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House of Representatives

The House met at 10 a.m.

The Reverend Ronald Auch, Pastor, Prayer House Assembly of God, Kenosha, Wisconsin, offered the following prayer:

Father in Heaven, I thank You for this day that You have given us. We hold Your name in reverence. As we look at our world with its various needs, we realize how wonderful it would be for Your kingdom to come into the hearts of all men. We pray for Your will to be accomplished. We are a needy people. Give us this day our daily bread. Forgive us also as a Nation for the times we trespassed others' rights. Make us willing to forgive those who have done the same to us. Keep us from truly evil activities so that we can be a moral standard to our children, our families, our Nation and the world. I pray that You would bless each of the Members of the House of Representatives this day. In Jesus' name. 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 Hampshire (Mr. SUNUNU) come forward and lead the House in the Pledge of Allegiance.

Mr. SUNUNU 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.

REVEREND RONALD AUCH

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

Mr. RYAN of Wisconsin. Mr. Speaker, it is a pleasure of mine to be here to hear the words from Pastor Ron Auch from the Prayer House Assembly of God Church in Kenosha, Wisconsin.

It is a pleasure to celebrate the things that he has done on behalf of the residents of Kenosha County, and the fact that he was able to address the Nation in prayer this morning is a tribute to the sacrifices that he and his family have given to all of the folks in Kenosha.

Mr. Speaker, I know first hand the kinds of healing and gifts that he has done for constituents. He has helped friends of mine in their problems. He has brought the Savior into their lives and brought hope and spiritual healing to countless people.

Now he is building a new church, the Prayer House Assembly of God. It is 2 years old in Kenosha and up and running quite well. He has brought spiritual healing to the people of Kenosha, Wisconsin. I thank Pastor Ron for giving us a wonderful word to start our day's business today.

MARCUS BARTLETT HAS MADE INVALUABLE CONTRIBUTION TO ARTS AND MUSIC CULTURE

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

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to thank Mr. Marcus Bartlett for his invaluable contributions to the arts and music culture in the South. Mark has been a long-time friend of Mary Plumer, a community activist in my congressional district. Involved in music and entertainment during his 50-year career, Mark has contributed to our American cultural and artistic heritage. He is viewed as a pioneer in radio, television, and cable. Mark is the former executive vice president of Cox Broadcasting Corporation.

In 1924, young Marcus went to Atlanta and began providing piano accompaniment for choral groups and orchestras that performed each day on ''The Voice of the South.''

Today, still guided by genuine generosity, he continues to dedicate his time to entertain senior citizens at retirement homes, hospitals, and churches in Atlanta.

I thank Mark for truly being in tune with the community spirit, and I wish him many more years of happiness and harmony.

FAITH-BASED INITIATIVES

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

Mr. EDWARDS. Mr. Speaker, in today's Washington Post, President Bush was quoted as saying those who disagree with his faith-based initiatives ''do not understand the power of faith.'' He then referred ''to the skeptics of faith in our society.''

Mr. Speaker, I personally respect the President and his right to offer his proposals. However, I do not think it is fair to question the religious faith of decent Americans who happen to disagree with his policy proposals. Challenging people's religious faith because of public policy differences is not a way to bring Americans together; rather it is a prescription for religious divisiveness.

Numerous groups such as the Baptist Joint Committee and the American Jewish Committee differ with the President on faith-based initiatives, not because they question the power of faith, but because they want to prevent government from regulating our faith.

As we proceed in the debate on faith-based initiatives, I urge all sides to

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focus on the specific issues at hand and not to challenge the religious faith of those with differing views of conscience.

REMEMBERING THE SACRIFICES MADE BY OUR SOLDIERS ON JUNE 6, 1944, D-DAY

(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 rise today to remind our citizens of the sacrifices made by our soldiers on June 6, 1944, D-Day.

Mr. Speaker, on that day the war in Europe reached a dramatic turning point. The Americans and British invaded France from the air and sea. They brought with them a respect for the law, human rights, and democracy. Only through their sacrifice was France and later Europe freed from the grips of an evil tyrant.

Mr. Speaker, it is a fitting tribute on the eve of D-Day's 57th anniversary that the President signed The Veterans Opportunities Act of 2001. I was honored to have my language included from H.R. 1015 to retroactively increase the maximum benefit for SGLI coverage, and I am grateful that on this day when so many soldiers gave their lives to secure freedom for Europe, that we were able to help the families of those killed in tragic accidents.

Mr. Speaker, this would not have been possible without the critical support of the gentleman from New Jersey (Mr. SMITH) and the gentleman from Arizona (Mr. HAYWORTH).

FBI AGENT WHO KILLED VICKI WEAVER CAN BE PROSECUTED

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

Mr. TRAFICANT. Mr. Speaker, a Federal court ruled that the FBI agent that killed Vicki Weaver can be prosecuted. Finally, a Federal court with some anatomy. Check the facts. The Department of Justice once again investigating the Justice Department once again concluded that Agent Horiuchi accidentally shot Mrs. Weaver. Accident, my BVDs. Vicki Weaver was shot stone cold right between the eyes while holding her infant child.

Mr. Speaker, the FBI is beginning to look more and more like the KGB. I yield back the fact that if the FBI and Justice Department were not guilty at Ruby Ridge, why did they pay Randy Weaver $3 million and his wounded friend, Kevin Harris, $400,000 to shut them up? Think about it.

EVERY TAXPAYER WILL GET A REFUND IN THE MAIL

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

Mr. PITTS. Mr. Speaker, for months now pundits have been talking about whether America has been teetering on the brink of a recession. Gross domestic product has fallen from a whopping 7.3 percent in the last quarter of 1999 to just 1.3 percent in the first quarter of this year. The current quarter is a mystery. We do not know if GDP grew or contracted for the second quarter until it is over.

But through all of this, the President has told us if his tax cut package was passed into law, it would provide a much-needed stimulus to the economy. Now it is going to happen. Tomorrow the President signs the bill into law. Every taxpayer will get a refund in the mail and see more take-home pay in their paychecks.

David Wyss of Standard & Poors says, ''Roughly half the population is struggling and living paycheck to paycheck. Those folks will use the rebate almost immediately.''

Mr. Speaker, this President promised and this President delivered. This Congress promised and this Congress delivered. This should help stimulate our economy; and this, my friends, is good government.

TAX RELIEF IS VICTORY FOR AMERICAN FAMILIES

(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, tax relief for American families has been one of my top priorities; so when George Bush ran for President, he made the promise to bring relief to families, and that was like a breath of fresh air.

This year, President Bush laid out specific proposals for tax relief. Some scoffed at the idea of tax relief. Many actively worked to keep Americans from keeping more of their hard-earned tax dollars.

Mr. Speaker, we have now passed tax relief for American families, and later this summer every American who pays taxes will actually get a tax rebate check. These checks come as a promise kept to the American people and are only the first installment of a long-term tax reduction.

When this tax plan is fully implemented, a typical family of four will see their taxes nearly cut in half. Soon American taxpayers will be keeping more of what they earn. This truly is a victory for American families.

YUCCA MOUNTAIN SHOULD BE PUT IN MOTHBALLS

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

Mr. GIBBONS. Mr. Speaker, this morning I want to take a brief moment and address some of the concerns of shipping and storing nuclear waste.

Recently, a former DOE official publicly announced that plans for a nuclear waste repository at Yucca Mountain should be abandoned. Mr. W. Kenneth Davis, Energy Undersecretary from 1981 to 1983, had supported the Yucca Mountain repository site under the Reagan administration. But now, Mr. Davis maintains that shipping deadly nuclear waste across the country to Yucca Mountain should not occur. He said, ''Yucca Mountain, which is unlikely to be licensed, is unreasonable in view of the shipping required, if nothing else, and in my opinion should be put in mothballs.''

Mr. Speaker, shipping nuclear waste across America to Yucca Mountain endangers the lives of every American. Let us heed Mr. Davis' advice, and put the plan for Yucca Mountain in mothballs, where it belongs. There is not enough time in 1 minute to name all of the dangers of shipping nuclear waste across America or to list all of the dangerous plans of storing nuclear waste in Yucca Mountain. This will be addressed as we further debate this issue.

MILITARY MANEUVERS BY PRC AND PLA APPEAR TO THREATEN TAIWAN

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

Mr. PENCE. Mr. Speaker, I come to the well of the House today to call my colleagues' attention to the recent military maneuvers by the People's Republic of China and the People's Liberation Army that appear to threaten Taiwan.

The PLA's response to nearly every political development seems to be to increase its military posture. I wonder, Mr. Speaker, what is the People's Republic of China afraid of. To my knowledge during the modern era, there has never been a credible threat to the security of mainland China. The amphibious military training maneuvers currently underway are similar to 1996 exercises that resulted in a missile launch aimed at the Taiwan Straits. You may recall that the U.S. responded to that launch by deploying an aircraft carrier to the region. Now, as then, the United States is committed to stability in the region.

The threatening nature of these recent maneuvers and their proximity to Taiwan challenges the territorial stability of the island and long-term peace of the region. It is written that it is for freedom that He set us free. Let China hear that in this Congress we will stand with those who will stand for liberty.

Mr. Speaker, I urge all of my colleagues to join me in monitoring the conduct of the Chinese military in the coming weeks.

CONGRATULATIONS TO NARVELL L. ARNOLD, CONGRESSIONAL PAGE

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

Mrs. JONES of Ohio. Mr. Speaker, I rise this morning to congratulate my congressional page, Narvell L. Arnold. This is the first time I have had an opportunity to nominate a congressional page. I am very pleased. Narvell attends John F. Kennedy High School in my congressional district. In fact, just this week I was at John F. Kennedy High School speaking with his principal and counselor. I am so pleased that Narvell, who is captain of the football team, the captain of the basketball team, had an opportunity to be a part of a number of community programs: the Urban League Career Beginnings and another program called Look Up to Cleveland. Narvell, you have made me very, very proud.

Mr. Speaker, I trust that Narvell's future years as a student and politician will be great. And to all of the rest of the congressional pages, it has been wonderful having them. I know they will enjoy their summer.

□ 1015

A VICTORY FOR HARDWORKING TAXPAYERS

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

Mr. STEARNS. Mr. Speaker, families are overtaxed, businesses are overregulated, and our economy is suffering as a result. Clearly there is room within the enormous tax surplus to pay down the debt and fund priority programs while ensuring working families receive the tax relief they both need and deserve. Full, fair, and immediate tax relief has been and will continue to be one of my top priorities here in Congress.

The easiest thing to do in Washington is to increase spending. One of the hardest things to do is to reduce taxes. But thanks to the President's steadfast leadership, hardworking taxpayers will get the significant tax relief they deserve.

Already this session of Congress, the U.S. House has passed key tax relief proposals, including repeal of the death tax, marriage penalty tax relief, and the expansion of the child tax credit.

Mr. Speaker, our new President has been in the White House just over 100 days and already we have helped him to deliver this incredible tax relief package to the American people. This is not only a victory, it is a victory accomplished with incredible speed. Within this year, hardworking Americans across this Nation will be benefiting from more dollars in their pockets.

BUILDING A BETTER AMERICA CAUCUS

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

Mr. GARY MILLER of California. Mr. Speaker, just by looking around us at our homes, our offices, our roads and our local infrastructure, we can see that construction has an important impact on our lives. Members of Congress and the public need to better understand the tremendous contribution the construction industry makes to our Nation's economy.

The value of construction put in place in the United States for the year 2000 was over $800 billion, about 8.25 percent of the U.S. gross domestic product.

Because construction is such an important part of our everyday lives and to bring a pro-construction perspective to Congress, I believed it was necessary to start the Building a Better America Caucus. The purpose of the caucus is to educate Members of Congress and staff on building-related issues that impact our districts and our constituents, from affordable housing to airport construction, to increasing access to training in the construction trades.

I urge all of my colleagues to support our Nation's builders by joining the Building a Better America Caucus.

FBI BACKGROUND CHECKS NEED TO BE SPEEDED UP

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

Mr. DUNCAN. Mr. Speaker, in this week's National Journal, Norman Ornstein, resident scholar at the American Enterprise Institute, calls the number and length of FBI background checks ''insane.''

I read in Insight Magazine last week that only 55 nominees for sub-Cabinet positions have been confirmed out of 436 positions.

Paul Light of the Brookings Institution's Presidential Appointee Initiative was quoted as saying that the Bush administration will be ''lucky'' to have these positions filled by March 1 of next year.

In other words, the Bush administration, which is already being blamed for problems that started long before it came into office, will not really have its people in upper-level positions until well over a year after the President was sworn in. This is ridiculous.

Mr. Ornstein said most of the 1,250 top positions should have a simple, quick computer background check.

I read in the Knoxville News-Sentinel that even Senator Howard Baker who spent 18 years in the Senate and 2 years as chief of staff at the White House had to fill out a detailed 85-page questionnaire, one question of which was, ''Have you ever been involved in a controversial issue?''

Mr. Speaker, this process has become ridiculously bureaucratic and needs to be greatly speeded up.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SUNUNU). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules.

WILLIAM HOWARD TAFT NATIONAL HISTORIC SITE BOUNDARY ADJUSTMENT ACT OF 2001

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1000) to adjust the boundary of the William Howard Taft National Historic Site in the State of Ohio, to authorize an exchange of land in connection with the historic site, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1000

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 ''William Howard Taft National Historic Site Boundary Adjustment Act of 2001''.

SEC. 2. EXCHANGE OF LANDS AND BOUNDARY ADJUSTMENT, WILLIAM HOWARD TAFT NATIONAL HISTORIC SITE, OHIO.

(a) DEFINITIONS.—In this section:

(1) HISTORIC SITE.—The term ''historic site'' means the William Howard Taft National Historic Site in Cincinnati, Ohio, established pursuant to Public Law 91–132 (83 Stat. 273; 16 U.S.C. 461 note).

(2) MAP.—The term ''map'' means the map entitled ''Proposed Boundary Map, William Howard Taft National Historic Site, Hamilton County, Cincinnati, Ohio,'' numbered 448/80,025, and dated November 2000.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

(b) AUTHORIZATION OF LAND EXCHANGE.—

(1) EXCHANGE.—The Secretary may acquire a parcel of real property consisting of less than one acre, which is depicted on the map as the ''Proposed Exchange Parcel (Outside Boundary)'', in exchange for a parcel of real property, also consisting of less than one acre, which is depicted on the map as the ''Current USA Ownership (Inside Boundary)''.

(2) EQUALIZATION OF VALUES.—If the values of the parcels to be exchanged under paragraph (1) are not equal, the difference may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional land.

(3) ADJUSTMENT OF BOUNDARY.—The Secretary shall revise the boundary of the historic site to reflect the exchange upon its completion.

(c) ADDITIONAL BOUNDARY REVISION AND ACQUISITION AUTHORITY.—

(1) INCLUSION OF PARCEL IN BOUNDARY.—Effective on the date of the enactment of this Act, the boundary of the historic site is revised to include an additional parcel of real property,

which is depicted on the map as the ''Proposed Acquisition''.

(2) ACQUISITION AUTHORITY.—The Secretary may acquire the parcel referred to in paragraph (1) by donation, purchase from willing sellers with donated or appropriated funds, or exchange.

(d) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(e) ADMINISTRATION OF ACQUIRED LANDS.—Any lands acquired under this section shall be administered by the Secretary as part of the historic site in accordance with applicable laws and regulations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1000, introduced by the gentleman from Ohio (Mr. PORTMAN), would authorize the Secretary of Interior to adjust the boundary of the William Howard Taft National Historic Site in Cincinnati, Ohio. This site commemorates the only man to serve as President and Chief Justice of the United States.

Specifically, the legislation authorizes the Secretary to acquire a parcel of adjacent private property of less than one acre and exchange it for a parcel of National Park Service property of less than one acre located nearby. The transfer would be beneficial for the Taft site as it would allow the facility to sit on a more contiguous site and facilitate a more convenient parking facility.

In addition, the legislation authorizes a boundary expansion of the historic site by allowing for the acquisition of an additional parcel of property adjacent to the Taft site.

Mr. Speaker, this legislation is not controversial. It is supported by the majority and minority and the administration. At the proper time, I urge an ''aye'' vote on the bill.

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

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

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

Mrs. CHRISTENSEN. Mr. Speaker, William Howard Taft served as the President of the United States from 1909 until 1913 and Chief Justice of the United States Supreme Court from 1921 until his death in 1930. Taft is the only person to have served in both capacities. The Taft National Historic Site located in Cincinnati, Ohio, includes the house where Taft was born, restored to its original appearance, as well as exhibits on the former President's life and work.

H.R. 1000 authorizes the National Park Service to exchange a parcel of Federal land at the site for a parcel owned by a nearby charter school. If completed, the exchange will allow visitors to park closer to the Taft home and facilitate a planned expansion of the charter school.

In addition, the bill would alter the existing boundary on the Taft site to include another parcel of private property adjacent to the original Taft estate. The National Park Service has requested that the property be included within the boundary so that the land could be acquired if the owner ever decides to sell.

President Taft, we would all agree, is a significant figure in American history, and we join our colleagues and the administration in support of this legislation to improve the Taft historic site.

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

Mr. JONES of North Carolina. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I rise in very strong support of the legislation before us today, H.R. 1000, legislation I introduced providing for an important land transfer and boundary adjustment for the William Howard Taft National Historic Site in Cincinnati.

I would like to thank my cosponsor and colleague the gentleman from Ohio (Mr. CHABOT) whom I believe will speak in a moment. I would also like to thank the leadership of the committee, the gentleman from Utah (Mr. HANSEN), the gentleman from Colorado (Mr. HEFLEY), the gentleman from North Carolina (Mr. JONES), the gentleman from West Virginia (Mr. RAHALL), and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for her nice words and her help on this legislation as well as the committee staff that helped put this together and have brought H.R. 1000 to this point.

Mr. Speaker, William Howard Taft, as was noted, is the only person to have served as both President of the United States and Chief Justice of the Supreme Court. Family influence, a love for the law, and personal ambition propelled Will Taft into public service at a very young age. As Solicitor General, Governor of the Philippines, and Secretary of War, he represented our Nation well. He was then elected as the 27th President of the United States in 1908 by an electoral vote count of 2 to 1. His significant legacies from the Taft administration are still an important part of American life.

William Howard Taft realized a long-held dream in 1921 when President Warren Harding named him 10th Chief Justice of the United States. In fact, Mr. Speaker, my colleagues will be interested to know that President Taft was so proud of his distinguished tenure as Chief Justice that he was once quoted as having said, ''I don't remember having been President.''

President Taft's boyhood home is located at 2038 Auburn Avenue in Cincinnati. He lived in the home from the time of his birth until 1886 when he married Helen Herron and embarked on a journey that led him to the White House and the highest court. This beautiful home where he grew up and much of the original property is now the William Howard Taft National Historic Site. It is administered by the National Park Service which has an excellent relationship with the greater Cincinnati community. There is a lot of community involvement in the birthplace. H.R. 1000 is commonsense legislation to enhance the cultural heritage of the beautiful Taft home.

The legislation provides for a simple land transfer between the Park Service and the SABIS International School of Cincinnati. This transfer is very important to the Taft home as it will bring the facility together on one contiguous site. Currently when visiting the Taft home or the education center that is next to it, visitors must park either on a very busy street or in a parking lot that is located away from the home at the other end of the block. The land the Park Service would receive in this transfer would allow for a more convenient and safer parking facility that would help attract more visitors. It would also enable the Park Service to revert a portion of the area to green space which is how it would have appeared, of course, when young Will Taft was growing up in that home.

The transfer is also beneficial to the school. SABIS School likes this because it allows the two plots of land they own to be located directly across the street from each other. We have been working very closely with the members of the SABIS administration, Mr. Speaker; and I am pleased to say this morning that they are fully supportive of this land transfer.

Mr. Speaker, the cost of H.R. 1000 to the Federal Government will be at little or no cost depending on how the transfer of the lands are exchanged because the parcels of land are actually of equal value.

Finally, the bill expands the park's boundary to include a 40-unit apartment building. The owners of the building are fully supportive of being included within the boundary and have an excellent relationship themselves with the Park Service. They have worked closely with us and with the Park Service. In fact, the Park Service currently rents office space in the building and the facility's parking lot is already part of the historic site. In effect, Mr. Speaker, this boundary adjustment will give the Park Service an important right of first refusal should that building ever be put up for sale.

In conclusion, I would like to thank again the leadership of the committee, the gentleman from Utah (Mr. HANSEN), the gentleman from Colorado (Mr. HEFLEY), the gentleman from West Virginia (Mr. RAHALL), the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), the gentleman from North Carolina (Mr. JONES), and others, for helping us enhance the legacy

of William Howard Taft. I very much appreciate their assistance in getting us to this point.

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

Mr. JONES of North Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank my good friend from North Carolina for yielding me this time. It has been an honor serving in the House with him. We both came at the same time. He is truly a great American.

Mr. Speaker, I am also pleased to join with my very good friend and colleague, the gentleman from Ohio (Mr. PORTMAN), in sponsoring H.R. 1000, the William Howard Taft National Historic Site Boundary Adjustment Act of 2001. This legislation will enable the Department of Interior to complete a land transaction that will allow for more contiguous plots of land for President Taft's boyhood home in Cincinnati, Ohio and authorize the acquisition of another parcel of land adjacent to the site.

The City of Cincinnati is very proud to be a steward of this national landmark and, as has been stated, the Taft historic site commemorates the birthplace of the only man who served as both President of the United States and as Chief Justice of the United States Supreme Court and that is Cincinnati's son, William Howard Taft.

During his distinguished career, William Howard Taft served as a Federal judge, as President McKinley's appointee as Governor of the Philippines, as President Theodore Roosevelt's Secretary of War, and in 1909 was sworn in as the 27th President of the United States. In 1921, President Warren Harding appointed him as Chief Justice of the United States Supreme Court.

The House where President Taft was born has been restored to its original appearance and visitors to the site are treated to a tour of the home, including four period rooms that reflect family life during President Taft's boyhood. The home also includes educational exhibits highlighting the 27th President's life and career, and the Taft Education Center which houses classrooms for visiting school children.

Mr. Speaker, thousands of Americans enjoy visiting the William Howard Taft historic site each year. I would urge students of American history to take advantage of this wonderful opportunity when they visit our great city of Cincinnati sometime, we hope, in the near future. I want to again thank the gentleman from Ohio (Mr. PORTMAN) who has been a great leader in this House on many other very, very important pieces of legislation for his hard work on this issue. I urge my colleagues to support the legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 1000, as amended.

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

A motion to reconsider was laid on the table.

AMENDING NATIONAL TRAILS SYSTEM ACT

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 37) to amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails, as amended.

The Clerk read as follows:

H.R. 37

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

SECTION 1. REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.

The National Trails System Act is amended by inserting after section 5 (16 U.S.C. 1244) the following new section:

"SEC. 5A. REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING TRAILS FOR POSSIBLE TRAIL EXPANSION.

''(a) IN GENERAL.—

''(1) DEFINITIONS.—In this section:

''(A) ROUTE.—The term 'route' includes a trail segment commonly known as a cutoff.

''(B) SHARED ROUTE.—The term 'shared route' means a route that was a segment of more than one historic trail, including a route shared with an existing national historic trail.

''(2) STUDY REQUIREMENTS AND OBJECTIVES.—The study requirements and objectives specified in section 5(b) shall apply to a study required by this section. The study shall also assess the effect that designation of the studied route as a component of an existing national scenic trail or national historic trail may have on private property along the proposed route.

''(3) COMPLETION AND SUBMISSION OF STUDY.—A study listed in this section shall be completed and submitted to the Congress not later than three complete fiscal years from the date of the enactment of this section, or from the date of the enactment of the addition of the study to this section, whichever is later.

''(4) IMPLEMENTATION OF STUDY RESULTS.—Upon completion of a study required by this section, if the Secretary conducting the study determines that a studied route is a feasible and suitable addition to the existing national scenic trail or national historic trail that was the subject of the study, the Secretary shall designate the route as a component of that national scenic trail or national historic trail. The Secretary shall publish notice of the designation in the Federal Register.

''(b) OREGON NATIONAL HISTORIC TRAIL.—

''(1) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Oregon Trail listed in paragraph (2) and generally depicted on the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such shared routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as components of the Oregon National Historic Trail.

''(2) COVERED ROUTES.—The routes to be studied under paragraph (1) are the following:

''(A) Whitman Mission route.
''(B) Upper Columbia River.
''(C) Cowlitz River route.
''(D) Meek cutoff.
''(E) Free Emigrant Road.
''(F) North Alternate Oregon Trail.
''(G) Goodale's cutoff.
''(H) North Side alternate route.
''(I) Cutoff to Barlow Road.
''(J) Naches Pass Trail.

''(c) PONY EXPRESS NATIONAL HISTORIC TRAIL.—The Secretary of the Interior shall undertake a study of the approximately 20-mile southern alternative route of the Pony Express Trail from Wathena, Kansas, to Troy, Kansas, and such shared routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as components of the Pony Express National Historic Trail.

''(d) CALIFORNIA NATIONAL HISTORIC TRAIL.—

''(1) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the Missouri Valley, central, and western routes of the California Trail listed in paragraph (2) and generally depicted on the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such shared Missouri Valley, central, and western routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as components of the California National Historic Trail.

''(2) COVERED ROUTES.—The routes to be studied under paragraph (1) are the following:

''(A) MISSOURI VALLEY ROUTES.—
''(i) Blue Mills–Independence Road.
''(ii) Westport Landing Road.
''(iii) Westport–Lawrence Road.
''(iv) Fort Leavenworth–Blue River route.
''(v) Road to Amazonia.
''(vi) Union Ferry Route.
''(vii) Old Wyoming–Nebraska City cutoff.
''(viii) Lower Plattsmouth Route.
''(ix) Lower Bellevue Route.
''(x) Woodbury cutoff.
''(xi) Blue Ridge cutoff.
''(xii) Westport Road.
''(xiii) Gum Springs–Fort Leavenworth route.
''(xiv) Atchison/Independence Creek routes.
''(xv) Fort Leavenworth–Kansas River route.
''(xvi) Nebraska City cutoff routes.
''(xvii) Minersville–Nebraska City Road.
''(xviii) Upper Plattsmouth route.
''(xix) Upper Bellevue route.

''(B) CENTRAL ROUTES.—
''(i) Cherokee Trail, including splits.
''(ii) Weber Canyon route of Hastings cutoff.
''(iii) Bishop Creek cutoff.
''(iv) McAuley cutoff.
''(v) Diamond Springs cutoff.
''(vi) Secret Pass.
''(vii) Greenhorn cutoff.
''(viii) Central Overland Trail.

''(C) WESTERN ROUTES.—
''(i) Bidwell–Bartleson route.
''(ii) Georgetown/Dagget Pass Trail.
''(iii) Big Trees Road.
''(iv) Grizzly Flat cutoff.
''(v) Nevada City Road.
''(vi) Yreka Trail.
''(vii) Henness Pass route.
''(viii) Johnson cutoff.
''(ix) Luther Pass Trail.
''(x) Volcano Road.
''(xi) Sacramento–Coloma Wagon Road.
''(xii) Burnett cutoff.
''(xiii) Placer County Road to Auburn.

''(e) MORMON PIONEER NATIONAL HISTORIC TRAIL.—

''(1) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Morman Pioneer Trail listed in paragraph (2) and generally depicted on the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such shared routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of

one or more of the routes as components of the Mormon Pioneer National Historic Trail.

''(2) COVERED ROUTES.—The routes to be studied under paragraph (1) are the following:

''(A) 1846 Subsequent routes A and B (Lucas and Clarke Counties, Iowa).

''(B) 1856–57 Handcart route (Iowa City to Council Bluffs)

''(C) Keokuk route (Iowa).

''(D) 1847 Alternative Elkhorn and Loup River Crossings in Nebraska.

''(E) Fort Leavenworth Road; Ox Bow route and alternates in Kansas and Missouri (Oregon and California Trail routes used by Mormon emigrants).

''(F) 1850 Golden Pass Road in Utah.

''(f) SHARED CALIFORNIA AND OREGON TRAIL ROUTES.—

''(1) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the shared routes of the California Trail and Oregon Trail listed in paragraph (2) and generally depicted on the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other shared routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as shared components of the California National Historic Trail and the Oregon National Historic Trail.

''(2) COVERED ROUTES.—The routes to be studied under paragraph (1) are the following:

''(A) St. Joe Road.

''(B) Council Bluffs Road.

''(C) Sublette cutoff.

''(D) Applegate route.

''(E) Old Fort Kearny Road (Oxbow Trail).

''(F) Childs cutoff.

''(G) Raft River to Applegate.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

□ 1030

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 37, introduced by the gentleman from Nebraska (Mr. BEREUTER), would amend the National Trails System Act to authorize the Secretary of Interior to study a number of specific routes and cutoff trails that may be suitable and appropriate for designation as components of the Oregon National Historic Trail; second, the California National Historic Trail; third, The Pony Express National Historic Trail; and, fourth, the Mormon Pioneer National Historic Trail.

Since these four trails were established in the 1970s, dozens of additional routes and cutoffs have been identified that may qualify as integral parts of these trails. After determining that the additions or cutoff trails are suitable, the Secretary would designate the routes and cutoff trails as components of these four national trails.

Mr. Speaker, no condemnation of private lands or Federal leases are to be contemplated for any of these routes to these trails.

The bill is not controversial. It is supported by both the majority and the minority and the administration, and at the proper time I urge an aye vote on the bill.

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

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

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

Mrs. CHRISTENSEN. Mr. Speaker, H.R. 37 would amend the National Trails System Act to update previously-completed studies of the Oregon, California, Pony Express and Mormon National Historic Trails. There have been public and private efforts to commemorate and interpret the history and resources of these historic trails. These preservation efforts have spawned additional research on the trails that has indicated there may be additional routes and cutoffs associated with each of these trails which merit designation as a segment of the existing national historic trail.

The purpose of H.R. 37 is to examine those additional routes and cutoffs that were not considered in the initial studies of these trails to determine whether they do, in fact, merit historic trail designation.

A hearing on H.R. 37 was held in April, at which time we received favorable testimony on this matter from the administration, as well as public witnesses. At the full Committee on Resources markup of H.R. 37 in May, a technical and conforming amendment to the bill was adopted by voice vote.

Mr. Speaker, we support the amended bill and favor the passage of H.R. 37 by the House today.

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

Mr. JONES of North Carolina. Mr. Speaker, I yield 5 minutes to the gentleman from Nebraska (Mr. BEREUTER), the sponsor of this legislation.

Mr. BEREUTER. Mr. Speaker, this Member, of course, is in strong support of H.R. 37, a bill this Member introduced on January 3 of this year. This Member also introduced similar legislation in the 106th Congress.

I would begin by commending the distinguished gentleman from Colorado (Mr. HEFLEY), the chairman of the Subcommittee on National Parks, Recreation and Public Lands; the distinguished gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), the ranking member of the subcommittee, the distinguished gentleman from Utah (Mr. HANSEN), the chairman of the Committee on Resources; and the distinguished gentleman from West Virginia (Mr. RAHALL), the ranking member of the Committee on Resources, for their work in bringing this legislation to the floor. I might say to my colleague, the gentleman from North Carolina (Mr. JONES), I thank him for managing this legislation.

The bill is necessary and should be noncontroversial. It is a straightforward effort to provide a one-time feasibility study updating the background for the four national historic trails, the Oregon, the California, Mormon and Pony Express trails. The measure simply recognizes the fact that there are additional routes and cutoffs which may deserve inclusion in the National Trails System.

During the update period, the National Park Service will work with the appropriate trails groups and other interested parties to develop information on any new segment of trail in an effort to determine if it meets the criteria for addition to the system. No condemnation of private lands, as indicated by the gentleman North Carolina (Mr. JONES), or Federal leases is to be contemplated to add any of these routes to the trails.

Although the National Park Service is supportive of efforts to examine additional routes, it has determined that legislation is needed to be provided to it, such as this authorization legislation, and that is the purpose of H.R. 37.

All four trails covered in this legislation were instrumental in opening the American West, but each has its own unique story to tell. The California Trail enabled 70,000 people to follow their dream to the Golden State. In 1848 and 1850, the Oregon Trail made it possible for fur traders, settlers and others to reach the Pacific Northwest; and although it lasted only 18 months, the Pony Express achieved a cherished role in American lure. Its daring riders, which included Buffalo Bill Cody and Wild Bill Hickok, were able to deliver the mail from St. Joseph, Missouri, to Sacramento, California, in 10 days.

The Mormon Pioneer Trail allowed the church members an opportunity to head West in search of religious freedom. These trails all follow at least part of the Platte River and Nebraska is proud to have as one of its nicknames the Historic Trail State. Many used the route through Nebraska to reach their goal further West. Those with more foresight decided to settle in Nebraska.

This Member is pleased to note that during the 102nd Congress, he introduced the legislation which was enacted to designate the California National Historic Trail and the Pony Express National Historic Trail as components of the National Trails System.

The bill being discussed today will build on that effort and enable even greater recognition of the contributions made by these bold and courageous pioneers. Those that used the trails endured hardships that are difficult to imagine. They survived hazards such as wild animals, blizzards and floods, as well as scarcity and disease.

To those who bravely made it to their destination but those who died along the way, we owe a debt of gratitude. This Member believes that H.R. 37 will help to give the proper recognition to the many historic and heroic individuals who played such an important role in settling the American West.

Mr. Speaker, this Member would like to take this opportunity to express his

appreciation to the many dedicated volunteers who have been so supportive of these national trails. Particularly, this Member would like to thank Bill and Jeanne Watson with the Oregon-California Trail Association; Pat Hearty with the Pony Express Trail Association; Ron Anderson with the Mormon Trail Association; and Loren Horton with the Iowa Mormon Trail Association.

The efforts to preserve and provide recognition of these trails is truly a grass-roots labor of love involving thousands of individuals. By the way, they are also involved in some of the upkeep responsibilities as volunteers.

Mr. Speaker, this Member urges his colleagues to support H.R. 37.

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

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

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 37, as amended.

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

A motion to reconsider was laid on the table.

SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT ACT

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 640) to adjust the boundaries of Santa Monica Mountains National Recreation Area, and for other purposes, as amended.

The Clerk read as follows:

H.R. 640

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 ''Santa Monica Mountains National Recreation Area Boundary Adjustment Act''.

SEC. 2. BOUNDARY ADJUSTMENT.

Section 507(c) of the National Parks and Recreation Act of 1978 (92 Stat. 3501; 16 U.S.C. 460kk) establishing Santa Monica Mountains National Recreation Area is amended—

(1) in paragraph (1), by striking '' 'Boundary Map, Santa Monica Mountains National Recreation Area, California, and Santa Monica Mountains Zone', numbered SMM–NRA 80,000, and dated May 1978'' and inserting '' 'Santa Monica Mountains National Recreation Area and Santa Monica Mountains Zone, California, Boundary Map', numbered 80,047, and dated February 2001''; and

(2) by adding the following sentence after the third sentence of paragraph (2)(A): ''Lands within the 'Wildlife Corridor Expansion Zone' identified on the boundary map referred to in paragraph (1) may be acquired only by donation or with donated funds.''.

SEC. 3. TECHNICAL CORRECTIONS.

Section 507 of the National Parks and Recreation Act of 1978 (92 Stat. 3501; 16 U.S.C. 460kk) establishing Santa Monica Mountains National Recreation Area is amended—

(1) in subsection (c)(1), by striking ''Committee on Natural Resources'' and inserting ''Committee on Resources'';

(2) in subsection (c)(2)(B), by striking ''of certain'' in the first sentence and inserting ''certain''; and

(3) in subsection (n)(5), by striking ''laws'' in the second sentence and inserting ''laws,''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 640, introduced by the gentleman from California (Mr. GALLEGLY), would adjust the boundary of the Santa Monica Mountains National Recreation area by adding 3,700 acres of public and private lands to enhance a wildlife corridor and protect a key watershed between the Simi Hills and the Santa Monica Mountains across the 101 Freeway in Southern California.

Most of the acreage that would be added to the National Recreation Area will be transferred from the Santa Monica Mountain Conservancy, a State agency, to the National Park Service. The balance of land will include developed residential areas from within the cities of Saratoga Hills and Agoura Hills, as well as land from the County of Los Angeles.

Unlike many park units where lands within the authorized boundaries are almost entirely in Federal ownership, there exists an extremely complex mosaic of publicly- and privately-owned lands within the Santa Monica Mountains National Recreation Area.

The superintendent of the National Recreation Area assured members of the Committee on Resources that the National Park Service has not and will not regulate land use on private or non-Federal lands within the park boundary.

The bill is supported by the majority and the minority and the administration. At the proper time, I urge an aye vote on this bill.

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

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

Mr. Speaker, the Santa Monica Mountains National Recreation Area includes more than 150,000 acres between Los Angeles and the Pacific Coast. It is the largest urban unit of the National Park System, including five area codes and 26 zip codes.

H.R. 640 would adjust the boundary of the recreation area to include an additional 3,697 acres. The purpose of the addition is to facilitate wildlife migration between the Santa Monica Mountains and several mountain regions in the north. Some have expressed concern that the addition of this acreage would place a number of parcels of private property within the boundary of NRA. It should be noted that such concerns are completely unwarranted since inclusion of private property within a federally-designated boundary does not alter the owner's private property rights in any way.

In this particular instance, the relevant property owners are aware of the proposed boundary change and no opposition to the measure has developed. This is not surprising, given that the area last operated smoothly for years with thousands of private property owners living within the boundaries.

We join our colleagues and the administration in supporting this legislation.

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

Mr. JONES of North Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GALLEGLY), the sponsor of this legislation.

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

Mr. GALLEGLY. Mr. Speaker, I want to thank my good friend, the gentleman from North Carolina (Mr. JONES), for giving me the time this morning. I would also like to thank the chairman of the Committee on Resources, the gentleman from Utah (Mr. HANSEN), for moving H.R. 640 through the committee and placing it on the schedule this morning.

Mr. Speaker, the Santa Monica Mountains Recreation Area stretches from West Hollywood in Los Angeles County to Point Mugu in my district in Ventura County. It was established in 1978 and is managed by the National Park Service. Twenty-six distinct natural communities make their home there, from freshwater aquatic habitats to the oak woodlands. It is a critical haven for more than 450 animal species, including the Golden Eagle.

It is considered unique among the National Park Service's holdings and is easily accessible to over 12 million people living in Ventura and Los Angeles Counties.

This bill, which I introduced with my good friend and colleague, the gentleman from California (Mr. SHERMAN), would adjust the boundaries of the Santa Monica Mountains Recreation Area to enhance and protect the principal wildlife corridor between the Simi Hills in my district and the Santa Monica Mountains in the district of the gentleman from California (Mr. SHERMAN).

It adds nearly 3,700 acres of publicly and privately held lands to the recreation area at no cost to the taxpayer. Of that, 2,797 acres donated to the Santa Monica Mountains Conservancy, a State agency, will be transferred to the Park Service. Another 570 acres is publicly- and privately-owned open space. The rest is about 330 acres and is comprised of developed residential areas in the cities of Calabasas and Agoura Hills.

I want to stress that the recreation area designation would have no impact on the ability for either the cities or private owners to develop their land according to the applicable State laws and local ordinances. It does, however, give property owners greater access to Park Service assistance to environmentally enhance their properties if they so choose.

Mr. Speaker, H.R. 640 is an important addition to the recreation area and enjoys widespread support from the local community, including the private property owners. The bill also unanimously passed the House Committee on Resources.

I would ask my colleagues to join with me today in passing this bill.

Mrs. CHRISTENSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. SHERMAN), who represents a portion of this area and is a cosponsor of this legislation.

□ 1045

Mr. SHERMAN. Mr. Speaker, I thank the gentlewoman for yielding me time.

I rise in support of H.R. 640. I am pleased to join in that effort with my distinguished colleague, the gentleman from Ventura County, California (Mr. GALLEGLY).

Mr. Speaker, my colleague from California has explained the importance of the Santa Monica Mountains Recreation Area. I should point out that 33 million people visit this national recreation area each year, for both its mountains and its beaches. It is within an hour's drive of 17 million Americans.

In terms of recreation, it is the most important unit of the National Park Service. The park since its inception has been run cooperatively with local government, State government, and local community groups. It has the overwhelming support, I would say the unanimous support, of everyone in the area. For example, its general management plan included input from over 70 elected officials, 15 public meetings, all in the continuing effort to make sure that park management meets local needs.

H.R. 640 would expand the park boundaries to include some 3,700 acres of non-Federal public and private lands. This would allow the Park Service to assume management over a number of parcels which donors have in effect already donated to the National Park Service. These include the 107-acre Abrams property, the 2,300-acre Upper Las Virgenes Creek area, and the 390-acre Liberty Canyon/Morrison Ranch area. These parcels now have their title held by the Santa Monica Mountains Conservancy, an agency of State government, but they would be better administered as part of this national recreation area.

I want to stress that this bill will not cost the Treasury one cent. This bill does not authorize the expenditure of any money. Just as importantly, assuming management over these additional acres will not require additional operating funds for the management of the Santa Monica Mountains National Recreation Area.

Further, the bill provides that land within this area shall be acquired by the Federal Government only by donation or with the use of donated funds. I will not be back here next year asking for funds from this Congress to buy land in this newly added area of the national recreation area.

The gentleman from California (Mr. GALLEGLY) has talked about how this bill and the expansion of the park boundaries has the support of the affected local property owners. Some 900 acres of privately owned land will now fall within the park's boundaries. Almost all of that privately owned land, at least 99 percent of the private landowners, are in my district. All of them support or have voiced their support for this bill through their homeowners associations. It is amazing, because I represent, I think, one of the most opinionated districts in this country. On every other subject, I get opinions on both sides. This is one area where our communities stand together.

The three homeowners associations included in these boundaries have all sent letters of support. The Saratoga Hills Homeowners Association has been particularly vocal, and some 100 of its members have signed a petition. In addition, this bill is supported by all of the relevant municipalities, by the relevant State senator, the relevant State assembly member, the relevant county supervisor in the L.A. County portion of the area, and enjoys strong support in Ventura County as well.

I ask my colleagues to pass this bill, because it will provide for new land to be managed as part of this national recreation area, a wildlife corridor that is critical to the preservation of species in the area, and will do so with no adverse consequences to local landowners and at no cost to the Federal Government.

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

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

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 640, as amended.

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

A motion to reconsider was laid on the table.

EXTENDING AUTHORITY OF WASHINGTON, OREGON AND CALIFORNIA TO MANAGE DUNGENESS CRAB FISHERY

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1661) to extend indefinitely the authority of the States of Washington, Oregon, and California to manage a Dungeness crab fishery until the effective date of a fishery management plan for the fishery under the Magnuson-Stevens Fishery Conservation and Management Act.

The Clerk read as follows:

H.R. 1661

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

SECTION 1. EXTENSION OF AUTHORITY OF STATES OF WASHINGTON, OREGON, AND CALIFORNIA TO MANAGE DUNGENESS CRAB FISHERY.

Section 203 of the Act entitled ''An Act to approve a governing international fishery agreement between the United States and the Republic of Poland, and for other purposes'', approved November 13, 1998 (Public Law 105–384; 16 U.S.C. 1856 note), is amended by striking subsection (i).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

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

Mr. Speaker, H.R. 1661 is a bill to extend the existing State management of the Dungeness crab fishery off the coasts of California, Oregon, and Washington. The bill is sponsored by the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Oregon (Mr. WALDEN).

This is not the first time State management of the Dungeness crab fishery has been addressed by Congress. In 1996, in conjunction with the Sustainable Fisheries Act, Congress authorized the States of California, Oregon, and Washington the interim authority for the management of Dungeness crab for 3 years. During that period of time, the States showed they could cooperatively and effectively manage the Dungeness crab fishery.

When the interim authority was due to expire in 1998, the Pacific Fishery Management Council, which has the Federal management responsibility for conservation and management of the fishery, wrote to Congress requesting an extension of State management authority.

For the past 5 years, the States has been cooperatively managing the Dungeness crab fishery, which occurs in Federal waters adjacent to their States. This is an extremely valuable fishery. In fact, in the 1999–2000 season, 41.3 million pounds of Dungeness crab were landed, which had a value of $84.2 million. This is a healthy food source for thousands of Americans.

H.R. 1661 will extend the authority for State management indefinitely. Until the Pacific Council decides it should regain its authority through a Federal fishery management plan developed by the Council, the States will

continue their cooperative management.

Congress has acted favorably on this issue in the past, and I urge passage of this non-controversial bill. I want to thank Members on both sides of the aisle for their cooperation, especially the Members who sponsored this legislation; and I want to thank the staff on both sides of the aisle for helping this legislation along.

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

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

Mr. Speaker, I rise in support of the bill as well. As my colleague has explained, H.R. 1661, introduced by our colleague, the gentleman from California (Mr. GEORGE MILLER), allows the States of California, Oregon, and Washington to continue to cooperatively adopt and enforce State laws to manage the Dungeness crab fishery in Federal waters along the West Coast of the United States.

The States were first granted this interim authority in 1996 while future options for managing its fishery were explored. The compelling reason at that time was a need to accommodate the rights of Northwest Indian tribes to harvest a share of the crab resource off of the coast of Washington while the options for future management by the Pacific Fisheries Management Council were explored.

The State management program worked well, and the Pacific Fishery Management Council has requested that the Congress allow the State management authority to be extended in lieu of a Federal plan.

We have done that once already through legislation, and this bill would continue that authority indefinitely. It does not override the Council's authority in any way, as State authority would expire should the Council ever decide to develop a Federal plan. In the meantime, however, it ensures strong conservation and management of the Dungeness crab fishery, that it will continue, and is supported by all three States, the tribes, the processors and the fishermen. I urge Members to support the passage of H.R. 1661 today.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 1661.

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

A motion to reconsider was laid on the table.

CHILD STATUS PROTECTION ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1209) to amend the Immigration and Nationality Act to determine whether an alien is a child, for purposes of classification as an immediate relative, based on the age of the alien on the date the classification petition with respect to the alien is filed, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1209

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 ''Child Status Protection Act of 2001''.

SEC. 2. USE OF AGE ON PETITION FILING DATE, PARENT'S NATURALIZATION DATE, OR MARRIAGE TERMINATION DATE, IN DETERMINING STATUS AS A CHILD OF A CITIZEN.

(a) IN GENERAL.—Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended by adding at the end the following:

''(f) RULES FOR DETERMINING WHETHER CERTAIN ALIENS ARE IMMEDIATE RELATIVES.—

''(1) AGE ON PETITION FILING DATE.—Except as provided in paragraphs (2) and (3), for purposes of subsection (b)(2)(A)(i), a determination of whether an alien satisfies the age requirement in the matter preceding subparagraph (A) of section 101(b)(1) shall be made using the age of the alien on the date on which the petition is filed with the Attorney General under section 204 to classify the alien as an immediate relative under subsection (b)(2)(A)(i).

''(2) AGE ON PARENT'S NATURALIZATION DATE.—In the case of a petition under section 204 initially filed for an alien child's classification as a family-sponsored immigrant under section 203(a)(2)(A), based on the child's parent being lawfully admitted for permanent residence, if the petition is later converted, due to the naturalization of the parent, to a petition to classify the alien as an immediate relative under subsection (b)(2)(A)(i), the determination described in paragraph (1) shall be made using the age of the alien on the date of the parent's naturalization.

''(3) AGE ON MARRIAGE TERMINATION DATE.—In the case of a petition under section 204 initially filed for an alien's classification as a family-sponsored immigrant under section 203(a)(3), based on the alien's being a married son or daughter of a citizen, if the petition is later converted, due to the legal termination of the alien's marriage, to a petition to classify the alien as an immediate relative under subsection (b)(2)(A)(i), the determination described in paragraph (1) shall be made using the age of the alien on the date of the termination of the marriage.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to all petitions and applications pending before the Department of Justice or the Department of State on or after such date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1209, as amended.

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

There was no objection.

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

Mr. Speaker, H.R. 1209, the Child Status Protection Act of 2001, was introduced by the gentleman from Pennsylvania (Mr. GEKAS), the Chairman of the Subcommittee on Immigration and Claims, and the ranking member, the gentlewoman from Texas (Ms. JACKSON-LEE).

This bill is another example of Congress having to clean up a mess made by the Immigration and Naturalization Service. Under current law, aliens residing in the United States who are eligible for permanent resident status must adjust their status with the INS. However, INS processing delays have caused up to a 3-year wait for adjustment. For alien children of U.S. citizens, this delay in processing can have serious consequences, for once they turn 21 years of age, they lose their immediate relative status.

An unlimited number of immediate relatives of U.S. citizens can receive green cards each year. However, there are a limited number of green cards available for the adult children of U.S. citizens.

If a U.S. citizen parent petitions for a green card for a child before that child turns 21, but the INS does not get around to processing the adjustment of status application until after the child turns 21, the family is out of luck. The child goes to the end of the waiting list. The child is being punished because of the INS ineptitude, and that is not right.

H.R. 1209 corrects this outcome by providing that a child shall remain eligible for immediate relative status as long as an immigrant visa petition was filed for him or her before turning 21.

The fact that we have to consider debate and pass this bill is just one more reason why the Immigration and Naturalization Service needs to be dismantled and restructured. I await eagerly for the administration's INS reform proposal, because it cannot come too soon. I urge my colleagues to support this bill.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it gives me great pleasure to offer my support for the Child Status Protection Act of 2001 and to thank our subcommittee chairman, the gentleman from Pennsylvania (Mr. GEKAS), for joining me and leading on this particular initiative, which is the

result and the culmination of a bipartisan agreement, that addresses the status of unmarried children of U.S. citizens, who turn 21 while in the process of having an immigrant visa petition adjudicated. In particular, Mr. Speaker, let me say that we have been working on this for a very long time, and we are delighted that the House will have an opportunity to vote on this today.

The age and marital status of the offspring of U.S. citizens determine whether they are eligible for immigrant status as immediate relatives or under the family-first preference category. Briefly, H.R. 1209 would protect the status of children of United States citizens who age out while awaiting the processing and adjudication of immediate relative petitions.

Let me thank our chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), and the ranking member, the gentleman from Michigan (Mr. CONYERS). I thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for his remarks in support of this legislation today and join him in realizing that we all look forward to the INS restructuring in order to have these problems internally fixed.

In this instance, we have had to fix this by legislative initiative. The child of a U.S. citizen is eligible for admission as an immediate relative. Immediate relatives of U.S. citizens are not subject to any numerical restrictions. Again, this is a focus on accessing legalization or ensuring that those immigrants who are here are able to seek legalization and become citizens or legal residents, as is important.

That is, visas are immediately available to immediate relatives under the statute, subject only to the processing time required to adjudicate the immediate relative visa petition. Thus, the only wait that such children are required to endure is the time it takes to process their paperwork. When a child of the U.S. citizen ages out by becoming 21, the child automatically shifts from the immediate-relative category to the family-first preference category.

□ 1100

This puts him or her at the end of a long waiting list for a visa. It, therefore, diminishes the ability to access legalization.

Generally, 23,400 family-first preference visas are available each year to the adult, unmarried sons and daughters of citizens. As of January 1997, 93,376 individuals were on the waiting list. For nationals of Mexico, visas are now available for petitions filed by April 1994. For nationals of the Philippines, visas are now available for petitions filed by May 1988. Thus some sons and daughters of citizens will have to stay on a waiting list from 2 to 13 years entirely because the INS did not in a timely manner process the applications for adjustment of status on their behalf.

Mr. Speaker, H.R. 1209 addresses the predicament of these immigrants seeking legalization who, through no fault of their own, lost the opportunity to obtain an immediate relative visa before they reach age 21.

This bill corrects the problem of aging-out under current law. However, once children reach 21 years of age, they are no longer considered immediate relatives under the INS. Thus, instead of being entitled to admission without numerical limitation, the U.S. citizens' sons and daughters are placed in the back of the line of one of the INS backlog family-preference categories of immigrants.

This bill, with the new added compromise language that I proposed last year, will solve the age-out problem without displacing others who have been waiting patiently in other visa categories. In essence, Mr. Speaker, we have a bill that provides a solution, but is also equitable. It is fair to all who are now under this particular process; and more importantly, it gives the INS the tools it needs to work with to be fair to those who are themselves seeking to be governed by the laws of the United States of America.

Mr. Speaker, I would like to thank our chairman, our ranking member of the full committee, and the gentleman from Pennsylvania (Mr. GEKAS), the subcommittee chairman; and I look forward to further bipartisan agreements in the future.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GEKAS), the chairman of the Subcommittee on Immigration and Claims.

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

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

The explanation of the bill as offered by both the chairman and the ranking minority member of the subcommittee in question suffices to place on the record an opportunity for the House of Representatives and eventually the entire Congress to approve this piece of legislation. My biggest fear that it might not pass is that it makes sense. The bill makes adequate, perfect common sense. That has always been a drawback to final successful passage of legislation as we have noted over the years.

Why does it make common sense? It simply makes certain that an individual who is a minor at the time that his or her parents filed for the adjustment of status and who then turns 21, under the current law, is thrown into a completely different category and could wait years for final adjudication of that particular status. What this bill does is treat the person who turns 21 as if he were or she were a minor at the time that the status was first filed.

What I hope this is is a signal to all that our subcommittee and the full Committee on the Judiciary have been and will continue to be very sensitive to individual cases of injustice on a whole range of issues. These injustices were perpetrated in this particular set of circumstances inadvertently by the way that the original law was fashioned. What we do here today is adjust, through the use of common sense, a bad situation. We know that horror stories of other types will confront us, but at least we have a chance to correct a series of horror stories here today.

Mr. Speaker, I ask for everyone to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I have no further speakers. I simply want to conclude by saying that we worked two sessions on this legislation. We believe that this will reunite families. This is what our immigration laws are all about, to unite families.

Again, I want to offer my thanks to the chairman of the full committee and the chairman of the subcommittee, as well as the ranking member of the full committee.

Mr. SMITH of Texas. Mr. Speaker, I want to commend my colleague, GEORGE GEKAS, Chairman of the Immigration and Claims Subcommittee, and Subcommittee Ranking Member SHEILA JACKSON-LEE for introducing H. R. 1209, the ''Child Status Protection Act of 2001.''

This legislation addresses a problem I have been concerned about since the last Congress. Children of citizens are penalized because it takes the INS an unacceptable length of time—often years—to process adjustment of status applications. In some cases the wait is so long that minor children become adults while waiting for the INS to act. When they become adults, they lose the privileged status of immediate relatives of citizens and are placed at the end of the first preference waiting list. This means an additional wait of 2–13 years for their green cards.

H. R. 1209 provides that an alien child of a U.S. citizen shall remain eligible for immediate relative status as long as an immigrant visa petition was filed before the child turned 21.

I hope that after Congress restructures the INS and the federal government provides immigration benefits in a more professional and expeditious manner, we won't need to pass bills such as H. R. 1209.

I urge my colleagues to support this piece of legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1209, as amended.

The question was taken.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

FARMER BANKRUPTCY CODE EXTENSION ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1914) to extend for 4 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.

The Clerk read as follows:

H.R. 1914

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

SECTION 1. AMENDMENTS.

Section 149 of title I of division C of Public Law 105–277, as amended by Public Law 106–5, Public Law 106–70, and Public Law 107–8, is amended—

(1) by striking ''June 1, 2001'' each place it appears and inserting ''October 1, 2001'', and

(2) in subsection (a)—

(A) by striking ''June 30, 2000'' and inserting ''May 31, 2001'', and

(B) by striking ''July 1, 2000'' and inserting ''June 1, 2001''.

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on June 1, 2001.

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

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1914, the bill currently under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 1914.

Without question, the family farmer has always played and continues to play a critical role in our Nation's economic health and well-being. Unfortunately, bad weather, rising energy costs, volatile marketplace conditions, competition from large agribusinesses, and the economic forces experienced by any small business affect the financial stability of some family farmers.

In response to the special needs of small family farmers in financial distress, our bankruptcy laws offer a particularized form of bankruptcy relief available only to these individuals and businesses. Typically referred to as chapter 12 of the Bankruptcy Code, this form of bankruptcy relief was enacted on a temporary basis as a part of the Bankruptcy Judges, United States Trustees and Family Farmers Bankruptcy Act of 1986. That has subsequently been extended on several occasions, most recently on February 28 of this year, and the extension expired on June 1.

While statistically chapter 12 is utilized rarely; in fact, less than 250 chapter 12 cases were filed in the 12-month period ending March 31, 2001, its availability is crucial to family farmers. Absent chapter 12, family farmers would be forced to file for bankruptcy relief under the code's other alternatives. None of these forms of bankruptcy relief, however, work quite as well for farmers as chapter 12. Chapter 7, for example, would require a farmer to sell the farm and to pay the claims of the creditors. With respect to chapter 13, many farmers would simply be ineligible to file under that form of bankruptcy relief because of its debt limits. Chapter 11 is an expensive and often time-consuming process that does not readily accommodate the special needs of farmers.

By virtue of H.R. 1914, chapter 12 will be reenacted retroactive to June 1 of this year and extended for 4 months through October 1, 2001. It is, however, important to note that H.R. 333, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2001, which the House passed by an overwhelming majority earlier this spring and its Senate counterpart, which the other body also passed by a substantial margin, would make chapter 12 a permanent fixture of the Bankruptcy Code for family farmers. It is my sincere hope that in the very near future, we will be able to proceed to conference on pending House and Senate bankruptcy legislation and to present a conference report for approval by both Houses. In the meantime, I urge my colleagues to vote for H.R. 1914.

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

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

Mr. Speaker, once again, we are here today to renew chapter 12 bankruptcy protection for our Nation's family farmers. The bipartisan legislation before us today, H.R. 1914, which I am happy to cosponsor with the gentleman from Michigan (Mr. SMITH), would allow chapter 12 bankruptcy filings to continue through the end of this fiscal year.

Bankruptcy often requires liquidation of real property rather than reorganization if debtors have significant assets. Of course, for family farmers, this means that their farm equipment and other assets often disqualify them from reorganization under chapters 11 or 13, and they are forced into chapter 7 liquidation. Chapter 12 is specifically tailored for family farmers, and it allows these family farmers to keep essential farm assets and reorganize their debts.

In February, the House passed H.R. 256, also sponsored by the gentleman from Michigan (Mr. SMITH) and myself, which retroactively extended chapter 12 of the Bankruptcy Code through May 31 of 2001. That legislation was signed by President Bush on May 11. However, the chapter 12 authorization has now expired once again, and this legislation will extend chapter 12 protection until September 30, 2001.

The bankruptcy reform bill which has passed both Houses of Congress, H.R. 333, includes a permanent reauthorization of chapter 12; but since the current authorization has expired, our farmers need immediate relief. With the current year's crops in the ground, farmers need to know that they can reorganize and keep their farms. Our bill will provide the security that those family farmers who are in crisis will need to decide whether to stay in business for one more year.

Mr. Speaker, I urge my colleagues to support this bill.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 3½ minutes to the gentleman from Michigan (Mr. SMITH), the author of the bill.

(Mr. SMITH of Michigan asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, the next bill we introduce should be that we make this permanent. This seems to me ridiculous that we come before this body every 4 or 5 or 6 months to make a temporary increase in legislation in the bankruptcy law that is so important to American farmers. Let me just tell my colleagues why it is so important to farmers.

Farmers, under the other provisions of the bankruptcy law which the two previous speakers related to, have to file either under chapter 13 or 11 or 7; and in most cases, they are required to sell a lot of their machinery, which means that if they want to try to work themselves out of that financial situation, there is no possibility of doing it without machinery.

It was just a few months ago that we were on this floor of the House urging our colleagues to vote for H.R. 256. This was a bill to retroactively bring chapter 12 to May 31. I am pleased that the bill was signed by the President, but also now we are with this bill that I urge my colleagues to support. I had hoped that by the end of May the House and Senate would have agreed to a major bankruptcy reform package that would have included permanent chapter 12 protection. Unfortunately, and through no fault of this House, these two bodies have still not reached agreement. Further, it is unclear when such an agreement is going to be reached.

In the meantime, since May 31, family farmers have been without chapter 12 reorganization protection, and that is what brings us here today. Let us not allow the situation that has taken place this last year and the last several months to again disrupt farmers in their effort to be accommodated by

chapter 12, which is especially designed for family farmers.

□ 1115

This protection is vitally needed. American farmers continue to suffer drops in net farm income, and farmers are being forced into bankruptcy, and not having chapter 12 means greater hardship for those family farmers.

Enacted, as the chairman said, in the 1986 farm crisis, chapter 12 made significant bankruptcy relief available to a group of Americans that has had difficulty getting credit and managing its assets since the country's founding over two centuries ago.

For example, chapter 7 was accessible to farmers to give them the so-called ''fresh start'' promised to debtors under the Bankruptcy Code. However, under chapter 7, the farm, which might have been in the family for generations, was usually lost. Congress needed to find a way to ensure that creditors were protected while also ensure that the family farms were able to work themselves out of their current financial problems.

In conclusion, let me say that family farms are in need of permanent chapter 12 relief. Until such relief is enacted, we have a responsibility to protect family farmers in the uncertainty that comes with the on-again off-again provision of chapter 12 protection.

This bill provides protection to family farmers and provides enough time for Congress to reach agreement on permanent Chapter 12 protection a part of a larger reform effort.

Before closing, I would like to thank the Chairman and Ranking Member of the Committee on the Judiciary, the gentleman from Wisconsin, Mr. SENSENBRENNER, and my colleague from Michigan, Mr. CONYERS, and the Chairman and Ranking Minority Member of the Subcommittee on Commercial and Administrative Law, the gentleman from Georgia, Mr. BARR, and the gentleman from North Carolina, Mr. WATT, for their help in bringing this bill to the floor today. I also want to express my thanks to the original co-sponsor of this bill, Ms. BALDWIN, who also was a co-sponsor of H.R. 256, and who agrees that this provision should be made permanent.

Mr. Speaker, H.R. 1914 is a noncontroversial bill that deserves widespread support from both sides of the aisle. I urge my colleagues to vote yes on H.R. 1914.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BARR), the chairman of the subcommittee of jurisdiction.

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today in support of H.R. 1914. Chapter 12 of Title XI of the United States Code provides bankruptcy relief that is available exclusively for family farmers. It was developed to respond temporarily to the special needs of financially-distressed farmers as part of the Bankruptcy Judges, United States Trustees and Family Farmer Bankruptcy Act of 1986. Extended several times subsequently, it expired on June 1 of this year.

Family farming is constantly beset by forces of nature, and should not have also to deal with forces that we in the Congress can reasonably mitigate. According to a CNN report from last October, ''The number of family farms and farmers in the United States are dwindling, and is expected to continue to do so through at least the year 2008, according to the United States Department of Labor, this despite the fact that the country's agricultural exports are expected to grow as developing nations improve their economies and their personal incomes.''

Mr. Speaker, H.R. 1914 reenacts chapter 12 of Title XI retroactive to June 1, 2001, and extends it for 4 months to October 1 of this year. I urge my colleagues to vote for H.R. 1914.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support for H.R. 1914, which retroactively extends chapter 12 bankruptcy for family farms and ranches to September 30, 2001. Chapter 12 bankruptcy expired on May 31, 2001. This legislation, which this Member agreed to cosponsor on June 5, 2001, is very important to the nation's agriculture sector.

This Member would express his appreciation to the distinguished gentleman from Michigan [Mr. SMITH] for introducing H.R. 1914. In addition, this Member would like to express his appreciation to the distinguished gentleman from Wisconsin [Mr. SENSENBRENNER], the Chairman of the Judiciary Committee, for his efforts in getting this measure to the House Floor for consideration.

This extension of chapter 12 bankruptcy is supported by this Member as it allows family farmers to reorganize their debts as compared to liquidating their assets. The use of the chapter 12 bankruptcy provision has been an important and necessary option for family farmers throughout the nation. It has allowed family farmers to reorganize their assets in a manner which balances the interests of creditors and the future success of the involved farmer.

If chapter 12 bankruptcy provisions are not extended for family farmers, it will be another very painful blow to an agricultural sector already reeling from low commodity prices. Not only will many family farmers have no viable option other than to end their operations, but it will also cause land values to likely plunge. Such a decrease in value of farmland will negatively affect the ability of family farmers to earn a living. In addition, the resulting decrease in farmland value will impact the manner in which banks conduct their agricultural lending activities. Furthermore, this Member has received many contacts from his constituents supporting the extension of chapter 12 bankruptcy because of the situation now being faced by our nation's farm families—it is clear that the agricultural sector is hurting.

In closing, this Member urges his colleagues to support H.R. 1914.

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 1914, the Family Farmer Bankruptcy Relief Extension. This legislation will extend bankruptcy protection for family farmers by allowing them to reorganize their debt rather than forcing them to liquidate their assets.

This bill will help family farmers in my own congressional district in the ''Black Dirt'' region of Orange County, New York. Growers in this region have experienced severe and disastrous weather conditions four of the past five growing seasons, leading to a severe reduction of total farms, causing devastation not only for those businesses dependent upon the onion and vegetable $100-million industry in New York, but for the Valley's families and agricultural community.

Under this bill, chapter 12 of title 11 of the United States Code will be extended for another 4 months from the current expansion date of June 1, 2001.

I urge all of my colleagues to support this family farm friendly bill.

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

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1914.

The question was taken.

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

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING ERIK WEIHENMAYER'S ACHIEVEMENT OF BECOMING THE FIRST BLIND PERSON TO CLIMB MOUNT EVEREST

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 150) expressing the sense of Congress that Erik Weihenmayer's achievement of becoming the first blind person to climb Mount Everest demonstrates the abilities and potential of all blind people and other individuals with disabilities.

The Clerk read as follows:

H. CON. RES. 150

Whereas misconceptions and negative stereotypes about blindness and other disabilities significantly contribute to the challenges that individuals with blindness or other disabilities encounter;

Whereas in order to help promote a positive public perception of blindness, the National Federation of the Blind sponsored the quest of Erik Weihenmayer to become the first blind person to climb Mount Everest;

Whereas on May 23, 2001, Erik Weihenmayer, as part of a climbing team, successfully climbed to the summit of Mount Everest, which, at a height of 29,035 feet above sea level, is the highest summit in the world;

Whereas Erik Weihenmayer has climbed to the summit of Ama Dablam, Mount McKinley, El Capitan, Kilimanjaro, Aconcagua, Vinson Massif, and Polar Circus, which is a 3,000 foot ice waterfall in Alberta, Canada;

Whereas despite his blindness, Erik Weihenmayer is a speaker, writer, acrobatic skydiver and scuba diver, long-distance cyclist, marathon runner, skier, mountaineer, and ice and rock climber;

Whereas Erik Weihenmayer's many accomplishments have earned him the Health and Fitness Association Award, the Glaucoma Foundation's Lifetime Achievement Award, Connecticut's Most Courageous Athlete Award, ESPN's ARETE Award for courage in sports, the Distinguished Arizonan Award, the Gene Autry Award, induction into the National Wrestling Hall of Fame, and the honor of carrying the Olympic Torch through Phoenix, Arizona; and

Whereas Erik Weihenmayer's achievements demonstrate that blind people and other individuals with disabilities can accomplish extraordinary goals if they are provided with the proper training and opportunities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) Erik Weihenmayer's achievement of becoming the first blind person to climb Mount Everest demonstrates the abilities and potential of all blind people and other individuals with disabilities; and

(2) individuals with blindness or other disabilities can overcome almost any obstacle if they are provided with the appropriate resources.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from New Jersey (Mr. HOLT) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 150.

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 150, a resolution in which we are honoring Erik Weihenmayer for his recent climb to the top of Mount Everest, and underscores the vast potential of individuals with disabilities.

Mount Everest, towering 29,028 above sea level, is not only the highest mountain on Earth. The sudden storms, the freezing temperatures, and the brief window of opportunity afforded by the weather conditions make Everest a particularly hostile climbing environment.

Although the mountain has been climbed many times since Sir Edmund Hillary first ascended the mountain in 1953, Erik is the first blind man to successfully climb and stand on the summit of Mount Everest.

In addition to Mount Everest, Erik has accumulated quite an impressive list of achievements. He has climbed Mount McKinley, the highest point in North America, as well as many other challenging mountains. In fact, with the successful climb of Mount Everest, Erik has climbed the highest peaks on five continents.

In the future, he hopes to build on these successes by conquering the highest mountains on all seven continents, a challenge that easily rivals Mount Everest.

Besides mountaineering, this former schoolteacher turned motivational speaker is also a sky diver, skier, a long-distance biker, marathoner, a wrestler, a SCUBA diver, and an ice and rock climber.

In all, Erik's story is about having the courage to reach for near impossible goals, and in so doing, he helps us to challenge social attitudes and misconceptions about individuals with disabilities. As Erik has said of his recent climb, ''The climb might shatter people's conceptions about blindness, which are often more limiting than the disability itself.''

For all these reasons, I am pleased to draw our attention to Erik's accomplishments. He is an outstanding example of what individuals with disabilities can accomplish. I congratulate Erik Weihenmayer on his incredible climb, and urge my colleagues to join me by voting aye on this resolution.

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

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

Mr. Speaker, I rise in strong support of House Concurrent Resolution 150, which commends Erik Weihenmayer for climbing Mount Everest, and recognizes that visually impaired individuals and others with disabilities have great potential.

Climbing Mount Everest is a feat in itself, given that only about 1,000 people have been able to do so, and well over 100 have died trying. Yet the fact that Erik is the only blind person to ever climb Mount Everest makes the accomplishment all the more remarkable.

I could spend the rest of my time talking about just this one accomplishment and how he did it. Yet, Erik's mountain climbing experience is not limited to Everest alone. His list of outdoor achievements reads like a wish list that many able-bodied mountaineers would like to have.

He has never let his inability to see obstruct his passion for travel and for mountaineering. He has hiked the Inca Trail in Peru. He has trekked in Pakistan and Tajikistan, including a traverse of the Baltoro Glacier, from which rise ten of the world's 30 highest peaks.

He has crossed the jungles of the Irian Jaya, near Carstan's pyramid, and the highest peak of Australia. In 1995 he climbed the 20,320 foot summit of Denali. In August of 1996, he made it to the top of El Capitan, the first blind person to do that. Erik has also climbed Mount McKinley, Aconcagua in Argentina, Vinson Massif in Antarctica, and the Polar Circus, a 3,000 foot ice waterfall in Alberta. Interestingly, even his wedding took place at 12,700 feet en route to the summit of Kilimanjaro.

Erik represents the reality that all people, regardless of their physical disabilities, can achieve amazing accomplishments. To quote Erik Weihenmayer, ''My message is much greater than go out and climb a mountain. It is to have passion for whatever you do in life.'' Few people can match the passion that Erik has shown for life. Through his feats, he teaches us that individuals can overcome their personal challenges, large or small, in reaching their goals and succeeding in life.

Erik has also wisely said, ''Someone told me that blind people need to realize their limitations. But I think it is much more exciting to realize my potential.'' This resolution recognizes Erik's potential and the potential of all of us humans, and it deserves the support of all of my colleagues today.

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

Mr. CASTLE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Colorado (Mr. TANCREDO).

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

Mr. Speaker, we offer this concurrent resolution today to honor a brave and courageous mountain climber from Golden, Colorado.

On Friday, May 25, Erik Weihenmayer reached the summit of Mount Everest, one of several Americans to top the peak last month. However, Erik's accomplishments demand much more attention because he became the first blind person in the world to stand triumphant at 29,035 feet.

When Erik was 13 years old, he lost his eyesight, and began rock climbing just 3 years later. Erik, a loving husband and father of a 1-year-old daughter, scaled the mountain by following the directions of his climbing mates, Erik Alexander of Vail, Colorado, Luis Benitez of Boulder, and Jeff Evans of Denver, and listening to bells that were attached to the climbers ahead of him.

Just think of that for a few seconds. I am not sure I could close my eyes and even with directions follow them from here to the podium and 20 feet in front of me, yet Erik climbed the world's tallest mountain.

Here is how Erik describes one section of the climb: ''It is just 2,000 feet of jumbly ice where you are just weaving in and out of ice blocks. There are big crevasses, and you are either stepping over or jumping over them, and sometimes there are tiny little narrow bridges that you have to tiptoe across, or there are ladders that you are walking across.''

On May 25, Erik became the hero of not only the blind community but all Americans. He showed all of us what we can accomplish; that we can accomplish our goals, regardless of the curve balls life throws us.

Erik has also accomplished the important goal of pulling down barriers

that are constructed in the minds of individuals regarding what persons with disabilities can accomplish in life. His success will cause all of us to stop and think about his monumental climb and the struggle of disabled Americans every day.

There are thousands of Mount Everests. Some of them may be as small as taking a single step. Others may be as monumental as Erik's climb. Erik has brought all of them to our attention. Erik put it best when he recently said that his climb ''. . . does not just ask people to change their opinions about blind people. It sort of forces them to.''

Erik is scheduled to arrive home in Colorado from Nepal today. He has said he is looking forward to hugging and smooching his daughter and wife. I would imagine that those were two of the great incentives he had to reach the top and get home safely.

I believe this Congress should give Erik a fitting welcome home and pass House Concurrent Resolution 350, thanking him for inspiring all of us. We welcome Erik home and thank him.

Mr. HOLT. Mr. Speaker, I yield such time as he may consume to the gentleman from Rhode Island (Mr. LANGEVIN), who continues to inspire us with all that he has accomplished, and I might add, the sponsor and author of this bill.

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

Mr. Speaker, yesterday I teamed up with my colleague, the gentleman from Colorado (Mr. TANCREDO), to introduce this resolution to honor Erik Weihenmayer. Before I explain just how amazing Erik is and what his achievement epitomizes for people with disabilities, I would first like to thank the leadership, and the chairman and ranking member of the Committee on Education and the Workforce. All of them have provided strong support for this legislation and helped bring it to the floor in an expeditious fashion, which ensures timely recognition of this great feat.

I am an ardent fan of Erik Weihenmayer. Little does he know that I and millions of others with disabilities have followed his trek not since May 23, when he summited Mount Everest, but many months ago when I first learned of his expedition.

Since 1926, when George Mallory was the first man to reach the top of Mount Everest, only about 1,000 people have successfully climbed it, and more than 150 have died trying. Not only has Erik conquered a mountain few people with 20/20 vision would ever fathom climbing, but he has also become an inspiring example of how to live life to its fullest.

At the young age of 32, Erik has already climbed Mount McKinley, Mt. Kilimanjaro, and even the Polar Circus, a 3,000 foot ice waterfall.

□ 1130

Erik is the consummate athlete. He is an acrobatic skydiver, SCUBA diver, long distance biker, marathon runner, skier, mountaineer, and an ice and rock climber. He has received countless awards from the Health and Fitness Association, from the Glaucoma Foundation, ESPN, and many more. He has even carried the Olympic torch.

But Erik's successes reach far beyond physical challenges. As an inspirational speaker and writer, Erik has shared the lessons learned in turning obstacles into opportunities. He has pioneered, not just the people with disabilities, but for all of us struggling to overcome our own tribulations.

What Erik shows us is that, despite obstacles and challenges that we all face in our lives, each of us can make our own dreams come true.

But myself personally, I had dreamed of being a police officer my entire life, and that dream ended for me at the age of 16 when, as a police cadet, a police officer's gun accidently discharged in the police locker room and severed my spinal cord. But with the help and support of my family, my friends and my entire community, I was able to persevere and find a new dream. Today I join my colleagues as a Member of the United States Congress.

Erik's spirit and determination symbolized my philosophy for living life to its fullest; that is, to dream it, to do it, and to dig a little deeper.

It is so important for us to experience life and to have dreams, to know that there is something out there that we want to accomplish; and then, yes, we put that plan into action and just do it.

Believing in ourselves, knowing that, despite the difficulties and the obstacles that we can overcome, we all can persevere, and that is when we need to dig a little deeper.

When the obstacles present themselves and we think we have nothing else left to give, all of us must know that it is possible and we must dig deep within ourselves and then to push forward and to persevere. That is a lesson and a message that we all must share and that Erik has certainly demonstrated for all of us today.

In his first inaugural address, FDR said happiness lies in the joy of achievement, in the thrill of creative effort. I cannot think of a person who embodies this spirit more than Erik Weihenmayer. Today we will pass a resolution to honor this perfect illustration of the accomplishments people with disabilities can make if they are provided with the proper resources, training and opportunity. But most important of all, this is a powerful example of the triumph of the human spirit.

I thank my colleagues for embracing and encouraging this drive to achieve in valuing the need for all of us to experience this great joy.

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

Mr. Speaker, I was inspired by the message of the gentleman from Rhode Island (Mr. LANGEVIN) in his own circumstances, having been disabled early in his life. Anybody who is not inspired by Erik's story has never even climbed a hill much less a Mount Everest or Mount McKinley or some of the other mountains.

But the stories of both of these gentlemen and what they have achieved while they are a symbol of what those with disabilities are able to achieve in this world today, also I think are a symbol of something else that I have seen certainly in my lifetime; and that is the improvement of opportunities for those who are disabled in America.

I am not talking about just the curb cuts and the access to buildings and other facilities and amenities, all of which are of vital significance, and I am proud to say that the Congress of the United States and Washington in general has played a major part in that, but just the awareness of and in our society of what people with disabilities can achieve.

At the very highest levels of governance, at the very highest level of corporate governance in athletic pursuits such as we see here, Special Olympics and other circumstances, we have seen so many individuals who have lighted the way for everybody else in terms of what they could do. It is a huge inspiration, not only to others who might indeed have some disabilities, but I think to all of us with the recognition that the great abilities that are there generally make up for and overcome the disability that may have been the root problem to begin with. I think for that we can all be thankful.

We often talk about all the negativism out there, how things are worse in the world today. In my judgment, this is one area where things are much better. Erik is truly a hero and should truly be recognized and honored as such, and that is what we do in this resolution. For all these reasons, I believe this resolution is one that is deserving of the support of each of us here in the Congress of the United States.

Hopefully sometime we will have an opportunity, after he returns and hugs his wife and child, to be able to meet Erik and to be able to congratulate him personally for all that he has achieved.

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

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

Mr. Speaker, I just wanted to thank the gentleman from Rhode Island (Mr. LANGEVIN) for his inspiring remarks about another inspiring individual. I think there is a lesson for everyone here, especially those who do not intend to scale the highest peaks in the world, the highest physical mountains in the world, but scale, surmount other difficulties that they face.

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

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. TANCREDO) if he wishes to say anything

further. He made an elegant statement already.

Mr. TANCREDO. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, it has been a pleasure listening to the gentleman discuss the accomplishments of Mr. Weihenmayer. Although I have not had the opportunity to meet him in person, I am certainly looking forward to that. Our office has sent him a letter congratulating him. I hope he is receiving it even as we speak here today, because I know he is scheduled to be returning as I mentioned early today.

The fact is that there are a number of people that achieve the recognition that is set forward in the resolution of this nature. We do this routinely in the House. But I must admit to you that I think this particular resolution and this particular individual is something other than routine, I should say, that the accomplishments go far, farther than those of many, many of the people that we have identified in the past year. So it is especially fitting today that we are able to provide him with this kind of tribute.

We always wonder here what it is that we can do to inspire others. What we can possibly do on this floor to encourage other people to take on the tasks taken on by individuals like Mr. Weihenmayer. I am not sure if it is anything that we can do here, because all of it has to come from something internally. All of it has to come from something that builds in an individual over which we probably have very little control.

But to whatever degree we can add our support for those people who are out there throughout our land and throughout the world, for that matter, who have this sort of burning inside of them something, an ember starting to smoulder, to do something with their lives of major accomplishment, even if they are disabled, we say Godspeed to you all. Mr. Weihenmayer is a great example for everyone.

Mr. HEFLEY. Mr. Speaker, I would like to join my colleagues today in extending my congratulations to Erik Weihenmayer on his remarkable achievement. On May 23, Erik reached the top of Mount Everest, which is a triumph for any athlete. The fact that Erik is blind makes the achievement all the more impressive. As the first blind person to ever reach the summit of Mount Everest, Erik symbolizes the athleticism of all mountain climbers, as well as the determination and ability of people with disabilities.

Those with disabilities can accomplish extraordinary goals if they are provided with the proper resources, training and opportunities. Erik took advantage of these opportunities and now joins the small rank of individuals who have conquered Mount Everest.

At the age of 32, Erik has climbed not only the highest mountain in the world, but also Mount McKinley, El Capitan, Kilimanjaro, Vinson Massif in Antartica, and Polar Circus in Alberta.

Today's resolution pays tribute to Erik and, in turn, all people with disabilities. I congratulate Erik on his achievement and his determination to succeed. His accomplishment proves that we are all capable of achieving great things when we set our hearts and minds to accomplishing a goal.

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

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

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 150.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to spend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 1209, by the yeas and nays; and

H.R. 1914, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second electronic vote.

CHILD STATUS PROTECTION ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1209, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1209, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 15, as follows:

[Roll No. 152]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Fattah
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder

Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Burton
Buyer
Cox
Dingell
Eshoo
Ferguson
Goode
Goodlatte
Harman
Houghton
Millender-McDonald
Nethercutt
Solis
Waters
Waxman

□ 1205

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 152 on H.R. 1209, I was unavoidably detained. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

FARMER BANKRUPTCY CODE EXTENSION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1914.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1914, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 1, not voting 19, as follows:

[Roll No. 153]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Fattah
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Wamp
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—19

Burton
Buyer
Cox
Dingell
Eshoo
Ferguson
Goode
Goodlatte
Harman
Houghton
Jefferson
Millender-McDonald
Nethercutt
Solis
Walsh
Waters
Watkins
Waxman
Woolsey

□ 1214

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 153 on H.R. 1914, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. ESHOO. Mr. Speaker, I was not able to vote during consideration of rollcall Nos. 152 and 153. I would have voted "yea" on both these rollcall votes.

GENERAL LEAVE

Mr. MORAN of Kansas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the following four suspensions passed earlier today: H.R. 1000; H.R. 37; H.R. 640; and H.R. 1661.

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

There was no objection.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JOHN JOSEPH MOAKLEY, A REPRESENTATIVE FROM THE COMMONWEALTH OF MASSACHUSETTS

Mr. McGOVERN. Mr. Speaker, I offer a privileged resolution (H. Res. 157) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 157

Resolved, That the House has heard with profound sorrow of the death of the Honorable John Joseph Moakley, a Representative from the Commonwealth of Massachusetts.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the decreased.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 1 hour.

Mr. MCGOVERN. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. DREIER), pending which I yield myself such time as I may consume.

Mr. Speaker, I appreciate very much the leadership of both parties for their support of this resolution.

□ 1215

On behalf of JOE MOAKLEY's family and staff, I want to thank my colleagues who traveled to Boston for the funeral services last week. I know those Members who could not be there in person were with us in their thoughts and prayers, and I appreciate that very, very much.

I have been very blessed to have had the opportunity to speak with our friend JOE MOAKLEY in other settings over the past week, including at the funeral, so I will not take too much of the House's time today. I know that many other Members wanted to speak. But I would just like to say a couple of things. As somebody who worked for JOE MOAKLEY for over 14 years and who served with him in the House for nearly 5 years, I never met a person who made me feel better about politics or about public service. I learned an awful lot from him, and I saw him do some amazing things.

Mr. Speaker, I had a front-row seat to watch a real master in action. JOE was guided by the simple but powerful principle that no one is unimportant. From the streets of South Boston to the jungles of El Salvador, JOE MOAKLEY stood for and fought for fairness and fought for justice. He made sure that Mrs. O'Leary got her lost Social Security check. He fought to make sure that our veterans got the health care services that they were entitled to receive. He cared deeply about the environment, and he had a passion for civil rights and equal rights and human rights.

And yes, Mr. Speaker, he was a Democrat and very, very proud of it. He believed in the Democratic Party and he fought hard for the principles and the values that he believed in. But as I am sure that my Republican colleagues will acknowledge, JOE respected and admired those who had different views and even a different party affiliation. JOE MOAKLEY was a people person and his influence and his power in this institution was based not merely on his seniority or his status on the Committee on Rules but instead it was based on personal relationships and friendships with men and women of both parties.

His advice to me after I first got elected to Congress was not to give the most fiery or partisan speeches or even to hire the most experienced or expensive press secretary but to get to know everyone on a first-name basis. Building coalitions and building friendships, he would say, was the surest way to be effective. He told me shortly before he died that what bothered him the most during these past weeks was not the disease or even the inevitability of his death, rather what bothered him and made him emotional was not being on the ballot again. He loved this job so very, very much.

He worked literally to the very end. I recall visiting him a few days before he died in the hospital at Bethesda Naval Hospital and he had an IV in one arm and a phone cradled in the other, and he was doing constituent services. Mr. Speaker, he loved the Members of this body, he loved both Democrats and Republicans, and he loved the staff and not just the staff of the Members but also the support staff, from the Capitol Police to the elevator operators to those who worked in the House dining room.

JOE MOAKLEY approached death like he did his life, with a great deal of grace and dignity and humor. He always had a quip or a joke. He always put a smile on everyone's face. In fact, wherever you saw JOE MOAKLEY, you saw a whole bunch of people gathered with smiles on their face.

Last week, the people of Massachusetts said farewell to our friend. We had two Presidents there, a former Vice President, a lot of our colleagues here in the House. But really what was the most moving tribute I thought was the fact that there were thousands, literally thousands of people who had lined the streets of Boston to pay their last respects: construction workers who took off their hard hats out of deference to JOE, senior citizens, people in wheelchairs, young children, people of every background, of every religion, of every conceivable socioeconomic background came to pay their respects to this guy whom they not only respected but whom they loved.

JOE MOAKLEY was not only a good man, he was a great man. I feel very privileged to have had the honor to work with him not only on his staff but as his colleague. He really was my best friend, like a second father to me, and I miss him a lot.

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

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

I want to thank my friend from Massachusetts (Mr. MCGOVERN) the former Rules Committee staff member and now our distinguished colleague and obviously, as he said, a very close friend of JOE MOAKLEY's.

This has been a very challenging and difficult time for all of us. It is obvious that we are saddened by the passing of JOE MOAKLEY, but we are here today to, I believe, spend some time talking about the wonderful life and the amazing impact that he had on so many of us. Just yesterday, I was very pleased that the Committee on Rules was able to report out a resolution which I would like to share with our colleagues, Mr. Speaker. Every member of the Committee on Rules was present and participated in speaking in support of this resolution which reads as follows:

Whereas, JOHN JOSEPH MOAKLEY served in the House of Representatives beginning in the 94th Congress;

Whereas, JOHN JOSEPH MOAKLEY served on the Committee on Rules beginning in the 95th Congress;

Whereas, JOHN JOSEPH MOAKLEY served as Chairman of the Committee on Rules from 1989 to 1994;

Resolved, that the Committee on Rules, with profound sorrow, marks the death of JOHN JOSEPH MOAKLEY on Memorial Day, May 28, 2001, and expresses its gratitude for his many years of dedicated service to the Committee and the House of Representatives.

We, as I said, reported that resolution from the Committee on Rules last night. I have a lot of things that I want to say and I plan to take time doing that, but I would just like to begin with the resolution that was offered here in the Committee on Rules.

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

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. FROST), the ranking member of the Committee on Rules.

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

Mr. Speaker, JOE MOAKLEY was a great Member of this body, and I rise in support of this resolution with a heavy heart. JOE's passing has left a very large hole in the fabric of this institution, a hole that will be difficult to mend. JOE MOAKLEY and I were colleagues for 23 years on the Committee on Rules. In that time, I was privileged to serve alongside a man whose heart was pure and who never ever forgot where he came from.

Last Friday, I traveled to Boston to JOE's funeral mass. That mass was in reality a celebration of JOE's life and the values he brought to service in this institution on behalf of the people of South Boston, of Massachusetts, and the entire country. JOE was a man who embodied Tip O'Neill's maxim that all politics is local, but JOE was also a man whose ideals transcended borders.

JOE believed in the intrinsic decency of all humankind and in the ideal that every man, every woman, and every child in this country and around the world deserves basic human rights and freedoms no matter their station in life or political affiliation.

His work to bring justice to the cowardly killers of priests and women and children in El Salvador was truly a noble fight. His courage, his determination and his dedication to doing what

is right, no matter the danger, no matter the cost, should be taken to heart by every Member of this body. His ability to work with all Members of this body, to treat every Member fairly and to always have a good word for even his political foes should also be what every one of us should strive for each and every day we are privileged to work in this institution.

Mr. Speaker, I was so deeply moved by the words spoken at Joe's memorial last Friday. It was plainly obvious how beloved he was by his community. But for this House, we should all hope that our own actions we take as Members will be as celebrated as were the actions, words and deeds of my very good friend JOE MOAKLEY.

Mr. DREIER. Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from Sanible, FL (Mr. GOSS), the very distinguished vice chairman of the Committee on Rules and the chairman of the Subcommittee on Legislative and Budget Process.

Mr. GOSS. Mr. Speaker, I thank the gentleman from California for yielding me this time. I chose to speak from this desk about JOE MOAKLEY rather than the well. How many times I stood at this desk in the past 9 or 10 years to yield time or to receive time from the distinguished gentleman from the Commonwealth of Massachusetts, our colleague and friend, JOE MOAKLEY, to do the Rules Committee business.

I cannot possibly cover all of the things that are on my heart or that we should say about JOE MOAKLEY in the time allotted. So many praises are already out there as they should be, so many stories, so many personal anecdotes, all very favorable because JOE was truly just an extraordinarily remarkable guy.

The President of the United States, referring to JOE as a bread-and-butter Democrat, paid him the supreme compliment, I think, by saying, and I quote, ''He made cares and concerns of everyday people his business.'' That is, after all, what the House is about. That is what we are supposed to be doing. I think that is about the best you can do.

The strength and the humor, the way JOE faced life and death, I think, showed a depth of decency and character, the kind of values that we all aspire to and hope to achieve. He set a high standard. I guess I could think of a number of things in common we had: frustrations, the Boston Red Sox, his beloved Red Sox. Every year we hoped they would do better. His desires for Central America which paralleled mine. Lots of things we talked about, the stories he told, which were so well told. I am no JOE MOAKLEY. I could never tell a story like that and I would not dare tell some of those stories to some of my senior citizens, but JOE MOAKLEY had a way of telling those stories and it worked. Maybe somebody will fill those shoes someday. I do not know how.

After JOE was diagnosed the last time I had a conversation with him following on a previous one when he had had his liver transplant and he was sitting right there in the front row. I said, ''JOE, my gosh, you have certainly earned a rest. There are good things in life, go out and enjoy them a little bit while you have still got some time.'' He said, ''You know, I love this place. I never want to leave here.''

I guess the message I have today for all of us, Mr. Speaker, and I speak this from the heart for JOE MOAKLEY, is that JOE MOAKLEY never will leave this place. There will always be a bit of him here. Whether I see George Crawford coming down the hall or other staff or perhaps sitting in the Rules Committee, now under the gaze of JOE MOAKLEY's portrait staring right at us as we go about our business to remind us to do it the right way, when I pick up a sports page and see how the Red Sox are faring, when I hear a South Boston accent somewhere among our colleagues, all of these are the kind of things I think that will quickly bring back a very happy recollection of one of the true great guys we have had here.

I am sorry to say I missed his memorial service in Boston. I was out of the country. Obviously I miss JOE already. But I guess the good thing is that part of JOE will always be with us.

Mr. MCGOVERN. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. MARKEY), my distinguished colleague and the dean of our delegation.

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding me this time. I would like to begin by thanking the gentleman from Worcester for the incredible effort which he has put in over the last 2 weeks in ensuring that our colleague JOE MOAKLEY was able to have the kind of services and the kind of attention which his life merited. I know that he has thought of him as a second father. I think so many of us all thought of him as our favorite uncle as well. I just wanted to let him know how much we all appreciate it.

JOE MOAKLEY actually became Boston in his life. The face of JOE MOAKLEY will be the face of Boston for generations to come: the Big Dig, changing the transportation system, the cleanup of Boston Harbor, the Boston Harbor Islands National Park, the JOE MOAKLEY Courthouse which appropriately is going to be the centerpiece of the new Boston Harbor overlooking, by the way, the Evelyn Moakley Bridge.

□ 1230

So that that as well all becomes a part of this new Boston inner city, as generation after generation walks the streets of Boston.

What was unique about him? Well, he had an open door for everyone but he had an open heart as well. He combined these qualities of spirituality and statesmanship that are so rare, and I think that the real tribute to him was how many Republicans came to his services as well because I think that he came to symbolize all that was good about politics in our country; in fact, all that was good about our country, because he had the wit of Will Rogers. He had the humility of Jimmy Stewart, but he had the tenacity of Saint Patrick when he was fighting for justice or poverty or just trying to help any ordinary person who was down on their luck. He gave the same amount of attention to fighting for people whom he had never met, who were being discriminated against, oppressed in El Salvador, as he did to chasing down every Social Security check that he might have felt was a little bit late in the mail for one of his constituents.

It is altogether fitting and appropriate that he died on Memorial Day, because this was a great man from the greatest generation. I do not think that it is just a coincidence. I think that this is actually altogether fitting and appropriate that he would have passed away on that day. I know that right now he is up there with his beloved Evelyn in heaven, smiling down on this institution which he loved so much. Each one of us is indebted to this great man who, as we all went over to console him in these front rows over the last 2 months, all left being consoled by him as he regaled us with his jokes and his stories and we all left feeling that he, in fact, had reconciled himself to being rejoined with his beloved Evelyn.

I thank the gentleman from Massachusetts (Mr. MCGOVERN) for everything that he has done and for bringing this resolution today.

Mr. DREIER. Mr. Speaker, I yield such time as he may consume to the gentleman from Atlanta, Georgia (Mr. LINDER), the very distinguished chairman of the Subcommittee on Technology in the House.

Mr. LINDER. Mr. Speaker, I thank the chairman, the gentleman from California (Mr. DREIER) for yielding me this time.

Mr. Speaker, I served with Joe on the Committee on Rules for a little over 6 years now, and in those 6 years-plus I do not think I ever heard him say a harsh word. He was a kind and decent man. It will not be said very often, but he was a fierce partisan and a fighter for his party, for his ideas, for his causes, and he carried out those fights with great dignity and skill and great good humor.

I do not know how many times I have heard him use his wit or his humor to lighten the tension or to get his way, but he did it with great skill.

He impressed me, I suppose, as any member in politics for 27 years has ever impressed me. He loved his job. He loved his community and he loved this House. We will be sorely missing him for a long time to come.

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

Mr. Speaker, I want to just take a moment to commend JOE MOAKLEY's

staff, his staff from the Committee on Rules, his personal staff here in Washington and in Massachusetts. I want the record to reflect that these are extraordinary individuals who were like family to him and a lot of the great tributes that occurred last week and over the previous weeks were as a result of their dedication and their commitment. If he were here today, he would want me to acknowledge their wonderful work and to let everybody know how much they meant to him.

Mr. Speaker, I yield 1 minute to my colleague, the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend, the gentleman from Massachusetts (Mr. MCGOVERN), for yielding and for bringing this resolution before this body.

Mr. Speaker, I rise in support of the resolution in honor of our dear friend and colleague JOE MOAKLEY. He was a good and decent man. Some would say he was too good, he was so good. He was a tireless worker and fighter for the people of his district and for all of the citizens of our country. He had a deep concern for human rights, for civil rights, for those who had been left out and for those who have been left behind.

He will be deeply missed by the people of his beloved Boston, and he will be missed by all of us here in this House.

Mr. Speaker, our friend, our colleague, JOE MOAKLEY, took to heart what Horace Mann said when he said we should be ashamed to die, we should be ashamed to leave this world until we have made some contribution to humanity.

JOE MOAKLEY made more than a contribution. When we look at Boston, look at the Commonwealth of Massachusetts, when we look at America, when we look at our world, we live in a different place, we live in a better place because of the work, the commitment, the dedication and the vision of this one man.

Mr. DREIER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from North Carolina (Mrs. MYRICK), a very distinguished member of the Committee on Rules and the former mayor of Charlotte, North Carolina.

Mrs. MYRICK. Mr. Speaker, I am very honored to just be able to say a word about JOE because JOE was truly a friend to all of us. He was always a gentleman and he was one of those people that if the rest of the Congress could be like him, I do not think we would have any problems. Yes, he was partisan and I was not of the same party, but we were good friends. He respected people as people. I think back at the things JOE has gone through because he had so many medical challenges in his life that probably would have gotten a lot of the rest of us down, but he always kept going and he always had that smile on his face. No matter what was happening, that smile was there and that just kept a lot of us going.

I know last year when I went through breast cancer, he was probably my greatest encourager in this House. He just was always saying, you can do it and you are going to make it and do not give up. He said all of this to me constantly, and he just was somebody that I really admired and looked up to.

It really did my heart good when we went to the funeral because when you saw all of those people in Boston lining the streets and really just in honor of JOE, it was because they knew him as just plain JOE. They did not look at him as Congressman MOAKLEY. He was JOE. He never forgot where he came from. He never forgot his roots and people loved him because of that.

He leaves a very, very big hole in this body. I was just very privileged to have a few years to be able to call him my friend.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. RANGEL), the ranking member of the House Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, I have found a long time ago at my age that the best way to handle losses like this is to take a deep breath and to thank God that you were so privileged in knowing such a great guy.

I lost a brother, and I manage every day to wrestle with the problem in realizing how many people just never had a brother to love and to care for and to be with. So even though I miss him, it eases the pain to know that I knew him.

With JOE, I remember once many years ago I was at the prayer meeting and it was my turn to tell the people just how wonderful I was and all of the hardships that I had, and he came to me in feigned resentment. I said what did I say wrong? He said, you stole my story. I am on next week.

Next week, he told the same story. It was not black. It was Irish. It was not the Army. It was the Navy. It was not a hotel. It was a bar. But when he got here, he felt so satisfied not with the rough times that he had but with his dedication in trying to make certain that other people had the opportunity to come from our background, to be members of this wonderful body and to try to make it possible for someone else to be able to say, yes, I am from the old neighborhood and I am trying to make it easier for them.

Maya Angelou, a poet, said recently what JOE said in his own way, that she was on life's train and was prepared to enjoy every minute of the ride, but if someone tapped her on the shoulder and said, this is your stop, you have to get off, she would say, it is not a big problem because it has been a very, very good ride.

JOE made certain that he did not allow us to feel sorry for him. He really lived life to the end and we know that he knew it was a good ride.

Mr. DREIER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), my friend and the very distinguished former chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from California (Mr. DREIER) for yielding me this time.

Mr. Speaker, I rise today to honor our good friend and distinguished colleague, JOHN JOSEPH MOAKLEY, who passed away on Memorial Day due to complications of leukemia.

I want to commend the gentleman from California, our distinguished chairman, the gentleman from California (Mr. DREIER), for arranging this time for us, and the gentleman from Massachusetts (Mr. MCGOVERN) for taking the time to bring this resolution to the floor honoring our good friend, JOE MOAKLEY.

I had the pleasure and honor of serving in the Congress with JOE for more than 2 decades. I really remember how JOE used to guide us through one problem after another when we appeared before him in the Committee on Rules. I vividly recall, too, how the gentleman from New York (Mr. RANGEL) and I, as part of a congressional delegation, went to Boston under JOE's leadership to bring our fight against drugs to Boston. JOE was devoted to that fight.

JOE was a kind-hearted man. He was dedicated, devoted to serving his constituents. He was elected to represent the Ninth Congressional District of Massachusetts back in 1972, appointed to a seat on the Committee on Rules where he served as the chairman from 1989 to 1994. Much of the time in my capacity on the Committee on International Relations, I appeared before JOE on a number of our authorization measures and JOE was always a true gentleman as he handled the important debates before him.

We all recall, too, that back in 1989, following the murder of six Jesuit priests and their housekeeper and her daughter in El Salvador, Congressman MOAKLEY was appointed to head a special task force to investigate the Salvadoran government's response to those killings. The Moakley Commission issued a report which revealed the involvement of several high-ranking military officers in Salvador in those murders, and that Moakley report resulted in the termination of our Nation's military aid to El Salvador and is often credited with helping to end the brutal civil war in that nation.

JOE's commitment to the people of South Boston, to those in need throughout our Nation and to the advancement of human rights throughout the world stands as a benchmark of his tenure in the House. When Congressman MOAKLEY announced in February that he suffered from an incurable form of leukemia, it was gratifying to see how the House came together around him and his family and how many of us took the time to meet with him on the floor. Moreover, I was pleased that my wife Georgia and I had the opportunity to spend some time with him during his last days.

□ 1245

JOE was truly a man of public service, service in the military in World War II, public service in the Massachusetts State Legislature, and in the Congress. He had an amiable personality, often using his good humor to diffuse difficult political arguments.

Georgia and I send our prayers and condolences to JOE's family. He will be sorely missed in this body.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. SLAUGHTER), one of JOE's close friends and colleagues on the Committee on Rules.

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

Mr. Speaker, a giant of a man has fallen; and I do not think this House will ever be the same. JOE MOAKLEY was so deeply rooted in his beloved South Boston and grateful, to the moment of his death, that the people who lived there had entrusted him with the greatest thing that they could give, to let him represent them here in the House of Representatives. And represent them he did. On our way to the funeral, we drove by many works in process in the city of Boston that are a credit to JOE MOAKLEY.

Most of all, though, he was a human being, to his core. He told me a story that I think sort of summarized JOE, that when he was growing up, he was always big for his age, which was one of the reasons he was able to talk himself into the Navy at the age of 16. As they would be driving down the street, if they saw anybody being bullied or anything that did not look quite right to JOE's father, he would say, ''Well, JOE what are you going to do about that?'' He would park the car, and JOE would get out and fix it. And I think that trained him very well in that JOE WAS expected when he saw something wrong to do what he could to fix it.

I think he was most proud, at least I am most proud, of what he did in Central America, because he stepped up against his own government to right a wrong, and all of us benefited from that.

I considered him, I expect like most of you did, to be my very best friend. I know that JOE was the person I could always go to when I had anything in the world on my mind, say anything that I thought, and that was the end of it, and he always helped me out.

I was his singing partner. We sang a lot of duets. He knew songs I had never heard of in my life, I am not even sure they were songs. I am pretty sure he made some of them up as he went along, like ''Come into the parlor if you are Irish.'' That was one that I had never heard.

But, anyway, serving with him on the Committee on Rules from the time that I was appointed there was one of the greatest joys of my life.

I had never seen anyone live with such joy and contentment, nor die with such courage. As has been mentioned, JOE had several physical infirmities that bothered him over the years, but none of them ever slowed him down.

But the nicest thing for him, while he was not a publicity seeker, and maybe everybody in the country would not know who JOE MOAKLEY was, everybody in the State of Massachusetts knew. And the wonderful things that happened to him, the courthouse that was named after him he told me was built on a piece of ground where he played as a child. And what a magnificent thing at that dedication, that Old Ironsides, the USS Constitution, gave him a 19 gun salute. I think that is the greatest gift you could give a son of Massachusetts or a son of the United States. And everybody showed him and had the opportunity to tell him how much he was beloved.

I picked up a copy of the Boston Globe while we were in Boston on Friday at the service, and, as everybody else has said, it was a most remarkable event. The sailors who serve on Old Ironsides served as his pallbearers bringing the casket from the church.

It said in the Globe, among other things about JOE, that he was so loved in his neighborhood and area that at one point he was asked if he would open up his house for Christmas for an open house as a fund-raiser, and he was kind of loath to do it, but he said okay, if you want me to, I shall do that.

It went off very well, and they decided they would like to do that again, and they thought they would ask early. So the following August the group asked JOE if he would do it again, and JOE said, well, absolutely, I would be happy to; the Christmas tree is still up. Which was typical JOE again.

But one of the things that I read in the paper too that struck me so was that nobody ever parked in front of JOE's house, out of respect for him. Nobody ever told anybody not to; it was just the feeling that they had that somebody special lived there.

But with all of that, every inch of him was one of them. He was from the old school, I know that, and frankly I liked that old school, and I do not think that we will see his like again. But I personally am grateful for the years that I had an opportunity to work with and to get to know one of the most incredible human beings I have ever known, JOHN JOSEPH MOAKLEY.

Mr. DREIER. Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from Illinois (Mr. HASTERT), the distinguished Speaker of the House.

Mr. HASTERT. Mr. Speaker, I thank the Chairman for yielding me time.

JOE MOAKLEY. I first encountered JOE when I was a young Congressman and took an amendment up to the Committee on Rules. It was probably an ill-advised amendment, but JOE was very gentle and very kind and kind of let me know the errors of my way and was straightforward. On subsequent times, when JOE was chairman and in charge of that committee, I used to go up there, and he was about as straight as you could get as a person you would find on either side of the aisle. He was fair, he was honest, and he did not hesitate to tell you sometimes the error of your ways.

But I got to know JOE probably even better. He shared an office down the hall. When I became deputy whip, we shared an office across the hall, and we would meet. In those days JOE was not in very good health, but JOE was always cheerful; he always had a good word to say and an optimistic outlook. Even though I was not here in the days of Tip O'Neill, I think probably Joe carries out the best tradition of the Irish-Catholic-Boston politician. He was of good nature, of good humor, and knew the art of politics very, very well.

The last experience I had with JOE is I had the great honor of sharing a trip to Rome with him this January. He co-chaired a Congressional delegation to Rome to carry the Congressional Gold Medal to present to the Pope. I think I saw JOE MOAKLEY probably in his very best time. He relished that trip. He relished the opportunity to present that medal to the Pope, and he said to me that was one of the greatest experiences he had while serving in the Congress of the United States.

We will remember JOE for a lot of things, first of all his service on the Committee on Rules. We will remember him for his work in El Salvador, something we did not always agree with, but certainly something that was certainly from his heart, and he was committed to that.

But I last saw JOE 2 weeks ago. I took a quiet trip to Bethesda and stopped to see him. JOE was sleeping, probably one of his last days, but he was at peace.

I remember just a couple of weeks ago when we unveiled his portrait in Statuary Hall. JOE, I think, looked forward to that. It was certainly a time that we had to honor him while he was here and we could appreciate it. The glow on JOE's face that day pretty much matched the glow on that portrait. I think that is how we will always remember him, that cheery face that today hangs in the Committee on Rules.

We will always remember JOE MOAKLEY in this place.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, I want to thank the gentleman from Massachusetts (Mr. MCGOVERN) for organizing this special order today, and to all of you who have assembled for the purpose of remembering our dear friend, JOE MOAKLEY.

Just before he died, even though he had the courage to call all of us on a Sunday evening in the delegation to tell all of us that the end was near, and he did it without flinching, incidentally. He still maintained that great sense of humor that we all can identify

with. He was sitting in the corner, and a colleague rushed over to him very sincerely and was all over him and said, I am so upset, JOE. I am so troubled by this. I am so bothered.

When the colleague walked away, JOE said, he is more upset than I am about this. I thought that was classic JOE MOAKLEY.

But there is a great lesson in this life, and if I can just spend a couple of seconds on it, I would like to.

He loved the job that he had and thought that it was a special privilege to serve in the House where Mr. Madison and Mr. Lincoln and Mr. Kennedy and Mr. Johnson and Mr. Nixon and Mr. Ford and Mr. Bush, Sr., had all served. They had come from this House. And what have we watched here for the last 2 decades? We have watched the people that have gotten elected here overwhelmingly come here by running against and then running down the institution.

JOE MOAKLEY was unabashed in his support of the appropriations process. He believed strenuously in the notion that the great privilege that had been offered to him in life was to be a Member of the Congress. He could be as partisan as anybody in this House.

He was a great Democrat, an old school Democrat. But do you know who he liked to have dinner with? This is going to kill them in Alabama when they find this out, the voters down there; SONNY CALLAHAN, TERRY EVERETT, HAL ROGERS. That was the group he assembled with after hours. He enjoyed their company socially. He loved those stories about rural Alabama and how they had come here, because we all came here under an interesting scenario. We all got here for different reasons. We all came to this marvelous institution, the great deliberative institution in the history of man and womankind, because of special circumstances.

It is the memory of MOAKLEY that we honor today.

If I might for just a second, he is the answer to this argument that we should have term limits. Remember the great deeds that Members do here? They generally do them in the latter part of their careers. He thought the line item veto was perfectly foolish. Why would we have a balanced budget amendment to the Constitution? Does the law not say we are supposed to do that without disturbing the Constitution? Imagine trying to use that rhetoric to soothe the public today: Gees, I love my job. This is a marvelous institution. I am as comfortable back in the streets of ''Southy'' with the ''townies,'' as he would call them, as I could be anywhere.

He came to this institution with a special reverence, he treasured the friendships, he was the great heir to McCormick and O'Neill. That was his memory. It was a snapshot in time. He would talk about those great battles.

Just a couple of weeks ago, the gentleman from Massachusetts (Mr. MEEHAN) and I had this marvelous opportunity the night that they dedicated his portrait. We fought to get him to go to that dinner, fought to get him to go to that dinner. He was not going to go that afternoon, and when I got there, he was sitting at the head table.

One of the things we understood in our delegation was when he spoke, there was deference. You listened to what he had to say. That night he talked about the great political battles that he had won. And do you know what else he talked about? The battles he had lost along the way.

He explained how he had handled many of those difficult moments, and he held forth in a way that everybody in the room was mesmerized, as he spoke of names that are legendary in Massachusetts politics, and he spoke how he had handled many of those controversial races.

But I am going to close on the note I opened with. JOE MOAKLEY loved service in this institution, and when I hear the rhetoric of some Members of this House that come to the microphone to vilify the other side, to vilify the institution that we serve in day in and day out, he was never part of it.

He could be as partisan as they would come in this institution, and yet he loved his service here, and he loved the Members that he served with; peculiar friendships, peculiar alliances, but he understood that day in and day out.

I think it is time that we all thought, look, this is the best job that the public could ever offer to any of us, to be a Member of this old House, as members of the American family.

I think that I would just say this, that his friendship to me, from committee assignments, to everything else that I ever asked for, never once in 13 years did he say no; and do you know what? Never once in 13 years did I not say thank you.

Mr. DREIER. Mr. Speaker, I am happy to yield such time as he may consume to the very distinguished gentleman from Washington (Mr. HASTINGS), an able member of the Committee on Rules.

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I, like all my colleagues, was saddened by Joe's death, even though we knew that it was inevitable. But I had an opportunity to serve with him on the Committee on Rules for 5½ years, and if I were to describe Joe as simply as I could, he was a very courteous individual, and I think that was something that obviously was not made up.

He had a great wit, and there are a number of times when we have these late night rules meetings that that wit would disarm tension, and it would disarm tension here on the floor. But I also discovered that he was very principled in his philosophy, but yet he was one who very much wanted to work together.

I guess because of the job that we have here, there are a lot of people that draw impressions of all of us through how we communicate on C–SPAN. I recall before I was elected to this position, to Congress, that there was a show that featured JOE MOAKLEY on C–SPAN. It went on for about an hour, and he would talk about his background, he talked about his philosophy, he talked about getting a Federal building here or there in his district, and I was struck by that program. I watched it the whole time.

At that time, of course, I was not a Member of Congress, I did not think that I would ever be here. But I discovered when I got here that the JOE MOAKLEY that impressed me with that show on C–SPAN was exactly the same JOE MOAKLEY that was portrayed there.

□ 1300

I think that is probably the highest compliment one can pay to somebody who was in politics for as long as he was, is that there was not anything phoney about him. JOE MOAKLEY was JOE MOAKLEY, and that is the individual that we will all miss.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, we are all grateful to our colleague, the gentleman from Massachusetts (Mr. MCGOVERN), for the grace with which he is carrying out what is for him a personally difficult process, as he has for the past couple of months.

Speaking of personal, people have talked about JOE MOAKLEY. It is impossible to convey what he was like. All I can say is that he was a walking antidepressant. You could be in the worst possible mood and you walked in here and you went to talk to him. For those of us who had the privilege of being his friend, it is just not going to be as much fun to do this job for a while.

But that is personal. We are here in the Congress of the United States, and we have to talk about what is public. People have said over and over, correctly, that JOE MOAKLEY never forgot where he came from, and he deserves credit for that. People become important sometimes, and they forget where they came from. JOE MOAKLEY did not forget where he came from. But there was another element of JOE that I think explains what, to me, constituted greatness. He was able constantly to remember where he came from and also to remember where he and the rest of us ought to be going.

Human nature being what it is, when people are very good at a certain set of skills, when they are very rooted in a particular set of circumstances, when they are based in an ethnicity, a political tradition, a particular way of doing things, inexorably they become resistant to change, because when you are the master of a given set of circumstances, change can seem threatening to you. It is a rare individual who can be as good at the existing set of arrangements as JOE MOAKLEY was

and still be one of those who uses the power he gets from that to help bring new things into being.

He represented a tough, somewhat insular, political tradition in Massachusetts; and he became its undisputed champion. In an area where people fought with each other, in an area that was fractious, he was everybody's idol; and he used that power, not simply to perpetuate himself, but to help the people he represented and others reach out. In other words, he took the values which he represented in his particular area and taught people how to apply them to new situations. He represented an area where, frankly, race relations were troubled; but I would venture to say that the members of the Congressional Black Caucus counted him justifiably a close friend. He dealt with prejudices of various sorts, prejudices that he and his friends and neighbors grew up with, and he was a leader in combating them.

He took his prestige into foreign territory: El Salvador. As he himself joked, an area that when he grew up he knew nothing about and cared nothing about, and what he did was to recognize that the same set of values that reminded him where he came from ought to be motivating him to where we should go in the future, and that is greatness. That is a man who was secure in himself, able beyond what most people are gifted with in terms of his insight, his personal dealings, his ability to read the situation and move forward; and it is precisely that he never preached to people.

This was a righteous man who was never self-righteous. This was an example of morality at its best, who made sure that no one ever thought that he felt he was somehow better than they are; and by the force of his personality, which was considerable, and his example, which was even greater, he helped move this country and this House into a new era.

I do have to note in the end that JOE MOAKLEY was several things that are not fashionable. He was a career politician. He was a longtime Member of this House of Representatives. People who denigrate politics, people who think that after you have served here for a few years, you somehow become soured, I guess they are going to have to forget that JOE MOAKLEY ever lived. Because in his person, he repudiated more stereotypes of the area that he came from, of the profession that he had, of the whole way he lived; he transcended differences that people have used to divide us.

So yes, personally, all of us who had this wonderful man as a friend will miss him. We will console each other by telling stories. I dare say that we are sad to lose JOE MOAKLEY, but people watching television and I will ask for unanimous consent to violate the rules by referring to them, they have seen us laughing and smiling, not because we are not sad, but because we console ourselves and our loss by remembering how much fun it was to be around him; and if we cannot be around him, we can suffuse ourselves in his memory.

My thanks to the gentleman from Massachusetts (Mr. MCGOVERN) and to all of us for giving ourselves this opportunity to celebrate this man and, even more important, to celebrate what he stood for and exemplified.

Mr. DREIER. Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from New York (Mr. KING), another great friend of Mr. MOAKLEY's.

Mr. KING. Mr. Speaker, I thank the gentleman for yielding, and I commend him and the gentleman from Massachusetts (Mr. MCGOVERN) for putting together this well-deserved tribute to a great friend of all of us, JOE MOAKLEY. It was really my privilege to be able to call JOE MOAKLEY a friend. So much has been said here today, and this is one time when everything that is said about someone is true. JOE MOAKLEY was a Democrat to the core; but he never, ever allowed partisanship to enter into his personal relationships, his friendships. He never let that come between himself and any other Member of this House who wanted to work with him on any issue, or just wanted to sit down and talk with him.

To me, he was a fountain of knowledge and wisdom, advice. He personified what politics should be. He personified what the House of Representatives should be: a person who fights hard for what he believes in, but also respects his adversary and understands the nature of this business, the give and take; that the combat should end when the day is over, and there is no reason why we cannot at least have some attempt at friendship and solidarity.

The gentleman from Massachusetts (Mr. NEAL) mentioned that dinner that he was at with JOE MOAKLEY just a few weeks ago. I was a tag-along for that dinner, because I figured this is one time where I would not get stuck by these guys for picking up the tab. It was actually one of the most memorable evenings that I ever had, just to be able to sit there and listen to the stories. It seems as if JOE had one last infusion of adrenaline. He came alive. He was telling stories about John McCormick and Tip O'Neill and the gentleman from Massachusetts (Mr. MEEHAN) and the gentleman from Massachusetts (Mr. NEAL), and the entire delegation. They were great stories.

