-exempt bond financing for public agencies seeking to probe private sector participation in a variety of transportation projects. This financing tool will serve to manage congestion, build more transportation options, and encourage technological innovation.

This bill will adjust the tax code in order to remove a barrier to needed transportation infrastructure investment. Under current Federal tax law, highways built by government can be financed through the use of tax exempt bonds, whereas those built by the private sector are not eligible to use this valuable financing tool, even though this tool is currently available to the private sector for the construction of seaports, airports and other public infrastructure facilities. Tax-exempt bonds can reduce interest rates as much as two percentage points below rates on comparable taxable bond issues and can reduce financing costs by 20–25 percent. While this has been a huge benefit to infrastructure, once the private sector seeks to participate in the development or operation of a government-owned highway or intercity rail project, tax-exempt financing is no longer available. Yet these transportation projects costing from $100 million to over $1 billion are rendered financially infeasible when subjected to taxable bond financing, forcing the private sector out of transportation project development.

As a result, public/private partnerships in the construction of highway facilities are unlikely to materialize, despite the potential efficiencies in design, construction, and operation of such arrangements. By depending solely on public sector tax-exempt financing, some projects will not be built at all, while projects that still get built are done so much later, at higher cost, greater inefficiency and public sector risk sharing.

Private sector participation in these transportation projects will provide access to new expertise, greater operating efficiencies, new sources of investment, and private sector risk sharing. This practice of private sector involvement has already been successfully implemented in a number of other countries. U.S. companies are currently investing billions of dollars in foreign infrastructure projects that are not subject to the United States tax code discrimination against similar private investment. Increasing the private sector’s role in these countries has offered opportunities for construction savings and more efficient operation.

The effort to enhance private sector participation began a few years ago by my predecessor as chairman of the Environment and Public Works Committee, Senator John Chafee. While his legislation did pass the Senate, it never made it to the President’s desk. It is time for this long over due private sector encouragement to become law.

I hope that this bill can be one in a series of new approaches to meeting our substantial transportation infrastructure needs and will be one of the approaches that will help us find more efficient methods to design, build, and operate the nation’s transportation infrastructure. We should begin by knocking down barriers that discourage the private sector from unleashing its full resources to help build this nation’s transportation network. I urge my colleague to join me in supporting this vital legislation.

I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S 870
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SEC. 1. SHORT TITLE.** This Act may be cited as the “Multimodal Transportation Financing Act”.

**SEC. 2. TAX-EXEMPT FINANCING OF QUALIFIED HIGHWAY INFRASTRUCTURE.**

(a) TREATMENT AS EXEMPT FACILITY BOND—Section 142 of the Internal Revenue Code of 1986 (relating to exempt facility bond) is amended by striking “or” at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting “; and” and by adding at the end the following:

“(13) qualified highway infrastructure projects;”.

(b) QUALIFIED HIGHWAY INFRASTRUCTURE PROJECTS—Section 142 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(e) QUALIFIED HIGHWAY INFRASTRUCTURE PROJECTS—

(1) IN GENERAL.—For purposes of sub-paragraph (A)(13), the term ‘qualified highway infrastructure project’ means a project—

“(A) for the construction, reconstruction, or maintenance of a highway, including related startup costs, and

“(B) meeting the requirements of paragraphs (12) and (13).”

(2) PROJECT REQUIREMENTS.—A project meets the requirements of this paragraph if the project—

“(A) serves the general public.

“(B) is located on publicly-owned rights-of-way, and

“(C) is publicly owned or the ownership of the highway constructed, reconstructed, or maintained under the project reverts to the public.”

(d) EXEMPTION FROM LIMITATION ON USE FOR LAND ACQUISITION.—Section 149(c)(3) of the Internal Revenue Code of 1986 (relating to exception for certain bonds issued for environmental purposes, etc.) is amended by striking “or wharf” both places it appears and inserting “or wharf, or qualified highway infrastructure project”.

(e) TREATMENT OF CERTAIN REFUNDING BONDS—

(1) IN GENERAL.—Paragraph (2) of section 149(d) of the Internal Revenue Code of 1986 (relating to certain private activity bonds) is amended by inserting “; or any exempt facility bond issued as part of an issue described paragraph (3) of section 142(a) (relating to qualified highway infrastructure projects)” after “other than a qualified 501(c)(3) bond”.

(2) SPECIAL RULES FOR PURPOSES OF PARAGRAPH (A).—Paragraph (3) of section 149(d) of such Code is amended to read as follows:

“(3) SPECIAL RULES FOR PURPOSES OF PARAGRAPH (A).—For purposes of paragraph (3)—

“(A) bonds issued before October 22, 1986, shall be taken into account under subparagraph (A)(i) thereof except—

“(i) a refunding which occurred before 1986 shall be treated as an advance refunding only if the refunding bond was issued more than 180 days before the redemption of the refunded bond, and

“(ii) a bond issued before 1986, shall be treated as advance refunded no more than once before March 15, 1986, and

“(B) a bond issued as part of an issue that is either the 1st or 2nd advance refunding of the original bond shall be treated as only the 1st advance refunding of the original bond if—

“(i) at least 95 percent or more of the net proceeds of the original bond issue are to be used to finance a highway infrastructure project (regardless of whether the original bond was issued as a private activity bond),

“(ii) the original bonds and applicable refunding bonds are or are reasonably expected to be primarily secured by project-based revenues, and

“(iii) in any case in which—

“(1) the original bonds or applicable refunding bonds are private activity bonds issued as part of an issue at least 95 percent or more of the net proceeds of which are to be used to finance a qualified highway infrastructure project described in section 142(a)(13), the refunding bonds of the issue and original bonds of the issue satisfy the requirements of section 147(b), or

“(2) the original bonds or applicable refunding bonds are not private activity bonds, the second generation advance refunding

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bonds of the issue (and any future bonds of the issue refunding such bonds) satisfy the requirements of section 147(b).
(3) Special rule relating to maturity limitations.—Section 147(b) of such Code (relating to maturity limitations) is amended by adding at the end the following:

“(c) E XEMPTION FROM GENERAL STATE VOL-
ume Caps.—(1) In the case of bonds issued after the date of enactment of this Act.

(b) Exemption from Limitation on Use for Land Acquisition.—Section 147(b)(3) of the Internal Revenue Code of 1986 (relating to exception for certain bonds), as amended by section 2(b), is amended by adding at the end the following:

“(1) by striking ‘‘(1)’’ and inserting ‘‘(13),’’ and

(2) by striking ‘‘and qualified highway infrastructure projects’’ and inserting ‘‘qualified highway infrastructure projects, and intermodal transfer facilities’’.

(c) Exemption From Limitation on Use for Intermodal Transfer Facilities.—Section 147(b) of the Internal Revenue Code of 1986 (relating to exception for certain bonds), as amended by section 2(c), is amended—

(1) by striking ‘‘(13)’’ both places it appears in paragraphs (1) and (2) and inserting ‘‘(11),’’ and

(2) by striking ‘‘and High-Speed Intercity Rail Facilities’’ and inserting ‘‘High-Speed Intercity Rail Facilities, and Intermodal Transfer Facilities’’.

(f) Effective Date.—The amendments made by this section shall apply to bonds issued after the date of enactment of this Act.

SEC. 3. MASS COMMUTING FACILITIES.

(a) Exemption From State Volume Cap.—Section 146(c)(3) of the Internal Revenue Code of 1986 (relating to exception for certain bonds), as amended, is amended by striking section 2(d), is amended by striking ‘‘(1)’’ and inserting ‘‘(11)’’ in paragraph (1), and by striking ‘‘(14)’’.

(b) Inclusion of Rolling Stock.—Section 142(c) of the Internal Revenue Code of 1986 (relating to qualified highway infrastructure projects), as amended, and inserting at the end the following new paragraph:

“(2) make findings of fact; and

(3) state the purpose or purposes for which the bonds are issued and the amount and terms of the bonds.

(c) Effective Date.—The amendments made by this section shall apply to bonds issued after the date of enactment of this Act.

SEC. 4. MODIFICATION OF DEFINITION OF HIGH-SPEED INTERCITY RAIL FACILITIES.

(a) In General.—Section 141(1)(1) of the Internal Revenue Code of 1986 (defining high-speed intercity rail facilities) is amended by striking “and their baggage” and “and persons” after “intercity rail facilities designated under section 7(b)(1)” and inserting “intercity rail facilities designated under section 7(b)(1)”.

(b) Effective Date.—The amendments made by this section shall apply to bonds issued after the date of enactment of this Act.

SEC. 5. TAX-EXEMPT FINANCING OF INTERMODAL TRANSFER FACILITIES.

(a) Treatment As Exempt Facility Bond.—Subsection (a) of section 142 of the Internal Revenue Code of 1986 (relating to exempt facility bonds), as amended by section 2(a), is amended by striking ‘‘or’’ at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting ‘‘, or’’, and by adding at the end the following: ‘‘(14) intermodal transfer facilities.’’

(b) Effective Date.—The amendments made by this section shall apply to bonds issued after the date of enactment of this Act.

SEC. 6. ROLLING STOCK RELATED TO SUCH FACILITIES.

(a) In General.—In the case of bonds issued after the date of enactment of this Act.

(b) Effective Date.—The amendments made by this section shall apply to bonds issued after the date of enactment of this Act.

SEC. 7. THE INCREASES.

(a) Exponentially—Whereas the California consumers have seen a 10-fold increase in electricity prices in recent months; which was referred to the Committee of the Senate and House of Representatives to determine what is causing the increases.

(b) Expanding—Whereas energy companies have seen their profits doubled, tripled, and in some cases even quintupled; and

(c) Enactment—Whereas high energy prices are having a detrimental effect on families across the country and threaten economic growth: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE CONCERNING THE NEED TO ESTABLISH A JOINT COMMITTEE OF THE SENATE AND HOUSE OF REPRESENTATIVES TO INVESTIGATE THE RAPIDLY INCREASING ENERGY PRICES ACROSS THE COUNTRY AND TO DETERMINE WHAT IS CAUSING THE INCREASES.

It is the sense of the Senate that there should be established a joint committee of the Senate and House of Representatives to:

(1) study the dramatic increases in energy prices (including increases in the prices of gasoline, natural gas, electricity, and home heating oil);

(2) investigate the cause of the increases;

(3) make findings of fact; and

(4) make such recommendations, including recommendations for legislation and any administrative or other actions, as the joint committee determines to be appropriate.

Mr. LIEBERMAN. Mr. President, I rise today to introduce a concurrent resolution calling for a global e-commerce, a trade issue of great economic interest to this country. My esteemed colleague Senator MCCAIN and I have drafted this legislation to express the sense of Congress on the importance of promoting global electronic commerce. In the House of Representatives, Congresswoman TAUSCHER and Congressman DREIER will introduce the very same legislation. I am honored to be joined on this resolution by these three knowledgeable and distinguished leaders on technology issues.

Our economic landscape is undergoing a fundamental transformation. We are transitioning into a “new economy,” a rapidly evolving, global marketplace that is governed by new rules and driven largely by new technology. Those new forces include information technology and the Internet. We all recognize that we are witnessing an electronic revolution. There is no shortage of statistics to prove what we are seeing all around us. According to a recent U.S. Department of Commerce report, approximately one third of the U.S. economic growth in the past few years has come from information technologies. Worldwide, there are more than 200 countries connected to the Internet today. That is up from 165 in 1996 and just eight in 1988. Today, more than 300 million people worldwide, more than half in North America, use the Internet. With Internet traffic continuing to double every 100 days, by 2005 more than one billion people will be connected. Importantly, more than three-quarters of them will be outside North America.

This digital age brought about by the Internet and information technology is opening new markets and growth opportunities for all types of businesses. The Internet transcends borders and provides new opportunities for all types of companies in every corner of this vast country. “Digital Trade”, including cross-border e-commerce transactions for
goods and services, global business relationships enabled by electronic networks, and the goods and services that enable those transactions and relationships, can help new companies to emerge and existing companies to flourish. For example, a study done for Cisco by the Gartner Group, Europe’s Internet economy is set to grow twenty-fold, from $53 billion in 1999 to $1.2 trillion in 2004. That growth presents real opportunities for millions of American companies and consumers.

We are seeing industry adjust to these new realities and seize these new opportunities. Last year, 60 percent of B-to-B companies were building globalized websites designed to reach audiences in many countries and across different cultures. By 2004, the level of globalization is expected to reach 80 percent. Those companies that choose not to globalize their websites project foreign earnings this year of 12 percent. Those companies that do globalize expect foreign revenue earnings of 35 percent.

‘To make this picture of the digital age more real, let me move closer to home and talk about one of my favorite New Economy companies, Coastal Tool. Coastal Tool is a small family-owned business with 12 employees. They are in a very traditional industry, hardware retail, in a very traditional area of the heart of New Zealand, West Hartford, CT. However, Coastal Tool is anything but traditional in its approach to business. Early on in the Internet revolution, Coastal Tool adopted information technology to improve its sales and marketing efforts. They understood back in the early 1990s what Alan Greenspan speaks of today when he testifies here on the Hill that there is a strong and undeniable link between the adoption of information technology, rising productivity, and increasing economic prosperity. Today, this small company does 20–30 percent of its business online, selling hand and power tools like biscuit joiners and disc grinders. It generates 15–20 percent of its revenue from online sales to overseas customers and is now exporting to more than 50 countries. By competing online and overseas, Coastal Tool, on the web at www.Coastaltool.com, is a true new economy success story and but one example of the exponential growth in information technology adoption and e-commerce reshaps the global economy.

But the global economy and digital trade also present us with challenges. While there are few if any technology barriers to global e-commerce, there are actual and potential policy and political barriers. For example, according to a recent survey of chief information officers across the country by CIO Magazine, approximately one third of the respondents at the current time believe that their company’s ability to conduct e-commerce across international borders will be limited by domestic policies or measures that have the effect of reducing or eliminating competition.

Whereas this resolution describes the incredible opportunity that global e-commerce represents to provide American companies with access to the U.S. market, it also calls on the Administration to make digital trade, the promotion of cross-border e-commerce, a high priority on its trade agenda and to work in good faith with our trading partners to encourage its continued growth. More specifically, it states that the U.S. should encourage members of the World Trade Organization to promote the development of infrastructures necessary for e-commerce and refrain from adopting measures that would constitute actual or potential trade barriers to electronic commerce. The resolution does not take policy positions on specific issues of international trade. It does take a first step in making global e-commerce an issue and an opportunity with which members of this body are familiar.

‘I respectfully urge all of my colleagues here in the Senate to show their support for U.S. consumer and commercial interests by joining Senator McCain and me in sponsoring and working to pass this very important concurrent resolution.

SENATE CONCURRENT RESOLUTION—EXPRESSING THE SENSE OF CONGRESS ON THE IMPORTANCE OF PROMOTING ELECTRONIC COMMERCE, AND FOR OTHER PURPOSES

Mr. LIEBERMAN (for himself, and Mr. McCAIN) submitted the following concurrent resolution; which was referred to the Committee on Finance.

S. CON. RES. 37

Whereas information technologies have spurred additional growth and efficiency for the United States economy, given consumers greater power and choice, and created new opportunities for entrepreneurs;

Whereas an estimated 60 percent of American businesses are involved in electronic commerce;

Whereas in 2000, business-to-consumer electronic transactions were estimated at $61,000,000,000 and business-to-business electronic transactions at nearly $200,000,000,000;

Whereas economists have shown that the higher a nation’s Internet usage, the faster cross-border trade increases, especially among developing nations;

Whereas cross-border electronic commerce represents a revolutionary form of international trade, one that will provide new opportunities for growth and development, and rising living standards in the United States and overseas;

Whereas in this era of policy development for global electronic commerce, certain policy measures could push Internet users into localized regions of the World Wide Web, significantly reducing long-term opportunities for growth and development;

Whereas the current World Trade Organization (WTO) trade rules, including (the General Agreement on Tariffs and Trade, the General Agreement on Trade in Services, and the Agreement on Trade-Related Aspects of Intellectual Property) apply to e-commerce;

Whereas the growth of international trade via global electronic commerce could be stunted by domestic policies or measures that have the effect of reducing or eliminating competition; and

Whereas carefully coordinated agreements that ensure open markets, broad access, competition, and limited burdens on e-commerce can facilitate growth and development in the United States and overseas; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress:

(A) to make the promotion of cross-border trade via electronic commerce a high priority;

(B) the United States should work in good faith with our trading partners to develop a cross-border trade regime that promotes the continued growth of electronic commerce and advances the interests of Internet buyers and sellers in different countries; and

(C) the United States should encourage members of the World Trade Organization to:

(A) promote the development of infrastructures that are necessary to conduct e-commerce;

(B) promote the development of trade in goods and services via e-commerce;

(C) ensure that products delivered electronically receive the most beneficial treatment available under trade agreements relating to similar products that are delivered physically, including market access and non-discriminatory treatment; and

(D) refrain from adopting measures that would constitute actual or potential trade barriers to electronic commerce to ensure that all other measures are predictable and transparent.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 10, 2001, at 10 a.m., in open session to consider the nominations of Mr. John E. Robson, of California, to be Under Secretary of Defense for Personnel and Readiness; Mr. Thomas E. White to be Secretary of the Army; Mr. Gordon England to be Secretary of the Navy; Mr. James G. Roche to be Secretary of the Air Force; and Mr. Alfred Rascon to be Director of Selective Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, May 10, 2001, to conduct a hearing on the nomination of Mr. John E. Robson, of California, to be President of the Export-Import Bank; Mr. Peter R. Fisher, of New Jersey, to be Under Secretary of the Treasury for Domestic Finance; and Mr. James J.
Jochum, of Virginia, to be Assistant Secretary of Commerce for Export Administration. The Committee will also vote on the nomination of Mr. Grant D. Aldonas, of Virginia, to be Under Secretary of Commerce for International Trade. Judge Daniel L. Juzwik, of the District of Columbia, to be Under Secretary of Commerce for Export Administration; Ms. Maria Cino, of Virginia, to be Assistant Secretary of Commerce and Director General of the United States Foreign Commercial Service; and Mr. Robert Glenn Hubbard, of New York, to be a member of the Council of Economic Advisors.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JEFFORDS. 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, May 10 at 9:30 a.m. to conduct an oversight hearing. The committee will receive testimony on the President’s proposed budget for FY2002 for the Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on The Nation’s Investment in Biomedical Research: Opportunities and Outcomes during the session of the Senate on Thursday, May 10, 2001, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, May 10, 2001 at 2:45 p.m., in room 495 of the Russell Senate Office Building to conduct an Oversight Hearing to receive the goals and priorities of the Alaska Native community for the 107th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, May 10, 2001 at 10:00 a.m., in SD 225.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, May 10, 2001 at 11:30 a.m. to hold a closed briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Sub-committee on Aviation of the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, May 10, 2001, at 10:00 a.m. on Air Traffic Control.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet on Thursday, May 10, 2001, immediately following the Subcommittee on National Parks Historic Preservation and Recreation hearing, to conduct an oversight hearing. The subcommittee will receive testimony on H.R. 860, a bill to provide for all right, title, and interest in certain property in Washington County, UT, to be vested in the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, May 10, at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on the President’s proposed budget for FY2002 for the National Parks.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be authorized to meet on Thursday, May 10, 2001 at 10:15 a.m. to receive testimony regarding FY02 Budget requests for the Department of Transportation and the General Services Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Christie Onada and John Carwell of Senator Dodd’s staff be granted the privilege of the floor during the remainder of the debate on the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

MODIFICATION OF AMENDMENT NO. 402

Mr. BENNETT. Mr. President, I ask unanimous consent that the instruction line of amendment No. 402 be modified to conform to the pending Jeffords substitute, Amendment No. 402 was previously agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL BIOTECHNOLOGY WEEK

Mr. BENNETT. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 75 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 75) designating the week beginning May 13, 2001, as “National Biotechnology Week.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. BENNETT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements relating to the resolution be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 75) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 75

Whereas biotechnology is increasingly important to the research and development of medical, agricultural, industrial, and environmental products;

Whereas public awareness, education, and understanding of biotechnology is essential to the responsible application and regulation of this new technology;

Whereas biotechnology has been responsible for breakthroughs and achievements that have benefited people for centuries and contributed to increasing the quality of human health care through the development of vaccines, antibiotics, and other drugs;

Whereas biotechnology is central to research for cures to diseases such as cancer, diabetes, epilepsy, multiple sclerosis, heart disease, AIDS, and Alzheimer’s disease. Acquired Immune Deficiency Syndrome (AIDS), and innumerable other medical ailments;

Whereas biotechnology contributes to crop yields that improve farm productivity and enhance the quality, value, and suitability of crops for food and other uses that are critical to the agriculture of the United States;

Whereas biotechnology promises environmental benefits including protection of water quality, conservation of topsoil, improvement of waste management techniques, reduction of chemical pesticide usage, production of renewable energy and bio-based products, and cleaner manufacturing processes;

Whereas biotechnology contributes to the success of the United States as the global leader in research and development, and international commerce;

Whereas biotechnology will be an important catalyst for creating more high-skilled jobs throughout the 21st century and will lead the way in reinvigorating rural economies; and

Whereas it is important for all Americans to understand the beneficial role biotechnology plays in improving quality of life and protecting the environment: Now, therefore, be it

Resolved. That the Senate—

(1) designates the week beginning May 13, 2001, as “National Biotechnology Week”; and

(2) requests that the President issue a proclamation calling upon the people of the
United States to observe the week with appropriate programs, ceremonies, and activities.

**DISCHARGE AND REFERRAL—S. 821**

Mr. BENNETT. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of S. 821 and that the bill be referred to the Senate on Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

**APPOINTMENTS**

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore and upon the recommendation of the majority leader, pursuant to Public Law 106-554, appoints the Senator from Nebraska (Mr. HAGEL) to the Board of Directors of the Vietnam Education Foundation.

The Chair, on behalf of the democratic leader, pursuant to Public Law 106-554, appoints Senator from California (Mrs. FEINSTEIN) as a member of the United States Capitol Preservation Commission, vice the Senator from California (Mrs. FEINSTEIN).

**EXECUTIVE SESSION**

**EXECUTIVE CALENDAR**

Mr. BENNETT. Mr. President, in executive session, I ask unanimous consent that the Senate proceed to consideration of the following nominations, reported by the Judiciary Committee: Daniel Bryant, PN 214; Larry Thompson, PN 200; reported by Banking Committee: Grant Aldonas, PN 216, Robert Hubbard, PN 264, Kenneth Juster, PN 192.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, 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 JUSTICE**

Larry D. Thompson, of Georgia, to be Deputy Attorney General.

Daniel J. Bryant, of Virginia, to be an Assistant Attorney General.

**DEPARTMENT OF COMMERCE**

Kenneth I. Juster, of the District of Columbia, to be Under Secretary of Commerce for Export Administration.

Grant D. Aldonas, of Virginia, to be Under Secretary of Commerce for International Trade.

**EXECUTIVE OFFICE OF THE PRESIDENT**

Robert Glenn Hubbard, of New York, to be a Member of the Council of Economic Advisers.

**NOMINATION OF DANIEL BRYANT**

Mr. LEAHY. Mr. President, Dan Bryant is well-known to many of us, especially those of us serving on the Judiciary Committee. We knew him first as an able member of the House Judiciary Committee and through his work as the Chief Counsel of the House Judiciary Committee’s Subcommittee on Crime, working under Chairman HYDE and on the McCollum–Hyde confirmation hearing. At his confirmation hearing, Mr. HYDE, Mr. CONYERS, Senator BIDEN and both Senators from Virginia all came to testify on his behalf.

Mr. Bryant is respectful of the Senate and, I feel, all Senators. We are already working with Mr. Bryant as he is serving as a consultant to the Department while his nomination is pending. His history and current work give me every reason to support his nomination. I look forward to working with him in the days and months ahead. His is a most demanding job. I congratulate Dan and his family on his confirmation by the U.S. Senate.

**NOMINATION OF LARRY THOMPSON**

Mr. LEAHY. Mr. President, I am delighted that the Senate Judiciary Committee unanimously reported the nomination of Larry Thompson to be Deputy Attorney General to the Senate. The Deputy Attorney General is number two in command at the Department of Justice and plays a key role as a top advisor to the Attorney General. Former Deputies include William Rogers and Byron White, Nicholas Katzenbach and Warren Christopher, Harold Tyler, Jamie Gorelick and Eric Holder. The Deputy has traditionally assumed responsibility for the day-to-day operations of the Department. The Deputy often has direct oversight of a number of divisions and units within the Department, including the FBI and those with criminal jurisdiction. The Deputy position may assume even greater significance in this Administration, since we have not seen any indication that there will be an Associate Attorney General with whom the Deputy might share those leadership responsibilities.

I know that Mr. Thompson is a strong conservative. I have confidence that we can work together. I believe him when he indicates that he is prepared to have a candid and responsive relationship with the Judiciary Committee, including the Democratic Senators.

I know that Mr. Thompson served previously as United States Attorney and that he appreciates, as those of us who served as local prosecutors understand, where the front lines of law enforcement are, how they must be supported and that partisan politics have no business in law enforcement.

It was not only his testimony but the testimony of Mr. Thompson’s home State Senators that I found compelling. Both Senator CLELAND and Senator MILLER came to the Committee and gave strong support. Those statements matter. If the Senators were expected to know him best and it was clear to me that they know him well.

Senator CLELAND’s endorsement was without reservation. Senator MILLER described him as a consummate professional, quiet yet strong, someone who exercises enormous common sense, a person of great substance and little ego, and one who will put principle over politics. I was assured that Larry Thompson comes with no agenda, and will base every decision on what is right, not what is popular or politically expedient.