Yet throughout it, there was a constant thread. He was never the hero of any of his stories. Somehow, on the battles that he spoke about that he won, he almost positioned himself as being a spectator and those he lost, he put himself right in the middle of it. He had a tremendous self-deprecating sense of humor. He had an ability to see beyond the moment. He had an ability to realize what this is all about and what all of us are here for: to try to get a job done and make some friends along the way.

So this House is really diminished by his absence. I know his portrait is going to hang; I know his memory is going to remain here forever. But the fact is that he is not here, and that is something that is going to weigh on all of us, because he will be missed. May he rest in peace.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank my colleagues for the opportunity to speak for just a couple of minutes about a great person.

When I was first elected to the House in 1994, I had the opportunity to sit with JOE, because he was the dean of our delegation, and talk about committees, talk about issues, and I found that advice and counsel to have stayed with me through my service of four terms.

I have always found JOE to be JOE, to be somebody who you could talk with, listen to, and to be able to strategize with, especially during the very turbulent times when we first started in 1994 with Speaker Gingrich and the change in power.

I remember we had one time where one of the Boston schools was playing one of the Maine schools and one of the bets was for a box of lobsters, and I remember bringing it up to the Committee on Rules, and I remember JOE opening it up and Jerry Solomon was the Chair of the Committee on Rules at that time, and taking one of the lobsters out of the box and chasing Jerry Solomon with the lobster. He said back to me, he said, the only problem with these Maine lobsters is you still have the rubber around the claws so that they cannot get at them anymore.

Mr. Speaker, JOE was always there for me, and he was always there for everybody else. One of the things that I really appreciated about him and his service in the House is that you can tell an awful lot about a Member when you recognize a Member's staff; sort of, the apples do not fall far from the tree. The leadership in the office is usually given to those on the staff, and they carry forward. In JOE's office, I really got to meet an awful lot of nice people, a lot of people who are very dedicated, as JOE was. We would do the Horton's kids charity; we would be involved and they would be involved. After hours, after they finished their work in the office, they would be going into the inner cities here in Washington and trying to help kids get the education and training they need. It seemed to be the entire office was working together as one large family, and I know that is how JOE felt about them.

In closing, I would just like to say that it is always ''JOE,'' because it is an honor to be called by your first name by your constituents and the people that you serve, because it is a recognition of the people that you represent that you are indeed one of them.

So I would like to thank my colleagues for the opportunity, and I

would like to say God bless to JOE MOAKLEY.

Mr. DREIER. Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from New Hampshire (Mr. SUNUNU).

Mr. SUNUNU. Mr. Speaker, I thank the gentleman from Massachusetts for putting together this tribute today.

As I drove down to the memorial service on Friday, I listened to the radio and there were two ''townies,'' as the gentleman from Massachusetts (Mr. NEAL) would describe them, Mike Barnical and Will McDonough, and they paid a wonderful tribute to JOE MOAKLEY. They talked about his personality, the way he threw himself into his work and, most important, his dedication to his community, to South Boston. I think they understood that he was so good at what he did because he was a product of that community, and there is no service that is easier to render than when you are helping a neighbor, than when you are helping your town, than when you are helping the people you grew up with. They told story after story about JOE walking the neighborhoods, sitting in a restaurant, reading the newspaper, saying hello and reaching out to everyone who came by to talk to him and everyone that came by to offer a favor. It was a very personal tribute, but I think it was one that recognized the goodness in the man.

Even a more powerful tribute, however, was the description that Jim gave, the description of the outpouring of emotion in the town of South Boston itself. As I got to South Boston, of course the roads were closed off leading to Saint Bridgett's and I got out of the car and walked the last 4 or 5 blocks. It was astounding, it was heartwarming and touching to see people lined up four and five deep, even five blocks from the church, school children, construction workers, police officers, and they were all people that were of the community that knew JOE, that knew the kind of dedication that he brought to his people and to his neighborhood.

It could not have been a better day. It was a glorious, sunny day. There was an enormous American flag at the crest of the hill on Broadway. There were schoolchildren lining the streets, and the Red Sox had won the night before; and I thought, if you were going to pick a day to be remembered, it could not be a much finer one than that. JOE was a great politician, as many people have pointed out. But I think he was a great politician because he was such a good man; and more than anything else, that is what his service will be remembered for, and I think that is what his friends and neighbors and South Boston will remember him for.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time. I am glad to join him. All of us have staff members and they have become extraordinarily close. We work together sometimes some intense and long hours, and I know how much JOE MOAKLEY thought of the gentleman from Massachusetts (Mr. MCGOVERN). To the extent that JOE is gone, he certainly will live on in the gentleman on this floor who replicates his decency, his honesty, his integrity, and his ability, and his commitment to people. I say to the gentleman, we count him as a colleague who will reflect JOE's values on this floor for years to come.

Mr. Speaker, this is D-Day. It was the beginning of the end of the great conflict in our lifetime. There were other conflicts, and there will be others, but Tom Brokaw correctly reflects on the JOE MOAKLEY generation as being the greatest generation.

□ 1315

On December 7, of course, 1941, that war began essentially for the United States. We had been participating to some degree, but it began for us then, that day that will live in infamy.

Days after, JOE MOAKLEY, at the age of 15, said, ''I am going to be a part of the defense of freedom,'' and he volunteered for the United States Navy. Initially, as I understand, even he could not get away with it, being 15. But a few months later he bulked up, I suppose, and maybe grayed his hair a little bit. I am not sure what he did, but he made it in, because he wanted to serve. He wanted to be in the forefront of the defense of liberty of the country that he loved.

It has been said so many times here that JOE MOAKLEY did not forget from whence he came. I went to the Maryland State Senate at the age of 27, and there was an individual there who I thought was old then, but he is probably younger than I am now. His name was William Hodges. They called him Bip Hodges. He had been a fighter, a prize fighter. He represented the Sixth District of Baltimore City.

He was, from my perspective, sort of a Damon Runyon type figure. Everybody loved Bip Hodges. Everybody in his district referred to him as Bip. I thought when I went there fresh out of law school that this was sort of a rough-hewn guy that really did not know what was going on.

I had the privilege of serving with him on the Senate Finance Committee, and every day that I served with him, every week and every month and every year, I became more aware of how in touch he was with his district, of how in touch he was with his people.

I do not frankly think it was so much that JOE MOAKLEY never forgot his district; JOE MOAKLEY was what he came from. To that extent, I think everyone who has spoken reflects the truth that JOE MOAKLEY represented exactly what the Founding Fathers wanted this body to be: representatives of their people.

No one with whom I have served better reflected that representation, that sense of his people, of their decency, of their fortitude, of their faith, of their courage, better than our friend, JOE MOAKLEY. The gentleman from Massachusetts (Mr. NEAL) spoke of it, as have others.

He loved this institution. He loved what it represented, as well as the opportunity that it gave him, as he did as a boy of 15 defending freedom on the front lines, and here defending freedom at every opportunity; as has been mentioned, sometimes in the front lines, and sometimes when his people perhaps did not exactly understand what the defense of freedom was and what he was representing.

We have all been blessed to have served with a person of the wit, of the warmth, of the well-grounded and in-touch nature that was JOE MOAKLEY. There are a lot of smart people in the world, but there are not so many wise people. JOE MOAKLEY was smart, JOE MOAKLEY represented his people, and JOE MOAKLEY was a wise and extraordinarily good human being.

The Founding Fathers, were they on this floor speaking, I think would say, ''JOE MOAKLEY is what we had in mind when we created the House of Representatives.'' His friend, Tip O'Neill, has been called a man of the House, and he was. His dear friend, JOE MOAKLEY, was equally a man of the House, a man of south Boston, a man of Massachusetts, a man of the Irish, a man of America. How blessed America was by the life of JOE MOAKLEY.

Mr. DREIER. Mr. Speaker, I yield such time as he may consume to the gentleman from Palm Beach, Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I thank the gentleman from California (Mr. DREIER) for the opportunity to speak today.

For a moment, let me be the boy I was, born in Newton, Massachusetts. Coming to this Congress, I always follow things that happen in Florida and Massachusetts, and none was more exciting for me than having conversations with JOE MOAKLEY.

JOE and I would spend frequent July Fourths together in Chatham. We would have wonderful times. We would break out in song and JOE would tell stories, and like many people have reflected on, JOE would be the life of party, but not try to be the center of the party.

I was over on the side of the Chamber where JOE sat 2 weeks ago. I saw JOE, and he was sitting in his chair. I said, ''JOE, we will see you in 6 weeks. We are going to have our July Fourth kickoff. You will have to lead us in song again.'' He said to me matter-of-factly, ''MARK, I won't make it this year. You are going to have to do the duties yourself.'' It knocked the wind out of my sails, because he looked so evidently healthy and content as he sat there. Even knowing he was sick, he never burdened us with his pain or his anguish.

Many times on this floor, Members complain about the time they spend

here and the schedule being so frenetic, and not ever being able to plan their days. I would sometimes pass JOE and I would say, ''This place is a mess, isn't it, JOE?'' And he said, ''Hey, MARK, I have no place to be. Evelyn is waiting for me in heaven. This is great. I am fortunate the people in South Boston gave me the chance to rise to a position where I could help my neighbors.''

Some of the Members have commented today about how brutal this process can be. We needed only to spend a moment with JOE MOAKLEY to know that there was hope for all of us; that if we looked into his eyes and into his heart and recognized how gifted we are to serve the people we represent, that rather than rhetoric, we should apply ourselves to the principal Golden Rule of helping and serving.

JOE had a unique quality about him. It is hard to quantify in words, even though my colleagues have done such a wonderful job in doing it. South Boston, many people probably do not realize, has had its share of tough times, but JOE always, there again, put the best face on his community and talked about how neighbors help neighbors.

In reading the press accounts over the weekend, we realize that there was a living patron saint of a community. God has a unique way of blessing people with unique talents. He blessed JOE with the tenacity to stick up for the underdog. He gave him the ability to tolerate some of the excesses of Members who serve here. He gave us a chance to look in the mirror at times and reflect that we are here only by both the grace of God and the best wishes of our constituents.

I tell freshmen Members when they come to this process to recognize a few points: one, that we are only here and invited to the parties because of the title that precedes our names. When our time in office is over, we will be quickly forgotten, so we should not take ourselves too seriously. JOE never did. He never did. Yet, being the congressman from the district he represented was his joy in life.

I know we have had some late nights, and I know the gentleman from California (Mr. DREIER) and others have had some real heated debate with Mr. MOAKLEY. But the thing that came away from all of these contests is that we can disagree without being disagreeable.

If JOE MOAKLEY were here today, he would laugh and tell us to sit down and stop all this babble because we are taking far too much time of the House's business on celebrating him. But I believe in my heart that as we proceed to pass this resolution unanimously commending him for service, we also know deep in our hearts that Boston, South Boston, that all of the cities not only contained within JOE's congressional district but the entirety of Massachusetts and of our Nation thank JOE MOAKLEY for his service.

The one thing I would always do, though, and it was funny, when we would spend this time in Massachusetts, I would avoid long durations of conversations with JOE simply because I have settled in Florida now for 44 of my 47 years on this Earth. If I stayed with JOE too long, I would start talking about things with my accent, because he would see me on the floor or in parties and he would say, ''Hey, MARK, how are you, kid? How are you doing? Hey, I love your car. I saw your car. It is a good-looking car, kid.'' If I would stay too long, I would get that Massachusetts accent back.

So I salute JOE. I thank God I got a chance early in Congress to get to know him early on in my term, and to be able to witness what I believe is a legend of this process. His guidance to many of us in this process is appreciated, and I know if we can try and emulate his style, if we take a moment to appreciate his gentle touch, and if we would all refrain, when we are here at the well and when we have a chance to blurt our words over the airwaves, that we pause just a minute and think of the Moakley rule; pause just a minute before we say something inappropriate or hurtful; pause just a minute and say, how would JOE approach this situation? It is always fun to win, but it is better to win with honor. JOE knew how to do that with great style.

So let us institute the Moakley rule from now on as a tribute to our colleague, our hero, and our friend, JOE MOAKLEY, and think before we speak; and if we have to speak in loud tones, do it civilly, responsibly, and with respect for this great institution.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MEEHAN).

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

Mr. MEEHAN. Mr. Speaker, I too want to thank the gentleman from Massachusetts (Mr. McGovern) for all of the wonderful work he has done over the period of the last several weeks. JOE loved him very much. The op ed piece the gentleman from Massachusetts (Mr. MCGOVERN) wrote for the Boston Globe was a powerful, powerful expression of love and an expression of JOE MOAKLEY'S life.

Mr. Speaker, I also want to acknowledge all of the people from JOE'S staff who are here. I would daresay that there is not a Member of Congress who had a closer relationship of love with his staff than JOE MOAKLEY did. I also want to compliment all of the members of JOE'S staff for all of the work they have done over the last few weeks, as well. I know JOE is looking down and is very, very proud of the job that members of his staff did.

It has been, I guess, about 4 months since JOE announced that he had an incurable form of leukemia. I remember the Sunday when he called the members of the delegation. I had gone to Taunton in JOE'S district as a member of the Committee on Armed Services. JOE was not going to an event, and they asked me to go and sort of say good-bye to a group of Reservists who were going over to Kosovo.

I went in and did the ceremony, and there were a lot of television cameras there. I got home and my wife said, ''Gee, you were on all the stations.'' I got a call about an hour and a half later, and it was JOE MOAKLEY on the line. They said, ''Do you want to wait?'' I covered over my phone and said, ''It is JOE MOAKLEY. He is going to give me a hard time about those television cameras down in his district.''

Then he got on the phone with the shocking news that he had an incurable form of leukemia.

□ 1330

I will never forget that conversation, anticipating what I am going to say to have a split second response, not knowing what he was calling for.

JOE was a remarkable person, a very, very funny, sharp person. I was reminded listening to the gentleman from Massachusetts (Mr. NEAL) talking about some of the stories, and the gentleman from New York (Mr. KING), I was fortunate enough to have been at a dinner 2½ weeks before JOE passed away. I want to remind the gentleman from Massachusetts (Mr. NEAL) that JOE MOAKLEY ran, he told us that night, as an independent for Congress to avoid the Democratic primary because he had figured out exactly what the people in his district were thinking and knew that he could be sworn into the Congress as a Democrat having gone directly to the general election. What a wonderful night of stories. So many stories, so little time to tell them.

But one of the stories that stands out to me was, after the President had recognized JOE for his battle with cancer, has recognized him. The gentleman from New York (Mr. KING) was over the next morning, and JOE would sit over here, and the gentleman from New York ran over and said, ''JOE, how do you do it, the President of the United States coming up to you and praising you that way, everybody spending so much time, JOE MOAKLEY. What a tribute. How do you do it?'' JOE looked up with a split second response and said, ''PETER, believe me, it is not worth it.'' The strong message that he sent with that.

There was 2 weeks ago, JOE was very committed to Suffolk University, and the gentleman from Massachusetts (Mr. NEAL) had gotten an honorary degree and went over to thank him, JOE is a member of the board of trustees, for recommending him.

Now, JOE looked up and he said, ''Now, you are going to get the doctor, right? It is the doctor.'' He said, ''Yeah, it is all set.'' ''But, RICHEY, you know it is the doctor, the doctor of law.'' RICHEY said, ''Yeah, it is the doctor of law.''

JOE looked at him and he looked at me, and he said, ''You know, MEEHAN

has one of those. If he has one, you ought to have one as well.

JIM's op ed piece in the Globe, JIM goes in to see JOE at the hospital, and everyone is concerned about JOE. JIM looks at him and says, ''JOE, you look better than I do, for crying out loud. You look great.'' JOE looks up and says, ''Better than you, huh? That is not saying much.''

At the end of the day with all of the events, wonderful events, the foundation raising millions of dollars at a wonderful dinner here in Washington, a wonderful dinner up in Boston, the wonderful dedication of the courthouse, and what a beautiful ceremony that was, the wonderful portrait unveiling here, and then the wonderful ceremony at Saint Bridget's in South Boston, to see the lines of average every-day working people, seniors, waiting in line for hours and hours and hours.

There was someone in back of me that said, ''Excuse me, you are a congressman. You serve with JOE, right?'' She said, ''You know, JOE threw me out of a night club when I was 19 years old,'' and with a smile. I said, ''Oh, you did not mind.'' She said, ''Well, he was a bouncer.'' I said, ''How did he know enough to throw you out?'' She said, ''My brother was a pal of his. I was under age, and my brother tipped him off, says I am going to call JOE MOAKLEY and let him know to keep you out.'' She smiled.

So many wonderful stories. The ceremony at the State House, thousands of people waiting in line. Then the wonderful tribute that everyone across the Nation had the opportunity to see at the church on Friday.

When all is said and done, though, the difficult part for all of us in the Massachusetts delegation was coming back to this Chamber on Tuesday at about 6:15 when, after every weekend, we would come back, and JOE would be over here in the left-hand side, and every member of the delegation would go up to him and talk to him about what had happened. He would have great stories. He did not miss anything that happened over the weekend. If one wants a news program or newspaper article, JOE read it, and JOE had something to say about it. That is a part, I think, all of us are going to miss the most is not having that unique opportunity to interact with a great American, JOE MOAKLEY.

Mr. DREIER. Mr. Speaker, I yield such time as he may consume the gentleman from Staten Island, New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Speaker, I thank the gentleman for yielding me this time as well as to the gentleman from Massachusetts (Mr. MCGOVERN) for his efforts here just for two reasons. One is to pay honor to a man that I got to know in my brief time here in Congress. Obviously I did not know JOE MOAKLEY as well as so many others here and regaling the stories over the years. But the brief time I did know him, I came to respect him and honor him. Those are things that I think if we can just set some time aside to pay tribute, that is why I am here.

But the second and probably more important reason why I am here is that my great grandfather served in this body, 1935. He died when he was in Congress. He died from cancer. Obviously I did not know my great grandfather. His name was James O'Leary, probably not too dissimilar in his politics than JOE MOAKLEY. Although one distinction, everyone has been focusing on JOE MOAKLEY, the Irish politician. The fact is he was half Italian, and I guess the unofficial head of the Gaelic and garlic caucus, as he liked to put it, as am I.

But the fact of the matter is, while my grandfather served in this body and, again, probably had similar views to JOE MOAKLEY, a few years before my grandmother died, she gave me a leather-bound book. In that book were transcripts of a ceremony similar to this. That had my grandfather's colleagues on the floor of the House paying tribute to then-Congressman O'Leary.

I read it, and it gave me an inkling of sort of the sense of what the man was like, an understanding that perhaps few great grandchildren could share, but to me was important. What I got out of it was he was a man of honor, of witness who had a sense of humor, who loved this country, who loved the Congress, who loved serving the people and never forgot where he came from, again, things that we have heard all today that JOE MOAKLEY was and represents.

So while this may be not necessarily for the folks who are here today, nor for the folks back in South Boston that truly loved JOE MOAKLEY or throughout Massachusetts, but 55 or 65 years from now, perhaps one of JOE's relatives will open up a book and see what his colleagues thought about him. It is for those folks who may be reading it, let them know that we respected him and we honor him.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. OLVER).

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

Mr. Speaker, we in the Massachusetts delegation have lost our dean and our lodestar. I will always be grateful to JOE MOAKLEY for helping to define my role in Congress. Like everyone in our delegation, I looked to him for guidance, and he reminded all of us to be true to our roots.

JOE MOAKLEY is gone, but he will never be forgotten. JOE MOAKLEY chose to spend the last few months of his life fighting for the causes he believed in. He never yielded, and he never gave up. JOE served as an example and an inspiration both throughout both his long career and final days, particularly his final days, bringing determination and humor to every issue that he tackled. He leaves an impressive legacy.

Whether JOE was working to increase funding for low-income home energy assistance or fighting to end the oppression in Latin America, the unifying threat of his service was that he stood up for those who were being overlooked. He cared for people who needed help the most.

I am deeply saddened by his passing, but I feel lucky to have known him and served with him in this Congress.

As long as there are Members of this body who fight for human rights around the globe and here at home for the rights of American workers and their families to live with dignity, JOE's spirit will be with us. The Nation will miss JOE MOAKLEY. He will not be forgotten.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. Kaptur).

Ms. KAPTUR. Mr. Speaker, I wanted to thank the gentleman from Massachusetts (Mr. MCGOVERN) for bringing us all together today on behalf of this resolution, and also the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

We all loved JOE MOAKLEY, and it is among the highest privileges of my career to express the deepest appreciation for his life on behalf of the people of Ohio's 9th District, extending sympathy also to the people of Massachusetts' 9th District, indeed the people of the entire State of Massachusetts, to his relatives, to his good friends, many, many of them here in this House.

We all deeply admire the life of this golden-hearted gentleman from Massachusetts, JOE MOAKLEY. I truly, as one who served with him for 19 years, will deeply miss him, will miss his presence on this floor, usually sitting here or usually sitting here, but always accessible to all the Members and always making us feel a part of a family.

I think it was interesting for Members not from Massachusetts to watch how all of the Members from Massachusetts would gravitate around him. It was a lesson to all of us about how to build family in one's own delegations. It is a lesson, I think, that is not lost on any of us.

For myself, on Memorial Day, the day of his passing from this life, I happened to travel to Vietnam and did not have access to the news for almost a week. I dedicated my presence in Vietnam during a ceremony at which we returned the suspected remains of two of America's service members from the Vietnam era to our government. I dedicated my presence in his honor, and not until I was flying back home several days later and picked up the newspaper did I realize that he had died on Memorial Day. It hit me very, very hard.

When I think of him, I think of the words love and affection, a gentleman with no affectations, someone who had such great perseverance in every aspect of his life. I remember how he weathered the loss of his wife, which is a loss I know that he felt every day, and that

he had the type of bearing that automatically drew respect from all those that he met.

There are many people who teach us how to live, but I have to say also, JOE MOAKLEY took some of the most difficult moments that any human being could experience, and he weathered them here with us, with his friends on this floor. He taught each of us how to die. He had such strength. He had such greatness to him that even those of us who saw him just a few weeks ago down here on this floor could not even imagine he was ill. Yet, none of that difficulty did he share in any verbal way. He maintained that sense of inner strength and outer strength and gave us the strength to walk alongside him as he journeyed in his last days on this earth.

I shall never forget him. He made me, I hope, a better Member of this House and a better Representative. I want to thank the people of Massachusetts for sending him here to serve the people of the United States in the cause of freedom. He did it ably, and he did it with dispatch. He did it every day. He made each of us better through knowing him.

The SPEAKER pro tempore (Mr. SIMPSON). All time has expired. The gentleman from Massachusetts, Mr. TIERNEY, is recognized for one hour.

Mr. TIERNEY. Mr. Speaker, this should come to no surprise to us that there are more Members here that want to commemorate JOE, and I ask unanimous consent that we have another hour to have Members express their condolences and memories; and I ask that one-half of that time be managed by the gentleman from California (Mr. DREIER) and one-half of that time be managed by the gentleman from Massachusetts (Mr. MCGOVERN).

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

There was no objection.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me this time. I thank the gentleman from Massachusetts (Mr. MCGOVERN) for introducing this important resolution.

Mr. Speaker, I am honored to represent Maryland's 8th Congressional District, but my roots were in Massachusetts, so I always felt an affinity to the delegation of Massachusetts and followed what was going on there also.

But I rise, Mr. Speaker, to honor and praise our good friend, JOE MOAKLEY, a great man, a great leader. He was a man who literally gave a lifetime of service, a patriot, a public servant, a dear friend.

He enlisted in the Navy at the age of 15, served courageously in the South Pacific during World War II. He served in all he did with grace, commitment and integrity. A great leader, a great politician.

He represented South Boston with ferocious dedication and passion, not only here in the Congress, but also in the Massachusetts State legislature and the Boston City Council. He was, I think, in his own words, a bread-and-butter politician working day after day for his people.

The community of South Boston was blessed to have him, and we are blessed to have known him. He delivered for the people of South Boston as few Members have delivered for their districts. I know his favorite song was ''Southie Is My Hometown''.

Outside of Boston, outside of South Boston especially, he is perhaps best known for his work on behalf of human rights in El Salvador, that Moakley Commission that did the investigation work and resulted in better relations and movement toward peace in El Salvador. His passionate quest for truth and justice made him a true international leader.

□ 1345

He once said compassion is a strength, not a weakness. He said that helping people is our obligation. These actions are the proper responsibilities of our government. He not only said it, he acted it. He made us proud to serve.

I do remember, though, he once said at one of the tributes to him, ''You know, until I became part of the El Salvador Commission,'' called the Moakley Commission, ''to me, foreign policy was going to East Boston for an Italian sub.'' Well, I said to him one day, ''Well, Mr. MOAKLEY, I note that you made that statement, but I also saw you listed as a member of the Italian American delegation.'' And then he confessed to me that it was his mother who was Italian. So he very well represented both groups.

We will all miss our colleague, JOE MOAKLEY. We will miss his integrity, his honesty, his laughter. He will be deeply missed by all of us but remembered in love.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume to thank the gentlewoman from Maryland for her kind remarks and reminding us that JOE MOAKLEY loved music. Yes, ''Southie, My Hometown,'' was one of his favorite songs, which commemorates his hometown of South Boston, but the record should also reflect that he liked, ''If you're Irish, Come Into the Parlor,'' ''Steve O'Donnell's Wake,'' and his favorite was ''Redhead,'' which I do not know whether under the House rules I can submit the words for the record or not. I will have to check that with the Parliamentarian. But he really did love music.

Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I was just going to suggest to the gentleman if he started singing that, we were going to start leaving.

I just want to start by saying that JIM MCGOVERN was a friend to Mr. MOAKLEY in life and continues to be a loyal friend even now, and I want to thank him for putting together this time and for all he did in the last couple of weeks, as well as throughout JOE's latter years of his life and being that kind of friend and doing us all the honor of befriending him in that way.

I want to thank the gentleman from California (Mr. DREIER) for participating in this hour and for also being a friend, even though he was, of course, of another persuasion in party. I think Joe transcended that, as does the gentleman from California (Mr. DREIER) and others.

I think the public would be well served to remember that JOE MOAKLEY gave people an idea of what people down here strive to be, and that is a person who really wants to do the people's business and wants to do it in a civilized fashion, and he did that every day of his life.

I want to also mention the staff of JOE at home in his district offices, as well as here in his Washington office and on the staff of the Committee on Rules. I know how lucky he was to have such tremendous staff, and I trust they already know and have shown us how much they know they were lucky to have had a mentor and a friend that they could love and work with. I know we will all benefit in the House with their continued good services, and I want to thank them for all they have done for him and all they do for us.

It is fashionable in Massachusetts now, Mr. Speaker, to start resurrecting the memory of John Adams. Joseph Ellis has written a book, ''The Passionate Sage,'' and others have started to remember the good that John Adams did as our second president and begun to wonder why he has not been memorialized. The two words that come to mind when we think of John Adams are also words that describe JOE MOAKLEY. One is integrity. JOE always had integrity. He always let people know exactly where he stood and why he stood there. He was always on the right side of things and it did not matter whether you were rich or poor, where you came from, what your background or education, Joe seemed to know what the right thing was and he knew how to stand for people at the right moment.

The other is, of course, authenticity. Just as John Adams was the authentic deal, JOE MOAKLEY was the authentic person all the time. He never put on airs. He never tried to be something he was not. And in fact it is just as well, because he was all that any person should be. He was, in fact, somebody that everybody in the delegation looked up to. We had respect for him.

Joseph Ellis talks in his book about John Adams, ''The Passionate Sage,'' about John Adams' theory that everyone strives for something, whether it was to be the captain of the economy, whether it was to be a person of title in the ministry, the clergy, the military, in politics. Whatever it might be, they all really were looking for respect. And in fact, JOE MOAKLEY lived a life sort of

subconsciously looking for respect because he just lived a life that had that agenda to him day in and day out.

We all respected JOE MOAKLEY and what he stood for. We respected the relationship he had with his constituents and with all the people down here. It was best shown, I think, by the tremendous outpouring of people that stood out there in that line from South Boston to Braintree's Blue Hill Cemetery stood there for a long period of time just so they could finally say good-by to JOE MOAKLEY. It has been an honor to know and serve with this gentleman, and I think we will always remember his authenticity, his integrity, and we all know what great respect everybody here has for him.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my very good friend, the gentleman from Pennsylvania (Mr. WELDON).

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, I want to thank my colleagues for taking out this special order to a great American and a great friend to all of us. My favorite quote from JOE MOAKLEY was a statement he made in 1989. It summarizes JOE MOAKLEY, I think, to the inner soul of his body. He said, ''As soon as we're born in Massachusetts, we're baptized into the Catholic church, we're sworn into the Democrat party, and we're given union cards.'' That was JOE MOAKLEY's legacy.

But JOE MOAKLEY, in the 15 years I have been here, has been the most tolerant person I have ever met. When I went through some health problems 5 or 6 years ago, it was JOE MOAKLEY who was the first to approach me, not only to ask me how I was but, on a continual basis throughout that year, would prod me to continue to control my weight, to watch what I was eating, and to exercise. He was concerned about me. And as JOE developed problems and I knew he had become sick, he would still ask me every day about how I was feeling or how I was doing.

JOE MOAKLEY could disagree with you on an issue and be as far on the opposite side of the spectrum as you could get, but he was always a friend. I had a particular relationship with JOE in dealing with our Nation's firefighters. I have a special fondness for them all over the country and so did JOE MOAKLEY. JOE MOAKLEY was a firefighter's friend. He was concerned about the Boston firefighters, he was concerned about the volunteers in rural America, and he was always willing to step up and make sure we did the right thing to pay respect to these brave heroes, and that truly was JOE MOAKLEY.

He was a role model. When you come to Congress, you look to certain people that set role models for how you should act and how you should conduct yourself. You could not find a better example of that kind of person than JOE MOAKLEY. He was someone that was always there as a friend, always had a smile on his face, always willing to reach out and shake a hand. And any time another colleague had some request, JOE MOAKLEY was always prepared to try to assist.

Mr. Speaker, we come to this body as politicians from across America; and some of us leave this body in different forms. JOE MOAKLEY left this institution as a statesman.

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

Mr. Speaker, last Friday, at the funeral for Mr. MOAKLEY, his lifelong friend, the former president of the State Senate in Massachusetts, now president of the University of Massachusetts, Bill Bulger, encapsulated the Aristotelian view of politics when he said that ''Politics is the art of making people happy.''

We all know that JOE MOAKLEY spent a great deal of time making people happy in many ways. First and foremost would be the very serious responsibility he took with his work here, knowing that public policy was very important to ensure happiness for people. He obviously focused on that great sense of humor because he knew that that brought happiness to so many of us. And he also focused on his very important constituent service, and by constituent service I mean any other human beings. We were all constituents of JOE MOAKLEY's because he wanted to help us.

The Speaker of the House stood here and talked about how JOE helped him with an amendment, he regularly helped me with many, many different things. So I think that view that was first outlined by Aristotle is a very appropriate one when it comes to the life of JOE MOAKLEY.

There are many stories, I said last night up in the Committee on Rules, as we reported out our resolution, that I was going to share some of them with our colleagues here on the House floor. This is a very sad time, but we obviously are celebrating his life. And among those stories I am reminded of what was described by this great Massachusetts delegation, who has no Republicans. There are no Republicans in the Massachusetts delegation, I know they are happy about that, I wish we had one or two Republicans at least in the Massachusetts delegation. While I am not an honorary member of the Massachusetts delegation, having chaired the committee on which JOE served and having the job Joe used to have, and he desperately wanted to have back, in my chairmanship of the Committee on Rules I sort of feel as if I am in many ways tied to them. And, frankly, through JOE's illness, have spent more time with members of the Massachusetts delegation than my California constituents would like for me to, probably.

But during that period of time we were able to hear many of JOE's great stories, and his partisanship, his commitment to the Democratic party did come through because he often ribbed me with stories. And I will tell you one of them that came to mind when I went to the funeral and JOE's two great brothers reminded me of one of the stories that I had regularly told. Joe liked to tell this story, and I said that I did not think he was ever going to die because he told the story about Mr. O'Leary, who went to the registration desk and said that he wanted to change his registration from Democrat to Republican. The man at the registration desk said, ''Mr. O'Leary, you've been a Democrat your entire life. Your brothers and sisters are all Democrats. Your father is a Democrat. Your grandfathers were both Democrats. Why in the world would you consider changing your registration from Democrat to Republican?'' He said, ''Well, I just went to the doctor last week and he told me that I have 6 weeks to live, and I'd much rather lose one of them than one of us.''

That is why I said to Joe that I did not think he was ever going to die because he did not change it. Well, when I went to the service, his brother Bob came up to me and he said, ''David, I took JOE a registration card to his deathbed, but he would never change from Democrat to Republican.'' And he was extraordinarily loyal and dedicated to so many.

The comment that he made about loving this institution, I mean it was such a thrill for all of us to be able to see this litany of honors that we were able to present to JOE before he passed away. They have all been mentioned: the fact that the President of the United States in his first address to a joint session of Congress, he a Republican, JOE a Democrat, recognized JOE MOAKLEY and the challenges that he was facing; the fact that we were able to waive the rules and pass a bill naming, while he was still alive, the John Joseph Moakley Courthouse in Boston; the fact that the President of the United States held his first Rose Garden signing ceremony in recognition of the signing of that bill that named the Moakley courthouse; the fact that we had a great dinner with over 800 people here in Washington honoring JOE; the fact that we saw the dedication of the John Joseph Moakley Courthouse and then a big dinner that followed that; and then, of course, the portrait unveiling which took place here in Statuary Hall. And only Speakers of the House have had portrait unveilings in Statuary Hall, so it was a great tribute to Joe that we were able to unveil his portrait there.

I quoted the artist, Gary Hoffmann, who said to me just before we had the unveiling that when he began to paint JOE's portrait, he had what he called sort of a regular-sized canvas. He gave the dimensions, and I do not remember exactly what the dimensions were, but he said then, that just meeting JOE and the presence that he had, he had to do a larger canvas, he said, because JOE

was such a commanding individual. And I think that that demonstrates the great presence that he had for us and that so many people had for him.

When he announced that he had this terminal illness, he went before the press and said that he had been told by his doctors not to buy any green bananas. And so when he came back from his first meeting following that announcement in the Committee on Rules, I had Vince Randazzo, our staff director, get the greenest bananas I could possibly find because we wanted him to hang around for a long time. And so I presented him with green bananas when the Committee on Rules convened, and in that typical Moakley fashion, he looked to me when I handed him the green bananas and said, ''I'd much rather have the gavel.''

He very much wanted to again be chairman of the Committee on Rules, and I have to say I have somewhat mixed emotions about that. But I was very pleased that I was able to spend so much time with him. He was an inspiration. I said at the close of our meeting last night that his interview on the Today Show saw the question posed to him, ''What is it you would like to most be remembered for?'', and he said, ''I'd like to be remembered for having done a good job and for having not forgotten the people back home.''

□ 1400

I know this has been said over and over again, but that really does come through.

I think it should be an example for all of us to not forget the people back home, to focus on those individual concerns that people have.

Mr. Speaker, I want to say that I will miss him greatly. He was a wonderful friend. There is no way we will be able to see anyone meet the great standard that he set for this institution.

Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts (Mr. MCGOVERN).

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the gentleman from Massachusetts will control the remainder of the time.

There was no objection.

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

Mr. Speaker, I thank the gentleman from California (Mr. DREIER) for those very eloquent words on behalf of our friend, JOE MOAKLEY. JOE MOAKLEY had a great deal of respect for the chairman of the Committee on Rules and really treasured their friendship. Those words are especially meaningful to JOE's family and staff, and I thank the gentleman for the courtesies that he has extended us over the last few weeks.

Mr. Speaker, I would also like to take a moment to recognize the House Chaplain, Father Coughlin, who is on the floor today, and thank him on behalf of JOE's family for the many kindnesses that he extended to JOE during his final days. Father Coughlin provided JOE a lot of comfort and peace of mind in his final days.

Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Speaker, we have heard a lot about what JOE MOAKLEY was; but I would say I have known JOE all my life, even before I knew him. JOE MOAKLEY is of South Boston. It is not just South Boston. JOE MOAKLEY is of the entire Ninth District.

When I spoke to JOE, I did not just see a Congressman who happened to be a Congressman. I saw a bus driver, I saw a truck driver, I saw a priest, I saw a milkman, I saw a longshoreman, I saw a teacher, I saw a cop. I saw a secretary. JOE MOAKLEY had in him what we all have in us when we first try to enter the political realm: the love of the people we want to represent, the feeling that we know them so well. He was one of the few who was able to keep it for so many years. That is why we are here today honoring him: because he earned it.

Mr. Speaker, he did not earn it because of the legislative accomplishments that he had, although he did earn many accolades on that level. He earned the love and admiration of the people at home because he loved them back. That is really what JOE was. He was just a man who never could stop giving of his heart and his soul of the people who elected him.

Mr. Speaker, that is why I wanted to express my personal appreciation for everything he stood for, for all of the best of politics and the best of the people from Massachusetts.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. CALLAHAN), the chairman of the Appropriations Subcommittee on Energy and Water Development, and a good friend of JOE MOAKLEY.

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

Mr. CALLAHAN. Mr. Speaker, JOE MOAKLEY was a friend, a true friend. In reflecting on JOE'S history here in this House of Representatives, he recognized something that very few first-term Members of Congress, very few second-term Members of Congress recognize: that this is an institution that runs solely on respect. It is an institution of compromise where you must compromise. You do not compromise your principles; you compromise the issue of the day in order to keep our country running.

JOE MOAKLEY chaired the Committee on Rules when we were in the minority. Mr. Speaker, I told this to JOE MOAKLEY, that sometimes he could come up with some of the darnedest recognitions of power that that committee has of anybody I have ever known. Some of the statements that he was in the minority when he was ranking member on the Committee on Rules, I accused JOE at dinner one night of going back into the 1980s and extracting some of the opposition's opposition to a rule. We were fighting the same rule that JOE MOAKLEY had devised then. And now JOE MOAKLEY was fighting the same rules that JOE MOAKLEY had devised.

This institution, it is a mystical institution; and few people understand what we are all about. They do not think that we have families and that we love one another in this House, that we have respect for one another. The only thing they see is partisan division.

Well, JOE MOAKLEY and I overcame that. We would have dinner quite often together, and we would not talk about issues on the floor. Sometimes we would joke about them, but we would not discuss them. We would talk about our families and our home. We would talk about this institution, not whether or not we were Republicans or Democrats.

It was a pleasure for me to grow friendly with JOE MOAKLEY, and it is a pleasure for me to remember JOE MOAKLEY as my friend and to join with my colleagues in the House on both sides of the aisle in extending to JOE's family for the passing of their husband, father, their loved one, and our friend.

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

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

Mr. Speaker, let me say to the gentleman from Massachusetts (Mr. MCGOVERN), as blessed as each one of us felt to know JOE MOAKLEY and to have his friendship, I do not think that he had greater love for anyone here than he did for you. We feel the same way. We know that the gentleman is going to continue in JOE MOAKLEY's great footsteps, in his beliefs and everything that he fought for. You are our new JOE.

Mr. Speaker, let me thank Mr. MOAKLEY's staff for serving him so well because through their service, the fullness of his representation was felt here.

Whenever I think of JOE since his passing, and I know the angels stood outside the gates and greeted him with open arms, and I think Tip O'Neill was right there, too, to bring him through the gates, he has earned the highest place in heaven because of how he lived on this Earth. Thank God JOE MOAKLEY was born because in that person, in the soul and the person that was shaped, he did great things because they were good things.

I think his goodness emanated out of his faith, first of all. He believed in the beatitudes. He understood that there was a holiness to each human being. So it was that he set out in everything that he did to actually feed the hungry, to cloth the naked, to stand next to the extraordinary, ordinary person because he saw the face of almighty God in each person.

Mr. Speaker, his constituents understood that because they knew how much he loved them and that the service that he gave back to them was really embedded in the beatitudes. So he celebrated the Constitution. He lifted

it up. He made each one of us feel extraordinary. I think also because his life was so instructive to us, we recognize that he was the real thing. He was the real thing. He was totally authentic. He did not smoke his own exhaust. He never thought of doing that. He loved life. He loved this place because he saw the dignity of America and what this country represented around the world to people.

When the world came to him in terms of El Salvador and he took that delegation there, his outrage over the assassination of modern day martyrs, those Jesuits then gathered at the altar of God to celebrate the mass to say farewell to a man who had lived life so nobly.

So he is not only their hero and the hero of the Southies and the townies, but to all of us. Today we are saying, Thank God, JOE, you were born. You taught us how to live. You taught us how to represent. You taught us about conscience. You taught us about friendship, you taught us about dignity, and you taught us very well how to best love our country and the world, that is, to bring the love of God and the dignity of his face to every single human being.

Mr. Speaker, I thank our colleague, the gentleman from Massachusetts (Mr. MCGOVERN), for organizing this; and I thank our Republican colleagues who have joined with their voices and their tributes to honor this beautiful man. I do not think we will ever be the same again; but if we take the lesson of his life up, we might get to be partly as good as blessed JOE.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes 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. Speaker, I thank the gentleman from Massachusetts (Mr. MCGOVERN) for yielding me this time.

Mr. Speaker, I might think of Congressman MOAKLEY as having the luck of the Irish, and know that I have learned about his Italian heritage, the spirit of Italians. I know JOE MOAKLEY through his staff, and I thank them for the kindness they have exuded as reflected by his spirit; and I thank JOE MOAKLEY for being a Member's Member.

Mr. Speaker, JOE MOAKLEY was the chairperson of the Committee on Rules, and I did not have the privilege of serving with him as chairman, but to me he was always the chairperson. What I like about him, he appreciated the work that Members had to do. He appreciated Members. And he realized as we came before the Committee on Rules, we were doing our work and he treated us as such.

He also realized that many times, although he was governing the rules portion of the debate, many Members would come to the floor and say just a minute, talking about everything but procedure, really talking about their belief and the issues, and he understood that; and I want to say thank you.

As I looked at his bio, I am moved by the fact that he started life as an adult very early because at 15 he enlisted in the United States Navy and served in the South Pacific.

Mr. Speaker, I do not know what it was about Memorial Day. I was in Houston, and I had just finished a Memorial Day service, and I felt compelled to reach out to him as he was hospitalized. I wanted to say to his family, You are in our prayers. Obviously, I was not able to get to JOE or a direct family member, but I did speak to a member of his staff; and I simply said, Our prayers are with you, we will keep you in our prayers.

I probably needed that more than JOE because I simply wanted to be able to let him know how important an institution, yes, institution, he was to this body, but as well to his great State and this Nation.

Of course we do not see him as that. He was a people's person. He cared about everyone, and I believe the long lines in his beloved State evidenced not people's desire to give special acknowledgment to a politician, although he did not step away from that; but it was to give acknowledgment to their special JOE, JOE MOAKLEY, their Congressperson, the person who believed in them.

My tribute is to be able to thank him even more than the conversations we had the pleasure of having when he, too, sat on the floor of the House, the words we passed, the comments about this process and democracy, and his strong and deep abiding compassion.

Mr. Speaker, I would like to simply add in the RECORD seemingly the words JOE MOAKLEY used to describe himself, a quote that says: "I believe that compassion is a strength, not a weakness. I believe that helping people is our obligation. Many would call this old-fashioned politics. For me these actions are the proper responsibilities of our Federal Government." So says our Congressman, JOE MOAKLEY.

Mr. Speaker, I close again with a deep abiding thanks for what he personally was to me, his kindness exhibited, his ability to rise above, and his willingness to share with those of us who were simply trying to do the business of our constituents.

□ 1415

To him I say this:

Isn't it strange that kings and queens
And common people like you and me
And clowns that caper in sawdust rings
Are builders for eternity.
For unto each of us is given a book of rules
And a bag of tools
And each must make ere life is flown
A stumbling block or stepping stone.

JOE MOAKLEY, not a stepping stone but a giant mountain, a giant of a man. God bless you.

Mr. MCGOVERN. Mr. Speaker, I include for the RECORD the eulogy delivered at JOE MOAKLEY's funeral by Monsignor Tom McDonnell of St. Augustine's Parish in South Boston as well as the eulogy delivered by the president of the University of Massachusetts, William M. Bulger.

MONSIGNOR TOM MCDONNELL, ST. AUGUSTINE'S PARISH, SOUTH BOSTON

St. Augustine once wrote that if we ever wish to find hope, we must learn to remember. And it is this remembering that leads to the hope that must be the center of our reflection today as we give our brother, friend, colleague and public servant back to God.

My own memories will I know color my words. I remember a political novel about a thinly-disguised mayor of Boston. And years later, I can remember the words of the fictitious Monsignor about the hero. With due application, they apply so aptly to Joe. His words were to the effect that "to die in God's grace, to have loved many and left behind many friends, and to have done a great deal of good—what more needs to be said about any man." Indeed, we might leave our thoughts here, except for one thing. The phrase quoted above overlooks what contributed to Joe's goodness and greatness. It overlooks the Congressman's roots as a So. Boston Irish-Italian Catholic American.

There was a spiritual depth in Joe which could easily be overlooked. After his public announcement regarding his disease, he asked to meet with me—and had one question: "What more should I be doing to get ready to meet God?" He had received the Sacrament of Reconciliation and he was given the sacrament of the sick by his friend Cardinal Law. But being the pragmatist he was, he wanted to know if he should be doing anything else.

This question, coming from the deepest part of himself, was a natural one to those of us who were raised in the Catholic tradition—where we were taught that the purpose of our existence was to lead us to spend an eternity of happiness with God. It was a question which took on the aspect of prayer—spoken in the language of the heart. And ultimately, it pointed to the faith-dimension of Joe's life.

It would be wrong, however to look at Joe simply in terms of a local politician. I believe his pursuit of justice for those murdered in El Salvador proved that Joe was a true statesman who did not, however, forget his roots. His was a passionate pursuit of justice. And as the first Scripture reading notes, the just are in the hands of God.

I doubt whether Joe ever read Aristotle on his frequent trips between Boston and Washington, but he instinctively embraced the ideas of this Greek philosopher that the vocation of the politician is to strive to make others happy. This idea, combined with the Christian belief expressed in the Acts of the Apostles that Jesus was one who "went about doing good" explains the motivating forces for Joe's political life and successes. As the Gospel points out, there are many ways to our Father's home.

As we have seen in the past few months, Joe exercised a great appeal to so many people. I believe people saw in him 2 virtues for which people are hungry; integrity and authenticity.

But there is something else which also must be mentioned. While Joe was not without fault, his virtues outweighed his faults. It was the visible virtues of his care and compassion which earned him such ecomiums as the "voice of the voiceless." But I think the key to Joe's personality and his success as a politician is to be found in a few verses written by the poet politician Patrick Pearse. He wrote:

Because I am of the people, I understand the people,

I am sorrowful with their sorrow, I am hungry with their desire:
My heart has been heavy with the grief of mothers,
My eyes have been wet with the tears of children
I have yearned with old wistful men,
And laughed with young men . . .

Because Joe never forgot he was a man of the people, he had an empathy and compassion for them. These virtues likewise are expansive. And Joe's legacy to us was to be a role-model of these virtues. But he also challenges now—to make these virtues come alive in our hearts. If we do—whatever our vocation is—the world will become a better place.

PRESIDENT WILLIAM M. BULGER, REMARKS DELIVERED AT THE FUNERAL OF U.S. REPRESENTATIVE JOHN JOSEPH MOAKLEY

It is of surpassing significance, isn't it, that Joe was summoned to the joy of eternity on Memorial Day? A day set apart for reflection and tribute in grateful memory of all who have given their lives for the strength and durability of the country we love.

Joe's spirit enlivens Memorial day for us: patriotism, gratitude, remembrance. Long years of unselfish devotion to bringing the ordinary blessings of compassion to those most needy among us stand as silent sentinels to his inherent goodness, to his desire to make a difference in the quality of life for less fortunate friends and neighbors.

His helping hand was always extended in genuine recognition of the responsibility he believed was his to make things better for those in need of encouragement and inspiration. To him the ideal of brotherhood was not simply something to be preached but, more importantly, he was challenged by his soul to exemplify this ideal in positive advancement of the common good.

Everyone knows the facts of Joseph Moakley's background and career. They are impressive and worth knowing, but they reveal little about the man himself, little of who he was, of what he was, and of why.

He lived his entire life on this peninsula, and it was here in this place that his character was shaped. It was, and it still is, a place where roots run deep, where traditions are cherished, a place of strong faith, of strong values, deeply held: commitment to the efficacy of work, to personal courage, to the importance of good reputation—and withal, to an almost fierce sense of loyalty.

No one spent much time talking of such things, but they were inculcated.

And no one absorbed those values more thoroughly than did Joseph Moakley. To understand them is to understand him.

In recent months Joe Moakley would reassure his friends in private conversation that he slept well, ate three meals easily, and was not afraid.

He had a little bit of the spirit of the Irish poet (Oliver St. John Gogarty), who said on the subject of death:

Enough! Why should a man bemoan
A fate that leads the natural way?
Or think himself worthier than
Those who braved it in their day?

If only gladiators died or heroes
Then death would be their pride;
But have not little maidens gone
And Lesbia's sparrow-all alone?

The virtue of courage was his in abundance. But Joe had, during his lifetime, become the personification of all that was best in his hometown.

And he was a man of memory; he recognized the danger of forgetting what it was to be hungry once we are fed . . . and he would, in a pensive moment, speak of that tendency to forget as a dangerous fault.

Joe exemplified the words of Seneca: You must live for your neighbor, if you would live for yourself.

And he abided by the words of Leviticus in the Old Testament and St. Matthew in the New Testament, ''Thou shalt love they neighbor as thyself.'' These are words that he would have absorbed at home, at St. Monica's, St. Augustine's and at St. Brigid's.

And Joe brought his competence, dedication, his lofty principle to the public purpose that he saw as most worthwhile. His steady determination in his various public offices, and as a member of Congress, earned him the respect of his colleagues and the confidence of his party's leadership. It also explains the overwhelming support he received from a truly grateful constituency as expressed in their many votes for him solidifying his position of public responsibility.

His devotion to justice and an imbedded sense of humanity moved him to investigate the Jesuit murders and the ravishing of innocent women in El Salvador. He volunteered for a task most unusual for him. But he, guided by his aide, Jim McGovern, brought to bear his own deep commitment and those old solid working principles that had become a cornerstone in his lifetime quest for fairness and equity. The success of his effort is recognized by all, especially by an appreciative Jesuit community that had suffered from a sense of abandonment.

When I saw how he thought about that particular achievement in his life, it brought to mind the wonderful words of Pericles: ''It is by honor, and not by gold, that the helpless end of life is cheered.''

Joe, dear friend and neighbor through these many eventful years, we are struck, as we think about it, by your startling contradiction: humility and pride. You were never pompous seeking the applause of the grandstand. You diligently shunned the glare of the spotlight. You did not expend your energy in search of preening acclaim. You were too self-effacing for that. Humble, indeed.

One the other hand you were a proud, proud person: proud of your religious faith, proud of your family, proud of your South Boston roots and neighborhood, proud to proclaim the ideals that animated your public service—ideals that have been expressed in the unsought torrent of tribute that has flooded the press and airwaves in recent sad days. Humility and pride, seemingly contradictory traits, coalesced in your admirable character, commanding abiding recognition, respect and, yes, affection.

Joe, the dramatic focus on you during the President's recent appearance before the Congress highlighted your humility and pride. During the course of his address, our eminent President Bush paused for a moment to digress. He singled you out Joe, for special recognition. He described you as ''a good man.'' Whereupon, as you stood in your place, spontaneous bipartisan applause shook the Congress. This episode also reverberated in thrilling dimensions throughout your Congressional District. Thank you President Bush for this tribute to a good man and for other manifestations of your respect for our Joe and his services to his country.

Joe, you were good enough, as one neighbor to another, to ask me to participate in this liturgy of sacrifice, sorrow and remembrance. With many another heavy heart it is wrenching to say goodbye. God is with you, I'm sure Joe, as you now join your beloved Evelyn and your parents in the saintly joy of eternity. We pray He may look favorably on us who lament your loss and who are challenged to follow your example of integrity and justice and useful service.

Fair forward, good friend.

Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

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

In the rough and tumble of the people's House, sometimes we can obscure the humanity of this institution. I have been thinking a great deal about that these days, just finishing reading a biography of Tip O'Neill in which JOE MOAKLEY was prominently featured.

During the last 30 years, JOE MOAKLEY has left his mark. He left his mark on his district to be sure in a physical sense; and we have found out in this last week again, spiritually. He left his mark on hundreds of pieces of legislation during his long tenure on the Committee on Rules. He left his mark in the area of foreign affairs. Just as he helped speed El Salvador's transition to democracy, in recent years he was helping evolve a more rational United States policy toward Cuba with his meetings with Castro and the Pope. But it is here in the House where JOE MOAKLEY's legacy will be most strongly felt.

In the 5 years I have been a Member of this Chamber, I have never heard an unkind word or an unfair word from him or about him. In these years, it was difficult for him not only leading the good fight from the position of the minority leader on that committee, but personally he had significant travail. But he never modified his principled politics, his strong convictions or his gentle manner, offering his friendship and humor until his last minute as a Member of this Chamber.

Today, our remembrance of JOE MOAKLEY allows this House a chance to hold a mirror up to itself. This little glimpse that we have witnessed here over the last several hours of the House being humane is an important part of his lasting legacy.

Thank you, JOE, for reminding us what the people's House could be.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman for yielding me this time for this tribute and for organizing this tribute.

I think the thing that I probably most underestimated when I came to Congress 9 years or so ago was the extent to which Congress is a family of people. It has the same kinds of personalities that all families do. Some of them are socially inclined and some of them are distant and some of them are friendly and some of them not so friendly. To some extent, to a great extent, we each individually have the opportunity to make our choice about how we become a member of this family. We have had a lot of vexing over those 9 years that I have been here about the erosion of the family aspects of this institution, and we have retreats periodically to deal with that.

The family aspect of this, I think, for me was more personified by JOE MOAKLEY than almost anybody else I know in this institution. He was a Member's Member, as a function of his position on the Committee on Rules, I am sure in part, but probably more as a function of his personality and who he was and how he chose to be a part of this family. He was always, always readily willing to share a joke of some kind every single time you had a conversation with him, and you never heard, at least I never heard, the same joke more than once. Maybe he could remember what jokes he had told to what people. I just think that this tribute and JOE MOAKLEY's life is a testament to this family nature of our institution.

I thank JOE, I thank his staff on the Committee on Rules, and his personal staff for personifying that family attitude. I am just delighted that I had 9 years to be a part of this part of JOE MOAKLEY's family.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI). I also want to thank her for organizing a wonderful get-well card to JOE that was delivered a few days before he died of all the women Members of the House. They all wrote very personal and very uplifting notes. He got such a kick out of it that he could not help but brag about it to everybody who walked in that room. I want to thank her for that.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time and for organizing this tribute in honor of our precious JOE MOAKLEY and for the great friendship that he had with JOE. The words that he expressed on many occasions on events honoring JOE in the months before his leaving us, in expressing those words, JIM MCGOVERN expressed so much of what all of us felt about JOE. Of course he felt it more intensely and more universally, but we all had some level of participation in those comments.

We all know how much JOE loved JIM MCGOVERN. Indeed, I think JIM's election to Congress at one point meant more to JOE MOAKLEY than his own. It was his mission. When you were elected, it was in your own right but with great pleasure to JOE MOAKLEY.

To JIM MCGOVERN, a former staff member and then colleague to the great JOE MOAKLEY and to his personal staff and the staff of the Committee on Rules, thank you for all that you did to make his work in Congress so great. The sympathies of my own office and those of my constituents go out to the staff, both staffs of JOE MOAKLEY. We are all in your debt for all of the work that you helped JOE do in this Congress.

The gentleman from Massachusetts (Mr. MCGOVERN) mentioned the card. I am glad he did, because one of the wonderful things at JOE's funeral is when I met his brothers and sisters-in-law, they said to me how much JOE enjoyed the card. The note I sent with it was that this card was signed by every woman, Democrat and Republican, in the House of Representatives. I think that is unprecedented. We all competed to have the most important message for JOE that would get his attention. Some of us did better than others. JOE's family told me that they were going to frame the card and place it in his library in Suffolk. That should be a source of great pride and enjoyment to the women Members. It was a card from the women Members. With an accompanying note we said that we wanted everyone who took care of JOE in the hospital and everyone who cared for JOE personally to know how precious he was to the women Members of Congress; that the men were jealous they could not sign the card, they thought we were putting our phone numbers, but I guess that was just to amuse JOE.

Also at JOE's funeral, we were blessed to see such an outpouring of support from his constituents and from the clergy in South Boston and indeed from the Boston area led by the Cardinal. Our own Chaplain was there. We all know that the cocelebrants were overflowing from the altar and filling pews in the church. Such was the recognition of the greatness of this man and the humanitarian contribution that he made. One of those participants, Monsignor Thomas J. McDonnell, whom the gentleman from Massachusetts has entered his full eulogy into the RECORD, but in that eulogy, Monsignor Tom McDonnell emphasized JOE's roots as South Boston Irish-Italian Catholic American.

I was so delighted to hear the Italian part because Moakley being an Irish name that is where a lot of the emphasis was, had been in the final tributes. But JOE took great pride in his Italian American heritage as well as has been mentioned here and of course the Italian American community took great pride in JOE MOAKLEY.

No wonder he understood coalition politics. He was the personification of it himself, being Irish, Italian, Catholic and Democrat from South Boston. I think that the pride that he took in his ethnicity, in his Italian and his Irish background, that pride he took made him understand more clearly the pride that so many other ethnic groups and nationalities take in their own backgrounds. That gave him a sense of respect for all the people that he came in contact with.

We all know his important work with the Jesuits in El Salvador, but I wanted to take a half a moment to talk about his work with the Salvadorans in America. Our colleague the gentlewoman from California (Ms. ESHOO) talked about JOE and the Gospel of Matthew of the least of our brethren and seeing the spark of divinity in all of these people. He certainly did with the Salvadorans and the Guatemalans, in this case focusing on the Salvadorans when they were about to be deported to El Salvador because the U.S. Government did not view the fear of persecution that they had in the same way as they viewed the fear of persecution for Nicaraguans. JOE MOAKLEY stepped in to stop that deportation.

He was a leader. He came to my district. We had 80,000 Salvadorans and Guatemalans to be deported in San Francisco. JOE came and met with the representatives of that group. They received great hope from that meeting. They saw in his eyes his understanding, his empathy, his sympathy for their cause; and they knew that they would be better off for it. I just wanted to add that to the, of course, great history that we all know of JOE and the assassination of the six Jesuits, their housekeeper and her daughter.

For the last 14 years, I and everybody who has been in this body even one day, some of our very newest Members who may have shared only a week or two of being a Member of Congress while JOE was, will always be able to take pride in the fact that they served as a colleague to JOE MOAKLEY. That is a badge of honor, to have been his colleague.

He did great work which many of our colleagues have discussed here in detail. He never forgot his roots, his South Boston, Irish-Italian, Catholic American roots, and he worked in this body to represent those people, to represent the needy. In doing so, he was working on the side of the angels; and now he is with them.

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

I want to begin by first of all thanking the leadership of both parties. I want to thank Speaker HASTERT and Majority Leader ARMEY. I want to thank our Minority Leader DICK GEPHARDT and our Minority Whip DAVID BONIOR and the leaderships of both parties for helping bring this resolution to the floor today and also for all that they did to help us expedite the naming of the Joe Moakley Courthouse in South Boston. That dedication meant an awful lot to JOE. It was an appropriate way to honor him because that courthouse stands for justice. JOE MOAKLEY's entire career, whether it was in South Boston or whether it was in El Salvador, was about fighting for justice. I think that that was an honor that meant a great deal to him.

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I also want to thank the medical staff here in the Capitol, Dr. Eisold, and all of his doctors and support staff for all that they did for JOE. Their assistance and their advice was invaluable. I know he would want me to thank them, as well as the men and women at the Bethesda Naval Hospital who provided him the very best care and did so in an incredibly warm and caring manner. I think all of us who were with JOE during those final days will never forget their generosity and I want to acknowledge them here today as well.

I want to thank my colleagues who have come to the floor to express their

love and respect for JOE. It is evident that people felt passionately about him and felt strongly about him, as he did about the Members of this House.

He loved this place. He loved his colleagues. He did think of everybody as family, and I say thank you to them not only on behalf of myself, but his brothers Tom and Bob, who I know are watching in Boston; his Boston staff; his Washington staff, some of who are here on the floor; those who are in the offices. All of us who cared about JOE MOAKLEY really do appreciate those comments and take great comfort in hearing some of the stories.

Mr. Speaker, at times like this I wish I were a better orator. I wish I could describe better JOE's career and JOE's accomplishments, which are many. I wish I could better describe what he meant to me. We have heard speaker after speaker talk of his great accomplishments in Boston and all the construction and all the projects that are going on. He used to like to joke that his favorite bird was the crane, and if one goes to Boston it looks like a giant breeding ground for cranes.

He was very proud of all that he did. He was very proud of the work he did in El Salvador, fighting for justice on behalf of those six priests who were murdered.

I remember when Speaker Tom Foley had appointed him to head up this task force to investigate those murders. There were a lot of people who were skeptical that JOE was up to the assignment. After all, this was JOE MOAKLEY, a bread-and-butter Democrat from South Boston.

I remember in response to a question to that end, he said, look, you do not need a Ph.D. in diplomacy from Harvard to know the difference between right and wrong; and what happened to those priests in El Salvador and what happened to countless civilians in El Salvador who were victims of this senseless violence was wrong. We need to act and we need to do something about it, and he did. In the end, he helped bring peace to El Salvador.

People talked about his humor. I wish I could tell all the JOE MOAKLEY stories. Some of them are a little off color, and I cannot do that on the House Floor.

The day he died, his family had asked me to announce to the world that he had passed away. I said then and I will say it again here today, the world is going to miss JOE MOAKLEY, and I already do. He was not only a good man, he was a great man and I really appreciate all of my colleagues participating in today's tribute.

[From the Boston Herald, June 2, 2001]

FOND FAREWELL: MOAKLEY TOOK COMMON TOUCH TO D.C.

(By Peter Gelzinis)

Before the Washington honor guard glided with exquisite precision toward the hearse, tender voices sent a jubilant rendition of ''Just A Closer Walk With Thee'' floating out over East Broadway. In the sweet, unfiltered echo of the St. Brigid School choir, Deborah Spriggs could see her boss' smile . . . and hear him greet her with the usual, ''Hey, good morning, kiddo, what have ya got for me today?'' When the crisp soldiers eased John Joseph Moakley's flag-draped coffin into the warm sunlight, a cold reality seemed to ambush his devoted secretary as she waited for him one last time outside the church. ''All I could think of when the honor guard carried him right past me and up the steps,'' Deborah Spriggs said, ''is that when I walk in the front door of House-152 on Monday, there'll be a huge pile of mail on my desk, like always. ''But there'll be no one to talk it over with. He won't be there to say, 'Deb, tell me what I'm doing today.' ''

The world called him Joe. But the woman who served as Joe Moakley's palace guard in Washington, who doted on him like a mother hen and over the course of 20 years came to love him like a daughter . . . Deborah Spriggs always called him ''Congressman,'' or ''Mr. Chairman.'' ''To be honest, it took a little while for us to click in the beginning,'' she recalled, shortly after placing a rose on his casket. ''We had this language problem. I couldn't understand his Boston accent, and he couldn't understand my Tennessee accent. But once that got straightened out—after I learned what a frappe was and that 'lastics' was another way to say rubber band—taking care of Joe Moakley became a dream. These past couple of days I've told people that I've got to get myself a job. Because it feels like I've been on a vacation for the last 20 years.''

Yesterday, Deborah Spriggs belonged to a ''family'' who stood somewhat apart from all the luminaries and the vast, grateful universe of ordinary people. As Joe Moakley's staff prepared to follow his casket into the church, they drew close to one another, as if sheltered by the rare gift of memories that belonged to them alone. After Joe told the world he was dying, he urged his staff to take flight, to seek other opportunities, to think of their own futures. No one left.

As the cardinal delivered words of resurrection, Deborah Spriggs leaned on the memory of sharing the last few days of Joe's life, of listening to his brothers, Bob and Tom, share stories around Joe's bed. ''All of us, we lived at the hospital those last few days,'' Deborah said, ''even when it became too late for me to bring him his coffee frappes, we never left his side. We just stayed close to him, crying and laughing, then laughing and crying some more.'' ''Do you know,'' said Deborah's husband, Sterling, ''that when our oldest son was born and we had a problem setting up day care, Joe Moakley insisted that we set up a playpen right there in his Capitol Hill office.'' ''For two months, our son, Brandon, slept and cried and ate in a U.S. congressman's office. And if he was sleeping, Joe would go to a smaller room to do his work. He didn't want to lose my wife for three months, but at the same time he wouldn't allow her to be away from her newborn son. And this was back in the days when there was no day care on the Hill.''

After a day of tribute and tears, after people from Southie to Braintree lined the roads with signs of love, after Friday afternoon traffic was shut down on the Expressway and Route 128, Deborah Spriggs recalled the day Joe Moakley picked them up at Logan and spent a weekend proudly showing them his city. ''I knew how deeply he felt about my wife,'' Sterling Spriggs said, ''still, we had come to Boston to celebrate his 25 years as a congressman . . . and he's driving us around. I just couldn't get over it.'' ''How can I ever forget it,'' Deborah said. ''He picked us up for breakfast, took us out to the Kennedy Library and then sat in the car until we came out. 'Don't worry,' he says, 'take your time, I have a spare pair of shoes right here in the car.' After he got through driving us all over South Boston, taking us up to Castle Island . . . he looks at both of us and says, 'Whaddya say we go to a movie?' So we did.''

We buried a hero, yesterday. Deborah Spriggs bid farewell to a joyous part of her life. On Monday, she will go to work in an office that won't be the home it once was. And she will listen for the unfiltered echo of a lovely man. ''Good morning, kiddo, what have ya got for me today?''

[From the Capitol Corridors, Feb. 22, 2001]

JOE MOAKLEY—WE MISS HIM ALREADY

(By David Baumann)

Reporters aren't supposed to take sides in elections. But back in 1994, some of us Capitol Hill correspondents were unhappy with the results simply because the Republican takeover meant Rep. Joe Moakley, D–Mass., wouldn't be visiting the press gallery four or five times a day.

You see, the House Rules Committee, located across from the daily news gallery, doesn't have restrooms. So Moakley, then the Democratic chairman, had to use the press gallery's men's room. Each time he'd walk through, he'd rub someone's shoulders, offer a compliment, follow it with an insult, then ask for a needle and thread to sew a button or settle in and tell a story. He'd also patiently answer any question a reporter might have. It was worth hanging out in the back room of the gallery just for Moakley's visits.

Now, as Washington learned last week, Moakley is retiring. After surviving a liver transplant, a rebuilt hip and various other ailments, the 73-year-old South Boston congressman has an incurable form of leukemia—so incurable that reportedly his doctors are frank in saying he might not even survive this term.

The news left people all over Capitol Hill devastated. To put it bluntly, Moakley is one of those people who make Capitol Hill livable, even in the face of government shutdowns, impeachment and disputed elections. He's among the last of a breed of old-style pols who understand that politics is a game—not a blood sport—and that it can be played with good humor. In that sense, he is most often compared to his close friend, the last House Speaker Tip O'Neill. ''Tip O'Neill and Joe Moakley were both masters of the politics of the old school,'' said Rep. *Barney Frank*, D–Mass. But Frank added that Moakley proved ''you could be a master of old ways and welcome the new.''

The grandfatherly Moakley also is one of the few members of Congress who can get away with kissing a young woman reporter on top of her head. And he is so well-liked that he may have set the record for having a courthouse named after him. As the Massachusetts delegation took to the House floor to credit the 73-year-old with delivering the projects to rebuild Boston, both the House and Senate passed *a bill* naming the Boston federal courthouse after Moakley within two days of this retirement announcement.

The outpouring of affection is not surprising, given the good will and humor Moakley displayed throughout his career.

In 1998, for example, he was asked to compare the reign of hard-line conservative and then-House Rules Committee Chairman Gerald Solomon, R–N.Y., to his own reign from 1989 to 1994. ''Actually, Solomon has been fair,'' Moakley told National Journal's CongressDaily. ''He's been as bad as I was.''

Solomon, who retired from Congress last year, recalled sitting in the chairman's seat talking to someone before a 1993 committee hearing. All of a sudden, he heard Moakley: ''Solomon, hell will freeze over before you ever sit in that seat.''

''Of course,'' Solomon, added, ''a year later hell froze over'' and the GOP captured the majority. Solomon said Moakley made his job chairing meetings much easier, despite their fiercely partisan differences. ''When things would get tense... he would tell an Irish story or some other story'' and the tension would be broken, Solomon said.

Moakley enjoyed watching the Republicans try to govern in the early years of their majority. One of his funniest lines came after reports circulated that former Rep. Bill Paxon, R–NY., had participated in the attempted coup against then-Speaker Newt Gingrich. The revelation came shortly after Paxon's wife, then-Rep. Susan Molinari, R–N.Y., announced she would resign from the House to *anchor a new CBS Saturday news program*. Moakley's take on the matter? ''Now, the Molinaris have two anchors. One is at CBS and the other is around Gingrich's neck.''

Moakley tried to retire once before—resulting in one of the true unscripted surprises on the Hill. With his wife battling brain cancer, Moakley decided he wasn't going to run for election in 1996 so he could spend more time with her. He scheduled a late-afternoon news conference on the Hill and word leaked out that he would retire. Members of the Massachusetts congressional delegation and democratic members of the Rules Committee showed up to pay tribute to Moakley. The congressman appeared at the news conference, only to declare to a shocked audience that his wife had persuaded him to run again. Unfortunately, Moakley's Boston news conference brought no similar surprises.

[From the Washington Post, June 2, 2001]

''REGULAR JOE'' MOAKLEY IS LAID TO REST

(By Pamela Ferdinand)

BOSTON, JUNE 1.—Rep. John Joseph Moakley (D–Mass.), known simply as ''Joe'' to his constituents, was laid to rest here today, hailed by a vast community of admirers that included two presidents, as a powerful man who never forgot his working-class South Boston roots.

Moakley, 74, died Monday of leukemia. With occasional laughter and tears, thousands of mourners—including President Bush and former president Bill Clinton—accorded him all the pomp and circumstance in death that the self-effacing dean of the Massachusetts congressional delegation never sought in life. At the late congressman's request, his funeral Mass took place in the tiny parish church where he often sat unnoticed in the 10th pew from the back. But his death brought together Bush, Clinton and former vice president Al Gore for the first time since Bush's inauguration—a feat some said only Moakley could have orchestrated.

Bush strode down the church's red carpet at the stroke of noon, a lone figure in an overwhelming sea of liberals and Democrats. He sat next to Massachusetts Gov. Jane Swift (R) in the left front pew, which also included Sen. Edward M. Kennedy (D–Mass.) and his wife, Victoria; Gore, Bush's bitter rival for the presidency; Rep. David E. Bonior (D–Mich.); Clinton; and Rep. Richard A. Gephardt (D–Mo.). ''It was one of those Kodak moments. It truly was,'' said Rep. William D. Delahunt (D–Mass.), who sat behind Gore. ''Joe symbolized every man, and he was every man's hero.''

Bush, who did not address mourners, previously honored Moakley in his first address to Congress after the congressman announced in February that he had terminal cancer and would not seek a 16th term. The president barely paused to shake hands with Clinton and Gore before slipping out a back door with Swift at the end of the nearly two-hour service. The president's attendance underscored Moakley's stature and friendship with members of Congress on both sides of the aisle. Others in attendance included Sen. John F. Kerry (D–Mass.), White House Chief of Staff Andrew H. Card Jr., House Speaker J. Dennis Hastert (R–Ill.) and former representative Joseph P. Kennedy II (D–Mass.), among others. ''He and the president didn't always agree, but Congressman Moakley always brought a human touch, an affable nature to the business of the Congress and to his relations with the White House,'' said Bush spokesman Ari Fleischer.

Clinton stopped first at the State House, where more than 5,000 people knelt and prayed before the late congressman's flag-draped casket during a seven-hour vigil Thursday. ''Joe Moakley proved you could disagree without being disagreeable, that you could fight and have honest differences without trying to hurt your adversary,'' Clinton said. ''He brought a certain nobility and meaning to public life.'' Outside St. Brigid Church, hundreds of people crowded sidewalks in silent, prayerful tribute as bagpipes played and a military honor guard stood at attention. Earlier in the day, the funeral procession arrived slowly from Beacon Hill, passing City Hall, where Moakley served as a councilor, and the federal courthouse and homeless veterans shelter that bear his name.

Moakley, a Navy veteran, was later buried with full military honors in a cemetery south of Boston next to his wife, Evelyn, who died in 1996. The couple had no children. ''It's a pretty sad day for South Boston,'' said Robert Loughran, 54, a Vietnam veteran standing outside the American Legion on West Broadway, where storefront posters read, 'We love you' and 'We'll miss you.' ''He was just a real genuine guy who made a great politician. He was a good soul.'' A children's choir opened the service led by Boston Cardinal Bernard Law. Moakley was eulogized as a regular Joe who performed extraordinary deeds, one of the last Boston Irish Democrats in the tradition of House speakers John W. McCormack and Thomas P. ''Tip'' O'Neill Jr., who believed ''all politics is local.'' ''His helping hand was always extended in recognition of the responsibility he always believed was his to make things better for those in need of encouragement and inspiration,'' said University of Massachusetts President William Bulger, a close friend who recalled Moakley's humility and humor, even in the face of death. ''The virtue of courage was his in abundance, but Joe had in his life become the personification of all that was best in his home town.''

Sen. Kennedy, who addressed mourners Thursday, called Moakley ''a remarkable congressman, outstanding leader and one of the best friends Massachusetts ever had.'' ''Service to his nation. Service to this state. Service to his people. Service, service, service. It's no wonder God chose to call him home on Memorial Day,'' Kennedy said.

Born and raised in South Boston, Moakley spent his entire life on the peninsula of Ward 7. At age 15, he enlisted in the Navy and served in the South Pacific during World War II. He spent nearly two decades in the Massachusetts legislature and won a seat on the Boston City Council in 1971. Moakley was elected the next year to represent the 9th District in Congress, where he was appointed chairman of the House Rules Committee in 1989. An ardent and unapologetic hometown champion, he helped secure record federal funding for Boston Harbor, the ''Big Dig'' highway project and historic landmarks. He fought to boost support for welfare programs, higher education and fuel aid for low-income families. He won 78 percent of his district's vote in 2000.

Moakley said he considered his greatest achievement his work to cut off military aid to El Salvador and the effort to prosecute the murderers of six Jesuit priests, their housekeeper and her daughter in 1989. Moakley led a special congressional task force whose findings helped convict two Salvadoran soldiers and put an end to U.S. aid to the Central American nation. ''It is never a crime to speak up for the poor and helpless, or the ill; it is never a crime to tell the truth; it is never a crime to demand justice; it is never a crime to teach people their rights; it is never a crime to struggle for a just peace,'' he said about his effort. ''It is never a crime. It is always a duty.''

Today's service capped weeks of tributes to the late congressman, but many here said Moakley will be remembered in much smaller ways. They will miss him sitting in his car by Castle Island, having a beer at the corner table at Farragut House under his black-and-white portrait or standing in line for a hot dog at Sullivan's. Out of respect, no one ever parked in front of his two-story shingled house, even in a snowstorm. They came to him when a brother needed a job, a mother did not receive her Social Security check or when they fell on hard times. ''He was a person you could talk to about anything,'' said Alice Faye Hart, a 62-year-old great-grandmother whose home was saved by Moakley from foreclosure. ''He was what you'd call a real friend.''

[From The Boston Globe, June 1, 2001]

A NEIGHBOR TO ALL PEOPLE

(By Brian McGrory)

The words will tumble forth today in magnitude and gratitude, so many important people standing at the altar of St. Brigid's paying tribute to Joe Moakley as the last of a dying breed. They'll describe him as a common man who rose to lofty heights but never forgot those back on the ground. They'll say he was every inch, every day a product of South Boston, true to his beloved hometown until the moment on Memorial Day afternoon when he drew his final breath.

But there is another truth, a seldom spoken truth, that explains as well as anything else the depth and breadth of the grief that has engulfed this city all week like a fog bank that refuses to blow out to sea. It is a truth that should be instructive to politicians across the nation, and here at home, who strive to someday be mourned rather than defeated. And that truth is this: Moakley transcended South Boston even while being faithful to its needs. In a famously parochial neighborhood where too much of life is divided along racial lines, he casually but relentlessly championed the causes of those who looked markedly different than his base of support. And no one—not blacks, not whites—ever felt shortchanged.

We've heard an outpouring of memories and tributes these past few days from men who look a lot like Moakley. But what's been left largely unsaid is that in the blackest neighborhoods of Boston, there are hundreds if not thousands of residents who have benefited from his work and are crushed by his death.

Bryon Rushing, the black state representative from the South End, shared a story yesterday. The bulk of the state's black voters used to be split between Moakley's 9th District and the 8th District. The Legislature wanted to consolidate the minorities into one district in the early '90s. After much indecision, Moakley told state officials that he'd prefer to see blacks in the 8th. The reason: He someday wanted to see a black congressman elected from Massachusetts—a feat he didn't think probable if Roxbury shared a district with Southie.

But Rushing remembers receiving a telephone call from Moakley a week or so before the districts were approved. ''If you took every black person I have,'' Moakley said in his inimitable way. ''I want some back.'' ''He was quite remarkable,'' Rushing says with a laugh.

Always, Moakley had blacks and Hispanics working in his congressional offices in Washington and Boston. He fought tooth and nail—and successfully—for funding for the African Meeting House site on Beacon Hill. Even with a redrawn district that was just 7 percent black and 5 percent Hispanic, he continued bringing money back to Mattapan, Roxbury, and Dorchester for public housing and neighborhood health centers.

He greased the skids for untold numbers of foreign-born constituents trying to gain citizenship. He once helped a Haitian family fly an ailing family member to Boston from their native country.

''We have lost a giant and a giant who really reached across racial and ethnic lines,'' says state Representative Marie St. Fleur of Dorchester. ''What he did was reach out and build bridges. He never left the minority community behind. He helped us not just in words, but in deeds.''

He is famous for championing human rights in El Salvador, less famous for his cosponsorship of the Haitian Refugee Fairness Act. A Moakley friend recalls the congressman dining with colleagues and diplomats as he rattled off detailed reasons why the United States should ease embargos on Cuba. He knew it cold. None of this is to suggest that his beloved Southie didn't warrant his immense skills and attention. He looked within even as he looked beyond, and his proudest moment may well have come last month, when they named the Federal courthouse after him on the same land where he spent his boyhood scavenging watermelons that fell from the freight trains.

It will be said today that Joe Moakley was a man of the people. Indeed he was—a man of all the people.

Mr. COYNE. Mr. Speaker, I rise today to honor our colleague JOE MOAKLEY, who passed away May 28.

JOE MOAKLEY was the kind of Representative we all should aspire to be. He was a dedicated public servant who enjoyed doing his job. He was a kind, generous, thoughtful, courteous individual who in nearly 50 years in public life made few if any enemies and earned the respect and affection of his adversaries as well as his allies. He represented his constituents ably while also taking the lead on important national issues like aid to El Salvador and the School of the Americas. He will be sorely missed.

JOE MOAKLEY was true to his roots. Born and raised in South Boston, he lived in this neighborhood all of his life. He served his country in the military. He was low-key and unpretentious. JOE never forgot where he came from. He served his constituents well during his 16 years in the Massachusetts statehouse, and he worked hard in Congress to secure Federal funding for the people and institutions of Boston and Massachusetts throughout his congressional career.

JOE MOAKLEY served on the House Rules Committee for many years, including 6 years as chairman and 6 years as the ranking member. In that capacity, he demonstrated a remarkable ability to reconcile the often-contradictory demands of partisanship and collegiality. JOE MOAKLEY defended his legislative positions aggressively while strengthening the institution of the House through his consistent decency and fairness. He was a credit to this institution.

In short, JOHN JOSEPH MOAKLEY was a man who dedicated his life, his considerable talents, and his energies to public service. His death is a tragic loss to his country as well as to his friends.

Mr. COSTELLO. Mr. Speaker, I rise today to honor my friend and colleague, JOSEPH MOAKLEY. JOE was a dear and true friend. He was always there to give advice and share his personal experiences. He has been an outstanding member of this House, working tirelessly for the people of his district and our nation. Like his friend and our former Speaker Tip O'Neil, JOE never forgot where he came from and never forgot that ''all politics is local.''

I have enjoyed working with JOE on human rights issues. JOE's dedication to fairness and justice was demonstrated in bringing to justice the ruthless murderers of six Jesuit priests and their housekeeper in El Salvador in 1989.

In addition, JOE's ability to work with members from both sides of the aisle helped him lead the Rules Committee for six years. JOE's humor and unfailing courtesy have set a high standard for all of us to follow in the House.

JOE achieved impressive levels of achievement and accomplishment, and I have always been especially impressed by his devotion and dedication to service. I believe it is important to honor his legacy by continuing to support his goals and ideas. It is most fitting and proper that we honor JOE MOAKLEY, and Mr. Speaker, I know my colleagues join me in appreciation of this extraordinary individual.

Mr. MURTHA. Mr. Speaker, it is with great sadness that I come before my colleagues to pay parting tribute to a beloved friend and mentor of mine in this body, the late Congressman JOE MOAKLEY of Massachusetts.

I got to know JOE originally through another close long-time friend, Tip O'Neill. I was a young freshman right out of Vietnam when I came here and quickly gravitated to Tip and JOE because they brought to Congress and to our country principles I admired and sought to uphold: a strong commitment to helping people, working for the less fortunate, pulling together to get things done, and doing what is right. That is what JOE and the Speaker exemplified and I am grateful to have served with both of them and to have learned so much from them. I learned a great deal about statesmanship and how to get things accomplished in this body through JOE's leadership. JOE MOAKLEY was without a doubt one of the most influential, dedicated and effective Members of the U.S. Congress.

The country and this House have been lucky to have a man of such great character as JOE MOAKLEY serving here for so many decades. It goes without saying how much he will be missed. There have been many of us Members of Congress, but there are few who will always be remembered by those who served with them the way that JOE will be remembered. JOE MOAKLEY is one of those rare solid friends and outstanding Americans we will always feel blessed to have known. We will remember his friendship, his character, his grace, his concern for people and for our country, his tireless work in service to them, his example. I pray we will always strive to live up to it. God Bless and Keep you, JOE.

Mr. CROWLEY. Mr. Speaker, I rise today to pay tribute to our departed colleague and friend, JOE MOAKLEY.

JOE was the type of person that just about everyone could relate to. His humor and his kindness set even his political critics at ease. Who didn't like JOE MOAKLEY?

I could relate to JOE on several levels—not the least of which being our common name. We both entered politics at about the same time in our lives, we both came from similar Irish neighborhoods—he from South Boston, myself from Queens, and I would like to think we both got into politics for the same reason.

There is no mystery why JOE got into politics at the age of 25. He truly saw politics as the tool for action for the greater good. JOE always said that being elected to Congress was the greatest job of all, because he had the ability to directly impact people's lives. He wouldn't have had it any other way—as he often said—caring for the person ''upstairs, downstairs and across the back fence.'' His constituents describe him as the embodiment of his district in South Boston.

Hard work on behalf of people defined JOE's life. He became an early defender of the environment in the Massachusetts legislature. JOE's long commitment to the clean-up of Boston Harbor carried over to his days in Congress where he helped secure millions of dollars in Federal funding to restore the harbor to the beautiful waterfront it is today.

As a fellow Irishman, I respect JOE MOAKLEY's distinguished record on Irish affairs. JOE came to Congress at the height of the violence in Northern Ireland. Over the years he was in Congress, he was instrumental in ensuring that the peace process succeeded. From the unrestrained aggression of the 1970s to the prospects for long lasting peace and reconciliation today, JOE MOAKLEY kept his finger on the pulse of the Northern Ireland Peace process.

In public service, JOE represented the ideals of St. Ignatius of Loyola—to be a man for others. JOE's legacy is not only bricks and mortar in South Boston, but his moral voice and commitment to service to our nation.

For Salvadorans, including many in my district in New York, as well as human rights activists, JOE MOAKLEY will always be most remembered for his work to end the abuses of human rights in El Salvador. After six Jesuit priests, their housekeeper and her daughter, were murdered in El Salvador in 1989, then House Speaker Tom Foley appointed MOAKLEY to head a special task force to investigate the Salvadoran government's response to the killings.

The Moakley Commission issued a report that revealed the involvement of several high ranking Salvadoran military officials in the murders. This report resulted in the termination of U.S. military aid to El Salvador and is often credited with helping to end the brutal civil war in that country. JOE remained passionately involved in the situation all his life. In a fitting homage, JOE's work to help end the decade long war which claimed 75,000 in El Salvador has been immortalized in the PBS documentary ''Enemies of War.''

I feel privileged to have served with JOE in this Chamber. I learned from his humor, his intelligence, and his heart.

I join this Chamber in wishing our friend a fond farewell.

Mr. RAHALL. Mr. Speaker, I rise in both sorrow and celebration to pay tribute to a life well lived by JOHN JOSEPH MOAKLEY, a man who died with the voices of his friends and

colleagues raised in his praise. We prayed even as we knew better, that God would let him stay with us, because this House needs men like Joe Moakley. We need his spirit, his courage, and his strength of purpose that kept him in public service for so many years. But God needed JOE more.

JOE MOAKLEY was to die as he had lived: in the service of his people right up to the end. I will not forget the way in which he let us know that he had not much longer to dwell among us. He said: ''My doctor told me not to buy any green bananas.'' Who but JOE would have had the courage and the wit to thus announce his imminent leave-taking from the House and from the world. JOE was leaving the place where he spent so many years in tender service to the people of south Boston—the people he loved and respected all the days of his life. JOE MOAKLEY's natural sense of humor was well known, often bringing laughter to bear against the times his colleagues despaired of compromise or consensus.

But JOE didn't just serve the people of south Boston—although he would tell you they came first. He served the entire Nation as he upheld the Constitution he swore he would uphold on behalf of people's rights, working long hours in Washington, and even longer hours spent among his constituents against poverty of body and soul. His constituents who were faithful to him to the end knew they will never see the likes of Joe again.

When someone like JOE MOAKLEY passes on—who died as he lived in passionate pursuit of the rights of people everywhere—the whole world mourns his passing. He died as he would have wanted to die—working till nearly the very last day before the Memorial Day recess. Dying, he carried on with his life, speaking to the hardships of others and none of his own. Dying, he remained totally pledged to the people who sent him to do a job only he could do. Dying, he was full of grace, and nearly always full of his special humor.

And speaking of humor, who but JOE, would announce that he had only a short time more to live in this world by saying his doctor told him not to buy any green bananas? Who but JOE MOAKLEY could look into the face of death still smiling? JOE's smile was the solace he offered to you and to me, so that we would be comforted and unafraid at hearing his news. This did not mean that he did not love life. No one loved life more than JOE MOAKLEY. But maybe after having toiled in these fields for so long, he tired of the battles of the flesh, and welcomed the spiritual journey ahead.

Just as he committed himself to public service more than 30 years ago, he committed himself to his leave-taking mere months ago, using humor as his walking stick. And as he stepped into the sunset of his life, he understood the love that poured from the hearts and minds of best friends and mere acquaintances and knew it was all for him. I am glad he knew of the great well of love and respect that we had for him before his death. That he could receive his bouquets while he lived.

I take this opportunity to pay tribute to JOE MOAKLEY, friend and colleague, and to quote Shakespeare in his memory:

''And when he shall die, take him and cut him out in little stars and he will make the face of heaven so fine, that all the world will be in love with night, and pay no worship to the garish sun.''

Mrs. MEEK of Florida. Mr. Speaker, I rise to remember and pay tribute to our dear departed colleague, JOHN JOSEPH MOAKLEY and I thank Congressman MCGOVERN and Chairman DREIER for bringing this resolution to the floor. America lost a giant with the death of JOE MOAKLEY. All of us here in the House lost a good friend. JOE handled his incurable leukemia with great courage. He taught us how to live and he taught us how to die.

Congressman MOAKLEY's background and his record have been well-chronicled and I won't take the time to repeat it here. He began his long distinguished career in public service at the age of 15 when he enlisted in the United States Navy and served in the South Pacific during the Second World War. Upon returning from his service in World War II, he attended the University of Miami and we are proud in South Florida to claim him in even a small way as one of our own.

Suffice it to say that in over 28 years of service in this House since his election in 1972 as the Member from the 9th District of Massachusetts, Mr. MOAKLEY served his constituents in South Boston and the American people with great distinction. He brought great passion, commitment, and a tremendous zest for public service to his work. JOE was fair. He was honest. He was cheerful, and, above all else, he was always straight with you.

His work as Chairman and then as Ranking Member of the Committee on Rules is very well-known. He was always willing to lend a helping hand to Members, whether it was a brand new Member or the Speaker of the House. His pioneering work dedicated to ending human rights violations around the world, particularly his work against the death squads in El Salvador, will always be remembered. The working people of this country had no better friend than JOE MOAKLEY.

JOE MOAKLEY was a man of the people who never forgot where he came from. He was serious about his work, about serving his constituents, and about helping anyone in need, but never too serious about himself. He possessed a modesty, friendliness, and humility that made him accessible and easily approachable. His warmth and his wit were his calling cards. JOE was always ready with a story or a joke. Whether here on the floor, in the Rules Committee, or just in a chance meeting, I always looked forward to seeing Congressman MOAKLEY. He always managed to brighten my day, and I know that he had the same effect on all of his colleagues.

JOE was an outstanding Congressman, a man who fought hard for his district, for the principles of the Democratic party, and for his beliefs. Yet he always had room in his mind and his heart for all of his colleagues, whether or not they agreed with him. He personified decency.

His legacy and the memory of his achievements will always serve as a role model for all of here in House. I will be forever grateful that I had the honor and privilege to serve with JOE and I will miss him. God bless you JOE. May you rest in peace.

Ms. PRYCE of Ohio. Mr. Speaker, JOE MOAKLEY was one of the most upfront even-handed Members that I have had the privilege to serve with. This House will sorely miss him.

As Ranking Member of the Rules Committee, JOE always had a joke for the members, a smile for the staff, and a twinkle in his eye even as we worked late into the night. He was a friend to all and a mentor to many.

A classic Bostonian politician, JOE's life was dedicated to serving the people well. And last week, I learned first hand just how much South Boston and those whom he represented loved him. It was an honor to join his community in their sad good-bye.

For the Members of the Rules Committee JOE will not be forgotten. His presence remains with us and his portrait hanging just upstairs in our committee reminds us that he is watching over us.

Ms. LOFGREN. Mr. Speaker, I rise today to join my colleagues in paying tribute to one of the finest public servants to grace this floor, JOE MOAKLEY. Congressman MOAKLEY was a friend, a leader, and a gentle teacher to the scores of us who looked to him for advice and guidance.

Much has been made of JOE MOAKLEY being one of a ''vanishing breed'' of politician, but I don't think that's true. I think he was, and will always be, a shining example of the ultimate public servant, someone universally respected by his peers and revered by the constituents he never forgot. The crowds of people who came to say their final goodbyes to him along the streets of Boston are a far stronger testament to JOE MOAKLEY's life than anything that we could ever say here.

This is a man who lived his own saying: ''It is never a crime to speak up for the poor, the helpless or the ill; it is never a crime to tell the truth; it is never a crime to demand justice; it is never a crime to tell people their rights; it is never a crime to struggle for a just peace. It is never a crime. It is always a duty.''

I join my colleagues in gratitude to JOE MOAKLEY for his leadership and his friendship during my years in this House. While we will never be able to fill his shoes, I hope my colleagues and I will try.

Mr. DELAY. Mr. Speaker, last month the House lost a valued Member when JOE MOAKLEY passed away. I didn't always vote with JOE and there were a number of areas we disagreed about. But you didn't have to see eye-to-eye with JOE MOAKLEY to recognize that he was a great American.

When people speak fondly of the way things used to be, I believe what they're really missing are the qualities that carried America through our most challenging moments. Courage, compassion, integrity, patriotism, perseverance, and faith in God. He had these qualities in abundance.

When our country faced the daunting challenge of the Second World War, JOE MOAKLEY was so eager to join the fight that he broke the rules to shorten the odds for America. He was only fifteen when he sailed off to the South Pacific to defend freedom.

Over the course of his life, he carried out the commitment to service he learned from his father. Hard work defines his life because he never stopped working for his constituents in South Boston. Those of us who served with him soon grew to understand his commitment to the House.

On the Boston City Council, in the Massachusetts State House and here in the House of Representatives, he won elections, lost elections, overcame adversity and always maintained his deep loyalty to the people of his district.

In his manner, he was open, friendly, and down to earth. We can all learn a lot about life by remembering the way that JOE MOAKLEY faced a challenge.

From the beginning of his life until his final struggle drew to a close, he greeted adversity with determination, he met fear with courage, and he lived out the last days with the calm confidence of a good man strengthened by a deep and sustaining faith.

To know JOE MOAKLEY was to respect him. We honor his service to this House and to our nation. America can always use more of the qualities JOE MOAKLEY brought to public service.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to pay tribute to one of my most admired colleagues in the House of Representatives, Congressman JOE MOAKLEY of Massachusetts.

JOE MOAKLEY was the quintessential Boston Irish public servant. For more than 50 years he served his nation, his state of Massachusetts, and the hard-working men and women of South Boston in one form or another. In the long, and inspiring tradition of such great men as former Speaker Tip O'Neill, JOE was the kind of Representative that has shown time and time again that he is a leader on the national and international stage, yet remained ever loyal to the people of South Boston and all of Massachusetts.

When I first arrived here as a freshman member in 1999, JOE MOAKLEY, who was the Dean of the New England House delegation, was one of those remarkable people I looked to as a model of how I wanted to conduct myself as a Member of Congress. With character, dignity, devotion, and loyalty, Congressman MOAKLEY continues to serve as a constant reminder that we are indeed part of a noble profession.

JOE MOAKLEY'S remarkable time in public service began when he was a mere 15 years old, when he enlisted in the United States Navy for service in the South Pacific during the Second World War. After graduating from college in Florida, and law school, JOE MOAKLEY ran for the Massachusetts State Legislature in 1952 where he served until 1960. And in 1964, he was elected to the Massachusetts State Senate where he served until 1970. It was in 1972, after briefly serving on the Boston City Council, that he was first elected to the United States House of Representatives from the 9th District.

It was not long after he began his second term that he gained a seat on the House Rules Committee, where he still serves today as Ranking Member. In 1989, he was made Chairman of that Committee. As Chairman, he conducted himself with his characteristic sense of integrity and humor.

Through all his years of service, he worked tirelessly for his District, giving them the same full measure of devotion that he gave to other matters, such as human rights abuses in Central America, which he helped investigate and report on. His actions helped expose injustice, and likely contributed to the end of a brutal civil war in El Salvador.

I've always believed that the measure of a person's life is not contained merely in the years they spend in office, but rather in how their actions in office continue to positively affect the neighborhoods, District and people they served, long after their time in service has drawn to a close. If a person's actions have improved the life of even one person, or one family, or one community, then there is no end or limit to what their service has meant to others. And for JOE MOAKLEY, there is no end in sight.

No matter how long I spend as a member of this body, I am now, and will always be, proud to say that I served with JOE MOAKLEY.

Mr. EVERETT. Mr. Speaker, I would like to join my colleagues in paying tribute to a special member of this House and a good friend to many, JOE MOAKLEY.

An unapologetic liberal Democrat from South Boston, JOE had a remarkable ability to reach across the aisle and make friends with the most unlikely of people.

Not long after coming to Washington, I was invited to join a regular dinner gathering of conservative Republicans and Democrats. Among them was JOE MOAKLEY. I don't mind telling you that my time spent with Joe was some of the best in this Congress.

I count myself fortunate to have befriended JOE, or did he first befriend me? JOE was that kind of guy. Perhaps you didn't think you had anything in common, but he would quickly make you feel welcome no matter what your political differences. JOE had the capacity to cast aside partisanship and bring people together. That is a rare quality that is woefully in too short supply in this House. We need more JOE MOAKLEY's in this Congress.

The passing of JOE MOAKLEY is not only a deep personal loss to me and to all who count themselves his friends; and there are many. It is also a loss to this body and to our great country. I learned a lot from JOE. He reminded us that it is possible to look above our daily disagreements and love this institution and one another.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I am deeply saddened by the passing of JOE MOAKLEY, who was a wonderful man and a great leader for his constituents of Massachusetts and for our Nation. He was an easy-going, good-hearted gentleman with a great sense of humor that I will always treasure. As the dean of the New England Congressional delegation and the ranking member of the House Rules Committee, JOE wielded a great deal of power. Yet when you were in his presence, you never felt out of place because he made you feel so comfortable and at ease.

JOE MOAKLEY is a House colleague that I have always tried to emulate. Despite his seniority in Congress, he was an 'ordinary Joe' and a true man of the people. Spending a half-hour with JOE MOAKLEY was a great way to get a lesson in old style politics, the politics of the people. And he always said it the way it was . . . JOE always got right to the point. When I talked to him a few weeks ago, he wasn't pondering his imminent death. Instead, he was celebrating his great life. It was terrific these past several weeks that JOE had the opportunity to enjoy many tributes to him. So many people from all walks of life had the chance to tell him how much he really meant to all of us. I know that JOE is already on the fast track to heaven. He was a treasure to the House and one of the most effective legislators this chamber has had the fortune to have. We wish him farewell, and keep his family and friends in our prayers.

Mr. TRAFICANT. Mr. Speaker, today, I would like to pay tribute to one of the finest Members of Congress to have served in the United States Congress. JOE MOAKLEY was more than a colleague, he was a personal friend of mine and he was a great American.

I was one of the driving forces behind the effort to name the U.S. Courthouse in Boston after JOE, and no one is more deserving of such an honor. The constituents of the 9th District of Massachusetts were blessed to have this great man represent them, and I feel blessed to have had the opportunity to serve this great country with him.

I want to pass my sincerest condolences to the family of JOE MOAKLEY. The U.S. Congress will never be able to replace him, nor will it ever forget him.

Mr. GEPHARDT. Mr. Speaker, JOE was a vital member of the Democratic Caucus and left a deep imprint on every Member who served with him in the House of Representatives. He served with wonderful distinction on the House Rules Committee. He brought to his constituents the things that they wanted and that made a meaningful difference in their lives.

But what truly set JOE apart was his humanity. Quite simply, he was one of the warmest human beings I have ever had the pleasure of knowing. He always had a kind word, a sense of respect and sympathy for his constituents. He worked every day in his years in Congress fighting to bring the values of his hometown, in South Boston, to our corridors, and this floor. When a senior citizen had trouble getting her Social Security check, JOE was there. When a student had trouble obtaining a loan for college, JOE was there. People of every age, every race, every religion and ethnicity could come to JOE and talk with JOE and have his undivided attention because he cared deeply about them.

Those values found expression in JOE's work abroad. During the 1980s, JOE traveled to El Salvador after the horrible murders of the six Jesuit priests and their housekeeper. Before this time, JOE used to joke that, ''my idea of a foreign affair used to be driving over to East Boston for an Italian sub.'' But JOE heard about horrible human rights abuses in Central America and decided to do something about them.

He pursued justice in El Salvador. And, perhaps more than anyone else, he was responsible for bringing the perpetrators to justice. He struck a blow for human rights. It reflected who he was and the essential decency for which he stood.

He called his constituents part of ''his family.'' But it wasn't just constituents who were part of JOE's family. It was everyone he came into contact with. He had the ability to make better and bring hope to the lives of other people, and this is a quality that we in this body will never forget, will always cherish, will continue to fight for every day, every way in honor of JOE and the best values in our country.

Mr. HALL of Ohio. Mr. Speaker, I rise to support the resolution and to pay tribute to the memory of my friend and colleague, JOHN JOSEPH MOAKLEY.

For the last 20 years, I sat with JOE on the House Rules Committee. He was not combative, but in his gentle way he fought for the interests of his party and his principles. His friendly style endeared him to members on both sides of the aisle despite the highly partisan nature of the committee.

JOE'S great strength as a member of Congress came from his love of the job. Public service was his calling. He believed that government could help people. Here was a man who was proud to be a politician. It was an old-fashioned view, but thankfully, one that never went out of style. The people of his district loved him for it.

When I attended his funeral in South Boston, I was struck by the outpouring of genuine affection from his constituents. They lined the streets to pay their last respects to JOE.

I hope that JOE'S legacy will be the enduring belief that politics can be honorable and that government action improves our lives.

I will miss JOE—his humor, his stories, and his warmth. I will miss his unflagging efforts to make the world a more just place.

Mr. MCDERMOTT. Mr. Speaker, the list of JOE MOAKLEY's achievements is long and impressive. He was a champion of obtaining funding for projects to improve Boston. Courthouses, Libraries, dredging the Boston Harbor were among them. And he was a committed Member of the Massachusetts delegation. But above all he was a generous, kind and compassionate man. He never had a mean word for anyone and he had a real compassion for everyone in the world. In the course of his duties as a congressman he met with several El Salvadoran refugees who feared returning to El Salvador where they might be killed. Accordingly, he made it his business to see that this did not happen and that other refugees in the same situation be allowed to remain in the United States.

My first personal memory of him was because of the massacre of six Jesuit priests in El Salvador and his appointment by the Speaker in 1989 to investigate this slaughter. I was also appointed to this special committee and got to know him well as we interviewed everyone who had anything to do with this terrible incident. Conscientiously, he reported back the failures of the Salvadoran Judicial and military systems. His report and the attention to the overall situation was helpful in ending that terrible tragedy.

One of my own passions, closing the School of Americas, was his too and although we never closed the school in fact we worked very hard together to do so. We also worked very hard to open up Cuba. This kind, loving man, should be commended for the universal view he took of life. He knew that one is sent to serve one's constituents but there is a larger duty too, to root out injustices all over the world. To help everywhere that you can. We will miss you JOE—the world and me.

Mr. QUINN. Mr. Speaker, I rise in tribute to our former colleague, JOE MOAKLEY. All the stories and praise we are hearing this morning on the Floor are all sincere and well-deserved, because JOE was the kind of Member that we would all like to be: smart, well informed, energetic, good humored and always a gentleman.

I was proud to call JOE a friend, and we had worked with each other since I entered Congress. The one issue we worked very closely on together was LIHEAP. JOE was dedicated to making sure the amount of money to help low income people was increased, and he was a tireless crusader on this issue.

Members on both sides of the aisle respected JOE. No one doubted his genuine concern for people, and that he always fought for what he thought was right. Even in the face of his illness, JOE never gave up fighting for his constituents.

His district, the Congress, and the Nation have lost a very dedicated public servant. He will be greatly missed, and I send my prayers to his family, friends and staff.

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

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCGOVERN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material on H. Res. 157.

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

There was no objection.

APPOINTMENT OF MEMBERS TO ATTEND FUNERAL OF THE LATE JOHN JOSEPH MOAKLEY

The SPEAKER pro tempore. Pursuant to the order of the House of Saturday May 26, 2001, the Speaker on Friday June 1, 2001, appointed the following Members to attend the funeral of the late Honorable JOHN JOSEPH MOAKLEY:

Mr. MARKEY of Massachusetts;
Mr. GEPHARDT of Missouri;
Mr. BONIOR of Michigan;
Mr. FROST of Texas;
Mr. FRANK of Massachusetts;
Mr. NEAL of Massachusetts;
Mr. OLVER of Massachusetts;
Mr. MEEHAN of Massachusetts;
Mr. DELAHUNT of Massachusetts;
Mr. MCGOVERN of Massachusetts;
Mr. TIERNEY of Massachusetts;
Mr. CAPUANO of Massachusetts;
Mr. HALL of Ohio;
Mr. DREIER of California;
Mr. HOYER of Maryland;
Ms. SLAUGHTER of New York;
Ms. PELOSI of California;
Mr. ANDREWS of New Jersey;
Mr. MORAN of Virginia;
Ms. PRYCE of Ohio;
Mr. SCOTT of Virginia;
Mr. KENNEDY of Rhode Island;
Mrs. MYRICK of North Carolina;
Mr. SESSIONS of Texas;
Mr. SUNUNU of New Hampshire;
Mr. RODRIGUEZ of Texas; and
Mr. LANGEVIN of Rhode Island.

SPECIAL ORDERS

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

HAS THERE EVER BEEN A TIME WHEN ONE COULD NOT BUY A GALLON OF GAS FOR A BUSHEL OF CORN?

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

Mr. MORAN of Kansas. Mr. Speaker, the sign at the gas station and the sign at the co-op tell the story. Gas is $1.93 a gallon. Corn is $1.81 a bushel. We have suffered through some tough times in farm country, but I can't remember a time when one could not buy a gallon of gas for a bushel of corn.

Mr. Speaker, I rise today to speak about a crisis that affects my constituents and everyone living in rural America. We are facing an economic one-two punch. The price of the principal product we sell, grain, is at an all-time low while the price of the principal product we use to grow that grain, fuel and fuel-derived inputs, are at an all-time high.

One does not have to be an accountant to know that we cannot sustain this economic environment for much longer. Over the Memorial Day recess, I hosted nine of the 66 county townhall meetings that I conduct each summer across western and central Kansas. The concern was the same at every stop. How can we make a living with $1.93 gas and $1.81 corn?

Since I came to Congress in 1997, my priorities have remained the same: Preserving our way of life for the next generation of Kansans. The current economic situation puts rural communities and the family farm in jeopardy. In the long-term, all Americans will suffer if we ignore America's agriculture producers. High gas prices today are the result of a failed energy policy. At the height of the so-called energy crisis in the 1970s, we were importing 30 percent of our oil needs. Today, we import 60 percent. In Kansas, we lost a good chunk of our oil production and the related jobs because it was easier to buy foreign oil than to support domestic producers.

Now our energy policy essentially amounts to using the U.S. military to protect our foreign sources and then begging them for mercy when they meet to set prices. Ironically, we run the risk of repeating the same mistakes in agriculture that we have made in energy. If we do not act to save our farm infrastructure today, we will be dependent upon others for our food tomorrow.

For several years, Kansas producers have been able to survive low prices with high yields. However, a drought last year and poor growing conditions this year have left most farmers with few options of where to turn. This is an issue of importance to all of us. Our rural energy and agriculture producers are vital to the prosperity of our country. Congress must act to sustain the way of life in rural America and to ensure a prosperous, self-sufficient America tomorrow.

As we develop a sound national energy policy and as we draft the next farm bill, I encourage my colleagues to consider the concern of my constituents of $1.93 gas, $1.81 corn.

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

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

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

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

WHEN WILL GOUGING ON OIL PRICES STOP?

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

Mr. DEFAZIO. Mr. Speaker, the outrage of the week in energy is that finally we know how much some of these companies have been charging. During a brief time last winter in a desperate attempt to keep the lights on, California paid $3,880 per megawatt hour to Duke Energy of South Carolina who now owns plants, thanks to deregulation, in California. Of course, they do not feel much of an obligation to keep the lights on. What they are trying to do is maximize profits. Price gouging, it is open season on price gouging in the western United States. Yet, the Bush administration says there is nothing and they will do nothing about this. They will not even investigate whether price gouging is going on.

The Federal Energy Regulatory Commission is charged with determining whether or not there is a market, a functional market, and prices are fair and reasonable. The staff of the Federal Energy Regulatory Commission, the staff, the professionals, has found that in fact what is going on in the western United States is not fair; it is not reasonable. But guess what? The chairman, Mr. Hebert of Louisiana says he is just not going to do anything about that. He will pray for us, he has told us, but that is it.

Now, this is extraordinary. This is the chairman appointed by President Bush. Now, we might wonder about the motivation. Well, there are others other than Duke Energy involved, and perhaps that is the motivation. Many of these companies that are making profits up to 1000 percent over last year's profits are based in Texas, many in Houston, Texas. Many are very large contributors to the Bush administration.

The CEO of one of these energy monoliths, the Enron Company, the chief architect of much of the legislation that has brought about this disaster, has personally, personally, one individual contributed in his lifetime more than $2 million individually, personally, to George Bush as a candidate for many different offices; $2 million.

His company, of course, is in for many, many times that but, hey, they make it back in about a minute in these energy markets so it is a really good investment on their part. The same gentleman is now hand picking other people to go on to the Federal Energy Regulatory Commission. So we cannot expect that we are going to see much relief there.

So then we turn to the Bush energy plan. Does this offer us relief? Well, I do not think so. If we look at the Bush energy plan, we had Secretary Norton before the Committee on Resources today, it is dig, drill and burn. We are not going to conserve.

I asked her, I said if we went into the Alaska National Wildlife Refuge, if we went every place you want to go, if we went to the most sensitive coastal areas off Florida, which I doubt will happen because we have another Bush as governor, but let us say we went to the most sensitive areas off California, who this administration seems to be willing to stick it to every day, and off Oregon and Washington and other parts of the country, and found all the oil, went into Alaska and found all the oil, I said can you envision that we could increase possibly our supply of oil by a factor of ten, that is, instead of having x number of years, 100 years' supply, we would have 1,000 years?

She said, oh, no, we would never get there.

I said, let us just say you did. Let us just say there is a heck of a lot more oil out there than you thought. People want to talk about we are going to become oil self-sufficient. If we continue to increase our consumption at the current rate, we do not conserve, if we found a thousand-year supply of oil in the United States we would use it up in 79 years; the miracle of compound interest, of compound increasing demand.

Conservation has to be a robust part of this plan. But guess what? Conservation does not put profits in the pockets of the oil companies based in Texas and Louisiana and elsewhere, and the new energy companies based in Texas, Louisiana, South Carolina and elsewhere, but price gouging at the gas pump, price gouging in the wholesale electric markets does. So that is the energy future that is being promised in this plan.

Now one can turn to Congress. Are we going to get relief out of Congress? Luckily, today the so-called Emergency Energy Relief bill being offered by, strangely enough, the gentleman from Texas (Mr. BARTON), backed by the chairman from Louisiana, strangely enough, can I see something going together with this crowd here where they produce this stuff as the people who do not want to do much about it?

□ 1445

Their bill finally came crashing down today. That is good, because it would have done nothing for the consumers in the Western United States, nothing for us at all. It would have done nothing to rein in price gouging.

They did not want to have to consider a price cap amendment to rein in what has become publicized more and more in recent weeks as outrageous manipulation of the market by some of these energy companies. The Reliant Company, putting their floor traders, their commodity traders, on the phone to the people who actually operate the plants in California; and when the price drops in the national markets, they tell them to shut the plants down. They do not care if the lights stay on. They are just trying to maximize their profits.

The American people know this. They know they are having it stuck to them every day at the gas pump. They see the facts, that Exxon-Mobil is the most profitable corporation in the world, with profits of $15 billion last year. They see those prices going up and on and up and know they are being had. This administration is engaging in inaction and stone-walling real relief, at its peril.

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

Mr. GUTIERREZ. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 1271. My name was added in error.

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

There was no objection.

AN ODE TO THE SIXERS

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

Mr. WELDON of Pennsylvania. Mr. Speaker,

"It hasn't happened in 18 years,
But it's the NBA Finals and the Sixers are here.

It's been a long time since Moses and Dr. J.,
But the Sixers are playing like the good old days.
Shooting and defense, both ends of the floor,
They've shown every team in the East the door.

First we took out the Pacers, without breaking a sweat,
Then we clubbed the Raptors, and cut down the net.
The Bucks from Milwaukee took us the full seven,
But the final game was a rout, and we're in hoops heaven.

We have the Answer, Alan Iverson, the league MVP,
The best little scorer you ever did see.
No one can guard him, he's just too quick,
No team of five can do the trick.

We have the Coach of the Year, the great Larry Brown,
A man who has been around many a town.

A strategist, a motivator, a leader of men,
He's the best coach since . . . I don't know when.

Big Dikembe Motumbo is the Defensive Player of the Year,
His swats in the paint make grown men fear.
Aaron McKie, the league's best super sub,
Has joined the NBA's Best Sixth Man Club.

Short-handed, banged-up, backs against the wall,

The Sixers bandwagon refuses to stall.
Owner Pat Croce is on the edge of the seat,
Waiting to hand the Lakers a monumental defeat.

The Lakers await, after their sweep,
But they can put away the brooms and get ready to weep.
They played well, blowing through the West,
But they will need every minute of their long 10-day rest.

Shaq and Kobe can play with the best,
But we will not be denied in our championship quest.

The Staples Center will be the place,
Just as in the Presidential race.
The Dems crowned Al Gore there,
While George W. was nominated, do you remember where?

That race turned out exactly right,
So when the day turns into night,
The Sixers will turn out the lights,
And it won't be from a rolling blackout,
But rather from the Philadelphia Sixers knockout.''

Go Sixers.

FREE TRADE COMMUNITY RELIEF ACT

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

Mr. SHOWS. Mr. Speaker, recently I introduced H.R. 1819, the Free Trade Community Relief Act. The bill has 68 cosponsors, Democrats and Republicans; and we represent large cities, small towns and rural counties. Our districts are diverse, but we all have something in common: We have lost jobs because of the impact of NAFTA since it was implemented in 1994.

Since then, factories have shut down across the country, including my district in Mississippi, and moved to Mexico, exploiting cheap labor and leaving thousands of dedicated American workers in trouble. Our once vibrant communities suffered immeasurably. Countless Main Street businesses have closed their doors.

My own county which I represent in Jefferson Davis County, Mississippi, has nearly 11 percent unemployment. Virtually no manufacturing jobs are left.

NAFTA included a job retraining program, that is what it is supposed to be called, to cope with the NAFTA-related job losses. However, not only has this program been underfunded, it completely misses the point that in many rural and inner-city areas, when a factory shuts down, there are no jobs to retrain the people for.

People who live in these communities do not need to be retrained for jobs that do not exist, they need actual jobs. The Free Trade Community Relief Act tackles this problem. It authorizes the Secretary of Commerce to designate NAFTA-impacted communities, similar to enterprise zones. They will get business tax incentives to locate in each community and hire local workers.

We have to give them a reason to want to go there. They need the tax incentives. These rural areas cannot survive like they are going right now.

This is not an anti-trade measure or a statement against NAFTA. Indeed, NAFTA has earned at least passing grades for its overall impact on the American economy. But as we hear more and more about new trade agreements, such as the Free Trade Area of the Americas, we must be mindful of their potential and what they can do for jobs that leave our part of the country. We must protect the people and communities that might lose jobs if we do not build in protections for them.

The Free Trade Community Relief Act acknowledges the damages done by NAFTA and will serve as a model for community protection provisions that must be included in any future free trade agreements. The Free Trade Community Relief Act bill is a win-win for business and labor. It needs to become law, because there are so many unemployed Americans who are counting on us to act quickly.

If you look at the economies across not only Mississippi, but a lot of rural parts of the country, we find that jobs have left, and they are not being replaced. We need to act quickly, Mr. Speaker.

THE WOMAN ACT

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

Mrs. DAVIS of California. Mr. Speaker, I rise today to talk about an issue that is critical to women's health: direct access to OB–GYNs. Too many women are denied access or forced to jump through numerous bureaucratic hoops before they can see their OB–GYN. This is simply unacceptable. A woman should not need a permission slip to see her doctor.

OB–GYNs provide basic critical health care for women, and every woman deserves direct access to her doctor. A recent American College of Obstetricians and Gynecologists/Princeton survey of OB–GYNs show that 60 percent of all OB–GYNs in managed care reported that their patients are either limited or barred from seeing their OB–GYN without first getting permission from another physician. Nearly 75 percent also reported that their patients have to return to their primary care physician for permission before they can see their OB–GYN for necessary follow-up care. Equally astounding is that 28 percent of the OB–GYNs surveyed reported that even pregnant women must first receive another physician's permission before seeing an OB–GYN.

After meeting with women, obstetricians and gynecologists, health plans and providers in the State of California, I wrote a State law that gives women direct access to their OB–GYN. That law was a good first step. However, it still does not cover over 4.3 million Californians enrolled in self-insured, federally regulated health plans. In March, I introduced the Woman Act to close this loophole and ensure all women in California have direct access to their OB–GYN.

Clearly this problem is not unique to California. There are still eight States that do not guarantee a woman direct access to her OB–GYN. Equally important to remember is that even if a woman lives in a State with direct access protections like California, she may not be able to see her OB–GYN without a referral if she is covered by a federally regulated ERISA health plan. This means that one in three insured families are not protected by State direct access to OB–GYN laws.

The time has clearly come to make direct access to OB–GYN a national standard. I urge you, Mr. Speaker, and all my colleagues to pass this critical legislation quickly into law.

REMEMBERING THE 57TH ANNIVERSARY OF D–DAY

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

Mr. SKELTON. Mr. Speaker, this is June 6. Fifty-seven years ago today, June 6, 1944, a day that we now refer to as D-Day, was the day that the American and Allied Forces invaded Normandy, France and began the arduous task of winning Europe back against the Nazi tyranny. And they did this, and they did it well. World War II in Europe came to a close, beginning with the Normandy invasion on June 6.

I wonder how many people across our country remember today? There are those that were there, those that parachuted in, those that landed at the beach and fought their way through France and Belgium into Germany. But many hardly know the word ''Normandy'' or what it stands for.

Mr. Speaker, we think of our veterans and those that were lost in the conflicts of yesteryear on Memorial Day; we honor the veterans on November 11, Veterans' Day; but, in between, we do not seem to remember them. There seems to be a gap between civilian America and military America, whether they be veterans or whether they be the active duty and National Guard and reservists who wear the uniform at the present time.

I hope that we can pause for a moment and pay tribute to the valor of those who stormed the Normandy beaches, who parachuted into France that day and began to end the tyranny of Hitler's rein. And I hope that in the days ahead we can pay tribute to those, not just the veterans of yesteryear, but those who are serving in the Armed Forces, Guard and Reserve today, for without them we would not have nor be able to celebrate the freedoms that we enjoy.

TRIBUTE TO CHANCELLOR JULIUS CHAMBERS

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

Mr. PRICE of North Carolina. Mr. Speaker, last month a gathering of distinguished North Carolinians assembled in Durham to pay tribute to Julius Chambers upon his retirement from the chancellorship of North Carolina Central University. Speaker after speaker praised Chancellor Chambers for his many contributions to the university and to the community.

Today, along with the gentleman from North Carolina (Mr. WATT), I want to pay tribute in this House to Julius Chambers, to his distinguished and path-breaking career, to his bold vision, perseverance, and ability to inspire that have meant so much to the university, to North Carolina and to the Nation.

Julius Chambers served as chancellor of his alma mater for 8 years, and his vision for NCCU reminds me of another leader of a great Durham university, Terry Sanford, who led Duke University with what he called ''outrageous ambitions.'' Julius Chambers brought that tradition of ''outrageous ambitions'' to Central, and he left the university far stronger than he found it.

Julius Chambers accepted the call to return to Central after a distinguished history of leadership in the civil rights movement, the legal profession, and higher education. He came back to Durham with a reputation as a premier civil rights lawyer, having argued landmark desegregation cases in the 1960s and 1970s. His most famous case was Swann vs. Board of Education, in which he persuaded the U.S. Supreme Court in 1971 to approve Charlotte's comprehensive plan for school integration.

At Central, he moved quickly and effectively to increase public and private funding, to raise admissions standards and strengthen curricula, to recruit talented faculty and add major facilities in biotechnology and education, and to involve Central students in community service as an integral part of their curriculum.

□ 1500

He had an active agenda at the Federal level as well. I enjoyed working with him on matters ranging from the impact of the Higher Education Act on Historically Black Colleges and Universities to the Eagle Village project, which is developing the community around NCCU; the highly promising NCCU–EPA partnership at the Biomedical/Biotechnology Research Institute, which bears Mr. Chambers' name; and the restoration of Shepard House, the home of NCCU's founder.

Julius Chambers graduated summa cum laude from NCCU in 1958, earned a master's degree in history from the University of Michigan in 1959, and he completed his law degree at the University of North Carolina at Chapel Hill in 1962 and earned a master's degree in law from Columbia University School of Law in 1964. He was the first African American to edit the UNC Law Review. He was selected by Thurgood Marshall to be the first intern for the NAACP Legal Defense Fund. He founded North Carolina's first interracial law firm, which continues a distinguished and wide-ranging practice today.

As he presided over his last commencement this year, Chancellor Chambers told students how he felt when he graduated from Central 43 years ago. Despite being black and poor, he believed he could accomplish anything: ''You are expected to succeed. You are expected to dream,'' he told the graduates of NCCU. As Julius Chambers returns to Charlotte and his law practice, we are grateful for the foundation he laid at Central; and we pledge to continue to build on his dream for the benefit of all.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. WATT), a close friend and associate of Mr. Chambers.

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman from North Carolina (Mr. PRICE), my friend and colleague, for yielding to me and for joining in this tribute to Julius Chambers. I am proud to join with the gentleman in paying tribute to Julius Chambers who, while we were out during our most recent break from Congress, retired from the chancellorship at North Carolina Central University in Durham, North Carolina, on June 1.

North Carolina Central, of course, was in my congressional district for the first 6 years of my service in the Congress; and then, because my district lines were redrawn, North Carolina Central went out of my congressional district and into the district of the gentleman from North Carolina (Mr. PRICE). At that time, Julius Chambers was the chancellor of North Carolina Central.

My relationships with Julius Chambers go back to well before he became chancellor of North Carolina Central University in Durham. More than 35 years ago, when I was about to enter undergraduate school in 1963, I had the pleasure of meeting Julius Chambers when he was about to open his law firm in Charlotte, North Carolina. Nobody knew at that time, of course, what impact Julius Chambers would have on North Carolina. Nobody knew that he would become a renowned civil rights lawyer and be involved in so many landmark civil rights cases, such as school desegregation, employment discrimination, and criminal cases with substantial civil rights implications.

But Julius Chambers was there about to start a law firm, and I was about to start undergraduate school; and he was already encouraging me, even before I started undergraduate school, to consider going to law school and returning to my native city, Charlotte, to practice law. This was 7 years before I even got a law degree, and 4 years before I got an undergraduate degree, and even then, Julius Chambers was having an impact on my life.

I stayed in contact with him for the next 4 years, for the next 3 years after that 4 years while I was in law school, and got an offer to return to the law firm that he had started in 1970, and did, in fact, go back to Charlotte to practice with Julius Chambers in that law firm, the first integrated law firm in North Carolina, one of the first integrated law firms in the South at that time. He was solely responsible for talking me into returning to North Carolina. He was solely responsible for talking other professionals, young black professionals in particular, into setting up medical practices, accounting practices, law practices of various kinds in Charlotte, North Carolina, and coming and having an amazing impact on our area of North Carolina.

I happened to be with him when he had a conversation with Harvey Gant in which he talked him into coming to Charlotte, North Carolina. He was from South Carolina and was not really thinking about coming to North Carolina, but came at Julius' insistence and with his persuasion to North Carolina, and, of course, has had substantial impact on the politics of North Carolina from being the first African American mayor of the city of Charlotte to running in 1990 against JESSE HELMS for the United States Senate, a substantial impact on the politics of North Carolina.

So I want to pay special tribute to Julius Chambers today for all of the impact he has had on North Carolina Central University, but more importantly to me, for the impact that he has had on my life, because I know I would not be standing here as a Member of the Congress of the United States, but for the influence that he had on my life. Mr. Speaker, I am delighted to join in this tribute.

Mr. Speaker, I rise today to pay tribute to Julius Chambers, who retired on June 1st as Chancellor of North Carolina Central University in Durham, North Carolina, which was in my congressional district from 1993 until 1998 and is now represented by DAVID PRICE.

Thirty years ago, I was privileged to get to know Julius Chambers as a friend and learn from him as a lawyer when he hired me to join his law practice, which was the first integrated law firm in North Carolina. In its first decade, his law firm did more to influence evolving civil rights law than any other private practice in the United States.

After serving as Director-Counsel of the NAACP Legal Defense Fund, he became Chancellor of North Carolina Central University in 1993. His vision has helped transform the school into a major research institution.

Julius Chambers has one of the most brilliant legal minds and is one of the most effective civil rights leaders of our time. I am personally and professionally indebted to Julius Chambers in so many ways and wish him my very best in all future endeavors.

WEST COAST ENERGY CRISIS

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

Mr. GEORGE MILLER of California. Mr. Speaker, those of us living in California have reached a critical point in determining how Congress and the President will address the West Coast Energy Crisis.

Earlier today, the House Committee on Energy and Commerce canceled its consideration of a bill that would have prevented price-gouging and blackouts in California and other Western States. The President and the Federal Energy Regulatory Commission have said ''no'' time after time to Californians. Now it looks like the Republicans in Congress are saying ''no'' to California; also, ''we will not help you.''

This is very disturbing. The West Coast energy crisis threatens not only the health of our economy, but the health of our citizens, because the blackouts roll out through hospitals, through disabled individuals living in their own homes, in nursing homes and other facilities across our State. The President has said no. The Federal Energy Commission has said no, because they believe that price caps will not help the situation.

The President recently said in his visit to California that price caps would not help California, they would not increase supply or reduce demand. Yet we see that 10 of this Nation's leading economists wrote the President to politely disagree with him. They, in fact, made a very strong case. The cost-based price caps temporarily, until the energy supply can be reached in California, would, in fact, help stabilize, stabilize the supply of energy to California.

A majority of Americans recently expressed their opinions in the Washington Post, where 58 percent said they favored temporary price caps. Much of the energy crisis in California is beyond our own control, and certainly in the rest of the West. Because we are in the second driest year on record, we do not have the water behind the dams because of the drought to create hydroelectric power. The American people understand this, but the Republicans in Congress do not, the President of the United States does not, and the Federal Energy Regulatory Commission does not.

What is very disturbing is we watched the President develop an energy policy as we started to see the closeness between the administration, the White House and America's mainline energy companies. This past weekend we saw disclosed the strong personal financial ties of top members of the Bush administration's energy team to those very same energy generators. Many of us have been concerned about this for some time, but we now saw evidence of it.

Chief political strategist Karl Rove had a $100,000 to $250,000 investment in Enron, one of the major marketers of energy on the West Coast. Lawrence Lindsay gained $50,000 as a consulting fee from Enron. Condoleeza Rice, the National Security Advisor, $250,000 to $500,000 in Chevron and earned $60,000 as the director on the Chevron Board of Directors. Clay Johnson, director of the President's personnel, held stock valued between $100,000 and $250,000 in El Paso Energy Partners, a Houston oil and natural gas company, involved in the West Coast energy problems. The Washington Post also says that Mr. Johnson has been involved in selecting the people who will serve on the Federal Energy Commission, the very same people who will be regulating the companies in which he has a financial interest. Many of us were concerned that they were creating an office of special interest in the White House, and I think that concern is starting to come forward.

Mr. Speaker, one of the things that is kind of interesting is when we look at the President's energy policy and we look at the annual report of Exxon-Mobil, we find that many of the same consistencies are there. We see in the President's energy policy that he shows us that, in fact, they have energy for a new century, and here we have offshore oil drilling that is familiar to us; we have been doing it for many, many years. When we pick up the Exxon-Mobil annual report, we see the same dedication. This is not about energy for a new century, this is about an old fossil fuel-dependent economy from which America must move on.

Exxon wants to highlight its drilling techniques. We see the drilling techniques that show us that from one rig one can drill a number of different pockets of oil, one can do directional drilling, and one can reduce the supply. We go back to the President's energy policy, and we see that, in fact, we have essentially the same graphs, the same pictures, telling us that this is the way that we can get into the ANWR Wildlife Refuge, that if we drill it just the way that Exxon told us we could in their report, all things would be fine and there would be no environmental damage. Again, we see the closeness of the two. It goes on until we see the same points being made about refinery capacity, the same pictures, the same discussion.

The time has come for the administration to separate itself from a very old and tired energy policy, and to move on and engage the full ingenuity and the talent of the American economy and its creative energies and to move on to renewables, to move on to replaceable energy supplies so that America, in fact, can move on with its economy and its families will not have to continue to be gouged because of the greed of the same energy generators who are doing it on the West Coast of the United States.

SUGGESTIONS FOR IMPROVING THE ADMINISTRATION OF MEDICARE

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

Mr. GANSKE. Mr. Speaker, since 1965, when Medicare was enacted, virtually all senior citizens and most people with disabilities have been able to access mainstream medical care. Each working day, Medicare beneficiaries make almost 1 million physician visits.

□ 1515

Medicare serves 39 million Americans, and deals with about 1 million health care providers: doctors, nurses, hospitals, nursing homes, and others.

Since 1974 when, as a medical student, I first started seeing patients, and for the next 20 years as a physician prior to coming to Congress, I saw firsthand how important Medicare was to my patients. Medicare has been a very important part of our Nation's health care system, and I want to preserve and protect it.

A couple of years ago, I served on the Bipartisan Medicare Commission: I resigned after I became concerned that my very active role in the bipartisan patient protection legislation would affect the chances of consensus being reached on the commission.

However, based on my past experience actually working with Medicare patients, after culling from my work on the commission, and after listening and learning from testimony before the Subcommittee on Health and the Environment, on which I sit, I have a few suggestions for improving Medicare's administration.

Mr. Speaker, these suggestions are not about sweeping Medicare reform. They do not deal with the long-term solvency of Medicare when the baby boomers retire. Those types of ''big picture'' decisions are beyond the scope of what my remarks are about today.

I make this observation: to ensure the long-term survival of Medicare, additional funding will be necessary. And, contrary to the intentions of others, ''Medicare reform'' will not pay for a prescription benefit and will not ensure the long-term solvency of the program without additional funds. The demographics and the costs of services and supplies are a factor we will have to deal with when we are talking about the baby boomers in Medicare.

I recently asked Secretary of Health and Human Services, Tommy Thompson, who was testifying before my committee, two questions: First, ''Do you think senior citizens are being overtreated in Medicare''; second, ''Do you think Medicare providers are overpaid?''

He replied that, with the caveat that we always need to be vigilant against abuse, it was not his experience as a Governor of Wisconsin that senior citizens in general were being overtreated,

or that providers were being paid too much.

I agree with him. It is certainly the case in Iowa, where our reimbursement rates rank right at the dead bottom of the Medicare rates. I believe that anyone who thinks that ''Medicare reform'' is going to save much money is going to have to consider either tighter price controls or further rationing of care or both.

Mr. Speaker, that does not mean that we in Congress should not consider a more rational way of structuring the program, or that we should not learn from other health care delivery systems, or that we cannot introduce or maintain choice in the system. It does not mean that dealing with Medicare's future cash short-falls is not important. It really is. It is one of the big entitlement programs we are going to have to deal with.

However, Mr. Speaker, in addition to the big picture concerns about Medicare, there are increasing concerns about Medicare's current complexity, the difficulties that both the beneficiaries and providers have in understanding its operations and the decision-making processes, and its failure to communicate to and to serve them effectively.

Until we deal with the big picture issues, the traditional fee-for-service public part of Medicare is going to be around for a long time, especially in the less urban areas.

So I think we need to address the ''little picture'' ways in which the Health Care Financing Administration, known as HCFA, implements Medicare policy. It would be easy to call HCFA a ''bureaucratic monster.'' Having dealt with HCFA from the perspective of a doctor, I appreciate the frustration in dealing with this agency that I hear from my fellow medical colleagues, from Iowa's hospital administrators and from other health care providers.

There are now over 110,000 pages of Medicare rules, policies, and regulations. In a recent AMA survey, more than one-third of the 653 responding physicians reported spending 1 hour completing Medicare forms and meeting administrative requirements for every 4 hours of patient care.

Physicians are now filling up volumes of charts for documentation, not for the patient, but for the government. The additional paperwork in patients' charts can actually impede or delay necessary care as the doctor sorts through voluminous paperwork trying to find the truly relevant information.

I am not here to bash the people who work in the agency, who by and large try to do their job. HCFA has been underfunded, and Congress has to share some blame for how poorly the system sometimes functions, because Congress frequently gives HCFA very complex and sometimes conflicting tasks, usually without necessary resources.

Furthermore, some of the problems are inherent in the way Medicare was set up to use the regional intermediaries. Some criticize HCFA's lack of national uniformity, but others criticize its lack of flexibility and its proscriptiveness. It is not easy drawing the right line between all of these concerns. Nevertheless, there are many ways that Medicare and HCFA function that not only lack common sense but, in my opinion, are blatantly unfair and unjust.

Take the case of Dr. Taylor, a Florida physician who received notice from Medicare requesting a refund of $66,960.01 for an alleged overpayment, to be paid within 30 days. So Dr. Taylor sent the refund to Medicare, and he requested a fair hearing.

It was more than 1 year before the hearing date. In the meantime, Medicare sent a letter to his patients stating that they had been overcharged and that a refund was due them from their doctor. Of course, that was pretty bad for that doctor's reputation, and it hurt his practice.

After his hearing 1 year later, it was determined all but $584.91 of the claims reviewed were accurate, and he was entitled to $66,357.10 back from the agency. But, it took another 15 months before he received the refund. No letter was sent to his patients explaining HCFA's mistake, and he was told by Medicare to forget about collecting any interest on his funds that were held by Medicare for 15 months.

Or take the case of a neurologist in good standing in New York who moved to Florida. He has not been able to get a Florida Medicare number for 4 months because of bureaucratic red tape. Since 60 to 70 percent of his patients are Medicare beneficiaries, he is running out of money to keep his practice going.

Or how about Dr. Wilson, an internist who gave influenza shots to patients? Bills were sent to the Medicare carrier and payment was sent for the shot, but not for the visit. The carrier was called and Dr. Wilson was told to use a number 59 modifier. The carrier agreed that the rule had not been advertised in Medicare publications, but that Dr. Wilson could buy a subscription to the information for $265. So now he has to pay HCFA to get the information he is supposed to have.

Dr. Wilson asked if he could resubmit the bill. The carrier said no. Dr. Wilson's office manager was subsequently told by a Medicare staffer that the carrier was in error. After a long time and a lot of hassle, he was finally properly reimbursed.

Or how about the cardiologist who went through prepayment review, i.e., an audit, for 793 claims. These claims were worth about $50,000. The cost to his practice of processing and producing documentation and reprocessing was $44,000. Eight denied claims, for which service was provided but for which the physician and his staff ultimately decided they did not have sufficient documentation, were ultimately worth $356.

Or consider this example. In March, 1999, an elderly man in heart failure was seen for 50 minutes by his doctor. The physician billed Medicare for a level 5 visit based on counseling services and the time required. The physician documented the time he spent with the patient. It was consistent with HCFA guidelines.

This service was denied by the carrier in February 2000. When the denial was appealed, the HCFA official held that the coding was based on time and was irrelevant, and thus, downcoded the service. This ruling was made despite a clear directive from national Medicare, from the Medicare carrier's manual, that the carrier should pay for counseling services when appropriately documented.

Thus, in this case the physician provided a medically necessary and appropriate service. He documented it correctly, and ultimately required 2 years and a hearing to be paid part of the appropriate fee. By the way, since the amount was for less than the $500 minimum required for appeal, the doctor had no administrative appeal rights.

These inconsistencies are not isolated instances. In Minnesota, for instance, there are 107 local medical review policies by the Medicare carrier. Just across the river in Wisconsin, there are 244 local medical review policies. Minnesota has nine policies for cardiovascular disease, Wisconsin has 27. I daresay that the heart care in Minnesota is just as good as the heart care in Wisconsin.

Years ago when I was in reconstructive surgery practice in Des Moines, Iowa, Medicare stopped giving prior authorization for certain types of reconstructive surgery. For example, some elderly patients have such droopy upper eyelids that they cannot see laterally. That is a hazard when they drive. They cannot see a car alongside them when they are on the freeway. I would point out that this hazard is not just to them, but to other drivers on the road as well.

What I would do is I would give a visual field examination; send the patient to an ophthalmologist, get a consultation. They do tests to see how much vision was lost. Then I would take some pictures. Then I would include all of that information in a letter to the HCFA carrier requesting prior authorization, just so that the patient would know that their surgery would be covered by Medicare and would not be considered ''cosmetic.''

However, a number of years ago, HCFA said, ''We are not doing prior authorizations anymore. Tell the patient we will look at the case afterwards and then decide whether we will pay for the service.''

□ 1530

Well, this haphazard policy scares a lot of elderly from getting the care that they need. If a carrier makes a decision to deny the claim after the fact as being noncovered, the provider has

no right to appeal and then he must bill the patient.

This is not just about surgery. Cancer, heart disease, hypertension, diabetes are common conditions in elderly Americans. Those conditions are often treated with medications. In all these conditions, the patient's status may remain stable, but it is important to regularly evaluate the patient's disease to make certain the medications are satisfactory. These services are part of the continuing care of patients, and they should not be subject to an arbitrary local decision concerning coverage.

Mr. Speaker, hospitals are in the same position with HCFA as physicians: overwhelming paperwork, confusing rules, punitive penalties for honest mistakes. Some rural hospitals have almost as many billing clerks as they do beds. Memorial Hospital in Gonzales, Texas has 33 beds, and it has a billing staff of 20 employees.

Northwestern Memorial Hospital in Chicago spends more than 3,200 staff hours per month sorting through Medicare billing requirements alone. This year alone, Northwestern Memorial Hospital is adding 26 new employees solely to ensure compliance with regulations.

Direct care is affected, too. A cardiologist recounts how when he made rounds one day on one of the hospital floors, two nurses were taking care of patients and the other six nurses were checking documentation to make sure it complied with Medicare regulations.

A critical care physician whose practice staffs a local hospital 24 hours a day and who actually advises the carrier on coding issues is now going through a post-payment audit. In years past, the carrier has cited that physician as providing laudable care. However, the carrier has denied the physician's nighttime critical care claims.

Now, since his practice staffs the hospital 24 hours a day, 7 days a week, I would suggest that it is absurd to suggest that patients do not require care in the middle of the night. In fact, this 24-hour-a-day service resulted in reducing mortality rates in that hospital.

Secretary Thompson, in his confirmation hearing said, ''Patients and providers alike are fed up with excessive and complex paperwork. Complexity is overloading the system, criminalizing honest mistakes and driving doctors, nurses and other health professionals out of the program.'' I agree.

So what can Congress do? Well, the following is a list of about 25 suggestions that I have. It is not comprehensive. Some are specific; some are general. Many of these are garnered from testimony before my committee. But I think if we would implement these, it would go a long way towards helping the Health Care Financing Administration work better. I will try not to get too technical.

First, the Medicare Regulation and Regulatory Fairness Act of 2001, known on Capitol Hill as MRRFA, H.R. 868, introduced by the gentleman from Pennsylvania (Mr. TOOMEY) and the gentlewoman from Nevada (Ms. BERKLEY) would require HCFA contractors to educate physicians and providers as to coding, documentation and billing requirements so that fewer billing errors ultimately occur.

The approach by HCFA should be education rather than heavy-handed audits. MRRFA would also provide health care providers with greatly needed due process rights in those post payment audits.

Number two, last August, the previous administration issued regulations that would require physician practices to treat Medicaid patients and other program beneficiaries to include, at their own expense, the cost of hiring trained clinical interpretors to assist those patients who have limited English proficiency.

Mr. Speaker, I was in practice for quite a while. There are a lot of immigrants in Des Moines, Iowa: Hispanic, African, Bosnian. Many would come to my office without being proficient in English, so we would make arrangements to have a translator. It would be a member of the family. It would be a friend who spoke English. It would be a person who works with a nonprofit agency or a religious institution that was helping those immigrants get settled. We could work it out. This regulation needs to be looked at.

Number three, we need to look at the Emergency Medical Treatment and Labor Act, or EMTALA. HCFA has been attempting to expand the scope of this bill to reach well beyond hospital emergency departments to encompass nonemergency inpatient facilities and hospital outpatient department care.

We need to seriously consider the effect of those regulations, and we need to look at the EMTALA law itself. We need to and see how well it is working and the implications that it has had in terms of our oversight and the ability for emergency rooms to staff the type of specialty care that they need.

Number four, Congress should require the Secretary of Health and Human Services to publish in the Federal Register, no less than a quarterly basis, a notice of availability for all proposed policy and operational changes which can affect providers and suppliers. This would include, but not be limited to, changes issued through amendments in the carrier manuals.

The Secretary should require contractors to notify all providers and suppliers in their service area of such changes within 30 days of the Federal registered notice. The Secretary should further provide that any changes issued in the final form should take effect no earlier than 45 days from the date of such final change in the Federal Register.

Number five, Congress should require the Secretary of Health and Human Services to create and distribute a user-friendly manual that contains all the information necessary for medical Medicare compliance. The manual should be organized and accessible. It should be on-line. It should be free. One should not have to pay $265 for a Medicare manual when it is required to follow the rules. It should contain, in addition to actual regulations, a summary of each issue, including questions and answers.

Number six, Congress should require the Secretary of Health and Human Services to develop a site on the Internet, something that people can access, where Medicare providers and suppliers can post questions and obtain feedback to understand what those regulations are.

Number seven, Congress should require the Secretary of Health and Human Services to furnish all education and training materials and other resources and services free of charge to providers, eliminating user fees. This Congress, for many, many years, opposed the user fees that the Clinton administration wanted to impose on a wide variety of areas. This should be no different.

Number eight, Congress should instruct Health and Human Services to provide better oversight of its contractors to ensure a more uniform application of national policies and a more efficient administration of the Medicare program.

Number nine, this cuts across a lot of providers, we need to look at and fix some of the costly and needlessly burdensome HPPA medical privacy regulations. I am encouraged by Secretary Thompson's decision to re-open the privacy rule for comments and urge him to spend the effective date and fix the rule. I believe a better privacy rule would benefit patients and providers alike. Many provisions in the time rule and the aggressive implementation schedule were written without consideration of the impact on patient care.

Number 10, emergency services needed to stabilize patients should not be denied payment. Participating providers in the Medicare program are required to screen any individual who comes to the emergency department to determine whether that person has an emergency medical condition or is a woman in active labor, and if so, to stabilize him or her. To adequately screen and stabilize a patient, hospitals often employ ancillary services that are routinely available to the emergency department. Medicare sometimes denies payment for the services furnished in the emergency department because they exceed the ''local medical review policies or utilization guidelines for coverage.'' We need to look at that.

Number 11, we need to limit data collection to what is necessary for payment and for quality. Prospective payment systems should be simple, predictable and fair. Unfortunately, the patient assessment tools for skilled nursing, rehabilitation and home health are far from ideal. In fact, HCFA has devised three separate instruments, the outcome and assessment information set, the minimum

data set, and the MDSPAC, which collects a lot of extraneous information. They lack statistical reliability and are extremely burdensome to many providers. We need to look at that.

Number 12, we need to provide adequate and stable funding levels to the HCFA carriers. We need to assure adequate funding levels so that the contractors can perform the range of functions necessary for an efficient operation of the Medicare program.

If I, as a physician in Des Moines, Iowa, have to deal with my local Medicare carrier, and they only are provided enough funds for a couple of employees, then I am going to have long waits, and my patient are too. This is something that Congress needs to look at.

Number 13, we need to avoid counterproductive reforms. We need to look at the way that we award contracts for the carriers. I am concerned about fragmenting and weakening the Medicare administration. This has broader implications as well. Some people are proposing that we break apart certain functions from Medicare. I would be very careful of that, particularly on the bigger issue of prescription drugs.

Number 14, we need to direct HCFA to utilize a consistent standard for the calculation and application of the ''low cost or charges'' rule during the transition from cost reimbursement to the prospective payment system for home health care.

Number 15, we need to eliminate the inappropriate demands for documentation to support reimbursement claims by requiring fiscal intermediaries to adhere to professional auditing standards and generally acceptable account practices. That should be a no-brainer.

Number 16, we need to restrict HCFA's ability to demand financial records from commonly owned or controlled organizations that do not have financial transactions with a Medicare home health agency. It is not their business.

Mr. Speaker, some of these will be a little bit more generic, and some of these are suggestions that were made before my committee by Bruce Vladick. Dr. Bruce Vladick, is the recent administrator for the Health Care Financing Administration. Mr. Vladick and I served together for a while on the Medicare Commission. I respect his opinions a lot. Many of these suggestions are ones that he has made to Congress.

Number 17, despite significant improvements through the Medicare handbook, the beneficiary hotline and Medicare Internet site and the program of the size of Medicare, the beneficiaries need, not just the providers, they need better customer service.

□ 1545

So we should improve the customer service by ensuring that each beneficiary has access to an individual to assist with Medicare problems. We should contract for at least one Medicare representative for every Social Security office in the country. That is like an ombudsman.

Number 18: We should reduce uncertainty and unplanned spending by requiring carriers to provide beneficiaries and providers advance guidance on certain procedures and services. This gets directly to what I was talking about earlier on the issue of prior authorization.

Number 19: Beneficiaries are subjected to too much and confusing paperwork, particularly if they have Medigap coverage. So a solution would be to reduce paperwork by requiring Medicare and Medigap health insurance carriers to transfer information and claims to one another electronically.

Number 20: This is really important. A lot of providers for Medicare are operating in an atmosphere of distrust and fear because of accelerated fraud and abuse activities. Make no mistake, we need to be firm and strong on preventing fraud and abuse. However, at the same time, we need to be fair; and we should not be counterproductive. And so to increase the comity and the provider confidence in the Medicare program, we should eliminate, in my opinion, the application of the False Claims Act to bills submitted by providers. We are talking about, in some of these situations, the mere slip of a finger, where one number could be recorded wrong on a form and then that physician could be held criminally at risk. That needs to be looked at.

Number 21: Many providers cannot obtain assistance with their Medicare questions. So to fix that we should improve customer service by assigning each provider an account executive and increasing the number of contractor and HCFA staff to interact with the provider. We should provide the patient an ombudsman, and we ought to provide the providers a similar service.

Number 22: The paperwork requirements for physicians, particularly surrounding the documentation of evaluation and management activities, is very, very onerous. I hear this from my colleagues all around the country. Oh boy, you ought to read the volumes to try to figure out how you code and then bill for an office visit. We should reduce paperwork by replacing those EMM codes with a simpler classification system. There are a number of ways we could look at doing that.

Number 23: HCFA's response to issues and problems is slowed considerably because of the multiple layers of bureaucracy in the Department of Health and Human Services and competing constituencies. So in order to improve responsiveness and timeliness, we should, I think, at least consider establishing HCFA as an independent agency. I am not, however, in favor of splitting functions away from HCFA.

Number 24: I have mentioned this before in this talk, but Medicare operations are severely underfunded. It reduces the efficiency, timeliness and customer service. To improve customer service and efficiency we should fund HCFA operations from a trust fund similar to that of the Social Security Trust Fund.

Number 25: With new life-enhancing technologies, the Medicare process to determine whether a new item or service will be covered is slow, confusing, and very contentious. We had testimony before Congress from Art Linkletter. He said it is just a shame that it can take up to 5 years to get an authorization for a new treatment or a new medical technology, and I agree. And we ought to assure availability of up-to-date but effective technologies by looking at an independent advisory board.

Number 26: The efficient organization, performance, and oversight of Medicare fiscal intermediaries and carriers is hampered by legislative prohibitions against competition and financial incentives for good performance. We should improve contractor performance by modernizing the legislative authorities, including the authority to compete for contracts and to financially reward good performance.

Well, Mr. Speaker, that is a lot of detail, but my committee, the Subcommittee on Health of the Committee on Energy and Commerce, is working on HCFA reform bill now. We are putting together a bill on this.

I want to finish this special order with a quote from Dr. Bruce Vladeck, former director of the Health Care Financing Administration. Mr. Vladeck said this. ''While debate about the future shape of the Medicare program rages on around us, tens of millions of beneficiaries and providers are interacting with Medicare on a daily basis, often in a suboptimal manner. As these big picture discussions continue, taking incremental steps to improve those interactions can significantly improve the lives of Medicare patients and the persons and institutions who serve them. Our citizens deserve nothing less.''

NATION'S ENERGY CRISIS

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

Mr. FILNER. Mr. Speaker, we intend to spend the next hour of the House's time in discussing the electricity and energy crises that are confronting this Nation today. This has become the issue that is paramount in the minds of families all over this Nation. Whether they live in California, which as in many other areas has pioneered the problem, where we have an economy that is teetering as the prices of natural gas and electricity and gasoline hit us, hit our families, hit our businesses, people see this crisis spreading to the other parts of the far West, in the mountain States and now to the East.

As people contemplate the incredible increases in natural gas, they wonder how they are going to heat their homes come next winter. When American families get on the road and find out they are paying well over $2 maybe even $3 a gallon for gasoline, every family in America, every business in America will know that we have a crisis, and yet it seems this Congress cannot act. It seems that this administration cannot or will not act.

People's businesses and homes are threatened. They know that if there were a flood or an earthquake or a tornado, the Federal Government would be in their areas immediately with all kinds of help and all kinds of cameras, and the President would be there and the Federal Emergency Management Administration would be there and everybody would be in there trying to say how do we help in this natural disaster. Well, in California and in Oregon and in Washington, and now many other States, we have a man-made disaster that is worse than all of those others combined. And yet where is the Federal Government, where is the President, where is the Secretary of Energy?

Nobody seems to want to act on a crisis that threatens the whole national economy, and people are wondering why. When we look at poll results today, not only is energy the highest economic issue of concern to families all across America, but the approval ratings of officials who are not acting are going down and down. Clearly, the American people want action. They do not see it coming from Washington.

Just today, our Committee on Commerce decided that it would not hold a hearing on an electricity emergency relief act. The Republican leaders of this House apparently were afraid to bring this item to a committee and then to a floor vote because they fear that the outcome might not be in line with their ideology. They blame not bringing this up on Democratic intransigence; that is that the Democrats would not look at any bill that did not have anything to say about the prices and price mitigation for electricity and natural gas on the west coast. And I say to the Republican leadership, you are absolutely right. We are not going to consider legislation without that, because it is the prices that are killing us.

California and other States in the West are being bled dry by this electricity crisis. The State of California is paying $3 million an hour for electricity. We are paying $70 million sometimes up to $90 million or more a day for electricity; $2 to $3 billion a month. And California State is paying for this electricity because the utilities in California are bankrupt. They have not been able to buy the electricity, so the State has stepped in.

Now, the State of California is the sixth biggest economy in the world. But the sixth biggest economy in the world cannot sustain a $3 billion a month drain on its budget, and so the State of California's economy is teetering. And I will tell the President of the United States that if the California economy goes, so goes the rest of the Nation. So it is in our national interest that the problems in California, in Washington, in Oregon, and now in Montana and in New Mexico and Wyoming and in New York, become the interests of all Americans and this administration because our whole economy is at stake here.

When we look at the prices that people are paying for electricity and natural gas in California, what we see is an incredible disaster that has taken place and is in motion. In San Diego County, the area I represent, 65 percent of small businesses face bankruptcy this year. Imagine what that means; 65 percent of our small businesses in one county facing disaster. That wipes out all of Southern California. And I predict the rest of the Nation will go next. We cannot sustain this kind of situation.

School districts cannot hire teachers because they are paying for their electricity bill. Libraries cannot buy books because they are paying for their electricity bills. YMCA and other youth-serving organizations have to close up part or most of a week because they cannot afford the electricity bills. The hotels in San Diego County have an energy surcharge on their room bills because of the cost of electricity. Restaurants in San Diego have an energy surcharge because the costs of energy are so high. What happens to the tourism industry in our area if we add these surcharges to our bills? San Diego and California, the West, and the Nation are in economic trouble.

The Republicans refused to act on their bill today. The President issued an energy plan several weeks ago which does virtually nothing for immediate relief for the west or for the Nation.

□ 1600

Mr. Speaker, the President says, well, we can solve the energy problems in California by drilling for oil in the Arctic National Wildlife Refuge. I do not know what one has to do with the other; and even if it did, it would be a decade before we got any oil out of that reserve. We have so many choices, we do not have to wreck the environment, we can do many, many other things; and we will be talking about that during this hour.

The President and the Republican Party assume that this is a crisis brought out by a lack of supply caused by environmental whackos in California who overregulated and prevented supply from being brought in. Mr. President, that is flat out wrong. This is not fundamentally a supply and demand problem; this is a problem brought about by criminal manipulation of the market by an energy cartel that is hell-bent on making as much profits as they can make. They have taken $20 billion out of the State of California in the last 10 months, and they are going on to other States.

Mr. Speaker, those same companies report earnings increases in their quarterly reports of 300, 400, 500 percent, 1,000 percent. They move up to the Fortune 500 a hundred positions out of the profits that they are making from small businesses going bankrupt and big businesses leaving California. The third biggest business in my district may close up this year because they cannot deal with the uncertainty and the cost of electricity prices.

Mr. Speaker, we have to do something about the prices, and that is to bring in what was always the rule under a regulated situation, and that is cost-based rates for electricity: the cost of production plus a reasonable profit. Utilities made a fortune on that kind of pricing; and yet the pricing we are seeing now are four, five, 10 times that, 50 times that at various times during the day.

We need cost-based pricing, and we need to have refunds of the criminal overcharges that have taken place. Californians are demanding cost-based prices to stabilize the wholesale market and refunds of the criminal overcharges since last June. That is how to stabilize the situation. The Governor of California is doing everything he can to bring on new capacity. The State is doing everything it can for conservation. We just met a goal of 11 percent for last month, and that is a tremendous achievement for Californians; and I thank all Californians for doing that.

But the people of Oregon or California or Washington can do nothing about the wholesale prices, and that is killing us. I speak from experience from California. I see the gentleman from Oregon (Mr. DEFAZIO) with us, and I hope that he will enlighten us on the issues that this country is facing. If this President and this Congress and this Nation do not wake up, we are going to have economic disaster in the summer ahead.

Mr. Speaker, I yield to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, before the missteps of deregulation, the United States of America throughout the 20th century, basically from the time we regulated energy after 1932, through 1992 when Congress, in a little-noticed action buried in a so-called energy-efficiency bill allowed deregulation to go forward. During that time the words blackout, brownout, price spikes, price gouging, these were not part of our electrical energy vocabulary. Now in 8 short years, the wonders of a so-called deregulated market have delivered that. They have delivered that not only because the concept itself is faulty, and something that is inherently monopolistic or oligopolistic, but also because of the active encouragement and inattention at best by the Bush administration.

There are still laws on the books, the gentleman would not believe it, there

are laws on the books that require that the Federal Energy Regulatory Commission determine whether prices will be based on cost or market-based. They are not supposed to be market-based where markets do not exist. Clearly there is no effective market in the western United States. It is not only California that is suffering these outrages. It is also Oregon, Washington, and other western States.

There is no effective market. The Federal Energy Regulatory Commission, their own economists, their own staff found in December that prices were unjust and unreasonable, but the chairman, a Mr. Hebert from Louisiana, a former staffer to the former recently deposed majority leader of the Senate, is refusing to do anything about it. The mantra from the Bush administration is price caps are bad. They do not work.

They are right, if we have a functioning market where one has the normal laws of supply and demand, price caps are not a good idea. Energy is unique. It requires that you have a 10–15 percent reserve margin at all times to have reliability. There are very few sellers. There are very limited ways of delivering that energy to your house. Most of us only have one wire that comes into our house. Most businesses only have one wire that comes into their business. There are a couple of routes over higher voltage lines to get to that neighborhood or communities. There are few options. We are not actively buying and selling and chasing after a multiplicity of sellers. This is clearly a manipulated market. One can look at the prices and know it is manipulated.

Mr. Speaker, it just came out that the record, so far as we know, is a price charged by Duke Energy Corporation of the Carolinas to California last winter, low-demand period in California when strangely enough about a third of the generation in the State went missing. Just was not available. No one knows where it went because under deregulation, a company does not have to operate their plant. They can say, freeze in the dark, sucker; you are not paying me enough money. That is what deregulation means. There is no longer a duty to serve.

Duke Energy, being a benevolent organization, sold energy for only $3,880 per megawatt hour. I tried to figure that out in terms of what it would mean for my electricity bill. I have an energy-efficient house with a heat pump. It is an all-electric home. In my case, it would have meant that my energy bill for 1 month would have exceeded my mortgage by a factor of eight if I had to pay that price individually.

That is the outrageous extortionate price that Duke Power, and they are not alone. We have Enron. We have Reliant Company, I believe they are based in Texas, which tied their energy commodity traders, their speculators who produce nothing except profits, to the people running a decrepit plant that they bought in northern California; and as the market went down, they told them to shut down the plant; and when the market went up, they told them to crank it up. They were attempting to directly manipulate the plant, destroying the plant, obviously not providing reliability; but guess what, it is legal. It is legal because the Federal Energy Regulatory Commission says that is not market manipulation, that is not price gouging, that is just fine, according to the Bush Federal Energy Regulatory Commission.

Mr. FILNER. Mr. Speaker, if the gentleman would yield, we were promised under deregulation competition and lower prices. What it sounds to me that is happening is that the so-called deregulated market, under control of a cartel, has not only increased prices but it has decreased the supply because they are withholding it to create a market where they are getting higher prices.

Mr. DEFAZIO. Mr. Speaker, if the gentleman would yield, the United States had until the late 1990s, on average the lowest-cost energy in the entire industrial world through a system of regulation.

We have quickly gone to a system which is totally unreliable, has blackouts and brownouts, and has price spikes where prices are going up to 100 times the so-called normal price. A 10,000 percent increase. The gentleman referenced earlier these energy companies, these new energy companies, many of whom are based in Texas, are making profits that are up 400, 500, 600 percent in 1 year. You do not get those kinds of profits in 1 year in a normal and functioning market. Something is very wrong here, and what is wrong is the people of California have been on the forefront of people being fleeced under this system, but now they are sticking it to the people in the Northwest; and it will come to other parts of the country.

Mr. Speaker, under deregulation in New England, Pacific Gas & Electric of California, which says they are broke, sent billions of dollars to the mother company, Pacific Gas & Electric of America, whatever it is called, who sent the money to Pacific Gas & Electric of New England, who now is one of the larger owners of plants in New England. And since they deregulated New England and since Pacific Gas & Electric bought plants in New England, the same one that says that they are broke in California, reliability, they are having the same kind of outage problems. The plants are not available, and the price goes up. This is becoming a nationwide phenomenon.

Mr. FILNER. Mr. Speaker, if the gentleman would yield, we have roughly a 45 to 50,000 megawatt capacity to produce. During the winter months that we just experienced, the demand is roughly two-thirds, roughly 30 to 35,000 megawatts. So there is a demand of 30,000, there is a capacity of 50,000; and yet we had blackouts during this time. Why did we have blackouts? We are supposed to have 20,000 megawatt surplus.

Well, somehow all of the plants at once were shut down. They had maintenance problems or other problems. Or, and this is why I say it is a price problem, not just a supply problem, they could not get paid by the utilities for their electricity so they just shut down.

Mr. Speaker, this is not the promise of deregulation. This is the fact of a manipulated market, that we have blackouts. You know what happened in San Diego, a day's blackout, we had near fatalities at traffic intersections because the traffic lights do not work. We had near fatalities because elevators shut down. And the threat of blackouts means that people cannot have any orderly budget or orderly future, so they were thinking of leaving California. A blackout for a few hours in certain industries means millions of lost inventory and production. So blackouts maybe for an hour or for a day and maybe only once or twice during the winter, but they are catastrophic; and we are looking at the possibility of 30 or more days of blackouts in California for the coming summer.

Mr. DEFAZIO. Mr. Speaker, this administration says if we put in a price cap it will make things worse. Absolutely to the contrary. In Oregon, Washington, and California, people are building and proposing the construction of plants as quick as possible. Westinghouse is years out on generation. We are building them. We are also having a drought. That compounds the problem.

Mr. Speaker, actually the inverse would happen. If you had a price cap, there would be more energy available because right now what we have is people gaming the system to try to drive the price as high as possible because they think if I shut down part of my generator, I can drive the price up, only operate part of the plant and still make more money. But if you set a cap and say you are over that cap, then suddenly we would have more generation. We would not find the withdrawal and the manipulation and the withholding from the market that is causing some of these blackouts and brownouts this summer in California.

Mr. FILNER. Mr. Speaker, let me read the press statement of the gentleman from Texas (Mr. BARTON), the chairman of the Subcommittee on Energy and Air Quality. He issued a statement on why the Republican leadership refused to continue consideration of what they call their energy emergency relief act. He said, in the face of all of this disaster that is looming, in the face of this incredible price catastrophe for the West, he blames taking the legislation from the table on ''the national Democratic leadership which has exhibited unwillingness to forge ahead without a price caps measure.''

Mr. Speaker, the gentleman from Texas is absolutely right, it is the

prices that have got to be brought down. It is the prices that are causing the crisis. And in fact, as has been demonstrated, a price cap would make sure that we had reliable supplies, and not the other way around.

Mr. DEFAZIO. Mr. Speaker, if the gentleman would yield back, they talk about market signals. What is the market signal that Duke Energy and its investors are getting at a price of $3,380 per megawatt hour for electricity, electricity that 2 years ago sold for $30 a megawatt hour. That is 1/120 times the price. I mean, this is just extraordinary. What is the market signal these folks are getting? How efficient is the plant going to be that they are going to build? What is their long-term look at the market? What about future reliability?

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Actually in the Northwest, we recently had a company that has what is called a server farm, that is a headquarters for a bunch of systems and companies and others that operate computers, computer servers, they were told, ''Yeah, we've got to admit it's a little problem when we crash the electricity to your server farm. We can understand you would get upset.'' So the local company there said, ''Hey, if you only pay us 400 percent of the current price, we'll guarantee reliability.'' Is this the new wonders of the market that the Bush administration is talking about? If I do not want to have to reprogram everything in my house or have the lights go out when I am not there or have a problem with my heat pump, my defroster in the refrigerator, things melting, the other things that happen, or senior citizens in nursing homes, if we want reliability, by God, you have just got to pay three or four times as much. I do not think so.

This works. It worked successfully. We became the greatest industrial Nation on Earth under such a system. I realize people say, ''Oh, you're a socialist, DEFAZIO. You want government to get into this.'' I say, ''The government was in this.'' What do you think the policy was when the Reagan administration was in office?

Regulated utilities when the Reagan administration was in office. We did not have these kinds of problems. This was signed by Bush the senior back in 1992, and it only took 8 years to destroy the western energy supply and grid under national deregulation. It is coming to the rest of the United States soon. People know it. They want us to go back to a system that works. This is too essential to our economy, too essential to our senior citizens, too essential to small businesses and residential ratepayers. We cannot have something that is unreliable and plagued with price spikes or blackmail, where they say, ''Look, if you don't want your lights to go out, just pay me five times your bill.'' Gee, I guess I would only have to pay up from $170, if I would be willing to pay $850 for my electric bill in a winter month, they would guarantee that my lights would stay on.

Is that not great? This is sure a functional market. And the Federal Energy Regulatory Commission, the chairman appointed by George Bush, Jr., unlike George Bush, Sr., who brought about this system, is saying there is nothing wrong, he is not going to do anything about it. He is defying and suppressing his staff. Hopefully the changes that have come about on the other side of the Hill will bring some investigation and subpoena into this where we get some of the professional staff to come in or we get even Commissioner Massey to come in and tell us what is really going on at FERC, which is that they are there for the profits. As long as they can milk this for the Reliants, the Dynergys, the Entergys, the Enrons, the Dukes and all these other predatory new energy companies, they are going to do it because they are major contributors to this administration and to the majority party in this House and, by God, they are not going to do anything to hurt their profits and JOE BARTON was making sure of that and that is why he killed that bill. They did not want a vote on price caps because they are afraid it might win.

Mr. FILNER. I thank the gentleman from Oregon. We have, I think, shown that there is an incredible disaster both in being and looming further. We have shown there is a manipulated market that needs to be brought under control, that cost-based rates ought to be brought in in order to stem this tide while other solutions come about. And we know that there are long-range solutions involved in all this. We know that even though we are concentrating right now at getting the situation in California and the West stabilized through cost-based rates, we have to move into other directions in terms of renewable energy sources and a much different way of approaching our energy. One of the leaders in the Congress in making us think about these things has been the gentlewoman from California (Ms. WOOLSEY). I thank her for joining us and for her efforts on behalf of an energy future that will give us back some control of our own life.

Ms. WOOLSEY. I thank the gentleman from California for organizing this special order to highlight the energy crisis facing Californians and the west coast.

Like my colleagues, I rise this afternoon in outrage, outrage that my constituents in Marin and Sonoma County and across California are still dealing with rolling blackouts and skyrocketing energy bills while the power companies are raking in record profits. We need a responsible energy policy that helps in the short term by allowing, insisting, that FERC do its job, FERC, the Federal Energy Regulatory Commission, do its job by imposing cost-of-service based wholesale rates, at least temporarily, to stabilize this situation. And in the long term by making significant investments, time, money, incentives and focus in clean energy sources to supplement our current electric supply so that we can ensure that we never repeat these shortages.

In the short term, the Federal Government must take action to protect California consumers and stabilize our market. But despite repeated and urgent requests from California Democrats and Democrats from the Pacific Northwest, President Bush refuses to order FERC to impose wholesale cost-based rates in California and the western region. It is outrageous that the President dismisses this straightforward action that would protect 34 million California consumers, consumers who are being gouged by big energy producers. With two oilmen in the White House, it is absolutely no surprise that this administration turns its back on consumers and sides with big oil special interests. But that certainly does not make it acceptable.

What is acceptable is this: recognizing that we need to increase renewable energy resources while reducing demand for electricity. We can do this by promoting and using more efficient energy technologies. These are policies that will protect our environment and guarantee a better future for our children.

Since passing the National Energy Policy Act in 1992, Congress has generally ignored energy issues. But power problems in California and the higher prices of natural gas and oil throughout the Nation have brought energy back to the top of our Nation's agenda. The energy shortage we are experiencing in California is just a signal. It is a signal to the country that Congress must raise the stakes in search of sensible energy policy. Obviously what we are doing is absolutely not enough.

As Congress and this administration work to forge a long-term energy policy, it is imperative that we make a true, honest commitment to renewable energy sources, to energy efficiency and to conservation so that we prevent future energy crises and we protect our environment.

When President Bush stood before Congress in this very Chamber and told the American people in February that he would pursue environmentally sound policies, including renewable energy sources that would help solve our energy crisis, I thought that was too good to be true. Unfortunately, I was right. As soon as the cameras went off, the commitment went away.

Sadly, the Bush administration's budget reneges on the commitments the President made to pursue renewable energy sources. Critical R&D programs were cut. Energy efficiency and technology deployment programs were cut between 35 and 50 percent. That is unacceptable. And it is a disaster for our energy future. Actions speak louder than words. That is why I am outraged but not surprised that the administration's commitment to environmentally friendly sources of energy

lasted only as long as the television cameras were rolling.

I would say to our President, if he were here, now is the time to increase funding for national energy efficiency and renewable energy programs. It is absolutely not the time to cut funding. Cutting funding for vital energy efficiency and renewable energy programs is a step backward, a step in the wrong direction, and a serious blow to our efforts to craft a sensible national energy policy.

This is especially frustrating because we do have bipartisan support for renewables and clean energy policy. In fact, it is pretty overwhelming. As the lead Democrat of the Subcommittee on Energy of the Committee on Science, I am preparing energy policy that is environmentally sound, that will result in lower cost solar energy, wind power, bio energy and geothermal energy. Relief for the American people, in the short and long term, is where our Federal priorities should be, not on increasing our dependence on fossil fuels as the administration intends to do. This dependence on fossil fuels got us into this situation in the first place.

Like my constituents and my colleagues, I strongly believe there is an important role for the Federal Government to encourage sensible short-term and long-term policy in order to solve the energy crisis. As this Congress debates energy policy, we must broaden our horizons by thinking out of the box. We must encourage policies for the future.

I urge the Bush administration to rethink their recent actions to join us in this endeavor because, after all is said and done, what happens in California, the sixth largest economy in the world, will happen across this Nation. It is time to step up to the problem now. It is time to make a short-term commitment to California to make sure we stabilize this situation. And it is absolutely time to look at smart energy policy for our future so that we will no longer have blackouts.

I very much thank the gentleman from California for doing this and for letting me be part of it.

Mr. FILNER. We appreciate the leadership of the gentlewoman from California on the Committee on Science and hopefully someday her chairmanship of the subcommittee. We are looking forward to her report on renewable energy sources.

There are supposedly several plans that have been put on the table to look at this energy problem in its broadest sense. President Bush put out his energy plan several weeks ago. It had 105 recommendations. Not one of them gave any hope or any help to the western States for immediate relief. Overall, his plan is an unbalanced one that puts big oil and utility special interest friends of his who are already reaping record profits ahead of the consumers, all of us as consumers and the environment. He wants to drill in the Arctic and other pristine areas. There is no relief for consumers facing high gas prices and high energy costs. There is no help for the consumers out West who are being gouged by utilities. He wants to produce some of the fossil fuels and give tax breaks for nuclear plant construction. In fact, when his Secretary of the Treasury, I believe, was giving testimony to a congressional committee, he said on the safety record of nuclear energy, if you leave out Three Mile Island and Chernobyl, there is no problem with nuclear energy. That is coming from the Cabinet of this administration.

He does nothing for fuel efficiency in his plan. The President claims to want to do something about it but slashes funding as we have just heard for energy efficiency and renewable energy by more than 25 percent. He delays putting in our fuel efficiency standards. He has rolled back such standards for air conditioners. He is using the excuse of the California crisis to roll back all environmental regulations, breaking his campaign promises on clean air, for example, and undercutting all kinds of other protection. And he benefits not the consumer or the average American but the oil and gas industry, the utilities, the nuclear and coal producers who have contributed, coincidentally, millions to the Bush campaign.

There is another plan on the table, a plan that was devised by the Progressive Caucus of the Democratic Party. With us this evening is the chairman of that Progressive Caucus, the gentleman from Ohio (Mr. KUCINICH) who will outline a plan which actually will help us in this crisis and not hurt us as the Bush plan does.

Mr. KUCINICH. Mr. Speaker, as chairman of the Progressive Caucus, I am proud to be here this afternoon to present our alternative. But before I do, I would like to offer a perspective on this issue. My father and mother, Frank and Virginia Kucinich, when they raised a large family in Cleveland, Ohio, many years ago, I can remember vividly the scene in the kitchen where they were counting their nickels and their dimes at the kitchen table, you could hear the click of the coins against the table, one of those old enamel top tables, and they were counting their nickels and dimes so they could have enough money to pay their utility bills. I am sure that there have been a lot of families in this country who had to worry about those nickels and dimes in being able to pay the utility bills because today more and more families are finding out that the cost of electricity is beyond their meager budgets.

□ 1630

Families are finding out that even if they are blessed enough to have even the tiniest bit of economic security, that they cannot keep up with rising utility bills. Families are finding out that even if they have a little bit of affluence, they cannot keep up with rising utility bills. The nickels and dimes have turned to five dollar bills and ten dollar bills, and people are counting them out and they cannot keep up with the rising electric bills.

Today, all eyes are on California where the people of California have been the target of a deliberate manipulation of energy supplies by energy companies that has raised prices in that State. Blackouts in California have been the result of a policy which has tried to strangle the market in favor of energy companies that have done nothing but manipulate the market and manipulate energy prices and gouge consumers.

Now, this is not just a humble Member of Congress from Cleveland, Ohio, stating this. These conclusions have been reached by the Federal Energy Regulatory Commission, by the California Public Utility Commission, by the California Independent System Operator, by Credit Suisse and by the Public Utilities Fortnightly publication.

Now, there are people around this country who say, well, it is a California problem. Do not believe it. This is a matter that is coming to a light switch near you in your neighborhood soon. Rolling blackouts and outrageous prices are today strapping citizens of California because deregulation has permitted energy companies to rig the market and price electricity as high as the market will bear.

The Tellus Institute's report, called the Progressive Pro-Consumer Solution to Today's Electricity Crisis: Just and Reasonable Rates show that these events are not from a lack of supply and, Mr. and Mrs. America, they are not unique to California. I quote from this Tellus Institute report about the solution being just and reasonable rates, and they say every State that chose to restructure its electric industry and deregulate generation did so in the hope that tangible benefits would result. The general assumption was that retail electricity prices would decline relative to what rates had been under regulation. As a matter of fact, everyone remembers they told the American people, if they deregulate their rates are going to be cheaper. That is what they told the people of California. That is what they told the people of Ohio. That is what they are telling people all over the United States.

In California and in many States, almost every one of these States now faces rising electricity prices. In California, deregulation has helped to create rolling blackouts, has caused exorbitant electricity prices, threatening the financial health of the State. In general, the goals of restructuring go unfulfilled. The price of electricity is higher than before and the quality of service has declined dramatically.

The Progressive Caucus has moved into this breach, into this massive evidence of price gouging, to come up with a solution that I will go over very briefly. That solution, the general approach is, it mandates a fair electricity

market nationwide and mandates sustainable energy policies. We define the problem as saying that deregulation has led to price gouging and rolling blackouts. The solution to the high prices: Fair prices nationwide, with federally-set cost-based rates, including refunds. That does not mean caps, because you could create price caps, but if the rates are already sky high, what does that do for your family's budget? Very little.

Mr. FILNER. Mr. Speaker, I just want to show this chart, which shows the coalition of organizations and individuals which support that concept in the Committee on Energy and Commerce, which is called the Price Gouging and Black-out Prevention Amendment. We can see not only all the governors of the western States, but farmers and businesspeople and working people and consumers, public safety people, health care providers, all of which support the end of the price gouging that the gentleman has advocated.

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

Mr. FILNER. I yield to the gentleman from California.

Mr. SHERMAN. Mr. Speaker, I just want to point to that chart. The bill before this Congress to provide for rate caps or for regulation of these wholesale energy prices is supported not only by the governor of California, but by the governors of Oregon and Washington, and by the American Association of Retired Persons, AARP, the Consumers Union, the Consumer Federation of America. These are organizations that look out for consumers and there should be no doubt as to what approach is in the interest of consumers.

Mr. FILNER. Mr. Speaker, I thank the gentleman from California (Mr. SHERMAN) for those comments.

Mr. Speaker, I would ask the gentleman from Ohio (Mr. KUCINICH) to continue the outline of the Progressive Caucus.

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from Sherman Oaks, California (Mr. SHERMAN) for his remarks.

Mr. Speaker, in going back to the solution to high prices: Fair prices nationwide with federally set cost-based rates, including refunds.

Utilities are entitled to a modest profit. Any business is. But when one starts talking about California electricity generator profits that for one company, Calpine, increased first quarter of 2000, 424 percent; Dynergy, 102 percent; Williams, 100 percent, all of those figures were increased for the first quarter of 2000 over the last year. People are making a killing at the expense of the consumer.

So we are trying to address that in the Progressive Caucus by coming up with a solution and a plan that provides for fair prices nationwide with federally cost-based rates, including refunds. The solution to rolling blackouts is to mandate generators to produce electricity. The solution to issues relating to energy efficiency is to mandate increased energy efficiency.

With respect to renewables, mandate increased renewable energy production. Clean air aspects, mandate the development of clean air technologies. Public power, provide financial incentives to encourage public power systems and remove key barriers.

Now, what most people are not aware of across this country is there are actually over 2,000 municipally-owned electric systems, one of them being in Cleveland, Ohio. What most people are not aware of is that the right of utility franchise, now listen to this, Mr. and Mrs. America, the right of utility franchise belongs to the people. There is no inherent right for the private sector to own a utility. Understand that. The people have the right to a utility franchise. We give the private sector, in theory, the right to operate a utility in exchange for reliability of service and low cost. That is the way it is supposed to work, but, Mr. and Mrs. America, it does not work that way.

Consumers are getting gouged by these companies that are using our own rights; they are using the right that we give them to operate a utility.

We have a plan here with the Progressive Caucus to take back the right that we have through a measured approach that would mandate fair electricity markets nationwide and mandate sustainable energy policies. But the truth is that if these energy companies do not respond, if they insist on price gouging, if they insist on price manipulation, then the people have a right to take that franchise back because that is a Democratic right. That right is vested in the people. It is in our State constitutions and we have the right. What we give, we can take back. If they do not want to give us decent rates, then we punch their ticket, take their charter and reclaim our government and reclaim the ability to save our nickels, our dimes, our $5.00, our $10.00, to save our families, to save our way of life.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ROGERS of Michigan). The Chair would just remind Members to please address all remarks to the Chair.

Mr. FILNER. Mr. Speaker, I thank the gentleman from Ohio (Mr. KUCINICH), the former mayor of Cleveland, for his leadership on this issue. We hope that the caucus program can be, in fact, on our agenda at some point in the future.

Mr. Speaker, as California experiences this problem, the Congressional representatives all over California have been trying to make sure that our State and our Nation does not go under, and one of the leaders in this effort has been the gentleman from Sherman Oaks, California (Mr. SHERMAN). We thank the gentleman for his ideas and his energy and his contributions in coming up with a solution.

Mr. Speaker, I yield to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, I want to begin by commending our colleague, the gentleman from Ohio (Mr. KUCINICH), who, in an earlier lifetime, was mayor of Cleveland and fought against overwhelming odds to maintain municipal ownership of the utility company there.

In my City of Los Angeles, we also have municipal ownership of our utility system, and we do not have any of the problems that are hitting the rest of the State, and which hit San Diego so hard.

Mr. FILNER. Any price increases?

Mr. SHERMAN. None.

Mr. FILNER. Any blackouts?

Mr. SHERMAN. No blackouts. Good service. No problems. Where we had regulation, as we had in our State for well over 50 years, no problem; where we have municipal ownership even today in the City of Los Angeles and other cities in California, no problem. As I understand it, no problem in Cleveland today.

Mr. KUCINICH. Right.

Mr. FILNER. I will tell the gentlemen, by the way, that because the situation in San Diego has become so grave with doubling and tripling of rates, with scores of businesses facing bankruptcy and closing their doors, the whole community is virtually united as saying we must get control of our future. We are going to establish in San Diego a municipal utility district where we can begin to get some leverage on the system. If we owned 1,000 megawatts of electricity, one-third of our needs, we could have tremendous impact on the whole situation.

So we in San Diego, like the State of California in general, is moving toward a municipal ownership, to get out of, really, the heel of the cartel of energy wholesalers that is destroying our economy.

Mr. SHERMAN. I should point out that while I say Los Angeles has no problem, we are bound together with the rest of the State, just as the whole country is bound to California, an the economic problems facing the other cities in the State of California affect us.

I should also point out for our colleagues, who might think well, if Los Angeles has no problem, a huge part of California has no problem, that the Los Angeles municipality is roughly 10 percent of the State of California. So much of, as the gentleman knows, the Los Angeles area lies outside the city limits and outside the protection of municipal power. What has happened to our State is that we are being bled dry. We paid $7 billion for the generation of electricity for our State in the year 1999. In the year 2000, we used the same amount of electricity but instead of paying $7 billion, we paid $32.5 billion. This year for the same amount of electricity, we are going to pay $60 billion to $70 billion.

Now, this has fully hit home in San Diego because the utility there had a

different deregulation deal than the one in the rest of Southern California, or Northern California. So San Diego has seen the doubling and tripling of some electric bills because the local electric utility was not required to use up its entire net worth in order to protect consumers from the gouging being done from those who have purchased these electric plants.

In contrast, those in my district who live just outside the city limits were somewhat protected, protected for months. We saw disaster in San Diego, but we, just outside the city limits of Los Angeles, were safe because billions of dollars of Southern California Edison's net worth was used up, paying the gouging prices and selling to consumers at a regulated price. Of course, that could not go on forever because the gouging reached such a level that it bankrupted enormous utilities, threatens to wipe out the surplus of the State. The gouging reached levels that we never imagined as we thought that only San Diego consumers would be faced with this problem.

The voraciousness of these companies reached an incredible level.

Mr. FILNER. Mr. Speaker, I wonder if I may bring my colleague, the gentlewoman from San Diego (Mrs. DAVIS), just to share with us some of the experiences that San Diego has had and what conclusions they lead for us to take in this Congress.

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Mrs. DAVIS of California. I wanted to thank the gentleman from California (Mr. FILNER) for providing us this time today. We have been talking about how people generally are feeling about this; and those of us in San Diego, we were at the epicenter last year.

I can tell you as we walked around the community, and the gentleman from California (Mr. FILNER) was certainly aware of this, it was almost as if all the businesses were dying. We have not got to that point yet, but people felt that way, that that could happen.

I see now there is new information out really across the country about the way people are understanding what is happening. A Washington Post-ABC poll just released Tuesday showed that 56 percent of the people across the country understand an electricity crisis should be cost-based. In California I would suspect that the percentage is even higher. People are not saying there should not be some profits, but that they should be cost-based. They should not be based on some market in the sky that is just a dream.

But we keep hearing that the administration is saying that cost-based prices will not increase supplies or decrease demand. That has really been their mantra.

They are just not listening. Californians, I think, have not been claiming that rational, cost-plus profit prices would address the growing energy supply needs of the western states, but they are saying that that kind of cost-based pricing is critical for today's problem, today, considering what is going on in the economy.

Building a power plant is a financial investment decision, and financial investment decisions that for a while people chose not to make. For the last 20 years it was not clear that more power was even needed, so energy companies did not make the financial decision to build more plants throughout the West.

Now it is clear that with a 40 percent population growth just in Nevada in the past decade, and with a 20–25 percent growth in our other neighboring States, and 10 percent growth in California, that more power at peak times will be needed. And, guess what, in the last year, 16 new plants in California alone have been approved, and four will be on line this summer. Nevada businesses are considering building new plants not only to cover the needs of their enormous growth, but also to export to other States.

We are seeing this growth in other places as well. In Baja, California, they are looking at the economic opportunities for selling electricity to the United States. In addition, it is working on a joint venture with U.S. companies to build a liquid natural gas conversion plant and terminal to bring liquefied natural gas economically from Australia and other areas of the world to increase our supplies. In fact, people are responding.

Mr. FILNER. Mr. Speaker, I know the gentlewoman wants to show how we are dealing with the supply issue. I want to have the gentleman from California (Mr. SHERMAN) show through this chart that the crisis now that we are experiencing with the price is not primarily one of supply. We have supply.

I would ask the gentleman from California (Mr. SHERMAN) to explain this chart, what these energy companies are doing to us.

Mr. SHERMAN. Well, yes. What has happened is that because we do not regulate these wholesale costs, they have an incentive to withhold supply and drive the price up. Instead of making a megawatt for $30 and selling it for the regulated price of $50, they produce fewer megawatts, drive the price up to $500, and make a killing.

What they will do when they shut down a turbine is say the turbine is closed for maintenance. The chart in front of you there illustrates how many megawatts were not produced on the average day in April, a couple months ago, because turbines were closed for maintenance. As you can see, over 15,000 megawatts were not produced on the average day. That is the yellow line.

You might say, is that not typical? No. You look at the prior April; and you see that blue line, roughly 3,000. You say was April just an anomaly? You compare the yellow and the blue lines, and the pattern is clear, 8,000 to 12,000 to 13,000 megawatts not produced on the average day to drive up the price, not because the plants needed to be closed for maintenance, but in addition to the regular maintenance that was done just 12 months ago.

I might point out, that is about one-fifth of the power we need in California. Closed for maintenance means closed to maintain an outrageous price for every kilowatt.

Mr. FILNER. We only have a minute left. I want to share with my colleague from San Diego a little frustration.

The President visited our city last week. We are in the middle of a crisis. As I said earlier, if it was a tornado or earthquake, he would have been there. He chose not even to come to meet people or the press. He went to one of our great Marine bases, Camp Pendleton. No contact with ordinary people. He said nothing really about the crisis and how he was going to solve it, and people had no opportunity to deal with the President face-to-face.

I think this was an incredible abdication of responsibility for a major crisis, and I know those of us from San Diego were especially aggrieved by that.

Mrs. DAVIS of California. I wish that the President would have had an opportunity to walk into just some of the cafes, the mom and pop restaurants in our communities, because I think it was there that people really felt this shift a number of months ago in San Diego. When you have sitting on those cafe tables a charge that they are asking people to pay in addition to the cost of the lunch, of the dinner, just explaining to people what has happened in terms of their own particular costs, I think that is quite astounding.

The other issue is not just the mom and pop shops. Certainly our seniors who have been so affected. But we have great concern and great fear in the community now that in fact some of the progress that they have been making, and I will take the biotech industry as one, that some of that progress may go out the window because we are faced with some of the problems that we are faced with today.

Mr. FILNER. I would say to those industries that really their survival is at stake, and yet they see a Republican President, and they may be Republicans, they feel they should not get into this. I will say to the businesses of California and the West and this Nation, for your own survival, tell the President that it is time to act. Tell the President that the Federal Government must intervene for our economic survival. He will listen to you more than he may listen to our Congress people here. So I beg you to ask.

I thank our colleagues, the gentleman from California (Mr. SHERMAN) and the gentlewoman from California (Mrs. DAVIS) on the floor with me today. Apparently our time is up, but we will be back here every day to talk about this crisis, until this Congress and this President act on behalf of all of the consumers in this Nation.

THE AMERICAN IMMIGRATION CRISIS

The SPEAKER pro tempore (Mr. ROGERS of Michigan). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, America is in the midst of another crisis. It is not just the energy crisis that we face and that was so lengthily dealt with here for the last hour. It is almost ironic, I suppose, that I end up following a discussion of the energy crisis in California, because a lot of what I have to say this evening revolves around that crisis, but it takes perhaps a little bit of a different look at the reason why we have such a crisis.

I believe very strongly, Mr. Speaker, that America is in the midst of an immigration crisis, a crisis far greater in terms of its impact on the United States of America than the energy crisis that presently confronts us in several States and perhaps even around the country.

Since 1970, more than 40 million foreign descendants have been added to the local communities of the United States. Just last month, the New York Times reported that the Nation's population grew by more people in the 1990s than in any other decade in United States history.

Is it not time that we ask ourselves, what level of immigration is best for America and what level of immigration into the United States is even good for the rest of the world, to help the rest of the world?

These can be difficult questions to ask about immigration, because we recall, all of us here I am sure, our own families coming to the United States, entering probably through Ellis Island during the height of the immigration period that we sometimes refer to as the golden age of immigration, the early 1900's, the late 1800's. That was a period of time most people believe that the greatest number of immigrants entered the United States through those gates.

That is incorrect, Mr. Speaker. It is a myth. The greatest number of immigrants ever taken into the United States during the ''golden age'' of immigration was 200,000, approximately 200,000.

Every year, every year, for the last 8 years at least, exactly five times that many immigrants enter the United States legally. Our immigration cap now is approximately 1 million people, plus another 300,000 or 400,000 that we classify as looking for refuge. This would be refugee status. So we have about 1.3 million or 1.4 million immigrants coming into the Nation every year legally. We have probably double that many people coming into the United States illegally every year; and when I say ''coming in,'' we probably have 10 million people coming in, but we end up with about a 2 million person net gain every year, from illegal immigration alone.

Now, what does this mean? Numbers like this are really quite extraordinary. If I could get a page to put up one of the charts over there, I will refer to it in just a moment.

I think back to my own family's background, and certainly I am a relative newcomer to the United States. My grandparents came here in the late 1890's. They settled, all of them, in Colorado, in and around the Denver metropolitan area, strange as it seems, because most people had some intervening place they stayed, New York or Chicago or someplace like that. But not mine. They came right to Colorado.

I often talked with my grandparents, my grandfather specifically, about the trip over from Italy to the United States and the kind of trials and tribulations that he faced. It is an interesting story. I certainly enjoy it. I tell my friends about it. I enjoy my heritage. I understand perfectly the desire for anybody to come to the United States, especially poor people, as my grandparents certainly were. They were looking for a better life. I completely sympathize with all of those people who are looking for that better life. I am sure that if I were in their shoes, I would be trying to do exactly the same thing they are doing, get to the United States.

But we have another responsibility here in the United States. It is to our own country and to our own countrymen, because at some point in time we have to wonder how many more people we can absorb and how many more people this Nation can afford to provide for.

I know all of the issues that have been debated about immigration and about immigration reform. Many people suggest that we have no reason to be concerned about massive immigration across our borders, that in fact it is an issue of economics; that the more people we let in, the more lower priced help we have, the lower priced labor that businesses can access, meaning in the long run lower prices for the American consumer.

Well, I will tell you, what that is is really a euphemistic way of describing what happens when immigrants come here, especially illegal immigrants. They come here, and they are, oftentimes, unfortunately, given jobs that perhaps other Americans would not take, and they are exploited. They are exploited oftentimes by the employer, who pays them less or will not give them the benefits they deserve, because he knows that this person is probably not going to go and complain about it, because they are probably here illegally anyway. Even legal immigrants have an effect of depressing the wage base for people with mid or low skills, low-level skills.

So, immigration of this nature, of this kind, massive immigration, is five times greater just in terms of the legal immigration coming into the country, five times greater than it ever was during the heyday of immigrants coming to the United States around the turn of the century, the last century.

□ 1700

Well, these numbers have an impact on everything in the United States. It has an impact on the quality of life that we all share here.

Do you ever wonder why, when you are driving down the street and you remember that just a few months ago, maybe even a month ago, when you went past this very same point that was at that time a nice pasture land or open area, a greenbelt, do you remember thinking to yourself, gosh, is it not amazing? Now all of these houses are being built here, all these apartments are being built. Is it not incredible how many cars are on the road? I cannot get to work anymore in the same amount of time that it took me just a few short months ago to get here. What is going on? How come there is so much talk about growth? How come there is so much concern about growth in the United States? Is it because our country, the people who live here are simply having so many kids that they are placing this kind of infrastructural pressure on the system? No, Mr. Speaker, that is not the case.

The chart I have on the easel down in the well is a very interesting chart. It is a population chart starting in the year 1970. The green area on the bottom is what we would identify as the population growth in this Nation from those people who are already here. These are what we would call indigenous Americans. The fact is that we have had population growth among that group. We call it the baby boomers. There has been a baby boom echo; and it has gone up, as we can see, from about 203 million people living here in 1970 to 281 million people here at the last census, the 2000 Census. But we also see there that of the 281 million of us that there are now in the United States, that 243 million of those would have been the natural growth rate of the country. Those reflect the natural growth rate of the country. The rest, those identified in red, represent what has happened to us from immigration and their descendents.

So we can see that we have had the same amount of growth among that particular group as we have among native-born Americans. So we have essentially doubled our natural growth rate in this country by immigration patterns.

Is it surprising, then, to anyone that we heard our colleagues on the floor from California spend the last 1 hour complaining about the lack of resources, about the incredible problems that the State of California faces from an absence of energy? I also recognize that my colleagues from California were complaining about the administration's proposals to increase the amount of energy available to all of us.

Well, let me suggest this, that there is another responsibility that is uniquely the responsibility of the Federal Government, that the States have

absolutely no power to control whatsoever, and that is immigration policy. That is the responsibility of all of us who serve in this body, to establish an immigration policy for the country. And when we ignore the fact that people are coming into the country at the rates they are coming into the country, then it is very difficult for me to get terribly excited about the impact that those numbers have if no one wants to address the issue, no one wants to talk about it.

Everybody wants to talk about just simply the fact that we no longer have a lot of oil, or we no longer have a lot of electricity, and is that not terrible, and how are we going to get more. What I am saying is that the reason we do not have the resources is because the demands being placed on our resource base are so great that they are depleting it faster than we can replenish it. Why are the demands so great? It is because of the numbers, the huge numbers of people coming into this country and the children that they both bring with them and have here. It places an enormous amount of strain on our resource base.

Now, it is all right, it is perfectly fine for us, I think, to go ahead with a massive immigration policy if we have it, as we have, if everybody in this body agrees with it, understands it, knows what we are doing and says, yes, we have debated it fully. We recognize that bringing a little over a million, a million and a quarter people in here legally and have at least 2 million immigrants into this country net every year is okay. We understand all of the implications of that. We recognize that it will cause California, for one thing, to have to build a school a day, a school a day in order to keep up with this population pressure. We understand that. We understand that we will have rolling blackouts. We understand that we will not be able to buy gas at a price that most of us would consider to be convenient or acceptable. It is going to get a lot more expensive. So is every other form of resource we have in the United States, natural resource. Why? Demand.

Well, where is the demand coming from? We are, in fact, making products every single day that use less and less energy. The refrigerator that is in your house today uses far less energy than the refrigerator that was in your house even a short 5 or 6 years ago. Air-conditioning. Cars getting better gas mileage. All of these things should, in fact, determine a downward energy use per capita in the United States. But it does not matter if there is a downward spiral or a downward pressure of per capita energy use if the number of people keeps going up so rapidly, so dramatically. We will have to continue to exhaust the supplies, to go elsewhere in the world, rely on both our friends and our enemies for help in providing oil resources. We will have businesses going bankrupt, having their business interrupted by these blackouts. All of these things we see are a result of numbers, the numbers of people. And this is something that we cannot seem to get across.

I recognize fully well, Mr. Speaker, that I am one of the individuals here who has taken on the challenge of trying to make this a public debate. It has gone on plenty of times in the halls of this Congress. It goes on around the water coolers of Americans in their jobs, I understand and I believe that. I know it happens a lot. I know people sense the problem that exists in the United States with regard to massive immigration; but no one is willing, or I should say, very few people are willing to actually bring these issues forward for public debate, because, of course, there is always someone who is going to stand up and say, this is a racially tainted issue that we cannot talk about it. Any discussion of it, any attempt to reduce the numbers has some sort of racial implication. I say, for one, Mr. Speaker, that it has absolutely nothing to do with race or ethnicity from my point of view; it has to do with numbers. I do not care whether they are coming from Mexico or Guatemala or Nigeria or Canada. I do not care where they are coming from. It is the numbers that we have to deal with.

Now, there are other implications of massive immigration from countries that do not have English as their primary language and I will speak to that in a moment or to. But originally, my point is to make reference again to this chart and to show my colleagues that if we were to actually have just relied upon the population growth from the baby boomers in a short time, in just a few years, we would actually see a leveling off of population growth in the United States and an actual decline as we got to 2100. Now, that is not going to happen. Because, as I say, we have already increased the numbers dramatically, and so we are going to have to deal with the fact that the population of this country is going to go up, even if tomorrow we were to stop immigration totally.

Growth has enormous impacts, as I have suggested, on all of us, every single State. I can recall just coming back from our district work period and looking at what was happening in my own State of Colorado, the incredible number of highway projects that are being undertaken, the incredible number of schools that are trying to be built, the incredible amount of money and tax dollars that we are going to require from taxpayers in order to pay for all of those things.

Now, Colorado is a beautiful place to live. There are no two ways about it. I certainly can recommend it. But I also just recommend that you come and visit and not stay for very long. The reality is that immigration into the country has actually had an impact on Colorado. Most people think that some of the southern tier States, Texas, Arizona, southern California, are the only States that are impacted by massive immigration. That is not true. All States are impacted by immigration. The fact is that huge numbers of people move into these southern tier of States and, in many ways, displace people who were living there. They move because they do not like the quality of life anymore. They move to other States. They move to Colorado in huge numbers, but so have immigrants directly from other countries coming to Colorado.

Our numbers are up dramatically in the State. My district is adjacent to the fastest growing county in the Nation, Douglas County; and I should tell my colleagues that when we look around, again, as I drive down the street and I see all of these houses popping up out of the ground where there were simply meadows before, prairies before, I do not like it any more than anyone else. I remember Colorado. I was born there, I remember a much more pristine environment. It is not benefiting us to have this kind of massive immigration. It is a cost to us.

Where is it coming from? Do we all just assume that it is from people from other States moving in to where all of us are experiencing growth, just people coming from other States? It is wrong. There are not that many States losing population. Every State gained population. It is not an issue of people leaving all of the rust-belt cities and now moving just to the south; it is an issue of massive immigration, immigration from all over the world. People have to be somewhere. We are going to see the effects of it over and over and over again.

Mr. Speaker, I have mentioned the impact on our roads, the impact on highway systems, the impact on our water, electricity; but there is another impact, a huge impact of massive immigration. It is on our schools. Our children are in temporary classrooms all over the place, all over the Nation. We hear about this again and again and again. How come? Where are these people coming from? Remember California? I mentioned that they would have to build a school every day of the year to keep up with the State's increase in population, every day of the year. Well, they cannot do it. So kids, of course, are housed in various facilities, temporary facilities. It will not be long before Colorado, before Arizona, before Texas and other States are indistinguishable from California in terms of immigration patterns and the things that we have to do to deal with it.

I guess the attitude of many countries, we talk about the need for other countries to take care of their own people, to develop an economy that would provide jobs and benefits for those people who live there today so that they would not be looking for the need to leave the country; they would not be looking to immigrate. And we get a lot of talk, by the way, we hear a lot of talk from other countries about their willingness to do something to help stop the flow of immigrants, specifically Mexico. President Vicente Fox

and others have suggested that they would, indeed, try to help us deal with the massive numbers of people coming across the border.

Well, Mr. Speaker, do we know what form that help has taken? Right now, on the border with Mexico, the government is providing people who are embarking upon an illegal trek into the United States, they are providing them with a care package. This care package consists of some food, it consists of a map, it consists of water, it consists of little books about how to take advantage of the system once you get here and oh, yes, condoms, of course. Why that has to be a part of the care package, I do not know, but it is in there.

□ 1715

This is how the government of Mexico is in fact helping us deal with massive immigration on its border.

The reality is, Mr. Speaker, that most of these countries look to the United States as a safety valve. They do not look to do something constructive in their own country, they look to us to be able to take what they cannot handle; to take all the people in their country that are impoverished and that would become a highly, highly unstable portion of the population if they were kept there because they cannot find jobs for them.

One reason, of course, that they cannot find jobs for these people is because they refused to embark upon a free market economy. The only thing I think that will ever get them there is to say to them, it is sort of a tough love thing, to say to the President of Mexico, ''We are going to shut down the border. We are going to put troops on our border.''

That is the only way that we can actually curtail the number of people coming across. It is almost at the flood stage. It could be thought of as an invasion, and therefore, it is appropriate for us to actually put American troops on the border to protect our borders, and we are going to do that. We are going to cut down illegal immigration, and we are going to cut down legal immigration.

We are going to put a moratorium on all immigration. That is what I, of course, hope we would do in a very short time. That is what we need to tell Vincente Fox and others. We need to tell people like Sheikh Hasina Wajed, the President of the Nation of Bangladesh, who, when he was confronted with the kind of population explosion that is almost unbelievable, he said, and Bangladesh, by the way, has a population that is expected to reach 120 million by the year 2050.

When asked how his country could feed, educate, employ, and house a population of that size, President Hasina answered, ''We will send them to America.'' That is a candid statement. It is not often made by these leaders, but I congratulate these people for actually saying the truth. That is exactly what they think they will do.

Our task is to try and figure out what we will do in response, what we will do in response to the enormous pressure that is going to be placed on the United States from a variety of different places in order to achieve some other country's goals.

There were a number of people on the other side condemning the administration for what they considered to be a lack of attentiveness to the energy problem, people preceding the gentleman from California (Mr. ROHRABACHER). It is my contention that there is absolutely a way to deal with the energy problem in California, and the one that is going to get worse for the rest of the country, and that is to deal with immigration, because to a large extent, it is the numbers.

Mr. Speaker, I yield to my friend and colleague, the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. First of all, Mr. Speaker, I would like to thank the gentleman from Colorado (Mr. TANCREDO) for yielding to me. He is a relatively junior Member of the House.

Mr. TANCREDO. Not even that, Mr. Speaker, I am a sophomore.

Mr. ROHRABACHER. The gentleman has taken on a tremendous responsibility and has done a terrific job in calling attention to some issues that are vital to our national security and vital to the interests of the American people.

Unless we address the problem of immigration, and I would put it, of illegal immigration, and we might have a little disagreement on that, but the fact is that those people who are concerned about immigration, and we have about 1 million people a year who come here legally into this country, which by the way, legally those people entering the United States, if we put the rest of the world all together, it has about the same legal immigration into their countries as we do into our one country.

But, on top of that, there still continue to be millions of people, probably 3 million or 4 million people a year, entering this country illegally. It is frightening to see the lack of attention that has been given to this very serious threat by our government, both in the Clinton administration, and we will have to wait to see what happens with President Bush.

But even among the Republican leadership, we have not been able to move forward with a program designed to stem this flow. I think it is basically because there is a fear among people who are politically active of being called racist. It is just this basic element, we do not want to be called names, and we are afraid that someone will impugn not only our integrity but our good hearts, so we have shied away from this issue.

This issue will destroy this country. This issue will destroy the standard of living of our people, and it is currently doing so. In California we feel this acutely, but again, no one wants to face it.

Proposition 187, which tried to hit at some of the real problems caused by illegal immigration, passed overwhelmingly. In fact, it was a landslide, and even right before the vote they were saying it was going to be close. Since that time, those same people who said it was going to be close and might lose have perpetuated the myth that in California we have in some way lost the Hispanic vote by being against illegal immigration.

Mr. Speaker, the gentleman from Colorado is offering the leadership that is so vital to our country and to our well-being, because the people throughout the country understand what a threat this poses.

When we talk about education and class size in California, we are talking about illegal immigration. There is plenty of money in California to educate our children and to have a class size that is appropriate so that our children can learn. Instead, because we have permitted illegal immigration to go unabated, our children, the children of U.S. citizens and the children of legal immigrants who are here in this country and who are going to our schools, are being shortchanged.

Why are we doing that? Why are we permitting the education standards to drop like a rock, and our kids to not be taught or be given training they need to sustain a good life? Why is that? Because we are afraid to be called racists.

Give me a break. What is our responsibility? We have got to step forward and say that we care about those young people who come from another country illegally. We care about their families and fathers and mothers, because they are mostly, and I am sure the gentleman from Colorado agrees with me, 95 percent of all the people who come to this country, even the illegal ones, are good people. But the fact is that we cannot take care of everyone in this country from everywhere in the world who wants to come here.

Mr. TANCREDO. Mr. Speaker, I have mentioned before that it sometimes gets lonely on this floor talking about this issue, and I should have remembered that there is always one person that I can rely on, because he has both the integrity and the guts to come up and also address the issue with me. That is my friend, the gentleman from California (Mr. ROHRABACHER).

The gentleman is absolutely right when he talks about the fact that this is a dagger pointed at the heart of America.

I do not for a moment want to be misunderstood. My desire is not to see a reduction in a certain group of people, a certain ethnic group of people. It is simply the numbers game we play, from my point of view. It is overwhelming us.

I will tell the Members that I do have a concern about the way we deal with immigrants from countries where the language is not English, and the kinds of problems that poses to us from a cultural sense.

I happen to believe that there is one thing we need, and this is a country of many different colored people, many different kinds of ethnic backgrounds. We do not all worship at the same churches, we do not all eat the same kinds of foods, we do not all dress and think alike. We have a great disparity among Americans. That is, in a way, an aspect of our greatness.

Mr. ROHRABACHER. Yes.

Mr. TANCREDO. But there is one thing that is absolutely imperative, it seems to me, in a situation like that. That is to have a common language, so that we can in fact communicate with each other about the things that are important.

When we see that, along with massive immigration from countries that do not speak English, English is not the primary language, when we see the pressure that places on us here to expand the number of languages that we teach in schools, let me tell the gentleman an interesting and almost I think incredible fact.

Not too long ago, I read that a gentleman who could not speak English was operating a nail gun and, because of whatever reason, he ended up shooting himself in the leg with this nail gun. The gentleman could not speak English. He therefore determined, or I am sure it was some lawyer who determined this for him, that his best thing to do was to sue the manufacturer of the nail gun because the directions and the warnings were not printed in more languages than English, in his particular language.

There are places around the country where police have to go on calls and have to take with them linguists, people who will speak a variety of languages, when they get to the door. The reason is because if they get to the door and they cannot speak the language of the person who has made the call, they, the police, could be sued for not appropriately addressing the situation.

We have had a 911, and this actually happened, a 911 call that comes in from someone who was not speaking English. The person on the other side of the phone could not speak the language. A lawsuit is developing as a result of this. Manufacturers are being told that they have to start providing all these warning labels in a whole bunch of languages.

I ask the gentleman, where will this stop? How many signs do we put up on street corners? How many one-way signs? How many languages do we print them in?

Mr. ROHRABACHER. If the gentleman will continue to yield, Mr. Speaker, the gentleman from Colorado brings up a serious, serious issue.

First and foremost, the reason we would like immigration to be in a very controlled and rational process, rather than what we have today, which is totally out of control, a chaotic situation, is because people who come here should come here and be able to, number one, speak the English language, because they should be able to take care of themselves, that is number one; they should be healthy; and they should be honest; just those three things. If they cannot speak the English language, obviously, in a country like ours, they are not going to be able to earn a good living and take care of themselves.

I have no complaints, as I say, about the level of 1 million people coming in here, especially when we consider we have 2 million or 3 million that are coming illegally, and many of the people that the gentleman is describing right now are people who have come here illegally and expect to have the services provided to them in their own language. This is adding insult to injury.

Mr. TANCREDO. Mr. Speaker, there are 375 voting districts in this country where ballots are provided in more than one language. This is a fascinating phenomenon. I ask my colleagues to think about this, and people who may be observing us here.

If we have to print a ballot in a language other than English so that a potential voter can understand it, what does that tell us about that voter's ability to have understood the debate leading up to that election? How do they know what the issues are? How do they know how any one of those candidates they are voting for feels about an issue if they cannot understand English?

It is an idiotic thing to present someone with a ballot in another language when that means they could not have understood the debate leading up to that election.

Mr. ROHRABACHER. The gentleman makes a good point. If he would yield, I would also point out that in order to vote in this country, one is supposed to be a citizen of the United States. In order to become a citizen of the United States, one has to be proficient in the English language. That is part of the requirement of citizenship.

By the way, in Orange County, just like most of California and the rest of this country, our people were conned into, for many years, this bilingual education concept. It was not until 3 or 4 years ago that we finally got rid of bilingual education.

Mr. TANCREDO. I would like to know how the gentleman did that.

Mr. ROHRABACHER. We had an initiative on the ballot, and the people overwhelmingly voted to get rid of bilingual education. I might add, even in the Hispanic community they voted to get rid of bilingual education. In our county, in Orange County, we pushed hard to make sure that that law was complied with and bilingual education was eliminated.

Does the gentleman know what the results have been in? In the last 15 years, we have had bilingual education in Orange County and the Hispanic kids have been, in the test scores, always at the bottom of the deck, always down there at the bottom of the ladder. The Hispanic kids always came in last in all the tests.

Since we have eliminated bilingual education, the Hispanic kids now are getting higher grades, and they have averaged out like every other child in the school district.

□ 1730

Bilingual education was a cruel hoax perpetrated on the Hispanic community by liberals who were trying to tell people that they were giving them something for nothing by appealing to some sort of anti-American nationalism when, instead, they should have been appealing to the better instincts of these people and trying to help them learn English, which was a prerequisite to success.

We have done a monstrous crime. The liberals have done a monstrous crime against the young people in our Hispanic communities throughout this country in making sure that they did not learn English proficiently by having them taught at a young age in a bilingual setting, which just inhibited them from learning English as we now find they are doing in southern California.

Mr. TANCREDO. Mr. Speaker, the point the gentleman from California (Mr. ROHRABACHER) brings up about bilingual education is an extremely important point. I hope people understood and heard what he said, about not only the willingness of people of the State of California to eliminate it, but a large, a significant number of a part of that population that voted to eliminate it were Hispanics themselves.

Because most of the people that come here from Mexico or anywhere else, they come here as poor people looking for a better life. They understand one thing very clearly; that is, in order to get that good life for themselves and for their children, they need to speak English. They do not want their children in these bilingual classes.

It is this educational elite that wants to force these children in. Well, there are a lot of interesting reasons. Some are political, some are cultural. But we passed in the Committee on Education and the Workforce, and in the education bill that we passed out of this House just a short time ago, we included a provision for bilingual education that, for the first time, will require parental approval, not just notification, but a parent has to give their approval, an affirmative statement that they want their children in a bilingual classroom.

One cannot imagine how that was looked upon by the other members of the committee, by members on the other side of the aisle especially. It was fought tooth and nail.

Mr. ROHRABACHER. Mr. Speaker, is the gentleman from Colorado trying to say that the people on the other side of the aisle opposed giving Hispanic parents even the choice of having their kids in bilingual education?

Mr. TANCREDO. Absolutely, Mr. Speaker. This was an anathema to them that they would ask an Hispanic parent or any parent, it does not have to be Hispanic, someone who could not speak English, permission to put their kid in a nonEnglish speaking classroom.

Colorado, it used to be until a short time ago, that one could spend one's entire career in school K through 12 in the Denver public school system without ever being in an English speaking classroom. Now that has changed: It is down to 3 years.

But I will tell my colleagues this, that all of the attempts on the part of the education establishment are to keep these kids in longer and longer and longer even though they learn nothing. I tell my colleagues that thank God for those parents, smart enough to know, smart enough to know they may not have terribly marketable skills in some of the high-tech areas or whatever. But those parents are smart enough to know that their children have to learn English and should, just like their grandparents and mine came over here, mine would not speak Italian, they would only speak what, my grandmother used to say, speak American, speak American.

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

Mr. TANCREDO. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, it should be noted that, in California, there were actual demonstrations by Mexican Americans at the Board of Education against bilingual education. The Board of Education, of course, would not listen to them. It was not until people were forced through a ballot initiative to eliminate bilingual education or at least give these parents a chance to have their kids taught in a nonbilingual setting, which then gave them the ability to compete and have better lives.

What a crime against these young people we have seen. I hope the Hispanic community notes this, notes the effect and who caused this, who caused the lowering of the potential of their child by forcing them through this antieducational environment that is called bilingual education.

I would like to note something while we are talking now about illegal immigration. A lot of times people will suggest that this massive flow of illegal immigrants really has not hurt anybody in this country. We have already pointed out that in California, at least I think this is true in other parts of the country, that the class size alone shows us that young people in our country have been damaged severely by having an extra, in California I will bet about a third of the class members in most classes in southern California are illegal immigrant children whose parents have come here recently, never having paid taxes, and now their children are immediately enrolled in a school system they have never contributed to. Is that hurting somebody? You bet it is. It is hurting the kids of the legal immigrants and the kids of the citizens.

But illegal immigration by being out of control as it has has had a tremendous impact on the standard of living of our people. We have just gone through 10 years of a major upsurge in our economy. This is one of the great times since Ronald Reagan turned the economy around in 1983, we have had one of the longest periods of economic growth in our history.

Yet, what is confounding the economists and the others who are analyzing all of the figures from the last Census is, how is it possible that wages have not gone up even though we have had this major increase in the economy and the GNP? All of the models would have had a big increases in wages. In other words, the standard of living of the American people should have gone up of average working people, but it did not.

Why did it not? They have figured it out that, instead, our liberal colleagues have been downplaying how many illegal immigrants are in our country. They have been telling us maybe there is 4 or 5 million illegal immigrants in our country. No, the Clinton administration lied to us. There are between 10 and 20 million illegal immigrants in our country.

Do my colleagues know what that has done for the average person? All of that money that should be going into the pockets of our own citizens because wages would have increased, that did not happen at all. That did not happen because there were more people there offering themselves at a lower price to undercut our own citizens, our own legal residents.

In other words, janitors in our country should be making more money. Guess what? Janitors in the United States of America, if it was not for illegal immigration, would be making a lot higher salary. What about people who work in hamburger stands? What about people who work in parking lots? What about people who work in all those many millions of jobs throughout our country that, yes, they are at the lower skill level, but they deserve to have some of the benefits of an expanding economy?

Our poor people deserve to have their standard of living go up when things are good in the United States of America. But what has happened is we permitted ten to 20 million illegal immigrants into our country, and thus the standard of living of the lowest part, the lowest rung of our society, people who are just struggling to get by, their capability of raising their standard of living was undercut by, of course, the liberals who care so much about the poor people.

I hope that people in this country realize that this has gone so far that even their labor unions now have turned a corner and are saying that we should permit illegal immigrants to come in and take labor union jobs.

When we are doing that, we are undercutting our own people. Our own people will not even get into those unions.

This is a terrible crime against the people of our country. I will have to say, the Republican leadership has not stood up to this. I am hoping that President Bush will. But President Clinton and his liberal gang just betrayed the interests of the American working people over and over again, and illegal immigration is one of the best examples.

Mr. TANCREDO. Mr. Speaker, the point the gentleman from California makes, especially about the impact, the negative impact of immigration on immigrants themselves, is something that we must not overlook here. It is not simply for a selfish benefit that we propose to reduce the number of immigrants into this country, both legal and illegal, it is because it is also the best for immigrants themselves.

We can, in fact, accommodate a certain amount of immigration into this country, and we will all benefit by it, the Native American, if you will, or the indigenous American, if you will, and the immigrant. But we cannot do it at these numbers, not in a million a year legally and 2, 3, 4 million a year illegally.

Here is what happens. There was a report not too long ago that was kind of perplexing. It was confounding in a certain way because it talked about the growth of poverty among children in America. Once again, one says to oneself now this is anti-intellectual. It does not seem right. It does not seem logical. How can we have a growth in poverty in the United States of America when in the last 10 years, 12 years, 20 years, 15 years probably we have had this enormous economic boom.

Well, if one studies the numbers, what one finds out is that there is a growing number of children that are ''in poverty''. But who are these children? They are the children of immigrants themselves, because they cannot achieve the American dream for the same reason that my colleague explains. There is a depressing effect of the numbers on the wage rates. This has been documented over and over and over again.

Yes, maybe it is a little better than they could have made in their country of origin, but they still cannot accumulate the necessary trackings of the good life over here because they have to take the lowest wage jobs. Because in the numbers they come in here, it depresses that whole wage.

You bet I hear from others. It is not just ''liberals'' who oppose any sort of lessening, reducing immigration, reducing the numbers and trying to do something about shoring up the border, it is many, many of my more conservative business people who come to me and say, I have to have these people. I have to have them. I would say, what do you mean you have to have them? They say, well, I cannot get people to

work. I say, you cannot get Americans to work for that wage. Put that in there, and I cannot absolutely understand that. Yes, it is true.

So believe me, I am not just here condemning this sort of, what I call the noblesse oblige attitude of the left. It is also these very selfish interests of many people on the right who are impoverishing both the people coming in who are taking advantage of them, who are manipulating them, and at the same time they are actually reducing this quality and sound of life for the rest of America.

Mr. ROHRABACHER. Mr. Speaker, we may have a disagreement on the decline on bringing down the legal number of immigrants. I think a million people coming in in a very rational approach and trying to bring in people who can take care of themselves are honest and healthy and is a positive thing.

I think we can absorb a million. But what is skewed to me, what has skewed this whole situation and, as the gentleman was saying, even those people who are being seriously affected now is the fact that we have let illegal immigration go totally out of control. While we let a million people in legally, there are 3 and 4 million illegal immigrants into our country coming in through other means.

The gentleman from Colorado is precisely correct when he says it impacts those legal immigrants as well as the poor people in our society. For example, and he also pointed out, that it is not just liberal elected officials who are involved with not caring about this issue that is hurting our people, but he pointed out that there are many businessmen who are taking advantage of it.

When I said the standard of living of our working people is not increased because of the legal immigration, we have to remember that many of the businessmen will not offer health care and other benefits to their workers because they do not have to. They do not have to.

Go down and check the health care departments throughout the United States of America, and one is going to find they are swarming with illegal immigrants who have come here, either people who are sick and wanted to come here and get free operations, or people who came here are healthy people, went to work, and worked at virtual slave labor prices for big businessmen.

Big businessmen, if they are going to expect that the market is going to protect them, that we believe in the market, thus we believe they can charge what they want for their goods and services and what they offer for people, the market has got to work when it comes to labor as well. If labor is going to cost more money, business is going to have to pay more money for labor. We expect that because we expect the standard of living of poorer Americans to rise right along with the rest of our society.

But if we have a situation where the poor people of this country have joined a liberal coalition that turns its back and permits millions of illegals to come into this country, our poor people will never be offered the jobs that have health care. They will never be offered a raise.

The poorer people of this country have been betrayed by the liberal coalition who have made themselves an ally with illegal immigration in our society. Whether it is health care or whether it is good jobs, it is all being undercut by the liberal coalition and big businessmen who are, yes, many of them are Republicans.

One last note on that point. The gentleman and I faced an issue here recently just last year. How many times did we hear about H–1B Visas? Right? H–1B Visas. Does the public know what an H–1B Visa is?

We were being asked to give hundreds of thousands of jobs to people, basically people from Pakistan and India, in order to come in and get these great high paying or mid level and high paying jobs in the computer industry. At that time, the high-tech industry said, oh, we cannot find Americans to do these jobs. I talked to these businessmen. Oh, you have got to give us these.

Yes, they could not find Americans to do it because they were paying $50,000, and now the market value for people that could work in those high-tech jobs was more like $75,000 or $80,000.

□ 1745

But how did American business want to deal with that? I will tell you how: by beating American citizens into the ground, by bringing in a hoard of people from overseas to undercut their ability to get a higher wage. Give them H–1B visas. Let us bring in 600,000 people from India and Pakistan to get those jobs.

I would say to the businessmen, have you tried to go down to the local high schools and pick out the young kids who do not have the means to go to college but have the skills, the academic skills, and offer them scholarships if they will come and work for you? Oh no, they did not do that.

Well, did you go to the disabled community where we have people in wheelchairs who can do work, but maybe they do not have the use of their legs or something? Did you go to try to recruit those people to set your shop up, so they could do the job and pay them a good and decent wage for a change? Oh no, we have not done that.

No, what we want to do is bring in these young Indians and Pakistanis who will work for one-third the wage of what our people will work for and let those other Americans go to hell, as far as they are concerned.

This is not what this government is supposed to be about. This is not what Republicans are about, at least not these Republicans, because we care about the citizens and, yes, we care about the legal immigrants in our country. And we should not be supporting policies that undermine the ability of our people to have their incomes increase or undermining the ability of our poorer people because of an economic boom to have a better life.

Mr. TANCREDO. The gentleman brings up so many good points and addresses them so articulately that I am always inspired listening to him. I enjoy it tremendously because I believe the gentleman is a patriotic American who understands the real challenges to this country.

We have said this before, but they do not want to look at this issue of immigration. They are afraid of it for a variety of reasons, but as my colleague says, one reason is they will be confronted by name calling and epithets. And I guaranty you when we get back to our respective offices our phones will have been lit up, and for a long time, with people saying a lot of relatively nasty things. I have gone through this before. I understand it. I am willing to go through it time and time and time again, because I believe this is one of the most serious pressing problems we face as a Nation.

I believe with all my heart that we will not exist as we are, a Nation with the kind of quality of life that we have, unless we address this head on and take our lumps. And people can call us all the names they want to call us and whatever, but somebody has to bring this to the attention of the American people.

And I will say one more thing about what my colleague mentioned before on the part of many businesses to ignore the alternative, the alternative being to force the school systems. If we are having a problem, if the problem is that our school system just simply cannot produce, does not produce the kind of quality skills and level of skills that business needs, there is a way to address that. They can demand more from the schools. Or they could avoid all that. They can avoid putting money into the school system, they can avoid challenging the schools with school choice and a variety of other things, and they can take the easy way out. Business can say, I do not have to get them here because I can go to someplace else, I can go to India and Pakistan to get them.

I suggest it is just like when we talked earlier about the fact that we are giving Mexico and other countries, for instance, the President of Bangladesh, when he was confronted with the growth in his population and what he was going to do about it, he said, ''I'm not going to do anything about it. I will let America take care of it. I will send them to America.'' This is the problem; that we give these nations an out. We become their safety net.

It is the same thing here by letting these employers off the hook and not forcing them to go to the school systems, not forcing them to improve the quality of education and then they can

get the kind of help they need. We give them a safety net. We say go get illegals.

Mr. ROHRABACHER. If the gentleman will yield once again, the irony of this is that so many of these countries that are sending their people here, many of the people coming here are their educated people and they need them in their own country. Many of the people who come here from other countries are indeed people who believe in our democratic system and are the cream of the crop. And, as such, what we have done is take away the ability of that other country to have progress in their country while at the same time undermining the United States, the people of the United States of America and their standard of living.

We are going to keep having shortages in energy, as the gentleman said, in transportation, health care, and especially education. We are going to continue to see the standard of living of ordinary Americans just stagnate unless we get control of this illegal immigration. And if we do not stand true to our principles of keeping English the official language, it will create total chaos and division in our population.

I congratulate the gentleman for his leadership he is providing and let us work together on this.

Mr. TANCREDO. I thank the gentleman very much for coming down here. I hope we will do this again and that I will be able to convince the gentleman that even a million a year illegally is too much.

U.S. SUGAR SUBSIDY POLICY

The SPEAKER pro tempore (Mr. OTTER). Under the Speaker's announced policy of January 3, 2001, the gentleman from Illinois (Mr. DAVIS) is recognized for 60 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I must say that I noted with tremendous interest the discussion which just took place, and, of course, I think there is always the likelihood and the possibility that countries get larger and larger and opportunities become greater and that those opportunities should be shared by and used by as many people as we can possibly make them available to.

Mr. Speaker, earlier today I participated in a press conference called by the gentleman from Florida (Mr. MILLER) and the gentleman from California (Mr. GEORGE MILLER). They called this press conference to announce their introduction of legislation to change our sugar policy and to phase out some of those huge subsidies that we are providing for the control of the sugar industry to small groups of people and small business concerns; that is small in numbers but certainly large in terms of influence and large in terms of their control of the industry.

Also at that press conference was the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Ohio (Mr. CHABOT). The whole question of our sugar policy is rocking the country in many places because of the fact it is having a tremendously negative impact upon the ability of people to continue to grow and develop in their local communities. Every country and every government that is of a sugar-producing nation has intervened to protect their domestic industry from fluctuating world market prices. Such intervention has been necessary, it is argued, because both sugar cane and sugar beats must be processed soon after harvest using costly processing machinery. When farmers significantly reduce production because of low prices, a cane or beat processing plant typically shuts down, usually never to reopen. This close link between production and capital-intensive processing makes price stability important to industry survival.

The United States has a long history of protection and support for its sugar industry. The Sugar Acts of 1934, 1937, and 1948 required the United States Department of Agriculture to eliminate domestic consumption and to divide this market for sugar by assigning quotas to U.S. growers and foreign countries, authorized payments to growers when needed as an incentive to limit production, and levied excise taxes on sugar processed and refined in the United States.

This type of sugar program expired in 1974, following a 7-year period of markets relatively open to foreign sugar imports, mandatory price support only in 1977 and 1978, and discretionary support in 1979. Congress included mandatory price support for sugar in the Agriculture and Food Act of 1981 and the Food Security Act of 1985. Subsequently, the 1990 Farm Program, the 1993 Budget Reconciliation, and the 1996 Farm Program laws extended sugar program authority through the 2002 crop year.

Even with price protection available to producers, the United States historically has not produced enough sugar to satisfy domestic demand and, thus, continues to be a net sugar importer. Historically, domestic sugar growers and foreign suppliers share the United States market in a roughly 55 to 45 split. This, though, has not been the case in recent years. In fiscal year 2000, domestic production filled 88 percent of U.S. sugar demand for food and beverage use. Imports covered 12 percent. A high fructose corn syrup displaced sugar in the United States during the early 1980s and as domestic sugar production increased in the late 1980s.

The USDA restricts the amount of foreign sugar allowed to enter the United States to ensure that market prices do not fall below the effective support levels. The intent in maintaining prices at or above these levels is to make sure that the USDA does not acquire sugar due to a loan forfeiture. A loan forfeiture, turning over sugar pledged as loan collateral, occurs if a processor concludes that market prices at the same time of a desired sale are lower than the effective sugar price support level implied by the loan rate.

Now, I mention all of this background to mention the fact that there has been reason for the development of our policy. But then as times change, so is there a need for policy change, and so, Mr. Speaker, I approach the subject of sugar subsidies from a little different angle, something slightly different than just looking at what it is that we do for the producers.

In my district today, tonight, more than 600 jobs are at risk, in part because of the sugar subsidy. So my view this evening is the view of the community, the point of view of the working man or woman. We live in a society of plenty and, still, 20 percent of our children live in poverty. In areas where we measure near poverty, such as California, the rate rises to 45 percent. Similar numbers characterize my district in the State of Illinois. Over the past 35 years, our national production of goods and services has more than doubled, yet the inflation-adjusted income of most poor Americans is lower today than it was in 1968.

A recent CBO report revealed that after-tax income of the poorest 20 percent of U.S. households fell between 1979 and 1997, while the income of the wealthiest 1 percent of U.S. households grew a staggering 157 percent.

□ 1800

More egregious, wage and equality, that is, the relative drop in pay for the lowest-paid workers is again on the rise. This is accompanied by an actual loss of jobs in our economy last month of 19,000; and an increase in the number of laid off workers as a share of the workforce. Manufacturing continues to bear the brunt with employment down 124,000 in May and job loss this year averaging 94,000 per month.

Most folks know that some of these recent setbacks are at least in part due to the current economic downturn we are experiencing. But especially in manufacturing, we have been experiencing a long-term so-called structured downturn for two generations. Jobs With Justice counted three-quarters of a million jobs lost as a result of NAFTA sucking jobs out of the United States; 37,000 of those jobs were lost in Illinois. Total job loss in Illinois was much worse. Between 1970 and 1984, the city of Chicago lost a total of 233,873 jobs in the manufacturing sector and another 39,660 in wholesaling as a result of plant closings and layoffs. These job losses hit especially hard at women, African Americans, Latinos, members of other minority groups.

In addition to jobs lost, occupations which dislocated workers had high concentrations of women. This pattern of job loss and dislocation can be traced all the way back to the end of the Second World War; and of course although I mention Chicago, it is not limited to Chicago and Illinois. Between 1947 and 1963, Detroit, for example, lost 14,000 manufacturing jobs. No wonder the

Midwest came to be called the Rust Belt. In fact, though the rust has impacted all of America, globalization has accelerated the process of deindustrialization, but that does not mean that we must resign ourselves to those consequences. On the contrary, what it means is that we need a policy, a trade policy, an economic policy, a foreign policy, which serves the interest of every American, every working man, every working woman. Every man and every woman.

Anyone who claims that globalization is just about free trade, about letting the market work, is not telling the whole story. If NAFTA were only about free trade, the treaty would have been a page or two long, and simply declare all taxes and barriers to free trade are hereby repealed.

Instead, the treaty is a thousand pages of dense legal type and has hundreds of additional pages of highly technical appendices. All that legalese is there to protect specific interests and specific institutions. What is not protected is the jobs of ordinary Americans. What is not protected is the environment. What is not protected is the health and safety of the American consumer.

Mr. Speaker, there is a role for the public sector, and there is a role for the private sector. Of course I am here today to advocate for the removal of an obstacle to economic growth, a relic of agricultural needs and times that have come and gone. While there have been efforts to do this in the past, I trust that this year we will be more successful. But it must be part of a broader concern, a broader policy of protecting the jobs of ordinary Americans; and it must be part of a policy that demands corporate responsibility, performance standards, public disclosure, fairness and equity in return for the nourishing environment our corporations enjoy.

Mr. Speaker, the Bible teaches that we sometimes ought to consider what profits a man who loses his soul. I guess I would probably phrase that differently and maybe would ask the question, What profits a Nation which abandons its people?

I believe that is exactly what we have done. That is exactly what we continue to do as long as we have an archaic sugar policy that does not allow jobs and economic development to take place in neighborhoods and communities throughout the country that are in need of fairness and fair opportunity to expand, to grow, as opposed to retrenching and going out of business.

Mr. Speaker, our sugar policy is a very important issue that has the potential to cost our respective districts many jobs. So now the question becomes and the question is: Should the Federal policy seek to ship overseas the jobs of hardworking American citizens in order to bestow huge subsidies on a relatively small group of individuals and businesses, many of whom are already wealthy? I would think not, and I would venture that the vast majority of Americans would agree with me.

That is precisely what is occurring because of the sugar price support program, a program which has thrown onto the unemployment rolls thousands of my constituents, other residents of the city that I come from, and other people all over the country who rely upon the candy and food industries for livelihood.

The sugar price support program is in crisis. Approximately 65,000 Americans are employed in the candy industry nationwide. However, according to the Chicago Tribune, since the 1990s, 4,000 of those jobs have been lost and have left the city of Chicago alone. Just recently we got word that one of our plants, Brach's Candy Company, with 1,600 jobs was going to move out of the city, out of the county, out of the State, out of the Nation, into Argentina. They are going to move because they say that they pay twice as much for sugar as do their overseas competitors.

Communities like those around the Brach's plant are in many instances already devastated, have already experienced high levels of unemployment, have already had to dig their way out as we have seen change in trends. So I would point out, Mr. Speaker, that these job losses are in addition to those in the cane refining industry. Since the sugar price support program was enacted in 1981, 12 of 22 cane sugar refiners, including one in Chicago, have gone out of business, in all likelihood never to return. As many as 4,000 high-paying union jobs were lost when these refineries shut down.

Unlike most other agricultural programs, the sugar program has not since its inception in the 1980s been reformed to reflect change in market conditions. The program is still aimed at keeping sugar prices high by limiting imports and making loans to growers. Operating under the price protection of this program, domestic sugar producers taking advantage of both technological advances and good weather have increased their production dramatically, so much so that production reached such high levels last year that the Federal Government, our government, my government, your government, bought 132,000 tons of sugar off the domestic market at a cost of $54 million. There are some who would call this a sweetheart, I guess you cannot get much sweeter than sugar, deal. In fact, when you include the cost incurred by the government from sugar loan forfeitures, the cost to the United States taxpayer for the sugar program was $465 million last year, and the United States Government is now having to pay additional millions of dollars to store some 800,000 tons of sugar. So there you have it.

All of our constituents pay for the sugar program in either their taxes and in the prices of the products they purchase at the grocery store. And then, of course, some of us pay by losing their jobs. The jobs being lost in the candy industry are not moving to another city, county, or State, but to other countries such as Mexico or Argentina where sugar can be purchased at world prices.

All of the way back to my days when I served on the Chicago City Council, I have seen the gradual decline and loss of jobs in the candy industry, and specifically in urban Chicago.

Therefore, I am certain that we must find a solution to prevent the further loss of jobs throughout urban America, and I would encourage my colleagues to find me and find such a solution. I believe that such a solution has been proposed today. Therefore, I would urge support for the Miller-Miller legislation which was introduced earlier this day.

I am also pleased to note that my colleague from the city of Chicago, from the First Congressional District, the oldest, as a matter of fact, African American congressional district currently standing in the United States of America, for example, it was that area after the period of Reconstruction was over and all African Americans had been put out of the Congress, and we went through a period where there was no black representation in Congress for about 30 years, finally from the First Congressional District of Chicago came Oscar DePriest; and following in the footsteps of Oscar DePriest and the footsteps of the late Mayor Harold Washington, I am pleased that my colleague, the gentleman from Illinois (Mr. RUSH), has come to join us and participate in this discussion.

Mr. RUSH. Mr. Speaker, I thank the gentleman who has been my friend and my colleague, my compatriot, my comrade, in the many, many struggles that we both have been involved in throughout our adult lives.

□ 1815

My friend, the gentleman from Illinois (Mr. DAVIS), who represents the great Seventh Congressional District in the city of Chicago in the State of Illinois is beyond comparison as a gallant and valiant fighter for the interests of not only the citizens of the Seventh Congressional District but for the interests of all American people, particularly those who are working and struggling day by day to make their lives better. It is upon this occasion that I commend him once again for his extraordinary leadership on this particular issue of the Federal subsidies of the sugar industry here that we are discussing this afternoon.

The gentleman from Illinois has laid out the problem. I would like to just share in his analysis, in his views. I would like to share his description of this Federal sugar subsidy program, which is unlike many, many other Federal crop subsidies. This Federal sugar subsidy program disproportionately impacts American citizens and American businesses. The sugar program

negatively impacts American consumers, particularly and especially the poor. When you strip it apart, when you cut it down to the essence of this program, we find that this Federal sugar subsidy program is really a tax on food items that contain sugar. That is all that it is. It is a tax, a tax on the food items that contain sugar.

The General Accounting Office estimates that the total cost to consumers and users of sugar is $1.8 billion annually. A tax for those who use sugar of $1.8 billion year after year. Even more detrimental, the sugar tax is regressive. That is, that it places the greatest burden on those who are least able to pay, those who are on fixed incomes, those who are struggling to provide food on their tables on a day-to-day basis, those who are least able to pay in this society are forced to pay $1.8 billion each and every year to sugar producers.

If U.S. consumers like those who are in my district, the first district of Illinois, and those who are in the district of the gentleman from Illinois (Mr. DAVIS), the Seventh District of Illinois and others throughout America, if consumers had been given access to world-price sugar, say, in 1999, a five-pound bag of sugar that cost $2.17 would have only cost $1.38. We paid almost twice the cost for a five-pound bag of sugar in 1999 as we should have paid.