With those kinds of endorsements and assurances, and with the frank exchanges that we had during the course of the hearing process, I feel confident in supporting the nomination of Larry Thompson. I look forward to working with Mr. Thompson in the days ahead and I congratulate Mr. Thompson and his entire family on his confirmation by the U.S. Senate.

**LEGISLATIVE SESSION**

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

**ORDERS FOR MONDAY, MAY 14, 2001**

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon on Monday, May 14. I further ask unanimous consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business with Senators speaking for up to 10 minutes each with the following exceptions: Senator DURBIN or his designee, 12 noon to 1, and Senator THOMAS or his designee, 1 to 2.

Further, I ask unanimous consent that at 2 p.m. the Senate resume consideration of S. 1, the education bill, and Senator Reid be recognized in order to call up amendment No. 460. The PRESIDING OFFICER. Without objection, it is so ordered.

**PROGRAM**

Mr. BENNETT. For the information of all Senators, when the Senate convenes at 12 noon on Monday, there will be 2 hours of morning business. Following morning business, the Senate will resume consideration of the education bill and the Reid amendment No. 460. Under the order, if it is agreed to, there will be up to 1 hour of debate on the amendment which will then be laid aside.

Also on Monday, Senator CLELAND will be recognized at 4 p.m. to resume debate of his modified amendment No. 376. A vote in relation to the Reid amendment will begin at 5:30 p.m. and following that vote and some closing remarks, a vote is expected in relation
to the Cleland amendment. Senators should therefore be on notice that at least the two votes will occur on Monday evening at 5:30 p.m.

**ADJOURNMENT UNTIL MONDAY, MAY 14, 2001**

Mr. BENNETT. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:47 p.m., adjourned until Monday, May 14, 2001, at 12 noon.

**NOMINATIONS**

Executive nominations received by the Senate May 10, 2001:

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

CARI M. DOMINGUEZ, OF MARYLAND, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2001, VICE JOYCE ELAINE TUCKER, TERM EXPIRED.

CARI M. DOMINGUEZ, OF MARYLAND, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2006. (REAPPOINTMENT)

**FEDERAL COMMUNICATIONS COMMISSION**

MICHAEL K. POWELL, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2002. (REAPPOINTMENT)

**CONFIRMATIONS**

Executive nominations confirmed by the Senate May 10, 2001:

**DEPARTMENT OF COMMERCE**

KENNETH I. JUSTER, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION.

GRANT D. ALDONAS, OF VIRGINIA, TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE.

**EXECUTIVE OFFICE OF THE PRESIDENT**

ROBERT GLENN HUBBARD, OF NEW YORK, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

**DEPARTMENT OF JUSTICE**

LARRY D. THOMPSON, OF GEORGIA, TO BE DEPUTY ATTORNEY GENERAL.

DANIEL J. BRYANT, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

The above nomination was approved subject to the nominee’s commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.
SIKH ACTIVIST MANN SHOULD APOLOGIZE FOR THREAT ISSUED BY A LEADER OF HIS PARTY

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 9, 2001

Mr. TOWNS. Mr. Speaker, on Saturday, April 29, a number of Sikh leaders got together for Khalistan Day celebrations in Stockton, California. Overall, the event was very successful and it featured a number of outstanding speakers, including Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, and Dr. Awatkar Singh Sekhon, the Managing Editor of the International Journal of Sikh Affairs. Unfortunately, something that happened to Dr. Sekhon seriously marred this otherwise successful, celebratory event.

According to Burning Punjab, an online news service, a leading supporter of Member of Parliament Simranjit Singh Mann made a “death threat” against Dr. Sekhon after Dr. Sekhon strongly criticized Mr. Mann. Most of us in this House have been subjected to strong criticism but we have never threatened our critics nor would we permit our supporters to do so. That is not the democratic way.

Mr. Mann, a former member of the Punjab police who has become an Indian politician, has been silent on this event. If Mr. Mann wants to be taken seriously as a leader in a democratic state, he must condemn the threat that his supporter made and issue an apology on behalf of his party to Dr. Sekhon. Otherwise, people will see that there is no difference between Mr. Mann and other Indian politicians.

The Indian government’s oppression of Sikhs, Christians, Muslims, and other religious minorities in India has been very well documented. Has that oppression now extended to our critics or would we permit our supporters to do so.

TRIBUTE TO BILL WALSH

HON. ZOE LOFGREN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 9, 2001

Ms. LOFGREN. Mr. Speaker, I rise to congratulate Bill Walsh, the vice president and general manager of the San Francisco 49ers, who has been named San Jose State University’s 2001 Tower Award winner. The Tower Award is presented annually to an individual “who has made a significant contribution to the university community through his or her outstanding work.”

Bill Walsh has twice graduated from San Jose State University: once with a bachelor’s degree in education in 1955, and then with a master’s degree in the same field in 1959. Mr. Walsh began his coaching career as an assistant at Monterey Peninsula Junior College in 1955, before heading back to San Jose State as a graduate assistant in 1956.

After stints at the University of California and Stanford, Bill Walsh joined the Oakland Raiders as the defensive backfield coach. His illustrious career includes coaching slots with the Bengals and Chargers organizations.

Hired in 1979 as the head coach, Bill Walsh coached the San Francisco 49ers to three Super Bowl championships in the 1980s and was a 1993 inductee into the Pro Football Hall of Fame. Mr. Walsh retired from active coaching in the NFL in 1988 with a career record of 102 wins, 63 losses. Bill Walsh now serves as an assistant to the coaching staff of the 49ers.

Bill Walsh was one of only 14 coaches in the history of pro football to be elected to the NFL Hall of Fame, and the first coach in team history to reach the 100-win plateau. He was twice named NFL Coach of the Year and was later named NFL Coach of the Decade for the 1980s. He is the author of two books, “Finding the Winning Edge” and “Building A Champion.”

San Jose State University president Robert Caret said of Bill Walsh, “[his] role as a coach, an author and as an executive in the industry has brought a new level of professionalism to the sports industry. It is a great source of pride that he is an alumnus of the university.” I congratulate Bill Walsh on this truly prestigious award, and thank him for his support of San Jose State University. My family and I wish him the best.

ONE SWAP FUND TRANSACTION CONTINUES TO AVOID LAW

HON. RICHARD E. NEAL
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 9, 2001

Mr. NEAL of Massachusetts. Mr. Speaker, I introduce legislation in the previous Congress to eliminate a tax avoidance technique available only to the very wealthy. This technique involves the use of swap funds. Today I am introducing this legislation again.

Legislation to shut down this particular practice was enacted in 1967, 1976, and again in 1997. In 1967 Congress enacted a law to prevent swap funds from being transacted in the form of a corporation, as was popular at the time. This led to the swap fund transaction being resuscitated in the form of a partnership, which was closed down in 1976. Subsequently, the industry developed methods to get around both laws by manipulating the 80 percent test.

The second part of this bill at long last recognizes the inadequacy of the above approach, given its 32 year record of failure. This section states that any transfer of marketable securities to a diversified portfolio is clearly identified by the prospectus, and the prospectus is limited to individuals with large blocks of appreciated stock to diversify their portfolio without recognizing gain and paying tax. In this transaction, a fund is established into which wealthy individuals with large blocks of undiversified stock transfer their stock. In exchange for the transferred stock, these individuals receive an equivalent interest in the funds’ diversified portfolio. In effect, these individuals have now diversified their holdings by mixing their shares of stock with different shares of stock from other individuals, without having to sell that stock and pay tax on the gain like ordinary Americans.

The swap fund transaction is complicated, and is limited to individuals with large blocks of stock. For example, one offering was limited to subscriptions of $1 million, although the general partner retained the right to accept subscriptions of lesser amounts. This, however, does not mean an individual with only a million dollars in stock could invest in the swap fund. In order to avoid Securities and Exchange Commission registration requirements, these transactions are often limited to sophisticated investors who under SEC regulations, according to a 1998 prospectus, must have total investment holdings in excess of $5 million.

As outlined above, current law tries to stop swap funds involving a corporation or a partnership that is in investment company. An investment company is a corporation or partnership where the contribution of assets results in a diversification of the investor’s portfolio, and more than 80 percent of the assets of which are defined by law as includable for purposes of this test.

In the most current form of the swap fund transaction, that limitation is avoided by holding at least 21 percent of assets in preferred and limited interests in limited partnerships holding real estate. In fact, the purpose of the fund is clearly identified by the prospectus, which states “the value of the Private Investments will constitute at least 21% of the total value of the Fund, so that the Fund will satisfy the applicable requirements of the Code and the Treasury Regulations governing the nonrecognition of gain for federal income tax purposes in connection with the contribution of appreciated property to a partnership.” As in past years, the bill I am introducing addresses the specific transaction being used; that is, the bill would eliminate the latest avoidance technique by providing that such investments would be treated as financial assets for purposes of the 80 percent test.

The second part of this bill at long last recognizes the inadequacy of the above approach, given its 32 year record of failure. This section states that any transfer of marketable stock or securities to any entity would be a tax-free event, if that entity is registered to be reported as an investment company under the securities laws, or would be subject to but for the fact that interests in the entity are only offered to sophisticated investors, or if that entity is formed or availed of for purposes of allowing investors to engage in tax-free exchanges of stock for diversified portfolios.
The effective date of this legislation is for transfers after date of Committee action.

Mr. Speaker, the Committee on Ways and Means regards the party in charge has traditionally been concerned with tax transactions constructed for the very few of the sole purpose of avoiding paying tax. I believe the Committee continues to hold this concern and look forward to working with the Members to enact this law later this year.

A PROCLAMATION RECOGNIZING MR. DICK JOHNSON

HON. ROBERT W. NEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 9, 2001

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, Mr. Dick Johnson has been selected for recognition by the Muskingum Chapter of the Boy Scouts of America to receive the distinguished honor of the “Commitment to Excellence Award”; and,

Whereas, Mr. Johnson has devoted his efforts to providing his community with exemplarily service in his positions on the Board of Directors of the Boy Scouts of America, the Muskingum College Board of Directors, and in the Wilds Board of Directors; and,

Whereas, he has served his community as a supporter of medical research; and,

Therefore, Members of Congress, with a real sense of gratitude and pride, join me in commending Mr. Dick Johnson as he has served his community above and beyond all expectations and has truly made a difference in the lives of the people of Ohio. I am proud to call him a constituent.

ON THE INTRODUCTION OF HIGHER EDUCATION AFFORDABILITY AND FAIRNESS ACT

HON. RUSHD HOLT
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 9, 2001

Mr. HOLT. Mr. Speaker, I rise today to introduce a bill that is very important to me and many New Jersey families—the Higher Education Affordability and Fairness Act.

As a scientist and former teacher, I have spent many years working in post-secondary education, and I have seen how fortunate we are. We have some of the best colleges and universities in the world here in the U.S. and in New Jersey. However, with the increasing costs of higher education, our high quality colleges are becoming inaccessible to many.

According to the College Board, since 1980, the price of a college education has been rising between two and three times as fast as the Consumer Price Index.

In fact, tuition and fees for a four-year college education have risen 151 percent over inflation since the 1980–81 school year, while median household income has risen only 20 percent.

What is most frustrating is that despite the economic prosperity many families have enjoyed over the past decade, the cost of a college education continues to rise at a rate faster than these families can afford.

As a result, more and more families are forced to borrow money to meet tuition costs.

In fact, according to the National Association of Independent Colleges and Universities, nearly 80 percent of their full time, dependent undergraduates receive some sort of financial assistance.

This shift from grant-based assistance programs to loan-based assistance programs increases the financial burden of attending college because students and families must then assume interest costs, which can add thousands to the total cost of tuition. In fact, one of my staffers tells me that he must pay over $9,000 in student loan interest a year. We must change this by making college more affordable for our students and their families.

In years past, Congress has sought to address college affordability by providing a HOPE Scholarship tax credit of up to $1,500 for the first two years of expenses and a Lifetime Learning tax credit of up to $1,000 for the third and fourth years as well as for graduate school.

In addition, for low-income families, Congress has increased funding to $8.75 billion for Pell Grants, a need-based grant program that will help send four million Americans to college this year.

While this is a good start, much more should be done.

Under current law, taxpayers cannot deduct higher education expenses from their taxes, unless the expenses meet a very narrow definition as “work-related.”

In addition, families living in high cost states like New Jersey or California do not receive the same benefits as those living in lower cost states because of unfair income limitations. Finally, a family who invests in an Education IRA cannot use the savings for a child’s college education and also receive the benefits of the HOPE or Lifetime Learning tax credits.

I am proud to introduce the Higher Education Affordability and Fairness Act (HEAFA), which will make higher education more affordable by allowing higher education expenses to be tax deductible.

HEAFA would allow families who take the HOPE tax credit to deduct up to the next $8,000 in tuition expenses not covered by the credit, capping the deduction at $15,000 in tuition expenses in one year if a family has more than one child in college. Families ineligible for the Hope Scholarship, due to its income limitations, would be able to deduct $5,000 of tuition costs.

The bill would also increase the Lifetime Learning credit to 20 percent of $10,000 of tuition, from the current 20 percent of $5,000, and provide families with the choice of taking either the credit or a deduction on up to $10,000 of tuition, $5,000 if a family earns more than $120,000 a year.

HEAFA would raise the phase-out limit for the HOPE credit to $60,000 for singles and $120,000 for couples, allowing more families to benefit.

In order to ensure that savings go to the intended beneficiaries, families and students, the bill directs an annual study to examine whether the federal income tax incentives to provide education assistance affect higher education tuition rates.

Finally, to address the needs of low-income families, the bill expresses the sense of the Senate that the maximum annual Pell Grant should be increased to $4,700 per student.

College is the best investment of a lifetime. We must take steps to ensure that higher education is within the reach of all Americans so that they are prepared to meet the challenges they will face in our increasingly competitive world.

We must make it easier for families to afford college, and we can do so this year by allowing college tuition and other expenses to be tax deductible.

I urge my colleagues to support me in this important bill. We can all agree that these are tax cuts we truly need.

TRIBUTE TO COACH PARKER DYKES

HON. RONNIE SHOWS
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 9, 2001

Mr. SHOWS. Mr. Speaker, I rise today to honor a distinguished constituent of mine, Coach Parker Dykes. I am proud to share with my colleagues in Congress that Coach Dykes was recently elected President of the National Junior College Football Coaches Association. He has been head football coach at Jones County Jr. College for eight seasons. Coach Dykes has been actively involved in football for 36 years of his life, coaching at various colleges and high schools throughout Mississippi and the country. His successes in football have brought him many accolades including being repeatedly named “National Coach of the Year.”

He is happily married to the former Jane White of Mendenhall, Mississippi, and they have 3 sons together: Ker, Rick, and Mike. They also are the proud grandparents of two young boys who would be fortunate to be coached by as fine a man as their grandfather.

One of Coach Dykes’ passions is the Fellowship of Christian Athletes, of which he has been a member since 1964. He fondly notes that his greatest personal achievement was when he was selected for the Fellowship of Christian Athletes of Mississippi Influence Award.

Mr. Speaker, Coach Dykes has been a wonderful influence in many young athletes’ lives and it is truly a pleasure and a privilege to have him as a constituent. We need more people like Coach Dykes to inspire the children in our communities.

NATIONAL TEACHERS DAY

HON. BILL LUTHER
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 9, 2001

Mr. LUTHER. Mr. Speaker, I would like to take this opportunity to celebrate National Teacher’s Day and to recognize the remarkable educators who have dedicated themselves to educating the students of our community.

Since my election to the U.S. House of Representatives in 1994, I have had an opportunity to visit many schools in Minnesota and in every school I have found an amazing group of men and women dedicated to preparing our children for the future. As they create new and innovative ways of teaching,
these educators are true professionals committed to their task while facing the difficult challenges of today’s world. I commend the teachers of my district for their dedication and perseverance in inspiring our nation’s youth to achieve their goals and dreams. I ask everyone to join me.

RECOGNITION OF COL. RUSSELL B. HALL’S 26 YEARS OF SERVICE IN THE UNITED STATES ARMY

HON. CIRO D. RODRIGUEZ
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 9, 2001

Mr. RODRIGUEZ. Mr. Speaker, I rise today to recognize Colonel Russell B. Hall’s twenty-six years of service in the United States Army. Col. Hall will retire this year, and his extensive experience will be hard to replace. He currently serves as the Chief of the Resources Integration Office in the Office of the Assistant Chief of Staff for Installations Management. Col. Hall also serves as the Executive of the Installations Program and Evaluation Group for the Assistant Chief of Staff for Installation Management.

Colonel Russell B. Hall was born in Roswell, New Mexico on January 19, 1953. He holds a Bachelor of Science degree in Biology from Trinity University in San Antonio, Texas and a Master’s Degree in Operations Research from George Mason University. Colonel Hall was a Distinguished Military Graduate and received a Regular Army commission from the Reserve Officer Training Corps. His military education includes the Basic and Advanced Courses, and the Command and General Staff College.

He has held a wide variety of key command and staff positions before his current assignment as the Chief of the Resources Integration Office and Executive of the Installation Program Evaluation Group for the Assistant Chief of Staff for Installation Management. Other key assignments include duty as the Secretary of the General Staff of the 1st Cavalry Division; Executive Officer of the 3rd Battalion 82nd Field Artillery; a dauntless Brigade Fire Support Officer, 2nd Brigade (Blackjack), Fort Hood, Texas, and Charlie Battery Commander 1st Battalion 77th Field Artillery, Executive Officer of the Training and Doctrine (TRADOC) Operations and Analysis Center, Fort Leavenworth, Kansas. He has served as the Commander of the 409th Base Support Battalion, Grafenwoehr and Vilseck, Germany. After command, Col. Hall completed his tour as the Deputy Director of Training in the Directorate of Training, USAREUR DCSOPS and Seventh Army Training Command.

Col. Hall’s awards and decorations include: The Bronze Star Medal, the Meritorious Service Medal with four Oak Leaf Clusters, the Army Commendation Medal with three Oak Leaf Clusters, the Bronze Star Medal, the Army Service Ribbon and the Overseas Ribbon. He also wears Master Parachutist wings and the Ranger Tab.

Colonel Hall is married to the former Alexia Rowe of Tulsa, Oklahoma. They have one child, a daughter.

Our nation owes a large debt to Col. Hall for his service and wishes him good luck with his future endeavors.

PAYING TRIBUTE TO FIVE OUTSTANDING WORCESTER COMMUNITY LEADERS

HON. JAMES P. McGOVERN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 9, 2001

Mr. MCGOVERN. Mr. Speaker, I rise today to pay tribute to five outstanding individuals in Worcester, Massachusetts. These community leaders have been selected to receive awards from the Worcester Democratic City Committee at their annual JFK Dinner on Saturday, May 12.

Julie Komenos is receiving the John F. Kennedy Female Democrat of the Year Award. Julie is the founder and executive director of the Worcester Women’s Political Caucus. She has been a leader in the women’s movement and has worked tirelessly to promote women’s rights. Julie is a role model for young women and has inspired many to get involved in politics. She is a true champion of women’s issues and has been a vocal advocate for equality and justice.

Gary Vezcho is a well-known community leader in Worcester. He has been a leader in the Worcester Public Schools and has worked to improve the quality of education in the city. He is also involved in many other community organizations and has been a strong advocate for social justice. Gary is a true leader and a dedicated public servant.

Paul Pezzera is a long-time resident of Worcester and has been involved in many community organizations. He is a member of the Board of Directors of the Greater Worcester Community Foundation and a member of the Board of Trustees of the Worcester Art Museum. He has been a leader in the community and has been involved in many important initiatives. Paul is a true leader and a dedicated public servant.

Julie Komenos is receiving the John F. Kennedy Female Democrat of the Year Award. Julie is the founder and executive director of the Worcester Women’s Political Caucus. She has been a leader in the women’s movement and has worked tirelessly to promote women’s rights. Julie is a role model for young women and has inspired many to get involved in politics. She is a true champion of women’s issues and has been a vocal advocate for equality and justice.

Gary Vezcho is a well-known community leader in Worcester. He has been a leader in the Worcester Public Schools and has worked to improve the quality of education in the city. He is also involved in many other community organizations and has been a strong advocate for social justice. Gary is a true leader and a dedicated public servant.

Paul Pezzera is a long-time resident of Worcester and has been involved in many community organizations. He is a member of the Board of Directors of the Greater Worcester Community Foundation and a member of the Board of Trustees of the Worcester Art Museum. He has been a leader in the community and has been involved in many important initiatives. Paul is a true leader and a dedicated public servant.

A TRIBUTE TO BILL GEORGE UPON HIS RETIREMENT AS CHIEF EXECUTIVE OFFICER OF MEDTRONIC

HON. JIM RAMSTAD
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 9, 2001

Mr. RAMSTAD. Mr. Speaker, I rise today to pay tribute to Bill George, who recently retired as the Chief Executive Officer of Medtronic, Inc.

Medtronic is one of the leading medical technology companies in the world. This is due in large part to the leadership of Bill George, its CEO since 1989 and CEO since 1991. During his tenure, Bill George built Medtronic into a company that employs 25,000 people in 120 countries, with revenues of more than $5 billion.

But Bill is more than a successful businessman. He is a policy visionary who believes in patient centered care, which is enabled by medical technology, I want to single out the Patient Summit he hosted in Washington, D.C. last year, which encouraged a dialogue between patients, policymakers and advocacy groups about the role patients can play in directing their own health care.

Under his leadership, the Medtronic Foundation has reached out to patient groups in unprecedented ways, giving $12 million last year alone to non-profit organizations in communities worldwide.

As a fellow Minnesotan, I’ve watched Bill’s personal efforts in the community with much admiration. His efforts as chair of the board of the United Way of Minneapolis and vice chair of the board of the Minneapolis Institute of Arts, as well as his work on the boards of the American Red Cross and the Carnegie Endowment for International Peace, are just a few of the highlights.

Mr. Speaker, I highly commend Bill George for his visionary and innovative leadership. He has taken a great company and made it better with his strong commitment to bettering the lives of patients. Bill’s integrity and leadership...
qualities have made him a great role model for many aspiring leaders, and he is a true inspiration to many.

Bill George will be sorely missed by Medtronic, but the Twin Cities community will continue to benefit from all that he does for so many. I applaud Bill for his stellar career at Medtronic on and off the playing field, and wish him and his wonderful wife, Penny, and their family continued success and happiness in future years.

PERSONAL EXPLANATION

HON. JOHN E. PETERSON
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 9, 2001

Mr. PETERSON of Pennsylvania. Mr. Speaker, on rollcall No. 100, I put my voting card in and it did not register. Had it registered, I would have voted “Yea”.

CONGRATULATING EISELEBN EVANGELICAL LUTHERAN CHURCH ON CELEBRATING THE ONE HUNDRED FIFTIETH ANNIVERSARY

HON. JO ANN EMERSON
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 9, 2001

Mrs. EMERSON. Mr. Speaker, it is with great honor and pride that I stand before the House today to extend my congratulations to Eiselben Evangelical Lutheran Church as the congregation celebrates its 150th Anniversary.

Named after the town in Germany where Dr. Martin Luther, the founder of the Lutheran Church was born, Eiselben Lutheran Church was formed in 1848 in what is now known as Scott City. Formally organized in 1951, the first congregation was comprised of just 19 members gathered together in a home. But although small in numbers, they were large in faith. 1848 was a meaningful year. It was that year the first baptism was performed in the church and it was that same year the first communion was celebrated on the Sunday following Easter.

Slowly the congregation grew, and steadily the numbers rose to a point where in 1855, the church was fortunate enough to welcome the arrival of its first permanent pastor. A short time later, a log building was erected as the first house of worship in 1867 and a second facility was added in 1897—a school building. Other timely and memorable events followed, including the organization of what is now the Lutheran Youth Fellowship in 1893. The church construction was completed in 1913 and the Ladies Aid Society was organized that year as well. Finally, Sunday School, the education program for the youth in the church community, began in 1922.

The church has seen many changes during its colorful 150-year history. Twenty-five pastors have dedicated their time and energy to growing this spiritual community including the current Rev. Robert Azinger.

Mr. Speaker, on this very special occasion, I ask that all of my colleagues join me in congratulating Eiselben Lutheran Church on its 150th anniversary. May the blessings they have enjoyed thus far continue so that they might remain strong and solid for years to come.

ANTI-SEMITISM IN DAMASCUS

HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 9, 2001

Mr. LANTOS. Mr. Speaker, during the historic visit of His Holiness Pope John Paul II to Syria earlier this week, Syria’s new president Bashar al-Assad, in a speech welcoming the Pope in Damascus, spewed forth the most vile and vicious anti-Semitism. He said that the Jews “tried to kill the principles of all religions with the same mentality in which they betrayed Jesus Christ and the same way they tried to betray and kill the Prophet Muhammad.”

This venomous remark was in stark contrast to the theme that the Pope voiced during his visit to Syria—peace and understanding. This was reflected in his visit to the Great Omayyad Mosque in Damascus, the first visit by any Pope to a Moslem house of worship. His Holiness on that occasion called for a “new attitude of understanding and respect” between Muslims, Christians and Jews.

The Wall Street Journal yesterday editorially expressed the concern for the response from President Bashar Assad and others in Syria. The editorial instead of reciprocal gestures, Sheikh Kufarato, with Syrian President Bashar Assad, used the Pope’s visit to showcase their own intolerance. The Sheikh delivered a speech urgingChristians and Muslims to line up against Jews and Zionists. Assad helpfully reminded the Pope of the role played by Jews in the death of Christ. And from Syria’s state-controlled media came the line that Israel’s enemies of God and faith.”