I look around and I think about how many parents, mothers and fathers, those who are working class, those who are striving on a day-to-day basis to try to make ends meet, how many of us would have loved to pay almost half the cost of sugar and thereby saving our little money to go toward school supplies and school clothing and maybe even just a night out with the family at the movies but could not afford to do that simply because of these exorbitant prices that we have been forced to pay for the cost of a five-pound bag of sugar.

The sugar program unfairly disadvantages American businesses. We know that the United States has a long history of internationally known candy makers. We are the capital of candy makers throughout the world. Chicago, the district and the city that both the gentleman from Illinois (Mr. DAVIS) and I represent is the capital for candy makers. All across this country, whether it is in Pennsylvania with Hershey's or Brach's; Kraft or M&M/Mars in Chicago; Nabisco in the great city of Holland, Michigan; or Nestle's in California, the United States candy industry brings millions of dollars in tax revenues to communities throughout this country. As many as 293,000 workers in 20 States depend on these same businesses for their livelihood. People work for these candy manufacturers. Families are fed, clothed and housed because of their salaries that are generated from working for these candy manufacturers. Children are sent to school, to college based on their parents' ability to provide dollars and assistance to them. Our livelihood depends on these candy manufacturers.

And what are we doing? The Federal subsidy program for sugar is placing U.S. candy manufacturers at a competitive disadvantage by raising the cost of sugar in this country. We are driving candy manufacturers out of our country. Many of them are being forced to consider moving, as the gentleman from Illinois said earlier, not from Illinois to Indiana, not from Pennsylvania to Ohio, but from this country to other countries, including Mexico.

They are forced out of our Nation because of our Federal subsidy program for sugar. Almost 300,000 people, 293,000 to be exact, are going to lose their jobs unless we find a remedy, unless we correct this injustice, this problem that we are confronted with as it relates to Federal subsidies for sugar producers. If we want to keep the candy industry in this country and keep it healthy and give it the protection that it needs so that it can keep our citizens working and our families healthy and stable and viable, then we can do nothing less than do away with the current Federal sugar subsidy program.

We can do no less than bring this Federal sugar subsidy program to a screeching halt. We can do no less than give these workers who are employed by candy manufacturers the kind of protection that they need, give them the kind of support that they need, give them the kind of policies at the Federal level that would help them to continue to work at jobs that help them take care of their families, in jobs that will help them provide food and clothing and shelter for their families. We can do no less than to give them the kind of support that we need to give them so that they will be able to maintain their families in a way so that their children will grow up to be healthy and productive American citizens.

I want to thank again my friend the gentleman from Illinois (Mr. DAVIS) and the sponsors of the bill, the gentleman from Florida (Mr. MILLER) and the gentleman from California (Mr. GEORGE MILLER). I want to thank all of them for looking out for the little guy, for bringing this issue to the floor, to the well of the House, to inform the American people that what we are doing with this Federal sugar subsidy program, it is almost criminal. It is a tax, a regressive tax, on those who are least able to pay it. It does not make sense, it is backwards, it is exploitive, it is discriminatory, it is regressive, and we have got to stop it and we have got to stop it right now. I again thank the gentleman from Illinois (Mr. DAVIS) for his extraordinary leadership on this particular issue.

Mr. DAVIS of Illinois. I thank the gentleman from Illinois (Mr. RUSH) and I certainly want to thank him for his very passionate and eloquent description of the problem. I had not really thought in terms of further taxation, but when he makes the point that this becomes additional taxation as we purchase beverages, as we purchase candy, and, more importantly, as we purchase ordinary food which contains sugar, that is another way of looking at the issue. I certainly agree with him that it has to stop.

We are also pleased that we have been joined by the dean of the Democratic delegation from the State of Illinois, one of the real experts on aviation in this country but one who understands not only aviation but urban issues and urban problems all over America, the gentleman from Illinois (Mr. LIPINSKI). We are so delighted that he has joined us, and we thank him so much for coming.

Mr. LIPINSKI. I appreciate very much the gentleman taking this special order tonight. It is another demonstration of his outstanding leadership here in the Congress of the United States. I am certainly happy to see that the gentleman from Illinois (Mr. RUSH) has also joined the gentleman here tonight, another excellent leader in the Congress from the State of Illinois.

Mr. Speaker, I rise today to express my strong support for ending the sugar subsidy program. A program which some claim costs absolutely nothing is actually costing the government millions and consumers billions of dollars. This program triggers unemployment in the sugar refining industry and is not how a farm program should work.

In the 1996 farm bill, we committed ourselves to phasing out price supports for every commodity except sugar and peanuts. It is time to level the playing field and expose the sugar program for the sham that it is. The sugar support program is supposedly designed to operate at no direct cost to the Federal Government. The Department of Agriculture provides a loan to sugar growers. The growers use sugar as collateral.

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When the loan comes due, if the processor can make a profit, repay the loan and sell the sugar on the open market, that is what he does. However, if raw sugar prices fall below a predetermined price, the growers simply default on the loan and forfeit the sugar they put up for collateral, a practice which is becoming increasingly more common.

Clearly, this is a cost to the taxpayers and a waste of taxpayers' dollars.

In fact, according to the USDA, last year the government bought more than 1 million tons of sugar for $435 million and it now pays $1.4 million monthly to store the sugar. In addition, the government gave some of the sugar back to the same industry that forfeited it in the first place in exchange for the processors getting the farmers to destroy some of their growing crops. As a result of the sugar program, domestic prices for raw sugar are typically twice world market prices and sometimes more.

Currently, sugar costs 9 cents a pound on the world market but the government sets the domestic price for raw sugar at 18 cents a pound and 22.9 cents for refined sugar beets. According to the General Accounting Office, this price difference means that consumers are paying $1.9 billion more than they need to for sugar and sugar products. Yet, maybe most importantly, hundreds of jobs have been lost in the refining industry in just the past few years due to the unwise sugar subsidy. Since the mid-1980s, 12 of the nation's 22 cane sugar refineries have gone out of business, including one in Chicago. Just last year, a large Brach's candy factory on the West Side of my hometown Chicago was forced to shut down due to inflated sugar prices.

What is particularly infuriating about this situation is that these refinery jobs are good-paying jobs located in inner cities and areas where other employment opportunities are scarce.

For example, the confectioners who used to use domestic sugar are instead having to send those jobs to Canada or Mexico, where they can purchase affordable sugar, costing American working men and women their jobs. It is the families who work in these sugar refineries that are being closed down who are suffering the most.

The Committee on Agriculture is writing a new farm bill, and we cannot afford to have the sugar lobby write the sugar policy. Until the sugar subsidy program is phased out, consumers will pay more for products containing sugar. Taxpayers will continue to pay more to buy surplus sugar. Workers in the candy industry, in the cane refining industry, will continue to lose their jobs. The sugar program will continue to benefit a few without solving the problems of family farmers. We must insist on real reform in the sugar program and end the regulations that are costing Americans money and American jobs.

Once again, I want to thank the gentleman from Illinois (Mr. DAVIS) for holding this special order tonight. This is a very important area of concern for the Congress of the United States. I am sure that with his leadership we will be able to do something about it in this coming agriculture bill that we will be working on very shortly. I thank the gentleman once again for giving me the time tonight.

Mr. DAVIS of Illinois. Madam Speaker, I thank the gentleman from Illinois (Mr. LIPINSKI) very much for his comments. Again, I want to thank the gentleman for coming over. I think he has put his finger right on the issue when he talks about consumers have to pay unnecessarily. I understand that one has to pay for everything that they get but I do not understand when one has to pay more just so a small industry can continue to benefit to the detriment of others. So I thank the gentleman for raising the issue.

Mr. LIPINSKI. Madam Speaker, will the gentleman yield?

Mr. DAVIS of Illinois. I yield to the gentleman from Illinois.

Mr. LIPINSKI. Madam Speaker, what I was going to say is that I can understand somewhat subsidizing an industry that is creating jobs here in the United States of America. I think that that sometimes is good public policy. But to me here we have a law, a program, which is costing the American citizens more money not only out of their pocket directly but in taxes; as I said earlier, even more importantly, costing us jobs in this country. It has to be an absolute minute minority of American citizens that benefit out of this program at the expense of all the other American citizens, and really something should be done about this. As I say, as far as public policy, if an industry is going to be subsidized in this country in some way, shape or form, then they should be creating economic development; they should be creating jobs.

Mr. DAVIS of Illinois. Madam Speaker, I thank the gentleman for pointing out that we are going to be rewriting the farm bill. I think this is an excellent opportunity to correct what we should have done a number of years ago, and so I thank the gentleman again for coming over and for being a part.

I am about to summarize this, Madam Speaker, but I have remarks about the Brief History of the Sugar Program that I would include in the RECORD at this point.

BACKGROUND AND ANALYSIS

BRIEF HISTORY OF THE SUGAR PROGRAM

Governments of every sugar producing nation intervene to protect their domestic industry from fluctuating world market prices. Such intervention is necessary, it is argued, because both sugar cane and sugar beets must be processed soon after harvest using costly processing machinery. When farmers significantly reduce production because of low prices, a cane or beet processing plant typically shuts down, usually never to reopen. This close link between production and capital intensive processing makes price stability important to industry survival.

The United States has a long history of protection and support for its sugar industry. The Sugar Acts of 1934, 1937, and 1948 required the U.S. Department of Agriculture (USDA) to estimate domestic consumption and to divide this market for sugar by assigning quotas to U.S. growers and foreign countries, authorized payments to growers when needed as an incentive to limit production, and levied excise taxes on sugar processed and refined in the United States. This type of sugar program expired in 1974. Following a 7-year period of markets relatively open to foreign sugar imports, mandatory price support only in 1977 and 1978, and discretionary support in 1979, Congress included mandatory price support for sugar in the Agriculture and Food Act of 1981 and the Food Security Act of 1985. Subsequently, 1990 farm program, 1993 budget reconciliation, and 1996 farm program laws extended sugar program authority through the 2002 crop year. Even with price protection available to producers, the United States historically has not produce enough sugar to satisfy domestic demand and thus continues to be a net sugar importer.

Historically, domestic sugar growers and foreign suppliers shared the U.S. sugar market in a roughly 55/45 percent split. This, though, has not been the case in recent years. In FY2000, domestic production filled 88 percent of U.S. sugar demand for food and beverage use; imports covered 12 percent. As high fructose corn syrup (HFCS) displaced sugar in the United States during the early 1980s, and as domestic sugar production increased in the late 1980s.

The loan rate for raw cane sugar is statutorily set. The loan rate for refined beet sugar historically was set in relation to raw sugar under a prescribed formula; however, this rate now is fixed for 7 years at the 1995 level. Loan support for beet sugar is set higher than for raw sugar, largely reflecting its availability as a product ready for immediate industrial food and beverage use or for human consumption (unlike raw cane sugar). By contrast, raw cane sugar must go through a second stage of processing at a cane refinery to be converted into white refined sugar that is equivalent to refined beet sugar in end use.

Loan Rates and Forfeiture Levels. The FY2001 loan rates are set at 18 cents/lb. for raw cane sugar, and 22.9 cents/lb. for refined beet sugar. These loan rates, though, do not serve as the price floor for sugar. In practice, USDA's aim is to support the raw cane sugar price (depending upon the region) at not less than 19.1 to 20.7 cents/lb. (i.e., the price support level in a region plus an amount that coves a processor's cost of shipping raw cane sugar to a cane refinery plus the interest paid on any price support loan taken out less a forfeiture penalty applicable under certain circumstances). Similarly, USDA seeks to support the refined beet sugar price at not less than 23.2 to 26.2 cents/lb. (i.e., the regional loan rate plus specified marketing costs plus the interest paid on a price support loan less the forfeiture penalty), depending on the region. These ''loan forfeiture,'' or higher ''effective'' price support, levels are met by limiting the amount of foreign raw sugar imports allowed into the United States for refining and sale for domestic food and beverage consumption.

Import Quota. USDA restricts the amount of foreign sugar allowed to enter the United States to ensure that market prices do not fall below the ''effective'' support levels. The intent in maintaining prices at or above these levels is to make sure that USDA does not acquire sugar due to a loan forfeiture. A loan forfeiture (turning over sugar pledged as loan collateral) occurs if a processor concludes that domestic market prices at the time of a desired sale are lower than the ''effective'' sugar price support level implied by the loan rate. Foreign suppliers absorbed the entire adjustment and saw their share of the U.S. market decline.

1996 FARM ACT: SUGAR PROGRAM

To support U.S. sugar market prices, the USDA extends short-term loans to processors and limits imports of foreign sugar. The 1996 farm bill provisions, though, change the nature of the ''loan'' available to processors. The form of price support is now determined largely by the domestic demand/supply situation and USDA's subsequent decision on what the fiscal year level of sugar imports will be. As a result, these parameters together with market developments have injected more-than-usual price uncertainty into the U.S. sugar market.

General Overview

The sugar program continues to differ from the grains, rice, and cotton programs in that USDA makes no income transfers or payments to beet and cane growers. In contrast, the program is structured to indirectly support the incomes of domestic growers and sugar processors by limiting the amount of

foreign sugar allowed to enter into the domestic market using an import quota—a policy mechanism that lies outside the scope of the program's statutory authority. Accordingly, USDA decisions on the size of the import quota affect market prices, and are made carefully to ensure that growers and processors do realize the benefits of price support they expect to receive as laid out in program authority.

Price Support. USDA historically has extended price support loans to processors of sugarcane and sugar beets rather than directly to the farmers who harvest these crops. Growers receive USDA-set minimum payment levels for deliveries made to processors who actually take out such loans during the marketing year—a legal requirement. Other growers negotiate contracts that detail delivery prices and other terms with those processors that do not take out loans.

In summarizing or closing out or closing up, let me just say this: I am not opposed to helping farmers. As a matter of fact, we have farm programs for wheat, corn, cotton and many other crops. These programs give direct assistance to farmers and allow market prices to be set by supply and demand. Farmers receive help but not at the expense of workers and consumers, but the sugar program is different. The sugar program helps producers by hurting other people. That is not right. There are other ways to help sugar farmers. The sugar program keeps our market prices higher than world prices. Domestic sugar prices are about 21 cents a pound compared to world prices of about 9 cents a pound. Now the price gap is costing jobs. Brach's Confectioners, Incorporated, will close its candy factory on Chicago's West Side, putting 1,100 people out of work in the next 3 years. Other facilities have closed, too, including a Nabisco plant last year. In fact, there were 13,000 workers in Chicago's candy industry 5 years ago but now only 10,000. One reason for the decline, increasing imports of hard candy made with world priced sugar. These nonchocolate candy imports have risen steadily from less than 12 percent of the U.S. market in 1997 to 17 percent in 1999. This candy is cheaper because it is made with sugar that costs 9 cents a pound instead of 21 cents a pound. Our quota system for sugar, along with the high price supports, is costing industrial jobs because imports are displacing United States products.

The quotas may be helping large sugar corporations in Southern Florida but they are hurting American workers in Chicago who do not have quotas to protect them. It is time to change this dysfunctional sugar program. We can help producers without hurting workers and other farmers.

The new farm bill must reform sugar subsidies. We must support the Miller-Miller legislation and we must make sure that as we reauthorize legislation to govern farm, farmers and farm products in our country, that we reform the sugar program and make it fair.

STUDIES SHOW THAT EARLY TREATMENT FOR HIV/AIDS CAN PROLONG HEALTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, I wish to congratulate the over 50 influential public and private sector leaders from business, from media, from entertainment, from sports, education, as well as the faith-based community as they come together this weekend for the XAIDS Act NOW Partnership Council. In fact, on Monday, June 11, the council will convene in my Congressional district in South Florida to mobilize efforts in their fight against the HIV/AIDS virus. This is an epidemic that is plaguing our communities and they are going to combine their expertise, their resources and experiences to see how we can combat this terrible plague.

Studies show that early treatment can prolong health and persons who know that they have HIV are far more likely to avoid risky behavior, to get treatment and to protect their partners. As a result, the council's message is very simple: Get tested, get treated and be safe. This will be promoted by teams that will focus on testing and primary care, the Internet, leadership councils, influential speakers, youth, outreach support and multimedia support groups.

The partnerships have increased awareness on HIV and AIDS and they have encouraged people to get tested, to help prevent new infections among at-risk individuals. Their innovative approaches have helped to combat complacency in our community. We cannot afford to be complacent any longer. So I ask my congressional colleagues to commend the partners of XAIDS Act NOW for their leadership and their commitment to fighting the HIV AIDS epidemic.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today and June 7 on account of official business.

Ms. WATERS (at the request of Mr. GEPHARDT) for June 5, 6, and 7 on account of business in the district.

Ms. SOLIS (at the request of Mr. GEPHARDT) for June 5 and the balance of the week on account of business in the district.

Ms. MILLENDER-MCDONALD (at the request of Mr. GEPHARDT) for June 5 and 6 on account of unforseen circumstances.

Mr. FERGUSON (at the request of Mr. ARMEY) for today and the balance of the week on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BLUMENAUER) to revise and extend their remarks and include extraneous material:)

Mr. SHOWS, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. DAVIS of California, for 5 minutes, today.

Mr. PRICE of North Carolina, for 5 minutes, today.

Mr. WATT of North Carolina, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material):

Mr. MORAN of Kansas, for 5 minutes, June 13.

Mr. HAYES, for 5 minutes, June 13.

Mr. HORN, for 5 minutes, June 14.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, today.

ADJOURNMENT

Ms. ROS-LEHTINEN. Madam Speaker, pursuant to House Resolution 157, I move that the House do now adjourn in memory of the late Hon. JOHN JOSEPH MOAKLEY.

The motion was agreed to; accordingly (at 6 o'clock and 43 minutes p.m.), pursuant to House Resolution 157, the House adjourned until tomorrow, Thursday, June 7, 2001, at 10 a.m. in memory of the late Hon. JOHN JOSEPH MOAKLEY of Massachusetts.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2312. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of France, Ireland, and The Netherlands Because of Foot-and-Mouth Disease [Docket No. 01–031–1] received May 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2313. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clethodim; Pesticide Tolerance [OPP–301133; FRL–6783–5] (RIN: 2070–AB78) received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2314. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Prohexadione Calcium; Pesticide Tolerance [OPP–301128; FRL–6781–5] (RIN: 2070–AB78) received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2315. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pyriproxyfen; Pesticide Tolerance [OPP–301131; FRL–6782–5] (RIN: 2070–AB78) received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2316. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clethodim; Time-Limited Pesticide Tolerance [OPP–301134; FRL–6785–5] (RIN: 2070–AB78) received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2317. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting the Secretary's certification that the current Future Years Defense Program (FYDP) fully funds the support costs associated with the Bradley Fighting Vehicle A3 Upgrade multiyear program through the period covered by the FYDP, pursuant to 10 U.S.C. 2306b(i)(1)(A); to the Committee on Armed Services.

2318. A letter from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule—Assessment of Fees [Docket No. 01–11] (RIN: 1557–AB96) received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2319. A letter from the Assistant Secretary for Congressional and Intergovernmental Affairs, Department of Labor, transmitting the Department's final rule—Consultation Agreements: Changes to Consultation Procedures [Docket No. CO–5] received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2320. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Navy's proposed lease of defense articles to the Government of Switzerland (Transmittal No. 04–01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

2321. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Australia [Transmittal No. DTC 047–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2322. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2323. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2324. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2325. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2326. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2327. A letter from the Deputy Assistant Inspector General for Management and Planning, Department of Justice, transmitting the semiannual report of the Office of Inspector General for the period October 1, 2000 through March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2328. A letter from the Chairman, National Science Board, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2000 through March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2329. A letter from the Acting Chairman, Securities and Exchange Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2000 through March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2330. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the 2001 Annual Report Regarding Atlantic Highly Migratory Species; to the Committee on Resources.

2331. A letter from the Chairperson, Commission on Civil Rights, transmitting a report entitled, ''Sharing the Dream: Is the ADA Accommodating All?''; to the Committee on the Judiciary.

2332. A letter from the Chairperson, Commission on Civil Rights, transmitting a report entitled, ''A Bridge to One America: The Civil Rights Performance of the Clinton Administration''; to the Committee on the Judiciary.

2333. A letter from the Director, Policy Directives and Instructions Branch, INS, Department of Justice, transmitting the Department's final rule—Adjustment of Status for Certain Nationals of Nicaragua, Cuba, and Haiti [INS No. 2113–01, AG Order No. 2429–2001] (RIN: 1115–AG05) received May 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2334. A letter from the Director, Policy Directives and Instructions Branch, INS, Department of Justice, transmitting the Department's final rule—Establishing Premium Processing Service for Employment-Based Petitions and Applications [INS No. 2108–01] (RIN: 1115–AG03) received May 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2335. A letter from the Director, Policy Directives and Instructions Branch, INS, Department of Justice, transmitting the Department's ''Major'' final rule—Adjustment of Status under Legal Immigration Family Equity (LIFE) Act Legalization Provisions and LIFE Act Amendments Family Unity Provisions [INS No. 2115–01; AG Order No. 2430–2001] (RIN: 1115–AG06) received May 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2336. A letter from the Acting Chief Executive Officer, United States Olympic Committee, transmitting a report pursuant to The Ted Stevens Olympic and Amateur Sports Act; to the Committee on the Judiciary.

2337. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Priorities and Allocations—received May 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2338. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Cost Accounting Standards Waivers—received May 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2339. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Extension of Class Deviations for SBIR Contracts—received May 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2340. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—NASA Inspector General Hotline Posters—received May 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2341. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories [Rev. Rul. 2001–28] received May 29, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2342. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund; determination of correct tax liability [Rev. Proc. 2001–37] received May 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2343. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Returns Regarding Payments by Service-Recipients [Notice 2001–38] received May 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 1000. A bill to adjust the boundary of the William Howard Taft National Historic Site in the State of Ohio, to authorize an exchange of land in connection with the historic site, and for other purposes; with an amendment (Rept. 107–88). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 37. A bill to amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails; with an amendment (Rept. 107–89). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 640. A bill to adjust the boundaries of Santa Monica Mountains National Recreation Area, and for other purposes; with an amendment (Rept. 107–90). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 1661. A bill to extend indefinitely the authority of the States of Washington, Oregon, and California to manage a Dungeness crab fishery until the effective date of a fishery management plan for the fishery under the Magnuson-Stevens Fishery Conservation and Management Act (Rept. 107–91). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SENSENBRENNER:

H.R. 2068. A bill to revise, codify, and enact without substantive change certain general

and permanent laws, related to public buildings, property, and works, as title 40, United States Code, ''Public Buildings, Property, and Works''; to the Committee on the Judiciary.

By Mr. HYDE:

H.R. 2069. A bill to amend the Foreign Assistance Act of 1961 to authorize assistance to prevent, treat, and monitor HIV/AIDS in sub-Saharan African and other developing countries; to the Committee on International Relations.

By Mr. TIBERI (for himself and Mr. ANDREWS):

H.R. 2070. A bill to amend the Fair Labor Standards Act of 1938 to exempt certain specialized employees from the minimum wage recordkeeping and overtime compensation requirements; to the Committee on Education and the Workforce.

By Mr. ANDREWS (for himself, Mr. ENGLISH, Mr. BARRETT, and Mr. GRAHAM):

H.R. 2071. A bill to amend title XVIII of the Social Security Act to provide for eligibility for coverage of home health services under the Medicare Program on the basis of a need for occupational therapy; to the Committee on Ways and Means.

By Ms. BERKLEY:

H.R. 2072. A bill to redirect the Nuclear Waste Fund established under the Nuclear Waste Policy Act of 1982 into research, development, and utilization of risk-decreasing technologies for the onsite storage and eventual reduction of radiation levels of nuclear waste, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDIN:

H.R. 2073. A bill to amend title XVIII of the Social Security Act to waive the part B late enrollment penalty for military retirees who enroll by December 31, 2002, and to provide a special part B enrollment period for such retirees; 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. CONYERS (for himself, Mr. SHAYS, Mr. SCOTT, Ms. JACKSON-LEE of Texas, Mr. SERRANO, Mr. WU, Mr. PAYNE, Mr. MENENDEZ, Mr. HONDA, Mr. STARK, Mrs. MORELLA, Mr. GREENWOOD, Mr. FRELINGHUYSEN, Mr. JOHNSON of Illinois, Mr. FERGUSON, and Mr. WALSH):

H.R. 2074. A bill to prohibit racial profiling; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN (for himself and Mr. WELDON of Pennsylvania):

H.R. 2075. A bill to strengthen the National Defense Features program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HAYWORTH:

H.R. 2076. A bill to amend the Internal Revenue Code of 1986 to allow a credit for residential solar energy property; to the Committee on Ways and Means.

By Ms. HOOLEY of Oregon:

H.R. 2077. A bill to amend the Internal Revenue Code of 1986 to provide for the disclosure to State and local law enforcement agencies of the identity of individuals claiming tax benefits improperly using social security numbers of other individuals; to the Committee on Ways and Means.

By Mr. JEFFERSON (for himself, Mr. TAUZIN, Mr. MCCRERY, Mr. BAKER, Mr. JOHN, Mr. COOKSEY, Mr. VITTER, Mr. SPRATT, Mr. TAYLOR of Mississippi, Mr. KLECZKA, Mr. BAIRD, Mr. KANJORSKI, Mrs. THURMAN, Mr. OWENS, Mr. CLAY, Mr. HOLT, Mr. WALSH, Mrs. MINK of Hawaii, Ms. CARSON of Indiana, Mr. GONZALEZ, Mr. FROST, Mr. SHAYS, Mr. GORDON, Mr. FILNER, Mr. OXLEY, Mr. WOLF, Mr. ACEVEDO-VILA, Mr. BOSWELL, Mr. WAXMAN, Ms. LEE, Mr. HILLIARD, Mr. DOOLEY of California, Mr. MCNULTY, Mr. BACA, Mr. REYES, Mr. MASCARA, Mr. ISAKSON, Mr. SKELTON, Ms. RIVERS, Ms. BALDWIN, Mr. FALEOMAVAEGA, Ms. MCKINNEY, Mr. LATOURETTE, Mr. THOMPSON of California, Mr. RAHALL, Mr. CAPUANO, Mr. BORSKI, Mr. COYNE, Mr. LEWIS of Georgia, Mr. UDALL of New Mexico, Mr. RUSH, Mrs. MALONEY of New York, Mr. MALONEY of Connecticut, Mr. SHERMAN, Mr. CLEMENT, Mr. FATTAH, Mr. BECERRA, Mrs. JONES of Ohio, Mr. LIPINSKI, Mr. PASCRELL, Mrs. MORELLA, Mr. BLUMENAUER, Mr. COSTELLO, Mr. RODRIGUEZ, Mr. BUYER, Mr. WYNN, Mr. BALDACCI, Mr. ABERCROMBIE, Mr. MCGOVERN, Mr. BLAGOJEVICH, Mr. LARSON of Connecticut, Mr. ROHRABACHER, Mr. GUTIERREZ, Mr. HALL of Ohio, Mr. ORTIZ, Mr. TOWNS, Ms. BROWN of Florida, Mr. BISHOP, Mr. FORD, Mr. DAVIS of Illinois, Mr. CLYBURN, Mrs. CLAYTON, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MEEK of Florida, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Mr. PAYNE, Mr. RANGEL, Mr. SCOTT, Mr. THOMPSON of Mississippi, Ms. WATERS, Mr. WATT of North Carolina, Mr. HONDA, and Mr. RYAN of Wisconsin):

H.R. 2078. A bill to authorize the President to award gold medals on behalf of the Congress to the family of Andrew Jackson Higgins and the wartime employees of Higgins Industries, in recognition of their contributions to the Nation and to the Allied victory in World War II; to the Committee on Financial Services.

By Mr. MCDERMOTT:

H.R. 2079. A bill to amend the Internal Revenue Code of 1986 to impose a windfall profits tax on electric generating facilities having excess profits; to the Committee on Ways and Means.

By Mr. MCDERMOTT:

H.R. 2080. A bill to amend the Internal Revenue Code of 1986 to deny accelerated depreciation for electric generating facilities having excess profits in order to prevent taxpayers operating such facilities from having both excess profits and tax incentives; to the Committee on Ways and Means.

By Mr. MILLER of Florida (for himself, Mr. GEORGE MILLER of California, Mr. DAVIS of Illinois, Mr. FRANK, Mr. CHABOT, Mr. GOSS, Mr. KOLBE, Mr. SHAYS, Mr. KIRK, Mrs. NORTHUP, Ms. BALDWIN, Mr. BASS, Mr. ROYCE, Mr. ENGLISH, Mr. PORTMAN, Mrs. BIGGERT, Mr. CAPUANO, Mr. ALLEN, Mr. SMITH of New Jersey, Mr. LOBIONDO, Mr. RAMSTAD, Mr. WAMP, Mr. FERGUSON, Mr. HOLT, Mr. CLAY, Mr. FRELINGHUYSEN, Mr. BLAGOJEVICH, Mrs. LOWEY, Mrs. ROUKEMA, Mr. SUNUNU, Mr. SENSENBRENNER, Mr. FLAKE, Mr. SCARBOROUGH, Mr. BLUMENAUER, Mr. SOUDER, Mr. BERMAN, Mr. BARRETT, Mr. HORN, Mr. BORSKI, Mr. SHAW, Mr. MEEHAN, Mr. GEKAS, Mr. BRADY of Pennsylvania, Ms. SCHAKOWSKY, Mr. CRANE, Mr. LIPINSKI, Mr. HUTCHINSON, Mr. TOOMEY, Mr. RYAN of Wisconsin, and Mr. RUSH):

H.R. 2081. A bill to amend the Agricultural Market Transition Act to convert the price support program for sugarcane and sugar beets into a system of solely recourse loans, to gradually reduce the level of price support available for sugarcane and sugar beets, and to eliminate of the program after the 2004 crops of sugarcane and sugar beets; to the Committee on Agriculture.

By Mr. MOORE (for himself, Mr. BOYD, Mr. TURNER, Mr. BERRY, Mr. TANNER, Mr. STENHOLM, Mr. SCHIFF, Mrs. TAUSCHER, Mr. SANDLIN, Ms. HARMAN, Mr. ROSS, Mr. MATHESON, Mr. SHOWS, Mr. HOLDEN, Mr. CARSON of Oklahoma, Mr. PHELPS, Ms. SANCHEZ, and Mr. MCINTYRE):

H.R. 2082. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small business health plans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Small Business, 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. PAUL:

H.R. 2083. A bill to amend titles 23 and 49, United States Code, relating to motor vehicle weight and width limitations; to the Committee on Transportation and Infrastructure.

By Mr. POMBO (for himself, Mr. BOYD, Mr. KINGSTON, Mr. PUTNAM, and Mr. RADANOVICH):

H.R. 2084. A bill to prohibit the use of Federal funds to implement certain additional reductions in the production or consumption of methyl bromide, unless the Secretary of Agriculture and the Administrator of the Environmental Protection Agency have submitted a report on the effects of methyl bromide on the ozone layer, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAHALL (for himself, Mr. PALLONE, Mr. KILDEE, Mr. GEORGE MILLER of California, Mr. KENNEDY of Rhode Island, and Mr. FALEOMAVAEGA):

H.R. 2085. A bill to protect Native American sacred sites located within the Valley of Chiefs, Montana, and for other purposes; to the Committee on Resources.

By Mr. SANDERS:

H.R. 2086. A bill to provide that benefits under chapter 89 of title 5, United States Code, may be afforded for covered services provided by a licensed or certified acupuncturist, massage therapist, naturopathic physician, or midwife, without supervision or referral by another health practitioner; to the Committee on Government Reform.

By Mr. SANDERS:

H.R. 2087. A bill to provide that benefits under chapter 89 of title 5, United States Code, may be afforded for covered services provided by a licensed or certified chiropractor, without supervision or referral by another health practitioner; to the Committee on Government Reform.

By Mr. SHIMKUS (for himself, Ms. MCCARTHY of Missouri, Mr. JOHNSON of Illinois, Mr. WHITFIELD, Mr. LAHOOD, Mrs. EMERSON, Mr. LEACH, Mr. GUTKNECHT, Mr. MANZULLO, Mr. HILLIARD, Mr. COSTELLO, Mr. HAYES, Mr. STENHOLM, Mr. GANSKE, Mr.

EVANS, Mr. WELLER, Mr. TERRY, Mr. BUYER, Mr. PHELPS, and Mr. KENNEDY of Minnesota):

H.R. 2088. A bill to amend title 23, United States Code, to require consideration under the congestion mitigation and air quality improvement program of the extent to which a proposed project or program reduces sulfur or atmospheric carbon emissions, to make renewable fuel projects eligible under that program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Michigan:

H.R. 2089. A bill to amend the Agricultural Market Transition Act to continue for the 2001 crop year the eligibility of producers for loan deficiency payments when the producers, although not eligible to obtain a marketing assistance loan, produce a contract commodity; to the Committee on Agriculture.

By Mr. SMITH of New Jersey:

H.R. 2090. A bill to amend the Internal Revenue Code of 1986 to allow a credit against gross income for organ donation; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. BOYD, Mr. FILNER, Mr. ISSA, Mr. LANTOS, Mr. OTTER, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, and Ms. SANCHEZ):

H.R. 2091. A bill to amend the National Flood Insurance Act of 1968 to ensure homeowners are provided adequate notice of flood map changes and a fair opportunity to appeal such changes; to the Committee on Financial Services.

By Mrs. WILSON:

H.R. 2092. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Albuquerque, New Mexico, metropolitan area; to the Committee on Veterans' Affairs.

By Mr. MCGOVERN:

H. Res. 157. A resolution expressing the condolences of the House of Representatives on the death of the Honorable John Joseph Moakley, a Representative from the Commonwealth of Massachusetts; which was considered and agreed to.

MEMORIALS

Under clause 3 of rule XII,

102. The SPEAKER presented a memorial of the Legislature of the Commonwealth of Guam, relative to Resolution No. 66 memorializing the United States Congress to support and pass the Tax Relief Plan introduced by President George W. Bush, which includes an across-the-board reduction in marginal rates, eliminates the ''death tax'' and reduces the marriage penalty; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mrs. CAPPS introduced a bill (H.R. 2093) for the relief of Rodney E. Hoover; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. LEACH and Ms. CARSON of Indiana.

H.R. 13: Mr. UDALL of Colorado.

H.R. 65: Mr. ANDREWS.

H.R. 136: Mr. BALDACCI.

H.R. 144: Mr. RAMSTAD.

H.R. 175: Mr. GOODE and Mr. BARR of Georgia.

H.R. 218: Mr. YOUNG of Alaska, Mr. SCHIFF, Mr. BERMAN, Mr. BLAGOJEVICH, and Mrs. WILSON.

H.R. 296: Ms. MCKINNEY and Mr. FILNER.

H.R. 320: Mr. ROTHMAN.

H.R. 326: Mr. HOLT and Mr. BURTON of Indiana.

H.R. 380: Mr. ANDREWS.

H.R. 397: Mr. CHABOT, Mr. LATOURETTE, Mr. KENNEDY of Rhode Island, and Mr. DICKS.

H.R. 425: Ms. BROWN of Florida, Mr. SCHIFF, Mr. ACEVEDO-VILA, Ms. BALDWIN, Mr. DAVIS of Illinois, and Mr. LUTHER.

H.R. 460: Mr. LANTOS and Ms. SOLIS.

H.R. 461: Ms. MCCARTHY of Missouri.

H.R. 464: Mr. BONIOR, Mr. KILDEE, and Ms. CARSON of Indiana.

H.R. 476: Mr. LATOURETTE.

H.R. 489: Ms. CARSON of Indiana.

H.R. 490: Mr. SIMMONS, Mr. PRICE of North Carolina, Mr. ROSS, Mrs. CLAYTON, Mr. DAVIS of Illinois, Mr. OBERSTAR, Ms. BALDWIN, Mr. DEFAZIO, and Mr. HUTCHINSON.

H.R. 498: Mr. REYNOLDS, Ms. ESHOO, Ms. LEE, Mr. BAIRD, Mr. JOHN, Mr. WICKER, Mr. SMITH of New Jersey, Ms. SANCHEZ, Mr. WAMP, Mr. ISRAEL, Mr. CROWLEY, and Mr. LUTHER.

H.R. 500: Ms. CARSON of Indiana.

H.R. 504: Mr. CROWLEY, Mr. HOEFFEL, Ms. JACKSON-LEE of Texas, Mrs. MALONEY of New York, Mr. PALLONE, and Ms. NORTON.

H.R. 510: Mr. BUYER, Mr. MCNULTY, and Mr. CRAMER.

H.R. 534: Mr. STEARNS.

H.R. 571: Mr. ENGLISH.

H.R. 580: Ms. KILPATRICK and Mr. GUTIERREZ.

H.R. 589: Mr. LARSEN of Washington.

H.R. 590: Mr. WAXMAN.

H.R. 606: Mr. GRUCCI.

H.R. 612: Mr. MCNULTY, Mr. ISTOOK, Mr. SAWYER, Mr. ANDREWS, Mr. WHITFIELD, Mr. HOSTETTLER, and Mr. BALLENGER.

H.R. 637: Mr. HORN.

H.R. 686: Ms. BALDWIN, Mr. BARRETT, and Mr. ENGEL.

H.R. 687: Ms. HOOLEY of Oregon.

H.R. 696: Mr. MEEKS of New York and Ms. CARSON of Indiana.

H.R. 697: Mr. JACKSON of Illinois.

H.R. 717: Mr. TIERNEY.

H.R. 746: Mr. PASTOR.

H.R. 747: Mr. ROHRABACHER.

H.R. 781: Mr. ORTIZ, Ms. VELAZQUEZ, Mrs. NAPOLITANO, and Mr. ROTHMAN.

H.R. 786: Mrs. MINK of Hawaii.

H.R. 827: Ms. CARSON of Indiana.

H.R. 896: Mr. CUNNINGHAM.

H.R. 902: Mr. SHOWS and Mr. BOSWELL.

H.R. 913: Ms. CARSON of Indiana.

H.R. 945: Mr. KENNEDY of Rhode Island.

H.R. 955: Mr. MOORE.

H.R. 1032: Ms. KAPTUR and Ms. MCCOLLUM.

H.R. 1051: Mr. KUCINICH and Mr. PAYNE.

H.R. 1052: Mr. KUCINICH.

H.R. 1053: Mr. KUCINICH.

H.R. 1054: Mr. KUCINICH.

H.R. 1086: Mr. WU.

H.R. 1121: Mr. BERRY, Mr. BLUNT, Mr. BRYANT, Mr. WELDON of Florida, and Mrs. CUBIN.

H.R. 1143: Mr. FILNER, Mr. KENNEDY of Rhode Island, Mr. NADLER, Mr. BERMAN, Ms. LEE, and Mr. BALDACCI.

H.R. 1198: Mr. TAYLOR of North Carolina

H.R. 1242: Ms. CARSON of Indiana.

H.R. 1254: Mr. SIMMONS, Mr. JACKSON of Illinois, and Mr. LOBIONDO.

H.R. 1263: Mr. NETHERCUTT.

H.R. 1299: Mr. LATOURETTE.

H.R. 1352: Mr. BARTLETT of Maryland.

H.R. 1354: Mr. BOEHLERT, Mr. LAMPSON, and Mr. DEUTSCH.

H.R. 1363: Mr. CUNNINGHAM.

H.R. 1405: Ms. DELAURO.

H.R. 1429: Mr. JACKSON of Illinois and Mr. BACA.

H.R. 1459: Mr. SWEENEY, Mr. STUPAK, Mr. DEMINT, Mr. SPENCE, and Mr. RYAN of Wisconsin.

H.R. 1472: Mr. MCDERMOTT and Mr. CARDIN.

H.R. 1481: Mrs. JONES of Ohio.

H.R. 1487: Mr. DUNCAN.

H.R. 1512: Mrs. MALONEY of New York and Ms. BROWN of Florida.

H.R. 1542: Mrs. MEEK of Florida and Mr. HAYES.

H.R. 1587: Ms. HOOLEY of Oregon, Ms. JACKSON-LEE of Texas, Mr. SANDLIN, Ms. BALDWIN, Mr. PAYNE, Mr. BALDACCI, and Mr. UDALL of Colorado.

H.R. 1601: Mr. RYAN of Wisconsin and Mr. BURTON of Indiana.

H.R. 1611: Mr. PITTS and Ms. HART.

H.R. 1623: Mr. BISHOP.

H.R. 1644: Mr. GOSS, Mr. DUNCAN, Mr. LANGEVIN, and Mr. ISAKSON.

H.R. 1651: Mr. PAYNE.

H.R. 1660: Mr. DEUTSCH and Ms. BALDWIN.

H.R. 1673: Mr. STUMP.

H.R. 1674: Mr. SAWYER, Mr. DOYLE, and Mr. STRICKLAND.

H.R. 1677: Mr. SMITH of Washington and Mr. OSE.

H.R. 1713: Ms. CARSON of Indiana, Mr. ENGEL, and Mr. MEEHAN.

H.R. 1735: Mr. DEAL of Georgia.

H.R. 1744: Ms. BROWN of Florida.

H.R. 1745: Mr. COOKSEY.

H.R. 1760: Ms. LEE.

H.R. 1770: Mrs. JO ANN DAVIS of Virginia, Mr. CUNNINGHAM, Ms. MCKINNEY, Mr. HILLEARY, Mr. HALL of Texas, Mr. RAHALL, Mr. BARCIA, Mr. DUNCAN, and Mr. WAMP.

H.R. 1806: Mr. SABO, Mr. TIERNEY, and Mr. CONYERS.

H.R. 1811: Mr. PETERSON of Pennsylvania, Mr. PETERSON of Minnesota, Mr. WALDEN of Oregon, Mr. DOOLITTLE, Mr. BALDACCI, Mr. SIMPSON, Mr. GREEN of Wisconsin, and Mr. UDALL of Colorado.

H.R. 1892: Mrs. BONO, Ms. JACKSON-LEE of Texas, Ms. HART, Mr. HORN, and Mr. CARSON of Oklahoma.

H.R. 1914: Mrs. EMERSON, Mr. BEREUTER, and Mr. MCHUGH.

H.R. 1934: Ms. SANCHEZ, Mr. HOEFFEL, and Mr. KNOLLENBERG.

H.R. 1935: Mr. GILMAN, Mr. BARCIA, Mr. MEEKS of New York, Mr. REHBERG, Mr. ANDREWS, Mr. MASCARA, Ms. BROWN of Florida, Mr. UDALL of New Mexico, Mr. HOYER, and Mrs. THURMAN.

H.R. 1948: Mr. BONIOR.

H.R. 1950: Mr. BEREUTER, Mr. CRAMER, Mr. SOUDER, and Mr. DAVIS of Illinois.

H.R. 1957: Mr. BONIOR.

H.R. 175: Mr. YOUNG of Alaska and Mr. UDALL of Colorado.

H.R. 1995: Mr. RYUN of Kansas.

H.R. 2001: Mr. ISTOOK, Mr. KOLBE, Mr. KILDEE, Mr. BARR of Georgia, Mrs. KELLY, Mr. PICKERING, Mr. HAYWORTH, Mr. CHAMBLISS, and Mr. GREEN of Wisconsin.

H.R. 2052: Mrs. JO ANN DAVIS of Virginia, Mr. SMITH of New Jersey, Mr. COOKSEY, and Mrs. NORTHUP.

H.R. 2058: Ms. BALDWIN.

H.J. Res. 6: Mr. WELDON of Florida and Ms. CARSON of Indiana.

H.J. Res. 36: Mr. HASTERT, Mr. PASCRELL, Mr. ISTOOK, Mrs. JOHNSON of Connecticut, Mr. VITTER, Ms. BROWN of Florida, Mr. BROWN of South Carolina, Mr. KILDEE, Mr. ETHERIDGE, Mr. WATKINS, Mr. JOHN, Mr. PALLONE, Mr. WATTS of Oklahoma, Mr. JOHNSON of Illinois, Mr. WELLER, Mr. PETERSON of Minnesota, Mr. OSE, Mr. THORNBERRY, Mr. WALSH, and Mr. HOLDEN.

H. Con. Res. 97: Mrs. CAPPS, Ms. ROS-LEHTINEN, Ms. ESHOO, Mr. HORN, Ms. BERKLEY, Mr. WAXMAN, and Ms. HARMAN.

H. Con. Res. 104: Mr. TANCREDO.

H. Con. Res. 116: Mr. RUSH and Mr. SPENCE.

H. Con. Res. 145: Mr. LOBIONDO.

H. Con. Res. 150: Mrs. KELLY, Mr. MARKEY, and Mrs. MORELLA.

H. Res. 120: Mr. BONIOR.

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. GUTIERREZ.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

26. The SPEAKER presented a petition of the Wasilla City Council, Alaska, relative to Resolution 01–11 petitioning the United States Congress to support the responsible and environmentally sound exploration, development, and support of oil and gas resources in the plain of the Arctic National Wildlife Refuge; to the Committee on Resources.

27. Also, a petition of the City of Hoonah, Alaska, relative to a Resolution petitioning the United States Congress to support the Conservation and Reinvestment Act of 1999; jointly to the Committees on Resources, Agriculture, and the Budget.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1699

OFFERED BY: MRS. BIGGERT

AMENDMENT NO. 4: At the end of the bill add the following:

SEC. ___. ASSISTANCE FOR MARINE SAFETY STATION ON CHICAGO LAKEFRONT.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Transportation may use amounts authorized under this section to provide financial assistance to the City of Chicago, Illinois, to pay the Federal share of the cost of a project to demolish the Old Coast Guard Station, located at the north end of the inner Chicago Harbor breakwater at the foot of Randolph Street, and to construct a new facility at that site for use as a marine safety station on the Chicago lakefront.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of a project carried out with assistance under this section may not exceed one third of the total cost of the project.

(2) NON-FEDERAL SHARE.—There shall not be applied to the non-Federal share of a project carried out with assistance under this section—

(A) the value of land and existing facilities used for the project; and

(B) any costs incurred for site work performed before the date of the enactment of this Act, including costs for reconstruction of the east breakwater wall and associated utilities.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to the other amounts authorized by this Act, for providing financial assistance under this section there is authorized to be appropriated to the Secretary of Transportation $2,000,000 for fiscal year 2002, to remain available until expended.

H.R. 1699

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 5: At the end of the bill add the following:

SEC. ___. REQUIREMENT TO CONSTRUCT ONLY AMERICAN-MADE VESSELS.

Any new vessel constructed for the Coast Guard with amounts made available under this Act—

(1) shall be constructed in the United States;

(2) shall not be constructed using any steel other than steel made in the United States; and

(3) shall be constructed in compliance with the Buy American Act.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, WEDNESDAY, JUNE 6, 2001 No. 77

Senate

The Senate met at 11 a.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

O God of hope, You have shown us that authentic hope always is rooted in Your faithfulness in keeping Your promises. We hear the psalmist's assurance, ''And now, Lord, what do I wait for? My hope is in You.''—Psalm 39:7. We place our hope in Your problem-solving power, Your conflict-resolving presence, and Your anxiety-dissolving peace.

You inspire in us authentic hope in You. We thank You for the incredible happiness we feel when we trust You completely. The expectation of Your timely interventions give us stability and serenity. It makes us bold and courageous, fearless, and free. Again, we agree with the psalmist, ''Happy are the people whose God is the Lord.''—Psalm 144:15.

Today we thank You for the leadership You have given the Senate through TRENT LOTT and DON NICKLES. Now we ask for Your blessing on TOM DASCHLE and HARRY REID as they assume the demanding responsibilities of majority leadership. Grant all of the Senators the gift of loyalty and inspire the spirit of patriotism that overcomes party spirit and the humility that makes possible dynamic unity. You, dear God, are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BARBARA BOXER, a Senator from the State of California, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 6, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ELECTION OF THE HONORABLE ROBERT C. BYRD AS PRESIDENT PRO TEMPORE

Mr. DASCHLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows.

A resolution (S. Res. 100) to elect Robert C. Byrd, a Senator from the State of West Virginia, to be President pro tempore of the Senate of the United States.

There being no objection, the Senate proceeded to consider the resolution.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

The resolution (S. Res. 100) reads as follows:

S. RES. 100

Resolved, That Robert C. Byrd, a Senator from the State of West Virginia, be, and he is hereby, elected President of the Senate pro tempore, in accordance with rule I, paragraph 1, of the Standing Rules of the Senate.

Mr. DASCHLE. Mr. President, I move to reconsider and move to table the motion to reconsider.

The motion was agreed to.

NOTIFICATION TO THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. DASCHLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 101) notifying the House of Representatives of the election of a President pro tempore of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

The resolution (S. Res. 101) reads as follows:

S. RES. 101

Resolved, That the House of Representatives be notified of the election of Robert C. Byrd, a Senator from the State of West Virginia, as President pro tempore.

Mr. DASCHLE. Mr. President, I move to reconsider and move to table the motion to reconsider.

The motion was agreed to.

(Applause, Senators rising.)

ADMINISTRATION OF OATH TO SENATOR ROBERT C. BYRD AS PRESIDENT PRO TEMPORE

The President pro tempore advanced to the desk of the Acting President pro

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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tempore; the oath was administered to him by the Acting President pro tempore.

(Applause, Senators rising.)

The PRESIDENT pro tempore. The majority leader is recognized.

NOTIFICATION TO THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. DASCHLE. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 102) notifying the President of the United States of the election of a President pro tempore.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The Chair hears none, and it is so ordered.

The question is on agreeing to the resolution.

The resolution was agreed to.

The resolution (S. Res. 102) reads as follows:

S. RES. 102

Resolved, That the President of the United States be notified of the election of Robert C. Byrd, a Senator from the State of West Virginia, as President pro tempore.

Mr. DASCHLE. Mr. President, I move to reconsider and move to table the motion to reconsider.

The motion was agreed to.

THANKING AND ELECTING STROM THURMOND PRESIDENT PRO TEMPORE EMERITUS

Mr. LOTT. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 103) expressing the thanks of the Senate to the Honorable Strom Thurmond for his service as President pro tempore of the United States Senate and to designate Senator Thurmond as President pro tempore emeritus of the United States Senate.

The PRESIDENT pro tempore. There being no objection to the consideration of the resolution, the question is on agreeing to the resolution.

The resolution was agreed to.

The resolution (S. Res. 103) reads as follows:

S. RES. 103

Resolved, That the United States Senate expresses its deepest gratitude to Senator Strom Thurmond for his dedication and commitment during his service to the Senate as the President pro tempore, further as a token of appreciation of the Senate for his long and faithful service Senator Strom Thurmond is hereby designated President pro tempore emeritus of the United States Senate.

Mr. DASCHLE. Mr. President, I move to reconsider and move to table the motion to reconsider.

The motion was agreed to.

ELECTION OF MARTIN P. PAONE AS SECRETARY OF THE MAJORITY

Mr. DASCHLE. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 104) electing Martin P. Paone as secretary for the majority of the Senate.

The PRESIDENT pro tempore. Without objection, the Senate will proceed to the immediate consideration of the resolution.

Without objection, the resolution is agreed to.

The resolution (S. Res. 104) reads as follows:

S. RES. 104

Resolved, That Martin P. Paone of Virginia, be, and he is hereby, elected Secretary for the Majority of the Senate, effective June 6, 2001.

Mr. LOTT. Mr. President, I move to reconsider and move to lay the motion to reconsider on the table.

The motion was agreed to.

ELECTION OF ELIZABETH B. LETCHWORTH AS SECRETARY OF THE MINORITY

Mr. LOTT. Mr. President, I send another resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will state the resolution by title.

The legislative clerk read as follows.

A resolution (S. Res. 105) electing Elizabeth B. Letchworth as secretary for the minority of the Senate.

The PRESIDENT pro tempore. Without objection, the Senate will proceed to the immediate consideration of the resolution.

Without objection, the resolution is agreed to.

The resolution (S. Res. 105) reads as follows:

S. RES. 105

Resolved, That Elizabeth B. Letchworth, of Virginia, be, and she is hereby, elected Secretary for the Minority of the Senate, effective June 6, 2001.

Mr. DASCHLE. Mr. President, I move to reconsider and move to table the motion to reconsider.

The motion was agreed to.

SERVING IN THE SENATE

Mr. DASCHLE. I thank the distinguished Senator from South Carolina, STROM THURMOND, for his service to our country and to this body as President pro tempore.

I offer my hearty congratulations to Senator ROBERT C. BYRD in returning to this high position this morning. Between these two men, the Senate enjoys 90 years of service. The wisdom they have given Members is beyond measure.

I thank my partner, my counterpart, Senator LOTT. This is the second time this year Senator LOTT and I have switched roles. To us, this is just another in a series of challenges he and I have faced already this year. Every time we have been presented with these challenges, we have come through with our working relationship and our friendship not only intact but, in my view, strengthened. It is my hope and my expectation that we will continue to be able to work together in this manner.

Finally, there is another person who deserves special recognition. That is Senator JEFFORDS. Last week, I was deeply touched by Senator JEFFORDS' courageous decision and his eloquent words. The Senator from Vermont has always commanded bipartisan respect because of the work he does. Regardless of where he sits in this Chamber, his work will continue, and America will be better for it.

This, indeed, is a humbling moment for me. I am honored to serve as majority leader, but I also recognize that the majority is slim. This is still one of the most closely divided Senates in history.

We have just witnessed something that has never happened in all of Senate history—the change of power during a session of Congress.

At the same time Americans are evenly divided about their choice of leaders, they are united in their demand for action. Polarized positions are an indulgence that the Senate cannot afford and our Nation will not tolerate.

Republicans and Democrats come to this floor with different philosophies and different agendas, but there are beliefs we share. Both Republicans and Democrats believe in the power of ideas. Both Republicans and Democrats believe in fashioning those ideas into sound public policy. The debate on that policy is what I like to call the noise of democracy. Sometimes it is not a very stereophonic sound. Sometimes there is too much sound from the right or from the left. But it is a sound that, in my view, is beautiful—especially in comparison to the noise of violence we hear in so many places all over the world today.

In this divided Government—in spite of the passion with which we hold these ideas, in spite of the fervor with which we come to the floor to represent them—we are required to find common ground and seek meaningful bipartisanship. As I have said before, real bipartisanship is not a mathematical formula; it is a spirit. It is not simply finding a way to reach 50 plus 1. It is a way of working together that tolerates debate. It means seeking principled compromise. It means respecting the right of each Senator to speak his or her mind and to vote his or her conscience.

In this Senate, at this time, on this historic occasion, each Member has something to prove. We need to prove

to the American people we can overcome the lines that all too often divide us. We need to prove we can do the work the American people have sent us to the Senate to do.

I came to the Congress 22 years ago. I have had the good fortune of having many mentors. My friends know that I often speak of one, in particular, whose advice continues to guide me. His name: Claude Pepper. He was a Congressman from Florida and at one time a Senator in this body. He told me once that, as fervent and as passionate a Democrat as he was, it wasn't really whether one was a ''D'' or an ''R'' that mattered; it was whether one was a ''C'' or ''D''—it was whether one was ''constructive'' or ''destructive'' in the political and legislative process.

I hope I can prove to my colleagues on this side of the aisle that I can be a constructive leader. I hope we all recognize the difference between constructive and destructive politics and legislative work. I hope that we can live up to the expectations of the American people and people such as Claude Pepper.

As we address the agenda this body has before it, I hope we can be constructive Republicans and constructive Democrats.

I thank my colleagues for their trust. I thank my colleagues for their friendship. I am prepared to go to work.

I yield the floor.

The PRESIDENT pro tempore. The Republican leader.

Mr. LOTT. Mr. President, let me first join Senator DASCHLE in expressing my personal appreciation and great admiration to Senator THURMOND, for the job he has done for so many years for the people of South Carolina and, yes, the people of America. Today he is with the President of the United States, in Bedford, VA, for the dedication of a memorial to those who lost their lives in Normandy. As our colleagues know, Senator THURMOND landed at Normandy and served so honorably there. The energy and strength he exhibited in Normandy continues to this very day in the Senate. He is a legend in his own time. We all admire him and appreciate him so much.

Also, I congratulate Senator BYRD for assuming this position of President pro tempore of the Senate. He certainly is going to need no briefing on the rules. He is the paragon regarding the rules of the Senate. He is the guardian of the rules. He certainly knows the rules, and he will administer them fairly and reside in the chair in a way we all will appreciate and admire.

So to you, Senator BYRD and Mr. President, thank you for what you have done and what I know you will do as President pro tempore of the Senate.

I also thank our staff members. There are so many people to recognize who have served the Senate during the period of time I have been majority leader. The officers, those who are here day in and day out, into the night, do such a great job for the Senate, for the Senators, and for our country. To all of you, I express my appreciation. I particularly express appreciation to our staff assistants, Elizabeth Letchworth, who has been secretary of the majority, now secretary of the minority; and to Marty Paone, who has served as secretary of the minority and will be secretary of the majority. They have the answers that we need in the Senate. We can always rely on them as to what the schedule may be, based on what the leaders have told them, and when the votes will occur. They do so much to make our life and our job easier.

But primarily I want to extend my congratulations to my partner and also my friend, TOM DASCHLE, as majority leader. I also extend to him my hand of continued friendship and commitment to work with him for the interests of the American people. I know he will do an excellent job. I think he has set a very positive tone in his opening remarks and I told him so when I congratulated him as we shook hands.

We have worked together over the past 5 years when I have been the majority leader, through some good times and some tremendous legislative achievements and through some tough times. Sometimes we have been criticized for that, but most of the time I think people understood we maintained a working relationship and we did the best we could as we saw our jobs and what we thought was right for the Senate and right for the American people. The good times we will remember and try to repeat. The bad times have already been forgotten. But there have been clear examples of where we have worked together in a bipartisan way for the interests of the American people. It covers the gamut.

It has been on financial issues, on transportation, and on trade. There have been times when we had opposition in our own parties, but we came together because we thought a result was very important.

I know Senator DASCHLE will find, sometimes, the weight of this job will be as heavy as the weight of the Earth Atlas carried on his shoulders. I hope on occasion I can help make that weight a little lighter.

Of course, at some point, he tricked Hercules into assuming that burden, and Atlas was at last relieved of the weight of the world.

I know how he felt. I mention this by way of congratulating Senator DASCHLE on his assuming the august responsibilities that come with being the majority leader of the U.S. Senate.

Perhaps I should mention the remainder of that old story: Hercules managed to trick Atlas, so the poor giant wound up, once again, carrying the Earth as he was fated to do. There probably is a moral in there somewhere about how things not only change, but keep on changing. Things certainly have changed for the better since the American people elected Republican majorities to the Senate and the House in 1995. Back then, deficits stretched further than the eye could see, and Social Security was used as a government piggy bank. The welfare system hurt more people than it helped, high taxes prevented families from enjoying the fruits of their labor, and military readiness was seriously in question.

Those problems were magnified by a bureaucracy that diverted education dollars from our children's classrooms, putting their futures at risk. Today, our hard work enables us to boast of a different story—the story of how Republican initiatives have made a difference by changing things for the better:

Republicans became the catalyst for balancing the budget. We stopped the raid on Social Security. We moved people from welfare to the dignity and independence of work. We lowered taxes for families and for job creation. We began to restore America's military strength. And, we returned education dollars to parents, teachers and communities.

The result? A record-setting economy, higher-paying jobs, record low interest rates, greater investment, more opportunity, and more parents involved in schools. Many landmark achievements were accomplished through bipartisan cooperation: the balanced budget, welfare reform, the Soldiers' Bill of Rights, juvenile justice reform, education reform, safe drinking water, a minimum wage increase combined with small business tax relief, and ISTEA—the legislation that is dramatically modernizing our transportation infrastructure, Air 21, and financial services modernization.

Add to that our defense modernization, the Caribbean Basin Initiative, the Africa Free Trade bill, and telecommunications reform. We accomplished many difficult things together in a bipartisan way—in good times, as well as in seemingly impossible times of gridlock. I am hopeful that there will be more of those good times when we can do so again. I know that the distinguished majority leader does not need any advice on this occasion. But I do remember that I never believed as majority leader I could work my will with the Senate, unless it was a coalition of wills.

From the very first, I have never gotten all that I asked for: I certainly did not get all the tax cuts we wanted for the American people. But I accepted what we could get and determined to come back and try again for more the next time. It is true that Senate Democrats will now set the schedule for this body. But any group of 49 Senators is an exceptionally strong minority. Each of those Senators looks forward to exercising all the rights of the minority to advance President Bush's and the people's agenda in the months ahead.

We will be vigilant in protecting and improving social security and medicare. We will craft an energy policy to respond to the crisis that threatens our economy and qualify of life. We will create the world's best schools by empowering local school districts which

are accountable to parents. Too much money still is being wasted in Washington's education bureaucracy. We will confirm the President's nominations to enable him to run the government he was elected to administer and to provide for a fair and impartial judiciary. We will work to rebuild our nation's defenses because our military is still stretched way too thin for comfort in a dangerous world.

Finally, taxes are still too high, and there is still too much waste in Federal spending. We will continue to work to bring both under control. Our minority status in the Senate—albeit temporary—neither dampens our enthusiasm for building upon our successes, nor excuses us from embracing the challenges ahead. For we did not come to Washington to be caretakers of power. We were sent to the Senate for a specific purpose, as reflected in President Bush's agenda, to: move America forward again by putting people back in charge of their own country; promote economic growth; give all individuals the opportunities to reach for their dreams; strengthen our bedrock institutions of family, school, and neighborhood; and make the United States a stronger leader for peace, freedom, and progress abroad.

For too long, government has supported itself by taking more of what people earn, preventing them from getting ahead, no matter how hard they work. President Reagan called it ''economics without a soul'' and taught us that the size of the federal budget is not an appropriate barometer of social conscience or charitable concern. And that is why the ultimate goal in everything we are working with President Bush to do is to give this economy back to the American people.

Some say it is dangerous to push for dramatic reforms in a period of economic instability. But I believe it is dangerous not to. There may not always be an opportunity. Along with all my fellow Republicans, I say: Our goals have not changed. Neither has our resolve to rally around President Bush to meet them. Our opportunity is today. To my friends on the other side of the aisle: We are here and ready to go to work for the people who elected us to represent them.

Now we have a challenge before us that is different for me and will be different for Senator DASCHLE. Can we come together? Can we find a way to work with this President, President Bush, and find common ground even on the bill that is pending before us now, education? We have said we want education reform and we want a responsible increase in education spending. The American people said they want it, people in every State, as did the President, and so do we. Yet we have not gotten it done.

Can we come together on education? I think we can. It is going to take work. It is going to take some sacrifice. Senator KENNEDY is going to continue to push it aggressively, and he is probably going to have to cast votes he doesn't particularly like, and so am I, and so will Senator GREGG. But can we do any less? Can we afford not to, finally, make progress on education reform and take some steps for the Federal Government to be of help in improving education in America? I believe we can do it. It may take a little more time, but that will be our first test. I pledge to work with the managers and with Senator DASCHLE to make that happen.

We have a lot of other important issues we are going to have to deal with this year. Senator DASCHLE noted yesterday we have 13 appropriations bills and supplemental appropriations bills to do to keep the Government operating, and we have 59 days—estimated I guess—to get it done. It is going to take a pretty good lift. I hope we don't have 100 amendments on every appropriations bill, as we had last year. I hope we can find a way to show fiscal restraint and get these bills done.

Obviously, there are going to be health-related issues. How do we deal with Patients' Bill of Rights? How can we deal with this important question of prescription drugs, to make sure elderly poor get the help they need? Can we come together on Medicare reform? Can we take the lead from Senator Moynihan, the former Senator from New York, on Social Security? Will we be able to really address the energy needs of this country? Will we be taking partisan positions and trying to assess blame? Will we be trying to find how little we can do or can we come together and have a real national energy policy that will, hopefully, help this year but, more importantly, will make sure we do not have this problem in 5 years or 10 years? Defense continues to be something on which we are going to have to focus.

So we have a full agenda. I do not think a lot will change. Senator DASCHLE will get recognized. He will be the majority leader, and I will be minority leader, the Republican leader.

He will call up the bills, and we will take advantage of our rights in the minority to offer amendments, as certainly the other side has. Sometimes we will offer substitutes. But we commit and pledge our best efforts to finding a way to make it work and to pass important legislation to address these issues and find the solutions that are needed by the American people.

It is not about personalities. I still believe that government is about ideas, about issues. So it is not really that important in what role we serve. What is important is what do we do for the people we serve, what legacy will we leave for the next generation.

I believe we can get it done. We have a lot of work to do. Let's get started. I again pledge to you my support and cooperation, Senator DASCHLE. I yield the floor.

(Applause, Senators rising.)

The PRESIDENT pro tempore. The majority leader.

ORDER OF BUSINESS

Mr. DASCHLE. Mr. President, for the information of all Senators, it is my expectation and hope we can resume the consideration of the Elementary and Secondary Education Act. As some of my colleagues may recall, under a previous order there will be 20 minutes of debate remaining on the Wellstone amendment regarding testing and then we expect a vote at the expiration of that period of time.

Senator COLLINS has an amendment regarding a study which will be considered after the Wellstone amendment. The Collins amendment will not require much debate.

The PRESIDENT pro tempore. May we have order in the Senate.

Mr. DASCHLE. It is my expectation the Collins amendment will not require a great deal of debate, so Members should be alerted that a second vote will be expected shortly after the Wellstone vote.

Yesterday the managers made some progress on the bill. At least 10 amendments were cleared by unanimous consent, and I understand the managers expect to clear other amendments today.

I also say to my colleagues who have amendments to this bill to contact the bill managers so they can continue to move forward in working through the remaining amendments. My hope and expectation is that we can complete action on this bill next week.

At some point—preferably this week—we will take up the organizing resolution. But I will have more to say about that at a later date.

I yield the floor.

RESERVATION OF LEADERSHIP TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum for just a few minutes, and I ask unanimous consent that the time be charged to the other side.

The PRESIDENT pro tempore. Is there objection?

Mr. GREGG. No.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. LINCOLN). Without objection, it is so ordered.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—Resumed

The PRESIDING OFFICER. The clerk will report the bill.

The legislative 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 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.

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.

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.

Leahy (for Hatch) amendment No. 424 (to amendment No. 358), to provide for the establishment of additional Boys and Girls Clubs of America.

Helms amendment No. 574 (to amendment No. 358), to prohibit the use of Federal funds by any State or local educational agency or school that discriminates against the Boy Scouts of America in providing equal access to school premises or facilities.

Helms amendment No. 648 (to amendment No. 574), in the nature of a substitute.

Dorgan amendment No. 640 (to amendment No. 358), expressing the sense of the Senate that there should be established 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.

Wellstone/Feingold modified amendment No. 465 (to amendment No. 358), to improve the provisions relating to assessment completion bonuses.

Hutchinson modified amendment No. 555 (to amendment No. 358), to express the sense of the Senate regarding the Department of Education program to promote access of Armed Forces recruiters to student directory information.

Bond modified amendment No. 476 (to amendment No. 358), to strengthen early childhood parent education programs.

Feinstein modified amendment No. 369 (to amendment No. 358), to specify the purposes for which funds provided under subpart 1 of part A of title I may be used.

AMENDMENT NO. 465, AS MODIFIED

Mr. GREGG. Madam President, how much time is remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 16 minutes remaining, and the Senator from Minnesota has 7 minutes 45 seconds.

Mr. GREGG. Madam President, I hope we can proceed without a vote on this amendment. But as long as we are going to vote, let me raise some concerns about it.

This amendment comes down on the side of political correctness. One of the biggest problems we are seeing today in the whole issue of how we structure our educational system is that it is becoming extraordinarily subjective in the area of testing. The President has proposed a fair and objective approach where kids in the third grade, fourth grade, fifth grade, and sixth grade are tested on key issues involving English and mathematics in an objective manner.

This amendment essentially opens the door to the opportunity for the Secretary of Education—whoever that Secretary might be—or for States, depending on how this gets interpreted, to basically create a qualitative test based on subjectivity. It is no longer an issue of whether you know how to add 2 and 2; it is an issue of whether or not new math means 2 and 2 and should be added correctly. It is no longer an issue of whether or not English involves the King's English or English as defined by Webster's Dictionary; it becomes a question of whether or not English maybe should be created in different terminology for certain groups of folks who maybe don't speak English quite as well and therefore need a different type of English in order to pass a test.

''Qualitative'' is a very subjective term. This amendment, although not definitively defective, creates the opportunity for significant harm down the road if it is carried forward to its full potential.

So I am going to oppose it. I suspect it will pass because it has the name ''quality'' on it. But I am going to oppose it because I am very tired of political correctness being introduced into our educational system. I think it is especially inappropriate at the level of mathematics and English in the early grades of our educational system.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I will take a few moments. I am a little confused by my colleague's remarks.

This amendment just says that we want to have a bonus go to the States that develop high-quality assessments as determined by peer review. We have peer review of everything. It says nothing about qualitative. It tells no State and no school district how to do a mathematics test. I have been a teacher and educator for 20 years. That is not what this is about at all. This amendment just says, first of all, that every State has to implement these tests on time. We make it clear. But the second thing it says is, rather than putting an incentive on rushing, we also want to encourage high-quality tests.

I draw on all of the professional literature and I draw on what the Secretary said about high-quality tests. They are comprehensive, with multiple measures. What are they? In addition to comprehensive, they are coherent so our school districts know they will be able to have tests related to the curriculum that is being taught—not some national simple jingo, multiple-choice test. What are they? They are continuous.

I am really saying let's not penalize any State that wants to go forward and do the very best job of putting together high-quality tests. That is what States want to be able to do. That is what we are hearing. All of the articles that have been coming out all over the country in almost every State say if you are not careful, you have tests which aren't even correct, and then mistakes are made; kids pay consequences; schools pay consequences; and teachers pay consequences.

We have quotes from people who have been leading the test movement: Robert Schwartz, president of Achieve, Incorporated, and the independent panel review of title I that just issued a report. And what do they say? They are saying: Look, we have to make sure that we don't have people rushing to attach consequences to tests until we get the tests right.

What are they saying? They are saying: Accountability for student progress is only as good as the tools used to measure student progress.

That is what we are talking about, having high-quality tests, having a bonus system that goes to States which move forward with high-quality testing. It couldn't be more simple. It couldn't be more straightforward. It doesn't micromanage. It doesn't tell anybody how to do a mathematics test. I never would dream of doing that.

I reserve the remainder of my time.

Mr. GREGG. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Hampshire retains 6 minutes 45 seconds.

Mr. GREGG. And the Senator from Minnesota?

The PRESIDING OFFICER. Five minutes 15 seconds.

Mr. GREGG. Who is the time being charged to now?

I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. KENNEDY. Madam President, will the Senator be good enough to yield me 3 minutes?

Mr. WELLSTONE. I am pleased to.

Mr. KENNEDY. Madam President, I rise in strong support of the Wellstone amendment. I am really kind of disappointed we are not getting, as our first action on the floor of the Senate in our new atmosphere, broad support for what is a very basic and fundamental and sensible and responsible amendment to assure that we are going to have the development of quality tests. That is all prior to the time that you get the bonus.

We have all seen this in one of the national newspapers—it happens to be the New York Times—with two front page stories over the period of May 20, just before the Memorial Day break. Let me just refer to what happened in New York City with the application of a test for some of the children there:

> The law's ''unrealistic'' deadlines, state auditors said later, contributed to the numerous quality control problems that plague the test contractor, Harcourt Educational Measurement, for the next two years.

This is a company that has a 99.9 percent accuracy rate, and we still had tens of thousands of children who did not graduate. We had the dismissal of

principals, the dismissal of teachers, and numerous children who failed to go to college.

All we are asking for is that the tests that are going to be developed be quality tests. And there are standards on how those are to be reached. For example, as the Senator from Minnesota pointed out yesterday, one of the very responsible nonprofit organizations called Achieve has done evaluations of various tests in various States. They have identified, for example, the States that are not just giving off-the-shelf testing but those that are really testing the child's ability to think through a problem and reflecting that in the form of exams.

We are seeing as a result of that the rise in terms of achievement and accomplishment by these children. That is what is basically being asked for by the Senator from Minnesota. I think many of us have seen—as has been stated to me by the Senator from Minnesota, the Senator from Washington, and others, over the period of the last 24 hours, and over the period of the Memorial Day recess—the concern that many parents have about how the tests are being used in schools, in school districts, and how teachers are just teaching to the test rather than really examining the ability of children to really process the knowledge they are learning and reflect it and respond in terms of the tests.

I want to mention, just finally, this costs something for the States. You can get a quick answer on a Stanford 9. That might cost you $8 or $9 for a test. A more comprehensive test may cost as much as $25. But nonetheless, we believe if we are to achieve what this President has said he wants to achieve—and that is to use the tests to find out what the children don't know, so we can develop the curriculum and the support and the help for those children—let's make sure that it is going to be quality. That is what the Senator from Minnesota is trying to do.

I hope his amendment will be accepted.

Mr. GREGG. Madam President, what is the time situation?

The PRESIDING OFFICER. The Senator from New Hampshire retains 6 minutes 45 seconds. The Senator from Minnesota retains 1 minute 49 seconds.

Mr. GREGG. I simply point out, this amendment is one of a series of amendments that the Senator from Minnesota is proposing to deal with testing. And the Senator from Minnesota has never been shy—he is never shy on anything—he has certainly not been retiring or shy in his opposition to the testing regime in this bill.

The testing regime in this bill is the core of the bill. The President has suggested that if we are going to have effective accountability in this country, we must have an effective evaluation of what children are being taught and what they are learning by grades so we don't leave children behind. He suggests that be disaggregated so there is no group that will be left out or normed in and overlooked. So testing is critical to this bill.

This is not the most egregious amendment the Senator from Minnesota has proposed in this area. No. In fact, in the spirit of cooperation, I suggested we simply take it. But the Senator from Minnesota decided he wanted a vote. So I think it should be openly debated because the amendment has some serious problems down the road, unless it is fixed. The reason I was willing to take it is because I assumed it would be fixed in conference. It will be a problem for the testing regime.

The issue on testing, as has been highlighted—in fact, the Senator from Minnesota made the case—the issue on testing is whether or not we are going to set up a politically correct regime or one that actually tests kids to evaluate whether they know what they are supposed to know or whether we are going to set up a standard that essentially dumbs down, essentially takes the median and, when it isn't met, decides to drop it.

The bonus system is a critical part of that. The President's bonus system is in the bill and is structured in a way that the States get a bonus if they come on line with a good test early. The Senator from Minnesota is trying to gut that in this amendment. That is part of the first step of gutting the whole concept of quality testing.

So from my standpoint, this amendment, although not fundamentally bad, moves us in the wrong direction and therefore should be opposed. I would have been happy to try to rewrite it and make it more effective in conference, but the Senator from Minnesota wants a vote on it. Let's vote on it. It may be adopted, but I am certainly going to vote against it because I do not support political correctness as an element of our test regime.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. In the time I have left, first of all, I want my colleagues to know I am all for accountability. I have never taken a position that we should not have accountability. The question is, How we do it?

I have drawn from everybody in the testing field. I have drawn from all the people in the States. I have drawn from all the people who are doing this work. And they are all saying: Let's make sure the bonus incentive goes to the States for doing the assessments as well as possible as opposed to doing the assessments as fast as possible.

This is just a commonsense amendment. This has nothing to do with political correctness. I think this really adds to the strength of the bill. Again, the truth is, the accountability is only as good as the assessment of the children, of the students. Let's make sure we have the best assessment. Let's make sure it is comprehensive, that there is more than one measurement. Let's make sure there is coherence and that the teachers don't have to teach to the test but that the tests are actually measuring the curriculum that is taught in our school districts and in our States. And lets's make sure it is continuous and we can look at the progress of the child. This is the best amendment that, frankly, strengthens this bill.

Right now, I say to my colleague from New Hampshire, I am wearing my very pragmatic hat and trying to get this legislation to be a better piece of legislation. The reason I want to have a vote on this amendment is because this whole issue of testing is important. I want as many Senators as possible to go on record for high-quality testing.

Madam President, how much time do I have?

The PRESIDING OFFICER. The Senator from Minnesota retains 14 seconds.

Mr. WELLSTONE. I make my final 14-second plea for colleagues to have good, strong support for this amendment. It is a very good amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Hampshire retains 4 minutes 14 seconds.

Mr. GREGG. Madam President, I point out that there has been some representation that the President's initiative in the area of testing is not adequate. In the financial area of supporting the testing regime in this bill, there is $2.8 billion committed for testing over the term of the bill. That is 7 years.

Equally important, what we should point out is that what we are adding are three new tests to the regime that was put in place back in 1994 when the reauthorization of ESEA occurred. We then required that States test in three grades. At that time, when we required as a Federal Government that States test in three grades—when the President was from the other party and the Congress was controlled by the other party—we put no money on the table for the purposes of supporting the States as they did that testing.

We are now asking that the States do an additional 3 years of testing on top of the three that are already required, and we are putting on the table a dramatic increase in funding—$2.8 billion over that period.

But I would come back to the basic point of this amendment. This amendment's goal is to undermine the bonus system necessary to create the incentives to put in place a testing regime that will actually evaluate whether or not kids can succeed or not succeed.

It is part of a sequential event of amendments, the goal of which, in my humble opinion, is to undermine the whole testing regime concept. As I have said before, if we start creating a subjective or national testing regime—either one—we end up undermining the

capacity to deliver effective tests that evaluate kids and what they are doing in relationship to other kids versus evaluating what some educational guru decides is the new math or the new English.

I yield back the remainder of my time. I believe we are ready to vote.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. WELLSTONE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 465, as modified. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Virginia (Mr. ALLEN), the Senator from Idaho (Mr. CRAPO), the Senator from South Carolina (Mr. THURMOND), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

I further announce that, if present and voting, the Senator from South Carolina (Mr. THURMOND) would vote ''nay.''

The PRESIDING OFFICER (Mr. DURBIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 39, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—57

Akaka	Dayton	Lieberman
Baucus	DeWine	Lincoln
Bayh	Dodd	Mikulski
Biden	Dorgan	Miller
Bingaman	Durbin	Murray
Boxer	Edwards	Nelson (FL)
Breaux	Feingold	Nelson (NE)
Byrd	Feinstein	Reed
Cantwell	Graham	Reid
Carnahan	Harkin	Roberts
Carper	Hollings	Rockefeller
Chafee	Inouye	Sarbanes
Cleland	Johnson	Schumer
Clinton	Kennedy	Snowe
Cochran	Kerry	Specter
Collins	Kohl	Stabenow
Conrad	Landrieu	Torricelli
Corzine	Leahy	Wellstone
Daschle	Levin	Wyden

NAYS—39

Allard	Gramm	McCain
Bennett	Grassley	McConnell
Bond	Gregg	Murkowski
Brownback	Hagel	Nickles
Bunning	Hatch	Santorum
Burns	Helms	Sessions
Campbell	Hutchinson	Shelby
Craig	Hutchison	Smith (NH)
Domenici	Inhofe	Smith (OR)
Ensign	Jeffords	Stevens
Enzi	Kyl	Thomas
Fitzgerald	Lott	Thompson
Frist	Lugar	Voinovich

NOT VOTING—4

Allen	Thurmond
Crapo	Warner

The amendment (No. 465), as modified, was agreed to.

Mr. WELLSTONE. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, may we have order.

The PRESIDING OFFICER. The Senator from Massachusetts is correct.

Mr. KENNEDY. The Senator from Maine has a very important amendment. She is entitled to be heard. It is on the subject of testing, which we have been discussing. The membership should listen to her presentation. I ask that the Senate be in order.

The PRESIDING OFFICER. The Senator from Massachusetts is correct. The Senate will please come to order.

AMENDMENT NO. 509, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consideration of amendment No. 509, submitted by the Senator from Maine, Ms. COLLINS.

Ms. COLLINS. I thank the Presiding Officer, and I thank the Senator from Massachusetts.

On behalf of myself and the Senator from North Dakota, Mr. CONRAD, as well as the Senator from Nebraska, Mr. HAGEL, I send a modification of amendment No. 509 to the desk.

The PRESIDING OFFICER (Mrs. CLINTON). Is there objection to the modification of the amendment?

Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maine (Ms. COLLINS) for herself, Mr. CONRAD, and Mr. HAGEL, proposes an amendment numbered 509, as modified.

Ms. COLLINS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a study of assessment costs)

On page 778, between lines 3 and 4, insert the following:

''SEC. 6202A. STUDY OF ASSESSMENT COSTS.

''(a) STUDY.—

''(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the costs of conducting student assessments under section 1111.

''(2) CONTENTS.—In conducting the study, the Comptroller General of the United States shall—

''(A) draw on and use the best available data, including cost data from each State that has developed or administered statewide student assessments under section 1111 and cost or pricing data from companies that develop student assessments described in such section;

''(B) determine the aggregate cost for all States to develop the student assessments required under section 1111, and the portion of that cost that is expected to be incurred in each of fiscal years 2002 through 2008;

''(C) determine the aggregate cost for all States to administer the student assessments required under section 1111 and the portion of that cost that is expected to be incurred in each of fiscal years 2002 through 2008; and

''(D) determine the costs and portions described in subparagraphs (B) and (C) for each State, and the factors that may explain variations in the costs and portions among States.

''(b) REPORT.—

''(1) IN GENERAL.—The Comptroller General of the United States shall, not later than May 31, 2002, submit a report containing the results of the study described in subsection (a) to—

''(A) the Committee on Appropriations of the House of Representatives and the Subcommittee on Labor, Health and Human Services, and Education of that Committee;

''(B) the Committee on Appropriations of the Senate and the Subcommittee on Labor, Health and Human Services, and Education of that Committee;

''(C) the Committee on Education and the Workforce of the House of Representatives; and

''(D) the Committee on Health, Education, Labor, and Pensions of the Senate.

''(2) CONTENTS.—The report shall include—

''(A) a thorough description of the methodology employed in conducting the study; and

''(B) the determinations of costs and portions described in subparagraphs (B) through (D) of subsection (a)(2).

''(c) DEFINITION.—In this section, the term 'State' means 1 of the several States of the United States.

Ms. COLLINS. Madam President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays are ordered.

Ms. COLLINS. Madam President, I rise today with my colleague, Senator CONRAD, to offer what I believe is the first bipartisan amendment since we have seen the change in control of the Senate. We are offering an amendment that will help Congress ensure that it provides States with an appropriate level of funding to develop and administer the student assessments that will be required under the BEST Act.

As do many of my colleagues, I want to make sure the Federal Government pays for its fair share of the costs associated with the assessment requirements of this important legislation. However, critical though it is that we have a system to determine whether or not our children are really learning, no one really understands or knows the cost of these assessments. We cannot see in the future, but the various experts have their own estimates of the assessment costs, and those estimates vary widely. Cost estimates range by orders of magnitude, and yet no comprehensive examination of these costs has yet been undertaken. Thus, we find ourselves in a dilemma of trying to estimate what the costs will be and figuring out the appropriate Federal share, but we really do not know the costs involved.

The amendment which Senator CONRAD, Senator HAGEL, and I offer requires the General Accounting Office to conduct a study of assessment tests and transmit its report to the chairman and ranking members of the House and Senate Appropriations Committees, the Labor-HHS subcommittees, the HELP Committee, and the education and workforce committee.

The report would have to be transmitted to Congress by May 31 of next year. This would provide the opportunity to incorporate GAO's estimates

into our planning for the fiscal year 2003 appropriations cycle.

I also note that the testing requirements of the bill do not become fully effective until the year 2005. Congress would have a full 3 fiscal years to provide funding based on the estimates provided by the GAO.

The GAO study draws upon the best available data, including the cost or pricing data from each State that has already developed and administered statewide student assessments and from the companies that actually develop these tests. For example, the State of Maine has an excellent testing system that is used in three grades. It is well developed; it is of high quality. That will be the kind of information the GAO will gather in determining the cost of these assessments. Other States have taken different approaches to testing and have different costs associated with the tests they are now administering.

The GAO will determine the aggregate costs for all States to develop and administer the assessments required by the BEST Act, and the GAO will estimate how much of these costs will be expected to be incurred in each of the fiscal years 2002 through 2008. The study determines assessment development and administrative costs for each State.

In addition to looking at the aggregate, we want to look at what the experience has been and will be in each State. We have also asked the GAO to examine the factors that help explain the wide variations in the test costs that are now administered by States. This information will help Congress determine whether it is apportioning funds among the States in an equitable manner.

The General Accounting Office is particularly well suited to conduct this study. My staff has had extensive discussions with GAO to determine whether or not they will be able to conduct this important assignment. The GAO has broad experience in estimating the costs of governmental programs and analyzing the Federal Government's role in elementary and secondary education. Indeed, just last year the GAO completed a 50–State study of the title I program, which included an analysis of the efforts of the States to ensure compliance with key title I requirements and to hold local districts and schools accountable for educational outcomes. The GAO, therefore, is the right agency to conduct an impartial, thorough study of assessment costs.

The assessment provisions in the BEST Act are intended to help reach the goal of leaving no child behind. Yesterday, a bipartisan group talked with the President about the education bill. He, once again, very eloquently stated the premise of the bill of making sure that schools are held accountable for the education of each child, of making sure that no child, no matter what the family income or country of origin, is left behind. We want to make sure every child is learning. That is the inspiring goal of this legislation. That is why the President has proposed this assessment process—so we can assess whether or not each child from grades 3 through 8 is learning in the areas of reading and math. The education blueprint we are drafting will work only through a concerted, cooperative effort, where the Federal Government, States, and communities all share responsibility.

Senator JEFFORDS offered an amendment that passed overwhelmingly last month to provide a guaranteed stream of funding to States, beginning in the year 2002, in order to assess the performance of their students. Unless the Federal Government provides the States with $370 million in the year 2002 and an increasing amount in each of the succeeding 6 fiscal years, the assessment requirements in the bill will be delayed. In other words, we are making sure we are matching the requirements with the resources necessary for the Federal Government to help States and local school districts fulfill the requirements of this new legislation.

The BEST Act requires a great deal from our schools and from our States. For the first time, we are requiring accountability in a meaningful way. We are requiring that all students, and in particular our disadvantaged and low-income students, show improvement in their academic achievement from year to year. We need to provide adequate funding to help States develop high-quality assessment tools. At the same time, we just don't want to write a blank check to the testing companies. Such an approach would sap the incentive of companies to develop student assessments efficiently and cost effectively.

The solution is information. We need to have solid, well-researched data to make the best decisions possible when determining funding levels to support the States' testing systems over the next several years.

Now is the ideal time to authorize a thorough study by the GAO to gather the information we need. Since States and local school districts will be in the first year of assessment development and implementation next year, it is the perfect time to gather the critical information on which to base future funding decisions. The GAO report will provide the information we need to make the right decisions based on actual State experience and the best available data and informed projections.

I urge my colleagues to support this reasonable addition to the education reform bill. I urge my colleagues to support the Collins-Conrad amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I rise in support of the amendment of the Senator from Maine. It is a very appropriate approach to determining how much these tests are going to cost and the best way to address them.

I think it will provide a significant amount of information which will be a welcome addition to the process as we go forward trying to evaluate how best to do these tests and how to keep them from being an extraordinary burden on the States, which is of course our goal.

The President has set up a testing regime which, as I mentioned, is really the key to this whole bill, as far as he is concerned. It is a process by which all children in America will be tested in order to determine whether or not they have succeeded in learning what they should know at the grade level they are presently attending. The object, of course, is to keep track of children and make sure no child is left behind, which is the stated goal of the President and all of us here in this Congress.

In doing that, we are clearly creating a huge new activity in the area of testing. It is appropriate we have this evaluated effectively. The GAO study proposed by the Senator from Maine is the right way to do it. I congratulate her on her amendment and strongly support it.

I yield the floor. I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask consent the pending amendment by the Senator from Maine be set aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 532 TO AMENDMENT NO. 358

Mr. DURBIN. Madam President, I call up amendment No. 532.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] for himself, Mr. SCHUMER, and Mr. CORZINE, proposes an amendment numbered 532.

Mr. DURBIN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the authorization of appropriations for certain technology grant programs)

On page 362, line 14, strike ''$500,000,000'' and insert ''$900,000,000''.

Mr. DURBIN. Madam President, this amendment I am offering addresses an issue of which I think every parent is well aware. In this debate about education, we are focusing on critical needs in American education. One of those critical needs is the ability of a child to read. We have established partnerships in this bill that will try to

find new and innovative ways to teach our children how to read.

As a parent and as a former student, I certainly can recall the breakthrough in my life and the lives of my kids when their reading skills reached a level where they picked up a book by themselves and enjoyed it. I am glad they did. My kids have turned out just fine. Thanks to good teachers and a lot of prodding by parents, a lot of children go through this learning experience to read. I think it is wonderful that this bipartisan education bill focuses money on these partnerships to bring in new, innovative thinking to teach our children how to read.

The amendment I offer today looks at another challenge beyond reading, on which I think we should take a moment to reflect, and that challenge is math and science education. Think about the wondrous things occurring in America today. Think of all the technology that is being developed. Think of the fact that the United States leads the world—and we are proud of it—when it comes to the development of technology. Pause for a moment and reflect on whether or not we are training our children so they can continue this dominance of the United States when it comes to math and science.

If you make an honest and objective appraisal, you may come to the same conclusion I have come to, and that is that we can do a better job. I fully support the idea of the reading partnerships. The amendment I offer today suggests we fund for math and science partnerships at the same level of funding as reading partnerships. That sounds like a pretty simple thing. I hope it is agreed to on a bipartisan basis. It is not offered as an unfriendly or hostile amendment. I hope many will view it as a positive response to a good suggestion. Yes, let's invest in reading, but don't forget the need to invest in math and science.

Does anyone doubt the need exists? I am going to recount for a moment some statistics and information we brought together about the current state of education in math and science in America. As you listen to this information, reflect on whether or not we can do a better job, whether or not we need to make the right investment in teachers and in students and teaching techniques so we continue our dominance in the world in the areas of science, technology, and mathematics.

In too many cases today, elementary and secondary students in American schools are not receiving world-class math and science education. Every 4 years we have an Olympics, a winter Olympics and a summer Olympics. We are very proud of U.S. athletes who compete with athletes from nations around the world. Those young men and women usually end up in the White House for representing our Nation, and they show off their gold medals and silver medals and bronze medals and we take great pride in it.

There was another Olympics which took place a few years ago, the 1996 Third International Mathematics and Science Study, called the TIMSS assessment. It was administered to students around the world in grades 3, 4, 7, 8, and 12; 45 different countries participated in it.

The U.S. students at the third and fourth grade levels scored near the top in these international assessments. Their performance started to decline when we were compared to 8th graders around the world, and their ranking was well below the international average by the 12th grade.

American eighth graders were tested with TIMSS again in 1998 and 1999 to see if there had been any change. The raw average scores were about the same as they were for the eighth graders tested in 1996. The eighth graders tested in 1999 exceeded the international average in both science and math. But of the 38 countries that participated in the assessments, students in 17 countries performed better than students in the United States in science and 18 nations outscored the United States in math. Singapore, Japan, South Korea, and Taiwan led the nations that were tested in math and science. U.S. students' math and science scores put us in the same category as Bulgaria, Latvia, and New Zealand.

U.S. students today are just not taught what they need to know when it comes to math and science. Most American high school students take no courses in advanced science; 50 percent of students take chemistry; 25 percent take physics.

In a February opinion article for Education Week, the president of the National Science Teachers Association asked this question: If the United States were ranked 17th in the world in Olympic medals, it would be a national embarrassment and no doubt there would be a free flow of money to fix the problem. Why can't the same be true for education?

First, let's speak about teachers. This is the key to it. If you do not have a person standing in front of the classroom who understands the subject and knows how to teach the subject, then the child has to learn on his or her own.

Can you remember when you were sitting at a desk in a classroom? Could you have taken out that book in the classroom and learned by yourself and gone home at night and have done your own homework without the help, the urging, and encouragement of a teacher? I doubt it.

In 1998, the National Science Foundation found that just 2 percent of elementary school teachers had a science degree and 1 percent had a math degree. An additional 6 percent had majored or minored in science or math education in college. Nearly one in four of American high school math teachers and one in five high school science teachers lacked even a minor in their main teaching field.

Do you know what that means? These are teachers standing in front of classrooms in our high schools teaching math and science who did not minor or major in that subject in college. They might be good teachers. Maybe they have a lot of talent. But it suggests that someone who has majored perhaps in English or history, standing up trying to teach a chemistry or physics course, may not have the skills they need.

Internationally, fully 71 percent of students learn math from teachers who majored in mathematics—around the world, 71 percent. Only 41 percent of all American elementary and secondary students are taught by teachers with a math degree.

I would like to have a pop quiz in the Senate for all of my colleagues. Please take out your pads and pencils. We are going to have a little math test.

A researcher at the University of California at Berkeley found that just 11 out of 21 American elementary school teachers could divide 1¾ by ½ and come up with the correct answer. Every single teacher in a group of 72 Chinese teachers got it right. I wonder how many Senators could get it right.

High school and college students in America, unfortunately, are not majoring in math and science as they must if we are going to meet world demand for the skills to make certain that the 21st century is an American century. In 1997, the National Science Foundation found that 22 percent of college freshmen who intended to major in science or engineering reported that they needed remedial work in math, and 10 percent reported they needed remedial classes in science.

Let me speak for a moment about women and minorities in the fields of math, science and technology.

In 1996, women received 47 percent of all science and engineering bachelor's degrees awarded but just 9 percent of the bachelor's degrees in engineering-related technologies, 17 percent of the bachelor's degrees in engineering, and 28 percent of the bachelor's degrees in computer and information sciences. Women make up half of the U.S. workforce, but they account for only 20 percent of those with credentials in information technology.

The National Science Foundation tells us that African Americans, Hispanics, and Native Americans comprise 23 percent of the population as a whole but earn just 13 percent of bachelor's degrees, 7 percent of master's degrees, and 4.5 percent of doctorate degrees in science and engineering.

So we are not only failing to teach Americans when it comes to math and sciences, but we are leaving behind women and minorities who should be part of this exploding opportunity that America knows is really our future.

There is also a terrible shortage of technological workers. If you follow the proceedings of the Senate, you probably are aware of the fact that we debate from time to time changing visa quotas of those who want to come into the United States, particularly under

H–1B visas. The reason, of course, that we are opening our doors in America for technology workers to come in from overseas in larger numbers is that we do not have the work pool in this country to meet the needs.

There is a lesson here. For Senators who are following this debate and those who are in the galleries and listening, the lesson is this: If we are going to produce the workers in America to meet the needs of high-tech employment, we can't start with a law mandating that it comes from Congress. We have to start in the classroom, and we have to start it at an early age.

The purpose of the amendment I am offering today is to say let us start investing in math and science partnerships early on so that we have a chance to produce these workers for the next generation. I think it is not unreasonable to ask my colleagues in the Senate to make an equal investment in math and science as they do in reading so that we no longer have to debate on an annual basis opening the doors of our Nation so that those who were trained in foreign schools and foreign universities can come and fill those high-paying jobs.

There is a terrible shortage when it comes to math and science teachers. The National Science Teachers Association has reported that 48 percent of all middle schools and 61 percent of all high schools reported difficulty in finding qualified science teachers. In urban areas, an astounding 95 percent of districts report an immediate need for high school science and math teachers.

I was born and raised in East St. Louis, IL. It was a great town in which to grow up. But East St. Louis has fallen on very hard times. The public schools of my old hometown struggle to survive and to educate children.

I once met with the superintendent of the school district of my old hometown. I asked him about math and science teachers at East St. Louis Senior High School. This is what he told me: We will have any teacher who is willing to try to teach math and science. We are not going to question their background or qualifications. If they will take that textbook and stand in front of the classrooms, we will hire them on the spot.

That is just not a story of East St. Louis, IL, it is a story, sadly, across America, particularly in urban school districts. Think of a wasted opportunity. How many young men and women sitting in that classroom with the right teacher and the right opportunity can make a valuable contribution to this Nation? But they won't be able to do it if the teacher standing in front of the classroom doesn't have the skills.

In Chicago, school officials have begun recruiting foreign teachers and bringing them in from overseas to teach in the Chicago public schools, particularly in the areas of math and science. They find in some areas of Europe and Asia where math and science are really valued that these young people have great degrees and want to come to America. Once again, we are issuing additional visas so that foreign-trained teachers can come and teach in our high schools. It is happening in Chicago, a town I am proud to represent. But it ought to give us some pause to think that is how we are responding to this national need.

Let me recall the year 1957 for a moment. The Soviet Union shocked the world by launching a satellite called Sputnik. We had just started our concern about the cold war. Along comes this Soviet breakthrough in science which literally scared the Members of Congress into doing something substantive. We enacted major legislation known as the National Defense Education Act. It was maybe the first initiative by the Federal Government to make a direct investment in education. We were concerned that we didn't have the engineers, scientists, and technicians to compete with the Soviet Union in the cold war. Money was put into the National Defense Education Act. It provided funds for schools to improve their math and science courses. It provided scholarships and loans for those who went to college so they could get better degrees and be prepared to lead this country.

Why do I know so much about the National Defense Education Act? I was one of the recipients. I borrowed money from the Federal Government, completed my education, and paid it back so others could follow. Was it a good investment for America? Personally, I think so. Thousands of students benefited from it. In fact, we did not only begin the race to the Moon, but competing with nations around the world in science and technology is evidence that it paid off. We made a Federal investment that was a good investment.

The mounting evidence of the state of the world today should give us pause. Student achievement in science and math in the United States is stagnant. Students are losing interest in math and science in high school. Fewer students pursue degrees in the math and science fields. The technology workforce is having a difficult time finding qualified workers, and it is hard to attract math and science teachers whom we need in our schools.

All of these factors must lead us to conclude that something must be done to reform math and science education in grades K through 12. This bill makes an important first step in funding national science partnerships. I am asking the sponsors and those supporting this bill to consider expanding the amount of opportunity in math and science as we have in reading. Let us not make math and science second rate next to reading. Reading is critically important, but don't in any respect forget the importance of math and science to our Nation.

We have appointed several commissions over the last several years, one of them with our former colleague from Ohio, Senator John Glenn. We all know John Glenn's story—this great American who served in the Marine Corps in both World War II and the Korean war, the first man in space, and who served with us in the Senate. After he announced his retirement from the Senate, once again he became an astronaut. What a great man, and what a great contribution he made to America; he is a person who really appreciates science and math. He was asked by President Clinton to establish a commission to look into this issue of the question of math and science.

The Glenn Commission came out with some startling findings to back up the reasons we need this amendment today. Senator Glenn came to the conclusion that if America is really going to succeed in the future, we cannot ignore the need for math and science.

What he has said in this report—which is bipartisan, bringing together some of the best educators in America—is, we need to make the investment to make it happen, to make certain we have good teachers who are well paid and kids who are well educated in the fields of math and science.

There was another commission created which reported to Congress in February of this year. It was cochaired by former Senator Gary Hart of Colorado and former Senator Warren Rudman of New Hampshire. This commission did not look at science from the viewpoint of just education; they looked at it in terms of national security. And, once again, this bipartisan commission, representing some of the best minds in America, looking in the field of national security, came to the conclusion that education was a national security imperative.

So if you are one of those in Congress who believe our first responsibility is to provide for the national defense, then you should read this commission report and realize that a strong America, with a strong national defense, relies on strong teachers and strong students in classrooms around America who are learning math and science.

I think the message is very clear. I hope my colleagues will pause and reflect on it for a moment. We have a chance, in this legislation, to do something significant for our schools. I am happy that it is a bipartisan effort. I am happy that we have Senators from both sides of the aisle working with Members in the House of Representatives on both sides to come up with a bill.

I do not believe this is a partisan amendment I am offering. I believe there are Republican Senators, as well as Democrats, who appreciate the need for an investment in math and science.

It is interesting that when I asked for support for this amendment from around the country, the support did not just come from teachers organizations; the support came from those representing scientific endeavors, people who are on the front line in research in America, people at the National Institutes of Health, those who are involved

in research in Silicon Valley. These are the people who came forward and said to me: Senator, don't overlook math and science. Make this basic investment in reading, but don't forget math and science.

We want to be able to hire American students to work in American companies to produce American products that sell around the world. I am not averse to people coming to this country. My mother was an immigrant. I have an open mind, and I really believe in the value of immigration. But if we look to the future, don't we want to give our kids the first opportunity in the classroom?

What we do with this amendment is increase the authorization level for math and science partnerships.

Mr. GREGG. Will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from New Hampshire for a question?

Mr. DURBIN. I am happy to yield.

Mr. GREGG. Would the Senator be willing to take this on a voice vote?

Mr. DURBIN. Yes, I would. And with that kind of encouraging question, I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. DURBIN. Madam President, it is my understanding that my colleague—and yours—from New York wants to come over to speak to this amendment. So at this point 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. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DURBIN). Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I am proud to join with the occupant of the chair, my friend and colleague from the State of Illinois, in this amendment. I very much appreciate the opportunity to speak on it. I apologize for the slight delay; we are finishing up a hearing on faith-based institutions in Judiciary, which I had to chair.

American students are falling further and further behind in math and science. The numbers tell a dismal story.

In 1996, only 23 percent of all eighth graders were at or above proficiency in math, and 27 percent of all eighth graders were at or above proficiency in science.

A 1999 international study revealed no significant progress for American eighth grade students in math and science achievement over the last 5 years. Even worse, the study indicated that U.S. student achievement in these academic areas actually declines between grades 4 and 8.

I don't have to tell my colleagues how important math and science are in this new global economy. Technology is key, and the base of technology is math and science. As sure as we are debating this amendment today, if America does not improve its math and science ability, we are not going to stay the No. 1 economy in the world. High value is added, as Alan Greenspan says, by thinking things, not by moving things anymore. We have to have the best people at thinking things. When math and science are as poorly learned and as poorly retained as they have been, there is trouble on the horizon.

My own State of New York is not immune; 28 percent of our New York high school students failed the math Regents test—up from 24 percent in 1997.

So we have an anomaly in America. While we have many brilliant U.S. scientists and mathematicians leading the way in research and technology, basic education in these areas has been increasingly deficient.

How are we going to have the next generation be as brilliant, as productive, and as important as this one has been in math and science if our schools continue to teach them poorly? We cannot continue to simply rely on immigrants to fill the brain gap. We have to have American students doing much better.

As a good friend of mine, an accomplished mathematician, Jim Simons likes to say, ''For every person familiar with neural networks, double helixes, or string theory, there are thousands who cannot do long division, let alone high school algebra.'' That is the anomaly we face in modern America—the anomaly that this amendment helps, we hope, to alleviate.

How do we make the change? Well, probably the most important answer lies in our teachers. Teachers make a difference. Studies tell us that teacher qualifications can account for more than 90 percent of the differences in students' reading and math scores. To repeat that, teacher qualifications can account for more than 90 percent of the differences in students' math and reading scores. But we are facing a battle on two fronts—a lack of interest in the teaching profession and inadequate teacher training in math and science.

Depression babies in the thirties and forties wanted to get a civil service job and were willing to sacrifice pay. Women, in the 1950s and 1960s were told: be a nurse or a teacher. And millions were. They sure helped me with my education. Those in the last group—my generation, the Vietnam war era of young men—were granted a deferment if they taught, and many did.

We had open school day. My children attend New York City public schools. I talked to each of their teachers. There are 12 of them—6 for each daughter in the various subjects. Jessica is in high school and Allison is in middle school. I asked, ''How did you become teachers?'' Half of the women who I interviewed entered in those years, and of the six men I interviewed, four entered teaching during the Vietnam war era. It was amazing.

As this chart shows, fewer and fewer talented men and women in math and science are choosing careers as teachers. Only 8 percent of the Nation's math teachers and 7 percent of the Nation's science teachers were new in 1998. It is worse in my State of New York. The numbers are 5 percent and 4 percent, respectively.

This is an amazing and frightening statistic: 28 percent of math teachers and 26 percent of science teachers in the United States did not major in the field in which they teach; 22 percent of the Nation's middle school math and science teachers are not certified. How are we going to attain excellence with these statistics?

The combination of low pay—teachers earn 30 percent less than other workers with a bachelor's degree in the same subject—little prestige, and, of course, multiplying job opportunities for talented math and science majors has led to a shortage crisis in these vital subject areas.

Let me read you this statistic, which is equally frightening: As of 1998, a quarter of our Nation's math teachers were over age 50. In 1998, a third of New York's math teachers were over 50. That means a huge percentage of these teachers from the old generations are going to retire. With whom are we going to replace them?

The shortage is particularly acute in low-income and urban communities. These communities alone will need more than 700,000 additional teachers in the next decade.

We must demand excellence from all of our teachers. We have to ensure that teachers who have spent years in the classroom continue with their professional development. Similarly, we must ensure that new teachers enter the field with the skills and knowledge base necessary to educate our children.

As last year's Glenn Commission concluded:

> The most consistent and powerful predictors of student achievement in math and science are full teaching certification and a college major in the field being taught.

Last year in New York, 37 percent of teachers or prospective teachers failed the State teacher's certification examination in math—that is up from 32 percent 3 years ago—38 percent failed the biology test compared to 24 percent 3 years ago. So things are not getting better; they are indeed getting worse.

So what do we do about it? Well, the bill before us, S. 1, takes an important step in prioritizing math and science education by creating a new program to improve teaching in these critical areas. Just yesterday, we passed an important amendment which would strengthen these provisions, and I am proud to have worked in a bipartisan fashion with not only Senator DURBIN, but Senators FRIST, ROBERTS, WARNER, CRAPO, and GREGG on this important amendment.

Now, specifically, the amendment ensures that schools working in collaboration with colleges and universities use funds to recruit and retain highly qualified teachers—both recent graduates and midcareer professionals—in math and science.

We encourage local districts to use scholarships, signing incentives, and stipends to attract talented individuals to the field and to pair those activities with effective retention tools such as professional development and mentoring.

We authorize districts to create mastery incentive systems, where experienced certified math and science teachers who demonstrate their expertise through an exam and classroom performance are rewarded.

With the passage of this amendment, the provisions in this bill are a good first step, but we must ensure that we provide enough funding to make the new program work. The greatest worry I have about this bill, which I think has been exquisitely crafted by our leader from Massachusetts, working so hard with so many other Senators and with the White House, is that we will have all this great language and no money to help with what we say we are going to do.

It would be the sheerest hypocrisy to do that. It would delude the American people into thinking we are doing something when we are actually doing nothing, other than adding more laws without implementing them.

That is why today Senators DURBIN, CORZINE, and I are offering an amendment which would increase the math and science partnership authorization—what we did yesterday—from $500 million to $900 million. We are pleased that Reading First is authorized at $900 million. Our children have to be proficient readers, but in today's world, science and math are no less important, and our funding priorities should reflect that.

We should be funding these math and science partnerships at the same level that Reading First is funded. Math and science has to be a priority for our Nation. We have to recruit, retain, and reward great math and science teachers. After all, it is these men and women who are responsible for educating our children and ensuring that our Nation will be prepared to stay No. 1 in the very competitive math and science-oriented global economy of the 21st century.

I thank the Chair, and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his suggestion?

Mr. SCHUMER. I withhold my suggestion if my colleague from Massachusetts wishes to speak.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I see my friend and colleague from New Hampshire is here. We want to move ahead with this amendment.

First, I commend the good Senator from Illinois for this amendment. I remember when we passed the Eisenhower program. It was passed in 1984 after the excellent report of Ernie Boyer, ''A Nation at Risk,'' which is still the definitive work as to where we were in early education and the challenges we faced. We have been trying to respond to those challenges from that period of time.

This legislation, as has been pointed out by the Senators from Illinois and New York, is different from the Eisenhower program in that it enhances the opportunity for recruitment, which is enormously important, and also has an emphasis on curriculum, which is extremely important, as we are finding out in the review.

In the first testing we are going to have for the 3–8 grades, it is going to be on math—science is going to be down the road, but it is going to be on math and it is also going to be on literacy. As the Senator from Illinois pointed out, we are seeing a three-fold increase in literacy but we have not increased in math and science.

If we are going to have a greater sense of expectation of the children in literacy, because this is the area that is going to be tested, the Senator says let's give equal priority to the areas of math and science. That makes eminently good sense. It is a modest increase. It is basically going to establish similar funding in math and science, as we have on literacy. It strengthens our whole effort.

The legislation has provisions for recruitment and curriculum; this is an enhancement of that program. It makes a good deal of sense.

I thank the Senator from New Hampshire for his willingness to accept it. It is an important amendment. It adds to the legislation. I welcome the excellent presentation the Senator made and the strong support of my colleague and friend from New York. I look forward to voting on this measure at this time, if possible.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 532.

The amendment (No. 532) was agreed to.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SCHUMER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I understand the pending amendment is the Voinovich amendment; is that correct?

The PRESIDING OFFICER. The pending amendment is the Collins amendment No. 509.

Mr. BINGAMAN. Mr. President, I want to talk about the Voinovich amendment and a second-degree amendment that I want to offer to that, once the Senator from Ohio, Mr. VOINOVICH, has had a chance to modify his amendment.

The PRESIDING OFFICER. Without objection, the Senator from New Mexico is recognized.

Mr. BINGAMAN. The second-degree amendment I will offer on behalf of myself, Senator HATCH, and Senator KENNEDY, in my view, will help clarify that we do not intend to change the basic relationship between the Federal Government and the States by virtue of this Voinovich amendment. Senator VOINOVICH seeks to accomplish a laudable goal with his amendment. It is my understanding he is striving to ensure coordination between the Governors and the State superintendents of education and the State boards of education in the development and implementation of educational policy as it relates to Federal funding.

All Senators in this Chamber will agree that is an admirable objective. The language he has proposed, however, as I understand, even after the modification he is going to offer, effectively gives Governors a veto power over State school boards and superintendents. It supersedes most, if not all, State constitutions and laws on that issue.

The Voinovich amendment changes 35 years of Federal education law by giving the Governors of every State joint authority to prepare and prove and submit consolidated plans and applications for all of the Elementary and Secondary Education Act programs to the U.S. Department of Education. It would explicitly mandate that the Governor of each State sign off on title I plans which include the State's educational accountability system, the content and student performance standards, assessments, definition of adequate yearly progress, and the uses of those funds—and particularly the State's plan for identifying and improving low-performing schools.

In my view, we should not violate State sovereignty to determine how the State chooses to structure the governance and administration of education. Federal education policy has long recognized that each State sets its own State educational authority for elementary and secondary education. The bill before us does so by designating the agency or individual given this authority under State law as the person or agency in charge of administering the Federal programs. So elsewhere in the bill we do not in any way try to dictate to the State any requirement it change the way it administers its educational system.

In my home State of New Mexico, our State constitution vests the ultimate authority over education in the State school board. We have 10 elected members; we have five members who are appointed by our Governor. This board is given authority under our constitution to determine public school policy and

to have control and management over our public school system. The model in our State contemplates coordination between our Governor and the board through the appointment of these five members that the Governor is directed to appoint.

The Federal Government should not attempt to undo the balance achieved in the State of New Mexico by giving the Governor federally mandated veto power over what a majority of the board decides. To do so would deprive the voters of New Mexico of the right to vote for the majority of our school board and to have that majority set policy in our State.

The impact of the amendment the Senator from Ohio is offering would not be unique to New Mexico. I am not just offering my second-degree amendment because of a problem in New Mexico. Virtually no two States use the same model for education governance. I know of no State that vests ultimate authority solely with the Governor or gives the Governor a veto. Some States vest the authority in a State school superintendent appointed by the Governor. But in most, if not all of these States, this appointment is subject to confirmation by the State legislature.

In some States, the Governor sits on or chairs the State's board of education and has a defined role in the development and approval of State education plans. Federal provisions requiring additional signoff and approval by the Governor give the Governor a power to revise or overrule the very board the citizens of the State have established to make these decisions. In those States where the constitution vests autonomy and power in elected State boards and/or State superintendents—there are at least 13 States that do this—the adoption of the Voinovich amendment would substantially override State law and the will of the people of the State. If States want Governors to make these decisions, they can so provide, but we should not be making a provision like that in this bill as a side consequence of our other legislation.

As is pointed out in a joint letter signed by 20 major educational organizations that support my second-degree amendment, the amendment by the Senator from Ohio would allow Governors to supersede State-determined authority by requiring Governors' approval of the decisions on applications and plans assigned by the State to the State education authority.

I ask unanimous consent this letter by these organizations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ORGANIZATIONS SUPPORTING STATE AUTHORITY IN THE ADMINISTRATION OF FEDERAL EDUCATION PROGRAMS

MAY 21, 2001.

To: Members of the United States Senate:

VOTE YES FOR THE BINGAMAN-HATCH AMENDMENT TO ASSURE GOVERNORS' PARTICIPATION IN ESEA STATE PLANS AND APPLICATIONS

The undersigned organizations urge you to vote YES on the Bingaman-Hatch 2nd Degree Amendment to the Voinovich Amendment No. 389. The Binhaman-Hatch Amendment provides that state plans and applications for ESEA would be prepared and submitted by state education agencies after consultation with governors. This will assure coordination of these state plans and applications for federal programs with state education policy and also assure that the federal government is not superimposing an education governance structure on the states.

The undersigned organizations previously have urged the Senate to vote NO on the Voinovich Amendment No. 389 because it would require that governors jointly prepare plans and applications for the entire Elementary and Secondary Education Act together with state education agencies. We oppose that amendment because it makes a very fundamental change in the time-honored separation of powers for education between the federal and state governments. The governance and administration of education is clearly the responsibility of states. The federal government has recognized this authority in all of the elementary and secondary education acts over the past 50 years by providing that whatever each state has determined to be its administering agency for elementary and secondary education will the agency responsible for the federal education programs. The federal government must continue to rely on that agency without imposing added conditions!

A copy of our letter of opposition is attached.

The federal government has provided that whatever choice a state makes in education governance, through a combination of elected or appointed officials, powers of state boards of education, state legislatures, governors or chief state school officers, that state determination is final. Federal statutes have not and must not overturn that determination by requiring additional authorities for governors, or other officials, not otherwise provided by the state constitution or state law.

The United States Senate has the opportunity to maintain the recognition of state sovereignty while advancing provisions in the Elementary and Secondary Education Act that would encourage coordination among state officials and explicitly provide for consultation by the state education agency with the governor in the preparation of plans and applications for ESEA.

The undersigned organizations believe the issues of governance and administration are of critical importance with respect to the fundamental authority of state and local responsibility for elementary and secondary education. The Voinovich amendment is not a minor extension of authority for coordination and consultation. It is a fundamental change in federal-state relations by imposing requirements which are properly the responsibility of the states. We urge your vote for the Bingamin-Hatch amendment which truly provides for appropriate participation by the governor.

To assist with understanding of the specific provisions and consequences of the Voinovich amendment No. 389, we also attach a set of questions and answers about that amendment.

We urge your support of the amendment by Senators Bingaman and Hatch.

Sincerely,

American Association of School Administrators, American Association of University Women, American Federation of Teachers, Association for Career and Technical Education, California State Superintendent of Public Instruction, Citizens Commission on Civil Rights, Council for Exceptional Children, Council for Chief State School Officers, International Reading Association, Leadership Conference on Civil Rights, National Alliance of Black School Educators, National Association for Bilingual Education, National Association of Elementary School Principals, National Association of Federally Impacted Schools, National Association of School Psychologists, National Association of Secondary School Principals, National Association of State Boards of Education, National Association of State Directors of Special Education, National Association of State Title I Directors, National PTA, National School Boards Association, School Social Work Association of America, United Church of Christ Justice and Witness Ministries.

Mr. BINGAMAN. The second-degree amendment I will propose, along with Senators HATCH and KENNEDY, will provide for coordination between Governors and State education authorities, but it will not have the effect of superseding State-determined decision-making. Through consultation, the Governor and the State education authority will review key issues and ensure the plans and applications are consistent with overall State policy for education.

It is my understanding Senator VOINOVICH will modify his amendment to add a new phrase. The phrase is ''unless expressly prohibited by State constitution or law.'' The modification does not solve the problem about which I am concerned. State constitutions and laws do not expressly prohibit any State authority from acting with respect to education. Instead, in my State and all States I am aware of, the State constitution affirmatively assigns responsibility to certain State authorities. They do not prohibit other State authorities from taking action.