The Journal also noted that vicious anti-Semitism which the Pope’s visit brought out in his hosts is certainly not limited to Syria alone. The editorial quoted an Arab school textbook: “’If I were God, I would call it strong; I would call it clear.’”

We are guests of the president and he expressed his opinion, which his rhetoric drew widespread condemnation.

Having evidently learned nothing from that episode, Mr. Assad sought Saturday to recruit the pope and the Catholic Church for his cause against Jews. His uneven efforts to reach out to Israel and the West and instead taken a series of militant and provocative steps, ranging from increased support for the Hezbollah militia in southern Lebanon to the illegal export of hundreds of millions of dollars of Iraqi oil through a Syrian pipeline. At an Arab conference in March he proposed the re-institution of a boycott against Israel, saying the Israelis were “worse than the Nazis.”

The Arab leaders wisely ignored his proposal, while his rhetoric drew widespread condemnation.

What is clear is that Mr. Assad converted a visit meant to symbolize tolerance and reconciliation into a display of obtuseness by hurling his venom against Jews, even maintaining that the pope did not have prior notice of Mr. Assad’s medieval appeal, and the pontiff’s own words implicitly rejected it. But the Vatican’s response to Mr. Assad was shockingly mild, considering the effort John Paul has made to repudiate the church’s own history of anti-Semitism. “We are guests of the president and he expressed his opinion,” said longtime papal spokesman Joaquin Navarro-Valls. “I won’t call it strong; I would call it clear.”
TRIBUTE TO CAITLIN STEIGER FOR HER EXEMPLARY VOLUNTEER SERVICE

HON. HAROLD E. FORD, JR.
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2001

Mr. FORD. Mr. Speaker, I rise to pay tribute to and commend Caitlin Steiger for her exemplary service and commitment to her community. On May 7, 2001, Caitlin was named one of America’s ten teen volunteers in Prudential’s Spirit of Community Awards Ceremony. She was recognized for her efforts to organize an annual 5K run, which benefits Hope House day care center in Memphis. Through her own initiative, Caitlin created this local service project to strengthen her community and provide much needed services to children suffering with AIDS.

Caitlin has successfully organized this event for the past two years and, during that time, raised over $50,000 for this day care center that services children with AIDS or who have relatives with AIDS. She was selected to the top ten from over one hundred teenagers who were honored for their community achievements.

It is inspiring to see a young Tennessean give something of quality back to the Memphis community and to the entire state. While there is no doubt that Caitlin found this work rewarding, I am sure that those who have benefitted from her efforts are very grateful for her exemplary service and commitment to her community. On Memorial Day, we remember those brave men and women who have given the ultimate sacrifice for the freedom and world stability that we now enjoy. Let us use this day to remember our ancestors, our family members, our loved ones, and our friends who have given their last full measure of devotion to our country.

As part of the ongoing celebration, I rise today to honor the Lehi American Legion of Utah as well as the Veterans of Foreign Wars. The veteran memorial they have constructed in the Third District of Utah, which I represent, is a fitting and proper way to honor those who have served.

The Lehi American Post 19 and their 88 members have designed a memorial wall which includes over 400 names of veterans that are buried in the Lehi cemetery. This memorial stands not only as a tribute to the men and women of the district, but as a tribute to the ideals that American soldiers still embrace and defend today.

Many of us celebrate Memorial Day with parades, social gatherings, and barbeques, but let us not forget the silent pain of the widows, widowers, and orphans of our fallen dead. Let us not forget what Memorial Day is really all about: honoring America’s fallen heroes.

TRIBUTE TO THE MONTGOMERY-AUTAUGA-ELMORE MEDICAL ALLIANCE

HON. TERRY EVERETT
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2001

Mr. EVERETT. Mr. Speaker, I rise today to pay tribute to an outstanding community service organization in my congressional district that is committed to enhancing the medical care of our residents through vital health education and awareness campaigns.

The Montgomery-Autauga-Elmore Medical Alliance serves central Alabama and is comprised of physicians and surgeons. The Alliance annually conducts a number of worthy projects benefiting the citizens of the community.

For example, members of the leadership of the Alliance assist local and State civic leaders as they participate in the Montgomery County Medical Society’s Mini-Internship program for familiarization with the intricacies of the art, science, business and practice of Medicine.

In the local Blood and Tissue Donors Day program, the Alliance performs a valuable role in helping to collect life-giving blood and cancer curing bone marrow.

Furthermore, through the charitable donation of the funds raised in the annual Physicians’ Phest to many local organizations and causes, the Alliance truly improves the health and the health awareness of the public at large.

I salute the Montgomery-Autauga-Elmore Medical Alliance for their dedication and service to the good health of the residents of Alabama.

TRIBUTE TO DR. FOSTER B. GIBBS

HON. JAMES A. BARCIA
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2001

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to Dr. Foster B. Gibbs upon his retirement after 23 years as Superintendent of the Saginaw Public Schools. Dr. Gibbs is a legend in education circles in Michigan and beyond.

His storied career has spanned 42 years, all of them serving the needs of students in the Saginaw Public School system.

A native of Royal Oak, Michigan, Foster comes from a family of educators. His father,
H. Britton Gibbs, was a former teacher, principal and superintendent. His mother, E. Marie Gibbs, was a teacher and principal. In addition, Foster’s wonderful wife, RaeAnn, and his two sons, Douglas and Stephen, have enthusiastically encouraged and sustained his commitment and dedication to the Saginaw Public Schools.

Foster, who holds three degrees from the University of Michigan—a bachelor’s degree in education, a master’s degree in educational administration and a doctorate in administration, supervision and instruction, has had an incredible tenure. His pioneering efforts and many innovative ideas earned the Saginaw Public Schools system a national reputation for progressive approaches to improving educational opportunities for all students. In fact, his own reputation for excellence propelled him to myriad leadership positions in professional and community organizations throughout his career, including Past President of the Michigan Middle Cities Education Association, a founding member and President of the Urban Education Alliance, founding member of the Boys and Girls Clubs of Saginaw County and board member of Saginaw’s America’s Promise.

Foster’s deep sense of obligation to the future of young people has prompted his faithful adherence to strong educational standards of excellence and a relentless pursuit of better methods to achieve that goal. His service has been marked by exemplary staff development and curriculum improvement that has put the district on the right path for the 21st Century.

Finally, Mr. Speaker, I am honored to call Foster my friend. During my time in politics, I have had many opportunities to interact with Foster and each and every occasion has provided more reasons to respect the man and the educator. I ask my colleagues to join me in expressing gratitude to Dr. Gibbs for his outstanding service and wish him continued success in his endeavors.

THANK YOU TO GARY DAVID DEDMAN FOR SERVICE ON MY STAFF

HON. BART GORDON OF TENNESSEE IN THE HOUSE OF REPRESENTATIVES Wednesday, May 9, 2001

Mr. GORDON. Mr. Speaker, I want to give thanks and offer special recognition to an intern in my office, Gary David Dedman.

David attends my alma mater Middle Tennessee State University. He interned the entire fall semester in my office, working 35 hours a week.

Interns play an invaluable role in helping congressional offices function efficiently and effectively, often performing the most thankless but essential tasks required. David pitches in wherever and whenever he is needed, never complaining and always accomplishing his work on time and of the highest quality.

David loves interacting with our constituents. He truly goes above and beyond what is expected of him, and the satisfaction of our constituents. This high regard for the people of Middle Tennessee is reflected each and every day in his attitude and dependability.

David is a fine young man and has been an invaluable member of my staff. He deserves the highest praise for his dedication to a job well done.

It has been a pleasure to have Gary David Dedman serve in my office, and I join my staff in thanking him for all his hard work and invaluable contribution in serving the people of Middle Tennessee.

HONORING NATIONAL SCIENCE FOUNDATION FOR 50 YEARS OF SERVICE SPEECH OF HON. RUSSELL D. HOLT OF NEW JERSEY IN THE HOUSE OF REPRESENTATIVES Tuesday, May 8, 2001

Mr. HOLT. Mr. Speaker, I rise today to recognize the National Science Foundation on the 50th anniversary of this excellent and important agency. The NSF has been the central advocate for basic and applied scientific research in five decades of service to this country.

Before NSF came into existence in 1950, government-sponsored research system for the sciences was disjointed. Different government agencies had made advances in areas as far-reaching as medical research and atomic energy. Under President Truman, the NSF was directed, among other things, to forge a national policy for the promotion of basic research and science and math education.

The success of the Soviet Union’s space program, exhibited through the successful launch of Sputnik, focused new attention on the need to promote science research and education at all levels. This was done through a strengthened relationship among the government, universities, and researchers, with the Foundation in the lead.

NSF built a project grant system that President Eisenhower found so effective he promoted it as a government-wide model. Proposals were widely solicited from all geographic areas and from all branches of science, including the social sciences. Scientific merit was the main criterion for award. The prestige of American scientists was encouraged through NSF’s support of international travel by its project teams and by sponsoring scientific symposia and conferences.

In its early support for science education, NSF increased the number and quality of scientists nationwide that could be used as its research base. Many of today’s leading scientists owe their training to the NSF. This was accomplished through a fellowship program for graduate students and post-doctoral scientists. NSF took the lead in performing “big science,” which eventually became a sizable percentage of their budget. The Foundation was able to conduct programs that required facilities and instrumentation so costly that only the government could afford them. These facilities were open to all researchers and led to major developments in atmospheric research and radio and optical astronomy. Big science projects also led to major breakthroughs in the theories of the shape of the universe, continental drift, and sea floor spreading.

NSF’s role has been essential in producing science that could enhance America’s competitiveness. In an effort to improve science and math education, NSF received a big boost in its budget in the mid-1950s for teacher institutes, other educational projects and new curricula in physics, biology, chemistry, and mathematics. Although Congressional support for education at the NSF has wavered over the years, based on each Administration’s commitment to science, the need continues to increase as we find ourselves in an increasingly technological society.

The environmental movement provided a context for the growing interest in applied science, and new legislation authorized the Foundation to support applied, as well as basic, research. As President Kennedy stated on the occasion of the 100th anniversary of the National Academy of Sciences, “scientists alone can establish the objectives of their research, but society, in extending support to science, must take account of their own needs.” The science-government relationship is an essential one, both for the betterment of our society and for the advancement of mankind. NSF has been a leader in this area, and I am sure that we will be celebrating a full century of their contributions fifty years from now.

HONORING DAN GERNATT, SR. UPON HIS RECEIPT OF THE DEWITT CLINTON MASONIC AWARD

HON. THOMAS M. REYNOLDS OF NEW YORK IN THE HOUSE OF REPRESENTATIVES Wednesday, May 9, 2001

Mr. REYNOLDS. Mr. Speaker, I rise today to honor both an extraordinary man and a dear friend. On Saturday, May 12, 2001, Dan Gernatt, Sr., will be honored with the prestigious DeWitt Clinton Masonic Award from the Grand Lodge of the State of New York.

Named in honor of former New York Governor DeWitt Clinton, this award recognizes those who have given “distinguished or outstanding community service, and whose actions exemplify a shared concern for the well-being of mankind.”

A dairy farmer who built the largest sand and gravel business in New York State, which today employs more than 200 people in seven plants, Dan Gernatt, Sr., has always worked to improve the quality of life in his community. He was not content simply to build a successful business, and believed strongly in giving back to those less fortunate. As the Dunkirk Observer noted, “Gernatt, Sr. is a humanitarian by definition: one who practices good will to fellow men; one who is active in the effort to promote human welfare; a humanitarian.”

Mr. Speaker, in “Song of Myself,” Walt Whitman wrote “I do not give lectures on a little charity. When I give, I give myself.” Throughout his life, Dan Gernatt, Sr. has given of himself time and again, and I ask that this Congress join me in saluting those philanthropic works upon his receipt of the DeWitt Clinton Masonic Award.
CONGRESSIONAL RECORD — Extensions of Remarks

E771

INTRODUCTION OF THE INDEPENDENT CONTRACTOR DETERMINATION ACT OF 2001

HON. DONALD A. MANZULLO OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2001

Mr. MANZULLO. Mr. Speaker, as Chairman of the Small Business Committee, I rise today to introduce a bill, the Independent Contractor Determination Act of 2001, to clarify and simplify the determination of whether an individual worker is an employee or an independent contractor. The current definition of independent contractors is so complex that many small businesses face inconsistent Internal Revenue Service (IRS) worker reclassifications and potentially crippling back taxes, penalties, and fines. Today’s tax law hinders our dynamic economy, which includes millions of independent contractors now used by roughly 60 percent of all businesses and many diverse industries.

The Independent Contractor Determination Act of 2001 would provide a new safe harbor for small businesses to help simplify the IRS reclassifications of good faith independent contractors now used by roughly 60 percent of all businesses and many diverse industries.

Consequently, the bill allows only prospective reclassifications to treat former employees as independent contractors retroactively. Most small businesses operating as or hiring independent contractors do so in good faith and, therefore, are unfairly imposed back taxes, penalties, and fines. Consequently, the bill allows only prospective IRS reclassifications of good faith independent contractors, and shifts the burden of proof to the IRS.

Mr. Speaker, I am pleased to offer this bill as an identical, companion bill to one introduced earlier this week by Senator Kit Bond, Chairman of the Senate Committee on Small Business, and recommend its passage in this Congress.

RECOGNIZING VETERANS OF OHIO’S 8TH DISTRICT

HON. JOHN A. BOEHNER OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2001

Mr. BOEHNER. Mr. Speaker, I rise today to recognize 20 veterans of the United States Armed Forces who will be honored at a special ceremony on May 11, at Lakota East High School in my congressional district. These men and women have made sacrifices that most of us cannot fathom. They left their homes, their schools, their families, and their friends to travel to far-away lands for a single purpose: the defense of freedom.

On May 11, these exceptional men and women will be receiving honorary diplomas at this very special ceremony. They are:

John L. Burden, Sr., who served in the Army from 1943 through 1945 and was stationed in Europe.

Henderson Caudill, who served in the Navy from 1942 to 1945 and was stationed in both Europe and the Pacific.

Everett Cole, who served in the Army and the Air Force from 1941 through 1945 and was stationed in the United States and the Philippines.

Lorenzo Denson, Sr., who served in the Army from 1943 to 1945 and was stationed in the United States and Europe.

LaMar G. Doutaz, who served in the Navy from 1943 to 1945 and was stationed aboard the U.S.S. Doherty.

Harry Thomas Falck, who served in the Army from 1945 to 1946, when he was stationed in Europe, and from 1950 to 1953, when he fought in the Korean War and was held as a Prisoner of War.

Sam Fishman, who served in the Army from 1943 through 1946 and was stationed in the Philippines.

Neil Flagg, who served in the Army from 1943 to 1945, when he was stationed in Europe, and from 1951 to 1955, when he fought in the Korean War with the Air Force.

Louis E. Fox, who served in the Navy from 1943 to 1946 and was stationed aboard the U.S.S. Sage.

Wesley P. Gaunce, who served in the Marine Corps from 1942 to 1945 and was stationed in the Pacific.

Ralph Grothjan, who served in the Army from 1950 to 1952 and fought in the Korean War.

Robert H. Hale, who served in the Army from 1951 to 1953 and was stationed in Germany and Korea.

Charles E. Hall, who served in the Army from 1952 through 1957 and was stationed in Korea.

Andrea F. Hangbers, who served in the Army from 1979 through 1982 and was stationed at Fort Bragg, North Carolina.

Carl C. Hess, who served in the Air Force from 1958 to 1959 and was stationed in Korea.

James McGonigle, who served in the Marine Corps from 1967 through 1970 and was involved in the Vietnam War.

Wilson W. Smith, who served in the Army from 1944 through 1946 and was stationed in Europe.

David Thomas, who served in the Navy from 1943 to 1946 and was stationed in the Pacific.

Also receiving honorary diplomas will be James Johnson and John Wilson, but they will be unable to attend the special ceremony.

What these veterans have achieved in their lives is truly among the greatest feats in American history. Whether fighting against Nazi Germany, Imperialist Japan, or the communist forces in Korea and Vietnam, these brave men and women were commended for their strength, their commitment, and their patriotism. We owe them a debt of gratitude that can never be repaid. It is our responsibility to remember their courage, not just in ceremonies like the one being held on May 11, but every day. They are Americans who have made it possible for us to enjoy the freedoms that we so often take for granted. For that, and for the special recognition by Lakota East High School, I congratulate and thank them.

HIGH-LEVEL NUCLEAR WASTE STORAGE AT YUCCA MOUNTAIN, NV

HON. SHELLEY BERKLEY OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2001

Ms. BERKLEY. Mr. Speaker, I include my testimony concerning nuclear waste storage at your Mountain for the Record.

I would like to thank the Chairman for allowing me the opportunity to comment on the proposed FY02 Appropriations for Energy Department, Nuclear Waste Management and Disposal relating to the Department of Energy’s (DOE) proposal to store high-level nuclear waste at Yucca Mountain in Nevada. This issue is critical to me because my district is located 90 miles southeast of Yucca Mountain, and it is my constituents who would be the most affected by the Yucca Mountain Plan.

More than a decade has gone by since the 1987 amendments to the Nuclear Waste Policy Act designated Yucca Mountain as the only site to be studied, and the scientific evidence against the Mountain continues to grow. Yucca Mountain is located in an earthquake and volcanic eruption zone. As recently as last month there was so much moisture at the proposed site that electrical test equipment was shorted out. It is widely known that ground water will corrode the waste storage containers, and release the deadly toxins into the environment.

Scientific evidence against the proposed Yucca Mountain site is plentiful, but just like the 1987 “Screw Nevada” bill, each time legitimate arguments are raised, standards for Yucca Mountain are changed. Regarding the current situation with groundwater and personal radiation dose standards, the goalposts have again been moved. The Environmental Protection Agency (EPA) set a groundwater standard of no greater than 4 millirems, and a personal radiation dose standard of 15 millirems per year at 18 kilometers, for the first 10,000 years of waste disposal. Despite the fact that the personal dose radiation standards are significantly weaker than similar sites around the country, the Nuclear Regulatory Commission (NRC) has still asked the EPA to rewrite these standards to allow an even higher dose of radiation. The NRC knows full well that without reduced standards, Yucca Mountain can never be found suitable. So again, the rules must change.

On three separate occasions the State of Nevada has demonstrated, using DOE’s own data, that the site should be disqualified under both the EPA standard and DOE’s own internal site screening regulation. And each time, the DOE or Congress has changed regulations to ensure that Yucca Mountain would not be disqualified, regardless of the health and safety consequences to Nevadans.

In fact, the DOE has found the geology at Yucca Mountain so poorly serves the need of a repository, that over 95% of the waste isolation capability would have to be provided by metal waste containers, and other so-called engineered barriers around the waste. When this project started, the idea was to find a site for the DOE’s own site through its natural geologic features. That standard has since been lowered from 100% to 5%.
Aside from the earthquakes and the potential for volcanic eruption, an aquifer flows beneath the mountain, with water moving so rapidly that even with all engineered barriers, radiation will unavoidably escape the repository and contaminate our water table. This fact is underscored by a U.S. Geological Survey report entitled ‘Rosa’ in the Amargosa River Drainage Basin, February 23–24, 1998, Southern Nevada and Eastern California, including the Nevada Test Site.” This document, which I would like to include with my statement, details two floods, one in 1995, and one in 1998, that could have had severe repercussions on the proposed repository. Most notable is the conclusion that, “Both the 1995 and 1998 floods indicate . . . that the Amargosa River, with contributing streamflow from one or more among Beatty, Fortymile, and Topopah Wash, has the potential to transport dissolved and particulate material well beyond the boundary on NTS and the Yucca Mountain area during periods of moderate to severe streamflow.” Yet once again, in clear English, scientific evidence condemns the Yucca plan.

In addition to the mounting scientific evidence against Yucca Mountain, there are also ongoing General Accounting Office investigations into mismanagement by senior staff, and a review of the Inspector General’s report on bias at the DOE.

The issue was brought to my attention by an anonymous letter I received at my office from an individual who appears to be highly knowledgeable about the Yucca Mountain Nuclear Waste Site Characterization Project. The letter reflects a high level of expertise and first hand knowledge. It is alarming to say the least. Among the allegations are the lack of bias at the DOE.

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber when roll call votes number 87, 90, 91, 100 and 101 were cast. I want the record to show that had I been present in this chamber at the time these votes were cast, I would have voted “no” on roll call vote number 87, “yes” on roll call vote 90, “yes” on roll call vote 91, “no” on roll call vote 100 and “yes” on roll call vote 101.

Mr. MCDONNELL. Mr. Speaker, I was like to take this moment to recognize an individual who throughout the course of his career—and indeed his life—has served the citizens of the United States with great distinction. Mr. Dan Mcineny. After over 25 years of service as a Federal Probation and Parole officer, Dan is set to begin a much-deserved retirement at the end of this May. As family, friends and colleagues gather to celebrate his accomplished tenure with the federal courts, I too would like to pay tribute to Dan and thank him for his service. Clearly, his hard work is deserving of thanks and praise of Congress.

Mr. GUTIERREZ. Mr. Speaker, I was like to take this moment to recognize an individual who throughout the course of his career—and indeed his life—has served the citizens of the United States with great distinction. Mr. Dan Mcineny. After over 25 years of service as a Federal Probation and Parole officer, Dan is set to begin a much-deserved retirement at the end of this May. As family, friends and colleagues gather to celebrate his accomplished tenure with the federal courts, I too would like to pay tribute to Dan and thank him for his service. Clearly, his hard work is deserving of thanks and praise of Congress.

HONORING THE CITY OF MONTROSE, COLORADO

HON. SCOTT MCDONNELL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. McINNIS. Mr. Speaker, in 1980, the MEDC facilitated four deals that by 2005 will have contributed more than $12 million in annual payroll to Montrose. It retained three local companies and recruited a New Jersey manufacturer, generating 117 additional jobs. Also in 2000 the MEDC launched its new five-year prosperity plan, which predicts a $188.4 billion return to the area’s economy on an investment of $2 million. “It’s that can do attitude that we possess, I think, that this award reflects,” said Steve Jenkins, executive director of the MEDC.

In 2001, the MEDC is implementing its “Cornerstone Initiative” to shepherd economic growth into the future. “What we want to do is create the right type of jobs without the impact to the community. That ensures the community is prosperous in the long term,” said Jenkins.

Mr. Speaker, for years the Montrose Economic Development Council has helped small, local businesses achieve their American Dream. With that in mind, I believe we should immediately begin the decommissioning of the Yucca Mountain Project.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2001

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber when roll call votes number 87, 90, 91, 100 and 101 were cast. I want the record to show that had I been present in this chamber at the time these votes were cast, I would have voted “no” on roll call vote number 87, “yes” on roll call vote 90, “yes” on roll call vote 91, “no” on roll call vote 100 and “yes” on roll call vote 101.

HONORING THE CITY OF MONTROSE, COLORADO

HON. SCOTT MCDONNELL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. McINNIS. Mr. Speaker, I was like to take this opportunity to congratulate the City of Montrose, Colorado on receiving the ‘Small Community of the Year’ award from the Economic Development Council of Colorado. Montrose was given this honor for its economic activity through out the year. Every year the EDC honors a small community that has distinguished itself in economic or community development. ‘The Montrose Economic Development Council has shown itself to be one of the most effective, viable and responsible economic development programs in Colorado,’ said Don Dunshee, president of the state council, in a Daily Sentinel article. Clearly, the Montrose EDC has been the driving force behind Montrose’s prosperity.

In 2000, MEDC facilitated four deals that by 2005 will have contributed more than $12 million in annual payroll to Montrose. It retained three local companies and recruited a New Jersey manufacturer, generating 117 additional jobs. Also in 2000 the MEDC launched its new five-year prosperity plan, which predicts a $188.4 billion return to the area’s economy on an investment of $2 million. “It’s that can do attitude that we possess, I think, that this award reflects,” said Steve Jenkins, executive director of the MEDC.

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Mr. Speaker, for years the Montrose Economic Development Council has helped small, local businesses achieve their American Dream. With that in mind, I believe we should immediately begin the decommissioning of the Yucca Mountain Project.
lot my Congressional District—a District larger than the State of Florida. Through it all, Dan has been a model of integrity, hard work and professionalism. That service and leadership will be very difficult to replace.

As Dan’s accomplished career with the federal government wound down, Mr. Speaker, I wanted to take this opportunity to thank him for his service to our country. I know that his wife Linda, his daughter Kristi, and his son Josh couldn’t possibly be prouder of him. That, Mr. Speaker, is a sentiment shared by Dan’s friends, colleagues and associates, as well as the United States Congress. Dan, congratulations on a job well done and best wishes for continued success and happiness during your well deserved retirement.

IN RECOGNITION OF ALICE WATERS BERKELEY PUBLIC EDUCATION FOUNDATION’S 15TH ANNUAL SPRING LUNCHEON

HON. BARBARA LEE OF CALIFORNIA IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Ms. LEE. Mr. Speaker, I rise today in Celebration of a Community Treasure, Miss Alice Waters, chef and owner of Chez Panisse restaurant in Berkeley, California. I would like to express my sincere appreciation for her leadership in educating the public about the necessity to incorporate healthy, sustainable foods into their daily lives, and her active contributions to the schools, children and community of Berkeley.

Alice Waters is an internationally recognized and respected chef, author, activist, and humanitarian. She has brought about a wealth of meaning and respect for food and the environment. She has shown us that sustainable eating is not only possible but necessary.

In 1996 she created The Chez Panisse Foundation to help underwrite these exemplary cultural and educational programs.

I thank Alice for dedicating her time and insight for many years and for providing the means for financial support for many important programs. Alice has planted a seed in a garden that has grown into a lush landscape of sustenance from which we all learn and benefit.