The amendment with the modification still would have the effect of interfering with State sovereignty by giving Governors a veto power over State plans under the Elementary and Secondary Education Act. I believe this second-degree amendment is a better alternative. I urge my colleagues to support it. I appreciate the chance to explain the amendment at this point.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 509, AS MODIFIED

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the yeas and nays on the Collins-Conrad amendment be vitiated, and that the amendment be agreed to by a voice vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Ms. COLLINS. I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 509), as modified, was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I will take one moment to thank the Senator from Maine for this excellent amendment. There has been concern about what is going to be the real cost. There have been wide disparities in terms of the estimates. I have looked through a number of these studies. The Senator from Maine said let's really get a definitive study so we will know what the burden upon the States is going to be so we can act responsibly. I think it makes a great deal of sense. I think it will make even more sense if we include the more recent alterations that are in the Wellstone amendment.

I thank the Senator. I think this is enormously helpful and valuable.

Ms. COLLINS. Mr. President, I thank the Senator from Massachusetts and the Senator from New Hampshire for their kind comments. I appreciate their support for the amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

AMENDMENT NO. 389, AS MODIFIED

Mr. VOINOVICH. Mr. President, I call up amendment 390, and I send a modification to my amendment to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 389), as modified, is as follows:

On page 7, line 21, add ''and the Governor'' after ''agency''.

On page 8, line 1, insert ''and the Governor'' after ''agency''.

On page 35, line 10, strike the end quotation mark and the second period.

On page 35, between lines 10 and 11, insert the following:

''(c) STATE PLAN.—Each Governor and State educational agency shall jointly prepare a plan to carry out the responsibilities of the State under sections 1116 and 1117, including carrying out the State educational agency's statewide system of technical assistance and support for local educational agencies.

''(d) NONAPPLICATION OF PROVISIONS.—The requirements of this section shall not apply to a State where compliance with such requirements is expressly prohibited by the State constitution or a State law.''.

On page 35, line 20, insert '', that, unless expressly prohibited by a State constitution or law, is jointly prepared and signed by the Governor and the chief State school official,'' after ''a plan''.

On page 706, line 8, insert ''Governor and the'' after ''which a''.

On page 706, line 16, insert ''Governor and the'' after ''A''.

On page 707, line 2, insert ''Governor and the'' after ''A''.

On page 708, between lines 5 and 6, insert the following:

''(c) NONAPPLICATION OF PROVISIONS.—The requirements of this section shall not apply to a State where compliance with such requirements is expressly prohibited by the State constitution or a State law.

Mr. VOINOVICH. Mr. President, throughout the course of the debate on the education bill, we have been proceeding toward the goal of bringing positive change to our education system. However, for these school reforms to succeed, we need to ensure that the parties affected by this bill are able to work in unison.

In nearly every instance where federal funds pass-through to states from highways to health care the Federal government directs those Federal funds to go right to Governors and to State legislatures.

The exception is education, where State education agencies are the direct recipients of Federal funds for education. Most of that funding is then passed on to local schools.

State plans submitted by State education departments to the U.S. Department of Education set the guidelines local school officials are to follow in coming up with their own spending plans.

However, there is no requirement for coordination between chief State school officers and Governors on how Federal education dollars are to be used in a State.

In some States, the chief State school officers are appointed by Governors. In other States, though, chief State school officers are elected.

Whatever situation exists between chief State school officers and Governors, in the final analysis, it is the Governors of our States who are held accountable for the overall condition and success of public schools. I can testify to that as a former Governor of Ohio.

As it is currently written, the Senate's ESEA reauthorization bill also holds governors accountable for student progress, even where Governors have no current discretion over federal education programs and federal education funding.

In my view, it doesn't make sense that a Governor, who has to manage his or her State's budget and is responsible for any shortfall, is not required to be consulted when state educational officers set education priorities.

That is why I have offered this amendment.

This amendment is simple: for programs where a State receives federal monies under ESEA, both a chief State school officer and that State's Governor need to sign the education plan that is submitted to the Secretary of Education.

Requiring joint sign-off on education plans by the Governor and the chief State school officer ensures agreement over the content of the State's submitted education plan.

The amendment we have offered makes sure that Federal education funds work with State education funds for the benefit of our children.

Opponents of our amendment have made the assertion that under this amendment the Federal Government would be imposing a new structure of education on the states by superceding State law.

This is incorrect.

Each State's constitution or its statutes create a State education agency that administers State education programs. This amendment does not change State or local education policy or structures. This amendment only applies to Federal education policy. It only applies to ESEA. Our amendment would leave State governing authority alone.

Here is how it would work.

Today, nearly every State files a consolidated education plan to the Secretary of Education to receive ESEA funds. State constitutions and laws do not define what entity signs the ESEA consolidated plans.

Most State constitutions and accompanying statutes were passed long before ESEA was even written. In fact, it is the Federal Government—ESEA itself—that specifically states that State education agencies should sign the consolidated plans that nearly every State uses.

Some of my colleagues have expressed their concerns that this amendment may violate State constitutions and laws because a particular State may give sole authority for education policy to the State education agencies.

To address these concerns, we have modified the amendment to say that this joint sign-off will not apply if it is prohibited under a state's constitution or its laws.

In other words, this amendment will not supersede State constitutions or State laws. Any State that gives their State education agency the sole statutory authority to sign these plans can do so.

My co-sponsors, Senator EVAN BAYH, Senator BEN NELSON, and Senator CHUCK HAGEL, and I are not proposing to substitute State education authority with Federal authority.

As a former Governor of my State, I have fought for years to support State education authority, and I believe my co-sponsors have as well. In addition, we realize that each State's Governor plays a key role in the development of education policy.

That is something a lot of people fail to realize—that during the 1980s, and, frankly, during the term when President Clinton was Governor of Arkansas, and during the period when he became chairman of the National Governors' Association, the Governors really became intimately involved in education in their respective States.

There were education summits in 1989, 1996, and 1999. In each State it is the Governor who works with the legislature to determine key State education policies and funding priorities.

It seems logical that the individual who helps direct a State's education policy and education funding—the Governor—should have some meaningful input into where the Federal money that State receives goes.

This amendment makes sense because under ESEA we say that States that take title I funds must target them to poor students. In this bill, we state that if a State takes funds, they must test students from grades 3 to 8. So it is not radical for us to say that if the States receive Federal funding, they should coordinate that spending so that it works with the State's education spending.

Let me remind my colleagues that Congress supplies only 7 percent of the education funding in America. This amendment only addresses that 7 percent. Why wouldn't we want that 7 percent to be coordinated with the 93 percent that are State and local funds? However, the substitute amendment offered by my colleague from New Mexico does not ensure coordination.

Currently, in some States, politics and personalities create differences between Governors and State school officers. This is again something that is not talked about in this country, but there are many States where the Governors and their State chief school officers rarely spend time together discussing education. In my State, I was fortunate that we developed a good interpersonal relationship with each other, but in many cases that is not the situation. In other words, what my amendment would do is require that the Governor sign off, unless it is in violation of a State constitution or State law.

I believe that requiring a joint signoff on education plans by the Governor and the chief State school officer enables the Governor to leverage and ensure coordination of State education funding to work with the Federal dollars Congress allocates. And the only way to fully leverage Federal funds is to ensure the coordination of those funds with State efforts.

Our modified amendment preserves State authority and ensures the coordination of Federal and State roles to promote education reform and the efficient expenditure of education dollars to the maximum benefit of our students.

I urge my colleagues to reject the Bingaman substitute amendment and to vote for what I consider to be a very commonsense approach and one that recognizes that today in our States—if we are going to get the kind of education we want for our children, if we are going to get the kind of coordination of our Federal dollars with our State dollars, and to make the maximum use of them for the benefit of our kids—it is important that the Governors of our respective States sign off on the applications that are submitted by their States to the Secretary of Education for the use of Federal funds under ESEA.

I thank you, Mr. President. With the Chair's permission, I yield the remainder of my time to the Senator from Indiana.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Indiana is recognized.

Mr. BAYH. Mr. President, I am pleased to rise to add my voice to that of my distinguished colleague from the State of Ohio on behalf of the Voinovich amendment. I do so because I believe this amendment is necessary to make the most of the historic opportunity that lies before us to improve the quality of education for all of America's schoolchildren.

This amendment is important. It is needed to make sure that our effort is comprehensive. One of the good things about the bill that has been authored to date is that it includes all the stakeholders necessary to improve the quality of public education. It includes teachers, administrators, those in higher education, parents, and others who are important to improving the quality of America's public schools.

It will be strange if we do not include the chief executive officers of the States, those who are charged with the welfare and well-being of the citizens within their States. Most of the time—the vast majority of the time—there is no more important issue for the States' chief executives—the Governors —than the quality of education for America's schoolchildren. For this to be a comprehensive effort including all stakeholders, we must include the Governors of the 50 States.

It is important for this amendment to be adopted in order for this effort to be coordinated. We will not reap the full fruits of our efforts if Federal policy heads in one direction which is completely uncoordinated and irrelevant to State policy heading in another direction.

To maximize the potential of the reforms we seek to enact, to truly make historic progress, it is important that the State and Federal efforts dovetail together in a coordinated manner to give America's schoolchildren the very best opportunity to get the education they so richly deserve. Adoption of the Voinovich amendment is important for this ESEA reauthorization to maximize its effectiveness.

I would like to observe that even with the additional funding we hope to achieve—which is so vitally important—still no more than 6 or 7 percent of the funds provided to America's local schools will come from the Federal level. Fully 94, 93 percent will continue to come from State and local governments.

We are instituting, as a part of this process, historic accountability provisions. I anticipate they will identify many schools that need substantial improvement. They will identify many students who are at risk of being left behind if we do not give them the education they so desperately need.

State and local governments will continue to be at the forefront of making that progress possible since they provide the bulk of the resources. It is vitally important that we include Governors in this process for the following reason: I have not seen a single State education reform effort anywhere in this country succeed without the active, vigorous participation of the Governor of the State. In real practical terms, it simply does not happen.

It is the Governor who submits the State budget requesting more funding for education. It is the Governor who, very often working with the State legislature, and with the cooperation of the chief State school official, puts together the programmatic parts of any education reform effort.

If we hope to use this opportunity to catalyze meaningful reform and progress at the State and local level, we simply must have Governors involved because, as a practical matter, it is the Governors who get the job done.

As I said, I am not aware of a single major State education reform effort in this country that has been accomplished without the active involvement and participation of the Governor. That is why they at least need to be involved in the applications that are being submitted for the use of Federal funds as well.

Finally, let me say a few words with regard to States rights. This amendment does not give the Governors unfettered discretion. It does not put the Governors in charge. It simply says that Governors must work, consult and cooperate with the State chief school officers. That is as it should be if we are going to reap the full fruits of this effort.

It says to the States, with respect to their constitutions and laws, you do it as you see fit, but at least we would like to have the Governor consulted, if that does not run counter to a provision of State constitutional or statutory law.

I have been interested over the last couple of years I have been privileged to serve as a Member of this body, having been a Governor for 8 years—just as my colleague from Ohio was the Governor of his fair State for 8 years—to occasionally hear the skepticism and the concern with which some members of the Federal Government view State governments in general and Governors in particular. This is interesting, considering a growing number of Members of this body happen to have been Governors once upon a time themselves.

It was also interesting for me to observe and to listen, when I was a Governor in the Governors' meetings, to the skepticism and concern with which many Governors view the Federal Government and Washington, DC.

Surely, in the spirit of the moment, when we are seeking more bipartisan

cooperation between the parties—surely, at a time we are seeking more cooperation between the executive and the legislative branches—perhaps at this moment we can seek a new spirit of federalism as well, ensuring that the chief executives of the States, working in cooperation with the chief State school officers, make the most of this historic moment to truly have a reform of America's education system of which we can be proud and which will serve our children well.

In order to accomplish that, Governors must be involved. That is what the Voinovich amendment will accomplish. That is why I am pleased to speak on its behalf.

I thank my colleagues for their patience, and I am pleased to yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I strongly oppose the Voinovich amendment and its attempt to change the role of the Governors in Federal education policy. The amendment would require Governors and chief State school officers to sign off jointly on any title I plan or consolidated ESEA plan. As a result, the Governor would have veto power over all Federal ESEA funding and reform. For the first time, the Governor would have a veto over all Federal ESEA funding and reform.

The Voinovich amendment would supersede current State law by giving the Governor the veto power, regardless of the State constitution or current State law.

The proponent, Senator VOINOVICH, asked for a modification of the amendment and in the modification, he provides, under ''Nonapplication of Provisions'':

> The requirements of this section shall not apply to a State where compliance with such requirements is expressly prohibited by State constitution or a State law.

Find a State constitution that prohibits activities. State constitutions guarantee. They authorize and they protect rights and liberties. But they don't basically prohibit. He is saying that this will go into effect unless it is prohibited. That is basically an entirely new concept in terms of many States.

States have made decisions about how they are going to administer their education law, and we have, to date, worked in the development of this legislation, with the language that we have that permits consulting with the Governors. But now this will change that particular provision.

The Federal Government has a strong role to play in ensuring that the neediest children get the support they need to obtain a good education. By superseding State law and giving veto power to the Governor over Federal education policy, the amendment would concentrate greater power in the government and would unfairly tilt the balance against other authorities in the States.

Under the current law, State education agencies in every State implement Federal and State education policy. We want to ensure that there is a strong coordination among all education programs so that local schools obtain the best support available. The Voinovich amendment would distort the control of education policy in each State, causing confusion and unnecessary burdens on States and local communities.

We have all worked together to create a bill that focuses on strong, urgently needed reforms, especially in areas of testing, accountability, and targeted support for students in failing schools. We have also worked together to create the right overall structure for educational policy in the Federal system. Under the bill's pilot programs on performance agreements, the Governor is required to consult with the State education agency. That is an appropriate role for the Governor and one that I support.

I, therefore, urge the Senate to approve the amendment offered by Senators BINGAMAN and HATCH and to ensure that Governors consult with State education agencies in implementing Federal education policy. Their amendment gives the State Governor an expanded role without undermining the State law or constitutions by giving the Governors a veto.

We have seen in the past where title I programs that have gone into the States effectively have gone to the local communities. We have other education programs that go to the States and are administered at the State level. And we have respected those, the way that the States have worked out their administration of it. But this changes action in the States which the States have not indicated they wanted to change in a number of different States. We have not had any hearings on this. We don't know. We can go through the various States which this legislation would effectively override. There are many. But we haven't given that consideration.

We are glad to give it some consideration at some time, but we are effectively overriding the authority for the distribution of the resources at the State level by Federal fiat. That is the effect of this program of Senator VOINOVICH.

Under the Bingaman proposal, we are taking the responsible action of ensuring that there will be a consultation, but we are respectful. If it is handled one way in a State under the Governor, that is the way it ought to be. If it is handled under the State education authority, that is the way it ought to be.

I am just wary of the Senate overriding State decisions about how that will be distributed. That would be the effect of it. The Bingaman amendment addresses this and is the way we ought to follow.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I appreciate the words of the Senator from Massachusetts. I rise to make a couple of points with regard to his remarks.

No. 1, if we think about it, when the State constitutions were adopted, there was no contemplation at all of a Federal role in education. As a matter of fact, up until the last couple of decades, education was primarily the responsibility of State and local government. The education arena has changed dramatically.

As I pointed out in my remarks a few minutes ago, the Governors have taken a much larger role in education than ever before in this country. They started to play a role in 1983, when we had the report on the crisis in education, ''A Nation at Risk.'' As I mentioned, it was Governor Clinton who brought all of the Governors together to deal with the challenge of education in their respective States.

Since that time, Governors have become much more involved in education. If people were asked whether their Governor would sign off on an application from their respective States for the use of Federal money, they would be shocked to know that their Governors are not required to sign off on that application. My amendment is not intended to be a veto. It is intended for the Governors who are being held responsible by the citizens in their respective States for education policies to have an opportunity to participate in putting the plan together as to how those Federal dollars are going to be used in their States.

Rather than a veto, having the Governor involved is going to enhance the application and make it more meaningful because it is the Governor who is responsible in most of the States for the budget that is allocated for education and it is the Governor who takes the leadership role.

I can tell my colleagues, in Ohio today there is a discussion going on about whether or not Ohio is meeting the standards of the State supreme court. It is not the superintendent of public education that is being held responsible by the Supreme Court of the State of Ohio. It is the Governor of the State of Ohio and the State legislature that are being held responsible.

This amendment is not going to do any harm whatsoever to what is happening in our States in terms of Federal money. Rather, it is going to enhance the utilization of those Federal dollars because it is going to require the coordination and cooperation of the Governors and the chief State school officers to utilize those moneys on the State level.

Mr. KENNEDY. Mr. President, some States have made a judgment that they want the Governor involved. This legislation respects that. In other States, they have made the judgment that they don't want it, that they want the State educational agency to be in charge. We respect that.

Under the amendment of the Senator from Ohio, he overrides that State decision. What we are saying is, with this

legislation, even the State authority ought to consult.

Let me just wind up, and I will list the various groups opposed to this legislation. They make this point:

We oppose the amendment because it makes a very fundamental change in a time-honored separation of powers for education between the Federal and State governments. The governance and administration of education is clearly the responsibility of the States. The Federal Government is recognized as the authority in all the Elementary and Secondary Education Acts for 50 years by providing that whatever each State has determined to be its administrative agency for elementary and secondary education will be the agency responsible for the Federal education programs. The Federal Government must continue to rely on that agency without imposing added conditions.

Now, the Voinovich amendment does alter that and changes those conditions. That is why these 28 groups are against it.

AMENDMENT NO. 791 TO AMENDMENT NO. 389

Mr. KENNEDY. Mr. President, momentarily, I will send a second-degree amendment to the Voinovich amendment. At the appropriate time, we will move toward a vote on these two proposals. I believe the leadership has made that request. It will be at approximately 4:30 this afternoon. I now send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for Mr. BINGAMAN, for himself and Mr. HATCH, proposes an amendment numbered 791 to amendment No. 389.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7 line 21 insert ''after consultation with the Governor'' after ''agency''.

On page 8 line 1 insert ''after consultation with the Governor'' after ''agency''.

On page 35, line 10, strike the end quotation mark and the second period.

On page 35 between lines 10 and 11, insert the following:

''(c) STATE PLAN.—Each State educational agency, in consultation with the Governor, shall prepare a plan to carry out the responsibilities of the State under 1116 and 1117, including carrying out the State educational agency's statewide system of technical assistance and support for local educational agencies.''

On page 35 line 20, insert the following: ''prepared by the chief State school official, in consultation with the Governor,'' after ''a plan''.

On page 706 line 8, insert '', after consultation with the Governor,'' after ''which''.

On page 707 line 16, insert ''fter consultation with the Governor, a''.

On page 707 line 2, insert ''fter consultation with the Governor, a''.

AMENDMENT NO. 431 TO AMENDMENT NO. 358

Mr. REED. Mr. President, I ask unanimous consent to set aside the pending amendment, and I call up amendment No. 431.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED] proposes an amendment numbered 431 to amendment No. 358.

Mr. REED. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for greater parental involvement)

On page 125, line 6, insert ''(a) IN GENERAL.—'' before ''Section''.

On page 127, between lines 20 and 21, insert the following:

(b) GRANTS.—Section 1118(a)(3) (20 U.S.C. 6319(a)(3)) is amended by adding at the end the following:

''(C)(i)(I) The Secretary is authorized to award grants to local educational agencies to enable the local educational agencies to supplement the implementation of the provisions of this section and to allow for the expansion of other recognized and proven initiatives and policies to improve student achievement through the involvement of parents.

''(II) Each local educational agency desiring a grant under this subparagraph shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(ii) Each application submitted under clause (i)(II) shall describe the activities to be undertaken using funds received under this subparagraph and shall set forth the process by which the local educational agency will annually evaluate the effectiveness of the agency's activities in improving student achievement and increasing parental involvement.

''(iii) Each grant under this subparagraph shall be awarded for a 5-year period.

''(iv) The Secretary shall conduct a review of the activities carried out by each local educational agency using funds received under this subparagraph to determine whether the local educational agency demonstrates improvement in student achievement and an increase in parental involvement.

''(v) The Secretary shall terminate grants to a local educational agency under this subparagraph after the fourth year if the Secretary determines that the evaluations conducted by such agency and the reviews conducted by the Secretary show no improvement in the local educational agency's student achievement and no increase in such agency's parental involvement.

''(vi) There are authorized to be appropriated to carry out this subparagraph $500,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year.''.

Mr. REED. Mr. President, this amendment seeks to help parents meaningfully become involved in the education of their children. We all believe—every individual in this Chamber—that parents are essential parts of the educational process. Our challenge is to translate that feeling and that rhetoric into real involvement by parents in the schools of America.

We know that research has shown us that regardless of economic or ethnic or cultural background, parental involvement is a major factor in the academic success of children. Parental involvement contributes to better grades, better test scores, higher homework completion rates, better attendance, and greater discipline. When parental involvement is a priority in a school, those schools do exceptionally well. It improves not only the performance of children, it improves staff moral, and it creates and helps engender a climate where educational excellence is the norm, not the exception.

We know this through research and through our own observations. Parents themselves have declared invariably in survey after survey that their participation in the school is critical to the success of their children.

A 1999 American Association of School Administrators nationwide survey found that 96 percent of parents believe that parental involvement is critical for students to succeed in school. Eighty-four percent believe in parental involvement so strongly that they are willing to require such involvement on a mandatory basis.

However, in the midst of all of this support—our observations, the research, and the expression of parents themselves—parental involvement is something that is not found frequently enough in our schools. Over 50 percent of the parents surveyed thought that schools were not doing enough to inform them, not doing enough to involve them. In fact, they felt they didn't even have basic information about their children's studies and the issues confronting their children's school.

A recent bipartisan survey sponsored by the National Education Association ranked the lack of parental involvement in children's education as the No. 1 problem in schools today. We understand that this is a critical issue.

The finding of the NEA was echoed recently by a poll cited in a Democratic Leadership Council Update from December, 2000. This newsletter pointed out that:

Parental involvement is critical to the success of both individual students and their schools.

It concluded that we must get serious about ''schooling'' parents and making sure that parents understand how they can access their schools and how critical it is that they be involved in the lives of their children and how important it is that they are a part of the educational process in a very real way.

Now, to succeed in this endeavor, we have to work collaboratively with everybody. We have to get school administrators and teachers prepared to respond to parents. We have to get parents prepared to assume the responsibility of being a major force in the educational lives of their children.

For many of us, this seems obvious. But that is not the case across the country. We should recognize that. We have to prepare in this legislation to make parents real partners in the education of their children. We need to train schools leaders, teachers, and

parents; and we have to make the climate in schools welcoming to parents. All of these tasks require our support, encouragement, and our leadership.

I am pleased to say the bill before us today contains many of the elements that will help us along this path to successful parental involvement. Many of these elements were included in legislation that I introduced earlier in the session called The Parent Act. These elements include ensuring that title I families can access information on their children's progress in terms they can understand—not education-speak, not technical jargon, but in terms they can all understand.

It would also involve parents in school support teams that would help turn failing schools around—recognizing that they, too, are part of the education of their children.

It would also require technical assistance for title I schools and districts that are having problems implementing parental involvement programs. Again, we think this is obvious, easy, simple. But when you go into a typical school today, you have problems such as transient populations, people coming into this country from other lands where English is not the first language, and a host of other problems—schools have to be better prepared to involve the parents.

The legislation before us would also authorize, indeed require, the collection and dissemination by the States of information about effective parental involvement programs. We know the models work, and we want them disseminated across the full spectrum of schools in the United States.

The legislation would require involvement by parents in the violence and drug prevention efforts because we know that is a critical part of the challenge today in many schools across the country.

It would also require an annual review by States and districts to look at the parental involvement and professional development activities for the school to ensure that these activities are effective, and that teachers are being trained to involve parents, and that the involvement efforts are working.

Finally, it would require each local educational agency to make available to parents an annual report card which explains whether schools are succeeding or not. These very meritorious initiatives are included in the legislation.

So I come today to say we have made some progress working together with my colleagues on the Health, Education, Labor, and Pensions Committee. But I believe we can do more, and I believe we must do more.

We are raising the stakes dramatically in schools throughout this country by requiring every child in grades 3–8 to take annual tests. When we raise the stakes, we also have to recognize that we have to do more to make sure these children have an opportunity—a real opportunity—to succeed and to pass these examinations.

My amendment, quite simply, would build on an existing structure of law and increase the revenue stream going to schools so they can actually implement these parental involvement programs. They can move from rhetoric to real practice, from sentiment to accomplishment. I hope that is what we can do today with respect to this amendment.

Already, title I of the existing legislation—legislation that has been on the books for years now—in section 1118, requires districts all across this country to develop written parental involvement policies and requires schools to develop school-parent compacts.

It also requires that schools hold annual meetings for parents, and it would require that parents be involved in school review and improvement policies. That is the law today, but the reality is not enough schools are doing this because the funds are not there because other priorities, as they always seem to, intrude.

Districts are actually required to spend 1 percent of their title I allotment for the purposes I just discussed—school compact preparation, annual meeting with parents, involvement in school reviews—unless that 1 percent amounts to less than $5,000. In many school districts, this 1 percent is less than $5,000. In fact, in Rhode Island, 25 out of my 34 school districts are not required to spend any money because the total would be less than $5,000. As a result, this legislative standard is seldom achieved. In fact, 4 years after they were required by law, a quarter of the title I schools throughout the United States have not yet developed a school-parent compact.

As Secretary Paige testified—and he came from the Houston school system after working there and doing his best to improve and reinvigorate that school system—he indicated at the confirmation hearing that ''increased assistance will be needed''—his words—to enhance parental involvement.

We know what we want to do. We actually improved the legislative framework in this legislation, but we have to provide more assistance.

My amendment, which is strongly supported by the National PTA, does not add to these mandates, but what it does is add resources. It gives localities flexibility. It does not require what is in the school-parent compact, it does not tell them there is only one method to contact the parent, but what it says is we are serious. We are not just going to talk about parental involvement. We are going to give them the means to involve parents.

I believe this is a very powerful way to enhance education, and certainly it is a concept that no one here would argue against.

The question comes down to, in my mind, Will we give these schools the resources to do the job we want them to do?

My amendment provides the resources so parents can get more involved, as recommended by the Independent Review Panel in the Final Report of the National Assessment of Title I.

We will adopt legislation that emphasizes accountability, but accountability without the resources to do many things, including involve parents, is not going to improve the educational process of the United States.

My amendment is critical to ensuring that we can develop a coordinated focus that works in the schools for parental involvement. It elevates parental involvement from something nice to do and maybe something you want to do if the money is available to something you can and should do because the language is clear and the resources are available.

I strongly hope my colleagues will support this amendment and give to the schools of America the resources to do what we all want them to do: improve the education of children by involving parents, by ensuring that the parent as the first teacher does not surrender that critical role when that child enters school.

I will at the appropriate time ask for the yeas and nays when it is judged to be in order. I yield the floor.

The PRESIDING OFFICER. It is in order at this time, if the Senator from Rhode Island wishes to make that request.

Mr. KENNEDY. Will the Chair repeat the request.

The PRESIDING OFFICER. The Senator was asking when it would be in order to request the yeas and nays. Does the Senator make that request?

Mr. REED. I make that request now pending the decision as to when a vote will be scheduled.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank my friend from Rhode Island, Senator REED, for his perseverance on this issue over a long period of time. He has been an enormously active, involved, informed, committed member of our Education Committee. Not only does he have that commitment in the Senate, but he had it in the House of Representatives as well.

When he talks about what we did in 1994 with title I, he knows because he was in that conference. Those of us who served with him know his strong and sensible commitment on involving parents in the education of their children, as well as on the issues of libraries. There are many others, but those always spring up when I hear him talk about education policy.

He is absolutely correct about the importance of parental involvement. I am not going to take the time of the Senate this afternoon, but there is an

excellent report of the Department of Education of several years ago that reaches the conclusion that there is significant academic improvement by involving the parents in the educational learning process of children. The studies at that time happened to be in the fifth grade and earlier.

It is fairly self-evident—as a father, as well, of a senior who will be graduating this Friday, and of a daughter who is in high school—every parent who does involve themselves in that opportunity can make an extraordinary difference in the children's understanding as well as their desire to learn. I certainly have seen that through personal experience, and I think most parents do.

The problem, as the Senator has pointed out, is that the teachers themselves do not receive training in the techniques of involving the parents in the classroom and classroom work. With very limited resources, that effort can produce significant and profound results.

That is what the Senator is advocating this afternoon: that we take a tried and tested concept, which is parental involvement, and give additional life to that concept in resources and build on what we did in the 1994 title I education legislation.

This builds on what we have attempted to do, and what we have attempted to do in this legislation is to understand better what is working across this country and to give these menus to local communities and permit local communities to make decisions based upon local needs, and then to hold them accountable in how these funds are going to be invested and have an evaluation of these programs so we know what is working in terms of our participation and our support of these initiatives.

This one makes a great deal of sense. It is about as intuitive as any amendment. Every parent who has a child in school understands the value of involvement. If more teachers reach out and involve the parents, this will add an additional dimension.

We will build particularly on a number of the existing programs, most obviously in literacy, helping children to read and give new value to books and help them work with children in a very productive way.

I thank the Senator. I am hopeful this amendment will be accepted.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I also acknowledge, as did Senator KENNEDY, Senator REED's intense interest and efforts to address the issue of parental involvement in the school system. His mark is on this bill as a result of that. Parents are mentioned literally hundreds of times in this bill, and there are initiatives to try to give local school districts more resources to assist in bringing parents into the effort of the schoolday. In fact, there is a 1 percent setaside in the title I funds money to carry forward parental involvement initiatives. This can add up to a lot of money. That is where my concern is.

Essentially, the Senator from Rhode Island has suggested we create what amounts to a new $500 million program for parents and parental activity in the school systems. It is pretty liberal in its structure. It could be for coffees, in order to get parents involved; it could be for mailers involving parents or for parent peer groups. It is hard for people at the Federal level to be everything to everybody in education.

There are important needs in the area of education. But we need to remember that the Federal dollars in education are only 6 to 7 percent of the total dollars spent in local and elementary schools. To get the most value for those dollars, we must focus those dollars in specific areas. We have chosen to focus those dollars on special needs children. We have chosen to focus those dollars in this bill on children from low-income families, and specifically on trying to raise the academic standards of those children to make sure they are not left behind as they move through the school system.

There are a lot of other issues that involve schools. There are good language programs; there are good sports and computer science activities. Equally important—and I do not deny it—is the need to have parents involved with their children in the school system. However, we cannot be everything to everybody. If we create a new $500 million program for that, we are taking away from the initiatives being directed at the areas where the Federal Government has chosen to set aside priorities, the special needs programs and the actual academic education of the low-income child. Because of the appropriation process, there will have to be a prioritization, and money will be moved from place to place. Inevitably, somebody wins and somebody loses.

This program, No. 1, although well intentioned, is far too expensive for the Federal Government to pursue; and, No. 2, it is inappropriate for the Federal Government to pursue. We have to look seriously at the cost of this bill as we continue to add any more of these well-intentioned programs on to the bill.

The bill presently, by my estimations, over the life of the authorization, is nearly $400 million over where it started. That is a lot of money. This is another $500 million on top of that. It may be an appropriate thought, but I do not think we need a new Federal program to accomplish this.

The issue of parental involvement is a local issue, probably the ultimate local issue. Shouldn't parents get involved in the schoolday? Absolutely. Should the Federal Government create the mechanisms to do that? No. That is the local responsibility of the parent and the parent structures within the local community and the local school systems which spend 93 percent of the education dollars in this country.

As well intentioned as this amendment is, I oppose it because I think it takes away from the main thrust of the bill. Therefore, it draws off potential resources we need to focus on, including the academic day and the special needs child. This is simply an addition of $500 million on top of what has already become an extraordinarily expensive bill, moving beyond the availability of Members to support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I appreciate the comments of my colleague from New Hampshire. He is exactly right. We have to be very careful about picking our shots with respect to Federal policy and recognize the predominance of the State and local community in education policy. Essentially, we have already made that decision. We made it years ago in the structure of title I. We passed laws requiring parent-school compacts, we required a whole host of parental involvement issues, because we recognized, as we do today, parental involvement is absolutely critical. It was not being performed, it was not being incorporated into the life of the schools, as it should be.

The question today is, Are we going to simply once again engage in a more general rhetorical exercise, or are we going to put up real resources? I guess we could go into these title I schools, the quarter of them that have not yet even completed, after 4 years, their parent-school compact, and perhaps order them to do it. Perhaps we could threaten to remove funds. That, to me, is not helping accomplish what we want to accomplish, which is making sure that these legislative requirements are, in fact, in place in the schools of the United States. The answer is providing them the resources to do what they want to do and what we want them to do but, because of conflicting priorities, are not being done.

In affluent communities, that typically don't have many title I students, for a variety of reasons—one spouse is not working and is at home and able to participate; it is not difficult to communicate with schools because of the existence of the Internet; because the parents are college graduates—there are a host of reasons that we find there is parental involvement.

Our challenge is to go where it is harder to get the parental involvement: Parents may not have English as a first language or be college graduates; parents may not be a couple; rather, a single parent; parents might be forced to move periodically throughout the school year from school to school. It is a difficult challenge. We recognize that, and we have for years. We have said: Listen, schools, you have to develop these plans, these compacts. You have to reach out, you have to do better.

In this legislation, and the work of Senator KENNEDY, Senator JEFFORDS, and Senator GREGG, we have incorporated even more the recognition of parental involvement in our schools.

The question we face today, the classic question, is: Will we match our words with dollars? Will we match our requirements on schools to accept title I funds with real dollars to do what we want to do? I hope we answer that question in the affirmative.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, our Nation is less literate today than it was at the time of its founding. That might startle people, but that happens to be a fact. We are moving in the wrong direction with regard to literacy.

My State of Massachusetts is recognized, by most of the various economic evaluators and indicators, to be one of the top States from an education point of view, and a third of our workforce is at level one. A third of our workforce is at level one on literacy. That means they have difficulty reading a phone book. Those workers have children. Those children are going into title I schools, by and large. They may be above the minimum wage, but many are going into schools that are hard pressed.

We now have results. We find adult literacy works, but that is more complicated because these are parents who have to go to class after a long day's work, perhaps one or two jobs. This effort in bringing the family into the educational system has a proven, established record of positive results with regard to the parents and with regard to the children. All we are trying to do is make sure, if we have something that we know works, we put that out before the local communities and let them make the judgment as to whether they want to participate in that program. That is what this amendment is all about.

Finally, it is true there has been a substantial increase in the cost of the legislation. It has been done in this way. To make sure the benefit of this legislation has accountability—it has an enhancement of teacher professional development and mentoring, it has an expansion in the literacy programs and accountability programs, the science and technology afterschool programs—we are going to make that available not just to a third of the children but to all the children. That has been done with the votes, particularly the bipartisan vote on Dodd-Collins and also the significant increase because of the bipartisan vote on Hagel-Harkin with regard to funding special needs.

Frankly, those were bipartisan efforts and I think they do reflect national priorities. We are moving along.

AMENDMENTS NOS. 412, AS MODIFIED; 416; 444, AS MODIFIED; 449, AS MODIFIED; 454, AS MODIFIED; 485, AS MODIFIED; 488; 507, AS MODIFIED; 603, AS MODIFIED; 645, AS MODIFIED, TO AMENDMENT NO. 358

Mr. KENNEDY. Mr. President, I have amendments which have been cleared on both sides, and therefore I ask unanimous consent it be in order for these amendments to be considered en bloc and any modifications, where applicable, be agreed to, the amendments be agreed to en bloc, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I ask if the impact aid amendment is in this group.

Mr. KENNEDY. No, it is not included in this group.

Mr. INHOFE. However, there is a pretty clear understanding it will be included?

I understand it has been agreed to on both sides. I will not object.

Mr. KENNEDY. I will be glad to talk with the Senator in the next few minutes and give him an update on that issue.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KENNEDY. For the information of the Senate, these amendments are the Graham amendment No. 412, Domenici amendment No. 416, DeWine amendment No. 444, Cleland amendment No. 449, Gregg amendment No. 454, Bingaman amendment No. 485, Smith of New Hampshire amendment No. 488, Collins amendment No. 507, Sessions amendment No. 603, and Conrad amendment No. 645.

The amendments (Nos. 412, as modified; 416; 444, as modified; 449, as modified; 454, as modified; 485, as modified; 488; 507, as modified; 603, as modified; and 645, as modified) were agreed to, as follows:

AMENDMENT NO. 412, AS MODIFIED

(Purpose: To identify factors that impact student achievement)

On page 53, between lines 7 and 8, insert the following:

''(8) FACTORS IMPACTING STUDENT ACHIEVEMENT.—Each State plan shall include a description of the process that will be used with respect to any school within the State that is identified for school improvement or corrective action under section 1116 to identify the academic and other factors that have significantly impacted student achievement at the school.

On page 71, line 24, strike ''and''.

On page 72, line 3, strike the period and end quotation mark, and insert ''and'' after the semicolon.

On page 72, between lines 3 and 4, insert the following:

''(11) a description of the process that will be used with respect to any school identified for school improvement or corrective action that is served by the local educational agency to determine the academic and other factors that have significantly impacted student achievement at the school.'';

On page 104, line 7, strike ''and''.

On page 104, line 13, strike the period and insert a semicolon.

On page 104, between lines 13 and 14, insert the following:

''(C) for each school in the State that is identified for school improvement or corrective action, notify the Secretary of academic and other factors that were determined by the State educational agency under section 1111(b)(8) as significantly impacting student achievement; and

''(D) if a school in the State is identified for school improvement or corrective action, encourage appropriate State and local agencies and community groups to develop a consensus plan to address any factors that significantly impacted student achievement.''.

On page 119, line 19, strike the end quotation mark and the second period.

On page 119, between lines 19 and 20, insert the following:

''(g) OTHER AGENCIES.—If a school is identified for school improvement, the Secretary may notify other relevant federal agencies regarding the academic and other factors determined by the SEA under §1111(b)(8) as significantly impacting student performance.''.

AMENDMENT NO. 416

(Purpose: To provide for teacher recruitment centers)

On page 319, between lines 19 and 20, insert the following:

''(12) Establishing and operating a center that—

''(A) serves as a statewide clearinghouse for the recruitment and placement of kindergarten, elementary school, and secondary school teachers; and

''(B) establishes and carries out programs to improve teacher recruitment and retention within the State.

AMENDMENT NO. 444, AS MODIFIED

(Purpose: To modify provisions relating to the Safe and Drug-Free Schools and Communities Act of 1994 with respect to therapists)

On page 568, line 19, insert ''therapists,'' before ''nurses''.

AMENDMENT NO. 449, AS MODIFIED

(Purpose: To support the activities of education councils and professional development schools)

On page 319, between lines 19 and 20, insert the following:

''(12) Supporting the activities of education councils and professional development schools, involving partnerships described in paragraphs (1) and (3) of subsection (c), respectively, for the purpose of—

''(A) preparing out-of-field teachers to be qualified to teach all of the classes that the teachers are assigned to teach;

''(B) preparing paraprofessionals to become fully qualified teachers in areas served by high need local educational agencies;

''(C) supporting teams of master teachers and student teacher interns as a part of an extended teacher education program; and

''(D) supporting teams of master teachers to serve in low-performing schools.

On page 329, line 7, strike ''; and'' and insert a semicolon.

On page 329, line 13, strike the period and insert ''; and''.

On page 329, between lines 13 and 14, insert the following:

''(C) may include activities carried out jointly with education councils and professional development schools, involving partnerships described in paragraphs (1) and (3) of subsection (c), respectively, for the purpose of improving teaching and learning at low-performing schools.

On page 329, between lines 18 and 19, insert the following:

''(c) DEFINITIONS.—In this section:

''(1) EDUCATION COUNCIL.—The term 'education council' means a partnership that—

''(A) is established between—

''(i) 1 or more local educational agencies, acting on behalf of elementary schools or secondary schools served by the agencies; and

''(ii) 1 or more institutions of higher education, including community colleges, that meet the requirements applicable to the institutions under title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.); and

''(B) provides professional development to teachers to ensure that the teachers are prepared and meet high standards for teaching, particularly by educating and preparing prospective teachers in a classroom setting and enhancing the knowledge of in-service teachers while improving the education of the classroom students.

''(2) LOW-PERFORMING SCHOOL.—The term 'low-performing school' means an elementary school or secondary school that is identified for school improvement under section 1116(c).

''(3) PROFESSIONAL DEVELOPMENT SCHOOL.—The term 'professional development school' means a partnership that—

''(A) is established between—

''(i) 1 or more local educational agencies, acting on behalf of elementary schools or secondary schools served by the agencies; and

''(ii) 1 or more institutions of higher education, including community colleges, that meet the requirements applicable to the institutions under title II of the Higher Education Act of 1965; and

''(B)(i) provides sustained and high quality preservice clinical experience, including the mentoring of prospective teachers by veteran teachers;

''(ii) substantially increases interaction between faculty at institutions of higher education described in subparagraph (A) and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools; and

''(iii) provides support, including preparation time, for such interaction.

AMENDMENT NO. 454 AS MODIFIED

(Purpose: To exempt certain small States from the annual NAEP testing requirements)

On page 53, line 22, insert before the semicolon the following: '', except that a State in which less than .25 percent of the total number of poor, school-aged children in the United States is located shall be required to comply with the requirement of this paragraph on a biennial basis''.

On page 778, between lines 3 and 4, insert the following:

''(c) SMALL STATES.—For the purpose of carrying out subsection (a)(2) and section 6201(a)(2)(A)(i)(II), with respect to any year for which a small State described in section 1111(c)(2) does not participate in the assessments described in section 1111(c)(2), the Secretary shall use the most recent data from those assessments for that State.

AMENDMENT NO. 485 AS MODIFIED

(Purpose: To establish a national technology initiatives program)

On page 379, between lines 19 and 20, insert the following:

''SEC. 2310. NATIONAL TECHNOLOGY INITIATIVES.

''(a) IN GENERAL.—The Secretary shall establish a program to identify and disseminate the practices under which technology is effectively integrated into education to enhance teaching and learning and to improve student achievement, performance and technology literacy.

''(b) USE OF FUNDS.—In carrying out the program established under subsection (a), the Secretary shall—

''(1) conduct, through the Office of Educational Research and Improvement, in consultation with the Office of Educational Technology, an independent, longitudinal study on—

''(A) the conditions and practices under which educational technology is effective in increasing student academic achievement; and

''(B) the conditions and practices that increase the ability of teachers to effectively integrate technology into the curricula and instruction, enhance the learning environment and opportunities, and increase student performance, technology literacy, and related 21st century skills; and

''(2) make widely available, including through dissemination on the Internet and to all State educational agencies and other grantees under this section, the findings identified through the activities of this section regarding the conditions and practices under which education technology is effective.

On page 379, line 20, strike the heading and insert the following:

''SEC. 2311. AUTHORIZATION OF APPROPRIATIONS.

On page 380, line 4, strike the quote and the period.

On page 380, between lines 4 and 5, insert the following:

''(c) FUNDING FOR NATIONAL TECHNOLOGY INITIATIVES.—Not more than .5 percent of the funds appropriated under subsection (a) may be used for the activities of the Secretary under section 2310.''.

AMENDMENT NO. 488

(Purpose: To provide for the conduct of a study concerning sexual abuse in schools)

On page 893, after line 14, add the following:

SEC. ____. STUDY AND RECOMMENDATION WITH RESPECT TO SEXUAL ABUSE IN SCHOOLS.

(a) FINDINGS.—Congress finds that—

(1) sexual abuse in schools between a student and a member of the school staff or a student and another student is a cause for concern in the United States;

(2) relatively few studies have been conducted on sexual abuse in schools and the extent of this problem is unknown;

(3) according to the Child Abuse and Neglect Reporting Act, a school administrator is required to report any allegation of sexual abuse to the appropriate authorities;

(4) an individual who is falsely accused of sexual misconduct with a student deserves appropriate legal and professional protections;

(5) it is estimated that many cases of sexual abuse in schools are not reported; and

(6) many of the accused staff quietly resign at their present school district and are then rehired at a new district which has no knowledge of their alleged abuse.

(b) STUDY AND RECOMMENDATIONS.—The Secretary of Education in conjunction with the Attorney General shall provide for the conduct of a comprehensive study of the prevalence of sexual abuse in schools. Not later than May 1, 2002, the Secretary and the Attorney General shall prepare and submit to the appropriate committees of Congress and to State and local governments, a report concerning the study conducted under this subsection, including recommendations and legislative remedies for the problem of sexual abuse in schools.

AMENDMENT NO. 507 AS MODIFIED

(Purpose: To provide that funds for mathematics and science partnerships may be used to encourage girls and young women to pursue postsecondary degrees and careers in mathematics and science)

On page 350, between lines 4 and 5, insert the following:

''(9) Training teachers and developing programs to encourage girls and young women to pursue postsecondary degrees and careers in mathematics and science, including engineering and technology.

AMENDMENT NO. 603 AS MODIFIED

(Purpose: To allow for-profit entities, including corporations, to be eligible to receive Federal funds under title IV, either through grants or contracts with States or direct contracts or grants with the Federal Government)

On page 440, lines 15 and 16, strike ''and other public and private nonprofit agencies and organizations'' and insert ''and public and private entities''

On page 440, line 22, strike ''nonprofit organizations'' and insert ''entities''.

On page 460, lines 7 and 8, strike ''and other public entities and private nonprofit organizations'' and insert ''and public and private entities''.

On page 483, lines 20 and 21, strike ''nonprofit organizations'' and insert ''entities''.

On page 489, lines 14 and 15, strike ''nonprofit private organizations'' and insert ''private entities''.

AMENDMENT NO. 645 AS MODIFIED

(Purpose: To provide for professional development for teachers)

At the end of title II, add the following:

SEC. 203. PROFESSIONAL DEVELOPMENT.

Section 3141(b)(2)(A) (20 U.S.C. 6861(b)(2)(A)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii)(V), by adding ''and'' after the semicolon; and

(3) by adding at the end the following:

''(iii) the provision of incentives, including bonus payments, to recognized educators who achieve an information technology certification that is directly related to the curriculum or content area in which the teacher provides instruction;''.

AMENDMENT NO. 485, AS MODIFIED

Mr. BINGAMAN. Mr. President, I rise to speak about my amendment supporting National Technology Initiatives. I'd like to thank my colleagues for accepting this amendment. My amendment seeks to ensure that a program of research be conducted to identify and disseminate the practices under which technology is effectively integrated into education to enhance teaching and learning and to improve student achievement, performance and technology literacy.

During a period when technology has fundamentally transformed America's offices, factories and retail establishments, we have come to understand that if America is to maintain its place in the global economy, we must transform our Nation's classrooms by infusing technology across the curriculum. One common element that almost everyone agrees upon for improving the Nation's schools has been the more extensive and more effective utilization of educational technology. We have

made progress. In large part, thanks to Federal funding under the e-rate program and the educational technology funds provided under a program that I sponsored during the 1994 reauthorization of the Elementary and Secondary Education Act, student to computer ratios—even in the Nation's poorest schools—have improved and Internet access is no longer reserved just for schools in middle-class or wealthy communities. More and more classrooms are equipped with computers and other kinds of educational technologies. Teachers and students are beginning to make use of the enormous learning potential that educational technology provides. In many schools and classrooms the use of educational technology has contributed in substantial ways to student learning.

We know that the use of educational technology in our schools is related to favorable educational outcomes but we need to know more. In 1997, David Shaw, the Chairman of the President's Committee of Advisors on Science and Technology (PCAST) outlined critical focus areas for educational technology research. Long term research designed to illuminate how technology might best be used to support the learning process was described. My amendment provides for such longitudinal research conducted through the Office of Educational Research and Improvement. In keeping with my ongoing interest in providing accountability for educational efforts, the research seeks to identify the conditions and practices under which educational technology is effective in increasing student achievement. Further, the research authorized under my amendment seeks to identify the conditions and practices that increase the ability to teachers to effectively integrate technology into the curriculum and instruction, enhance the learning environment and opportunities and increase student performance, technology literacy and related 21st century skills. Research of this nature is deemed critical to guiding our continued efforts to effectively infuse technology into our classroom activities. My amendment provides that the findings of this research be made widely available and sets aside a rather modest .5 percent of the federal technology funds for this purpose.

Recommendations from PCAST and other important stakeholder groups, including the Web-Based Commission and the CEO Forum, continue to emphasize the importance of conducting research about how educational technology works to enhance student learning. It seems likely that further experience with the use of educational technology in our schools will result in significant improvements over time in educational outcomes. However, such improvements are critically dependent on long-term rigorous research aimed at assessing the efficacy and cost-effectiveness of various approaches to the use of educational technology in actual classrooms. The questions that remain no longer relate to whether or not technology can be used effectively in schools. Rather the questions relate to how approaches to technology use in the classroom are in fact most effective and cost-effective in practice. I believe that this amendment will ensure that we will continue to find answers to these questions.

Thank-you.

Mr. KENNEDY. For the information of the Senate, we expect the vote on the amendment of the Senator from Rhode Island sometime in the later afternoon. There will be a proposal on behalf of the leadership that will indicate the exact time, but it will be sometime around 5 o'clock.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I would like to make a couple of comments about the amendment to which I alluded with the Senator from Massachusetts just a moment ago. It has to do with impact aid. I think that is a very misunderstood issue.

Back in the 1950s when various Government programs and military installations and other land operations came in and took land off the tax rolls, that had a negative impact on our schools. I know in my State of Oklahoma we have five major military installations. While the amount of money that would be generated from the taxes is taken off the tax rolls, we still have to educate the children. For that reason, back in the 1950s a program was set up to replenish the money that otherwise would have gone to schools.

This is something everyone supports. However, since the 1950s, there has been this insatiable appetite for politicians to take money out of the system, and they have done this, so impact aid has dropped down to about 25 percent of funding.

Starting 3 years ago, I had an amendment to incrementally build that up. Hopefully, 4 or 5 years from now, we will reach the point where it will be 100 percent funded. This is the right thing to do. It is not partisan, liberal or conservative. It is something that has to be done. We have an amendment, and, I say to the Senator from Massachusetts as well as the Senator from New Hampshire, I appreciate their cooperation and willingness to include this in the managers' amendment.

As I say, we have passed this now for 2 consecutive years. We are slowly getting up to where we can properly take care of school districts that have been unfavorably impacted by the reduction in the tax rolls. I thank them for that and for their assurance this will be in a managers' amendment.

I yield the floor.

Mr. KENNEDY. Mr. President, as I understand the impact aid amendment, I am going to urge the support of that amendment. It will be included in the next group for consent. It is in the pipeline, and I have every expectation it will be so included and I thank the Senator for his cooperation on that.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I am delighted to rise today to address another amendment, if the Senator from Massachusetts is ready for that?

Mr. KENNEDY. Yes. We are ready.

Mrs. CLINTON. I move to lay aside the pending amendment temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 517 TO AMENDMENT NO. 358

Mrs. CLINTON. Earlier in this debate, I came to the floor with colleagues from both sides of the aisle to focus on what I believe is one of our greatest national crises; namely, the shortage of teachers in our highest need schools. By that I mean schools that do not have qualified teachers, whether they are in inner cities, in older suburbs, or in our rural areas. I was very pleased we passed a bipartisan amendment incorporating many of the ideas that I and others brought to the floor, to provide needed resources to recruit and retain teachers, that will help our children meet high academic standards.

Along with qualified teachers and up-to-date resources, all students need to attend schools where we have high-quality principals who will work together with teachers and parents to create a learning environment that will maximize the achievements of every single child. But too many schools around our country open their doors every school year without principals in place or without the kind of high-quality principals every school should be able to have.

I really believe we would be remiss if we did not recognize that our schools are struggling to find principals, just as they are struggling to find qualified teachers. In fact, more than 40 percent of public school principals are expected to retire in the next 10 years. The problem is especially severe in our urban and rural areas, with 52 percent of rural districts reporting a shortage and 47 percent of urban districts.

In public schools in New York City, for example, 65 percent of our current principals are eligible to retire. In New York State overall, 50 percent of all principals are expected to retire in the next 5 years.

In any business, in any walk of life, if we thought we were going to lose half of our leaders, I think we would be quite concerned. I bring that concern to the floor because we simply cannot afford to lose the people who are supposed to be providing instructional leadership and direction to our teachers. That is why earlier this year I introduced the National Teacher and Principal Recruitment Act.

Today I am offering an amendment that reflects part of my bill focused on recruiting principals. It authorizes the Secretary of Education to offer grants to recruit and retain principals in high-need school districts through such activities as mentoring new principals,

providing financial incentives or bonuses to recruit principals, and providing career mentorship and professional development activities.

I believe if we are serious about educational reform, we have to be serious about recruiting and retaining qualified principals. If we are going to have a system that holds our students and our teachers accountable, we have to have somebody who is responsible for implementing those accountability measures. That, to me, leads us to call for the CEOs, if you will, of our schools. Those are our principals.

We need school leaders to guide our teachers and help our students to achieve high academic standards.

A 1999 report issued by the National Association of State Boards of Education characterized effective principals as ''the linchpins of school improvement'' and ''the gatekeepers of change.''

We know a similar study conducted by the Arthur Andersen consulting firm, of high- and low-performing schools in Jersey City and Patterson, NJ, found that the one attribute of all the high-performing schools we visited is a dedicated and dynamic principal.

I have been going in and out of schools, I guess, ever since I was in one myself but, as an adult, for nearly 20 years. And I know from my own observation and experience that the principal is the key. We can have great teachers, but if they are in a system or in a school that doesn't value their contributions and that doesn't work with them to do the very best they can, we are not going to get the results that we need.

In 1999, New York City schools opened their doors with 165 uncertified principals. In Buffalo last year, the school district faced 10 principal vacancies and only received 11 applications.

So they basically will put a warm body in wherever they can find one. And that is not a problem that is unique to New York. In Vermont, one out of five principals had retired or resigned by the end of the last school year. In Washington State, 15 percent of principals retired or resigned. And in Baltimore, 34 of 180 principals left in the last 2 years alone.

I absolutely would agree that an amendment is not going to turn this problem around, but we have to recognize the problem, be willing to admit its extraordinary depth around our country, and then try to put into place at the local, State, and Federal level efforts to try to fill the need.

We need efforts such as the one that is currently going on in New York City where the chancellor is providing additional training and support to principals who are new to the profession to help them believe they can make that kind of commitment to difficult schools that really need their leadership. The nonprofit New Leaders for New Schools Project is also trying to attract talented teachers into the ranks of our principals.

This amendment is a small step to support local and State efforts to recruit and retain the next generation of school leaders. I urge my colleagues to vote in favor of our principals and in favor of recruiting and retaining them.

In New York, Norman Wechsler, a former principal of Dewitt Clinton High School in the Bronx, illustrates the importance of this problem. He helped to lead that school from failure to success by raising the standards and holding students and teachers accountable for results.

It is very important that we recruit and keep such principals in our public schools or else the work we are doing so diligently, attempting to forge the kind of consensus we need to pass this education bill, will not have the results it should have.

This bill holds a lot of promise. It puts the Federal Government squarely on the side of accountability. It sets forth measurements that we will use to make decisions about schools. Yet if we don't have our teachers and principals in place to do this work, then it is just going to be another piece of legislation. It won't have the effect that we all want it to have.

I hope we will agree to this amendment that it is aimed at helping us address the Nation's principal shortage.

Mr. GREGG. Will the Senator yield for a question.

Mrs. CLINTON. Yes.

Mr. GREGG. Does the Senator wish to go to a vote at this time?

Mrs. CLINTON. Yes.

The PRESIDING OFFICER. I don't believe the amendment is pending just yet.

Mrs. CLINTON. I call up amendment No. 517.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON] proposes an amendment numbered 517.

Mrs. CLINTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a national principal recruitment program)

On page 309, lines 17 and 18, strike ''subsection (f)'' and insert ''subsections (b) and (f)''.

On page 339, line 6, strike ''(b)'' and insert ''(c)''.

On page 339, strike lines 7 through 16 and insert the following:

''(b) SCHOOL LEADERSHIP.—

''(1) DEFINITIONS.—

''(A) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency for which more than 30 percent of the students served by the local educational agency are students in poverty.

''(B) POVERTY LINE.—The term 'poverty line' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

''(C) STUDENT IN POVERTY.—The term 'student in poverty' means a student from a family with an income below the poverty line.

''(2) PROGRAM.—The Secretary shall establish and carry out a national principal recruitment program.

''(3) GRANTS.—

''(A) IN GENERAL.—In carrying out the program, the Secretary shall make grants, on a competitive basis, to high-need local educational agencies that seek to recruit and train principals (including assistant principals).

''(B) USE OF FUNDS.—An agency that receives a grant under subparagraph (A) may use the funds made available through the grant to carry out principal recruitment and training activities that may include—

''(i) providing stipends for master principals who mentor new principals;

''(ii) using funds innovatively to recruit new principals, including recruiting the principals by providing pay incentives or bonuses;

''(iii) developing career mentorship and professional development ladders for teachers who want to become principals; and

''(iv) developing incentives, and professional development and instructional leadership training programs, to attract individuals from other fields, including business and law, to serve as principals.

''(C) APPLICATION AND PLAN.—To be eligible to receive a grant under this subsection, a local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The application shall include—

''(i) a needs assessment concerning the shortage of qualified principals in the school district involved and an assessment of the potential for recruiting and retaining prospective and aspiring leaders, including teachers who are interested in becoming principals; and

''(ii) a comprehensive plan for recruitment and training of principals, including plans for mentorship programs, ongoing professional development, and instructional leadership training, for high-need schools served by the agency.

''(D) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to local educational agencies that demonstrate that the agencies will carry out the activities described in subparagraph (B) in partnership with nonprofit organizations and institutions of higher education.

''(E) SUPPLEMENT NOT SUPPLANT.—Funds appropriated to carry out this subsection shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide principal recruitment and retention activities.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $50,000,000 for fiscal year 2002 and each subsequent fiscal year.

Mrs. CLINTON. Mr. President, I call for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 517) was agreed to.

Mr. GREGG. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks recognition?

Mr. GREGG. 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 ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, we just completed the acceptance of approximately 10 or 12 amendments. We had a series of amendments that were accepted last evening, and we will have additional ones later in the afternoon.

At the request of the leaders, we have put off the votes hopefully until 4:30 this afternoon where we will have several votes on matters which have been debated. It is not the way I would like to proceed nor, I am sure, the way my friend and colleague from New Hampshire would wish to proceed. However, there are other considerations.

We have been able to move a number of these. We have disposed of a number of amendments. We have had some amendments which have been withdrawn, and we are going to talk to other colleagues. I have, through the staff, talked to each Member two or three times on their amendments. We are under a lot of pressure to reach a time definite for final passage of this legislation. We have tried to respect the fact that our colleagues have offered these amendments—they are important to them—and to accommodate their interests.

Quite frankly, we are reaching the point where I will join with those—I know this has been the position of my friend from New Hampshire—who believe that we ought to set a time definite and then go into a vote-athon, if people want to vote in that way, every 2 minutes. The Senate will have to work its will.

What is completely unacceptable is for Members, who have been on notice prior to the time we went on the Memorial Day recess, to now, in the mid-afternoon, believe they are not quite ready to deal with these. We want to put everyone on notice that we are getting to the point where we are going to urge that we have a time definite for final passage. There will be objection. They will come to the Chamber and object, and then they will go off. And when they are off, we will make the motion again. So they are going to have to come. That is the way it used to be done.

We want to accommodate our colleagues, but we want to be clear that this is serious business. If Members have amendments and they are serious about them, which I believe they are, they ought to be serious enough to come and offer and debate them. We are running into the situation where too many of our colleagues have been unwilling to do so.

Everyone understands there are a lot of different activities going on, particularly today. But there are always a lot of different activities every single day.

This is about education. It is about our children. It is about their future.

Senator REID will go back and call those who have the amendments. We should not have to do it. We should be hearing from our colleagues about the time. We will do the best we can to arrange it. But we are getting into the position now, after this week, where we are going to move towards reaching a time definite for final consideration. Then we will have an opportunity to dispose of these amendments.

I would like to support a number of them. A number of them would be helpful to the bill. But if we get into that kind of situation, it doesn't serve the cause, the amendments, or those who are offering the amendments well.

We will put in, starting tomorrow at least, the amendments that remain and the authors of those amendments and try, by publishing those amendments, to indicate which ones are remaining so that the American people know what the amendment is and who is offering it. Hopefully, we will be able to move this process forward. We have every intention of doing so.

It is a disservice to the children and to the parents in the country that we don't meet our responsibilities in this very important legislation.

I know my colleague, the Senator from Connecticut, will be here in a few moments. The good Senator from Wisconsin has a matter of great importance to bring to the Senate's attention.

I yield the floor at this time. Hopefully, we will have enough time to dispose of the Dodd amendment.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I may be recognized as in morning business in order to introduce a bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. FEINGOLD and Mr. CORZINE pertaining to the introduction of S. 989 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 459 TO AMENDMENT NO. 358

Mr. DODD. Mr. President, I call up amendment No. 459 for its immediate consideration.

The PRESIDING OFFICER. The pending amendment is set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. BIDEN, and Mr. REED, proposes an amendment numbered 459.

Mr. DODD. Mr. President, I ask unanimous consent reading of the amendment be dispensed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the comparability of educational services available to elementary and secondary students within States)

On page 134, between lines 11 and 12, insert the following:

(5) by striking subsection (d) (as so redesignated) and inserting the following:

"(d) COMPARABILITY OF SERVICES.—

"(1) IN GENERAL.—(A) A State that receives funds under this part shall provide services in schools receiving funds under this part that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.

"(B) A State shall meet the requirements of subparagraph (A) on a school-by-school basis.

"(2) WRITTEN ASSURANCE.—(A) A State shall be considered to have met the requirements of paragraph (1) if such State has filed with the Secretary a written assurance that such State has established and implemented policies to ensure comparability among schools in—

"(i) class size and qualifications of teachers (by category of assignment, such as regular education, special education, and bilingual education) and professional staff;

"(ii) curriculum, the range of courses offered (including the opportunity to participate in rigorous courses such as advanced placement courses), and instructional materials and instructional resources to ensure that participating children have the opportunity to achieve to the highest student performance levels under the State's challenging content and student performance standards;

"(iii) accessibility to technology; and

"(iv) the safety of school facilities.

"(B) A State need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services under this subsection.

"(3) CONSTRUCTION.—Nothing in this subsection shall be construed to require a jurisdiction to increase its property tax or other tax rates.

"(4) EFFECTIVE DATE.—A State shall comply with the requirements of this subsection by not later than the beginning of the 2003-2004 school year.

"(5) SANCTIONS.—If a State fails to comply with the requirements of this subsection, the Secretary shall withhold funds for State administration until such time as the Secretary determines that the State is in compliance with this subsection."

Mr. DODD. I ask unanimous consent to send a modification to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object, have we seen the modification?

Mr. DODD. It is technical. I apologize; you have not seen it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 459, AS MODIFIED

Mr. DODD. Mr. President, I ask for consideration of the modification.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

The amendment (No. 459), as modified, is as follows:

On page 134, between lines 11 and 12, insert the following:

(5) by striking subsection (d) (as so redesignated) and inserting the following:

''(d) COMPARABILITY OF SERVICES.—

''(1) IN GENERAL.—(A) A State that receives funds under this part shall provide services in schools receiving funds under this part that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.

''(B) A State shall meet the requirements of subparagraph (A) on a school-by-school basis.

''(2) WRITTEN ASSURANCE.—(A) A State shall be considered to have met the requirements of paragraph (1) if such State has filed with the Secretary a written assurance that such State has established and implemented policies to ensure comparability among schools in—

''(i) class size and qualifications of teachers (by category of assignment, such as regular education, special education, and bilingual education) and professional staff, through programs such as incentives for voluntary transfer and recruitment;

''(ii) curriculum, the range of courses offered (including the opportunity to participate in rigorous courses such as advanced placement courses), and instructional materials and instructional resources to ensure that participating children have the opportunity to achieve to the highest student performance levels under the State's challenging content and student performance standards;

''(iii) accessibility to technology; and

''(iv) the safety of school facilities.

''(B) A State need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services under this subsection.

''(3) CONSTRUCTION.—Nothing in this subsection shall be construed to require a jurisdiction to increase its property tax or other tax rates.

''(4) EFFECTIVE DATE.—A State shall comply with the requirements of this subsection by not later than the beginning of the 2005-2006 school year.

''(5) WAIVERS.—

''(A) IN GENERAL.—A State may request, and the Secretary may grant, a waiver of the requirements of this subsection for a period of up to 2 years for exceptional circumstances, such as a precipitous decrease in State revenues or other circumstances that the Secretary deems exceptional that prevent a State from complying with the requirements of this paragraph.

''(B) CONTENTS OF WAIVER REQUEST.—A State that requests a waiver under subparagraph (A) shall include in the request—

''(i) a description of the exceptional circumstances that prevent the State from complying with the requirements of this subsection; and

''(ii) a plan that details the manner in which the State will comply with such requirements by the end of the waiver period.

''(6) TECHNICAL ASSISTANCE.—The Secretary shall, upon the request of a State and regardless of whether the State has requested a waiver under paragraph (5), provide technical assistance to the State concerning compliance with the requirements of this subsection.

''(7) SANCTIONS.—If a State fails to comply with the requirements of this subsection, the Secretary shall withhold funds for State administration until such time as the Secretary determines that the State is in compliance with this subsection.''

Mr. DODD. The modification extends the time under which the provisions of this amendment ask the States to provide an additional 2 years for a waiver period.

I ask unanimous consent our colleague from Rhode Island, Senator REED, be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I thank my colleague from Delaware, Senator BIDEN, for joining in this effort. I thank our colleague in the other body, a Member by the name of CHAKA FATTAH, of the city of Philadelphia, for being the source and inspiration of this amendment. He is behind this amendment, and he has very eloquently made the case.

This amendment has value and importance. I begin my brief comments by thanking the distinguished member from the city of Philadelphia and the State of Pennsylvania for his contribution in what I think is a worthwhile idea.

I expect this to provoke debate and even significant opposition. It may not pass, but at some point this issue must be addressed if we are ever going to effectively deal with some of the incredible inequities that exist across this great land of ours in servicing the 50 million children who enter our public schools as elementary or secondary school students.

I thank Senator BIDEN, Senator REED, and Congressman CHAKA FATTAH. The amendment encourages States to ensure that all students receive a comparable education as measured by class size, teacher quality, curricula, technology, and school safety. I note, of course, that the Presiding Officer is a former Governor. He will add particular value to this discussion and debate as someone who has had to grapple with these very issues.

The amendment allows States 4 years to comply and allows for a waiver of up to 2 years for extraordinary circumstances, such as the precipitous decline in State revenues or other circumstances that the Secretary of Education determines are exceptional that prevent a State from providing comparable education services to all students.

Equal opportunity, as we all know, is a very fundamental right in our society. It is why people from around the globe have dreamed of coming to this land, why thousands every day circle U.S. embassies all over the world seeking visas to come to the United States, seeking permanent status as residents. For over 200 years, the notion of equal opportunity has been a hallmark of our society. We don't guarantee success; we guarantee everyone an equal opportunity to achieving success. This amendment goes to the very heart of that discussion and that debate.

In 1965, we created the Elementary and Secondary Education Act—that was more than 35 years ago—to make equal opportunity the centerpiece of our educational laws. It is making a difference. A 1999 study found students receiving title I funds increased their reading achievement in 21 of 24 urban districts in America and increased their math achievement in 20 of 24 urban districts. I quickly add, while this is an improvement, it is not yet success. Clearly, we are heading in the right direction. Our common hope is that this bill, once adopted, adds to that success.

A study published earlier this year concluded:

> Whenever an inner city or poor rural school is found to be achieving outstanding results with its students by implementing innovative strategies, those innovations are almost invariably funded primarily by title I.

Title I is not making enough of a difference because we are still not providing school districts with sufficient resources, in my mind and in the mind of a majority of our colleagues, to close this achievement gap. During the debate, the Senate overwhelmingly adopted, by a vote of 79–21, an amendment I offered, along with my colleague from Maine, Senator COLLINS, to establish the goal of fully funding title I within the next 10 years. This education bill will require States to set a goal of having children be proficient in reading and math in 10 years. The least the Congress can do is to set a goal of providing school districts with the resources that will help children achieve those goals. That is the reason behind the amendment adopted so overwhelmingly just a few weeks ago.

Title I means more teachers, more professional development, more computers, textbooks, more individualized instruction, more preschool and after-school programs and other reforms that will be necessary, if, in fact, these students are going to continue to improve and achieve the accountability standards.

As the vote on the Dodd-Collins amendment demonstrated, even a strong majority of both parties support devoting more resources to education, particularly to the neediest students in our country, so those resources can be included in a budget resolution which could be stripped out by those who seek to reduce the support for title I.

No one questions the need to hold schools accountable for student achievement. Accountability without resources is an empty shell. This is a problem with virtually every State in the Nation.

According to the Department of Education, when comparing all districts in this country, high-minority districts receive less than other districts on a combined cost and need-adjusted basis. This means high-minority districts which may often have greater concentrations of high-need students, have less buying power, thus fewer resources to meet the needs of students in their schools.

Since high-minority districts in most States are operating with less total revenue than low-minority districts, these districts have less revenue to provide the educational programs and services their students need to achieve the high standards and prepare to enter higher education or the workforce.

In 42 of 49 States recently studied by the Education Trust, school districts with the greatest number of poor children had fewer resources per student than districts with fewer poor children. During the 1980s and 1990s, 43 States faced legal challenges to their school financing systems, calling for equity of resources and services. Many State courts held their systems violated State constitutions.

I do not intend to suggest by my remarks here for this amendment that States should unnecessarily become the targets of some opposition. That is a difficult problem that States are facing. My State is a classic example of one that has wrestled with this disparity of educational opportunity. These problems have deep roots, they go back a long way, and they affect States all across the country.

But we are going to say in this bill that in school districts, if there are schools there that are not performing and there is a series of steps and criteria they must meet, then we the Federal Government are saying to those districts: You are going to have to shut them down.

We have also even suggested at the national level that we might get rid of the Department of Education.

We are saying to local communities, do the following things or you pay a price. We even suggest at the national level, if we do not do certain things, something else may happen here. The one political equation that is sort of left out of all of this is at the State level. That is the one political entity that has an awful lot to do with determining what happens in terms of equality of opportunity within our respective 50 States. That is what this amendment is designed to do.

It says in this bill: Communities, you have to do a better job. It says the Federal Government has to do a better job.

What my amendment says is the third party to all this, the States, they also have to do a better job in seeing to it that there is equality of opportunity.

Let me cite, if I can, the example of my home State, Connecticut. In the 1980s, Connecticut, with an increasingly low-income, minority, and limited-English population, has pursued a constant strategy to try to ensure all its students are taught by high-quality teachers.

Just to put this in perspective, Connecticut is a relatively small State. It is about the size of Yellowstone National Park, if you want to use that as a comparative model. Yet within that same State, I have some of the most affluent Americans in the country. In fact, my State is often identified as the most affluent State on a per capita basis. I would quickly add that the city of Hartford, our capital, is the eighth poorest city, and Bridgeport and New Haven and Waterbury are not very far behind. In the midst of this very small piece of territory, I have great affluence and I have significant poverty.

My State is willing to try to provide some sharing of resources, if you will. As we know, in most of our States, education is funded primarily by local property taxes. So a child growing up in one of my more affluent communities—obviously there are more resources there to provide the full educational opportunity. In my poorer communities, that has not been the case. States wrestle with this. But I think it is not too much for us at the Federal level, since we are demanding so much of school districts, to also ask this of our States. We know it is not easy. We know it is going to be very hard for school districts to live up to this and meet all the obligations we are going to be demanding in this bill. But people like CHAKA FATTAH and JOE BIDEN and JACK REED of Rhode Island and myself believe it is also not too much to say to our States: We want you to do a better job at this as well because so much of the resources and determination are going to come from States.

Remember, the Federal Government contributes about 6 cents out of every educational dollar. Mr. President, 94 cents for the education of elementary and secondary school students comes from the States and localities, the bulk of it coming from localities in most jurisdictions. So we are saying to our States, as we are saying to our communities, we want you to do a bit better.

Today I point out my State, Connecticut, regularly receives top rankings in assessments of reading, math, science, and writing. Connecticut has also increased its targeting of resources to low-income school districts. The State provides 27 times more resources per student to the lowest income districts compared to the highest income districts.

Nevertheless, by and large we enter the 21st century with a 19th century system of providing resources for our educational system. In large part, we still do this, as I mentioned a moment ago, with local property taxes. That may have made sense in the 19th century, even in a good part of the 20th century when children in Hartford competed with children in New Haven, or maybe with children in New York—occasionally some child in Pennsylvania. That was true in the 19th century.

In the 20th century, of course, children growing up in my State or anyplace else across the country are not just competing with each other or neighboring States. They will be competing with children in Beijing, in Moscow, in Paris, in Sydney, Australia. It is a global economy and we have to have an educational system in this country that prepares all children to compete effectively in that kind of marketplace.

It is no longer enough in the 21st century to say we are going to leave this up to whatever the resource allocation may be in some rural county in the West, or some urban district in the East or Far West. We at the Federal level, I think, have to do more if we are going to be demanding greater accountability of students and school districts in rural and urban settings—then it should not be too much to ask it as well of our States. It made less sense, of course, as the 20th century progressed in this era of competition, but certainly it makes no sense as we enter the 21st century and children from Hartford, Chicago, and Los Angeles compete with children all over the globe.

The children today will be the first generation born, raised, and educated in truly a global economy. This amendment recognizes that by asking States, along with the Federal and local government, to share the responsibility—share it, so ensuring children's access to quality education is not dependent on how much money their parents make or their race or whether they live in a city or a suburb or rural area. Unfortunately, because of our current system, that is the case de facto. That is the case. Children growing up just a few short miles from each other have entirely different educational opportunities based on the total coincidence of their birth. In one locality that is poor, and one that is affluent, opportunity is not equal. It is not equal.

If we are going to truly talk about an Elementary and Secondary Education Act from a Federal perspective, a national perspective, then it seems to me we have to recognize that fact. There is not equal opportunity of education in America. So, if we do not begin to demand that more steps are taken to achieve that equal opportunity of education, then these resources, as we send them around the country without regard to what the States may be doing, ends up, I think, producing little improvement in the results we have seen over the last few years.

Schools with the highest concentrations of minority students have more than twice as many inexperienced teachers as schools with the lowest concentration of minority students. Schools with high concentrations of minority students are four times as likely as schools with low concentrations of minority students to hire teachers not licensed to teach in their main teaching field. Urban and rural schools, poor schools, are twice as likely to hire unlicensed teachers, or teachers who had only emergency or temporary licenses.

Of course, subject matter knowledge and experience make for better teachers and higher student achievement. We all know that. Yet according to a recent report, there is pervasive, almost chilling difference in the quality of teachers in schools serving poor,

urban, and rural students than those serving children in the more affluent communities in our country. Urban districts and poor rural districts suffer in the quality of curriculum. For example, they are significantly less likely than suburban districts to have gifted and talented programs to provide challenges beyond the regular curriculum. According to the Department of Education, white students are significantly more likely than African-American students or Hispanic students to use a computer in a school.

According to Education Week, students in the highest poverty schools are barely half as likely to have Internet access in their classrooms as students in the lowest poverty schools. Internet access is also a problem in rural areas, where it is expensive for companies to lay cables necessary for access. The director of technology for one rural district said: Not only is there a digital divide, but we live in it in rural America.

These disparities affect not only these children's educational achievement but their ability to find a job in an increasingly technological workplace when they finish school. Not surprisingly, these inequities also persist in the quality of school buildings that serve different children.

Schools with higher concentrations of minority students generally are in worse condition than those with lower concentrations of minority students.

Schools with more than 50 percent minority enrollment are twice as likely as schools with 5 percent minorities to be in temporary buildings or to be in inadequate condition.

Research has shown a direct relationship between the quality of the school's facilities and student achievement. Again, this goes to the accident of a child's birthplace: Two children, usually in the same State, with very different opportunities for achievement.

What we are asking in this amendment is for school districts to do better. We are asking ourselves to do better. Is it really some outrageous leap for the Federal Government to be asking the States to do better as well in seeing to it that there is a better allocation of resources to provide a greater equal opportunity for education?

We can't simply impose accountability, as I said earlier, on a system that allows one school to have lower class sizes, better teachers, more technology, and better materials and another school that has none of those things and expect that equal opportunity to exist.

President Bush and Secretary Paige have often said that every child has the ability to learn. I could not agree more. Every child has the ability to learn. Without question, the achievement gap is not the result of our children's failings. It is not their fault, not as they start out in school. It is not because poor kids or minority kids or urban kids or rural kids are any less smart or any less ambitious or any less determined to do well than their counterparts in more affluent districts.

No. It is largely because we have not supplied the same support to these poor children, and urban and rural children, and minority children in school districts around this country. It is the result of our failure to spend more than one penny of every Federal dollar for K–12 education. One penny of every Federal dollar—less than that—goes for the education of our children in this country. It is also the result of an outdated system of allocating resources at the State and local level.

This bill is about responsibility. We have heard that word used often during the debate on this legislation over the last number of weeks—about everyone who is involved in our children's education taking greater responsibility for their education. We are asking more from students, parents, teachers, schools, school districts, and the Federal Government. There is one word missing from that list. I have mentioned everyone responsible but one: States.

I know that my colleagues, from time to time, are reluctant to go back and talk about what Governors need to do. We are lectured all the time by Governors about what we can do at the Federal level. We are not afraid of talking about local mayors or school superintendents or PTA groups or school boards. Why should we be reluctant to talk to our Governors? They are not shy about asking us to do a better job. Is it too much to ask them to do a better job?

If we are going to withhold funds, as this bill does, from local school districts that do not perform better, is it too much to say to States, ''If you do not perform better, then we are going to withhold administrative costs''? We are not going to deny children title I funds, but let the States pick up the tab on the administrative costs. That is what this amendment says.

We give them about 6 years to achieve that. I am not pushing it. And there are cases pending all across the country. I know States are trying hard in many cases, but I also know school districts are trying hard. This is not about whether or not you are trying hard. We are saying to people: Try harder, because our kids deserve better than they are getting today.

So as we lecture school superintendents and school boards and parents and kids—and everybody else—I do not think it is going too far to say to the States: We want you to do better. That is what this amendment does.

In the 1960s, Dr. Martin Luther King asked: How long will it take? How long for an end to segregation? How long for an end to inequality under the law?

I ask today: How long will it take for us to refuse to tolerate an educational system in which educational opportunity—which is the foundation of all opportunity—is determined by a child's family income, or race, or accident of birth in a piece of geography that does not have the resources to support the tools a child needs to achieve his or her maximum potential?

The States need to do a better job. This Federal Government—this body—ought not to shy away from asking the States to meet that responsibility, just as we have asked children. If we can ask an 8-year-old child to do a better job, we can ask a Governor to do a better job as well. Those who are doing it need not fear this amendment. But those States that are not doing anything about it need to know there is a price they will pay if they neglect this issue.

I am not going to penalize a local mayor who is trying hard despite a Governor in a State who refuses to bear their share of the burden.

That is what the amendment does. That is what CHAKA FATTAH has talked about. That is what others have suggested over the years that we ought to say today. If we are going to be tough on kids, and tough on parents, and tough on school districts, and tough on mayors, and tough on the Secretary of Education, then let's also be a little tough on our States.

Mr. President, I urge the adoption of this amendment.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I am a great admirer of the Senator from Connecticut. I enjoy working with him and always appreciate his creativity.

Mr. REID. Could I ask the manager of the bill to withhold briefly?

Mr. GREGG. Surely.

Mr. REID. Just so everyone knows—I have spoken to the manager of the bill, and Senator KENNEDY is aware of this—we are going to try to prepare a unanimous consent agreement immediately so we can have a vote at or about 4:30 on the Voinovich and Bingaman amendments.

Mr. GREGG. We might also vote on the Reed amendment at the same time.

Mr. BIDEN. Mr. President, there is no UC request pending, but I will ask a question. I would like to speak to this amendment for about 8 to 10 minutes.

Mr. REID. We will make it 4:45.

Mr. BIDEN. Whatever.

Mr. DODD. Senator CORZINE wants to be heard.

Mr. REID. We will make it 5 o'clock. We will try do all three amendments.

Mr. DODD. Then you can do all three.

Mr. GREGG. All right. We are not doing this amendment; just the Reed amendment and the Voinovich amendment and the Bingaman amendment.

Mr. DODD. We could do this one, too, and we would be done with it.

Mr. GREGG. I do not believe we can.

Mr. DODD. All right.

Mr. REID. I appreciate the Senator yielding.

Mr. GREGG. This amendment which is brought forward by the Senator from Connecticut, although benign in its phraseology, is pervasive in its effect. In fact, I am not sure there is another

amendment that is pending before this bill—although the Senator from Connecticut has one which is pretty pervasive in its effect—but I am not sure there is another one that would have a larger impact, a more substantive impact, a more dramatic impact on the educational system of our country than this amendment right here.

The unintended consequences of it are, I am sure, overwhelming. I am not going to even try to anticipate them. I just read the amendment a little while ago, so I am not totally up to speed on the unintended consequences. I can tell you what the obvious intended consequences are of what amounts to essentially a nationalization of the educational systems of this country.

Education has always been a local and State responsibility. But when the Federal Government takes the role of saying that the local and State governments shall have comparable educational systems, and will become the enforcer of those comparable educational systems across the Nation, it is no longer the function of the local and State governments, it is the function of the Federal Government. The Federal Government has taken that power.

Comparability, as it is defined in this bill, would mean that every community in every State in the country would have to comply equally and be the same as every other community on all sorts of issues. I cannot even anticipate all the issues—but all sorts of issues: The number of kids in the classroom would have to be exactly the same or comparable, the number of teachers would have to be exactly the same or comparable, the types of teachers would have to be exactly the same or comparable, the computer equipment in the school would have to be exactly the same or comparable, the size of the classroom would have to be exactly the same or comparable, the size of the library would have to be exactly the same or comparable, size of the parking lot, size of the playing fields, schoolday, use of the schoolday, courses offered, whether Latin is offered, whether English is offered in advanced cases, whether advanced calculus is offered, whether Spanish is offered, whether Japanese is offered, free time within the schoolday, whether students had clubs that were the same, whether all the schools had a climbing club, whether all the schools had a social outreach club, whether all the schools had an African-American society, whether all the schools had a historical society.

Comparability under this language means that essentially the Federal Government would suddenly become the arbiter of how every school in this country would operate in every piece of detail within that school system. This is the single most pervasive amendment I have ever seen at the Federal level in the area of education.

Some might argue the President's suggestion that every student in America should be tested is a pretty pervasive step. What the President said was that those tests would be decided at the local level. They would be designed by the State. Each State could have its own testing system, its own regime, and set its own standards. That is still pretty pervasive, I have to admit. But this goes a radical step beyond that. This essentially says that the Secretary of Education shall be informed by the States that every school in every system in every part of that State has a comparable capability in every function.

The impact of this is just really quite staggering. I have to wonder, for example, what it means to organized labor agreements. What happens if a labor union in one community in the State has negotiated for a different workweek for its teachers than the labor union in another part of the State or for a different ratio for its teachers or for a different certification of capability for its teachers. Are all those labor agreements suddenly out the window? It appears that way. It appears that either they are out the window, or the Federal support coming into the State is out the window because they aren't comparable and there is clearly not a comparable event there. It is pretty hard to make them comparable unless you are going to supersede collective bargaining as a concept in our society.

It is one thing for us, with 6 percent of the Federal budget of education at the local and State level, to expect them to deal effectively with low-income kids by requiring that those low-income kids not be left behind, which is what we have done in this bill as it is structured today, and to set up an output system where essentially we say we are going to leave it to you, the local school systems, to decide how you educate your children, but we are going to expect that low-income kids especially achieve and that they achieve at a level that is comparable with their peers and, if they happen to adopt the Straight A's Program under this, they actually achieve at a level that is better than their peers.

It is entirely something else for us to say because we are putting 6 percent of the funds in here, we are suddenly going to require that every community in every State be comparable. And if they are not comparable, they will not get the Federal support. That is a huge step towards the nationalization of our educational system. It is pretty specifically outlined in the amendment.

We need to read this because it is so overwhelming. Let's begin here:

> IN GENERAL.—A State that receives funds under this part shall provide services in schools receiving funds under this part that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.
>
> A State shall meet the requirements of subparagraph (A) on a school-by-school basis.

That means every school, every school in the State must be the same as every other school in the State as defined by the schools that are not title I schools.

> A State shall be considered to have met the requirements of paragraph (1) if such State has filed with the Secretary a written assurance that the State has established and implemented policies to ensure comparability among schools in—
>
> (i) class size and qualifications of teachers (by category of assignment, such as regular education, special education, and bilingual education) and professional staff, through programs such as incentives for voluntary transfer and recruitment;
>
> (ii) curriculum, the range of courses offered. . .

How expansive is this? This is just the most incredibly expansive intrusion into the actual operation of the local school system that you could possibly conceive of. We are demanding at the Federal level, because we decided to put 6 percent of the money into the local school system, that every local school shall have a comparable curriculum, a comparable staffing structure, a comparable qualification structure for its teachers. There are a lot of schools in this country that don't need comparable situations that deliver pretty good education and are not the same as their neighbor. And, in fact, that is what choice is all about, public charter schools. You create a charter school because you don't think that the school down the street, which is doing the public school work—and they are both public schools, by the way; I am not talking private schools here—but you create a public charter school because you think the public school down the street is not doing such a good job.

Under this amendment, I honestly think we can't have a charter school program anymore. Charter schools is probably the most creative and imaginative activity that is occurring in the public school system today. Across this country, parents and teachers are getting together to start charter schools because they see them as an opportunity to break out from the straitjacket of specific requirements that they get from their State school districts as to how to run their schools and create schools that teach, which is the option and the obligation, of course, of the school systems, and to teach well.

Across this Nation, you can go to city after city, especially urban areas, where the charter school is the one that is delivering the quality education to kids who before were getting very little in the way of education. I honestly think under this amendment, charter schools would essentially be wiped out. Either that or everybody has to be a charter school, but you can't have everybody being a charter school because charter schools by definition are different. That is the whole concept behind charter schools.

Then there is something called a magnet school. It was started in North Carolina. The magnet education school is in the area of math/science. It was

such a huge success that a lot of States have used it.

Mr. DODD. Will my colleague yield on this point for a little discussion?

Mr. GREGG. I will yield when I finish. I will be happy to discuss this further.

Magnet schools is the concept where you take a school that is a high-quality school and you draw kids into it who have special interests—math, science. Bedford-Stuyvestant in New York is a magnet school. There is one in Virginia in Arlington called Thomas Jefferson. And then, of course, there is the one in North Carolina that started the whole system.

I am wondering if under this amendment you can have magnet schools anymore, especially a magnet school that was a low-income, funded school because it would not be comparable. It would be too good. If you had a magnet school like they have in Houston, where it is, I think, 85 percent low-income kids, but it is excelling at an extraordinary level, that might not be able to function under this bill, or maybe it could, but the State would not meet the comparability standards here.

Comparability may sound like a benign word, but its practical implication is that we at the Federal level are demanding that we control the manner in which States develop their school systems—in a very precise way and in a way which creates a control system that is from the top down and that is focused on minutia, not on results.

The whole theme of the President's proposal, which was worked out and negotiated and passed out of committee 22–0, was that we would give flexibility to local school districts, flexibility to States to design programs that would address the needs of low-income kids specifically. And in exchange for that flexibility and the additional resources, we would expect results.

This amendment goes in the exact opposite direction. This says that in exchange for a small amount of money, you, the States and local school districts, are going to have to do everything the same, have everything be comparable. Comparability doesn't really have that much relevance to quality, as we have seen over the years.

So I find this amendment to be probably one of the most intrusive amendments I have seen come forward on this bill. If it passes, it would have the practical effect, in my humble opinion, of fundamentally damaging this bill and changing the entire course of its purpose. I am happy to yield to the Senator from Connecticut for what I know will be a thoughtful question.

Mr. DODD. I want to pick up on this radical idea of equal opportunity of education. I know this is terribly radical——

Mr. GREGG. Mr. President, I didn't yield for a statement. I yielded for a question.

Mr. DODD. I want to get to the point of radicalness, which my friend raised as the hallmark behind this amendment. I address this to my colleague.

Under existing Federal law, the question is, Do we not require State standards for curricula that are the same for every child, and any child who brings a weapon to school—by the way, you lose Federal funds if you don't—is automatically expelled by Federal law, or you lose funds? In addition, an individual education plan is required for every child with a disability, or you lose Federal funds. There must be comparable educational services within the school districts, or you lose Federal funds. That has been on the books, by the way, since 1965. The word ''comparable'' is not synonymous with identical. We are trying to do comparable opportunities or comparable curricula to achieve equal opportunity. We are not breaking new ground. My question is with this since we do it already in five or six areas. We have identified one that goes back at least 36 years.

Mr. GREGG. I respond by saying that you are breaking new ground. The application of the word is the manner in which you break new ground. ''Comparable'' applied in one manner means one thing, but applied to another manner means something else. If you are applying ''comparable'' to a school system within a city, that is one thing. When you say ''comparable'' within an entire State, it is entirely different. Furthermore, if you are, specifically within the terms of comparable, defining what comparable means by saying class size, qualification of teachers, curriculum, range of courses offered, you are essentially setting up the standards in a very top-down, directive manner of what is going to happen in the school systems across the State. You are saying that they essentially all have to be the same.

Now, if we are talking about opportunity, what the underlying bill does is create opportunity. That is the whole concept of this bill. This bill is dedicated to giving all the children in America—but especially the low-income child—the opportunity to succeed. We have now been through 25 or 35 years of an experiment in helping title I kids, and it has failed. One-hundred twenty-six billion dollars has been spent, and the average title I child is reading at two grade levels behind his or her peers. We know it hasn't worked.

So the President has said let's try a different approach, an approach focused on the child, giving that child an opportunity to learn.

That is exactly what this bill does. It says to the school systems: All right, we are going to give you flexibility, but in exchange we are going to expect success and we expect academic success equal to or better than what a child who doesn't come from a low-income family obtains. If you don't obtain that success, then there are sanctions. And there are accountability standards that are very aggressive to assure that we do obtain that success.

This bill supplies opportunity. I think to imply that it does anything else is to mischaracterize the bill. What this proposal does is essentially nationalize the system. It essentially says, from here on out, the Federal Government is going to be put in a position of saying that if every school district in a State isn't doing everything in a comparable way—I won't use it exactly, and you are right; they are not the same words—with class size, qualification of teachers, curriculum, range of courses offered, then we, the Federal Government, are going to stop sending you money and probably we have set up a lawsuit for you, the students, and the parents in those States.

You have to ask yourself, why is ''comparable'' better? What is better is to say we are going to give children a better chance to succeed, and we are going to find out if they are succeeding academically. That is what the bill does. Why is ''comparable'' better? Is it comparable to have the same number of Spanish teachers in Nashua, NH, and in Berlin, NH? Maybe Berlin doesn't need second language teachers and Nashua, NH, does. Is it better to have a comparable number of technical teachers in the area of some local industry, where the kids are being trained to be able to participate in one part of the State or another part of the State, when maybe their industries are not the same?

Comparability doesn't lead to quality. What it leads to is mediocrity. So I just say to my colleague from Connecticut that I understand the desire to produce quality education. I think the way you get there is by focusing child by child, not by taking a broad brush and applying it to the entire universe of education and saying the Federal Government is going to tell you how to do it.

Mr. REID. Will the Senator yield?

Mr. GREGG. Yes.

Mr. REID. Mr. President, I know there are a number of Senators we have danced around today trying to figure out a time to vote. Prior to this unanimous consent agreement, which will require beginning 5 minutes of discussion at 5:10, the Senator from Delaware, Mr. BIDEN, wishes to speak for about 15 minutes of the approximately 30 minutes that we have on this Dodd amendment.

With that in mind, I ask unanimous consent that at 5:10 p.m. the Senate resume consideration of Bingaman amendment No. 791, that the Bingaman amendment be modified to be a first-degree amendment, and that following 5 minutes of closing debate, equally divided in the usual form, the Senate vote in relation to the Bingaman amendment at 5:15.

Further, following disposition of the Bingaman amendment, there be 4 minutes of debate divided in the usual form on the Voinovich amendment No. 389, as modified, followed by a vote in relation to the Voinovich amendment.

Further, that no second-degree amendments be in order to these

amendments. I say to everybody within the sound of my voice that we will have two votes, first at 5:15, and the other following that.

Mr. GREGG. Reserving the right to object, did the Democratic assistant leader decide he didn't want to do the Reed amendment?

Mr. REID. Yes. We are going to try in the morning to dispose of the Dodd and Reed amendments.

We are unable to do that because of the lateness of the hour.

Mr. GREGG. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I believe I reserved the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I understand the Senator from Delaware wishes to speak. I will not go much further, but only to say, for what it is worth, relative to this education bill, it appears to me we have wandered into an extremely difficult situation. This amendment is, in my humble opinion, a significant blow to the underlying purposes of the bill which have been worked through involving a lot of compromise and a lot of effort. Obviously, we are not going to vote on it tonight. I am hopeful it will be reconsidered before any time we even consider voting on it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I thank the Senator from New Hampshire for allowing me the opportunity to speak to this amendment.

With all due respect, I think the arguments of the Senator from New Hampshire would be better reserved for the New Hampshire Supreme Court than for the U.S. Senate. We are not nationalizing anything. There is nothing in the Dodd-Biden amendment that requires a national standard. We do require a State standard.

My friend says this bill is all about flexibility. It reminds me of a track meet. The rich kids can have brandnew track shoes and starting blocks for running the 100-meter race, and the poor kids can have flexibility. They can decide to run in long pants or short pants. They can decide whether or not they want to wear a sweat shirt or T-shirt. They can decide whether they want to run frontwards or backwards. They do not get track shoes and starting blocks, but they have flexibility. You can wear whatever color you want. You can wear long pants or short pants. You can run backwards or forwards. You can do cartwheels on the way down the track. But you do not get those spikes. You do not get those starting blocks. Guess what. You get judged. You get judged where you finish, and if you do not finish 1, 2, or 3, you are out.

That is the track standard set. The NCAA of track says: Hey, here's the deal. If you don't finish 1, 2, or 3, go home. You don't get to run anymore. You don't get to go on to the next step. But we gave you flexibility, all the flexibility you want, man. You could have done this with a dashiki on or you could have done this with a T-shirt on. You could have done this in a suit, or you could have done this in short pants. You have flexibility.

Not only flexibility matters. Maybe I have been doing this criminal justice stuff too long. I realize I do not know as much as my friend from Connecticut does about education, nor my friend from New Hampshire, whom I do not know as well, but I know my friend from Connecticut knows so much more. He has made a career of knowing this. I have made a career of understanding the criminal justice system—how you deal with crime, stop crime, affect it, and so on.

After all the years I have done it, it comes down to a few basic facts. If there are four corners, three cops on one corner, no cop on another, and there is going to be a crime at the intersection, it will be committed where the cop is not.

We also know when you are engaged in armed robberies or engaged in purse snatching, you tend not to do that when you get to be 40 years old because it is hard as heck to jump over that chain link fence with the cops chasing you. As you get older, you slow down and tend to get less violent. We know that. What we ate for breakfast, where we were raised, how we related to our mothers, what our education was—we have a lot of theories about how that impacts on crime, but we do not know.

What we do know about education is basic. We know if you get two kids of comparable talent or lacking in talent and you put them in a classroom with 70 kids and 1 teacher, they are not going to do as well as if you put them in a classroom with 3 kids and 1 teacher. We know the more focused the attention, the closer to one on one you can get, the product being the same, the better chance you have of succeeding.

We also know if you have books that are legible and available and every student has one—same students, same IQ, same background, same everything—the kids with the good books are going to do better than the kids with the bad books.

My Walter Mitty dream was to be a professional athlete. A phrase my coach used was: A good big man can always beat a good small man. A phrase in athletics is: A good fast woman can always beat a good slow woman. There are certain truisms.

Two kids with the same talent, whether they have a 90 IQ or 190 IQ, whether they are creative, not creative, put them in a large class with a comparable group of people, and they are not going to do as well as when you put them in a small class of a comparable group of people. If you put them in the same classroom with a good teacher versus a bad teacher, they are going to do better with a good teacher. There are basics.

What do we know about how education works? My friend says we are going to nationalize. What we are trying to do is what States are trying to do right now and what my State has already done. We are trying to do what title I now requires.

I am going to use the word ''comparable'' comparably. Right now, ''comparable'' is used in the statute that exists to say that if you get title I money, every school in that school district has to have a comparable educational system. That is all the Senator from Connecticut did.

Why did he do it? Why did I join him? Why did I ask him to do it? I was going to offer this amendment because my friend, CHAKA FATTAH, with whom I worked for a long time in the House of Representatives—I am not on the committee, so I went to my friend from Connecticut and said: I want to do this.

He said: I am already going to do it.

Why did he decide to use that word ''comparable''?

Guess what. My friend from the State of New Hampshire says he wants a national standard. We did not say we want a national standard. The President said he wanted a national standard. My friend from New Hampshire wants a national standard. They want to judge how fast every kid can run. They want to judge how fast every kid can read. They want to judge how well every kid can write.

OK, fine, but do not do to those kids the same thing as my fictitious example on the track. Do not judge the kid who comes from a school district where they spend $5,000 per pupil, with teachers who have their teaching certificate in the area in which they teach—do not judge them by the same standard that you are going to judge kids who have $1,500 spent on them per pupil, who have a majority of teachers who are not certified in the area they teach, who teach in classrooms that are leaky, some of them unsafe, and without an adequate number of textbooks.

As my dad would say: Give me a break. I do not think the Federal Government can or should, or any government should, decide to equalize everything. As one former President said, life is unfair. Certain things Government cannot do.

The Government cannot dictate you to be 6 foot 2, if that is what you want, or 5 foot 9. The Government cannot dictate that everybody will have the voice of Barbra Streisand or some famous male singer—whoever the heck you like. Life is unfair.

I was born with no talent musically and maybe with nothing else. The Federal Government cannot say: You know what: Guaranteed, JOE BIDEN cannot do what he wants to do, be a flanker for the New York Giants. That is truly what I wanted to be. Life was unfair. At 6 foot 1, 155 pounds, I did not have the talent of Tommy McDonald who was that small and played for the Philadelphia Eagles in the sixties. They cannot fix that.

Let me tell you what we can fix. We have an obligation to fix the things we can fix. If you are going to hold a kid to a standard, darn it, give him an equal opportunity, at least in his own State. Give him a shot.

Do my colleagues know what this reminds me of? The first African American ever admitted to the bar in the State of Delaware was Louis L. Redding. He took the bar in 1928. There were 13 or 14 people who took the bar that year. Twelve took it in one room with one test, and Louis L. Redding took it in another. They gave him a completely different test. No one on this floor today would say that is fair. I don't think anybody would say that is fair.

In a public system with one school district, and I don't care whether the kid is black or white, whether the child is Hispanic or Asian, if the child is slow or smart, it is unfair to take a very bright white kid in a school district where they spend $1,000 or $2,000 less per pupil than the other school where the bright white kid gets $2,000 more spent on him—that may be the difference between going to my State university and Harvard University—it is clearly not fair for the kid born into the district that has no tax base, where the businesses have moved out, where the average home is one-fourth the value of the neighboring school district, and say: judge them by the same standard.

There is enough inequity built into life. I will never forget when I was a widowed father; it was the first time it came to me: why it is so incredibly important there is diversity on the floor, including women, with a woman's perspective. I found women to be no slower, no brighter, no less venal, no more generous, no less generous, than men. I know I will get in trouble for saying that, but it is true.

I used to not understand why we didn't hold the kid who came out of the ghetto accountable, the mother with two kids making, by today's standard, $16,000 or $18,000 a year. We hold her kids to the same standard that we hold a kid who comes from a family with a combined income of a couple hundred thousand bucks, living in a great area, and attending great schools. The government can't do anything about that. I wish life were fair.

I remember as a single father raising two kids. I was a Senator. My sisters helped me raise my kids; my mother was available; my brother moved in to live with me. I had great help, and I had trouble. It is the first time I thought about my secretary raising kids by herself. I thought, my Lord, what an inequity.

We are not asking the government to fix that. We are asking the government along the way to make it equal and give leave for when your child is sick and things such as that. But here government is mandating. Depending on where one stands is how one views things. My friend views this piece of legislation as intrusive, nationalization of the school system. I view this legislation as an unfunded mandate. We are mandating that every school in America meet a standard, every school in the State meet a minimum standard. We are mandating that. We are telling them if they don't, they don't get Federal money. I am oversimplifying in the interest of time.

If I said to my friend from New Hampshire, you have to mandate that every drinking water system in the State of New Hampshire meet a certain standard, he would be the first one, with his colleagues on the floor, screaming about unfunded mandates, unfunded mandates, setting health standards, setting environmental standards, and not giving us any money.

This is not an unfunded mandate? I don't get this. How is this not an unfunded mandate?

Mrs. BOXER. Will the Senator yield?

Mr. BIDEN. I yield.

Mrs. BOXER. First, I thank both of my colleagues, Senators DODD and BIDEN.

I will clarify a few of the key points. The Senator from New Hampshire, Mr. GREGG, said Senator DODD and Senator BIDEN were introducing an entirely new concept and throwing this bill away from the direction it was heading. Then the Senator from Delaware showed that the word ''comparable,'' which Senator GREGG said was a new word in this debate, is already in the law, and we expect comparability within school districts or the States lose some of their Federal funding. Am I not correct on that point?

Mr. BIDEN. That is exactly correct. Reading from the Elementary and Secondary Education Act, the Committee on Education in the Workforce, U.S. House of Representatives, page 54, under section 1120(c):

(c) COMPARABILITY OF SERVICES.—

(1) IN GENERAL.—(A) Except as provided in paragraphs (4) and (5), a local educational agency may receive funds under this part only if State and local funds will be used in schools served under this part to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.

Mr. GREGG. Will the Senator yield, since the Senator used my name?

Mrs. BOXER. I have another question.

Mr. BIDEN. I will yield after the Senator asks her next question.

Mrs. BOXER. What the Senator has established is that Senator GREGG's critique that the word ''comparability'' is, in fact, a new word and new concept, is not true? It is blatantly false?

Mr. GREGG. Will the Senator yield?

Mrs. BOXER. If I can follow up to finish, and taking it another step, it seems to me the current law is pretty darned tough, saying the districts lose all title I funding if we don't have this comparability within a school district.

I say to my two friends who have offered——

Mr. GREGG. I take it the Senator is not yielding?

Mr. BIDEN. I will be happy when she finishes the question to yield to you.

Mr. GREGG. Since my name has been addressed two times, inaccurately, I think it would be appropriate to yield.

Mrs. BOXER. If I could ask just this question, is it not a fact in your amendment what you are merely saying—frankly, I think it is a pretty weak excuse for being critical; it is a pretty modest amendment—the Senator is saying that the government has to send a letter indicating, in fact, that the kids are being treated pretty comparably, whether they are born in an urban area, rural area, or suburban area. Whatever area they are in, whatever they look like is immaterial, just that they are getting a comparable education. If the Government doesn't send such a letter, as I read this legislation, only 1 percent or so of administrative funds will be withheld because we want to hold the States accountable to each child. Am I correct in that synopsis?

Mr. BIDEN. The answer to the question is yes.

I am happy to yield to the Senator for a question without losing my right to the floor.

Mr. GREGG. I ask the Chair the situation relative to the time.

The PRESIDING OFFICER. At 10 minutes after 5 o'clock, 5 minutes will be equally divided, and that precedes a vote on the Bingaman amendment.

Mr. GREGG. I thought the Senator from Delaware had 15 minutes.

The PRESIDING OFFICER. That was not part of the formal agreement.

Mr. GREGG. I simply note that I believe it is the proper decorum of the Senate when a Senator's name is used, and especially when a Senator's position is misrepresented, for a Senator to yield.

Mr. BIDEN. I did yield.

Mr. GREGG. I appreciate that. Unfortunately, the Senator from California did not appear to be inclined to participate in that yielding.

Mrs. BOXER. Mr. President, I was asking a question. I said I would be happy to stop when I finished asking the second question. I didn't even have the floor. Senator BIDEN had the floor and was graciousness enough to yield to me to clarify some of the comments made against his amendment by the Senator from New Hampshire.

Mr. GREGG. I will simply ask the Senator from Delaware a question. Is it not appropriate when a Senator uses a Senator's name and inaccurately characterizes a Senator's position, that Senator have an opportunity to respond?

Mr. BIDEN. Mr. President, this is getting kind of silly. If the Senator wants to respond, respond. I am delighted to yield to him to respond. There was no intention to in any way affront the Senator.

The Senator from California asked me a question. She did not have the floor; I had the floor; and I yielded to her for a question. You walked on the

floor. As soon as she finished, I yielded to you because your name was mentioned.

Mr. GREGG. I am delighted that the Senator is yielding, but in accordance with the rules, I believe I must formulate my response in the form of a question.

Mr. BIDEN. I do not want to lose my right to the floor for the next 10 minutes. The Senator spoke for the last 25 minutes. I want to speak. Give me an idea. I will be happy to give you the time.

The PRESIDING OFFICER. The Chair will remind the Senators they should address one another in the third person or through the Chair.

Mr. GREGG. Mr. President, I ask the Senator from Delaware to yield 2 minutes.

Mr. BIDEN. I am delighted to do so, reserving my right to the floor.

Mr. GREGG. Reserving the right to the floor afterward.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. The Senator from California on two different occasions misrepresented my position on this floor. My position is that the term ''comparable'' exists in the law. In fact, I referred to that when I spoke with the Senator, when we exchanged discussion with the Senator from Connecticut.

I pointed out, however, in the terms it is used in the law as it presently exists, it is a much more confined word than the manner in which it is being applied in the amendment of the Senator from Connecticut. Under the proposal of the Senator from Connecticut, he has taken the term ''comparable'' and expanded it in a manner which essentially amounts to the Federal Government taking over the ability of school systems across this country to be independent, to act in an independent way and to create a curriculum, class size ratio, and the operation of the regular day for the student in a manner that is independent and maintains local control.

That is the issue here, whether or not we are controlling from the top or whether we are controlling at the end. What the President has proposed is to bring all American students who are under title I up to a level of proficiency that is equal to or better than that of their peers, and to assure the accomplishment of that, to allow the local school districts the flexibility to accomplish that. But in the end, to expect that to be obtained by having the local student subject to a testing regime which shows the student has accomplished those goals. That is the purpose of the President's proposal.

The opposite is being accomplished, if this amendment is agreed to, which is basically to have the Federal Government come in and control the input of the school day, school curriculum and the classes.

I appreciate the courtesy of the Senator from Delaware for allowing me to respond.

The PRESIDING OFFICER. The Senator from Delaware has the floor.

Mr. BIDEN. Mr. President, I am sorry the Senator from New Hampshire was not here when I was speaking. If you give me just a second, in case his name comes up again so he understands the context in which I used his name, the Senator says—which is, on its face, a sound argument—that ''comparable'' may not in fact be comparable. We are using the language, in our amendment, ''comparable,'' which is on line 5 of page 1 of the amendment, in ''comparability of services.'' We are using the words ''comparability of services'' in a comparable comparison. That is, it is the exact language used in the existing law relating to title I, which says ''comparability of services'' in Section 1120A subsection c.

The second point I would like to make to my friend is that we are not nationalizing anything. Let's understand what this does. Right now, if Houston or North Carolina has a charter school, that charter school has to have comparable services that exist within that school district, or they could not have the school. It could not be a public school. So all we are saying is you should do—and I apologize for saying this—what we do in Delaware.

In Delaware, the State funds 70 percent of the funding of every school district, every school in the State. Not just the district, every school in the State. We have comparable funding, comparable education, required by our law. It is not unlike what the Supreme Court in the State of New Hampshire said, in the decision I have in my hand, if I am reading it correctly, saying that your Supreme Court dictated—they didn't use the word ''comparable,'' but dictated that there be ''essentially equal services.''

So there is nothing new about this. I view this as an unfunded mandate. You view it as national intrusion. If you are going to insist on a testing regime which I think does not make a lot of sense, and force my State to have to comply in order to get any Federal funds, then it seems to me I have a right to say you are dictating an unfunded mandate because you are requiring some of the kids in the States in this country, where 20, 30, 40, 50 percent less is spent and where 70 percent of their teachers are not certified in the area for which they teach, in classrooms which leak, in buildings which are in some cases a trap, and say to them we are going to hold you to the same standard or your State is not going to get money. That is an unfunded mandate to me. To me, that is an unfunded mandate.

All we are saying is, as we did when we talked about title I, you are mandating to a State what they have to do. I am saying: OK, mandate to the State but fund it. Fund it. Make it fair.

Again, I realize time is getting close here for our vote. I am going to have to yield the floor, not my right to the floor but yield for the vote. It seems to me, if you take a look at the facts, what we are talking about here is just simple, basic fairness. If you take two children from the same background, same intellectual capability, same amount of gray matter, same everything, and you give one kid less attention, you give one kid books that are not as good, you have one kid taught by an inferior teacher and one by a good teacher, those two comparable kids will end up scoring differently. They will score differently on the test.

They may both pass it. They may both do extremely well. But the one with the better teacher, the one who had more attention lavished on him, the one with the better materials, the one in the safer environment, is almost surely going to score better.

So it seems to me all we are talking about is simple fairness. I view this as a value issue. The Senator from New Hampshire and I have a different value system on this issue. I respect his. He is not wrong. He just has a different value system than I do. I value the notion that all children, if they are held to the same standard, should have the same opportunity. If the Government is going to impose a standard, then the Government should see that they have the same opportunity. That is a basic value I have.

He thinks the value of the State schools being able to have one group of kids in one school where they have lousy teachers, where they have lousy buildings, where they have little money spent on them compared to another, that what he values most is the right of the State to do that. I respect that. I respect that. I disagree with it. We have a different value system. This is the debate about values.

Parliamentary inquiry. When is the Senator from Delaware to cease so we can begin the next vote?

The PRESIDING OFFICER. The Senator from Delaware has 35 seconds.

Mr. BIDEN. Parliamentary inquiry. After the two votes, does the Senator from Delaware retain the floor on this amendment?

The PRESIDING OFFICER. Not automatically.

Mr. BIDEN. I will not ask unanimous consent to do that, but I will be around to continue this debate. I thank my friend from New Hampshire for whom I have great respect. We just have a different value system about education.

AMENDMENT NO. 791, AS MODIFIED

The PRESIDING OFFICER (Mr. DURBIN). There are now 5 minutes evenly divided before the vote with respect to the Bingaman amendment.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, parliamentary inquiry. As I understand it, following the vote on the Bingaman amendment, the next item of business is the vote on the Voinovich amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. BINGAMAN. Mr. President, let me describe to the other Senators what

the choice is on these two amendments. I have offered the amendment on behalf of myself, Senator HATCH, Senator KENNEDY, and Senator DOMENICI. I ask unanimous consent that all of those Senators be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. The amendment I am offering makes it clear that Governors should be consulted with regard to the Elementary and Secondary Education Act plans which are involved in this legislation but that the Congress is not going to override the provisions States have adopted in their constitutions and in their statutes for organizing and administering their educational programs.

The Voinovich amendment—which is the second vote—in my view, is objectionable because it will give a veto to the Governor over any State plan for the expenditure of the Federal funds in that State. My State does not allow the Governor a veto. It has a provision for the Governor to appoint five members of our State school board—to be involved in that way. But the State school board has the responsibility under our constitution.

I want to see to it that Congress does not try to override my State's constitution and the constitutions and statutes of quite a few States which have their own ways of administering their educational programs.

For that reason, I urge my colleagues to support this amendment that, again, I am offering on behalf of myself, Senator HATCH, Senator KENNEDY, and Senator DOMENICI. I believe this will preserve the existing arrangement we have between the Federal Government and the States. It will allow the States to exercise their sovereign right to determine how they will administer their educational programs.

So I urge my colleagues to support this amendment. And when the time comes, I or Senator KENNEDY or somebody will urge that the Voinovich amendment not be adopted, which is the vote following this vote.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Ohio, Mr. VOINOVICH, is recognized for 2½ minutes.

Mr. VOINOVICH. Mr. President, the Senate has before it two approaches to giving the Governors of our respective States an opportunity to participate in having some input in the plan that a State submits to the Secretary of Education as to what will be done with the Federal money under ESEA.

When I originally offered my amendment, there was some concern on the part of my colleagues that this amendment might violate State law or the constitutions of the States. Earlier today I modified our amendment to provide that the signature of the Governor would not be required on the application to the Department of Education in the event there was a State constitution or State law that prevented it.

It has been argued by the Senator from New Mexico, and the Senator from Massachusetts, that this legislation would be a veto on the part of the Governors of the States over the wishes of the State superintendents of education. I think that by requiring the signature of the Governor, as contrasted to consultation, you are going to have a situation where you enhance the application because it will force the Governor and the chief State superintendent to work together in promoting the plan for the spending of that money. In too many States, the Governors and the State superintendents of education do not speak to each other on such matters.

When we came up with ESEA in 1965, the Governors were not as involved as they are today. But, I say to my colleagues, if you go to your State and ask your citizens, do you believe that the Governor of your State signs the application to the Secretary of Education for Federal money? the answer 95 percent of the time will probably be yes and they would be wrong, even though the Governors are being held responsible for education.

All we are saying is, rather than taking the approach as suggested by Senator BINGAMAN and Senator KENNEDY, rather than consulting, we require that the Governor's signature be on that application. Most of us know that if we have to consult with somebody, and they know our signature isn't necessary, there ''ain't'' much consultation that takes place.

The PRESIDING OFFICER. The time of the Senator from Ohio has expired.

The question is on agreeing to amendment No. 791, as modified, offered by the Senator from New Mexico, Mr. BINGAMAN.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAPO) and the Senator from Utah (Mr. HATCH) are necessarily absent.

I further announce that if present and voting, the Senator from Utah (Mr. HATCH) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 39, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—59

Akaka	Byrd	Dodd
Baucus	Cantwell	Domenici
Bennett	Carnahan	Dorgan
Biden	Chafee	Durbin
Bingaman	Clinton	Edwards
Bond	Cochran	Ensign
Boxer	Collins	Feingold
Breaux	Conrad	Feinstein
Brownback	Corzine	Graham
Bunning	Daschle	Harkin
Burns	Dayton	Hollings
Inouye	Lincoln	Schumer
Jeffords	Lugar	Smith (OR)
Johnson	Mikulski	Stabenow
Kennedy	Murray	Thompson
Kerry	Nelson (FL)	Thurmond
Kohl	Reed	Torricelli
Landrieu	Reid	Wellstone
Leahy	Rockefeller	Wyden
Levin	Sarbanes	

NAYS—39

Allard	Gregg	Nelson (NE)
Allen	Hagel	Nickles
Bayh	Helms	Roberts
Campbell	Hutchinson	Santorum
Carper	Hutchison	Sessions
Cleland	Inhofe	Shelby
Craig	Kyl	Smith (NH)
DeWine	Lieberman	Snowe
Enzi	Lott	Specter
Fitzgerald	McCain	Stevens
Frist	McConnell	Thomas
Gramm	Miller	Voinovich
Grassley	Murkowski	Warner

NOT VOTING—2

Crapo	Hatch

The amendment (No. 791), as modified, was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 389, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there are 4 minutes evenly divided under the Voinovich amendment No. 389, as modified. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, the Voinovich-Bayh amendment fundamentally requires the Governors of the 50 States to sign the application that is submitted to the Secretary of Education for the expenditure of funds under the ESEA. It is in contrast with the Bingaman amendment that was just adopted which says consultation should take place with the Governor rather than having the Governor's signature.

I argue there is not much consultation that will take place unless a Governor's signature is also required on that application.

Most Senators know that the Governors of the 50 States are the ones who are held responsible for the education programs in their States. Our amendment recognizes some State constitutions and laws preclude participation by the Governor, and we exempt any State with a constitution or law which does not allow the Governor to participate.

This amendment is supported by the bipartisan National Governors' Association unanimously. They have asked for it because they believe consensus on education in the States is needed. It will make it easier to leverage State resources, and it also will provide more accountability.

I yield the remainder of my time to Senator BAYH.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 25 seconds.