TRIBUTE TO MR. JAMES QUINLAN

HON. BENJAMIN A. GILMAN OF NEW YORK IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. GILMAN. Mr. Speaker, I am pleased to rise today in recognition of Mr. James Quinlan, a resident of my 20th Congressional District, from Johnson, New York who is being inducted into the National Teachers Hall of Fame for the year 2001.

For the past 24 years, Mr. Quinlan has taught industrial arts at the Vernon Township High School in Vernon, New Jersey. As a teacher of vocational education, Mr. Quinlan brings a new level to his students beyond the typical stereotype associated with industrial arts. He has worked closely with local farmers and food suppliers who share their belief that food tastes the best and is the best nutritionally when it is grown organically and harvested using environmentally responsible methods. In this respect, Miss Waters is a pioneer in the sustainable agriculture movement that has recently gained visibility now that we are in the age of genetically-engineered foods.

Ongoing advocacy for farmer’s markets and sustainable agriculture has led Miss Waters and Chez Panisse to support and create programs that will educate others through hands-on growing and cooking experience. One such program was the Garden Project, which taught organic gardening skills to former San Francisco County Jail inmates. This program transformed and enriched their lives.

Most of all we want to recognize and thank Alice Waters for the time and effort she has given to Berkeley children. The idea of the Edible Schoolyard came to Miss Waters after she noticed the worsening conditions at neighboring Martin Luther King Junior High School. She presented her ideas for an edible garden at the school in 1995. The program has been integrated into the academic curriculum and the school lunch program. For years she worked with the school staff, community members, and outside supporters to make the garden happen. Today the garden is famous, as is the refurbished kitchen where students cook and eat its bounty together. Principal Smith credits the Edible Schoolyard with helping “change the culture of the school.” Less well known is the time Miss Waters put in as one of the most active members of the Measure A Site Planning committee at Martin Luther King Junior High School.

Miss Waters’ insistence that MLK, Jr. High School should strive to be rebuilt as a welcoming, appealing center of learning and community pride inspired us all.

In 1996 she created The Chez Panisse Foundation to help underwrite these exemplary cultural and educational programs.

I thank Alice for dedicating her time and insight for many years and for providing the means for financial support for many important programs. Alice has planted a seed in a garden that has grown into a lush landscape of sustenance from which we all learn and benefit.

TRIBUTE TO THE VIETNAM VETERANS MEMORIAL

HON. ROBERT A. BORSKI OF PENNSYLVANIA IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. BORSKI. Mr. Speaker, I rise today in honor of the Vietnam Veterans Memorial “The Moving Wall” that will be placed on exhibit for public viewing at Father Judge High School, in the Northeast section of the Third Congressional District in Philadelphia.

The Vietnam War, which began in early 1957 and ended with the surrender of the South Vietnamese government on April 30, 1975, took the lives of many United States servicemen. Six hundred and thirty of these men came from Philadelphia. Of this total, twenty-seven graduated from Father Judge High School, more than any other private or parochial school in the nation.

“The Moving Wall” was created in October 1984, and first placed on display in Tyler, Texas. Since that time, “The Moving Wall” has traveled to over eight hundred cities honoring America’s military men and women who lost their lives during this heartrending period in our country’s history.

As of June of last year, there are 58,219 names inscribed on the memorial, and I rise today to recognize the twenty-seven men who courageously gave their lives serving their country and whose names are inscribed on “The Moving Wall”.

The men and the many other men and women involved in the Vietnam War should be commended for answering the call of duty and serving in the United States Armed Services. I am delighted that Father Judge High School was selected as the area host for “The Moving Wall”, and the Father Judge Alumni Association should be commended for their dedication in honoring these men and their efforts in bringing such a distinctive honor to the city of Philadelphia.

FREEDOM FOR POLITICAL PRISONERS IN INDIA

HON. CYNTHIA A. MCKINNEY OF GEORGIA IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Ms. MCKINNEY. Mr. Speaker, I was proud to be one of 19 signers of a letter sent last month to President Bush urging him to work to get political prisoners in India freed. We are Republicans and Democrats from across the political spectrum, but we understand that democracies don’t hold political prisoners and countries that do are not friendly to democracies.

It is interesting that on the day after we sent our letter, a well-known Sikh human-rights organization called the Movement Against State
Repression (MASR) issued a report exposing the continuing holding of political prisoners in India and the repressive laws under which they have been held, such as the very repressive “Terrorist and Disruptive Activities Act” (TADA), which expired in 1995. Despite this, many prisoners are still being held under TADA. According to the report, many of the police would file TADA cases against the same individual in different states “to make it impossible for them to muster evidence in their favor.” It was also common practice for police to arrest TADA prisoners who had been released, often without filing new charges.

MASR reports that the Indian government itself admitted in 1993 to 52,258 persons, detained under TADA. Of those, according to the report, “14,457 were in Punjab and 14,094 in Gujarat, a relatively peaceful state. Obviously there were a number of Sikh TADA prisoners held in Gujarat jails.” Gujarat was only one state that the police would use to register secondary TADA cases against Sikhs. They would also register cases in Rajasthan, Madhya Pradesh, Uttar Pradesh, Haryana, and Delhi.

In November 1994, the report states, “42 employees of the Pilibhit district jail and PAC were found guilty of clubbing to death 6 Sikh prisoners and seriously wounding 22 others. They were TADA prisoners. Uttar Pradesh later admitted the presence of around 5000 Sikh TADA prisoners.” The Movement Against State Repression wrote, “Another press report in 1993 mentioned beating of striking prisoners held in jail at Bharatpur, Rajasthan. Nearly 500 of these prisoners belonged to Punjab and were held under TADA.” It was also in November 1994 that the Indian newspaper Hindavida reported that the Indian government paid the late Governor of Punjab, Surendra Nath, $1.5 billion to foment covert state-sponsored terrorist activity in Punjab and Kashmir.

According to the report, the Punjab Civil Magistracy wrote a memorandum to the chief minister of Punjab in which it was stated that “if we add up the figures of the last few years the number of innocent persons killed would add up to lakhs [tens of thousands].” To this date, neither the central government nor the state government has revealed the list of people killed or those detained under TADA. In September 1995, the police kidnapped Jaswant Singh Khalra, a human-rights activist who exposèd the government’s policy of picking up innocent Sikhs, torturing them, murdering them, then cremating their bodies, denying them a proper burial. He preferred to duck the question when he was asked how and why none of the persons discharged was alive, he preferred to duck the question.

The validity of TADA was challenged in the Supreme Court with the plea of the government in defence of TADA being that under abnormal circumstances, abnormal laws were necessary. It was accepted by the Court. The State counsel further argued that an undeclared war was going on with the active provocation of our neighbour. The situation could not be classified as a mere law and order or disturbance of public order. Activities of terrorists were such which could not be controlled by ordinary laws. TADA was framed to meet that situation.

In actual practice, the TADA became notorious for its abuse than for its legal intent. The police department asked for immunity which was not granted by the court. The situation could not be classified as a mere law and order or disturbance of public order. Activities of terrorists were such which could not be controlled by ordinary laws. Hence, TADA was incorporated into the law of the land.

If India is a democracy, as it claims, why does it need a Movement Against State Repression anyway?

According to Amnesty International, tens of thousands of Sikhs are being held in illegal detention in India without charge or trial. Some of them have been held since 1984. Many Christians, Muslims, and other minorities are also being held. This is not an acceptable situation, Mr. Speaker. I am a minister’s daughter. I understand the importance of religion and the need for religious tolerance. It is time to take action to protect the religious liberty of all the people of South Asia.

There are so many more details of this repression in the report that I do not have time to tell my colleagues about all of them. I would like to submit materials relating to this situation into the RECORD.
of the state, whether administrative, police or military, take an oath at the time of joining service to uphold the Constitution. This is a most sacred duty, making it all the more important not only to observe the law in letter and spirit in all their actions but to be seen to observe the law. When one seeks to uphold the law himself he regards it, the common citizen is all the more encouraged to hold the law in contempt.

Many cases have to depend on lawyers on they can ill afford litigation costs and in many cases the families of the alleged militants suffered not only the loss of duty during this period. Mr. Gill asks for a special fund to be raised for this, as they have borne some of the most abhorrent epithets—anti-national, traitor, terrorist, religious fanatic; the Sikh soldier hassmarted under the most horrific experiences, to build a whole army of cats? The Punjab police already has given ample space to police versions both in letters and spirit in all their actions and has given ample space to police versions both during the worst days of turmoil and now. Nearly two full columns of precious space has been spared for Mr. Gill’s letter—surely with no result. He felt that the court had been made to go on record that some religious institution was behind the incident, but refused to name anybody. Posing his doubt on a terrible scale for the Sikh community has been subjected to genocidal medicine. In operations like Operation Black Thunder were drawn. Mr. G.S. Grewal, Advocate General of Police RR Prasad in Patna ruled out the possibility of the explosion being triggered by bombs and said they were looking into the matter. Lazarus said the Christian community was terribly hurt by the incident and described it as “extremely serious”. He felt that some religious institution was behind the incident but refused to name anybody.

Mr. Gill also has no reason to disparage the fact asking that this practice be brought into the open? In any case, the Constitution already empowers the courts to appoint lawyers as far as those cases that can afford them. However, “best lawyers” raises the issue of equality. If the state provides lawyers of great ability to the defendant while the civil service, having no assistance, can only afford a weak lawyer, then where is equality before the law?

It may be remembered that the next of kin of the alleged militants suffered not only loss of their relatives but confiscation and destruction of property, with a result that they have�� prosperity. In many cases they have to depend on lawyers on “shared compensation” basis. This category of persons need state aid.

Aside from a commission to be set up to examine records of judicial processes, Mr. Gill demands a commission to identify all officers in all branches of the judiciary and administration who were guilty of gross dereliction of duty during this period. Mr. Gill goes on to urge that “these steps demand the active participation of the judiciary and the legislature”. MASR appreciates this suggestion but cautions that while such commissions must be respected by the government, at the same time they must be independent and insulated from official pressures; their findings must be placed before the public.

A situation in which the judiciary and legislature should not be frustrated by the police and themselves must be avoided. The interests of truth and justice demand independent commissions.

Mr. Gill has it right in describing the motivation, misguided views, and counterproductive actions of key groups involved in organizing the demonstrations against their perception of globalization at numerous international meetings since the WTO meeting in Seattle.

Mr. BEREUTER. Mr. Speaker, this Member strongly urges his colleagues to read and carefully consider the excellent column of Paul Krugman, a New York Times columnist, which appears in numerous American newspapers.

He has it right in describing the motivations, misguided views, and counterproductive actions of key groups involved in organizing the demonstrations against their perception of globalization at numerous international meetings since the WTO meeting in Seattle.

There is an old European saying: Anyone who is not a socialist before he is 30 has no heart; anyone who is still a socialist after he is 30 has no head. Suitably updated, this applies perfectly to the movement against globalization—the movement that made its big splash in Seattle back in 1999 and did its best to disrupt the Summit of the Americas in Quebec City this past weekend.

The facts of globalization are not always pretty. If you buy a product made in a Third World country, it was produced by workers who do not meet international standards and probably work under awful conditions. Anyone who is not bothered by

WTO MEETING

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. BEREUTER. Mr. Speaker, this Member strongly urges his colleagues to read and carefully consider the excellent column of Paul Krugman, a New York Times columnist, which appears in numerous American newspapers.
selection of John P. Walters as drug czar

Hon. Benjamin A. Gilman

In the house of representatives

Thursday, May 10, 2001

Mr. GILMAN. Mr. Speaker, I am pleased to rise today to applaud President Bush for his selection of John P. Walters as Director of the Office of National Drug Control Policy, and for his support for our war on illicit drugs in our country and around the world. I was pleased to join President Bush in the Rose Garden today, to announce the selection of John Walters and a reinvigoration of our war on drugs. John Walters’ extensive experience under former Drug Czar Bill Bennett, provides the Bush Administration with the knowledge and character necessary to get the war on drugs back on track, with appropriate balance and support on both the supply side and the demand side.

John Walters started his public service at the Department of Education, working hard on drug abuse prevention, including service as the principal author and project manager for the “Schools Without Drugs” prevention and education program. He served as ONDCP Chief of Staff in the first Bush Administration, and later was confirmed by the Senate as Deputy Director. During his tenure at ONDCP, Walters was a major designer of the largest Federal funding increases for drug treatment and treatment research in U.S. history.

The selection of John Walters as the recog- nization of the importance of keeping the Office of Drug Czar at the Cabinet level, truly reflects the President’s national commitment to effectively fighting the drug epidemic. The President’s new drug policy sends a clear signal to America’s youth that drug use is dangerous and wrong. The President wants to reach our youth as early as possible to help steer them away from the dangers of illegal drug use and addiction.

Mr. Speaker, drug abuse prevention begins with the family. To help families lead the way in combating drug use, the President is directing ONDCP to develop a parent drug corps, to reinforce the efforts of families. The President’s drug policy will also provide needed support to schools and communities in their efforts to prevent drug abuse.

President Bush has directed ONDCP to focus Federal anti-drug efforts on results. To assess the effectiveness of existing anti-drug efforts, Health and Human Services Secretary Thompson will lead a state-by-state review of treatment needs and capacity to make certain we provide effective resources to meet the demand where it exists.

The President has also directed Attorney General Ashcroft to develop a plan to use our criminal justice system—from prisons to probation and parole—to protect citizens by helping addicts recover and stay away from drugs and violence when they return to the community. The President’s budget reflects his commitment to preventing drug abuse and treating those already addicted. His budget provides $25 million over 5 years to create the parent drug corps to mobilize parents and families. The President has also increased funding for local anti-drug coalitions over 5 years, providing up to $350 million over 5 years, including an $11 million increase in fiscal year 2002, to support community-based drug prevention and education efforts.

The President is committed to closing the treatment gap with a 5-year commitment to increasing treatment resources by $1.6 billion, including targeted treatment programs for teens and adolescents. The President is also providing funding for the National Institute of Drug Abuse by $126 million for fiscal year 2002, expanding research into prevention and treatment. The President substantially increases funding for the National Institute on Alcohol Abuse and Alcoholism, fully funds the National Youth Anti- Drug Media Campaign, and makes a strong commitment to drug courts and other criminal justice diversion programs to help more Americans break the vicious cycle of addiction and incarceration.

The threat from illegal drugs is our most in- sidious national security threat. Throughout my tenure in the Congress, I have been dedicated to fighting the plague of illicit drugs in our Na- tion and throughout our world. Accordingly, I am proud to stand together with President Bush and John Walters to reassert our na- tional commitment to our future, to our young people, our communities, our law en- forcement officers, and our international allies.

Mr. Speaker, I submit a copy of the Presi- dent’s remarks on the announcement of the Director of the Office of Drug Control Policy to be included in the record:

The WHITE HOUSE

Remarks by the President in Announcement of The Director of the Office of Drug Control Policy, May 10, 2001

THE PRESIDENT. Thank you all so very much for being here. It is an honor to see so many members of the United States Congress who are here. Thank you so very much for coming—and members from both political parties, members who are dedicated to joining with an administration which is dedicated to reducing drug abuse around America. Thank you for being here. (Applause.)

I am pleased that members of my Cabinet have joined us—the Attorney General of the United States, John Ashcroft; the Secretary of Health and Human Services, Tommy Thompson; the Secretary of Education, the Hon. Ben Nighthorse Campbell; the Secretary of Housing and Urban Development, Alphonso Jackson; and the Secretary of Transportation, Norman Mineta. (Applause.) Mr. Surgeon General, thank you for being here, as well, sir. We’re honored to have you here. (Applause.)

Also with us is John D. Dilullo, who is the Director of the Office of Faith-based and Community Initiatives. John is on the leading edge of encouraging faith-based programs to become energized to help people who need help. And, John, thank you so much for being here, as well. (Applause.)

I’m honored to be joined on stage by five Americans—well, six Americans—five Americans who won’t speak. (Laughter) Which is saying something for the first American I’ve ever had the chance to introduce, Mr. Bennett. (Laughter and applause.) He was our nation’s first Drug Czar, former Secretary of Education, a fearless—fearless—fighter against drugs. As well, as Joe A. Califano, who has a Center on Addiction and Substance Abuse at Columbia University, former Secretary of Health and Education and Welfare under President Jimmy Carter, as well, like Mr. Bennett, a fearless advocate for those of us who are dedicated to reducing drug abuse. Thank you both for being here. (Applause.)

I’d like to welcome our guests from the community—antidrug community—who have joined us. Arthur R. Dean is the Chairman and CEO of the Community Antidrug Coal- ition of America. (Applause.) Thank you both for being here. (Applause.)
Drug-Free Community’s Advisory Commission. Thank you, Jessica. (Applause.) And Henry Lozano, Californians for Drug-Free Youth, a member of the DFACC, a graduate from the University of California, Davis. (Applause.)

I’m pleased to announce that as of today, the federal government is waging an all-out effort to reduce illegal drug use in America. (Applause.) And I’m proud to nominate John P. Walters as my Director of National Drug Control Policy, where he will serve as a valuable member of my Cabinet. (Applause.) Mr. Walters has a distinguished career in government. He served as the chief of staff to Bill Bennett, and later served as Deputy Director and then Director of the Office of National Policy. John will bring tremendous skill, knowledge and good judgment to this job. He’s an articulate advocate, an organizer, and a man with deep and reasoned convictions. He has repeatedly been called on to provide guidance to the United States Congress. John cares passionately about this issue and he is the right person to lead America’s antidrug efforts.

Our effort rests on the firm belief that our focus must be on work, on education, energy and resources, that real progress will be made. From the early 1980s until the early 1990s, drug use amongst high school seniors was remaining constant. But tremendous strides in cutting drug use. This cannot be said today. We must do, and we will do a better job. (Applause.)

For we now know more about what works in prevention and education, treatment and law enforcement. We will put this knowledge to use. But above all, our efforts must begin with an explicit commitment to stop drug use. Acceptance of drug use is simply not an option for this administration.

Illegal drug use costs us a staggering amount of more than $100 billion every year, principally from health care providers and reducing federal partnerships with local faith-based and community organizations. And we will work with John Walters to strengthen these efforts.

Despite every effort, however, some individuals will become addicted to drugs. There are around 3 million users of illegal drugs in America today. And while they represent one-third of the drug users, they consume two-thirds of all drugs. It is estimated that more than half of them are not receiving any treatment.

I am, therefore, asking Secretary Tommy Thompson to request $15 billion in funding to create a state-by-state inventory of treatment needs and capacity, and report back within 120 days on how to most effectively close the treatment gap in this country. (Applause.) To close that treatment gap, we will provide $1.6 billion over the next five years.

We want to advance our understanding of drug abuse and addiction. So we’re planning to significantly increase funding for the National Institute on Drug Abuse and the National Institute on Alcohol Abuse and Alcoh­olism. (Applause.) We also recognize the benefits of coerced abstinence, and so we will support drug courts and drug testing for pris­oners, probationers and parolees. (Applause.)

We know that inmates receiving drug treatment are 73 percent less likely to be re­arrested, and 44 percent less likely to use drugs than those who receive no treatment. We also recognize the benefits of coerced abstinence, and so we will support drug courts and drug testing for pris­oners, probationers and parolees. (Applause.)

We know that infants receiving drug treatment are 73 percent less likely to be re­arrested, and 44 percent less likely to use drugs than those who receive no treatment. I’m, therefore, asking the Attorney General, John Ashcroft, to come up with a comprehensive plan within 120 days to ensure that all inmates are drug-tested, to ex­pand drug testing for probationers and parolees, and to strengthen our system of drug courts around the nation. (Applause.)

We must recognize drug use as a great moral problem—over time drugs rob men, women and children of their dignity and of their potential. They are destroying more children and more families than poverty ever did. John Walters and I believe the only humane and compassionate re­sponse to drug use is a moral refusal to ac­cept it.

We emphatically disagree with those who believe the only response to drug use is a moral refusal to accept it. Mr. Walters understands this as well as anybody thinks to thoughtful and integrated approach. Mr. Walters understands this as well as anybody thought of it as a moral refusal to accept it. Mr. Walters understands this as well as anybody thought of it as a moral refusal to accept it. (Applause.)

Thank you all for coming.

Mr. HOLT. Mr. Speaker, I rise today in recognition of Dr. Robyn Agri for her service to our community.

HON. RUSH D. HOLT OF NEW JERSEY IN THE HOUSE OF REPRESENTATIVES Thursday, May 10, 2001

Mr. HOLT. Mr. Speaker, I rise today in recognition of Dr. Robyn Agri for her service to our community.

Dr. Agri’s active interest in politics and community service began during her studies at the University of Pennsylvania. In the summer of 1979 Dr. Agri served as an intern in the U.S. House of Representatives.

After receiving her BA in Biochemistry from the University of Pennsylvania, Dr. Agri went on to attend the Upstate Medical Center in Syracuse, New York where she would receive her medical degree in 1985. Throughout her time at Upstate Medical Center, she continued to be active in politics by becoming an officer in the American Medical Student Association. Due to her steadfast efforts to establish a
school wide counseling program for students and residents Rosby would receive the Ciba-Geigy award for community service.

Rosby would later return to Pennsylvania to complete her residency in Physical Medicine and Rehabilitation at the University of Pennsylvania. She would use this time to study movement and its effects on human function. In 1989, Dr. Agri would continue her work on MS when she joined the staffs of St. Lawrence Rehabilitation Center and首都 Health System.

Dr. Agri continues to maintain a private practice in Lawrenceville and remains active within the community through her work with various associations and societies. I applaud the installation of Dr. Rosby Agri as President of the Mercer County Medical Society and ask my colleagues to join me in recognizing her steadfast commitment to our community.

**MAY SCHOOL OF THE MONTH**

**HON. CAROLYN McCArTHY**

**OF NEW YORK**

**IN THE HOUSE OF REPRESENTATIVES**

**Thursday, May 10, 2001**

Mrs. McCarthy of New York, Mr. Speaker,

I have named Floral Park Memorial High School as School of the Month in the Fourth


Gloria M. O'Connor is Principal of Floral Park, and Dr. George Goldstein is the Super-

intendent of Schools for the Sewanhaka Cen-

tral High School District.

Floral Park has incredible student outreach programs. A student at Floral Park is destined to be a well-rounded, community-minded, edu-
cated young person by the time they graduate.

Floral Park has long been known by the parents, students and community as a jewel in the Sewanhaka Central High School District—a school of exceptional excellence among public high schools.

Floral Park is an excellent reputation in Nassau County. O’Connor can be especially proud of their past, recent and future recognition which shines as an example of the quality education provided at the school.

Floral Park waves its school flag high as a Nationally Recognized School of Excellence, and is designated by Redbook magazine as one of America’s Outstanding Schools. Also, Floral Park has received the New York State Blue Ribbon School of Excellence and the Department of Education National School of Ex-

cellence Award. Furthermore, Floral Park is one of the outstanding schools in a prestigious high school district which received the New York State Governor’s Excelsior Award.

Floral Park is a junior/senior high school comprised of 1,472 students and is one of five high schools in the Sewanhaka Central High School District. In order to ensure all of our students reach new regents standards, Floral Park offers a broad range of extra help ses-
sions in all academic areas before and after school, such as Operation Success, Home-
work Helper, Regents Prep and Review classes, Peer Tutoring and one on one tutoring with members of the faculty in each department.

Students at Floral Park. The Class of 2000 was comprised of 207 students where 75% attended four year colleges, 20% at-
tended two year colleges and 5% enrolled in
technical programs, employment or the mil-

itary. In addition to the outstanding achievements, the wealth and diversity of extracurricular ac-

tivities and athletics are fostered.

The School of the Month program highlights schools with outstanding students, teachers and administrators. Each month, I will recog-
nize a different school that demonstrates a unique contribution to Long Island education. I will honor Schools of the Month with a speech on the floor of the U.S. House of Re-

depresentatives, as well as bestowing a Congres-

sional Proclamation of Distinction award.

**TRIBUTE TO DR. THOMAS T. HAIDER, “PRIDE IN THE PROFES-

SION” AMA HONOREE**

**HON. KEN CALVERT**

**OF CALIFORNIA**

**IN THE HOUSE OF REPRESENTATIVES**

**Thursday, May 10, 2001**

Mr. CALVERT. Mr. Speaker, I am proud to pay tribute today to Dr. Thomas T. Haider, a constituent of mine from the 43rd congressional district, who was recently recognized with the American Medical Association’s (AMA) top national honor, the inaugural 2001 Pride in the Profession Award. The award highlighted the work of six physicians nation-

wide who have not only healed patients, but enriched the communities and inspired the col-

leagues with whom they come into contact.

I once heard a quote that goes, “It seems to me that a doctor’s is the perfect of all lives; it satisfies the craving to know, and also the craving to serve.” I can think of no better words to describe the incredible devotion and duty that Dr. Haider has shown in his lifetime career as a physician.

Spurred to become a physician at the age of 12, Dr. Thomas Haider intended to use his medical skills to help people in his home country of Afghanistan. Ultimately, political tur-

moil has prevented that, but he has still man-
gaged to touch and improve the lives of thou-

sands all over the world.

In 1994, Dr. Haider established the Chil-

dren’s Spine Foundation in the United States to provide free comprehensive spinal care for children without health insurance. And across the globe he sponsors a children’s hospital in Afghanistan by supporting the salaries of 40 physicians and providing funds for all medica-
tion and food supplies.

Additionally, Dr. Haider’s philanthropy in-

cludes: development of a new polyaxial pedicle screw for use in spine fusion sur-
geries, increasing their success rate; estab-

lishment of the first Spine Fellowship Program at the University of Colorado Medical Center; volunteer work to train doctors; creation of the American Board of Spine Surgery; and, en-
dowment to the Biomedical Sciences Program at the University of California at Riverside, which bears his name.

Mr. Speaker, in my district of Riverside, California we are fortunate to have dynamic

and dedicated individuals who give unselfishly of their time and talents to ensure the well-

being of our city, state, nation and—in Dr. Haider’s case—world. These individuals work tirelessly to touch the lives of so many. Therefore, it is my distinct pleasure to take to the House of Representatives’ cham-

ber today to personally honor and commend

Dr. Thomas T. Haider for all of his dedicated service to our community.

**NATIONAL GUARD PARTICIPATION**

**IN ATHLETIC AND SMALL ARMS COMPETITIONS**

**HON. DOUG BEREUTER**

**OF NEBRASKA**

**IN THE HOUSE OF REPRESENTATIVES**

**Thursday, May 10, 2001**

Mr. BEREUTER. Mr. Speaker, the Member rises to give a brief explanation of H.R. 1705, which will authorize members of National Guard units to use appropriated funds to con-
duct and participate in athletic competitions and small arms competitions. This Member intro-


The National Guard Competitive Events Program provides National Guard members with an opportunity to hone their training-re-
lated skills, such as running, swimming, and marksmanship, in a competitive atmosphere. As the National Guard actively recruits new members, this can be another feature in re-
cruitment and retention programs for certain members of the National Guard. Through these competitions, National Guard members can qualify for higher level national and inter-
national competitions, including the Pan Am Games and the Olympics.

Also, National Guard members who com-

pete in athletic and small arms competitions can now do so with members of the Active Duty military. Bringing Active and Reserve components together in this fashion builds bet-
ter appreciation among the various compo-
nents and overall force cohesiveness.

Additionally, some of the National Guard-
sponsored competitions, including the Lincoln Marathon held in this Member’s district, are open to participation by the entire civilian commu-

nity for participation. The high visibility and the community interaction that such events provide is key for continued support for local National Guard units.

For the National Guard Competitive Events Program to continue to thrive, greater funding flexibility must be granted to the National Guard units sponsoring competitions and sending members to those competitions. Cur-

rently, only non-appropriated funds from post exchanges and other activities and from com-

petition entry fees can be used to cover oper-

ating expenses for the events and all health, pay, and personal expenses for participating National Guard members. This funding system places National Guard members at a dis-

advantage.

Unlike Active Duty military personnel who have all health, pay, and personal expenses covered while competing, National Guard members are not on duty while competing and thus are not covered. For example, if National Guard members suffer injuries while com-

peting, the marksman in North Little Rock, Arkansas, they must pay for the incurred health costs although they were compet-
ing with their Guard unit. And, unfortu-

nately, placing National Guard members on orders is not a solution to the coverage issue for National Guard members placed on active duty who must compete with their National Guard unit’s team.

Mr. Speaker, the distinguished gentleman from Rhode Island, Mr. LANGEVIN, and this
Member introduced H.R. 1705 to provide the necessary funding flexibility. By authorizing the use of appropriated funds in addition to the non-appropriated funds, National Guard units face fewer budget constraints when hosting competitions and when sending teams and individuals into competition. Health, pay, and personal expenses would be covered for participants who otherwise might not be able to afford costs stemming from physical injuries.

This bill levels the funding playing field so that National Guard units are not at a financial disadvantage when sponsoring competitions and participating in these valuable competitions. It should be emphasized that the legislation does not create participation incentives for National Guard members which are greater than those incentives for Active Duty military.

In closing, Mr. Speaker, this Member encourages his colleagues to review H.R. 1705 and to favorably consider co-sponsorship and legislative action on the measure.

A TRIBUTE TO THE 100TH ANNIVERSARY OF THE CENTRAL LABOR COUNCIL OF ALAMEDA COUNTY, AFL-CIO

HON. FORTNEY PETE STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 10, 2001

Mr. STARK. Mr. Speaker, I rise to recognize the Central Labor Council of Alameda County, AFL-CIO on the occasion of its 100th anniversary.

The Central Labor Council of Alameda County has a long history of organizing, advocacy, activism and progressive leadership over the past century. I would like to highlight some of their many accomplishments and contributions.

The Central Labor Council was one of the first labor organizations in the country to take a high profile position in support of the Civil Rights Movement. Executive Secretary-Treasurer, Richard Groulx joined Martin Luther King, Jr. in the march in Selma, Alabama in 1964.

The Central Labor Council was in the forefront in the demand for divestiture in apartheid South Africa. Long before the issue captured national attention, the Central Labor Council of Alameda County joined with religious, community and student groups to demand divestiture by the University of California. Secretary-Treasurer Groulx spoke to a rally of over 20,000, vowing labor’s support for the divestiture.

The Central Labor Council of Alameda County was one of the first labor bodies to recognize the United Farm Workers Organization, Cesar Chavez by lending the Central Labor Council of Alameda County, AFL-CIO its support, and to favorably consider co-sponsorship and legislative action on the measure.

HON. KEN BENTSEN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 10, 2001

Mr. BENTSEN. Mr. Speaker, I rise to honor my constituent, Dr. Kenneth L. Mattox, on the occasion of his receiving the 2001 Distinquished Houston Surgeon Award by the Houston Surgical Society on May 15, 2001, in Houston, Texas. I believe this is an honor that is well deserved, and I want to congratulate Dr. Mattox for this accomplishment.

Dr. Mattox is an internationally recognized cardiovascular, thoracic, and trauma surgeon who has saved many lives in the Houston area. I believe he has contributed much to our community through his career of direct patient care, teaching and research.

Dr. Mattox was born in Ozark, Arkansas and attended high school in Clovis, New Mexico. He graduated with a B.S. degree from Wayland College in Plainview, Texas and a M.D. degree from Baylor College of Medicine in Houston, Texas. Dr. Mattox currently serves as Vice Chairman of the Department of Surgery and Professor of Surgery at Baylor College of Medicine. In addition, he has served as the Chief of Surgery and Chief of Staff of Ben Taub General Hospital since 1990. During his tenure at Ben Taub, he has made significant contributions in trauma resuscitation, trauma systems, thoracic trauma, complex abdominal trauma, and multi-system trauma. The “Mattox Maneuver” for abdominal aortic injury is used internationally. His recent research in preoperative fluid restriction for penetrating trauma is shaking the foundation of surgical doctrine in this area.

Dr. Mattox is a dedicated teacher and has contributed to the education of thousands of physicians. In total, Dr. Mattox has published more than 500 articles on research that he has conducted, which has expanded the medical knowledge of our nation. In addition, Dr. Mattox is well known for serving his community in leadership positions both locally and internationally. In the past, he has served as president of nine organizations and received numerous awards for his dedicated service to the community.

Dr. Mattox has also served our country in numerous ways. He was a Flight Surgeon Captain in the United States Medical Corps from 1965 through 1967. In 1967, he received the Legion of Merit, United States Army Presidential Citation for his dedicated service to the nation. He also served as Aeromedical Consultant to the Department of the Army from 1967 through 1970. He currently supervises trauma training of Armed Forces personnel at Ben Taub General Hospital.

Congratulations Central Labor Council of Alameda County, AFL-CIO on your centennial birthday and best wishes in your continued successful efforts to organize for justice in our community.

HONORING DR. KENNETH L. MATTOX

THE MELISSA FROELICH MEDICAI MEDICAL CONGENITAL HEART DEFECT WAIVER ACT

HON. CONSTANCE A. MORELLA
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 10, 2001

Mrs. MORELLA. Mr. Speaker, I come before you to introduce the Melissa Froelich Medicaid Congenital Heart Defect Waiver Act. This legislation would permit a State waiver authority to provide medical assistance in cases of congenital heart defects.

My interest in sponsoring this legislation stems from contact with a special constituent, Melissa Froelich. Melissa is a five-year old girl who has undergone numerous painful procedures and operations because she was born with multiple congenital heart defects. The medical expenses for Melissa’s family during the first 18 months of her life totaled more than one million dollars. More than $270 thousand of those dollars were not covered by the family’s two health insurance policies. The family discovered that carrying two health insurance policies was of little help due to a Coordination of Benefits provision, which prevents a family from taking advantage of the benefits of both combined health plans. Even though the family has been paying for two separate health plans they can only receive the best benefit from each policy. This bill would help middle-class families with children like Melissa whose only current options are unacceptable.

More than 32,000 American babies are born each year with cardiovascular defects, which translates to 1 out of every 115 to 150 births. To put these numbers into perspective, 1 in every 800 to 1,000 babies is born with Downs Syndrome. Congenital heart defects make up 42 percent of all birth defects, making Congenital Heart Disease the most common of all birth defects. The American Heart Association estimates that there are approximately 1 million people living with heart defects in the United States today.

Prior to 1960, most children with heart defects died within the first year of life. In the subsequent decades of the 1960’s, 70’s and 80’s, research produced by skilled surgeons and cardiologists led to a variety of different treatments and interventions which allow the vast majority of infants with heart defects to survive. However, these medical procedures place an enormous burden on the families of children born with congenital heart defects. In addition, many of these children who survive...
infancy still face a life of dependency on medications, medical procedures, and open-heart surgeries.

For this reason, I urge my colleagues to support this bill and help reduce these families' burden and allow them to focus their resources on providing the best possible care for their child.

COMMEMORATING ISRAEL’S MEMORIAL DAY AND 53RD INDEPENDENCE DAY

HON. RUSH D. HOLT
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. HOLT. Mr. Speaker, these are troubling and arduous times for Israel. Over the past seven months, the continuous clashes in the West Bank and Gaza Strip have claimed the lives of more than 70 Israeli citizens. Car bombings, mob attacks and widespread terrorism in residential areas have caused an outbreak of panic and worry among the residents of Israel. Men and women fear that an ordinarily simple trip to their local shopping center will result in tragedy. Children no longer feel safe to ride their school buses, for they fear that they will be the next targets of this senseless bloodshed. Sadly, terrorism and fear are everywhere, and the violence continues to escalate.

Two weeks ago, Israelis commemorated the 53rd anniversary of their independence and mourned the lives lost as they marked their Memorial Day. Grieving countrymen gathered together to remember the thousands of men and women who sacrificed their lives in the fight for Israel’s existence. Those commemorating these events were reminded that despite their independence, Israel must continue in their struggle for recognition and liberty.

Before and since being elected to Congress, I have supported a strong Israel. America has had for a long time, and should continue to have for a long time, a unique relationship with Israel—the only democratic nation in the region, our most important strategic ally in this volatile area, and a nation whose founding and existence clearly makes the world a better place. I believe that the United States must continue to voice its support for Israel and for the peace process that the Israelis have courageously undertaken. As I have stated many times before, the United States must be prepared to provide the diplomatic, military, and economic support that Israel needs.

The United States plays an essential role as a broker of peace in the region. However, we must not forget that role keep us from speaking the truth. I am saddened to see that optimism for quick and lasting peace in the Middle East has been thwarted by the Palestinians’ continued violence. I believe it is time for our government to acknowledge that the Palestinians are contradicting the promise Chairman Arafat made in January—a promise to continue working for peace. It is time for our government to exert pressure on the Palestinians to persuade them to put an end to the uprising and to prevent terrorist attacks on Israel. If the Palestinian leaders act as the Palestine Liberation Organization is doing, seeking conflict rather than peace with Israel, then we must be clear in our disapproval and resolve in our efforts to once again promote peace negotiations.

Most importantly, the Palestinians must end the violence against the Israelis, and Israel must respond, as I am confident it would, with corresponding steps to reduce the level of violence on its side. That is the only way to get back to the peace table. Only peace discussions can achieve the lasting, just peace that will best serve the interests of all Israelis, all Palestinians and indeed, all of us throughout the world.

Mr. Speaker, my personal sense of commitment to Israel has only been strengthened by recent developments. We must put an end to this terror and return to the period of goodwill. I believe the same is true for many of my colleagues. Let us reaffirm our solidarity with Israel as they commemorate their independence and struggle for freedom.

CELEBRATING NATIONAL NURSING HOME WEEK

HON. CAROLYN McCARTHY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mrs. McCARTHY of New York. Mr. Speaker, I express my support for 34th annual National Nursing Home Week. When the very first National Nursing Home Week began, the theme was to let millions of Americans know the “fuller life” elderly lead in America’s nursing homes.

Mr. Speaker, Woodmere, New York, there is an outstanding nursing home that I commend for giving Long Island’s elderly a fuller life. Woodmere Rehabilitation and Health Care Center offers incredible rehabilitation services and skilled nursing services to Long Islanders. This year, Woodmere Rehabilitation and Health Care Center celebrates it’s 30th year and I am proud of their work they do.

I especially thank Director Anthony Matese, whom made changes and improved the Woodmere Rehabilitation and Health Care Center. The 2001 theme is the effect Nassau County nursing boxes have on the community and that nursing homes in the Nassau County area have had on the community, and how the administrators are striving to create a warm, homelike environment without an institutional atmosphere.

Mr. Speaker, I congratulate the Woodmere Rehabilitation and Health Care Center on their successes and wish them and all our nursing homes the best during National Nursing Home Week.

HON. KEN CALVERT
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. CALVERT. Mr. Speaker, I take the floor today to honor Judge Virginia A. Phillips, the recipient of the 2001 ATHENA of the Inland Valleys Award, which recognizes Judge Phillips for her professional excellence, community service and mentoring of fellow women.

The ATHENA Foundation Award Program originated in 1980 by Martha Mayhoud Mertz, who realized that in the 75 years of presenting community awards, her Lansing Regional Chamber of Commerce, of Michigan, had only once honored a woman. This realization led her to establish ATHENA so that focus would be given to the incredible number of professional women found throughout our communities nationwide.

In the 43rd congressional district Judge Virginia Phillips not only epitomizes all that the ATHENAs stand for but also all that we could possibly hope for in a role-model for the young women of today.

Judge Phillips received her B.A., Magna Cum Laude, from the University of California, Riverside in 1979, and later obtained her J.D. from the University of California, Berkeley Boalt Hall School of Law. Additionally, her professional and community activities include: Board of Directors member of the Federal Bar Association—Inland Empire Chapter; Chairperson of the City of Riverside Law Enforcement Policy Advisory Board; Board of Directors member with the Riverside Youth Center; member of the Riverside Human Relations Committee; and much, much more. Judge Phillips’ life long commitment to the Inland Empire community is obvious and compelling.

Presently, Judge Phillips serves as the first female district court judge from the Inland Empire appointed to the Central District of California, which encompasses over 18 million people, with more than three million people in the Eastern Division—the counties of Riverside and San Bernardino, California. And Riverside County, while being one of the fastest growing areas in the nation, has over 1.5 million people alone. In this position, Judge Phillips fills a critical need given the sheer number of cases that come before the Central District each month.

Mr. Speaker, my district is fortunate to have a dynamic and dedicated community leader in Judge Phillips. She has given her time and talents providing motivation and inspiration to the young women with whom she comes into contact.

Judge Virginia Phillips’ outstanding work makes me proud to call her a community member and fellow American. I know that all of Riverside, including myself, is grateful for her contribution to the betterment of our community and salute her on May 10th with the 2001 ATHENA Award.

I look forward to continuing to work with her and the many professional women of Riverside County for the good of our community. I would like to close with the ATHENA Foundation motto by Plato: “What is honored in a country will be cultivated there.”

A TRIBUTE TO DR. MARIA OCHOA

HON. FORTNEY PETE STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. STARK. Mr. Speaker, I rise to pay tribute to Maria Ochoa, Ph.D. Dr. Ochoa has been director of the Sun Gallery in Hayward, California, for five successful years and is leaving to conduct art history research. Her exemplary leadership at Sun Gallery will be missed.

Sun Gallery is a community based gallery that obtains its funding through foundation
grants and community support. Through Dr. Ochoa’s numerous programs and outreach activities Sun Gallery has become a true community-based art gallery in which individuals feel invested and point to Sun Gallery with pride of ownership.

Dr. Ochoa was honored in April 1996 to serve as the Director of Sun Gallery. During her tenure, the growth at Sun Gallery has been remarkable. She developed a comprehensive educational program for children, increased the Gallery’s funding base, brought a wide range of internationally and nationally regarded artists to exhibit at the gallery, and most importantly, brought the community to Sun Gallery. She tripled the number of school children served annually by the gallery.

Sun Gallery’s classroom field trip program is now regarded as one of the premiere art education programs in the region. Dr. Ochoa also developed, in tandem with local artists and teachers, a bronze-casting curriculum that is now offered in high schools in Hayward, California.

Dr. Ochoa has stated that she is quite honored to have been selected to bring Sun Gallery into the 21st Century and is deeply humbled to have been able to serve the community, while working in a visual arts setting.

We are honored that Dr. Ochoa chose to lead Sun Gallery with her energy, commitment and talent. She leaves a legacy and indelible mark on Sun Gallery. I join her friends and admirers in thanking her for a job well done.

HONORING ST. LUKE’S EPISCOPAL HOSPITAL’S NATIONAL MAGNET AWARD

HON. KEN BENSEN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. BENSEN. Mr. Speaker, I rise to honor St. Luke’s Episcopal Hospital for earning a Magnet Award, the highest honor a hospital can receive for patient care. St. Luke’s Episcopal Hospital is the first hospital in Houston and one of only 31 hospitals nationwide to win this coveted distinction. This Magnet Award is presented by the American Nurses Credentialing Center (ANCC) for the patient care provided by the St. Luke’s Episcopal Hospital’s nursing staff. As the representative for St. Luke’s Episcopal Hospital, I want to congratulate the entire nursing staff for the quality health care services that they provide not just to local residents, but also to patients from throughout the world.

On Monday, May 7, 2001, I participated in the Magnet Award Ceremony at St. Luke’s Episcopal Hospital to honor these dedicated nurses who provide top-quality care. I can personally attest to the care provided at St. Luke’s Episcopal Hospital through my family’s experience. Several years ago, my uncle former Senator Lloyd Bentsen was treated at St. Luke’s Episcopal Hospital where he received the best available care to treat his illness. Also participating at this Awards Ceremony to honor the nursing staff of St. Luke’s Episcopal Hospital were two members of my family, former Houston Mayor Bob Lanier and Nolan Ryan. In addition, the Ceremony included former Houston City Councilman Judeon Robinson’s wife, Mrs. Margarette Robinson. Mrs. Robinson was the first African American nurse to work in the surgical facilities at St. Luke’s Episcopal Hospital.

In a time when many hospitals are facing difficulties in recruiting and retaining their nursing staff, this Magnet Award demonstrates that St. Luke’s Episcopal Hospital is providing a nurturing work environment where all employees work collaboratively toward the common goal of providing quality health care services to their patients. A recent Wall Street Journal article recommended to its readers that they should seek care at a magnet hospital in their area.

The Magnet Award program began in 1993 as a means to recognize centers of excellence in nursing care. This program reviews the management philosophy and practices of nursing staff; adherence to standards for improving the quality of patient care; leadership in supporting continued competence of nursing personnel; and attention to the cultural and ethnic diversity of patients and their significant others.

Certainly, St. Luke’s Episcopal Hospital has worked hard to provide the resources and personnel needed to accomplish this goal. The nursing staff is the backbone of any hospital and the nurses at St. Luke’s Episcopal Hospital have earned a distinction worthy of special praise.

CONGRATULATING ESTONIA, LATVIA, AND LITHUANIA ON THE TENTH ANNIVERSARY OF THEIR INDEPENDENCE

HON. CHRISTOPHER H. SMITH
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. SMITH of New Jersey. Mr. Speaker, ten years ago with the collapse of the Soviet Union, Estonia, Latvia, and Lithuania threw off the yoke of Soviet domination and regained their independence. Between World War I and World War II, they had been sovereign nations and respected members of the international community. In 1939, however, they were illegally partitioned between Hitler and Stalin as part of the infamous Molotov-Ribbentrop agreement. Based on this agreement, Hitler gave Stalin the green light to seize the Baltic states. I am proud to state that the illegal incorporation of Estonia, Latvia, and Lithuania into the Soviet Union was never recognized by the United States Government.

Stalin’s NKVD killed or exiled thousands of Estonians, Latvians, and Lithuanians who resisted the takeover and subjugation. If not murdered outright, tens of thousands of Baltic citizens were rounded up and loaded into rail-road cars to be shipped to distant regions of the Soviet Union. The current president of Estonia, for instance, grew up in Siberia. The President of Latvia, whom I recently had the pleasure of meeting, grew up in a refugee camp in Germany where her family had fled from the Soviet incursion. Almost 300,000 Lithuanians were deported to Siberia in the 1940s and 1950s. Those Estonians, Latvians, and Lithuanians who remained in their homelands saw their native languages and cultures denigrated in favor of Soviet “culture” and linguistic “Russification.”

Among the political prisoners in the post-Stalin GULAG, the Balts were well represented. We still remember the names of Baltic political prisoners such as Mart Niklus, Gunars Astra, and Nijole Sadunaite, and many others willing to sacrifice their freedom and, in some cases, give their lives to resist Soviet oppression of their homelands.

But the Soviet system was doomed and the people of the Baltic nations knew it. “Glasnost” and “perestroika” gave them the opportunity to resolutely, but peacefully, work to regain their independence. In August 1989, on the 70th anniversary of the Molotov-Ribbentrop agreement, about one million Balts created a human chain the “Baltic Way,” stretching about 400 miles from Estonia, through Latvia, to Lithuania to protest Soviet rule over their nations. Two years later, after a bloody but ultimately fruitless attempt by Moscow to regain armed control over its unruly subjects, the people of Estonia, Latvia, and Lithuania had regained the independence they had dreamed of for so long.

And now, ten years after that momentous event, the Baltic nations are again sovereign nations, respected members of the international community. Their David-and-Goliath struggle is an inspiration to enslaved peoples everywhere.

Today, Mr. Speaker, I am joined by Mr. HOYER, Mr. PITTS, Mr. CARSON, Mr. WAMP, and Mr. HASTINGS of Florida, in submitting a resolution which congratulates the people of Estonia, Latvia, and Lithuania on the tenth anniversary of the restoration of their full independence. This resolution also calls upon the United States Government to continue the close and mutually beneficial relations with these countries that have existed since the restoration of full independence.

I hope my colleagues will join us in supporting this resolution.

TRIBUTE TO STETSON UNIVERSITY

HON. JOHN L. MICA
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. MICA. Mr. Speaker, as the State of Florida recently celebrated its 156th anniversary, Stetson University and President H. Douglas Lee, along with the Dean Gary Vaus of the School of Law, recognized the occasion by hosting an event attended by Floridians in Washington, D.C.

Stetson University was founded in 1883 with a population of only 13 students. It established Florida’s first professional schools in Business, Law, and Music.

The University, with 2,491 students and a student-faculty ratio of 11 to 1, embraces six core values of education: (1) Ethical Decision, (2) Religious and Spiritual Life, (3) Environmental Responsibility, (4) Diversity and Global Awareness, (5) Community Service and (6) Gender Equality. The School of Law, with 708 students and a student-faculty ratio of 18 to 1, has established centers of excellence in Advocacy, Elder Law, Dispute Resolution, Health Law and Litigation Ethics. It also ranks in the top three of accredited Law Schools in the United States for Trial Advocacy.
I am pleased and honored to represent Stetson University, which lies within the Seventh Congressional District, in DeLand Florida. I am also delighted that the School of Law, which is located in the Tenth Congressional District, in St. Petersburg Florida, is represented by my friend and colleague Representative C.W. Bill Young.

Finally Mr. Speaker, the attendees of the State of Florida anniversary event received a copy of the March 15, 1845, edition of the St. Augustine Newspaper which detailed the Congressional action that confirmed Florida as America’s 27th State. Some of the issues given by the editor in the article, to give us your “good, tried and honest men” who will lay “party feelings aside” to represent the new state, should be equally important today.

I submit for the RECORD the article from the March 15, 1845, edition of The News of St. Augustine, Florida.

THE STATE OF FLORIDA

The Bill for the admission of the State of Florida into the Union has passed Congress. The day of trial has come, and the people will soon feel the full benefits arising from the changes that the future visits of the tax collector. The die is cast, and all, who have opposed State Government, must submit. They can support the burdens of a State as well as those of a Union. It has been proposed, and I trust the proposal will prove successful for it. In many instances, the personal interests of those, who have opposed our admission at this time, will probably be promoted by the change. They resist it not from personal considerations, but because they entertained the sincere conviction, that the interests of Florida and its prosperity would be injuriously affected by it. Such is their belief still. But the measure has been brought about despite of their opposition. With others rests the responsibility, whatever the result.

Now it is the duty of all to adapt themselves to the new order of things, and to make the most of it. All should unite in organizing the new government in the best and most economical manner. The intelligence and the integrity of the whole Territory should be employed in putting the government in motion. Much, very much of the future prosperity and greatness of the country will depend on our action now. More than the mere party politicians is needed at this time. The occasion requires those, who have made our free institutions and the science of government their study. A direction and an impulse are now to be given to the machinery of our institutions. Much nearly everything depends on a right commencement. To do this, the mind of the country must be put in requisition, and tried and intelligent men must be sent to the Legislature. Party feeling should be laid aside. Partialities and prejudices should be sacrificed and the representation of the Counties is to be apportioned; and all the expenses of the new government are to be adjusted; the representation of the Counties is to be justly, and act patriotically.

RECOGNIZING CORPORAL RICHARD ZAHIGIAN

HON. GEORGE RADANOVICH
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Corporal Richard Zahigian for his service and dedication to the United States Marine Corps. In addition, I would like to recognize his book, The Other Side of Conflict, which chronicles his state-side service to his country in the Vietnam Era, between the years of 1966–1968.