Mr. BAYH. Twenty-five seconds, Mr. President?

The PRESIDING OFFICER. That is correct.

Mr. BAYH. I need to be briefer than normal.

I support this amendment for the practical reason that States will continue to pay for 94 percent of State and local education expenditures. If we are going to make the progress we need to make for America's schoolchildren, we need States leading the way along with the Federal Government. That means Governors cooperating and leading the way. I have never seen a major State education reform effort enacted without the aid and assistance of the Governor.

This amendment will require the Governor and chief State school officer to work together. We need that to make this reform work.

Mr. FEINGOLD. Mr. President, I must oppose the amendment to S. 1, the BEST Act, offered by the Senator from Ohio, Mr. VOINOVICH.

This amendment would require the State educational agencies, SEAs, to ''jointly prepare a plan to carry out the responsibilities of the State . . . including carrying out the State educational agency's statewide system of technical assistance and support for local educational agencies.'' This would clearly supercede the Wisconsin State Constitution.

Article X, Section 1 of the Wisconsin Constitution states: ''The supervision of public instruction shall be vested in a state superintendent and other officers as the legislature shall direct; and their qualifications, powers, duties and compensation shall be prescribed in law. The state superintendent shall be chosen by the qualified electors of the state at the same time and in the same manner as member of the supreme court, and shall hold office for 4 years. . . .''

The Federal Government should not supersede the Wisconsin Constitution by requiring the duly elected Superintendent of Public Instruction to have the Governor sign off on proposals submitted to the federal Department of Education.

I urge my colleagues to oppose this amendment. I supported the amendment offered by the Senator from New Mexico, Mr. BINGAMAN, which would provide for coordination between the SEA and the Governor without infringing on the independence of the SEA.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, those who voted for the last amendment which I offered on behalf of myself, Senator HATCH, Senator KENNEDY, and Senator DOMENICI, voted to allow States to continue to make the decision as to how they administer their education programs and their education funds. In my view, that is the appropriate position for us to take in the Senate.

The amendment the Senator from Ohio is now offering would, in fact, give the Governors a veto over any State plan, regardless of whether that is the way a State has decided to administer their State educational funds. It would totally override the State constitution in my State. It would override the State constitution in many States. I urge my colleagues to oppose it.

I yield the rest of my time to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the Senator from Ohio said the Governors support his amendment. All the State, local, and county officials support the Bingaman provisions. We are saying if the State has made the decision to let the Governor run education, then they ought to be the ones to make that decision. If the State makes the decision to let the State educational agency make that decision, the Bingaman amendment also makes that decision but permits the Governor to be consulted.

Talk about States rights. We are letting the States make the decision who is going to make the judgment. The Voinovich amendment overrides any State decision that says they are going to let the State agency do it and insists the Governor do it. We have not had a hearing on it. Naturally, the Governors are for it, but the State and local educators are strongly opposed to it.

The Bingaman amendment permits consultations. That is the way we ought to proceed.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 389, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAPO) and the Senator from Utah (Mr. HATCH) are necessarily absent.

The PRESIDING OFFICER (Ms. STABENOW). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 58, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—40

Allard	Gregg	Nickles
Allen	Hagel	Santorum
Bayh	Helms	Sessions
Bennett	Hutchinson	Shelby
Carnahan	Hutchison	Smith (NH)
Carper	Inhofe	Snowe
Cleland	Kyl	Specter
Collins	Lieberman	Stevens
Craig	Lott	Thompson
DeWine	McCain	Thurmond
Fitzgerald	McConnell	Voinovich
Frist	Miller	Warner
Gramm	Murkowski	
Grassley	Nelson (NE)	

NAYS—58

Akaka	Byrd	Dodd
Baucus	Campbell	Domenici
Biden	Cantwell	Dorgan
Bingaman	Chafee	Durbin
Bond	Clinton	Edwards
Boxer	Cochran	Ensign
Breaux	Conrad	Enzi
Brownback	Corzine	Feingold
Bunning	Daschle	Feinstein
Burns	Dayton	Graham
Harkin	Levin	Sarbanes
Hollings	Lincoln	Schumer
Inouye	Lugar	Smith (OR)
Jeffords	Mikulski	Stabenow
Johnson	Murray	Thomas
Kennedy	Nelson (FL)	Torricelli
Kerry	Reed	Wellstone
Kohl	Reid	Wyden
Landrieu	Roberts	
Leahy	Rockefeller	

NOT VOTING—2

Crapo	Hatch

The amendment (No. 389), as modified, was rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I have conferred with the manager of the bill, Senator GREGG. I ask unanimous consent when the Senate resumes consideration of S.1, the ESEA bill, on Thursday, June 7, that there be an hour for debate with respect to the Dodd amendment No. 459, controlled between Senators DODD and GREGG; that upon the use or yielding back of that time the amendment be set aside and the Nelson-Carnahan amendment No. 385 become the pending business, with 45 minutes of debate equally divided and controlled in the usual form with no second-degree amendments in order thereto, with a vote occurring upon the use or yielding back of time.

I further ask unanimous consent that upon disposition of the Nelson-Carnahan amendment No. 385, Senator SMITH of New Hampshire be recognized to call up amendment No. 487; that there be 40 minutes for debate with the time equally divided and controlled in the usual form, and that no second-degree amendments be in order, with a vote occurring upon the use or yielding back of the time.

Finally, Madam President, I ask unanimous consent that upon disposition of the Smith amendment, Senator WELLSTONE be recognized to call up amendment No. 466, with 4 hours for debate equally divided and controlled in the usual form, with no second-degree amendments in order thereto, and that upon the use or yielding back of time the Senate proceed to vote on that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that following the statement of the Senator from Connecticut in relation to this bill, the Senate proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 459

Mr. DODD. Just to inform my colleagues, and the managers of the bill, my intention is to take about 6 or 7 minutes to discuss the Dodd amendment, and then there will be time tomorrow, obviously, to go into this a bit further.

I do not know if any agreement has been reached on when we can vote on this amendment. I have no intention of delaying action on this legislation. I do not know if my colleague from Massachusetts or my colleague from New Hampshire would like to agree on a time, but we can vote on the Dodd amendment at a time that is convenient for the managers of this bill.

I know there are other amendments that need to be considered. My desire is to get to a vote and not to delay consideration of the bill.

But let me go back a bit, if I may, and try to make clear that my good friend—he is a wonderful friend, and there are very few Members on either side of the aisle whose intelligence I respect more than the Senator from New Hampshire, Mr. JUDD GREGG. He is extremely bright, knowledgeable, and cares a lot about these issues.

He suggested that my amendment is one of the most intrusive suggestions by the Federal Government in the area of elementary and secondary education in maybe the history of mankind, I guess. He is nodding in the affirmative, so I guess he probably agrees with that statement of mine.

Mr. GREGG. That is close.

Mr. DODD. This is anything but that. If you had to apply one word to the underlying proposal, if you had to pick out one word in the English language that is supposed to be the hallmark of this Elementary and Secondary Education Act, I would suggest the word would be ''accountability.'' That is the one word we have heard repeated over and over and over again.

This bill, if adopted, will require accountability of students because we will mandate a Federal test at the local level. It is Uncle Sam, the Federal Government, mandating a Federal test, a Federal standard. So accountability can be achieved at the student level.

We demand accountability of the local school districts. And if those districts do not achieve a level of achievement or performance, then there is the danger of losing Federal dollars.

We demand accountability of teachers in this bill. We are insisting upon certain standards of performance, Uncle Sam saying that teachers at the local level must perform at a certain level.

In a sense, we are demanding accountability of parents by insisting that their children do better and that parents be involved.

My point simply is this: We are demanding accountability of children, of parents, of teachers, of local school boards, of mayors, of schools themselves, and ourselves in a sense, but the one entity that escapes any accountability at all is States.

I know States are wrestling with this issue. But requiring comparable efforts to achieve equal opportunity of education is not a radical idea. If we are demanding that an eighth grade or third grade student pass a test, should a Governor of a State or a school board or some entity at the State level escape any less accountability of whether or not our States are doing what is necessary for our schools and our schoolchildren to do better?

So that is what this amendment does. It says, look, after 4 or 5 years, we want to know that States are insisting upon a comparable—not identical—comparable educational opportunity in schools. The word ''comparable'' is carefully selected. The word is 36 years old in the context of education. In 1965, we said there must be comparable educational opportunity within school districts.

I come from a State of 3½ million people. There are school districts in this country that have more children than in all of my State: Los Angeles, Houston, New York. I do not know about Detroit, the major city of the Presiding Officer, but there are school districts in this country that have more children in them than exist in many of our States, where we have mandated, for 36 years, comparable educational opportunity.

Is it such a quantum leap to say that States ought to provide comparable educational opportunity at the State level? We are demanding it of kids. We are demanding it of districts. Shouldn't our States meet a similar standard? That is all we are doing with this amendment. And if they fail to do so, the penalty is to be determined by the Secretary of Education, which would only involve administrative funds.

This is not some sword of Damocles hanging over students. We are not cutting off title I funding. We are saying, if you do not meet these standards, then the Federal Government will not provide administrative funds. We leave that up to the Secretary to determine the extent of that penalty.

My colleague from New Hampshire is no longer in the Chamber, but I want to read a statement, if I may, that sort of explains what I am trying to do. This statement reads as follows:

> There is nothing fair or just about taxing a home or other real estate in one town at four times the rate that similar property is taxed in another town to fulfill the same purpose of meeting the State's educational duty. Compelling taxpayers from property-poor districts to pay higher tax rates and thereby contribute disproportionate sums to fund education is unreasonable. Children who live in poor and rich districts have the same right to a constitutionally adequate public education.

That radical statement is from a decision by the Supreme Court of the State of New Hampshire. The Supreme Court of the State of New Hampshire is saying property taxpayers in that State ought not to be disproportionately burdened, rich versus poor, to provide an equal opportunity for education. That is all this amendment is saying.

It does not federalize education. It does not say to New Hampshire or to Connecticut or to Michigan how you ought to do this. It just says: Do it any way you wish. You decide what comparable educational opportunity ought to be. But whatever it is in your respective States, then it ought to be available to every child in that State whether they live in a rich town or a poor town. That is all this says.

Madam President, I refer my colleagues to the New Hampshire Supreme Court case at 123 Ed. Law Rep. 233.

The New Hampshire Supreme Court decision says it better than I could, that you should not ask towns of disparate wealth to have their children get a disparate educational opportunity. That is not any great leap of logic. In a sense, this idea that the Federal Government is all of a sudden reaching into our States or our local districts at a level unprecedented in the history of our country is to deny the reality. Since 1965, we have said: Comparable educational opportunity in school districts. We have said: If a child brings a gun to school and is not automatically expelled, we cut off your Federal money in local communities.

We have said that an individual education plan for every child with a disability must be in place. That is the Federal Government mandating that. If you don't, we cut off all your money. Comparable educational services within the district goes back to 1965. There must be State standards for curricula that are the same for every child or you lose Federal funds.

This is already the law of the land. I am just suggesting that the States must submit these plans and take steps to implement them. And I do it over the next 6 years, by the way, the life of this bill, the same period of time we are going to be testing every child in America based on this bill. We are going to test apparently every teacher based on this bill. We are going to threaten title 1 funds to local districts under this bill. We are threatening parents with untold problems if we cut off funds to rural and urban schools and there is no other alternative for them.

We are asking of everybody in the country to be more responsible. I would like to add States to that list of political entities and individuals from whom we are seeking a higher degree of responsibility. Call that radical if you will. I don't think it is. Why should they get by? Why do the States or the Governors get a pass on this? If you are going to test a kid, why not test a Governor or a State? If you are going to test a teacher, why not test whether or not a State is doing its best to provide comparable educational opportunity?

Many States are trying. Regrettably, some are not. The Governors and the State authorities across this country know of whom I speak with this amendment. If we are saying to some school districts that many feel are not doing an adequate job—and there are many who have told anecdotal stories throughout the debate on this bill about school districts that are failing to meet their responsibilities; I accept that as the truth. There are school districts not doing what they ought to be

doing when it comes to children's educational opportunities. I accept the fact there are teachers out there who are not teaching very well and superintendents and school boards that are failing in their responsibilities and parents who are as well.

If all of that is true, don't stand there and tell me that every State is meeting its obligations because they are not. This amendment merely says they ought to. If this bill is going to be fair to everybody, if 94 cents of the education dollar comes from local property-tax payers or State funds and only 6 cents from the Federal Government, and if we are demanding a standard of ourselves on 6 cents, then we ought to demand at least some accountability from our States with the 94 cents they are responsible for when it comes to educational needs at the elementary and secondary level.

As I said a moment ago, many States are doing their best. They are achieving comparable educational opportunity. This is not identical. I am using the words that have been on the books dealing with education issues since 1965. Comparable educational opportunity must exist within school districts. There are school districts that have student populations in their districts which exceed the student populations of most States.

If we demand accountability of school districts numbering hundreds of thousands of kids—that comparability, not identical, comparable—why not ask the States to do that? They lecture us all the time. I have listened to Governors tell us about one problem after another concerning what needs to be done. Is this somehow an immune class from consideration? I don't think so.

This amendment is reasonable. It is not excessive. If we are asking accountability, if that is the mantra on this bill, accountability for everybody—and I agree with that; it is overdue—then States ought to also get in line when it comes to taking that test that we are going to demand of everybody. Over the next 6 years, let everybody become more responsible. Let everybody become more accountable—every child, parent, teacher, school board, superintendent, principal, and, yes, Governor and State as well.

With that, I yield the floor.

Mr. DASCHLE. Madam President, I ask consent that the time for debate on the Nelson-Carnahan amendment No. 385 be increased from 45 minutes to 60 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. With this consent, the first rollcall vote in the morning will occur at approximately 11:30.

AMENDMENTS NOS. 603, AS FURTHER MODIFIED, AND 517, AS MODIFIED

Mr. DASCHLE. I ask unanimous consent that the amendments numbered 603 and 517, as previously agreed to, be modified further to conform to the substitute amendment. This has the approval of the distinguished minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments are so modified.

The amendments (Nos. 603 and 517), as modified, are as follows:

AMENDMENT NO. 603

On page 506, lines 2 and 3, strike ''and other public and private nonprofit agencies and organizations'' and insert ''and public and private entities''

On page 506, line 9, strike ''nonprofit organizations'' and insert ''entities''.

On page 525, lines 18 and 19, strike ''and other public entities and private nonprofit organizations'' and insert ''and public and private entities''.

On page 548, lines 24 and 25, strike ''nonprofit organizations'' and insert ''entities''.

On page 554, lines 18 and 19, strike ''nonprofit private organizations'' and insert ''private entities''.

AMENDMENT NO. 517

On page 309, lines 17 and 18, strike ''subsection (f)'' and insert ''subsections (b), (e) and (f)''.

On page 339, line 6, strike ''(b)'' and insert ''(c)''.

On page 339, strike lines 7 through 16 and insert the following:

''(b) SCHOOL LEADERSHIP.—

''(1) DEFINITIONS.—

''(A) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency for which more than 30 percent of the students served by the local educational agency are students in poverty.

''(B) POVERTY LINE.—The term 'poverty line' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

''(C) STUDENT IN POVERTY.—The term 'student in poverty' means a student from a family with an income below the poverty line.

''(2) PROGRAM.—The Secretary shall establish and carry out a national principal recruitment program.

''(3) GRANTS.—

''(A) IN GENERAL.—In carrying out the program, the Secretary shall make grants, on a competitive basis, to high-need local educational agencies that seek to recruit and train principals (including assistant principals).

''(B) USE OF FUNDS.—An agency that receives a grant under subparagraph (A) may use the funds made available through the grant to carry out principal recruitment and training activities that may include—

''(i) providing stipends for master principals who mentor new principals;

''(ii) using funds innovatively to recruit new principals, including recruiting the principals by providing pay incentives or bonuses;

''(iii) developing career mentorship and professional development ladders for teachers who want to become principals; and

''(iv) developing incentives, and professional development and instructional leadership training programs, to attract individuals from other fields, including business and law, to serve as principals.

''(C) APPLICATION AND PLAN.—To be eligible to receive a grant under this subsection, a local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The application shall include—

''(i) a needs assessment concerning the shortage of qualified principals in the school district involved and an assessment of the potential for recruiting and retaining prospective and aspiring leaders, including teachers who are interested in becoming principals; and

''(ii) a comprehensive plan for recruitment and training of principals, including plans for mentorship programs, ongoing professional development, and instructional leadership training, for high-need schools served by the agency.

''(D) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to local educational agencies that demonstrate that the agencies will carry out the activities described in subparagraph (B) in partnership with nonprofit organizations and institutions of higher education.

''(E) SUPPLEMENT NOT SUPPLANT.—Funds appropriated to carry out this subsection shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide principal recruitment and retention activities.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $50,000,000 for fiscal year 2002 and each subsequent fiscal year.

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, am I subject to morning business?

The PRESIDING OFFICER. We are now in morning business.

Mr. GREGG. I ask unanimous consent that I be allowed to speak for 15 minutes in response to the Senator from Connecticut.

The PRESIDING OFFICER. Without objection, it is so ordered.

AN EQUAL APPROACH TO EDUCATION

Mr. GREGG. Madam President, I thank the Senator from Connecticut for his very generous comments relative to my role in the Senate. I reciprocate. I admire the Senator from Connecticut immensely. I enjoy him as a colleague, especially his sense of humor and his ability to fashion thoughtful policy with which I sometimes agree and sometimes disagree. It is nice to have him as a colleague and especially to claim him as a fellow New Englander.

He raises an issue that is one of the major debates revolving around the issue of education, both here at the Federal level and at the State level, as he pointed out in citing the New Hampshire Supreme Court decision in the Claremont case which has had a significant impact on New Hampshire's approach to education. I have always believed that decision was wrongly decided, but whether it was wrongly decided or not, it was still the Supreme Court of New Hampshire and, therefore, it is the law of the land in New Hampshire. It was decided based on the New Hampshire Constitution, not on the Federal Constitution. And as such, it is unique to New Hampshire, although there are other States that take the same decision.

This concept that every part within a State must be equal in their approach

to education is something that the New Hampshire Supreme Court has found to be true, or at least to be the law of New Hampshire. But it is not necessarily the law everywhere.

Furthermore, the logic of that, if you were to carry it to its natural extreme, would be that everywhere in the Nation must be the same. If you carry that to its logical conclusion, it would be that in New Hampshire, if town A has a higher property tax base than town B, therefore some of town A's money must go to town B to support town B, thus reducing the money for town A but increasing the money for town B in order to reach equality of funds, which is essentially what the Claremont decision held in its practical application, unless you find new sources of revenue, which is what our State is trying to do right now. Then if you take that to its next logical step, which the Senator from Connecticut appears to be promoting as a concept, this idea of comparability, then why just New Hampshire?

Logically wouldn't the next step be that New Hampshire's funding should be the same as Connecticut, or Connecticut's funding should be the same as Mississippi, that all State districts, all States, all communities across the country should have exactly the same funding or at least comparable funding in their school systems in order to be equal, in order to get quality education, in order to leave nobody behind, in order to have equality of opportunity as has been defined in the law?

I don't think anybody is suggesting that, but that is the logical extension of the logic behind this amendment. Why stop it at the State level? Why stop at the community level? Why go community to community, or county to county? Why wouldn't you step it up to State to State and end up with Connecticut sending money, I presume, to Mississippi, for example, or to Louisiana so that Louisiana standards would come up in the amount of funding, and Connecticut's would go down in the amount of funding?

It doesn't make any sense. Why? Because it doesn't necessarily improve education. Why doesn't it improve education? Because there has been study after study after study—some of the best ones have been done out of the University of Rochester where they have actually studied studies, 300 or so—which have concluded that education is not a formula where more dollars equal better results.

In fact, there are a lot of instances where more dollars simply have not equaled better results. And you don't have to look too far from where we are holding this debate to find that case.

Here in the city of Washington, regrettably, more dollars are spent per pupil than any place in the United States, or for that matter than at any place in all these other industrialized countries that are always listed as being better than the United States in education.

More dollars per student are spent right here in Washington. Yet the quality of the education, the student achievement levels here in Washington are some of the lowest achievement levels of any urban area in the country. So it is not an issue of more dollars produces better education. It has been shown, after innumerable studies—and I have to also say just through common sense, just looking at the situation—that what produces better education is a lot of different factors:

Parental involvement, parents who care about education; teachers who have flexibility in their classrooms to teach the way they think best; good teachers; principals who have flexibility to run their schools the way they think is important; superintendents who have the flexibility to run the school systems; community involvement, with businesses in the community that adopt a school and make it better by committing their employees and their employees' commitments to time and tutorial activity, with support groups such as Big Brothers and Big Sisters supporting people after school so the kids, when not in school, can learn things to help them get through the day when they are in school.

The formula is complex. It is not just more dollars equals better education. So when you set up standards that say everybody has to be paid the same, everybody has to have the same amount of money and you are going to produce better education, that simply doesn't fly. But that is a big argument that we have in this Senate and which is occurring across the country, and also certainly in New Hampshire.

But I think it is one of those red herrings; that if you put more money in the system and bring everybody up to the same money level, you will get better education. That is not true at all. It has been proven time and again.

Unfortunately, one example is right here in Washington, DC. There is no particular reason to pick on Washington, but Washington is a regrettable example of that. So the practical argument, first, is that it doesn't hold water because its logical extension is that every State across the country should have the same funding. Maybe that is the goal in the end. Maybe we are seeing the early steps of an attempt to actually evolve a national system where everybody gets the same amount of money and is targeted the same. But I don't think too many people would follow that course of logic. That would be the practical logic of this amendment carried to its full extreme.

Secondly, the underpinning purpose of the amendment, which is to equalize dollars within a State because that produces better education, also doesn't hold a lot of water because nothing proves that is the case. In fact, just the opposite happens when you use a system that says everybody has to do everything the same. When you put everybody in a cookie-cutter system of education, you end up with mediocrity; you end up with school systems that, rather than producing quality, end up producing to the lowest common denominator and they fail. They fail the kids. That is what we have seen in our school systems recently.

One of the prior speakers on the other side of the aisle attempted to define my value systems for me. He said my values are to support a system that supports dilapidated schools—or something to that effect—because a community with a dilapidated school doesn't have enough money to support that school and a rich community can have a good school.

That is not my value system. I am sorry it was characterized that way by the Senator from Delaware. My value system on education is that no child is left behind; that the low-income child doesn't get a second-rate education in our system because they go to a second-rate school or they go to a school that failed year in and year out.

What we have done in this country is to have spent $126 billion on education directed at low-income children and we have not improved their performance at all in 35 years. In fact, the children continue to fail in our system. The average low-income child in the fourth grade today reads at two grade levels less than his or her peers in the same school and across this country.

The simple fact is that we have failed those children. We continue to fail those children because we use this system which believes that a command-and-control system from Washington can actually improve the educational system in local communities. That is not true at all. We need the creativity and imagination and commitment and involvement of the local community leadership—the parents, teachers, principals, and the support systems to focus on making their schools better and do it in a unique way that makes them special.

Every community across the country is going to probably have some original way of doing this. There will be consistencies in text or maybe curriculum in some schools and maybe teaching styles, but each school will be as different as the teachers who are in the schools, the individuals who deal with these kids.

So to try to impose on them a cookie-cutter system that says everybody has to be comparable—they have to do it all the same way or else they don't get their Federal dollars—is to fundamentally undermine the engine that will give these kids opportunities, which is the creativity, originality, and the enthusiasm of the local community, the teacher, the parents, and the principals.

This bill that we have been debating today understands that fact. President Bush has proposed a bill that basically says four things: One is that we are

going to focus on the child and stop focusing on the school system, on the bureaucracy, and on a cookie-cutter comparable standard. We are going to focus on every individual child, especially the low-income child who has been left behind. That is where the dollars are going to flow.

Two, we are going to give the teachers, the community, the local school system flexibility in how they deal with that child and improve that child's capability. In exchange for that flexibility, we are going to require academic achievement by the low-income child. We are not going to let that child be left behind any longer.

Three, we are going to have accountability standards to show that that academic achievement has been accomplished. It is at this point where we put the testing in place, where the President suggested testing in six grades instead of three, as is presently required, to which the Senator from Connecticut feels he has the logic to pursue a comparable standard. He says, if everybody is going to have to be tested—and this was the argument by the Senator from Delaware—then the systems that will bring the child up to a standard of ability to meet the test also have to be comparable.

If everybody is going to be put to one test, then everybody should have comparable support facilities necessary to reach the ability to compete on that test.

The problem is you are essentially saying there can be no creativity in the local school systems, and instead of giving local school systems flexibility in exchange for academic achievement, you are saying we are going to require academic achievement and we are also going to require that we have a bureaucracy that tells you exactly what to do—at least in this amendment—right down to curriculum, range of courses, instructional material, instructional resources—I mean, everything from the time you walk into that classroom is going to have to be comparable with everybody else in the system.

This is a country that takes great pride in individuality, not in being uniform. That individuality is what produces our creativity and strength, whether it is in education or in the marketplace or whether it is in higher learning. Yet this amendment asserts that we should have everything comparable. If you are not comparable, you don't get any Federal money, which says that the Federal Government is coming in and we are going to take the State standard, whatever it is, and force it on every community in that State if they want to get Federal money.

You can call that anything you want, but to me that is a nationalization of the system. You are essentially saying local school systems will be required to do a whole set of activities, from classroom size, to qualifications of teachers, professional staffing, curriculum, range of courses, instructional material—right down the list. They are going to be required to meet a set of standards which the State may initially set but which the Federal Government enforces. The Federal Government is enforcing this because it is demanding it be met or else the Federal funding doesn't come through—or a portion of it does not come through.

So it is a huge expansion of the role of the Federal Government in deciding exactly what is going to happen at the local school districts. I don't think any of the debate on the other side of the aisle denies that fact.

I think it confirms that fact because basically what the other side of the aisle has been debating—not the whole other side of the aisle but those presenting this amendment and defending it—is, yes, that is right, we have to require that every local community does everything comparable with the other communities in the State to assure equality of opportunity, as they define it.

It is the wrong approach. The President's approach is you get equality of opportunity by assuring the school has the resources but letting the school, the parents, the teachers, and the faculty make the decision as to how the child is educated, and then you test whether or not the child has achieved the goals set out.

If the child has not achieved those goals, then we start putting sanctions on the school systems and start giving the parents some opportunities to give their child additional help through supplemental services in this bill or the States with Straight A's.

The issue of achievement is not done by some arbitrary input system; it is done by actually figuring out in what children are succeeding. As a result, we hopefully change this system which has produced 36 years of failure generation after generation of children who have not had a fair break.

I find it ironic that the Senator from Delaware tried to characterize my values as being for failed schools, dilapidated schools, schools where kids were not learning, when what we propose in this bill is an attempt to reverse what is a clear, undeniable, factual, confirmable point, which is that generation after generation of low-income kids have been left behind.

Even today, after spending $26 billion, the average low-income child in this country simply is not getting an education that is competitive with their peers in the school system.

While we are on it, let me mention a couple points we put into this bill to give that child a little more opportunity because they have not been talked about much and should be talked about because this bill has interesting and creative initiatives.

There was a package pulled together, negotiated, and agreed to by both sides. It took a long time to do that. It was done under the leadership of Senator LOTT and Senator DASCHLE. Many of us met for many months to work it out.

I mentioned we had four goals: Child centered, flexibility, academic achievement, and accountability. We set up a structure to accomplish the goals.

A couple things we did I think are creative. We took all the teacher money and merged it and said to the school districts: You pick how you want to improve your teachers. You can hire more teachers; you can improve their educational ability; you can improve their technical support or simply pay the good teachers more. It is your choice. You decide how you do it. We are not going to tell you.

That is a big change because it is giving local districts flexibility over those teacher dollars.

We also said to the small districts in the small school areas, the rural districts, we are going to give you all this money that comes from the Federal Government that comes with these categories, and there are literally hundreds of them. There is a category for arts in some specific area or for language in some specific area.

Most of these little school districts in States such as New Hampshire and Maine—this was an idea of Senator COLLINS—or even in upstate New York or, I suspect, parts of California, cannot access these categorical programs. Why? Because they simply do not have the staff, plus they do not have enough students to draw down enough money to make it worth their time.

We suggested we merge that. We have something called rural ed flex where all this money will flow into these school systems without the strings attached where they can actually get a bang for the dollar, using it effectively.

We also set up something called Straight A's, which is an attempt to give a few States the opportunity to show some creativity with low-income kids. We say we are going to take the formula programs, merge them and you, the State, can take those dollars and spend them however you want, but at the end of the year you have to prove that your low-income children, who are today, remember, not achieving at all—in fact, they are achieving at two grade levels less than most kids—actually achieve a standard that exceeds other kids in their class.

This is an attempt to give a real incentive to States and communities which are willing to be creative to do something about improving the lifestyle and the educational ability of their low-income kids.

Another area we addressed was if a child is in a school that has failed—remember, the States designate whether a school has failed; the Federal Government does not. If the school fails 1 year, we go into the school system under this bill and give it a lot of resources and try to turn it around. If it fails 2 years, we go into the system, start to replace people—under the bill, we give authority to the school system to do that—and put in more resources.

If after 3 years a child is in a school that fails—and by failing, that is defined by the State but essentially it is going to mean that school is not educating the children up to the standards to which the other schools in the community are educating their kids—if a child is in that school for 3 years, if you are a parent, you are pulling your hair out because for 3 years in a row you know your child has fallen behind because they are in a school that does not work. It has been designated as not working by the State or by the community.

What is your option under present law? Nothing. You have to stay in that school unless you happen to be wealthy enough to go to a private school. It is especially a problem for inner-city moms, single mothers raising kids in the inner city, where their kids are going to schools that are filled with drugs and violence, and they have more fear of their life than they have opportunity to learn. Those kids are trapped.

Under this bill, we propose something called supplemental services where, after 3 years in a failing school, a parent is going to have some authority of their own. They are going to be able to take a portion of the money which goes to title I and some other programs and take their child and get services outside the school system. They still have to stay in the public school, but they are going to get services out of the public school system to get their children up to speed academically.

They can go to Sylvan Learning Center, or the Catholic school across the street has a tutorial program in math, they can do that. It will be the parent's discretion to get decent support services. That is going to be a good change for a lot of parents. It is going to be an opportunity for a lot of parents.

There is a lot of good in this bill directed at trying to give low-income kids a better break and a better chance. But the surest and fastest way to undermine the purposes of this bill is to subject it to the cookie-cutter event and to what I think would be a nationalization of that, of requiring comparability from school district to school district to be asserted as a precondition of whether or not you get Federal funds or a portion of Federal funds.

Obviously, I think this amendment represents a very significant undermining of the President's proposal and the agreement we reached through literally hours of intense and very constructive negotiation.

Madam President, I thank you for your courtesy. I especially thank the staff for their courtesy. I yield the floor.

DEDICATION OF THE D-DAY MEMORIAL IN BEDFORD, VIRGINIA

Mr. WARNER. Mr. President, I rise today along with Senator GEORGE ALLEN and two Members of the House, Representatives BOB GOODLATTE and VIRGIL GOODE, to place in today's RECORD a moving speech delivered by President George W. Bush in recognition of the 57th anniversary of the historic landing by U.S. and Allied Forces on the beaches of Normandy, France.

The Commonwealth of Virginia was honored when the President selected the small town of Bedford, where a magnificent memorial has just been completed in honor of the extraordinary bravery and sacrifice of the military men and women at Normandy, as the site to deliver this very important speech.

This memorial will serve as an eternal salute to those who so bravely and selflessly fought for freedom. It is often said that June 6, 1944, D-Day, forever changed the course of history. So it is only fitting that such a magnificent structure be erected to remind future generations of that epic chapter in the long European struggle to restore freedom.

The citizens of and soldiers from Bedford earned a unique, but tragic place in history that day. In 1941, the 29th Infantry Division, a National Guard division, was mobilized largely with citizen-soldiers from Virginia and Maryland. Although the division changed over three years, by D-Day, many Virginians took part in the Normandy landing.

The 29th Division's 116th Infantry mounted the first wave together with the 1st Division's 16th Infantry Regiment. They suffered extraordinary casualties. The State of Virginia sustained nearly 800 casualties during the overall landing sequences.

The Bedford National Guard component had formed ''A'' Company of the 116th and by D-Day, 35 Bedford soldiers were still in the 170-man unit. Nineteen of those young men gave their lives in the first assault wave, and several more died shortly thereafter from wounds. The devastating loss of these young men from a small town of 3,200 left Bedford with the highest per-capita loss on D-Day from any single community not only in Virginia, but the entire United States.

Bedford is a living example of our Nation's many communities who share a common heritage of ''Homefront'' roles, sacrifices and stories. This community and its citizens serve as a particularly fitting home to this national memorial in recognition of all who participated in this battle and their loved ones back in the United States.

Today's dedication of the National D-Day Memorial was a truly moving ceremony that will long be remembered by those in attendance and those who viewed it by television. The President delivered thoughtful, heartfelt words, truly befitting this solemn, reverent day. On behalf of the Virginian delegation, I ask unanimous consent that a copy of the President's remarks be printed in the RECORD for all America to share.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY THE PRESIDENT AT DEDICATION OF THE NATIONAL D-DAY MEMORIAL

The President. Thank you all very much. At ease. And be seated. Thank you for that warm welcome. Governor Gilmore, thank you so very much for your friendship and your leadership here in the Commonwealth of Virginia. Lt. Governor Hager and Attorney General Earley, thank you, as well, for your hospitality.

I'm honored to be traveling today with Secretary Principi, Veterans Affairs Department. I'm honored to be traveling today with two fantastic United States Senators from the Commonwealth of Virginia, Senator Warner and Senator Allen. (Applause.) Congressman Goode and Goodlatte are here, as well. Thank you for your presence. The Ambassador from France—it's a pleasure to see him, and thank you for your kind words. Delegate Putney, Chaplain Sessions, Bob Slaughter, Richard Burrow, distinguished guests, and my fellow Americans.

I'm honored to be here today to dedicate this memorial And this is a proud day for the people of Virginia, and for the people of the United States. I'm honored to share it with you, on behalf of millions of Americans.

We have many World War II and D-Day veterans with us today, and we're honored by your presence. We appreciate your example, and thank you for coming. And let it be recorded we're joined by one of the most distinguished of them all—a man who arrived at Normandy by glider with the 82nd Airborne Division; a man who serves America to this very hour. Please welcome Major General Strom Thurmond. (Applause.)

You have raised a fitting memorial to D-Day, and you have put it in just the right place—not on a battlefield of war, but in a small Virginia town, a place like so many others that were home to the men and women who help liberate a continent.

Our presence here, 57 years removed from that event, gives testimony to how much was gained and how much was lost. What was gained that first day was a beach, and then a village, and then a country. And in time, all of Western Europe would be freed from fascism and its armies.

The achievement of Operation Overlord is nearly impossible to overstate, in its consequences for our own lives and the life of the world. Free societies in Europe can be traced to the first footprints on the first beach on June 6, 1944. What was lost on D–Day we can never measure and never forget.

When the day was over, America and her allies had lost at least 2,500 of the bravest men ever to wear a uniform. Many thousands more would die on the days that followed. They scaled towering cliffs, looking straight up into enemy fire. They dropped into grassy fields sown with land mines. They overran machine gun nests hidden everywhere, punched through walls of barbed wire, overtook bunkers of concrete and steel. The great journalist Ernie Pyle said, ''It seemed to me a pure miracle that we ever too the beach at all. The advantages were all theirs, the disadvantages all ours.'' ''And yet,'' said Pyle, ''we got on.''

A father and his son both fell during Operation Overlord. So did 33 pairs of brothers—including a boy having the same name as his hometown, Bedford T. Hoback, and his brother Raymond. Their sister, Lucille, is with us today. She has recalled that Raymond was offered an early discharge for health reasons, but he turned it down. ''He didn't want to leave his brother,'' she remembers. ''He had come over with him and he was going to stay with him.'' Both were killed on D–Day. The only trace of Raymond Hoback was his Bible, found in the sand. Their mother asked that Bedford be laid to

rest in France with Raymond, so that her sons might always be together.

Perhaps some of you knew Gordon White, Sr. He died here just a few years ago, at the age of 95, the last living parent of a soldier who died on D–Day. His boy, Henry, loved his days on the family farm, and was especially fond of a workhorse named Major. Family members recall how Gordon just couldn't let go of Henry's old horse, and he never did. For 25 years after the war, Major was cherished by Gordon White as a last link to his son, and a link to another life.

Upon this beautiful town fell the heaviest share of American losses on D–Day—19 men from a community of 3,200, four more afterwards. When people come here, it is important to see the town as the monument itself. Here were the images these soldiers carried with them, and the thought of when they were afraid. This is the place they left behind. And here was the life they dreamed of returning to. They did not yearn to be heroes. They yearned for those long summer nights again, and harvest time, and paydays. They wanted to see Mom and Dad again, and hold their sweethearts or wives, or for one young man who lived here, to see that baby girl born while he was away.

Bedford has a special place in our history. But there were neighborhoods like these all over America, from the smallest villages to the greatest cities. Somehow they all produced a generation of young men and women who, on a date certain, gathered and advanced as one, and changed the course of history. Whatever it is about America that has given us such citizens, it is the greatest quality we have, and may it never leave us.

In some ways, modern society is very different from the nation that the men and women of D-Day knew, and it is sometimes fashionable to take a cynical view of the world. But when the calendar reads the 6th of June, such opinions are better left unspoken. No one who has heard and read about the events of D-Day could possibly remain a cynic. Army Private Andy Rooney was there to survey the aftermath. A lifetime later he would write, ''If you think the world is selfish and rotten, go to the cemetery at Colleville overlooking Omaha Beach. See what one group of men did for another on D-Day, June 6, 1944.''

Fifty-three hundred ships and landing craft; 1,500 tanks; 12,000 airplanes. But in the end, it came down to this: scared and brave kids by the thousands who kept fighting, and kept climbing, and carried out General Eisenhower's order of the day—nothing short of complete victory.

For us, nearly six decades later, the order of the day is gratitude. Today we give thanks for all that was gained on the beaches of Normandy. We remember what was lost, with respect, admiration and love.

The great enemies of that era have vanished. And it is one of history's remarkable turns that so many young men from the new world would cross the sea to help liberate the old. Beyond the peaceful beaches and quiet cemeteries lies a Europe whole and free—a continent of democratic governments and people more free and hopeful than ever before. This freedom and these hopes are what the heroes of D-Day fought and died for. And these, in the end, are the greatest monuments of all to the sacrifices made that day.

When I go to Europe next week, I will reaffirm the ties that bind our nations in a common destiny. These are the ties of friendship and hard experiences. They have seen our nations through a World War and a Cold War. Our shared values and experiences must guide us now in our continued partnership, and in leading the peaceful democratic revolution that continues to this day.

We have learned that when there is conflict in Europe, America is affected, and cannot stand by. We have learned, as well, in the years since the war that America gains when Europe is united and peaceful.

Fifty-seven years ago today, America and the nations of Europe formed a bond that has never been broken. And all of us incurred a debt that can never be repaid. Today, as America dedicates our D-Day Memorial, we pray that our country will always be worthy of the courage that delivered us from evil, and saved the free world.

God bless America. And God bless the World War II generation. (Applause.)

SENATE QUARTERLY MAIL COSTS

Mr. MCCONNELL. Mr. President, in accordance with section 318 of Public Law 101–520 is amended by Public Law 103–283, I have submitted the frank mail allocations made to each Senator from the appropriations for official mail expenses and a summary tabulation of Senate mass mail costs for the fourth quarter of FY 2000 to be printed in the RECORD. The official mail allocations are for franked mail expenses only, and therefore are unrelated to the mass mail expenditure totals. The fourth quarter of FY 2000 covers the period of July 1, 2000 through September 30, 2000. The official mail allocations are available for franked mail costs, as stipulated in Public Law 106–57, the Legislative Branch Appropriations Act of 2000.

Also, in accordance with section 318 of Public Law 101–520 as amended by Public Law 103–283, I have submitted the frank mail allocations made to each Senator from the appropriations for official mail expenses and a summary tabulation of Senate mass mail costs for the first quarter of FY 2001 to be printed in the RECORD. The official mail allocations are for franked mail expenses only, and therefore are unrelated to the mass mail expenditure totals. The first quarter of FY 2001 covers the period of October 1, 2000 through December 31, 2000. The official mail allocations are available for franked mail costs, as stipulated in Public Law 106–554, the Legislative Branch Appropriations Act of 2001.

Finally, in accordance with section 318 of Public Law 101–520 as amended by Public Law 103–283, I have submitted the frank mail allocations made to each Senator from the appropriations for official mail expenses and a summary tabulation of Senate mass mail costs for the second quarter of FY 2001 to be printed in the RECORD. The official mail allocations are for franked mail expenses only, and therefore are unrelated to the mass mail expenditure totals. The first quarter of FY 2001 covers the period of January 1, 2001 through March 31, 2001. The official mail allocations are available for franked mail costs, as stipulated in Public Law 106–554, the Legislative Branch Appropriations Act of 2001.

I ask unanimous consent that the material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senators	FY2000 official mail allocation	Senate quarterly mass mail volumes and costs for the quarter ending 09/30/00			
		Total pieces	Pieces per capita	Total cost	Cost per capita
Abraham	$114,766				
Akaka	35,277				
Allard	65,146				
Ashcroft	79,102				
Baucus	34,375				
Bayh	80,377				
Bennett	42,413				
Biden	32,277				
Bingaman	42,547				
Bond	79,102				
Boxer	305,476				
Breaux	66,941				
Brownback	50,118				
Bryan	43,209	45,000	0.03745	$8,489.91	$0.00707
Bunning	63,969				
Burns	34,375	277,250	0.34697	51,069.94	0.06391
Byrd	43,239				
Campbell	65,146				
Chafee, Lincoln	34,703	228,500	0.22771	38,982.46	0.03885
Cleland	97,682				
Cochran	51,320				
Collins	38,329				
Conrad	31,320	28,450	0.04454	5,168.31	0.00809
Coverdell	97,682				
Craig	36,491				
Crapo	36,491				
Daschle	32,185				
DeWine	131,970	2,200	0.00020	1,748.35	0.00016
Dodd	56,424				
Domenici	42,547				
Dorgan	31,320				
Durbin	130,125				
Edwards	103,736				
Enzi	30,044				
Feingold	74,483				
Feinstein	305,476				
Fitzgerald	130,125				
Frist	78,239				
Gorton	81,115				
Graham	185,464				
Gramm	205,051				
Grams	69,241				
Grassley	52,904				
Gregg	36,828				
Hagel	40,964				
Harkin	52,904	656	0.00024	615.98	0.00022
Hatch	42,413				
Helms	103,736				
Hollings	62,273				
Hutchinson	51,203				
Hutchison	205,051				
Ihhofe	58,884				
Inouye	35,277				
Jeffords	31,251	147,794	0.26262	24,492.63	0.04352
Johnson	32,185	114,000	0.16379	49,572.55	0.07122
Kennedy	82,915				
Kerrey	40,964				
Kerry	82,915				
Kohl	74,483				
Kyl	71,855				
Landrieu	66,941				
Lautenberg	97,508				
Leahy	31,251	5,104	0.00907	1,638.80	0.00291
Levin	114,766				
Lieberman	56,424				
Lincoln	51,203	375	0.00016	81.76	0.00003
Lott	51,320				
Lugar	80,377	14,541	0.00262	2,816.87	0.00051
Mack	185,464				
McCain	71,855				
McConnell	63,969				
Mikulski	73,160				
Miller					
Moynihan	184,012	294,000	0.01634	53,488.33	0.00297
Murkowski	31,184				
Murray	81,115	10,693	0.00220	2,147.99	0.00044
Nickles	58,884				
Reed	34,703				
Reid	43,209	45,000	0.03745	7,999.35	0.00666
Robb	89,627				
Roberts	50,118				
Rockefeller	43,239	202,700	0.11302	28,032.95	0.01563
Roth	32,277				
Santorum	139,016	31,597	0.00266	25,491.53	0.00215
Sarbanes	73,160				
Schumer	184,012				
Sessions	68,176	12,904	0.00319	12,026.53	0.00298
Shelby	68,176				
Smith, Gordon	58,557				
Smith, Robert	36,828				
Snowe	38,329				
Specter	139,016				
Stevens	31,184				
Thomas	30,044				
Thompson	78,239				
Thurmond	62,273				
Torricelli	97,508	149,235	0.01926	117,141.16	0.01512
Voinovich	131,970				
Warner	89,627				
Wellstone	69,241				
Wyden	58,557				
Totals	7,594,942	1,609,999	1.28949	431,005.04	0.28244

Other offices	Committee mass mail totals for the quarter ending 9/30/00	
	Total pieces	Total cost
The Vice President		
The President Pro-Tempore		
The Majority Leader		
The Minority Leader		
The Assistant Majority Leader		
The Assistant Minority Leader		
Secretary of Majority Conference		
Secretary of Minority Conference		
Agriculture Committee		
Appropriations Committee		
Armed Services Committee		
Banking Committee		
Budget Committee		
Commerce Committee		
Energy Committee		
Environment Committee		
Finance Committee		
Foreign Relations Committee		
Governmental Affairs Committee		
Health, Education, Labor & Pensions		
Judiciary Committee		
Rules Committee		
Small Business Committee		
Veterans Affairs Committee		
Ethics Committee		
Indian Affairs Committee		
Intelligence Committee		
Aging Committee	1,150,000	$175,368.44
Joint Economic Committee		
Democratic Policy Committee		
Democratic Conference		
Republican Policy Committee		
Republican Conference		
Legislative Counsel		
Legal Counsel		
Secretary of the Senate		
Segeant at Arms		
Narcotics Caucus		

Senators	FY2001 official mail allocation	Senate quarterly mass mail volumes and costs for the quarter ending 12/31/00			
		Total pieces	Pieces per capita	Total cost	Cost per capita
Akaka	$35,266				
Allard	65,571				
Allen	67,623				
Baucus	34,375				
Bayh	80,339				
Bennett	42,465				
Biden	32,353				
Bingaman	42,668				
Bond	78,611				
Boxer	305,332				
Breaux	67,023				
Brownback	49,896				
Bunning	64,242				
Burns	34,132				
Byrd	43,197				
Campbell	65,571				
Cantwell	60,939				
Carnahan	58,958				
Carper	24,264				
Chafee	34,653				
Cleland	98,598				
Clinton	137,537				
Cochran	51,451				
Collins	38,298				
Conrad	31,258				
Corzine	73,236				
Craig	36,535	12,800	0.01271	$2,510.02	$0.00249
Crapo	36,535				
Daschle	32,149				
Dayton	52,182				
DeWine	131,841				
Dodd	56,517				
Domenici	42,668				
Dorgan	31,258	1,204	0.00188	957.10	0.00150
Durbin	129,845				
Edwards	104,861				
Ensign	32,656				
Enzi	30,012				
Feingold	74,540				
Feinstein	305,332				
Fitzgerald	129,845				
Frist	78,607				
Graham	185,377				
Gramm	206,157	1,300	0.00008	303.84	0.00002
Grassley	52,627				
Gregg	36,926				
Hagel	40,693				
Harkin	52,627				
Hatch	42,465				
Helms	104,861				
Hollings	62,803				
Hutchinson	50,961				
Hutchison	206,157				
Inhofe	57,917				
Inouye	35,266				
Jeffords	31,264				
Johnson	32,149				
Kennedy	82,836				
Kerry	82,836				
Kohl	74,540				
Kyl	72,497				
Landrieu	67,023				

Senators	FY2001 official mail allocation	Senate quarterly mass mail volumes and costs for the quarter ending 12/31/00			
		Total pieces	Pieces per capita	Total cost	Cost per capita
Leahy	31,264				
Levin	114,736				
Lieberman	56,517				
Lincoln	50,961				
Lott	51,451				
Lugar	80,339				
McCain	72,497				
McConnell	64,242				
Mikulski	72,998				
Miller	98,598				
Murkowski	31,276				
Murray	81,252				
Nelson, Bill	139,032				
Nelson, E. Benjamin	30,519				
Nickles	57,917				
Reed	34,653				
Reid	43,542				
Roberts	49,896				
Rockefeller	43,197				
Santorum	138,787				
Sarbanes	72,998				
Schumer	183,383				
Sessions	68,026				
Shelby	68,026				
Smith, Gordon	58,292				
Smith, Robert	36,296				
Snowe	38,298				
Specter	138,787				
Stabenow	86,052				
Stevens	31,276				
Thomas	30,012				
Thompson	78,607				
Thurmond	62,803				
Torricelli	97,648				
Voinovich	131,841				
Warner	90,165				
Wellstone	69,576				
Wyden	58,292				

Other offices	Committee mass mail totals for the quarter ending 12/31/00	
	Total pieces	Total cost
The Vice President		
The President Pro-Tempore		
The Majority Leader		
The Minority Leader		
The Assistant Majority Leader		
The Assistant Minority Leader		
Secretary of Majority Conference		
Secretary of Minority Conference		
Agriculture Committee		
Appropriations Committee		
Armed Services Committee		
Baking Committee		
Budget Committee		
Commerce Committee		
Energy Committee		
Environment Committee		
Finance Committee		
Foreign Relations Committee		
Governmental Affairs Committee		
Judciary Committee		
Labor Committee		
Rules Committee		
Small Business Committee		
Veterans Affairs Committee		
Ethics Committee		
Intelligence Committee		
Aging Committee		
Joint Economic Committee		
Joint Committee on Printing		
Joint Committee on Congress Inauguration		
Democratic Policy Committee		
Democratic Conference		
Republican Policy Committee		
Republican Conference		
Legislative Counsel		
Legal Counsel		
Secretary of the Senate		
Sergeant at Arms		
Narcotics Caucus		
Subcommittee on POW/MIA		

Senators	FY2001 official mail allocation	Senate quarterly mass mail volumes and costs for the quarter ending 3/31/01			
		Total pieces	Pieces per capita	Total cost	Cost per capita
Akaka	$35,266				
Allard	65,571				
Allen	67,623				
Baucus	34,375	1,455	0.00182	$1,183.39	$0.00148
Bayh	80,339				
Bennett	42,465				
Biden	32,353				
Bingaman	42,668				
Bond	78,611				
Boxer	305,332				
Breaux	67,023				

Senators	FY2001 official mail allocation	Senate quarterly mass mail volumes and costs for the quarter ending 3/31/01			
		Total pieces	Pieces per capita	Total cost	Cost per capita
Brownback	49,896				
Bunning	64,242				
Burns	34,132				
Byrd	43,197				
Campbell	65,571				
Cantwell	60,939				
Carnahan	58,958				
Carper	24,264				
Chafee	34,653				
Cleland	98,598				
Clinton	137,537				
Cochran	51,451				
Collins	38,298				
Conrad	31,258	296,000	0.46337	43,584.12	0.06823
Corzine	73,236				
Craig	36,535				
Crapo	36,535				
Daschle	32,149				
Dayton	52,182				
DeWine	131,841				
Dodd	56,517				
Domenici	42,668				
Dorgan	31,258				
Durbin	129,845				
Edwards	104,861				
Ensign	32,656				
Enzi	30,012				
Feingold	74,540				
Feinstein	305,332				
Fitzgerald	129,845				
Frist	78,607				
Graham	185,377				
Gramm	206,157	2,000	0.00012	418.42	0.00002
Grassley	52,627				
Gregg	36,926				
Hagel	40,693	184,300	0.11676	36,234.77	0.02296
Harkin	52,627				
Hatch	42,465				
Helms	104,861				
Hollings	62,803	600	0.00017	130.72	0.00004
Hutchinson	50,961				
Hutchison	206,157				
Inhofe	57,917				
Inouye	35,266				
Jeffords	31,264				
Johnson	32,149				
Kennedy	82,836				
Kerry	82,836				
Kohl	74,540				
Kyl	72,497				
Landrieu	67,023				
Leahy	31,264	10,200	0.01813	2,076.68	0.00369
Levin	114,736	3,400	0.00037	983.44	0.00011
Lieberman	56,517				
Lincoln	50,961	1,225	0.00052	1,022.07	0.00043
Lott	51,451				
Lugar	80,339				
McCain	72,497				
McConnell	64,242				
Mikulski	72,998	770	0.00016	160.70	0.00003
Miller	98,598				
Murkowski	31,276				
Murray	81,252	1,032	0.00021	129.87	0.00003
Nelson, Bill	139,032				
Nelson, E. Benjamin	30,519				
Nickles	57,917				
Reed	34,653	11,800	0.01176	2,134.58	0.00213
Reid	43,542				
Roberts	49,896				
Rockefeller	43,197				
Santorum	138,787				
Sarbanes	72,998	3,900	0.00082	788.67	0.00016
Schumer	183,383				
Sessions	68,026				
Shelby	68,026				
Smith, Gordon	58,292	118,000	0.04152	20,709.62	0.00729
Smith, Robert	36,296				
Snowe	38,298				
Specter	138,787				
Stabenow	86,052				
Stevens	31,276				
Thomas	30,012				
Thompson	78,607				
Thurmond	62,803				
Torricelli	97,648				
Voinvich	131,841				
Warner	90,165				
Wellstone	69,576				
Wyden	58,292	666	0.00023	591.72	0.00021

Other offices	Committee mass mail totals for the quarter ending 3/31/01	
	Total pieces	Total cost
The Vice President		
The President Pro-Tempore		
The Majority Leader		
The Minority Leader		
The Assistant Majority Leader		
The Assistant Minority Leader		
Secretary of Majority Conference		
Secretary of Minority Conference		
Agriculture Committee		

Other offices	Committee mass mail totals for the quarter ending 3/31/01	
	Total pieces	Total cost
Appropriations Committee		
Armed Services Committee		
Banking Committee		
Budget Committee		
Commerce Committee		
Energy Committee		
Environment Committee		
Finance Committee		
Foreign Relations Committee		
Governmental Affairs Committee		
Judiciary Committee		
Labor Committee		
Rules Committee		
Small Business Committee		
Veterans Affairs Committee		
Ethics Committee		
Intelligence Committee		
Aging Committee		
Joint Economic Committee		
Joint Committee on Printing		
Joint Committee on Congress Inauguration		
Democratic Policy Committee		
Democratic Conference		
Republican Policy Committee		
Republican Conference		
Legislative Counsel		
Legal Counsel		
Secretary of the Senate		
Sergeant at Arms		
Narcotics Caucus		
Subcommittee on POW/MIA		

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred May 23, 2000 in Salt Lake City, Utah. A 19-year-old woman working for the Southern Utah Wilderness Alliance was beaten and robbed because her attackers presumed she was a lesbian. The woman was taking opinion polls when a male attacker in his 20s—one of two white men with shaved heads—allegedly came running up behind her, punched her in the face, knocking her down. The woman said the suspect then kicked her in the face while he yelled ''dyke'' and ''queer.''

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, June 5, 2001, the Federal debt stood at $5,671,991,683,864.65, five trillion, six hundred seventy-one billion, nine hundred ninety-one million, six hundred eighty-three thousand, eight hundred sixty-four dollars and sixty-five cents.

One year ago, June 5, 2000, the Federal debt stood at $5,642,402,000,000, five trillion, six hundred forty-two billion, four hundred two million.

Five years ago, June 5, 1996, the Federal debt stood at $5,141,670,000,000, five trillion, one hundred forty-one billion, six hundred seventy million.

Ten years ago, June 5, 1991, the Federal debt stood at $3,490,594,000,000, three trillion, four hundred ninety billion, five hundred ninety-four million.

Fifteen years ago, June 5, 1986, the Federal debt stood at $2,053,578,000,000, two trillion, fifty-three billion, five hundred seventy-eight million, which reflects a debt increase of more than $3.5 trillion, $3,618,413,683,864.65, three trillion, six hundred eighteen billion, four hundred thirteen million, six hundred eighty-three thousand, eight hundred sixty-four dollars and sixty-five cents during the past 15 years.

CONGRATULATING DETROIT ON THE TRICENTENNIAL

Mr. DASCHLE. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from consideration of H. Con. Res. 80 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 80) congratulating the city of Detroit and its residents on the occasion of the tricentennial of the city's founding.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DASCHLE. I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc and the motion to reconsider be laid upon the table with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 80) was agreed to.

The preamble was agreed to.

MEASURES READ FOR THE FIRST TIME—H.R. 6, H.R. 10, H.R. 586, AND H.R. 622

Mr. DASCHLE. With respect to the following four bills which are at the desk, H.R. 6, H.R. 10, H.R. 586, and H.R. 622, I ask unanimous consent that they be considered as having been read the first time, and I further ask the requests for their second reading be objected to, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the rule, the bills will receive their second reading on the next legislative day.

PERMITTING THE USE OF THE ROTUNDA OF THE CAPITOL

Mr. DASCHLE. I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 149, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 149) permitting the use of the Rotunda of the Capitol for a ceremony to present posthumously a gold medal on behalf of Congress to Charles M. Shulz.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DASCHLE. I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statement relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 149) was agreed to.

The preamble was agreed to.

ADDITIONAL STATEMENTS

IN MEMORIAM OF REVEREND DOCTOR LEON HOWARD SULLIVAN

• Mr. SANTORUM. Mr. President, on Sunday, June 30, 2001, family, friends, colleagues, and former parishioners will gather to memorialize Reverend Doctor Leon Howard Sullivan—to celebrate his life, and recognize his accomplishments as one the most outstanding and effective civil and human rights leaders born in the 20th century. I rise today to lend my thoughts and reflections as I was privileged to know Rev. Sullivan, and to have worked with him on initiatives important to Philadelphia, as well on African trade and development issues.

Reverend Sullivan was born into poverty in an unpaved alley in an unpainted clapboard house in Charleston, WV on October 16, 1922. From such humble beginnings began a life's journey that was to last seventy-eight years.

Sullivan was born in a State that practiced ''Jim Crow Laws,'' and while still in grade school, he started in his own way to fight against racial discrimination. By the time he was in the tenth grade, he had sat-in and been told to leave every drug store and eatery where ''only whites'' were allowed to sit in the city of Charleston, WV. At the age of sixteen, he won a basketball and football scholarship to West Virginia State College.

Sullivan graduated from West Virginia State College at the age of twenty, and at the invitation of the Rev. Adam Clayton Powell, traveled to New York City. He was successful in winning a scholarship to the Union Theological Seminary. Rev. Powell also helped him secure his first job as a coin collector for the Bell Telephone Company. Leon H. Sullivan became the first African-American in the United States to hold that position.

In 1941, at the age of twenty-one, Sullivan was elected President of the March on Washington organized by A. Phillip Randolph, President of the Brotherhood of Sleeping Car Porters,

the first African-American recognized and controlled union in America. A few days before the march was scheduled to take place, President Roosevelt acted on the demands of the march organizers to end discrimination against African-Americans on Army and Navy industrial installations. From the first march on Washington that never took place came Executive Order 8802. This action ended discrimination against African-American workers in government ordnance plants.

Sullivan's career path continued when he accepted the position of assistant pastor to Rev. Powell. It was here that he learned first-hand about church administration and the art of running a political campaign. During this time, Rev. Powell campaigned for and won his seat in the U.S. Congress. It was also during this period of time that Sullivan met his life partner, Grace Banks.

In 1944, in Philadelphia, PA, Leon and Grace were married. Not long after marrying, Leon Sullivan was called to lead The First Baptist Church of South Orange, NJ. While serving as pastor, he started a number of outreach ministries and continued his education at Union Theological Seminary and Columbia University.

In 1950, Sullivan was called to be the pastor of the Zion Baptist Church of Philadelphia, where he would serve as pastor for the next thirty-eight years. The church membership grew from 600 to 6,000 and many outreach ministries were born. It was during his pastorship of Zion Baptist Church that Rev. Sullivan became locally, nationally and internationally known for his civil rights and human rights activities. One of these outreach programs was the Citizens Committee that worked with the police in the community to actively reduce crime.

In 1955, Rev. Sullivan was chosen as one of the Ten Most Outstanding Men in America and presented the award by Vice President Richard M. Nixon. His achievements would also be recognized by Presidents George Bush in 1992 and Bill Clinton in 1999 when he received the Presidential Medal of Freedom and the Eleanor Roosevelt Award respectively.

Rev. Sullivan founded the Youth Employment Service, and in 1957, it was cited by the Freedom Foundation as the most effective, privately-developed employment program in the nation.

A year later, Rev. Sullivan would undertake a great challenge that confronted African-Americans in the city of Philadelphia and across the Nation. Encouraged by his wife, Rev. Sullivan set out to bolster employment opportunities for African-American Philadelphians. This effort would prove to be a turning point in the civil rights movement for the Nation. With the assistance of 400 ministers in Philadelphia, Rev. Sullivan began the movement called ''Selective Patronage.'' The movement had one message, ''if the company won't hire blacks, don't buy their products.'' That movement became very successful in Philadelphia and led to the employment of thousands of African-Americans who were previously unwelcome as employees.

In 1962, at the request of Rev. Dr. Martin Luther King, Rev. Sullivan traveled to Atlanta to explain to King and the black ministers working with him, about Selective Patronage and how it worked. A few months later a similar program was started by Dr. King.

Rev. Sullivan went on to make one of his greatest contributions by creating the Opportunities Industrialization Center, OIC. This job training and retraining program, initially started in Philadelphia, expanded operations to more than 100 cities throughout the United States and in 19 countries. OIC job training programs have enabled thousands of people to acquire the tools needed to secure skilled jobs with good wages. The OICs of America, in conjunction with OIC International, have trained more than 2 million men and women.

Further building on Rev. Sullivan's philosophy of self-help and empowerment, he founded the International Foundation for Education and Self Help, IFESH, in 1983. IFESH is a non-governmental, non-profit organization with a mission of reducing poverty, promoting literacy, providing skilled job training, and providing basic and preventive health care. Specifically, IFESH designed programs to train 100,000 skilled workers; prepare 100,000 people for the farming profession; and help five million people achieve literacy. IFESH programs are international in scope with a strong emphasis on fostering social, cultural and economic relations between Africans and Americans.

Rev. Sullivan's vision of and dedication to empowerment, equality and fairness touched many lives throughout the world. One of his celebrated accomplishments is the establishment of a code of conduct for companies operating in South Africa. These principles, known as the Sullivan Principles, are the standard for social responsibility and equal opportunity, and are recognized to be one of the most effective efforts to end workplace discrimination in South Africa.

Rev. Sullivan built a bridge between America and Africa by organizing the five African/African-American Summits that were held in Africa. The first summit was in the Cote d'Ivoire and drew 2,000 people and the last was in Accra, Ghana with 4,200 people attending from throughout the United States and Africa. The last summit included 12 African heads of state, five vice presidents and prime ministers, and 14 delegations led by ministers of state. From the business community, more than 300 American businesses were represented.

The life's work of Rev. Leon Sullivan charted a course and paved the way for hope, opportunity, and fulfillment for many African-Americans in Philadelphia, across the Nation, and throughout the world. In memorializing Rev. Sullivan, we celebrate his monumental contributions and achievements as a civil rights leader and a human rights advocate.●

DR. STEPHEN R. PORTCH: CHANCELLOR, UNIVERSITY SYSTEM OF GEORGIA

● Mr. CLELAND. Mr. President, I rise before you on this day to recognize the outstanding achievements, hard work, and dedication of Dr. Stephen R. Portch, the ninth Chancellor of the University System of Georgia. This day should be both celebrated and lamented, for it is a delight to honor my good friend, Chancellor Portch, yet saddening to bid the Chancellor farewell.

John Stuart Mill, a revered philosopher, political scientist, and educator, left an indelible mark on his students at the University of St. Andrews in Scotland, where he once said, ''There is nothing which spreads more contagiously from teacher to pupil than elevation of sentiment: Often and often have students caught from the living influence of a professor a noble ambition to leave the world better than they found it;'' This is just what Chancellor Portch has done; he has helped make the world a better place. As a professor of English Literature Dr. Portch has enriched and inspired the lives of many individuals. He has awakened students' dormant interest in literature and the world around them. Together with the Georgia Board of Regents, the governing body of the University System, Dr. Portch has continued to promote education and has made tremendous improvements to the Georgia University System.

Chancellor Portch, a native of Somerset, England, earned his Bachelor's Degree in English from the University of Reading in England, and a Master's and Ph.D in English from Penn State. Richmond University in England granted Dr. Portch an honorary doctorate, and he was named by Change, The Magazine of Higher Learning as one of its ''21 Most Influential Voices.'' Georgia Trend magazine has repeatedly identified Dr. Portch as one of the most powerful and influential citizens in our State, and the Atlanta Business Chronicle placed Dr. Portch on its list of the ''100 Most Influential Atlantans.'' Dr. Portch served on former U.S. Education Secretary Richard Riley's National Commission on the High School Senior Year. Stephen R. Portch has been a familiar and lauded name in the literary world and has become a very well recognized and respected name in Georgia.

The University System and the Georgia Board of Regents are committed to improving higher education, and in 1994, under Dr. Portch's leadership, the Board adopted the program, ''Access to Academic Excellence for the New Millennium.'' In 1995, Chancellor Portch

introduced another new policy directed at the need for reform in an effort to recognize that all sectors of education are vitally linked and that improvement in one sector requires a reciprocal effort in all other sectors. Dr. Portch implemented a new admissions policy, raising the bar for admissions in all 34 public institutions in Georgia. The work of Chancellor Portch has helped elevate the average SAT score in Georgia public institutions, increase member school salaries by over 35 percent, and has raised overall quality of education throughout the state.

Henry Brooks Adams once said, ''A teacher affects eternity; he can never tell where his influence stops.'' Although Dr. Portch is stepping down as Chancellor of the University System, I assure you that we will continue to feel his presence and benefit from his service well into the future.●

MR. GEORGE C. SPRINGER: PRESIDENT, CONNECTICUT STATE FEDERATION OF TEACHERS

● Mr. LIEBERMAN. Mr. President, I rise today with great pride to honor my friend and a friend of working families, Mr. George C. Springer, who is retiring as president of the Connecticut State Federation of Teachers. For more than 20 years, George fought valiantly to ensure that our educators had the tools and resources necessary to provide the best possible education to our most prized possession, our children.

Widely known for his leadership, George united teachers and administrators in seeking ways to improve our schools. His innovative style led to compromise and understanding and opened a dialogue that generated ideas aimed at helping our children. During his tenure, Connecticut's public schools have attained a reputation of excellence that continues today.

George's calm, well thought out ways of handling the issues facing our teachers and schools is testament of his visionary leadership style. Further, his abilities in bringing people together to work for an important goal serve as a model for labor union leadership across our nation.

On behalf of the people of Connecticut, I thank George for his leadership in making Connecticut's schools better places to teach and learn and for making our community a better place for everyone.●

RECOGNITION OF THE DISTINGUISHED CAREER OF JOHN C. TITCHNER

● Mr. JEFFORDS. Mr. President, I rise today on behalf of myself and Senator LEAHY to honor John C. Titchner, Vermont's State Resource Conservationist, who is retiring after thirty-six years with the United States Department of Agriculture.

John Titchner's career is among the most distinguished in the history of the Soil Conservation Service and the Natural Resource Conservation Service, NRCS. He began his work with the USDA in 1965, and has served as Vermont State Conservationist since 1981. At the time of his retirement, he was the longest serving among all active State Conservationists.

John has guided the Natural Resource Conservation Service in Vermont through many changes in agricultural policy and administration. Under his direction, the NRCS has handled an ever increasing number of programs and special projects to support farmers and conserve our natural resources. The lakes and streams of Vermont are clearer and cleaner today as a result of his work.

For many years, Senator LEAHY and I have each looked to John as an advisor on agriculture and conservation. In this role, he has had a significant impact on national agricultural policy.

John has assumed many leadership roles in his profession and in his community. These include serving as a member of the Lake Champlain Steering Committee, Chairman of the Vermont Food and Agricultural Council, and President of the Vermont Federal Executives Association.

John C. Titchner's career stands as an outstanding example for all who choose to serve their community and their country.●

MESSAGE FROM THE HOUSE

At 3:53 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1183. An act to designate the facility of the United States Postal Service located at 113 South Main Street in Sylvania, Georgia, as the ''G. Elliot Hagan Post Office Building.''

H.R. 2043. An act to designate the facility of the United States Postal Service located at 2719 South Webster Street in Kokomo, Indiana, as the ''Elwood Haynes 'Bud' Hillis Post Office Building.''

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 100. Concurrent resolution commending the American Football Coaches Association for its dedication and efforts to protect children and locate the Nation's missing, kidnapped, and runaway children.

H. Con. Res. 149. Concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony to present posthumously a gold medal on behalf of Congress to Charles M. Schulz.

The message further announced that pursuant to section 801(b) of Public Law 100–696, the Speaker appoints the following Members of the House of Representatives to the United States Capitol Preservation Commission: Mr. TAYLOR of North Carolina and Mr. LATOURETTE of Ohio.

The message also announced that pursuant to section 801 of Public Law 100–696, Mr. EHLERS of Michigan, Chairman of the Joint Committee on the Library appoints the following Member of the House of Representatives to be his designee on the United States Capitol Preservation Commission: Mr. MICA of Florida.

The message further announced that the House has agreed to the following resolution:

H. Res. 157. Resolution stating that the House has heard with profound sorrow of the death of the Honorable John Joseph Moakley, a Representative from the Commonwealth of Massachusetts.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1183. An act to designate the facility of the United States Postal Service located at 113 South Main Street in Sylvania, Georgia, as the ''G. Elliot Hagan Post Office Building''; to the Committee on Governmental Affairs.

H.R. 2043. An act to designate the facility of the United States Postal Service located at 2719 South Webster Street in Kokomo, Indiana, as the ''Elwood Haynes 'Bud' Hillis Post Office Building''; to the Committee on Governmental Affairs.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 6. An act to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15-percent rate bracket, and earned income credit and to allow the nonrefundable personal credits against regular and minimum tax liability.

H.R. 10. An act to provide for pension reform, and for other purposes.

H.R. 586. An act to amend the Internal Revenue code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies, and for other purposes.

H.R. 622. An act to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2146. A communication from the Secretary of Health and Human Services, transmitting, a report relative to the Federal Financial Assistance Management Improvement Act of 1999; to the Committee on Governmental Affairs.

EC–2147. A communication from the Chairman of the Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the Program Performance Report for Fiscal Year 2000 and the Annual Performance Plan for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC–2148. A communication from the Chairman of the Federal Reserve System, transmitting, the report of the Office of Inspector General for the period October 1, 2000

through March 31, 2001; to the Committee on Governmental Affairs.

EC–2149. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports for March 2001; to the Committee on Governmental Affairs.

EC–2150. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2151. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2152. A communication from the Secretary of Labor, transmitting , pursuant to law, the report of the Office of Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2153. A communication from the Chairman of the Federal Laboratory Consortium for Technology Transfer, transmitting, pursuant to law, the Performance Report for Fiscal Years 1999 and 2000; to the Committee on Governmental Affairs.

EC–2154. A communication from the Acting Director of the Peace Corps, transmitting, pursuant to law, the report of the Office of Inspector General for period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2155. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC–2156. A communication from the Acting Administrator of the Small Business Administration, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2157. A communication from the Acting Chief Executive Officer of the Corporation for National Service, transmitting, pursuant to law , the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2158. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''FOIA Administrative Appeals'' (Ann. 2001–58, 2001–22) received on May 15, 2001; to the Committee on Finance.

EC–2159. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Certain Assets Transfers to Regulated Investment Companies and Real Estate Investment Trusts'' (RIN1545–AW92) received on May 21, 2001; to the Committee on Finance.

EC–2160. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Labeling Proceedings; Delegation of Authority Part 13'' (RIN1512–AC21) received on May 24, 2001; to the Committee on Finance.

EC–2161. A communication from the Chairman of the Medicare Payment Advisory Commission, transmitting, pursuant to law, a report relative to Alaska and Hawaii; to the Committee on Finance.

EC–2162. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice—Clarifying Reporting Instructions Under Section 6041A'' (Not. 2001–38) received on May 25, 2001; to the Committee on Finance.

EC–2163. A communication from the Chief of the Regulations Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Extraterritorial Income Exclusion Elections'' (Rev. Rul. 2001–37) received on May 25, 2001; to the Committee on Finance.

EC–2164. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Long Island Viticultural Area'' (2000R–219P) received on May 29, 2001; to the Committee on Finance.

EC–2165. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''River Junction Viticultural Area'' (98R–192P) received on May 29, 2001; to the Committee on Finance.

EC–2166. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Extension of Package Use-Up Rule for Roll-Your Own Tobacco Manufacturers'' (RIN1512–AB92) received on May 29, 2001; to the Committee on Finance.

EC–2167. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applegate Valley Viticultural Area'' (99R–112P) received on May 29, 2001; to the Committee on Finance.

EC–2168. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''BLS–LIFO Department Store Indexes—April 2001'' (Rev. Rul. 2001–28) received on May 30, 2001; to the Committee on Finance.

EC–2169. A communication from the Chairman of the Medicare Payment Advisory Commission, transmitting, pursuant to law, a report concerning Medicare Payment for Nursing and Allied Health Education dated May 2001; to the Committee on Finance.

EC–2170. A communication from the Acting Commissioner of Social Security, transmitting, pursuant to law, the 2001 Annual Report of the Supplemental Security Income Program; to the Committee on Finance.

EC–2171. A communication from the Regulations Coordinator of the Department of Health and Human Services, transmitting, pursuant to law , the report of a rule entitled ''Medicaid Program; Use of Restraint and Seclusion in Psychiatric Residential Treatment Facilities Providing Inpatient Psychiatric Services to Individuals Under Age 21'' (RIN0938–AJ96) received on June 1, 2001; to the Committee on Finance.

EC–2172. A communication from the Regulations Coordinator of the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Programs: Hospital Conditions of Participation: Anesthesia Services: Delay of Effective Date'' (RIN0938–AK08) received on June 1, 2001; to the Committee on Finance.

EC–2173. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Santa Rita Hills Viticultural Area'' (98R–129P) received on June 1, 2001; to the Committee on Finance.

EC–2174. A communication from the President of the United States, transmitting, pursuant to law, Presidential Determination Number 2001–6, relative to the People's Republic of China; to the Committee on Finance.

EC–2175. A communication from the President of the United States, transmitting, pursuant to law, Presidential Determination Number 2001–17, relative to Vietnam; to the Committee on Finance.

EC–2176. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plan Louisiana; Nonattainment Major Stationary Source Revision'' (FRL6988–4) received on May 24, 2001; to the Committee on Environment and Public Works.

EC–2177. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Attainment of the 1-Hour Ozone Standard for the Phoenix Metropolitan Area, Arizona and Determination Regarding Applicability of Certain Clean Air Act Requirements'' (FRL6989–1) received on May 24, 2001; to the Committee on Environment and Public Works.

EC–2178. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia: Clarifying Revisions to 9 VAC 5 Chapter 40 Fuel Burning Equipment'' (FRL6987–9) received on May 24, 2001; to the Committee on Environment and Public Works.

EC–2179. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Indiana; (Cereal Mills)'' (FRL6985–3) received on May 24, 2001; to the Committee on Environment and Public Works.

EC–2180. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plan; Indiana'' (FRL6986–2) received on May 24, 2001; to the Committee on Environment and Public Works.

EC–2181. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''Notice of Availability of Grants for Development of Coastal Recreation Water Monitoring and Public Notification Under the Beaches Environmental Assessment and Coastal Health Act'' (FRL6987–2) received on May 24, 2001; to the Committee on Environment and Public Works.

EC–2182. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries'' (FRL6967–5) received on May 25, 2001; to the Committee on Environment and Public Works.

EC–2183. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Section 112(1) Authority

for Hazardous Air Pollutants; Chemical Accident Prevention Provisions and Risk Management Plans; Delaware: Approval of Accidental Release Prevention Program'' (FRL6988–3) received on May 31, 2001; to the Committee on Environment and Public Works.

EC–2184. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Authorization of State Hazardous Waste Management Program Revisions'' (FRL6938–8) received on May 31, 2001; to the Committee on Environment and Public Works.

EC–2185. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Post-1996 Rate of Progress Plan'' (FRL6990–6) received on May 31, 2001; to the Committee on Environment and Public Works.

EC–2186. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a document entitled ''Final Guidance Document for the Award and Administration of Operator Certification Expense Reimbursement Grants'' ; to the Committee on Environment and Public Works.

EC–2187. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; New Jersey; Motor Vehicle Inspection and Maintenance Program'' (FRL6990–4) received on May 31, 2001; to the Committee on Environment and Public Works.

EC–2188. A communication from the Director of the Office of Congressional Affairs, Office of the General Counsel, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Licensing Proceedings for the Receipt of High-Level Radioactive Waste at a Geologic Repository: Licensing Support Network , Design Standards for Participating Websites'' (RIN3150–AG44) received on June 1, 2001; to the Committee on Environment and Public Works.

EC–2189. A communication from the Acting Chief of the Endangered Species Division, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Species: Final Rule to Remove Umpqua River Cutthroat Trout from the Federal List of Endangered and Threatened Species'' (RIN0648–AP17) received on June 1, 2001; to the Committee on Environment and Public Works.

EC–2190. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revision to the Arizona and California State Implementation Plans, Maricopa County Environmental Services Department, Placer County Air Pollution Control District and South Coast Air Quality Management District'' (FRL6987–3) received on June 4, 2001; to the Committee on Environment and Public Works.

EC–2191. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Harlem River, NY (CGD01–01–030)'' ((RIN2115–AE47)(2001–0037)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2192. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Chelsea River, MA (CGD01–01–036)'' ((RIN2115–AE47)(2001–0034)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2193. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Hutchinson River, Eastchester Creek, NY (CGD01–01–040)'' ((RIN2115–AE47)(2001–0035)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2194. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Guayanilla Bay, Guayanilla, Puerto Rico (COTP San Juan 00–095)'' ((RIN2115–AA97)(2001–0012)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2195. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; New York Harbor, Western Long Island Sound, East River, and Hudson River Fireworks (CGD01–00–221)'' ((RIN2115–AA97)(2001–0014)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2196. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Long Island, New York Inland Waterway from East Rockway Inlet to Shinnecock Canal, NY (CGD–01–01–031)'' ((RIN2115–AE47)(2001–0038)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2197. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Cerritos Channel, Long Beach, CA (CGD11–01–006)'' ((RIN2115–AE47)(2001–0036)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2198. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Newtown Creek, Duth Kills, English Kills and their Tributaries, NY (CGD01–01–032)'' ((RIN2115–AE47)(2001–0039)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2199. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Oakland Inner Harbor Tidal Canal, Alameda County, California (CGD11–99–013)'' ((RIN2115–AE47)(2001–0041)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2200. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Hackensack River, NJ (CGD01–01–025)'' ((RIN2115–AE47)(2001–0032)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2201. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Inland Waterways Navigation Regulations; Ports and Waterways Safety (CGD09–00–010)'' (RIN2115–AG01) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2202. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Shipping Safety Fairways and Anchorage Areas, Gulf of Mexico (CGD08–00–012)'' (RIN2115–AG02) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2203. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Queens Millennium Concert Fireworks, East River, NY (CGD01–01–015)'' ((RIN2115–AA97)(2001–0011)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2204. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Sacramento River, CA (CGD11–01–0055)'' ((RIN2115–AE47)(2001–0040)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2205. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Crescent Harbor, Sitka, AK'' ((RIN2115–AA97)(2001–0013)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2206. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Potomac River, between Alexandria, Virginia and Oxon Hill, Maryland'' ((RIN2115–AE47)(2001–0033)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2207. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Jamaica Bay and Connecting Waterways, NY'' ((RIN2115–AE47)(2001–0044)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2208. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Namitowoc River, Wisconsin'' ((RIN2115–AE47)(2001–0043)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2209. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting,

pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Chef Menteur Pass, LA'' ((RIN2115–AE47)(2001–0042)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2210. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of V 611 and Revocation of V 19'' ((RIN2120–AA66)(2001–0096)) received on May 24 , 2001; to the Committee on Commerce, Science, and Transportation.

EC–2211. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model CL 600 2B19 Series Airplanes'' ((RIN2120–AA64)(2001–0223)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2212. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model SA 315B, SA 316B, SA 316C, SE 3160, and SA 319B Helicopters'' ((RIN2120–AA64)(2001–0224)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2213. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC 8 Series Airplanes'' ((RIN2120–AA64)(2001–0226)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2214. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: PIAGGIO AERO INDUSTRIES SpA Model P–180 Airplanes'' ((RIN2120–AA64)(2001–0225)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2215. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 727–100, –100C, and –200 Series Airplanes'' ((RIN2120–AA64) (2001–0228)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2216. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rolls Royce Corp A 3007 Series Turbofan Engines'' ((RIN2120–AA64)(2001–0227)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2217. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standards Instrument Approach Procedures; Miscellaneous Amendments (36)'' ((RIN2120–AA65)(2001–0033)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2218. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Construcciones Aeronauticas SA Model CN 235 Series Airplanes'' ((RIN2120–AA64)(2001–0229)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2219. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Egegik, AK'' ((RIN2120–AA66)(2001–0093)) received on May 24 , 2001; to the Committee on Commerce, Science, and Transportation.

EC–2220. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standards Instrument Approach Procedures; Miscellaneous Amendments (35)'' ((RIN2120–AA65)(2001–0034)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2221. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of P 49 Crawford TX'' ((RIN2120–AA66)(2001–0095)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2222. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Ketchikan, AK'' ((RIN2120–AA66)(2001–0094)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2223. A communication from the Secretary of the Commission, Office of General Counsel, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996'' received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2224. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Rules and Regulations under the Fur Products Labeling Act'' received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2225. A communication from the Chief of the Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Federal-State Joint Board on Universal Service; Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interchange Carriers'' (Doc. Nos. 96–45 and 00–256) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2226. A communication from the Deputy Chief of the Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Jurisdictional Separations and Referral to the Federal-State Joint Board'' (Doc. No. 80–286) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2227. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Administrator, Federal Railroad Administration, received on May 25, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2228. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Modification of a closure (opens Pacific cod apportioned for processing by the offshore component in the Western Regulatory Area, Gulf of Alaska)'' received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2229. A communication from the Senior Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, the report of a rule entitled ''Amendment of Parts 2 and 87 of the Commission's Rules to Accommodate Advanced Digital Communications in the 117.975–137 MHz Band and to Implement Flight Information Service in the 136–137 MHz Band'' (Doc. No. 00–77) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FEINGOLD (for himself, Mr. CORZINE, Mrs. CLINTON, Mr. KENNEDY, Mr. TORRICELLI, Mr. SCHUMER, Mr. DURBIN, Ms. STABENOW, and Mr. REID):

S. 989. A bill to prohibit racial profiling; to the Committee on the Judiciary.

By Mr. SMITH of New Hampshire:

S. 990. A bill to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes; to the Committee on Environment and Public Works.

By Ms. LANDRIEU (for herself, Mr. BREAUX, Mr. BINGAMAN, Mr. DURBIN, Mr. FEINGOLD, Mr. HAGEL, Mr. MURKOWSKI, and Mr. SESSIONS):

S. 991. A bill to authorize the President to award a gold medal on behalf of the Congress to Andrew Jackson Higgins (post-humously), and to the D-day Museum in recognition of the contributions of Higgins Industries and the more than 30,000 employees of HIggins Industries to the Nation and to world peace during World War II; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NICKLES (for himself, Mr. CONRAD, Mr. FRIST, and Mr. TORRICELLI):

S. 992. A bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policy holder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions; to the Committee on Finance.

By Mrs. CARNAHAN (for herself and Mr. BOND):

S. 993. A bill to extend for 4 additional months the period for which chapter 12 of title 11, United States Code, is reenacted; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE:

S. Res. 100. A resolution to elect Robert C. Byrd, a Senator from the State of West Virginia, to be President pro tempore of the Senate of the United States; considered and agreed to.

By Mr. DASCHLE:

S. Res. 101. A resolution notifying the House of Representatives of the election of a President pro tempore of the Senate; considered and agreed to.

By Mr. DASCHLE:

S. Res. 102. A resolution notifying the President of the United States of the election of a President pro tempore; considered and agreed to.

By Mr. LOTT:

S. Res. 103. A resolution expressing the thanks of the Senate to the Honorable Strom Thurmond for his service as President Pro Tempore of the United States Senate and to designate Senator Thurmond as President Pro Tempore Emeritus of the United States Senate; considered and agreed to.

By Mr. DASCHLE:

S. Res. 104. A resolution electing Martin P. Paone of Virginia as Secretary for the Majority of the Senate; considered and agreed to.

By Mr. LOTT:

S. Res. 105. A resolution electing Elizabeth B. Letchworth of Virginia as Secretary for the Minority of the Senate; considered and agreed to.

By Mr. BAYH (for himself and Mr. DOMENICI):

S. Res. 106. A resolution encouraging and promoting greater involvement of fathers in their children's lives and designating Father's Day 2001, as ''National Responsible Father's Day''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 19

At the request of Mr. DASCHLE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 19, a bill to protect the civil rights of all Americans, and for other purposes.

S. 252

At the request of Mr. VOINOVICH, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 252, a bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.

S. 459

At the request of Mr. BUNNING, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose.

S. 464

At the request of Mr. BAYH, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 464, a bill to amend the Internal Revenue Code of 1986 to allow a tax credit for long-term care givers.

S. 487

At the request of Mr. LEAHY, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 487, a bill to amend chapter 1 of title 17, United States Code, relating to the exemption of certain performances or displays for educational uses from copyright infringement provisions, to provide that the making of a single copy of such performances or displays is not an infringement, and for other purposes.

S. 508

At the request of Mr. LUGAR, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 508, a bill to authorize the President to promote posthumously the late Raymond Ames Spruance to the grade of Fleet Admiral of the United States Navy, and for other purposes.

S. 554

At the request of Mrs. MURRAY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 554, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 571

At the request of Mr. THURMOND, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 571, a bill to provide for the location of the National Museum of the United States Army.

S. 661

At the request of Mr. THOMPSON, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 661, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel exercise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 662

At the request of Mr. DODD, the names of the Senator from Georgia (Mr. MILLER) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 662, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to other wise commemorate , certain individuals.

S. 677

At the request of Mr. BREAUX, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 685

At the request of Mr. BAYH, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 685, a bill to amend title IV of the Social Security Act to strengthen working families, and for other purposes.

S. 697

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

At the request of Mr. BAUCUS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 697, supra.

S. 700

At the request of Mr. CAMPBELL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 700, a bill to establish a Federal interagency task force for the purpose of coordinating actions to prevent the outbreak of bovine spongiform encephalopathy (commonly known as ''mad cow disease'') and foot-and-mouth disease in the United States.

S. 764

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 764, a bill to direct the Federal Energy Regulatory Commission to impose just and reasonable load-differentiated demand rates or cost-of-service based rates on sales by public utilities of electric energy at wholesale in the western energy market, and for other purposes.

S. 769

At the request of Mr. BROWNBACK, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 769, a bill to establish a carbon sequestration program and an implementing panel within the Department of Commerce to enhance international conservation, to promote the role of carbon sequestration as a means of slowing the buildup of greenhouse gases in the atmosphere, and to reward and encourage voluntary, pro-active environmental efforts on the issue of global climate change.

S. 777

At the request of Mr. ALLEN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 777, a bill to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes.

S. 794

At the request of Mr. THOMPSON, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 794, a bill to amend the Internal Revenue Code of 1986 to facilitate electric cooperative participation in a competitive electric power industry.

S. 804

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. CORZINE) 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 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.

S. 805

At the request of Mr. WELLSTONE, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors 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, oculopharyngeal, distal, and emery-dreifuss muscular dystrophies.

S. 830

At the request of Mr. CHAFEE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 834

At the request of Mr. MURKOWSKI, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 834, a bill to provide duty-free treatment for certain steam or other vapor generating boilers used in nuclear facilities.

S. 857

At the request of Mr. HELMS, the name of the Senator from Arizona (Mr. KYL) 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 Government against criminal prosecution by an international criminal court to which the United States is not a party.

S. 952

At the request of Mr. GREGG, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 952, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 957

At the request of Mr. WELLSTONE, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 957, a bill to provide certain safeguards with respect to the domestic steel industry.

S. 964

At the request of Mr. KENNEDY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 964, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 965

At the request of Mr. DORGAN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 965, a bill to impose limitations on the approval of applications by major carriers domiciled in Mexico until certain conditions are met.

S. RES. 16

At the request of Mr. THURMOND, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Missouri (Mr. BOND), and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. Res. 16, a resolution designating August 16, 2001, as ''National Airborne Day.''

S. RES. 68

At the request of Mr. JOHNSON, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. Res. 68, a resolution designating September 6, 2001 as ''National Crazy Horse Day.''

S. RES. 71

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. Res. 71, a resolution expressing the sense of the Senate regarding the need to preserve six day mail delivery.

S. RES. 91

At the request of Mr. NELSON of Florida, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. Res. 91, a resolution condemning the murder of a United States citizen and other civilians, and expressing the sense of the Senate regarding the failure of the Indonesian judicial system to hold accountable those responsible for the killings.

S. CON. RES. 17

At the request of Mr. SARBANES, the name of the Senator from North Dakota (Mr. CONRAD) 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.

S. CON. RES. 34

At the request of Mr. CAMPBELL, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Con. Res. 34, a concurrent resolution congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the tenth anniversary of the reestablishment of their full independence.

S. CON. RES. 43

At the request of Mr. LEVIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Con. Res. 43, a concurrent resolution expressing the sense of the Senate regarding the Republic of Korea's ongoing practice of limiting United States motor vehicles access to its domestic market.

AMENDMENT NO. 459

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 459.

AMENDMENT NO. 509

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of amendment No. 509.

AMENDMENT NO. 517

At the request of Mrs. CLINTON, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 517.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD (for himself, Mr. CORZINE, Mrs. CLINTON, Mr. KENNEDY, Mr. TORRICELLI, Mr. SCHUMER, Mr. DURBIN, Ms. STABENOW, and Mr. REID):

S. 989. A bill to prohibit racial profiling; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I rise along with the Senator from New Jersey, Mr. CORZINE, and the Senator from New York, Mrs. CLINTON, and others, to introduce the End Racial Profiling Act of 2001. This bill is a package of steps to eliminate racial profiling once and for all. Congress should protect the rights of all Americans to walk, drive, or travel on our streets and highways and through our airports free of discrimination. It is time for us to act.

I am very pleased to be joined by a number of distinguished colleagues. I simply have to point out that I think almost minutes after Senators CORZINE and CLINTON were sworn in, they were already talking to me and Representative CONYERS of the House about how we could introduce a strong bill to deal with this problem. I thank them and appreciate the strong work and support they have given. They have made significant contributions and have offered good ideas to strengthen the legislation.

I also acknowledge our long-time leader on this issue, Representative JOHN CONYERS, the ranking member of the House Judiciary Committee. He is introducing the companion bill in the House today. This is the third Congress in which Representative CONYERS has introduced legislation on racial profiling. He has fought long and hard to educate the Congress and all Americans about racial profiling. Before he took on the issue, I don't think many of us knew what racial profiling was. I thank Representative CONYERS for his tremendous leadership. It is an honor to be working with him on this bill.

Those who have experienced racial profiling suffer great harm. They are unfairly treated as suspect, humiliated, and can feel fear, anxiety or even anger. It is a grave indignity.

U.S. Army Sergeant Rossano Gerald testified during a hearing in the Judiciary Subcommittee on the Constitution last year about his personal experience as a victim of racial profiling. Sergeant Gerald is a veteran of the Persian Gulf war and a law-abiding citizen. In August 1998, he was driving along a major highway in Oklahoma with his 12-year-old son when he was pulled over and handcuffed. Both he and his son were thrown into the back seat of a state trooper's car while the trooper extensively searched Sergeant Gerald's car. When the entire episode was over, the trooper gave Sergeant Gerald a warning ticket for changing lanes without signaling and left his car with over $1,000 of damage.

In moving testimony before the subcommittee, a hearing which then-Senator ASHCROFT chaired and has said influenced his thinking on the issue, Sergeant Gerald said,

I was very humiliated by this experience. I was embarrassed and ashamed that people driving by would think I had committed a serious crime. It was particularly horrible to

be treated like a criminal in front of my impressionable young son.

Robert Wilkins also testified before the subcommittee. He and his family were stopped along a highway in Maryland. He described his experience as ''humiliating and degrading.'' He said:

So there we were. Standing outside the car in the rain, lined up along the road, with police lights flashing, officers standing guard, and a German Shepard jumping on top of, underneath, and sniffing every inch of our vehicle. We were criminal suspects; yet we were just trying to use the interstate highway to travel from our homes to a funeral. It is hard to describe the frustration and pain you feel when people presume you to be guilty for no good reason and you know that you are innocent. I particularly remember a car driving past with two young children in the back seat, noses pressed against the window. They were looking at the policemen, the flashing lights, the German Shepard and us. In this moment of education that each of us receives through real world experiences, those children were putting two and two together and getting five. They saw some black people standing along the road who certainly must have been bad people who had done something wrong, for why else would the police have them there? They were getting an untrue, negative picture of me, and there was nothing in the world that I could do about it.

Mr. President, as Americans, we take great pride in our freedom and independence. Central to our sense of who we are is our firm belief that we are free to walk the paths of our own choosing, free to move about as we please, and free from the intrusion of the government in that movement.

Immigrants came to our nation's shores to escape arbitrary government. Fleeing the British Government's discrimination based on religion in the 1600s, Puritans came to Massachusetts, Quakers came to New Jersey and then Pennsylvania, Catholics came to Maryland, and Jews came to Rhode Island.

And responding to indiscriminate searches and seizures conducted by the British, our Founders adopted the fourth amendment, which states: ''The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated . . . .''

It is thus fundamental to American history and rooted in American law that the officers of the state may not arrest or detain its citizens arbitrarily or without cause.

But this is not the case for all Americans today. Some Americans still cannot walk where they choose. Some Americans cannot travel free from the harassment of the government. Some Americans still do not receive the full benefit of their civil rights.

Although many did come to these shores as immigrants, many came in chains, because of the color of their skin. They and their descendants endured our nation's long struggle against slavery and discrimination. Sadly, even now, skin color alone still makes too many Americans more likely to be a suspect, more likely to be stopped, more likely to be searched, more likely to be arrested, and more likely to be imprisoned.

Mr. President, I believe that the vast majority of law enforcement agents nationwide discharge their duties professionally, without bias, and protect the safety of their communities. But I also believe that racial profiling is a very real problem. The use by law enforcement officers of race, ethnicity or national origin in deciding which persons should be subject to traffic stops, stop and frisks, questioning, searches and seizures is a problematic law enforcement tactic.

Mr. President, the bill that Representative CONYERS first introduced in the 105th Congress, and which we introduced again in the 106th Congress, was a traffic stops study bill. It would have required the Attorney General to conduct a nationwide study of traffic stops based on existing data and a sampling of jurisdictions that would provide additional data to the Attorney General. We proposed a study bill because, at that time, there was still very much education that needed to take place in Congress and America. We thought that a study would provide the facts to show people that racial profiling indeed is very real in America today.

Mr. President, we no longer need, just a study. We now have facts that show us that racial profiling is a problem. Statistical evidence from a number of jurisdictions across the country demonstrates that racial profiling is a real and measurable phenomenon. For example, data collected under a federal court consent decree revealed that between January 1995 and 1997, 70 percent of the drivers stopped and searched by the Maryland State Police on Interstate 95 were black, while only 17.5 percent of drivers and speeders were black.

A 1992 study of traffic stops in Volusia County, Florida revealed that 70 percent of those stopped on a particular interstate highway in central Florida were black or Hispanic, although only 5 percent of the motorists on that highway were black or Hispanic. Further, minorities were detained for longer periods of time per stop than whites, and were 80 percent of those whose cars were searched after being stopped.

We also know that racial profiling is a problem not only for motorists on our nation's highways. Racial profiling, unfortunately, extends to racial and ethnic minority Americans as pedestrians or travelers through our nation's airports.

A December 1999 report by New York's Attorney General on the use of ''stop and frisk'' tactics by the New York City Police Department revealed that between January 1998 through March 1999, 84 percent of the almost 175,000 people stopped by NYPD were black or Hispanic, despite the fact that these two groups comprised less than half of the city's population.

A March 2000 GAO report on the U.S. Customs Service found that black, Asian, and Hispanic female U.S. citizens were 4 to 9 times more likely than white female U.S. citizens to be subjected to X-rays after being frisked or patted down.

Many of those who deny that racial profiling is a problem have argued that these discrepancies can be justified by the fact that blacks and other minorities are more likely to commit crimes—especially drug-related crimes—than whites, and that profiling therefore amounts to a rational law enforcement tactic. The statistics refute this argument.

Although black motorists were disproportionately stopped on I–95 by the Maryland State Police, the instances in which police actually found drugs were the same per capita for white and black motorists.

In Volusia County, Florida, where 70 percent of more than 1000 traffic stops of motorists on an interstate highway were of minority drivers, only 9 stops resulted in so much as a traffic ticket.

The New York Attorney General's report on NYPD stop and frisk tactics revealed that stops of minorities were less likely to lead to arrests than stops of white New Yorkers—the NYPD arrested one white New Yorker for every 8 stops, one Hispanic New Yorker for every 9 stops, and one black New Yorker for every 9.5 stops.

The General Accounting Office found that while black female U.S. citizens were nine times more likely than white female U.S. citizens to be subjected to x-ray searches by the Customs Service, black females were less than half as likely to be found carrying contraband as white females.

In my home state of Wisconsin, racial profiling has touched the lives of many law abiding citizens, including African Americans, Latino Americans, and Asian Americans. My state is home to one of the largest Hmong and Lao populations in the country. They came to our country seeking safety and freedom. But their dreams of freedom have somehow been tarnished by unfair stops by police officers.

I am very pleased that during the last year, a Task Force appointed by former Governor Tommy Thompson developed a set of recommendations for combating racial profiling and restoring the important trust that must exist between law enforcement officials and the communities they are charged to protect and serve.

Because, as we know, racial profiling undermines the willingness of people to work with the police. As one victim of racial profiling in Glencoe, Illinois, said: ''Who is there left to protect us? The police just violated us.''

Mr. President, current efforts by state and local governments to eradicate racial profiling and redress the harms it causes, while laudable, have been limited in scope and insufficient to address this problem nationwide.

During his confirmation hearing, Attorney General Ashcroft said:

I think racial profiling is wrong. I think it's unconstitutional. I think it violates the 14th Amendment. I think most of the men and women in our law enforcement are good

people trying to enforce the law. I think we all share that view. But we owe it to provide them with guidance to ensure that racial profiling does not happen.

This February in his Address to Congress, President Bush said, ''It's wrong, and we will end it in America.'' At remarks marking Black History Month this February in Washington, DC, President Bush said that he would ''look at all opportunities'' to end racial profiling.

Attorney General Ashcroft then wrote Congress to say that the traffic stops statistics study bill that we wrote and supported in the last Congress ''is an excellent starting place for such an enterprise.''

While I welcome the administration's statements, it is now no longer time simply to study. It is time to move beyond studying whether racial profiling exists. We know it exists. Now, let's take the right steps to eliminate it and protect the rights of all Americans to walk or travel free of discrimination. It is time to act. I urge the Attorney General and President to support this bill as the best opportunity to translate our nation's promises into action.

Representative CONYERS and I have taken a fresh look at the role Congress can play in eliminating racial profiling by all law enforcement agencies. Our bill reflects the President's and Attorney General's view that racial profiling is wrong and should end. This bill has two major components. First, the bill explicitly bans racial profiling. Second, the bill sets out several steps for federal, state, and local law enforcement agencies to take to eliminate racial profiling. The bill takes a ''carrot and stick'' approach. It conditions federal funds to state and local law enforcement agencies on their compliance with certain requirements, but also authorizes the Attorney general to provide incentive grants to assist agencies with complying with this Act. The bill requires federal, state, and local law enforcement agencies to adopt policies prohibiting racial profiling; implement complaint procedures to respond to complaints of racial profiling effectiely; implement disciplinary procedures for officers who engage in the practice; and collect data on stops.

Grants awarded by the Attorney general could be used for training to prevent racial profiling; the acquisition of in-car video cameras and other technology; and the development of procedures for receiving, investigating, and responding to complaints of racial profiling. Finally, the bill would require the Attorney General to report to congress two years after enanctment of the Act and each year thereafter on racial profiling in the United States. These are the right steps to take in the interest of better police practices and increased accountability.

Mr. President, this bill is a priority for the civil rights community. It has the support of the Leadership Conference on Civil rights and its member organizations like the NAACP, National Council of La Raza, and ACLU. This bill reflects a new political reality: both Republicans and Democrats can agree that racial profiling is wrong and should be eliminated. Congress can play a role in ensuring that all police departments do their part and give them the financial assistance they may need to get the job done. I urge my colleagues to join with me, Senators CORZINE, CLINTON, KENNEDY, TORRICELLI, SCHUMER, DURBIN, and STABENOW in supporting the End Racial Profiling Act of 2001.

We Americans take great pride in our freedom and independence. Central to our sense of who we are is our firm belief that we are free to walk the paths of our choosing, free to move about as we please, and free of the intrusion of the Government in that movement.

Mr. President, I ask that the text of the bill be printed in the RECORD immediately following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 989

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 ''End Racial Profiling Act of 2001''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.

TITLE I—PROHIBITION OF RACIAL PROFILING

Sec. 101. Prohibition.
Sec. 102. Enforcement.

TITLE II—PROGRAMS TO ELIMINATE RACIAL PROFILING BY FEDERAL LAW ENFORCEMENT AGENCIES

Sec. 201. Policies to eliminate racial profiling.

TITLE III—PROGRAMS TO ELIMINATE RACIAL PROFILING BY STATE AND LOCAL LAW ENFORCEMENT AGENCIES

Sec. 301. Policies required for grants.
Sec. 302. Best practices development grants.

TITLE IV—DEPARTMENT OF JUSTICE REPORT ON RACIAL PROFILING IN THE UNITED STATES

Sec. 401. Attorney General to issue report on racial profiling in the United States.
Sec. 402. Limitation on use of data.

TITLE V—DEFINITIONS AND MISCELLANEOUS PROVISIONS

Sec. 501. Definitions.
Sec. 502. Severability.
Sec. 503. Savings clause.
Sec. 504. Effective dates.

SEC. 2. FINDINGS AND PURPOSES.

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

(1) The vast majority of law enforcement agents nationwide discharge their duties professionally, without bias, and protect the safety of their communities.

(2) The use by police officers of race, ethnicity, or national origin in deciding which persons should be subject to traffic stops, stops and frisks, questioning, searches, and seizures is a problematic law enforcement tactic. Statistical evidence from across the country demonstrates that such racial profiling is a real and measurable phenomenon.

(3) As of November 15, 2000, the Department of Justice had 14 publicly noticed, ongoing, pattern or practice investigations involving allegations of racial profiling and had filed five pattern and practice lawsuits involving allegations of racial profiling, with four of those cases resolved through consent decrees.

(4) A large majority of individuals subjected to stops and other enforcement activities based on race, ethnicity, or national origin are found to be law-abiding and therefore racial profiling is not an effective means to uncover criminal activity.

(5) A 2001 Department of Justice report on citizen-police contacts in 1999 found that, although African-Americans and Hispanics were more likely to be stopped and searched, they were less likely to be in possession of contraband. On average, searches and seizures of African-American drivers yielded evidence only eight percent of the time, searches and seizures of Hispanic drivers yielded evidence only 10 percent of the time, and searches and seizures of white drivers yielded evidence 17 percent of the time.

(6) A 2000 General Accounting Office report on the activities of the United States Customs Service during fiscal year 1998 found that black women who were United States citizens were 9 times more likely than white women who were United States citizens to be X-rayed after being frisked or patted down and, on the basis of X-ray results, black women who were United States citizens were less than half as likely as white women who were United States citizens to be found carrying contraband. In general, the report found that the patterns used to select passengers for more intrusive searches resulted in women and minorities being selected at rates that were not consistent with the rates of finding contraband.

(7) Current local law enforcement practices, such as ticket and arrest quotas, and similar management practices, may have the unintended effect of encouraging law enforcement agents to engage in racial profiling.

(8) Racial profiling harms individuals subjected to it because they experience fear, anxiety, humiliation, anger, resentment, and cynicism when they are unjustifiably treated as criminal suspects. By discouraging individuals from traveling freely, racial profiling impairs both interstate and intrastate commerce.

(9) Racial profiling damages law enforcement and the criminal justice system as a whole by undermining public confidence and trust in the police, the courts, and the criminal law.

(10) Racial profiling violates the Equal Protection Clause of the Constitution. Using race, ethnicity, or national origin as a proxy for criminal suspicion violates the constitutional requirement that police and other government officials accord to all citizens the equal protection of the law. Arlington Heights v. Metropolitan Housing Development Corporation, 429 U.S. 252 (1977).

(11) Racial profiling is not adequately addressed through suppression motions in criminal cases for two reasons. First, the Supreme Court held, in Whren v. United States, 517 U.S. 806 (1996), that the racially discriminatory motive of a police officer in making an otherwise valid traffic stop does not warrant the suppression of evidence. Second, since most stops do not result in the discovery of contraband, there is no criminal prosecution and no evidence to suppress.

(12) Current efforts by State and local governments to eradicate racial profiling and redress the harms it causes, while laudable, have been limited in scope and insufficient to address this national problem.

(b) PURPOSES.—The independent purposes of this Act are—

(1) to enforce the constitutional right to equal protection of the laws, pursuant to the Fifth Amendment and section 5 of the 14th Amendment to the Constitution of the United States;

(2) to enforce the constitutional right to protection against unreasonable searches and seizures, pursuant to the Fourth Amendment to the Constitution of the United States;

(3) to enforce the constitutional right to interstate travel, pursuant to section 2 of article IV of the Constitution of the United States; and

(4) to regulate interstate commerce, pursuant to clause 3 of section 8 of article I of the Constitution of the United States.

TITLE I—PROHIBITION OF RACIAL PROFILING

SEC. 101. PROHIBITION.

No law enforcement agent or law enforcement agency shall engage in racial profiling.

SEC. 102. ENFORCEMENT.

(a) REMEDY.—The United States, or an individual injured by racial profiling, may enforce this title in a civil action for declaratory or injunctive relief, filed either in a State court of general jurisdiction or in a District Court of the United States.

(b) PARTIES.—In any action brought pursuant to this title, relief may be obtained against: any governmental unit that employed any law enforcement agent who engaged in racial profiling; any agent of such unit who engaged in racial profiling; and any person with supervisory authority over such agent.

(c) NATURE OF PROOF.—Proof that the routine investigatory activities of law enforcement agents in a jurisdiction have had a disparate impact on racial or ethnic minorities shall constitute prima facie evidence of a violation of this title.

(d) ATTORNEYS' FEES.—In any action or proceeding to enforce this title against any governmental unit, the court may allow a prevailing plaintiff, other than the United States, reasonable attorneys' fees as part of the costs, and may include expert fees as part of the attorney's fee.

TITLE II—PROGRAMS TO ELIMINATE RACIAL PROFILING BY FEDERAL LAW ENFORCEMENT AGENCIES

SEC. 201. POLICIES TO ELIMINATE RACIAL PROFILING.

(a) IN GENERAL.—Federal law enforcement agencies shall—

(1) maintain adequate policies and procedures designed to eliminate racial profiling; and

(2) cease existing practices that encourage racial profiling.

(b) POLICIES.—The policies and procedures described in subsection (a)(1) shall include the following:

(1) A prohibition on racial profiling.

(2) The collection of data on routine investigatory activities sufficient to determine if law enforcement agents are engaged in racial profiling and submission of that data to the Attorney General.

(3) Independent procedures for receiving, investigating, and responding meaningfully to complaints alleging racial profiling by law enforcement agents of the agency.

(4) Procedures to discipline law enforcement agents who engage in racial profiling.

(5) Such other policies or procedures that the Attorney General deems necessary to eliminate racial profiling.

TITLE III—PROGRAMS TO ELIMINATE RACIAL PROFILING BY STATE AND LOCAL LAW ENFORCEMENT AGENCIES

SEC. 301. POLICIES REQUIRED FOR GRANTS.

(a) IN GENERAL.—An application by a State or governmental unit for funding under a covered program shall include a certification that such unit and any agency to which it is redistributing program funds—

(1) maintains adequate policies and procedures designed to eliminate racial profiling; and

(2) has ceased existing practices that encourage racial profiling.

(b) POLICIES.—The policies and procedures described in subsection (a) shall include the following:

(1) A prohibition on racial profiling.

(2) The collection of data on routine investigatory activities sufficient to determine if law enforcement agents are engaged in racial profiling and submission of that data to the Attorney General.

(3) Independent procedures for receiving, investigating, and responding meaningfully to complaints alleging racial profiling by law enforcement agents.

(4) Procedures to discipline law enforcement agents who engage in racial profiling.

(5) Such other policies or procedures that the Attorney General deems necessary to eliminate racial profiling.

(c) NONCOMPLIANCE.—If the Attorney General determines that a grantee is not in compliance with conditions established pursuant to this title, the Attorney General shall withhold the grant, in whole or in part, until the grantee establishes compliance. The Attorney General shall provide notice regarding State grants and opportunities for private parties to present evidence to the Attorney General that a grantee is not in compliance with conditions established pursuant to this title.

SEC. 302. BEST PRACTICES DEVELOPMENT GRANTS.

(a) GRANT AUTHORIZATION.—The Attorney General may make grants to States, law enforcement agencies and other governmental units, Indian tribal governments, or other public and private entities to develop and implement best practice devices and systems to ensure the racially neutral administration of justice.

(b) USES.—The funds provided pursuant to subsection (a) may be used to support the following activities:

(1) Development and implementation of training to prevent racial profiling and to encourage more respectful interaction with the public.

(2) Acquisition and use of technology to facilitate the collection of data regarding routine investigatory activities in order to determine if law enforcement agents are engaged in racial profiling.

(3) Acquisition and use of technology to verify the accuracy of data collection, including in-car video cameras and portable computer systems.

(4) Development and acquisition of early warning systems and other feedback systems that help identify officers or units of officers engaged in or at risk of racial profiling or other misconduct, including the technology to support such systems.

(5) Establishment or improvement of systems and procedures for receiving, investigating, and responding meaningfully to complaints alleging racial or ethnic bias by law enforcement agents.

(6) Establishment or improvement of management systems to ensure that supervisors are held accountable for the conduct of their subordinates.

(c) EQUITABLE DISTRIBUTION.—The Attorney General shall ensure that grants under this section are awarded in a manner that reserves an equitable share of funding for small and rural law enforcement agencies.

(d) AUTHORIZATION OF APPROPRIATIONS.—The Attorney General shall make available such sums as are necessary to carry out this section from amounts appropriated for programs administered by the Attorney General.

TITLE IV—DEPARTMENT OF JUSTICE REPORTS ON RACIAL PROFILING IN THE UNITED STATES

SEC. 401. ATTORNEY GENERAL TO ISSUE REPORTS ON RACIAL PROFILING IN THE UNITED STATES.

(a) REPORTS.—

(1) IN GENERAL.—Not later than two years after the enactment of this Act, and each year thereafter, the Attorney General shall submit to Congress a report on racial profiling by Federal, State, and local law enforcement agencies in the United States.

(2) SCOPE.—The reports issued pursuant to paragraph (1) shall include—

(A) a summary of data collected pursuant to sections 201(b)(2) and 301(b)(2) and any other reliable source of information regarding racial profiling in the United States;

(B) the status of the adoption and implementation of policies and procedures by Federal law enforcement agencies pursuant to section 201;

(C) the status of the adoption and implementation of policies and procedures by State and local law enforcement agencies pursuant to sections 301 and 302; and

(D) a description of any other policies and procedures that the Attorney General believes would facilitate the elimination of racial profiling.

(b) DATA COLLECTION.—Not later than six months after the enactment of this Act, the Attorney General shall by regulation establish standards for the collection of data pursuant to sections 201(b)(2) and 301(b)(2), including standards for setting benchmarks against which collected data shall be measured. Such standards shall result in the collection of data, including data with respect to stops, searches, seizures, and arrests, that is sufficiently detailed to determine whether law enforcement agencies are engaged in racial profiling and to monitor the effectiveness of policies and procedures designed to eliminate racial profiling.

(c) PUBLIC ACCESS.—Data collected pursuant to section 201(b)(2) and 301(b)(2) shall be available to the public.

SEC. 402. LIMITATION ON USE OF DATA.

Information released pursuant to section 401 shall not reveal the identity of any individual who is detained or any law enforcement officer involved in a detention.

TITLE V—DEFINITIONS AND MISCELLANEOUS PROVISIONS

SEC. 501. DEFINITIONS.

In this Act:

(1) COVERED PROGRAM.—The term ''covered program'' means any program or activity funded in whole or in part with funds made available under any of the following:

(A) The Edward Byrne Memorial State and Local Law Enforcement Assistance Programs (part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.)).

(B) The ''Cops on the Beat'' program under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.), but not including any program, project, or other activity specified in section 1701(d)(8) of that Act (42 U.S.C. 3796dd(d)(8)).

(C) The Local Law Enforcement Block Grant program of the Department of Justice, as described in appropriations Acts.

(2) GOVERNMENTAL UNIT.—The term ''governmental unit'' means any department, agency, special purpose district, or other instrumentality of Federal, State, local, or Indian tribal government.

(3) LAW ENFORCEMENT AGENCY.—The term ''law enforcement agency'' means a Federal,

State, local, or Indian tribal public agency engaged in the prevention, detection, or investigation of violations of criminal, immigration, or customs laws.

(4) LAW ENFORCEMENT AGENT.—The term ''law enforcement agent'' means any Federal, State, local, or Indian tribal official responsible for enforcing criminal, immigration, or customs laws, including police officers and other agents of Federal, State, and local law enforcement agencies.

(5) RACIAL PROFILING.—The term ''racial profiling'' means the practice of a law enforcement agent relying, to any degree, on race, ethnicity, or national origin in selecting which individuals to subject to routine investigatory activities, or in deciding upon the scope and substance of law enforcement activity following the initial routine investigatory activity, except that racial profiling does not include reliance on such criteria in combination with other identifying factors when the law enforcement agent is seeking to apprehend a specific suspect whose race, ethnicity, or national origin is part of the description of the suspect.

(6) ROUTINE INVESTIGATORY ACTIVITIES.—The term ''routine investigatory activities'' includes the following activities by law enforcement agents: traffic stops; pedestrian stops; frisks and other types of body searches; consensual or nonconsensual searches of the persons or possessions (including vehicles) of motorists or pedestrians; inspections and interviews of entrants into the United States that are more extensive than those customarily carried out; and immigration-related workplace investigations.

SEC. 502. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 503. SAVINGS CLAUSE.

Nothing in this Act shall be construed to limit legal or administrative remedies under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14141), the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701 et seq.), and title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

SEC. 504. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the provisions of this Act shall take effect on the date of the enactment of this Act.

(b) CONDITIONS ON FUNDING.—Section 301 shall take effect 1 year after the date of enactment of this Act.

Mr. CORZINE. Mr. President, I rise on this special day to talk about an issue that I think defines our health as a society—the issue of racial profiling. I thank my colleagues, Senator FEINGOLD and Senator CLINTON—particularly Senator FEINGOLD, for his tremendous leadership on this issue over several Congresses. During the last session he held a number of hearings on racial profiling, and he and his staff have worked tirelessly to elevate the importance of this issue on to the national agenda as a matter of civil rights. I also would be remiss if I didn't mention Congressman CONYERS, who has taken an equally valiant and effective role in presenting this issue on the floor of the House. It is one about which I think we all feel passionately.

The practice of racial profiling is the antithesis of America's belief in fairness and equal protection under the law. Stopping people on our highways, our streets, and at our borders because of the color of their skin tears at the very fabric of what it is to be an American.

We are a nation of laws, and everyone should receive equal protection under the law. Our Constitution tolerates nothing less. We should demand nothing less. There is no equal protection, there is no equal justice, if law enforcement agencies engage in policies and practices that are premised on a theory that the way to stop crime is to go after black and brown people on the hunch that they are more likely to be criminals.

Let me add that not only is racial profiling wrong, it is also not effective as a law enforcement tool. There is no evidence that stopping people of color adds to catching the bad guys. In fact, there is statistical evidence which points out that singling out black and Hispanic motorists for stops and searches doesn't lead to a higher percentage of arrests. Minority motorists are simply no more likely to be breaking the law than white motorists.