While his exemplary career spanned a number of years, his dedication to the Marine Corps was highlighted on December 22, 1967. On that date, Corporal Zahigian was the honored recipient of the “Meritous Mast” for his performance and devotion to duty, in keeping with the highest tradition of the Naval Service, as the “Lone Marine” of McGuire Air Force Base, New Jersey.

The Other Side of Conflict is dedicated to the generations of young people who served in the Armed Forces, to Corporal Zahigian’s fellow Vietnam Era veterans who trained alongside him, and especially to all those who did not return. Mr. Speaker, I urge my colleagues to join me in recognizing Corporal Richard Zahigian for his selfless dedication to this country and the freedoms that we enjoy. Please join me in celebrating Richard’s career and literary success.

A TRIBUTE TO AMERICAN NURSES DURING NATIONAL NURSES WEEK

HON. WILLIAM O. LIPINSKI
OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. LIPINSKI. Mr. Speaker, I rise this evening to pay tribute to the outstanding group of dedicated health professionals—the nearly 3 million registered nurses in the United States.

These outstanding men and women of every race, creed and ethnic background will celebrate National Nurses Week May 6–12, 2001. This week is set aside as a special week to recognize those who have worked hard to save lives and maintain the health of millions of individuals. I believe that all Americans who have ever been cared for or comforted by a nurse should celebrate National Nurses Week.

According to the American Nurses Association, National Nurse Week was first observed October 11–16, 1954, on the 100th anniver-
sary of the founding of modern nursing by Florence Nightingale during the Crimean War. National Nurses Day and Week was eventually moved to May to incorporate Florence Nightingale’s birthday, which is May 12th.

This year, the American Nurses Association (ANA) and its 53 constituent associations will award the Nurse’s Creed to nurses in which registered nurses, the largest health care profession, are working to improve health care. Studies show that the higher the ratio of nurse-to-patients in a hospital, the lower the patient death rate. In short, registered nurses provide top-quality, cost-effective health care services for their patients.

Mr. Speaker, I commend all of America’s nurses during this week of May 6–12, 2001 and encourage my colleagues to do the same.

TRIBUTE TO MARK BROXMeyer

HON. STEVE ISRAEL
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. ISRAEL. Mr. Speaker, I rise today to honor Mr. Mark Broxmeyer, entrepreneur, community activist, and friend. On the occasion of the 20th anniversary of the Greene Emergency Center of the North Shore University Hospital, it is appropriate to pay tribute to a man who has dedicated himself to improving our communities.

Twenty-eight years ago, Mr. Broxmeyer founded Field Properties, Inc., through years of hard work and determination, has grown into a complex network of properties including over 8,000 units in Long Island and beyond. His professional success has earned him the respect of many in the fields of building and real estate, resulting in a cover story for his success in Builder and Remodeler News and a profile in the real estate section of the New York Times.

Mr. Broxmeyer has also been a devoted community activist. His enthusiasm for our communities on Long Island has resulted in his being named “Man of the Year” by the United Cerebral Palsy Association and an Advocacy Award from Big Brothers/Big Sisters. He was appointed by former President Bush to the Board of Directors of the Federal Home Loan Bank for the New York Region. He also serves on the Board of Directors of the United Nations Economic Development Corporation.

Mr. Broxmeyer has also served as the Vice President for the Board of Trustees of the Jewish Institute for National Security Affairs and he was the recipient of a Leadership Award from the Jewish Institute for National Security Affairs, given to him personally by our former colleague, Secretary Jack Kemp.

He has also been active in his Alma Mater, Hofstra University, from which he has received an Alumni achievement award and named “Man of the Year” by the Jewish Institute for National Security Affairs, given to him personally by our former colleague, Secretary Jack Kemp.

Most important of all, I have come to respect his commitment to his family. As an entrepreneur, demands on Mark’s time must be tremendous, yet he still finds time for his children Michael, Evan, Marissa, Daniel, and Becker.

Mr. Broxmeyer, I have been fortunate to know Mark Broxmeyer, and I respect his success and his enthusiasm for his community and his loved ones.
Mr. Speaker, I rise today to ask my colleagues to join me in celebrating National Nurses Week. This week is an important reminder of nurses and their continued dedication and concern for their patients every day.

Well trained nurses are the cornerstone of our nation’s health system. Currently, hospitals and other health care employers are faced with an emerging nurse shortage. After meeting with several nursing and health care organizations in my district, I believe increased funding of existing nurse education programs and new programs to recruit and retain nurses are desperately needed to provide advanced training and to build the faculty workforce. I am actively working with my colleagues to pursue these goals.

It is important to support the goals and ideas of National Nurses Week, because their impressive level of achievement and accomplishment are a milestone for the nursing profession as a whole. Mr. Speaker, I know my colleagues join me in support and appreciation of these extraordinary individuals.

HON. JERRY F. COSTELLO
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 10, 2001

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in celebrating National Nurses Week. This week is an important reminder of nurses and their continued dedication and concern for their patients every day.

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TRIBUTE TO CHIEF OF POLICE DENNIS MINNICH
HON. JAMES P. McGOVERN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 10, 2001

Mr. McGOVERN. Mr. Speaker, I rise today to recognize Dennis Minnich, who was recently appointed the new Chief of Police of West Boylston, Massachusetts.

Chief Minnich brings a wealth of knowledge and experience to this important post. He began as a full time Patrolman with the West Boylston Police Department in 1992 and was promoted to Sergeant in 1977 and has also served as Interim Police Chief. Previously, for several years, he was a member of the Police Department of the neighboring town of Boylston. Chief Minnich has expressed a commitment to lead a visible, active police department and to remain fully accessible to the public. He recently stated “I really care about the community—I plan on raising a family here and want it to be a safe town for my kids and I really care about this town.”

Mr. Speaker, I am pleased to be joined by my colleagues, the gentleman from Pennsylvania, Mr. HOLDEN; the gentleman from North Carolina, Mr. BURRELL; and the gentleman from Virginia, Mr. MORAN in introducing the Small Business Liability Reform Act of 2001.

Members will recall the House’s consideration and passage of legislation during the last session of Congress. Following legislative hearings in the Fall of 1999, that bill (H.R. 2366, 106th Congress) was the subject of three days of markup in the Judiciary Committee, during which the Committee considered 21 amendments and adopted five. On February 19, 2001, the House took up H.R. 2366 and adopted three of the four amendments considered before passing the bill on a bipartisan vote of 221-193.

Like its predecessor, Title I of the bill we are introducing today proposes three basic reforms to our civil justice system for defendants with fewer than 25 full time employees—the smallest of America’s small businesses. Section 103 of the bill establishes fair standards of evidence and liability for the award of punitive damages, and establishes proportionality in the awarding of such damages against America’s small businesses. Section 104 establishes a fair share rule for the payment of non-economic awards. This reform in effect abolishes so-called “joint and several liability” for damages for pain and suffering, ensuring that only those defendants who are truly guilty of inflicting such harm will be held financially responsible.

Title II of the bill contains two important reforms to the product liability system and is applicable to all who sell, rent or lease products. First, Sections 204(a) and (b) establish a fault-based standard of liability for non-manufacturer product sellers in product liability cases, while preserving a strict liability standard for breach of the seller’s own express warranty and where an otherwise culpable manufacturer is beyond the court’s reach. Section 204(c) appropriately protects those who merely rent and lease products from being held vicariously liable for the wrongful conduct of someone else (a customer for example) simply due to product ownership.

Mr. Speaker, the reforms proposed in the Small Business Liability Reform Act are both modest and fair and will improve the administration of civil justice in the United States by reducing needless litigation and the wasteful legal costs associated with it. Most important, the bill will advance the core purposes of our civil justice system: to prevent harm through the deterrence of careless or wrongful conduct; to assign responsibility for harm to the party best positioned to avoid it; and to require those whose careless or wrongful conduct cause harm to pay.

I urge my colleagues on both sides of the aisle to join in supporting this important legislation, the enactment of which is long overdue.

Mr. Speaker, I submit a section-by-section summary of the Small Business Liability Reform Act of 2001 for the RECORD.

HON. ASA HUTCHINSON
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 10, 2001

Mr. HUTCHINSON. Mr. Speaker, I am pleased to be joined by my colleagues, the gentleman from Pennsylvania, Mr. HOLDEN; the gentleman from North Carolina, Mr. BURRELL; and the gentleman from Virginia, Mr. MORAN in introducing the Small Business Liability Reform Act of 2001.

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The Small Business Liability Reform Act of 2001—Section Summary
A bill to offer small businesses and product sellers protection from litigation excesses.

Title I: SMALL BUSINESS LAWSUIT ABUSE PROTECTION

SECTION 102: DEFINITIONS

This section defines various terms used in the bill. A small business is defined as any business or organization with fewer than 25 full time employees. Punitive damages are defined to exclude civil penalties, civil fines, or treble damages assessed or enforced by a federal government agency under federal or state statute.

SECTION 103: LIMITATION ON PUNITIVE DAMAGES FOR SMALL BUSINESSES

This section provides that punitive damages may not exceed the lesser of three times the amount awarded to the claimant for economic and noneconomic losses. However, a court is permitted to exceed the punitive damages cap in the event it finds by clear and convincing evidence that the defendant acted with specific intent to cause the type of harm for which the action was brought.

SECTION 104: LIMITATION ON JOINT AND SEVERAL LIABILITY FOR NONECONOMIC LOSS FOR SMALL BUSINESSES

This section provides that in any civil action against a small business, each small business defendant will be liable for non-economic loss only in proportion to its responsibility for causing the harm.

SECTION 105: EXCEPTIONS TO LIMITATIONS ON LIABILITY

This section ensures that the benefits of this legislation are not available to any defendant whose misconduct (1) constitutes a crime of violence or an act of international terrorism; (2) results in certain natural resource damages; (3) involves a sexual offense or a violation of civil rights law; (4) occurs while the defendant is under the influence of an intoxicating alcohol or a drug; (5) is prosecuted under the Federal False Claim Act; or (6) is prosecuted under fraud or false statement laws.

SECTION 106: PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY

This section provides for uniform rules with regard to small business liability. The bill preempts state laws to the extent that any such laws are inconsistent with the provisions of Title I. However, the bill includes an opt-out provision for the states. A state may opt out of the provisions of this title for actions in state court against a small business in which all parties are citizens of the state. In order to opt out, the state must enact a statute citing the authority in this section and declaring its intention to opt out.

Title II: PRODUCT SELLER FAIR TREATMENT

SECTION 201: FINDINGS

This section sets out congressional findings concerning the effect on interstate commerce of damage awards in product liability cases; the present inequities resulting from inconsistent product liability laws within and among the states; and the need for national, uniform federal product liability laws.
This section applies to any product liability action brought in federal or state court. Civil actions for commercial loss are excluded from the applicability of this title. In addition, this section clarifies that the presumption of state law by this title is limited to only those issues specifically addressed by the legislation and not other unrelated liability laws.

This section provides that product sellers other than the manufacturer (such as wholesale distributors and retailers) may be held liable only if they are directly at fault for the harm; if the harm was caused by the failure of the product to conform to the product seller’s own, independent express warranty; or if the harm was the result of the product seller’s intentional wrongdoing.

However, the provision ensures that product sellers will “stand in the shoes” of a culpable manufacturer when the manufacturer is judgment-proof. In addition, the statute of limitations in such cases is tolled.

Finally, this section specifies that product renters and lessors will not be liable for the tortious acts of another solely by reason of product ownership.

This section clarifies that the bill does not create federal district court jurisdiction pursuant to Section 1331 or Section 1337 of Title 28, United States Code.

This section provides that the bill’s provisions will apply to any civil action commenced after the date of enactment of the legislation.

The New Millennium Program is a joint, after-school effort run by Arlington Public Schools, Arlington Community Television and YMCA Community Services Department. It is also the only television program exclusively for youth in this area. It has been in existence for two years and has been extremely successful. The goal of the Program is to teach volunteer secondary school students the field of video production. After receiving instruction from the staff of Channel 33, the students pick a subject, and then write, film and edit their work.

The Metropolitan YMCA Community Services Office and its predecessor, The Refugee Services Office, based in Arlington, have been providing multi-cultural programs for our ever-more-diverse and dynamic population for over twenty years.

The YMCA Community Services Office has been instrumental in opening doors for people who have come here from all over the world. Among the many services provided are:

- English as a Second Language classes for adults during the evening hours.
- After-school tutorials for students so that they keep pace with their peers.
- Multi-cultural and adaptation workshops for adults and teens and their families to ease “cultural shock.”

Millennium Youth Program designed to focus on technology, its impact on youth, and approaches for positive influence on the target audience.

Interpreting and translating services.

Job placement and housing referral service.

The above programs, staffed and executed almost entirely by volunteers, are an admirable example of how a few people can make a positive difference in the lives of many.

Mr. Speaker, in closing, I would like to extend my congratulations to the individuals who have completed this program. It is truly an honor to have individuals like this in our community.

I ask that all of my colleagues join me in commending this hardworking group.

Mr. Speaker, I rise today to honor Dr. John Landis Ruth. Dr. Ruth completed an exhibit, part of the Smithsonian Traveling Exhibit, which illustrates the “Route 113 Corridor” in Montgomery County, Pennsylvania. Route 113 winds its way through central Montgomery County and is arguably one of the most historic roads in the county.

Dr. Ruth was born on his family’s eight-generation homestead in Lower Salford, Montgomery County. He is a graduate of Eastern College and Harvard University where he earned his Ph.D. in English and American literature. He later returned to Eastern College as a teacher, and also taught at the University of Hamburg in Germany.

Dr. Ruth has authored numerous books and articles on the Mennonite people and their way of life and produced films about the Mennonites and the Amish. He served as the Associate Minister of the Salford Mennonite congregation for twenty years. Following his retirement from the ministry in 1993, Dr. Ruth has continued to serve on the Board of the Mennonite Historians of Eastern Pennsylvania. He currently is working on a multi-volume narrative interpretation of Mennonite life in the Lower Salford/Franconia area.

Dr. John Landis Ruth’s photographic expertise and work have been invaluable in helping to preserve the history of our community. It is an honor and a privilege to recognize him as his works are showcased at the Smithsonian Traveling Exhibit and the outstanding contributions he has made.

Mr. Speaker, I rise today to recognize a great citizen, Federal Judge Eldon B. Mahon from the Northern District of Texas. Judge Mahon has dedicated his life to public service and justice. For these reasons, I have introduced legislation that will designate the United States courthouse located at 501 West 10th Street in Fort Worth, Texas, as the “Eldon B. Mahon United States Courthouse.”

Judge Mahon was born and raised in the west Texas town of Lorraine. He went on to earn his Bachelor of Arts Degree in history and government from McMurry University in Abilene, Texas. Judge Mahon then attended the University of Texas School of Law, where he graduated in 1942. He has three children with his wife, Nova Lee: Jana Cobb of Lubbock, Texas; Martha Haag of The Woodlands, Texas; and Brad Mahon of Fort Worth, Texas.

Like so many from America’s “greatest generation,” he enlisted in the United States Army Air Corps to fight overseas during World War II. He left the military after 40 months of dedicated service, including one year in the South Pacific with the 5th Bomber Wing, as a captain.

Judge Mahon carried this same dedication and strength of character into his career as an attorney and judge. From 1945–46, he served as the briefing attorney for the Supreme Court of Texas. From 1948–60, Judge Mahon served as district attorney for the 32nd Judicial District of Texas, covering Nolan, Mitchell, Scurry, and Borden counties. After his years as district attorney, Judge Mahon became a district judge for the 32nd Judicial District, presiding over that court from 1961–63. He then moved to Fort Worth to take a position as vice president of Texas Electric Service Company. After one year in the corporate world, the law called him back; and he became a partner in the Abilene, Texas, law firm of Mahon, Pope & Giadonna.

Judge Mahon entered public service at the federal level when President Lyndon B. Johnson appointed him U.S. Attorney for the Northern District of Texas. Judge Mahon is a lifelong Democrat, but President Richard M. Nixon appointed him to the Federal Court for the Northern District of Texas in 1972. He reached senior status in 1989 and continues to be an active member of the federal bench today at the young age of 83.

During his years on the federal bench, Judge Mahon presided over the racial integration of the Fort Worth School District. Judge Mahon considers this as the greatest accomplishment of his court.

Judge Mahon has tirelessly served every community of which he has been a part. He is a lifelong member of the United Methodist Church, serving in most lay positions in Westcliff United Methodist Church in Fort Worth. He is a past president of the West Texas Girl Scout Council in Abilene and of the Colorado City, Texas, Lions Club. Judge Mahon is a past student at the Board of Theological Education at McMurry University and served on the Board of Trustees for Harris Methodist Health System in Fort Worth. Currently, he serves on the Board of Trustees at the Fort Worth Museum of Science and History, and is an honor member of the United Methodist Church in Fort Worth.
Texas Wesleyan University in Fort Worth. Judge Mahon has been a member of the Rotary Club of Fort Worth since 1988.

Judge Mahon has been recognized many times for his immeasurable contributions to the community. In 1989, the Eldon B. Mahon Scholarship Fund was established at his alma mater, McMurry University. Judge Mahon received an Honorary Doctor of Laws Degree in 1974, and the Distinguished Alumnus Award in 1987 from McMurry University as well. In 1990, Texas Wesleyan University awarded him an Honorary Doctor of Humanities Degree. July 10, 1997 was declared “Judge Eldon B. Mahon Day” throughout Tarrant County, Texas, to commemorate his 25th anniversary as a federal judge. The Tarrant County Bar Association recently established the “Eldon B. Mahon Lecture Series on Ethics and Professionalism” at Texas Wesleyan University School of Law. In 1998, Judge Mahon received the “Samuel Passara Outstanding Jurist Award” from the Texas Bar Foundation. Last year, he was selected as one of 100 lawyers from the state of Texas as a 20th Century “Living Legend” by Texas Lawyer Magazine.

Mr. Speaker, we should honor Judge Mahon by naming the United States Court in Fort Worth, Texas after him. Serving on the federal bench for over 28 years, he has made a profound impact on the legal community and on America.

COMMENDING M. B. “SONNY” DONALDSON ON HIS RETIREMENT

HON. GENE GREEN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. GREEN of Texas. Mr. Speaker, I rise to pay tribute to a dedicated educator, a role model for countless students and a good friend. In June, after 14 years as superintendent of schools and 34 years as an educator in the Aldine Independent School District, M.B. “Sonny” Donaldson will retire.

Sonny Donaldson has spent his career working on behalf of all children. He has always promoted what was best for school children, never forgetting that their best interest was his driving force.

Superintendent Donaldson has held the position of Superintendent of Schools since 1986. Prior to his service as superintendent, he held the positions of teacher, coach, assistant principal, principal, athletic director, and assistant superintendent, all with Aldine ISD. He is an active member in numerous professional associations and organizations and a committed civic leader dedicated to public service.

Among his numerous honors and awards, Sonny was selected Superintendent of the Year in 1994 and 1996 for Region IV, which includes 57 school districts in the Houston area. He was also one of five finalists for Texas Superintendent of the Year in 1994 and 1996.

The Success of the Aldine ISD does not happen by accident. Sonny Donaldson has created and fostered an environment that demands quality and dedication from both teachers and students.

When Texas A&M University evaluated the test scores of minorities in districts with more than 15,000 students, Aldine ranked first in the state. In addition, researchers at the University of Texas said that Aldine is one of a handful of districts showing impressive successes with students from disadvantaged backgrounds.

Because of the emphasis placed on education by the administration, the teachers, the students and the parents, Aldine ISD has received a “recognized” rating from the Texas Education Agency for the last four years. Of the district’s 48 schools rated by the state, four are exemplary, 28 recognized and 16 acceptable.

American historian and writer Henry Adams once stated that “a teacher affects eternity; he can never tell when his influence stops.” For Sonny Donaldson, the lives he has touched over his many years in the education field will ensure that his influence carries on far into the future.

I ask my colleagues to join me in honoring the career of one of Texas’ education heroes. Sonny, we wish you and your wife Suzanne well.

HONORING THE VILLAGE OF SAINT PARIZE LE CHÂTEL, FRANCE

HON. WILLIAM D. DELAHUNT
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. DELAHUNT. Mr. Speaker, in cities and towns all across America, Memorial Day will be marked with parades down Main Street, patriotic speeches on the town square and little league games in the park. But for others—families and surviving comrades in arms—it is a day of pilgrimage to cemeteries and memorials, for a moment of remembrance.

For some, this pilgrimage takes them to places far away from that town square; to places made infamous through the fury of war, and where now, peace holds its gentle sway.

One such pilgrimage will take place in the French Village of Saint Parize le Châtel and its neighboring hamlet, Moiry. During World War I, this area was home to one of the largest US Army hospitals, the Camp Mars-sur Allier. Its 44,000 beds were filled with wounded Americans who went off to fight for peace and liberty in the homeland of Lafayette. After the Armistice, the villagers of Saint Parize le Châtel and Moiry built a monument to this hospital on the site of a cemetery where over 2,000 victims of the war are buried. Inscribed on the memorial—Aux AMERIQUAIN HAUT TERREAUSSUPORTS POUR LA FRANCE LE DROIT ET LA LIBERTE 1916–1918—to the Americans who died for France, Right and Liberty.

On this Memorial Day, a permanent exhibit commemorating the hospital, its staff and the soldiers and civilians who died and recovered there will open. At this ceremony, in an expression of the strong friendship between the United States and France, a new walkway to the memorial will be dedicated.

I know that all my colleagues join with me in an expression of gratitude to the people of Saint Parize le Châtel and Moiry for their dedication to ensure an appropriate and lasting memorial to those Americans who gave so selflessly of themselves in the name of peace and freedom.

A TRIBUTE TO RITA BEE HILL

HON. CALVIN M. DOOLEY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. DOOLEY of California. Mr. Speaker, I rise today to pay tribute to Rita Bee Hill of Visalia, California, a loving mother and wife, a community leader, and a dear friend of mine who passed away in an automobile accident on May 4, 2001.

Rita was born in Hayward on Aug. 1, 1949. After graduating from California State Polytechnic University, San Luis Obispo in 1971, Rita moved to Visalia to work for the Tulare County Planning Department. She married Jim Hill in Visalia on Dec. 16, 1972. Throughout her 17-year career with the Planning Department, she served in many local and state leadership roles and was instrumental in the establishing and managing the Tulare County Economic Development Corporation.

In 1989, Rita joined the firm of law, Diana Dooley, as partners in a local public relations agency. The company, which later became Rita B. & Company, worked on behalf of local community projects and groups, exemplifying Rita’s commitment to community.

As a friend recently observed, Rita Bee Hill was the kind of woman with whom her father’s daughter. Her father, Carlos Bee, was speaker pro tem of the California Assembly and was a champion for higher education. Like her father, Rita believed people could solve problems by working together. She inspired, cajoled and shamed people into doing the right things and she rolled up her sleeves and worked alongside everyone from whom she requested help.

Rita was active in a number of community organizations, serving as a member or leader of groups including the Visalia Chamber of Commerce, Visalia and County Center Rotary Clubs, Networking for Women, Visalia Planning Commission, City Manager’s Advisory Group, California Women for Agriculture, Family Planning Program and the United Way of Tulare County. In 1998, Rita was recognized for her record of service by being bestowed with Visalia’s Woman of the Year award in 1998.

In addition to all she did for our community, Rita was extremely dedicated to her family. She is survived by her husband, Jim, a math instructor at Redwood High School; her son, Tony; her granddaughter, Libby; and a large extended family throughout the country. Rita also leaves behind many friends who feel as she treated them as family.

On a personal note, my wife Linda and I had the opportunity to become close friends with Rita and Jim over the years. When I first ran for office at a time when few believed that I would succeed, Rita was one of my strongest and most dedicated supporters. She went on to be one of my most loyal supporters in all my subsequent re-election efforts, and even hosted my campaign office in her company’s conference room for many years. This year, I designated her as my delegate to the California Democratic Party convention.

Rita’s strong civic spirit, generous heart, and concern for others were obvious to all those she touched. Always living life to the fullest and always advocating the most noble of causes, Rita was a shining example of what it means to be a citizen and friend. Her passing...
will leave a tremendous void in the life of the Visalia community.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to Rita Bee Hill and celebrating her legacy of service to her family, her community, and her country.

YMCA TEEN ACTION AGENDA ENHANCEMENT ACT

HON. MARK UDALL
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 10, 2001

Mr. UDALL of Colorado. Mr. Speaker, today, my colleagues, Reps. WAMP, PORTMAN, SERRANO, ETHERIDGE, ISAACKSON, and GREEN (WI) join me, in introducing the YMCA Teen Action Agenda Enhancement Act of 2001.

For 150 years, the YMCA has provided our nation’s youth with safe, healthy activities. The YMCA is volunteer founded and volunteer-led. The YMCA depends on more than 600,000 volunteers to meet the unique needs of their communities. YMCAs serve people of all faiths, races, abilities, ages and incomes. 1 in 10 teens—2.4 million teens across the nation—are involved in a program offered by a local YMCA. Understanding the unique obstacles faced by the teenagers of today, the YMCA has launched the Teen Action Agenda, a nationwide campaign to double this number and serve 1 in 5 teens by 2005.

This legislation authorizes federal appropriations of $20 million for fiscal years 2002 through 2006 to carry out the Youth Teen Action Agenda. Similar legislation was enacted into law in the 105th Congress to aid the Boys and Girls Club of America and in the 106th Congress to aid Police Athletic Leagues, in their efforts to improve academic and social outcomes for youth. Under this legislation, subgrants will be made to YMCA teen programs that have a primary purpose of serving youth that are at-risk of delinquency or are in failing schools.

In my district, a number of YMCA clubs are serving our teenagers. In the town of Lafayette, CO alone, twenty-five programs at two YMCA Centers serve close to 1300 kids. The YMCA Arapahoe Center is a full youth and family center for teens and preteens ages 11–17, and the YMCA Lafayette Youth Center serves low income, at risk kids. These two clubs lead programs for Youth Employment services, after school drop-in, drop-in sports, field trips, Leaders club, Arts and Humanities classes and camps, high school and middle school sports, baby-sitting training, Youth and Government Development (Leaders-in-Training and Junior Leaders summer program), and Teen Adventures camps.

A recent nationwide study shows that participation in after-school activities leads to better grades and better behavior in teens. Nearly eight in ten teens (78%) that engage in after-school activities are A or B students, but only half (52%) of teens who do not participate in after-school activities earn these high marks. Teens that do not engage in after-school activities are five times more likely (15%) to be D students compared to students who do participate in after-school programs (3%). This study has also documented the need for more after-school programs. Over half (52%) of teens say they wish there were more after-school activities in their neighborhood or community. Two in three (67%) teens say they would likely participate in after-school programs that would help them get better grades, develop leadership skills and be more involved in their community while having fun with other teens if they knew that churches rec centers and the YMCA offered such programs. Six in ten (62%) teens left unsupervised during the week say they would likely participate in after-school programs.

The need for more after-school opportunities has been made clear to me in my visits to every high school in my district. Students have told me that if there were more after school activities, they would participate in them. This bill will help give kids safe, productive places to go when the school bell rings at the end of the day. We all know that the teenagers of today face challenges and pitfalls unimaginable a generation ago. I believe this bill helps a proven community based organization with a rich history of providing quality programs for America’s youth to offer our teenagers with the opportunity to develop and thrive.

MODIFY THE DEPRECIATION OF PROPERTY USED IN THE GENERATION OF ELECTRICITY

HON. WALLY HERGER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 10, 2001

Mr. HERGER. Mr. Speaker, today I am introducing legislation that will foster adequate electric generation and reliability. Excessive electricity prices and volatility concerns about power shortages and harmful consequences for the regional economy in the West are all related to inadequate generation and transmission capacity in and around my home state of California.

Moreover, the energy crisis in California and neighboring states has demonstrated the importance of developing generation facilities to ensure that electricity supplies are widely available at reasonable prices. But capacity shortages are an issue in California, and addressing this tax code problem is critical to helping avoid similar problems from developing in other regions of the country.

To encourage new investments in generation, my bill would reduce depreciable lives of generation systems from their current cost recovery period of 15 or 20 years to 7 years. The current electric industry depreciable lives are longer than those of any manufacturing segment.

America’s booming technology-reliant economy of the 1990s spurred a demand for more electricity. However, that increase in demand was not met by building new generation. In the 1970s and 1980s, America had power surpluses. As a result, state regulators, trying to keep consumer rates down, often disallowed the costs of some excess capacity and did not allow utilities to recover in rates all of their costs for building power plants. In many cases, utilities were required by their regulatory commissions to buy power from other suppliers rather than build their own plants. That, and the advent of competition, encouraged many utilities to invest in generation and related investment costs that might not be recoverable. The result was a construction lag, while demand for power increased by about 2 percent per year.

Nevertheless, between 1978 and 1992, America’s utilities had reserve margins that averaged between 25 percent and 30 percent to meet emergency demand situations. Since 1992, the reserve margin has dropped significantly—to less than 15 percent nationwide.

Meanwhile, the Energy Administration (EIA), in its Annual Energy Outlook 2001, raised its own projections of electricity demand for the next 20 years because of projected increases in economic growth and the growth in electricity use for a variety of residential and commercial applications. To meet demand growth, EIA projects that 1.3 million new plants—with a total of 393 gigawatts of capacity—will need to be built by 2020. The 393 gigawatts represents nearly a 47% increase over current installed capacity, or the ability to meet un unbundling and competitive customer choice.

In recent years, most notably in California, have brought this issue home to millions of people. By way of example, no significant new generation has been built in my state of California in more than a decade, despite higher-than-expected growth in the demand for electricity.

Nationwide, the structure of the electric industry is rapidly changing from vertically-integrated, regulated monopolies to unbundled and fully competitive generation services— independent transmission companies and local distribution companies. Currently, 24 states and the District of Columbia, encompassing some 62% of the Nation’s population, have either passed electric industry restructuring legislation or enacted regulatory orders to implement unbundling and competitive customer choice. In addition, the Federal Energy Regulatory Commission (FERC) is promoting wholesale competition and the formation of regional transmission organizations. Because of the introduction of competition, previously applicable rules regarding the cost recovery of capital simply do not apply anymore.

Mr. Speaker, I urge my colleagues to co-sponsor this urgently needed legislation.

TRIBUTE TO THE MEMBERS OF CARPENTERS LOCAL 1005 OF MERRILLVILLE, INDIANA

HON. PETER J. VISCOSKY
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 10, 2001

Mr. VISCOSKY. Mr. Speaker, it is with great pride and admiration that I congratulate the members of Carpenters Local 1005 of Merrillville, Indiana who will be honored at their 29th Annual Pin Recognition Banquet. The union members of Northwest Indiana have consistently demonstrated the work ethic and quality craftsmanship on which the community prides itself. The banquet, to be held on Saturday, May 12, 2001 at the St. Elijah Serbian American Hall in Merrillville, will be held in honor of those members who have completed between 20 and 65 years of service with the union. Also to be awarded are the Joe Manley Humanitarian Award, the Ken Castaldi Apprentice of the Year Award, and the Contractor of the Year Award.
Carpenters Local 1005, which received its charter on March 7, 1972, is one of the largest Carpenters locals in the state of Indiana, will honor its members for their years of dedicated service. Charles James, initiated in 1936, will be honored for his 65 years of service. Those members who will be honored for 60 years of service include: Rexford McDaniel and Nicholas Mudry. Those who will be honored for 55 years of service include: Lester Connell, Billy Frost, William Gabbard, Sam Loiacano, Harold Massa, Fred Roberts, Robert Rosenbaum, John Taylor, Leonard Taylor, Robert Tucker, James Williams, and Ivan Wynkoop. The members who will be honored for 50 years of service include: Melvin Anderson, Jack Bartruff, Walter Callow, Carl Cauley, James Cooley, John Curtis, Otis Davis, John Gottby, Robert Green, Bartul Leticia, Walter Mahns, John Mihalko, Sam Pysz, Jr., Glen Snow, Albert Touchette, and Tage Borg. Those members who have served for 45 years include: Kenneth Anderson, Felix Bannon, Eugene Claus, Clyde Fauser, George Henderson, Kenneth Horan, William Kristof, Clive Leach, George Nannenga, Raymond Niksich, George Patterson, Jr., Fred Reynolds, Harry Spurgeon, Charlie Stokes, Raymond Wardell, and Jessie Castle. Those members who will be honored for 40 years of service include: Howard Johnson, Jr. and Peter Znika. The members who will be honored for 35 years of service include: Eddie Andersen, Steve Hostinsky, Otto Massow, Oscar Mischan, Loren Pollard, James Thoreson, Grant Wedding, Warren Wilkerson, Dennis Williamson, and Kenneth Mahler. Those members who will be honored for 30 years of service include: Leroy Dewar, Gene Harlow, Winford Harris, Charles Prewitt, John Rassbach, Ronald Robinson, Charles Spiller, and Joe Sulhoff. The members who will be honored for 25 years of service include: Gordon Anderson, Theodore Blahunka, Joseph Crnkovich, Michael Darden, Ronald Dwight, Joseph Erb, William Herbst, Paul Hernandez, Sr., Kenneth Huhn, George Klippel, Nick Kotur, Wray Loney, Roy Scarborough, Rich Steinheisers, Bruce Thomas, Thomas Truley, Michael Twilla, and Donald Welch. Those members who will be honored for 20 years of service include: Jeff Basco, Paul Cieszkiewicz, Harold Eves, Eugene Glowacki, Jeffrey Hall, Roy Jonkman, John Kucik, William Lueder, Daniel Lustgarten, William McCarty, Ricky Nance, Robert Paske, Warren Perry, Jessie Simmons, Drew Smith, and Michael Stanton.

Mr. Speaker, I ask that you and my distinguished colleagues join me in congratulating these dedicated, honorable, and outstanding members of Carpenters Local 1005, in addition to the hardworking union men and women throughout the country. The countless hours of exceptional service the men and women of Carpenters Local 1005 have provided to their community deserve our admiration and respect. Their dedication and commitment are the epitome of the values we hold in North-west Indiana, and I am proud to represent such fine men and women in Congress.

SMALL BUSINESS WEEK

HON. MARK STEVEN KIRK
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 10, 2001

Mr. KIRK. Mr. Speaker, I am pleased to join with the President and the gentleman from Illinois (Mr. MANZULLO) in celebrating small business week. Small businesses are the engine of our nation's economy providing 53 percent of the private work force and $63 billion worth of goods and services to the federal government. Additionally, small businesses are at the heart of our nation's communities providing charity to community service organizations and donations to direct service providers. I would like to acknowledge the hundreds of small businesses that reside in my district which are essential to our nation's social and economic vitality.

Mr. Speaker, I would also like to extend my congratulations to Allstate Corporation, which is located in my district, on receiving a 2001 Phoenix Award for their quick response in New Jersey, Pennsylvania, New York and Virginia in the aftermath of Hurricane Floyd. The Allstate Corporation along with the countless other business and individuals who have dedicated their time and resource to our nation's communities should be commended.

MAY 11, 2001: PROVIDER APPRECIATION DAY

HON. MICHAEL FERGUSON
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 10, 2001

Mr. FERGUSON. Mr. Speaker, I rise to honor childcare providers throughout the world on the eve of Provider Appreciation Day. Provider Appreciation Day, celebrated annually on the Friday before Mother's Day, was spearheaded by a group of volunteers from New Jersey in 1996. They saw the need for a day to show our appreciation to childcare providers. And as a result of their dedication and perseverance, Provider Appreciation Day has not only spread nationwide, it is also celebrated in Canada, Europe, and Asia.

Early childhood is undoubtedly the most critical time of development for our children. Today, approximately 13 million children in the United States under the age of six, are in childcare at least part-time. An additional 24 million school age children are in some form of childcare after school. Provider Appreciation Day recognizes the hard work, childcare workers perform and the sacrifices they make in their dedication to the development of our children.

I encourage all parents with children in childcare to join me in showing their providers how much they are appreciated. While the profession is one of the most under-recognized and underpaid professions in the country, providers bring compassion, patience, encouragement and love to our children each and every day.

I would like to take this opportunity to thank Suzanne Williamson, Chairwoman of Provider Appreciation Day, for her commitment to establishing a national day of recognition for childcare providers. Ms. Williamson is also the Director for Monday Morning Child Care, Inc., a network of childcare providers located in Union County, New Jersey. Her endless efforts have made Provider Appreciation Day possible.

NATIONAL FIBROMYALGIA AWARENESS DAY

HON. JOHN E. PETERSON
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 10, 2001

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise today in support of National Fibromyalgia Awareness Day on May 12, 2001. Fibromyalgia remains a great mystery of the medical world. It affects 3 to 6 million Americans and causes debilitating symptoms that often times make it impossible for an afflicted individual to lead a normal life. Fibromyalgia patients describe their pain as being so severe that it is impossible to lift a glass of water or even get out of bed some mornings.

While the disease tends to affect women between the age of 35 and 50, cases have been reported in children, men and the elderly.

Fibromyalgia is a chronic disorder characterized by widespread musculoskeletal pain, fatigue and multiple tender points. One group of tender points are located in the knee, shoulder, hip and back and can make walking a short distance a challenge. It is also common for Fibromyalgia patients to have a sleep disorder, causing the fatigue to worsen.

The most frustrating aspect of this disease is that it causes a chronic pain for which there is neither a cure nor a known cause. I hope that through awareness efforts like National Fibromyalgia Awareness Day, more attention will be focused on finding a cure and 3 to 6 million Americans can return to living normal, pain free lives.

I applaud the efforts of the National Fibromyalgia Awareness Campaign and ask my colleagues to join me in recognizing May 12, 2001 as National Fibromyalgia Awareness Day.

THE TRAGIC HELICOPTER CRASH KILLING A JOINT US-VIETNAMESE MIA SEARCH TEAM

HON. LANE EVANS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 10, 2001

Mr. EVANS. Mr. Speaker, while much of the world was focused just a few weeks ago on the crisis in the South China Sea, at the same time a tragedy occurred in part of the world that should be remembered. On Saturday, April 7th, we lost seven American and nine Vietnamese personnel in a helicopter crash. The accident happened while this joint U.S.—Vietnamese team was on its way to an operation to help find the remains of missing US service members from the war.

In many of my visits to Vietnam, I had the privilege to meet the members of the Joint Task Force—Full Accounting, the US military unit tasked with helping to find our missing. I
Mr. ORTIZ. Mr. Speaker, I rise to pay tribute to a unique patriot and beloved sports figure in Texas, and the nation, Luis M. Rendon.

He will be honored this Saturday, May 12, in Laredo by the International Latin Hall of Fame, a sports hall of fame focusing primarily on athletes of Hispanic origin, into which he was inducted several years ago. He underwent an operation for colon cancer recently, and the Hall of Fame is putting on a party for him to welcome him home.

Luis Rendon is an amazing man who has had a lifelong love affair with sports, particularly baseball. He was a professional baseball umpire for 40 years. The International Latin Hall of Fame began in Laredo over 30 years ago. Each year, only a very few athletes are inducted. Luis Rendon is the first and only umpire inducted into this sports hall of fame.

As a professional umpire, Luis traveled all over the country, and all over the world. He has officiated at games in England, France, Germany, Mexico, as well as the United States. His services are still in demand, and he volunteers to teach umpires of Little League baseball.

As a veteran myself, I am an enormous fan of Luis Rendon, who has served this nation in uniform in three of the major wars fought by the United States in the 20th Century. He was drafted to serve in World War II and dropped out of school to go fight in the war. He would later serve in Korea and Vietnam before retiring in 1967 after 20 years of service in the United States Army.

Knowing the importance of an education and of setting an example for his children and others, Luis eventually got his GED, later obtaining an associate degree at what is now Laredo Community College at age 50.

He has always been intellectually curious. He is extremely proud of being a Mason, and was recently given an award for teaching other Masons.

He is wholly dedicated to the game of baseball and is a walking encyclopedia of baseball rules and trivia. He is a stickler for those rules and has always been committed to those rules. His philosophy is: if a rule is in the book, it is part of the game; if not, then it is not part of the game. Balls that hit birds or get stuck in the roof of a dome get no special consideration since those situations are not noted in the rules he so reveres.

I ask my colleagues to join me today in commending Luis Rendon for the gift of his lifetime to the game of baseball and to the young people in Texas, and elsewhere, he has taught about life through baseball.

TRIBUTE TO RUBEN SIVERLING

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. GRAVES. Mr. Speaker, I rise today to recognize Mr. Ruben Siverling, the recipient of the Clay/Platte Development Corporation’s Small Business Advocate of the Year.

Mr. Siverling is a full-time business consultant serving on the staff at the Rockhurst University Small Business Development Center. During his years as a consultant to the Small Business Community in the Kansas City region, he has helped start or expand over 1,700 small businesses.

Mr. Siverling was instrumental in opening a satellite Small Business Development Center in the Missouri 6th District. Being a resident of the district, he saw firsthand the growth in the Northland region of Kansas City and understood the importance of a guiding presence to help the area’s burgeoning entrepreneurs.

His dedication to this cause is proven in the early mornings, long days and late evenings that he endures to help each and one of his clients achieve success. Success to him does not only involve just having a client receive a loan, but all facets of learning the start-up process. Whether it is revising a loan package that was not approved on the first submittal, or following through with revision and follow-up meetings, he ensures that the small business client is getting a first-class education that will help their business flourish.

I commend the Clay/Platte Development Corporation on choosing Mr. Reuben Siverling as their Small Business Advocate of the Year, and once again congratulate and thank Mr. Siverling for his years of hard work and dedication to the Small Business Community.
HIGHLIGHTS

Senate agreed to the Congressional Budget Conference Report.

Senate

Chamber Action

Routine Proceedings, pages S4775–S4850

Measures Introduced: Thirteen bills and two resolutions were introduced, as follows: S. 859–871, S. Res. 87, and S. Con. Res. 37. Pages S4822–23

Measures Reported:

H.R. 802, to authorize the Public Safety Officer Medal of Valor.

S. Res. 63, commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. 39, to provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, with an amendment in the nature of a substitute.

S. 166, to limit access to body armor by violent felons and to facilitate the donation of Federal surplus body armor to State and local law enforcement agencies, with an amendment in the nature of a substitute.

Measures Passed:

National Biotechnology Week: Committee on the Judiciary was discharged from further consideration of S. Res. 75, designating the week beginning May 13, 2001, as “National Biotechnology Week”, and the resolution was then agreed to. Pages S4848–49

Elementary and Secondary Education Act Authorization: Senate continued consideration of S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965, taking action on the following amendments proposed there-to:

Adopted:

By 50 yeas to 47 nays (Vote No. 99), Wellstone Modified Amendment No. 403 (to Amendment No. 358), to modify provisions relating to State assessments. Pages S4794–88, S4799–S4803

By 62 yeas to 34 nays (Vote No. 100), Lincoln Amendment No. 451 (to Amendment No. 358), to express the sense of the Senate regarding, and authorize appropriations for, part A and part D of title III of the Elementary and Secondary Education Act of 1965. Pages S4798–99, S4803

Hutchison Amendment No. 554 (to Amendment No. 358), to provide for a Careers to Classrooms program and improve the Troops to Teachers program.

Byrd Amendment No. 402 (to Amendment No. 358), to provide grants for the teaching of traditional American history as a separate subject. Pages S4803–05

Subsequently, the amendment was modified.

Page S4848

Pending:

Jeffords Amendment No. 358, in the nature of a substitute. Pages S4794–S4812

Kennedy (for Murray) Amendment No. 378 (to Amendment No. 358), to provide for class size reduction programs.

Page S4794

Kennedy (for Dodd) Amendment No. 382 (to Amendment No. 358), to remove the 21st century community learning center program from the list of programs covered by performance agreements.

Page S4794

Cleland Amendment No. 376 (to Amendment No. 358), to provide for school safety enhancement, including the establishment of the National Center for School and Youth Safety.

Page S4794

Biden Amendment No. 386 (to Amendment No. 358), to establish school-based partnerships between local law enforcement agencies and local school systems, by providing school resource officers who operate in and around elementary and secondary schools.

Page S4794

Specter Modified Amendment No. 388 (to Amendment No. 378), to provide for class size reduction.

Page S4794
Voinovich Amendment No. 389 (to Amendment No. 358), to modify provisions relating to State applications and plans and school improvement to provide for the input of the Governor of the State involved.

Carnahan Amendment No. 374 (to Amendment No. 358), to improve the quality of education in our Nation’s classrooms.

Reed Amendment No. 425 (to Amendment No. 358), to revise provisions regarding the Reading First Program.

A unanimous-consent agreement was reached providing for further consideration of the bill at 2 p.m., on Monday, May 14, 2001, and certain amendments to be proposed thereto, with votes on certain amendments to occur beginning at 5:30 p.m.

Congressional Budget—Conference Report: By 53 yeas to 47 nays (Vote No. 98), Senate agreed to the conference report on H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011, clearing the measure for the President.

Appointments:

U.S. Capitol Preservation Commission: The Chair, on behalf of the Democratic Leader, pursuant to Public Law 100–696, announced the appointment of Senator Durbin as a member of the United States Capitol Preservation Commission, vice Senator Feinstein.

Vietnam Education Foundation: The Chair, on behalf of the President pro tempore and upon the recommendation of the Majority Leader, pursuant to Public Law 106–554, appointed Senator Hagel to the Board of Directors of the Vietnam Education Foundation.

Nominations Confirmed: Senate confirmed the following nominations:

Kenneth I. Juster, of the District of Columbia, to be Under Secretary of Commerce for Export Administration.

Larry D. Thompson, of Georgia, to be Deputy Attorney General.

Daniel J. Bryant, of Virginia, to be an Assistant Attorney General.

Grant D. Aldonas, of Virginia, to be Under Secretary of Commerce for International Trade.

Robert Glenn Hubbard, of New York, to be a Member of the Council of Economic Advisers.

Nominations Received: Senate received the following nominations:

Cari M. Domínguez, of Maryland, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2001.

Cari M. Domínguez, of Maryland, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2006. (Reappointment)

Michael K. Powell, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2002. (Reappointment)

Executive Reports of Committees: Pages S4850

Messages From the House: Pages S4821–22

Measures Referred: Pages S4822

Statements on Introduced Bills: Pages S4824–46

Additional Cospromoters: Pages S4823–24

Additional Statements: Pages S4818–21

Authority for Committees: Pages S4847–48

Privileges of the Floor: Page S4848

Record Votes: Three record votes were taken today. (Total—100) Pages S4793, S4802–03

Adjournment: Senate met at 9:30 a.m., and adjourned at 5:47 p.m., until 12 noon, on Monday, May 14, 2001. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on pages S4849–50.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—FDA

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, and Related Agencies concluded hearings on proposed budget estimates for fiscal year 2002 for the Food and Drug Administration, after receiving testimony from Bernard Schwetz, Acting Principal Deputy Commissioner, Food and Drug Administration, Department of Health and Human Services, who was accompanied by several of his associates.

COUNTERTERRORISM

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and the Judiciary concluded hearings to examine the roles and capabilities of various United States federal, state, and local government departments’ counterterrorism efforts, after receiving testimony from Brig. Gen. Bruce M. Lawlor, USANG, Commanding General, Joint Task Force-Civil Support, U.S. Joint Forces Command, Department of Defense; Bernadine Healy, American Red
Cross, and Peter La Porte, District of Columbia Emergency Management Agency, both of Washington, D.C.; Patrick J. Sullivan, Jr., Arapahoe County Sheriff’s Office, Littleton, Colorado; John Fanning, New York City Fire Department, Brooklyn, New York; and Stephen Cantrill, Denver Health Medical Center, Denver, Colorado.

Also, the subcommittee continued hearings in a closed joint session with the Select Committee on Intelligence, receiving testimony from George J. Tenet, Director, Central Intelligence Agency; Louis J. Freeh, Director, Federal Bureau of Investigation, Department of Justice; and Vice Adm. Thomas Wilson, Director, Defense Intelligence Agency.

APPROPRIATIONS—EDUCATION

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education concluded hearings on proposed budget estimates for fiscal year 2002 for the Department of Education, after receiving testimony from Roderick R. Paige, Secretary of Education.

APPROPRIATIONS—GAO/CBO/GP0

Committee on Appropriations: Subcommittee on Legislative Branch concluded hearings on proposed budget estimates for fiscal year 2002, after receiving testimony in behalf of funds for their respective activities from David M. Walker, Comptroller General of the United States, General Accounting Office, who was accompanied by several of his associates; Daniel L. Crippen, Director, Congressional Budget Office, who was accompanied by an associate; and Michael F. DiMario, Public Printer, Government Printing Office.

APPROPRIATIONS—TREASURY LAW ENFORCEMENT AGENCIES

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 Law Enforcement Agencies, after receiving testimony from James F. Sloan, Acting Under Secretary for Enforcement, Bradley A. Buckles, Director, Bureau of Alcohol, Tobacco and Firearms, Charles W. Winwood, Acting Commissioner, United States Customs Service, Brian L. Stafford, Director, United States Secret Service, W. Ralph Basham, Director, Federal Law Enforcement Training Center, William F. Baity, Deputy Director, Financial Crimes Enforcement Network, and R. Richard Newcomb, Director, Office of Foreign Assets Control, all of the Department of the Treasury.

NOMINATIONS

Committee on Armed Services: Committee concluded hearings on the nominations of David S.C. Chu, of the District of Columbia, to be Under Secretary of Defense for Personnel and Readiness, Thomas E. White, of Texas, to be Secretary of the Army, Gordon R. England, of Texas, to be Secretary of the Navy, James G. Roche, of Maryland, to be Secretary of the Air Force, and Alfred Rascon, of California, to be Director of Selective Service, after the nominees testified and answered questions in their own behalf. Mr. White was introduced by Senator Hutchison, Mr. England was introduced by Senators Gramm and Hutchinson, Mr. Roche was introduced by Senators Mikulski and Sarbanes, and Mr. Rascon was introduced by Senators Mikulski and Sarbanes and Representative Bartlett.

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the nominations of Grant D. Aldonas, of Virginia, to be Under Secretary for International Trade, Kenneth I. Juster, of the District of Columbia, to be Under Secretary for Export Administration, Maria Cino, of Virginia, to be Assistant Secretary and Director General of the United States and Foreign Commercial Service, all of the Department of Commerce, and Robert Glenn Hubbard, of New York, to be a Member of the Council of Economic Advisers.

NOMINATIONS

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings on the nominations of John E. Robson, of California, to be President of the Export-Import Bank of the United States, Peter R. Fisher, of New Jersey, to be Under Secretary of the Treasury for Domestic Finance, and James J. Jochum, of Virginia, to be Assistant Secretary of Commerce for Export Administration, after the nominees testified and answered questions in their own behalf. Mr. Robson was introduced by Senator Feinstein, Mr. Fisher was introduced by Senator Corzine, and Mr. Jochum was introduced by Senator Grassley.