Unfortunately, racial profiling persists. In the last wave of statistics from New Jersey, minority motorists accounted for 73 percent of those searched on the New Jersey Turnpike. Even the State attorney general admitted that State troopers were twice as likely to find drugs or other illegal contraband when searching vehicles driven by whites.

Take the example of the March 2000 General Accounting Office report on the U.S. Customs Service. The report found that black, Asian, and Hispanic women were four to nine times more likely than white women to be subjected to x rays after being frisked or patted down. On the basis of x ray results, black women were less than half as likely as white women to be found carrying contraband.

This is law enforcement by hunch. No warrants, no probable cause. What is the hunch based on? Race, plain and simple.

Nowhere was this more evident than in my own home State 3 Aprils ago. Four young men on the New Jersey Turnpike in a minivan—on their way to North Carolina, hoping to get college basketball scholarships—were stopped by two State troopers. Frightened, the driver lost control of the van, and two dozens shots rang out and struck the van. Three out of the four young men were shot.

I spoke to those kids a while ago. One of them told me he was asleep when his van was pulled over. He told me, ''What woke me up was a bullet.''

Stories such as this should wake us all up in America. The practice of racial profiling broadly undermines the confidence of the American people in the institutions on which we depend to protect and defend us. Different laws for different people do not work.

Now we know that many law enforcement agencies, including some in my home State, have acknowledged the danger of the practice and have taken steps to combat it. I commend them for those efforts. Many law enforcement officials believe this is the step we need to take. It is a national problem. It is not a local problem, it is not a State problem, it is a national problem, and it requires a Federal response applicable to all. That is why my colleagues and I have introduced this legislation to end this practice. We want to be sure there are no more excuses, no more bullets waking folks up on questions about what racial profiling means.

This bill defines racial profiling clearly and then bans it; no routine stops solely on the basis of race, national origin, or ethnicity.

We will also require a collection of statistics to accurately measure whether progress is being made, whether problems exist. By collecting this data, we will get a fair picture of law enforcement at work.

We use statistics in every aspect of our life. I came from the financial services industry. We collected statistics. If you go to a hospital, they collect statistics. We need to do that with regard to law enforcement so we have the information to detect problems early on.

It is not our intention to micromanage law enforcement. Our bill does not tell law enforcement agencies what data should be collected. Instead, we direct the Attorney General to develop the standards for data collection, and he presumably will work with law enforcement in developing those particular standards for particular situations.

Our legislation also specifically directs the Attorney General to establish standards for setting benchmarks against which the collected data should be measured so that no data is taken out of context that some in law enforcement rightly fear.

No, it is an indication, a benchmark, not an absolute. If the numbers reveal a portrait of continued racial profiling, then the Justice Department or independent third parties can seek relief in Federal court ordering that remedies be put into effect to end racial profiling.

Our bill will also put in place procedures to receive and investigate complaints of alleged racial profiling. By the way, this mirrors legislation that is now going through the New Jersey State Legislature on a bipartisan basis. It will require procedures to discipline law enforcement officers engaging in racial profiling.

Finally, we will encourage a climate of cultural change in law enforcement with a carrot and stick. We are not trying to say that this all be done through the law; part of this has to come from a real cultural change.

First the carrot. We recognize that law enforcement should not be expected to do this alone. It is a bigger problem. We are saying if you do the job right, fairly and equitably, you can be eligible to receive a best practices development grant to help pay for the programs dealing with advanced training, to help pay for the computer technology necessary to collect the data, such as hand-held computers in police cars, so statistics can be collected. We will help pay for video cameras and recorders for patrol cars, which protects the person who is stopped and also the law enforcement officer. It has been very well received across this country where it has been applied.

It will help pay for establishing or improving systems for handling complaints alleging ethnic or racial profiling and will help to establish management systems to assure supervisors are held accountable for subordinates.

If they do not do the job right, there is a stick. If State and local law enforcement agencies refuse to implement procedures to end and prevent profiling, they will be subject to a loss of Federal law enforcement funds.

Let me be clear. This bill is not about blaming law enforcement, but we do believe we need to see change. It is not designed to prevent law enforcement from doing its job, it is to encourage them to do a better job. In fact, we believe it will help our law enforcement officers in this Nation maintain the public trust they need to do their jobs.

If race is part of a description of a specific suspect involved in an investigation, this law does not prevent them from using that information or having that information distributed, but stopping people on a random, race-based hunch will be outlawed.

Race has been a never-ending battle in this country. It began with our Constitution when the Founding Fathers argued over the rights of southern slaves. Then we fought a war over race. We fought a war that ripped our country apart. Our country emerged whole, but discrimination and Jim Crow laws continued for decades—discrimination sanctioned in part by our own Supreme Court.

Our country's history has always been about change, about growth, about getting better, about recognizing things that weaken us from within. A generation ago, we began to fight another war, a war founded on peaceful principles, a war that killed our heroes, burned our cities, and shook us, once again, to the very core. But we advanced with important civil rights initiatives, such as the Voting Rights Act, the public accommodation laws. We demanded and gained like laws to fight discrimination in employment, housing, and education.

It is time for us to take another very important step. Racial profiling has bred humiliation, anger, resentment, and cynicism throughout this country. It has weakened respect for the law by many, not just the offended.

I close by putting it in simple words: Racial profiling is wrong, and it must end. Today Senator FEINGOLD, Senator CLINTON, I, and others in the House pledge to do just that: to define it, to ban it, and then enforce that ban.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I cannot help but notice, as I look at the Presiding Officer and the Senator from New Jersey, how fortunate we are to have new Members who have immediately come to the Senate and exerted leadership—the Presiding Officer on education, as well as other issues; and the Senator from New Jersey, his determination and hard work on this has been truly striking. I am just delighted to be working with him on this.

I also thank the Senator from Massachusetts for his courtesy in allowing us to interrupt the education bill for this purpose.

Mr. KENNEDY. Mr. President, I ask unanimous consent to be an original cosponsor of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, I rise today in support of the bipartisan End of Racial Profiling Act of 2001. I believe it is a thoughtful and balanced effort, designed to bring people together, not to divide. I also want to express my sincere gratitude to my esteemed colleagues, Senator FEINGOLD and Senator CORZINE, for their leadership and tremendous efforts in crafting this legislation that affects so many communities throughout this country.

I also want to acknowledge the efforts of Representative CONYERS, the Ranking Member of the House Judiciary Committee, and a leader on this issue. Representative CONYERS has worked to obtain the support of both Democrats and Republicans alike, including Republican Representatives ASA HUTCHINSON, CHRIS SHAYS, TIM JOHNSON, CONSTANCE MORELLA, and JIM GREENWOOD. I thank them for attending the bipartisan press conference this morning and showing their support for this legislation. I hope we will be able to build upon this strong bipartisan support in the Senate.

I am also pleased that we were joined by Chief Bruce Chamberlin, an esteemed and experienced member of the national law enforcement community, who is the Chief of Police of Cheektowaga—in the western part of the great state of New York.

It was important for Chief Chamberlin to be here with us today to express his support for the bill because he recognizes, as we all do, that racial profiling is wrong and that this bill is an important step in bringing this practice to an end.

Racial profiling is unjust. It relegates honest, law-abiding citizens to second-class status when they suffer the embarrassment, the humiliation, the indignity, of being stopped or searched, and in some cases even physically harmed simply because of their race, ethnicity or national origin.

Racial profiling is not an effective law enforcement tool. The experts at John Jay College of Criminal Justice and elsewhere will tell you that the evidence is unquestionably clear, for example, that the vast majority of Blacks and Hispanics who are stopped or searched have committed no crime.

Indeed, racial profiling has an insidious and devastating effect on entire communities because it increases the level of mistrust between law enforcement and the communities it is charged with the heavy burden to protect. That result serves no one. It fails to serve law enforcement because a critical component of truly effective law enforcement is strong community-police relations, partnerships in which law enforcement and our communities are working together to reduce crime and to make our communities as safe as they can be.

Racial profiling fails to serve prosecutors, because law-abiding people who don't have faith that their law enforcement will protect them properly and treat them with dignity will not have faith in law enforcement when sitting on juries and assessing the credibility of police officers who often play a key role in getting convictions for criminals.

What does this bill do and what doesn't it do?

As you, my colleagues consider this legislation, understand that this bill is not about blaming law enforcement or saying that law enforcement is bad or doesn't do a good job. We know that this is simply not true.

Those who uphold our Nation's laws on the streets where we live are men and women of courage. They go to work each day without the same degree of certainty that most of us have that they will return home safely, because they never know when the next traffic stop, the next domestic dispute, the next arrest will explode in their face. There is a memorial here in Washington with the names of more than 14,000 American heroes who gave their lives to make ours a safer country.

What this bill does do is make very clear that racial profiling is wrong and that law enforcement agencies that haven't done so already should adopt policies and procedures to eliminate and prevent racial profiling.

Some might ask, how can adopting policies and procedures help stop racial profiling? Well, the experts at John Jay College will tell you that in the 1960s and early 1970s, most police departments in this country left it up to the individual officer to decide when to shoot to kill. During that time, the racial disparity among persons shot and killed by police was as high as eight African-Americans for every white person, and very much higher among victims who were neither armed nor in the process of assaulting a police officer.

During the 1970s and early 1980s, police departments promulgated and enforced strict standards, basically decreeing that deadly force could be exercised only in defense of the life of the officer or another person. In the large police departments in this country, these changes were accompanied by reductions of as much as 51 percent in the number of civilians killed by police. It also resulted in the significant reduction in the number of officers killed in the line of duty. This is just one example of how good policies and procedures can actually save lives without reducing the effectiveness of law enforcement.

Recognizing the importance of policies and procedures to eliminate and prevent racial profiling, this bill provides incentives for law enforcement to promote such policies by providing grants to state and local law enforcement agencies to use in ways they believe will be most effective for their communities—whether to purchase equipment and other resources to assist in data collection or to provide training to officers to improve community relations and build trust.

Chief Chamberlin spoke eloquently this morning about the importance of training and building relationships between law enforcement and communities. His actions, however, have spoken even louder than his words. He has taken the lead in Western New York in forming the Law Enforcement and Diversity Team or ''LEAD'' program, which exists to enhance communication and understanding between suburban law enforcement agencies and the diverse citizenry of Western New York. The LEAD team, sponsored by the National Conference for Community and Justice and the Erie County Chiefs of Police, developed one of the Nation's leading programs—''Building Bridges'' to start a dialogue between police officers and people of diverse cultural and racial backgrounds.

The U.S. Department of Transportation has utilized excerpts from the LEAD Team's ''What to do When Stopped by Police'' brochure for the department's national publication. The program has been adopted by the Buffalo and Cheektowaga school systems in the curriculum for high schools students. It provides an important educational opportunity for the entire community and assists in the development of positive relationships between police and community by eliminating some level of fear, distrust, and skepticism.

Other New Yorkers have also worked to improve the relationship between communities and law enforcement. New York's Attorney General, Elliot Spitzer, has instituted training programs in an effort to try and prevent racial profiling. In fact, just this past February through April, the Attorney General's office conducted in-service training of all members of the New Rochelle, New York Police Department at the request of that department. The training took place on Thursday mornings and focused, among other things, on what is meant by ''racial profiling'' and the perceptions of community members of police encounters in order to raise awareness. The training also reported on data collection efforts taking place across the country and the results of those efforts.

Academia can also play a role in promoting trust between law enforcement and the community. For example, the John Jay College of Criminal Justice—whose Master of Public Administration Program was ranked first in the nation among graduate schools with specializations in Criminal Justice Policy and Management by U.S. News and World Report for the second year in a row—has begun to conduct a six-week free course for members of the New York City Police Department on the racial and cultural diversity of New York City. More than 600 police officers from across New York City have enrolled in a course entitled: ''Police Supervision in a Multiracial and Multicultural City.''

With this bill, efforts like those currently led by Chief Chamberlain, Attorney General Spitzer, and John Jay College will be expanded throughout the country.

More than a year ago when I spoke about this issue at the Riverside Church in New York City, I said, ''we must all be on the same side.'' I am so proud that today—we are all here together—on the same side, citizens, officers of the law, Republicans and Democrats—to say that racial profiling is wrong and must end.

We are here to say that in fighting racial profiling, we can at the same time forge even better relations between police and the neighborhoods they patrol, as we wage a common effort to reduce crime and make our communities safe.

In closing, I hope that as we move forward with the consideration of this legislation, it will engender a positive and thoughtful dialogue between and among members of Congress, the President, law enforcement, and the civil rights community. And that by eliminating the practice of racial profiling, we can begin to restore the bonds of trust between communities and the law enforcement officers that serve them.

By Mr. SMITH of New Hampshire:

S. 990. A bill to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes; to the Committee on Environment and Public Works.

Mr. SMITH of New Hampshire. Mr. President, I rise today to introduce a comprehensive wildlife conservation measure, the American Wildlife Enhancement Act of 2001. This bill will help to increase conservation efforts by promoting local control and State partnerships through flexible, incentive driven conservation programs and increased partnerships with local land owners. The true conservationists are those who live on and work the land, and it is my intention to provide the incentives to help them continue those efforts. People don't come to New Hampshire for the malls. They come to kayak, bike, fish, swim, hunt, hike trails, ski, and more. That's our industry. We cannot, and should not, turn away from that. I believe that when we conserve our wildlife and wildlife areas, we affirm our long-standing tradition of honoring our natural American heritage. This bill is about achieving that goal in a cooperative, partnership approach, something that unfortunately, the Federal Government has too long neglected.

This bill will accomplish these goals by infusing additional funds into the popular Pittman-Robertson program; establishing a new competitive matching grant fund that would allow private landowners to apply for assistance to protect endangered and threatened species on their land; and establishing a new competitive grant fund that would allow one or several States to apply for a grant to protect an area of regional or national significance through the purchase of an easement or acquisition. This measure represents our best, and most effective, chances of addressing the growing needs for wildlife conservation in our Nation.

Title I of this bill authorizes $350 million a year to enhance the Pittman-Robertson Wildlife Restoration program. Unlike the existing Pittman-Robertson program, which is funded through a tax on hunting equipment, the enhanced program would be authorized for a specific time period, would have to compete for funds through the appropriations process and would be held in an account that is separate from the already established Wildlife Restoration Fund.

Funds for this enhanced program would be distributed to the States through a formula based on land area and population, with no State receiving less than one percent of the available funding. Projects eligible for funding through the new program would include: acquisition and improvement of wildlife habitat; hunter education; wildlife population surveys; construction of facilities to improve public access; management of wildlife areas; recreation; conservation education; and facility development and maintenance. States would pay for a project up front and would be reimbursed up to 75 percent of the total cost of the project. Similar language was included in last year's Commerce-State-Justice appropriations measure, but was authorized for one year, at a level of $50 million. The program has been successful since its inception, and should continue past this fiscal year. My bill would authorize this program for five years at a level of $350 million each year.

The State of New Hampshire ranks 44th out of 50 States in land area and

41st in population. Still, the State received $487,000 out of the money appropriated in last year's Commerce-State-Justice appropriations bill. If my bill were enacted and fully appropriated, even a small State like New Hampshire would be eligible to receive $3.5 million. Believe me, $3.5 million would make an incredible difference not only for New Hampshire, but nationwide. There is not only a demonstrated need for these additional funds, but a keen interest in seeing this infusion of appropriations within a time-tested program, the Pittman-Robertson Wildlife Restoration Program, popular with sportsmen and women and conservationists alike.

The second title of my bill establishes a new competitive matching grant fund that would allow private landowners to apply for assistance to protect endangered and threatened species on their land through the development and implementation of recovery agreements. A recovery agreement would provide an economic incentive to protect habitat for threatened and endangered species, list specific recovery goals, schedule an implementation plan, and monitor the results. In return for agreeing to carry out these activities, the landowner would receive financial compensation. Currently any effort that a private landowner undertakes to conserve an endangered species is paid for out-of-pocket. Under this bill though, for the first time, private landowners will be able to apply for a grant to assist in the recovery of endangered or threatened species on their property. In other words, they would be eligible to get compensation for some of the conservation measures that they now have to pay for themselves.

That is a big step forward. Since approximately 90-percent of the listed endangered and threatened species inhabit non-federal lands, one of the keys to the successful recovery of our endangered and threatened species is the increased participation of private landowners. This is best achieved through a collaborative, not combative, process that provides landowners with an incentive to participate.

This title is an amendment to the Endangered Species Act. This title should not be interpreted as a vehicle for comprehensive reform, but as a great opportunity to get dollars to those land owners who want to protect species today. I welcome the opportunity to work with all of my colleagues on comprehensive reform to the Endangered Species Act through hearings, debate and bipartisan legislation. However, in the meantime we need to provide private land owners the opportunity to protect the habitat of endangered species.

The final title of my bill would establish a new competitive grant fund that would allow one or more States to apply for a grant to protect an area of regional or national significance through the purchase of an easement or acquisition. Without a source of flexible Federal funds such as this, States and local communities alone will be unable to protect some of the Nation's most important natural areas. I highlight the Northern Forest that spans the states of New Hampshire, Maine, Vermont, and New York; the Central Appalachian Highlands; the Mississippi Delta, just to name a few. This flexible funding will allow States and communities to protect vital natural, cultural and recreational areas without creating or expanding Federal units. Such a funding program promotes local control and multi-state partnerships, and is also cost-effective.

I am a firm believer in preserving our national treasures for future generations to enjoy. I also believe that the States, local communities and individual property owners are in the best position to identify and protect the species and areas that are in the greatest need of conservation. But they also need financial assistance from the Federal Government to effectively conserve and manage the natural resources that need either protection or restoration. This belief is strongly reflected in my bill.

I have received a very positive response for this bill from the interested constituencies, both in New Hampshire and nationwide. In general, there is a growing consensus that we must act now or we will lose many of our special places, and if we wait, what is destroyed or lost will be gone forever. It is our responsibility to act as stewards of the environment. I have said it before and I will say it again: it is not anti-conservative to be pro-environment.

This bill is one that should attract the interest of both sides of the aisle. On that note, I would like to thank Senator REID, my counterpart on the Environment and Public Works Committee, for his leadership on the issue of wildlife conservation. In April, he chaired a field hearing in Reno, NV, on State wildlife and conservation issues. I know he is engaged in this matter, and I look forward to working with him to advance the goals of the American Wildlife Enhancement Act.

I encourage my colleagues to support the American Wildlife Enhancement Act of 2001 and ask 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. 990

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 ''American Wildlife Enhancement Act of 2001''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
TITLE I—PITTMAN-ROBERTSON WILDLIFE CONSERVATION AND RESTORATION PROGRAMS IMPROVEMENT
Sec. 101. Short title.
Sec. 102. Definitions.
Sec. 103. Wildlife Conservation and Restoration Account.
Sec. 104. Apportionment of amounts in the Account.
Sec. 105. Wildlife conservation and restoration programs.
Sec. 106. Nonapplicability of Federal Advisory Committee Act.
Sec. 107. Technical amendments.
Sec. 108. Effective date.
TITLE II—ENDANGERED AND THREATENED SPECIES RECOVERY
Sec. 201. Purpose.
Sec. 202. Endangered and threatened species recovery assistance.
TITLE III—NON-FEDERAL LAND CONSERVATION GRANT PROGRAM
Sec. 301. Non-Federal land conservation grant program.

TITLE I—PITTMAN-ROBERTSON WILDLIFE CONSERVATION AND RESTORATION PROGRAMS IMPROVEMENT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Pittman-Robertson Wildlife Conservation and Restoration Programs Improvement Act''.

SEC. 102. DEFINITIONS.

(a) IN GENERAL.—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended to read as follows:

''SEC. 2. DEFINITIONS.

''In this Act:

''(1) ACCOUNT.—The term 'Account' means the Wildlife Conservation and Restoration Account established by section 3(a)(2).

''(2) CONSERVATION.—

''(A) IN GENERAL.—The term 'conservation' means the use of a method or procedure necessary or desirable to sustain healthy populations of wildlife.

''(B) INCLUSIONS.—The term 'conservation' includes any activity associated with scientific resources management, such as—

''(i) research;

''(ii) census;

''(iii) monitoring of populations;

''(iv) acquisition, improvement, and management of habitat;

''(v) live trapping and transplantation;

''(vi) wildlife damage management;

''(vii) periodic or total protection of a species or population; and

''(viii) the taking of individuals within a wildlife stock or population if permitted by applicable Federal law, State law, or law of the District of Columbia or a territory.

''(3) FUND.—The term 'fund' means the Federal aid to wildlife restoration fund established by section 3(a)(1).

''(4) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

''(5) STATE FISH AND GAME DEPARTMENT.—The term 'State fish and game department' means any department or division of a department of another name, or commission, or 1 or more officials, of a State, the District of Columbia, or a territory empowered under the laws of the State, the District of Columbia, or the territory, respectively, to exercise the functions ordinarily exercised by a State fish and game department or a State fish and wildlife department.

''(6) TERRITORY.—The term 'territory' means Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands.

''(7) WILDLIFE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'wildlife' means—

''(i) any species of wild, free-ranging fauna (excluding fish); and

''(ii) any species of fauna (excluding fish) in a captive breeding program the object of which is to reintroduce individuals of a depleted indigenous species into the previously occupied range of the species.

''(B) WILDLIFE CONSERVATION AND RESTORATION PROGRAM.—For the purposes of each wildlife conservation and restoration program, the term 'wildlife' includes fish.

''(8) WILDLIFE-ASSOCIATED RECREATION PROJECT.—The term 'wildlife-associated recreation project' means—

''(A) a project intended to meet the demand for an outdoor activity associated with wildlife, such as hunting, fishing, and wildlife observation and photography;

''(B) a project such as construction or restoration of a wildlife viewing area, observation tower, blind, platform, land or water trail, water access route, area for field trialing, or trail head; and

''(C) a project to provide access for a project described in subparagraph (A) or (B).

''(9) WILDLIFE CONSERVATION AND RESTORATION PROGRAM.—The term 'wildlife conservation and restoration program' means a program developed by a State fish and game department and approved by the Secretary under section 12.

''(10) WILDLIFE CONSERVATION EDUCATION PROJECT.—The term 'wildlife conservation education project' means a project, including public outreach, that is intended to foster responsible natural resource stewardship.

''(11) WILDLIFE-RESTORATION PROJECT.—

''(A) IN GENERAL.—The term 'wildlife-restoration project' means a project consisting of the selection, restoration, rehabilitation, or improvement of an area of land or water (including a property interest in land or water) that is adaptable as a feeding, resting, or breeding place for wildlife.

''(B) INCLUSIONS.—The term 'wildlife-restoration project' includes—

''(i) acquisition of an area described in subparagraph (A) that is suitable or capable of being made suitable for feeding, resting, or breeding by wildlife;

''(ii) construction in an area described in subparagraph (A) of such works as are necessary to make the area available for feeding, resting, or breeding by wildlife;

''(iii) such research into any problem of wildlife management as is necessary for efficient administration of wildlife resources; and

''(iv) such preliminary or incidental expenses as are incurred with respect to activities described in this paragraph.''.

(b) CONFORMING AMENDMENTS.—

(1) The first section, section 3(a)(1), and section 12 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669, 669b(a)(1), 669i) are amended by striking ''Secretary of Agriculture'' each place it appears and inserting ''Secretary''.

(2) The Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) is amended by striking ''Secretary of the Interior'' each place it appears and inserting ''Secretary''.

(3) Section 3(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(a)(1)) is amended by striking ''(hereinafter referred to as the 'fund')''.

(4) Section 6(c) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669e(c)) is amended by striking ''established by section 3 of this Act''.

(5) Section 11(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h–2(b)) is amended by striking ''wildlife restoration projects'' each place it appears and inserting ''wildlife-restoration projects''.

SEC. 103. WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.

(a) IN GENERAL.—Section 3 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b) is amended—

(1) by striking ''SEC. 3. (a)(1) An'' and inserting the following:

''SEC. 3. FEDERAL AID TO WILDLIFE RESTORATION FUND.

''(a) IN GENERAL.—

''(1) FEDERAL AID TO WILDLIFE RESTORATION FUND.—An'';

(2) in subsection (a), by striking paragraph (2) and inserting the following:

''(2) WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.—

''(A) ESTABLISHMENT.—There is established in the fund an account to be known as the 'Wildlife Conservation and Restoration Account'.

''(B) FUNDING.—There are authorized to be appropriated to the Account for apportionment to States, the District of Columbia, and territories in accordance with section 4(d)—

''(i) $50,000,000 for fiscal year 2001; and

''(ii) $350,000,000 for each of fiscal years 2002 through 2006.''; and

(3) by striking subsections (c) and (d).

(b) CONFORMING AMENDMENTS.—

(1) Section 3(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(a)(1)) is amended in the first sentence—

(A) by inserting ''(other than the Account)'' after ''wildlife restoration fund''; and

(B) by inserting before the period at the end the following: ''(other than sections 4(d) and 12)''.

(2) Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended—

(A) in subsection (a)—

(i) in paragraph (1)(A)—

(I) by inserting ''(other than the Account)'' after ''the fund''; and

(II) by inserting ''(other than subsection (d) and sections 3(a)(2) and 12)'' after ''this Act''; and

(ii) in paragraph (2)(B), by inserting ''from the fund (other than the Account)'' before ''under this Act''; and

(B) in the first sentence of subsection (b), by striking ''said fund'' and inserting ''the fund (other than the Account)''.

(3) Section 6 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669e) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by inserting ''(other than sections 4(d) and 12)'' after ''this Act'';

(ii) in the last sentence of paragraph (1), by striking ''this Act from funds apportioned under this Act'' and inserting ''this Act (other than sections 4(d) and 12) from funds apportioned from the fund (other than the Account) under this Act'';

(iii) in paragraph (2)—

(I) in the first sentence, by inserting ''(other than sections 4(d) and 12)'' after ''this Act''; and

(II) in the last sentence, by striking ''said fund as represents the share of the United States payable under this Act'' and inserting ''the fund (other than the Account) as represents the share of the United States payable from the fund (other than the Account) under this Act''; and

(iv) in the last paragraph, by inserting ''from the fund (other than the Account)'' before ''under this Act'' each place it appears; and

(B) in subsection (b), by inserting ''(other than sections 4(d) and 12)'' after ''this Act'' each place it appears.

(4) Section 8A of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g–1) is amended in the first sentence by inserting ''from the fund (other than the Account)'' before ''under this Act''.

(5) Section 9 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h) is amended in subsections (a) and (b)(1) by striking ''section 4(a)(1)'' each place it appears and inserting ''subsections (a)(1) and (d)(1) of section 4''.

(6) Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h–1) is amended—

(A) in subsection (a)(1)—

(i) by inserting ''(other than the Account)'' after ''the fund''; and

(ii) in subparagraph (B), by inserting ''but excluding any use authorized solely by section 12'' after ''target ranges''; and

(B) in subsection (c)(2), by inserting before the period at the end the following: ''(other than sections 4(d) and 12)''.

(7) Section 11(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h–2(a)(1)) is amended by inserting ''(other than the Account)'' after ''the fund''.

SEC. 104. APPORTIONMENT OF AMOUNTS IN THE ACCOUNT.

Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended by striking the second subsection (c) and subsection (d) and inserting the following:

''(d) APPORTIONMENT OF AMOUNTS IN THE ACCOUNT.—

''(1) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—For each fiscal year, the Secretary may deduct, for payment of administrative expenses incurred by the Secretary in carrying out activities funded from the Account, not more than 3 percent of the total amount of the Account available for apportionment for the fiscal year.

''(2) APPORTIONMENT TO DISTRICT OF COLUMBIA AND TERRITORIES.—For each fiscal year, after making the deduction under paragraph (1), the Secretary shall apportion from the amount in the Account remaining available for apportionment—

''(A) to each of the District of Columbia and the Commonwealth of Puerto Rico, a sum equal to not more than ½ of 1 percent of that remaining amount; and

''(B) to each of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands, a sum equal to not more than ¼ of 1 percent of that remaining amount.

''(3) APPORTIONMENT TO STATES.—

''(A) IN GENERAL.—Subject to subparagraph (B), for each fiscal year, after making the deduction under paragraph (1) and the apportionment under paragraph (2), the Secretary shall apportion the amount in the Account remaining available for apportionment among States in the following manner:

''(i) ⅓ based on the ratio that the area of each State bears to the total area of all States.

''(ii) ⅔ based on the ratio that the population of each State bears to the total population of all States.

''(B) MINIMUM AND MAXIMUM APPORTIONMENTS.—For each fiscal year, the amounts apportioned under this paragraph shall be adjusted proportionately so that no State is apportioned a sum that is—

''(i) less than 1 percent of the amount available for apportionment under this paragraph for the fiscal year; or

''(ii) more than 5 percent of that amount.

''(4) USE.—

''(A) IN GENERAL.—Apportionments under paragraphs (2) and (3)—

''(i) shall supplement, but not supplant, funds available to States, the District of Columbia, and territories—

''(I) from the fund; or

''(II) from the Sport Fish Restoration Account established by section 9504(a) of the Internal Revenue Code of 1986; and

''(ii) shall be used to address the unmet needs for a wide variety of wildlife and associated habitats, including species that are not hunted or fished, for projects authorized

to be carried out as part of wildlife conservation and restoration programs in accordance with section 12.

''(B) PROHIBITION ON DIVERSION.—A State, the District of Columbia, or a territory shall not be eligible to receive an apportionment under paragraph (2) or (3) if the Secretary determines that the State, the District of Columbia, or the territory, respectively, diverts funds from any source of revenue (including interest, dividends, and other income earned on the revenue) available to the State, the District of Columbia, or the territory after January 1, 2000, for conservation of wildlife for any purpose other than the administration of the State fish and game department in carrying out wildlife conservation activities.

''(5) PERIOD OF AVAILABILITY OF APPORTIONMENTS.—Notwithstanding section 3(a)(1), for each fiscal year, the apportionment to a State, the District of Columbia, or a territory from the Account under this subsection shall remain available for obligation until the end of the second following fiscal year.''.

SEC. 105. WILDLIFE CONSERVATION AND RESTORATION PROGRAMS.

(a) IN GENERAL.—The Pittman-Robertson Wildlife Restoration Act is amended—

(1) by redesignating sections 12 and 13 (16 U.S.C. 669i, 669 note) as sections 13 and 15, respectively; and

(2) by inserting after section 11 (16 U.S.C. 669h–2) the following:

''SEC. 12. WILDLIFE CONSERVATION AND RESTORATION PROGRAMS.

''(a) DEFINITION OF STATE.—In this section, the term 'State' means a State, the District of Columbia, and a territory.

''(b) WILDLIFE CONSERVATION AND RESTORATION PROGRAMS.—

''(1) IN GENERAL.—A State, acting through the State fish and game department, may apply to the Secretary—

''(A) for approval of a wildlife conservation and restoration program; and

''(B) to receive funds from the apportionment to the State under section 4(d) to develop and implement the wildlife conservation and restoration program.

''(2) APPLICATION CONTENTS.—As part of an application under paragraph (1), a State shall provide documentation demonstrating that the wildlife conservation and restoration program of the State includes—

''(A) provisions vesting in the State fish and game department overall responsibility and accountability for the wildlife conservation and restoration program of the State;

''(B) provisions to identify which species in the State are in greatest need of conservation; and

''(C) provisions for the development, implementation, and maintenance, under the wildlife conservation and restoration program, of—

''(i) wildlife conservation projects—

''(I) that expand and support other wildlife programs; and

''(II) that are selected giving appropriate consideration to all species of wildlife in accordance with subsection (c);

''(ii) wildlife-associated recreation projects; and

''(iii) wildlife conservation education projects.

''(3) PUBLIC PARTICIPATION.—A State shall provide an opportunity for public participation in the development, implementation, and revision of the wildlife conservation and restoration program of the State and projects carried out under the wildlife conservation and restoration program.

''(4) APPROVAL FOR FUNDING.—If the Secretary finds that the application submitted by a State meets the requirements of paragraph (2), the Secretary shall approve the wildlife conservation and restoration program of the State.

''(5) PAYMENT OF FEDERAL SHARE.—

''(A) IN GENERAL.—Subject to subparagraph (D), after the Secretary approves a wildlife conservation and restoration program of a State, the Secretary may use the apportionment to the State under section 4(d) to pay the Federal share of—

''(i) the cost of implementation of the wildlife conservation and restoration program; and

''(ii) the cost of development, implementation, and maintenance of each project that is part of the wildlife conservation and restoration program.

''(B) FEDERAL SHARE.—The Federal share shall not exceed 75 percent.

''(C) TIMING OF PAYMENTS.—Under such regulations as the Secretary may promulgate, the Secretary—

''(i) shall make payments to a State under subparagraph (A) during the course of a project; and

''(ii) may advance funds to pay the Federal share of the costs described in subparagraph (A).

''(D) MAXIMUM AMOUNT FOR LAW ENFORCEMENT ACTIVITIES.—Notwithstanding section 8(a), for each fiscal year, not more than 10 percent of the apportionment to a State under section 4(d) for the wildlife conservation and restoration program of the State may be used for law enforcement activities.

''(6) METHOD OF IMPLEMENTATION OF PROJECTS.—A State may implement a project that is part of the wildlife conservation and restoration program of the State through—

''(A) a grant made by the State to, or a contract entered into by the State with—

''(i) any Federal, State, or local agency (including an agency that gathers, evaluates, and disseminates information on wildlife and wildlife habitats);

''(ii) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b));

''(iii) a wildlife conservation organization; or

''(iv) an outdoor recreation or conservation education entity; and

''(B) any other method determined appropriate by the State.

''(c) WILDLIFE CONSERVATION STRATEGY.—

''(1) IN GENERAL.—Not later than 5 years after the date of the initial apportionment to a State under section 4(d), to be eligible to continue to receive funds from the apportionment to the State under section 4(d), the State shall, as part of the wildlife conservation and restoration program of the State, develop and begin implementation of a wildlife conservation strategy that is based on the best available and appropriate scientific information.

''(2) REQUIRED ELEMENTS.—A wildlife conservation strategy shall—

''(A) use such information on the distribution and abundance of species of wildlife as is indicative of the diversity and health of the wildlife of the State, including such information on species with low populations and declining numbers of individuals as the State fish and game department determines to be appropriate;

''(B) identify the extent and condition of wildlife habitats and community types essential to conservation of the species of wildlife of the State identified using information described in subparagraph (A);

''(C)(i) identify the problems that may adversely affect—

''(I) the species identified using information described in subparagraph (A); and

''(II) the habitats of the species identified under subparagraph (B); and

''(ii) provide for high priority research and surveys to identify factors that may assist in the restoration and more effective conservation of—

''(I) the species identified using information described in subparagraph (A); and

''(II) the habitats of the species identified under subparagraph (B);

''(D)(i) describe which actions should be taken to conserve—

''(I) the species identified using information described in subparagraph (A); and

''(II) the habitats of the species identified under subparagraph (B); and

''(ii) establish priorities for implementing those actions; and

''(E) provide for—

''(i) periodic monitoring of—

''(I) the species identified using information described in subparagraph (A);

''(II) the habitats of the species identified under subparagraph (B); and

''(III) the effectiveness of the conservation actions described under subparagraph (D); and

''(ii) adaptation of conservation actions as appropriate to respond to new information or changing conditions.

''(3) PUBLIC PARTICIPATION IN DEVELOPMENT OF STRATEGY.—A State shall provide an opportunity for public participation in the development and implementation of the wildlife conservation strategy of the State.

''(4) REVIEW AND REVISION.—Not less often than once every 10 years, a State shall review the wildlife conservation strategy of the State and make any appropriate revisions.

''(5) COORDINATION.—During the development, implementation, review, and revision of the wildlife conservation strategy of the State, a State shall provide for coordination, to the maximum extent practicable, between—

''(A) the State fish and game department; and

''(B) Federal, State, and local agencies and Indian tribes that—

''(i) manage significant areas of land or water within the State; or

''(ii) administer programs that significantly affect the conservation of

''(I) the species identified using information described in paragraph (2)(A); or

''(II) the habitats of the species identified under paragraph (2)(B).

''(d) USE OF FUNDS FOR NEW AND EXISTING PROGRAMS AND PROJECTS.—Funds made available from the Account to carry out activities under this section may be used—

''(1) to carry out new programs and projects; and

''(2) to enhance existing programs and projects.

''(e) PRIORITY FOR FUNDING.—In using funds made available from the Account to carry out activities under this section, a State shall give priority to species that are in greatest need of conservation, as identified by the State.

''(f) LIMITATION ON USE OF FUNDS FOR WILDLIFE CONSERVATION EDUCATION PROJECTS.—Funds made available from the Account to carry out wildlife conservation education projects shall not be used to fund, in whole or in part, any activity that promotes or encourages opposition to the regulated hunting or trapping of wildlife.''.

(b) CONFORMING AMENDMENT.—Section 8(a) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g) is amended by striking the last sentence.

SEC. 106. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

(a) PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.—The Pittman-Robertson Wildlife Restoration Act (as amended by section 105(a)(1)) is amended by inserting after section 13 the following:

"SEC. 14. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

"Coordination with State fish and game department personnel or with personnel of any other agency of a State, the District of Columbia, or a territory under this Act shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).".

(b) DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—The Dingell-Johnson Sport Fish Restoration Act is amended—

(1) by redesignating section 15 (16 U.S.C. 777 note) as section 16; and

(2) by inserting after section 14 (16 U.S.C. 777m) the following:

"SEC. 15. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

"Coordination with State fish and game department personnel or with personnel of any other State agency under this Act shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).".

SEC. 107. TECHNICAL AMENDMENTS.

(a) The first section of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669) is amended by striking "That the" and inserting the following:

"SECTION 1. COOPERATION OF SECRETARY OF THE INTERIOR WITH STATES.

"The".

(b) Section 5 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669d) is amended by striking "SEC. 5." and inserting the following:

"SEC. 5. CERTIFICATION OF AMOUNTS DEDUCTED OR APPORTIONED.".

(c) Section 6 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669e) is amended by striking "SEC. 6." and inserting the following:

"SEC. 6. SUBMISSION AND APPROVAL OF PLANS AND PROJECTS.".

(d) Section 7 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669f) is amended by striking "SEC. 7." and inserting the following:

"SEC. 7. PAYMENT OF FUNDS TO STATES.".

(e) Section 8 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g) is amended by striking "SEC. 8." and inserting the following:

"SEC. 8. MAINTENANCE OF PROJECTS; FUNDING OF HUNTER SAFETY PROGRAMS AND PUBLIC TARGET RANGES.".

(f) Section 8A of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g–1) is amended by striking "SEC. 8A." and inserting the following:

"SEC. 8A. APPORTIONMENTS TO TERRITORIES.".

(g) Section 12 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669i) is amended by striking "SEC. 12." and inserting the following:

"SEC. 12. RULES AND REGULATIONS.".

SEC. 108. EFFECTIVE DATE.

This title takes effect on October 1, 2001.

TITLE II—ENDANGERED AND THREATENED SPECIES RECOVERY

SEC. 201. PURPOSE.

The purpose of this title is to promote involvement by non-Federal entities in the recovery of the endangered species and threatened species of the United States and the habitats on which the species depend.

SEC. 202. ENDANGERED AND THREATENED SPECIES RECOVERY ASSISTANCE.

(a) IN GENERAL.—Section 13 of the Endangered Species Act of 1973 (87 Stat. 902) is amended to read as follows:

"SEC. 13. ENDANGERED AND THREATENED SPECIES RECOVERY ASSISTANCE.

"(a) DEFINITIONS.—In this section:

"(1) SMALL LANDOWNER.—The term 'small landowner' means an individual who owns not more than 150 acres of land.

"(2) SPECIES RECOVERY AGREEMENT.—The term 'species recovery agreement' means an endangered and threatened species recovery agreement entered into under subsection (c).

"(b) ENDANGERED AND THREATENED SPECIES RECOVERY ASSISTANCE.—

"(1) FINANCIAL ASSISTANCE.—The Secretary may provide financial assistance to any person for development and implementation of an endangered and threatened species recovery agreement entered into by the Secretary and the person under subsection (c).

"(2) PRIORITY.—In providing financial assistance under this subsection, the Secretary shall give priority to the development and implementation of species recovery agreements that—

"(A) implement actions identified under recovery plans approved by the Secretary under section 4(f);

"(B) have the greatest potential for contributing to the recovery of an endangered species or threatened species; and

"(C) are proposed by small landowners.

"(3) PROHIBITION ON ASSISTANCE FOR REQUIRED ACTIVITIES.—The Secretary shall not provide financial assistance under this subsection for any activity that is required—

"(A) by a permit issued under section 10(a)(1)(B);

"(B) by an incidental taking statement provided under section 7(b)(4); or

"(C) under another provision of this Act or any other Federal law.

"(4) PAYMENTS UNDER OTHER PROGRAMS.—

"(A) OTHER PAYMENTS NOT AFFECTED.—Financial assistance provided to a person under this subsection shall be in addition to, and shall not affect, the total amount of payments that the person is eligible to receive under—

"(i) the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.);

"(ii) the wetlands reserve program established under subchapter C of that chapter (16 U.S.C. 3837 et seq.);

"(iii) the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.); or

"(iv) the Wildlife Habitat Incentive Program established under section 387 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3836a).

"(B) LIMITATION.—A person shall not receive financial assistance under a species recovery agreement for any activity for which the person receives a payment under a program referred to in subparagraph (A) unless the species recovery agreement imposes on the person a financial or management obligation in addition to the obligations of the person under that program.

"(c) ENDANGERED AND THREATENED SPECIES RECOVERY AGREEMENTS.—

"(1) IN GENERAL.—In accordance with this subsection, the Secretary may enter into endangered and threatened species recovery agreements.

"(2) REQUIRED TERMS.—The Secretary shall include in each species recovery agreement with a person provisions that—

"(A) require the person—

"(i) to carry out on real property owned or leased by the person activities not required by other law that contribute to the recovery of an endangered species or threatened species; or

"(ii) to refrain from carrying out on real property owned or leased by the person otherwise lawful activities that would inhibit the recovery of an endangered species or threatened species;

"(B) describe the real property referred to in clauses (i) and (ii) of subparagraph (A);

"(C) specify species recovery goals for the species recovery agreement, and activities for attaining the goals;

"(D)(i) require the person to make reasonable efforts to make measurable progress each year in achieving the species recovery goals; and

"(ii) specify a schedule for implementation of the species recovery agreement;

"(E) specify actions to be taken by the Secretary or the person to monitor the effectiveness of the species recovery agreement in attaining the species recovery goals;

"(F) require the person to notify the Secretary if any right or obligation of the person under the species recovery agreement is assigned to any other person;

"(G) require the person to notify the Secretary if any term of the species recovery agreement is breached;

"(H) specify the date on which the species recovery agreement takes effect and the period of time during which the species recovery agreement shall remain in effect;

"(I) provide that the species recovery agreement shall not be in effect on or after any date on which the Secretary publishes a certification by the Secretary that the person has not complied with the species recovery agreement; and

"(J) schedule the disbursement of financial assistance provided under subsection (b) for implementation of the species recovery agreement, on an annual or other basis during the period in which the species recovery agreement is in effect, based on the schedule for implementation required under subparagraph (D)(ii).

"(3) REVIEW AND APPROVAL OF PROPOSED SPECIES RECOVERY AGREEMENTS.—On submission by any person of a proposed species recovery agreement under this subsection, the Secretary shall—

"(A) review the proposed species recovery agreement and determine whether the species recovery agreement—

"(i) complies with this subsection; and

"(ii) will contribute to the recovery of each endangered species or threatened species that is the subject of the proposed species recovery agreement;

"(B) propose to the person any additional provisions that are necessary for the species recovery agreement to comply with this subsection; and

"(C) if the Secretary determines that the species recovery agreement complies with this subsection, enter into the species recovery agreement with the person.

"(4) MONITORING OF IMPLEMENTATION OF SPECIES RECOVERY AGREEMENTS.—The Secretary shall—

"(A) periodically monitor the implementation of each species recovery agreement; and

"(B) based on the information obtained from the monitoring, annually or otherwise disburse financial assistance under this section to implement the species recovery agreement as the Secretary determines to be appropriate under the species recovery agreement.

"(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—Of the amounts made available to carry out this section for a fiscal year, not more than 3 percent may be used to pay administrative expenses incurred in carrying out this section.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 15 of the Endangered Species Act of 1973 (16 U.S.C. 1542) is amended by adding at the end the following:

"(d) ENDANGERED AND THREATENED SPECIES RECOVERY ASSISTANCE.—There is authorized to be appropriated to carry out section 13 $75,000,000 for each of fiscal years 2002 through 2006.".

(c) CONFORMING AMENDMENT.—The table of contents in the first section of the Endangered Species Act of 1973 (16 U.S.C. prec. 1531) is amended by striking the item relating to section 13 and inserting the following:

''Sec. 13. Endangered and threatened species recovery assistance.''.

TITLE III—NON-FEDERAL LAND CONSERVATION GRANT PROGRAM

SEC. 301. NON-FEDERAL LAND CONSERVATION GRANT PROGRAM.

(a) IN GENERAL.—The Partnerships for Wildlife Act (16 U.S.C. 3741 et seq.) is amended by adding at the end the following:

''SEC. 7106. NON-FEDERAL LAND CONSERVATION GRANT PROGRAM.

''(a) ESTABLISHMENT.—In consultation with appropriate State, regional, and other units of government, the Secretary shall establish a competitive grant program, to be known as the 'Non-Federal Land Conservation Grant Program' (referred to in this section as the 'program'), to make grants to States or groups of States to pay the Federal share determined under subsection (c)(4) of the costs of conservation of non-Federal land or water of regional or national significance.

''(b) RANKING CRITERIA.—In selecting among applications for grants for projects under the program, the Secretary shall—

''(1) rank projects according the extent to which a proposed project will protect watersheds and important scenic, cultural, recreational, fish, wildlife, and other ecological resources; and

''(2) subject to paragraph (1), give preference to proposed projects—

''(A) that seek to protect ecosystems;

''(B) that are developed in collaboration with other States;

''(C) with respect to which there has been public participation in the development of the project proposal;

''(D) that are supported by communities and individuals that are located in the immediate vicinity of the proposed project or that would be directly affected by the proposed project; or

''(E) that the State considers to be a State priority.

''(c) GRANTS TO STATES.—

''(1) NOTICE OF DEADLINE FOR APPLICATIONS.—The Secretary shall give reasonable advance notice of each deadline for submission of applications for grants under the program by publication of a notice in the Federal Register.

''(2) SUBMISSION OF APPLICATIONS.—

''(A) IN GENERAL.—A State or group of States may submit to the Secretary an application for a grant under the program.

''(B) REQUIRED CONTENTS OF APPLICATIONS.—Each application shall include—

''(i) a detailed description of each proposed project;

''(ii) a detailed analysis of project costs, including costs associated with—

''(I) planning;

''(II) administration;

''(III) property acquisition; and

''(IV) property management;

''(iii) a statement describing how the project is of regional or national significance; and

''(iv) a plan for stewardship of any land or water, or interest in land or water, to be acquired under the project.

''(3) SELECTION OF GRANT RECIPIENTS.—Not later than 90 days after the date of receipt of an application, the Secretary shall—

''(A) review the application; and

''(B)(i) notify the State or group of States of the decision of the Secretary on the application; and

''(ii) if the application is denied, provide an explanation of the reasons for the denial.

''(4) COST SHARING.—The Federal share of the costs of a project under the program shall be—

''(A) in the case of a project to acquire the fee simple interest in land or water, not more than 50 percent of the costs of the project;

''(B) in the case of a project to acquire less than the fee simple interest in land or water (including acquisition of a conservation easement), not more than 70 percent of the costs of the project; and

''(C) in the case of a project involving 3 or more States, not more than 75 percent of the costs of the project.

''(5) EFFECT OF INSUFFICIENCY OF FUNDS.—If the Secretary determines that there are insufficient funds available to make grants with respect to all applications that meet the requirements of this subsection, the Secretary shall give priority to those projects that best meet the ranking criteria established under subsection (b).

''(d) REPORT.—Not later than 60 days after the end of each fiscal year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report describing the grants made under this section, including an analysis of how projects were ranked under subsection (b).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2002 through 2006.''.

(b) CONFORMING AMENDMENT.—Section 7105(g)(2) of the Partnerships for Wildlife Act (16 U.S.C. 3744(g)(2)) is amended by striking ''this chapter'' and inserting ''this section''.

By Ms. LANDRIEU (for herself, Mr. BREAUX, Mr. BINGAMAN, Mr. DURBIN, Mr. FEINGOLD, Mr. HAGEL, Mr. MURKOWSKI, and Mr. SESSIONS):

S. 991. A bill to authorize the president to award a gold medal on behalf of the Congress to Andrew Jackson Higgins (posthumously), and to the D-day Museum in recognition of the contributions of Higgins Industries and the more than 30,000 employees of Higgins Industries to the Nation and to world peace during World War II; to the Committee on Banking, Housing, and Urban Affairs.

Ms. LANDRIEU. Mr. President, I speak today to honor an innovative and patriotic American, a logger-turned-boatbuilder, who single-handedly transformed the concept of amphibious ship design when our nation and her Allies needed it most. Despite some bureaucratic obstacles in America's massive World War II war-machine, Andrew Jackson Higgins skillfully designed and engineered landing craft, eventually winning contracts to build 92 percent of the Navy's war-time fleet of landing craft. Andrew Jackson Higgins' story exemplifies the American Dream, and merits this body's recognition for his ingenuity, assiduous work, and devotion to our country.

In the late 1930's, Higgins was operating a small New Orleans work-boat company, with less than seventy-five employees. He quickly earned a reputation for fast, dependable work by turning out specialized vessels for the oil industry, Coast Guard, Army Corps of Engineers, and U.S. Biological Survey. Despite this reputation, when he presented his plans for swift amphibious landing crafts, he met hard resistance. The U.S. Navy had overestimated French and British abilities to secure France's ports from German encroachment, and overruled decisions to create landing boat crafts. When the U.S. Marine Corps finally identified the need for mass production of amphibious vessels for use in both the Pacific and European theaters, Marine leadership began to lobby the Navy to abandon its internal contracting, and procure ships from Higgins Industries, which boasted high performance quality and unprecedented speed in producing boats. In 1941, the Navy finally asked Higgins to begin designing a landing draft to carry tanks. Instead of a design, Higgins designed, built and delivered a complete working boat. It had only taken 61 hours to design and construct this first Landing Craft, Mechanized (LCM). The Navy was so impressed that they awarded the contract and the Higgins firm grew to seven plants, eventually turning out 700 boats a month, more than all other shipyards in the Nation combined. By war's end, Higgins had produced 20,000 boats, including the 46-foot LCVP, Landing Craft, Vehicle & Personnel, the fast-moving PT boats, the rocket-firing landing craft support boats, the 56-foot tank landing craft, the 170 foot freight supply ships and the 27-foot airborne lifeboats that could be dropped from B-17 bombers.

Able to conceive various ship designs and mass-produce vessels quickly at affordable prices, Higgins not only transformed wartime shipbuilding acquisition, but also sustained the universal faith in American invention and global power projection. Higgins boats landed on the shores of Normandy on June 6, 1944, 57 years ago today, the key enablers in the greatest amphibious assault our world has ever seen. In addition to his contributions to Allied war efforts abroad, Higgins' manufacturing further changed the face of my own city of New Orleans, home to most of the firm's business. I urge my colleagues to support provisions to award Andrew Jackson Higgins the Gold Medal of Honor, in the tradition of our great institution.

In 1964, President Dwight D. Eisenhower was reflecting on the success of the 1944 Normandy invasion to his biographer, Steven Ambrose. He remarked that Andrew Jackson Higgins ''is the man who won the war for us. If Higgins had not developed and produced those landing craft, we never could have gone in over an open beach. We would have had to change the entire strategy of the war.'' Mr. Higgins and his 20,000-member workforce embody American creativity, persistence, and patriotism; they deserve to be recognized for their distinguished place in history.

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. 991

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 ''Andrew Jackson Higgins Gold Medal Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Andrew Jackson Higgins was born on August 28, 1886, in Columbus, Nebraska, moved to New Orleans in 1910, and formed Higgins Industries on September 26, 1930;

(2) Andrew Jackson Higgins designed, engineered, and produced the ''Eureka'', a unique shallow draft boat, the design of which evolved during World War II into 2 basic classes of military craft, high speed PT boats, and types of Higgins landing craft (LCPs, LCPLs, LCVPs, LCMs and LCSs);

(3) Andrew Jackson Higgins designed, engineered, and constructed 4 major assembly line plants in New Orleans for mass production of Higgins landing craft, and other vessels vital to the Allied Forces' conduct of World War II;

(4) Andrew Jackson Higgins bought the entire 1940 Philippine mahogany crop and other material purely at risk without a Government contract, anticipating that America would join World War II and that Higgins Industries would need the wood to build landing craft, and Higgins also bought steel, engines, and other material necessary to construct landing craft;

(5) Andrew Jackson Higgins, through Higgins Industries, employed a fully integrated assembly line work force, black and white, male and female, of up to 30,000 during World War II, with equal pay for equal work;

(6) in 1939, the United States Navy had a total of 18 landing craft in the fleet;

(7) from November 18, 1940, when Higgins Industries was awarded its first contract for Higgins landing craft until the conclusion of the war, the employees of Higgins Industries produced 12,300 Landing Craft Vehicle Personnel (LCVP's) and nearly 8,000 other landing craft of all types;

(8) during World War II, Higgins Industries employees produced 20,094 boats, including landing craft and Patrol Torpedo boats, and trained 30,000 Navy, Marine, and Coast Guard personnel on the safe operation of landing craft at the Higgins' Boat Operators School;

(9) on Thanksgiving Day 1944, General Dwight D. Eisenhower stated in an address to the Nation, ''Let us thank God for Higgins Industries, management, and labor which has given us the landing boats with which to conduct our campaign.'';

(10) Higgins landing craft, constructed of wood and steel, transported fully armed troops, light tanks, field artillery, and other mechanized equipment essential to amphibious operations;

(11) Higgins landing craft made the amphibious assault on D-day and the landings at Leyte, North Africa, Guadalcanal, Sicily, Iwo Jima, Tarawa, Guam, and thousands of less well-known assaults possible;

(12) Captain R.R.M. Emmett, a commander at the North Africa amphibious landing, and later commandant of the Great Lakes Training Station, wrote during the war, ''When the history of this war is finally written by historians, far enough removed from its present turmoil and clamor to be cool and impartial, I predict that they will place Mr. (Andrew Jackson) Higgins very high on the list of those who deserve the commendation and gratitude of all citizens.''; and

(13) in 1964, President Dwight D. Eisenhower told historian Steven Ambrose, ''He (Higgins) is the man who won the war for us. If Higgins had not developed and produced those landing craft, we never could have gone in over an open beach. We would have had to change the entire strategy of the war.''.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—

(1) IN GENERAL.—The President is authorized, on behalf of Congress, to award a gold medal of appropriate design to—

(A) the family of Andrew Jackson Higgins, honoring Andrew Jackson Higgins (posthumously) for his contributions to the Nation and world peace; and

(B) the D-day Museum in New Orleans, Louisiana, for public display, honoring Andrew Jackson Higgins (posthumously) and the employees of Higgins Industries for their contributions to the Nation and world peace.

(2) MODALITIES.—The modalities of presentation of the medals under this Act shall be determined by the President, after consultation with the Speaker of the House of Representatives, the Majority Leader of the Senate, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (in this Act referred to as the ''Secretary'') shall strike 2 gold medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medals struck under this Act, under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 5. STATUS AS NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $60,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 4 shall be deposited in the United States Mint Public Enterprise Fund.

By Mr. NICKLES (for himself, Mr. CONRAD, Mr. FRIST, and Mr. TORRICELLI):

S. 992. A bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policy holder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions; to the Committee on Finance.

Mr. NICKLES. Mr. President, today I introduce legislation to simplify the taxation of life insurance companies, along with Senator CONRAD and several of our colleagues.

Our legislation repeals section 809 and section 815 of the Internal Revenue Code. Due to significant changes in the life insurance industry and their taxation over the years, these provisions are no longer relevant and their repeal will simplify the tax code.

Section 809 was enacted in 1984 as part of an overhaul of the taxation of life insurance companies. At the time, mutual life insurance companies were thought to be the dominant segment of the industry, and Congress sought to ensure that stock life insurance companies were not competitively disadvantaged. However, today, mutual life insurance companies comprise only about ten percent of the industry. Section 809 raises little revenue, but is very complex and burdensome. Since the reason for its enactment no longer exists, our bill repeals it.

Section 815 has an even longer history, dating back to 1959. Tax changes in 1959 created an accounting mechanism called a ''policyholders surplus account'' for stock life insurance companies. These companies were allowed to defer tax on one-half of their underwriting income so long as it was not distributed to shareholders. This income was accounted for through the policyholder surplus account. In 1984, Congress eliminated the deferral of income, but they did not address the issue of the policyholder surplus accounts. The amounts in those accounts remain subject to tax if certain triggering events occur. Since no company is willing to ''trigger'' the account, this provision also raises little or no revenue, but it directly inhibits business decisions of these companies. Our bill would also repeal this provision.

Congress has worked hard over the last few years to modernize laws governing the financial services industry to encourage its growth and enhance its competitiveness. Elimination of these old, complicated tax provisions will complement this effort and provide greater certainty to the taxation of these companies.

I encourage my colleagues to join me in this initiative.

By Mrs. CARNAHAN (for herself and Mr. BOND):

S. 993. A bill to extend for 4 additional months the period for which chapter 12 of title 11, United States Code, is reenacted; to the Committee on the Judiciary.

Mrs. CARNAHAN. 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. 993

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

SECTION 1. AMENDMENTS.

Section 149 of title I of division C of Public Law 105–277, as amended by Public Law 106–5, Public Law 106–70, and Public Law 107–8, is amended—

(1) by striking ''June 1, 2001'' each place it appears and inserting ''October 1, 2001''; and

(2) in subsection (a)—

(A) by striking ''June 30, 2000'' and inserting ''May 31, 2001''; and

(B) by striking ''July 1, 2000'' and inserting ''June 1, 2001''.

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on June 1, 2001.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 100—TO ELECT ROBERT C. BYRD, A SENATOR FROM THE STATE OF WEST VIRGINIA, TO BE PRESIDENT PRO TEMPORE OF THE SENATE OF THE UNITED STATES.

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 100

Resolved, That Robert C. Byrd, a Senator from the State of West Virginia, be, and he is hereby, elected President of the Senate pro tempore, in accordance with rule I, paragraph 1, of the Standing Rules of the Senate.

SENATE RESOLUTION 101—NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE OF THE SENATE

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 101

Resolved, That the House of Representatives be notified of the election of Robert C. Byrd, a Senator from the State of West Virginia, as President pro tempore.

SENATE RESOLUTION 102—NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 102

Resolved, That the President of the United States be notified of the election of Robert C. Byrd, a Senator from the State of West Virginia, as President pro tempore.

SENATE RESOLUTION 103—EXPRESSING THE THANKS OF THE SENATE TO THE HONORABLE STROM THURMOND FOR HIS SERVICE AS PRESIDENT PRO TEMPORE OF THE UNITED STATES SENATE AND TO DESIGNATE SENATOR THURMOND AS PRESIDENT PRO TEMPORE EMERITUS OF THE UNITED STATES SENATE

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 103

Resolved, That the United states Senate expresses its deepest gratitude to Senator Strom Thurmond for his dedication and commitment during his service to the Senate as the President pro tempore, further as a token of appreciation of the Senate for his long and faithful service Senator Strom Thurmond is hereby designated President pro tempore emeritus of the United States Senate.

SENATE RESOLUTION 104—ELECTING MARTIN P. PAONE OF VIRGINIA AS SECRETARY FOR THE MAJORITY OF THE SENATE

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 104

Resolved, That Martin P. Paone of Virginia, be, and he is hereby, elected Secretary for the Majority of the Senate, effective June 6, 2001.

SENATE RESOLUTION 105—ELECTING ELIZABETH B. LETCHWORTH OF VIRGINIA AS SECRETARY FOR THE MINORITY OF THE SENATE

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 105

Resolved, That Elizabeth B. Letchworth of Virginia, be, and she is hereby, elected Secretary for the Minority of the Senate, effective June 6, 2001.

SENATE RESOLUTION 106—ENCOURAGING AND PROMOTING GREATER INVOLVEMENT OF FATHERS IN THEIR CHILDREN'S LIVES AND DESIGNATING FATHER'S DAY 2001, AS ''NATIONAL RESPONSIBLE FATHER'S DAY''

Mr. BAYH (for himself and Mr. DOMENICI) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 106

Whereas 40 percent of children who live in fatherless households have not seen their fathers in at least 1 year, and 50 percent of the children have never visited their fathers' homes;

Whereas approximately 50 percent of all children born in the United States spend at least ½ of their childhood in families without father figures;

Whereas nearly 20 percent of children in grades 6 through 12 report that they have not had a meaningful conversation with even 1 parent in more than 1 month;

Whereas 3 out of 4 adolescents report that they do not have adults in their lives that model positive behaviors;

Whereas many of the leading experts on family and child development in the United States agree that it is in the best interest of both children and the United States to encourage more 2-parent, father-involved families;

Whereas it is important to promote responsible fatherhood and encourage loving and healthy relationships between parents and their children in order to increase the chance that children will have 2 caring parents to help them grow up healthy and secure and not to—

(1) denigrate the standing or parenting efforts of single mothers, whose efforts are heroic;

(2) lessen the protection of children from abusive parents;

(3) cause women to remain in or enter into abusive relationships; or

(4) compromise the health or safety of a custodial parent;

Whereas children who are apart from their biological fathers are, in comparison to other children—

(1) 5 times more likely to live in poverty;

(2) more likely to be abused; and

(3) more likely to—

(A) bring weapons and drugs into the classroom;

(B) commit crime;

(C) drop out of school;

(D) commit suicide;

(E) abuse alcohol or drugs; and

(F) become pregnant as teenagers;

Whereas the Federal Government spends billions of dollars to address these social ills and very little to address the causes of such social ills;

Whereas millions of single mothers in the United States are heroically struggling to raise their children in safe, loving environments;

Whereas millions of men do act responsibly and could serve as role models for absent fathers;

Whereas responsible fatherhood should always recognize and promote values of nonviolence;

Whereas child support is an important means by which a parent can take financial responsibility for a child, and emotional support is an important means by which a parent can take social responsibility for a child;

Whereas children learn by example, and community programs that help mold young men into positive role models for their children need to be encouraged; and

Whereas Congress has begun to take notice of this issue with legislation introduced in both the House of Representatives and the Senate to address the epidemic of absent fathers: Now, therefore, be it

Resolved, That the Senate—

(1) designates Father's Day 2001, as ''National Responsible Father's Day'';

(2) recognizes the need to encourage active involvement of fathers in the rearing and development of their children;

(3) recognizes that while there are millions of fathers who serve as a wonderful caring parent for their children, there are children on Father's Day who will have no one to celebrate with;

(4) urges fathers to participate in their children's lives, both financially and emotionally;

(5) encourages fathers to devote time, energy, and resources to their children;

(6) urges fathers to understand the level of responsibility required when fathering a child and to fulfill that responsibility;

(7) is committed to assisting absent fathers to become more responsible and engaged in their children's lives;

(8) calls upon fathers around the country to use the day to reconnect and rededicate themselves to their children's lives, to spend ''National Responsible Father's Day'' with their children, and to express their love and support for their children; and

(9) requests that the President issue a proclamation calling upon the people of the United States to observe ''National Responsible Father's Day'' with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 791. Mr. KENNEDY (for Mr. BINGAMAN (for himself, Mr. HATCH, Mr. KENNEDY, and Mr. DOMENICI)) proposed an amendment to amendment SA 389 submitted by Mr. VOINOVICH and intended to be proposed to the amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

TEXT OF AMENDMENTS

SA 791. Mr. KENNEDY (for Mr. BINGAMAN (for himself, Mr. HATCH, Mr. KENNEDY, and Mr. DOMENICI)) proposed an amendment to amendment SA 389 submitted by Mr. VOINOVICH and intended to be proposed to the amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

On page 1 of the amendment, line 1, strike ''and the Governor'' and insert ''after consultation with the Governor''.

On page 1 of the amendment, line 3, strike ''and the Governor'' and insert ''after consultation with the Governor''.

On page 2 of the amendment, lines 3 and 4, strike ''Governor and State educational agency shall jointly'' and insert ''State educational agency, in consultation with the Governor, shall''.

On page 2 of the amendment, line 14, strike ''jointly'' and all that follows through ''official'' on lines 15 and 16, and insert the following: ''prepared by the chief State school official, in consultation with the Governor,''.

On page 2 of the amendment, line 17, strike ''Governor and the'' and insert '', after consultation with the Governor,''.

On page 2 of the amendment, line 18, strike ''which a'' and insert ''which''.

On page 2 of the amendment, line 19, strike ''Governor and the'' and insert ''fter consultation with the Governor, a''.

On page 3 of the amendment, line 1, strike ''Governor and the'' and insert ''fter consultation with the Governor, a''.

On page 2 of the amendment, strike lines 9 through 12.

On page 3 of the amendment, strike lines 5 through 8.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, June 6, 2001, at 10 a.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JUNE 7, 2001

Mr. DASCHLE. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m., Thursday, June 7. I further ask unanimous consent that on Thursday, immediately following the prayer and pledge, 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 resume consideration of S. 1, the elementary and secondary education bill under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DASCHLE. For the information of all Senators, the Senate will convene on Thursday, June 7, at 9:30 a.m. and resume consideration of the ESEA bill with a rollcall vote in relation to the Nelson-Carnahan amendment at approximately 11:30. Additional rollcall votes are expected throughout the day on Thursday.

Mr. REID. Will the distinguished majority leader yield for a question.

Mr. DASCHLE. I am happy to yield to the Senator from Nevada.

Mr. REID. It is my understanding the majority leader is going to have a 20-minute time limit on the casting of votes in the Senate. Is that a fair statement?

Mr. DASCHLE. Madam President, this has been a constant lament of both Senator LOTT and myself. He has attempted to address it on occasion. I have always been supportive of the effort, to try to be as managerial with these votes as we can be. He and I have talked about it as recently as just prior to the break.

My intent, in answer to the Senator from Nevada, is to do all that we can to terminate the vote at the end of 20 minutes. I think that is ample time. If we are going to be efficient in the use of our time, we cannot allow these votes to drag on. This has been a source of increasing concern to me personally. So we will do our utmost—in fact, I will ask that the votes be terminated at the end of 20 minutes.

I hope Senators can be made aware that will be the policy and we will implement it. If there is an emergency, we can accommodate that. But I also will attempt to impose some discipline with regard to the votes. We will attempt to implement that beginning tomorrow. I put all Senators on notice in that regard.

Let me also say I have discussed the schedule with Senator LOTT with regard to both Friday and Monday. I know that there were a number of Senators who indicated they had conflicts of some consequence on Friday. Because, as I understand it, some consideration had already been given to those conflicts, I want to respect the decisions made with respect to that consideration. And so in keeping with my understanding of the conversations the Republican leader had with some of our colleagues, there will be no votes on Friday.

It is my intention, however, to be in session on Monday and to at least have one, if not more, votes beginning at 5:30. So there will be votes on Monday; no votes on Friday.

I hope we could respect the agreement Senator LOTT and I had with regard to votes on Fridays and Mondays through the month of June. We laid out a calendar that we expected both of our caucuses to appreciate. I am not going to divert from that. I will respect the days that were committed to with regard to concerns raised about schedule with our colleagues. But I will also insist, on those days that are not on that list, that we have votes Fridays and Mondays.

We have to finish the elementary and secondary education bill next week. We will stay for whatever length of time it takes to finish our work. We have been on it now for several weeks. Senator LOTT has been accommodating in his effort to address the issues of schedule raised by colleagues, but I think next week we must culminate our work with a completion of the bill and a vote on final passage.

So that will be the schedule next week. Votes on Monday, votes throughout the week, with an expectation that we will not complete the week until the bill has been finished. We will have additional comment about the schedule on Monday at a later date.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until the hour of 9:30 a.m. tomorrow, Thursday, June 7, 2001.

Thereupon, the Senate, at 7:03 p.m., adjourned until Thursday, June 7, 2001, at 9:30 a.m.

EXTENSIONS OF REMARKS

IN HONOR OF THE PROMOTION OF FBI SPECIAL-AGENT-IN-CHARGE VAN A. HARP

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor and recognize FBI Special Agent in Charge Van A. Harp of Cleveland for his promotion to the Washington Field Office as Assistant Director.

Born May 29, 1945 in Toledo Ohio, Van A. Harp has had a long and distinguished record with the FBI. Upon graduation from the University of Toledo, Harp served as a Special Agent and was soon assigned to the Little Rock, Arkansas Office on January 5, 1970. His achievements and hard-work were noticed, for he soon was transferred to Texarkana, Arkansas, and then again to Detroit, Michigan. He served in Lansing, Michigan in February 1972 until he received an assignment as an SSRA to the Charleston, West Virginia, RA of the Pittsburgh Division.

His distinguished service continued with posts at the FBI Headquarters in Washington, D.C. and then again in Buffalo, New York where he served as the Assistant Special Agent in Charge of the Field Division.

In December 1995, Mr. Harp was relocated to Cleveland where he was promoted to the Special Agent in Charge of the Field Office. It was indeed an honor to have Mr. Harp serve in the Cleveland area and his services, time, and dedication will truly be missed. We are all very proud of his promotion to the Washington Field Office.

Mr. Speaker, I ask you join me in recognition for the outstanding effort and service of Mr. Van A. Harp and wish him luck in his new promoted position.

THE VIEQUES FOUR: THE AMERICAN WAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. TOWNS. Mr. Speaker, the Reverend Al Sharpton has been sitting in jail now for over two weeks alongside his activist colleagues Roberto Ramirez, Assemblyman Jose Rivera, and Councilman Adolfo Carrion Jr. For committing the uniquely American crime of peacefully protesting the United States military's training activity on Vieques. One of the great joys of being an American is knowing that it is your right to express your opinion regardless of whether or not your government agrees with it. In this instance we have a situation in which the ''Vieques Four''—as they have come to be known—were arrested simply because they happened to be standing on Navy property.

The basic issue here is that the United States should stop military training on the island of Vieques and leave the island to the citizens of Puerto Rico. While I support the United States military, I do not believe that military readiness will suffer in any way if training activities are moved to another location where local residents do not have to live in fear of misguided ordnance, noise from training activities or the environmental and health problems which have occurred as a result of the training activities. I urge the administration to take very seriously the concerns of those who oppose the U.S. military training activities on Vieques. While the previous administration tried very hard to achieve a balanced compromise which might ultimately result in the U.S. military leaving Vieques, that solution was not an answer. The only answer is for the U.S. military to leave the island of Vieques and pay for a comprehensive clean up of the site the military has used for training exercises for over the past sixty years.

Hundreds of protesters, who have previously been arrested, were simply punished with a summons and a fine. This would seem to be a reasonable approach. However, the one difference between previous punishments and this one is that the administration has changed hands. The current administration has decided that peaceful protesters, especially those with political notoriety, should be singled out and used as examples of what will happen if one dares to oppose the government's policies. This is an outrageous abuse of prosecutorial powers. I have joined several of my colleagues, led by my good friend and colleague Congressman ANIBAL ACEVEDO-VILA, in pressing the U.S. Attorney General to review these unduly harsh sentences being given by federal judges in San Juan and to request that prosecutors in Puerto Rico seek appropriate sentences for similar offenses in the future. Although we have not yet received a response, the administration has actively opposed the appeal filed by these defendants in federal court illustrating their apparent decision to ''stay the course''. Why is this case being pursued with such vigor? Should a non-violent activist really receive a 90-day jail sentence when his or her actions can only be reasonably characterized as minor. The sentencing of the ''Vieques Four'' is not reasonable, not fair, and should not stand.

TRIBUTE TO CHARLES BEDFORD

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to a great Coloradan and a dedicated public servant. This summer, Charles Bedford will be leaving as the director of the Colorado State Land Board. For the last four years Charles has successfully directed the Land Board through a period of major and significant reform. It was a period of transition that was ushered in by our state's rapid population growth and corresponding increase in the awareness of the importance of preserving our state open lands for their beauty and contribution to our public schools.

The Colorado State Land Board oversees the over 3 million acres of state school trust lands that were given to the state at statehood for the generation of revenue for public schools, among other things. Over the years, the Land Board has managed the state trust lands in order to secure the highest return to our public schools. Although this history has been commendable, the other public and environmental values that these lands can provide to the people of Colorado were in some cases being overlooked.

That awareness led to the passage of a Constitutional Amendment that made some significant changes in the way that state trust lands were to be managed and administered. One of the more significant reforms was the establishment of a ''stewardship trust'' which required that ten percent of the state trust lands be set aside and withheld from development to preserve their important open space, natural and community values.

Charles became the director of the Land Board shortly after the passage of this Constitutional Amendment. Such dramatic change was not without difficulty and conflict. Yet Charles ably helped steer the Land Board through these changes and controversies and helped achieve a successful transition to a new era.

As with many other Coloradans, Charles realized the important role these state lands could play in providing the scenic open space that we have all come to enjoy while at the same time contributing to the long-term financing for our public schools. While many in the state were skeptical concerning the new direction the Land Board was embarking on, Charles was able to successfully bring the different sides together. Among many of his and the Land Board's accomplishments has been the designation of 300,000 acres in the Stewardship Trust. These great lands are now protected for all Coloradans to enjoy while continuing to make important contributions for the financial benefit of our schools.

Charles has also initiated new partnerships with local communities to utilize state lands to benefit the communities as well as raise money. These partnerships have enabled communities to acquire additional tracts of open space for the continued use and enjoyment of their citizens.

Charles Bedford is leaving the Land Board to take the position of Associate Director of Nature Conservancy Colorado. In this new role, which his dedicated years of public service have prepared him well for, he will continue to work toward protecting valuable land for the enjoyment of future generations. I wish Charles the very best of luck in his new endeavor and look forward to continuing to work in partnership with him for the benefit of all Coloradans. I very sincerely thank him for his service to the people of Colorado.

Mr. Speaker, I am attaching a recent column from the Denver Post that further acknowledges Charles's accomplishments at the Land Board. I want to personally thank Charles Bedford for his years of dedicated service.

UNCOVERING HIDDEN LANDS

(By Joanne Ditmer)

Sunday, April 22, 2001.—When Colorado became a state in 1876, the federal government gave land to the new state to raise funds for eight trusts, the largest being K–12 education.

The state Land Board owns 3 million acres and manages an additional 1.5 million acres of mineral rights. These are ''hidden lands,'' for few of us know how they or the money they generate are managed. Many have grazing leases, giving us the ''country'' look we value while they bring in dollars.

Charles Bedford, a fourth-generation Coloradan, is resigning after four years as Land Board director. A highly capable and competent administrator, he's given considerable thought to what changes could improve the management and benefits of those state lands.

The past decade, Colorado's citizens have become aware that state lands have additional value beyond their revenue; they are even more precious when development covers other landscapes. Decisions on state lands made solely for money, for one-time gain, frequently are disasters.

With this new perception, in November 1997 voters passed Amendment 16, which provided that a portion of those state lands must be put into permanent stewardship. Generally, the sites were chosen for their value as natural resources and open space, and were not to be sold for development. In 1998, 200,000 acres were designated for the Stewardship Trust; another 100,000 acres were added in 2000.

Bedford recalled that implementing the Stewardship Trust meant overcoming much suspicion; ranchers and farmers thought it was an attack on agricultural lands; school systems feared a cut in income; and environmentalists charged it wasn't what was promised.

Other accomplishments since then, Bedford said, included the partnerships forged with local communities to utilize state lands in ways that benefit the communities as well as raise money. These include the purchase by Routt County and Steamboat Springs of Emerald Mountain; the 400 acres sold to Larimer County Open Space; convening neighboring ranchers and natural-resource experts to help design a plan for the 85,000-acre Chico Basin Ranch in Pueblo and El Paso counties; and other innovative ideas that address the public's desire for open space while raising money for education.

Bedford recommends his successor continue to work to achieve local government priorities, perhaps by pushing legislation that would allow the Land Board to sell property directly to local governments or other state agencies for its appraised value, instead of pitting them in a bidding war against developers.

The Land Board produces between $30 million and $40 million per year, or less than one-half of one percent of the total state school appropriation for education (and that appropriation is itself about half the total expenditures on education, with local funding making up the balance).

Amendment 16 mandated that money generated by the Land Board be ''in addition to'' funds appropriated to education through the School Finance Act, but the Legislature has not changed the method through which board funds are distributed. Bedford believes legislation should be supported that more clearly channels funds directly to schools and implements the ''in addition to'' language of Amendment 16. Finally, Bedford said the Land Board is ''unconscionably'' understaffed, with the lowest staff-to-acreage ratio of any comparable land board in the West. That means there can't possibly be adequate and thoughtful management of these valuable and irreplaceable lands.

''We own about 4 percent of the surface area of the state,'' Bedford concluded. ''It's a huge asset, worth a lot of money, worth a lot of thinking. It's been on the back burner for much too long.''

Bedford served Gov. Roy Romer as Natural Resources Policy analyst for two years and as legal counsel for one year. On June 1, he becomes associate director of the Nature Conservancy of Colorado, where his dedication and expertise will continue to benefit the state.

The international non-profit conservation organization preserves ecologically significant landscapes for future generations. In Colorado, it protects more than 425,000 acres of the state's Last Great Places.

CENTRAL NEW JERSEY RECOGNIZES THE 25TH ANNIVERSARY OF FLEMINGTON BOY SCOUT TROOP 194

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. HOLT. Mr. Speaker, I rise today in recognition of Flemington, New Jersey-based Boy Scout Troop 194's twenty-fifth anniversary.

Troop 194 was originally chartered with St. Magdalen's R.C. as its sponsor. In 1988, the troop was re-chartered at the Flemington Baptist Church. Currently, Troop 194 enrolls approximately 100 scouts, as participation in its summer camp program continues to increase.

Throughout its existence, Troop 194 has boasted a number of accomplishments. These include a dramatic increase in the troop's size, as well as the honoring of some twenty-two young men with the rank of Eagle Scout since 1981. Troop 194 has also undertaken various projects, which include cleaning up nearby Morales Park, working at local churches, and volunteering with the local Food Pantry. The troop continues to thrive as it continues to welcome new scouts and to contribute to the health of the surrounding community.

Once again, I congratulate Boy Scout Troop 194 on its accomplishments, and I ask my colleagues to join me in praising the scouts' record of achievement.

COMMENCEMENT ADDRESS AT WENTWORTH MILITARY ACADEMY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. SKELTON. Mr. Speaker, I had the privilege to give the commencement address at Wentworth Military Academy on May 19, 2001. As a graduate of Wentworth and a lifelong resident of Lexington, Missouri, Wentworth's home, it was a distinct honor. Accompanying me was General John Abrams, Commanding General at United States Army TRADOC, who commissioned 14 Second Lieutenants. My speech to that group is set forth as follows:

First, let me thank General John Abrams for being with us today. His participation in this event marks this as an historic moment for Wentworth, but more importantly honors the 14 new Army second lieutenants. This day will be a treasured memory for all of us for years to come, and we are truly grateful for General and Mrs. Abrams' presence this morning. Thank you.

Whenever I come to the Wentworth campus, my alma mater, memories of yesteryear flood my mind—rounding the far corner of the cinder track, the staccato history lectures of Captain Bob Heppler, standing in formation with my fellow cadets, and reading the inscription on the Administration Building—''Achieve the Honorable''—and wondering what in the world it meant.

But as Kipling wrote, that was ''long ago and fer away.''

I am honored to have the opportunity to speak at today's ceremonies, but I have to confess that a graduation speech is a difficult assignment. With all of the excitement, and with the pride of individual and class-wide achievement that surrounds graduation day, few can be expected to remember what the speaker had to say. But I am not going to let that prevent me from sharing a few words of wisdom that have meant something to me and I hope will give you something to think about as you leave here and move into the next adventure of your lives.

Graduation day celebrates the steps each of you have completed to prepare for the future. It is a day to look forward. I can remember when I was in school, a guest speaker at an assembly told the students, ''you are the leaders of tomorrow.'' At that point in my life, it was very easy to shrug off that statement. It's hard to imagine your buddies grown up and raising families, operating their own businesses, participating in civic life, leading a platoon of soldiers, or running for political office. But somehow it happens. Today, with your degree, you are on the brink of that tomorrow, and people will be looking to you for leadership.

Some time ago, I hosted a small breakfast for the famous historian and author Stephen Ambrose. You will recall that he wrote the books, D–Day, Citizen Soldier, and a book entitled Undaunted Courage, which details the saga of Lewis and Clark, who traversed the continent from 1804 to 1806.

That morning, I asked Professor Ambrose what it was that made America so great and so different. I was expecting his answer to be something along the lines of America's frontier westward movement, or our abundance of natural resources, or our great diversity of people. But this was his answer.

''Look at Russia. Russia has more natural resources than all of North America. Russia has a hearty workforce. But Russia did not have a George Washington, a John Adams, a Thomas Jefferson, or a James Madison, all of whom established our American values.''

So what makes America so different and so great? Our values. We have been uncommonly blessed with leaders whose vision has allowed America to grow and prosper for over 200 years. The democratic system of government that our Founding Fathers set into motion has served us very well.

It is a common creed, not common ancestral roots, which binds us together as a nation. These are lasting values. They do not change. These are values that were instilled in me growing up in Lexington and during my time at Wentworth.

As we approached the year 2000, a great deal of attention focused on millennium celebrations all over the world. Any time we

begin a new century, people tend to look back nostalgically, examining what life was like in the good old days. In America at the turn of the last century, only one out of seven homes had a bathtub, one in thirteen had a telephone. Today, every home not only has a telephone, but also more than two televisions per household. Undeniably, the technology that we use in our everyday lives has changed a great deal over the last hundred years, but I believe that the values we hold dear remain constant.

This fact was reinforced for me when I recently re-read a copy of the graduation address to the Wentworth Military Academy graduates of 1900. The speech was given by a then prominent young Lexington lawyer, Horace Blackwell, a graduate of Wentworth High School ten years earlier, a member of the Class of 1890. As you may know, the junior college was not added to Wentworth until 1923. From reading the speech I was reminded of Mr. Blackwell's enormous talent as an orator.

I knew Mr. Blackwell. He was successful in his profession and a leader in his church and in civil affairs. He signed my application to become a member of the Missouri Bar, and I was a pall bearer at his funeral in 1956. I can still visualize him, early in the morning at the barber shop for his daily shave, wearing his black suit, his celluloid collar, and his maroon bow tie.

In Mr. Blackwell's address on that June day over one hundred years ago, he advised the graduates to adopt two American values that have stood the test of time and are still important to us.

The first was ''be courageous.''

The dictionary defines courage as ''the state or quality of mind or spirit that enables one to face danger with self-possession, confidence, and resolution; bravery.''

Horace Blackwell said that being courageous ''is half the battle.'' This institution has produced many so filled with courage. From the Wentworth ranks we can find a Medal of Honor recipient as well as a four-star general.

The cornerstone of our country has been courage: Those who sailed from Europe and landed at Plymouth Rock, those who established the colonies, those who fought in our revolution, those who moved west into the uncertainties and dangers of the wilderness, those inventors and industrialists who did not have the word ''can't'' in their vocabularies, those who fought at Chateau Thierry, like Wentworth's late Colonel J.M. Sellers Sr., in the First World War, those who stormed the beaches of Normandy and Tarawa in the Second World War, those who fought the spread of communism in Korea, those who braved the jungles of Vietnam, those who fought the Iraqi Army just ten years ago.

The other value Horace Blackwell charged the graduates to adopt was to ''be industrious''. Blackwell stressed the importance of hard work, work that involves not only the body but also the brain. The steady industriousness of the American people has led our nation to become the bastion of freedom in this world and the greatest civilization ever known.

Some students think that once they leave school, there will be no more reading assignments. That's not true in my office. In fact, when new staffers come to work for me, a story entitled ''A Message to Garcia'' is required reading. This story tells the tale of a fellow named Rowan. During the Spanish American War, Rowan was asked by President McKinley to take a message to an insurgent leader in Cuba named Garcia. Nobody knew where in the wilderness Garcia was hiding, no mail or telegraph message could reach him. But Rowan took the letter, and without complaint, without asking how or why, embraced his assignment and set out to find Garcia, which he did.

The story says that it isn't so much book-learning that young people need, but a ''stiffening of the vertebrae which will cause them to be loyal to a trust, to act promptly, to concentrate their energies: do the thing—'Carry a message to Garcia!'" This persistence and industriousness will take a person far in life.

It is interesting to note that Horace Blackwell's lessons on being courageous and being industrious were not lost on his two sons. Both became prominent attorneys in Kansas City, one of them becoming the President of the Missouri Bar Association and the other a recipient of the Silver Star in World War II. Both sons were junior college graduates of this school.

In addition to Mr. Blackwell's counsel which I pass along to you, a new generation, I would like to give you a few more words of advice.

My friend, the late Congressman Fred Schwengel, told me about meeting then-Senator Harry S Truman in 1935 while Schwengel was a college student in Missouri. Truman advised him that to be a good American, ''. . . you should know your history.''

Knowing the lessons of history will serve you well, just as it did for Truman during his Presidency. At the end of the day, we as Americans must face stark realities. The world is far more dangerous than ever before. The end of the Cold War has fostered instability in regions heretofore unheard of. American diplomacy and the military will be called upon to keep the peace, settle disputes, and defend our interests. Americans will be challenged to the best that is in us.

But America needs more than military might and diplomats. America needs strength on the home front. Strength of character, strength in civic affairs, and strong communities. The core of America—its heart and soul—needs to be just as courageous and industrious as those on the front lines of international affairs. America must fulfill its potential to be a great civilization that is respected by the peoples of all countries.

Your years at Wentworth have taught you American values, and as you graduate and enter another phase of your life, it is my hope that you will take your place as so many other Wentworth graduates have, bearing the banners of courage and industriousness that will pave the way for you and for a brighter future for our country and peace-loving nations.

As you go forth in life, I charge you to: take responsibility for your actions; be honest and direct in your dealings with others; humble in your demeanor; thoughtful and considerate of others; loyal to your friends; devoted to your family; determined in your endeavors; know the history of our country; appreciate humor; proud of the uniform you wear; and love America.

Keep in mind one more thought. President Truman, who once visited this campus in the 1950s, liked to tell the story about the grave marker in Tombstone, Arizona, that read, ''Here lies Jack Williams. He done his damndest.'' Missouri's President always strived to do just that—to do his damndest—that is, to do his best. So I charge you to heed the wisdom of that epitaph by doing your damndest. By doing so, your dedication will ensure that American freedom continues to shine like a polestar in the heavens.

Congratulations, and God bless.

IN RECOGNITION OF THE CONTRIBUTIONS OF ANTHONY QUINN

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Ms. SOLIS. Mr. Speaker, I rise to recognize the contributions of the late actor Anthony Quinn. Mr. Quinn, who died of respiratory failure on June 3, 2001, is remembered by the people of the 31st Congressional District and beyond for his outspoken stance on social justice issues and his positive portrayal of Mexican and Native American people.

Anthony Rudolph Oaxaca Quinn was born in Chihuahua, Mexico, to parents of Irish, Mexican, and Native American heritage who fought in the Mexican Revolution with Pancho Villa. His family fled to the United States when Anthony was an infant and settled in California after a short stay in El Paso, Texas. Prior to moving to East Los Angeles at age 6, Anthony worked alongside his parents picking fruit in California's Central Valley, earning 10 cents an hour. In part due to this experience, Mr. Quinn appreciated portraying the plight of working-class people. The Quinn family home in East Los Angeles is now the parking lot of the Anthony Quinn Library—located in the 31st Congressional District.

Mr. Quinn was not only a gifted actor, he was also a writer, artist, and political activist. After the 1942 ''Sleepy Lagoon'' trial, in which 22 Mexican youths from East Los Angeles were wrongly convicted of murder following a gang killing, Mr. Quinn helped to raise funds for an appeal. Years later, the accused young people were finally declared innocent.

Mr. Quinn earned two Oscars as best supporting actor, the first in 1952 for ''Viva Zapata!'' and the second in 1956 for his portrayal of painter Paul Gauguin in ''Lust for Life.'' Mr. Quinn identified strongly with two cultures, the Mexican and the Irish, but could not be categorized as only representing those nationalities. His diverse background and appearance allowed him to play a wide range of characters from varying nationalities, including his most memorable as a Greek peasant in ''Zorba the Greek.''

On behalf of the 31st Congressional District, I recognize Mr. Quinn's contributions to both film and social justice causes and extend my condolences to his family and friends.

TRIBUTE TO THE OUTBACK STEAKHOUSE EMPLOYEES

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to the outstanding community service, charitable giving and volunteer efforts of the management and employees of the Outback Steakhouse franchise in Saginaw Township, Michigan.

While the Outback Steakhouse is widely known for its excellent food and original atmosphere, bringing its special brand of land-down-under hospitality to the American culture, the local franchise and its dedicated workers also actively support numerous non-

profit organizations as a way of giving back to the community. The local effort began five years ago when former franchise owner Steve Jahn identified several charities he wanted to help. Steve put his heart and soul into the restaurant's outreach programs and new owner Mitch Hudecek has pledged to continue to seek out ways to maintain the Outback's exceptional level of community involvement.

Over the years, the Outback's excellent staff have spent untold hours cooking, serving and cleaning at events for organizations including the Boys and Girls Clubs of America, Big Brothers/Big Sisters of America, the Boysville Summer Olympics, the Make-A-Wish Foundation and the St. Luke's Hospital Epicurean Delight. At no cost to these non-profits, the restaurant has donated their mouth-watering steaks, delicious desserts and other palate-pleasers to help charities defray the high cost of fundraising events.

Non-profit groups depend upon the largesse of businesses and individuals to donate goods and services for enterprises to support their endeavors. The Outback Steakhouse and their employees have raised the bar for others when it comes to doing one's part for the greater community. It is especially noteworthy that Outback workers volunteer their time for every event in which they take part. Their dedication of time and quality service speaks volumes about them individually and about the spirit of voluntarism fostered by the Outback's management. In addition, the restaurant continually reaches out to young people by providing free tours of the kitchen and its operation to area schools.

Mr. Speaker, I ask my colleagues to join me in expressing my sincere appreciation to the Outback Steakhouse for their generous contributions to our community and their continued pursuit of excellence across the board.

LONG-RANGE ENERGY PLAN NECESSARY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial from the May 25, 2001, *Norfolk Daily News*. The editorial stresses the need to develop a long-range plan to address the nation's energy problems. The Bush administration is to be commended for offering a comprehensive plan with dozens of specific recommendations. it is imperative for Congress to work with the administration to develop a sensible long-term energy policy which will help assure Americans of development of diverse, reliable, affordable energy sources and an emphasis on energy conservation. Clearly, too, development of energy sources must be done in an environmentally responsible manner.

NO IMMEDIATE RELIEF IS PROMISED

With typical impatience, many Americans are disappointed that President Bush's energy plan does not immediately resolve the problems with high gasoline prices and the costs of electricity. Natural gas has escalated as well, and there is nothing in the Bush plan that puts a lid on prices or rations supplies.

Instead, he proposes to deal with the problems on a long-term basis. It may well mean he will be a one-term president, but if the plan gains acceptance, it is a small price to pay.

The clamoring for the federal government to do something, anything, about California's electric bill, which rose from $7 billion in 1999 to $28 billion last year and is expected to be upward of $50 billion next year, is intense. It seems typical of state or local government blaming Washington first and expecting to be bailed out. The idea that the state is too big and too important to the rest of the nation leads politically to the thought that federal intervention and ''temporary'' price caps are the only solution.

Energy policy must be based on the nation's best interests, however, and not those of residents or business enterprises in any one state.

The solution is to be found in realistic energy pricing which, in the case of gasoline now pushing upward of $2 a gallon, is not as costly as 20 years ago when inflation is taken into account.

Painful as that is, and especially for those in farming where costs are not often passed on, the alternative of price controls, quotas and rationing would be worse.

That segment of the oil industry in the United States which finds ways to obtain supplies from old sources thought to be uneconomic is now being revived. There are known reserves, notably including those offshore near California and the Gulf Coast, to be utilized. And there is also the Arctic National Wildlife Refuge that offers promise.

Some of these developments, inherent in the new plan, are vigorously opposed from an environmental standpoint. It may take even higher prices and more severe winters to convince policymakers that the conflicts between animal habitat and human needs require more compromise and not total bans on exploration and drilling under carefully controlled conditions.

While the Bush National Energy Policy is strong on emphasizing the production side, including nuclear sources and cleaner coal technology, it offers important incentives for conservation, for wider development of high-mileage vehicles, wind and solar power.

In short, it is a broad plan which can make America less dependent on foreign sources. That it does not solve immediate price and supply problems or establish a new energy czar with dictatorial powers is not a flaw. That it does not immediately solve problems unique to those states which handled deregulation programs poorly is not a weakness. But it will take much political foresight to recognize that.

HONORING LEONOR VON WALDEGG DELGADO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. DIAZ-BALART. Mr. Speaker, I rise to congratulate Leonor Von Waldegg Delgado for her 96th birthday. Born on June 6, 1905 in Bogota, Colombia to Julian Delgado Mallarino and Mercedes Morales Rocha she celebrates a lifetime of achievements—the cornerstone of which is reflected in her loving family.

She is the paternal grand-daughter of former Colombian Senator and Minister Evaristo Delgado and Susana Mallarino Cabal and the maternal grand-daughter of Julian Morales Quintero and Christina Rocha Caicedo. Her father, Julian Delgado Mallarino served as Colombian Minister of Public Instruction and her mother Mercedes Morales Rocha was known as a benevolent woman committed to helping children and the poor.

Leonor was married on July 21, 1928 to Baron Herman Von Waldegg in Bogota at the Roman Catholic Church of Vera Cruz. Colombia's sitting President, Abadia Mendez was in the wedding procession and the reception followed at the Presidential Palace, La Casa de Narino. Baron Von Waldegg was a renowned archeologist featured in the May 1940 issue of the National Geographic magazine. He taught at Boston College in Massachusetts and Columbia University in New York and served as the Curator of Natural History in both Boston and New York.

She comes from a large family. Her brothers include: Alvaro Delgado Morales, Carlos Delgado Morales, Enrique Delgado Morales, Julian Delgado Morales, Camilo Delgado Morales, Jaime Delgado Morales and German Delgado Morales. Her sisters include: Carolina Calle Mejia, Mercedes Gutierrez Rubio, Susana Arbelaez Manrique, Teresa Escruceria Mallarino, Ines Barbosa Manrique.

She is the mother of Jimmy Von Waldegg and Teresa Uribe. She is the grandmother of Robert and Patty Dempster, Allen and Lisa Dempster, John and Fran Dempster, George D. Uribe II, and Sherry Arbelaez, Vicki Von Waldegg, Jaime Von Waldegg and the great-grandmother of Robbie Dempster, Jr., Dylan Dempster, Teddy Dempster, Becky Dempster, John F. Dempster II, Deanna Romero, Cheri Arbelaez and Daniel Evans Von Waldegg. She is the great-great grandmother of Sabrina Romero, Samantha Romero, Sierra Romero and James Arbelaez Tacconi.

Today she celebrates an amazing life as well as an abundance of love for family, her faith in God and the legacy of integrity upheld throughout the generations. She instills a sense of responsibility and enjoys a rich cultural history. She has a winsome personality, a great sense of humor and an amazing ability to write and recite poetry.

Mr. Speaker, I congratulate her on this special occasion and wish her a very happy birthday. I send my best to her family as they celebrate not only a birthday but also a legacy of a woman who will continue to live through the lives of her loved ones.

CODIFICATION OF TITLE 40, UNITED STATES CODE, PUBLIC BUILDINGS, PROPERTY, AND WORKS

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. SENSENBRENNER. Mr. Speaker, today I am introducing a bill to codify and enact certain general and permanent laws, related to public buildings, property, and works, as title 40 of the United States Code. This bill has been prepared by the Office of the Law Revision Counsel of the House of Representatives as a part of the responsibilities of that Office to prepare and submit to the Committee on the Judiciary, for enactment into positive law, all titles of the United States Code. This bill makes no change in the substance of existing law.

Anyone interested in obtaining a copy of the bill and a description of the bill, containing a

section-by-section summary, should contact the Office of the Law Revision Counsel, U.S. House of Representatives, H2–304 Ford House Office Building, Washington, D.C., 20505–6711. The Telephone number is (202) 226–2411.

Persons wishing to comment on the bill should submit those comments to the Office of the Law Revision Counsel no later than September 10, 2001.

ON PASSAGE OF H.R. 1, THE NO CHILD LEFT BEHIND ACT OF 2001

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Ms. McCOLLUM. Mr. Speaker, I was pleased to support H.R. 1, a bipartisan bill to reauthorize the Elementary and Secondary Education Act. It is a good bill, but it is far from a perfect bill.

H.R. 1 substantially expands authorized funding levels targeted to America's neediest children. I am pleased that this bill excludes voucher provisions that would have stripped scarce funds from our public schools. Further, keeping out the Straight A's state block grant programs was the right thing to do.

Even though I voted for this bill, I have some strong reservations about it that I hope will be worked out in the conference committee. First, the new testing requirements in grades three through eight are an unfunded mandate by the federal government on our local schools. Second, I am deeply disappointed that neither class size reduction nor school construction was addressed in this bill.

I applaud the work of the Education and the Workforce Committee for writing a bipartisan bill to strengthen education for all of our children. There is much more work to be done, however, to ensure that every child in America receives the education they deserve. We need to renew our commitment to fully fund special education, lower class sizes, and attract and retain qualified, committed teachers. I hope H.R. 1 will reflect these priorities.

IN HONOR OF BISHOP ROGER W. GRIES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor and celebrate Bishop Roger W. Gries upon being named Auxiliary Bishop of Cleveland.

Bishop Roger W. Gries has served the Cleveland and world communities in countless ways. He was originally baptized on April 11, 1937 at Holy Trinity Church in Cleveland, Ohio. Early in his education he attended Benedictine High School. Upon graduation he attended Saint John's University and eventually Loyola University in Chicago, Illinois. His faith and love then brought him to Saint Joseph Seminary, Blessed Sacrament Fathers, in Cleveland, Ohio.

After ordination in 1963, Bishop Gries served his community in many ways. He originally taught at Benedictine High School. However, soon thereafter his peers recognized his special gift for education and he later served as Assistant Principal, and then Principal. He then served as Abbot to the Saint Andrew Abbey from 1981–2001. He still serves today at St. Hyacinth Church in Cleveland.

Bishop Gries' joy and strong faith is apparent after listening to any of his sermons. His kind-spirited and good-nature has brought countless people to his church. His dedication, generosity, and love to his members is like no other; he truly cares for all people. We, as a community, are blessed to have people like Bishop Gries in our neighborhood.

Mr. Speaker, Bishop Gries has served his community selflessly. His love and talent has led him to numerous churches and schools in the Cleveland area where he has shared his faith. Please join me in celebration and recognition of Bishop Roger W. Gries on his naming to Auxiliary Bishop of Cleveland.

A TRIBUTE TO ONE WORLD-ONE HEART, INC.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. TOWNS. Mr. Speaker, I rise today in honor of the contributions of One World-One Heart, Inc. and it's supporting organizations for there work that exemplifies our nation's unity, respect for your neighbor, and cultural exchange through inter-generational activities and programs.

One World-One Heart, Inc. a New York based non-profit organization, provides access to educational, recreational, cultural and intergenerational programs for participants from all ethnic, religious, economic and cultural backgrounds. The organization also provides programs at the elementary, high school and senior citizen level that encourage intergenerational interaction, respect for peers, and multicultural appreciation and understanding.

Every year in June, the organization partners with other long standing organizations that share the philosophy of service to community and creates free public events to disseminate positive messages in a fun way. ''The Taste of Pizza'' Month, which continues to expand every year, includes a wide range of communities. In four short years, the campaign has mobilized other non-profits; educators, community leaders, business, and elected officials to help spread the message of non-violence in our schools; unity and multicultural appreciation to youths and adults alike.

The message is disseminated through pizza. Pizza serves as a symbol of the rich diversity of our society and is used by educators to explain concepts in areas of mathematics, history, and culture.

Certainly the message is a simple, but powerful one. One World-One Heart and its supporters, by taking the program nation-wide will celebrate it's citizens and supporting organizations from coast to coast including World Champion Dough Thrower, Tony Gernignani; PMQ Magazine; Pizza Hut; Sharing in Neighborhood Experiences (SHINE); Plainview Old Bethpage John F. Kennedy High School; Cox Radio, Inc., Clear Channel Communications, and others; who will help to present a series of free public events and in-school programs. At the end of the program, all will enjoy, ''Tony Modica's Pizza Dance'' a celebratory group dance which was created specifically for the first ''pizza'' celebration.

We all have more in common than we sometimes can imagine. It is through the recognition of commonalities, such as pizza, which help to break down barriers of misinformation and misunderstanding. One World-One Heart, Inc. and its supporters are positive examples of how private citizens and non-profit organizations can make a difference in the community with the support of business and government.

It is for these reasons that I urge my colleagues to join me in recognizing, One World-One Heart, Inc. and the ''Pizza'' in proclaiming June, ''National Taste of Pizza'' Month.

TRIBUTE TO JOY FISHER

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise today to both honor and thank Ms. Joy Fisher for her astounding dedication to her volunteer work. Over the past decade, Ms. Fisher has spent many hours volunteering at the Colorado Bureau of Land Management, the Seniors' Resource Center and the Library of the Blind. The time she has dedicated to the BLM, alone, totals more than 15,600 hours.

Beyond the numerous hours Ms. Fisher has donated, this 89-year old woman deserves credit for her courtesy, professionalism, optimism and her love of life. She has earned the respect of those who know her and made all those whom she has helped feel welcome. Her dedication and hard work should serve as an inspiration to us all.

Ms. Fisher's selfless commitment to volunteerism, her passion for life and her dedication to those organizations she works for is admirable. Mr. Speaker, I would again, like to thank her on behalf of the people of Colorado.

CENTRAL NEW JERSEY RECOGNIZES ITS SERVICE ACADEMY STUDENTS

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. HOLT. Mr. Speaker, I want to recognize today a group of very special young men and women from Central New Jersey. One of the most important duties of a Member of Congress, as well as one of the most enjoyable, is nominating students to the United States service academies. In an age when media portrayals of young people are increasingly negative, getting to know students through the nomination process is an important reminder of the patriotism, sense of purpose, dedication to service and excellence of America's youth.

From a pool of over 40 students from my district who went through the rigorous and time-consuming process of applying for a Congressional nomination, I am very proud to say

that twelve young women and men from Central New Jersey will be enrolling in America's service academies this year. They are the very best of an exceptional group, and I was proud to nominate them.

Five young men from the area will be attending the United States Military Academy at West Point, New York, to be commissioned as officers in the United States Army. I would like to recognize Kenneth Elgort of Montgomery, Ivan Eno of Interlaken, Chris Larsen of Princeton, Eric Schlieber of Raritan, and Balint Simsik of Ringoes.

Four young people from Central New Jersey will be attending the United States Naval Academy at Annapolis, Maryland, to be commissioned as officers in the United States Navy. I would like to recognize Brant DeBoer of Monroe, Brandis Kemp of Pittstown, Brian Richards of Sergeantsville, and Joshua Wort of Tewksbury.

One young man from my district will be attending the United States Air Force Academy at Colorado Springs, Colorado, to be commissioned as an officer in the United States Air Force. I would like to recognize Bryan Kelly of South Brunswick.

Two young women from Central New Jersey will be attending the United States Merchant Marine Academy. I would like to recognize Lindsay Elgart of Middletown and Victoria Millar of Princeton.

Mr. Speaker, I hope the House joins me in noting the accomplishments of these young men and women, and in wishing them the best of luck at the service academies and in their careers.

TRIBUTE TO MISSOURI STATE HIGHWAY PATROL OFFICER EVERETT H. MORGAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. SKELTON. Mr. Speaker, it has come to my attention that Corporal Everett Morgan, of Lafayette County, Missouri, recently retired from the Missouri State Highway Patrol after 35 years of outstanding service.

Corporal Morgan has dutifully served the citizens of Missouri for three decades. He was born in Corder, Missouri, and later graduated from Corder High School. Corporal Morgan then attended Central Missouri State University. In 1963 Everett joined the U.S. Army and served for six years at Fort Leonard Wood, Missouri, and Fort Still, Oklahoma. While serving in the U.S. Army, Corporal Morgan attended and graduated from Missouri State Highway Patrol Recruit Training.

Corporal Morgan's first assignment was to Troop A, in Jackson County, Missouri. He served Zone's 1 and 4 before being promoted to Corporal and assigned to Zone 7. Corporal Morgan served the last five years in the Gaming Division until retiring on April 1, 2001.

Mr. Speaker, Corporal Morgan has dedicated 35 years to the Missouri State Highway Patrol, serving with honor and distinction. I know that the Members of the House will join me in wishing him all the best in his retirement.

TRIBUTE TO THE MICHIGAN FRATERNAL ORDER OF POLICE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. BARCIA. Mr. Speaker, I rise today to honor the members and leadership of the Michigan Fraternal Order of Police for the vital role they play in supporting law enforcement throughout the state and for their far-reaching volunteer efforts and unparalleled generosity.

The National Fraternal Order of Police is well-known for standing sentinel for more than 290,000 men and women in law enforcement across America, including 12,000 members in more than 50 lodges in Michigan. For many years, the organization has protected and defended the interests of its members and their families in public policy debates and other forums that help formulate rules and legislation affecting the way police officers do their job, including recently spearheading an effort for tuition waivers for survivors of police officers killed in the line of duty.

Under the strong leadership of Executive Director John Buczek and President Kevin Sommers, the organization, does much more than address the critical concerns of its members. It also has a well-deserved and laudable reputation for responding to local communities and charities with donations and service that greatly enhance the image of police officers as the trusted, kind and dependable keepers of the peace that children and others in need can turn to for assistance.

In particular, members of the Michigan Fraternal Order of Police deserve high praise for their collective and individual support of many charities, sports teams, scholarship programs and post-prom parties on behalf of young people statewide. Each year, the organization awards $20,000 in scholarships to Michigan eighth-graders for an essay contest designed to encourage students to say no to drugs and alcohol. They also operate a children's identification program in association with Wal-Mart Corporation and just began a Kids and Cops at the Circus program, which allowed them to take 1,000 children to the Shrine Circus. Additionally, the group fields a team of runners in the Special Olympics Torch Run, raising over $10,000 for people with disabilities.

Mr. Speaker, I ask my colleagues to join me in expressing gratitude to the members and leadership of the Michigan Fraternal Order of Police for their good will and big-heartedness and in wishing them continued success in all their noble endeavors.

THE OHIO LATINO ARTS ASSOCIATION 2001 CONFERENCE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor and recognize the Ohio Latino Arts Association 2001 Conference, ''El Milenio Latino,'' to be held in Cleveland, Ohio.

This year the Ohio Latino Arts Association, OLAA, will be celebrating a year in the arts in the heart of Cleveland, Ohio at the Museum of Art. Their theme, ''El Milenio Latino,'' the Latino Millennium, embodies the diversity and ethnicity involved with this very special conference.

The organization's mission is to ''identify, preserve, promote, and develop Latino cultural expression.'' This conference will further that mission through keynote speakers, art workshops, panel discussions, and many other activities. Cultural expression and diversity will be a key theme throughout the entire weekend, as people from all walks of life gather to celebrate their differences.

Over 500 visitors are expected to attend this conference sponsored by a network of Latino cultural arts organizations and artists. The Ohio Latino Arts Association thrives to encourage the development of a ''first voice'' for Latinos in the arts, and this weekend is a wonderful opportunity to do just that.

Mr. Speaker, please join me in recognition of the Ohio Latino Arts Association for their many years of dedicated service and their Ninth Annual Conference to be held in Cleveland, Ohio.

PERSONAL EXPLANATION

HON. C.L. ''BUTCH'' OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. OTTER. Mr. Speaker, on Roll Call Vote 126 I was unavoidably detained. Had I been present I would have voted ''yea''. I am proud of our Pearl Harbor veterans and the thousands of young men who gave their lives for their country that day.

INTRODUCTION OF THE ''GLOBAL ACCESS TO HIV/AIDS PREVENTION, AWARENESS, EDUCATION, AND TREATMENT ACT OF 2001''

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. HYDE. Mr. Speaker, the time has come once again for the United States to lead the world in surmounting one of the most compelling humanitarian and moral challenges of our time. I speak of the HIV/AIDS pandemic that threatens the stability of both the developing and developed world—a crisis unparalleled in modern times.

The statistics are chilling, Mr. Speaker. Over 22 million people have died of AIDS throughout the world. More than 3 million died last year alone. That is over 8,000 deaths each day, or nearly one death every six minutes. What is most alarming is that the number of infections and deaths is growing and the pandemic is quickly spreading from sub-Saharan Africa to India, China, and Russia. An incredible 36 million people are infected with HIV today—and 15,000 new infections occur each day. Tragically, most of the dramatic increase in infection rates is in poor countries where education, awareness, and access to healthcare is seriously lacking. To illustrate the magnitude of the crisis, it is estimated that by the year 2010 over 80 million people could be dead of AIDS. That is more than all the military and civilian deaths during World War II.

Unchecked, we have no idea what the statistics will be in 2015 or 2220—less than 20 years from today.

Children suffer inordinately from the cruel AIDS pandemic. Millions are born HIV-infected even though mother-to-child transmission can be easily avoided if adequate training and healthcare is provided. By the end of the decade, 40 million children will be orphaned as a consequence of AIDS. The impact on developing societies—socially, politically, and economically—is incalculable and threatens the stability of the globe.

The pandemic is not limited to Africa, Mr. Speaker. The Caribbean region has the second highest rate of HIV infections in the world—only a few hundred miles from the United States. Russia had the highest increase rate of any country last year. The social upheaval that could arise in Russia as a result of this crisis could have serious consequences for global security. According to the National Intelligence Council, India is on the verge of a catastrophic AIDS epidemic.

For these reasons, the United States must lead the world in the effort to combat and ultimately rid the globe of this modern-day black plague. The problem is monumental, and our response needs to be both bilateral and multilateral. However, as with any problem, financial resources are not the sole answer to a problem, and the generosity of the American people must be well managed. We must provide resources at a pace at which they can be absorbed and used wisely. We must continue to encourage and support faith-based organizations and churches that are doing good works to educate the poor about HIV and AIDS. We must also insist that other developed nations join us in this global effort. The President has already signaled our nation's intention to lead by committing $200 million for a multilateral effort to combat HIV/AIDS through a global AIDS war chest that will be designed and implemented in the months to come.

To support these efforts, I have introduced legislation today to address both the bilateral and multilateral pillars of our response to the AIDS crisis. The most immediate and important step to address the HIV/AIDS challenge is for the United States to provide the leadership and impetus for a major international effort.

Consequently, my bill authorizes the Agency for International Development to carry out a comprehensive program of HIV/AIDS prevention, education, and treatment at a level of $469 million in each of the next two fiscal years. This is $100 million more than has been requested by the Administration for these purposes in Fiscal Year 2001. Moreover, my legislation authorizes an additional $50 million pilot program to provide treatment for those infected with HIV/AIDS by assisting the public and private sectors of developing countries in the procurement of HIV/AIDS pharmaceuticals and anti-viral therapies. Accordingly, through our bilateral efforts, the United States will demonstrate its commitment to address all facets of the HIV/AIDS challenge and to do so in a responsible and meaningful manner, and thereby challenge, the remainder of the developed world to emulate the example of the United States.

The bill I have introduced today also authorizes the President to contribute to multilateral efforts to combat HIV/AIDS at a level that the Administration deems appropriate. America will contribute its fair share as we work to leverage additional funds for this crusade from other developing countries. By providing the President with this flexibility, we can ensure that the contributions made by the

The novel bilateral treatment program that my bill authorizes is vitally important, for it gives hope for those already suffering from AIDS. By authorizing a pilot treatment program, we can work to extend the productive lives of those infected by the virus. This is not only the right thing to do—aside from humanitarian concerns—treatment makes prevention work. Without some expectation of hope or care, the poor have no reason to be tested for AIDS or to seek help. I am fully cognizant of the challenge posed by treatment programs in developing countries. However, we have no other option if we are ever to stem the tide of the pandemic.

The bill that I have introduced today also promotes microenterprise development as a crucial component in the struggle against HIV/AIDS. Microenterprise gives the poor who must deal with HIV/AIDS the means to help themselves. I wish to highlight the work in this area by Opportunity International, one of the organizations among my constituency. Opportunity International is a microenterprise pioneer and leader that has helped to create one million jobs for the poor of the developing world over the past thirty years by making loans to small enterprises.

Charles Dokmo, President and Chief Operating Officer of Opportunity International, is an expert in the field of microenterprise development and is working to implement an ambitious plan to combat the spread of AIDS in Africa through education, awareness, and by creating opportunities for those confronting HIV/AIDS.

Mr. Speaker, I wish to reiterate what I think is a consensus in Congress. Simply stated, the AIDS virus is one of the great moral challenges of our era for it is a scourge of unparalleled proportions in modern times. Every citizen has a stake in what tragically could be the black plague of the 21st century. Accordingly, we should do all we can to meet this test by reaching out now to those most in need—it is the right thing to do for our children, our country, and our world. Let us not fail the challenge.

IT IS TIME TO FINISH WHAT WE STARTED IN 1964

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. HASTINGS of Florida. Mr. Speaker, this morning the United States Commission on Civil Rights released its report on Florida's election system. To say the least, I am appalled by the Commission's findings. To think that in this day and age we find ourselves trying to justify the racist and prejudicial tendencies that exist in the American election system is both pitiful and disturbing.

From purging the names of eligible voters to increasing numbers of spoiled ballots, the Commission's report clearly indicates that the problems which occurred in Florida last November disproportionately affected the votes cast by African-Americans and other minority groups. While only making up eleven percent of all eligible voters in Florida, African-Americans cast nearly 55 percent of the ballots that were rejected in Florida. In fact, African-Americans cast nearly 55 percent of the ballots that were rejected in Florida. In fact, African-American voters were nearly ten times more likely than white voters to have their ballots rejected in Florida. Nine of the ten counties with the highest percentage of African-American voters had disqualified ballot percentages above the state average. Of the 100 precincts with the highest numbers of disqualified ballots, 83 of them are majority-black precincts.

African-Americans were also disproportionately purged from voter lists. Under the Motor Voter Law, voters are protected from having their names removed from voting lists unless they move, die, or are convicted of a felony. In Florida, however, it appears as if the Motor Voter Law has been replaced by a system in which the names of eligible voters are unlawfully purged. In Miami-Dade County, the number of African-American names purged from eligible voter lists outnumbered the number of white and Hispanic voters whose names were removed from eligible voting lists three to one.

Moreover, the report's findings that an official of the Florida Division of Elections supported updating voting lists in a manner that removed a disproportionate number of African-Americans from eligible voting lists leaves little question that the State of Florida could have avoided the problems voters faced on election day. The Commission's report makes it clear that both Governor Jeb Bush and Florida Secretary of State Katherine Harris were well aware of the potential problems that some of Florida's counties were going to face on election day. However,

Mr. Speaker, the report issued by the U.S. Commission on Civil Rights highlights the problems that we face in Florida, and indeed, the rest of the nation. It is disgraceful that America has yet to create an election system that encourages rather than discourages. It is disgraceful that the conversations we are having today on voter accessibility, voter education, purging of eligible voters, and improving voting technology resemble the same conversations we had during the 1960s. Those of us involved in the Civil Rights Movement had hoped that Civil Rights Act of 1964 and the Voting Rights Act of 1965 would have ensured that no African-American, or any American for that matter, would be unlawfully turned away from the polls. Unfortunately, the reality is, it will take an Election Reform Act during the 107th Congress to finish what we started in 1964.

HONORING DAVID GROSSBERG

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. GRAY G. MILLER of California. Mr. Speaker, I rise to pay tribute and honor to the

accomplishments of Mr. David Grossberg of Ontario, California.

Mr. Grossberg is the outgoing President for the City of Ontario Chamber of Commerce. According to his peers, Mr. Grossberg has demonstrated exceptional personal and civic leadership in his role as President and was actively involved in his community. Mr. Grossberg showed great commitment to the Chamber and was truly dedicated to serving as President.