AIR TRAFFIC CONTROL DELAYS

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation held hearings to examine the role of the Federal Aviation Administration modernization program in reducing air traffic delays and congestion and its impact on the aviation industry, receiving testimony from Jane F. Garvey, Administrator, Federal Aviation Administration, Department of Transportation; Gerald L. Dillingham, Director, Physical Infrastructure Issues, General Accounting

Hearings recessed subject to call.

**DEPARTMENT OF ENERGY BUDGET**

*Committee on Energy and Natural Resources: Committee concluded oversight hearings to examine the President’s proposed budget request for fiscal year 2002 for the Department of Energy, focusing on national security, energy resources, science and technology, and environmental quality issues, after receiving testimony from Spencer Abraham, Secretary of Energy.*

**DEPARTMENT OF INTERIOR BUDGET**

*Committee on Energy and Natural Resources: Subcommittee on National Parks, Historic Preservation, and Recreation concluded oversight hearings to examine the President’s proposed budget request for fiscal year 2002 for the Department of Interior, focusing on the National Park Service programs and operations, after receiving testimony from Denis P. Galvin, Acting Director, National Park Service, Department of the Interior.*

Hearings recessed subject to call.

**DESERT TORTOISE HABITAT CONSERVATION**

*Committee on Energy and Natural Resources: Subcommittee on Forests and Public Land Management held hearings on H.R. 880, to provide for the acquisition of property in Washington County, Utah, for implementation of a desert tortoise habitat conservation plan, receiving testimony from Robert Anderson, Deputy Assistant Director, Bureau of Land Management, Department of the Interior.*

Hearings recessed subject to call.

**DEPARTMENT OF TRANSPORTATION AND GSA 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 Department of Transportation’s Federal Highway Administration, focusing on the Transportation Equity Act (TEA–21) highway and highway safety programs, and the President’s proposed budget request for fiscal year 2002 for the General Services Administration’s Federal buildings program, including the courthouse construction budget, after receiving testimony from Norman Y. Mineta, Secretary of Transportation; Thurman M. Davis, Sr., Acting Administrator, General Services Administration; and Judge Jane R. Roth, U.S. Court of Appeals for the Third Circuit.*

**BIOMEDICAL RESEARCH**

*Committee on Health, Education, Labor, and Pensions: Committee concluded hearings to examine opportunities and innovations involving biomedical research, after receiving testimony from former Senator Mark Hatfield, and Samuel C. Silverstein, Columbia University College of Physicians and Surgeons, New York, New York, both on behalf of the Lasker Fund–First Initiative; James and Julianne Nickerson, Underhill, Vermont, both on behalf of the American Heart Association; Arthur D. Ullian, Task Force on Science, Health Care and the Economy, Boston, Massachusetts; Robert Topel, University of Chicago Graduate School of Business, Chicago, Illinois; and Kenneth H. Keller, University of Minnesota Hubert H. Humphrey Institute of Public Affairs, Minneapolis, on behalf of the Medical Technology Leadership Forum.*

**BUSINESS MEETING**

*Committee on the Judiciary: Committee ordered favorably reported the following business items:*

- S. 166, to limit access to body armor by violent felons and to facilitate the donation of Federal surplus body armor to State and local law enforcement agencies, with an amendment in the nature of a substitute;
- H.R. 802, to authorize the Public Safety Officer Medal of Valor;
- S. 39, to provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, with an amendment in the nature of a substitute;
- S. Res. 63, commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers; and

The nominations of Daniel J. Bryant, of Virginia, to be an Assistant Attorney General, Charles A. James, Jr., of Virginia, to be an Assistant Attorney General, and Larry D. Thompson, of Georgia, to be Deputy Attorney General, all of the Department of Justice.

**ALASKA NATIVE COMMUNITY**

*Committee on Indian Affairs: Committee concluded oversight hearings on the goals and priorities of the Alaska Native Community, after receiving testimony from Julie Kitka, Alaska Federation of Natives, Matthew Nicolai, Calista Corporation, Mike Williams, Alaska Inter-Tribal Council, and Vernita Herdman, Rural Alaska Community Action Program, all of Anchorage; Loretta Bullard, Kawerak, Inc., Nome, Alaska, and Rita Stevens, Kodiak Area Native Association, Kodiak, Alaska, both on behalf of the Alaska Federation of Natives; Alfred Ketzler, Sr., Tanana...*
House of Representatives

Chamber Action

Bills Introduced: 31 public bills, H.R. 1793–1823; 3 resolutions, H. Con. Res. 131–132, and H. Res. 140, were introduced. Pages H2140–42

Reports Filed: No reports were filed today.

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Ira Combs, Jr., Greater Bible Way Temple of Jackson, Michigan. Page H2085

Foreign Relations Authorizations Act: The House completed general debate on H.R. 1646, to authorize appropriations for the Department of State for fiscal years 2002 and 2003. Further consideration of the bill will resume at a later date. Pages H2090–H2135

Agreed To: DeLay amendment No. 1 printed in H. Rept. 107–62 that establishes the American Servicemembers’ Protection Act to ensure that American citizens, particularly military personnel, are not prosecuted by the International Criminal Court for actions taken on behalf of the United States government unless the Senate ratifies the treaty establishing the court (agreed to by a recorded vote of 282 ayes to 137 noes with 1 voting “present,” Roll No. 106); and Pages H2115–25, H2133–34

Hyde amendment No. 2 printed in H. Rept. 107–62 that additionally predicates the release of $244 million in arrearage payments to the United Nations upon restoration of full membership on the United Nations Commission on Human Rights by the United States and proscribes the use of secret ballots unless the Secretary of State certifies that the use of this type of balloting can serve the interest of the United States (agreed to by a recorded vote of 252 ayes to 165 noes with 1 voting “present,” Roll No. 107). Pages H2125–30, H2134

Rejected: Tancredo amendment No. 3 printed in H. Rept. 107–62 that sought to strike provisions authorizing the funding of $65 million for the United Nations Educational, Scientific, and Cultural Organization (UNESCO) and calls for the President to renew United States membership and participation in it (rejected by a recorded vote of 193 ayes to 225 noes, Roll No. 108). Pages H2130–33, H2134–35

H. Res. 138, the rule that is providing for consideration of the bill was agreed to by a yea-and-nay vote of 226 yeas to 192 nays, Roll No. 105. Pages H2086–90

Legislative Program: The Majority Leader discussed the legislative Program for the week of May 14. Pages H2135–36

Meeting Hour—Monday, May 14: Agreed that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday, May 14. Page H2136

Meeting Hour—Tuesday, May 15: Agreed that when the House adjourns on Monday, May 14, it adjourn to meet at 12:30 p.m. on Tuesday, May 15 for morning-hour debate. Page H2136

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, May 16. Page H2136

Senate Messages: Messages received from the Senate appear on pages H2085–86.

Quorum Calls—Votes: One yea-and-nay vote and three recorded votes developed during the proceedings of the House today and appears on pages H2089–90, H2133–34, H2134, and H2134–35. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 2:36 p.m.

Committee Meetings

COMMERCE, JUSTICE, STATE AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State and Judiciary held a hearing on International Organizations and Peacekeeping, and on U.S. Trade Representative. Testimony was heard from the following officials of the Department of State: C. David Welch, Assistant Secretary, International Organization Affairs, Department of State; and James B. Cunningham, Acting U.S. Representative, United Nations.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development held a hearing on Department of Energy, Energy Resources and Science. Testimony was heard from the following officials of the Department of Energy: James Decker, Acting Director, Office of Science; Robert Dixon, Deputy Assistant Secretary, Office of Power Technology; and William Magwood, Director, Office of Nuclear Energy, Science and Technology.

FOREIGN OPERATIONS APPROPRIATIONS

Committee on Appropriations: Subcommittee on Foreign Operations, Export Financing and Related Programs held a hearing on the Secretary of State. Testimony was heard from Colin L. Powell, Secretary of State.

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services and Education held a hearing on Substance Abuse and Mental Health Services, and on Agency for Healthcare Research and Quality. Testimony was heard from the following officials of the Department of Health and Human Services: James H. Autry, Acting Administrator, Substance Abuse and Mental Health Services; and John M. Eisenberg, M.D., Director, Agency for Healthcare Research and Quality.

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Treasury, Postal Service and General Government held a hearing on OMB. Testimony was heard from Mitchell E. Daniels, Jr., Director, OMB.

VA-HUD APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD and Independent Agencies continued hearings on the EPA. Testimony was heard from Christine Todd Whitman, Administrator, EPA.

BECK RIGHTS 2001: ARE WORKERS BEING HEARD?

Committee on Education and the Workforce: Subcommittee on Workforce Protections held a hearing on “Beck Rights 2001: Are Workers Being Heard?” Testimony was heard from public witnesses.

ELECTRICITY EMERGENCY ACT


PATIENTS FIRST

Committee on Energy and Commerce: Subcommittee on Health and the Subcommittee on Oversight and Investigations held a joint hearing entitled “Patients First: A 21st Century Promise to Ensure Quality and Affordable Health Coverage.” Testimony was heard from public witnesses.

FEDERAL ELECTION REFORM

Committee on House Administration: Held a hearing on Federal Election Reform. Testimony was heard from Conny McCormack, Registrar-Recorder/County Clerk, Los Angeles, State of California; Connie Schmidt, Election Commissioner, Johnson County, State of Kansas; Carolyn Jackson, Administration of Elections, Hamilton County, State of Tennessee; Pam Iorio, Supervisor of Elections, Hillsborough County, State of Florida; Linda Lamone, Administrator, Board of Election Laws, State of Maryland; and a public witness.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Held a hearing on the following bills: H.R. 718, Unsolicited Commercial Electronic Mail Act of 2001; and H.R. 1017, Anti-Spamming Act of 2001. Testimony was heard from Representative Wilson; and public witnesses.

OVERSIGHT—PATENTS

Committee on the Judiciary: Subcommittee on Courts, the Internet and Intellectual Property held an oversight hearing on Improving the Fairness and Quality of Issued Patents. Testimony was heard from public witnesses.

OVERSIGHT

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans held an oversight hearing on the capacity reduction programs, Federal investments in fisheries and the reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act. Testimony was heard from William T. Hogarth, Acting Assistant Administrator, Fisheries, National Marine Fisheries Service, NOAA, Department of Commerce; Barry T. Hill, Director, Natural Resources and Environment, GAO; John H. Dunnigan, Executive Director, Atlantic States Marine Fisheries Commission; and public witnesses.

CLASSROOMS AS LABORATORIES

Committee on Science: Subcommittee on Research held a hearing on Classrooms as Laboratories: The Science of Learning Meets the Practice of Teaching. Testimony was heard from public witnesses.
REDUCE FLIGHT DELAYS
Committee on Transportation and Infrastructure: Subcommittee on Aviation approved for full Committee action H.R. 1407, to amend title 49, United States Code, to permit air carriers to meet to discuss their schedules in order to reduce flight delays.

COAST GUARD AUTHORIZATION ACT
Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation approved for full Committee action H.R. 1699, Coast Guard Authorization Act of 2001.

NATIONAL HEALTH MUSEUM AND FUTURE USE OF FEDERAL OFFICE BUILDING 8
Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings and Emergency Management held a hearing on The National Health Museum and the future use of Federal Office Building located at 2nd and C. Streets, SW. in Washington, D.C. Testimony was heard from Representative Morella; Paul Chistolini, Acting Commissioner, Public Buildings Service, GSA; Alan M. Hantman, Architect of the Capitol; and a public witness.

PROMOTING SAFE AND STABLE FAMILIES PROGRAM
Committee on Ways and Means: Subcommittee on Human Resources held a hearing on the Promoting Safe and Stable Families Program. Testimony was heard from Kathleen A. Kearney, Secretary, Department of Children and Families, State of Florida; Linda E. Mouzon, Executive Director, Social Services Administration, Department of Human Resources, State of Maryland; and public witnesses.

SOCIAL SECURITY PROGRAMS—ENSURING THE INTEGRITY
Committee on Ways and Means: Subcommittee on Social Security held a hearing on Ensuring the Integrity of Social Security Programs. Testimony was heard from the following officials of the SSA: Fritz G. Streckewald, Acting Assistant Deputy Commissioner, Office of Disability and Income Security Programs; and James G. Huse, Jr., Inspector General; and public witnesses.

BRIEFING—PERU UPDATE
Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Peru Update. The Committee was briefed by departmental officials.

COMMITTEE MEETINGS FOR FRIDAY, MAY 11, 2001
(Committee meetings are open unless otherwise indicated)

Senate
No meetings/hearings scheduled.

House
Committee on Government Reform, Subcommittee on the District of Columbia, hearing on "Coordination of Criminal Justice Activities in the District of Columbia," 10 a.m., 2154 Rayburn.

CONGRESSIONAL PROGRAM AHEAD
Week of May 14 through May 19, 2001

Senate Chamber
On Monday, Senate will resume consideration of S. 1, Elementary and Secondary Education Act Authorization.
During the remainder of the week, Senate will continue consideration of S. 1, Elementary and Secondary Education Act Authorization, and may consider any other cleared legislative and executive business.

Senate Committees
(Committee meetings are open unless otherwise indicated)
Special Committee on Aging: May 17, to hold hearings to examine the implementation of the National Family Caregiver Support Program, 9:30 a.m., SD–562.
Committee on Agriculture, Nutrition, and Forestry: May 16, to hold hearings on the Farm Credit title of the Farm Bill, 9 a.m., SR–328A.
Committee on Appropriations: May 15, Subcommittee on Foreign Operations, to hold hearings on proposed budget estimates for fiscal year 2002 for Foreign Operations, 10:30 a.m., SD–124.
May 16, Subcommittee on Legislative Branch, to hold hearings on proposed budget estimates for fiscal year 2002 for the Sergeant at Arms, United States Capitol Police Board, and Office of Compliance, 10 a.m., SD–124.
May 16, Subcommittee on District of Columbia, to hold hearings on the District of Columbia Superior Court’s proposed reform of its Family Division, 10 a.m., SD–116.
May 16, Subcommittee on Defense, to hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Defense, 10 a.m., SD–192.
May 17, Subcommittee on Treasury and General Government, to hold hearings on proposed budget estimates for fiscal year 2002 for the Department of the Treasury, focusing on the Internal Revenue Service, 9:30 a.m., SR–485.

May 17, Subcommittee on Agriculture, Rural Development, and Related Agencies, to hold hearings on agriculture market concentration issues, 10 a.m., SD–138.

Committee on Armed Services: May 15, Subcommittee on Emerging Threats and Capabilities, to hold hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on the Department of Energy’s Defense Nuclear Nonproliferation Programs, to be followed by closed hearings (in Room SH–219), 2:30 p.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: May 15, to hold hearings on the nomination of Alphonso R. Jackson, of Texas, to be Deputy Secretary, the nomination of Richard A. Hauser, of Maryland, to be General Counsel, the nomination of John Charles Weicher, of the District of Columbia, to be an Assistant Secretary and serve as the Federal Housing Commissioner, and the nomination of Romolo A. Bernardi, of New York, to be Assistant Secretary for Community Planning and Development, all of the Department of Housing and Urban Development; and to hold a business meeting to consider the nomination of John E. Robson, of California, to be President of the Export-Import Bank of the United States and the nomination of James J. Jochum, of Virginia, to be Assistant Secretary of Commerce for Export Administration, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: May 16, to hold hearings on certain nominations of the Department of Transportation, the Department of Commerce and the Federal Trade Commission, 9:30 a.m., SR–253.

May 17, Full Committee, to hold hearings on certain nominations for the Federal Communications Commission, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: May 15, to hold hearings on the national energy policy with respect to federal, state, and local impediments to the siting of energy infrastructure, 9:30 a.m., SD–366.

May 16, Full Committee, to hold hearings on the nomination of J. Steven Griles, of Virginia, to be Deputy Secretary of the Interior; the nomination of Lee Sarah Liberman Otis, of Virginia, to be General Counsel and the nomination of Jessie Hill Roberson, of Alabama, to be Assistant Secretary for Environmental Management, both of the Department of Energy; the nomination of Nora Mead Brownell, of Pennsylvania and the nomination of Patrick Henry Wood III, of Texas, both to be Members of the Federal Energy Regulatory Commission, 9:30 a.m., SD–366.

Committee on Environment and Public Works: May 15, to hold hearings on the President’s proposed budget request for fiscal year 2002 for the Environmental Protection Agency, 2:30 p.m., SD–628.

May 17, Full Committee, to hold hearings on the nomination of Linda J. Fisher, of the District of Columbia, to be Deputy Administrator, the nomination of Jeffrey R. Holmstead, of Colorado, to be Assistant Administrator for Air and Radiation, the nomination of Stephen L. Johnson, of Maryland, to be Assistant Administrator for Toxic Substances, all of the Environmental Protection Agency; and the nomination of James Laurence Connaughton, of the District of Columbia, to be a Member of the Council on Environmental Quality, 9:30 a.m., SD–628.

Committee on Foreign Relations: May 16, to hold hearings on the nomination of A. Elizabeth Jones, of Maryland, to be Assistant Secretary of State for European Affairs, 10 a.m., SD–419.

May 16, Full Committee, to hold hearings on the nomination of Thelma J. Askey, of Tennessee, to be Director of the Trade and Development Agency; and the nomination of Peter S. Watson, of California, to be President of the Overseas Private Investment Corporation, 3 p.m., SD–419.

May 17, Full Committee, to hold hearings on the nomination of William J. Burns, of the District of Columbia, to be Assistant Secretary of State for Near Eastern Affairs; and the nomination of Christina B. Rocca, of Virginia, to be Assistant Secretary of State for South Asian Affairs, 2 p.m., SD–419.

Committee on Governmental Affairs: May 15, to hold hearings to examine the financial outlook of the United States postal service, 10 a.m., SD–342.

May 17, Full Committee, to hold hearings on the nomination of John D. Graham, of Massachusetts, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, 10 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: May 17, to hold hearings to examine certain issues surrounding the nursing staffing shortage, 9:30 a.m., SD–430.

May 17, Full Committee, to hold hearings to examine direct care staffing shortages, 9:30 a.m., SD–430.

Select Committee on Intelligence: May 15, to hold closed hearings on intelligence matters, 10 a.m., SH–219.

May 16, Full Committee, to hold closed hearings on intelligence matters, 2 p.m., SH–219.

May 17, Full Committee, to hold closed hearings on intelligence matters, 2 p.m., SH–219.

Committee on the Judiciary: May 15, to hold hearings to examine high technology patents, relating to business methods and the internet, 10 a.m., SD–226.

May 15, Full Committee, to hold hearings on the implementation of the Paul Coverdell National Forensic Science Improvement Act (P.L. 106–561), focusing on DNA crime labs, 2 p.m., SD–226.

May 16, Full Committee, to hold hearings on Department of Justice and certain judicial nominations, 10 a.m., SD–226.

United States Senate Caucus on International Narcotics Control: May 15, to hold hearings to examine the relationship between the source zone and Plan Colombia, including the current strategy and balance of transit zone operations, 2 p.m., SD–215.
Committee on Veterans’ Affairs: May 16, to hold hearings on the nomination of Leo S. Mckay, Jr., of Texas, to be Deputy Secretary of Veterans Affairs; the nomination of Robin L. Higgins, of Florida, to be Under Secretary of Veterans Affairs for Memorial Affairs; the nomination of Maureen Patricia Cragin, of Maine, to be an Assistant Secretary of Veterans Affairs for Public and Intergovernmental Affairs; the nomination of Jacob Lozada, of Puerto Rico, to be an Assistant Secretary of Veterans Affairs; and the nomination of Gordon H. Mansfield, of Virginia, to be an Assistant Secretary of Veterans Affairs for Congressional Affairs, 9:30 a.m., SR–418.

House Chamber

To be announced.

House Committees

Committee on Appropriations, May 15, Subcommittee on Foreign Operations, Export Financing and Related Programs, on the Secretary of the Treasury, 2:30 p.m., 2359 Rayburn.

May 15, Subcommittee on Labor, Health and Human Services and Education, on Administration for Children and Families, 2 p.m., and on Administration of Aging, 3:15 p.m., 2358 Rayburn.

May 15, Subcommittee on VA, HUD and Independent Agencies, on Corporation for National and Community Service, 10 a.m., on National Credit Union Administration, 1 p.m., and on Neighborhood Reinvestment Corporation, 2 p.m., H–143 Capitol.

May 16, Subcommittee on Commerce, Justice, State and Judiciary, on FBI and DEA, 10 a.m., 2358 Rayburn, and on State Department Management, 2 p.m., H–309 Capitol.

May 16, Subcommittee on the District of Columbia, on Management Reform, 1:30 p.m., room to be announced.

May 16, Subcommittee on Labor, Health and Human Services and Education, on NIH Budget Overview, 10 a.m., 2358 Rayburn.

May 16, Subcommittee on VA, HUD and Independent Agencies, on NSF, 9:30 a.m., H–143 Capitol.

May 17, Subcommittee on Commerce, Justice, State and Judiciary, on NOAA, 10 a.m., and on FCC, 2 p.m., H–309 Capitol.

May 17, Subcommittee on District of Columbia, on Housing and Environment Issues, 1:30 p.m., room to be announced.

May 17, Subcommittee on Foreign Operations, Export Financing and Related Programs, on AID Administrator, 10 a.m., 2359 Rayburn.

May 17, Subcommittee on Labor, Health and Human Services and Education, on NIH Budget (Research Infrastructure), 10 a.m., and on NLRB, 11:15 a.m., 2358 Rayburn.

May 17, Subcommittee on VA, HUD and Independent Agencies, on FEMA, 9:30 a.m., H–143 Capitol.

Committee on Armed Services, May 17, Subcommittee on Military Personnel, hearing on lessons learned from the current version of the TRICARE managed care support contracts and recommendations for the design of the next round of contracts, 9 a.m., 2118 Rayburn.

May 17, Subcommittee on Readiness, hearing on examining vulnerabilities of Department of Defense networks, 10 a.m., 2212 Rayburn.

Committee on Energy and Commerce, May 15, Subcommittee on Energy and Air Quality, hearing on Consumer Perspectives on Energy Policy, 1 p.m., 2123 Rayburn.

May 16, Subcommittee on Health, to continue hearings on Medicare Reform: Providing Prescription Drug Coverage for Seniors, 10 a.m., 2123 Rayburn.


May 16, Subcommittee on Financial Institutions and Consumer Credit, hearing on Federal deposit insurance reform, 9:30 a.m., 2128 Rayburn.


Committee on Government Reform, May 16, to continue hearings on “The U.S. Postal Service’s Uncertain Financial Outlook—Part II,” 10 a.m., 2154 Rayburn.

May 17, Subcommittee on National Security, Veterans’ Affairs, and International Relations, hearing on “Rule of Law Assistance Programs: Limited Impact, Limited Sustainability,” 10 a.m., 2154 Rayburn.

Committee on International Relations, May 16, Subcommittee on Africa, to mark up H.R. 931, Sudan Peace Act; followed by a hearing on Bridging the Information Technology Divide in Africa, 2 p.m., 2172 Rayburn.

Committee on the Judiciary, May 15, Subcommittee on Crime, oversight hearing on the “Reauthorization of the United States Department of Justice Part II—Criminal Law Components at Main Justice,” 4 p.m., 2141 Rayburn.

May 15, Subcommittee on Immigration and Claims, oversight hearing on the “INS and the Executive Office for Immigration Review,” 2 p.m., 2237 Rayburn.

May 17, Subcommittee on the Courts, the Internet, and Intellectual Property, oversight hearing on “Music On The Internet,” 1 p.m., 2141 Rayburn.

Committee on Resources, May 15, Subcommittee on Forests and Forest Health, hearing on the Views and Vision of the New Chief of the Forest Service, 3:30 p.m., 1354 Longworth.

Committee on Science, May 15, Subcommittee on Space and Aeronautics, hearing on the Aerospace Industrial Base, 4 p.m., 2318 Rayburn.

May 17, Subcommittee on Energy, hearing on the Department of Energy Office of Science Issues and Opportunities, 10 a.m., 2318 Rayburn.
May 17, Subcommittee on Environment, Technology, and Standards, hearing on Science and Technology at the Environmental Protection Agency: The Fiscal Year Budget Request, 9:30 a.m., 2325 Rayburn.

Committee on Small Business, May 16, hearing on the Administration’s proposed Fiscal Year 2002 budget for the SBA, 10 a.m., 2360 Rayburn.

May 17, hearing on Access to Capital, 10 a.m., 2360 Rayburn.

May 17, Subcommittee on Regulatory Reform and Oversight and the Subcommittee on Rural Enterprises, Agriculture and Technology, joint hearing on Economic Development in Rural America-Small Business Access to Broadband, 2 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, May 15, Subcommittee on Coast Guard and Maritime Transportation, hearing on Recreational Boating Safety, 2 p.m., 2167 Rayburn.

May 16, full Committee, to consider pending business, time to be announced, 2167 Rayburn.

May 16, Subcommittee on Water Resources and Environment, hearing on Management Options for Confined Animal Feeding Operations, 2 p.m., 2167 Rayburn.

Committee on Ways and Means, May 17, Subcommittee on Social Security, hearing on Social Security’s Processing of Attorney Fees, 10 a.m., B–318 Rayburn.
Next Meeting of the SENATE
12 noon, Monday, May 14

Senate Chamber
Program for Monday: After the recognition of two Senators for speeches and the transaction of any morning business (not to extend beyond 2 p.m.), Senate will continue consideration of S. 1, Elementary and Secondary Education Act Authorization, with votes on certain amendments to occur beginning at 5:30 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES
2 p.m., Monday, May 14

House Chamber
Program for Monday: Pro forma session.

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