The Chamber's accomplishments under Mr. Grossberg's tenure as President and Vice President have been numerous and impressive: the Chamber averaged 20 new members a month and ended the year with its largest budget surplus to date. As a result of Mr. Grossberg's leadership, the Inland Valley Chamber Alliance was formed to bring the local chambers closer on regional issues. During his term, the Chamber was successful in partnering with the California Manufacturer's Technology Center, who will co-sponsor the Chamber's Industrial Forum. Creation of the Ontario Chamber Service Club Round Table and Marketing Forum were two more examples of Mr. Grossberg's commitment to providing members with vital networking tools.

During his Presidency, the first Service Club Project was completed. In a joint effort by local service clubs, more than 1,000 rose bushes were planted on Euclid Avenue. Mr. Grossberg was also instrumental in saving the annual Christmas Nativity scenes on Euclid Avenue.

In addition to his duties as President of the Chamber, Mr. Grossberg serves on the Chamber's Board of Directors, Downtown Ontario Business and Professional Association, Director, Inland Empire West Resource Conservation District, member of the Ontario Rotary Club, and was a former member of the Downtown Ontario Revitalization Committee.

Mr. Grossberg's tenure as President of the Ontario Chamber of Commerce brought great leadership in the development of strong economic development programs and public policy. He has achieved an impressive record of career and civic accomplishments and, in doing so, has earned the admiration and respect of those who have the privilege of working with him. I would like to congratulate him on these accomplishments and sincerely thank him for his service to his community. He is truly deserving of the accolades of this Congress.

THE 57TH ANNIVERSARY OF D-DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the 57th anniversary of D-Day, and recognize the hundreds of thousands of Americans soldiers who fought in World War II.

On July 6, 1944, thousands of men landed on the beaches of Normandy. Thousands of Allied paratroopers landed behind enemy lines, and even more made their way to the shore in small water crafts. More than 175,000 soldiers landed that morning before dawn. Hitler's seemingly strong wall of force had fallen to the Allied troops in less than one day.

Given the code name ''Overload,'' D-Day was a plan so immense that literally thousands of men were involved with the planning of the campaign. This battle marks the allied nations unity and cooperation to work toward one common goal. 4,900 soldiers were lost on D-Day, yet their memory will live on forever in the hearts and souls of American patriots.

Americans united together through determination, patriotism, honor, and faith. Their duty and love of country led them toward victory. 57 years after that day, we continue to commemorate and pay homage to those who sacrificed so that we all could experience peace and freedom.

Mr. Speaker, please join me in honoring the memories of those Americans who fought to conquer tyranny and hatred in Europe. June 6, 1944 forever altered the course of history and united our great nation for one common goal, freedom.

CONGRATULATING THOMAS E. WHITE ON BECOMING SECRETARY OF THE ARMY

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. BRADY of Texas. Mr. Speaker, on behalf of his delighted friends and neighbors in The Woodlands, Texas, and all the constituents of the 8th Congressional District of Texas, I rise today to proudly congratulate Thomas E. White on becoming the 18th Secretary of the Army.

Rebuilding America's national security for the 21st Century is a top priority for President George W. Bush. Seeking vision, executive leadership, and Army experience, our President chose wisely in his nomination for Secretary of the Army—as did the United States Senate in confirming Secretary White.

This Detroit, Michigan native will lead a dedicated work force of more than one million active duty, National Guard, and Army Reserve soldiers who, with the support of 270,000 civilian employees, proudly comprise the U.S. Army today. As the former Chairman and CEO for Enron Operations Corporation headquartered in Houston, Texas, Secretary White now holds the responsibility for all matters relating to Army manpower, personnel, reserve affairs, installations, environmental issues, weapons systems and equipment acquisition, communications, and financial management.

The seriousness and respect with which he approaches this awesome responsibility was reflected during his Senate confirmation hearings when he stated, ''Taking care of people is a sacred duty I will bear if confirmed as Secretary.''

A proud graduate of the U.S. Military Academy at West Point, the four objectives Secretary White has identified for his tenure are right on target: investing in people, assuring readiness, transforming every aspect of the entire Army—doctrine, training, leadership, infrastructure, and more—in a holistic manner, and adopting sound business practices.

Secretary White is exceptionally well qualified for this job. Commissioned in the U.S. Army in 1967, he rose to the rank of Brigadier General in 1990. His distinguished 23-year career as an Army officer included two tours of service in Vietnam, command of the 11th Armored Cavalry Regiment in Germany, a number of assignments on the Army Staff, and finally, service as Executive Assistant to the Chairman of the Joint Chiefs of Staff, Colin Powell.

Finally, and perhaps more important than all of these things, Secretary White believes strongly in his family, describing them as ''my supporting foundation.'' His devotion to his wife Susan and three children—Katie, Tommy, and Chuck—is worthy of imitation in our country today.

On behalf of the entire congressional delegation from the great State of Texas, and for those who wish to restore a strong and vigorous national defense led by the United States Army, I wish the very best for this extremely capable and dedicated public servant. I am confident that Secretary White will serve this nation with honor, integrity, and success.

HONORING CHAMPIONSHIP SEASON OF THE BEECH LADY BUCCANEERS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. GORDON. Mr. Speaker, today I rise to recognize the championship season of the Beech High School Lady Buccaneers. The Lady Buccaneers had a tremendous season by winning the 2001 Class AAA girls softball state championship.

Residents of Hendersonville, Tennessee, can be proud of their Lady Buccaneers. The team went 45–6 this season and displayed remarkable perservance and resilience. This season's state championship marks the second time since 1997 the team has won the tournament. And the Lady Bucs have reached the championship game four times during that span.

The Lady Bucs won the finale in dramatic fashion by scoring two runs against their opponents in the top of the 10th inning. The final score was 2–1, with Beech outdistancing another fine Middle Tennessee team, the Columbia Lady Lions.

I commend the Lady Buccaneers and their head coach, Kristi Brinkley, for a fine season and an outstanding win. The following are members of the 2001 state champion Lady Buccaneers; Brittany Barry, Marley Birdwell, Courtney Boynton, Amy Chatham, Casey Duke, Nicole Eckley, Jennifer Grybash, Camille Harris, Cristin James, Courtney Langston, Carissa Lowery, Ashley Sinyard, Brittney Sinyard, Allie Smith, Kristin Stanfill and Amber Warren. Wayne Smith and Mary Day Reynolds also serve as the team's assistant coaches.

HONORING ST. PATRICK'S CHURCH ON ITS 150TH ANNIVERSARY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to St. Patrick's Church in San Francisco as it celebrates its 150th anniversary. Located in the same neighborhood where it was founded, St. Patrick's has been steadfast in meeting

the spiritual needs of its parishioners even as the neighborhood has changed around it. Recently seismically retrofitted, it is may honor to congratulate St. Patrick's as it prepares for the next 150 years.

The founding of St. Patrick's was part of the boom that accompanied the Gold Rush; the dramatic increase in population required a similar increase in services. As housing was constructed and new businesses opened their doors, Father John Maginnis held St. Patrick's first mass in a rented hall in 1851. Within a few months, a temporary church's future expansion. Construction began in 1870, and on March 17, 1872 the new church was built nearby. By 1854, it became evident that St. Patrick's would need a larger home, and a lot was purchased for the church's future expansion. Construction began in 1870, and on March 17, 1872 the new church was dedicated at its current location on Mission Street between Third and Fourth Streets.

Like much of San Francisco, the church was destroyed in the earthquake and subsequent fire of 1906. Though it temporarily did not have a home, it did have a calling. St. Patrick's deferred its own full reconstruction in order to minister to the immediate needs of the city. When the current building was completed and dedicated in 1914, it quickly became a San Francisco landmark. Beautifully designed under the supervision of Monsignor John Roberts, the church is decorated in the Irish national colors and tells the story of St. Patrick and other Irish saints.

Throughout its history, St. Patrick's has served the community. In the first year of the Parish, St. Patrick's worked with the Daughters of Charity from Emmitsburg, Maryland to run the St. Vincent's School for Girls and the St. Patrick's School for Boys. In 1927, Father Rogers built the Tir-Na-Nog (Gaelic for ''land of youth'') men's shelter. When the Boys and Girls schools were closed in 1964 due to changing neighborhood demographics, St. Patrick's helped to build the Alexis Apartments for the elderly on the same site. The church provides meals, housing, clothing, and furniture to those in need.

The congregation of St. Patrick's has changed over the years but it commitment to serving those who come through its doors has never wavered. The church was originally composed of Irish immigrants and their descendants. In the middle of this century, the parishioners came increasingly from Spanish-speaking countries. More recently, it has been the City's Filipino population that has found a home at St. Patrick's. Its downtown location and status as a tourist destination also ensure a diverse group of worshippers on any particualr Sunday.

Around St. Patrick's, the buildings have grown higher and the rents more expensive; its neighbors now include a luxury hotel and a billion dollar entertainment complex. St. Patrick's, through, remains an oasis in the middle of a bustling city, tending to the poor and those in need for 150 years. Mr. Speaker, it is my honor to congratulate St. Patrick's Church on this Anniversary and to thank Monsignor Fred Bitanga and all of the staff at St. Patrick's for their work in our City.

INTRODUCTION OF THE NATIONAL FLOOD INSURANCE PROGRAM FAIRNESS ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. STARK. Mr. Speaker, I am here today to re-introduce the National Flood Insurance Program Fairness Act. Last year many of my constituents were placed into a special hazard flood area that requires them to purchase flood insurance that can cost over $1,000 per year.

These residents were not notified that they would be required to purchase flood insurance until two months or less before the maps became effective, even though the law is supposed to give them six months notice and ample time to purchase flood insurance. Needless to say, this took many of my constituents by surprise when they were required to purchase costly insurance at a moments notice, having not seen flooding in decades or even a lifetime.

Several residents who did not believe that were in the flood zone hired surveyors at their own expense, and many residents continue to hire surveyors. The private surveyors' data has resulted in removal of homes from the special hazard flood area, thus removing them from their obligation to purchase flood insurance. In the long run, while these residents are not required to purchase flood insurance, they have spent over $200 each for surveyor costs. Unfortunately, this cost burden is the responsibility of the property owner. They were told by FEMA that under current law property owners who challenge the presumed flood classification are responsible for the surveyor expense even though the incorrect classification is no fault of their own.

Clearly, the National Flood Insurance Program needs to be revised to give homeowners more notice, due process, and financial protection when they succeed in removing their property from the base flood elevation classification. That is why I am proposing the National Flood Insurance Program Fairness Act.

The National Flood Insurance Program Fairness Act does the following:

The bill improves the existing program by requiring the FEMA Director to notify by registered mail the Chief Executive Officer

It also requires the Director to notify by registered mail, rather than first class mail, the Chief Executive Officer of each community of FEMA's response to the community's appeal of the flood insurance rate maps. This change will ensure that the community receives the notice of changes and has ample time to comply with the map changes within the statutory effective date.

The bill improves upon current law by requiring the Director to notify by first class mail each owner of property affected by the changes in the flood insurance rate maps. Currently, the community is responsible for making sure that the residents are aware of the flood map changes. Requiring FEMA to notify residents expedites the process by eliminating the middleman.

Finally, it requires FEMA to reimburse a resident or property owner for reasonable costs incurred in connection with a surveyor or engineer for a successful request to be removed from the special hazard flood area to the Director. This does not include legal services incurred by the resident.

It is my hope that this legislation will allow communities to work more effectively with FEMA to ensure that residents are given sufficient, fair, and timely notice if they are required to purchase flood insurance and to ensure that homeowners are not held financially liable when a change in a community's flood insurance rate map does not affect their property. With original cosponsors from both sides of the aisle, I hope we can see this common sense solution come to fruition.

PERSONAL EXPLANATION

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. HOEFFEL. Mr. Speaker, I wanted to take a moment to explain my absence from the House on Saturday, May 26. After the Senate passed its version of the tax cut bill on Wednesday of that week, the Senate version and the House version were sent to conference committee to produce a compromise final bill that both houses would vote on.

Following Senate passage, most observers expected the conference report to be ready for a final vote on Thursday, or at the very latest on Friday. However, negotiations dragged on with members receiving only periodic, gloomy updates. Finally, an agreement was announced late Friday night. I spent the entire night in my office waiting for a vote that was promised by 2 or 3 a.m. No vote was called.

At 8 a.m. Saturday, I boarded an Amtrak train to attend my son's graduation from the Hill School in Pottstown, PA later in the morning. This was the last train that I could take and still make my son's graduation. The House voted on the bill about two hours after I left Washington. I apologize to my constituents for not being able to vote on what I believe to be a very flawed tax bill, but I believe the vast majority will understand why I chose not to be there.

Had I been present to vote, I would have voted against the tax bill. Not because I don't think there should be a tax cut, but because this one is simply too big, is heavily titled to the wealthy, is filled with fiscal gimmicks, and threatens to plunge this country back into deficit spending.

I support an immediate rebate to the American people, and actually supported a larger rebate than was in the bill from the outset of the tax debate. I also conceptually support several other items in the tax cut such as fixing the marriage penalty, reforming the estate tax and providing tuition tax credits. However this bill simply went overboard and threatens the fiscal discipline we have shown over the last several years.

The folly of this tax cut will be shown as the President tries to pay for items like increased

defense spending and education reforms that he has not accounted for in the budget, and for years to come as the tax cut is fully phased in and scarce revenue is needed to meet our national retirement and health care obligations to the growing number of older Americans.

IDENTITY THEFT LEGISLATION

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Ms. HOOLEY of Oregon. Mr. Speaker, four months ago, a little boy in Salem, Oregon named Tyler Benton Bales lost his battle with a rare genetic disease called Hurler Syndrome. Although I never had the pleasure of knowing him, Tyler was somewhat of a celebrity in Salem. In fact, he was the subject of a front page article in the Salem Statesman Journal last December, when a silent auction was held to raise money to offset the cost of an expensive bone marrow transplant that was his only chance to beat Hurler Syndrome. Unfortunately, Tyler's heart wasn't strong enough to survive the rigors of his transplant and chemotherapy. He was only sixteen months old when he passed away.

Mr. Speaker, there's nothing more tragic than losing a child. My heart goes out to Tyler's parents, and to all the other parents of children who suffer from Hurler Syndrome. Unfortunately, the heartache of Tyler's loss hasn't eased for his parents. As if it's not hard enough losing your sixteen month old child, the Bales recently learned—courtesy of the Internal Revenue Service—that someone is claiming Tyler as a dependent on their 2000 income tax return. As disturbing as that is, it gets worse.

Because of disclosure issues, the IRS won't give out the name of the identity thief to the Salem Police Department, even though identity theft is a felony offense in Oregon. The thief could live right down the street or 3,000 miles away—but if the IRS has it's way, the Bales—and the Salem Police Department—will never know who stole their son's personal information.

Mr. Speaker, we can't even begin to imagine the anguish this family is going through. Tyler Benton Bales was so much more than a name, a date of birth, and a Social Security number—he was a little boy who was surrounded by love during his brief time with us. His parents—and the countless of other people who loved him—should not see his memory dishonored by a common thief whose identity is actually being protected by the IRS. That's why I'm introducing the ID Theft Loophole Closure Act. This legislation simply requires the IRS to furnish the name, Social Security number, and address of a suspected identity thief to state and local law enforcement agencies for the exclusive purpose of locating that individual.

Identity Theft is not a victimless crime. We must cut through the red tape that is preventing this and other thieves from being prosecuted for their crimes, and I believe this legislation is the right tool for the job. I urge my colleagues to support the ID Theft Loophole Closure Act.

RECOGNIZING GOMBE STATE, NIGERIA

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. SCHAFFER. Mr. Speaker, in April, I visited West Africa as part of the Congressional Delegation led by our Republican Conference Chairman, Mr. WATTS of Oklahoma. Among the most successful components of the delegation's mission was a visit to Nigeria, and, more specifically, a meeting with various Nigerian governors. The meeting took place on April 7th in Abuja, the capital city.

I had the good fortune of being seated beside Governor Alhaji Abubakar Habu Hashidu, the Executive Governor of Gombe State. Our discussions afforded me a more complete understanding of the numerous opportunities for American business investment in the particular region of Nigeria represented by Gov. Hashidu. Regional investments in the education system there, along with infrastructure modernization and utility enhancement suggest a genuine effort to promote foreign investment, particularly among American entrepreneurs. I found Gov. Hashidu to be an earnest spokesman for his state, and sincere in his desire to strengthen friendships between his constituency and the American people.

Mr. Speaker, I retain in my office a full report on the investment potentials of Gombe State, Nigeria. On behalf of this House, I personally received the document directly from Gov. Hashidu. By these remarks, I serve notice of the availability of the report to each of our colleagues as I have already delivered copies to Members who have indicated interest in its contents.

In the meantime, Mr. Speaker, I hereby submit for the RECORD, the introductory remarks of Gov. Hashidu which accompany the report, and which were presented to the delegation in Abuja. Gov. Hashidu's comments fully summarize his commitment, and that of his government, to economic expansion in Gombe State. His observations should be considered by every Member of Congress and I humbly beg this body's attention in this important matter.

ADDRESS BY HIS EXCELLENCY, ALHAJI ABUBAKAR HABU HASHIDU THE EXECUTIVE GOVERNOR OF GOMBE STATE DELIVERED TO THE DELEGATION OF THE MEMBERS OF THE UNITED STATES HOUSE OF REPRESENTATIVES LED BY REP. JESSY WATTS, JR. ON 7TH APRIL 2001 AT ABUJA

Hon. Members of Congress, let me start by, welcoming this esteemed group of Congress men and women of the United States of America, led by Rep. J.C. Watts, Jr.

Your visit to Nigeria at this crucial time of our democratic experiment is most welcome. Our system of Government which is tailored along the United States Presidential system with both Senate and House of Representatives having their clear Legislative Schedules, has been an interesting experience. The various actors in the new democratic project are committed to the success of the experiment. So far, the three arms of Government have shown tolerance and understanding in the principles of power sharing. The experience has been very stimulating and it has the capacity for that providing opportunities to exploit our potentials. We have recognised this fact and we are making effort to reap the dividends of democracy.

We in Gombe State are a dynamic group who have been noted for hard work. The State is endowed with abundant agricultural land and adequate water resources for irrigated agriculture. These have provided us with a strong base for food and cash crop production. The main cash crop is cotton. Cotton production has been an age long occupation that was recognised and encouraged by the British Cotton Growing Association with a ginnery established since 1956. All the districts in Gombe State have established cotton markets for a very long time. Cotton production has increased tremendously in the state in recent time due to the positive approach adopted by the new democratic Government. For example, production has improved from 10,000 metric tons in 1999 to 50,000 tons in 2000. Government is planning to boost production to 100,000 tons in 2001.

Beside cotton, Gombe State is endowed with other agricultural raw materials and solid mineral resources. Huge quantities of crops that can adequately be used as raw materials by industry and also be consumed directly by house holds are grown annually in the state. Gombe State has the 2nd largest produce market in the North of Nigeria, second only to Kano, the commercial nerve centre of the North.

There have been various efforts to harness these agricultural produce but we are limited by capital application. Presently, apart from the two privately owned Cotton Ginneries in Gombe and the Mango and Tomato processing factory at Kumo, there are no end user industries to utilise these huge quantities of raw materials grown in the State annually. A substantial portion is therefore being sold out and transported daily to other parts of the country for domestic/industrial uses. We therefore need investors to come and invest in this sector in the State.

In terms of Solid Minerals, Gombe State is endowed with over thirty-five (35) different varieties of Solid Minerals which are suspected to exist in large commercial quantities underground all over the State. However, some of these minerals have been explored and are currently being utilised by the few companies

From the foregoing it is clear, our economic potentials are quite enormous. The only inhibiting factor is lack of industrial base. This is why our Administration is committed to the industrial development of the State. Already the National privatisation exercise has opened the door for potential investors to try their hands in the abundant opportunities in the country. We in Gombe State are eager to receive such investors with generous incentives. For example, Government will provide free land for any genuine investor that is ready to establish a factory here. We shall equally grant such investor a five year tax holiday. These and other generous terms awaits any willing investors(s).

Having mentioned these potentials I foresee a good business future for any investor from the United States who is willing to invest here. We have a dynamic group of dedicated civil servants who are committed to the developmental needs of the young State. The Community is peace loving and industrious. The security situation is excellent. Power supply is very stable and communication is good. When all these are added to the abundant cheap raw materials available.

Gombe State would pass the test of any entrepreneur. I therefore urge you to give us a trial I am sure you will be convinced.

Honourable Members of Congress, this is an exiting time for me and the People of Gombe state. A time that provides me the opportunity to present the investment potentials of this young State to the World's biggest economy. As I count on your assistance, I look forward to a dynamic future with huge investments from the United States of America. I therefore urge you to spare a few minutes and scan through this brochure so as to acquaint yourselves with some of our potentials.

Thank you and God Bless.

25TH ANNIVERSARY OF THE GERTRUDE STEIN DEMOCRATIC CLUB

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Ms. NORTON. Mr. Speaker, I rise, from time to time, to acknowledge the accomplishments and milestones of the citizens and organizations of the District of Columbia, whom I have the honor to represent in Congress. As a life-long advocate for civil rights, I am particularly proud to have within my constituency some of the oldest and most established Lesbian, Gay, Bisexual, and Transgendered civil rights organizations in the United States.

These organizations work tirelessly, despite the triple scourges of racism, homophobia, and taxation without representation which belabor the District of Columbia, to extend, without regard to race, sex, religion, national origin, sexual orientation and gender those civil and political rights which are taken for granted by some Americans to all Americans, especially those Americans residing within the four quadrants of the District of Columbia.

Today I take particular pleasure in acknowledging the Gertrude Stein Democratic Club, one of America's oldest partisan Lesbian, Gay, Bisexual, and Transgendered civil rights organizations on the occasion of its twenty-fifth anniversary, this Thursday, June 7, 2001.

In 1976, my constituents, Paul Kuntzler, Richard Maulsby, and Dr. Franklin E. Kameny, founded the Gertrude Stein Democratic Club. Since its founding, the Stein Club has become a powerful and respected participant in the political life of the District of Columbia. The Gertrude Stein Club ceaselessly fights not only for human and civil rights, but for the inclusion and acceptance of Lesbian, Gay, Bisexual and Transgendered persons within the political process of the District and the Nation.

The Club's success is reflected among its members who now hold, and have held, responsible government positions. These include: D.C. Councilmember Jim Graham; the Director of the D.C. Office of Boards and Commissions, Ronald Kin; Mayor Anthony Williams's Gay Community Liaison; Philip Pannell, and former White House Counsel Karen Tramontano.

The Gertrude Stein Democratic Club has always been at the forefront of efforts on behalf of human rights, domestic partnership, HIV services, hate crimes, employment non-discrimination,

As part of their 25th anniversary celebration, the Gertrude Stein Democratic Club will honor two outstanding gay leaders: Andrew Tobias, Treasurer of the Democratic National Committee; and Paul Yandura, Executive Director of the National Stonewall Democratic Federation. Andrew Tobias enjoyed a national reputation for his work in the gay and lesbian community and for the Democratic Party. He is an author and financier who has helped the lives of millions of Americans with his sound financial advice, Mr. Tobias is a true renaissance man and ''The Best Little Boy in the World.'' My constituent, Paul Yandura, despite his youth, is a seasoned veteran of national politics. Mr. Yandura served in the Clinton/Gore Administration, in both political and executive capacities responsible for constituency outreach, public/media relations, event production and he advised the President on a variety of policy issues which included E-Commerce, HIV/AIDS, fair housing and LGBT civil rights.

Mr. Speaker, this week that marks the 25th Anniversary of the Gertrude Stein Democratic Club, also marks the 20th Anniversary of the discernment of an illness which we now know as AIDS. On Friday, June 5, 1981 the Center for Disease Control published in the Morbidity and Morality Weekly Report an article on five gay angelino men in their late twenties and early thirties who contracted Pneumocystis carinii pneumonia. In the twenty years hence we, both as Americans and as Members of Congress, have been remiss in our duties. While we have passed much legislation, we have failed to enact The Employment Non-Discrimination Act and the Hate Crimes Prevention Act; we have not stopped the dizzying spiral of prescription drug costs, and the District of Columbia still has not voting representation in Congress.

Mr. Speaker, I ask the House both to join me in congratulating the Gertrude Stein Democratic Club on its 25th Anniversary and to join me in re-doubling our efforts to pass the Employment Non-Discrimination and Hate Crimes Prevention Act, to provide affordable access to prescription drugs for all Americans who need them, and to bring some measure of democracy to the citizens of the District of Columbia during this Congress.

INTRODUCTION OF THE TRICARE RETIREES OPPORTUNITY ACT OF 2001

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. CARDIN. Mr. Speaker, I rise today on the 57th anniversary of the D-Day Invasion of Normandy, to introduce federal legislation that will help military retirees access the health care benefits to which they are entitled. The TRICARE Retirees Opportunity Act will help retirees fully participate in the Department of Defense's (DOD) health care program, TRICARE. Since 1995, DOD has coordinated the medical care efforts of the military branches within TRICARE.

In an effort to fully meet America's promises to the military, last year Congress authorized expanding TRICARE to Medicare-eligible retirees and their dependents. Starting Oct. 1, 2001, all military retirees and their dependents who are age 65, or who are otherwise eligible for Medicare will be able to use TRICARE as a second payer.

In the past, military retirees who reached the age of 65 lost their TRICARE eligibility and were required to purchase supplemental policies, which are often prohibitively expensive, to cover Medicare's deductibles and coinsurance. By expanding TRICARE to the 65 years of age and older population, Congress can ensure that these men and women who served our nation are eligible for the best health care this nation can offer.

I recently became aware of an inequitable situation facing many military retirees. Under current law, seniors who failed to enroll in Medicare Part B when they first became eligible are subject to a premium penalty of 10 percent for every year they did not enroll, effectively increasing the monthly premium for a 70-year-old first-time enrollee from $50 to $75 for the rest of his or her life. Because military retirees could not have anticipated how their benefits would change, tens of thousands of retirees are now subject to these late penalties. The legislation I am introducing today would waive the penalty for military retirees who enroll between January 1, 2001 and December 31, 2002.

There is another barrier to full participation facing our military retirees. Current law permits late enrollees to sign up only during Medicare's annual open enrollment period—January 1 through March 31—with benefits beginning on July 1. My legislation will create a continuous open enrollment period through the end of 2002 for military retirees so that these prospective beneficiaries may access their new coverage immediately.

Mr. Speaker, this country has done a good job of meeting the health care needs of our active duty military. The Floyd A. Spence National Defense Authorization Act for Fiscal Year 2001 was a milestone in our efforts to help the military retirees who devoted years of their lives to defend this nation. My bill takes one more important step to ensure that these retirees, their spouses, and their survivors have full access to the benefits we enacted for them last year. I urge all my colleagues to join me in support of this key legislation so that we may truly fulfill our promise to the nation's military retirees this year.

IN RECOGNITION OF AMTRAK'S 30TH ANNIVERSARY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Amtrak on its 30th Anniversary. On May 1, 1971, Amtrak began operations at a time when passenger rail service in America seemed to be fading into the past, destined to take its place in American history. But when Amtrak was created thirty years ago, there came an opportunity for passenger rail service to play a role in addressing America's transportation needs.

Today, with congestion dominating our highways and skies, and with airline delays and gas prices reaching record levels, wary travelers have turned to rail service for relief. And Amtrak has succeed in providing travelers with

a quality alternative to every-day transportation headaches.

Amtrak has worked hard to understand the needs of passengers. It understands that people want to travel safely and comfortably, that people want to reach their destinations on time, and that people do not want to pay excessive fares. Because of this understanding, Amtrak is currently experiencing a tremendous growth in ridership: just last year, Amtrak logged a record 22.5 million trips, making Amtrak the ninth largest commercial passenger carrier in the United States.

To meet the demands of increased ridership, Amtrak has been working hard to make improvements to its infrastructure. In New Jersey, as well as throughout the Northeast, Amtrak's Northeast Corridor service provides an essential link between regional businesses and communities. To maintain its commitment to the region, Amtrak is working with the New Jersey Transit Authority (NJTRANSIT) to build and improve rail lines and tunnels. NJ TRANSIT and Amtrak are in the process of completing improvements to Newark Penn Station, and construction of the Newark International Airport Station, which will create a link between the airport and the Nation's busiest rail line. These improvements to local infrastructure will further empower local communities and the region's economy.

Today, I ask my colleagues to join me in recognizing Amtrak's commitment to passenger rail service on its 30th Anniversary.

HONORING THE SERVICE AND LEADERSHIP OF PRESIDENT AREND DON LUBBERS

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. EHLERS. Mr. Speaker, I rise today to honor a man whose name is synonymous with higher education in Michigan and across the United States. After 32 years as president of Grand Valley State University, Arend Don Lubbers will retire later this month as the nation's longest-serving state university president. During his tenure, Grand Valley State University has grown from a small college with a few buildings on the main campus in Allendale to an established university with additional campuses in downtown Grand Rapids, Holland, Muskegon, Traverse City, and Petoskey.

When President Lubbers began his presidency at GVSU in January 1969, he was a trailblazer, holding the distinction of being one of the youngest college presidents in the country at the time. Recognized by Life magazine in 1962 for his hard work and his willingness to try new ideas, Lubbers lived up to the billing by building Grand Valley into a university that now boasts more than 42,000 alumni and is recognized as a premier institution in education, research, and technology.

Grand Valley has enjoyed considerable success because President Lubbers has implemented his vision of how to successfully lead a university. During his farewell address to the campus community in April, he outlined four characteristics of what is required to make a university successful. The four characteristics—ownership, power, commitment, and sense of mission—have been his plan from the very beginning. GVSU is truly a special place today because he acted on the plans and ideas he envisioned for himself and the university community.

When classes resume for the 2001–2002 school year a new era will be underway at GVSU. It will mark the first time since the late 1960's that President Lubbers will be absent from welcoming faculty, staff, returning students, and new students to campus. Some thirty years later, the school year will begin without the man who has worked tirelessly to achieve his vision for higher education in West Michigan. Even though a new chapter will have begun, the legacy of President Lubbers will live on as Grant Valley State University continues to establish itself as a model for other institutions to follow.

Mr. Speaker, I want to personally thank President Lubbers for his ideas, his commitment to people and education, for laying the foundation for faculty, staff, and students to build on in the future and for his personal friendship. His personable and approachable style will be greatly missed by those who have had the pleasure of working alongside and with him over the years. He's truly earned the right to miss the first day of classes this coming school year. Congratulations and best wishes to President Lubbers and his wife Nancy as they begin their new venture!

TRIBUTE TO ELLEN KELLY FAIRBANKS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. McGOVERN, Mr. Speaker, I rise today to honor a dedicated educator and administrator, Ellen Kelly Fairbanks, who has recently retired from her position as Principal of the Floral Street School in Shrewsbury, Massachusetts.

Mrs. Fairbanks is yet another example of all the hardworking and dedicated educators found in Central Massachusetts today. She inspires us with her love of teaching, which she has carried with her from the time she was a little girl in Iowa playing school with her younger brothers. Mrs. Fairbanks began her thirty years in education, teaching in Wakefield and Newton. Following time off to raise her two daughters Katherine and Martha, she returned to teaching in her new hometown of Shrewsbury as a reading specialist at Shrewsbury Middle School and later as a teacher at the Calvin Coolidge Elementary School.

In 1987, Mrs. Fairbanks became principal at the Beal School Early Childhood Center. Housed in an abandoned building designed as a high school in 1913, this school building experienced a rebirth under the leadership of Mrs. Fairbanks. To many the Beal Early Childhood Center became one of the most beloved institutions in town. In fact, her accomplishments at the Beal Early Childhood Center were so impressive that the town of Shrewsbury rewarded her in 1996 by making Mrs. Fairbanks principal of Floral Street School, the town's largest elementary school.

Mrs. Fairbanks plans on spending her retirement quilting, traveling, researching her genealogy, and spending more time with her friends. Without doubt, Mrs. Fairbanks has touched the lives of many and will be greatly missed by the over ten thousand students who have passed in and out of her classrooms and office.

Mr. Speaker, I commend Mrs. Fairbanks for her dedication to the students of Central Massachusetts and present her as an example of what all educators should strive to be.

COMMEMORATING THE SERVICE OF RUDY SVORINICH AS CHAIRMAN OF THE ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. HORN. Mr. Speaker, I rise today to pay tribute to the Honorable Rudy Svorinich, Jr., a Los Angeles City Councilman and Chairman of the Alameda Corridor Transportation Authority (ACTA).

Councilman Svorinich has provided eight years of distinguished public service to the City of Los Angeles and the public agency spearheading the Alameda Corridor rail cargo expressway. This July, Councilman Svorinich leaves public office and, as a consequence, must relinquish his position with ACTA.

We will miss his vision, sharp wit, and steady leadership.

Councilman Svorinich has been the City of Los Angeles' representative to the ACTA Governing Board since 1993. He served four separate terms as chairman.

This body identified the Alameda Corridor as ''a project of national significance'' in 1995. The Ports of Long Beach and Los Angeles comprise our nation's busiest port complex and cargo volumes are projected to triple by the year 2020. The Alameda Corridor will link the ports to the transcontinental rail yards near downtown Los Angeles, creating a more efficient way to distribute cargo and allowing these ports—and the nation—to maintain their competive edges.

It is testament to the distinguished service of Councilman Svorinich that the Alameda Corridor is now in full scale construction, on budget and on schedule to open in April 2002.

We owe him a debt of gratitude for his dedicated service.

THE NATIONAL DEFENSE FEATURES PROGRAM ENHANCEMENT ACT

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to discuss the National Defense Features Program. As my colleagues may know, Congress created this program in 1992 response to a report by the Department of Defense describing a shortage of sealift capacity during military contingencies. At that time, Congress decided the best way to solve the shortage of shipping space for heavy military vehicles and other cargo would be the NDF program, providing a cost-effective way to

augment the substantial investment that was being made in new sealift ships by the Navy.

Within the last several years, Congress has authorized and appropriated funds to install special defense features in new commercial vessels to be built in the shipyards of the United States. Most recently, as a result of the leadership of my colleague from Pennsylvania, Mr. WELDON, Congress included in the National Defense Authorization Act for FY 2001 a provision that would expand the Secretary of Defense's ability to fund militarily useful projects under the NDF program.

Since the NDF program was launched, Congress anticipated that our allies would recognize the mutual defense benefits of promoting the program on their trade routes with the United States. One particular project that has received attention called for ten commercial vessels to be built in the United States based on a design funded and approved by DARPA's Maritime Technology Program. These vessels would normally operate in the Japan-United States vehicle trade, which is at present entirely dominated by Japanese carriers. This project is also important to maritime labor and our new domestic shipyards, which continue to support our NDF program and to look for new, viable commercial projects.

Notwithstanding past expressions of support by senior government officials, this expectation has not been realized. Unfortunately, the Government of Japan

In view of the US role in providing security for our allies in the Far East, it hardly seems appropriate that defense concerns expressed by our government should not have been met with a more positive response by our allies in the region. Past discussions with the Japanese government have not yielded desired results, as the NDF program continues to be characterized as one with limited military value. This position has been contradicted by two US Navy reports on the NDF program. Given our past history of military cooperation with the Japanese government, the reluctance encountered on the NDF program, especially in light of its military value, has been somewhat surprising.

Unfortunately, the Japanese government's position appears to have been driven by commercial rather than governmental factors. Japan, like other nations, supports its merchant marine with financial assistance, including direct construction loans at artificially low rates of interest.

The reason our carriers are effectively being excluded from this market is the Japanese kereitsu system of doing business. It is not price, but rather the interwoven industrial and financial structure that closes this market, like so many other sectors of the Japanese economy, against international competition. This situation makes it quite difficult for a fleet of US built and operated ships which are commercially competitive and have significant defense value to both nations to break through the economic fence encircling the Japanese vehicle trade.

Despite this resistance, I continue to hope that the Government of Japan and the vehicle manufacturers will ultimately recognize the merits of supporting the NDF program, especially given the longstanding support of the Department of Defense. Last year, the former Secretary of Defense and the

Given past experience, these new communication channels may not prove enough. That is why today, along with my colleague from Pennsylvania, Mr. WELDON, I am introducing the National Defense Features Program Enhancement Act. Under this bill, if the Federal Maritime Commission finds that vessels built under the NDF program are unable to obtain employment in a particular trade route in the foreign commerce of the United States for which they are designed to operate, and if that sector of the trade route has been dominated historically by citizens of an allied nation, the Commission can take action to counteract the restrictive trade practices that have led to this situation.

I wish it were not necessary to introduce legislation to encourage support for a program so self-evidently in the mutual security interests of allied nations, and that through consultation between our Nation and Japan we can begin to undertake the much-needed recapitalization of our aging Ready Reserve Force. Should that not prove the case, I look forward to working with my colleagues to move forward this legislation.

NATIONAL DEFENSE FEATURES PROGRAM ENHANCEMENT ACT OF 2001

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. WELDON of Pennsylvania. Mr. Speaker, I am pleased to join my colleague from New Jersey, Mr. FRELINGHUYSEN, in introducing the National Defense Features Program Enhancement Act of 2001, a bill we intend to push to enactment if the Government of Japan, the Japanese vehicle manufactures, and the Japanese carriers continue to undermine our efforts to breathe life into the National Defense Features program.

We created the NDF program because we believed it would be the most cost-effective way to augment the substantial investment that is being made in new ships by the Navy. Having seen one very attractive proposal by which vessels would be built to carry cars from Japan to the United States and refrigerated products on the return leg, we authorized and appropriated funds in the mid-1990s to jump start the program. Since then, we have continued to look for ways to make the program as attractive as possible to companies to build ships in the United States for operation in the United States-Japan and other trades. Last year, for example, Congress approved as part of the National Defense Authorization Bill for FY 2001 a provision that would expand the Secretary of Defense's authority to finance appropriate projects under the NDF program.

In authorizing this program, we had hoped that the Government of Japan in particular would find mutual defense benefits in promoting it. We have written the Prime Minister, we have met with the Ambassador, we have received expressions of support from the Vice President of the United States and our Secretary of Defense in the prior Administration, and yet nothing seems to have come of our efforts so far.

Unfortunately, we have regularly heard the same response. The Government of Japan insists that the decision to employ NDF tonnage is strictly a matter for the vehicle manufacturers and shipping companies to make since it involves a commercial matter. They in turn have argued that, since the program focuses on mutual defense, the Government should take the lead. As so often happens, no one has been willing to step forward to take the initiative.

As our colleagues can no doubt appreciate, our patience is beginning to wear thin. I understand our able Deputy Secretary of State, Rich Armitage, has recently indicated the importance of mutual defense burden sharing. Perhaps we will finally see some movement. If not, the time to legislate will have arrived.

Our bill is designed to create the necessary incentives for the Government of Japan and the vehicle and shipping interests to promote the NDF program. If the Federal Maritime Commission finds that vessels that would be built in the United States under the NDF program are not employed in the particular sector of a trade route in the foreign commerce of the United States for which they are designed to operate and if that sector of the trade route has been dominated historically by citizens of an allied nation, then the Commission shall take action to counteract the restrictive trade practices that have led to this situation.

We trust all concerned appreciate our determination to bring the NDF program to life.

TRIBUTE TO STEWART BELL, JR. OF WINCHESTER, VA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. WOLF. Mr. Speaker, I rise today to honor a remarkable gentleman from Virginia's 10th Congressional district, Mr. Stewart Bell, Jr. known to many as ''Mr. Winchester.''

A fitting name indeed, for in the words of one local paper, The Winchester Star, ''few men are as one with their hometown or its history as Stewart Bell, Jr.''

Stewart's remarkable ties to Winchester, and his deep appreciation for history gave him the foresight to sound alarms when urban and commercial development threatened the historic Grimm Farm property in Winchester and Frederick county, Virginia, the site of two critical Civil War battles (The First and Second Kernstown). Mr. Bell worked successfully to educate local officials about the historical importance of the land and the need to preserve it.

In a gesture of appreciation, Mr. Bell is being honored later this month by the Kernstown Battlefield Association for his tireless leadership and efforts toward historic preservation. It was Stewart's initial concern at the prospect of losing this priceless historical land which facilitated the creation of the Kernstown Battlefield Association, a grassroots, private, nonprofit group which has partnered with local governments, the National Park Service, the Virginia Land Conservation Foundation, and four local banks to purchase the Kernstown Battlefield.

It makes sense that Stewart would cultivate a passion for Civil War preservation. His family's lineage in the area reaches nearly a half century before the onslaught of the Civil War. In an article paying homage to local residents who are an inspiration, The Winchester Star laid out some notable facts about Stewart's life. Mr. Bell ''resides in the home built by his great-grandfather, John Bell, in 1809. His father came into the world there in 1864 as the guns of Third Winchester were booming. And he himself was baptised in Winchester in 1910 by a Presbyterian minister, the Rev. Dr. James R. Graham, who claimed Stonewall Jackson as a close friends . . .''

Harkening back to the sentiments expressed by President Ronald Reagan in his farewell address, I think it is safe to say that Stewart has not just been marking time in Winchester, he has made a difference. Starting in 1954, Mr. Bell served on the City Council for 26 years. He was twice elected mayor and served from 1972–1980. Stewart also actively participated in countless community organizations including the First Presbyterian Church, the Red Cross and the Winchester-Frederick County Historical Society.

In this era of increased mobility, it is a rarity to find an individual with roots so deeply intertwined to the community of his birth nearly a century ago. Having personally had the opportunity to the community of his birth nearly a century ago. Having personally had the opportunity to be the beneficiary of Stewart's memories and tales of the Valley, I can attest to his unique ability to make history come alive. He is truly a renaissance man—a public servant, a poet with a recently published book, a community activist, a church leader and so much more. It is men like Stewart Bell—a powerful link to our shared heritage and a treasure in his own time—who epitomize that which is great about community and country. We are blessed to know him.

SUGAR PROGRAM REFORM

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. LIPINSKI. Mr. Speaker, I rise today to express my strong support for ending the sugar subsidy program. A program which some claim costs ''absolutely nothing'' is actually costing the government millions, and consumers billions. This program triggers unemployment in the sugar refining industry and it is not how a farm program should work.

In the 1996 Farm Bill, we committed ourselves to phasing out price supports for every commodity except sugar and peanuts. It is time to level the playing field and expose the sugar program for the sham that it is. The sugar support program is supposedly designed to operate at ''no direct cost'' to the Federal Government. The Department of

In fact, according to the USDA, last year the government bought more than 1 million tons of sugar for 435 million dollars, and it now pays 1.4 million dollars monthly to store the sugar. In addition, the government gave some of the sugar back to the same industry that ''forfeited'' it in the first place, in exchange for the processors getting the farmers to destroy some of their growing crops.

As a result of the sugar program, domestic prices for raw sugar are typically twice world market prices, and sometimes more. Currently, sugar costs 9 cents a pound on the world market, but the government sets the domestic price for raw sugar at 18 cents a pound and 22.9 cents for refined sugar beets. According to the General Accounting Office, this price difference means that consumers are paying 1.9 billion dollars more than they need to for sugar and products containing sugar.

Yet, maybe most importantly, hundreds of jobs have been lost in the refining industry just in the past few years due to this unwise sugar subsidy. Since the mid-1980's, 12 of the

What is particularly infuriating about the situation is that these refinery jobs are good-paying jobs located in inner cities and areas where other employment opportunities are scarce. For example, the confectioners who want to use domestic sugar are instead having to send those jobs to Canada or Mexico where they can purchase affordable sugar, costing American workers they jobs. It is the families who work in these closing sugar refineries who suffer because of this sugar program.

The Agriculture Committee is writing a new farm bill, and we can not afford to have the sugar lobby write the sugar policy. Until the Sugar Subsidy Program is phased out, costumers will pay more for products containing sugar. Taxpayers will continue to pay more to buy surplus sugar. Workers in the candy industry and the cane refining industry will continue to lose their jobs. The sugar program will continue to benefit a few, without solving the problems of family farmers. We must insist on real reform in the sugar program, and end the regulations that are costing Americans money and American jobs.

In closing, I'd like to thank my colleague, Mr. DAVIS, for his leadership on this issue and allowing me to speak on this important reform.

LEE DAVIS INDUCTION TO WISCONSIN BROADCASTERS ASSOCIATION HALL OF FAME

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. PETRI. Mr. Speaker, for a quarter of a century, Manitowoc, Wisconsin, has been served by one of our nation's great local broadcasters.

Lee Davis began his radio career in 1954 as a disc jockey and program manager in Philadelphia. Before coming to Manitowoc in 1975, he was general manager of WMAQ–AM and FM in Chicago as well as national program manager for Rollins, Inc., where he was responsible for seven stations around the country.

Now, as owner and general manager of WCUB and WLTU, Lee Davis gives us big city professionalism along with small town friendliness and involvement. Listeners in the Manitowoc area are well served by Lee's stewardship of WCUB's Breakfast Club, where he brings the community together through his insightful interviews and conversation, and where he provides local radio broadcasting as it should be—by and for the people who actually live in the community.

I recently learned that Lee Davis has been chosen for induction into the Wisconsin Broadcasters Association Hall of Fame. He richly deserves it, and I want to join the people of Manitowoc in extending our congratulations.

TRIBUTE TO JOHN QUILL

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. OLVER. Mr. Speaker, today I would like to recognize the service of John Quill, who served as meteorologist for WWLP Channel 22 in Springfield. Mr. Quill passed away yesterday.

John Quill's face was one of the most recognizable in all of western Massachusetts because of his 47 years as WWLP's meteorologist. He brought both integrity and a human touch to weather reporting, and he will be remembered with great fondness for years to come for his hard work, dedication and distinctive personal touch. The entire Pioneer Valley feels a great loss with John's passing.

Anyone who has lived through a western Massachusetts winter knows that we do not always have good weather, but, for nearly five decades, we had a truly exceptional weatherman. Thank you. John Quill.

HONOR ANDREW HIGGINS AND HIS WORKERS FOR BUILDING BOATS THAT WON WORLD WAR II

HON. WILLIAM J. JEFFERSON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. JEFFERSON. Mr. Speaker, I stand before you today, as I did on D-Day last year, to

introduce a resolution that is long overdue. On behalf of the entire Louisiana delegation, I would like to honor the forgotten heroes of World War II—the late Andrew Jackson Higgins, who designed the Higgins landing craft and his 20,000 employees who built the 20,000 boats that won the war.

Once again, I ask Congress to recognize these heroes—who contributed so greatly to the war effort, but never left the Louisiana shores.

Mr. Speaker, I stand here to reintroduce a resolution to award the late Andrew Jackson Higgins and the 20,000 plus men and women of Higgins Industries that supported the war efforts abroad with a Congressional Gold Medal. This medal will serve as long-overdue recognition for their patriotic contributions to our country, to the world—to peace and to freedom.

Briefly, let me explain again why then late Andrew Higgins and the employees of Higgins Industries deserve this most prestigious honor.

Andrew Jackson Higgins designed the landing craft, now dubbed ''the Higgins boats,'' used to land troops across open beaches during all amphibious assaults in World War II. The most famous, of course, was the D-Day invasion of Normandy; but other landings, like Leyte Gulf, Guadalcanal and Sicily were equally important.

The 20,000 Higgins boats were built at eight plants in New Orleans, the city that I represent and that is home to the National D-Day Museum. These plants produced most of the vessels and equipment that were essential to the war efforts. Higgins employed more than 20,000 workers around the clock for over four years. They built over 20,000 landing craft and trained over 30,000 military personnel on the operation of the boats. At their peak, Higgins Industries produced about 700 boats per month.

Beyond his dedication during the war, Higgins possessed qualities that were far beyond his years.

Even before America entered the war, Higgins anticipated the possible need for his boats, and he purchased the entire 1940 Philippine Mahogany crop.

Higgins displayed a social conscience that was unimaginably progressive in the 1940s. He employed men and women, blacks and whites with an ''equal pay for equal work'' policy decades before integration and gender equality in the workforce.

Mr. Speaker, Andrew Jackson Higgins was a man of great insight and ingenuity. His accomplishments were recognized by President Eisenhower on more than one occasion. On Thanksgiving, 1944, Eisenhower boasted, ''Let us thank God for Higgins Industries' management and labor which has given us the landing boats with which to conduct our campaign.''

Again, in 1964, Eisenhower praised Andrew Higgins by saying, ''He is the man that won the war. If Higgins had not produced and developed those landing craft, we never could have gone in over an open beach. We would have had to change the entire strategy of the war.''

The time has come for the Nation to honor the contributions of the people of Higgins Industries: men and women, blacks and whites, working side by side, equal pay for equal work, to build the boats that won World War II. Mr. Higgins went above and beyond the call of duty for his country and worked in a way that was far beyond his years. His progressive and aggressive policies before and during the war should serve as a member to all of us who serve our country, and should thus be duly recognized.

Mr. Speaker, I reiterate, the recognition of the late Andrew Jackson Higgins and the employees of Higgins' Industries is long overdue. I believe these forgotten heroes should now be honored and always remembered. A Congressional Gold Medal will honor them, just as their work helped to keep us free.

AIDS EPIDEMIC

SPEECH OF

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mrs. MEEK of Florida. Mr. Speaker, today marks twenty years since the official recognition of the disease that would come to be known as Acquired Immune Deficiency Syndrome or AIDS. In those twenty years medical and pharmaceutical advancements have made HIV/AIDS more manageable for some, but a cure has yet to be found.

In order to erase this scourge from the planet, a re-commitment, not complacency is required by the United States and all governments around the world. We need to refocus our efforts and not allow complacency to dictate the future. There must be a continued worldwide commitment to the eradication of this plague. 20 years of AIDS is Enough!

THE IMPACT OF AIDS

Twenty years ago, the devastating impact AIDS was to have on the world could not have been imagined. On June 5, 1981, the Centers for Disease Control and Prevention (CDC) published an article about five cases of rare pneumocystis pneumonia among gay men in Los Angeles. Since then, AIDS has spread globally, with 36 million people presently living with HIV, 900,000 in the United States alone.

According to the CDC, people of color make up 57% of the cumulative AIDS cases and 68% of the new AIDS cases reported as of June 2000. It is the leading cause of death of African-American men ages 25–44. 40,000 new HIV infections occur in the U.S. every year.

According to the CDC, men of color account for 63% of the new AIDS cases reported among men in the twelve months ended June 2000 and women of color make up 82% of new AIDS cases reported among females in the twelve months ended June 2000. Children of color make up 84% of the pediatric new AIDS cases reported in the twelve months ended in June 2000. Young men of color and women of color are particularly vulnerable.

The 1998–2000 Young Men's Survey (YMS), a study of over 2,000 gay men ages 23 to 29 in Baltimore, Dallas, Los Angeles, Miami, New York, and Seattle, found that 30% of African-Americans, 15% of Hispanics, 3% of Asians and 7 percent of Caucasian men were living with HIV. Only a third of those infected knew they had HIV. In 1999, persons aged 13–24 years accounted for 15% of reported HIV cases, and women made up 49% of the cases in this age group.

Since 1981 the face of AIDS has changed markedly. Originally known as a ''gay man's disease'', AIDS has exploded into a worldwide epidemic affecting men, women and children of all races, a deadly presence that does not discriminate. In the US, while 46% of reported AIDS cases were the result of homosexual contact, 54% were exposed through heterosexual contact or intravenous drug use (IDU); worldwide, more than 80 percent of all adult HIV infections have resulted from heterosexual intercourse. The largest number of persons infected with HIV/AIDS are Sub-Saharan Africans, totaling at present 25.3 million, though Asia is presently set to out-pace Africa in the next decade.

In twenty years, HIV has infected a reported 52 million people worldwide. 21.8 million have died from AIDS, 3 million in the year 2000. Of the 36 million people presently living with HIV/AIDS worldwide, 34.7 million are adults, 18.3 million are men, 16.4 million are women and 1.3 million are under the age of 15. It is estimated that during 2000, 5.2 million people were newly infected with HIV, an average of 14,250 daily.

In the 20 years since AIDS was identified, more than 800,000 Americans have been diagnosed with AIDS; nearly half of them have died. Today, AIDS still claims two lives every hours in this country. Worldwide, more than 35 million people are currently living with AIDS . . . 22 million have already died. Three million lives were lost in 2000 alone. Most of them died without adequate medical care or treatment for even the most common and treatable infections that accompany the disease.

We must never forget the contributions of those who have gone before us. Today as we recognize the 20th Anniversary of the discovery of AIDS. I commend the 12 National Organizations from across the country, who have come together to launch a national campaign to provide health care, treatment, and prevention education and information to millions of Americans impacted by this epidemic with the following goals:

To raise the level of awareness of the HIV/AIDS epidemic in the United States and its devastating impact on our nation in the last 20 years. To illustrate for America's leadership the catastrophic worldwide epidemic and its likely toll in human lives. To motivate Americans, particularly policymakers, to recommit to advances in treatment, medicine and science. To engage Americans of all ages in local activities that allow them to understand that this epidemic touches everyone.

AIDS Action Committee of Massachusetts, AIDS Project Los Angeles, The Balm in Gilead, Broadway Cares, Gay Men's Health Crisis, The National Association of People with AIDS, National Minority AIDS Council, The NAMES Project Foundation, San Francisco AIDS Foundation, and the Whitman-Walker Clinic are all to be commended for coming together in this unique partnership to launch a national public affairs campaign to provide health care, treatment, and prevention education and information to millions of Americans.

Mr. Speaker, 20 years of AIDS is Enough!

57TH ANNIVERSARY OF THE INVASION OF NORMANDY ON D–DAY

HON. FELIX J. GRUCCI, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. GRUCCI. Mr. Speaker, I rise and ask all Americans to join me in pausing for a moment to remember the 57th Anniversary of one of the greatest fights for freedom in world history: the invasion of Normandy on D-Day.

The men, who fought this battle, many giving their lives, did nothing short of saving the world. At a time when Europe was dominated by Hitler, these soldiers mounted an invasion that many were sure was impossible at Omaha and Utah beaches, securing the coast against all odds, and beginning the final drive to defeat the Nazi's. Anyone who has seen the movie Saving Private Ryan has seen but a glimpse of this greatest battle of World War II.

Today, more than a thousand World War II veterans are dying each day. These men and women, who secured the freedom we enjoy today, both in America and abroad, are heroes. Their bold actions and selfless sacrifices will soon be honored on our National Mall with a new monument for them, and are being seen and appreciated anew through the eyes of a new generation. Whether it be at the theater seeing Pearl Harbor or countless other venues, our children are seeing that World War II isn't just a history lesson in school, it was heroic actions by ordinary men and women, which shaped the world in which we live today.

Mr. Speaker, this is why I am asking all Americans to join me in reflecting on the sacrifices made by these soldiers, and say a silent ''Thank you'' to them.

AIDS EPIDEMIC

SPEECH OF

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mr. NADLER. Mr. Speaker, twenty years ago the medical world was riding a wave of confidence. Our scientists had conquered polio, tuberculosis, smallpox, you name it. We were ready for any new challenge. But no one was prepared on June 5, 1981 for the crisis that was to come. Some thought this new discovery to be a rare pneumonia, others a new form of cancer. It attracted minor attention at the time, but little did we know that the world was about to meet the most devastating epidemic of our time—AIDS.

When we look back now at our response to the onset of AIDS, we see a nation that ignored an epidemic and a Congress reluctant to devote resources to finding its cure. Too many people believed that they could never contract AIDS and they failed to protect themselves from it. But no one is immune, and by the time we looked up AIDS had reached every community across the world. One need only look at the decimation of the African continent to see the dramatic consequences of our inattention to AIDS.

In the last decade we have made great strides in this country in dealing with this terrifying crisis. Research funded by the NIH has yielded incredible breakthroughs in treatment, indefinitely prolonging the lives of people living with HIV. The Ryan White CARE Act has established a comprehensive program of treatment and support services, bringing a little hope and humanity to people living with HIV and AIDS. The HOPWA program is helping almost 60,000 people a year find the stable housing they need to live long and productive lives. We should be proud of these efforts.

But there is a new epidemic that has beset us. It is called complacency. The flat funding for Ryan White proposed by the President, the rising number of HIV cases reported in women, the dramatic increase in HIV across communities of color. These should serve as a wake-up call to all of us that our work is nowhere near done. We must redouble our efforts in prevention and treatment if we hope to ever eliminate it from our midst. Before we can eradicate AIDS, we must eradicate the complacency that surrounds us.

Mr. Speaker, anniversaries are a time for reflection, a time to look back at where we've been and look ahead to where we may be going. We have a lot to be proud of in our response to the AIDS epidemic, but let's take this opportunity to re-energize our AIDS policy and conquer this terrible disease once and for all.

PEACE CORPS VOLUNTEER IN DIARELA

HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, a constituent from Virginia's Northern Neck sent me a report on the work of his daughter, a Peace Corps Volunteer in Diarela, a remote village of approximately five hundred farmers near Mali's border with Ivory Coast, in Western Africa.

Until the parents visited in Mali, they had difficulty answering their neighbors' standard question, ''What does she do there.'' There is no short, easy answer. She lives in a house built and furnished to Peace Corps specifications: a tin roof, mud walls and a concrete floor, a table and a chair. The nearest electricity and running water are hours away. She has a bicycle and some basic tools, and only a very small stipend. Where else are Americans asked to live and work with so little, and with the vaguely-implied imperative to do what you can in the best interests of the United States of America?

The visiting parents of Ms. Kallus saw the intangible results of her efforts as a Peace Corp volunteer when she invited the men of the village to drink tea. At least forty came. They conversed about many subjects: from crops and weather to self respect and the brotherhood of races. Ms. Kallus skillfully translated from Bambra and French to English. Around midnight, one of the village farmers spoke up, saying, ''We trust you, Batoma.'' (That is the name they have given her.) ''You work hard and speak the truth. Because of you, we know and respect the United States.''

Americans can get no better return on their tax dollar than that.

INTRODUCTION OF THE SALES INCENTIVE COMPENSATION ACT

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. TIBERI. Mr. Speaker, I am pleased today to join my colleague, Representative ROB ANDREWS from New Jersey, in the introduction of ''The Sales Incentive Compensation Act.'' This is a very narrow, technical amendment to the Fair Labor Standards Act of 1938. The purpose of the legislation is to clarify the treatment of certain types of sales employees under the federal minimum wage and overtime requirements.

Technological advances have dramatically changed the way in which sales employees perform their jobs. Companies now compete in a global market where many business transactions occur through use of the Internet, faxes and the telephone.

This bill is specifically written for the so-called ''inside sales'' employee, who works primarily at the employer's facility, using the phone, fax and computer connections to communicate with non-retail customers. Many of these employees are professional sales people who deal with very sophisticated products or function as both a consultant and salesperson to customers, yet they are not covered by any of the current exemptions from minimum wage and overtime.

The treatment of inside sales employees under the law has only become an issue in recent years, as the courts have reached differing conclusions about whether inside sales employees qualify for any of the current exemptions. Since many of these employees are covered by a 40 hour workweek, current law has the unintended effect of placing a ceiling on their income because they do not have the flexibility or the choice to work additional hours in order to generate more sales and earn more commissions.

The Sales Incentive Compensation Act takes into account the changes that have occurred in the workplace since the law was enacted in 1938. The legislation would update the law to more accurately reflect the duties and functions of inside sales employees. By doing this, employees would have the opportunity to increase their wages.

In order to qualify for this exemption, an employee must meet the requirements in the bill that outline the specific functions and duties of the job. An employee would have to have a detailed understanding of the customer's needs and specialized or technical knowledge about the products or services being sold. The employee must sell predominately to repeat customers—in other words, the exemption would not apply to telemarketers or sales employees who primarily ''cold call'' customers. In addition, the employee must have a detailed understanding of the customer's needs.

The legislation ensures protections for the employee in that it requires the employer to pay a minimum amount of base compensation. The remainder of the employee's compensation would be derived from commissions on sales. So employees would be provided with a base salary, an additional amount of guaranteed commissions, and continued incentives for increased earnings. Employees who choose to work longer hours in order to

make more sales are therefore guaranteed to have financial reimbursement for the additional hours in the form of commissions.

The Sales Incentive Compensation Act is carefully crafted bipartisan legislation that many Members supported during the last Congress when it was considered and passed by the House. I urge my colleagues to support expanding worker opportunity and providing sensible reform to a 1938 law.

PRESIDENT BUSH'S MISGUIDED ENERGY PLAN

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. RODRIGUEZ. Mr. Speaker, President Bush has released his long-awaited energy plan and even with last minute changes it is as flawed and one-sided as anticipated.

President Bush has proposed nothing to deal with the immediate energy crisis facing California and the Pacific Northwest and the looming crisis for New England and other parts of the country.

The President has proposed nothing to deal with rising gasoline and energy prices. Instead, Bush has said that his tax cut proposal will help consumers with increased energy cost. However, his income tax reductions are not fully phased in until the year 2006.

How will lower and middle class families afford rising energy prices for the next five years under President Bush's solution?

In addition, 45% of his $1.6 trillion tax plan would benefit the wealthiest 1% of Americans. Middle class families making less than $44,000 would get only 13% of the benefits, about $11 per week in the year 2006 under the plan.

We should not destroy our national parks, pristine federal lands, and the environment to provide a very limited amount of additional oil and gas. For example, opening the Arctic National Wildlife Refuge, ''America's Serengeti'' to oil and gas exploration is a mistake.

In addition, the President in proposing to rollback environmental and clean air regulations that could actually increase emissions of ozone causing pollutants.

Conservation must be an integral part of any national energy plan but the President's plan proposed very little for energy efficiency or renewable energy.

Democrats believe in a balanced energy policy that helps consumers by both increasing production and reducing energy demand.

The federal government must become more energy efficient, invest in energy research, and ensure that energy markets are fair and competitive.

COMMENDING CLEAR CHANNEL COMMUNICATIONS AND AMERICAN FOOTBALL COACHES ASSOCIATION FOR THEIR DEDICATION AND EFFORTS FOR PROTECTING CHILDREN

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mrs. JACKSON-LEE of Texas. Mr. Speaker, I rise to add my commendation of the American Football Coaches Association for its efforts in providing fingerprint kits to parents that would be used to help locate missing, kidnapped or runaway children.

As founder and co-chair of the Congressional Children's Caucus, I applaud this group's work to help children who are desperately in need. I also thank my colleague Representative DUNCAN for introducing this resolution.

It is particularly timely that we recognize this group, because we just observed National Missing Children's Day on May 25. Every day in this country, 2,100 children are reported missing to the FBI's National Crime Information Center. There are at least 5,000 children missing per year in Houston.

The National Child Identification Program was created in 1997 with the goal of fingerprinting 20 million children. This program provides a free fingerprint kit to parents, who then take and store their child's fingerprints in their own homes. If this information were ever needed, fingerprints would be given to the police to help them in locating a missing child. The American Football Coaches Association, in partnership with a large chain of radio stations, has agreed to raise funds to help provide such a fingerprint kit for every child in America.

It is crucial that, in each of our districts, we support this and all other efforts to protect our children and help those who are missing and

I have taken initiative to protect the very youngest of such victims by introducing H.R. 72, the Infant Protection and Baby Switching Prevention Act. This legislation would require certain hospitals reimbursed under Medicare to have in effect security procedures to reduce the likelihood of infant patient abduction and baby switching, including procedures for identifying all infant patients in the hospital in a manner that ensures that it will be evident if infants are missing.

Another successful nationwide effort is the AMBER plan (America's Missing: Broadcast Emergency Response), which permits law enforcement agencies and broadcasters to rapidly exchange information in the most serious child abduction cases and quickly alert the public during the critical first few hours of a child abduction. This program is named after Amber Hagerman, who was abducted and murdered in Arlington, Texas several years ago. This program has been responsible for the amazing recovery of at least ten children. One of these programs is based in my district of Houston, Texas. In response to the May 1 abduction of 11-year-old Leah Henry of Houston, the Amber plan has been made more flexible, permitting alerts to air more frequently and through radio and television stations, rather than resorting to the emergency broadcast system. It is my hope that cities around the nation will adopt this valuable program.

We must all take a stand against child abduction and victimization. I am grateful to the American Football Coaches Association and all other concerned organizations and citizens for doing so.

INTRODUCTION OF END RACIAL PROFILING ACT OF 2001

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. CONYERS. Mr. Speaker, I am pleased to introduce the End Racial Profiling Act of 2001, along with additional bipartisan cosponsors. Both the President and the Attorney General have said that we need federal legislation and that the practice of racial profiling should be prohibited. This bill accomplishes both these goals and we're anxious to work with the administration to pass legislation during this Congress.

Racial profiling not only undermines constitutional rights, but also undermines the trust on which law enforcement depends. Since I first introduced racial profiling legislation in the 105th Congress, the pervasive nature of racial profiling has gone from anecdote and theory to well-documented fact. Data collected from New Jersey, Maryland, Texas, Pennsylvania, Florida, Illinois, Ohio, New York, and Massachusetts show beyond a shadow of a doubt that African-Americans and Latinos are being stopped for routine traffic violations far in excess of their share of the population or even the rate at which such populations are accused of criminal conduct. A recent Justice Department report found that although African-Americans and Hispanics are more likely to be stopped and searched by law enforcement, they are much less likely to be found in possession of contraband.

Racial profiling is a doulbe-barreled assault on our social fabric. Nearly every young African-American male has been subjected to racial profiling or has a family member or close friend who has been a victim of this injustice. Racial profiling sends the message to young African-Americans and others that the criminal justice system, and therefore the system at large, belittles their worth, that message and its impact sticks. Second, and relatedly, it causes a breakdown of trust on which community policing depends. And unless that trust is built, deep seated, nurtured, then the police can't do the job of protecting our communities, a job we all want the police to do.

Our legislation is designed to eliminate racial profiling by addressing the policies and procedures underlying the practice. First the bill provides a prohibition on racial profiling, enforceable by injunctive relief. Second, we condition federal law enforcement and other monies that go to state and local governments on their adoption of policies that prohibit racial

profiling and which are enforceable. Third, we provide the state and local police with the grant money they have told us that they need to train and modernize the police. Finally, we provide for periodic reports by the Attorney General to assess the nature of any ongoing racial profiling.

Both the President and Attorney General have called for a ban on the practice of racial profiling. There is near unanimous agreement on all sides of the political spectrum that it should be ended. The time has come to pass this legislation.

TRIBUTE TO AUDREY RUST

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to a distinguished Californian, Audrey Rust, who is being honored by the California League of Conservation Voters.

Audrey Rust has led the Peninsula Open Space Trust (P.O.S.T.) since 1987, first as Executive Director and now as President. Over the past 24 years, P.O.S.T. has led the way to protecting over 40,000 acres of land on the San Francisco Peninsula. Prior to coming to P.O.S.T., Audrey worked with the Sierra Club, Yale University and Stanford University. She has served as a member of the Board of Directors of the Land Trust Alliance and the League of Conservation Voters in Washington, DC, and currently advises many community groups and national conservation and civic organizations.

Under Audrey Rust's leadership, P.O.S.T. has become the most respected and effective organization responsible for the permanent protection of lands . . . amongst them the Cloverdale Coastal Ranch and the Cowell Ranch and Beach. They have raised $33.5 million in private gifts for the permanent protection of 12,500 acres in San Mateo and Santa Clara Counties.

Audrey Rust oversees P.O.S.T.'s unique land acquisition strategy, which uses a combination of public and private funds. P.O.S.T. regularly purchases threatened land with privately-raised funds, then sells this land to public agencies in order to preserve them from commercial development.

I'm exceedingly proud to have worked with Audrey Rust to protect the 1,250-acre Phleger Estate and Bair Island. The Phleger Estate lands are now part of the Golden Gate National Recreational Area, and Bair Island provides refuge to many endangered species, including the California clapper rail and the salt marsh harvest mouse. These lands are part of the unique character and heritage of the 14th Congressional District of California, which I am proud to represent and they now belong to future generations of Americans.

Mr. Speaker, on behalf of the millions of Californians and Americans who have benefited from Audrey Rust's extraordinary leadership and the work of P.O.S.T., I ask my colleagues to join me in paying tribute to her. She is a great woman, a gifted leader, a sound thinker, a trusted friend and a national treasure.

TRIBUTE TO MARTIN LITTON

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to a distinguished Californian, Martin Litton, who is being honored by the California League of Conservation Voters.

Martin Litton has spent the last fifty years of his life saving the great forests and rivers of California and the West. In his roles as a freelance writer for the Los Angeles Times, a notable leader of the Sierra Club, an editor at Sunset Magazine, a pilot, a photographer, and a crusader, Mr. Litton has made his mark in the great conservation efforts of our time.

Martin Litton's news articles on the destructiveness of the development that threatened the giant redwoods of Northern California helped pave the way for the creation of Redwood National Park in 1968. This jewel in our National Park System would not exist today were it not for him and his tireless efforts.

Martin Litton later partnered with Sierra Club leader David Brower to save Dinosaur National Monument from proposed dams that would have covered the area under millions of gallons of water. Martin Litton's photos and articles in the Los Angeles Times made the public aware of the dangers that their protected lands faced. He later served on the Board of Directors of the Sierra Club from 1964 to 1973.

For the last thirteen years, Martin Litton has worked to save the giant Sequoias in Sequoia National Forest from the threat of renewed logging and deforestation. His eloquent voice once again is being raised to ensure that these lands are protected for generations to come.

The late David Brower called Martin Litton our ''conservation conscience.''

Mr. Speaker, we are a better nation and a better people because of Martin Litton. It is a privilege to honor him for his extraordinary leadership and I ask my colleagues to join me in paying grateful tribute to him.

CELEBRATING THE BIRTH OF SHAUNA LIAN KAPLAN AND SIERRA NAOMI KAPLAN

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. OSE. Mr. Speaker, as the father of two daughters myself, it is indeed my pleasure to welcome Shauna Lian Kaplan and Sierra Naomi Kaplan to the world.

These two, beautiful little girls were born within seconds of each other on Friday, May 11, 2001 at Fairfax Hospital, in Northern Virginia to my Legislative Director, James Kaplan, and his wife, Stacie Kaplan.

They were also warmly welcomed to the world and their family by their proud grandparents: Dr. and Mrs. Jerold Kaplan of California, and Mr. and Mrs. Harold Rothman of Maryland. Other ecstatic relatives include Stacie's sister, Ms. Amy Rothman, Jim's brothers, Ens. Scott Kaplan, USN, and Mr. Glenn Kaplan, Stacie's grandmothers, Mrs. Helen Rothman and Mrs. Doris Scherr, and Jim's grandparents, Mr. and Mrs. Bernard Schwartz.

The story of these two little girls began here in the U.S. Capitol. Their parents were introduced by a mutual friend who worked with him in the House of Representatives. Jim proposed to Stacie on a dome tour of the U.S. Capitol in 1997 And it is only fitting that their twin daughters now be recognized by the House.

Who knows? One of these little girls may be here to do the same for one of their staff one day.

TRIBUTE TO J. WESLEY WATKINS III

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Ms. SLAUGHTER. Mr. Speaker, I would like the U.S. House of Representatives to mark the passing of a man who did everything he could to make America a better place for all of its citizens: J. Wesley Watkins III.

[From the Washington Post, June 6, 2001]

J. WESLEY WATKINS III, 65, DIES; CIVIL LIBERTIES LAWYER, ACTIVIST

(By Bart Barnes)

J. Wesley Watkins III, 65, a Washington-based lawyer who specialized in civil rights and civil liberties issues in a career that spanned almost 40 years, died of pneumonia June 4 at George Washington University Hopsital. He had cancer.

At his death, Mr. Watkins was a senior fellow at the Center for Policy Alternatives and founding director of the Flemming Fellows Leadership Institute, a program that assists and trains state legislators on such issues as family and medical leave, community reinvestment and motor-voter registration.

He was a former director of the American Civil Liberties Union of the National Capital Area, a Washington-based southern regional manager of Common Cause and a management consultant to various nonprofit organizations.

In the later 1960s and the 1970s, he had a private law practice in Greenville, Miss. His cases included winning the right for African American leaders to speak to on-campus gatherings at previously all-white universities; the seating of a biracial Mississippi delegation at the 1968 Democratic National Convention and removal of various barriers and impediments to voting.

Mr. Watkins, a resident of Washington, was born in Greenville and grew up in Inverness, Miss. He attended the U.S. Naval Academy, graduated from the University of Mississippi and served in the Navy at Pearl Harbor from 1957 to 1959. He graduated from the University of Mississippi Law School in 1962. During the Kennedy and Johnson administrations, he was a Justice Department lawyer and tried cases throughout the South.

In 1967, he returned to Greenville as a partner in the law firm of Wynn and Watkins. Until 1975, he was the attorney for the Loyal Democrats, the movement to establish a biracial Democratic Party in a state where black residents had been effectively excluded from the political process for generations. The loyalists were seated at the Democratic National Convention in Chicago as the official Democratic Party of Mississippi. In the years after 1968, Mr. Watkins held negotiations with Mississippi's Old Guard Democrats that led to a unified Democratic Party by the national convention of 1976.

Hodding Carter III, the former editor of Greenville's Delta Democrat Times newspaper and a Mississippi contemporary of Mr. Watkin's, described him as ''one of those southerners who loved this place so much that he had to change it. He had to do what he knew was the right and necessary thing in a very hard time. He had to break with so much that was basic to his past.'' Carter is president of the John S. and James L. Knight Foundation in Miami.

In 1975, Mr. Watkins returned to Washington and joined the Center for Policy Alternatives and helped found the Flemming Leadership Institute.

There, Linda Tarr-Whelan, the organization's board chairman, called him a ''larger-than-life figure with a thick Mississippi accent, a magnetic personality and a gift for telling stories.''

He habitually wore cowboy boots and a ten-gallon hat. When chemotherapy treatments for his cancer caused some of his hair to fall out, Mr. Watkins simply shaved his head and started wearing an earring.

In the 1980s, Mr. Watkins was task force director for the Commission on Administrative Review of the U.S. House of Representatives, which also was known as the Obey Commission. He was a former legislative assistant to Rep. Frank E. Smith (D–Miss.).

He served on the boards of Common Cause, Americans for Democratic Action and Mid-Delta Head Start, and most recently he was a board member of Planned Parenthood of Metropolitan Washington.

He was a former vestryman and a teacher in the Christian education program of St. Mark's Episcopal Church in Washington.

His marriage to Jane Magruder Watkins ended in divorce.

Survivors include his companion, Anita F. Gottlieb of Washington; two children, Gordon Watkins of Parthenon, Ark., and Laurin Wittig of Williamsburg, two sisters, Mollye Lester of Inverness and Ann Stevens of Newark; a brother, William S. Watkins of Alexandria; and four grandchildren.

PERSONAL EXPLANATION

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Ms. SOLIS. Mr. Speaker, during roll call vote number 150 and 151 on H. Con. Res. 100 and H.R. 2043, I was unavoidably detained. Had I been present, I would have voted "yea" on both.

RACIAL PROFILING EXISTS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. TRAFICANT. Mr. Speaker, I submit for the RECORD to document that Mr. Beulah is an honest, respected constituent and his letter depicts that racial profiling does exist!

5/24/01.

To: Chief Jeffery Patterson

Re: Boardman Police Department; Racial Profiling

DEAR CHIEF PATTERSON: My name is Gerald Beulah, Jr. I am an employee of Clear Channel Youngstown; WKBN AM Radio, located at 7461 South Ave. in Boardman. I am the Senior Engineer and Producer of Morning Programming on 570 WKBN AM. I am also an African-American.

On Wednesday, May 23, 2001, the topic of discussion on ''Mangino in the Morning'' and ''The Dan Ryan Show'' centered around Racial Profiling with regards to the Boardman Police Department being the recent primary instigators thereof.

Unfortunately, I also was the nucleus of the conversation because of my personal experiences, which were becoming more frequent as I drove into work daily. I felt and commented on the air that I believed I had become the target of such profiling, including the very morning this show aired.

Quite simply—what happened was I was making a left turn onto Tiffany Blvd. from South Ave. A Patrolman was sitting at the stop sign, preparing to turn onto South Ave. As I passed him, I noticed from the rear view mirror that he had placed his car in reverse, turned around and proceeded to follow me, albeit stealthily. The officer slowly crept along Tiffany Blvd. as I exited my vehicle and walked toward the Clear Channel Complex. He remained in clear view, allowing me to see him watching me and it was only after I had entered into the building that he sped away.

Unbeknownst to me, Morning Talk Show Host, Robert Mangino was entering the parking lot from the opposite direction, having to pass the patrol car as he entered. He commented when inside, that he had observed the officer's movements pursuant to my own and that it was ''quite funny'' that the officer did not back up to watch him enter the building. Thus our ''on-air'' conversation ensued.

What I also stated on air—and which is absolute truth—is that in the year and a half that we have occupied this building, I have been ''profiled'' at least four (4) times at this location alone. Twice, an officer stopped me on the grounds of Clear Channel. In February, the officer aggressively approached my vehicle with his car, penning me into the parking space (I guess he anticipated me fleeing—however, I had already taken the time to park)—his car lights were flashing and his flashlight was shining squarely in my face. Since I was already in the process of exiting my vehicle, I spoke first—asked what the problem was, only to be asked what I was doing ''here.'' I responded that I worked at this facility and he inquired as to my job description. I told him and he turned off the lights and pulled away, remarking that he thought I was going ''kind of fast back there.''

I would like to make it perfectly clear, that these incidents have only happened in the early hours of the morning—between 4:40 and 5:00 am—as my shift begins at 5:00 am sharp; and only within a few feet of Clear Channel.

I have never been stopped on South Ave (which is my usual route) for speeding, running a red light, an inoperable taillight, brake light or any other violation.

Although my family and I live in Youngstown, we shop and dine in Boardman frequently. I admit to being ''followed'' from time to time—but—and your own records should substantiate this—I have never received a ticket—or an official warning from any officer for any reason. I consider myself to be an upstanding member of my community who tries to seek the best in people while making my own contribution to be my best.

I am in no way a ''Jesse Jackson'' type who looks under every rock for racial injustice—nor do I play ''the race card'' to seek an advantage over others. It's obvious that racism exists—and even though I have experienced my share, I do not let my personal experiences deter me from judging others on their own character and merit.

In my ''on-air'' comments, I made it very clear that I did not lop the entire Boardman Police Department under ''One Umbrella''—nor did I speak in generalities—only to my specific experiences, which I again state, seem to be occurring more frequently. I also commended one of your officers, I believe his name to be Mike Mullins, who at one time dropped off a book of American History Quotes for me to give to my daughter, who is graduating from Cardinal Mooney this June. Dan Ryan took the liberty to read from this book on the air—so again I have expressed no personal vendetta against your department.

Since WKBN serves the public trust, and these shows generated a large volume of calls, it was suggested by many that ''something be done.'' Either we call you, specifically for a response, or I file a lawsuit and on and on. What I decided was to send you this correspondence in the hopes that you would keep it on file as an official complaint concerning these incidents. It would be nice to receive a formal apology from you—but I am *not* demanding it. I leave you to search your own heart before making that decision.

I trust that this letter alone will suffice to curtail further unfair behavior, towards myself—or any other minority who has expressed similar treatment. Over time, there has been a stigma and slogan related to these experiences common in the Black Community—it's called ''DWB''—Driving While Black. I hope that the Boardman Police would take the initiative in totally destroying such a negative connotation, while simultaneously rebuilding the level of common respect from one human being toward the other. I do understand the difficult nature of your jobs and the dangerous conditions you face daily, however I trust that your professionalism and discipline would shine through in each and every situation.

Sincerely,

GERALD H. BEULAH, JR.
Clear Channel Youngstown,
WKBN AM.

THE DR. MARTIN LUTHER KING, JR. COMMEMORATIVE COIN ACT OF 2001

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. ROTHMAN. Mr. Speaker, I rise today to express my full support for H.R. 1184, a bill that requires the Secretary of the Treasury to mint coins in commemoration of the contributions of Rev. Dr. Martin Luther King, Jr., to the United States. I am proud to be a cosponsor of this bill, which was introduced by my good friend and colleague Representative JIM LEACH on March 22, 2001. A similar piece of legislation has been introduced in the other body by U.S. Senator MARY LANDRIEU on February 15 for herself and 24 other members of the Senate.

Dr. Martin Luther King proved to be a man larger than life, and had an extraordinary impact not only on the civil rights movement, but on the history of America. The 40th anniversary of his "I have a dream'' speech, delivered at the foot of the Lincoln Memorial, is fast approaching in the year 2003. That may seem far in the future, but in the realm of coin design, we do not have the luxury of waiting because of the time that it will take the Mint to prepare dies and to make this a part of the overall commemorative program.

In the last session of Congress, legislation was introduced in both the House and Senate to mint a coin in honor of Dr. King, but unfortunately no action was taken on these measures. In my Congressional District, however, there was enthusiastic support for honoring Dr. King with a commemorative coin. In fact, the Borough Council of Fair Lawn, New Jersey, passed Resolution 315–2000 urging that a bill permitting the minting of a coin in honor of Dr. King be passed by the U.S. Congress.

I am very pleased that this measure is supported by the Mayor of the Borough of Fair Lawn, David L. Ganz, who is not only a coin collector, but also a former member of the Citizens Commemorative Coin Advisory Committee, and a long-time advocate of using commemorative coins only for a proper purpose. In an article appearing in the January 16, 2001, issue of Numismatic News, a weekly trade publication, he argues that ''the accomplishments of Dr. Martin Luther King, Jr. transcend the work of presidents and academicians and cut across cultural lines. His life's work ultimately affected the fabric of American society . . . worthy of the Nobel Peace Prize in 1964 . . . [and leading to] social justice for a whole class of citizens and a generation of American.''

I submit this insightful article to be included in the CONGRESSIONAL RECORD.

H.R. 1184 provides a remarkable opportunity to honor a remarkable man. I urge the members of the Banking and Financial Services Committee, and ultimately this body, to promptly pass H.R. 1184.

[From the Numismatic News, Jan. 16, 2001]

KING CONSIDERATION WILL RETURN IN 107TH CONGRESS

When the 107th Congress convenes, dozens of bills will be introduced that, over the succeeding two years, will multiply to the thousands and eventually become about 600 laws. Some will name post offices for former members of Congress, federal buildings for prominent Americans, and some will even change tax laws, promote social justice or shape a kinder and gentler society.

One bill—which will surely repeat its previous introduction in the 106th Congress by then-chair of the House Banking committee and the chair of the House coinage subcommittee—bears reconsideration, and passage: recognition of the life's work and accomplishments of Rev. Dr. Martin Luther King Jr., who surely changed the texture, complexity and general tenor of American society, perhaps more than any other individual.

H.R. 3633, a bill to authorize half dollar, dollar and $5 gold pieces honoring the American civil rights leader, was introduced in the House in February 2000. In the following months, it obtained co-sponsors, but not sufficient to move the matter to the legislative approval needed to create a new coin.

The point can be argued. Franklin D. Roosevelt brought the nation out of the Great Depression, fought a war and created Social Security and a host of other programs that defined part of American political culture in the second half of the 20th century (after his death). Lyndon Johnson created a Great Society, Harry Truman a Square Deal, John F. Kennedy a New Frontier and, earlier, Woodrow Wilson made a world safe for democracy. There are also Ronald Reagan, who presided over the demise of the communist threat from the Soviet Union; Theodore Roosevelt, who launched America's military greatness and internationalism; and even Herbert Hoover, a great humanitarian who solved the issues of a starving Europe, much as Gen. George Marshall did a generation later. But in terms of historical perspective, which is what coinage of a nation should truly reflect, the accomplishments of Dr. Martin Luther King Jr. transcend the work of presidents and academicians and cut across cultural lines. His life's work ultimately affected the fabric of American society—its military policies, economic and social fabric, religious institutions and the intellectual development of a generation of Americans, and beyond.

His accomplishments were worthy of the Nobel Peace Prize in 1964 (something he shared with Theodore Roosevelt, who won it in 1905), and there can be little doubt that the Montgomery, Ala., bus boycott in the early 1950s led to a peaceful revolution and social justice for a whole class of citizens and a generation of Americans.

Like many who are termed heroes, Dr. King proved that he also had feet of clay, and in no small measure the private files maintained on him by the late J. Edgar Hoover, the FBI director, are responsible for the attacks on the King reputation and his legacy.

Born in 1939, the son of Rev. Martin Luther King Sr. (''Daddy'' King), young Martin attended Morehouse College in Atlanta and Crozer Theological Seminary in Pennsylvania. He received a Ph.D. in theology in 1955 and became pastor of Dexter Avenue Baptist Church in Montgomery—the same year that other events were to grip the nation.

In December 1955, after Rosa Parks refused to obey Montgomery's policy mandating segregation on buses, black residents launched a bus boycott and elected King as president of the newly formed Montgomery Improvement Association. As the boycott continued during 1956, King gained national prominence.

His house was bombed, and he and other boycott leaders were tried in court and convicted on charges of conspiring to interfere with the bus company's operations. But in December 1956, Montgomery's buses were desegregated when the U.S. Supreme Court declared Alabama's segregation laws unconstitutional.

In 1957 King and other black ministers founded the Southern Christian Leadership Conference. As SCLC president, King emphasized the goal of black voting rights when he spoke at the Lincoln Memorial during the 1957 Prayer Pilgrimage for Freedom.

It was in the 1963 March on Washington that he won his nonviolence spurs. On Aug. 28, 1963, his oratory attracted more than 250,000 protesters to Washington, D.C., where, speaking from the steps of the Lincoln Memorial, King delivered his famous I Have a Dream speech.

''I have a dream,'' he said, ''that one day this nation will rise up, live out the true meaning of its creed: we hold these truths to be self-evident, that all men are created equal.''

During the year following the march, King's renown as a nonviolent leader grew, and, in 1964, he received the Noble Peace Prize. ''Man must evolve for all human conflict a method which rejects revenge, aggression and retaliation. The foundation of such a method is love,'' he told the Swedish Academy.

King's ability to achieve his objectives was also limited by the increasing resistance he encountered from national political leaders. When urban racial violence escalated. J. Edgar Hoover intensified his efforts to discredit King. King's own criticism of American intervention in the Vietnam War soured his relations with the Johnson administration.

It was in the late winter or early spring of 1968 that Dr. King went to South Side Junior High School in Rockville Centre, N.Y., a community of modest size (about 26,000 people) on Long Island's south shore. There, I met him as he spoke one evening in the school auditorium; he was a remarkable speaker, and though I disagreed with him at the time in the way he criticized our southeast Asia conflict, I came away with a sense that he was a remarkable man—someone I was proud of as an American.

Not long afterward, he delivered his last speech during a bitter garbage collectors' strike in Memphis. ''We've got some difficult days ahead, but it really doesn't matter with me now, because I've been to the mountaintop.'' The following evening, on April 4, 1968, he was assassinated by James Earl Ray.

In 1986, King's birthday, Jan. 15, became a federal holiday, placing him on par with several U.S. presidents. In the last session of Congress, Rep. James A.S. Leach, R–Iowa, and Spencer Bachus, R–Ala., were key sponsors of the King commemorative coin legislation. In the waning days of the session, Rep. Rush Holt, D–NJ., and Steve Rothman, D–N.J., signed on, bringing co-sponsors up to 138 members—not a majority in the 435-member House.

The real question is whether the 2003 date marking the 40th anniversary of the ''I have a dream'' speech is worthy of commemoration. I submit that a society that is unwilling to honor human dignity on its coinage is simply missing the boat and fails to understand the historical perspective of coinage, and how commemoratives like other coins stand for all time.

Don't mistake these comments for suggesting that the coin will be a good seller; to the contrary, it probably will not be. Controversy does not work to increase sales. The Crispus Attucks Revolutionary War coin (with 500,000 pieces authorized) sold a disappointing 26,000 in uncirculated and 54,000 in proof.

But if the question is asked who had more impact on American society, Eunice Shriver and the Special Olympics or Dr. Martin Luther King Jr., there is simply no contest. In considering whether the U.S. Botanic Gardens' 175th anniversary or the I Have A Dream speech has had a lasting impact on American society, the Lincoln Memorial address prevails.

We probably don't want to go into a discussion of the merits of some of the other modern commemorative coins (38th anniversary of the Korean War, for example), but it seems clear enough that if the test is an accomplishment that stands for all time, Dr. Martin Luther King Jr., warts and all, is worthy of numismatic commemoration.

Whether there will be a reintroduction and action in the 107th Congress remains to be seen. What is clear enough is that if 2003 is to be the year, time is growing short to allow for the creation, production and marketing of this distinctive and important commemorative product.

COLUMN ILLUMINATES NEED FOR CONTINUED ENGAGEMENT WITH THE PEOPLE'S REPUBLIC OF CHINA

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. BEREUTER. Mr. Speaker, the Member wishes to commend to his colleagues Mr. Thomas J. Friedman's editorial column, ''One Nation, 3 Lessons,'' which was published in

the April 13, 2001, edition of the *New York Times.* In the column, Mr. Friedman accurately describes the stabilizing and the destabilizing elements currently acting within the People's Republic of China (PRC) and prescribes steady, incremental U.S. engagement with the PRC as a means of encouraging China's growth into an open society, not into a cold war adversary.

As this body prepares to vote in the near future on renewing normal trade relations (NTR) with the PRC, this Member asks that his colleagues heed Mr. Friedman's advice to Bridges to China Everywhere Possible. Continuing NTR with the PRC, encouraging its accession to the WTO and other multilateral institutions as appropriate, engaging in dialogue about human rights concerns, and promoting democracy building and rule of law programs within the PRC are among the bridges Congress can and should immediately build.

ONE NATION, 3 LESSONS

(By Thomas L. Friedman)

So what are the lessons from this latest China-U.S. crisis? They are (1) When dealing with China, carry a big stick and a big dictionary. (2) This is an inherently unstable relationship. (3) Get used to it—it's going to be this way for a long time.

Let's start with Lesson 2, because it's the crux of the matter. We learn from this incident that the U.S.-China relationship has within it two highly stabilizing and two highly destabilizing elements, and the future will be shaped by the balance between them.

The two stabilizing elements are China's economic dependence on U.S. trade, technology transfers and the American market, and China's more general, but steady, integration into the world. When China's foreign minister declared that China was releasing the U.S. surveillance plane's crew for ''humanitarian reasons,'' I burst out laughing. One thing the Chinese are expert at is calculating their interests. And they had clearly calculated that dragging this affair on another day could imperil China's entry into the World Trade Organization, its $100 billion in trade with the U.S., its application to be host to the 2008 Summer Olympics, its 54,000 students studying in American, etc. etc.

These things matter. They matter to a regime whose Communist ideology is largely defunct and whose only basis of legitimacy is its ability to keep incomes rising. And they matter deeply to the people of China, who see themselves as a rising power and want to be accepted as such. The more China is integrated with the global economy and international rules-based systems like the W.T.O., the more these will be a source of restraint on the regime.

But they are not foolproof, because these stabilizing elements in the relationship are counterbalanced by two highly destabilizing ones: the authoritarian character of the Chinese regime, and China's rising popular nationalism and unquenchable aspiration to absorb Taiwan into one China.

Authoritarian regimes, having little legitimacy, can almost never admit a mistake. That's why you need a big stick and big dictionary when dealing with them. The idea that a slow-moving, propeller-driven surveillance plane, flying on auto-pilot, rammed into a Chinese fighter jet is ludicrous. But since China's leaders lacked the self-confidence to admit this, the Bush team wisely found a way to apologize without really apologizing.

The same tools need to be applied to Taiwan. Taiwan's character—the fact that it is a country that has built itself in America's image, economically and politically—mandates that we defend it. We cannot shirk that responsibility. But Taiwan's history and geography mandate that Taiwan find a way to accommodate with mainland China—without sacrificing its de facto independence or character. China has actually shown a lot of flexibility in proposing different formulas lately, and Taiwan needs to respond. Pass the dictionary.

We need to keep our eyes on the prize here, folks. Those voices in the U.S. now calling for America to ''stick it to China'' and to ''teach them a lesson'' sound as silly as the China People's Daily hectoring America. China is a unique problem. It represents one-fifth of humanity. It threatens us as much by its weaknesses as by its strengths. We may be doomed to a cold war with China, but it is not something we should court.

A cold war with Russia, a country that made tractors that were more valuable as scrap steel and TV's that blew up when you turned them on, was one thing. A cold war with one-fifth of humanity, with an economy growing at 10 percent a year, is another. At the same time, trying to collapse the Chinese regime overnight would produce a degree of chaos among one-fifth of the world's inhabitants that would affect everything from the air we breathe to the cost of the clothes we wear to the value of our currency.

Our strategy toward China needs to remain exactly as it was: Build bridges to China everywhere possible, because they have clearly become a source of restraint on the regime; and draw red lines everywhere necessary, because China's rising nationalism and insecure leadership can produce irrational behavior that overrides all other interests. Do this, and hope that over time China continues, as it slowly has been, becoming a more open, legalized, pluralistic society, with a government more responsive, and less threatening, to its people and neighbors. Lurching to any other extremes with China would be utterly, utterly foolhardy.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 7, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 8

11 a.m.
Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold joint hearings with the House Committee on Government Reform Subcommittee on the District of Columbia to examine the post control board period regarding the District of Columbia government.
2154, Rayburn Building

JUNE 13

9:30 a.m.
Governmental Affairs
To hold hearings to examine economic issues associated with the restructuring of energy industries.
SD–342

Indian Affairs
To hold hearings on the nomination of Neal A. McCaleb, of Oklahoma, to be Assistant Secretary of the Interior for Indian Affairs.
SR–485

Appropriations
Defense Subcommittee
To hold hearings on the overview for fiscal year 2002 for the Army.
SD–192

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Environmental Protection Agency and the Council of Environmental Quality.
SD–138

Judiciary
Constitution, Federalism, and Property Rights Subcommittee
To hold hearings to examine racial and geographic disparities in the federal death penalty system.
SD–226

Banking, Housing, and Urban Affairs
To hold hearings on the nomination of Roger Walton Ferguson, Jr., of Massachusetts, to be a Member of the Board of Governors of the Federal Reserve System.
SD–538

10:15 a.m.
Foreign Relations
To hold hearings on the current situation in Macedonia and the Balkans.
SD–419

JUNE 14

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To hold hearings to examine the nature and scope of cross border fraud, focusing on the state of binational U.S.-Canadian law enforcement coordination and cooperation and what steps can be taken to fight such crime in the future.
SD–342

JUNE 15

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To continue hearings to examine the growing problem of cross border fraud, which poses a threat to all American consumers but disproportionately affects the elderly. The focus will be on the state of binational U.S.-Canadian law enforcement coordination and cooperation and will explore what steps can be taken to fight such crime in the future.
SD–342

Governmental Affairs
Investigations Subcommittee
To continue hearings to examine the nature and scope of cross border fraud, focusing on the state of binational U.S.-Canadian law enforcement coordination and cooperation and what steps can be taken to fight such crime in the future.
SD–342

JUNE 19

10 a.m.
Indian Affairs
To hold oversight hearings to receive the goals and priorities of the member tribes of the Midwest Alliance of Sovereign Tribes/Inter-tribal Bison Cooperative for the 107th Congress.
Room to be announced

JUNE 20

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Housing and Urban Development.
SD–138

JUNE 21

10 a.m.
Indian Affairs
To hold oversight hearings to examine Native American Program initiatives.
SR–485

JUNE 26

10:30 a.m.
Indian Affairs
To hold oversight hearings to receive the goals and priorities of the Great Plains Tribes for the 107th Congress.
SR–485

CANCELLATIONS

JUNE 14

2:30 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold oversight hearings to review the implementation of the Recreation Fee Demonstration Program and to examine efforts to extend or make the program permanent.
SD–354

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S5843–S5905

Measures Introduced: Five bills and seven resolutions were introduced, as follows: S. 989–993, and S. Res. 100–106. **Pages S5889–90**

Measures Passed:

Election of Senator Byrd as President Pro Tempore: Senate agreed to S. Res. 100, to elect Robert C. Byrd, a Senator from the State of West Virginia, to be President pro tempore of the Senate of the United States. **Page S5843**

Notifying House of Representatives: Senate agreed to S. Res. 101, notifying the House of Representatives of the election of a President pro tempore of the Senate. **Page S5843**

Notifying President of the United States: Senate agreed to S. Res. 102, notifying the President of the United States of the election of a President pro tempore. **Page S5844**

President Pro Tempore Emeritus: Senate agreed to S. Res. 103, expressing the thanks of the Senate to the Honorable Strom Thurmond for his service as President Pro Tempore of the United States Senate and to designate Senator Thurmond as President Pro Tempore Emeritus of the United States Senate. **Page S5844**

Secretary of the Majority Election: Senate agreed to S. Res. 104, electing Martin P. Paone as Secretary for the Majority of the Senate. **Page S5844**

Secretary of the Minority Election: Senate agreed to S. Res. 105, electing Elizabeth B. Letchworth as Secretary for the Minority of the Senate. **Page S5844**

Congratulating the City of Detroit: Committee on the Judiciary was discharged from further consideration of H. Con. Res. 80, congratulating the city of Detroit and its residents on the occasion of the tricentennial of the city's founding, and the resolution was then agreed to. **Page S5884**

Use of Capitol Rotunda/Gold Medal Ceremony: Senate agreed to H. Con. Res. 149, permitting the use of the Rotunda of the Capitol for a ceremony to present posthumously a gold medal on behalf of Congress to Charles M. Schulz. **Page S5884**

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 thereto: **Pages S5846–78**

Adopted:

By 57 yeas to 39 nays (Vote No. 171), Wellstone/Feingold Modified Amendment No. 465 (to Amendment No. 358), to improve the provisions relating to assessment completion bonuses. **Pages S5847–49**

Durbin Amendment No. 532 (to Amendment No. 358), to increase the authorization of appropriations for certain technology grant programs. **Pages S5850–54**

Collins Modified Amendment No. 509 (to Amendment No. 358), to provide for a study of student assessment costs. **Pages S5849–50, S5854–56**

Kennedy (for Graham/Allen) Modified Amendment No. 412 (to Amendment No. 358), to identify factors that impact student achievement. **Pages S5862–64**

Gregg (for Domenici) Amendment No. 416 (to Amendment No. 358), to provide for teacher recruitment centers. **Pages S5862–64**

Gregg (for DeWine) Modified Amendment No. 444 (to Amendment No. 358), to modify provisions relating to the Safe and Drug-Free Schools and Communities Act of 1994 with respect to therapists. **Pages S5862–64**

Kennedy (for Cleland) Modified Amendment No. 449 (to Amendment No. 358), to support the activities of education councils and professional development schools. **Pages S5862–64**

Gregg Modified Amendment No. 454 (to Amendment No. 358), to exempt certain small States from the annual NAEP testing requirements. **Pages S5862–64**

Kennedy (for Bingaman) Modified Amendment No. 485 (to Amendment No. 358), to establish a national technology initiatives program. **Pages S5862–64**

Gregg (for Smith of N.H.) Amendment No. 488 (to Amendment No. 358), to provide for the conduct of a study concerning sexual abuse in schools. **Pages S5862–64**

Gregg (for Collins) Modified Amendment No. 507 (to Amendment No. 358), to provide that funds for mathematics and science partnerships may be used to encourage girls and young women to pursue postsecondary degrees and careers in mathematics and science. **Pages S5862–64**

Gregg (for Sessions) Modified Amendment No. 603 (to Amendment No. 358), to allow for-profit entities, including corporations, to be eligible to receive Federal funds under title IV, either through grants or contracts with States or direct contracts or grants with the Federal Government. **Pages S5862–64**

Subsequently, the amendment was further modified. **Page S5878**

Kennedy (for Conrad) Modified Amendment No. 645 (to Amendment No. 358), to provide for professional development for teachers. **Pages S5862–64**

Clinton Amendment No. 517 (to Amendment No. 358), to provide for a national principal recruitment program. **Pages S5864–65**

Subsequently, the amendment was modified. **Page S5878**

By 59 yeas to 39 nays (Vote No. 172), Kennedy (for Bingaman) Modified Amendment No. 791 (to Amendment No. 358), to ensure that State applications and plans are developed and submitted in consultation with the Governor of the State involved. **Pages S5859, S5874–75**

Rejected:

By 40 yeas to 58 nays (Vote No. 173), Voinovich Modified 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. **Pages S5847, S5856–59, S5875–76**

Pending:

Jeffords Amendment No. 358, in the nature of a substitute. **Pages S5847–78**

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 S5847**

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 S5847**

Leahy (for Hatch) Amendment No. 424 (to Amendment No. 358), to provide for the establishment of additional Boys and Girls Clubs of America. **Page S5847**

Helms Amendment No. 574 (to Amendment No. 358), to prohibit the use of Federal funds by any State or local educational agency or school that discriminates against the Boy Scouts of America in providing equal access to school premises or facilities. **Page S5847**

Helms Amendment No. 648 (to Amendment No. 574), in the nature of a substitute. **Page S5847**

Dorgan Amendment No. 640 (to Amendment No. 358), expressing the sense of the Senate that there should be established 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. **Page S5847**

Hutchinson Modified Amendment No. 555 (to Amendment No. 358), to express the sense of the Senate regarding the Department of Education program to promote access of Armed Forces recruiters to student directory information. **Page S5847**

Bond Modified Amendment No. 476 (to Amendment No. 358), to strengthen early childhood parent education programs. **Page S5847**

Feinstein Modified Amendment No. 369 (to Amendment No. 358), to specify the purposes for which funds provided under subpart 1 of part A of title I may be used. **Page S5847**

Reed Amendment No. 431 (to Amendment No. 358), to provide for greater parental involvement. **Pages S4859–62**

Dodd/Biden Modified Amendment No. 459 (to Amendment No. 358), to provide for the comparability of educational services available to elementary and secondary students within States. **Pages S5866–74, S5876–78**

A unanimous-consent-time agreement was reached providing for further consideration of the bill and certain amendments on Thursday, June 7, 2001, with votes to occur thereon. **Page S5876**

Executive Communications: **Pages S5886–89**

Messages From the House: **Page S5886**

Measures Referred: **Page S5886**

Measures Read First Time: **Page S5886**

Statements on Introduced Bills: **Pages S5891–S5903**

Additional Cosponsors: **Pages S5890–91**

Amendments Submitted: **Pages S5904–05**

Additional Statements: **Pages S5884–86**

Authority for Committees: **Page S5905**

Record Votes: Three record votes were taken today. (Total—173) **Pages S5849, S5875, S5876**

Adjournment: Senate met at 11 a.m., and adjourned at 7:03 p.m., until 9:30 a.m., on Thursday, June 7, 2001. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S5905.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—AIR FORCE

Committee on Appropriations: Subcommittee on Defense concluded hearings on proposed budget estimates for fiscal year 2002 for the Air Force, after receiving testimony from James G. Roche, Secretary, and Gen. Michael E. Ryan, USAF, Chief of Staff, both of the United States Air Force.

APPROPRIATIONS—NATIONAL SCIENCE FOUNDATION

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies concluded hearings on proposed budget estimates for fiscal year 2002 for the National Science Foundation, after receiving testimony from Rita R. Colwell, Director, Christine C. Boesz, Inspector General, Eamon M. Kelly, Chairman, National Science Board, and Robert A. Eisenstein, Assistant Director, Mathematical and Physics Sciences, all of the National Science Foundation.

FAITH BASED SOLUTIONS

Committee on the Judiciary: Committee concluded hearings on S. 304, to reduce illegal drug use and trafficking and to help provide appropriate drug education, prevention, and treatment programs, and certain related issues surrounding faith based solutions that would enable sectarian groups to compete on the merits for funding to administer secular social services to the American public, if they can demonstrate that they meet the requirements provided in the program, after receiving testimony from Senator Santorum; Representative Scott; Carl H. Esbeck, Senior Counsel to the Deputy Attorney General, Department of Justice; Reverend W. Wilson Goode, Sr., Amachi Program, Philadelphia, Pennsylvania, on behalf of the Faith Based Initiatives for Public/Private Ventures; Charles Adams, Hartford Memorial Baptist Church, Detroit, Michigan; Rabbi David Zwiebel, Agudath Israel of America, and Edward Morgan, Christian Herald Association, both of New York, New York; Reverend Eliezer Valentin Castanon, United Methodist Church General Board of Church and Society, Wade Henderson, Leadership Conference on Civil Rights, Nathan J. Diament, Union of Orthodox Jewish Congregations of America, and Richard T. Foltin, American Jewish Committee, all of Washington, D.C.; John L. Avery, National Association of Alcoholism and Drug Abuse Counselors, Alexandria, Virginia; and Douglas Laycock, University of Texas Law School, Austin.

House of Representatives

Chamber Action

Bills Introduced: 25 public bills, H.R. 2068–2092; 1 private bill, H.R. 2093; and 1 resolution, H. Res. 157, were introduced. **Pages H2954–56**

Reports Filed: Reports filed today are as follows:

H.R. 1000, to adjust the boundary of the William Howard Taft National Historic Site in the State of Ohio, to authorize an exchange of land in connection with the historic site, amended (H. Rept. 107–88);

H.R. 37, to amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails, amended (H. Rept. 107–89);

H.R. 640, to adjust the boundaries of Santa Monica Mountains National Recreation Area, amended (H. Rept. 107–90); and

H.R. 1661, to extend indefinitely the authority of the States of Washington, Oregon, and California to manage a Dungeness crab fishery until the effective date of a fishery management plan for the fishery under the Magnuson-Stevens Fishery Conservation and Management Act (H. Rept. 107–91). **Page H2954**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Ronald Auch, Pastor, Prayer, House Assembly of God of Kenosha, Wisconsin. **Page H2893**

Suspensions: The House agreed to suspend the rules and pass the following measures:

William Howard Taft National Historic Site Boundary Adjustment: H.R. 1000, amended, to adjust the boundary of the William Howard Taft National Historic Site in the State of Ohio, to authorize

an exchange of land in connection with the historic site; **Pages H2895–97**

Studies to Determine Possible Additions to Four National Historic Trails: H.R. 37, amended, to amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails; **Pages H2897–99**

Santa Monica Mountains National Recreation Area Boundary Adjustment: H.R. 640, amended, to adjust the boundaries of Santa Monica Mountains National Recreation Area; **Pages H2899–H2900**

Dungeness Crab Fishery Management Authority: H.R. 1661, to extend indefinitely the authority of the States of Washington, Oregon, and California to manage a Dungeness crab fishery until the effective date of a fishery management plan for the fishery under the Magnuson-Stevens Fishery Conservation and Management Act; **Pages H2900–01**

Child Status Protection Act: H.R. 1209, amended, to amend the Immigration and Nationality Act to determine whether an alien is a child, for purposes of classification as an immediate relative, based on the age of the alien on the date the classification petition with respect to the alien is filed (agreed to by the yeas and nay vote of 416 ayes with none voting "nay," Roll No. 152); **Pages H2901–03, H2907–08**

Family Farmer Bankruptcy Relief Extension: H.R. 1914, to extend for 4 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted (agreed to by a yea-and-nay vote of 411 yeas to 1 nay, Roll No. 153); and **Pages H2903–04, H2908**

Congratulating Erik Weihenmayer, the First Blind Person to Climb Mount Everest. H. Con. Res. 150, expressing the sense of Congress that Erik Weihenmayer's achievement of becoming the first blind person to climb Mount Everest demonstrates the abilities and potential of all blind people and other individuals with disabilities. **Page H2904–07**

Commemoration of the Life of the Late Honorable Joe Moakley, a Representative from the Commonwealth of Massachusetts: The House agreed to H. Res. 157, expressing the condolences of the House of Representatives on the death of the Honorable John Joseph Moakley, a Representative from the Commonwealth of Massachusetts. **Pages H2908–29**

Subsequently, the Chair announced that on June 1 the Speaker appointed the following members to attend the funeral of the late Honorable John Joseph Moakley: Representatives Markey, Gephardt, Bonior, Frost, Frank, Neal, Olver, Meehan, Delahunt, McGovern, Tierney, Capuano, Hall of Ohio, Dreier, Hoyer, Slaughter, Pelosi, Andrews, Moran of Virginia, Pryce of Ohio, Scott, Kennedy of Rhode Island, Myrick, Sessions, Sununu, Rodriguez, and Langevin. **Page H2929**

Amendments: Amendments ordered printed pursuant to the rule appear on page H2957.

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings of the House today and appear on pages H2907–08 and H2908.

Adjournment: The House met at 10 a.m. and pursuant to the provisions of H. Res. 157, adjourned at 6:43 p.m. in memory of the late Honorable John Joseph Moakley, a Representative from the Commonwealth of Massachusetts.

Committee Meetings

CONSERVATION PROGRAMS

Committee on Agriculture: Subcommittee on Conservation, Credit, Rural Development and Research continued hearings to review conservation programs. Testimony was heard from public witnesses.

AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies approved for full Committee action the Agriculture, Rural Development, Food and Drug Administration and Related Agencies appropriations for Fiscal Year 2002.

COMMERCE, JUSTICE, STATE, AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and Judiciary held a hearing on NOAA. Testimony was heard from Scott B. Gudes, Acting Under Secretary and Administrator, NOAA, Department of Commerce.

JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION ACT

Committee on Education and the Workforce: Subcommittee on Select Education held a hearing on H.R. 1900, Juvenile Crime Control and Delinquency Prevention Act of 2001. Testimony was heard from Jerry Regier, Secretary, Department of Health and Human Services, State of Oklahoma; David C. Bonfiglio, Judge, Superior Court, State of Indiana; and public witnesses.

SUBSIDY TERMINATION FOR OVERDUE PAYMENTS ACT

Committee on Government Reform: Subcommittee on Government Efficiency, Financial Management, and

Intergovernmental Relations held an oversight hearing on H.R. 866, Subsidy Termination for Overdue Payments Act of 2001. Testimony was heard from Representative Bilirakis; Frank Fuentes, Acting Commissioner, Office of Child Support Enforcement, Department of Health and Human Services; J. B. Penn, Under Secretary, Farm and Foreing Agricultural Services, USDA; and public witnesses.

MISCELLANEOUS MEASURES

Committee on International Relations: Ordered reported the following measures: H.R. 931, Sudan Peace Act; and H. Con. Res. 145, condemning the recent order by the Taliban regime of Afghanistan to require Hindus in Afghanistan to wear symbols identifying them as Hindu.

U.N. COMMISSION ON HUMAN RIGHTS

Committee on International Relations: Subcommittee on International Operations and Human Rights held a hearing on "Has the U.N. Commission on Human Rights Lost its Course? A Review of its Mission, Operations, and Structure." Testimony was heard from the following officials of the Department of State: Michael E. Parmly, Principal Deputy Assistant Secretary, Bureau of Democracy, Human Rights and Labor; and William B. Woods, Principal Deputy Assistant Secretary, Bureau of International Organization Affairs; and public witnesses.

U.S. POLICY IN CENTRAL ASIA

Committee on International Relations: Subcommittee on the Middle East and South Asia held a hearing on U.S. Policy in Central Asia. Testimony was heard from Clifford G. Bond, Acting Principal Deputy, Office of the Special Adviser to the Secretary for the New Independent States, Department of State.

OVERSIGHT—DEPARTMENT OF JUSTICE

Committee on the Judiciary: Held an oversight hearing on the U.S. Department of Justice. Testimony was heard from John D. Ashcroft, The Attorney General.

FAMILY SPONSOR IMMIGRATION ACT; PRIVATE BILLS

Committee on the Judiciary: Subcommittee on Immigration and Claims approved for full Committee action, as amended, H.R. 1892, Family Sponsor Immigration Act of 2001.

The Subcommittee also approved two private relief bills.

OVERSIGHT

Committee on Resources: Held an oversight hearing on National Energy Policy. Testimony was heard from Gail A. Norton, Secretary of the Interior.

NSF BUDGET—RESEARCH AND RELATED ACTIVITIES

Committee on Science: Subcommittee on Research held a hearing on NSF fiscal year 2002 Budget Request: Research and Related Activities. Testimony was heard from Joseph Bordogna, Deputy Director, NSF; and public witnesses.

FEDERAL PRISON INDUSTRIES—UNFAIR COMPETITION WITH SMALL BUSINESS

Committee on Small Business: Held a hearing on Federal Prison Industries-Unfair competition with small business, focusing on H.R. 1577, Federal Prison Industries Competition in Contracting Act of 2001. Testimony was heard from Representatives Hoekstra and Maloney of New York; Joseph Aragon, Chairman, Federal Prison Industries, Bureau of Prisons, Department of Justice; and public witnesses.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST *of June 5, 2001, p. D530)*

H.R. 801, to amend title 38, United States Code, to expand eligibility for CHAMPVA, to provide for family coverage and retroactive expansion of the increase in maximum benefits under Servicemembers' Group Life Insurance, to make technical amendments. Signed on June 5, 2001. (Public Law 107–14)

H.R. 1727, to amend the Taxpayer Relief Act of 1997 to provide for consistent treatment of survivor benefits for public safety officers killed in the line of duty. Signed on June 5, 2001. (Public Law 107–15)

COMMITTEE MEETINGS FOR THURSDAY, JUNE 7, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings on the nomination of Susan Morrisey Livingstone, of Montana, to be Under Secretary of the Navy; the nomination of Jessie Hill Roberson, of Alabama, to be Assistant Secretary of Energy for Environmental Management; and the nomination of Thomas P. Christie, of Virginia, to be Director of Operational Test and Evaluation, Department of Defense, 9:30 a.m., SH–216.

Subcommittee on SeaPower, 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 Navy and Marine Corps equipment for 21st century operational requirements, 2 p.m., SR–232A.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine mental health parity issues, 10 a.m., SD–430.

House

Committee on Appropriations, Subcommittee on Commerce, Justice, State and Judiciary, on Bureau of Prisons, 2 p.m., H–309 Capitol.

Subcommittee on Interior, to mark up fiscal year 2002 appropriations, 10 a.m., B–308 Rayburn.

Committee on Education and the Workforce, Subcommittee on Workforce Protections, hearing on the Sales Incentive Compensation Act, 1 p.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, hearing on Continuing Concerns Over Imported Pharmaceuticals, 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises, hearing on Promotion of International Capital Flow through Accounting Standards, 10 a.m., 2128 Rayburn.

Committee on International Relations, hearing on the United States' War on AIDS, 11 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, oversight hearing on the Constitutional Role of Faith-Based Organizations in Competition for Federal Social Service Funds, 9:30 a.m., 2141 Rayburn.

Subcommittee on Courts, Internet, and Intellectual Property, oversight hearing on the Operations of the U.S. Patent and Trademark Office, including Review of Agency Funding, 2 p.m., 2141 Rayburn.

Subcommittee on Crime, oversight hearing on ''The Ethics of Cloning,'' 11 a.m., 2237 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on the following bills: H.R. 1989, Fisheries Conservation Act of 2001; and H.R. 896, to ensure the safety of recreational fishermen and other persons who use motor vehicles to access beaches adjacent to the Brigantine Wilderness Area in the Edwin B. Forsythe National Wildlife Refuge, New Jersey, by providing a narrow transition zone above the mean high tide line where motor vehicles can be safely driven and parked, 9:30 a.m., 1324 Longworth.

Subcommittee on National Parks, Recreation and Public Lands, hearing on the following bills: H.R. 1461, to amend the National Parks Omnibus Management Act of 1998 to remove the exemption for nonprofit organizations from the general requirement to obtain commercial use authorizations; and H.R. 1491, Utah Public Lands Artifact Preservation Act of 2001, 10 a.m., 1334 Longworth.

Committee on Science, Subcommittee on Research, to mark up the following bills: H.R. 100, National Science Education Act; and H.R. 1858, National Mathematics and Science Partnerships Act, 10 a.m., 2318 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Benefits, to continue hearings on H.R. 1291, 21st Century Montgomery GI Bill Enhancement Act; and to discuss GAO's report on Veterans' Employment and Training Service (VETS), 11:30 a.m., 334 Cannon.

Next Meeting of the SENATE

9:30 a.m., Thursday, June 7

Senate Chamber

Program for Thursday: Senate will continue consideration of S. 1, Elementary and Secondary Education Act Authorization, with votes to occur on certain amendments beginning at approximately 11:30 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, June 7

House Chamber

Program for Thursday: Consideration of H.R. 1699, Coast Guard Authorization Act of 2001 (Modified Open Rule, One Hour of General Debate).

Extensions of Remarks, as inserted in this issue

HOUSE

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